

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan - Stage 1

Hearing 15: Designations

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20 April 2020



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List of submitters and further submitters addressed in this report

Submitter	Submission number
Andrew and Christine Gore	330
Bettley-Stamef Partnership	712
Chorus New Zealand Limited	648
Counties Power Limited	405
David Saxton	412
First Gas Limited	945
Graham Hunkin	74
Heritage New Zealand Lower Northern Office	559
Janice Boot	165
KiwiRail Holdings Limited (KiwiRail)	986
Lyndendale Farms Limited	761
Mercer Residents and Ratepayers Committee	367
New Zealand Transport Agency	742
Radio New Zealand Limited	777
Raglan Naturally	831
Reid Investment Trust	783
Tainui Group Holdings	341
Tamahere Eventide Retirement Village	769
Transpower New Zealand Ltd	576
Waikato District Council	697
Watercare Services Limited	423
Woolworths NZ Ltd	588

Further Submitter	FS Number
<i>Ara Poutama Aotearoa (Department of Corrections)</i>	<i>FS1210</i>
<i>Heritage New Zealand Pouhere Taonga</i>	<i>FS1323</i>
<i>Horticulture New Zealand</i>	<i>FS1168</i>
<i>Keir Bettley</i>	<i>FS1018</i>
<i>Mercury NZ Limited for Mercury D</i>	<i>FS1387</i>
<i>New Zealand Transport Agency</i>	<i>FS1202</i>
<i>Ohinewai Area Committee</i>	<i>FS1207 FS1145</i>
<i>Peter McKenzie</i>	<i>FS1010</i>
<i>Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village</i>	<i>FS1005</i>
<i>Taumata Plantations Limited</i>	<i>FS1046</i>
<i>Transpower New Zealand Limited</i>	<i>FS1350</i>
<i>Waikato Regional Airport Ltd</i>	<i>FS1253</i>
<i>Ying-Peng Yu</i>	<i>FS1021</i>
<i>Zane Bettley</i>	<i>FS1016</i>
<i>Zane and Sheryl Bettley</i>	<i>FS1008</i>

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 Jane Macartney.
2. I hold the qualification of a Bachelor of Regional Planning (First Class Honours) Degree from Massey University and have been a Full Member of the New Zealand Planning Institute since 1993. I completed the Making Good Decisions course in September 2018 with a grade of excellence.
3. I am familiar with, and experienced in, the processing of resource consents, plan changes, notices of requirement, preparing plans and the Resource Management Act 1991 (RMA). I have given expert planning evidence at local authority hearings and the Environment Court.
4. I am particular familiar with the former Franklin District, having worked for the former Franklin County Council and Franklin District Council (FDC).
5. I worked in my own planning consultancy for six years preparing resource consent applications.
6. Up until the disestablishment of FDC in 2010, I had a total of 16 years' experience as a Regulatory Planner and then as the Principal District Planner.
7. In my role as FDC's Principal District Planner, I was responsible for policy planning and managed various plan changes including:
 - Plan Change 14 (Rural Plan Change) - which addressed land use and subdivision for the whole of the Franklin District, except for the towns of Pukekohe, Waiuku and Tuakau. I instructed FDC's team and reviewed evidence for the Environment Court hearing in 2013 which resolved the outstanding appeals to the subdivision methods.
 - Plan Change 20 - Local Government (Auckland) Amendment Act 2004
 - Plan Change 24 - Pokeno Structure Plan, plus various district-wide provisions
 - Plan Change 25 - Hazards, Stormwater, Esplanade Reserves and Earthworks
 - Plan Change 27 - Remedial Minor, Miscellaneous, Tutaenui Floodway Area and Heritage Schedule
 - Plan Change 30 - Home Occupations, Activities in the Rural and Coastal Zones, Standards for Temporary Activities, Standards for Subdivision, Standards for Parking, Loading and Access, Standards for the Business Zone, Standards for Sleepouts, Network and Other Utilities and Residential and Village Zone Standards.
8. Since joining Waikato District Council (WDC) in 2010, I have been a Senior Policy Planner involved in:
 - WDC's Variation 16 - Rural and Coastal Subdivision (which subsequently became Plan Change 2 to the Waikato Section), including specific responses on the topic of transferable development rights
 - Appeal resolutions for FDC's Plan Change 24

- Appeal resolutions for FDC's Plan Change 25
 - FDC's Plan Change 30 – WDC's and Hauraki District Council's representative at hearing
 - Plan Change 5 - Vision and Strategy for the Waikato River
 - Plan Change 16 - Tuakau Structure Plan (now withdrawn)
 - Variation 13 to FDC's Rural Plan Change 14 - prohibition of transferable rural development rights across territorial boundaries.
9. I assisted in drafting the Proposed Waikato District Plan (PWDP), particularly Chapter 20 (Industrial Zone), Chapter 21 (Heavy Industrial Zone), Chapter 22 (Rural Zone) and Section E (Designations). I also participated in numerous public consultation processes before and after notification of the PWDP.

1.2 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and 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.
11. I am authorised to give this evidence on the Council's behalf to the PWDP hearing commissioners.

1.3 Conflict of Interest

12. Although a resident of Waikato District, I confirm that I have no real or perceived conflict of interest in reporting on the submissions addressed in this report.

1.4 Preparation of this report

13. My role in preparing this report is to assess all submissions and related evidence in respect to designations in Section E of the PWDP and make recommendations to the hearing commissioners.
14. 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.
15. No formal pre-hearing meetings concerning submissions covered by this evidence have been undertaken pursuant to clause 8AA of Schedule 1 of the RMA.

2. Scope of report

1.5 Matters addressed by this report

16. This report is prepared in accordance with section 42A of the RMA. I address requests from requiring authorities for designations included in the PWDP. These include requests for existing designations to be rolled over, with or without modification, and for new designations through a notice of requirement process.

17. My evidence also evaluates submissions and further submissions relating to designations contained within the PWDP. I have addressed these matters as per the order of the requiring authorities listed in Section E of the PWDP.
18. Requiring authorities have requested that a significant number of existing designations within Waikato District be rolled over from the Operative Waikato District Plan (OWDP) into the PWDP without modification. In this situation, and provided that no submission has been received, clause 9(3) in Schedule 1 of the RMA does not allow Council to make a recommendation or decision. Accordingly, I have not addressed those particular designations in this report and they will be included in the decision version of the PWDP without further formality. All designations in this category are listed in Appendix 2 of this report.

1.6 Overview of Designations in Section E

19. Section E of the PWDP contains an introduction which explains what a designation is in terms of the RMA. The content of this introduction is for information purposes only, as the statutory context for designations is set out in Part 8 of the RMA (ss166-186).
20. This introduction is followed by tables describing the designations held by each requiring authority within Waikato District. These tables show the number of each designation, the designation purpose, site and legal descriptions and, where relevant, a measurement of the designated area.
21. All designations are annotated on the planning maps by way of a letter (specific to each requiring authority) and designation number. The 'underlying zone' shown on the planning maps applies to any other activities that are for a purpose different to the designation purpose (or activities undertaken by a party other than the requiring authority) under section 176 of the RMA.

1.7 Statutory requirements

22. As defined by section 166 of the RMA, a designation means a provision made in a district plan which gives effect to a requirement made by a requiring authority.
23. A requiring authority is defined in the RMA as a Minister of the Crown, a local authority, or a network utility operator approved as a requiring authority under section 167. Network utility operators (organisations that distribute gas, petroleum, geothermal energy, telecommunications, electricity, water, wastewater, or those which construct or operate roads, railway lines and airports) have to apply for requiring authority status from the Minister for the Environment. A requiring authority can compulsorily acquire land that is designated (or that it wishes to designate) under the Public Works Act 1981.
24. The requiring authority must have financial responsibility for a project, work or operation on the designated land. It is well established through case law that land should not be designated for a proposed public work unless the requiring authority is prepared to take financial responsibility for it. This is not just limited to the purchase of the land, but also extends to the construction of the proposed work.
25. Designations can be site-specific (relating to a particular title) or they may be linear (such as a railway or gas pipeline). They are therefore like a 'spot zone' over a site or route which allows a requiring authority's project or works to go ahead without needing land use

consent, because the usual provisions of a district plan do not apply to a designated site. In this sense, a designation is 'deemed' to be a rule.

26. Section 176 of the RMA covers the effect of a designation. Once included in a district plan, works can be carried out on a designated site, provided they are consistent with the designated purpose, or are within the 'scope' of the designation. According to case law, the 'scope of a designation' is what an ordinary member of the public would understand the scope to be when inspecting the designation in the district plan.
27. Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would prevent or hinder the project or work to which the designation relates. This includes undertaking any use of the land, subdividing the land and changing the character, intensity, or scale of the use of the land.
28. The 'underlying zone' for a designation in the district plan applies to any other activities that are for a purpose which is different from the designation purpose (or activities undertaken by a party other than the requiring authority). Therefore, any activity or works outside the scope of a designation will require resource consent, unless the activity or works are a permitted activity within the underlying zone.
29. Some requiring authorities, including the New Zealand Transport Agency, Ministry of Education and Chorus, have requested new designations as part of the PWDP process. This has required them to submit a notice of requirement (NoR) in terms of section 168 of the RMA. This process is similar to applying for resource consent in the sense that the proposal may or may not survive the statutory process of submissions and appeals. Once free from legal challenge, the notice of requirement is included in the district plan as a designation.
30. These particular NoR requests do not constitute any matter of national importance that might otherwise be referred to the Environmental Protection Authority and the Minister for the Environment for referral to a board of inquiry or the Environment Court to make a decision. Therefore, in terms of section 171(2) of the RMA, the independent hearings panel has the ability to make a recommendation to the requiring authorities on these NoRs to confirm or modify the requirement, impose conditions, or withdraw the requirement.

1.8 Procedural matters

31. There are specific procedures for the consideration of designations and their inclusion in a PWDP.
32. When reviewing a district plan, clause 4 in Schedule 1 of the RMA requires Council to invite requiring authorities that have an existing designation in their district to give written notice, stating whether the requiring authority requires Council to include the designation in the proposed plan, with or without modification. Requiring authorities are given 30 working days to respond to Council's invitation, otherwise the designation shall not be included in the district plan.
33. As early as October 2014, Council's Policy staff informally contacted all requiring authorities to flag the upcoming district plan review and the requirements of clause 4. This early informal contact was beneficial to a number of requiring authorities and Council because some (particularly historic) designations are complicated and a 30 working day time frame was not considered adequate to give a thorough informed response. Formal clause 4 requests were sent in 2016 so that updated text and planning maps could be produced well in advance of notifying the PWDP on 18 July 2018.

34. In addition to sending the standard public notice of the PWDP to all landowners in the district, Council sent individual letters to immediately adjoining landowners considered to be potentially affected by requests from Transpower and the Department of Corrections to modify their existing designation conditions. These letters contained a summary of the modifications sought to assist these landowners and provided a link to the full notice of requirement on Council's website.
35. For new designations sought by the Ministry of Education and Chorus, individual letters were also sent to immediately adjoining landowners. A copy of the notice of requirement was attached to the letter sent to landowners immediately adjoining the three school sites. Because of the large size of the notice of requirement for the 25 sites that Chorus seeks to designate, the letters to adjoining landowners provided a link to this document on Council's website.
36. In respect to the request from the New Zealand Transport Agency to designate State Highway 39, no individual notices were sent as it was considered that no landowners would be affected by designating this already established route. However, the full notice of requirement was posted on Council's website.
37. I have already noted the requirements of clause 9(3) in Schedule 1 of the RMA which does not allow Council to make a recommendation or decision in respect of existing designations that are included in a PWDP without modification, and on which no submissions are received. Therefore, all designations listed in Appendix 2 of this report are to be included in the PWDP without further formality.
38. For requiring authority requests involving the rollover of existing designations, with or without modification, section 171 of the RMA (set out below) applies.

171 Recommendation by territorial authority

- (1A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.
- (1) When considering a requirement and any submissions received, a territorial authority must, subject to [Part 2](#), consider the effects on the environment of allowing the requirement, having particular regard to—
 - (a) any relevant provisions of—
 - (i) a national policy statement;
 - (ii) a New Zealand coastal policy statement;
 - (iii) a regional policy statement or proposed regional policy statement;
 - (iv) a plan or proposed plan; and
 - (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and
 - (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
 - (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.
- (1B) The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.
- (2) The territorial authority may recommend to the requiring authority that it—

- (a) confirm the requirement:
 - (b) modify the requirement:
 - (c) impose conditions:
 - (d) withdraw the requirement.
- (3) The territorial authority must give reasons for its recommendation under subsection (2).
39. In each section of this report, I consider the effects on the environment of allowing the requirements. All of the designations support infrastructure that delivers positive effects to communities. These positive effects will be assumed in most cases, and my analysis will deal with any exceptions.
40. I address the detailed decision-making criteria in section 171(1)(a), (b), (c) and (d) where relevant. For example, policy statements and plan provisions are cited where these have a direct bearing on the analysis of a particular designation. In the current context, there is little call for detailed consideration of alternative sites, routes and methods under s171(b) because in most cases the subject land is already owned or vested in the requiring authority, or it is likely that the work will have no significant adverse effect on the environment.
41. Therefore, in response to notices from requiring authorities and submissions in this category, my role as reporting planner is to make a recommendation to the hearings panel who may, in terms of section 171(2), recommend to the requiring authority that it confirm or modify the requirement, impose conditions, or withdraw the requirement.
42. As required by section 172, within 30 days of receiving the hearing panel's recommendation, the requiring authority shall advise the panel as to whether they accept or reject their recommendation in whole or in part. The requiring authority may modify the requirement only if that is recommended by the hearings panel or is not inconsistent with the requirement as notified. If the requiring authority rejects the recommendation in whole or in part, or modifies the requirement, they shall give reasons for its decision.
43. Given the statutory timeframes involving recommendations to the requiring authorities and their decisions back to Council, the panel may wish to consider whether to release its recommendations on the designations with enough lead time for this process to be completed before the decision version of the PWDP is compiled.
44. While the hearings panel has clear delegated authority to make decisions on all submissions received on the PWDP, I am uncertain as to whether this delegated authority extends to making final decisions in respect to Waikato District Council's own designations. As noted above, the hearings panel is required to make recommendations to any other requiring authority. Section 168A of the RMA allows for final decisions to be made on Council's own requirements. I seek further direction from the hearings panel as to how they wish to deal with this matter, consistent with the panel's terms of reference. In the interim, my recommendations on WDC's designations are to confirm all designations sought.
45. In terms of hearing procedure, it is expected that each requiring authority who wishes to appear will first present a summary of their new or modified designations, including reasons, and their response to any submissions received. Submitters wishing to be heard will then have the opportunity to respond to the requiring authority's presentation.

1.9 National Planning Standards

46. The National Planning Standards (NPS) prescribe how designations are to be recorded in a district plan. This includes a separate designation table for each requiring authority that sets out for each designation, a unique identifier, map identifier, purpose, site identifier, lapse

date or identification that the designation has been given effect to, whether the designation is primary or secondary, conditions and any additional information.

47. As per the hearing panel's directions, Council is tasked with a project involving the restructuring of the PWDP to align with the NPS. The recording of designations as per the NPS format can easily form part of this project which is expected to commence shortly. In order for this process to be as efficient as possible, I suggest that the NPS table format of designations could be provided to each requiring authority inviting their feedback at the same time as sending them the panel's recommendations that result from this hearing.

1.10 Consideration of submissions received

1.10.1 Overview of submissions

48. A total of 21 original submissions and 14 further submission points were received on the designations topic. In some instances, requiring authorities have lodged submissions on their own notices of requirement.
49. The submission themes are wide ranging and include requests to retain certain designations as notified, delete or reduce the extent of designations, and modify existing designation conditions.

1.10.2 Further submission

50. I address the further submission together with the primary submission it relates to.
51. Mercury Energy [FS/387.1237] has lodged a further submission that opposes the original submission from Reid Investment Trust [783.13] on the grounds that it is not clear how effects from flooding would be managed. I recommend this further submission be rejected, because I consider it irrelevant to the matters considered in this report. This further submission and my recommendation on it are recorded in Appendix 1, but there is no further discussion of the Mercury further submission in this report.

1.10.3 Section 32AA evaluation

52. Section 32AA evaluations are not required in the context of this hearing report for designations. This is because designations, the introductory paragraphs and the advisory note at the beginning of Section E, do not constitute plan provisions for which any s32AA evaluation is required.

1.10.4 Structure of this report

53. Excluding the designations listed in Appendix 2 which are to be rolled over into the decision version of the PWDP without further formality, the following sections of this report contain the tables for each requiring authority as per the notified version of Section E in the PWDP. The last column of each table indicates the status of each designation in terms of whether the designation is modified or not, a description of the modification, and whether that designation is the subject of a submission.
54. If submissions have been received, a separate table sets out the decisions requested by submitters followed by an overview and analysis. Finally, recommendations are made to the hearings panel in terms of section 171 and s42A of the RMA.

The following appendices form part of this report:

Appendix 1 – Table of submission points

Appendix 2 – Rolled over designations with no modifications and no submissions

Appendix 3 – Final Decision of Natural Gas Corporation (dated 24 December 2004)

Appendix 4 – Recommended conditions for new Chorus designations

Appendix 5 – Recommended Section E in response to notices and submissions

1.10.5 Amendments to plan text

55. Where amendments to plan text are recommended, the relevant text is presented after the recommendations with new text in red underline and deleted text in ~~red-strike-through~~. All recommended amendments for Section E are brought together in Appendix 5.

3. Section E: Designations – Introduction

1.10.6 Introduction

56. The introduction in Section E contains a brief commentary on designations and the effect of these in a district plan. As noted earlier, this commentary is for information purposes only and does not override the statutory requirements for designations which are set out in Part 8 (ss166-186) of the RMA.

1.10.7 Submissions

57. Two submissions have been received on the introduction section that seek:
- (a) deletion of the word 'damaged' from the notified advice note
 - (b) an additional advice note.
58. These submissions were made:

Submission point	Submitter	Decision requested
559.241	Heritage New Zealand Lower Northern Office	Retain the archaeological advice note in the Introduction to Section E, except for the amendments sought below. AND Amend the archaeological advice note in the Introduction to Section E to read as follows: Advice Note A designation does not exempt a requiring authority from first obtaining an authority from Heritage New Zealand Pouhere Taonga if an archaeological site is to be destroyed, damaged or modified.
423.10	Watercare Services Limited	Add an 'advice note' to section E Designations as follows: <u>Any works undertaken in accordance with the purpose of a designation are not subject to the requirements of any district plan rules including any overlay rules.</u> AND Any consequential amendments or further relief to address the matters raised in the submission.

1.10.8 Analysis

59. Heritage New Zealand [559.241] supports the advice note in Section E, subject to the removal of the word 'damaged'. This is because section 42(1) in the Heritage New Zealand Pouhere Taonga Act 2014 (shown below) only refers to a person modifying or destroying an archaeological site, rather than an archaeological site being 'damaged'.

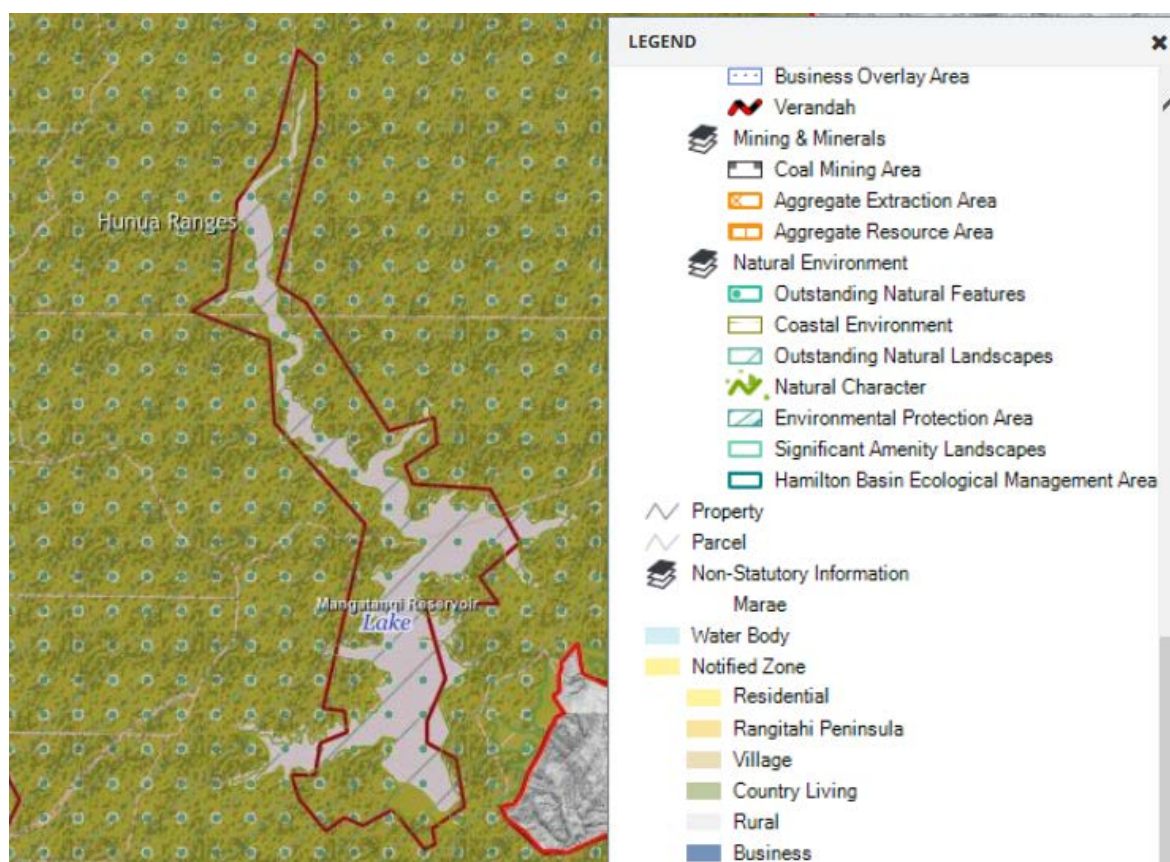
Subpart 2—Archaeological sites

Overarching protection for archaeological sites

42 Archaeological sites not to be modified or destroyed

- (1) Unless an authority is granted under [section 48](#), [56\(1\)\(b\)](#), or [62](#) in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.
- (2) Subsection (1) applies whether or not an archaeological site is a recorded archaeological site or is entered on—
 - (a) the New Zealand Heritage List/Rārangī Kōrero under [subpart 1](#) of Part 4; or
 - (b) the Landmarks list made under [subpart 2](#) of Part 4.
- (3) Despite subsection (1), an authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building.

60. I agree that this advice note should be amended to mirror the language used in this act. This should include the ordering of the words so that ‘modified’ is followed by ‘destroyed’.
61. I also recommend that the word ‘site’ in this advice note not be hyperlinked to the definition of this term in Chapter 13, because it clearly has a different meaning in this context.
62. Watercare Services Limited (Watercare) [423.10] states that in some instances, the planning maps in the PWDP indicate an ‘overlay’ which sits on top of their existing designations. They refer to the example of Designation O6 (Mangatangi Dam) where an ‘Outstanding Natural Feature’ constitutes the ‘overlay’ as shown below:



63. Watercare states that they have the ability to undertake works in accordance with their designations, notwithstanding any resource consent requirement in the underlying zoning or overlays. In this regard, they refer to section 176(1)(a) of the RMA which states:

176 Effect of designation

- (1) If a designation is included in a district plan, then—
 (a) [section 9\(3\)](#) does not apply to a public work or project or work undertaken by a requiring authority under the designation; and

64. Notwithstanding this provision, Watercare is concerned that the plan could be interpreted in a way that requires them to comply with any rules relating to an overlay when they undertake activities in accordance with their designation. In order to avoid this possible misinterpretation, they suggest that this new advice note be added to Section E:

Any works undertaken in accordance with the purpose of a designation are not subject to the requirements of any district plan rules including any overlay rules.

65. In my view, this advice note is unnecessary and incorrect. The district plan provisions are still relevant to designations in some contexts, for example when an outline plan of works is to be considered by a Council. Section 176A of the RMA (shown below) sets out the situations for when an outline plan needs to be submitted (or not submitted) by the requiring authority to Council.

176A Outline plan

- (1) Subject to subsection (2), an outline plan of the public work, project, or work to be constructed on designated land must be submitted by the requiring authority to the territorial authority to allow the territorial authority to request changes before construction is commenced.
- (2) An outline plan need not be submitted to the territorial authority if—
 (a) the proposed public work, project, or work has been otherwise approved under this Act; or
 (b) the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation; or
 (c) the territorial authority waives the requirement for an outline plan.
- (3) An outline plan must show—
 (a) the height, shape, and bulk of the public work, project, or work; and
 (b) the location on the site of the public work, project, or work; and
 (c) the likely finished contour of the site; and
 (d) the vehicular access, circulation, and the provision for parking; and
 (e) the landscaping proposed; and
 (f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
- (4) Within 20 working days after receiving the outline plan, the territorial authority may request the requiring authority to make changes to the outline plan.
- (5) If the requiring authority decides not to make the changes requested under subsection (4), the territorial authority may, within 15 working days after being notified of the requiring authority's decision, appeal against the decision to the Environment Court.
- (6) In determining any such appeal, the Environment Court must consider whether the changes requested by the territorial authority will give effect to the purpose of this Act.
- (7) This section applies, with all necessary modifications, to public works, projects, or works to be constructed on designated land by a territorial authority.

Section 176A: inserted, on 17 December 1997, by [section 38](#) of the Resource Management Amendment Act 1997 (1997 No 104).

66. If an outline plan is required, subsection (3)(a)-(e) sets out the list of physical details that must be shown, while (3)(f) includes 'any other matters to avoid, remedy, or mitigate any adverse effects on the environment'.

67. Therefore, any works proposed for a designation may be subject to consideration that takes rules into account. I conclude that the suggested advice note should not be included because it is inaccurate and, in any case as an advice note, it would not affect future decisions.

1.10.9 Recommendation

68. For the above reason, it is recommended that the hearings panel:
- (a) **Accept** the submission from Heritage New Zealand Northern Office [559.241]
 - (b) **Reject** the submission from Watercare Services Limited [423.10].

1.10.10 Recommended amendments

69. The following amendments are recommended to the advice note in Section E:

Advice Note

A designation does not exempt a requiring authority from first obtaining an authority from Heritage New Zealand Pouhere Taonga if an archaeological site is to be modified or destroyed. ~~damaged or modified.~~

4. Airways Corporation of New Zealand (A)

70. Appendix 2 lists Designations A1, A2 and A3 which will be included in the decision version of the PWDP without further formality.

5. Minister of Conservation (B)

71. Appendix 2 lists Designations B1 to B46 which will be included in the decision version of the PWDP without further formality.

6. Minister of Education (C)

72. The PWDP, as notified, included these designations:

1.11 Minister of Education Requirements

Des #	Purpose of designation	Facility and Location	Area (ha)	Legal description	Status
C1	Education Purposes	Maramarua Primary School SH 2	6.3389	Pt Lots 1 & Pts Lot 2 DP 13634, Allots 51 & 88 Parish of Maramarua, Pt Allotment 47 Maramarua Parish	Rollover with modifications - legal description added No submissions received
C2	Education Purposes	Meremere Primary School Meremere Lane	2.4995	Lot 250 DPS 47630, Parish of Whangamarino	Rollover with modifications - amendment to site address No submissions received
C4	Education Purposes	Ohinewai Primary School SH 1	1.9046	Lot 4, Pt Lot 2, DP 12430, Lots 1 & 2 DP 12431, Sections 13, 14 & 15 Block VII Rangiriri SD	Rollover with modifications - amendment to legal description No submissions received
C5	Education Purposes	Te Kauwhata College Waerenga Road	6.5526	Part Lot 16, Lots 17-24, DP 19857, Part Allots 346 & 347, Parish of Whangamarino	Rollover with modifications - amendment to legal description No submissions received
C6	Education Purposes	Te Kauwhata Primary School Mahi Road and Wira Street	1.5606	Secs 31, 36, 41 - 43, Town of Te Kauwhata	Rollover with modifications - amendment to site address No submissions received
C10	Education Purposes	Ruawaro Primary School Bain Road, Ruawaro	0.8176	Pt Sec 6, Parish of Whangape, Blk IX, Rangiriri SD, Lot 1 DP 498467	Rollover with modifications - amendments to site area and legal description No submissions received
C11	Education Purposes	Kimihia Primary School Tamihana Avenue, Huntly	2.467	Part Allot 5, Parish of Taupiri, Lot 10 DP 8964	Rollover with modifications - legal description added No submissions received
C14	Education Purposes	Huntly West Primary School Paki Street	2.4015	Pt 3 DP 26921, Pt Allot 39 Parish of Pepepe	Rollover with modifications - amendment to site area No submissions received
C15	Education Purposes	Huntly College Harris Street, Tainui Bridge Road & Bridge Street	10.4857	Lot 1 DP 37067, Pt Allots 38, 371, Parish of Pepepe, Lots 10 & 94 DPS 2852, Lot 53 DPS 8667	Rollover with modifications - amendments to site address and legal description No submissions received
C17	Education	Huntly Primary	3.1727	Lots 1 & 2 DP 23824, Pt	Rollover with modifications

Des #	Purpose of designation	Facility and Location	Area (ha)	Legal description	Status
	Purposes	School Onslow Street		Lot 1 DP 1188, Lot 1 DP 14855, Part Allot 50 & 540, Parish of Taupiri, Pt Allotments 1 & 5, Parish of Taupiri	– legal description added No submissions received
C18	Education Purposes	Orini Combined School Orini Road	1.6187	All DP 4234 of Sec 124, Pt Lot 1 DP 10193 of Sec 116, 123-6 & Allot 659, Parish of Taupiri	Rollover with modifications – amendments to facility name and legal descriptions No submissions received
C19	Education Purposes	Te Akau Primary School Te Akau Road	1.89	Lot 2 being Pt Sec 10, Pt Sec 27 (SO 37666), Pt Sec 22 (SO 45672), all in Blk VI, Whaingaroa SD and Part Lot 2 of Section 10 Block VI Whaingaroa SD	Rollover with modifications – amendment to site address and legal description added No submissions received
C20	Education Purposes	Waingaro Primary School Waingaro Road	1.1301	Parts of Allot 127, Allots 127A and 127B, Parish of Waipa, Block VIII Whaingaroa SD (SO 36790)	Rollover with modifications – amendments to site address and legal description added No submissions received
C25	Education Purposes	Ngaruawahia High School Kent Street, Ngaruawahia	7.1353	Part Allots 175, 176, Allots 177 & 178, Suburbs of Newcastle North	Rollover with modifications – amendment to site area No submissions received
C27	Education Purposes	Ngaruawahia Primary School Galileo Street and Great South Road, Ngaruawahia	2.834	Part Allot 664A & Allots 666, 675, 676, Town of Newcastle	Rollover with modifications – amendments to site address No submissions received
C28	Education Purposes	Waipa Primary School Havelock Road and Kia Toa Street, Ngaruawahia	2.02	Secs 549, 550 & 552 - 563, Town of Newcastle	Rollover with modifications – amendments to site address No submissions received
C30	Education Purposes	Horsham Downs Primary School Osborne Road and Martin Lane	1.72	Pt DP 10053, All DP 10399, Allot 248, Parish of Komakorau, Part Allots 23, Parish of Kirikiriroa	Rollover with modifications – amendments to site address and legal description No submissions received
C32	Education Purposes	Raglan Area School Norrie Avenue, Raglan	5.658	Allotments 1-6 of Section 18 Town of Raglan, Part Allotment 2 Section 19 Town of Raglan, Allotment 1 Section 19 Town of Raglan, Allotment 7 Section 18 Town of Raglan, Closed Road, Allotments 9-14 of	Rollover with modifications – amendments to site area and legal descriptions No submissions received

Des #	Purpose of designation	Facility and Location	Area (ha)	Legal description	Status
				Section 17 Town of Raglan, Allotments 1-8, 16-18 and 25 Section 17 Town of Raglan	
C33	Education Purposes	Te Uku Primary School SH 23, Te Uku	1.6743	Part Allot 44, Parish of Whaingaroa, Pt Lot 1, Pt Lot 2 DPS 76768 & Lot 1 DP 29729	Rollover with modifications – amendment to legal description No submissions received
C36	Education Purposes	Rotokauri Primary School Rotokauri Road	2.578	Part Lot 1 DPS 5074 & Pt Allot 107, Parish of Pukete	Rollover with modifications – amendment to site area No submissions received
C37	Education Purposes	Newstead Primary School SH 26	2.6982	Lot 1 DPS 1448 & Part Allot 281, Parish of Kirikiriroa	Rollover with modifications amendments to site address and area No submissions received
C38	Education Purposes	Whatawhata Primary School School Road and SH 39	1.9693	Sec 51-57, 61-70 and Part Sections 58-60, Suburbs of Whatawhata	Rollover with modifications – amendments to site address and legal descriptions and site area added No submissions received
C39	Education Purposes	Matangi Primary School Matangi Road	1.6192	Part Allot 45 Tamahere Parish	Rollover with modifications – amendments to legal description and site area added No submissions received
C40	Education Purposes	Tamahere Primary School SH1 and Devine Road	3.3288	Part Section 1 SO 312560, Section 1 SO 58001, Section 2 SO 58001, Section 2 SO 352460	Rollover with modifications – amendments to site area and legal descriptions No submissions received
C42	Education Purposes	Waitetuna Primary School Waitetuna Valley Road and Old Mountain Road	1.0801	Pts Te Rapa (A & C) 1 and Part Allot 60, Parish of Whaingaroa	Rollover with modifications – site address added No submissions received
C43	Education Purposes	Ngati Haua Primary School Pukemoremore Road	1.594	Part Pukemoremore 3N Block	Rollover with modifications – amendment to legal description No submissions received
C44	Education Purposes	Te Mata Primary School Te Mata Road, Raglan	2.0043	Lot 1 DPS 35614	Rollover with modifications – amendment to site area No submissions received
C45	Education Purposes	Waikaretu Primary School Waikaretu	1.8100	Part Te Akau B26 Block	Rollover with modifications – amendments to legal description and site

Des #	Purpose of designation	Facility and Location	Area (ha)	Legal description	Status
		Valley Road			address added No submissions received
C46	Education Purposes	Pukeoware Primary School Baldhill Road	1.6174	Part Allot 76 Parish of Waiuku East, Part Lot 1 DP 13451, Part Lot 1 DP 64738	Rollover with modifications – amendments to legal description and site area added No submissions received
C48	Education Purposes	Otaua Primary School Factory Road and Maioro Road	2.4934	Part Allot 180 & Allot 371, Parish of Waiuku West	Rollover with modifications – site address added No submissions received
C49	Education Purposes	Aka Aka Primary School Aka Aka Road	1.6188	Lot 2 DP 308418 and Part Allotments 250 and 251, Parish of Waiuku East	Rollover with modifications – amendments to legal description No submissions received
C50	Education Purposes	Mercer Primary School Glass Road	5.0734	Part Allots 57 & 58, Parish of Koheroa	Rollover with modifications – site address added No submissions received
C51	Education Purposes	Pokeno Primary School Pokeno Road	2.4281	Part Allot 15, Parish of Mangatawhiri	Rollover with modifications – site address added No submissions received
C52	Education Purposes	Mangatawhiri Primary School McKenzie Road	1.6187	Part Allot 6, Parish of Koheroa	Rollover with modifications – site address added No submissions received
C53	Education Purposes	Mangatangi Primary School Miranda Road	2.0234	Part Wharekawa No 2 Block (All Land on DP 16643)	Rollover with modifications – site address added No submissions received
C54	Education Purposes	Te Kohanga Primary School Kohanga Store Road	2.0234	Part Allot 70A, Parish of Onewhero	Rollover with modifications – site address added No submissions received
C55	Education Purposes	Onewhero Area School Hall Road and Parsons Road	4.8446	Part Allot 123 and Allot 90, Parish of Onewhero	Rollover with modifications – site address added No submissions received
C56	Education Purposes	Pukekawa Primary School Highway 22	2.0234	Lot 1 DP 30624	Rollover with modifications – site address added No submissions received
C57	Education Purposes	Tuakau Primary School Buckland Road, Church Street and School Road	2.7107	Lots 1, 2, 3 DP 19557, Lots 3, 4, 5 DP 39603, Sec 104, 105, 106, Suburbs of Tuakau, Allots 34, 44, 46, Town	Rollover with modifications – site address added No submissions received

Des #	Purpose of designation	Facility and Location	Area (ha)	Legal description	Status
				of Tuakau North, Closed Road Plan 45580	
C58	Education Purposes	Tuakau College (Secondary School) Buckland Road and Elizabeth Street	8.5017	Lot 2, Part Lot 3, Lots 4 & 5 DP 22667 and Lot 1 DP 39091	Rollover with modifications – site address added No submissions received
C59	Education Purposes	St Anthony's Catholic School Bailey Street and Meadows Lane, Huntly	2.2060	Lot 2 DPS 45810, <u>Allotment</u> 10, Parish of Taupiri	(new) Notice of requirement No submissions received
C60	Education Purposes	St Paul's Catholic School Belt Street and Great South Road, Ngaruawahia	1.2	Part Allot 169A and Allot 562 Suburbs of Newcastle South	(new) New notice of requirement No submissions received
C61	Education Purposes	Hamilton Seventh Day Adventist Primary School 46 Annebrook Road, Tamahere	2.0335	Lot 1 DPS 14022	(new) Notice of requirement No submissions received

73. Appendix 2 lists Designations C3, C7, C12, C13, C16, C21, C22, C23, C24, C26, C29, C31, C34, C35, C41 and C47 which will be included in the decision version of the PWDP without further formality.

1.11.1 Analysis

74. No submissions were received on the designations shown in the table above.
75. With the exception of Designations C59, C60 and C61 (which involve notices of requirement), the Minister of Education has requested a rollover of all existing designations shown in the table above into the PWDP, with these modifications:
- (a) insertion of the names of all existing education facilities
 - (b) corrections to addresses, legal descriptions and land areas
 - (c) corrections to the spatial extent of some designations
 - (d) listing the purpose of each designation as 'Education Purposes'
 - (e) inserting a definition of 'Education Purposes' into Section E.
76. No conditions are sought with the rollover of these existing designations.
77. I consider that the modifications described in (a)-(d) above are appropriate and have no significance in terms of potential effects on the environment. Therefore, these modifications should be confirmed.
78. The last modification requested by the Ministry concerns insertion of the following definition of 'Education Purposes' into Section E:

‘Education Purposes’ in the designation purpose means:

- a. *Enable the use of facilities on the site by and for the educational benefit of any school age students (Years 0-13) and early childhood children regardless of whether they are enrolled at the institution located on the site.*
- b. *Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.*
- c. *Enable the provision of community education (e.g. night classes for adults) outside school hours in school facilities.*
- d. *Include but not be limited to the provision of academic, sporting and cultural education including through:*
 - i. *Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;*
 - ii. *Formal and informal cultural activities and competitions whether carried out during or outside school hours;*
 - iii. *The provision of specialist hubs and units (including language immersion units and teen parenting units) for children with particular educational requirements or special needs.*
- e. *Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours.*
- f. *Enable the provision of associated administrative services; car parking and manoeuvring; and health, social services and medical services (including dental clinics and sick bays).*
- g. *Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretakers).*

79. In my opinion, this definition is not appropriate or necessary. This is because, firstly, it reads more like a set of rules.
80. Secondly, I am concerned that the range of activities in this definition is so broad that it is a significant departure from the activities typically associated with each specifically-listed school. This includes activities that occur outside of school hours which might generate unacceptable noise levels on neighbouring properties, and a limitless number of on-site houses for staff which might generate unacceptable visual or traffic impacts. I consider that some of these ‘departures’ are best tested through a resource consent process because of potential adverse effects on neighbours.
81. I prefer reliance on the following definition of ‘educational facility’ contained in the National Planning Standards and recommended for adoption into Chapter 13 as per the earlier Hearing 5 (Definitions):

Education facility means land or buildings used for teaching or training by childcare services, schools, and tertiary education services, including any ancillary activities.

1.11.2 Recommendation

82. For the above reasons, it is recommended that the hearings panel:
- a. **Recommend** to the Minister of Education that it confirms Designations C1, C2, C4, C5, C6, C10, C11, C14, C15, C17, C18, C19, C20, C25, C27, C28, C30, C32, C33, C36, C37, C38, C39, C40, C42, C43, C44, C45, C46, C48, C49, C50, C51, C52, C53, C54, C55, C56, C57 and C58 included in the Proposed Waikato District Plan, with these modifications:
 - (a) insertion of the names of all existing education facilities

- (b) corrections to addresses, legal descriptions and land areas
 - (c) corrections to the spatial extent of some designations
 - (d) listing the purpose of each designation as 'Education Purposes'
- b. **Recommend** to the Minister of Education that the following modification not be confirmed:
- Inserting a definition of 'Education Purposes' into Section E.

1.11.3 Minister of Education - Notice of Requirement

83. The Minister of Education has lodged a notice of requirement for three new designations (C59, C60 and C61) relating to three already established school sites. It is understood that the main driver for this notice is the repeal of the Private Schools Conditional Integration Act 1975 and its merger with the Education Act 1989. This merger occurred in 2017 and was intended to create a more streamlined, flexible and modern regulatory framework for state integrated schools. A description of these three schools follows:

St Anthony's Catholic School – 102 Bailey Street, Huntly (C59)

This school is a co-educational state integrated primary school for Year 1 to Year 8 students. The school roll in June 2018 was 87 and this is expected to remain stable in future years.

The school has 4 teaching spaces, a library and administration facilities, adventure playground, sealed court, playing fields and swimming pool. The area of 'integrated' land is 1.69ha, which includes all land owned by the proprietor. The 6 on-site carparks and bus park are considered more than adequate to meet the school's needs.

St Paul's Catholic School – 1 Belt Street, Ngaruawahia (C60)

This school is a co-educational state integrated primary school for Year 1 to Year 8 students. The school roll in June 2018 was 133 students and this is expected to remain stable in future years.

The school has 6 teaching spaces, a library and administration facilities, adventure playground, sealed court, playing fields and swimming pool. The area of 'integrated' land is 1.2 hectares, which excludes the church and adjacent church hall owned by the proprietor. There are 19 angle parks on Belt Street which are used for school use.

Hamilton Seventh-Day Adventist Primary School – 46 Annebrook Road, Tamahere (C61)

This school is a co-educational state integrated primary school for Year 1 to Year 8 students. The school roll in June 2018 was 61 students and this is expected to increase in future years.

The school has 4 teaching spaces, a library and administration facilities, adventure playground, tennis court, sports field and associated grassed areas. The area of 'integrated' land is 2.0335ha, which includes all land owned by the proprietor. The 22 on-site carparks are considered more than adequate to meet the school's needs.

84. All three schools have been established on these sites for a considerable period of time and the effects on the environment are therefore already well understood and expected. I agree

that designating these sites will provide more certainty to the requiring authority as to what can be developed without having to defer to a resource consent process. Furthermore, all landowners immediately adjoining these three school sites received individual notice of the designation requests and no enquiries or submissions were received.

85. I also agree that it is appropriate for these designations to be confirmed without conditions. If further developments are to occur on these sites, the requiring authority would need to provide an outline plan of works in terms of s176A of the RMA, unless they demonstrate why such plan is not required. This process essentially requires dialogue between the requiring authority and Council to ensure a thorough assessment of any matters to avoid, remedy, or mitigate any adverse effects on the environment.

1.11.4 Recommendation

86. For the above reasons, it is recommended that the hearings panel:
- a. **Recommend** to the Minister of Education that it confirms the notices of requirement for land shown as Designations C59, C60 and C61 included in the Proposed Waikato District Plan, without conditions.

7. Waikato Regional Council (D)

87. The PWDP, as notified, included these designations:

1.12 Waikato Regional Council Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
D14	<u>Water and Soil Conservation (Stop Banks)</u>	Great South Road, Huntly North		Various	Rollover with modifications – amendment to planning maps No submissions received
D16	<u>Water and Soil Conservation (Stop Banks)</u>	Between Waikato River and Great South Road, Huntly		Various	Rollover with modifications – amendment to planning maps No submissions received
D21	<u>Soil Conservation and River Control Purposes</u>	Whangamarino	7.6284	Allotments 256, 258, 259 and 274 Koheroa Parish	Rollover with modifications – amendment to planning maps No submissions received

88. Appendix 2 lists Designations D1-D13, D15, D17-D20 and D22-D24 which are to be included in the decision version of the PWDP without further formality.

1.12.1 Analysis

89. Waikato Regional Council has requested the rollover of Designations D14, D16 and D21 into the PWDP with modifications that involve corrections to the planning maps to reflect legal descriptions or the extent of existing stopbanks used for water and soil conservation purposes.

90. No conditions are sought with the rollover of these existing designations.

91. I consider that these modifications are appropriate and have no significance in terms of potential effects on the environment. These designations, as modified, should be recommended for confirmation.

1.12.2 Recommendation

92. For the above reasons, it is recommended that the hearings panel:

- a. **Recommend** to Waikato Regional Council that it confirms Designations D14, D16 and D21 included in the Proposed Waikato District Plan, with the modifications requested.

8. Hamilton City Council (E)

93. The PWDP, as notified, included these designations:

1.13 Hamilton City Council Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
E1	Hamilton Zoo	Brymer Road and Bagust Road, Rotokauri	20.264	Part of Lot 1 DP 429730	Rollover with modification – amendment to legal description No submissions received
E3	Taitua Arboretum	Taitua Road	19.6964	Part of Lot 1 DP 429730	Rollover with modification – amendment to legal description No submissions received

94. Appendix 2 lists Designations E2 and E4 which are to be included in the decision version of the PWDP without further formality.

1.13.1 Analysis

95. Hamilton City Council has requested the rollover of existing Designations E1 and E3 relating to the Hamilton Zoo and Taitua Arboretum respectively, with modifications to the existing legal descriptions.
96. No conditions are sought with the rollover of these existing designations.
97. I consider that these modifications are appropriate and have no significance in terms of potential effects on the environment. These designations, as modified, should be recommended for confirmation.

1.13.2 Recommendation

98. For the above reasons, it is recommended that the hearings panel:
- Recommend** to Hamilton City Council that it confirms Designations E1 and E3 included in the Proposed Waikato District Plan, with the modifications requested.

9. Hauraki District Council (F)

99. Appendix 2 lists Designation F1 which is to be included in the decision version of the PWDP without further formality.

10. Minister of Justice (G)

100. The PWDP, as notified, included this designation:

1.14 Minister of Justice Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
G1	Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services and ancillary activities. Works include development and operation of land and buildings for aforementioned purposes.	Glasgow St, Huntly	0.1893	Lot 4 DP 1188 and Part Lot 3 DP 1188 and Part Lot 3 DP 1188 (CT SA 51C/138)	Rollover with modifications – amendment to site area and purpose of this designation No submissions received

1.14.1 Analysis

101. The Minister of Justice has requested a rollover of the existing designation for the Huntly District Courthouse into the PWDP with these modifications:

- (a) correction of the land area to which this designation applies (from 2043m² to 1893m²)
- (b) replacement of the existing purpose of 'Courthouse' with the more comprehensive description shown in the table above. They state that this will provide greater certainty to an ordinary member of the public as to what activity can occur on the site and will provide a planning framework for assessing activities and development at this courthouse. They also advise that this description is being adopted by the Minister for other sites across New Zealand as part of various district plan review processes.

102. No existing conditions apply to this designation and no new conditions are sought.

103. I consider that these modifications have no significance in terms of potential effects on the environment. The modified purpose provides more detail on activities that would commonly be expected to take place in a courthouse. I also agree with the requiring authority that the modification improves certainty for the public. The designation, as modified, should be recommended for confirmation.

1.14.2 Recommendation

104. For the above reasons, it is recommended that the hearings panel:

- a. **Recommend** to the Minister of Justice that it confirms Designation G1 included in the Proposed Waikato District Plan, with the modifications requested.

11. Minister of Police (H)

105. The PWDP, as notified, included these designations:

1.15 Minister of Police Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
H1	Construction, undertaking, establishment, operation, alteration and maintenance of a policing facility associated with police accommodation and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.	Huntly Police Station, Corner of Ralph and William Streets, Huntly	0.1586	Lots 5 & 6, DP 15751	Rollover with modifications – amendments to address, site area, legal description and designation purpose No submissions received
H2	Construction, undertaking, establishment, operation, alteration and maintenance of a policing facility associated with police accommodation and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.	Ngaruawahia Police Station, Corner of Waikato Esplanade and Market Street, Ngaruawahia	1.95	Pt Secs 83 - 85, Sec 87, Newcastle Town	Rollover with modifications – amendment to designation purpose No submissions received
H3	Construction, undertaking, establishment, operation, alteration and maintenance of a policing facility associated with police accommodation and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.	Raglan Police Station, Wi Neera Street, Raglan	0.1634	Pt Allots 1, 3, Sec II, Raglan Town, Blk I, Karioi SD (SO 44539)	Rollover with modifications – amendment to designation purpose No submissions received
H4	Construction, undertaking, establishment, operation, alteration and maintenance of a policing facility associated with police accommodation and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.	Te Kauwhata Police Station, Scott Road, Te Kauwhata	0.1126	Lot 3 DPS 1897	Rollover with modifications – amendment to designation purpose No submissions received
H5	Construction, undertaking, establishment, operation, alteration and maintenance of a policing facility associated with police accommodation and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.	Pokeno Highway Patrol, 11 Pokeno Road, Pokeno	0.0912	Lots 1, 2 & 3 Section 11, Township of Pokeno	Rollover with modifications – amendment to legal description and designation purpose No submissions received

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
H6	Construction, undertaking, establishment, operation, alteration and maintenance of a policing facility associated with police accommodation and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.	Tuakau Police Station, 5 St Stephens Avenue and 4 Carr Street, Tuakau	1405m ²	Lots 1 & 2 DP 183098	Rollover with modifications – amendments to address, site area, legal description and designation purpose No submissions received

1.15.1 Analysis

106. The Minister of Police has requested a rollover of the existing designations for various police stations into the PWDP, with these modifications:
- (a) correction of land area applying to the Tuakau Police Station (from 2706m² to 1405m²)
 - (b) corrections to various addresses and legal descriptions
 - (c) removal of references to outdated planning maps and a previous designation uplift in the Franklin Section
 - (d) replacement of the existing purposes of 'Police Station', 'Community Policing Centre' and 'Police purpose (TKU Police Patrol Base & Residence)' with the more comprehensive description shown in the table above. They state that this description provides a standardised and refined purpose and is being adopted by the Minister for other sites across New Zealand as part of various district plan review processes.
107. No existing conditions apply to these designations and no new conditions are sought.
108. I consider that these modifications have no significance in terms of potential effects on the environment. The modified purpose provides more detail of activities that would commonly be expected to take place on a police station site. I also agree with the requiring authority that the modifications improve certainty for the public and provide a standardised and refined purpose on a district and nationwide basis. The designations, as modified, should be recommended for confirmation.

1.15.2 Recommendation

109. For the above reasons, it is recommended that the hearings panel:
- a. **Recommend** to the Minister of Police that it confirms Designations H1, H2, H3, H4, H5 and H6 included in the Proposed Waikato District Plan, with the modifications requested.

12. Counties Power (I)

110. The PWDP, as notified, included these designations:

1.16 Counties Power Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
11	Electricity Substation	McKenzie Road, Mangatawhiri	0.2023	Lot 1 DP 53555	Rollover with modifications – replace designated purpose of ‘Substation’ with ‘Electricity substation’ One submission received
12	Electricity Substation	Logan Road, Pukekawa	0.2023	Lot 1 DPS 7007	Rollover with modifications – replace designated purpose of ‘Substation’ with ‘Electricity substation’ No submissions received
13	Electricity Substation	Bollard Road, Tuakau	0.2023	Lot 1 DP 61120	Rollover with modifications - replace designation purpose of ‘Substation’ with ‘Electricity substation’ No submissions received
14	Electricity Substation	Ghezzie Road, Maiooro	0.2023	Lot 1 DP 481728	Rollover with modifications - replace designated purpose of ‘Substation’ with ‘Electricity substation’ No submissions received
15	Electricity Substation	217 Whangarata Road, Tuakau	0.6563	Lot 1 DP 339714 (CT 163315)	Rollover with modification - - replace designated purpose of ‘Substation’ with ‘Electricity substation’ One submission received
16	Pukekohe to Tuakau 110kV overhead transmission line (Refer to former FDC Designation File L07112)	Various properties within Waikato District located between Pukekohe and Tuakau		Lot 1 DP 339714, Lot 1 DP 49671, Part Allotment 36 Parish of Pukekohe, Part Allotment 84 Parish of Pukekohe, Lot 1 DP 200798, Lot 2 DP 14156, Part Allotment 86 Parish of Pukekohe, Lot 1 DP 16787, Part Lot 2 DP 16787, Part Lot 3 DP 16787, Part Allotment 4 Parish of Tuakau, Lot 3 DP 14156, Allotment 142 Parish of Tuakau, Lot 1 DP 335349, Lot 1 DP 204519, Lot 1 DP 165399, Lots 9 to 12 and Part Lot 13 DP 16549, Part Lot 1 DP 13796, Part Lot 2 DP 32049, Lot 1 DP 97810,	Rollover with modifications – amendment to legal description No submissions received

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
				Part Lot 3 DP 32049, Lot 1 DP 41468, Lot 1 DP 96093, Lot 7 DP 146702, Lot 1 DP 185380, Lot 1 DP 152943, Lot 2 DP 152943, Lot 1 DP 40907, All DP 25648	

1.16.1 Submissions

111. Two submissions have been received from Counties Power that seek:

- (a) Designations 11 and 15 be accurately shown on the planning maps.

112. These submissions were made:

Submission point	Submitter	Decision requested
405.86	Counties Power Limited	Amend Designation 11- Electricity Substation at Lot 1 DP 53555 McKenzie Road, Mangatawhiri by realigning the designation boundary with the property boundary.
405.87	Counties Power Limited	Amend Designation 15- Electricity Substation at the property at 217 Whangarata Road, Tuakau to cover the entire area owned by Counties Power.

1.16.2 Analysis

113. I deal first with the request from Counties Power to rollover their existing designations with these modifications:

- a. Replacement of the designated purpose 'Substation' with 'Electricity substation'
- b. Corrections to legal descriptions.

114. I consider that these modifications have no significance in terms of potential effects on the environment. The designated purpose 'Electricity substation' is an accurate description of the type of facility located within the five sites labelled 11, 12, 13, 14 and 15. The correction to the legal description for D6 captures all properties traversed by the 110kv overhead transmission line running between Pukekohe and Tuakau. All these designations, as modified, should be recommended for confirmation.

115. I now turn to the submissions received from Counties Power. Their first submission point [405.86] requests that the mapping of their Designation 11 in the PWDP be amended so that it aligns with the property boundaries. This designation relates to Lot 1 DP 53555 at McKenzie Road, Mangatawhiri shown in red outline below:



116. Their second submission point [405.87] requests the correct mapping of Designation 15 so that it aligns with Lot 1 DP 339714 at 217 Whangarata Road, Tuakau shown in red outline below:



117. This type of discrepancy is not uncommon and can sometimes occur when Council's map data does not align with the cadastre pattern in LINZ's Core Record System. While this is a technical matter to be addressed in the future, it is important to emphasise that this

discrepancy does not change the extent of both designations which are determined by ground survey, and there is no change whatsoever to any third party property.

I.16.3 Recommendation

I 18. For the reasons given above, it is recommended that the hearings panel:

- a. **Recommend** to Counties Power Limited that it confirms Designations I1, I2, I3, I4, I5 and I6 included in the Proposed Waikato District Plan, with the modifications requested.
- b. **Accept** the submissions from Counties Power Limited [405.86 and 405.87].

I.16.4 Recommended amendments

I 19. The spatial extent of Designations I1 and I5 are to be accurately shown on the planning maps in the decision version of the PWDP so that they align with the cadastre pattern in LINZ's Core Record System.

13. New Zealand Transport Agency (J)

120. The PWDP, as notified, included these designations and the box above the table:

1.17 New Zealand Transport Agency Requirements

All state highways identified on the planning maps are deemed to be designated, except for State Highway 1B. Designations of the New Zealand Transport Agency allow the construction, use, development and operation (including the improvement, enhancement, realignment, alteration, expansion and maintenance) or any other such purpose relating to the management of State Highways in accordance with the Land Transport Management Act 2003 and the Government Rounding Powers Act 1989.

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
J1	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1 from the Waikato District/Auckland Council boundary (north of Nikau Road, Bombay) to the Waikato District/Hamilton City boundary at Koura Drive, and then from the Hamilton City/Waikato District boundary at Newell Road to the Waikato District/Waipā District boundary at Racecourse Road.			Rollover with modifications – amendment to designated purpose Submissions received
J2	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 2 from the intersection with State Highway 1 to the Waikato District/Hauraki District boundary.			Rollover with modifications – amendment to designated purpose Submissions received
J3	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 26 from the Hamilton City/Waikato District boundary (approximately 1 km north-east of Silverdale Road) to the Matamata Piako District/Waikato District boundary.			Rollover with modifications – amendment to designated purpose Submissions received
J4	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 23 from the Hamilton City/Waikato District boundary (west of Wallace Road) to Raglan.			Rollover with modifications – amendment to designated purpose Submissions received
J5	To undertake maintenance, operation, use and improvement of the	State Highway 21 from the junction with State Highway 1 at Tamahere to the Waikato District/Waipā			Rollover with modifications – amendment to

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
	state highway network.	District boundary at the Narrows Bridge.			designated purpose Submissions received
J7	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1, Waikato Expressway (Cambridge section) from the Hamilton City/Waikato District boundary to the Waikato District/Waipā District boundary.			Rollover with modifications – amendment to designated purpose Submissions received
J9	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1, Waikato Expressway (Tamahere Interchange) between Bollard Road and Pickering Road.			Rollover with modifications – amendment to designated purpose Submissions received
J11	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1, Waikato Expressway (Rangiriri section), north of Meremere to a mid-point between Ohinewai and Huntly.			Rollover with modifications – amendment to designated purpose Submissions received
J14	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1 from adjacent to Shand Lane, Huntly in the north to the intersection of State Highway 1 with Great South Road, Huntly in the south.			Rollover with modifications – amendment to designated purpose Submissions received
J16	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1, Waikato Expressway (Ngaruawahia section) from Taupiri to Horotiu.			Rollover with modifications – amendment to designated purpose Submissions received
J17	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1, Waikato Expressway (Hamilton section), from Lake Road, Horsham Downs to Bollard Road, Tamahere.		Pt Lot 2 DPS 9591, Pt Lot 1 DPS 10332, Lot 1 DPS 7657, Lot 23 DP 343310, Pt Lot 2 DP 8068, Lot 38 DP 18626, Lot 13 DP 18626, Lot 2 DP 322225, Lot 2 DP 304594, road reserve (Greenhill Rd), Lot 2 DP 36126, Lot 1 DP 36126, Lot 3 DP 11006, road	Rollover with modifications – amendment to designated purpose Submissions received

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
				reserve (Puketaha Rd), Lot 1 DPS 15865, Lot 1 DPS 82276, Lot 1 DPS 77066, Lot 2 DPS 82276, Lot 1 DPS 83575, Lot 1 DPS 11563, Lot 1 DPS 28538, Lot 2 DPS 82276, Allotment 271 Komakorau Parish, Pt Allotment 270 Komakorua Parish, road reserve (Osbourne Rd), Lot 2 DP 306401, Lot 2 DP 306402, Lot 2 DPS 25168	
J18	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 2 (Maramarua Deviation) from 500m to the east of Kopuku Road to approximately 1.2 km east of Monument Road, Maramarua.			Rollover with modifications – amendment to designated purpose Submissions received
J19	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1, Waikato Expressway (Huntly section) from Ohinewai to Taupiri.			Rollover with modifications – amendment to designated purpose Submissions received
J20	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1, Waikato Expressway (Te Rapa section) from Hutchinson Road, Horotiu to Koura Drive, Hamilton and includes State Highway interchange with Hutchinson Road roundabout.			Rollover with modifications – amendment to designated purpose Submissions received
J21	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 1, Waikato Expressway (Longswamp section) between Hampton Downs and Rangiriri. Refer to Council File No: DES 0002/16.			Rollover with modifications – amendment to designated purpose Submissions received
J22	To undertake maintenance, operation, use and improvement of the state highway network.	Southern Links (Eastern section) from Waikato River to the Waikato Expressway Eastern Interchange. Refer to Council File No: DES0018/13.		Sec 1 SO 60548, Prop # 2006537, LINZ ID 4408590, Sec 2 SO 60548, Prop # 2006539, LINZ ID 4512382, Pt Lot 1 DPS 61258, Prop # 2007786, LINZ ID 4328414, Lot 28 DP	Rollover with modifications – amendment to designated purpose Submissions received

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
				331936, Prop # 2007605, LINZ ID 6689767, Lot 27 DP 331936, Prop # 2007607, LINZ ID 6689766, Lot 2 DP 445431, Prop # 2012301. LINZ ID 7348402, Lot 3 DP 445431, Prop # 2012302, LINZ ID 7348403, Sec 1 SO 478373, Prop # 2015044, LINZ ID 7544140, Pt Lot 3 DPS 11242, Prop # 1008552, LINZ ID 4355902, Lot 1 DPS 68856, Prop # 2001312, LINZ ID 4346488, Lot 1 DPS 49494, Prop # 1008553, LINZ ID 4288848, Lot 1 DPS 11859, Prop # 1008545, LINZ ID 4515263	
J23	To undertake maintenance, operation, use and improvement of the state highway network.	State Highway 39 from the intersection with State Highway 1 at Koura Drive, Hamilton to the Waikato District/Waipā District boundary.			(New) Notice of Requirement No submissions received

1.17.1 Submissions

121. Five submissions have been received that seek:

- (a) reordering and renumbering of NZTA designations so that they generally coincide with locations that run north to south
- (b) accurate mapping of all NZTA designations
- (c) deletion of part of the State Highway 1 designation alongside the Woolworths supermarket at Huntly and remove vehicle access restrictions
- (d) retain the State Highway 1 designation in the vicinity of 180 Horsham Downs Road
- (e) reduce the extent of the State Highway 1 designation in the vicinity of the Hampton Downs interchange.

122. These submissions were made:

Submission point	Submitter	Decision requested
742.183	New Zealand Transport Agency	Retain Section E Designations J New Zealand Transport Agency, in respect to the designations and purpose of

		<p>designation.</p> <p>AND</p> <p>Amend the order and numbering of the listed Section E designations for the New Zealand Transport Agency so that they generally coincide with locations that run north to south. Refer to Attachment 4 to the submission for further detail.</p>
742.190	New Zealand Transport Agency	<p>Amend the planning maps to show the correct boundaries of all New Zealand Transport Agency designations.</p> <p>AND</p> <p>Amend the planning maps to re-label the New Zealand Transport Agency's designations as per the details in Attachment 4 of the submission.</p> <p>AND</p> <p>Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
<i>FS1046.1</i>	<i>Taumata Plantations Limited</i>	<i>Support</i>
588.58	Woolworths NZ Ltd	<p>Delete the New Zealand Transport Agency designation J14 that applies to the frontage of 16-18 Tumate Mahuta Drive, Huntly and allow unrestricted access to and from the affected frontage for the supermarket site.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.</p>
<i>FS1202.96</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>
761.3	Lyndendale Farms Limited	<p>Retain the designation for the Waikato Expressway (J17) as shown on the planning maps running alongside the southern boundary of the property at 180 Horsham Downs Road, Horsham Downs.</p>
783.13	Reid Investment Trust	<p>Amend the extent of Designation J11a as contained within Figure 2 in Annexure 2 of the submission. AND</p> <p>Any consequential amendments or further relief to give effect to the matters raised in the submission.</p>
<i>FS1387.1237</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

1.17.2 Analysis

123. I deal first with the request from the New Zealand Transport Agency (NZTA) to rollover their existing designations with modifications, followed by submissions and then the Notice of Requirement for State Highway 39.
124. The modifications sought by NZTA involve:
- (a) amendment to the designated purpose for each section of state highway to more clearly reflect their intent

- (b) reordering and renumbering each designation in the list so that they generally coincide with locations that run north to south.

125. I consider that these modifications have no significance in terms of potential effects on the environment. The modified purpose provides more detail on activities that would commonly be expected to take place within designated state highways.
126. I consider any reordering and renumbering of designations in the list to be clerical. However, the accurate description and labelling of each designation in this list and the planning maps are dependent on further liaison with NZTA. This is because their submission [742.190] requests the correct mapping of designations, this being the result of their own shapefile data supplied to Council.
127. At the time of writing this hearing report, NZTA indicated that the notified planning maps do not correctly show the extent of all their existing designations. It would appear that the proposed planning maps were not developed based on the most current shapefiles held by NZTA. I have discussed this matter with Mr Mike Wood, who will be appearing on behalf of NZTA at the hearing. We agree that this matter can be easily resolved to ensure that the latest shapefiles are translated into the decision version of the planning maps.
128. I now deal with the three other submissions received.
129. Woolworths NZ Limited [588.58] owns and operates a Countdown supermarket on property at 350 Great South Road in Huntly and shown in the aerial photograph below:



130. Woolworths requests that the designation on their State Highway 1 frontage be deleted. NZTA [FS/202.96] opposes this request because deleting this part of their state highway

designation (labelled J2 in the PWDP) may impede any works required by them as part of the process for uplifting the designation.

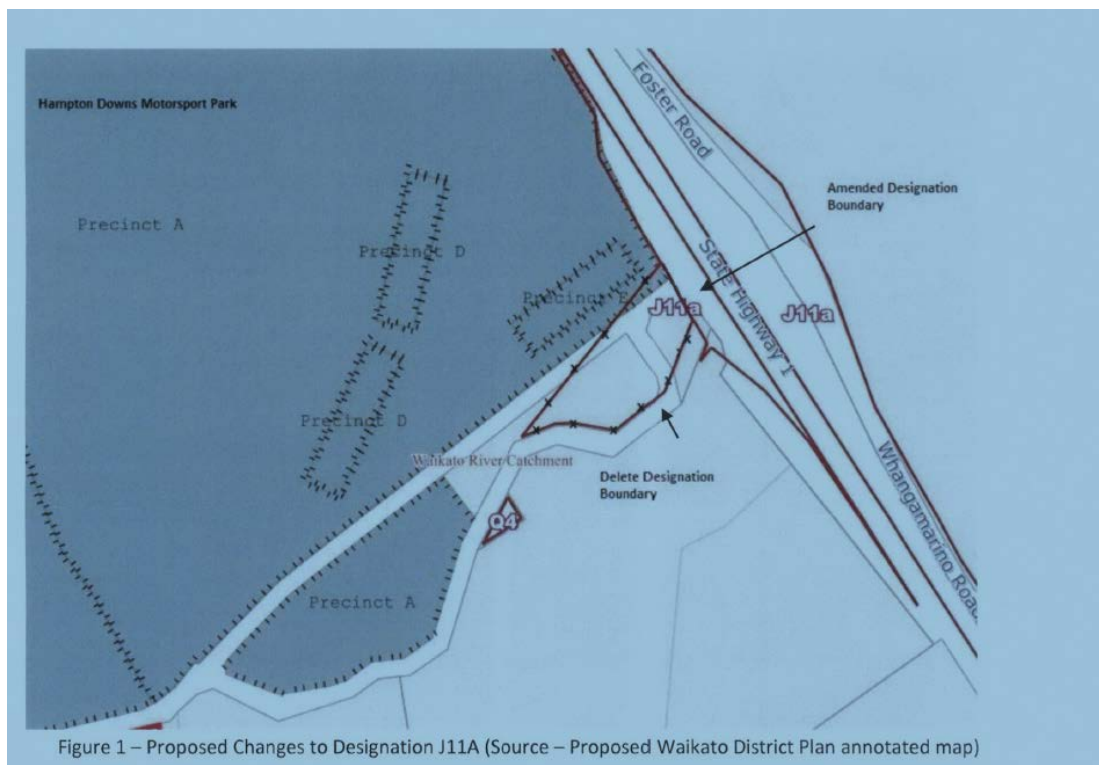
131. Woolworths obtained land use consent for this supermarket on 16 February 2006. The general condition of consent reads as follows:

<p style="text-align: center;">Conditions of Consent</p> <p style="text-align: center;">Resource Consent No: LUC0472/05</p> <p>GENERAL</p> <p>I The proposed development shall be established and operated in general accordance with the plans and information submitted for application number LUC 0472/05 and received by Council on 14 November 2005. A copy of the approved plans (labelled Approved Plans 'A', 'B' and 'C') is attached.</p> <p style="text-align: center;"><u>Advisory Note:</u></p> <p style="text-align: center;"><i>It is noted that the approved plans show all vehicle site access to be from Tumate Mahuta Drive. Any changes to this access arrangement will require a variation to the consent.</i></p>

132. The future uplifting of this designated part of State Highway 1 (and transferring the ownership and responsibilities to Council) is subject to an agreement between NZTA and Council. I am advised by NZTA that these actions are expected to occur at some time in 2021.
133. Despite this agreement sitting outside of the district plan review process, uplifting part of this state highway designation would not automatically allow vehicular access to and from this supermarket site unless Council were to consent to an application to vary this consent. In this regard, a detailed traffic assessment would need to address the limited access status of this highway and demonstrate how safe vehicle movements can be achieved. I note that limited access road status is separate from state highway and designation status, and could remain in place even if the other restrictions were removed.
134. Lyndendale Farms Limited [761.3] owns property at 180 Horsham Downs Road. Their submission requests that State Highway 1 designation (J17) running immediately along their southern boundary be retained.
135. The location of Designation J17 relative to this property remains unchanged as part of the district plan review. I therefore conclude that submission 761.3 can be accepted.
136. Reid Investments Limited [783.13] owns property near the Hampton Downs Road interchange shown in red outline in the aerial photograph below:



137. This aerial is sourced from the proposed planning maps and indicates that NZTA's Designation J11a affects a significant part of this property. The submitter states that the construction of the Waikato Expressway is complete in this location, therefore the extent of the designation should be amended so that it is removed from the property as shown below:



138. NZTA is invited to comment at the hearing whether this designation can be amended in this way, or whether their current shapefiles confirm that this amendment has already been actioned. I have provisionally recommended rejection of this submission pending this confirmation.

1.17.3 Recommendation

139. For the reasons given above, it is recommended that the hearings panel:
- a. **Recommend** to the New Zealand Transport Agency that it confirms Designations J1, J2, J3, J4, J5, J7, J9, J11, J14, J16, J18, J19, J20, J21, J22 and J23 included in the Proposed Waikato District Plan, with the modifications requested, subject to the following condition:
 - i. correction of the planning maps based on the New Zealand Transport Agency's most recent shapefile data for these existing designations
 - b. **Accept** the submissions from the New Zealand Transport Agency [742.183 and 742.190]
 - c. **Accept** the further submission from *Taumata Plantations Limited* [FS1046.1]
 - d. **Reject** the submission from Woolworths NZ Limited [588.58]
 - e. **Accept** the further submission from the *New Zealand Transport Agency* [FS1202.96]
 - f. **Accept** the submission from Lyndendale Farms Limited [761.3].
 - g. **Reject** the submission from Reid Investments Trust [783.13]
 - h. **Reject** the further submission from *Mercury Energy Limited* [FS1387.1237]

1.18 NZTA's Notice of Requirement for State Highway 39

140. NZTA has lodged a notice of requirement to designate existing State Highway 39 (SH39), which forms a western bypass of Hamilton City between Ngaruawahia and Otorohanga. This was included in the PWDP as Designation J23. Following the gazettal of this highway in 1999, NZTA did not formally designate this route because, at that time, it was envisaged that this route would be a state highway on a temporary basis, pending the construction of the Waikato Expressway. NZTA advise that they will be reviewing the function of SH39, but wish to designate SH39 now so that they can achieve its objectives to manage and maintain a safe and efficient state highway system on a district-wide basis. The designation will also reflect the current ownership and maintenance responsibilities for this part of NZTA's roading network.
141. NZTA also advise that if any physical works are required in the future, such as realignments or road widening, they will follow any necessary processes for outline plans of works or regional resource consents. These processes will require an assessment of effects on the environment commensurate with the nature and scale of the proposed works.
142. I agree that the designation of SH39 is more administrative in nature, rather than involving any change in environmental impact. No submissions were received to this designation. For this reason, I consider that Designation J23 can be confirmed, without conditions.
143. As a result of confirming this designation, there may be value in deleting the following sentence from the paragraph that precedes the table of NZTA designations:
- All state highways identified on the planning maps are deemed to be designated, except for State Highway 1B.*
144. I am unclear what is meant by the phrase 'deemed to be designated' and I invite NZTA to comment on this at the hearing and whether this should be deleted.

I.18.1 Recommendation

145. For the reasons given above, it is recommended that the hearings panel:

- a. **Recommend** to the New Zealand Transport Agency that it confirms Designation J23 included in the Proposed Waikato District Plan, without conditions.

14. Transpower New Zealand Limited (K)

146. The PWDP, as notified, included these designations:

1.19 Transpower New Zealand Limited Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
K1	Western Road substation and training facility	Rotowaro Road	0.5535	Lot 1 DP 55948	Rollover without modifications Submission received
K3	Huntly Outdoor Switchyard	Te Ohaki Road, Huntly	2.1726	Section 1 SO 59597 Pt Lot 1 DPS 73530	Rollover without modifications Submission received
K4	Meremere Switching Station	Taniwha Street, Meremere	0.6065	Section 1 SO 59595	Rollover without modifications Submissions received
K5	Te Kowhai Substation (refer to Council file 69 03 022 for conditions on the designation)	196 Bedford Road, Te Kowhai	16.0334 ha	Lot 2 DP343406, CT 178070	Rollover without modifications Submission received
K6	Te Kowhai Deviation A 220kV high voltage transmission line (refer to Council file 69 03 022 for conditions on the designation)	Waipa Heights Road	12.3 (approx)	Allot 48A Waipa Parish, Allot 48B Waipa Parish, Section 1 SO Plan 383836, Lot 1 DP 12498, Lots 1 & 3 DP 343406, Lots 11-12 DPS 62333, Lot 2 DP 343406, Lots 3-4 DP 338018, Part Bedford Road.	Rollover without modifications Submission received
K7	Ohinewai Switching Station	480 Storey Road, Waiterimu	28.695	Lots 3 and 4 DP 459363	Rollover without modifications Submission received
K8	Brownhill Road to Whakamaru North Overhead Transmission Line (refer to Council File DES0011/07 and former FDC File L07089 for conditions on the designation)	That part of the line within Waikato District		Allot 164 Whangamarino Parish, Allot 267 Taupiri Parish, Allot 277 Taupiri Parish, Allot 286 Taupiri Parish, Allot 287 Taupiri Parish, Allot 291 Taupiri Parish, Allot 300 Taupiri Parish, Allot 301 Taupiri Parish, Allot 31 Maramarua Parish, Allot 377 Whangamarino Parish, Allot 573 Taupiri Parish, Allot 663 Whangamarino Parish, Allot 694 Taupiri Parish, Allot 695 Taupiri Parish, Allot 748 Taupiri Parish, Crown Land Deposited Plan South Auckland 51231, Crown Land Survey Office Plan 34936, Crown Land Survey Office Plan 34936, Lot 1 DP 11238, Lot 1 DP 18570, Lot 1 DP 24572, Lot 1 DP 29065, Lot 1	Rollover without modifications Submission received

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
				DP 29348, Lot 1 DP 32767, Lot 1 DP 32851, Lot 1 DP 368595, Lot 1 DP 439420, Lot 1 DP 439728, Lot 1 DPS 10847, Lot 1 DPS 1656, Lot 1 DPS 2283, Lot 1 DPS 23254, Lot 1 DPS 3347, Lot 1 DPS 3501, Lot 1 DPS 44792, Lot 1 DPS 51231, Lot 1 DPS 56868, Lot 1 DPS 6244, Lot 1 DPS 63912, Lot 1 DPS 67106, Lot 1 DPS 73791, Lot 1 DPS 78377, Lot 1 DPS 83406, Lot 1 DPS 83570, Lot 1 DPS 85600, Lot 1 DPS 89880, Lot 1 DPS 90141, Lot 1 DPS 91554, Lot 1 DPS 9993, Lot 2 DP 18570, Lot 2 DP 22291, Lot 2 DP 27671, Lot 2 DP 29348, Lot 2 DP 29664, Lot 2 DP 322420, Lot 2 DP 32767, Lot 2 DP 330958, Lot 2 DP 417722, Lot 2 DP 439420, Lot 2 DP 439728, Lot 2 DP 442233, Lot 2 DP 451941, Lot 2 DP 457692, Lot 2 DP 462151, Lot 2 DPS 1097, Lot 2 DPS 17834, Lot 2 DPS 19705, Lot 2 DPS 2283, Lot 2 DPS 6630, Lot 2 DPS 67106, Lot 2 DPS 724, Lot 2 DPS 73791, Lot 2 DPS 78377, Lot 2 DPS 81308, Lot 2 DPS 89880, Lot 3 DP 22291, Lot 3 DP 32767, Lot 3 DP 363753, Lot 3 DP 36580, Lot 3 DP 369411, Lot 3 DP 378206, Lot 3 DP 433501, Lot 3 DPS 1453, Lot 3 DPS 68851, Lot 3 DPS 74265, Lot 3 DPS 81308, Lot 4 DP 32767, Lot 4 DP 332466, Lot 4 DP 369411, Lot 4 DPS 23254, Lot 4 DPS 81308, Lot 4 DPS 86339, Lot 4 DPS 89880, Lot 7 DP 33199, Pt Allot 162 Whangamarino Parish, Pt Allot 163 Whangamarino Parish, Pt Allot 270 Taupiri Parish, Pt Allot 272 Taupiri Parish, Pt Allot 50 Maramarua Parish, Pt Allot 57 Maramarua Parish, Pt Allot 6 Maramarua Parish, Pt Land on DP 3101, Pt Land on DP 7851, Pt Lot 1 DP 21817, Pt Lot 1 DP 22291, Pt Lot 1 DP 26041, Pt Lot 1 DP 32840, Pt Lot 3 DP 16646, Pt Lot 3 DP 23291, Pt Lot 8 DP 15482, Pt Sec 12 Taniwha Settlement, Pt Sec 1s Tangao Settlement, Pt Sec 5 Mangakura Settlement, Pt Tauhei 7A6B2, RD SO 422579, Sec 1 SO 437841, Sec 13 Mangakura Settlement, Sec 16 Blk XIV Paeroa SD, Sec 17 Blk V Piako SD, Sec 2 Taniwha Settlement, Sec 3 Taniwha Settlement, Sec 4 Mangakura Settlement, Sec 4 Taniwha Settlement, Sec 5 Taniwha Settlement, Tauhei 7A5B2C1, Tauhei 7A5B2C3, Tauhei 7A6A2, Part Taniwha	

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
				Road, Part Mangapiko Valley Road, Part Proctor Road, Part Coalfields Road, Part Waerenga Road, Part Riddell Road, Part Matahuru Road, Part Tainui Road, Part Symes Road, Part Tahuna Road, Part Mangatea Road, Part State Highway 2, Part Manuel Road, Part Flaxmill Road and Part Taniwha Road.	

1.19.1 Submissions

147. Four submissions have been received that request:

- (a) amendment to the extent of existing Designation K4 at the Meremere Switching Station
- (b) the rollover of all existing Transpower designations as notified
- (c) amendments to Designation K7 so that there is reference to ongoing conditions
- (d) addition of Designation K2 to Section E (Hamilton to Meremere B Underground Transmission Line Cable).

148. These submissions were made:

Submission point	Submitter	Decision requested
341.9	Tainui Group Holdings Limited	Amend the planning maps and Section E to reduce the extent as far as practicable of Designation K4 - Transpower New Zealand Limited (Meremere Switching Station) AND Amend the Proposed District Plan to make consequential amendments as necessary to give effect to the matters raised in the submission.
FS1350.139	Transpower New Zealand Limited	<i>Oppose</i>
576.70	Transpower New Zealand Ltd	Retain the Transpower designations K1 and K3-8 in Section E - Designations, as notified.
576.71	Transpower New Zealand Ltd	Amend Designation K7 - Ohinewai Switching Station, to include references to ongoing conditions. AND Amend the Proposed District Plan to make consequential amendments to address the matters raised in the submission.
FS1207.4	Ohinewai Area Committee	<i>Support</i>
FS1145.12	Ohinewai Area Committee	<i>Support</i>
576.72	Transpower New Zealand Ltd	Add a designation to Section E - Designations - K Transpower, for Hamilton to Meremere B Underground Transmission Line Cable (DES0008/18), (K2), as follows:

Des #	Purpose of designation	Location	Area (ha)	Legal description
K2	Hamilton to Meremere B Underground Transmission Line Cable	Puketaha Road	1.96ha	Lot 1 DPS 75657, Lot 4 DPS 64084
<p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to address the matters raised in the submission.</p>				

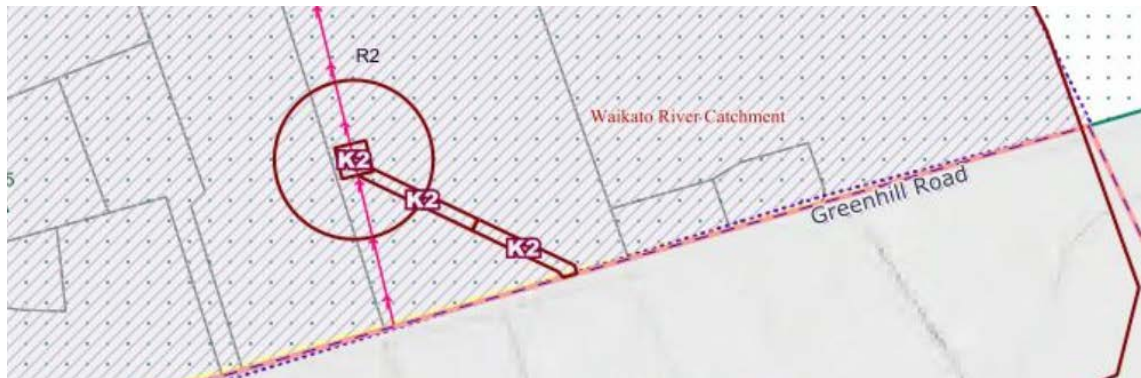
1.19.2 Analysis

149. Transpower New Zealand Limited (Transpower) has requested the rollover of all their designations into the PWDP, without modification.
150. Transpower's submission [576.70] requests that Designations K1 and K3-K8 be retained, as notified. I recommend acceptance of this submission in part, pending evidence presented at the hearing in respect to Designation K4, which is discussed further in the following paragraphs.
151. Tainui Group Holdings Limited (Tainui) [341.9] opposes Transpower's request to roll over Designation K4 which relates to the Meremere Switching Station immediately south of the decommissioned Meremere Power Station and shown in the aerial photograph below:



152. Tainui states that they wish to maximise the ability to develop their land at Meremere, which includes the removal of any redundant assets. They also note that a number of low-lying transmission lines extend beyond this designation and connect to the existing National Grid transmission lines some 300m to the east.
153. Tainui also states that alternative sites, the extent of a site, and the necessity of this particular designation do not appear to have been considered by Transpower. They have signalled that they intend to further discuss these matters with Transpower to determine a suitable extent for the K4 designation that meets the requirements of both parties.
154. Section 171(1)(c) in the RMA requires the hearings panel to have regard to –
- “whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought ...”*
155. At the time of lodging their further submission, Transpower [FS1350.139] stated that they were investigating whether the footprint of this existing designation could be modified. They have therefore reserved their position until this investigation is complete.
156. I invite Transpower to provide evidence at the hearing to justify the rollover of Designation K4 in terms of s171 of the RMA, and I also invite Tainui and Transpower to confirm at the hearing as to whether any agreement has been reached. In the absence of suitable evidence or an agreement, I recommend that the requirement be withdrawn.
157. Transpower has submitted [576.71] requesting amendments to the conditions for Designation K7 (Ohinewai Switching Station) so that there is reference to ongoing conditions. It is unclear what is being requested with their submission, particularly when they have requested a rollover of this designation, without modification. It would appear that Council’s Consents Team has already addressed this matter in the consent to alter this designation which was issued on 20 May 2013 (Ref DES0023/13). That consent involved the reduction of the existing footprint for the Ohinewai Switching Station from 120ha to 38.0609ha and enabled the balance area of the farmed land to be sold into separate ownership. For this reason, I recommend that their submission point [576.71] be rejected.
158. Lastly, Transpower [576.72] notes that while the already consented designation for the Hamilton to Meremere B underground transmission line cable is labelled K2 on the PWDP planning maps, it is not listed in Section E. This submission can be readily accepted as K2 was included in Transpower’s notice of requirement and was omitted in error. I also note here that, in processing the original notice of requirement for this designation (File DES0008/18), Council did not identify any adversely affected party and that notice was processed on a non-notified basis.
159. As shown below, there is an anomaly in how K2 is displayed on Council’s Intramaps system and the notified PWDP planning map (pdf). This can also be easily rectified when the decision version of the planning maps is produced so that Designation K2 mirrors the detail shown in Intramaps.

Council's Intramaps - PWDP



Notified PWDP planning map (pdf)



I.20 Transpower request to revise existing designation conditions

I60. While Transpower has requested the rollover of their designations without modification, they also request 'minor corrections' to a significant number of conditions that apply to the Hamilton to Meremere B Underground Transmission Line Cable (K2), Te Kowhai Substation (K5), Te Kowhai Deviation A 220kV high voltage transmission line (K6), Ohinewai Switching Station (K7) and the Brownhill Road to Whakamaru North Overhead Transmission Line (K8).

I61. In summary, these 'minor corrections' involve:

- (a) updating conditions to reflect current legislation and codes of practice. Examples include:
 - replacement of the 1991 versions of the NZ Standards for the Measurement of Sound and Assessment of Environment Sound with the 2008 versions
 - replacement of the 1998 guidelines published by the International Commission on Non-Ionizing Radiation Protection with the 2010 version
 - replacement of the 1997 version of the Electricity Regulations with the 2010 Electricity Safety Regulations
 - replacement of the 2000 version of the AS/NZS Electrical Hazard on Metallic Pipelines with the 2012 version.

- (b) removing conditions relating to construction, outline plans of works, landscaping and lighting, security fencing, signs, hazardous substances, earthworks, roading, stormwater and other engineering work, traffic, health and safety, archaeology, vibration, aviation, traffic management plans, community liaison, and cost recovery (because construction is now complete)
 - (c) removing advice notes that repeat RMA requirements
 - (d) removing conditions that were for a limited duration.
162. Transpower states that these minor corrections 'do not modify the designation in any way'. However, I am concerned that these might involve substantive changes to these designations that members of the public may not have been made fully aware of, despite the publication of Transpower's notice on Council's website.
163. As one example, the effects of changing the wording of conditions for the Brownhill-Whakamaru designation can only really be understood through detailed consideration of the full wording of the designation to be clear as to whether the effects on the environment from future work (say alterations, renewals or maintenance) would still be adequately managed. However, the full wording for the existing designation was not included in Transpower's notice. Another example is Council having to assess the visual effect of any future construction on any of these designated sites and the focus of that assessment is lost through removal of the condition which requires development to occur in accordance with the approved plan.
164. Furthermore, some changes need to be evaluated through knowledge of what exists on the ground following construction, such as landscaping. It is possible that some local landowners might identify details of the construction phase that are incomplete.
165. Supportive submissions have been received, however these are from Transpower and are therefore not representative of public or landowner opinion. While I acknowledge that some changes are likely to be only minor in nature, and could be accepted as part of this hearing, my preference is that all changes be considered as a comprehensive package outside of the district plan review process. Transpower has the option of promoting these changes sought through the s181 process (alteration of a designation). The s181 process would be preferable to the district plan review process, because it would enable a more detailed engagement with affected landowners which, in turn, has potential to produce more sustainable outcomes.

1.20.1 Recommendation

166. For the above reasons, it is recommended that the hearings panel:
- a. **Recommend** to Transpower New Zealand Limited that it lodges a section 181 application to comprehensively address all alterations sought to the conditions for Designations K2, K5, K6, K7 and K8
 - b. **Recommend** to Transpower New Zealand Limited that, pending completion of (a), Designations K2, K5, K6, K7 and K8 be confirmed in the Proposed Waikato District Plan, without the alterations proposed in the notice of requirement
 - c. **Recommend** to Transpower New Zealand Limited that it confirms Designations K1 and K3 included in the Proposed Waikato District Plan, without modifications.

- d. **Recommend** to Transpower New Zealand Limited that it confirms Designation K4 in the Proposed Waikato District Plan, with modifications to be determined by the hearing panel after hearing evidence.
- e. **Reject** the submission from Transpower New Zealand Limited [576.71] and further submissions from the *Ohinewai Area Committee* [FS 1207.4 and FS1 145.12]
- f. **Accept in part** the submission from Transpower New Zealand Limited [576.70] to the extent that Designations K1, K3 and K5-K8 are recommended for confirmation as detailed above, and a recommendation on Designation K4 is dependent on evidence as to whether it is to be retained, modified or withdrawn.
- g. **Reject** the submission from Tainui Group Holdings [341.9]
- h. **Accept** the further submission from *Transpower New Zealand Limited* [FS1350.139]
- i. **Accept** the submission from Transpower New Zealand Limited [576.72].

Recommended Amendments

- a. **Add** Designation K2 to Section E: Designations, as follows:

Des #	Purpose of designation	Location	Area (ha)	Legal description
K1
<u>K2</u>	<u>Hamilton to Meremere B Underground Transmission Line Cable</u>	<u>Puketaha Road</u>	<u>1.96ha</u>	<u>Lot 1 DPS 75657, Lot 4 DPS 64084</u>
K3

15. KiwiRail Holdings Limited (L)

167. The PWDP, as notified, included these designations:

1.21 KiwiRail Holdings Limited Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
L1	North Island Main Trunk Railway				Rollover with modifications – changes to requiring authority name and railway cadastre. Submission received.
L2	East Coast Main Trunk Railway	Ruakura - Eureka			Rollover with modifications – changes to requiring authority name and railway cadastre. Submission received.
L3	Cambridge Branch Railway	Ruakura - Matangi			Rollover with modifications - changes to requiring authority name and railway cadastre. Submission received.
L4	Rotowaro Branch Line	Huntly - Rotowaro			Rollover with modifications - changes to requiring authority name and railway cadastre. Submission received.

1.21.1 Submissions

168. One submission has been received that requests:

- (a) the rollover of all existing KiwiRail designations as notified.

169. This submission was received:

Submission point	Submitter	Decision requested
986.126	KiwiRail Holdings Limited (KiwiRail)	Retain all KiwiRail designations in Section E Designations “L KiwiRail Holdings Limited” as notified AND Retain all KiwiRail designations shown on the Planning maps as notified.

1.21.2 Analysis

170. KiwiRail Holdings Limited [986.126] requests a rollover of its designations with these modifications:

- (a) replacement of the name ‘New Zealand Railways Corporation’ with ‘KiwiRail Holdings Limited’

- (b) updating the railway land cadastre so that undesignated land, surplus land or crossings over roads and watercourses are not included.

171. I note here that the PWDP, as notified, indicated the current railway cadastre on the basis of the shapefiles that KiwiRail provided to Council prior to notification. I consider that these modifications have no significance in terms of potential effects on the environment. The designations, as modified, should be recommended for confirmation.
172. KiwiRail has submitted in support of retaining all its designations, as notified.

1.21.3 Recommendation

173. For the reasons given above, it is recommended that the hearings panel:
- a. **Recommend** to KiwiRail Holdings Limited that it confirms Designations L1, L2, L3 and L4 included in the Proposed Waikato District Plan, with modifications.
 - b. **Accept** the submission from KiwiRail Holdings Limited [986.126].

16. Waikato District Council (M)

174. The PWDP, as notified, included these designations:

1.22 Waikato District Council Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
M4	Local Purpose Reserve (Electricity)	Meremere Lane	0.0384	Lot 251, DPS 47628, Whangamarino Psh, Blk VI, Maramarua SD	Rollover without modifications Submission received - amend site address
M5	Local Purpose Reserve (Drainage)	Meremere Lane	0.1239	Lot 99, DPS 47629, Whangamarino Psh	Rollover without modifications Submission received - amend site address
M6	Local Purpose Reserve (Water Supply)	Meremere Lane	0.6209	Lot 253, DPS 48226, Whangamarino Psh	Rollover without modifications Submission received - amend site address
M7	Local Purpose Reserve (Drainage)	Taniwha Street	0.0342	Lot 258, DPS 49676, Whangamarino Psh	Rollover without modifications Submission received - amend site address
M8	<u>Segregation Strip</u>	SH 1, Te Paea Avenue,	0.0061	Allot 756, Whangamarino Psh	Rollover without modifications Submission received - amend site address
M10	Waerenga Cemetery	Keith Road	2.0234	Allot 341, Whangamarino Psh	Rollover without modifications Submission received – amend site address
M11	Water Treatment Plant	Hall Road	0.3833	Pt Allots 113 & 373, Whangamarino Psh	Rollover without modifications Submission received – amend site address
M12	Limited Access Road, SH1 and Proposed Road Widening	Ohinewai North Road, Ohinewai South Road (old SH1 alignment)		<i>Note – more detailed map in former district plan maps 90 a, b & c</i>	Rollover without modifications Submission received – minor grammatical correction
M15	Rangiriri Cemetery	SH 1, Te Wheoro Road, Meremere	1.0466	Pt Allot 11, Suburbs of Rangiriri	Rollover without modifications Submission received – amend site address and legal description
M17	Matahuru Cemetery	Waiterimu Road	2.0234	Allot 42B, Whangamarino Psh	Rollover without modifications Submission received – amend site address
M18	Huntly Cemetery	Great South	4.093	Pt Allot 14A, Lot 2-3	Rollover without modifications

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
		Road, <u>Huntly</u>		Deposited Plan South Auckland 3800, CT 615329 (reference 1000059)	Submission received – amend site address
M19	Road to be Stopped	McVie Road, Huntly		Legal Road	Rollover without modifications Submission received – delete M19
M20	Recreation Reserve (Camping Ground)	Harlock Place	1.0572	Lot 44, DPS 22512	Rollover without modification Submission received – amend site address and legal description
M21	Memorial Hall	Wright Street, Huntly	0.3502	Lots 11 - 13, DPS 4896	Rollover without modification Submission received – amend site address
M23	Esplanade Reserve & Proposed Service Lane	Between Waikato River and Main Street		Allot 828 & Allot 830, Taupiri Psh, Blk XV, Rangiriri SD	Rollover without modification Submission received – delete M23
M27	Water Reservoir	Kimihia Road, Huntly	0.2031	Pt Allot 735, Taupiri Psh	Rollover without modifications Submission received – amend legal description
M28	Wastewater Treatment Plant	Eastmine Road and McVie Road	31.7	Pt 886 ,SO 58394, Pt Allots 11, 16, 812 and 814 Parish of Taupiri	Rollover without modifications Submission received – amend site address
M29	Landfill/Refuse Transfer Station	McVie Road	19.0	Pt Sec 1 SO 60419 Blk XII Rangiriri SD, Sec 1 SO 317635	Rollover without modifications Submission received – amend site address
M30	Orini Community Centre	Orini Road	0.2023	All DP 7698	Rollover without modifications Submission received – amend site address
M31	Orini Cemetery	Orini Road	0.4047	Allot 45	Rollover without modifications Submission received – amend site address and legal description
M36	Wastewater Treatment	Off Old Taupiri Road	28.2724	Lots 2 and 3, DP 11944, Lot 1, DPS 15900, Allot 321, Komakorau Psh	Rollover without modifications Submission received – amend site address
M37	Taupiri Community Centre (Part) - Greenlane	Greenlane Road	0.2034	Lots 3 & 4 DP 31023	Rollover without modifications Submission received – amend designation purpose and site address
M38	Taupiri Community Centre (Part) - Te	Te Putu Street	0.1346	Lot 4 DP 24798	Rollover without modifications Submission received – amend

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
	Putu Street				designation purpose and site address
M42	Public Carpark for 20 Cars	Great South Rd, Galileo Street, Ngaruawahia		Pt Secs 57 & 80, Newcastle Town	Rollover without modifications Submission received – delete M42
M43	Whitikahu Community Centre	Whitikahu Road	0.3086	Pt Lot 1, DP 24406 & Pt Lot 1, DP 35223	Rollover without modifications Submission received – amend site address
M44	Woodlands Historic Reserve	Whitikahu Road	5.209	Part of Pt Lot 1, DP 3535	Rollover without modifications Submission received – amend site address
M46	Horsham Downs Community Centre	Horsham Downs Road	0.1252	Lots 1 & 2, DPS 3136	Rollover without modifications Submission received – amend site address
M47	Local Purpose Reserve (Community Use)	Horsham Downs Road	0.02027	Allot 479, Kirikiriroa Psh	Rollover without modifications Submission received – amend site address, site area and legal description
M48	Gordonton Hall	Gordonton Road	0.7281	Lots 7-10, DP 284, Pt DP 284, Allots 272 & 275, Komakorau Psh	Rollover without modifications Submission received – amend site address
M49	Gordonton Cemetery	Gordonton Road	1.821	Pt Allot 233, Komakorau Psh	Rollover without modifications Submission received – amend site address and legal description
M51	Local Purposes (Aerodrome) Reserve	Raglan Harbour	10.28	Sec 2, Town of Raglan, Blk I, Karioi SD	Rollover without modifications Submission received – amend site address and legal description
M52	Wastewater Treatment	Wainui Road	17.49	Gaz 1974 p2584 (Pt Lot 1 DP 13913 and Pt Rakaunui 1C2A2), Pt Lot 1 DP 13913 SO 61238	Rollover without modifications Submission received – amend site address
M54	Recreation Reserve – Raglan Recreation Centre	Cross Street, Raglan		Secs 1, 1A, 2, 3, Whaingaroa Psh, Blk I, Karioi SD, Allot 272 Whaingaroa Psh, Sec 1 SO 360861	Rollover without modifications Submission received – amend legal description
M55	Local Purpose Reserve (Raglan Kindergarten)	Stewart Street	0.2125	Sec 13, Blk X, Raglan Town	Rollover without modifications Submission received – amend site address and legal description
M56	Water Reservoir	Bow Street	0.04	Secs 1 and 2 SO 61621	Rollover without modifications Submission received – amend site address

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
M57	Local Purpose (Plantation Reserve) and Public Utility	Raglan Harbour/Bay View Road	0.15	Part I Whaingaroa Psh, Blk II Karioi SD	Rollover without modifications Submission received – amend site address, site area and legal description
M58	Local Purpose Reserve (Public Utility) and Esplanade	Greenslade Road, Raglan	0.1781 and 0.0462	Lot 3, DPS 23318 & Pt Land Deeds Plan 589, Whaingaroa Psh, Blk II, Karioi SD	Rollover without modifications Submission received – delete M58
M59	Local Purpose Reserve	Greenslade Road, Raglan	0.31	Allot 29, Whaingaroa Psh, Blk II, Karioi SD	Rollover without modifications Submission received – amend designated purpose and legal description
M60	Puketaha Community Centre	Puketaha Road		Lot I DP 34823	Rollover without modifications Submission received – amend site address and add site area
M61	Cemetery	Cemetery Road, Whatawhata	4.0266	Sec 190A	Rollover without modifications Submission received – amend legal description
M62	Local Purpose Reserve	Butcher Road	0.5138	Lot II, DPS 37267	Rollover without modifications Submission received – delete M62
M64	Wastewater Treatment	Robinson Lane	0.05	Pt Lot 10, DPS 14513, Sec I SO 61361	Rollover without modifications Submission received – amend site address and legal description
M65	Matangi Community Centre	Tauwhare Road	0.2023	Lot I, DPS 6940	Rollover without modifications Submission received – amend site address
M67	Narrows Recreation Reserve	Airport Road	1.0431	Pt Allot 5, Tamahere Psh	Rollover without modifications Submission received – delete M67
M68	Local Purpose Reserve	Tai Patena Place, Tauwhare Paa	0.0072	Lot 7, DPS 38490	Rollover without modifications Submission received – delete M68
M69	Local Purpose Reserve	Kahui Road, Tauwhare Paa	0.3308	Lot 27 DPS 9348	Rollover without modifications Submission received – delete M69
M71	Tauwhare Community Centre	Tauwhare Road	0.0994	Lot I, DPS 1181	Rollover without modifications Submission received – amend site address
M72	Eureka Community Centre	SH 26, Hunter Road	0.2802	Pt DP 9487 & Lot I, DPS 2502	Rollover without modifications Submission received – amend site address

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
M74	Te Hoe Community Hall	Tahuna Road	0.2023	Pt Allotment 328 Taupiri Parish	Rollover without modifications Submission received – amend site address
M76	Hall	Ruawaro, Hetherington Road		Section 16, Blk X, Rangiriri SD	Rollover without modifications Submission received – amend designated purpose, site area and add site area
M79	Community Facility	Horotiu Road Te Kowhai	1.5783	Lot 1 DP 325800	Rollover without modifications Submission received – amend site address
M81	Proposed Reserve	Ngaruawahia, Duke Street	2.0234	Section 184, North Newcastle Subs, Blk VII Newcastle SD	Rollover without modifications Submission received – delete M81
M82	Reservoir	Huntly West		Sec 1 SO 60593	Rollover without modifications Submission received – add site area
M83	Reservoir	Hetherington Road		Sec 1 SO 50472	Rollover without modifications Submission received – add site area
M84	Reservoir	Hillside Heights Road		Lot 1 DPS 71607	Rollover without modifications Submission received – amend site address
M87	Raglan Cemetery	East Street, Raglan		Allot 6 & 7 Town of Raglan	Rollover without modifications Submission received – add site area and amend legal description
M88	Landfill/Proposed Recreation Reserve	SH1, Ngaruawahia	4.9778	Sec 1 SO 305281	Rollover without modifications Submission received – amend site area
M89	Reservoir /Water Treatment	Hills Road, Raglan		Pt Lot 23 Deeds Plan C 38	Rollover without modifications Submission received – amend site address and legal description and add site area
M90	Reservoir/Water Treatment - Springs	Te Hutewai Road, Raglan South	23.8815	ML 16464	Rollover without modifications Submission received – amend site address and legal description
M91	Reservoir	SH26		Sec 1 SO 61363	Rollover without modifications Submission received – amend site address and add site area
M92	Reservoir	Matangi Road		Pt Lot 2 DP 14891	Rollover without modifications Submission received – amend site address and add site area
M93	Reservoir	Ryan Road,		Lot 2 DPS 86457	Rollover without modifications

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
		Te Akau			Submission received – add site area
M94	Reservoir	Stonebridge		Lot 39 DPS 76270	Rollover without modifications Submission received – amend site address
M95	Reservoir	Springhill Road		Allot 177 Whangamarino Psh	Rollover without modifications Submission received – amend site address
M96	Reservoir	Te Kauwhata Road	3.306m ²	Pt Sec 94 Blk XV Maramarua SD	Rollover without modifications Submission received – amend site address, site area and legal description
M97	Reservoir	Hampton Downs Road		Lot 2 DPS 70094	Rollover without modifications Submission received – amend site address
M98	Reservoir (Western B)	Churchill East Road		Lot 4 DPS 85071	Rollover without modifications Submission received – add site area and amend legal description
M103	Road (Local Road)	Onion Road extension and realignment	6.02	Parts: Lot 1 DP 28933, Lot 2 DPS 87160, Lot 18 DPS 89684, Lot 3 DPS 83307, Lot 1 DPS 83306 (WDC owned) and Part North Island Main Trunk Railway (NZTA owned)	Rollover without modifications Submission received – delete M103
M105	Road	Tamahere Link Road, Tamahere	12020m ²	Lot 1 DPS 10480	Rollover without modifications Submission received – delete M105

175. Appendix 2 lists Designations M1, M2, M3, M9, M13, M14, M16, M22, M24, M25, M32, M33, M35, M39, M40, M41, M45, M50, M53, M63, M66, M70, M75, M77, M78, M85, M99, M100, M101, M102, M106, M107, M109, M110, M111, M112, M113, M114, M115 and M116 which are to be included in the decision version of the PWDP without further formality.

1.22.1 Submissions

176. Five submissions have been received that request:

- (a) correct descriptions for all Council designations in Section E
- (b) designation of the Mercer Cemetery
- (c) designation of the Mercer Reserve/Domain
- (d) designation of a site for a future wastewater treatment plant at Mercer

- (e) amendment to the designated purpose for M5I at Raglan to provide for alternative land uses.

177. These submissions were received:

Submission point	Submitter	Decision requested
697.333	Waikato District Council	Amend the District Plan references to ensure the designations listed in Section E (Designation M) are correctly referenced and that correct descriptions and legal property details are provided.
367.53	Mercer Residents and Ratepayers Committee	Add Mercer Cemetery to Section E Designations, M Waikato District Council.
367.54	Mercer Residents and Ratepayers Committee	Add Mercer Reserve/Domain to Section E Designations, M Waikato District Council.
367.55	Mercer Residents and Ratepayers Committee	Add Waste Water treatment plant in Mercer Township to Section E Designations, M Waikato District Council.
831.23	Raglan Naturally	Amend the purpose of designation M5I (Local Purpose (Aerodrome) Reserve at Raglan Harbour) to provide for alternative uses, such as sports fields.

1.22.2 Analysis

178. Waikato District Council has requested the rollover of all its designations without modification.
179. Council's own submission [697.333] requests that all designations are correctly referenced in respect to property details and legal descriptions. Consequently, feedback collated from various Council departments has resulted in an updated table of Council designations shown in Attachment 5.
180. This updated table has not carried over the following 11 designations from the OWDP because they are considered redundant:

Designation #	Designation Purpose
M19	Road to be stopped – McVie Road, Huntly
M23	Esplanade Reserve and Proposed Service Lane – between Waikato River and main street in Huntly
M42	Public carpark for 20 cars – Council building on Galileo Street, Ngaruawahia
M58	Local Purpose Reserve (public utility) and esplanade – Greenslade Road, Raglan
M62	Local Purpose Reserve – Butcher Road, Matangi
M67	Narrows Recreation Reserve – Airport Road, Tamahere
M68	Local Purpose Reserve – Tai Patena Place, Tauwhare Paa
M69	Local Purpose Reserve – Kahui Road, Tauwhare Paa

M81	Proposed Reserve – Duke Street, Ngaruawahia
M103	Road (Local Road) – Onion Road extension and alignment
M105	Road – Tamahere Link Road, Tamahere

181. I consider that the requested updates to the table have no significance in terms of potential effects on the environment, as it simply reflects an accurate record of land that Council wishes to retain as designations.
182. Mr Liam McGrath has lodged submissions [367.53, 367.54 and 367.55] on behalf of the Mercer Residents and Ratepayers Committee requesting designations for Mercer Cemetery, the Mercer Reserve/Domain and a future wastewater treatment plant. Their reason is that all other cemeteries, reserves/domains and existing wastewater plants in the district are designated.
183. I can confirm that not all cemeteries and reserves/domains in the district are designated. First and foremost, any new designation needs to be initiated by the requiring authority (WDC in this instance) through a notice of requirement process and this has not been done through the PWDP process. That aside, reserve management plans have already been developed for these sites through a statutory public process and a designation is not necessary as another management tool. For this reason, I recommend that submission points 367.53 and 367.54 be rejected.
184. Council has also not initiated any notice of requirement for a future wastewater plant at Mercer. While a body corporate manages a private wastewater system for businesses within the Mercer Service Centre and the Muddy Waters hotel, all other properties in Mercer rely on private septic tank systems. Any designation that provides for a wastewater plant would need to be supported by a robust analysis that confirms the necessity of such designation. I therefore recommend that submission point 367.55 also be rejected.
185. Ms Gabrielle Parson has submitted on behalf of Raglan Naturally [831.23] to request that the purpose of Council's Designation M51 be amended to provide for alternative uses, such as sports fields. This land, shown below, is currently designated for the purpose of a local-purpose aerodrome reserve.



186. The submitter states that *'RN Transport snapshot and many supporting comments favour use of Raglan airfield for alternative uses, such as sports fields. Despite requests from Raglan Community Board, no financial information about the airfield has ever been revealed to show whether it is making a loss or a profit, or bring a net financial gain to the area. The nearby soccer fields suffer from ponding and are become oversubscribed. So far this aspect of the snapshot has only had two unfavourable comments, but many more in support. It may become a controversial issue'*.
187. As noted above, Council is the only party who could initiate a modification to the designated purpose and this has not been done as part of the PWDP process. A designation may also not be the most appropriate process to make additional land available at Raglan for sports fields. I consider that this is a matter that the submitter should discuss directly with Parks & Reserves staff, because it falls outside the scope of this district plan review. The submitter could also consider making a submission to Council through the annual plan process.
188. As noted earlier, in the section of this report which discusses procedural matters, I seek further direction from the hearings panel as to how they wish to deal with WDC's own designations. In the interim, my recommendation is for all WDC designations to be confirmed.

1.22.3 Recommendation

189. For the reasons given above, it is recommended that the hearings panel:
- a. **Confirm** all Waikato District Council designations, as modified, and shown in Attachment 5 of this report
 - b. **Accept** the Waikato District Council submission [697.333]
 - c. **Reject** the submission from the Mercer Residents and Ratepayers Committee [367.53]
 - d. **Reject** the submission from the Mercer Residents and Ratepayers Committee [367.54]
 - e. **Reject** the submission from the Mercer Residents and Ratepayers Committee [367.55]
 - f. **Reject** the submission from Raglan Naturally [831.23].

17. Waikato Regional Airport (N)

190. The PWDP, as notified, includes Designation N1.
191. Waikato Regional Airport Limited (WRAL) requests that Designation N1 be rolled over without modification. While Hamilton Airport is in Waipa district, the obstacle limitation surface extends into Waikato district in two areas, as shown on the hard copy planning maps 27 and 32.
192. The text for this designation is shown within the grey box below.

1.23 Waikato Regional Airport Requirements

The safe operation of aircraft using the Hamilton Airport requires that there be obstacle-free air space around the airport. International specifications defining surfaces above which there must be no obstacle have been adopted by the Civil Aviation Authority of New Zealand. These surfaces are known as Obstacle Limitation Surfaces and are defined in terms of distances from the runways and heights relative to the runways.

The planned 2984 metre long main runway and the subsidiary runway and their associated runway strips are defined as follows:

1. Main Runway

The Proposed Main Runway, once extended, is 2984 metres long (including 188m long starter extensions at each end) and 46m wide.

2. Main Runway Strip

The Proposed Main Runway is contained within the main strip. The main strip is 2728m long by 300m wide. The coordinates and elevations of the four corners of the main strip, in terms of the Geodetic Datum 2000 - Mt Eden Circuit and the Moturiki Datum, are as follows:

mN	mE	Elevation
689584.61	449606.95	49.85
689500.00	449894.77	49.85
692201.79	450376.50	56.50
692117.17	450664.31	56.50

3. Existing Subsidiary Runway Strip

The existing Subsidiary Runway Strip is 748m long and 120m wide. The coordinates and elevations of the corners of the subsidiary strip, in terms of the Geodetic Datum 2000 - Mt Eden Circuit and the Moturiki Datum, are as follows:

mN	mN	Elevation
690876.23	449359.68	51.30
690756.78	449348.20	51.30
690685.32	450091.64	52.00
690804.77	450103.12	52.00

4. Proposed Realigned Subsidiary Runway Strip

It is proposed to realign the existing Subsidiary Runway Strip. The length of the realigned strip will be 720m and the width will remain at 120m. The coordinates and elevations of the realigned subsidiary strip, in terms of the Geodetic Datum 2000 – Mt Eden and the Moturiki Datum, are as follows:

mN	mN	Elevation
690896.36	449420.14	51.30
690778.96	449445.88	51.30
690951.26	450141.22	52.00
691069.02	450117.51	52.00

The Obstacle Limitation Surfaces associated with these runway strips are defined as follows:

5. Horizontal Surface

The horizontal surface is above the main runway with an elevation of 95m Moturiki Datum. The outer limits are at a locus of 4000 metres, measured from the periphery of the main strip.

6. Conical Surface

The conical surface slopes upwards and outwards from the periphery of the horizontal surface at a gradient of 1 vertical to 20 horizontal (1 in 20) to an elevation of 202m above Moturiki Datum.

7. Main Strip Takeoff and Approach Surface

There is a combined Takeoff and Approach Surface at both ends of the main strip. Each takeoff and approach surface rises upwards and outwards from the ends of the main strip at a gradient of 1 vertical to 62.5 horizontal (1 in 62.5), commencing at 56.50m above Moturiki Datum at the northern end and 49.85m above Moturiki Datum at the southern end. The takeoff and approach surface extends for a horizontal distance of 15,000m (15km). Each side of the takeoff and approach surface diverges from the extended line of each edge of the main strip at a rate of 15% of the distance from the end of the main strip.

8. Subsidiary Strip Takeoff and Approach Surface

There is a combined Takeoff and Approach Surface at both ends of the Subsidiary Strip. Each takeoff and approach surface rises upward and outwards from the ends of the subsidiary strip at a gradient of 1 vertical to 20 horizontal (1 in 20) to where it intercepts the horizontal surface. The sides of the takeoff and approach surface diverge from the extended line of each edge of the subsidiary strip at a rate of 10% of the distance from the end of the subsidiary strip.

9. Transitional Side Surfaces

These rise upwards and outwards from the sides of both the main and the subsidiary strips and the edges of each takeoff and approach surface to intercept the horizontal surface. The transitional slope for the main strip is 1 vertical to 7 horizontal (1 in 7) and the transitional slope for the subsidiary strip is 1 vertical to 5 horizontal (1 in 5). All of the above surfaces are illustrated in the planning maps.

The horizontal, conical, main runway approach surface at the northern end of the main runway and the subsidiary strip approach surface at the eastern end of the subsidiary strip extend into Waikato District. In order to ensure safe and unrestricted operation of aircraft using the airport, no building, object, structure or tree is to extend through or above these surfaces.

1.23.1 Submissions

193. Two submissions and ten further submissions have been received that request:

- (a) Removal of Designation NI from 25 sites on Matangi Road and Yumelody Lane
- (b) Removal of Designation NI from the Tamahere Eventide Retirement Village property
- (c) Retaining Designation NI without change.

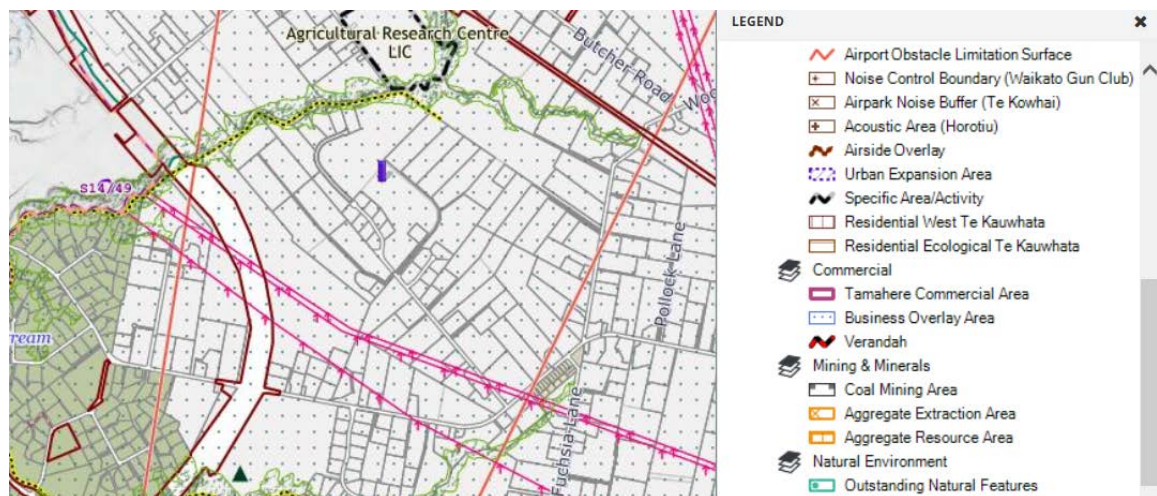
194. These submissions were received:

Submission point	Submitter	Decision requested
712.3	Bettley-Stamef Partnership	Delete all references to Designation (NI) from the 25 sites on Matangi Road and Yumelody Lane (25, 131 145, 158, 165A, 165B, 165C, 167A, 168, 171 (aka 167), 174 Matangi Road and 21A, 21B, 26, 29, 51, 54, 58, 59, 60, 61A, 61B, 61C, 62A and 62B Yumelody Lane).
FS1005.2	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Support
FS1008.1	Zane and Sheryl Bettley	Support
FS1010.1	Peter McKenzie	Support
FS1016.1	Zane Bettley	Support
FS1016.2	Zane Bettley	Support
FS1018.1	Keir Bettley	Support
FS1021.1	Ying-Peng Yu	Support
FS1021.4	Ying-Peng Yu	Support
FS1253.41	Waikato Regional Airport Ltd	Oppose

769.2	Tamahere Eventide Retirement Village	<p>Delete all references to Designation NI Airways Corporation of NZ Ltd insofar as it relates to the Atawhai Assisi site at 158 Matangi Road, Tamahere (Lot 1 DPS 21156, CTSA20A/1259) from Section E Designations and the Planning Maps.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to give effect to the submission.</p>
FS/253.42	Waikato Regional Airport Ltd	Oppose

1.23.2 Analysis

195. Waikato Regional Airport Limited (WRAL) has requested a rollover of their existing designation NI into the PWDP, without modification. This designation establishes an 'Airport Obstacle Limitation Surface' (AOLS) that controls the height of buildings and structures so that aircraft using Hamilton Airport can operate safely.
196. Bettley-Stamef Partnership [712.3] opposes the rollover of this existing designation affecting 25 sites located at Matangi Road and Yumelody Lane. A screenshot of part of the planning map and legend for this location are shown below. The land area within the orange AOLS line is affected by the WRAL's designation. This includes the 25 sites owned by the submitter and eight further submitters listed in the table above.



197. The rollover of WRAL's designation is opposed by these 25 private landowners on the basis that an airport-related designation is not relevant to activities undertaken on their properties, as they do not form part of the main runway and they have not been designated for any other purpose. They consider that Council has imposed this designation on their properties in error.
198. WRAL [FS/253.41] opposes this submission on the basis that the AOLS only restricts those obstacles that protrude above it and that this surface 'is likely to be very high in this location and unlikely to impact on the activities occurring on those sites'. WRAL states that the designation over the 25 sites is not an error.
199. I note that Rule 25.49 in the OWDP sets a maximum height of 10 metres for buildings and structures on the submitter properties. Rule 22.3.4.1 in the PWDP also sets a maximum height of 10 metres for buildings on these properties. It is expected that the AOLS height

affecting these properties would be significantly more than 10 metres, however I invite WRAL to confirm this detail at the hearing.

200. It may also be the case that the submitters have been motivated to request removal of the designation because they also seek a rezoning of their properties from Rural to Country Living. If such rezoning were to occur, a maximum building height of 7.5m would apply, which is still expected to be considerably less than the AOLS height.
201. Tamahere Eventide Retirement Village [769.2] also requests removal of Designation NI relating to their property at 158 Matangi Road at Tamahere. A screenshot of part of the planning map and legend for this location are shown below. The land area within the orange AOLS line is affected by the WRAL's designation. The submitter's property on the southern side of Matangi Road is indicated in red outline.



202. This submitter opposes this designation on the basis that their property *'does not form part of the main runway for Hamilton Airport, nor has the property been designated for any other purpose. The notation of a designation on the planning maps for the subject property would appear to be an error on Council's part and is opposed.'*
203. WRAL [FS/253.42] opposes this submission for the same reasons given in respect to the submission from the Bettley-Stamef Partnership [712.3]. That is, the AOLS only restricts those obstacles that protrude above it and that this surface *'is likely to be very high in this location and unlikely to impact on the activities occurring on those sites'*. WRAL also states that the designation affecting 158 Matangi Road is not an error.
204. Similar to the Bettley-Stamef Partnership submission, it may be the case that the Tamahere Eventide Retirement Village has been motivated to request removal of this designation because they also seek a rezoning of their property from Rural to Country Living.
205. However, irrespective of zoning, it would appear that both submitters have misunderstood the workings of this designation. I consider it appropriate for the WRAL designation to remain unchanged, as the AOLS is an important resource consent consideration for any future building that might breach the building height rule. This is because it remains critical for aircraft to safely approach, and take off from, Hamilton Airport.

1.23.3 Recommendation

206. For the reasons given above, it is recommended that the hearings panel:

- a. **Recommend** to Waikato Regional Airport Limited that it confirms Designation NI included in the Proposed Waikato District Plan, without modification.
- b. **Reject** the submission from Bettley-Stamef Partnership [712.3] and further submissions from *Tamahere Eventide Home Trust – Atawhai Assisi Retirement Village* [FS1005.2], *Zane and Sheryl Bettley* [FS1008.1], *Peter McKenzie* [FS1010.1], *Zane Bettley* [FS1016.1 and FS1016.2], *Keir Bettley* [FS1018.1] and *Ying-Peng Yu* [FS1021.1 and FS1021.4]
- c. **Accept** the further submission from *Waikato Regional Airport Limited* [FS1253.41]
- d. **Reject** the submission from *Tamahere Eventide Retirement Village* [769.2]
- e. **Accept** the further submission from *Waikato Regional Airport Limited* [FS1253.42].

18. Watercare Services Limited (O)

207. The PWDP, as notified, included these designations:

1.24 Watercare Services Limited Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
O1	Wastewater purposes - wastewater treatment plant and associated structures	Friedlander Road, Tuakau	58.7	Lot 1 DP 86893, Part Lots 1, 2 DP 48497, Lot 2 DP 143271	Rollover with modifications – amendment to designation purpose No submissions received
O2	Feed tank for water supply purposes (Waikato 1 Watermain and Tanks)	Trig Road, Tuakau		NZMS 260 R12 863 350 on Allotment 92, Parish of Tuakau	Rollover with modifications – amendment to planning map to correspond with existing designated area No submissions received
O3	Water supply purposes - Headworks Service Lands	Hunua Dams		CT 17A/877, all CT's 18B/242, 18D/1198, 19C/633, 19D/1093, 20B/925, 22C/1211, 23C/1470, 25A/313, 25A/314, NZ Gazette Doc A404052 and NZ Gazette 1973 p357	Rollover with modifications – amendment to planning map to correspond with existing designated area No submissions received

208. Appendix 2 lists Designations O4, O5, O6, O7 and O8 which are to be included in the decision version of the PWDP without further formality.

1.24.1 Analysis

209. Watercare Services Limited has requested a rollover of their existing designations with these modifications:

- (a) amendments to the designated purpose that reflect modern terminology for their facilities
- (b) amendments to planning maps to correspond with areas that are already designated.

210. No new conditions are sought.

211. I consider that these modifications have no significance in terms of potential effects on the environment. The designations, as modified, should be recommended for confirmation.

1.24.2 Recommendation

212. For the above reasons, it is recommended that the hearings panel:

- a. **Recommend** to Watercare Services Limited that it confirms Designations O1, O2 and O3 included in the Proposed Waikato District Plan, with the modifications requested.

19. Minister of Corrections (P)

213. The PWDP, as notified, included this designation:

1.25 Minister of Corrections Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
PI	Spring Hill Corrections Facility	Hampton Downs Road, Hall Rd	214.8155	Lots 2 and 3 DPS 45006, Lot 1 DPS 10284, Lot 1 DPS 49015, Lot 1 DPS 18591 and Lot 2 DPS 91891	Rollover with modifications – removal or update of existing designation conditions Submissions received.

1.25.1 Submissions

214. Two submissions and two further submissions have been received that:

- (a) request the maintenance of all mitigation plantings for the duration of Springhill Prison's operation
- (b) request no change to the designation condition which deals with mitigation plantings
- (c) request an update to designation conditions to reflect Heritage New Zealand Pouhere Taonga and require that authority, rather than Council, to deal with archaeological matters.

215. These submissions were received:

Submission point	Submitter	Decision requested
412.1	David Saxton	Require the Department of Corrections to maintain all mitigation plantings associated with Springhill Prison for as long as the prison exists. AND Amend the Proposed District Plan to apply a "Significant Natural Area" map annotation to the native plantings at Springhill Prison.
<i>FS1210.1</i>	<i>Department of Corrections</i>	<i>Oppose</i>
559.242	Heritage New Zealand Lower Northern Office	Amend condition 5 of designation for the Minister of Corrections as follows: 5.0 Archaeological 5.1 If any urupa, traditional sites, taonga (significant artefacts), koiwi (human remains), or other archaeological sites are exposed during site works the following procedures shall apply:

		<p>a. Immediately it becomes apparent that an urupa, traditional site, taonga, koiwi or other archaeological site has been exposed, all site works in the immediate vicinity shall cease;</p> <p>b. The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are not further disturbed; and</p> <p>c. The site supervisor shall notify the Waikato Raupatu Lands Trust and a nominated Ngati Naho hapu representative, the New Zealand Historic Places Trust, Heritage New Zealand Pouhere Taonga, the Department of Conservation, the Waikato District Council, the Waikato Regional Council and in the case of human remains, the New Zealand Police, that an archaeological or traditional site has been exposed so that appropriate action can be taken. This includes such persons being given reasonable time as determined by the Waikato District Council to record and recover archaeological features discovered before work may recommence on the site. The Minister of Corrections shall not be in breach of this condition if Ngati Naho hapu does not nominate or cannot agree to a representative.</p>
FS1210.2	Ara Poutama Aotearoa (Department of Corrections)	Support

1.25.2 Analysis

216. I deal first with the Department of Corrections' request to roll over their existing designation for Springhill Prison, with modifications to various conditions. No change is made to the spatial extent of this designation and no new conditions are sought.
217. In summary, they consider that conditions relating to the following matters are now redundant because the facility has been operational for a decade:
- compliance with plans
 - formation of a community liaison group
 - pre-works consultation
 - implementation of landscaping
 - construction traffic management
 - earthworks management
 - upgrading of the Te Kauwhata wastewater treatment plant
 - directional signage.
218. They state that the removal of redundant conditions *'will result in a more efficient package of planning requirements relating to Springhill Prison'*.
219. However, I am concerned that these modifications might involve substantive changes to the designation for Springhill Prison that members of the public may not have appreciated,

despite the publication of the notice from the Department of Corrections on Council's website.

220. One example is Council having to assess the visual effect of any future building on the Springhill Prison site, and the focus of that assessment is lost through removal of the condition which requires development to occur in accordance with the approved plan.
221. Furthermore, some changes need to be evaluated through knowledge of what exists on the ground following construction, such as landscaping. In this regard, I note that one submission has been received requesting that all landscaping be maintained. It is also possible that some local landowners might identify details of the construction phase that are incomplete.
222. While I acknowledge that some changes are likely to be only minor in nature, and could be accepted as part of this hearing, my preference is that all changes be considered as a comprehensive package outside of the district plan review process. This would involve the Department of Corrections promoting these changes sought through the s181 process (alteration of a designation) to enable a more detailed engagement with affected landowners which, in turn, has potential to produce more sustainable outcomes.
223. Furthermore, Council's monitoring staff have recently brought to my attention that the Department of Corrections is seeking an amendment to their designation condition 4.2 which was not included in the notice they lodged for the PWDP. This condition currently reads:

4.2 The puna (springs) shown on Figure 4 dated December 2003 shall be fenced off and protected from construction works, including earthworks. There shall be no future building development or earthworks within 5m of any of the puna, unless agreed between the Minister and the Waikato Raupatu Lands Trust, Ngati Naho Co-operative Society Limited and Horahora Marae Trust.
224. Because some of the named parties in this condition have changed since the designation was granted, the Department of Corrections is seeking an update to provide flexibility as the names of parties change over time. In my view, while this request sits outside the PWDP process, it can be packaged with all other alteration requests as part of a section 181 process.
225. I turn next to the submissions received. Mr David Saxton [412.1] owns property at 254 Hall Road, immediately south of Springhill Prison. His submission requests that the Department of Corrections be required to maintain all mitigation plantings while the prison exists. However, his submission does not state whether or not he is dissatisfied with the landscape planting done to date.
226. The Department of Corrections [FS1210.1] opposes this submission as they correctly advise that the maintenance of required plantings is already required as a condition of the consented prison designation. Designation conditions are similar to resource consent condition, must be complied with by a requiring authority and Council monitors such compliance on a regular basis. The district plan review process is therefore not the appropriate forum to deal with this matter.
227. The second leg of Mr Saxton's submission requests that the native plantings at Springhill Prison be mapped as a Significant Natural Area. This request has been allocated for consideration at later Hearing 21 which will tentatively commence in August 2020.

228. Heritage New Zealand [559.242] requests various amendments to existing condition 5.1 for the Springhill Prison designation as shown in the table above.
229. These amendments correctly refer to the updated naming of the heritage authority, as required by the Heritage New Zealand Pouhere Taonga Act 2014. It is also considered appropriate for Heritage New Zealand, rather than Council, to be responsible for the process of recording and recovering discovered archaeological features. The Department of Corrections [FS1210.2] supports these amendments on the basis that they align with the Heritage New Zealand Pouhere Taonga Act 2014.

1.25.3 Recommendation

230. For the above reasons, it is recommended that the hearings panel:
- Recommend** to the Minister of Corrections that it confirms Designation PI included in the Proposed Waikato District Plan, with the only modification involving condition 5.1 shown below.
 - Recommend** to the Minister of Corrections that it lodges a section 181 application to comprehensively address all alterations sought to the conditions for Designation NI.
 - Reject** the submission from David Saxton [412.1]
 - Accept** the further submission from the *Department of Corrections* [FS1210.1]
 - Accept** the submission from Heritage New Zealand Lower Northern Office [559.242] and further submission from the *Department of Corrections* [FS1210.2]

1.25.4 Recommended amendment

- a. **Amend** condition 5.1 of the existing designation for Springhill Prison (PI) as follows:

5.0 Archaeological

5.1

If any urupa, traditional sites, taonga (significant artefacts), koiwi (human remains), or other archaeological sites are exposed during site works the following procedures shall apply:

- Immediately it becomes apparent that an urupa, traditional site, taonga, koiwi or other archaeological site has been exposed, all site works in the immediate vicinity shall cease;*
- The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are not further disturbed; and*
- The site supervisor shall notify the Waikato Raupatu Lands Trust and a nominated Ngati Naho hapu representative, ~~the New Zealand Historic Places Trust, Heritage New Zealand Pouhere Taonga,~~ the Department of Conservation, the Waikato District Council, the Waikato Regional Council and in the case of human remains, the New Zealand Police, that an archaeological or traditional site has been exposed so that appropriate action can be taken.*

~~*This includes such persons being given reasonable time as determined by the Waikato District Council to record and recover archaeological features discovered before work may recommence on the site.*~~ The Minister of Corrections shall not be in breach of this condition if Ngati Naho hapu does not nominate or cannot agree to a representative.

20. EL Networks Limited (Q)

231. The PWDP, as notified, includes these designations:

1.26 WEL Networks Limited Requirements

Des #	Purpose of designation	Location	Area	Legal description	Status
Q1	Finlayson Substation	Finlayson Road, Kopuku	1008m ²	Lot 1 DP 359331	Rollover with modifications – amendments to designation purpose, site area and legal description No submissions received
Q2	Ngaruawahia Substation	188A Ngaruawahia Road, Ngaruawahia	1595m ²	Lot 1 DP 392665	Rollover with modifications – amendments to designation purpose, site area and legal description No submissions received
Q4	Hampton Downs Substation	43 (old) Hampton Downs Road, Hampton Downs	1192m ²	Lot 1 DP 419130	Rollover with modifications – amendments to site address, site area and legal description No submissions received
Q5	Whatawhata Substation	Kakaramea Road, Whatawhata	1014m ²	Lot 1 DP 417339	Rollover with modifications – amendments to designated purpose, site area and legal description No submissions received
Q7	Te Uku Wind Park Switching Station	Van Houtte Road, Te Uku	1.01 ha	Part of Sec 1 BLK VII Karioi SD	Rollover with modifications – site area and legal description added No submissions received
Q10	Raglan Substation	2A Hills Road	1362m ²	Lot 2 DP 429135 and part of Lot 1 DP 429135	Rollover with modifications – amendments to designated purpose, site address, site area and legal description No submissions received
Q11	Weavers Substation	Rotowaro Road, Huntly	1833m ²	Part of Section 1, 17-18, 22, 24 Survey Office Plan 374718	Rollover with modifications – amendment to site address and legal description added No submissions received
Q12	Horotiu Substation	Horotiu Road, Horotiu	1435m ²	Lot 1-2 and Lot 4-5 DPS 83206	Rollover with modifications – amendments to site address and legal description No submissions received
Q13	Gordonton Substation	1320 Gordonton Road	1115m ²	Lot 1 DPS 16335	Rollover with modifications – amendments to site address and legal description No submissions received
Q14	Glasgow Substation	15 Glasgow Street, Huntly	4047m ²	Part 1A DP 1188	Rollover with modifications – amendments to site address, site area and legal

Des #	Purpose of designation	Location	Area	Legal description	Status
					description No submissions received
Q15	Hoeka Substation	9 Hoeka Road, Matangi	1403m ²	Lot 2 DP 461355	Rollover with modifications – amendment to site address No submissions received
Q16	Wallace Substation	102 Wallace Road, Dinsdale	832m ²	Lot 1 DPS 6966	Rollover with modifications – amendment to designated purpose and site area No submissions received
Q17	Te Uku Substation	State Highway 23, Te Uku	835m ²	Lot 1 DPS 8209 SA2B/252	Rollover with modifications – site area added No submissions received

232. Appendix 2 lists Designations Q3, Q8 and Q9 which are to be included in the decision version of the PWDP without further formality.

1.26.1 Analysis

233. WEL Networks Limited has requested a rollover of their existing designations with these modifications:

- (a) amendments to the designated purpose
- (b) amendments regarding site address, site area and legal descriptions.

234. No new conditions are sought and the modifications will not increase the extent of any designation.

235. I consider that these modifications have no significance in terms of potential effects on the environment. The designations, as modified, should be recommended for confirmation.

1.26.2 Recommendation

236. For the above reasons, it is recommended that the hearings panel:

- a. **Recommend** to WEL Networks Limited that it confirms Designations Q1, Q2, Q4, Q5, Q7, Q10, Q11, Q12, Q13, Q14, Q15, Q16 and Q17 included in the Proposed Waikato District Plan, with the modifications requested.

21. First Gas Limited (R)

237. The PWDP, as notified, included this designation:

1.27 First Gas Limited Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
R1	Gas transmission pipelines	That part of Waikato District between Rotowaro and East Tamaki			Rollover without modification Submissions received

1.27.1 Submissions

238. Two submissions have been received that:

- (a) request that Designation R1 be retained as notified
- (b) query whether Designation R1 has expired.

239. These submissions were received:

Submission point	Submitter	Decision requested
945.50	First Gas Limited	Retain Designation R1 being gas transmission pipelines within the District Plan Maps.
74.1	Graham Hunkin	No specific decision requested, but submission questions the necessity of the designation held by Vector Gas Limited (Designation R1), particularly at the property at 185 Brown Road, Tuakau. The submission refers to Section 184 of the Resource Management Act which relates to the lapsing of the designation.

1.27.2 Analysis

240. First Gas Limited has requested a rollover of its designation within Waikato District, without modification, to provide for its gas transmission lines running between Rotowaro and East Tamaki. A submitter suggests the designation has lapsed. This issue requires consideration of the scope of the designation when it was approved in 2004.

241. First Gas [945.50] has also submitted in support of retaining the gas pipeline designation with this statement:

2.3 Designated Assets

First Gas is the Requiring Authority for an area of land designated within the District as R1 identified as gas transmission pipeline on the proposed District Plan maps. The designation ranges in width from 6m to 25m and is for the purpose of protecting the existing 400mm line. This designation has been given effect to and First Gas seeks that this designation is rolled over.

242. My understanding is that the existing gas pipeline is protected by an existing easement, in favour of First Gas, registered against properties between Rotowaro and East Tamaki. It is

also my understanding that the designation ‘overlaps’ this easement. It would be helpful for First Gas to confirm this situation at the hearing and explain how the designation provides a different type of protection for this existing pipeline when compared with the easement.

243. It would appear that First Gas is relying on the existing gas pipeline as the basis for them stating that their designation has been given effect. In my view, this depends on the terms of the original 2004 notice of requirement. In this regard, I note that the NGC Pipeline Decision (Appendix 3) states this:

**NGC PIPELINE DESIGNATION DECISION - ROTOWARO TO EAST TAMAKI
FRANKLIN DISTRICT**

The designation by NGC New Zealand Limited (NGC) of land within the Franklin District is for:

- (a) The operation, maintenance, upgrade and renewal of the existing 350mm diameter gas transmission pipeline and all ancillary structures and activities associated with these works for transportation of natural gas; and
 - (b) The design, construction, operation, maintenance and renewal of a new pipeline generally alongside the existing pipeline and all ancillary structures and activities associated with these works for transportation of natural gas.
244. Mr Graham Hunkin [74.1], whose property at 185 Brown Road contains the existing pipeline, queries whether the consent for the designation remains live. His submission contains various correspondence that he received from Vector on 27 November 2006, 27 November 2007 and 9 June 2009, which stated expected construction dates. The last correspondence on 9 June 2009 stated that:

“There still remains some uncertainty regarding developments in the electricity generation industry and future timing of new power generation projects. Until there is confirmation of power generation projects or other additional gas requirements Vector are unable to give a indication of the construction timing.

We will continue to update you on this however we can confirm that construction is likely to be more than one year away.”

245. Section 184 of the RMA sets out the circumstances for when a designation has lapsed:

184 Lapsing of designations which have not been given effect to

- (1) A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—
 - (a) it is given effect to before the end of that period; or
 - (b) the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or
 - (c) the designation specified a different period when incorporated in the plan.
- (2) Where paragraph (b) or paragraph (c) of subsection (1) applies in respect of a designation, the designation shall lapse on the expiry of the period referred to in that paragraph unless—
 - (a) it is given effect to before the end of that period; or
 - (b) the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection.
- (3) A requiring authority may object, under [section 357](#), to a decision not to fix a longer period for the purposes of subsection (1).

Section 184(1): amended, on 7 July 1993, by [section 98](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 184(3): inserted, on 10 August 2005, by [section 90](#) of the Resource Management Amendment Act 2005 (2005 No 87).

246. Other than correspondence to landowners between 2006 and 2009, it is unclear what progress had been made by First Gas in respect to satisfying the designation conditions. However, I consider this to be a moot point because while no physical works have been carried out to date in respect of the new (additional) gas pipeline, I conclude that this designation has been given effect by virtue of First Gas operating the existing pipeline.
247. There are no other issues in regard to rolling over this designation. I consider there are no significant effects on the environment by allowing this requirement.

1.27.3 Recommendation

248. For the above reasons, it is recommended that the hearings panel:
- a. **Recommend** to First Gas Limited that it confirms Designation R1 included in the Proposed Waikato District Plan, without modifications.
 - b. **Accepts** the submission from First Gas Limited [945.50]
 - c. **Rejects** the submission from Graham Hunkin [74.1].

22. Radio New Zealand Limited (S)

249. The PWDP, as notified, includes this designation:

1.28 Radio New Zealand Limited Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
SI	Radio communication and telecommunication (including broadcasting) and ancillary purposes and land uses	868 Piako Road, Gordonton	4 (approx)	Parts of each of Lot 1 DP 21430, Lot 2 DP 91161, Lot 1 DP 2077 and Lot 1 DP 92389	Rollover without modifications Submission received

1.28.1 Submissions

250. One submission has been received from Radio New Zealand Limited that requests that:

- (a) Designation SI be retained as notified.

Submission point	Submitter	Decision requested
777.14	Radio New Zealand Limited	Retain the SI designation for Radio New Zealand Limited and the wording for this designation as notified.

1.28.2 Analysis

251. Radio New Zealand Limited has requested a rollover of their existing designation into the PWDP, without modification. This designation relates to an existing radio transmission facility located at 868 Piako Road, Gordonton. No conditions are sought.
252. This requiring authority has also submitted [777.14] in support of retaining this designation, as notified.
253. This designation can be confirmed, without modification.

1.28.3 Recommendation

254. For the reasons given above, it is recommended that the hearings panel:
- Accept** the submission from Radio New Zealand Limited [777.14]
 - Recommend** to Radio New Zealand Limited that it confirms Designation SI included in the Proposed Waikato District Plan, without modification.

23. Auckland Council (T)

255. The PWDP, as notified, includes this designation:

1.29 Auckland Council Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
T1	Regional Park			<p>Lot 1 DP 52965, Lot 1 DP 30899, Part Kiripaka Block, Part Kiripaka Block Defined on DP 2712, Wharekawa 4A2 Block, Wharekawa 4C1 Block, Wharekawa 4C2A1 Block, Lot 1 DP 47346, Wharekawa 4C2B1 Block, Wharekawa 4C2C Block, Wharekawa 4C3A2 Block, Wharekawa 4C3C2 Block, Wharekawa 4C3D Block, Wharekawa 4C3B Block, Wharekawa 4C3C1 Block, Wharekawa 5B North Block 1, Wharekawa 5B North 2 Block, Lots 1-2 DP 26151, Part Lot 5 and Part Lot 8-9 Deeds Plan 71 Blue, Section 1-3 Block XIII Wairoa Survey District, Lot 1 DP 29892, Lot 2 DP 33851, Lot 1-9 and Lot 13 DP 49440, Part Allotment 5-7, Allotment 23-24, Part Allotment 48-50, Part Allotment 54, Allotment 55-57, Allotment 59, Allotment 59A, Part Allotment 60, Allotment 60A, Allotment 60B, Allotment 60C, Part Allotment 61, Allotment 61B, Allotment 62, Allotment 62A, Allotment 62B, Part Allotment 63, Allotment 63A, Allotment 64, Part Allotment 65A, Part Allotment 67, Part Allotment 71, Allotment 74, Allotment 78, Part Allotment 79, Part Allotment 95 Parish of Otau, DP 22905, Allotment 97, Allotment 97A, Allotment 99, Part Allotment 100A, Allotment 102-103, Allotment 105, Allotment 110, Allotment 117, Allotment 122-131, Allotment 142-152 and Allotment 155-169 Parish of Otau.</p>	<p>Rollover with modifications – amendments to designated purpose, legal descriptions and planning maps</p> <p>No submissions received</p>

1.29.1 Analysis

256. Auckland Council has requested that their existing designation be rolled over with these modifications:

- (a) amended designated purpose
- (b) incorporation of areas that are presently designated by Watercare
- (c) removal of an area held by the Department of Conservation.

257. I understand that this designation covers part of the Hunua Regional Park in Waikato District. The location details are omitted from this table, but could be usefully included. I invite Auckland Council to comment on this suggestion.

258. No new conditions are sought. I consider that these modifications have no significance in terms of potential effects on the environment. This designation, as modified, should be recommended for confirmation.

I.29.2 Recommendation

259. For the reasons given above, it is recommended that the hearings panel:

- a. **Recommend** to Auckland Council that it confirms Designation T1 included in the Proposed Waikato District Plan, with the modifications requested.

24. Chorus New Zealand Limited (U)

260. The PWDP, as notified, includes these designations:

1.30 Chorus New Zealand Requirements

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
U1	Telecommunication and radio communication and ancillary purposes	Mercer Exchange and Old Post Office (10270), Great South Road, Mercer	0.0680	Lot 6 DP 182264 (CFR NA113B/959) and Lot 2 DP 136601 (CFR NA80C/208)	Rolled over with modifications – amendments to designated purpose, site area and legal description No submissions received
U2	Telecommunication and radio communication and ancillary purposes	Otaua Exchange (10272), Maioro Road, Otaua	0.0245	Lot 1 DP 34095 (CFR NA78D/480)	Rolled over with modification – amendment to designated purpose and legal description No submissions received
U3	Telecommunication and radio communication and ancillary purposes	Mangatangi Exchange (10281), Miranda Road, Mangatangi	0.0268	Allotment 235 Parish of Koheroa (CFR NA75B/764)	Rolled over with modifications – amendments to designated purpose and legal descriptions No submissions received
U4	Telecommunication and radio communication and ancillary purposes	Pokeno Exchange (10286), Avon Road, Pokeno	0.0278	Part Lot 1 DP 27305 (CFR NA78D/508)	Rolled over with modifications – amendments to designated purpose and legal description No submissions received
U5	Telecommunication and radio communication and ancillary purposes	Port Waikato Exchange (10287), 2 Ashwell Drive, Port Waikato	0.1008	Lot 1 DP South Auckland 23882 (CFR SA46D/424)	Rolled over with modifications – amendments to designated purpose and legal description No submissions received
U6	Telecommunication and radio communication and ancillary purposes	Onewhero Exchange (10317), corner of Hall Road and Onewhero-Tuakau Bridge Road, Onewhero	0.0203	Sec 1 SO 58414 (CFR SA46D/164)	Rolled over with modifications – amendments to designated purpose and legal description No submissions received
U7	Telecommunication and radio communication and ancillary purposes	Glen Murray Exchange (10319), corner of Waikaretu Valley Road and Highway 22, Glen Murray	0.0248	Lot 1 DP South Auckland 56446 (CFR SA46D/153)	Rolled over with modification – amendments to designated purpose, site area and legal description No submissions received
U8	Telecommunication and radio	Pukekawa Exchange (10320), McKenzie	0.1239	Part Lot 2 DP South Auckland 7	Rolled over with modification – amendments to designated purpose

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
	communication and ancillary purposes	Road		(CFR SA46D/762)	and legal description No submissions received

1.30.1 Analysis

261. Chorus New Zealand Limited has requested a rollover of its eight existing designations with these modifications:

- (a) replacement of text that reads 'As Above' for the designated purpose, with 'telecommunication and radiocommunication and ancillary purposes'
- (b) corrections to legal descriptions.

262. No new conditions are sought. I consider that these modifications have no significance in terms of potential effects on the environment. These eight designations, as modified, should be recommended for confirmation.

1.30.2 Recommendation

263. For the reasons given above, it is recommended that the hearings panel:

- a. **Recommend** to Chorus New Zealand Limited that it confirms Designations U1, U2, U3, U4, U5, U6, U7 and U8 included in the Proposed Waikato District Plan, with the modifications requested.

1.31 Chorus New Zealand Limited - Notice of Requirement

264. Chorus New Zealand Limited (Chorus) has lodged a notice of requirement to designate 25 sites listed in the table below. Although these sites have been established with telecommunication and radio communication facilities for a considerable time, they are currently not designated. These sites are not fundamentally different in their general form from Chorus' eight sites subject of their rolled over designations.

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
U9	Telecommunication and radio communication and ancillary purposes	2002 State Highway 2, Maramarua	0.0255	Pt Lot 2 DP 31656	(New) NoR No submission received
U10	Telecommunication and radio communication and ancillary purposes	219 Hunter Road, Eureka	0.0279	Blk XVI being Pt New Zealand Loan and Mercantile Grant	(New) NoR Submission received
U11	Telecommunication and radio communication and ancillary purposes	962 Gordonton Road, Gordonton	0.0278	Part Lot 1 DP 3435	(New) NoR No submission received
U12	Telecommunication and radio communication and ancillary purposes	Between 36 and 44 Horotiu Road, Horotiu	0.1012	Lot 2 DP 10993	(New) NoR No submission received
U13	Telecommunication and radio communication and	Adjacent to 7 Henderson Road,	0.0278	Part Lot 1A DP 7516	(New) NoR Submission received

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
	ancillary purposes	Horsham Downs			
U14	Telecommunication and radio communication and ancillary purposes	44 William Street, Huntly	0.1695	Lot 12 DP 1188	(New) NoR No submission received
U15	Telecommunication and radio communication and ancillary purposes	608 Matangi, Matangi	0.0164	Lot 2 DPS 63287	(New) NoR No submission received
U16	Telecommunication and radio communication and ancillary purposes	816 Matahuru Road, Maungakawa	0.1011	Section 1 SO 47089	(New) NoR No submission received
U17	Telecommunication and radio communication and ancillary purposes	Private access track off Rutherford Road at rear of Pizzini Road, Orini	0.1233	Part Lot 2 DP 19278	(New) NoR Submission received
U18	Telecommunication and radio communication and ancillary purposes	Land between 16 and 20 Jesmond Street, Ngaruawahia	0.1111	Allot 42 Town of Newcastle	(New) NoR No submission received
U19	Telecommunication and radio communication and ancillary purposes	1327 Orini Road, Netherby	0.1012	Deposited Plan 12495	(New) NoR No submission received
U20	Telecommunication and radio communication and ancillary purposes	9 Wainui Road, Raglan	0.1012	Lot 6 DP 8090	(New) NoR No submission received
U21	Telecommunication and radio communication and ancillary purposes	Adjacent to 1157 Hetherington Road, Rotongaro	0.0270	Pt Section 5 Blk IX Rangiriri	(New) NoR No submission received
U22	Telecommunication and radio communication and ancillary purposes	42 Great South Road, Taupiri	0.0278	Section 1 SO 45477 & Closed Road Survey Office Plan 37654	(New) NoR No submission received
U23	Telecommunication and radio communication and ancillary purposes	1117 Tauwhare Road	0.0279	Pt Lot 3 DP 2903	(New) NoR Submission received
U24	Telecommunication and radio communication and ancillary purposes	1 Saleyard Road, Te Kauwhata	0.0494	Section 1 SO 58163	(New) NoR No submission received
U25	Telecommunication and radio communication and ancillary purposes	729-733 Te Kowhai Road, Te Kowhai	0.0278	Part <u>Allotment</u> 86 Horotiu Parish	(New) NoR No submission received
U26	Telecommunication and radio communication and ancillary purposes	Between 773 and 767 Te Mata Road, Te Mata	0.0278	Pt Lot 2 DP 18766	(New) NoR No submission received
U27	Telecommunication and	Van Houtte Road,	0.6571	Pt Section 1 Block	(New) NoR

Des #	Purpose of designation	Location	Area (ha)	Legal description	Status
	radio communication and ancillary purposes	Te Uku		VII Karioi	No submission received
U28	Telecommunication and radio communication and ancillary purposes	Junction of Ohautira Road and State Highway 23, Te Uku	0.0529	Pt <u>Allotment</u> 130B Whaingaroa	(New) NoR No submission received
U29	Telecommunication and radio communication and ancillary purposes	Adjacent to 1114 Waerenga Road, Waerenga	0.0278	Blk IX Piako SD being Part Lot DP 29336	(New) NoR No submission received
U30	Telecommunication and radio communication and ancillary purposes	76 Tahuna Road, Ohinewai	0.0276	Pt Allot 348, Parish of Taupiri	(New) NoR No submission received
U31	Telecommunication and radio communication and ancillary purposes	Adjacent to 1334 Whatawhata Road, Whatawhata	0.0367	Part Section 14 Block III Alexandra SD	(New) NoR No submission received
U32	Telecommunication and radio communication and ancillary purposes	49 Harris Street, Huntly West	0.0286	Part Lot 9 DPS 316	(New) NoR No submission received
U33	Telecommunication and radio communication and ancillary purposes	4 St Stephens Avenue, Tuakau	0.0520	Lot 2 DP 137554	(New) NoR No submission received

1.31.1 Submissions

265. Four submissions have been received on the notice of requirement that request:

- (a) amendment to the legal description and planning map for Designation U17
- (b) amendment to the planning map for Designation U10
- (c) clarification as to whether the requiring authority for Designation U13 is Chorus or Transpower
- (d) exclusion of any future cellphone/transmitter tower for Designation U23.

266. These submissions have been received:

Submission point	Submitter	Decision requested
648.42	Chorus New Zealand Limited	Amend the legal description in the designation schedule for designation U17 at Mt Pukemore to Pt Lot 1 and Pt Lot 2 DP 19278 to the full extent of the Chorus property as shown on the plans included in the Notice of Requirement and attached to the submission AND Amend the designation maps for Designation U17 at Mt Pukemore. AND Any consequential amendments necessary as a result of the amendments to grant the relief sought.

648.43	Chorus New Zealand Limited	Amend the planning maps by adding the designation boundaries for U10 at 217 Hunter Road, Eureka in accordance with the extent of the designation included in the Notice of Requirement and additional information (see submission for map). AND Any consequential amendments necessary as a result of the amendments to grant the relief sought.
761.2	Lyndendale Farms Limited	Amend to clarify whether the requiring authority for Designation U13 is Chorus New Zealand or Transpower New Zealand. AND Amend the Proposed District Plan to make any consequential amendments that are required to give effect to the submission.
165.1	Janice Boot	Amend designation U23 (1117 Tauwhare Rd) to exclude the possible future cell phone transmitter/tower.

1.32 Analysis of Notice of Requirement

267. All of Chorus' proposed 25 designations relate to well-established telecommunication sites which are strategic assets of the Chorus local access network. Chorus say that they require these designations to ensure the ongoing security and resilience of essential services, and to provide for flexibility for the networks to adapt to changing technologies and community expectations.
268. Chorus states that a range of different equipment may be required on these sites to support telephone and internet services which may be by fixed line and/or wireless means and includes:
- a building for housing equipment
 - a mast or masts to support antennas
 - antennas
 - backup electricity generators (engine alternators) and associated diesel fuel storage
 - air conditioning plant
 - on-site parking for technicians
269. I note Chorus' statement that the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF) provide for a range of permitted activities in regard to lines, cabinets and radio frequency generating facilities (including radio frequency exposures). They say, in some instances, the NESTF will regulate the same activities as those provided for in the proposed designations. In other circumstances, the activities enabled by the proposed designations are not regulated by the NESTF (e.g. buildings, noise, new masts and antennas in zones, other than rural zones).
270. Under s43D of the RMA, a national environmental standard prevails over a designation where the designation is made after the national environmental standard came into effect. Chorus' proposed designation conditions are therefore designed to align with the NESTF

standards where practicable. In circumstances where the designation conditions and NESTF are in conflict, under the current RMA provisions, the NESTF standards prevail.

271. Chorus proposes designation conditions that vary depending on the general sensitivity of the zone in which the designated site is located. In summary, these conditions address:
- height limits for new masts and antennas (excluding lightning rods)
 - a height in relation to boundary control where sites are adjacent to residential zones
 - height limits above rooflines for antennas mounted on buildings
 - noise limits for new equipment (excluding engine alternators) at residential zone boundaries: L_{eq} 40/50 dB(A) night time/day time
 - cumulative noise limits not exceeding existing levels where noise limits are exceeded by existing equipment
 - employment of the best practicable option for any new or upgraded engine alternators
 - adoption of the best practicable option to avoid unreasonable noise from the site
 - radiofrequency exposures complying with NZS2772.1:1999 and the National Environmental Standard for Telecommunications
272. I have considered the requirements of s171 of the RMA and agree with the majority of Chorus' analysis that supports their new designations. I also consider that the most of the proposed conditions are appropriate to manage the environmental impact from future developments on these sites. There are just three matters that require further assessment.
273. The first matter concerns any future mast/antenna on 9 Wainui Road at Raglan (Designation U20). This designation is directly under the sight line of the Raglan navigation beacons, shown on the planning maps (hard copy map 23.5.) I have analysed the height restriction plane for the Raglan navigation beacons (from a previous resource consent for this site) and have determined that a height plane applies to this property, which slopes between 10.3m and 12.9m above ground level. Therefore, any building or structure that extends beyond that height plane would be a prohibited activity in terms of Rule 17.1.1.
274. The district plan provisions and policy statements are a relevant consideration under RMA section 171(1)(a). It is clear that if a 'standard' 15m mast were to be constructed on this site, it could obstruct the beacons view shaft, with obvious health and safety risks to the boating public. A mast of this height would therefore undermine Rule 17.1.1 and Policy 6.1.15, which reads: "Avoid obscuring navigational beacons and associated view shafts at Raglan Harbour (Whaingaroa)". I consider that the rule should prevail over the designation.
275. I acknowledge Chorus' proposed condition 6 specific to Designation U20 that ensures the maximum height of a mast does not protrude into the beacon sightline. I have recommended a minor amendment to the wording which would require Chorus to survey the position of any new building or structure before any construction occurs, and adding an advisory note as follows:

Advice Note: Rule 17.1.1 of the Proposed Waikato District Plan, which protects the sightlines of the Raglan Navigation Beacons, is a coastal protection rule in terms of the NESTF regulation 51. Therefore, under regulation 56, the rule prevails over the NESTF which otherwise permits a 15m high mast.

276. The second matter concerns U5 (608 Matangi Road) which is a property near the outer edge of the obstacle limitation surface for Hamilton Airport subject of Designation N1. A maximum height limit of 10m applies to this Business-zoned property. I expect that the height of the airport obstacle limitation surface would far exceed 10 metres on this property, but have invited Waikato Regional Airport Limited to confirm this at the hearing. I agree with condition 7 proposed by Chorus that is specific to this site that restricts any mast protruding into this obstacle limitation surface. I have recommended a minor amendment that would require Chorus to survey the position of any new building or structure before any construction occurs.
277. The third matter concerns references to ‘any successor standard’ and ‘or any subsequent replacement standard where any equipment is regulated by that standard’ in a number of Chorus’ proposed conditions. In my view, it is not appropriate for a condition to refer to a successor or replacement standard that has not been tested through a statutory process and unfairly circumvents third party involvement. For this reason, I have not incorporated either phrase into the recommended conditions.
278. Overall, I conclude that the proposed designations can be confirmed, subject to the recommended conditions set out in Appendix 4 of this report.

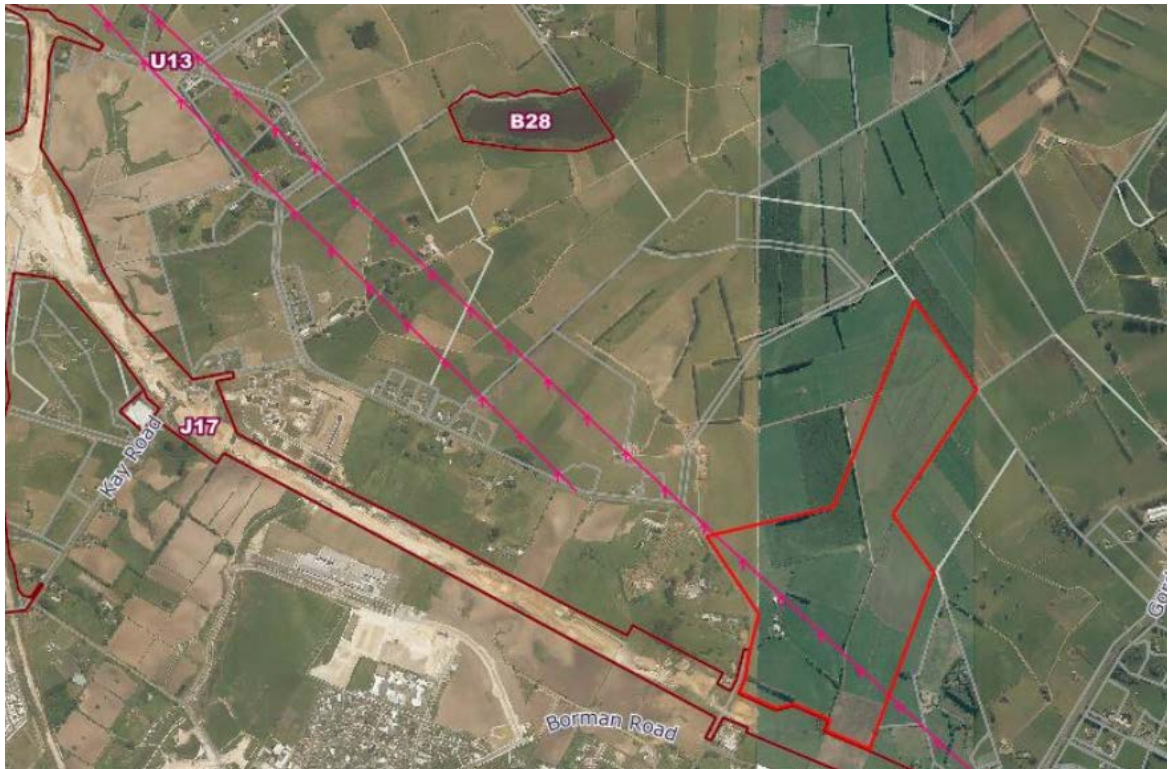
1.33 Analysis of Submissions on Notice of Requirement

279. The submissions from Chorus [648.42 and 648.43] request these amendments:

(a) correct the legal description for Designation U17 as follows:

U17	Telecommunication and radio communication and ancillary purposes	Private access track off Rutherford Road at rear of Pizzini Road, Orini	0.1233	<u>Pt Lot 1 and</u> Part Lot 2 DP 19278
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- (b) annotate Designation U10 (217 Hunter Road, Eureka) on the planning maps as per the notice of requirement
- (c) correct the spatial extent of Designation U17 as per the notice of requirement.
280. I consider it appropriate to accept both submissions in order to rectify inadvertent omissions and errors.
281. Lyndendale Farms Limited [761.2] owns property located at 180 Horsham Downs Road. They request clarification as to whether the requiring authority for Designation U13 is Chorus New Zealand or Transpower New Zealand. This is because Council has required them to liaise with Transpower in the past.
282. Designation U13 relates to a 278m² title, legally described as Part Lot 1A DP 7516, which is located on Horsham Downs Road near its intersection with Henderson Road. This title is owned by Chorus and contains an exchange building which has existed for a considerable period of time.
283. The location of U13 is shown in the top left corner of the aerial photograph below. The submitter’s property is indicated in red outline. The paths of the Transpower high voltage transmission lines are indicated in pink and are located approximately 60 metres from this exchange site. No change to the requiring authority for U13 is necessary. I therefore recommend that submission [761.2] be rejected.



284. Ms Janice Boot [165.1] is concerned that Designation U23 will devalue her property located at 1113 Tauwhare Road. The aerial photograph below shows the submitter's property in red outline alongside Designation U23.



285. While Ms Boot has no concerns with the existing telephone exchange, she requests that a cellphone transmitter/tower not be permitted with Designation U23 because of concerns with radiation.
286. Chorus' proposed condition for all 25 sites requires that radiofrequency effects comply with NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz, which is relevant to all telecommunication facilities that generate radiofrequency fields in any location. This New Zealand Standard is also referred to in the NESTF. These standards incorporate advice on health effects and appropriate exposure levels from exposure guidelines published in 1998 by the International Commission on Non-Ionizing Radiation Protection and provide national consistency for low impact telecommunications infrastructure and specifies limits on the amount of radiofrequency power that may be absorbed by the human body. I consider that this condition is appropriate to address the submitter's concerns.

1.33.1 Recommendation

287. For the above reasons, it is recommended that the hearings panel:
- Recommend** to Chorus that it confirms Designations U9 to U33 included in the Proposed Waikato District Plan, with conditions set out in Appendix 4 of this report.
 - Accept** the submissions from Chorus New Zealand Limited [648.42 and 648.43]
 - Reject** the submission from Lyndendale Farms Limited [761.2]
 - Reject** the submission from Janice Boot [165.1].

1.33.2 Recommended amendments

- Amend** the legal description for Designation U17 as follows:

U17	Telecommunication and radio communication and ancillary purposes	Private access track off Rutherford Road at rear of Pizzini Road, Orini	0.1233	<u>Pt Lot 1 and</u> Part Lot 2 DP 19278
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25. Miscellaneous

288. One submission has been received which:
- makes a general reference to Section E.

Submission point	Submitter	Decision requested
330.128	Andrew and Christine Gore	No specific decision sought, however submission refers to Section E Designations.

1.33.3 Analysis

289. The submission from Andrew and Christine Gore [330.128] contains this statement:

Section E Designations All

In particular: as per the overlays pertaining to our property listed by WDC as designations when first searched.

Rural zone

Hamilton Basin ecological management area

Urban expansion area

Country living zone

290. This hearing deals with designations that are specifically defined in section 166 of the RMA. While the submitter has referred to Section E, it would appear that they have used the term 'designation' in a more colloquial sense. This is because they have referred to the zoning and various overlays that are proposed for their rural 4 hectare rural property at 295 Kay Road in Rototuna. I therefore conclude that their submission point [330.128] does not relate to Section E: Designations, and recommend this submission point be rejected in the context of this hearing.
291. I am, however, mindful of Mr and Mrs Gore's presentation at the earlier Hearing 2 (All of Plan), which supported their view that their 'unique' property should be afforded greater subdivision opportunities due to its relatively small size, the current restrictions on rural activities, and its proximity to the state highway and Hamilton City. These matters have been raised in their other submission points and the hearings panel has already advised the submitters that their requests will be specifically addressed through the later Hearing 19 (tentatively scheduled for June 2020) as these cover rural land use and subdivision.

1.33.4 Recommendation

292. For the reasons given above, it is recommended that the hearings panel:
- a. **Reject** the submission from Andrew and Christine Gore [330.128].