

SECTION 42A REPORT

Report on submissions and further submissions

Hearing 2: Plan Structure and All of Plan

Report prepared by: Grant Eccles

Date: 09 September 2019



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Submitter	Submission number
Alstra (2012) Limited	693
Andrew and Christine Gore	330
Angeline Greensill (Tainui)	942
Anna Noakes	524
Anna Noakes	636
Aparangi Retirement Village Trust	251
AQA and Straterra	860
Auckland Council	372
Auckland Waikato Fish and Game Council	433
Bathurst Resources Ltd	771
Bernard Brown	669
Brent Trail	345
Bruce Cameron	587
Chanel Hargrave and Travis Miller	751
Chorus New Zealand Limited	648
Chris Aitchison	284
CKL	471
Community Living Trust	212
David Totman (Waipa District Council)	939
Dennis Ngataki (Turangawaewae Board of Trustees)	940
Department of Conservation	585
Ethan Findlay	418
Federated Farmers of New Zealand	680
Fonterra Limited	797
Future Proof Implementation Committee	606
Gareth Wigmore	109
Genesis Energy Ltd	924
Graham Halsey	663
Heritage New Zealand	559

Submitter	Submission number
Waikato Regional Council	81
Waikato River Authority	642
Watercare Services Ltd	423
Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	785
Z Energy Ltd	589
Zeala Ltd	281
Further submissions	
<i>AH & DB Finlay Ltd</i>	<i>FS1252</i>
<i>Ambury Properties Ltd</i>	<i>FS1224</i>
<i>Andrew and Christine Gore</i>	<i>FS1062</i>
<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>FS1198</i>
<i>Bernard Brown Family Trust</i>	<i>FS1040</i>
<i>Birch Surveyors</i>	<i>FS1297</i>
<i>Bryan Morris</i>	<i>FS1309</i>
<i>Burton Trust</i>	<i>FS1203</i>
<i>Charlie Harris</i>	<i>FS1303</i>
<i>Christian & Natasha McDean</i>	<i>FS1204</i>
<i>Colette Shona Hanrahan</i>	<i>FS1051</i>
<i>Dennis and Jan Tickelpenny</i>	<i>FS1280</i>
<i>Department of Conservation</i>	<i>FS1293</i>
<i>Federated Farmers</i>	<i>FS1342</i>
<i>Fulton Hogan Limited</i>	<i>FS1334</i>
<i>Gary Bogaart / Meremere Dragway Inc</i>	<i>FS1118</i>
<i>Gary Bogaart/Meremere Dragway Inc</i>	<i>FS1304</i>
<i>Genesis Energy Limited</i>	<i>FS1345</i>
<i>Hamilton City Council</i>	<i>FS1379</i>
<i>Havelock Village Limited</i>	<i>FS1291</i>
<i>Havelock Village Limited</i>	<i>FS1377</i>
<i>Heritage New Zealand Pouhere Taonga</i>	<i>FS1323</i>

Holcim (New Zealand) Ltd	766
House Movers Section of New Zealand Heavy Haulage Association (Inc)	772
Housing New Zealand Corporation	749
Ian McAlley	368
J Francis	376
Jackie Colliar	493
Jade Hyslop	435
Jasmine Hunter	253
Jeremy Buxton	671
John Lawson	825
John Lawson (Whaingaroa Environmental Defence Incorporation)	780
John Wiltshire	200
John Wright (Jet Ski Racing NZ Inc)	19
Kenneth Whyte	652
Kevin and Barbara Brown	108
KiwiRail Holdings Ltd	986
Lakeside Developments	579
Lance Vervoort (Hamilton City Council)	535
Linda Sivester	830
Lisa Gardiner (Ngati Haua Iwi Trust)	379
Lorraine Dixon (Waikato Tainui)	286
Lynne Adrienne	546
Malibu Hamilton	553
Maris O'Rourke	628
Martin Hastings	599
McCracken Surveys Limited	943
McPherson Resources Limited	691
Mercury NZ	730
Meridian Energy Ltd	580
Michelle Levy	254
New Zealand Transport Agency	742
Ngati Tamaoho Trust	567

<i>Housing New Zealand Corporation</i>	<i>FS1269</i>
<i>Jackson Property Group</i>	<i>FS1022</i>
<i>James Oakley for Birch Surveyors Limited</i>	<i>FS1261</i>
<i>Jennie Hayman</i>	<i>FS1268</i>
<i>K Badger and WR Badger Estate</i>	<i>FS1260</i>
<i>K Badger and WR Badger Estate</i>	<i>FS1294</i>
<i>Kiwirail Holdings Ltd</i>	<i>FS1272</i>
<i>Lakeside Development Limited</i>	<i>FS1371</i>
<i>Louise Feathers</i>	<i>FS1317</i>
<i>McPherson Resources Limited</i>	<i>FS1292</i>
<i>Mercury NZ Ltd</i>	<i>FS1385</i>
<i>Meridian Energy Limited</i>	<i>FS1258</i>
<i>Middlemiss Farm Holdings Limited</i>	<i>FS1330</i>
<i>Moeraki Farm Ltd</i>	<i>FS1256</i>
<i>Mowbray Group</i>	<i>FS1289</i>
<i>New Zealand Forest Research Institute</i>	<i>FS1199</i>
<i>New Zealand Health Food Park Limited</i>	<i>FS1301</i>
<i>New Zealand Transport Agency</i>	<i>FS1202</i>
<i>Newstead Country Preschool</i>	<i>FS1182</i>
<i>Newstead Residents Association</i>	<i>FS1216</i>
<i>NZTE Operations</i>	<i>FS1339</i>
<i>Ohinewai Land Limited</i>	<i>FS1206</i>
<i>Pareoranga Te Kata</i>	<i>FS1035</i>
<i>Perry Group Limited</i>	<i>FS1313</i>
<i>Pokeno Village Holdings Limited</i>	<i>FS1281</i>
<i>Robyn Ballard</i>	<i>FS1324</i>
<i>Ryburn Lagoon Trust Limited</i>	<i>FS1083</i>
<i>Synlait</i>	<i>FS1110</i>
<i>Synlait</i>	<i>FS1322</i>
<i>Tamahere Eventide Home Trust-Tamahere Eventide Retirement Village</i>	<i>FS1004</i>
<i>Tamahere Eventide Home Trust-Tamahere Eventide Retirement Village</i>	<i>FS1005</i>
<i>TaTa Valley Limited</i>	<i>FS1340</i>

Ngati Te Ata	798
Norman Hill (Waahi Whaanui Trust)	380
Pokeno Village Holdings Limited	386
Property Council New Zealand	198
Raglan Naturally	831
Roelof Lategan	52
Sharp Planning Solutions Ltd	695
Shelley Munro	55
Simon Roche	836
Sonny Karena (Tangata Whenua Working Group)	388
Spark New Zealand Trading Ltd	644
T A Reynolds Ltd	748
T Withers	598
Tamahere Community Committee	724
TaTa Valley Limited	574
The Surveying Company	746
Turangawaewae Board of Trustees	984
Vera van der Voorden	802
Vodafone New Zealand Ltd	646
Waikato District Council	697
Waikato District Health Board	923
Waikato Regional Airport Ltd	741

<i>Terra Firma Mining Limited</i>	<i>FS1285</i>
<i>The Surveying Company</i>	<i>FS1061</i>
<i>The Surveying Company</i>	<i>FS1308</i>
<i>Turangawaewae Trust Board</i>	<i>FS1139</i>
<i>Vineyard Road Properties Limited</i>	<i>FS1127</i>
<i>Waikato River Authority</i>	<i>FS1037</i>
<i>Waikato Tainui</i>	<i>FS1108</i>
<i>Watercare</i>	<i>FS1176</i>
<i>Wattle Downs Ltd</i>	<i>FS1254</i>
<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>FS1276</i>
<i>Winstone Aggregates</i>	<i>FS1332</i>
<i>Zeala Limited trading as Aztech Buildings</i>	<i>FS1275</i>

Please refer to Appendix 1 to see where each submission point is addressed within this report.

1 Introduction

1.1 Qualifications and experience

1. My full name is Grant Robert Eccles.
2. I hold the qualification of a Bachelor of Resource and Environmental Planning from Massey University and I am a principal planner for Tonkin and Taylor based in Hamilton. I was admitted as a Member of the New Zealand Planning Institute in 2001. I have 24 years' professional planning experience and have been a planning consultant based in Hamilton for the last 22 years. As a result I have worked with various versions of the Waikato District Plan, and I am familiar with the historic and current resource management issues facing the Waikato District.
3. I am familiar with and experienced in both the preparation of plans and the processing of resource consents under the Resource Management Act 1991 (RMA). From 2008 to 2013 I lead the review of the Ruapehu District Plan, from the inception of consultation through to the resolution of Environment Court appeals. Throughout my career I have prepared submissions to District and Regional planning documents throughout the North Island on behalf of numerous clients in the private and public sectors.
4. I have given expert planning evidence at local authority hearings, Environment Court, District Court, and Board of Inquiry hearings. I have provided planning assistance to the Boards of Inquiry established to hear the applications for the Te Mihi and Tauhara II Geothermal developments near Taupo, and the King Salmon Plan Change and Consent applications in the Marlborough Sounds.
5. I have also assisted a client in the agricultural sector in the preparation of submissions and further submissions to Proposed Plan Change 1 to the Waikato Regional Plan (known as the "Healthy Rivers" Plan Change). The Healthy Rivers Plan Change proposes to regulate discharges from land use in the rural sector in order to improve the water quality of the Waipa and Waikato Rivers.

1.2 Code of Conduct

6. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. While I hold no acoustic qualifications, I have gathered significant experience in dealing with acoustic matters from a planning perspective including working with a range of acoustic specialists throughout my career. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
7. I am authorised to give this evidence on the Council's behalf to the Proposed Waikato District Plan ("PWDP") hearings commissioners. I have had no prior involvement in the preparation of the PWDP.

1.3 Conflict of Interest

8. I declare that other planning staff employed by Tonkin and Taylor have prepared or assisted in the preparation of submissions and further submissions to the PWDP for the following clients: NZ Defence Force, New Zealand Steel. I have not reported on those submission points and they are the subject of a separate hearing report prepared by Waikato District Council staff.

9. I personally have prepared submissions and further submissions on behalf of Shand Properties Ltd related to the zoning of a piece of land at Ohinewai. The hearing of those matters will occur in a separate hearing in which I will not have a s42A reporting role.
10. Accordingly, based on all the above I thus confirm that I have no actual or perceived conflict of interest in reporting on the submissions and further submissions addressed in this report.

2 Scope of Report

2.1 Matters addressed by this report

11. This report is prepared in accordance with section 42A of the RMA. The hearing topics to which this report relates addresses Plan Structure, "All of Plan", and other miscellaneous high level submission points. These matters are those that have an over-arching effect on the structure and content of the PWDP (for example, submission points requesting alignment with National Planning Standards), or that might have a significant effect on the timetable of the PWDP hearings (for example, placing the PWDP process on hold to incorporate the outcomes of the Auckland-Hamilton Spatial Plan process).
12. I note here that a number of submission points addressed in this report were high level general submission points that did not seek any specific relief. Additionally, a number of other high level submission points were ancillary to and supported submission points seeking more specific relief that will be heard in later hearings. As a result, while noting the content of these general and high level submission points no analysis of them or recommendations thereto is necessary as part of this report.

2.2 Statutory requirements

13. Part II and s32 of the RMA are particularly relevant to this hearing, given that submitters have asserted that the PWDP does not achieve the RMA's purpose and that the requirements of s32 have not been adequately addressed.
14. The National Policy Statement ("NPS") that is most relevant to this hearing topic is the NPS for Urban Development Capacity (NPS-UDC). I note the recent announcement of Proposed NPS's for Urban Development and Highly Productive Land, and the very recent publication of the Draft National Policy Statement for Freshwater Management and the Proposed National Environmental Standards for Freshwater. Given that submissions have not closed on either of those documents I have given no weight to them in preparing this report.
15. There are no National Environmental Standards that are relevant to this hearing topic.
16. The National Planning Standards, as enabled by sections 58B-58J of the RMA, are relevant to this hearing topic and are discussed further in subsequent sections of this report.
17. The Waikato Regional Policy Statement (WRPS) provisions of most relevance are the Objectives, Policies and Tables in Section 6 Built Environment. Those provisions cumulatively embed the Future Proof landuse pattern and density targets into the WRPS, and set out requirements for planned and co-ordinated subdivision, use and development in the Waikato Region.
18. Section 2 of the WRPS is also relevant as it contains the provisions introduced by the Vision and Strategy for the Waikato River as further discussed below.
19. The Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato is relevant to this hearing topic, particularly given that submitters have queried whether the PWDP gives adequate regard to it. The Waikato-Tainui Raupatu Claims Waikato River Settlement Act 2010 ("the River Settlement Act") amongst other things codifies the scope and the extent of the Vision and Strategy and legislated the establishment of the Waikato River Authority. Section 9(1) of the River Settlement Act sets out that:

"The Waikato River and its contribution to New Zealand's cultural, social, environmental, and economic wellbeing are of national importance. Section 11 of the River Settlement Act sets out that the Vision and Strategy in its entirety is deemed to be part of the Waikato Regional Policy Statement without the use of the process in the 1st schedule of the RMA. Thus, the PWDP is required to give effect to the Vision and Strategy".

20. Proposed Plan Change 1 (Healthy Rivers) to the Waikato Regional Plan is relevant given that submitters have requested that setbacks from waterways that are consistent with Proposed Plan Change 1 be inserted into the PWDP.
21. The Waikato District Blueprint adopted by Council earlier in 2019 is relevant given that submitters have sought amendments to the PWDP to reflect the contents of the Blueprint as further discussed later in this report.

2.3 Procedural matters

22. There are no procedural matters to consider for this hearing topic.

3 Consideration of submissions received

3.1 Overview of submissions

23. 239 submissions were received that are relevant to this hearing topic. The amendments sought to the PWDP can be generally summarised as follows

- Defer the PWDP process and/or amend the PWDP provisions and maps to give effect to the National Planning Standards
- Defer the PWDP process, and/or amend the PWDP provisions and maps to provide for outcomes identified in the Auckland-Hamilton Corridor/Spatial Plan and Stage 2 of the Future Proof Strategy and associated changes to the Waikato Regional Planning Statement.
- Amend the PWDP to give effect to the NPS-UDC, the Vision and Strategy for the Waikato River, and the provisions of Proposed Plan Change 1 ("Healthy Rivers") to the Waikato Regional Plan.
- Amend the PWDP to ensure greater consistency of rule and activity status application across the Plan, and enhance the clarity of Plan provisions

24. In addition, a number of submissions seek either withdrawal of Stage 1 of the PWDP or the deferral of the hearing of submissions on Stage 1 until Stage 2 Natural Hazards has been notified, submissions received, and Stage 1 and 2 submissions can be heard together.

3.2 Structure of this report

25. Given the number, nature and extent of the submissions and further submissions received, I have structured the Section 42A report based largely on topics as follows:

Topic 1: Strategic Direction

4.1 National Planning Standards

4.2 Natural Hazards

4.3 Hamilton to Auckland Corridor Plan/Future Proof Stage 2/Waikato District Blueprint

Topic 2: Tangata Whenua/Vision and Strategy/Setbacks

5.1 Earthworks and Building Setbacks

Topic 3: Miscellaneous

Topic 4: Plan usability

- 7.1 Structure
- 7.2 Interpretation and clarification
- 7.3 Consistency and numbering
- 7.4 Zone purpose

Topic 5: Plan content

- 8.1 Recreation provisions
- 8.2 Water provisions
- 8.3 Housing provisions
- 8.4 Noise provisions
- 8.5 Industry provisions
- 8.6 Tangata whenua
- 8.7 Earthworks provisions
- 8.8 Notification
- 8.9 Miscellaneous provisions

4 Topic 1: Strategic Direction

26. This section analyses submissions that request the PWDP be withdrawn, amended or the hearings deferred to allow for the outcomes and consideration of other planning processes currently underway, such as the Hamilton-Auckland Corridor Plan. The analysis is structured under the following headings:

- National Planning Standards
- Natural Hazards – Stage 2
- Auckland-Hamilton Corridor Plan/ Future Proof Stage 2/Town Blueprints

4.1 National Planning Standards

4.1.1 Introduction

27. The first set of National Planning Standards were issued on 05 April 2019 by the Minister for the Environment and the Minister for Conservation. The purpose of the standards is to improve consistency in plan and policy statement structure, format and content¹.

4.1.2 Submissions

28. Nine submission points (see table below) request that either the PWDP hearings be deferred or the entire PWDP be withdrawn to allow alignment of the plan with the National Planning Standards, or that the PWDP be amended to be consistent with the structure for district plans as set out in the National Planning Standards – three of the submission points also refer to Stage 2 of the Future Proof Strategy and the updated Waikato RPS. One submission point²

¹ MfE website: About the national planning standards

² 496.10 Department of Corrections

supports the PWDP as notified, apart from where the submitter has requested amendments. One submission point requests the blueprint and structure plan processes recognise tikanga and mātauranga māori.

Submission point	Submitter	Summary of submission point
198.1	Property Council NZ	Place the DP review process on hold to align with National Planning Standards
FS1062.20	Andrew and Christine Gore	Support
FS1269.92	Housing New Zealand Corporation	Support
FS1308.8	The Surveying Company	Oppose
FS1340.33	TaTa Valley Limited	Oppose
FS1377.38	Havelock Village Limited	Oppose
281.1	Zeala Ltd	Defer the hearing of submissions on Stage 1 until after the National Planning Standards have been adopted and/or until the completion of both stage 2 of the Future Proof Strategy and updated Waikato RPS
FS1261.43	James Oakley for Birch Surveyors Limited	Oppose
FS1308.9	The Surveying Company	Oppose
FS1308.128	The Surveying Company	Oppose
FS1340.36	TaTa Valley Limited	Oppose
FS1377.48	Havelock Village Limited	Oppose
FS1377.273	Havelock Village Limited	Oppose
496.10	Department of Corrections	Retain the provisions in the Proposed District Plan as notified, other than the provisions addressed in the submission.
524.6	Anna Noakes	Defer the hearing of submissions on Stage 1 until after the National Planning Standards have been adopted and/or until the completion of both stage 2 of the Future Proof Strat and updated Waikato RPS
FS1261.45	James Oakley for Birch Surveyors Limited	Oppose
FS1377.122	Havelock Village Limited	Oppose
559.1	Heritage New Zealand	Amend plan to provide for objectives policies and rules related to a topic e.g. Tangata Whenua or Historic Heritage values to be located within a single chapter as directed by the National Planning Standards.
FS1199.13	New Zealand Forest Research Institute	Oppose
FS1289.10	Mowbray Group	Oppose
FS1339.36	NZTE Operations	Support
559.2	Heritage New Zealand	Retain the format of a separate chapter relating to Tangata whenua values. AND Amend the format of the PWDP to include the related rules and

		matters of control and discretion that give effect to the objectives and policies into the Tangata whenua chapter. OR Amend the PWDP to include cross referencing to the rule numbers within the other chapters of the Plan that give effect to the objective and policies. AND Amend the PWDP to make any other consequential amendments as required.
<i>FS1022.1</i>	<i>Jackson Property Group</i>	<i>Oppose</i>
559.3	Heritage New Zealand	Retain the format of a separate chapter relating to Historic Heritage. AND Amend the format of the PWDP to include the related rules and matters of control and discretion that give effect to the objectives and policies into the Tangata whenua chapter. OR Amend the PWDP to include cross referencing to the rule numbers within the other chapters of the Plan that give effect to the objective and policies. AND Amend the PWDP to make any other consequential amendments as required.
598.1	T Withers	Defer the hearing of submissions on Stage 1 until after the National Planning Standards have been adopted and/or until the completion of both stage 2 of the Future Proof Strat and updated Waikato RPS
<i>FS1281.32</i>	<i>Pokeno Village Holdings Limited</i>	<i>Support</i>
<i>FS1308.83</i>	<i>The Surveying Company</i>	<i>Oppose</i>
644.1	Spark New Zealand Trading Ltd	Amend the format of the district plan as necessary to adopt the format and requirements of the National Planning Standards, including F-4 Spatial Planning Tools (District) Standard should these come into effect before decisions on the PWDP are made. AND Any consequential amendments necessary as a result of the amendments to grant the relief sought.
646.1	Vodafone New Zealand Ltd	Amend the format of the district plan as necessary to adopt the format and requirements of the National Planning Standards, including F-4 Spatial Planning Tools (District) Standard should these come into effect before decisions on the PWDP are made. AND Any consequential amendments necessary as a result of the amendments to grant the relief sought.
648.1	Chorus New Zealand Limited	Amend the format of the district plan as necessary to adopt the format and requirements of the National Planning Standards, including F-4 Spatial Planning Tools (District) Standard should these come into effect before decisions on the PWDP are made. AND Any consequential amendments necessary as a result of the amendments to grant the relief sought.

680.1	Federated Farmers	Withdraw the PWDP as provided for in Schedule 1 of the RMA to allow an assessment of the drafted plan against the National Planning Standards when it is released
FS1051.15	Colette Shona Hanrahan	Support
FS1062.89	Andrew and Christine Gore	Support
FS1108.41	Waikato Tainui	Oppose
FS1139.32	Turangawaewae Trust Board	Oppose
FS1198.55	Bathurst Resources Limited and BT Mining Limited	Support
FS1275.1	Zeala Limited trading as Aztech Buildings	Support
FS1330.57	Middlemiss Farm Holdings Limited	Oppose
FS1340.105	TaTa Valley Limited	Oppose
FS1377.189	Havelock Village Limited	Oppose
746.138	The Surveying Company	Amend the PWDP to be consistent with the draft National Planning Standards Structure.
984.10	Turangawaewae Trust Board (Glenda Raumati)	No specific decision sought but submission requests the blueprint and structure plan processes recognise tikanga and mātauranga māori and required meaningful consultation with hapu and marae in affected communities.

4.1.3 Analysis

29. The PWDP was publicly notified for submissions in July 2018, following several years of development. The operative Waikato District Plan comprised two sections after 2010, following the amalgamation of the Waikato District with part of the former Franklin District. The Franklin section became operative in 2000. The Waikato section became partly operative in 2011 and fully operative in 2013. The format and structure of the PWDP closely follows the format and structure of the Operative District Plan.
30. The National Planning Standards contain a series of mandatory directions, including for Implementation Standards (section 17 of the Standards). Mandatory Direction 17.1 states that *"Subject to the timeframes in 17. Implementation Standard and 1. Foundation Standard direction 2, a policy statement or plan must be compliant with the relevant planning standards"*.
31. In relation to district plans, Mandatory Direction 17.4 states that *"Territorial authorities not listed in direction 5, and unitary authorities with separate district plans, must comply with the following planning standards: 1. Foundation, 4. District plan structure, 6. Introduction and general provisions, 7. District-wide matters, 8. Zone framework, 9. Designations, 10. Format, 12. District spatial layers, 13. Mapping, 15. Noise and vibration metrics, through either a) or b) whichever is sooner:*
- a. *Amendments to the district plan made by five years from when the planning*

standards come into effect.

- b. *Notification of a PWDP (but not a proposed change or variation) for submissions under clause 5, Schedule 1 RMA after the planning standards come into effect".*

32. Waikato District Council is not a territorial authority listed in direction 5 as referenced above. On the basis of the above direction, and given that the PWDP was notified before the national planning standards came into effect, Waikato District Council is therefore required to make the required amendments to the Waikato District Plan by 05 April 2024.
33. Thus, while the current 1st schedule process provides opportunity for submitters to request amendments, Council will not be in breach of the National Planning Standards if such amendments do not occur through the current process. Indeed, it could be viewed that the timing of this plan process and its relationship to the advent of the National Planning Standards is precisely the type of situation that gave rise to the wording of 17.4a) and b) above.
34. I understand that Council staff have investigated the practicality of re-formatting the PWDP to align with the planning standards, and have concluded that at this stage of the process it would be very inefficient and difficult to do so. I have undertaken my own review of the matter and agree with Council staff in that regard. The complexity of re-arranging the PWDP to align with the planning standards should not be under-estimated, and in my view is better left until the PWDP is substantially operative in order that the work required can be undertaken without the constraints and implications of s42A reporting deadlines and hearing timetables.
35. That said, there are some aspects of the PWDP where some "easy wins" have been identified and amendments can be made to align with the planning standards without creating the potential for unintended consequences elsewhere in the PWDP or significant structural inconsistency with the remainder of the PWDP. Some of these amendments have been identified in the s42A report for the Block 1 hearing. The submission from The Surveying Company [746.138], amongst others, provides scope for these amendments to occur.
36. These include cross referencing various provisions to objectives and policies. This matter is further addressed later in this report.
37. I agree with the intent of submission point 984.10 from the Turangawaewae Trust Board. However, the Blueprint process and any Structure Plan/Plan Change/Variation processes that may follow are not part of the PWDP as notified. As a result, the submission point cannot be accepted.
- 4.1.4 Recommendations
38. For the reasons outlined above, it is recommended that the submissions from Heritage New Zealand [559.2 and 559.3], Spark New Zealand Trading Ltd [644.1], Vodafone New Zealand Ltd [646.1], Chorus New Zealand Ltd [648.1] and The Surveying Company [746.138] seeking amendments to the PWDP to be consistent with the National Planning Standards be accepted in part.
39. The submission from Department of Corrections [496.10] is recommended to be accepted in part, in that changes are and will be recommended throughout the remainder of the PWDP provisions that have not been sought by the Department of Corrections.
40. The submissions from Property Council NZ [198.1], Aztech Buildings [281.1], A Noakes [524.6], Heritage New Zealand [559.1], T Withers [598.1], Federated Farmers [680.1] and the Turangawaewae Trust Board [984.10] are recommended to be rejected.
- 4.1.5 Recommended amendments
41. The amendments as set out in Section 7.1 of this report.

4.2 Natural Hazards – Stage 2 of the PWDP

4.2.1 Introduction

42. The PWDP process has been undertaken in two stages. Stage 1 of the PWDP includes all topics and provisions except those related to natural hazards and climate change. Submissions and further submissions have been received on Stage 1 and hearings have begun.
43. Stage 2 of the District Plan Review is currently in progress and includes the review of issues relating to natural hazard risk and climate change. The review investigates how natural hazards and the effects of climate change may affect land use and development across the district and considers options for managing these effects. I understand that Council is currently in the advanced stages of gathering technical information including river flood modelling, a mine subsidence risk assessment and a coastal inundation and erosion risk assessment. I am advised by Council staff that Draft Stage 2 provisions will be consulted on during September and October 2019, with a view to public notification in early 2020.

4.2.2 Submissions

44. Seven submission points (see Table below) variously request that the PWDP be withdrawn or the process put on hold to effectively allow Stage 2 to “catch up”, or that if the current process is continued that significant review of Stage 1 provisions is undertaken once the Stage 2 information is available and submissions for both Stages be heard together.

Submission point	Submitter	Summary of submission point
286.36	Waikato-Tainui	Withdraw or place on hold the PWDP review process to allow for the Hazards Chapter to be developed, integrated and considered
493.19	J Collier	Withdraw or place on hold the PWDP review process to allow for the Hazards Chapter to be developed, integrated and considered as part of a thorough district plan process.
FS1035.72	<i>Pareoranga Te Kata</i>	<i>Support</i>
FS1261.38	<i>James Oakley for Birch Surveyors Limited</i>	<i>Oppose</i>
FS1297.48	<i>Birch Surveyors</i>	<i>Oppose</i>
730.1	Mercury NZ	Withdraw all Stage 1 of the PWDP and re-notify Stage 1 together with Stage 2 or review all of the Stage 1 provisions for urban growth and land use intensification in order to manage flood hazard risk at Stage 2 and hear submissions for both stages together.
730.2	Mercury NZ	Withdraw all Stage 1 of the PWDP and re-notify Stage 1 together with Stage 2 or review all of the spatial maps of the PWDP in order to manage flood hazard risk and hear submissions for both stages together.
730.3	Mercury NZ	In the event that WRC does not stop its current process, the submitter seeks significant changes (basically opposes the entire stage 1).

942.34	Tainui	Halt the PWDP process and extend submission dates to enable the completion of Stage 2 so the document is complete
984.16	Turangawaewae Board of Trustees	Withdraw or place on hold the PWDP review process to allow for the Hazards Chapter to be developed, integrated and considered.

4.2.3 Mercury NZ Ltd further submission

45. The Mercury NZ Ltd ("Mercury") further submission (FS1385) includes numerous identical submission points (see Table below) which relate to submissions that are discussed in this 42A report. The further submission from Mercury opposes multiple submissions as Mercury consider that it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework.

Further submission point	Submission Point	Submitter	Summary of further submission point
FS1385.1	109.1	Gareth Wigmore	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure perspective.
FS1385.2	198.1	Property Council NZ	
FS1385.3	198.15	Property Council NZ	
FS1385.4	251.4	Aparangi Retirement Village Trust	
FS1385.8	330.74	Andrew and Christine Gore	
FS1385.9	368.2	Ian McAlley	
FS1385.10	418.1	Ethan Findlay	
FS1385.13	471.33	CKL	
FS1385.15	52.2	Roelof Lategan	
FS1385.16	524.36	Anna Noakes	
FS1385.18	553.4	Malibu Hamilton	
FS1385.22	598.1	T Withers	
FS1385.23	636.2	Anna Noakes	
FS1385.24	680.1	Federated Farmers	
FS1385.26	680.5	Federated Farmers	
FS1385.28	695.142	Sharp Planning Solutions Ltd	
FS1385.30	697.316	Waikato District Council	
FS1385.31	697.342	Waikato District Council	
FS1385.32	697.462	Waikato District Council	
FS1385.33	697.479	Waikato District Council	
FS1385.34	697.575	Waikato District Council	

FS1385.35	724.1	Tamahere Community Committee	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure perspective.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>
FS1385.36	742.1	New Zealand Transport Agency	
FS1385.37	742.63	New Zealand Transport Agency	
FS1385.38	742.65	New Zealand Transport Agency	
FS1385.39	742.66	New Zealand Transport Agency	
FS1385.40	746.148	The Surveying Company	
FS1385.41	746.149	The Surveying Company	
FS1385.42	746.150	The Surveying Company	
FS1385.44	751.33	Chanel Hargrave and Travis Miller	
FS1385.45	751.38	Chanel Hargrave and Travis Miller	
FS1385.46	751.63	Chanel Hargrave and Travis Miller	
FS1385.50	780.32	John Lawson (Whaingaroa Environmental Defence Incorporation)	
FS1385.55	798.16	Ngati Te Ata	
FS1385.56	798.17	Ngati Te Ata	
FS1385.57	798.18	Ngati Te Ata	
FS1385.58	798.19	Ngati Te Ata	
FS1385.59	798.2	Ngati Te Ata	
FS1385.62	798.25	Ngati Te Ata	
FS1385.63	798.26	Ngati Te Ata	
FS1385.64	798.27	Ngati Te Ata	
FS1385.65	81.12	Waikato Regional Council	
FS1385.67	81.18	Waikato Regional Council	
FS1385.68	81.2	Waikato Regional Council	
FS1385.70	825.32	John Lawson	
FS1385.71	830.1	Linda Sivester	
FS1385.72	923.1	Waikato District Health Board	
FS1385.73	923.102	Waikato District Health Board	
FS1385.74	923.103	Waikato District Health Board	

<i>FS1385.75</i>	<i>923.115</i>	<i>Waikato District Health Board</i>
<i>FS1385.76</i>	<i>923.117</i>	<i>Waikato District Health Board</i>
<i>FS1385.77</i>	<i>923.118</i>	<i>Waikato District Health Board</i>
<i>FS1385.78</i>	<i>923.119</i>	<i>Waikato District Health Board</i>
<i>FS1385.79</i>	<i>923.2</i>	<i>Waikato District Health Board</i>
<i>FS1385.80</i>	<i>923.4</i>	<i>Waikato District Health Board</i>
<i>FS1385.81</i>	<i>923.5</i>	<i>Waikato District Health Board</i>
<i>FS1385.88</i>	<i>923.98</i>	<i>Waikato District Health Board</i>
<i>FS1385.89</i>	<i>923.99</i>	<i>Waikato District Health Board</i>
<i>FS1385.90</i>	<i>924.2</i>	<i>Genesis Energy Ltd</i>
<i>FS1385.91</i>	<i>984.11</i>	<i>Glenda Raumatī</i>

4.2.4 Analysis

46. I agree with the thrust of the above submission points, and the further submissions from Mercury, that ideally Stage 1 and 2 PWDP matters would have proceeded as an integrated whole. However, given that Waikato District Council has proceeded with a two stage PWDP process it would now be very inefficient and costly for all parties if Stage 1 of the PWDP was withdrawn or entirely placed on hold pending progress of Stage 2 matters.
47. Nevertheless, it is critical that the remainder of the process ensures that decisions are made in an integrated manner on Stage 1 zoning requests and other growth matters to which Stage 2 matters are fundamental.
48. In that regard, I am advised by Council staff that the intention is to notify Stage 2 provisions in early 2020 with the associated hearings to be held in early 2021. Stage 2 submissions will be able to be heard in conjunction with Stage 1 submissions featuring zoning requests and other growth matters to which Stage 2 matters are germane. In my view, that arrangement is an effective mechanism and avoids the risk of acting in terms of making decisions on Stage 1 zoning and growth related submissions in the light of incomplete information. If the hearing for Stages 1 and 2 dovetailed, a single comprehensive decision would be possible where decisions on Stage 1 are cognisant of Stage 2 provisions and submissions.

4.2.5 Recommendations

49. For the reasons outlined above, it is recommended that the submissions from Mercury NZ [730.1, 730.2] be accepted in part, in that the intent is for submissions for both Stage 1 and 2 to be heard sequentially.

50. The submissions from Waikato-Tainui [286.36], J Collier [493.19], Mercury NZ [730.3], Tainui [942.34] and Turangawaewae Board of Trustees [984.16] are recommended to be rejected, in that the PWDP will not be withdrawn or the process put on hold.

4.2.6 Recommended Amendments
No amendments are required.

4.3 Hamilton to Auckland Corridor Plan/Future Proof Stage 2/Waikato District Blueprint

4.3.1 Introduction

51. The Hamilton-Auckland Corridor Plan has been in preparation since the early 2018. It has been developed through a partnership between Central Government, Local Government and Iwi. I understand that the outcome of the Corridor Plan process will be a Spatial Plan for the Auckland-Hamilton corridor, incorporating area specific Spatial Plans for the Hamilton Metro Area and the Taupiri/Huntly area.

52. The Future Proof Strategy is a 30-year growth management and implementation plan specific to the Hamilton, Waipa and Waikato sub-region. The strategic land use allocations set out in Future Proof are embedded in the Waikato RPS. In 2018/19 a stage 2 review of Future Proof was initiated in order to factor in the requirements of the NPS for Urban Development Capacity. The Stage 2 updates to Future Proof have not yet been adopted by the Future Proof partners (Hamilton City Council, Waikato Regional Council, Waikato District Council, Waipa District Council, tangata whenua and the New Zealand Transport Agency).

53. In June 2019 the Waikato District Blueprint was approved by Waikato District Council. The District Blueprint is made up of individual town and village blueprints throughout the Waikato District, developed following a community engagement process in 2018. I understand that the Blueprints effectively represent non-statutory Master Plans for the areas they cover.

4.3.2 Submissions

54. Eleven submission points (see Table below) variously request that the PWDP be put on hold pending the outcome of the Hamilton-Auckland Corridor Plan and the Future Proof Stage 2 review, or amended to provide for the outcomes set out in those documents as well as the Waikato District Blueprint:

Submission point	Submitter	Summary of submission point
81.18	Waikato Regional Council	Amend the PWDP provisions and maps to provide for outcomes identified in the Auckland-Hamilton Corridor Plan and Future Proof Strategy Phase 2 review.
FS1182.6	Newstead Country Preschool	Support
FS1202.3	New Zealand Transport Agency	Support
FS1203.1	Burton Trust	Support
FS1204.5 [81.18]	Christian & Natasha McDean	Support
FS1206.1	Ohinewai Land Limited	Support

FS1216.5	Newstead Residents Association	Support
FS1224.1	Ambury Properties Ltd	Support
FS1252.1	AH & DB Finlay Ltd	Support
FS1254.1	Wattle Downs Ltd	Support
FS1256.1	Moeraki Farm Ltd	Support
FS1260.1	K Badger and WR Badger Estate	Support
FS1280.5	Dennis and Jan Tickelpenny	Support
FS1294.1	K Badger and WR Badger Estate	Support
FS1309.1	Bryan Morris	Support
FS1313.4	Perry Group Limited	Support
FS1324.1	Robyn Ballard	Support
FS1330.7	Middlemiss Farm Holdings Limited	Support
198.4	Property Council NZ	Amend the planning standards to better align with the Hamilton to Auckland Corridor Network Plan.
FS1202.6	New Zealand Transport Agency	Support
FS1269.94	Housing New Zealand Corporation	Support
286.25	Waikato-Tainui	Place the district plan review process on hold so that the outcomes of the blueprinting exercise can be accommodated in the District Plan, including the development of structure plans.
FS1035.31	Pareoranga Te Kata	Support
FS1176.40	Watercare	Support
FS1261.39	James Oakley for Birch Surveyors Limited	Oppose
FS1268.4	Jennie Hayman	Support
FS1297.49	Birch Surveyors	Oppose
FS1340.39	TaTa Valley Limited	Oppose
FS1377.49	Havelock Village Limited	Oppose
372.3	Auckland Council	Amend Section 1.5 to provide for Hamilton - Auckland Corridor Plan, Interim Rail Business Case and Future Proof Strategy and amend maps to reflect these strategies
FS1202.35	New Zealand Transport Agency	Support
FS1203.2	Burton Trust	Support
FS1206.2	Ohinewai Land Limited	Support
FS1252.5	AH & DB Finlay Ltd	Support
FS1254.5	Wattle Downs Ltd	Support
FS1256.5	Moeraki Farm Ltd	Support
FS1260.5	K Badger and WR Badger Estate	Support

FS1294.5	<i>K Badger and WR Badger Estate</i>	<i>Support</i>
FS1324.5	<i>Robyn Ballard</i>	<i>Support</i>
FS1330.18	<i>Middlemiss Farm Holdings Limited</i>	<i>Support</i>
FS1377.73	<i>Havelock Village Limited</i>	<i>Oppose</i>
376.4	J Francis	Place the PWDP on hold pending the outcome of the other Strategic Planning currently underway, including Future Proof Phase 2 and the Hamilton to Auckland Corridor network plan.
FS1308.29	<i>The Surveying Company</i>	<i>Oppose</i>
FS1377.76	<i>Havelock Village Limited</i>	<i>Oppose</i>
493.30	J Colliar	Place the district plan review process on hold so that the outcomes of the blueprinting exercise can be accommodated in the District Plan, including the development of structure plans.
FS 1035.56	<i>Pareoranga Te Kata</i>	<i>Support</i>
FS1108.117	<i>Lorraine Dixon</i>	<i>Support</i>
FS1139.105	<i>Vinny Kingi</i>	<i>Support</i>
603.1	Helen Clotworthy	Add to the Proposed District Plan the suggestions and concerns expressed by the Pokeno Community Group relating to the blueprint workshop.
FS1281.35	<i>Pokeno Village Holdings Limited</i>	<i>Support</i>
FS1175.6	<i>Pokeno Community Committee</i>	<i>Support</i>
606.17	Future Proof Implementation Committee	Amend Chapters 4, 5, 14, 16 - 24 and Planning Maps following a review of provisions relating to cross boundary integration to ensure that pressures from Auckland and Hamilton are managed. AND Any consequential amendments to any other provisions.
FS1202.23	<i>New Zealand Transport Agency</i>	<i>Support</i>
FS1379.205	<i>Hamilton City Council</i>	<i>Support</i>
923.99	Waikato DHB	Amend the Planning maps where and when appropriate to provide for outcomes identified in the Auckland-Hamilton Corridor Plan and Future Proof Strategy (Stage 2) review.
FS1203.6	<i>Burton Trust</i>	<i>Support</i>
FS1252.9	<i>AH & DB Finlay Ltd</i>	<i>Support</i>
FS1254.9	<i>Wattle Downs Ltd</i>	<i>Support</i>
FS1256.9	<i>Moeraki Farm Ltd</i>	<i>Support</i>
FS1260.9	<i>K Badger and WR Badger Estate</i>	<i>Support</i>
FS1294.9	<i>K Badger and WR Badger Estate</i>	<i>Support</i>
FS1324.9	<i>Robyn Ballard</i>	<i>Support</i>
FS1379.363	<i>Hamilton City Council</i>	<i>Support</i>

923.98	Waikato DHB	Amend Plan provisions where and when appropriate to provide for outcomes identified in the Auckland-Hamilton Corridor Plan and Future Proof Strategy (Stage 2) review.
FS1203.5	Burton Trust	Support
FS1252.8	AH & DB Finlay Ltd	Support
FS1254.8	Wattle Downs Ltd	Support
FS1256.8	Moeraki Farm Ltd	Support
FS1260.8	K Badger and WR Badger Estate	Support
FS1294.8	K Badger and WR Badger Estate	Support
FS1324.8	Robyn Ballard	Support
984.9	Turangawaewae Board of Trustees	Place the district plan review process on hold so that the outcomes of the blueprinting exercise can be accommodated in the District Plan, including the development of structure plans.
FS1261.41	James Oakley for Birch Surveyors Limited	Oppose
FS1297.51	Birch Surveyors	Oppose

4.3.3 Analysis

55. Given that the Corridor Plan is not yet publicly available and there is uncertainty as to what statutory weight the Corridor Plan and its more localised spatial plans will carry (presumably the plan(s) will be non-statutory planning documents unless their contents are bought into the Waikato RPS), delaying the PWDP process to await the delivery of the Corridor Plan is not an efficient or effective outcome. The Future Proof Stage 2 updates will eventually be embedded in the Waikato RPS, although that will require a plan change using the RMA 1st Schedule process to be carried out.
56. Despite the above, I agree in principle with the submissions and further submissions that request that the PWDP provisions be amended when appropriate to reflect the outcomes of the Corridor Plan, the Town Blueprints and the Future Proof Stage 2 updates (I qualify that agreement in principle by adding "if appropriate" due to the fact that the content of the Corridor Plan in particular is as yet unknown).
57. The Variation and Plan Change procedures set out in Schedule 1 of the RMA are legitimate mechanisms available to Council to allow such amendments to be made if and when appropriate in the future. The legitimacy and availability of these procedures negates any need to delay or withdraw the current PWDP proceedings pending finalisation of the Hamilton-Auckland Corridor Plan and the Future Proof Stage 2 updates.

4.3.4 Recommendations

58. For the reasons outlined above it is recommended that the submissions from Waikato Regional Council [81.18], Property Council NZ [198.4], Waikato-Tainui [286.25], Auckland Council [372.3], J Francis [376.4], J Collier [493.30], Helen Clotworthy [603.1], Future Proof Implementation Committee [606.17], Waikato DHB [923.98, 923.99] and Turangawaewae Board of Trustees [984.9] are rejected.

- 4.3.5 Recommended Amendments
No amendments are required.

5 Topic 2: Vision and Strategy/Setbacks

59. This section analyses submissions that seek amendments to the PWDP as a whole to give effect to the Vision and Strategy for the Waikato River, and/or the insertion of earthworks standards in the PWDP to be consistent with setbacks included in Plan Change 1 (Healthy Rivers) to the Waikato Regional Plan.

5.1 Earthworks and Building Setbacks from Waterways and achievement of Vision and Strategy

5.1.1 Introduction

60. Earthworks standards are set out in the PWDP. The earthworks standard vary across the chapters but have a common approach to the setback of earthworks from boundaries (a 1.5m setback is required). There are no specific earthworks setback standards applying from waterways³. Building setbacks from waterways apply throughout all the Zones in the PWDP.

5.1.2 Submissions

61. Eight submission points (see table below) are relevant to this section as follows:

Submission point	Submitter	Summary of submission point
81.9	Waikato Regional Council	Amend the Proposed District Plan for all zones to provide for a minimum 10m building setback from the banks of a perennial or intermittent stream.
FS1293.9	Department of Conservation	Support
FS1322.37	Synlait	Oppose
FS1330.3	Middlemiss Farm Holdings Ltd	Support
FS1342.42	Federated Farmers	Oppose
81.10	Waikato Regional Council	Retain for all zones setbacks from waterbodies where those setbacks are larger than 10m.
286.27	Waikato-Tainui	Amend the PWDP to provide setbacks from waterways that are consistent with Proposed Plan Change 1 to the Waikato Regional Plan and gives effect to the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan.
FS1035.33	Pareoranga Te Kata	Support
FS1176.41	Watercare	Support
FS1293.20	Department of Conservation	Support
FS1340.40	TaTa Valley Limited	Oppose
FS1377.50	Havelock Village Limited	Oppose

³ The PWDP earthworks provisions are set out in more detail later in this report in response to more specific submission points.

286.38	Waikato-Tainui	Amend the PWDP to give further consideration to ensuring district plans are progressed in an integrated and holistic way, and that changes intended to promote residential economic development are balanced and do not undermine the existing environmental principles of the freshwater management regime.
FS1035.44	<i>Pareoranga Te Kata</i>	<i>Support</i>
FS1176.48	<i>Watercare</i>	<i>Support</i>
FS1269.7	<i>Housing New Zealand Corporation</i>	<i>Oppose</i>
493.36	Jackie Colliar	Amend the PWDP to provide setbacks from waterways that are consistent with Proposed Plan Change 1 to the Waikato Regional Council and gives effect to the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan.
FS1035.89	<i>Pareoranga Te Kata</i>	<i>Support</i>
FS1108.126	<i>Waikato Tainui</i>	<i>Support</i>
FS1139.115	<i>Turangawaewae Trust Board</i>	<i>Oppose</i>
642.6	Waikato River Authority	Amend The PWDP earthworks provisions to provide for setbacks from waterways that are consistent with the Proposed Plan Change 1 to the Waikato Regional Council and gives effect to the Vision and Strategy.
642.9	Waikato River Authority	Demonstrate to the Waikato River Authority how the PWDP Stage 1 has given "particular regard" to the Vision and Strategy for the Waikato River.
FS1035.53	<i>Pareoranga Te Kata</i>	<i>Support</i>
FS1037.9	<i>Waikato River Authority</i>	<i>Support</i>
984.11	Glenda Raumati – Turangawaewae Trutees	Amend the PWDP to provide setbacks from the waterways that are consistent with Proposed Plan Change 1 to the Waikato Regional Plan and gives effect to the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan.
FS1108.181	<i>Waikato Tainui</i>	<i>Support</i>
FS1340.194	<i>TaTa Valley Limited</i>	<i>Oppose</i>

5.1.3 Analysis

62. Plan Change 1 ("PC1") to the Waikato Regional Plan seeks to control the diffuse discharge of nitrogen, phosphorous, sediment and e-coli to the Waikato River in order to give effect to Objective K4 of the Vision and Strategy for the Waikato River. The as-notified version of PC1 included setbacks from waterways for activities such as cultivation.

⁴ The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length

63. The setback provisions of PC1 are heavily contested and the hearings for PC1 are not scheduled to conclude until late September/early October 2019. The Independent Hearing Panel decisions on PC1 will be presented to the Waikato Regional Council for ratification in early 2020. Whatever setback provisions are finally adopted in PC1, the key point for the purposes of this analysis is that, commensurate with the purpose of the regional council and the WRP as set out in the RMA, they are for the purposes of enhancing water quality in the Waikato River.
64. Commensurate with the purpose of the District Council and the District Plan as set out in the RMA, the PWDP provisions control landuse activities and their associated effects. Thus, setbacks should only be contained in the PWDP if they have a landuse function. In that regard, the PWDP standard boundary setback for earthworks of 1.5m is for land use effect purposes such as management of amenity and geotechnical stability on adjoining sites.
65. It is thus not appropriate to amend the earthworks setbacks in the PWDP to be consistent with the final PC1 setback provisions (if any are finally included in PC1).
66. Submission 642.9 from the Waikato River Authority asks for a demonstration of how the PWDP gives particular regard to the Vision and Strategy for the Waikato River. The Vision and Strategy has 13 objectives. Given that the focus of the Vision and Strategy is on restoring and protecting the quality of the water in the Waikato River, many of the objectives are higher order provisions⁵ that are difficult to succinctly relate to individual or cumulative District Plan provisions, and are more appropriately given effect to by way of the assessment of applications through the resource consent process.
67. Other objectives of the Vision and Strategy are more specific and readily able to be related to District Plan provisions such as the vesting of esplanade reserves or strips upon subdivision of a property adjoining the Waikato River. An example is Objective L – “The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities”.
68. Noting the above, I have prepared a high level assessment of the relationship of the PWDP provisions against the Vision and Strategy objectives. That assessment is provided in Appendix 3 to this report. On the basis of that assessment I am of the opinion that the PWDP gives effect to the Vision and Strategy as far as practicable.
69. The Waikato Regional Council through submissions 81.8 and 81.10 have supported the existing building setbacks from waterbodies in the PWDP where those setbacks are greater than 10 metres, and requested that a 10m building setback requirement from perennial or intermittent streams is inserted into all Zones. At present the PWDP has such a building setback requirement only in the Industrial, Industrial Heavy, and Village Zone.
70. While I can find no specific reference to this setback requirement in the relevant s32 reports, it is apparent that for the Industrial and Industrial Heavy Zones the management of the effects of intensive industrial landuse in those Zones on the ecosystem values outside of the Industrial

⁵ For example, Objective f. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River

Zones is important⁶. Given the nature of the landuse that occurs in Industrial zones, and the intent of the relevant Objective and Policy, I can see the rationale for including a perennial or intermittent stream building setback in those zones⁷.

71. At this point I do not regard the inclusion of the same building setback requirement in other zones as warranted. No information is currently available on the costs and benefits of including the rule in such extensive areas as the Rural and Residential Zones, and accordingly the risk of acting through inserting the rule in the face of incomplete information is too high.

5.1.4 Recommendations

72. For the reasons outlined above, it is recommended that the submissions from Waikato Regional Council [81.9], Waikato-Tainui [286.27] and [286.38], Jackie Collier [493.36], the Waikato River Authority [642.6], and Glenda Raumati [984.11] be rejected.

73. The submission from the Waikato River Authority [642.9] is recommended to be accepted, in that it can be demonstrated that the PWDP has given particular regard to the Vision and Strategy.

74. For the reasons outlined above, it is recommended that the submission from Waikato Regional Council [81.10] is accepted.

5.1.5 Recommended amendments

75. No amendments are recommended.

6 Topic 3: Miscellaneous

6.1 Tuakau and Te Kauwhata specific matters

76. Four submission points are relevant to this topic, as follows:

Submission point	Submitter	Summary of submission point
55.1	Shelley Munro	Urban growth areas should extend in the north all the way along the arterial SH2 roading due to easy and convenient accessibility of major cities and towns from Thames to Pukekohe to Te Kauwhata, and asks for consideration of an of an upgrade of Kopuku and Okaeria Roads to cope with increasing commuter traffic on those rural roads to/from SH2 and Te Kauwhata.
652.3	Kenneth Whyte	Avoid any more waste facilities located on the Waikato River on the land between Buckland Road, Tuakau and the Waikato River - it is not sustainable nor environmentally practical for waste facilities or use to be located in the area adjacent to the Waikato River.
663.3	Graham Halsey	Avoid any more waste facilities located on the Waikato River on the land between Buckland Road, Tuakau and the Waikato River - it is not sustainable nor environmentally practical for waste facilities or use to be located in the area adjacent to the Waikato River.

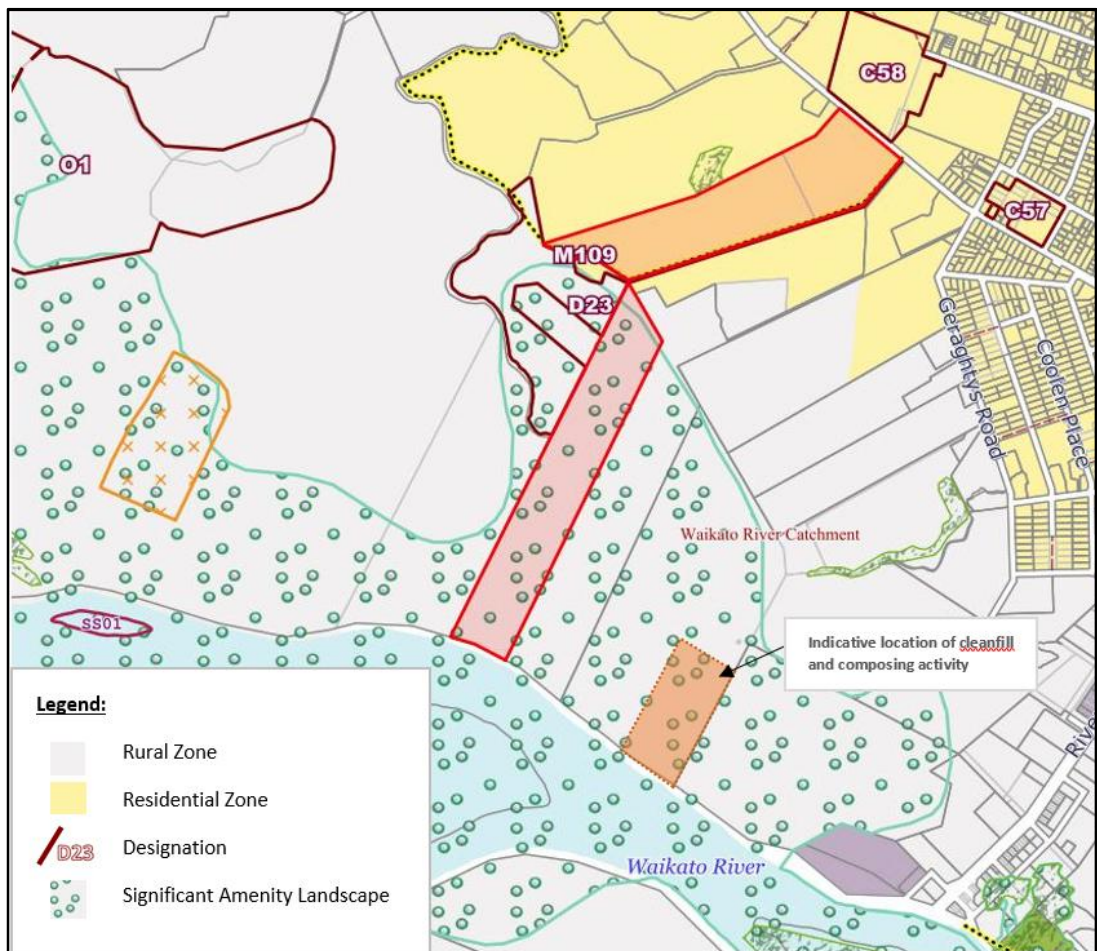
⁶ See Objective 4.6.6 and Policy 4.6.7 in the PWDP

⁷ The Village Zone being something of an anomaly

748.3	T A Reynolds Ltd	Tuakau needs a western access road that may be able to be planned in a location not to disrupt all of the agricultural land in the area.
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Analysis

77. The concern expressed by Mr Whyte and Mr Halsey may be generated by the presence of a cleanfill and composting activity on an immediately adjoining site as highlighted red on the map below. In turn, on a site immediately adjoining the composting plant to the east, a rendering plant exists. Both of those activities operate pursuant to resource consents administered by both Waikato District and Waikato Regional Council.



78. The zoning of the land within the sites referenced by the submitters is Rural. The sites are also subject to the Significant Amenity Landscape overlay. Part of the area indicated in the submission is designated⁸ in favour of Waikato Regional Council for “Flood Control Purposes”, while an adjoining area is designated⁹ in favour of Waikato District Council for “Waterworks”. It would appear that the Waikato District Council designation has not been given effect to.
79. The type of activity referred to by the submitters would fall under the PWDP as-notified definition of a “waste management facility”. Within those zones the activity status of a waste management facility is discretionary. Under that status consent can be applied for and would

⁸ See PWDP designation ref D23

⁹ See PWDP designation ref M109

be assessed on its merits. Council could grant or decline consent, and impose conditions if granted.

80. The only method available through the PWDP process to extinguish the possibility of any further such landuse being established would be to impose a prohibited activity status for waste management facilities in that part of the Rural Zone. Before such a significant measure could be included in the PWDP sufficient evidence would need to have been presented as to the need on an effects basis for such a prohibition. No such evidence has thus far been provided through either submissions or further submissions. Accordingly, it is not appropriate to accept the relief sought by the submitters. The appropriateness or otherwise of the location for waste management facilities and similar landuse is best left to the resource consent process.
81. With regard to the request from T A Reynolds Ltd for a western access road for Tuakau, the ability of this PWDP process to achieve that outcome (if it is appropriate) is very limited. It is possible that an indicative road notation could be included in the PWDP, ideally as part of structure planning for the Tuakau area. Alternatively a Notice of Requirement for Designation could have been issued by Waikato District Council and progressed through the PWDP process as allowed for by the 1st Schedule of the RMA. However, the necessary investigations to determine whether or not such a road is required have not yet been undertaken by Council, and I am advised by Council staff that no such investigations are programmed in the next 3-5 years.
82. If such investigations in the future deem a western access road necessary, a range of alternative routes will need to be considered taking into account the constraints that exist such as the presence of high quality soils and productive rural land, especially in light of recent central government direction toward the protection and preservation of productive soils. Thus, the appropriateness or otherwise of a western access road for Tuakau and its location is best left to future investigation processes and any subsequent Notice of Requirement process.
83. The aspect of the submission from Shelley Munro (55.1) relating to allowing for growth in settlements in the northern part of the Waikato District in proximity to SH2 has been addressed in the PWDP through the allowance for new zonings around those settlements. Further or amended zoning and growth provisions may also arise from the hearing process. I note that the extent of zones (including rezoning requests) is the subject of a later hearing. However, the aspect of the submission asking for consideration of an upgrade of Kopuku and Okaeria Roads to cope with increasing commuter traffic on those rural roads cannot be progressed through this PWDP process. Such matters are more appropriately addressed through Councils Long Term Plan process that determines a programme for capital expenditure on infrastructure such as roads, including consideration of existing and future functions and use of roading routes.

6.1.1 Recommendations

84. For the reasons outlined above it is recommended that the submissions from Kenneth Whyte (652.3), Graham Halsey (663.3) and T A Reynolds Ltd (748.3) are rejected.
85. It is recommended that the submission from Shelley Munro (55.1) be accepted in part.

6.1.2 Recommended Amendments

No amendments are required.

6.2 Effects of Rules

86. Submissions from Ngāti Tamaoho Trust [567.12] and Ngāti Te Ata [798.13] seek that the following text be added to the PWDP:

"Add the following to Section 12.1 - Introduction, as follows: (k) Rules set within the Plan are a minimum requirement, not an aspiration but a starting point. Each activity must set how the development/activity will aspire to more than minimum requirements".

Analysis

87. While plans prepared under the RMA can offer guidance to plan users as to matters of environmental performance, such guidance where appropriate is best left to the objectives and policies of the plan. Rules serve to create triggers or thresholds for when consent is required for the listed activities. As a result, rules need to be "black and white" (ie certain and enforceable) - the addition of the statement sought by the submitters to the introduction could create ambiguity and potential confusion as to what is required to comply with the rules.

6.2.1 Recommendations

88. For the reasons outlined above it is recommended that the submissions from the Ngāti Tamaoho Trust [567.12] and Ngāti Te Ata [798.13] are rejected.

6.2.2 Recommended Amendments

No amendments are required.

6.3 Urban Development and Growth

89. 12 submission points (see Table below) raise "bigger picture" matters that are related to growth, development, and subdivision throughout the District:

Submission point	Submitter	Summary of submission point
198.15	Property Council New Zealand	Consider housing for the younger generation on the fringes of the city, which may include making land available for apartment-style or high density living near key transport routes that connect Waikato to Auckland and Hamilton
FS1269.2	<i>Housing New Zealand Corporation</i>	<i>Support</i>
368.1	Ian McAlley	Amend the PWDP to ensure direction related to maximising the potential of the urban/residential land resource is maintained.
FS1061.1	<i>The Surveying Company</i>	<i>Support</i>
368.2	Ian McAlley	The PWDP should maintain the commitment to the Future Proof Outcomes, in particular the desire to achieve a more compact and concentrated urban form over time.
FS1061.2	<i>The Surveying Company</i>	<i>Support</i>
FS1176.52	<i>Watercare</i>	<i>Support</i>
FS1377.67	<i>Havelock Village Limited</i>	<i>Support</i>
746.139	The Surveying Company	It is important that the Waikato District Plan looks beyond the 10 year life of the Plan and ensures that adequate densities and intensification are encouraged around existing Town Centres,

		especially where public transport stations are proposed to avoid further encroachment into rural land especially where the land is used for food supply purposes.
746.148	The Surveying Company	Subdivision of larger sites within the existing urban area should be encouraged to ensure that intensification of the existing urban areas can be achieved in accordance with the Future Proof Strategy.
746.149	The Surveying Company	Intensification of land to rural residential (Country Living) in areas that do not contain elite / prime soils and adjoin urban development should be encouraged to ensure land supply requirements are met while preserving the soil resources.
FS1379.291	Hamilton City Council	Oppose
746.150	The Surveying Company	Maximizing the land's rural residential (Country Living and Village) development potential will future proof the capacity of land supply to avoid further encroachment into the rural areas past the lifetime of this Plan.
751.33	Chanel Hargrave and Travis Miller	The Proposed Waikato District Plan lacks provision of residential land supply as required by the Future Proof Strategy.
751.34	Chanel Hargrave and Travis Miller	The Proposed Waikato District Plan should encourage the subdivision of larger residential sites within the existing urban area to encourage intensification within existing urban areas.
751.35	Chanel Hargrave and Travis Miller	Intensification to rural residential (Country Living) in areas that do not contain elite/prime soils and adjoin urban development should be encouraged to ensure land supply requirements are met while preserving the soil resources.
FS1379.297	Hamilton City Council	Oppose
751.38	Chanel Hargrave and Travis Miller	Supports the direction of the Proposed Waikato District Plan as it gives effect to the National Policy Statement on Urban Development Capacity through rezoning of land and allows for some intensification of existing urban areas.
751.63	Chanel Hargrave and Travis Miller	It is important that the Waikato District Plan looks beyond the 10 year life of the Plan and ensures that adequate densities and intensification are encouraged around existing Town Centres, especially where public transport stations are proposed to avoid further encroachment into rural land especially where the land is used for food

90. The majority of the submission points set out above were high level position statements generally supportive of the PWDP and did not seek specific relief. The relevant submitters are invited through evidence in chief to elaborate on their submission points including setting out specific relief that can be considered by reporting officers and the Hearing Panel.

91. Additionally, these higher level matters will be considered in future hearings through other submission points that have sought specific relief. Nevertheless, to assist submitters and the hearings commissioners at this point some commentary on the matters raised in the submissions is set out below.

Analysis

92. With regards to the submission from the Property Council, the issue of managing development around the Waikato District/Hamilton City/Auckland City boundary is complex. The PWDP objective 4.1.2 with regards to the settlement pattern in the Waikato District is to consolidate around the existing towns and settlements of the District, while the corresponding policies 4.1.3a and 4.1.3b direct growth to the towns and villages where infrastructure and services can be efficiently provided while allowing for urban growth areas in locations consistent with the 2017 Future Proof Strategy.
93. In addition to the above direction, an Urban Expansion Policy Area (UEPA) exists that seeks to manage subdivision, use and development within the identified Hamilton Urban Expansion Area to ensure that future urban development is not compromised. Hamilton City Council have also sought that in addition to the UEPA an "Area of Interest overlay" be established in areas of the District that will be subject to the Hamilton Metropolitan Spatial Plan¹⁰. The Hamilton Metropolitan Spatial Plan is being prepared as part of the Hamilton-Auckland Spatial Plan which will in part identify growth nodes in the Hamilton-Auckland corridor.
94. Thus, the PWDP provisions do not foreclose on the outcome sought by the Property Council. The upshot of all the above planning provisions and processes is that, in time, the outcome sought by the submitter may transpire but in my view it would be premature to make the amendments sought as part of this PWDP process.
95. With regards to the higher order matters raised in the remaining submission points set out above, I note that in addition to the policy provisions referenced immediately above, the PWDP also contains policies:
- (i) promoting higher density urban development around public transport connections¹¹; and
 - (ii) encouraging the retention of high quality soils and discouraging subdivision thereon¹².

6.3.1 Recommendations

96. For the reasons outlined above it is recommended that the submission from the Property Council New Zealand [198.15] is accepted in part, in that the PWDP provisions do not foreclose on the outcome sought.
97. It is recommended that the submissions from Ian McAlley [368.1 and 368.2], The Surveying Company [746.139, 746.148-50] and Chanel Hargrave and Travis Miller [751.33-751.35, 751.38 and 751.63] be rejected as no specific relief was sought.

6.3.2 Recommended Amendments

No amendments are required.

¹⁰ That submission point will be heard in a later hearing

¹¹ For example Policy 4.1.5a Density

¹² For example Policy 5.2.2a High Class Soils

6.4 General RMA compliance

98. The following submission points have not sought specific relief but variously assert that the PWDP does not (i) represent the most appropriate means of achieving the purpose of the Resource Management Act 1991, (ii) give effect to the Waikato Regional Policy Statement; (iii) give effect to the NPS-UDC; or (iv) meet the requirements of the Resource Management Act 1991 including but not limited to section 32.

Submission point	Submitter	Summary of submission point
423.16	Watercare Services Ltd	Amend the PWDP to: Meet the requirements of the Resource Management Act, and in particular Part 2: Represent the most appropriate means of achieving the purpose of the Resource Management Act; Give effect to the National Policy Statement on Urban Development Capacity 2016; and Give effect to the Waikato Regional Policy Statement. AND Any other relief or amendments to address the concerns outlined in the submission.
574.1	TaTa Valley Limited	Amend the Proposed District Plan in order to: Represent the most appropriate means of achieving the purpose of the Resource Management Act 1991; Give effect to the Waikato Regional Policy Statement; and Meet the requirements of the Resource Management Act 1991 including but not limited to section 32. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FS1301.43	New Zealand Health Food Park Limited	Support
FS1303.43	Charlie Harris	Support
766.57	Holcim (New Zealand) Ltd	Amend the proposed provisions to address the concerns set out in the submission to ensure on-going sustainable management of the Waikato District' natural and physical resources and thereby achieving the principles and purpose of the Resource Management Act. AND Any additional or consequential relief to give effect to the matters raised in the submission.

Analysis

99. As no specific relief is sought in the above submission points by Watercare Services Ltd and TaTa Valley Ltd it is not practicable to undertake an analysis of them. The relevant submitters are invited through evidence in chief to elaborate on their submission points including setting out specific relief that can be considered by reporting officers and the Hearing Panel.
100. The submission point from Holcim (New Zealand) Ltd is ancillary to and supports more specific relief sought in the Holcim submission that will be heard in later hearings. As a result, no recommendation is necessary as part of this report.

- 6.4.1 Recommendations
101. No recommendations are necessary.
- 6.4.2 Recommended Amendments
No amendments are required.

7 Topic 4: Plan usability

102. A number of submission points request specific amendments to the PWDP to improve its structure, readability and interpretation. Discussion and analysis of the submissions on the general usability of the plan is organised into the following:

- 7.1 Structure
- 7.2 Interpretation and clarification
- 7.3 Consistency and numbering
- 7.4 Zone purpose

7.1 Structure

7.1.1 Introduction

103. The PWDP is structured so that Chapters 2 to 11 address the objectives and policies for each environment or resource management topic e.g. urban environment or tangata whenua. The rules for each zone in the Waikato District are separated into specific chapters from Chapter 14 to Chapter 28 e.g. Chapter 18 includes the rules for the Business Town Centre Zone. The PWDP zone chapters do not cross-reference the relevant objectives and policies in Chapters 2 to 11.

104. The first set of National Planning Standards were issued on 05 April 2019 by the Minister for the Environment and the Minister for Conservation. One of the purposes of the standards is to improve consistency in plan structure¹³.

7.1.2 Submissions

105. 22 submission points were received relating to the structure of the PWDP. 11 submissions sought to amend the structure of the PWDP or incorporate cross-referencing while 11 submissions supported the structure and/or the development of the PWDP. The reasons provided for amending the structure of the PWDP were:

- To provide clear links between related issues, objectives, policies and rules
- To avoid duplications throughout the plan
- To easily navigate the plan and improve cohesiveness
- To adopt best-practice plan drafting methods and standards (i.e. the National Planning Standards)

106. The following submissions were made:

Submission point	Submitter	Summary of submission point
81.12	Waikato Regional Council	Amend the PWDP to provide for cross references between issues, objectives, policies and rules.
FS1308.139	<i>The Surveying Company</i>	<i>Support</i>

¹³ MfE website: About the national planning standards

FS1340.5	TaTa Valley Limited	Support
FS1342.10	Federated Farmers	Support
FS1379.29	Hamilton City Council	Support
81.13	Waikato Regional Council	Amend the PWDP by pulling area specific provisions (i.e. Lakeside) into one Chapter (e.g. Section 9: Specific Zones).
FS1340.6	TaTa Valley Limited	Support
FS1371.4	Lakeside Development Limited	Oppose
81.122	Waikato Regional Council	Amend to include additional provisions, including Objectives, Policies, zone descriptions and references to the design guidelines in Appendix 3, character statements for specific towns and villages in Appendix 10 and structure plans included in other appendices to the plan, to assist with an understanding of the particular character, development focus and desired, strategic outcome(s) for each of the identified towns and villages; and how these outcomes are to be achieved.
FS1377.29	Havelock Village Limited	Support
200.1	John Wiltshire	Retain Chapter 9 Specific Zones.
212.2	Ron Pollock – Community Living Trust	No specific decision sought, but submission supports the PWDP in terms of streamlining and enhancing the way the District is developed and the way land and resources are managed for the betterment of all.
212.3	Ron Pollock – Community Living Trust	No specific decision sought, but submission supports combining Waikato and Franklin sections into a single District Plan with a consistent approach to growth and development across the district.
286.5	Waikato-Tainui	Waikato-Tainui support every opportunity for the planning process to become more streamlined and less time consuming.
FS1035.11	Pareoranga Te Kata	Support
FS1176.39	Watercare	Support
FS1269.5	Housing New Zealand Corporation	Support
379.1	Lisa Gardiner (Ngāti Haua Iwi Trust)	No specific decision sought, however the submitter supports the general direction that Waikato District Council has taken in the development of the Proposed Plan overall.
380.9	Norman Hill (Waahi Whaanui Trust)	No specific decision sought, but the submission generally supports the direction that the Waikato District Council has taken in the development of the PWDP.
386.1	Pokeno Village Holdings Limited	Amend the Proposed Waikato District Plan to better reflect good plan drafting practice. AND Any further, other or consequential relief necessary

FS1377.77	<i>Havelock Village Limited</i>	<i>Support</i>
388.4	Sonny Karena (Tangata Whenua Working Group)	No specific decision sought, but the submission generally supports the direction that the Waikato District Council has taken in the development of the PWDP.
535.32	Lance Vervoort (Hamilton City Council)	Amend the structure of the entire Proposed Plan and include usable cross-referencing between the objectives, policies and rules to enable easier use by the reader. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1269.144	<i>Housing New Zealand Corporation</i>	<i>Support</i>
FS1308.74	<i>The Surveying Company</i>	<i>Support</i>
574.2	TaTa Valley Limited	Amend the PWDP to simplify it and to represent good plan drafting practice, including (but not limited to) the following examples: <ul style="list-style-type: none"> - Have the objectives and policies of the zone in the same chapter as the zone rules to enable "cascade" principles; - Replace "activity specific conditions" with "activity specific standards" for permitted, controlled and restricted discretionary activities; - A single infringement of a permitted activity "condition" be classified as a controlled or restricted discretionary activity rather than a discretionary activity; AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FS1301.44	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
FS1303.44	<i>Charlie Harris</i>	<i>Support</i>
579.32	Lakeside Developments	Retain the approach of Lakeside being a 'Specific Area'. AND Retain the 'Te Kauwhata Specific Area' provisions contained within the Residential, Business and Rural sections of the Proposed Waikato District Plan.
680.4	Federated Farmers of New Zealand	Amend the PWDP to include proactive and positive attributes as well such as a range of non-regulatory methods or the suite of mechanisms council will be using to educate, inform, incentivise and generate a good understanding of the respective resource management issues. AND Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.
FS1330.60	<i>Middlemiss Farm Holdings Limited</i>	<i>Support</i>

680.5	Federated Farmers of New Zealand	Amend the PWDP so the associated rules are included in the relevant chapter, i.e. one chapter for each resource management topic OR Amend the PWDP to provide 'road-mapping' or 'sign posting' within the PWDP. AND Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.
FS1258.72	Meridian Energy Limited	Oppose
FS1330.61	Middlemiss Farm Holdings Limited	Oppose
680.7	Federated Farmers of New Zealand	Amend the PWDP to incorporate the relevant issues outlined in Section 1.4 Issues for Waikato district into the respective chapters of the Plan. AND Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.
FS1330.63	Middlemiss Farm Holdings Limited	Oppose
695.19	Sharp Planning Solutions Ltd	Add references/links throughout the PWDP, as it is in Policy 4.2.12(a) Outdoor living court - Multi-unit development.
836.32	Simon Roche	Retain Chapter 14 Infrastructure and Energy as a separate section within the Proposed Waikato District Plan. AND Retain Chapter 6 Infrastructure as an Infrastructure chapter covering objectives and policies for utilities on a district-wide basis.
923.101	Waikato District Health Board	Amend the structure of the Plan to provide for cross references between issues, objectives, policies and rules.
939.1	David Totman (Waipa District Council)	No specific decision sought, but submission supports the Proposed Waikato District Plan at an overall level.
940.2	Dennis Ngataki (Turangawaewae Board of Trustees)	No specific decision sought, but the submitter supports parts of the direction that the Waikato District Council has taken regarding the PWDP, particularly certain aspects of the Proposed Plan and how it will provide for current and future interests.
FS1035.4	Pareoranga Te Kata	Support

7.1.3 Analysis

107. The submission from WRC [81.13] seeks to amend the PWDP by pulling area specific provisions (i.e. Lakeside) into one Chapter (e.g. Section 9: Specific Zones). The submission from Lakeside Developments [579.32] seeks to retain the approach of Lakeside and Te Kauwhata as 'specific areas' and to retain the provisions contained within the relevant zones.
108. The Lakeside Te Kauwhata Precinct is not a 'specific zone' in that development within this precinct is subject to both the provisions relating to the underlying zoning as well as, in some cases, additional rules specific to the Lakeside Precinct e.g. within the Rural Zone chapter, the

provisions outlined in Rule 22.8.1 apply to activities in the Lakeside Precinct in addition to any other relevant rules in the Rural Zone chapter. I therefore consider that it would be inefficient and inappropriate to pull the area specific provisions into a standalone chapter as the underlying zoning rules are also relevant.

109. The submissions from Ron Pollock [212.2] and [212.3] support the development and structure of the PWDP.
110. The submissions from Ngāti Haua Iwi Trust [379.1], Waahi Whaanui Trust [380.9], Tangata Whenua Working Group [388.4] and Turangawaewae Board of Trustees [940.2] support the general direction that the Waikato District Council has taken in the development of the proposed plan overall. The submission from Waipa District Council [939.1] also supports the PWDP at an overall level.
111. The submission from Simon Roche [836.32] seeks to retain Chapter 6 and 14 as separate chapters within the PWDP. The submission from John Wiltshire [200.1] seeks to retain Chapter 9 Specific Zones.
112. The submission from Federated Farmers [680.4] generally seeks amendments to the PWDP to include a range of non-regulatory methods used by Council to educate, inform, incentivise and generate a good understanding of the respective resource management issues. The PWDP does not currently feature any non-regulatory methods. As no specific methods are requested, clarification from the submitter regarding the use of non-regulatory methods is encouraged through evidence in chief. I observe that s75(1) of the RMA, in addressing Contents of District Plans, says that a district plan must state the objectives for the district, the policies to implement the objectives, and the rules (if any) to implement the policies. Section 75(2) of the RMA sets out a range of things that a District Plan may (ie is not required to) state, including (b) the methods, other than rules, for implementing the policies for the district.
113. The submission point from WDC [697.314] requests an amendment to the structure of the PWDP to move all strategic objectives into a standalone chapter.
114. The submissions from WRC [81.12], Pokeno Village Holdings Limited [386.1], Hamilton City Council [535.32], TaTa Valley Limited [574.2] Federated Farmers of New Zealand [680.5], Sharp Planning Solutions Ltd [695.19] and the Waikato District Health Board [923.101] seek amendments to the structure of the plan to reflect good plan drafting practice. These changes include incorporating cross-referencing between relevant objectives, policies and rules or alternatively restructuring the plan to include all relevant objectives, policies and rules within one chapter.
115. The submission from WRC [81.122] also seeks cross-referencing between appendices and relevant policies and objectives to provide greater clarity and understanding about the particular character, development focus and desired outcome(s) for each of the identified towns and villages.
116. The submission from Waikato Tainui [286.5] supports every opportunity for the planning process to become more streamlined and less time consuming.
117. Waikato District Council is required to make the required amendments to the Waikato District Plan to incorporate the National Planning Standards by 05 April 2024. Regarding the structure of District Plans, the National Planning Standards require the issues, objectives, policies and rules relevant to a specific zone or district-wide matter to be included within the one chapter. For example, in the Rural Zone, all issues, objectives, policies and rules pertaining specifically to the Rural Zone are required to be included in the Rural Zone chapter and would exclude any district-wide matters e.g. historic heritage.

118. I understand that Council staff have investigated the practicality of re-structuring the PWDP to align with the planning standards, and concluded that at this stage of the process it would be very inefficient and challenging to do so. It is also likely that restructuring the plan now would create confusion for the remainder of the hearing process and therefore I agree with Council staff that the planning standards should be implemented after the PWDP is operative.
119. Incorporating cross-referencing between relevant objectives, policies and rules throughout the plan has the potential to enhance plan usability and efficiency. Cross-referencing between district wide matters and specific zone chapters is also required when implementing the National Planning Standards.
120. However, in my experience cross-referencing within a Plan can be fraught when a Plan contains such an extensive range of objectives and policies as the PWDP does. Almost every plan provision can be relevant to every other plan provision in the right circumstances. This means that in the larger zones of the PWDP (e.g. Rural Zone) the cross reference lists could be so long that they actually contribute little to plan usability and efficiency. Relevant cross-references may also be inadvertently left out, which can lead to unnecessary debates during the processing and/or hearing of applications as to the relevance or otherwise of provisions.
121. In light of all the above, I recommend a degree of appropriate cross-referencing occur now within the PWDP. Rather than attempt to exhaustively list every potentially relevant provision, I recommend that the obvious and most important linkages be clearly set out, and the PWDP be noted that other provisions may also apply. This will also aid in the restructuring of the plan when WDC implements the National Planning Standards.

7.1.4 Recommendations

122. For the reasons outlined above, the submission from WRC [81.13] is recommended to be rejected.
123. The submissions from Ron Pollock [212.2 and 212.3], Ngāti Haua Iwi Trust [379.1], Waahi Whaanui Trust [380.9], Tangata Whenua Working Group [388.4], Lakeside Developments [579.32], Turangawaewae Board of Trustees [940.2], Waipa District Council [939.1], Simon Roche [836.32] and John Wiltshire [200.1] that support the current direction and structure of the PWDP are recommended to be accepted.
124. For the reasons listed above the submissions from WDC [697.314] and Federated Farmers [680.7] are recommended to be rejected.
125. For the reasons outlined above, the submission from Federated Farmers [680.4] is recommended to be rejected in part.
126. The submissions from WRC [81.12 and 81.122], Pokeno Village Holdings Limited [386.1], Hamilton City Council [535.32], TaTa Valley Limited [574.2] Federated Farmers of New Zealand [680.5], Sharp Planning Solutions Ltd [695.19], Waikato District Health Board [923.101] and Waikato Tainui [286.5] relating to incorporating cross-referencing in the plan are recommended to be accepted in part for the reasons outlined above.

7.1.5 Recommended amendments

127. The following amendment is an example of the recommended approach to implementing basic cross-referencing of relevant objectives, policies and rules throughout the plan (it is recommended that the remainder of the consequential amendments to implement cross-referencing across all other chapters of the PWDP to give effect to this change be presented as part of a full referenced draft decisions version of the PWDP prior to the closure of hearings on PWDP submissions and further submissions):
128. Chapter 27: Te Kowhai Airpark Zone

- (1) The rules that apply to activities in the Te Kowhai Airpark Zone are contained in Rule 27.2 Land Use – Effects and, Rule 27.3 Land Use – Building.
- (2) The provision for subdivision in the Te Kowhai Airpark Zone are contained in Rule 27.4.
- (3) Objectives and policies that relate to the Te Kowhai Airpark Zone are contained in Chapter 9.2. Other objectives and policies also apply in the zone.
- (4) The activity status tables and standards in the following chapters also apply to activities in the Te Kowhai Airpark Zone:
 - 14 Infrastructure and Energy as specified in Rule 27.2;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (5) The following symbols are used in the tables:
 - (a) P Permitted activity
 - (b) C Controlled activity
 - (c) RD Restricted discretionary activity
 - (d) D Discretionary activity
 - (e) NC Non-complying activity
- (6) The Te Kowhai Airpark comprises four separate precinct areas:
 - (a) Precinct A: Runway and Operations;
 - (b) Precinct B: Commercial;
 - (c) Precinct C: Medium Density Residential;
 - (d) Precinct D: Residential;
- (7) The Te Kowhai Airpark Zone is shown on the planning maps along with the location of the four precinct areas within the zone.
- (8) Rule Table 27.1.1 identifies Permitted activities (P), Controlled Activities (C), Discretionary activities (D) and Non-complying activities (NC) within each precinct.

WRC [81.12 and 81.122], Pokeno Village Holdings Limited [386.1], Hamilton City Council [535.32], TaTa Valley Limited [574.2] Federated Farmers of New Zealand [680.5], Sharp Planning Solutions Ltd [695.19], Waikato District Health Board [923.101] and Waikato Tainui [286.5]

7.1.6 Section 32AA evaluation

129. The following points evaluate the recommended change under Section 32AA of the RMA.

Other reasonably practicable options

130. Other than the recommended amendment above, the other reasonably practicable option is to leave the PWDPPWDP unchanged from the as-notified version i.e. with no cross-referencing between relevant provisions in other plan chapters.

Effectiveness and efficiency

131. The recommended amendments improve the effectiveness of the PWDP. By incorporating cross-referencing between relevant provisions, this ensures that plan users give effect to the relevant higher order provisions and also enhances efficiency by saving the plan user time when trying to determine the relevant issues, objectives, policies and rules related to an activity. In addition, if the PWDP is amended now to cross-reference between related provisions, the implementation of the National Planning Standards through a subsequent plan review process will be more efficient as all relevant provisions are required to sit within one chapter.

Costs and benefits

132. There are no additional costs, and therefore costs are likely to be the same. There are benefits for the environment by implementing cross-referencing to ensure that important issues, objectives and policies are not overlooked and are taken into consideration. Cross-referencing relevant provisions throughout the PWDP also provides clearer guidance to plan users by ensuring consistency across chapters.

Risk of acting or not acting

133. There are no additional risks in not acting. There is sufficient information on the benefits relating to efficiency to justify the amendments to the structure of the plan.

Decision about most appropriate option

134. The amendment to incorporate cross-referencing is considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PWDP.

7.2 Interpretation and clarification

7.2.1 Introduction

135. Chapter 12 of the PWDP is a clarification chapter which outlines how the rules are to be used and interpreted. Chapter 13 of the PWDP includes a range of definitions which define terms used throughout the plan including in the associated appendices and on the associated planning maps.

7.2.2 Submissions

136. 14 submission points were received seeking amendments to improve the interpretation and clarification of various aspects of the PWDP. The reasons provided for seeking clarification of aspects of the PWDP were:
- To remove ambiguities and avoid disputes over interpretation
 - To help the plan reader correctly interpret the plan
 - To direct the reader to other appropriate provisions or planning instruments

137. The following submissions were made:

Submission point	Submitter	Summary of submission point
81.19	Waikato Regional Council	Amend the PWDP to clarify the role and purpose of the Environmental Protection Area.
<i>FS1062.6</i>	<i>Andrew and Christine Gore</i>	<i>Support</i>
<i>FS1330.8</i>	<i>Middlemiss Farm Holdings Limited</i>	<i>Oppose</i>
386.2	Pokeno Village Holdings Limited	Amend the PWDP to remove ambiguities and avoid disputes over interpretation. AND Any further, other or consequential relief necessary.
<i>FS1377.78</i>	<i>Havelock Village Limited</i>	<i>Support</i>
423.12	Watercare Services Ltd	Amend the PWDP to: <ul style="list-style-type: none"> - Assist with the workability and clarity of the PWDP; and - Remove ambiguities to avoid disputes or interpretations.

		AND Any other relief or amendments to address the concerns outlined in the submission.
FS1377.135	Havelock Village Limited	Support
669.3	Bernard Brown	No specific decision sought, but submission states that the proposed plan is not user friendly.
FS1040.3	Bernard Brown Family Trust	Support
680.6	Federated Farmers of New Zealand	Amend the PWDP to include advisory notes cross-referencing other legislation, planning instruments or authorities that have jurisdiction or an interest in specific issues. AND Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.
FS1330.62	Middlemiss Farm Holdings Limited	Oppose
695.41	Sharp Planning Solutions Ltd	Amend the PWDP to delete unnecessary duplication of the term "reverse sensitivity".
697.324	Waikato District Council	Amend the PWDP to clarify that a building associated with an activity is permitted if it complies with all the relevant land use building conditions for that zone.
FS1291.14	Havelock Village Limited	Support
FS1340.121	TaTa Valley Limited	Support
FS1377.215	Havelock Village Limited	Support
697.331	Waikato District Council	Amend the PWDP to include advisory notes for the following: <ul style="list-style-type: none"> - Archaeological sites (administered by Heritage New Zealand Pouhere Taonga); and - The National Environmental Standards for Plantation Forestry; and - Assessing and Managing Contaminants in Soil to Protect Human Health.
697.342	Waikato District Council	Amend rules where the rule does not relate to a particular zone or area. For example some landscape areas do not apply across all zones and may need to be removed from the zone chapter. Another example is the battlefield view shaft rule.
697.462	Waikato District Council	Add to 12.2 Categories of Activities, the following new rule: 12.2.2 Deeming rules for roads (a)The following rules apply with respect to roads: (i)Any land vested in the Council, or the Crown, as road pursuant to any enactment or provision, then from the date of vesting, the land shall retain its current zoning, but the provisions of that zoning do not apply to the land; (ii)Where a road has been lawfully stopped under any enactment, and any relevant designation removed, the land shall be subject to the provisions of the adjoining

		<u>zoned land (as shown on the planning maps) from the date of the stopping or removal of any relevant designation:</u> <u>(iii)Where a road is stopped or a designation has been removed and the zoning of the land on one side of the road is different to the zoning on the other side of that road, then the road shall be subject to the provisions of the adjoining zoned land (as shown on the planning maps) up to the centre line of the road.</u>
FS1272.9	Kiwirail Holdings Ltd	Support
741.1	Waikato Regional Airport Ltd	Amend provisions 1(a)(i)A, 2, 2.1 and 2.1(1)(a)(ii) of Appendix 1 Acoustic Insulation which refer to 'Waikato Regional Airport', and replace with "Hamilton Airport". AND Any further relief and/or amendments to the Proposed Plan as may be necessary.
742.65	New Zealand Transport Agency	Retain Section 12.1(h) Introduction to rules, except for the amendments sought below AND Amend Section 12.1(h) Introduction to rules as follows: Roads appear white on the planning maps and are not zoned, <u>nor do policy areas or sites/features apply to roads.</u> Rules relating to activities occurring in the road corridor are set out <u>in</u> Chapter 14: Infrastructure and Energy. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
742.66	New Zealand Transport Agency	Delete clause 12.3.1 Additional matters. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1110.30	Synlait	Support
FS1322.21	Synlait	Support
FS1342.199	Federated Farmers	Support
749.67	Housing New Zealand Corporation	Amend the following sentence for all Restricted Discretionary Activities in the PWDP: "Council's discretion shall be restricted to <u>any of</u> the following matters". AND Amend the PWDP as consequential or additional relief as necessary to address the matters raised in the submission as necessary.

7.2.3 Analysis

138. The submission from WRC [81.19] seeks an amendment to the PWDP to clarify the role and purpose of the Environmental Protection Area.
139. The Environmental Protection Area was previously named the 'Environmental Protection Policy Area' in the Operative District Plan and is specific to the Te Kauwhata area. I agree that it is unclear what the 'Environmental Protection Area' refers to in the as-notified PWDP. The PWDP does not state that this area is only applicable to Te Kauwhata. I agree with the submitter that the Environmental Protection Area needs to be defined in the PWDP to clarify that amongst other things this zone is applicable to the Te Kauwhata area only.
140. Appendix P of the Operative DP defines the 'Environmental Protection Policy Area' as:

'Means an area of land shown on the planning maps that is an ecologically sensitive area as described in an ecological report or subject to flooding as described in the Catchment Management Plan. The purpose of the Policy Area is to avoid the flood hazard, encourage the protection and enhancement of ecosystems and ecological corridors, and protect the habitats of plants, birds and other wildlife.'

141. Following consultation with Council staff I understand that the extent and intent of the Environmental Protection Area is unchanged from the Operative District Plan. However, the definition of an 'Environmental Protection Policy Area' in the Operative District Plan needs to be amended as the PWDP does not define or reference 'Catchment Management Plans'. Thus, all that is necessary is for the Operative District Plan definition to be "rolled over" into the PWDP, with the inclusion of reference to Te Kawhata and the deletion of reference to Catchment Management Plans.
142. The submission from Pokeno Village Holdings Limited [386.2] seeks amendments to the plan to remove ambiguities and avoid disputes over interpretation. Specifically, the submission points relates to the apparently interchangeable use of the terms 'activity specific conditions' and 'activity specific standards' throughout the PWDP and seeks that consistent terminology be used.
143. I agree with the submission from Pokeno Village Holdings Limited. For example, 16.2.7 (1) reads as follows:
- Rule 16.2.7.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire Residential Zone.*
144. In turn, the rules under Section 16.2.7.1 Signs – general, do not include any 'standards' but instead reference 'conditions'. This is consistent with the terminology in the heading of the activity status tables in the PWDP that refer to "Conditions". Notwithstanding the fact that the term "conditions" is widely used throughout the PWDP (likely as a rollover from the Operative District Plan), and to address the long standing and well established planning practice that permitted activities cannot have conditions applied to them, in my view the plan should be amended to delete all reference to 'conditions' and replace any such references with the word 'standards'.
145. The submission from Watercare Services Ltd [423.12] seeks amendments to a number of the provisions of the DP to assist with workability and clarity and to remove ambiguities to avoid disputes or interpretations. No specific relief is provided by the submitter therefore it is not appropriate to undertake an analysis of this submission at this point.
146. The submission from Bernard Brown [669.3] does not seek any specific relief but states that the Plan is not user friendly as there are too many overlay designations. In addition, the submitter suggests that the zone name should reflect the use of the property e.g. Residential Zone, Rural Zone etc. In my view this already accurately occurs in the PWDP. No other specific relief is provided by the submitter therefore it is not appropriate to undertake an analysis of this submission at this point.
147. Submission 680.6 [Federated Farmers of New Zealand] seeks amendments to the plan to include advisory notes cross-referencing other legislation, planning instruments or authorities that have jurisdiction or interest in specific issues.
148. This appears to be a general comment and no suggestions for specific advisory notes were included in the submission. As such, clarification from the submitter regarding the use of non-regulatory methods is encouraged through evidence in chief.
149. The submission from Sharp Planning Solutions Ltd [695.41] suggests amending the PWDP to delete unnecessary duplication of the term 'reverse sensitivity'. I understand that the submitter

wishes to delete Policy 4.5.33: Reverse Sensitivity as it is a duplication of Policy 4.5.31: Reverse Sensitivity.

150. Both Policy 4.5.31 and 4.5.33 refer to the management of reverse sensitivity within the Business and Business Town Centre Zones. Policy 4.5.31 reads as follows:

Reverse sensitivity within Business and Business Town Centre Zones is managed by ensuring residential activities and development are acoustically insulated to mitigate the adverse effects of noise.

Policy 4.5.33 is as follows:

Reverse sensitivity is managed by ensuring residential activities and development within the Business Town Centre Zone and Business Zone are acoustically insulated to mitigate the adverse effects of noise.

151. These policies are nearly identical and clearly have the same meaning and effect in practice (ie making sure that residential activities in the respective Business zones are acoustically insulated). It is therefore appropriate to delete Policy 4.5.33 to remove the unnecessary duplication.
152. The submissions from WDC [697.324, 697.331 and 697.342] seek various consequential amendments to the PWDP. These are considered necessary to aid in the interpretation of the PWDP and will result in clarification of provisions in the PWDP.
153. Under Clause 16 (2) of Schedule 1 of the RMA the council can make an amendment, without using the process in Schedule 1 to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors. I agree that these changes will not result in any more than a minor effect and therefore it is appropriate to make these changes to the PWDP as consequential amendments¹⁴. For example, deleting rules associated with landscape overlays or the battlefield view shaft where they have been mistakenly applied to a particular zone (i.e. where there is no part of the particular zone affected by the overlay).
154. The submission from WDC [697.462] seeks to add a new set of deeming rules for roads to Section 12.2. These rules set out the zoning requirements of land vested in the Council or Crown as a road. I consider that these rules are appropriate to be added to the plan to clarify that the provisions of a zone do not apply to legal roads (either formed or unformed), only roads that have been lawfully stopped. This submission is undoubtedly referring to the situation where a subdivision has been approved and vested roads retain a zone. Usually a plan change is required to “mop up” these relict zones. A deeming rule is an efficient approach and delays the need to undertake a Schedule 1 process (although this will still have to occur at some point to remove the zoning from the vested road)
155. Waikato Regional Airport Ltd [741.1] seek amendments to the PWDP to rename ‘Waikato Regional Airport’ where referenced, to the correct descriptive term ‘Hamilton Airport’. Waikato Regional Airport Ltd is the name of the company that operates the airport as opposed to the name for the facility itself. Local maps and signs and other publicly available airport related information all refer to “Hamilton Airport”, thus amending the name will remove potential ambiguity and confusion for plan users.
156. The submission from NZTA [742.65] seeks an amendment to Section 12.1 (h) of the PWDP to clarify that policy areas or sites/features do not apply to roads. I agree that clarification is required and propose a similar amendment to that which the submitter proposed which is

¹⁴ Regardless, I have recommended that the Waikato District Council submission points be accepted in order to provide scope for any amendments that might be deemed outside of the bounds of Clause 16(2) of the RMA 1st Schedule.

considered appropriate to ensure the plan user correctly determines the provisions relating to works within the road corridor. To avoid inconsistency throughout the plan, the term 'overlays' should be used as opposed to 'policy areas or sites/features' as identified on the DP planning maps.

157. The submission from Housing New Zealand Corporation [749.67] seeks to amend the sentence regarding Council's discretion when assessing restricted discretionary activities to include 'any' of the matters associated with the specific rule. The submission reason states that in some cases, not all of the matters of discretion are relevant for an activity. In my view, the requested amendment is unnecessary. It is self-evident in practice that where a matter of discretion is not relevant to a particular application it will not be applied. Making the amendment sought would introduce an element of tacit preliminary judgement by the plan user as to which matters were relevant, which could lead to inappropriate outcomes. It is more appropriate to retain the current wording that firmly places all matters of discretion "in play" unless it is obvious in practice that some are not.
158. The submission from NZTA [742.66] seeks to delete clause 12.3.1 as they consider that these matters are otherwise dealt with under the Resource Management Act. Clause 12.3.1 outlines (amongst other things) additional matters of control, matters of discretion and matters for discretionary and non-complying activities relating to bonds or covenants, administrative charges to be paid to Council, duration and lapsing of resource consents. I agree with the submitter that some of these matters are specifically dealt with in the RMA however, in my view it is appropriate to retain Clause 12.3.1 for clarity and guidance to plan users..
- 7.2.4 Recommendations
159. The submission from WRC [81.19] seeking a definition of Environmental Protection Area is recommended to be accepted for the reasons outlined above.
160. For the reasons outlined above, the submission from Pokeno Village Holdings Ltd [386.2] is recommended to be accepted.
161. The submission from Watercare Services Ltd [423.12] is recommended to be rejected on the basis that no specific relief was sought.
162. As no specific relief was sought, the submission from Bernard Brown [669.3] is recommended to be rejected.
163. The submission from Federated Farmers of New Zealand [680.6] is recommended to be rejected based on the reasons outlined above.
164. The submission from WDC [697.462] seeking the addition of new rules which clarify the zoning of roads is recommended to be accepted for the reasons set out above.
165. For the reasons stated above, the submissions from Sharp Planning Solutions Ltd [695.41] and WDC [694.324, 697.331 and 697.342] are recommended to be accepted.
166. The submission from NZTA [742.65] is recommended to be accepted in part to provide clarification for the plan user.
167. The submission from Waikato Regional Airport Ltd [741.1] is recommended to be accepted to remove ambiguity regarding the naming of the airport.
168. The submission from NZTA [742.66] is recommended to be rejected for the reasons outlined above.
- 7.2.5 Recommended amendments
169. The following amendments are recommended:

170. Add a new definition to Chapter 13: Definitions, as follows:

Environmental Protection Area

Means an area of land in Te Kauwhata shown on the planning maps that is an ecologically sensitive area as described in an ecological report or subject to flooding. The purpose of the Policy Area is to avoid the flood hazard, encourage the protection and enhancement of ecosystems and ecological corridors, and protect the habitats of plants, birds and other wildlife WRC [81.19].

171. Amend the plan to delete all reference to 'conditions' as referenced in the rule tables and replace with 'standards'. *Pokeno Village Holdings Ltd* [386.2]. And any consequential amendments throughout the plan to give effect to this change.

172. Add the following text to Section 12.1: Introduction to rules:

(h) Roads appear white on the planning maps and are not zoned. The overlays identified on the planning maps do not apply to roads. Rules relating to activities occurring in the road corridor are set out in Chapter 14: Infrastructure and Energy. *NZTA* [742.65].

173. Add the following new rule to Section 12.2: Categories of Activities:

12.2.2 Deeming rules for roads

(a)The following rules apply with respect to roads:

(i)Any land vested in the Council, or the Crown, as road pursuant to any enactment or provision, then from the date of vesting, the land shall retain its current zoning, but the provisions of that zoning do not apply to the land;

(ii)Where a road has been lawfully stopped under any enactment, and any relevant designation removed, the land shall be subject to the provisions of the adjoining zoned land (as shown on the planning maps) from the date of the stopping or removal of any relevant designation;

(iii)Where a road is stopped or a designation has been removed and the zoning of the land on one side of the road is different to the zoning on the other side of that road, then the road shall be subject to the provisions of the adjoining zoned land (as shown on the planning maps) up to the centre line of the road. *WDC* [697.462]

174. Amend Appendix 1: Acoustic insulation as follows:

1. Application

(a) This appendix is referred to in the rules related to:

(i) buildings for noise-sensitive activities in the noise control boundaries and buffers for:

A. ~~Waikato Regional Airport~~ Hamilton Airport

2. ~~Waikato Regional Airport~~ Hamilton Airport

2.1 Conditions for Permitted Activities inside the ~~Waikato Regional Airport~~ Hamilton Airport Noise Outer Control Boundary

2.1(l)(a)(ii) Inside the ~~Waikato Regional Airport~~ Hamilton Airport Noise Outer Control Boundary the internal noise level shall be calculated in accordance with the predicted external level at the subject site shown on Figure 1 below – '~~Waikato Regional Airport, 'Hamilton Airport, Ldn Contours for Sound Insulation Design'~~.....

The ~~Waikato Regional Airport~~ Hamilton Airport, Ldn Contours for Sound Insulation Design in Figure 1 below illustrates the Ldn contours within the.....

And any consequential amendments throughout the plan to give effect to these changes.
Waikato Regional Airport [741.1].

175. Amend Section 4.5: Business and Town Centre Zones as follows:

~~4.5.33 Policy—Reverse sensitivity~~

~~(a) Reverse sensitivity is managed by ensuring residential activities and development within the Business Town Centre Zone and Business Zone are acoustically insulated to mitigate the adverse effects of noise.~~

And any consequential amendments throughout the plan to give effect to this change.
Sharp Planning Solutions [695.41].

176. Amend the plan to make any consequential amendments to give effect to the relief sought in submissions WDC [694.324, 697.331 and 697.342] under Clause 16 (2) of Schedule 1 of the RMA.

7.2.6 Section 32AA evaluation

177. The following points evaluate the recommended change under Section 32AA of the RMA.

Other reasonably practicable options

178. Other than the recommended amendments above, the alternative reasonably practicable option is to leave the PWDP as it is i.e. with the existing ambiguities and errors.

Effectiveness and efficiency

179. The recommended amendments improve the effectiveness of the PWDP by clarifying sections that are currently misleading or confusing to a plan user. A clear and understandable plan ensure efficiency when utilised. Amending the plan to remove ambiguity improves the effectiveness of the plan by ensuring that all relevant provisions are interpreted and implemented correctly.

Costs and benefits

180. There are no additional costs, and therefore costs are likely to be the same. By providing further definitions in the plan and removing any current ambiguity associated with provisions, this will save further rework, and associated costs, by council staff as plan users will be able to correctly interpret and apply the provisions of the plan.

Risk of acting or not acting

181. There are no additional risks in not acting. There is a sufficient benefit to plan users and council staff to justify the amendments to the plan.

Decision about most appropriate option

182. The recommended amendments will ensure that the plan is interpreted correctly by plan users and are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the DP.

7.3 Consistency and numbering

7.3.1 Introduction

183. The PWDP has a number of associated definitions, maps and overlays that are referenced in the text of the chapters of the plan. The PWDP also has a number of provisions e.g. earthworks rules, that are repeated in multiple zone chapters that have different formats or

wording across the plan. The current numbering format of the PWDP is considered by submitters to be complex and inconsistent across chapters.

7.3.2 Submissions

184. 21 submission points were received relating to improving the numbering format and ensuring consistency throughout the DP. All 21 submissions sought amendments to the plan to improve consistency. The reasons provided for amending the PWDP were:

- To ensure consistent terminology is used throughout the PWDP including the associated appendices and maps
- To correct any mistakes that have been identified in the PWDP
- To ensure the numbering throughout the PWDP is consistent, correct and appropriate

185. The following submissions were made:

Submission point	Submitter	Summary of submission point
281.14	Zeala Ltd	Amend terminology in the PWDP to provide consistency between maps and text, particularly with respect to overlays.
FS1035.20	<i>Pareoranga Te Kata</i>	<i>Support</i>
524.32	Anna Noakes	Amend terminology used in Overlays on the Planning Maps and provisions to provide consistency between maps and text.
574.17	TaTa Valley Limited	Amend the PWDP as follows; <ul style="list-style-type: none"> - Chapter 29 <u>30</u>: Appendices; AND - Chapter 30 <u>31</u>: Schedules AND All references to these chapters within the PWDP as required. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FS1301.59	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
FS1303.59	<i>Charlie Harris</i>	<i>Support</i>
695.153	Sharp Planning Solutions Ltd	Delete the use of the suffix (a) after single item statements in the PWDP.
697.302	Waikato District Council	Amend the numbering structure across the chapters by simplifying to ensure a more user friendly district plan and to ensure a consistent approach is used across all chapters. For example, Rule numbering is very long for some rules (e.g. Rule 22.2.6.1 P2(a)(xi)(A).
697.303	Waikato District Council	Amend rules to ensure the sentence structure of the relevant rule is consistent across all zone chapters, for example: <ul style="list-style-type: none"> (a) Earthworks ... must meet the following conditions: (b) Council restricts its discretion to.... (there are many rules which say "limits" discretion)

			(c) That does not comply with Rule 25.2.6.2 Pl.
697.304	Waikato Council	District	Amend and correct references to zone names.
697.306	Waikato Council	District	Amend the numbering across all zone chapters.
697.308	Waikato Council	District	Amend the restricted discretionary activity explanation as follows: <u>Council's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters of discretion as set out in the following table.</u> Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.
697.311	Waikato Council	District	Amend all restricted discretionary activities as follows: (b) Council's discretion is limited <u>restricted</u> to the following matters:
697.312	Waikato Council	District	Amend to use defined terms where appropriate throughout all of the zone chapters.
697.313	Waikato Council	District	Amend wording throughout the PWDP to match the defined term.
697.315	Waikato Council	District	Amend rules where applicable to refer to the correct name of the Appendix.
697.316	Waikato Council	District	Amend the names of appendices in the Plan to correctly reflect the contents of the appendices in Section D Appendices and Schedules.
697.321	Waikato Council	District	Amend Restricted Discretionary Activity headings throughout the PWDP as follows: <i>Matters of Discretion</i> AND Delete additional wording at beginning of each rule referring to Restricted Discretionary Activities.
697.323	Waikato Council	District	Amend Appendix numbers referred to in the rules to refer to the correct number of the Appendix.
697.480	Waikato Council	District	Amend 12.4 Rule Tables as follows: Land Use – Activities, Land Use – Effects, Land Use – Building and Subdivision rules are in separate tables with a similar format. Rules that set out where the rules within the tables apply are found at the beginning of the tables.
697.479	Waikato Council	District	Amend Rule 12.1(e) Introduction to the rules as follows: Chapter 14: Infrastructure and Energy and Chapter 15: Natural Hazards and Climate Change (Stage 2 of the district plan review Placeholder) <u>apply to land use and subdivision</u> across the whole district.
697.575	Waikato Council	District	Amend Chapter 12 How to use and interpret the rules as follows; - Add a new heading 12.1 Explanation; AND

		<ul style="list-style-type: none"> - Amend by renumbering existing 12.1 Introduction to rules to 12.1.1; AND - Amend 12.2 Categories of Activities to 12.1.2; AND - Amend 12.4 Rule Table to 12.1.3; AND - Amend 12.5 How to find out if a resource consent is needed to 12.1.4; AND - Add a new heading 12.2 Rules; AND - Amend 12.3 Additional matters... to 12.2.1; AND - Add a new Rule 12.2.2 Deeming rules for roads.
742.63	New Zealand Transport Agency	<p>Amend 12.1(d) Introduction as follows: Chapter 13 contains all the definitions that are used in the <u>plan rules</u> within Section C. The definitions form part of the rules ...</p> <p>AND Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
943.69	McCracken Surveys Limited	Amend the Proposed Waikato District Plan to be consistent with terminology, e.g. the definition of a Significant Natural Area does not match the names on the planning maps.

7.3.3 Analysis

186. The submissions from Zeala Ltd [281.14], Anna Noakes [524.32] and McCracken Surveys Limited [943.69] seek amendments to the terminology in the PWDP to provide consistency between maps/overlays and the text of the PWDP. For example, the Rural Zone chapter references the 'Outstanding Natural Character' overlay whereas the planning maps refer to the overlay as 'Natural Character'.

187. Chapter 3 of the PWDP includes objectives and policies in relation to 'Natural Character'. Policy 3.5.2(b) reads as follows:

Recognise the natural character qualities of the following areas within the coastal environment and identified on the planning maps as:

- (i) *Outstanding Natural Character areas; and*
- (ii) *High (and very high) natural character areas.*

Section 13 defines 'Outstanding Natural Character Area' as:

'An area defined as an Outstanding Natural Character Area on the planning maps'

And 'High Natural Character Area' as:

'An area identified as High Natural Character Area on the planning maps.'

188. The policies, definitions and rules clearly differentiate between 'Outstanding Natural Character' areas and 'High Natural Character' areas. I agree with the submitters that 'Natural Character' on the planning maps needs to be further defined into 'Outstanding' and 'High' to match the objectives, policies and rules of the PWDP and improve consistency and interpretation of the plan.

189. The McCracken Surveys Limited submission [943.69] also notes that under the definition of a 'Significant Natural Area' within Chapter 13, these areas are referred to as being identified on

the planning maps. The submitter suggests that there is no areas shown on the planning maps with the same name i.e. 'Significant Natural Area'. However, when using the online map viewer, the 'Significant Natural Area' overlay is located within the 'Legal Effect Overlays' dropdown menu as opposed to the 'Natural Environment' drop down menu where a user may expect to find it. It is therefore considered that the definition of 'Significant Natural Area' is strictly correct and no change is required to the on-line planning maps, although Council may wish to correct this anomaly in the drop down menu. The hard copy planning maps and legend do however need to be corrected. In any event the "legal effect" tab on the Intramaps (and the same heading on the district plan map legend) will be somewhat redundant once a decision is notified and will need to be amended.

190. The submission from TaTa Valley Limited [574.17] seeks an amendment to the numbering of Chapters 29 and 30 to allow for the insertion of a new Chapter 29 (Resort Zone) proposed by the submitter. It is my understanding that the TaTa Valley submissions relating to the creation of a new 'Resort Zone' will be heard in a later hearing. If a new 'Resort Zone' chapter is created, the numbering of any subsequent chapters will require amendment to be consistent with the numbering format of the PWDP and can be actioned as a consequential amendment.
191. The submissions in the table above from WDC seek several amendments to the plan in order to promote consistency and clarity. These amendments include correcting references to zone names, using the same defined term throughout the plan where appropriate, correcting the names of appendices and references to appendices.
192. Schedule 1, Clause 16 (2) of the RMA states that a local authority may make an amendment, without using the process in Schedule 1 to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
193. The PWDP contains numerous wording inconsistencies through the text of the plan between zones, definitions and appendices. I agree with the recommended consequential amendments from WDC as these will maintain consistency through the plan and avoid future misinterpretation by plan users. Clause 16(2) of Schedule 1 provides scope for WDC to make these changes as consequential amendments to the plan.
194. The submissions from WDC [697.302 and 697.306] seek an amendment to the numbering structure across all chapters of the plan to ensure consistency and to make the plan more user friendly. Sharp Planning Solutions Ltd [695.153] seeks to delete suffix (a) after single item statements throughout the PWDP.
195. Section 10 of the National Planning Standards outlines a standardised DP numbering format for all chapters, provisions, appendices, tables, diagrams and figures. The PWDP is inconsistent with the numbering format specified in the National Planning Standards.
196. However, a subsequent plan revision is required prior to 2024 which will implement the National Planning Standards and will include amending the numbering format of the WDP. Therefore, I recommend leaving the PWDP numbering format as it currently stands for the remainder of the PWDP process as implementing a new numbering structure now requires significant rework and would unnecessarily complicate the remaining hearing process.

7.3.4 Recommendations

197. For the reasons set out above, the submissions from Zeala Ltd [281.14] and Anna Noakes [524.32] are recommended to be accepted.
198. The submission from McCracken Surveys Limited [943.69] is recommended to be accepted in part based on the reasons outlined above.

199. The submission from TaTa Valley Limited [574.17] requesting the renumbering of Appendices 29 and 30 is recommended to be rejected as those Appendices can be renumbered if required as consequential amendments pending decisions to be made later in the hearing process.
200. The consequential amendments sought in submissions from WDC [697.303, 697.304, 697.308, 697.311, 697.312, 697.313, 697.315, 697.316, 697.321, 697.323, 697.480, 697.479 and 697.575] are recommended to be accepted.
201. For the reasons outlined above, it is recommended that the submissions seeking amendments to the numbering of the plan from WDC [697.302 and 697.306] Sharp Planning Solutions Ltd [695.153] are rejected at this stage to avoid confusion throughout the remainder of the PWDP process.

7.3.5 Recommended amendments

202. The following amendments in contain examples of the recommended approach to implementing each consistency based change throughout the plan (it is recommended that the remainder of the consequential amendments to implement across all other chapters of the PWDP to give effect to this change be presented as part of a full referenced draft decisions version of the PWDP prior to the closure of hearings on PWDP submissions and further submissions):

203. Amend rules to ensure that the sentence structure of the relevant rule is consistent across all zone chapters. For example:

- a) Earthworksmust meet ~~all~~ of the following conditions:
- b) Council ~~limits~~ restricts its discretion to
- c) Earthworks that do not comply with Rule

204. Amend Chapter 12: How to use and interpret the rules as follows:

~~12.1~~ Introduction to rules-Explanation

~~12.1~~ 12.1.1 Introduction to rules

~~12.2~~ 12.1.2 Categories of Activities

~~12.4~~ 12.1.3 Rule Table

~~12.5~~ 12.1.4 How to find out of a resource consent is needed

12.2 Rules

~~12.3~~ 12.2.1 Additional matters

12.2.2 Deeming rules for roads

12.1 (e) Chapter 14: Infrastructure and Energy and Chapter 15: Natural Hazards and Climate Change (Stage 2 of the district plan review-Placeholder) apply to land use and subdivision across the whole district.

12.4 Rule Tables

(a) Land Use - Activities, Land Use - Effects, Land Use - Building and Subdivision rules are in separate tables with a similar format. Rules that set out where the rules within the tables apply are found at the beginning of the tables.

205. Amend the restricted discretionary activity explanation as follows:

~~Council's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters of discretion as set out in the following table. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.~~

206. Amend all restricted discretionary activities as follows:

~~(b) Council's discretion is limited-restricted to the following matters:~~

207. The following consequential amendments are also recommended to be implemented throughout the plan:

- Amend and correct references to zone names
- Amend Restricted Discretionary Activity headings to read 'matters of discretion' and remove additional wording at the beginning of the rule.
- Amend the numbering across all zone chapters
- Use defined terms where appropriate throughout the plan
- Amend wording throughout the plan to match the defined term
- Amend rules where applicable to refer to the correct name of the Appendix
- Amend the names of the Appendices in the plan to correctly reflect the contents in Section D
- Amend appendix numbers referred to in the rules to refer to the correct appendix

WDC [697.303, 697.304, 697.308, 697.311, 697.312, 697.313, 697.315, 697.316, 697.321, .323 and 697.575].

208. With regards to the planning maps, it is recommended to re-define the 'Natural Character' overlay on the planning maps to differentiate between areas of 'Outstanding Natural Character' and 'High Natural Character' and any consequential amendments to give effect to this change, including to the Legend of the Planning Maps.

Zeala Ltd [281.14], Anna Noakes [524.32] and McCracken Surveys Limited [943.69].

7.3.6 Section 32AA evaluation

209. The following points evaluate the recommended change under Section 32AA of the RMA.

Other reasonably practicable options

210. Other than the recommended amendments above, the other reasonably practicable option is to leave the PWDP as it is i.e. with all existing inconsistencies unaddressed.

Effectiveness and efficiency

211. The recommended amendments improve the effectiveness of the PWDP by ensuring all sections and chapters of the plan are consistent. Consistency throughout the plan ensures a user can navigate and use the plan efficiently without relying on council staff for direction. Amending the plan to improve consistency generally improves the effectiveness of the plan by ensuring that all relevant provisions are interpreted and implemented in the same way.

Costs and benefits

212. There are no additional costs, and therefore costs are likely to be the same. There are clear benefits associated with the suggested amendments above as these will ensure consistency and usability of the plan and avoid misinterpretations by plan users. Other benefits are clearer guidance to plan users regarding the protection of areas identified as having Outstanding Natural Character.

Risk of acting or not acting

213. There are no additional risks in not acting. There is a sufficient benefit to plan users and council staff to justify the amendments to the plan.

Decision about most appropriate option

214. The amendments promote consistency and efficiency when using the plan and are considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PWDP.

7.4 Zone purpose

7.4.1 Introduction

215. The PWDP does not provide an introduction within any of the chapters in the plan. Chapter 1: Introduction provides an overall description of the issues facing the rural and urban environments but does not include descriptions of the zones themselves. The zone chapters do not outline the purpose or the anticipated outcomes of the zone.

7.4.2 Submissions

216. 16 submission points were received relating to amending the zone chapters of the PWDP to include introductions and information on the purpose and anticipated outcomes of the corresponding zone within each zone chapter. All 16 submissions sought amendments to the relevant plan chapters. The reasons for providing the purpose and anticipated outcomes of the zone in the PWDP were:
- To provide users with a clear understanding of the issues, values and purpose of the chapter.
 - To provide clarity around the purpose of a zone and increase the understanding of expected outcomes and appropriate types of activities in different environments.
217. The following submissions were made:

Submission point	Submitter	Summary of submission point
81.2	Waikato Regional Council	Amend each zone chapter to provide details on the purpose and anticipated outcomes of the corresponding zone or subzone.
FS1110.29	Synlait	Support
FS1202.69	New Zealand Transport Agency	Support
FS1293.6	Department of Conservation	Support
FS1308.151	The Surveying Company	Support
FS1322.33	Synlait	Support
FS1330.2	Middlemiss Farm Holdings Limited	Oppose
FS1340.4	TaTa Valley Limited	Support
FS1379.16	Hamilton City Council	Support
585.32	Department of Conservation	Add introductions and/or zone descriptions at the beginning of each chapter.
FS1308.82	The Surveying Company	Support
FS1330.49	Middlemiss Farm Holdings Limited	Support
FS1342.157	Federated Farmers	Support

680.3	Federated Farmers of New Zealand	Amend plan format and structure to ensure the respective chapters include an introductory/explanatory section that provides plan users with a clear understanding of the issues, values, and purpose of the chapter. AND Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.
FS1330.59	<i>Middlemiss Farm Holdings Limited</i>	<i>Oppose</i>
923.1	Waikato District Health Board	Amend Chapter 23: Country Living Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
923.44	Waikato District Health Board	Amend the Proposed District Plan to include additional provisions, including Objectives, Policies, Zone descriptions and references to design guidelines in Appendix 3, character statements for specific towns and villages in Appendix 10 and structure plans included as other appendices to the plan to assist with an understanding of the particular character, development focus and desired strategic outcome(s) for each of the identified towns and villages; and how these outcomes are to be achieved.
923.102	Waikato District Health Board	Amend Chapter 16: Residential Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
923.103	Waikato District Health Board	Amend Chapter 17: Business Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
FS1308.167	<i>The Surveying Company</i>	<i>Support</i>
923.115	Waikato District Health Board	Amend Chapter 18: Business Town Centre Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
923.116	Waikato District Health Board	Amend Chapter 19: Business Zone Tamahere to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
923.117	Waikato District Health Board	Amend Chapter 20: Industrial Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where

		appropriate make links to health and wellbeing considerations.
923.118	Waikato District Health Board	Amend Chapter 21: Heavy Industrial Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
<i>FS1110.38</i>	<i>Synlait</i>	<i>Support</i>
<i>FS1322.29</i>	<i>Synlait</i>	<i>Support</i>
923.119	Waikato District Health Board	Amend Chapter 22: Rural Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
923.2	Waikato District Health Board	Amend Chapter 24: Village Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
<i>FS1127.13</i>	<i>Vineyard Road Properties Limited</i>	<i>Support</i>
923.4	Waikato District Health Board	Amend Chapter 26: Hampton Downs Motor Sport and Recreation Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
923.5	Waikato District Health Board	Amend Chapter 27: Te Kowhai Airpark Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
<i>FS1339.184</i>	<i>NZTE Operations</i>	<i>Oppose</i>
923.6	Waikato District Health Board	Amend Chapter 28: Rangitahi Peninsula Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.

7.4.3 Analysis

218. The submissions in the table above seek amendments across multiple zone chapters in the PWDP to add a statement of purpose/introduction and anticipated outcomes of the corresponding zone or subzone as well as any link to health and wellbeing considerations.
219. Section 10.1 of the first set of National Planning Standards states that issues and anticipated environmental results are not required to be included in zone chapters but can be at the discretion of the local authority. In addition, a purpose of each zone or chapter is not envisaged in a District Plan under the same section of the National Planning Standards.
220. Section 8 of the National Planning Standards refers to the 13 zones and zone descriptions that are required to be used by all districts where appropriate to ensure a consistent approach to

land zoning throughout the country (excluding any special purpose zones). It is therefore likely that, when the operative District Plan that arises from the current process is reviewed to implement the planning standards, a number of the zones currently used in the PWDP will be updated to align with the planning standards. It is my understanding that using standardised zones will negate the need for a 'zone purpose'.

221. Overall, a zone introduction/purpose is not required by the National Planning Standards and adding these to the PWDP now will be inefficient and create unnecessary rework.

7.4.4 Recommendations

222. For the reasons outlined above, the submissions from Waikato Regional Council [81.2], Department of Conservation [585.32], Federated Farmers of New Zealand [680.3] Waikato District Health Board [923.1-923.6, 923.44, 923.102, 923.103, 923.115 – 923.119] are recommended to be rejected.

8 Topic 5: Plan content

223. A number of submission points request specific amendments to the content of PWDP which influence the whole plan or multiple chapters of the plan. Discussion and analysis of the submissions on the general content of the plan is organised into the following:

8.1 Recreation provisions

8.2 Water provisions

8.3 Housing provisions

8.4 Noise provisions

8.5 Industry provisions

8.6 Tangata whenua

8.7 Earthworks provisions

8.8 Notification

8.9 Miscellaneous

8.1 Recreation provisions

8.1.1 Introduction

224. The PWDP does not include specific provisions to manage recreational hunting activities themselves. Many of the effects of recreational activities, such as noise, are managed through the provisions of the PWDP. The zones and overlays applied to land within the Waikato District, as detailed in the PWDP, protects particular character and amenity areas from inappropriate development.

8.1.2 Submissions

225. 11 submission points were received which related to recreation provisions in the plan. All 11 submissions sought amendments or additions to the plan in relation to recreation. The reasons provided for amending provisions relating to recreation within the PWDP were:

- To protect recreational hunting values as well as public safety
- To protect public access to waterways
- To protect the conservation values of riparian margins and esplanade strips

226. The following submissions were made:

Submission point	Submitter	Summary of submission point
19.1	John Wright (Jet Ski Racing NZ Inc.)	Amend provisions relating to reserves and lakes to ensure they work together for club events and the use of existing facilities for selected non-commercial events.
55.8	Shelley Munro	Amend provisions relating to public reserves or nature areas to support the populations as a whole, not just a limited group.
433.67	Auckland Waikato Fish and Game Council	Add to the PWDP provisions that constrain housing and industrial developments near areas with recreational hunting values.
FS1083.13	<i>Ryburn Lagoon Trust Limited</i>	<i>Support</i>
433.68	Auckland Waikato Fish and Game Council	Add provisions to the PWDP that provide for the associated discharge of noise of firearms for all informal and legitimate purposes, such as recreational hunting, pest control and sight adjustment, as permitted activities.
FS1083.14	<i>Ryburn Lagoon Trust Limited</i>	<i>Support</i>
433.70	Auckland Waikato Fish and Game Council	Amend the Proposed District Plan to give specific reference to recreational hunting, especially in relation to subdivisions and new growth, where reverse sensitivity issues are discussed.
433.71	Auckland Waikato Fish and Game Council	Add new policies to the PWDP that ensure that it maintains and enhances public access to and along wetlands, streams, lakes and rivers.
FS1342.124	<i>Federated Farmers</i>	<i>Oppose</i>
433.72	Auckland Waikato Fish and Game Council	Add provisions to provide for the creation and protection of esplanade reserves and strips as a permitted activity.
FS1342.125	<i>Federated Farmers</i>	<i>Oppose</i>
433.73	Auckland Waikato Fish and Game Council	Amend the PWDP by including similar or the same provisions for maimai as under the Waikato Regional Plan.
FS1083.17	<i>Ryburn Lagoon Trust Limited</i>	<i>Support</i>
433.74	Auckland Waikato Fish and Game Council	Add provisions to the PWDP that provide for building of maimai on wetlands or near a lake or river as a permitted activity.
FS1083.18	<i>Ryburn Lagoon Trust Limited</i>	<i>Support</i>
433.75	Auckland Waikato Fish and Game Council	Amend the PWDP to allow for all signs erected by the submitter to be a permitted activity, notwithstanding that they may not be located on the site angling/hunting activity to which the sign relates is occurring.
433.76	Auckland Waikato Fish and Game Council	Amend the PWDP to ensure that development occurs away from areas valued for their amenity

		characteristics which are important for culture and recreation.
FS1340.74	TaTa Valley Limited	Oppose
FS1377.98	Havelock Village Limited	Oppose

8.1.3 Analysis

227. John Wright (Jet Ski Racing NZ Incorporated) [19.1] requests amendments to the PWDP to align the provisions relevant to reserves and lakes between the Operative District Plan and the PWDP. It is unclear what provisions the submitter is referring to as they have not provided any examples or specific relief sought. Therefore, I am unable to undertake an analysis of this submission.
228. The submission from Shelley Munro [55.8] seeks an amendment to provisions relating to public reserves or nature areas to support the population as a whole. I have interpreted this submission point to refer to the protection of the public from recreational hunters who are hunting on public land.
229. Section 31A of the RMA sets out the functions of territorial authorities. Territorial authorities can establish, implement and review objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district and to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district. In addition, territorial authorities can control the effects of the use, development or protection of land, the control of the emission and effects of noise and control of effects in relation to surface water in rivers and lakes.
230. In order to recreationally hunt on public conservation land, a permit is required from the Department of Conservation. The permit imposes conditions in relation to the hunting permit type and area. Condition 6 of the standard conditions that apply to all hunting permits states that no firearms shall be discharged in the vicinity of huts, tracks, campsites, road-ends or other public places or in a manner that endangers, frightens or annoys members of the public.
231. In my view protection of the public from recreational hunting activities is not within WDC's remit nor the scope of the PWDP. The management of hunting activities is not a function of a territorial authority under Section 31A of the RMA. Recreational hunting on public conservation land is managed and restricted through existing Department of Conservation processes. Thus no amendments to the PWDP are required as this is not the most appropriate mechanism for managing this issue.
232. Auckland Waikato Fish and Game [433.68] seek amendments to the PWDP to add new provisions for the discharge of noise associated with the use of firearms for recreational hunting (specifically game bird hunting) as a permitted activity.
233. Each zone in the Waikato District is subject to its own noise levels for noise generated by land use activities. Noise levels in the PWDP are measured by LAeq (time average level) and LAmx (maximum sound level). The noise from firearms is impulsive i.e. not consistent, and therefore would likely meet the average noise levels in all of the PWDP zones when measured over a certain time period e.g. 15 minutes.
234. However, in the PWDP in all zone chapters and associated with all noise rules, the noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Environmental noise". Section 1 of this Standard states that the assessment of impulsive sound (such as gunfire) requires special techniques that are generally

outside of the scope of this Standard. Therefore the noise levels in the PWDP, when applied to gunfire, are irrelevant.

235. Section 16 of the RMA sets out the following general duty:
- (1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.*
236. The noise from firearms is considered to be unmeasurable as it is intermittent and infrequent and occurs in various locations. Any rules associated with the discharge of firearms for recreational hunting are considered to be unenforceable by Council due to their intermittent and random nature. Each person discharging firearms for recreation is required, under Section 16 of the RMA as set out above, to adopt the best practicable option to ensure that the noise does not exceed a reasonable level. To this extent, the activity of discharging a firearm for recreational purposes such as duck shooting is accepted as permitted under the PWDP and is regulated by Section 16 of the RMA. As such, no amendments to the PWDP are considered necessary.
237. The submission from Auckland Waikato Fish and Game Council [433.72] seeks an amendment to the PWDP to provide for the creation and protection of esplanade reserves and strips as a permitted activity. I agree with the submitter that esplanade reserves are important for enhancing and protecting public access to waterbodies.
238. The creation of an esplanade reserve may be required when land is subdivided under the Local Government Act 1974. I consider that the provisions of the PWDP match the requirements for esplanade reserve provision under the Local Government Act 1974.
239. It is my understanding that resource consent (restricted discretionary) for the creation of an esplanade under the PWDP is only required when subdivision of an esplanade reserve or strip of at least 20m is to be vested in Council. For example, Rule 16.4.14 reads as follows:
- a) *Subdivision of an esplanade reserve or strip at least 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas)) that is required to be created shall vest in Council where the following situations apply:*
- i. *The proposed lot is less than 4ha and within 20m of:*
 - A. *Mean high water springs;*
 - B. *The bank of any river whose bed has an average width of 3m or more; or*
 - C. *A lake whose bed has an area of 8ha or more; or*
 - D. *The proposed lot is more than 4ha or more than 20m of mean high water springs or a water body identified in Appendix 4 (Esplanade Priority Areas).*
- b) *Council's direction shall be restricted to the following matters:*
- i. *The type of esplanade provided – reserve or strip*
 - ii. *Width of the esplanade reserve or strip;*
 - iii. *Provision of legal access to the esplanade reserve or strip;*
 - iv. *Matters provided for in an instrument creating an esplanade strip or access strip;*
 - v. *Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.*

240. I understand that the restricted discretionary activity status is required in order for Council to reserve some control over the creation of an esplanade reserve or strip where it is to be vested. Council cannot control permitted activities to the same degree. Therefore, I consider that it is inappropriate to add a provision permitting the creation of all esplanade reserves and strips.
241. The submissions from Auckland Waikato Fish and Game [433.73 and 433.74] seek amendments to the PWDP to allow for the building of maimai on wetlands or near a lake or river as a permitted activity.
242. Section 4.2.7.1 of the Waikato Regional Plan reads as follows:
- 4.2.7.1 Permitted Activity Rule – Maimai, Game Bird Hunting Structures*
- 1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of a maimai or structure for the purposes of game bird hunting, and associated bed disturbance, in, on, under or over any river or lake bed, and*
- 2. any discharge of sediment associated with construction activities;*
- Are permitted activities subject to the following conditions:*
- a) The floor area of the structure shall not exceed 10 square metres.*
- b) The overall (maximum) height of the structure shall not exceed 2.5 metres from the floor height.*
- c) The floor of the structure shall be no higher than 0.5 metres above maximum water level.*
- d) The structure shall not impede the free flow of water.*
- e) The structure shall be located at least 20 metres from any flood gate, culvert, bridge, or confluence*
- f) The structure shall provide for the safe passage of fish both upstream and downstream.*
- g) The structure shall be maintained in a structurally sound condition at all times.*
- h) The structure shall be open piled.*
- i) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.*
- j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.*
- k) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.*
- l) In the event of any waahi tapu that is not subject to condition k) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.*
- m) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21 of this Plan.*
- n) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.*
- o) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.*

243. The Wildlife Act 1953 regulates the hunting or killing of any game from any maimai and the Wildlife Regulations 1955 regulate the required separation distances between maimai. Maimai guidelines have also been developed by LINZ, DOC, and Fish & Game NZ.
244. The PWDP controls activities on the surface of a lake or river. Activities in, on, under or over the bed of a lake or river (i.e. RMA s13 matters) are controlled by the Waikato Regional Council. If a maimai is attached to land in terms of the bed of rivers, streams or wetlands it would thus be subject to WRP provisions.
245. A maimai would only fall under District Plan jurisdiction if it was attached to land outside a waterbody. Any maimai not classed as a building in the District Plan would not be captured by standards such as building setbacks from waterbodies. It is arguable (and likely in my view) that a maimai that did meet the definition of building would be captured by the building setbacks. On those grounds, and to recognise the temporary recreational function that maimai's fulfil, I believe it is appropriate for maimai's to be excluded from the building setback Rule 22.3.7.5 for the Rural Zone.
246. The submission from Auckland Waikato Fish and Game Council [433.75] seeks an amendment to the PWDP to allow for all signs erected by the Auckland Waikato Fish and Game Council as a permitted activity.
247. The conditions imposed on each permitted activity signage rule within each zone chapter are considered acceptable to manage any adverse effects from the erection of signage. As an example, the PWDP Section 32 Report (Rural) states that rules to manage signs were rolled over into the PWDP as signs can compromise both visual amenity and character as well as having adverse traffic safety effects. Therefore, it was necessary to place controls on signs to effectively manage rural character and amenity.
248. I consider it appropriate that the submitter needs to apply for resource consent when any signage cannot meet the relevant permitted activity conditions so that the adverse effects on traffic safety, character and amenity are appropriately managed.
249. The submissions from Auckland Waikato Fish and Game Council [433.67 and 433.76] seek new provisions which restrict development near areas with recreational hunting values and amenity characteristics which are important for culture and recreation.
250. I agree with the submitter that recreational matters are a valid aspect of amenity. As New Zealand's population becomes larger and progressively more urbanised, areas that can cater for the type of experience and activities that Fish and Game promote will become more and more important.
251. With regards to landscape and natural character areas the PWDP has identified Outstanding Natural Features and Landscape's (ONFL's) and an Amenity Landscape Overlay applicable at various locations throughout the District. These notations apply around a number of significant waterways and lakes. The effect of these overlays and notations is to ensure that during the resource consent process the effect of subdivision, use and development on the identified features is assessed to ensure it is not inappropriate, taking into account the identified values of the feature.
252. The subdivision rules in the PWDP direct more intensive subdivision to occur in and around the towns and villages of the Waikato District. Opportunities for similar density of subdivision in the Rural Zone (which is significant in its extent throughout the District) are very limited, and would likely require resource consent as a non-complying activity. In addition, the PWDP also identifies Significant Natural Areas (SNA's). While such identification is more for biodiversity purposes, SNA's also play a role in contributing to outdoor recreational amenity

where access is available to them. Rules in the PWDP require resource consent for any proposal to modify or remove a SNA.

253. The PWDP, by way of the Reserves Zone, also identifies reserve land administered by Council that has recreational and other amenity functions.

254. Taking all the above into account I have examined the objectives and policies, and the assessment criteria for resource consent applications in the PWDP to see if the submitters concerns are addressed. In my view, the PWDP adequately addresses the concerns of the submitter through (but not limited to) the following provisions:

3.3.1 Objective – Outstanding natural features and landscapes

(a) Outstanding natural features and outstanding natural landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development.

3.3.2 Policy – Recognising values and qualities

(a) Recognise the attributes of the district's mountains, bush clad ranges and hill country identified as outstanding natural features and outstanding natural landscapes including:

(v) recreational attributes including walking and access tracks

(b) Recognise the attributes of the Waikato River delta and wetlands, Whangamarino Wetland and Lake Whangape identified as Outstanding Natural Features, including:

(v) recreational use of these areas; and

3.3.3 Policy - Protection from inappropriate subdivision, use and development

(a) Ensure that the attributes of identified Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development by:

(i) requiring buildings and structures to be integrated into the outstanding natural landscape or feature to minimise any visual impacts;

(ii) managing the adverse effects of building platforms, buildings, driveways and roads through appropriate subdivision design;

(iii) requiring subdivision and development to retain views of outstanding natural landscapes and features from public places; and

(iv) avoiding the adverse effects of extractive industries and earthworks.

3.4.1 Objective – Significant amenity landscapes

(a) The attributes of areas and features valued for their contribution to landscape values and visual amenity are maintained or enhanced.

3.4.2 Policy – Recognising Significant Amenity Landscapes

(a) Recognise the attributes which contribute to identified Significant Amenity Landscapes

3.4.3 Policy – Maintaining and enhancing Significant Amenity Landscapes

(a) Maintain and enhance identified Significant Amenity Landscapes, during subdivision, land use and development, in particular by:

(i) requiring buildings and structures to be integrated into the Significant Amenity Landscape to minimise any visual impacts;

(ii) managing the adverse effects of building platforms, buildings, driveways and roads through appropriate subdivision design;

- (iii) *providing for the continuation of farming activities within hill country landscapes and volcanic features;*
- (iv) *managing the adverse effects of earthworks; and*
- (v) *promoting and encouraging maintenance and enhancement of their attributes.*

5.3.8 Policy - Effects on rural character and amenity from rural subdivision

- (a) *Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.*
- (b) *Ensure development does not compromise the predominant open space, character and amenity of rural areas.*
- (c) *Ensure subdivision, use and development minimise the effects of ribbon development.*
- (d) *Rural hamlet subdivision and boundary relocations ensure the following:*
 - (i) *Protection of rural land for productive purposes;*
 - (ii) *Maintenance of the rural character and amenity of the surrounding rural environment;*
 - (iii) *Minimisation of cumulative effects.*
 - (iv) *Subdivision and development opportunities ensure that rural character and amenity values are maintained.*

8.1.4 Recommendations

255. It is recommended that the submission from John Wright [19.1] be rejected as it is unclear what relief is sought.
256. The submission from Shelley Munro [55.8] is recommended to be rejected as the relief sought is not a WDC function or responsibility.
257. For the reasons outlined above, the submission from Auckland Waikato Fish and Game Council [433.72] is recommended to be rejected.
258. For the reasons outlined above the submissions from Auckland Waikato Fish and Game Council [433.73 and 433.74] are recommended to be accepted.
259. For the reasons outlined above, the submission from Auckland Waikato Fish and Game Council [433.75] is recommended to be rejected.
260. On the basis of the reasons above I recommend that submissions 433.67 and 433.76 from Auckland Waikato Fish and Game Council be rejected in that the PWDP already contains provisions that address the submission point.

8.1.5 Recommended amendments

261. The following amendment to Section 22.3.7.5: Building setback – water bodies, is recommended:

P1	<p>(a) Any building must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 32m from the margin of any; <ul style="list-style-type: none"> A. Lake; and B. Wetland; (ii) 23m from the bank of any river (other than the Waikato River and Waipa River); (iii) 28m from the banks of the Waikato River and Waipa River; and (iv) 23m from mean high water springs.
P2	<p>A public amenity of up to 25m², and a pump shed <u>or maimai</u> within any building setback identified in Rule 22.3.7.5 P1.</p> <p><i>Auckland Waikato Fish and Game Council [433.73 and 433.74]</i></p>

D1	Any building that does not comply with Rule 22.3.7.5 P1.
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8.2 Water provisions

8.2.1 Introduction

262. The PWDP includes provisions and overlays that manage the effects of land use on surface water. Specifically, the provisions of the PWDP control runoff from earthworks activities, apply setback distances for development near waterbodies, manage the disposal of wastewater as well as controlling stormwater runoff from new development and impervious surfaces.

8.2.2 Submissions

263. 11 submission points were received regarding various water related provisions in the PWDP. 9 submissions sought to amend or add provisions into the PWDP while 2 submissions supported the use of the Waikato River Catchment overlay in the plan. The reasons provided for amending the water provisions within the PWDP were:

- To ensure that adverse effects from residential development are appropriately managed and do not have effects on existing waterbodies.
- To ensure that stormwater runoff from increased residential development is appropriately managed.

264. The following submissions were made:

Submission point	Submitter	Summary of submission point
52.2	Roelof Lategan	Amend Section C: Rules to better deal with water runoff due to increased residential developments.
55.3	Shelley Munro	Amend the Proposed District Plan to include sealing of roads close to waterways and specifically bordering the reserves such as river catchment areas.
81.6	Waikato Regional Council	Add to the Proposed District Plan for all zones a standard to minimise impacts on water bodies as follows: Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
FS1198.59	<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>Oppose</i>
FS1342.41	<i>Federated Farmers</i>	<i>Oppose</i>
433.79	Auckland Waikato Fish and Game Council	Amend the Proposed District Plan to ensure existing ponding zones are implemented and there is no further drainage to support growth of settlement areas.
433.81	Auckland Waikato Fish and Game Council	Amend the Proposed District Plan to acknowledge the effects of settlement expansion on avifauna and sustainably manage such effects.
FS1377.100	<i>Havelock Village Limited</i>	<i>Oppose</i>
589.5	Z Energy Ltd	Retain the Waikato River Catchment Overlay, insofar as consultation with iwi is to be determined on a case by case basis, as is relevant to the application and its associated effects.

785.73	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	Retain the Waikato River Catchment overlay insofar as consultation with Iwi is to be determined on a case by case basis, as it relevant to the application and its associated effects.
798.19	Ngāti Te Ata	Amend Section 8.3 Guidelines in the Waikato Urban Design Guidelines to clarify that stormwater can only be discharged into natural wetlands, streams, ponds and watercourses following pre-treatment and that these water bodies are protected outside stormwater devices.
798.25	Ngāti Te Ata	Amend Section 8.3 Guidelines in the Waikato Urban Design Guidelines to require all stormwater treatment to be offline to any natural waterbody.
798.26	Ngāti Te Ata	Amend the pictures showing ponds as treatment devices in Section 8.3 Guidelines in the Waikato Urban Design Guidelines.
798.27	Ngāti Te Ata	Amend Section 8.3 Guidelines in the Waikato Urban Design Guidelines to show intention for offline stormwater treatment.

8.2.3 Analysis

265. The submission from Roelof Lategan [52.2] seeks amendments to Section C: Rules to better deal with stormwater runoff from residential developments however, the specific relief sought by the submitter is unclear.
266. The PWDP contains various provisions to manage stormwater runoff when undertaking residential development. For example, Policy 4.1.4(a)(ii) reads as follows:
- (a) *Ensure that subdivision, use and development in new urban areas is:*
 - i. *Efficiently and effectively integrated and staged to support infrastructure, stormwater management networks, parks, and open space networks.*
 - (b) *Rule 16.5.9.3 Subdivision – sites less than 5ha is a Restricted Discretionary activity and council restricts its discretion to, among other things, managing the effects of wastewater and stormwater.*
267. I consider the effects of stormwater runoff in new residential areas is appropriately managed through the policies, objectives and rules (and associated conditions) of the PWDP. The Waikato Regional Council also manages the effects of earthworks and stormwater from larger development sites. As such, no changes to the PWDP stormwater provisions are considered necessary.
268. The submission from Shelley Munro [55.3] seeks an amendment to the PWDP to require the sealing of roads close to waterways specifically those roads bordering reserves for the protection of water quality. The protection of water quality is a regional council function and considered to be adequately managed through the provisions of the Waikato Regional Plan.
269. As discussed earlier in this report, roading matters are more appropriately addressed through Councils Long Term Plan process that determines a programme for capital expenditure on infrastructure such as roads, including consideration of existing and future functions and use of roading routes. No changes to the PWDP are necessary as a result of this submission.

270. The submission from WRC [81.6] seeks the addition of a new standard related to earthworks in all zone chapters to minimise potential impacts on waterbodies. The new standard requested reads as follows:

'Do not divert or change the nature of natural water flows, water bodies or established drainage paths.'

271. The control of the diversion of water is a regional council function under Section 30(1)(e) of the RMA and is considered appropriately managed through the implementation of the provisions in the Waikato Regional Plan Section 3.6: Damming and Diverting and the associated permitted activity conditions. Managing the diversion of water is not a territorial authority function and as such my view is that no changes to the PWDP to support this submission are necessary.
272. The submissions from Auckland Waikato Fish and Game Council [433.79 and 433.81] seek amendments to the PWDP to retain existing ponding zones and restrict further drainage as well as protect avifauna from settlement expansion. No specific amendments have been sought by the submitter and it is unclear what changes could be made to the PWDP to support the submission.
273. The implementation of zoning and the establishment of overlays ensures that areas with specific amenity and environmental characteristics are protected from development and any effects of development are managed appropriately therefore, no changes to the PWDP are considered necessary to give effect to this submission.
274. The submissions from Z Energy Limited [589.5], Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited [785.73] seek to retain the Waikato River Catchment Overlay and the requirement to consult with iwi on a case-by-case basis.
275. The submissions from Ngāti Te Ata [798.19, 798.25, 798.26 and 798.27] seek changes to the Waikato Urban Design Guidelines. The 'Waikato Urban Design Guidelines' documents are a set of documents which are appended to the PWDP and set out the urban design guidelines for various types of development e.g. town centres (Appendix 3.3) or multi-unit developments (Appendix 3.4).
276. It is not clear in the submission which specific design guidelines the submitter is referring to therefore no further analysis of the submission has been undertaken. .

8.2.4 Recommendations

277. For the reasons outlined above, the submissions from Roelof Lategan [52.2] Shelley Munro [55.3] and WRC [81.6] are recommended to be rejected.
278. The submissions from Auckland Waikato Fish and Game Council [433.79 and 433.81] are recommended to be rejected based on the reasons above.
279. The submissions from Z Energy Limited [589.5] and Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited [785.73] are recommended to be accepted.
280. For the reasons outlined above, it is recommended that the submissions from Ngāti Te Ata [798.19, 798.25, 798.26 and 798.27] are rejected.

8.3 Housing provisions

8.3.1 Introduction

281. The PWDP contains various objectives and policies which aim to control development of housing within the urban and rural environments in the Waikato District. The rules and standards contained within each zone chapter of the PWDP implement the relevant objective and policies and manage the development of housing and subdivision in each area. For example,

the rules and standards set out requirements that control density, boundary setbacks, minimum lot sizes and manage the impacts of development on landscape and amenity.

8.3.2 Submissions

282. 18 submission points were received relating to housing related provisions within the PWDP. 12 submissions sought to amend various housing related provisions within the plan while 6 submissions supported the housing provisions provided in the PWDP. The reasons provided for amending the housing provisions in the DP were:

- To provide a wide range of housing types for the diverse population of the Waikato District
- To better control subdivision throughout the district
- To provide specific provisions for relocated houses
- To manage the use of dwellings for home stays and holiday homes

283. The following submissions were made:

Submission point	Submitter	Summary of submission point
55.5	Shelley Munro	Amend the Proposed District Plan to offer subsidies for self-sustaining enterprises or households.
108.1	Kevin and Barbara Brown	No specific decision sought, but submission states support for the Proposed District Plan and for growth and subdivision. The submission references properties at 17 Innovation Way, Horotiu and 18 Rangimarie Road, Ngaruawahia.
198.8	Property Council NZ	Retain the approach of allowing for a range of different housing options with varying land values and amenities.
FS1269.98	<i>Housing New Zealand Corporation</i>	<i>Support</i>
198.9	Property Council NZ	Amend the Proposed District Plan to have a wider approach to plan for different housing typologies to cater for a diverse and younger population.
FS1269.99	<i>Housing New Zealand Corporation</i>	<i>Support</i>
212.4	Community Living Trust	No specific decision sought, but submission notes that the development of subdivision and multi-unit guides will assist quality design and thriving communities.
212.5	Community Living Trust	No specific decision sought, but submission considers the Proposed District Plan improves home choices, e.g. minor dwellings, multi-unit development and retirement villages, which will offer a diverse range of housing types including care facilities for older and disadvantaged people.
251.4	Aparangi Retirement Village Trust	Amend the rules to remove the requirement for a retirement village to be within 400m of public transport and replace with "must have transport to take people to shops and connect with public transport".

FS1004.5	Tamahere Eventide Home Trust-Tamahere Eventide Retirement Village	Support
FS1005.9	Tamahere Eventide Home Trust-Tamahere Eventide Retirement Village	Support
FS1202.136	New Zealand Transport Agency	Oppose
253.2	Jasmine Hunter	Amend the Proposed District Plan to increase regulation of holiday houses.
345.15	Brent Trail	Amend Rule 22.4.9 RD1(a)(i) Subdivision building platform, to be reduced to 300m ² . AND Amend the equivalent rule in all zones, to reduce the building platform requirement to 300m ² .
386.8	Pokeno Village Holdings Limited	Amend the Proposed District Plan's approach to achieving housing variety by: <ul style="list-style-type: none"> - Providing for the full range of housing choice; - Recognising the role of personal choice in housing provision; - Recognising other constraints to achieving higher densities such as physical constraints and the provision of infrastructure; and - Recognising that housing variety is unlikely to be achieved through a single residential zone and density targets.
FS1377.81	Havelock Village Limited	Support
418.1	Ethan Findlay	Retain the approach to relocatable or second-hand buildings by not having any separate rules for them and therefore that these are a permitted activity.
FS1308.32	The Surveying Company	Support
524.36	Anna Noakes	Amend subdivision rules to enable the required outcomes of Policies 4.7.7 - 4.7.10.
546.4	Lynne Adrienne	Add provisions to ensure adequate provision is being made for social/affordable housing and that a high proportion of housing are not holiday homes and occupied for a small proportion of the year.
FS1276.255	Whaingaroa Environmental Defence Inc. Society.	Support
546.9	Lynne Adrienne	Amend the Proposed District Plan to require all developers and buildings to provide sustainability and alternative designs.
553.4	Malibu Hamilton	Amend the home stay provisions to consider wastewater effects on the environment.

671.3	Jeremy Buxton	Provide housing and infrastructure to the growing community, including freeing up land for housing development.
724.1	Tamahere Community Committee	<p>Retain the rules permitting a Minor Dwelling, particularly the following aspects:</p> <ul style="list-style-type: none"> - Permitted activity status - Absence of standards restricting the accommodation to a dependent relative - Absence of the limitation on the number of kitchens on a property (and the definition of a kitchen) - Enabling a minor dwelling to be either attached or detached as the primary dwelling.
772.1	House Movers Section of New Zealand Heavy Haulage Association (Inc.)	<p>Add provisions including objectives, policies, rules, assessment criteria, definitions, methods and reasons to regulate the removal, re-siting and relocation of buildings;</p> <p>AND Add a rule which expressly provides for relocated buildings as a permitted activity in all zones subject to the following performance standards:</p> <ul style="list-style-type: none"> - (i) compliance with the relevant standards for permitted activities in the District Plan; - (ii) Any relocated dwelling must have been previously designed, built and used as a dwelling; - (iii) A building inspection report shall accompany the building consent that identifies all reinstatement work required to the exterior of the building/dwelling (refer to Schedule 1 attached to the submission which provides an example of such a report); - (iv) The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site; - (v) All work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within 12 months of the building being delivered to the site. <p>AND Add a default rule for a restricted discretionary activity for non-compliance with performance standards, expressly provided for as a non-notification/non-service application. Assessment criteria (or similar) include:</p> <ul style="list-style-type: none"> - (i) proposed landscaping - (ii) proposed timetable for completion of the work required to reinstate the

		<p>exterior of the building and connections to services</p> <ul style="list-style-type: none"> - (iii) the appearance of the building following reinstatement. <p>AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission, including definitions, objectives, policies, other matters and reasons to give appropriate recognition to the positive effects of removal, re-siting and relocation of dwellings.</p>
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8.3.3 Analysis

284. The submission from Shelley Munro [55.5] seeks an amendment to the PWDP to offer subsidies for self-sustaining enterprises or households to encourage independence from the national grid. The promotion of independence from the national grid, by way of subsidies, is not considered to be a function of the District Plan and therefore, no amendments are considered necessary to the PWDP. I note that other councils in New Zealand are incentivising the use of renewable electricity through mechanisms such as adding the cost of solar panels onto rates over several years (e.g. Nelson City Council) but this is not through District Plan provisions.
285. In like manner the submission from Lynne Adrienne (546.9) to amend the PWDP to require all developers and buildings to provide sustainability and alternative designs cannot be accepted. The Building Act defines what is an acceptable building design code and the District Plan sets parameters to control the land use effects of buildings and dwellings (eg maximum height, minimum distances to boundaries etc.). People are then free to implement whatever design they deem appropriate within that code and parameters.
286. The submissions from Kevin and Barbara Brown [108.1], Property Council NZ [198.8], Community Living Trust [212.4 and 212.5] support the PWDP and the approach taken to provide housing for the Waikato District.
287. The submission from Aparangi Retirement Village Trust [251.4] seeks an amendment to the PWDP to remove the requirement for retirement villages to be located within 400m of public transport (permitted activity condition 16.1.2 (P3) (b)). This permitted activity standard is specific to retirement villages in the Residential Zone. If this requirement cannot be met, the activity requires consent as a discretionary activity under Rule 16.1.4.
288. The retention of this permitted activity standard is considered necessary to address the fact that higher proportions of retirement village residents may no longer drive so it is important that public transport services be relatively easily accessible in geographic terms. Where the standard cannot be met an assessment of the appropriateness and efficiency of the alternative proposed should be undertaken through a consent process. As such, no amendments to the PWDP are considered necessary as a result of this submission.
289. The submission from Brent Trail [345.15] seeks an amendment to all relevant rules to reduce the building platform to 300m² as opposed to 1000m² where specified. Rule 22.4.9 RD1(a)(i) reads as follows:
- A) *Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that:*
- i) *Has an area of 1,000m² exclusive of boundary setbacks.*

290. The same building platform rule is included in the Country Living zone chapter of the PWDP. A building platform is defined in Chapter 13 of the PWDP as:
- Land that is suitable and practical for building developments, having regard to soil conditions, geotechnical stability, gradient, access and natural hazards.*
291. In the Rural Zone, lots created through general subdivision are required to have a minimum area of 8,000m² under Rule 22.1.4.2 to protect rural amenity and character. It is my understanding and interpretation of Rule 22.4.9 in relation to building platforms that a minimum area of 1000m² must be provided within the wider lot (with an area of no less than 8,000m²) that is suitable for a building i.e. a building platform. The building is not required to be 1000m² in floor area. This prevents unsuitable land from being subdivided in the Rural Zone which requires significant earthworks in order to build a dwelling. It also ensures that each site created has sufficient room to accommodate a dwelling and any associated accessory buildings. As such, no amendments are considered necessary to the PWDP to give effect to this submission.
292. The submission from the Property Council NZ [198.9] seeks amendments to the PWDP to have a wider approach to planning for different housing typologies to cater for a diverse and younger population. The submission from Pokeno Village Holdings Limited [386.8] seeks amendments to the approach of the PWDP to achieve housing variety by providing for a full range of housing choice, recognising the role of personal choice in housing provision, recognising constraints to achieving higher densities and recognising that housing variety is unlikely to be achieved through single residential and density targets.
293. In my view the PWDP already provides for a wide range of housing types, densities and locations though zoning, and the rules within the zones. Thus, no changes to the PWDP are necessary at this stage.
294. The submission from Anna Noakes [524.36] supports Policies 4.7.7 to 4.7.10 and the associated subdivision rules that ensure that enable the required outcomes of these policies..
295. The submissions from Jasmine Hunter [253.2], Lynne Adrienne [546.4] and Malibu Hamilton [553.4] seek amendments to the PWDP to increase regulation of holiday homes to ensure that adequate provision is being made for social/affordable housing as well as mitigating adverse effects on the environment from home stays. In my view the effects of the use of a dwelling as a holiday home are not sufficiently different to a continuously occupied dwelling, (they may well be less) to warrant the PWDP exerting control over holiday homes – defining what a holiday home is would also be problematic. As such, no amendments to the PDWP are considered appropriate to give effect to these submissions.
296. The submission from Jeremy Buxton [671.3] states that it is imperative to provide housing and infrastructure to the growing community. No specific relief is sought therefore no further analysis has been undertaken in regards to this submission, although further clarification from the submitter is invited through evidence.
297. The submission from the Tamahere Community Committee [724.1] seeks to retain the rules for a Minor Dwelling as a permitted activity within all relevant zones.
298. The submission from the House Movers Section of New Zealand Heavy Haulage Association Inc. [772.1] seeks the addition of provisions to regulate the removal, re-siting and relocation of buildings as permitted activities. The submission from Ethan Findlay [418.1] seeks to retain the current approach in the PWDP to relocatable or second-hand buildings in that they are provided for as permitted activities when all relevant standards are met.

299. The PWDP does not explicitly regulate relocated buildings unless the building is an identified heritage item. Therefore, if the relocated building complies with all relevant permitted activity standards (as suggested by the submitter) the building is considered a permitted activity under the PWDP. It is considered that the current provisions of the PWDP adequately provide for relocated buildings as permitted activities if the relevant standards are complied with and therefore, no changes to the PWDP are required as a result of submissions 772.1 and 418.1.

8.4.4 Recommendations

300. The submissions from Kevin and Barbara Brown [108.1], Property Council NZ [198.8], Community Living Trust [212.4 and 212.5], Ethan Findlay [418.1], Anna Noakes [524.36], Jeremy Buxton [671.3] and the Tamahere Community Committee [724.1] are recommended to be accepted.

301. For the reasons outlined above, the submissions from Shelley Munro [55.5], Property Council NZ [198.9], Aparangi Retirement Village Trust [251.4], Jasmine Hunter [253.2], Brent Trail [345.15], Andrew and Christine Gore [330.1], Pokeno Village Holdings Limited [386.8], Lynne Adrienne [546.4 and 564.9], Malibu Hamilton [553.4] and the House Movers Section of New Zealand Heavy Haulage Association Inc. [772.1] are recommended to be rejected.

8.4 Noise provisions

8.4.1 Introduction

302. Chapters 4 and 5 of the PWDP include objectives and policies that relate to the management of noise within the urban and rural environments. The effects of noise associated with land use are managed through the noise rules and standards in each zone chapter of the PWDP. Appendix 1 of the PWDP includes conditions for buildings within the noise control boundaries identified in the Plan.

8.4.2 Submissions

303. 16 submission points were received relating to the noise provisions of the PWDP. These submissions sought additions or amendments to various noise provisions within the plan while one submission supported Appendix 1: Acoustic Insulation. The reasons provided for amending the noise provisions within the PWDP were:

- To ensure mechanical ventilation is required when acoustic insulation is installed
- To reference the correct noise standards in the PWDP

304. The following submissions were made:

Submission point	Submitter	Summary of submission point
109.1	Gareth Wigmore	Amend the noise limits applying at the notional boundary within any zone to reflect World Health Organisation limits db (LA Max), excluding noise generated by farming and noise generated by emergency generators and emergency sirens.
FS1062.19	Andrew and Christine Gore	Support
578.30	Ports of Auckland Limited	Retain Appendix 1 Acoustic Insulation as it will appropriately avoid, remedy or mitigate the potential reverse sensitivity effects on the Horotiu Industrial Park.
580.7	Meridian Energy Ltd	Add reference to NZ 6808:2010 as the accepted Industry-specific Standard applicable for the measurement of noise for large-scale wind farms.

		AND Amend the Proposed District Plan as necessary to address the matters raised in the submission.
749.150	Housing New Zealand Corporation	Delete Appendix 1 Acoustic Insulation; AND Delete all references to Appendix 1- Acoustic Insulation in the Proposed District Plan as a consequential amendment; OR If the acoustic standards are sought Add new rules with the appropriate activity and zone in the relevant section of the Proposed District Plan. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
797.37	Fonterra Limited	Add Appendix 1.1 (a)(i) Acoustic Insulation to include (or words to similar effect): <u>The Te Rapa Dairy Manufacturing Facility Noise Control Boundary.</u> AND Add new Appendix 1.2 Acoustic Insulation to include (or words to similar effect): <u>The Te Rapa Dairy Manufacturing Facility Noise Control Boundary identifies an area that experiences high noise levels from activities undertaken on the manufacturing site. Sensitive land uses, including dwellings within the Noise Control Boundary are required to be acoustically insulated to achieve the internal noise standards specified below. Prior to the issue of a building consent for any building to which this rule applies, compliance with the requirements of the rule shall be demonstrated through the production of a design certificate from an appropriately qualified and experienced acoustic specialist certifying that an internal noise level will not exceed Ldn 40dBA within any habitable room.</u> AND Any consequential amendments or further relief to give effect to the concerns raised in the submission.
923.104	Waikato District Health Board	Add a new rule section setting requirements for mechanical ventilation as follows: <u>X. Mechanical ventilation</u> <u>1. Buildings that are required to have acoustic insulation must be designed, constructed and maintained with a mechanical ventilation system so that windows can be kept closed. The mechanical ventilation system must achieve the following requirements:</u> <u>(i) For habitable rooms for a residential activity:</u> <u>A. Provide mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;</u> <u>B. Be adjustable by the occupant to control the ventilation rate in increments up to a high air flow</u>

		<p><u>setting that provides at least 6 air changes per hour;</u></p> <p><u>C. Provide relief for equivalent volumes of spill air;</u></p> <p><u>D. Provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 degree Celsius and 25 degree Celsius;</u></p> <p><u>E. Generate less than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</u></p> <p><u>(ii) For other spaces, a specification as determined by a suitably qualified and experienced person.</u></p> <p><u>2. A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in X.1.</u></p>
923.105	Waikato District Health Board	Delete Appendix 1- Acoustic Insulation 2.1 (2) AND Add to Appendix 1- Acoustic Insulation a new 2.1 (2) as follows: <u>For both options one and option two, a mechanical ventilation must be installed in accordance with X.</u>
923.106	Waikato District Health Board	Delete Appendix 1- Acoustic Insulation 2.1 (3) (i) (C) and 2.1 (3) (i) (D) AND Add to Appendix 1- Acoustic Insulation a new 2.1 (3) (C) as follows: <u>A mechanical ventilation must be installed in accordance with X.</u>
923.107	Waikato District Health Board	Delete Appendix 1- Acoustic Insulation 2.2 (6) and 2.2 (7) AND Add to Appendix 1- Acoustic Insulation a new 2.2 (6) as follows: <u>A mechanical ventilation must be installed in accordance with X.</u>
923.108	Waikato District Health Board	Delete Appendix 1- Acoustic Insulation 3.1. (3), 3.1.4 and 3.1.5 AND Add to Appendix 1- Acoustic Insulation a new 3.1 (3) as follows: <u>A mechanical ventilation must be installed in accordance with X.</u>
923.109	Waikato District Health Board	Delete Appendix 1- Acoustic Insulation 3.2 (3), 3.2 (4) and 3.2 (5) AND Add to Appendix 1- Acoustic Insulation a new 3.2 (3) as follows: <u>A mechanical ventilation must be installed in accordance with X.</u>
923.110	Waikato District Health Board	Add a new Permitted Activity Standard 4.1.2 as follows: 2.) A mechanical ventilation must be installed in accordance with X.
923.111	Waikato District Health Board	Amend Appendix 1 Acoustic Insulation Table 13 - Internal Sound Levels, as follows: Area Internal design sound level Waikato Gun Club <u>Noise Control Boundary</u> CNR 75 <u>(Composite Noise Rating) 40 dB LAFmax</u>

923.112	Waikato District Health Board	Add new Permitted Activity Standard 5.1.3 as follows: 3. <u>A mechanical ventilation must be installed in accordance with X.</u>
923.113	Waikato District Health Board	Add new Permitted Activity Standard 6.1.2 as follows: 2. <u>A mechanical ventilation must be installed in accordance with X.</u>
924.39	Genesis Energy Ltd	Retain Appendix 1 6.1 Conditions for Permitted Activities in the same or similar form. AND Retain Appendix 1 Table 14: Internal Sound Level in the same or similar form.

8.4.3 Analysis

305. The submission from Gareth Wigmore [109.1] seeks an amendment to the PWDP to amend the noise limits to reflect World Health Organisation (“WHO”) limits for LA max. The WHO guidelines are relevant to the European Region and are guidelines only. It is considered that the Standards referenced in the PWDP (to measure and assess noise) are specific to New Zealand and are therefore more relevant to noise in the district. As such, no amendments are considered necessary to the PWDP.
306. The submission from Meridian Energy Ltd [580.7] seeks an amendment to the PWDP to add reference to NZS 6808:2010 as the accepted industry-specific standard applicable for the measurement of large-scale wind farms. Permitted activity condition 14.6.1.1 (k)(ii) of the PWDP, for small and community scale electricity generation, states that wind turbine noise must be measured and assessed in accordance with NZS6808:2010 Acoustics – Wind Farm Noise. Large scale windfarms are listed as a discretionary activity within the Rural Zone and a non-complying activity within other zones. In my view the reference to NZS6808:2010 in the permitted activity rule makes it clear that wind turbine noise regardless of the scale of the windfarm is to be measured in accordance with that standard. I therefore consider that the PWDP sufficiently addresses the concerns by the submitter regarding the inclusion of Standard NZS6808:2010 and no changes are necessary to the PWDP.
307. The support from Ports of Auckland Ltd [578.30] for the Appendix 1 provisions is noted. Conversely, Housing New Zealand [749.150] submits that Appendix 1 should be deleted and acoustic matters dealt with through the Building Consent process. My view is that Appendix 1 should remain as it addresses noise received at residences and other sensitive premises which is a landuse effect squarely within the ambit of the PWDP.
308. The submission from Fonterra Limited [797.37] seeks an amendment to Appendix 1 to include reference to the Te Rapa Dairy Manufacturing Facility Noise Control Boundary. The submissions that relate to the addition of this noise control boundary are to be heard in the hearing associated with the Rural Zone. Provided that the noise control boundary is included in the PWDP, it is considered appropriate to amend Appendix 1 to give effect to this submission.
309. The submissions from Waikato District Health Board [923.104 to 923.110, 923.112 and 923.113] seek amendments to the PWDP to add a new rule setting the requirements for mechanical ventilation as well as subsequent amendments to Appendix 1 to give effect to the new rule.
310. Buildings in New Zealand must be designed and built to satisfy clause G4 of the New Zealand Building Code. Clause G4 requires spaces in buildings to be provided with adequate ventilation

consistent with their maximum occupancy and intended use. However, Clause G4 does not mention the requirement for mechanical ventilation when acoustic insulation is required.

311. Appendix 1: Acoustic Insulation of the PWDP sets out the conditions for noise-sensitive activities in the identified noise control boundaries and applies to any building containing a noise-sensitive activity. Section 2.1.2 (Waikato Regional Airport Noise Outer Control Boundary) reads as follows:

Where a building is partly or wholly contained within the airport outer control noise boundary, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 - Ventilation.

312. The same conditions apply to the Te Kowhai Airpark noise boundary however, mechanical ventilation is not required in all instances where acoustic insulation is required in the PWDP. I agree with the submitter that, where acoustic insulation is required, occupants of dwellings should not have to suffer either excess noise or excess/insufficient temperatures. The submitter has suggested the addition of a new rule in the PWDP however, I consider new permitted activity standards in Appendix 1: Acoustic Insulation, to be more relevant as plan users are required to refer to this Appendix when acoustic insulation is required. This also removes the requirement for the rule to be added to multiple zone chapters across the Plan and avoids confusion.
313. The submission from the Waikato District Health Board [923.111] seeks an amendment to the internal design sound level in Table 13 of Appendix 1 for the Waikato Gun Club Noise Control Boundary.
314. The submission states that Composite Noise Rating ("CNR") is not an appropriate method to use as it is not defined in the PWDP or in New Zealand noise standards. The CNR cannot be assessed, even by a specialist, without detailed information about the Waikato Gun Club. CNR is calculated using the noise level plus the number of rounds. The submitter instead suggests using an internal noise level of 40 db LA max within sound insulated dwellings. There is no external noise standard in this instance.
315. I rely on verbal advice from an external noise consultant¹⁵ that CNR is not an appropriate means to measure internal design sound level and is inconsistent with all other levels in the PWDP. As such, an amendment to Table 13 of Appendix 1: Acoustic Insulation of the PWDP is considered necessary to refer to an internal noise level of 40 db LA max.
316. The submission from Genesis Energy Ltd [924.39] seeks to retain Section 6.1 of Appendix 1 with regards to the internal sound level within 350m of the Huntly Power Station.

8.4.4 Recommendations

317. For the reasons outlined above, the submissions from Gareth Wigmore [109.1], Meridian Energy Ltd [580.7] and Housing New Zealand [749.150] are recommended to be rejected.
318. The submission from Fonterra Limited [797.37] is recommended to be accepted in part pending the outcomes relating to the inclusion of the Te Rapa Dairy Manufacturing Facility Noise Control Boundary in later hearings.

¹⁵ Mr Darran Humpeson – Tonkin and Taylor

319. The submissions from Waikato District Health Board [923.104 to 923.110, 923.112 and 923.113] and Genesis Energy Ltd [924.39] are recommended to be accepted in that a permitted activity standard should be added to Appendix 1 of the PWDP.
320. For the reasons outlined above, the submission from Waikato District Health Board [923.111] is recommended to be accepted.
321. The submission from Ports of Auckland Ltd [578.30] is recommended to be accepted in part due to some changes being recommended to the Appendix 1 provisions.

8.4.5 Recommended amendments

322. The following amendments to Appendix 1 are recommended:
323. Add new permitted activity conditions as provisions 4.1(2), 5.1(3) and 6.1(2) in Appendix 1 as follows:

4. Horotiu Acoustic Area

4.1 Conditions for permitted activities

(2). Mechanical ventilation

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

(i) For habitable rooms for a residential activity:

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

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

C. Provide relief for equivalent volumes of spill air;

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

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

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

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

And add the same new conditions as 5.1(3) and 6.1(2) to Appendix 1.

Waikato District Health Board and Genesis Energy Ltd [923.104 to 923.109, 923.112 and 923.113]

324. Amend Table 13 – Internal Sound Levels as follows:

Table 13: Internal sound levels

Area	Internal design sound level
Waikato Gun Club <u>Noise Control Boundary</u>	<u>CNR 75 (Composite Noise Rating) 40 dB LAFmax</u>

Waikato District Health Board [923.111]

8.4.6 Section 32AA evaluation

325. The following points evaluate the recommended change under Section 32AA of the RMA.

Other reasonably practicable options

326. Other than the recommended amendments above, the other reasonably practicable option is to leave the notified PWDP as it is i.e. leaving ventilation requirements to be covered by the Building Act other than in the Waikato Regional Airport and Te Kowhai Airpark boundaries.

Effectiveness and efficiency

327. The recommended amendments will improve the effectiveness of the plan in achieving Section 31(1)(d) of the RMA which relates to controlling the emission of noise and the mitigation of the effects of noise. Acoustic insulation is required to mitigate the effects of noise in some areas. Mechanical ventilation is required, from a health and safety perspective, when acoustic ventilation is required. The change to Table 13 will ensure that the measurement of internal sound is appropriate and effective in terms of mitigating adverse noise effects from the Waikato Gun Club.

Costs and benefits

328. There will be additional costs to building owners through the mechanical ventilation they will be required to install. There are benefits relating to the safety and wellbeing of the population by providing adequate internal ventilation in noisy environments where acoustic insulation is required. Those who are adversely affected by noise, and require acoustic insulation, should not have to choose between noise effects and internal comfort if they cannot open their windows. The recommended change to Table 13 will ensure that the relevant noise levels are applied and can be correctly measured in the same way that other levels in the PWDP are measured. This ensures consistency through the plan and avoids misinterpretation and subsequent rework by WDC.

Risk of acting or not acting

329. Not acting may result in insufficient ventilation in buildings where acoustic insulation is required. In addition, not altering Table 13 may result in confusion when interpreting the standards and may lead to mistakes when applying internal noise limits in the Waikato Gun Club noise control boundary. There is sufficient information on the benefits relating to effectiveness and health and safety to justify the amendments to the plan.

Decision about most appropriate option

330. The amendment to Table 13 regarding the measurement of internal noise levels and the incorporation of a permitted activity standard requiring mechanical ventilation where acoustic insulation is required are considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PWDP.

8.5 Industry provisions

8.5.1 Introduction

331. The PWDP includes relevant objectives, policies and rules in order to protect and promote, where appropriate, extractive industries in the Waikato District. These provisions also consider development in proximity to existing industry activities and the resulting potential reverse sensitivity effects.

8.5.2 Submissions

332. 10 submission points were received relating to the provisions of the plan specific to industry activities in the Waikato District. Eight submissions sought to amend wording within the plan

while two submissions supported the PWDP in relation to the consideration of extractive industries in the plan. The reasons provided for amending the PWDP were:

- To recognise the importance of industries in the district
- To identify potential extractive industries on the planning maps
- To protect future extractive industries throughout the District for future operation and from reverse sensitivity effects

333. The following submissions were made:

Submission point	Submitter	Summary of submission point
55.12	Shelley Munro	No specific decision sought, however submission opposes mineral and extractive industries, particularly issuing of 24/7 operating licences.
691.17	McPherson Resources Limited	Retain the Proposed District Plan subject to the decision sought in the submission
691.19	McPherson Resources Limited	Add provisions dedicated to "mineral and aggregate extraction activities" to the Proposed District Plan, which include specific rules in respect of the minerals and aggregate extraction industry in the Waikato District so as to ensure that this industry is appropriately safeguarded and the Regional Policy Statement is adhered to. OR Amend the provisions of the Rural Zone so as to provide sufficient protection for mineral and aggregate extraction activities.
695.142	Sharp Planning Solutions Ltd	Add potential sand extraction to the District Planning Maps and that this is discussed in conjunction with sand pit operators and quarry owners, as well as the construction industry.
771.1	Bathurst Resources Ltd	Retain the continued recognition of existing coal mining operations in the Proposed District Plan. AND Amend the Proposed District Plan to provide for the continuation of existing coal mine operations. AND Any consequential amendments necessary to address the matters raised in the submission.
FS1285.3	Terra Firma Mining Limited	Support
FS1345.145	Genesis Energy Limited	Support
860.14	AQA and Straterra	No specific decision sought, but submission states it is important to identify key quarry resource areas and protect them, particularly given that the resources can only be sourced where they are located.
FS1292.6	McPherson Resources Limited	Support
FS1332.14	Winstone Aggregates	Support
FS1334.6	Fulton Hogan Limited	Support
860.15	AQA and Straterra	No specific decision sought, but submission considers it is important that non-compatible land

		uses such as residential areas are not allowed to encroach on quarries.
FS1292.7	McPherson Resources Limited	Support
FS1332.15	Winstone Aggregates	Support
FS1334.7	Fulton Hogan Limited	Support
924.1	Genesis Energy Ltd	Amend the Proposed District Plan so that Regionally Significant Industries are identified explicitly in the Plan.
FS1198.69	Bathurst Resources Limited and BT Mining Limited	Support
924.2	Genesis Energy Ltd	Amend the Proposed District Plan to explicitly identify Huntly Power Station as a Regionally Significant Industry in appropriate places in the Plan.
924.41	Genesis Energy Ltd	Retain the objectives, policies, rules, planning maps/overlays and section 32 to enable the continued operation of the Huntly Power Station and associated ancillary activities, except where otherwise sought in the submission points.

8.5.3 Analysis

334. The submission from Shelley Munro [55.12] opposes mineral and extractive industries, particularly the issuing of 24/7 operating licences. No specific relief is sought in this submission and therefore, no further analysis of this submission has been undertaken, apart from to note that the hours of operation of extractive industry activities is best left to be assessed on a case by case basis through the resource consent process.
335. The submission from McPherson Resources Limited [691.17] seeks to retain the PWDP subject to the decisions sought in the submission however, no specific relief is sought in this submission. As such, no further analysis of this submission has been undertaken, although the submitter is invited to provide further clarification of their submission through evidence.
336. The submission from McPherson Resources Ltd [691.19] seeks additions to the PWDP to add provisions dedicated to appropriately safeguard the mineral and aggregate industry in the Waikato District. The submission from AQA and Straterra [860.15] does not seek specific relief but states that it is important that non-compatible land uses such as residential areas are not allowed to encroach on quarries.
337. In this regard, Section 5.4 of the PWDP reads as follows:
- 5.4 Minerals and Extractive Industries*
- 5.4.1 Objective – Minerals and extractive industries*
- a) Mineral resource use provides economic, social and environmental benefits to the district.*
- 5.4.2 Policy – Access to minerals and extractive industries*
- a) Enable extractive industries provided that adverse effects are avoided, remedied or mitigated.*
- b) Protect access to, and extraction of, mineral resources by:*
- i) Identifying lawfully established extractive industries in Aggregate Extraction Areas and Coal Mining Areas on planning maps;*

- ii) Identifying the site of a potential extractive industry within an Aggregate Resource Area on planning maps;*
- c) Ensure that lawfully established extractive industries are not compromised by new subdivision, use or development;*
- d) Avoid the location of any sensitive land use within specified buffer areas which otherwise risks the effective operation of a lawfully established extractive industry.*
338. An extractive industry is provided for as a discretionary activity under Rule 22.1.5 (D8). It is considered that the PWDP appropriately provides for mineral and extractive industries in the rural zone and the relevant objectives and policies highlight the importance of the industry to the Waikato District. With regards to protecting quarries from non-compatible land uses, policies 5.4.2 c) and d) ensure that lawfully established industries are protected from new development or sensitive land uses to protect the future of the industries and to avoid reverse sensitivity effects. As such, no changes are considered necessary to the PWDP in order to give effect to this submission.
339. The submission from Sharp Planning Solutions Ltd [695.142] seeks to add potential sand extraction to the PWDP maps. The submission from the AQA and Straterra [860.14] does not seek any specific relief but states that it is important to identify key quarry resource areas and protect them.
340. It is considered unfeasible to add 'potential' sand extraction to the planning maps as this could be located over a significant portion of the District. Significant site investigation is required in order to determine if a location has the potential for sand extraction activities and applying this across the district is considered unreasonable. The PWDP planning maps identify existing 'coal mining areas', 'aggregate extraction areas' and potential extractive industries within 'aggregate resource areas'. It is therefore considered that the PWDP adequately identifies key extractive industries where feasible and no amendments to the PWDP are considered necessary.
341. The submission from Bathurst Resources Ltd [771.1] seeks to retain the recognition of existing coal mining operations in the PWDP and amend the PWDP for the continuation of existing coal mining operations. The PWDP is considered to adequately provide for the continuation of existing coal mine operations through Policy 5.4 above and the provisions under Section 22.6 Specific Area – Huntly Power Station – Coal and Ash Water. As such, no amendments are considered necessary to the PWDP in order to give effect to this submission.
342. The submissions from Genesis Energy Ltd [924.1 and 924.2] seek amendments to the PWDP to explicitly identify Regionally Significant Industries in the plan and amend the PWDP to identify Huntly Power Station as a Regionally Significant Industry.
343. Section 4.4 of the Waikato Regional Policy Statement provides for the management of natural and physical resources for the continued operation and development of regionally significant industry and primary production activities. Implementation method 4.4.1(a) of the WRPS states that:
- District and regional plans should provide for regionally significant industry and primary production by:*
- a) Identifying appropriate provisions, including zones, to enable the operation and development of regionally significant industry.....*
344. I do not read the above method to require district plans to specifically label activities as regionally significant. Instead, all that is required is for appropriate provisions to be included to enable the operation and development of regionally significant industry.

345. In that regard the PWDP identifies 'coal mining areas', 'aggregate extraction areas' and potential extractive industries within 'aggregate resource areas' as overlays on the planning maps and includes relevant objectives, policies and rules in order to ensure the continued operation and development of industry in the Waikato District.
346. Huntly Power Station, as a result of its regional and national significance has been identified as a 'specific area' in Section 22.6 and is subject to its own activity specific provisions in the PWDP. In addition, Objective 6.3.6 and Policy 6.3.7 specifically recognise non-renewable energy sources in the District and their actual and potential contribution to electricity production.
347. As a result my view is that sufficient recognition of the Huntly Power Station as a regionally significant industry is already contained in the PWDP to give effect to the WRPS. As such, no amendments are considered necessary to the PWDP at this stage.
348. The submission point from Genesis Energy Ltd [924.41] seeks to retain the relevant provisions in the PWDP to enable the continued use of the Huntly Power Station.

8.5.4 Recommendations

349. The submissions from Shelley Munro [55.12], McPherson Resources Limited [691.17] AQA and Straterra [860.15] are recommended to be rejected on the basis that no specific relief was sought.
350. For the reasons outlined above, the submissions from McPherson Resources Limited [691.19], Sharp Planning Solutions Ltd [695.142], Bathurst Resources Ltd [771.1], AQA and Straterra [860.14] and Genesis Energy Ltd [924.1 and 924.2] are recommended to be rejected.
351. The submission from Genesis Energy Ltd [924.41] is recommended to be accepted.

8.6 Tangata whenua

8.6.1 Introduction

352. Tangata Whenua matters are addressed within Chapter 2 of the PWDP. This include objectives relating to Tauutoko te Whakatupuranga, Whakapapa, Whanaungatanga, Kaitiaki, Waikatotanga and Tikanga aa-iwi o te takiwaa o Waikato. These objectives were drafted in consultation with Waikato-Tainui.

8.6.2 Submissions

353. Seven submission points were received relating to tangata whenua matters in the plan, as follows:

Submission point	Submitter	Summary of submission
286.4	Lorraine Dixon (Waikato Tainui)	No specific relief sought but submission generally supports the direction that Waikato District Council has taken in the development of the plan. Waikato-Tainui also see parts of the plan that can be improved, with a particular focus on the areas that effect Waikato-Tainui people.
<i>FS1035.10</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
286.6	Lorraine Dixon (Waikato Tainui)	No specific relief sought but the submission supports and promotes a co-operative and collaborative approach to natural resource and environmental management, restoration,

Submission point	Submitter	Summary of submission
		responsibilities and care within the Waikato-Tainui rohe.
FS1035.12	<i>Pareoranga Te Kata</i>	<i>Support</i>
286.7	Lorraine Dixon (Waikato Tainui)	No specific relief sought but the submission opposes any legislative and policy development that may undermine participation in resource management processes that have been achieved to date. In respect of the Waikato River, Te Ture Whaimana/the vision and Strategy for the Waikato River is of paramount importance and must continue to prevail over other planning instruments and to ensure the Vision and Strategy is given effect to, Waikato-Tainui participation in planning processes relating to the Vision and Strategy must not be diluted.
FS1035.13	<i>Pareoranga Te Kata</i>	<i>Support</i>
286.8	Lorraine Dixon (Waikato Tainui)	No specific relief sought but the submission seeks to ensure that all plans and policies aligns with the outcomes of important tribal documents: Tai Tumu, Tai Pari, Tai Ao Waikato-Tainui Environmental Plan, and Whakatupuranga Waikato-Tainui 2050 Strategic Plan.
FS1035.14	<i>Pareoranga Te Kata</i>	<i>Support</i>
286.11	Lorraine Dixon (Waikato Tainui)	Amend the Proposed District Plan to allow for greater use of Mātauranga Māori
FS1035.17	<i>Pareoranga Te Kata</i>	<i>Support</i>
FS1323.176	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Support</i>
286.12	Lorraine Dixon (Waikato Tainui)	Amend the Proposed District Plan to ensure that the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao has been included, following engagement with Waikato-Tainui.
FS1323.170	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Support</i>
493.2	Jackie Colliar	Amend the Proposed District Plan to allow for greater use of Mātauranga Māori
FS1035.55	<i>Pareoranga Te Kata</i>	<i>Support</i>

8.6.3 Analysis

354. The support from Waikato-Tainui expressed through submission point 286.4 for the direction taken by Council in developing the PWDP is noted. Significant explanation of the history of Waikato-Tainui, the Kingitanga and their values with reference to Te Tiriti o Waitangi is incorporated within section 1.7.2.5 and 1.7.2.6 of the PWDP.
355. The Waikato River Joint Management Agreement 2010 (“JMA”) is comprehensively addressed in section 1.7.3.1 of the PWDP. The obligations of both parties to the agreement, including with regard to Waikato-Tainui participation in resource management processes, are clearly set out. These inclusions are consistent with the requests in submission point 286.7,

acknowledging that the honouring of the commitments set out in the JMA are dependent on behaviours that cannot be legislated through the PWDP process.

356. In my view it is evident that a co-operative and collaborative approach to development of the PWDP provisions has been adopted thus far in the plan development process. This is evident in the inclusion of the Tangata Whenua chapter of the PWDP and the provisions in the Introduction section, and the alignment of the objectives and policies throughout the PWDP with those in the Waikato-Tainui Environmental Plan which in turn is specifically referenced in section 1.7.3.5 of the PWDP. Correspondence from Waikato-Tainui regarding acceptance of these provisions, and the acknowledgement of the engagement of Council with Waikato-Tainui during the plan development process is attached as Appendix 4 to this report.
357. Integrating Mātauranga Māori principles into a codified district plan framework is challenging. That said, I would support targeted amendments being made in the PWDP to give effect to this submission point, possibly by way of amendments to Chapter 2 Tangata Whenua. However, at this point the submitters have not put forward any more specific relief to be considered in terms of incorporating Mātauranga Māori principles. As a result, at this stage, I am unable to recommend acceptance of the relevant submission points 286.11 and 493.2 as set out above. Should the submitters provide more specific relief through evidence in chief I will reconsider this recommendation as part of rebuttal evidence or at the hearing itself.

8.6.4 Recommendations

358. For the reasons outlined above it is recommended that submission points from Waikato-Tainui [286.4, 286.6-286.], and 286.12 be accepted.
359. It is recommended for the reasons outlined above that submission points Waikato-Tainui 286.11 and J Colliar 493.2 are rejected.

8.7 Earthworks provisions

8.7.1 Introduction

360. Earthworks are managed separately throughout the different zone chapters within the PWDP.

8.7.2 Submissions

361. Seven submission points were received relating to overall earthworks provisions and standards in the plan. One submission sought to amend standards in relation to earthworks in the plan while six submissions opposed the earthworks provisions in the plan. The reasons provided for the changes in relation to earthworks within the PWDP were:
- To be more in accordance with the Vision and Strategy for the Waikato River and
 - To ensure that there was no significant destruction of areas which should be protected.

362. The following submissions were made:

Submission point	Submitter	Summary of submission
81.4	Waikato Regional Council	Amend Permitted Activity standards for all zones to provide for a minimum 5m setback distance from any waterbody or overland flow path and a shorter period of time (2 months) for earthworks to be revegetated after commencement to achieve 80% groundcover. These amendments reflect a more precautionary approach as required by the Vision and Strategy.
FS1110.26	Synlait	Oppose

Submission point	Submitter	Summary of submission
FS1198.57	<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>Oppose</i>
FS1322.35	<i>Synlait</i>	<i>Oppose</i>
FS1342.39	<i>Federated Farmers</i>	<i>Oppose</i>
435.4	Jade Hyslop	Add total limits to the earthworks rules in all zones that prescribe time limits (e.g. within a 12 month period) consistent with maintaining the values of the site.
FS1371.7	<i>Lakeside Development Limited</i>	<i>Oppose</i>
471.34	Andre Wood (CKL)	Amend the provisions for earthworks throughout the Proposed District Plan to provide more consistency. AND Any consequential amendments necessary.
FS1269.124	<i>Housing New Zealand Corporation</i>	<i>Support</i>
780.32	John Lawson (Whaingaroa Environmental Defence Incorporation)	Amend the earthworks rules for all zones that prescribe limits over a specified timeframe e.g. 12 month period to add limits to total development, consistent with maintaining the values of the site.
FS1198.35	<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>Oppose</i>
FS1342.211	<i>Federated Farmers</i>	<i>Oppose</i>
825.32	John Lawson	Amend the earthworks rules for all zones that prescribe limits over a specified timeframe e.g. 12 month period to add limits to total development, consistent with maintaining the values of the site.
830.1	Linda Sivester	Amend all Earthworks rules that prescribe a time period such as within a consecutive 12 month period to add limits to the total development consistent with maintaining the values of the site.
831.2	Gabrielle Parson	Amend all earthworks rules that prescribe limits over a time frame (e.g. within a single consecutive 12 month period) by removing the phrase or reference to "consecutive 12 month period" and replace with a total development limit consistent with maintaining the value of the sites.

8.7.3 Analysis

363. The comments set out in Section 2 of this report with regards to the purpose of the District Plan and the setback distances contained within it are equally relevant to the amendments sought by WRC. However, I agree with the intent of the WRC submission that sediment from earthworks activities should be prevented from entering waterways and in particular those that eventually enter the Waikato River.
364. Rather than increase the setback distance for earthworks from a waterway, open drain or overland flow path (which may not practicable in all cases) my view is that it would be more

effective to amend the existing permitted activity earthworks standard that requires “sediment resulting from the earthworks is retained on the site...” to also include a requirement for the sediment to not enter waterways, open drains or overland flow paths. I have set out amendments to this effect in section 8.7.5 below.

365. With regards to the WRC requested amendment to shorten the time period within which 80% groundcover must be achieved, the point at which the specified period starts is important. From experience on projects within the Waikato region I am aware that the WRC Erosion and Sediment Control guidelines require erosion and sediment control measures to remain in place after completion of earthworks for 2 months or until 80% groundcover is achieved. In practice this is reasonable to achieve. I surmise that the WRC request to include the 2 month provision in the PWDP is driven by a desire for consistency across statutory plans in the Waikato Region.
366. However, the PWDP earthworks standards make the timing reference point for 80% groundcover from commencement¹⁶ not completion. If the WRC requested amendment is accepted, those undertaking earthworks would thus have 2 months from commencement (not completion) of the earthworks to achieve 80% groundcover. This is not a practicable timeframe and should not be required.
367. Several submissions listed above seek to remove reference to “over any 12 month period” in the permitted activity earthworks standards. For example, Rule 16.2.4.1(a)(iii) requires that earthworks do not exceed an area of 1000m² over any consecutive 12 month period. The concern from the submitters is that a large amount or extent of earthworks could be achieved incrementally under such provisions.
368. I consider that concern unfounded given that the area standard and the volume standard work together. Regardless of the extent of the earthworks, the volume is a maximum and is not subject to any 12 month control. Thus, even if a person undertaking earthworks had already affected a 1000m² area and a new 12 month period had begun since the earthworks were first started, whether or not they could continue would be dictated by the volume of earthworks undertaken. I also note that in practice a permitted standard volume of 250m³ is very low when combined with a 1000m² annual area standard.
369. The submission from CKL asserts that the earthworks provisions in the PWDP are inconsistent, ambiguous and do not have a resource management focus. In my view it is not inappropriate to have differing earthworks standards in different zones to reflect the differences in environmental settings or outcomes sought between zones. I am satisfied that the earthworks provisions in the PWDP are sufficiently specific to be effective in practice.

8.7.4 Recommendations

370. It is recommended that for the reasons outlined above the submission from Waikato Regional Council [81.4] be accepted in part.
371. It is recommended that for the reasons outlined above the submissions from Jade Hyslop [435.4], CKL [471.34], Whaingaroa Environmental Defence Incorporation [780.32], John Lawson [825.32], Linda Sivester [830.1] and Gabrielle Parson [831.2] be rejected.

¹⁶ Authors emphasis

8.8 Notification

8.8.1 Introduction

372. Notification provisions and processes are provided for under section 95 of the Resource Management Act 1991. Accordingly, the PWDP is largely silent on notification matters, with the only exceptions being specific types of development applications in the Lakeside Te Kauwhata Precinct that are specifically allowed for on a non-notified basis.

8.8.2 Submissions

373. Eight submission points were received seeking that the PWDP be amended to require public notification of every resource consent application received by Council. The reasons provided for these requests were:

- To ensure that residents are aware of potential changes to amenity in areas;
- To ensure that decisions that are made by council will not pose a risk to the environment, economy or public health; and
- To ensure that conditions imposed on a resource consent appropriately manage an activity and the public are aware of the conditions that these activities must comply with.

374. The following submissions were made:

Submission point	Submitter	Summary of submission
254.1	Michelle Levy	Amend the District Plan to require public notification of any building activity that does not comply with the District Plan.
284.3	Chris Aitchison	Amend the Proposed District Plan so that any activity that does not fall under the Plan is publicly notified.
FS1276.214	<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>Support</i>
546.5	Lynne Adrienne	Amend the Proposed District Plan to require public notification of all consents, whether it concerns genetically modified organisms or any other matter.
FS1276.122	<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>Support</i>
546.6	Lynne Adrienne	Amend the Proposed District Plan to require notification of residents of any Waikato District Council-approved departure from the rules protecting the district's environment, heritage and special character.
FS1276.232	<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>Support</i>
599.3	Martin Hastings	Add a requirement for public notification when consents require exemption from Plan rules, whether Genetically Modified Organism-related or any other matter.

Submission point	Submitter	Summary of submission
FS1276.124	<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>Support</i>
628.3	Maris O'Rourke	Amend the Proposed District Plan to require all building activity in the district that do not comply with District Plan to be publicly notified.
FS1276.240	<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>Support</i>
802.2	Vera van der Voorden	Amend the Proposed District Plan to require all consents that would require exemption from plan rules to be automatically publicly notified, whether the rules are on Genetically Modified Organisms, or any other matter.
FS1276.130	<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>Support</i>
FS1276.136	<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>Support</i>
FS1342.228	<i>Federated Farmers</i>	<i>Oppose</i>
825.31	John Lawson	Amend the Proposed District Plan to require consents requiring exemption from plan rules to be automatically publicly notified, whether the rules are on genetically modified organisms or not.
FS1276.131	<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>Support</i>
FS1276.139	<i>Whaingaroa Environmental Defence Inc. Society.</i>	<i>Support</i>
FS1342.233	<i>Federated Farmers</i>	<i>Oppose</i>

8.8.3 Analysis

375. There is no justification in practice for requiring all resource consent applications received by Council to be publicly notified – to do so would create massive inefficiencies and costs for applicants and Council and be in breach of Council's obligations under the Local Government Act to avoid unreasonable delays in the processing of applications. Notification assessments of individual resource consent applications are best undertaken in accordance with section 95 of the RMA that sets out the process for determining the level of notification (if any) that may be required for resource consent applications considered under a National Environmental Standard, District or Regional Plans. I note that any person has the ability to challenge a notification decision made by Council by way of judicial review, and to seek information by way of a request under the provisions of the Local Government Official Information and Meetings Act.

8.8.4 Recommendations

376. It is recommended that the submissions from Michelle Levy [254.1], Chris Aitchison [284.3], Lynne Adrienne [546.5 and 546.6], Martin Hastings [599.3], Maris O'Rourke [628.3], Vera van der Voorden [802.2] and John Lawson [825.31] be rejected for the reasons outlined above.

8.9 Miscellaneous provisions

8.9.1 Introduction

377. The submissions addressed in this section relate to specific miscellaneous provisions or aspects of the plan that are not relevantly addressed in any other sections of this 42A report.

8.9.2 Submissions

378. 20 submission points were received that relate to assorted aspects of the PWDP. 17 submissions sought to make additions or amendments to the plan while 3 submissions supported certain provisions of the PWDP. The requests regarding these miscellaneous plan amendments include:

- Amending the activity status for various activities across multiple zone chapters
- Deleting rules for various activities that span multiple zone chapters
- Adding new provisions or chapters to the plan to address matters that are not currently included within the PWDP

379. The following submissions were made:

Submission point	Submitter	Summary of submission point
330.5	Andrew and Christine Gore	Amend the Proposed District Plan to require more consideration of the environment including lighting and noise.
330.74	Andrew and Christine Gore	No specific decision sought, however submission refers to Section C Rules.
471.33	CKL	Amend the discretionary activity or non-complying activity status where activities fail development standards to instead provide for these as a restricted discretionary activity. AND Any consequential amendments necessary.
FS1269.123	<i>Housing New Zealand Corporation</i>	<i>Support</i>
587.8	Bruce Cameron	No specific decision sought, but submission fully supports the submission from Federated Farmers.
636.2	Anna Noakes	Delete the catch all rule from the Proposed District Plan.
FS1342.164	<i>Federated Farmers</i>	<i>Support</i>
FS1379.216	<i>Hamilton City Council</i>	<i>Oppose</i>
693.13	Alstra (2012) Limited	Retain the Proposed District Plan subject to the decisions sought in the submission.
FS1317.5	<i>Louise Feathers</i>	<i>Oppose</i>
695.151	Sharp Planning Solutions Ltd	Develop a consistent methodology for assessment during the District Plan review process where more than one District Plan is assessed and that there are no wide variations of personal interpretations with Planners.

Submission point	Submitter	Summary of submission point
695.152	Sharp Planning Solutions Ltd	Provide objective online information to applicants regarding how Council will assess an application where two District Plans require to be assessed, for each phase of the plan change process.
742.1	New Zealand Transport Agency	Add appropriate provisions (e.g. objectives; policies, methods, rules) which describe and give effect to the desired urban form, function and hierarchy of urban settlements in the District. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1108.130	Waikato Tainui	Support
FS1139.116	Turangawaewae Trust Board	Support
FS1224.7	Ambury Properties Ltd	Oppose
749.115	Housing New Zealand Corporation	Delete any rule for building setback for sensitive land use in all zones.
FS1202.24	New Zealand Transport Agency	Oppose
FS1345.116	Genesis Energy Limited	Oppose
785.55	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	Add a new Permitted Activity Rule to any other Zone Chapters not covered by other submission points as follows: <u>PX</u> <u>Any Healthy and Safety signage required by legislation.</u> AND Add an additional definition (if necessary) of 'health and safety' sign as follows: <u>Health and Safety sign means any sign necessary to meet other legislative requirements (e.g. HSNO/Work-safe).</u> AND Any consequential amendments or additional relief to give effect to the submission.
FS1345.64	Genesis Energy Limited	Support
798.16	Ngāti Te Ata	Amend the Waikato Urban Design Guidelines Section 4 Connectivity and Movement networks to include "Small" and "Medium" to all guidelines.
798.17	Ngāti Te Ata	Amend the Waikato Urban Design Guidelines Section 5.3 Guidelines for Neighbourhood Character to include "Small" in all tick boxes.
798.18	Ngāti Te Ata	Amend the Waikato Urban Design Guidelines to include "small" and "medium" options to Sections 6 and 7 Urban Design.
798.20	Ngāti Te Ata	Amend the Tuakau Urban Design Guidelines to address: Sustainable development; Road contaminants being treated through vegetated swales or rain gardens; and Enhancement of significant streams- there does not appear to be

Submission point	Submitter	Summary of submission point
		any discussion around enhancement of these areas.
831.4	Raglan Naturally	Add a new chapter which addresses designing buildings and communities for disabled persons.
831.42	Raglan Naturally	Add a new chapter addressing satellite towns.
942.32	Angeline Greensill (Tainui)	No specific decision sought, but the submitter supports the principles adopted by Waikato District Council concerning proactive planning and management of urban growth and development, cost-effective provision of services and infrastructure, sustainable management of natural character and the principles of Treaty of Waitangi.
942.33	Angeline Greensill (Tainui)	No specific decision sought, but the submitter supports Council's vision to provide liveable, thriving and connected communities which are sustainable, efficient and co-ordinated and look forward to contributing to that vision and the general thrust of the plan with some amendments to chapters that affect Tainui whanau, hapu and iwi.
986.25	KiwiRail Holdings Ltd	Retain Policy 5.3.7(c) Reverse sensitivity effects as notified.
FS1118.1	Gary Bogaart / Meremere Dragway Inc.	Support
FS1176.290	Watercare	Support
FS1304.14	Gary Bogaart/Meremere Dragway Inc.	Support

8.9.3 Analysis

380. The submissions from Andrew and Christine Gore [330.5 and 330.74] cannot be appropriately analysed as the intent of the submission points is unclear and no specific relief is sought. The submitters are invited to provide clarification of their submission through evidence.
381. The submission from CKL [471.33] seeks general amendments to all discretionary or non-complying activities where activities fail development standards to instead provide for these as restricted discretionary activities. The submitter states that more consistency is required across the various chapters with less use of the discretionary or non-complying activity status.
382. I have examined the PWDP provisions and can appreciate the thinking behind this submission point. For example, in the Residential Zone under Rule 16.3.6 where a building coverage infringement becomes discretionary, while for Rule 16.3.5 an infringement of the building height control plane for daylight admission becomes restricted discretionary with matters of discretion listed. From my reading of the plan, it would appear that for infringements where it is more difficult to set out matters of discretion, the "safer" option of full discretionary status has been adopted.
383. The different status of the activities does not necessarily mean that the PWDP would be difficult to interpret or implement in practice. It is clear what status applies and thus what will

be required in terms of the extent of effects assessment in the necessary resource consent application.

384. As at the time of completing this report, I am not of a view to recommend acceptance of the submission point. In saying that, I make it clear that I am keeping this recommendation under review and invite the submitter through evidence to provide specific amendments included in the submission, no further analysis of this submission is undertaken.
385. The submission point from Bruce Cameron [587.8] does not seek any specific relief but fully supports the submission from Federated Farmers.
386. The submission from Anna Noakes [636.2] seeks to delete the catch all rule from each zone chapter of the PWDP which automatically gives the activity 'non-complying' status. It is considered that all rules that relate to the function of a district plan under Section 31 of the RMA are adequately provided in the PWDP. The 'catch-all' rule is considered necessary in the PWDP so that WDC have full discretion to assess an activity that has not been provided for in the Plan. Such a catch-all rule is common practice in District Plans throughout the country and therefore, no changes are considered necessary to the PWDP.
387. The submission from Alstra (2012) Limited [693.13] seeks to retain the PWDP subject to the decisions sought in the submission however, no specific relief is sought in this submission. As such, no further analysis of this submission has been undertaken although further clarification is invited through evidence.
388. The submissions from Sharp Planning Solutions [695.151 and 695.152] seek the development of a methodology for plan users when referring to more than one District Plan i.e. operative and proposed plans. The submitter also seeks information to be added online to assist the plan user. This submission point is not considered relevant to the PWDP review process as it relates to the generation of information to be displayed on the WDC website, not within the Plan itself. Therefore, no further analysis of this submission is required.
389. The submission from Housing New Zealand Corporation [749.115] seeks to delete any rules for building setbacks for sensitive land use in all zones. The definition for sensitive land use, as included in Chapter 13, is as follows:
- Means an education facility including a childcare facility, waananga and koohanga reo, a residential activity, papakainga building, rest home, retirement village, travellers' accommodation, home stay, health facility or hospital.*
- Rule 16.3.9.2 (P1) is an example of a rule for building setback for sensitive land use in the residential zone and reads as follows:
- a) *Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:*
- i. *5m from the designated boundary of the railway corridor;*
 - ii. *15m from the boundary of a national route or regional arterial;*
 - iii. *25m from the designated boundary of the Waikato Expressway;*
 - iv. *300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and*
 - v. *30m from a municipal wastewater treatment facility where the treatment process is fully enclosed.*
390. It is my understanding that the building setbacks for sensitive land use activities have been put in place to protect the sensitive activity from any adverse effects resulting from specific neighbouring activities. The neighbouring activities (e.g. identified in 16.3.9.2a i-v above) are

known to generate adverse effects such as noise, vibration or odour that activities such as schools, kindergartens and retirement villages are particularly sensitive to. The building setbacks for sensitive activities are in my view necessary to manage adverse effects and reverse sensitivity issues and therefore no amendments to the PWDP are considered necessary as a result of this submission.

391. The submission from Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited [785.55] seeks that a rule be added to the PWDP to allow for health and safety signage as a permitted activity. Signs in all zones are provided for in the PWDP as permitted activities provided they comply with the relevant standards. The permitted activity standards are implemented to manage any adverse effects from the erection signage. As an example, the PWDP Section 32 Report (Rural) states that rules to manage signs were rolled over into the PWDP as signs can compromise both visual amenity and character as well as having adverse traffic safety effects. Therefore, it was necessary to place controls on signs to effectively manage rural character and amenity.
392. It considered appropriate that the submitter needs to apply for resource consent when any health and safety signage cannot meet the relevant permitted activity conditions so that the adverse effects on traffic safety, character and amenity are appropriately managed.
393. The submissions from Ngāti Te Ata [798.16, 798.17 and 798.18] seek amendments to the Waikato Urban Design Guidelines. The 'Waikato Urban Design Guidelines' documents are a set of documents which are appended to the PWDP and set out the urban design guidelines for various types of development e.g. town centres (Appendix 3.3) or multi-unit developments (Appendix 3.4).
394. It is not clear in the submission which specific design guidelines the submitter is referring to therefore no further analysis of the submission has been undertaken. Elaboration of the submission is invited through evidence.
395. The submission from Ngāti Te Ata [798.20] seeks an amendment to the Tuakau Urban Design Guidelines to include the treatment of contaminants from roads through vegetated swales or rain gardens as well as the enhancement of significant streams. The submitter questions whether this is an intended omission.
396. It is not clear which guidelines the submitter is referring to in this submission however, if the subject of the submission is Appendix 10.6 this sets out the character statement for the Tuakau Town Centre, not the design guidelines. I understand that the intent of Appendix 10.6 is to identify the general character outcomes sought for Tuakau's town centre e.g. maintain wide streets and footpaths and promote Tuakau as a destination. Specific environmental design aspects such as the treatment of stormwater or stream enhancement within Tuakau are not the subject of this appendix. Due to the uncertainty as to the subject of this submission, no amendments to the PWDP are considered necessary although clarification of the submission is invited through evidence.
397. The submission from Raglan Naturally [831.4] seeks an amendments to the PWDP to add a new chapter which addresses designing buildings and communities for disabled persons. All building work within New Zealand must comply with the Building Code which ensures that buildings are safe, healthy and durable for everyone who uses them. With regards to disabled persons, Section D of the Building Code includes provisions which ensure that people with disabilities are able to carry out normal activities and functions within buildings.
398. Various objectives and policies in Chapter 4 outline the importance of connectedness and accessibility when developing communities throughout the district. Access to facilities and services as well as a range of housing typologies are to be provided for the entire population.

Appendix 3, which includes the design guidelines for all areas of the district, also highlights the importance of making towns and communities accessible and connected for all residents. It is considered that the concerns raised by the submitter regarding designing buildings and communities for disabled persons is adequately addressed through the policies and objectives of the plan, the design guidelines and the New Zealand Building Code and as such, no changes are required to the PWDP.

399. The submission from Raglan Naturally [831.42] seeks an amendment to the PWDP to add a new chapter addressing satellite towns. The submission from the New Zealand Transport Agency [742.1] seeks amendments to the PWDP to add appropriate provisions which give effect to desired urban form, function and hierarchy of urban settlements in the Waikato District. As addressed earlier in this report, further work on an urban hierarchy in the Waikato District is being undertaken through the development and implementation of the Hamilton-Auckland Corridor Plan, Future Proof Strategy, the Waikato District Growth Strategy and the Waikato District Blueprint documents. Therefore, I consider that the concerns raised in these submissions will in time be satisfied through the implementation of these strategies and therefore no changes to the PWDP are necessary at this stage.
400. The submissions from Angeline Greensill (Tainui) [942.32 and 942.33] support the principles adopted by WDC regarding urban growth and development, creating liveable and connected communities, provision of services and infrastructure and the sustainable management of natural character as well as the principles of the Treaty of Waitangi.
401. The submission from KiwiRail Holdings Ltd [986.25] seeks to retain Policy 5.3.7(c) as included in the notified PWDP.
- 8.9.4 Recommendations
402. For the reasons outlined above, it is recommended that the submissions from Andrew and Christine Gore [330.5 and 330.74], CKL [471.33] and Alstra (2012) Limited [693.13] are rejected as no specific relief is sought.
403. For the reasons outlined above, the submissions from Anna Noakes [636.2], Sharp Planning Solutions [695.151 and 695.152], New Zealand Transport Agency [742.1], Housing New Zealand Corporation [749.115], Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited [785.55], Ngāti Te Ata [798.16, 798.17, 798.18 and 798.2] and Raglan Naturally [831.42] are recommended to be rejected.
404. The submissions from Bruce Cameron [587.8], Angeline Greensill (Tainui) [942.32 and 942.33] and KiwiRail Holdings Ltd [986.25] are recommended to be accepted.

9 Conclusion

405. The strategic planning environment in the Hamilton-Auckland area that encompasses the Waikato District is currently extremely dynamic with a number of spatial planning and growth management initiatives underway. The advent of the National Planning Standards adds to the complexity.
406. The PWDP process was initiated several years ago and has proceeded to the point where it would be extremely inefficient and costly to now withdraw or defer the PWDP to allow the outcomes of all the higher level planning processes to be known and factored into the PWDP. The National Planning Standards provide sufficient time for Waikato District Council to alter the structure of the District Plan once it is operative (or close to it) at the end of the current process.

407. Likewise, while ideally the PWDP Stage 2 hazards information would have been available and incorporated into the PWDP at the time of public notification, mechanisms exist to allow the two stages to align later in the hearing process to ensure co-ordinated decision making.
408. Some amendments have been recommended to enhance the clarity and usability of the PWDP, and to correct obvious errors, omissions and duplications in the PWDP and Planning Maps. Given the generality of many of the submission points addressed in this report, I may recommend further amendments following the receipt of evidence in chief from submitters and further submitters.
409. I consider that the amended provisions so far recommended will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PWDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken and included throughout this report.