

SECTION 42A REPORT

Rebuttal Evidence

Hearing 22: Infrastructure and Energy

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I Introduction

I.1 Background

1. My full name is Trevor Stewart Mackie. I am a consultant planner, contracted to Waikato District Council to provide s42A reporting on Infrastructure and Energy in the Proposed Waikato District Plan (PWDP).
2. I am the writer of the original s42A report for Hearing 22: Infrastructure and Energy.
3. I have not repeated the information contained in section I.1 to I.4 of that s42A Hearing Report for Hearing 22: Infrastructure and Energy, and request that the Hearings Panel take this as read.

2 Purpose of the report

4. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:
If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.
5. The purpose of this report is to consider the primary evidence filed by submitters.
6. Evidence relating to Infrastructure and Energy was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel, or by authorised extension:

Submitter	Submission Number
New Zealand Transport Agency Waka Kotahi (NZTA)	742
CSL Trust and Top End Properties	89
Federated Farmers New Zealand (FFNZ)	680
Ministry of Education	781; FS1277
Fire and Emergency New Zealand (FENZ)	378; FS1114
Waikato Regional Council	81
Meridian Energy Limited (Meridian Energy)	580
Watercare Services Limited (Watercare)	423
Genesis Energy Limited (Genesis Energy)	924
Ports of Auckland Limited (POAL)	578
Heritage New Zealand Pouhere Taonga (Heritage NZPT)	559
KiwiRail Holdings Limited (KiwiRail)	986
Counties Power Limited (Counties Power)	405
Cindy and Tony Young and Parkmere Farms	FS1221.8 FS1283.8

Department of Conservation	585
Transpower New Zealand Limited (Transpower)	576
Kaainga Ora (Housing New Zealand Corporation HNZA in s42A report)	749; FS1269
Horticulture New Zealand (HortNZ)	419
WEL Networks Limited (WEL Networks)	692
The Surveying Company	746
Spark New Zealand Trading Limited; Vodafone New Zealand Limited' and Chorus New Zealand Limited (Spark Vodafone and Chorus)	644; 646; 648
New Zealand Amateur Radio Transmitters Incorporated (NZART)	594
Powerco	836
Firstgas Limited	945

7. The focus of my rebuttal is on the evidence received on the objectives, policies, and rules for Infrastructure and Energy. It should be noted that I have not provided rebuttal commentary on all evidence, particularly where either the submitter agrees with the position reached in the s42A report, or where I have a difference in view and there is little more to add. I have reviewed all the evidence. I respond to the points where I consider it is necessary to clarify an aspect of my earlier s42A report, or where I am persuaded to change my recommendation. In all other cases I respectfully disagree with the evidence, and affirm the recommendations and reasoning in my s42A report.

3 Consideration of evidence received

3.1 Matters addressed by this report

8. The main topics raised in evidence from submitters that are in disagreement with the recommendations of the original s42A report for Hearing 22: Infrastructure and Energy cover (with submitter evidence annotated):
- Noise-sensitive activities and State Highway / rail corridors – NZTA, KiwiRail, Kaainga Ora, Cindy and Tony Young and Parkmere Farms (Nicholas Grala)
 - Low-impact stormwater management - WRC
 - Significant Natural Area vegetation management - WRC
 - Regional flood protection infrastructure - WRC
 - National Grid – Transpower, Kaainga Ora, Heritage NZPT
 - Renewable energy generation facilities, policies and rules, and meteorological facilities – Meridian Energy, Department of Conservation
 - Huntly Power Station – Genesis Energy
 - Telecommunications provisions and Identified Areas – Spark, Vodafone, and Chorus
 - Definition of 'amateur radio configuration' - NZART

9. Where I propose further amendments, in response to the submitters' evidence, they are shown as blue underline additions and ~~blue strikethrough deletions~~.

4 Noise-sensitive activities and state highway / rail corridors

4.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Dr Stephen Chiles on behalf of NZTA	Paragraph 2.1 – 7.5, pages 4-13	NZTA [742.244; 742.182]; KiwiRail [986.51; 986.52]
Michael Wood on behalf of NZTA	Paragraph 5.1 – 5.40, pages 3-16; Annexure A recommended amendments; Annexure B s32 Evaluation including acoustic and quantity surveyor costs report	NZTA [742.244; 742.182]; KiwiRail [986.51; 986.52]
Pam Butler on behalf of Kiwirail	Paragraph 3.2 – 4.18, pages 2-8	NZTA [742.244; 742.182]; KiwiRail [986.51; 986.52]
Jon Styles on behalf of Kaainga Ora	Paragraph 3.1 – 9.17, pages 7-31	NZTA [742.244; 742.182]; KiwiRail [986.51; 986.52]; FS1269
Philip Stickney on behalf of HNZZC (Kaainga Ora)	Paragraph 5.1 – 5.36, pages 5-15	NZTA [742.244; 742.182]; KiwiRail [986.51; 986.52]; FS1269
Nicholas Grala on behalf of Cindy and Tony Young and Parkmere Farms	Paragraph 10 - 47, pages 3-17	NZTA [742.244; 742.182]; KiwiRail [986.51; 986.52]; FS1221.8; FS1283.8
S42a report	D0 section 18, paragraphs 280-305	

4.2 Analysis

11. Dr Stephen Chiles on behalf of NZTA, from para 5.2 recommends distinguishing between road and rail noise and vibration effects and their different characteristics. In the s42A report I had attempted to reconcile the NZTA and KiwiRail noise-sensitive activity management proposals, but now understand that they need to have some separate treatments. The areas of distinction identified by Dr Chiles (and attached to Michael Wood's evidence) include:
 - a. An additional column for road noise in the Design Noise Levels
 - b. Line of sight controls to 3.8m above the rail line but down to all points of the road surface, relating to the principal sources of noise
 - c. The vibration standard only applying to 40m from the State Highway carriageway edge, rather than the 60m proposed for rail
 - d. 'Specified source noise level' should only apply to rail; as for roads the rule should use road noise based on measured or predicted noise levels plus 3dB.
12. I accept that those proposed amendments would appropriately distinguish between road noise and rail noise.
13. Dr Chiles, from para 6.3, and Michael Wood, disagree that the PWDP Business Zone and Business Town Centre Zone general noise controls are adequate to manage transport noise in those zones. In my s42A report I had preferred the notified noise controls for those zones, which apply to dwellings and anticipate a higher ambient or background noise. They require a 40dB L_{Aeq} internal design sound level within the dwellings of multi-unit developments. There are alternative compliance pathways by discretionary activity, which can take into account existing noise barriers. I note that the building code requires ventilation to be provided to dwellings, at a specified rate of air changes per hour, which would require a mechanical ventilation system if windows need to be shut to meet noise requirements. In terms of vibration effects, I would anticipate a commercial standard of new building construction within the Business Zones would be capable of managing vibration. I do not consider that the NZTA / KiwiRail proposed noise-sensitive activity rules are required in the Business Zone and Business Town Centre Zone, and do not propose to amend the s42A recommendations in relation to those zones. The Business Zone and Business Town Centre Zone require an internal noise level of 40dB for sleeping spaces, compared to the KiwiRail 35db and NZTA 40dB suggested noise levels, although each are measured in a slightly different manner (time-weighted).
14. Dr Chiles, in para 6.6, acknowledged that I had recommended deleting the setback rules in relation to State Highways and the rail line in the four zones where the NZTA / KiwiRail noise-sensitive activity proposal would apply. He considers that setbacks reduce the need for building controls in close proximity to road and rail, and can provide for outdoor amenity. Dr Chiles recommends an alternative to the setbacks, to be a maximum external noise control outside new residential activities, of 57 dB $L_{Aeq}(24h)$, at all points 1.5m above ground level within the notional boundary. I consider that, if the dwellings require acoustic treatment and ventilation to comply with the noise-sensitive activity rule, then the setbacks should not also apply, and the dwelling design can include a selection of site-specific outlook and outdoor space treatments. The important part is not making a 100m setback standard for all new building platforms, but allowing management of noise that will be received at and within the dwellings when the new building platforms are created. That is why I support the 100m subdivision rule if it allows for new building platforms to have their compliance method identified.

15. Mr Wood on behalf of NZTA, in his evidence describes the nature of the problem, the role of NZTA in management of the state highways, and the costs of the different options for dealing with road noise. He attaches a s32 Evaluation of the proposals, which includes an acoustic and quantity surveyor report on costs, and compares options, including at-source mitigation by the road operating authority. The costs report identifies percentages of building costs that would be required for the acoustic treatment and ventilation of dwellings, compared to costs of boundary treatments at subdivision stage, such as noise barriers by bunding and noise walls.
16. Mr Wood proposes further amendments to the s42A recommended amendments, including those supported by Dr Chiles, as follows:
- a. Apply the noise-sensitive activity provisions to Chapter 17 Business Zone (I disagree, as the Business Zone has its own dwelling internal noise limits)
 - b. Change “within 100m of a state highway” to “at any point within 100m from the edge of a state highway carriageway” (I agree, as the carriageway edge is a more appropriate measuring point than the state highway designation edge)
 - c. Add a Maximum Road Noise Level column, using the same noise levels as rail except for 40 dB in sleeping spaces (I agree)
 - d. Add the new outdoor noise level proposed by Dr Chiles, with an alternative of a 3m high noise barrier preventing line of sight of the road noise source (I disagree, as these alternatives should be the subdivision options for achieving appropriate building platforms, rather than additional external noise rules)
 - e. Indoor vibration concerns should apply only to 40m from the carriageway edge of a state highway (I agree that there may be a different distance for road versus rail vibration effects, but do not have the expertise to quantify those effects)
 - f. Amend the rule to state that road noise is based on measured or predicted noise plus 3dB (I agree based on the evidence of Dr Chiles).
17. Pam Butler on behalf of Kiwirail, sets out from para 4.2 the problem of noise and vibration from rail operations, based mainly on the sensitivity of nearby residents (complaints register). Complaints are a reverse sensitivity effect, and are acted on if the noise and vibration effects can be verified. Ms Butler also seeks that the proposed noise-sensitive activity controls be applied to the Business Zone and the Business Town Centre Zone. As I stated in the s42A report and in response to the evidence of Dr Chiles and Mr Wood above, I consider that the Business Zone and Business Town Centre Zone have a provision protecting multi-unit dwellings from the effects of noise. I do not consider that the NZTA/KiwiRail noise-sensitive activity noise rule should be applied to the Business and Business Town Centre Zones.
18. Jon Styles on behalf of Kaainga Ora, expresses a concern that the evidence of noise and vibration is not well-quantified. However, both noise and vibration are amenity effects (or physical damage effects at higher levels) and they are capable of perception of sensitivity through complaints made to the road and rail operators. Mr Styles considers that noise generators should mitigate their effects at-source, to a Best Practicable Option (BPO) level, and that the receiving environments should only respond where the BPO cannot internalise effects to the transport corridors. I understand that new and changed state highways need to manage effects on existing sensitive land uses, to comply with NZS6806:2010, by separation distances, paving surfaces and noise barriers, and in some cases by acoustic treatments and ventilation of dwellings. The proposed rules will apply to new and altered noise-sensitive activities, and subdivision and growth of settlements, where they are in close proximity to a rail line or state highway. Growth assessments have identified Waikato district as a high

growth district in the Future Proof strategy, Urban Expansion Area overlay, and a Tier I Local Authority under the NPS-UP2020. There are many submissions on the PWDP seeking urban development expanding and adjacent to the existing settlements, so further growth will occur. The rail line and the state highways through Waikato District are strategic transport and freight routes, and carrying increasing volumes of heavy commercial vehicles, so the noise will increase even if the road and rail themselves remain unchanged.

19. Mr Styles considers that more evidence is needed to quantify the nature of the problem and the physical extent of any buffer concern, separation of road and rail effects, smaller vibration effect areas, a costs evaluation, and deeper consideration of options. However, overall he considers that the primary response to a noise and / or vibration issue should be by the noise generator's BPO and be more tailored to the actual scale of effects. Some of those matters are provided in the evidence on behalf of NZTA and KiwiRail. There remains a difference of opinion as to how much of the cost of noise and vibration mitigation should be borne by the noise generators, and how much by the subdividers and new development in proximity to those transport corridors. There is also a need to consider those costs in the light of reverse sensitivity effects management for regionally and nationally-significant infrastructure.
20. Philip Stickney on behalf of HNZA (Kaainga Ora), summarises the evidence of Mr Styles and provides a planning assessment that there is insufficient evidence to support the proposed noise-sensitive activity transport corridor provisions, and that they are an inappropriate and unjustified planning response to managing a reverse sensitivity issue. Evidence has been provided on behalf of NZTA and KiwiRail on the nature of the problem, s32 evaluations including options and costs assessment, and fine-tuning of the differences between road and rail noise and vibration characteristics.
21. Nicholas Grala on behalf of Cindy and Tony Young and Parkmere Farms, provides an assessment of the number of properties within Waikato District which are located (partially or fully) within 100m of an NZTA or KiwiRail designation (para 29-31). Mr Grala does not acknowledge that, as they are existing land uses, the new rule will not apply to unchanged land uses, and only applies to changes to those properties, new noise-sensitive activities and subdivisions creating new building platforms. He also does not acknowledge the road improvements, including the Waikato Expressway, which have made extensive use of separation distances, noise barriers and paving surfaces to mitigate effects of land transport noise, in relation to the existing adjacent built environment. Recent roads, as distinct from the older state highways, have had greater attention paid to noise mitigation in relation to existing development.
22. Mr Grala draws the panel's attention, in para 34, to Strategic Objective 1.12.8(b)(i), which directs urban development to take place within areas identified for that purpose in a manner which utilises land and infrastructure most efficiently. I consider that the proposed noise-sensitive activity rule will enable (noise-mitigated) development and use of land adjacent to the rail and state highway corridors, while protecting the significant infrastructure against reverse sensitivity effects. Mr Grala, in para 43, suggests that a more appropriate approach to managing land use would be for the rail and state highway designations to be extended to encompass the adjacent land, presumably 100m either side of the corridors. However effective that might be, I do not consider it would be an efficient use of land or a reasonable management of reverse sensitivity.

4.3 Recommendations

23. My recommendations remain unchanged in terms of accepting submissions in part, however I agree to several fine-tuning amendments, to recognise the differences between road and rail noise and vibration, as follows:
- a. Line of sight controls to 3.8m above the rail line but down to all points of the road surface, relating to the principal sources of noise
 - b. The vibration standard only applying to 40m from the State Highway carriageway edge, rather than the 60m proposed for rail
 - c. Change “within 100m of a state highway” to “at any point within 100m from the edge of a state highway carriageway”
 - d. Add a Maximum Road Noise Level column, using the same noise levels as rail, except for 40 dB in sleeping spaces
 - e. Amend the rule to state that road noise is based on measured or predicted noise plus 3dB.
24. I do not consider these minor amendments to require an additional s32AA evaluation.

4.4 Recommended amendments

25. I have not included the amendments in full in this section due to their bulk. I have made the recommended amendments in full in Appendix 2, to the provisions for Residential, Rural, Country Living and Village Zones and the PWDP Appendix 1 – Acoustic Insulation.

5 Low-impact stormwater management

5.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Miffy Foley on behalf of Waikato Regional Council	Paragraph 9 – 12, Page 4	Waikato Regional Council [81.7]
s42A report	D0 section 4	

5.2 Analysis

26. In my report in D0 section 4, I recommended that the submission point from Waikato Regional Council [81.7] be accepted in part, as low-impact stormwater management is promoted by the PWDP.
27. Miffy Foley on behalf of Waikato Regional Council, in paras 9 to 12, identifies that if a low-impact stormwater management approach is not taken to the design of development, then the activity becomes restricted discretionary. Ms Foley requests the addition of a matter of discretion to address those circumstances. I concur with her suggested amendment for a consequential amendment to address low-impact stormwater management for restricted

discretionary activities. This approach will more efficiently achieve the stormwater objective 6.4.6: “The hydrological characteristics of the natural drainage processes are retained where new subdivision, development or land use is proposed.”

5.3 Recommendations and recommended amendments

28. My recommendation remains unchanged in terms of accepting the submission in part, however I agree to the addition of a matter of discretion to Rule 14.11.2 RDI, as follows:

RDI	Stormwater systems for new development or subdivision that does not comply with one or more of the conditions of Rule 14.11.1.1	Discretion is restricted to: (a) The likely effectiveness of the system to avoid flooding, nuisance or damage to other buildings and sites ; (b) The capacity of the system and suitability to manage stormwater. (c) <u>The potential for adverse effects to the environment in terms of stormwater quantity and stormwater quality effects.</u> ¹ (d) <u>Use of low impact design principles and approaches</u> ²
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6 Significant Natural Area vegetation management

6.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Miffy Foley on behalf of Waikato Regional Council	Paragraph 13 - 19, Page 4-7	Waikato Regional Council [81.246]
s42A report	D0 section 2	

6.2 Analysis – Significant Natural Area vegetation management

29. In my report in D0 section 2, I recommended that the submission point from Waikato Regional Council [81.246] be accepted in part, as there were inconsistencies within the PWDP in relation to the treatment of infrastructure within Identified Areas. Several amendments were recommended to ensure that Identified Area values would be protected.
30. Miffy Foley on behalf of Waikato Regional Council, in paras 13 to 19, identified that the stand-alone Chapter 14 Infrastructure and Energy rules do not restrict the clearance of indigenous vegetation within Significant Natural Areas, where infrastructure is involved. In order to balance the infrastructure locational and operational constraints against the indigenous vegetation protection, Ms Foley recommends a new restricted discretionary activity for increased clearance of indigenous vegetation where infrastructure is involved.
31. Some activities have a functional or operational need to locate within such environments, but I accept there is still a need to protect areas of significant indigenous vegetation and significant

¹ 81.145 Waikato Regional Council

² 81.7 Waikato Regional Council

habitats of indigenous fauna. In order to better achieve the Significant Natural Area objective, as well as the infrastructure-enabling objectives, I accept that there should be a permitted activity threshold identified for clearance of indigenous vegetation within a Significant Natural Area, and a restricted discretionary activity for greater clearance. The better achievement of Significant Natural Area and Infrastructure objectives provides the s32AA justification for the amendments.

6.3 Recommendations and recommended amendments

32. My recommendation remains unchanged in terms of accepting the submission in part, however I agree to the amendments to Rule 14.3.1.3 P4 and Rule 14.3.3 RD3, as follows:

P5	Trimming, maintenance or removal of vegetation or trees associated with infrastructure	<p>14.3.1.4</p> <p><u>(1) Trimming and pruning of trees and vegetation necessary to protect all overhead electric lines or telecommunication lines; and</u> ³ Any trimming, maintenance or removal of vegetation or trees associated with infrastructure, <u>including access tracks.</u> ⁴ that meet all of the following conditions:</p> <p>(a) No tree identified in Schedule 30.2 is removed;</p> <p>(b) Any required trimming of a tree identified in Schedule 30.2 is either:</p> <p>(i) To remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or</p> <p>The maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed over any consecutive 12 month time period.</p> <p><u>(c) Any indigenous vegetation alteration or removal within a Significant Natural Area must not:</u></p> <p><u>(i) include any trees over 6m in height or 600mm in girth at a height of 1.4m; and</u></p> <p><u>(ii) exceed 50m² per site over any consecutive 12 month time period.</u> ⁵</p> <p><u>(2) Any trimming, maintenance or removal of vegetation, where required for the safe operation or maintenance of the National Grid or to remove a potential fire risk associated with the National Grid.</u> ⁶</p> <p>Note: <u>Trimming, maintenance or removal of vegetation or non-notable trees in and around electrical assets</u> are required to be <u>shall be managed</u> ⁷ in accordance with the Electricity (Hazards from Trees) Regulations 2003.</p>
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³ 692.9 WEL Networks

⁴ 576.30 Transpower

⁵ 81.246 Waikato Regional Council

⁶ 576.30 Transpower

⁷ 419.142 Hort NZ

RD3	Trimming, maintenance or removal of vegetation or trees that does not comply with one or more of the conditions of Rule 14.3.1.4	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) The extent of the works required; (b) Effects on the values, qualities and characteristics of any tree identified in Schedule 30.2 or any Significant Natural Area,⁸ (c) Whether alternative methodologies avoiding the need to affect the tree(s)/vegetation have been adequately considered. (d) land transport network safety and efficiency ⁹
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⁸ 81.246 Waikato Regional Council

⁹ 742.93 NZTA

7 Regional flood protection infrastructure

7.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Miffy Foley on behalf of Waikato Regional Council	Paragraph 20 - 32, Page 7-11	Waikato Regional Council [81.190; 81.191]
s42A report	D13 Objectives and Policies	

7.2 Analysis – Regional flood protection infrastructure

33. In my report in D13 Objectives and Policies, I recommended that the submission points from Waikato Regional Council [81.190 and 81.191] be accepted in part, as there was a need to include policy support for regional flood protection infrastructure. Several policy amendments were recommended to ensure that flood protection infrastructure was enabled, whether on WRC owned land or as part of any public flood protection scheme, however those recommendations were omitted from Appendix 3 Recommended Amendments to Chapter 6 Objectives and Policies. Miffy Foley on behalf of Waikato Regional Council, identified that those policy amendment recommendations had not been carried through, and I would like to correct that with the following amendments:

7.3 Recommendations and recommended amendments

34. My recommendation remains unchanged in terms of accepting the submissions in part, however I correct the omission of the recommended policy amendments, and provide permitted activity and restricted discretionary activity provisions, as follows:

6.4.2 Policy – Provide adequate infrastructure

- (a) Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided creating one or more additional lots, excluding reserve or non-housing conservation lots, access and utility allotments,¹⁰ or its use significantly changed or¹¹ intensified, needing additional or upgraded infrastructure.¹²
- (b) Recognise the importance to the economic and social well-being of the district and the essential nature of regional flood management infrastructure so as to provide for its development, operation and maintenance.
- (c) To ensure that regional flood management infrastructure is provided in a manner that:
 - (i) does not adversely affect the health and safety of the people of the district
 - (ii) avoids, remedies or mitigates any adverse effects on the natural and physical resources
 - (iii) is sensitive to the amenity values of the district, and relevant cultural or spiritual values

¹⁰ 680.302 FFNZ

¹¹ 742.52 NZTA

¹² 680.302 FFNZ

(iv) is efficient.¹³

6.4.7 Policies – Stormwater

- (a) Ensure that stormwater and drainage infrastructure for subdivision, land use and development:
 - (i) Adopts, where appropriate, a best-practice low impact design approach to the management of stormwater;
 - (ii) Manages stormwater in accordance with a drainage hierarchy, with a preference for ~~on-site treatment~~ at-source management; ¹⁴
 - (iii) Minimises impervious surfaces to reduce stormwater run-off;
 - (iv) Retains pre-development hydrological conditions as far as practicable;
 - (v) Does not increase the flow of stormwater runoff onto ~~adjoining properties~~ adjacent land ¹⁵ or flood plains, or reduce storage capacity on-site;
 - (vi) Provides a stormwater catchment management plan for future urban development; ~~and~~
 - (vii) Promotes clean water reuse and groundwater recharge where practicable;:
 - (viii) Avoids, remedies or mitigates the generation of contaminants from urban development, particularly from high contaminant generating car parks and high use roads; and ¹⁶
 - (ix) Is supported by a stormwater management plan. ¹⁷
- (b) The continuing operation of existing regional flood management infrastructure shall be protected from the adverse effects of other activities. In particular consideration shall be given to:
 - (i) Maintaining and enhancing the operational efficiency, effectiveness, viability and safety of regional flood management infrastructure
 - (ii) Protecting investment in existing regional flood management infrastructure
 - (iii) Retaining the ability to maintain and upgrade regional flood management infrastructure.
- (c) To ensure that new regional flood management infrastructure is considered having regard to:
 - (i) The environment as it exists
 - (ii) The duration, timing and frequency of the adverse effect
 - (iii) The impact on other existing regional flood management infrastructure if the new work is not undertaken
 - (iv) The need for the work in the context of the wider network or in the context of the provision of alternative infrastructure
 - (v) The avoidance, remediation or mitigation of anticipated adverse environmental effects to the extent practicable
 - (vi) The demand for and benefits of new regional flood management infrastructure
 - (vii) The route, site, and method selection process
 - (viii) The technical and locational constraints
 - (ix) The benefits of the regional flood management infrastructure in terms of managing climate change effects.
- (d) Provision of new regional flood management infrastructure occurs in a planned and coordinated manner which recognises and addresses potential cumulative effects and is

¹³ 81.190; 81.191 Waikato Regional Council

¹⁴ 81.224 Waikato Regional Council

¹⁵ 742.54 NZTA

¹⁶ 419.76 Hort NZ

¹⁷ 697.565 Waikato District Council

based on sufficient information to allow assessment of the potential long-term effects on the environment.¹⁸

14.13 Regional flood management infrastructure

4.13.1 Permitted Activities

(a) The following activities are permitted activities if they meet the activity specific conditions set out in this table. These rules apply throughout the District.

<u>Activity</u>		<u>Activity specific conditions</u>
<u>P1</u>	<u>The construction of new regional flood management infrastructure undertaken by or on behalf of the public authority responsible for the regional flood management infrastructure</u>	<u>14.13.1.1</u> <u>(1) All activities must comply with the following conditions:</u> <u>(a) Activities are carried out:</u> <ul style="list-style-type: none"> <u>(i) within 20m of the landward toe of a stopbank (See diagram 14.13.1 below)</u> <u>(ii) On a stopbank</u> <u>(iii) Within the flood channel (between a stopbank and river bank)</u> <u>(iv) Within a 20m radius of a pump station or floodgate.</u>
<u>P2</u>	<u>Flood control, renewal, maintenance, unscheduled, and storm response works undertaken by or on behalf of the public authority responsible for the regional flood management infrastructure</u>	
<u>P3</u>	<u>The maintenance of existing stock-proof fences</u>	
<u>P4</u>	<u>Grazing of animals</u>	
<u>P5</u>	<u>Any farming activity other than the grazing of animals</u>	
<u>P6</u>	<u>The planting of trees</u>	
<u>P7</u>	<u>The construction of any road or race for the passage of stock or vehicles</u>	
<u>P8</u>	<u>The erection of any new fence, shelter, building or structure</u>	
<u>P9</u>	<u>The excavation or the digging of any drain</u>	
<u>P10</u>	<u>A network utility or private infrastructure including underground pipes and cables with written approval from the</u>	

Advice note: Flood control schemes are managed by public authorities, and as such activities associated with flood control schemes require the approval of the relevant public authority.

¹⁸ 81.190; 81.191 Waikato Regional Council

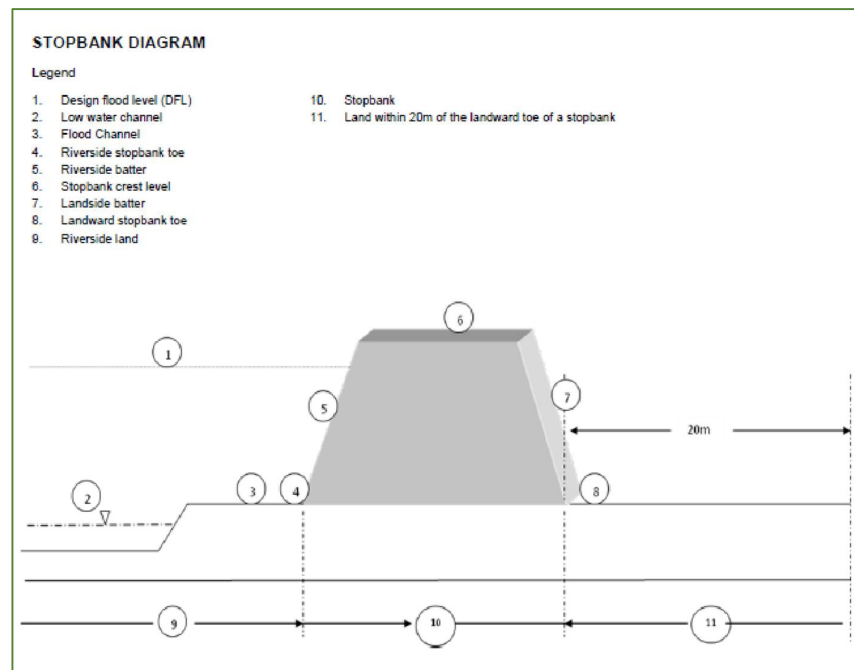


Diagram 14.13.1

14.13.2 Restricted Discretionary Activities

- (a) [The activities listed below are restricted discretionary activities.](#)
- (b) [Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table](#)

Activity		Matters of Discretion
RDI	New capital works relating to regional flood management	Discretion is restricted to:
	infrastructure, including but not limited to flood control dams, flood gates, stopbanks, channels, and culverting of waterways.	(a) The extent to which adverse effects are avoided, remedied or mitigated.

RD2	Any other activity that is not permitted under Rule 14.13.1 but complies with activity specific condition 14.13.1.1 shall be a restricted discretionary activity.	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) <u>The extent to which the activity will affect the integrity of the flood control asset</u> (b) <u>The extent to which the activity will impede maintenance access</u> (c) <u>Methods to avoid, remedy, or mitigate adverse effects on the integrity of the flood control assets</u> (d) <u>Methods to avoid, remedy, or mitigate adverse effects on maintenance access.</u> <p><u>Non-notification</u> <u>Applications utilising RD2 that do not simultaneously trigger other consent requirements shall not be publicly notified and shall not be served on any party other than Council and the public authority responsible for the regional flood management infrastructure.</u></p>
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Advice Note: "Emergency Works" undertaken in accordance with Section 330 of the Resource Management Act 1991 in response to a sudden event causing or likely to cause loss of life, injury, or serious damage to property are a permitted activity.

7.4 s32AA Evaluation

35. Policies are amended and rules added to provide for regional flood protection infrastructure.

Other reasonably-practicable options

36. The reasonably-practicable options include the PWDP provisions as notified, which include stormwater and drainage objectives and policies, the recommended amendments which were requested by Waikato Regional Council, and coverage within part 2 of the PWDP on Natural Hazards and Climate Change. I had earlier anticipated that Part 2 of the PWDP would deal with flood protection infrastructure as part of management of the flooding natural hazard. The provisions as notified do not fully cover flood protection apart from its drainage and pumping station components, and the policies do not recognise the regionally significant infrastructure for flood protection, although the definition of regionally significant infrastructure is accepted at a policy level.

Effectiveness and efficiency

37. The recommended amendments will more efficiently and effectively enable flood protection infrastructure, and manage the effects of other land uses on that infrastructure, therefore better achieving the infrastructure-enabling objective of the PWDP, and the associated adverse effects and reverse sensitivity policies.

Costs and benefits

38. There are economic and environmental costs when allowing infrastructure to displace or affect other land uses. However, the flood drainage schemes are largely supported by the affected landowners, who recognise the local and regional benefits of managing the river flood hazard. There are significant economic and social benefits in allowing and protecting the flood protection infrastructure.

Risk of acting or not acting

39. There are no additional risks in acting. There is sufficient information on the river flood hazards, costs to the environment, and benefits to people and communities to justify the amendments to the policy and creation of the new rules.

Decision about most appropriate option

40. The amendment gives effect to the PWDP infrastructure-enabling and protection objectives. It is considered to be more appropriate in achieving the objectives than the notified version of the PWDP and will give effect to the RPS objectives and policies.

8 National Grid

8.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Pauline Whitney on behalf of Transpower	Policy 6.2.5 para 69 -73, page 21-25 Earthworks para 84 – 86, page 27-29 Rules 14.4.1.2 P2 and 14.4.4 NC para 87 – 95.4, page 29-34	Transpower [576.20] [576.55; 576.58; 576.66] [576.63; 576.64; 576.67; FS1350.75]
Matthew Lindenberg on behalf of Kaainga Ora	Para 5.1 – 7.1, page 3-7	HNZC (Kaainga Ora) [749.24; 749.73; 749.155]
s42A report	D13 Objectives and Policies section 25 D4 National Grid	

8.2 Analysis

41. In my report I recommended the submission from Transpower [576.20] in relation to Policy 6.2.5 – Environmental Effects of the Development or Upgrades of the National Grid be accepted in part, recommending some of the amendments sought by Transpower but reinstating the urban area policy. Pauline Whitney on behalf of Transpower, seeks that Policy 6.2.5 be further amended to clarify the types of Identified Areas to be acknowledged within rural and urban areas and to state that the National Grid enabling policy will prevail over any other Identified Area objective and policy.
42. I agree that Policy 6.2.5 should be more explicit about the types of Identified Areas within urban and rural settings, and adopt those Transpower proposals in the Recommended Amendments below. These amendments are identification of the specific Identified Area types for clarification, and not a policy change. With regards to the National Grid policy prevailing

over any other objectives and policies relating to the specified Identified Area values, features and areas, I do not agree to the suggested change. The infrastructure provisions stand alone and are independent of the zone objectives and policies and rules, but they are still subject to the objectives and policies of certain Identified Areas, in Chapter 2 Taangata Whenua, Chapter 3 Natural Environment and Chapter 7 Historic Heritage, and there are rules pertaining to those identified areas within Chapter 14 Infrastructure and Energy. Chapter 3 also includes the Identified Areas subject to the New Zealand Coastal Policy Statement, that are within the coastal environment (Significant Natural Areas and landscape overlays).

43. In relation to earthworks within the National Grid Yard, Pauline Whitney on behalf of Transpower seeks the deletion of my recommended Rule 14.4.1.2 (g), which detailed some non-sensitive farming activities involving earthworks within the National Grid Yard. I recommended including the list of permitted activities for clarity of farming activities, even though most are theoretically covered within 14.4.1.2(c) as 'Non-habitable buildings or structures for farming activities'. I recommend that clause (g) remain.
44. In relation to amendments to non-complying activities NCI, NC5, NC9, NC11 and a catch-all NC12, as sought by Transpower, I have the following responses:
 - a. The originally notified NCI (Above-ground transmission lines associated with the National Grid located within identified areas) has been converted into a discretionary activity in response to a submission by Transpower
 - b. The newly recommended NCI, (Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1 P1 P3 or a restricted discretionary activity under Rule 14.4.2 RD3 or a discretionary activity under Rule 14.4.3 D3¹⁹) will cover earthworks within the National Grid Yard not otherwise specified, and allow the deletion of NC11
 - c. NC5 (Any new **building** for a **sensitive land use**, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use,²⁰ within the **National Grid Yard**) had the recommended amendment in the s42A report but it was omitted from Appendix 2 Recommended Amendments and that is corrected in the recommended amendments below
 - d. NC9 (Any new **building** for a **sensitive land use**, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use,²¹ within the **National Grid Yard**) also had the recommended amendment in the s42A report but it was omitted from Appendix 2 Recommended Amendments and that is corrected in the recommended amendments below
 - e. Transpower seeks a new catch-all NC11 or NC12 (Any building or structure within the National Grid Yard that is not a permitted activity under Rule 14.4.1, a Restricted discretionary activity under rule 14.4.2 or a Discretionary activity under rule 14.4.3). My s42A report recommended rejecting that relief and I have not changed that opinion.
45. Matthew Lindenberg on behalf of Kaainga Ora, seeks that the National Grid Subdivision Corridor be more tailored, in accordance with its resolved form in the Auckland Unitary Plan, and that it should acknowledge there can be a narrowing at the support structures.
46. The National Grid Subdivision Corridor in the Auckland Unitary Plan deals with many more complex areas and compromised existing development sites than Waikato District. It is

¹⁹ 576.66 Transpower

²⁰ 576.63 Transpower

²¹ 576.63 Transpower

mapped in fine detail for reference on each property affected, showing an elliptical form reflecting greater wind swing of the lines at mid span than at the supporting structures. The simpler, rectangular form used in the PWDP does not require mapping beyond the centreline of the overhead lines. It only applies to subdivision, and development potential is not lost as the nuances of access and building platform locations outside the National Grid Yard and wind swing of lines can be identified as part of the (generally restricted discretionary) resource consent for subdivision. In my opinion the simpler rule is more appropriate to the Waikato District context, and I recommend no change to it.

8.3 Recommendations and recommended amendments

47. My recommendation remains unchanged in terms of accepting in part the submission Transpower [576.20], subject to the following amended Policy 6.2.5:

6.2.5 Policy – Environmental effects

- (a) Manage the environmental effects of the development or upgrades (other than minor upgrades) of the National Grid, by:
 - (i) Recognising and providing for ²² the national, regional and local benefits of sustainable, secure and efficient electricity transmission;
 - (ii) Considering the extent to which any Avoiding, remedying or mitigating adverse effects ~~through consideration of have been avoided, remedied or mitigated by the~~ route, site and method selection; ²³
 - (iii) Seeking to rReduce ²⁴ the existing adverse effects as part of any substantial upgrade;
 - (iv) Considering the effects on urban amenity (including town centres), areas of high recreational or amenity value and existing sensitive land uses; and
 - (v) Within urban environments, aAddressing the adverse effects on any heritage values, cultural values, ²⁵ ~~outstanding natural landscapes, areas of high natural character,~~ town centres, areas of high recreation value and existing sensitive activities including the avoidance of adverse effects where practicable.
 - (vi) Within rural environments, seeking to avoid adverse effects on identified heritage values, cultural values, outstanding natural landscapes, outstanding natural features, significant natural areas, significant amenity landscapes, areas of outstanding or high natural character, areas of high recreation value and existing sensitive activities. ²⁶
48. My recommendations in respect of NC1, NC5, NC9, NC11 and NC12 are unchanged but corrections are made to carry the s42A recommendations through to the Recommended Amendments, as follows:

14.4.4 Non-Complying Activities

- (a) The activities listed below are non-complying activities.

²² 576.20 Transpower

²³ 576.20 Transpower

²⁴ 576.20 Transpower

²⁵ 559.63 Heritage NZPT

²⁶ 559.63 Heritage NZPT; 576.20 Transpower

NC1	Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1 P1 P3 or a restricted discretionary activity under Rule 14.4.2 RD3 or a discretionary activity under Rule 14.4.3 D3²⁷
NC1	Above-ground transmission lines associated with the National Grid located within identified areas
NC2	Transformers, S substations and switching stations associated with the National Grid located within Identified Areas identified areas
NC3	Any activity within the National Grid Yard that does not comply with one or more of the conditions of Rule 14.4.1.1
NC4	Any activity within the National Grid Yard that does not comply with one or more of the conditions of Rule 14.4.1.2
NC5	Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use,²⁸ within the National Grid Yard
NC6	Any change of use of an existing building to a sensitive land use within the National Grid Yard
NC7	The establishment of any new sensitive land use within the National Grid Yard
NC8	Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line
NC9	Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures,²⁹ or buildings for intensive farming within the National Grid Yard
NC10	Any subdivision of land in any zone within the National Grid Corridor that does not comply with one or more of the conditions of Rule 14.4.2.1
NC11	Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1 P3 or a restricted discretionary activity under Rule 14.4.2 RD3 or a discretionary activity under Rule 14.4.3 D4

8.4 s32AA Evaluation

49. Policy 6.2.5 Environmental Effects is amended to clarify the types of Identified Areas and high value environments that are to have National Grid adverse effects addressed or sought to avoid. That is a matter of clarification of the requirements of the NPSET, and is clarification rather than a policy change.
50. Amendments are made to the non-complying activities of the National Grid section 14.4,
 - a. to provide a catch-all activity status for earthworks within the National Grid Yard which is not otherwise specified as a permitted, restricted discretionary or discretionary activity (new NC1)
 - b. to add height or area increasing additions to existing buildings used for sensitive activities, to the NC5 activity of new buildings for sensitive land uses, and
 - c. for clarity to specify certain buildings and structures which are or are not to be included in the NC9 activity of farm buildings and buildings for intensive farming.

Other reasonably-practicable options

²⁷ 576.66 Transpower

²⁸ 576.63 Transpower

²⁹ 576.64 Transpower

51. The reasonably-practicable options for a. above include the PWDP provisions as notified, which only default unspecified infrastructure to non-complying, and would make unspecified farm buildings a discretionary activity under RMA s87B(1)(b), or attempting a comprehensive listing of all possible earthworks activities.
52. Reasonably-practicable options for b. above include the PWDP provisions as notified, the proposed amendments, and an option accepting the risk of intensification of sensitive land uses and their buildings within the National Grid Yard, with consequences for reverse sensitivity and under-build effects on the National Grid assets.
53. Reasonably-practicable options for c. above include the PWDP provisions as notified, which while clear-cut would not allow many non-sensitive farming activities to occur within the National Grid Yard, the proposed amendments to provide greater flexibility and definition, and an extensive listing of defined buildings and structures which would or would not be non-complying within the National Grid yard.

Effectiveness and efficiency

54. The recommended amendments will more efficiently and effectively identify non-complying activities which have the potential for significant adverse effects on the National Grid, therefore better achieving the infrastructure-enabling and protection objectives and the National Grid objective of the PWDP, and the associated adverse effects and reverse sensitivity policies, and give effect to the NPSET.

Costs and benefits

55. There are economic and environmental costs when allowing infrastructure to displace or constrain other land uses. However, the proposed non-complying activity refinements will provide greater certainty of activities to be non-complying, and greater flexibility for non-sensitive activities to be enabled. There are significant economic and social benefits in enabling and protecting the National Grid infrastructure.

Risk of acting or not acting

56. There are no additional risks in acting. There is sufficient information on the, costs to the environment and other land users, and benefits to people and communities to justify the amendments to the non-complying activity rules.

Decision about most appropriate option

57. The amendment gives effect to the PWDP infrastructure-enabling and protection objectives and the National Grid objective 6.2.1. It is considered to be more appropriate in achieving the objectives than the notified version of the PWDP and will give effect to the NPSET.

9 Renewable energy generation facilities and meteorological facilities

9.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
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Christine Foster on behalf of Meridian Energy	Policy 6.1.4 Infrastructure benefits – para 7 – 7.4, page 8-9; Policy 6.1.7 correction – para 9.2, page 10; Policy 6.1.7 Adverse effects on infrastructure – para 9.3 – 9.6, page 11-12; NC2 Large scale wind farms in Identified Areas within the Rural Zone – para 16.1 – 16.3, page 18; 14.8.3 Non-compliant meteorological facilities – para 17.1 – 17.3, page 18-19	Meridian Energy [580.25] Meridian Energy [580.15] Meridian Energy [580.15]; <i>FS1258.63/64/66/75</i> <i>FS1258.83</i> <i>FS1258.85</i>
Maggie Burns on behalf of Director-General of Conservation	Bats and Avifauna ecology and biodiversity – para 5.1.- 5.16, page 8-11	Department of Conservation [585.11]
s42A report	Policy 6.1.4 – D13 Objectives and Policies para 144-150; Policy 6.1.7 – D13 para 164-194; 203-236; NC2 large scale wind farms D6 para 65-68; 14.8.3 Non-compliant meteorological facilities D8 para 34-36; Bats and avifauna D6 section 7 para 51-53; Appendix 2 – 14.8.3 Discretionary Activities	

9.2 Analysis

58. Christine Foster on behalf of Meridian Energy, seeks that particular regard be given to the benefits of use and development of renewable energy, in accordance with RMA s7(j) and to give effect to the NPSREG (submission point Meridian Energy [580.25]).
59. I had recommended rejecting the submission on the basis that there is particular regard to regionally significant infrastructure in Policy 6.1.17, which includes renewable energy generation, and a specific objective and policy on renewable electricity generation. However, I agree that RMA s7(j) requires particular regard be given to renewable energy and that it can be specifically stated in Policy 6.1.4, the main policy on infrastructure benefits.
60. Christine Foster on behalf of Meridian Energy, has identified minor corrections be made to the recommended amended Policy 6.1.7 Adverse Effects on Infrastructure. I accept those corrections are required and record them in Recommended Amendments below.
61. Christine Foster on behalf of Meridian Energy, seeks amendment of Policy 6.1.7 Adverse Effects on Infrastructure, to include “existing and authorised” infrastructure, as required by Policy D of the NPSREG. (Meridian Energy [580.15]; *FS1258.63/64/66/75*).

62. I disagree that Policy 6.1.7 needs to be amended, as stated in my s42A report, as 'infrastructure' will include existing, authorised/consented and also future infrastructure, all of which will require some protection against reverse sensitivity. In addition, "construction" includes the giving effect to any authorisations such as consents. I recommend no further change to Policy 6.1.7.
63. Christine Foster on behalf of Meridian Energy, seeks clarification in activity NC2 Large scale wind farms in Identified Areas in the Rural Zone (FS/258.83). I agree that the activity could be more clearly stated, as recorded in Recommended Amendments below.
64. Christine Foster on behalf of Meridian Energy, seeks restricted discretionary activity status rather than discretionary activity for non-compliant height and area of meteorological devices (FS/258.85).
65. In my opinion, and as stated in my s42A report, meteorological and air quality monitoring structures and buildings which do not comply with the area (30m²) or height (12m) limits may have a range of effects depending on the extent of non-compliance, justifying discretionary activity status. The rule is within section 14.8 Meteorological. My recommendation is not changed.
66. I also consider that activity 14.6.1 P3 "Research and exploratory scale investigations for renewable electricity generation activities" would include the wind direction and wind speed investigations for a wind farm. That would be a more specific activity under section 14.6 Electricity Generation, rather than it being a full meteorological or air quality monitoring structure or building under section 14.8 Meteorological. Non-compliance with Rule 14.6.1.2 height or area limits would therefore be a restricted discretionary activity RD3 under Rule 14.6.2.
67. Maggie Burns on behalf of Director-General of Conservation, supported by evidence from bat and avifauna specialist Tertia Thurley, seeks an additional matter of discretion to Rule 14.6.2 Electricity Generation Restricted Discretionary Activities. This is to address any adverse effects on the environment associated with the construction, operation and decommissioning of small-scale and community-scale electricity generation projects, particularly wind farms. The submission considered wind farms have the potential to have significant ecological effects, particularly on avifauna and bats.
68. Ms Burns states that the Significant Natural Area mapping has gaps that do not recognise significant habitat for indigenous species. That contention is supported by Ms Thurley's evidence maps of bat sighting locations, which only cover limited areas and are acknowledged as not being extensive coverage of Waikato District. As the roosting, foraging and flyaway habitat for long-tailed bats are not identified on the PWDP maps as Significant Natural Areas, they would not be considered as a 'value, quality or characteristic' of an Identified Area within the restricted discretionary activity matters of discretion. Ms Burns considers that an additional matter of discretion is necessary to ensure no further loss of critically endangered species, and avoid any doubt that ecological effects should be considered when reviewing a consent application for a small or community scale wind farm. The additional matter of discretion would be: "[\(f\) ecology and biodiversity effects.](#)" The amendment would also ensure consistency with the Waikato RPS Chapter 11A criteria and better achieve the PWDP Chapter 3 Natural Environment objectives. It is needed until bat habitat can be more comprehensively identified.
69. In Appendix 2 Recommended amendments to Chapter 14 Infrastructure and Energy, Rule 14.8.3 contains two reference errors which should be corrected. The proposed new discretionary activities 14.8.3 D3 and D4 refer to non-compliance with Rule 14.8.3, which is

the discretionary activity rule, rather than to the Rule 14.8.1 Permitted activities, with which they are non-compliant. The references can be corrected, as shown in Recommended Amendments below.

9.3 Recommendations

70. My recommendation on Meridian Energy [580.25] has changed and I now recommend the submission point be accepted, and that Policy 6.1.4 Infrastructure Benefits be amended to include renewable energy, as shown in Recommended Amendments below.
71. I agree that the proposed matter of discretion should be added to Rule 14.6.2 and that my recommendation on the submission point Department of Conservation [585.11] should be changed to 'accepted'. Sufficient information has been provided in the evidence to support the additional matter of discretion.

9.4 Recommended Amendments

72. Amend Policy 6.1.4 as follows:

6.1.4 Policy – Infrastructure benefits

- (a) Have regard to the benefits that infrastructure provides, including:
- (i) Enabling enhancement of the quality of life and residential standard for people and communities;
 - (ii) Providing for public health and safety;
 - (iii) Enabling the functioning of business and growth and development;
 - (iv) Managing adverse effects on the environment;
 - (v) Enabling the transportation of freight, goods and people;
 - (vi) Enabling interaction and communication; and
 - (vii) Providing for lifeline utility services.
- (b) Have particular regard to the benefits that the use and development of renewable energy provide.

73. Amend Policy 6.1.7 as a correction, as follows:

6.1.7 Policy – ~~Reverse sensitivity~~ **Adverse Effects on and** infrastructure ³⁰

- (a) Avoid reverse sensitivity effects on infrastructure from subdivision, use and development as far as reasonably practicable, and ensure so ³¹ that ~~the~~ the its ~~construction, operation, maintenance, repair, replacement and upgrading the ongoing and efficient operation~~ of infrastructure ~~is are~~ not compromised. ³²

74. Amend Rule 14.6.4 Non-Complying Activities for clarification, as follows:

NC1	Large-scale wind farms not located within-in a zone other than the Rural Zone, including within an Identified Area
NC2	<u>Large-scale wind farm located within any Identified Area in the Rural Zone and within an Identified Area</u> ³³

³⁰ 576.78 Transpower

³¹ 576.78 Transpower

³² 742.50 NZTA

³³ 697.28 Waikato District Council

75. Amend Rule 14.6.2, as follows:

Activity		Matters of Discretion
RD1	Small-scale electricity generation that do not comply with one or more of the conditions of Rule 14.6.1.1	Discretion is restricted to: (a) The functional and operational needs of, and benefits derived from, the infrastructure; (b) Visual, landscape, streetscape and amenity effects, including noise; (c) Shadow flicker effects; (d) The risk of hazards affecting public or individual safety, and risk of property damage; (e) Effects on the values, qualities and characteristics of any Identified Area. (f) Ecology and biodiversity effects
RD2	Community-scale electricity generation that do not comply with one or more of the conditions of Rule 14.6.1.1	
RD3	Research and exploratory-scale investigations for renewable electricity generation activities that do not comply with one or more of the conditions of Rule 14.6.1.2	
RD4	<u>Electricity generation within the Huntly Power Station site in the Industrial Zone Heavy ³⁴ that do not comply with one or more conditions of the Rule 14.6.1.[X].</u>	<u>Discretion is restricted to the extent of effects associated with the Industrial Zone Heavy ³⁵ rules that the activity does not comply with.</u> ³⁶

76. Correct Rule 14.8.3 D3 and D4, as follows:

14.8.3 Discretionary Activities

(a) The activities listed below are discretionary activities.

D1	Meteorological enclosures and buildings, including automatic weather stations located within Identified areas
D2	Meteorological and air quality monitoring structures and devices located within Identified areas
<u>D3</u>	<u>Meteorological enclosures and buildings, including automatic weather stations that do not comply with one or more conditions in Rule 14.8.3 14.8.1 (P1)</u> ³⁷
<u>D4</u>	<u>Meteorological and air quality monitoring structures and devices that do not comply with one or more conditions in Rule 14.8.3 14.8.1 (P2)</u> ³⁸

³⁴ 697.518 Waikato District Council

³⁵ 697.518 Waikato District Council

³⁶ 924.27 Genesis Energy Limited

³⁷ 697.36 Waikato District Council

³⁸ 697.36 Waikato District Council

10 Huntly Power Station

10.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Richard Matthews on behalf of Genesis Energy	'Coal' correction – para 26 – 28, page 6-7; Policy 6.1.3 Technological Advances – para 29 – 32, page 7-8	<i>FS1345.103</i> <i>FS1345.45/52/53/54</i>
s42A report	Coal – D0 para 275; Policy 6.1.3 – D13 para 131	

10.2 Analysis

77. Richard Matthews on behalf of Genesis Energy, recommends that 'coal' be added to the definition of energy corridor (*FS1345.103*). The Energy Corridor includes the conveyor delivering coal to the Huntly Power Station. I accept the change as a correction, as coal had been omitted from the definition. The recommendation on the further submission is not changed, as it opposed a submission which requested clarification of the term 'Energy Corridor'.
78. Mr Matthews on behalf of Genesis Energy, seeks the reinstatement of 'infrastructure' in Policy 6.1.3 Technological Advances, as it also applies to infrastructure that is not 'networks and services' (*FS1345.45/52/53/54*). The policy wording had been recommended to be amended in response to submissions from the telecommunications providers. Electricity generation, although connected to the National Grid, is not a network itself. I agree with the reinstatement of 'infrastructure' in the policy, to ensure it applies to infrastructure that may not be considered part of a connected network.

10.3 Recommendations

79. My recommendations are not changed, in relation to the further submissions, which remain rejected, and accepted in part, notwithstanding the amendments to the definition and policy.

10.4 Recommended Amendments

80. Amend Chapter 13 Definitions as follows:

Energy corridor - Means an energy corridor shown on the planning maps, being a corridor for the transportation of minerals and substances, limited to coal,³⁹ coal ash, aggregate, overburden, clean-fill, wastewater and other liquids (other than a hazardous substance). [680.132 FFNZ]

81. Amend Policy 6.1.3, as follows:

6.1.3 Policy - Technological advances

³⁹ *FS1345.103 Genesis Energy*

- (a) Provide flexibility for infrastructure operators to ~~use new technological advances~~ adopt new technologies that:
- (i) Improve access to, and ~~enable the~~ efficient use of, infrastructure, networks and services or development of infrastructure;
 - (ii) Allow for the reuse of redundant services and infrastructure ~~infrastructure~~ and structures ~~where appropriate~~; and
 - (iii) ~~Result in positive environmental and community outcomes~~ Increase resilience, safety or reliability of infrastructure,⁴⁰ networks and services;
 - (iv) Result in environmental benefits and enhancements; or
 - (v) Promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.⁴¹

II Telecommunication provisions and Identified Areas

II.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Chris Horne on behalf of Spark, Vodafone and Chorus	<p>Clause 16(2) change to advice note – para 23, page 8;</p> <p>Rule 14.3.1.1 Minor Infrastructure Upgrading</p> <p>Rule 14.3.1.3 Earthworks in Identified Areas</p> <p>Rule 14.3.2 New Controlled Activity – para 65 – 70, page 18-20</p> <p>Rule 14.10.1 P2 Below ground telecommunication facilities within Identified Areas – para 71 – 77, page 20-21</p> <p>Rule 14.10.1 P7 & 14.10.1.5 Other Antennas – para 78 – 82, page 22-23</p>	<p>No submission but a minor correction</p> <p>Spark [644.33]; Vodafone [646.33]; Chorus [648.33]</p> <p>Spark [644.34]; Vodafone [646.34]; Chorus [648.34]</p> <p>Spark [644.35]; Vodafone [646.35]; Chorus [648.35]</p> <p>Spark [FS1033.3]; Vodafone [FS1032.3]; Chorus [FS1031.3]</p> <p>Spark [644.37]; Vodafone [646.357]; Chorus [648.37]</p>

⁴⁰ FS1345.45/52/53/54

⁴¹ 644.30 Spark; 646.30 Vodafone; 648.30 Chorus

s42A report	<p>Clause 16(2) change to advice note – section D1 para 25;</p> <p>Rule 14.3.1.1 Minor Infrastructure Upgrading – section D3 para 60-61;</p> <p>Rule 14.3.1.3 Earthworks in Identified Areas – section D3 – para 89-91;</p> <p>Rule 14.3.2 New Controlled Activity – section D3 para 207-209;</p> <p>Rule 14.10.1 P2 Below ground telecommunication facilities within Identified Areas – section D10 para 19-32;</p> <p>Rule 14.10.1 P7 & 14.10.1.5 Other Antennas – section D10 para 76 – 89</p>	
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11.2 Analysis

82. Chris Horne on behalf of Spark, Vodafone and Chorus, seeks a Clause 16(2) change to advice note 7 in the Introduction of Chapter 14. Spark, Vodafone and Chorus had no submission on the matter, however it is simply a clarification that the NESTF will not always prevail over the PWDP. Certain activities in sub-part 5 of the NESTF need to comply with the district plan rules, for example when within Identified Areas. This amendment can be made as a 'clause 16 RMA' amendment, and take the form shown in 11.4 Recommended Amendments below.
83. Mr Horne on behalf of Spark, Vodafone and Chorus, seeks clarification of Rule 14.3.1.1 Minor Infrastructure Upgrading, on the 'largest face' of an antenna, the 'diameter of a dish' antenna, and the minor upgrading of height of 20% (Spark [644.33]; Vodafone [646.33]; Chorus [648.33]). The evidence proposes clarification which is minor in nature, as panel antenna can have a number of faces and the rule is concerned with the dimension of the largest face, a dish antenna measurement is 'diameter' rather than 'width', and there are often no permitted activity height limits for antennas but they can still increase in height by a nominal amount. I agree with the amendments, for clarification, and as recorded in Recommended Amendments below.
84. Mr Horne on behalf of Spark, Vodafone and Chorus, seeks that Rule 14.3.1.3 Earthworks in Identified Areas be clarified to allow earthworks as a permitted activity within the Urban Expansion Area type of Identified Area (Spark [644.34]; Vodafone [646.34]; Chorus [648.34]).
85. Rule 14.3.1.3 does not use the term 'Identified Area', but specifically lists the Identified Area types where more restrictive rules apply, beyond the general area and volume earthworks rules. Therefore, earthworks within the urban expansion area is not non-complying but is subject to the rule 14.3.1.3 general rules. Rule 14.3.3 RD2 manages earthworks not complying with Rule 14.3.1.3. My recommendation is not changed.
86. Mr Horne on behalf of Spark, Vodafone and Chorus, seeks that service connections to Heritage Buildings be a new controlled activity, rather than restricted discretionary. This is on the basis of the need for certainty that a service connection will be possible (consented), and

on apparent agreement by Heritage New Zealand Pouhere Taonga within other district plans (Spark [644.35]; Vodafone [646.35]; Chorus [648.35]).

87. My recommendation remains unchanged, that the service connections should be restricted discretionary activities. However, Heritage NZPT could perhaps be questioned on the matter, when presenting their evidence.
88. Mr Horne on behalf of Spark, Vodafone and Chorus, seeks that newly amended Rule 14.10.1 P2, Below Ground Telecommunications Facilities in Identified Areas, be either narrowed to only apply to Heritage Precincts, Heritage items, Maaori Sites and Areas of Significance, or be deleted and rely on the earthworks rules to manage below ground effects (*Spark [FS1033.3]; Vodafone [FS1032.3]; Chorus [FS1031.3]*).
89. I do not agree that the below ground activity rule can be deleted, as the earthworks provisions may not be sufficient to manage effects, particularly of maintenance and repair, and minor upgrading of those underground facilities. However, in relation to certain types of Identified Areas, undergrounding would be a preferred solution, including low impact thrusting and horizontal boring, and the effects can be managed by resource consent.

11.3 Recommendations

90. I recommend the clause 16(2) amendment of advice note 7 of the Introduction be made as requested, and as recorded in Recommended Amendments below. The alteration is of minor effect, and will correct an error.
91. I agree with the amendments to Rule 14.3.1.1 Minor Infrastructure Upgrading, for clarification, and as recorded in Recommended Amendments below. The earlier recommendation was to accept in part Spark [644.33]; Vodafone [646.33]; Chorus [648.33], and that is not changed, although further parts are amended.
92. Recommendations in relation to the other matters of submission remain unchanged.
93. The recommended further amendments supported are not substantial but matters of clarification, and I do not consider a s32AA evaluation is required.

11.4 Recommended Amendments

94. Amend Chapter 14 Introduction advice note 7, as follows:

(7) The **Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016** ("NESTF") provides national consistency in the rules surrounding the deployment of telecommunications **infrastructure** across New Zealand. This means that many telecommunications facilities may potentially be deployed as a permitted activity. However, telecommunications facilities which do not comply with the conditions within the NESTF, or are not covered by the regulations of the NESTF, will have the activity status specified in this plan. In the case of conflict with any other provision of this plan, the NESTF provisions shall prevail.⁴² unless located within an Identified Area other than the Urban Expansion Area, where the district plan rules for infrastructure may apply to regulated activities as per Regulation 56 of the NESTF.⁴³

95. Amend Rule 14.3.1.1 (3), as follows:

⁴² 697.524 Waikato District Council

⁴³ RMA Schedule 1 clause 16(2) alteration

P2	Minor upgrading of existing infrastructure	<p>14.3.1.1</p> <p>(3) The addition, replacement or relocation of existing antennas where:</p> <p>(a) The antennas shall not increase in the largest face area by more than 20% of the relevant permitted standard for new panel antennas and shall not increase the diameter of dish antenna by more than 20% of the relevant permitted standard for a new dish antenna; and ⁴⁴</p> <p>(b) The antennas shall not increase in height by more than 20% of the relevant permitted standard for new dish and panel antennas. ⁴⁵</p> <p><u>Except that this rule shall not restrict the size of an antenna that would otherwise comply with the permitted activity rules applying to new antennas.</u> ⁴⁶</p>
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12 Waahi Tapu and Waahi Tapu Areas

12.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga	Waahi Tapu and Waahi Tapu Areas – para 4.1 – 5, page 4-5	Heritage NZPT [559.59]
s42A report	D13 section 13 para 298 – 300	

12.2 Analysis

96. Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga, seeks that Policy 6.1.10 refer to Waahi Tapu and Waahi Tapu Areas and that the submission remains alive until a decision is made on whether such a schedule is to be included within the PWDP.
97. I recommended in the s42A report that the submission should be rejected, as I considered Waahi Tapu would fall within the ambit of Maaori Sites and Areas of Significance. Maaori Sites of Significance are delineated pa and Maaori Areas of Significance are property boundaries which may contain pa, borrow sites and urupa. However, I erroneously recorded Waahi Tapu and Waahi Tapu Areas in the Appendix 3 - Recommended Amendments to Chapter 6 Objectives and Policies, and those references should be removed if no schedule is created.

⁴⁴ 648.33 Chorus; 646.33; Vodafone; 644.33 Spark

⁴⁵ 648.33 Chorus; 646.33; Vodafone; 644.33 Spark

⁴⁶ 644.33Spark; 646.33 Vodafone; 648.33 Chorus

12.3 Recommendations

98. My recommendations are not changed, in relation to the submission, which remains that the submission be rejected. However, I note that if Waahi Tapu and Waahi Tapu Areas end up as a separate schedule within the PWDP then they would need to be referred to within Policy 6.1.10. The provisions were not in the notified PWDP, so a s32AA evaluation is not required if there has been no change.

12.4 Recommended Amendments

99. I recommend not adding the Waahi Tapu and Waahi Tapu Area references to Policy 6.1.10 Infrastructure in Identified Areas, as follows:

6.1.10 Policy – Infrastructure in identified areas

- (a) Ensure consideration of the values, qualities and characteristics of Significant Natural Areas, Landscape and Natural Character Areas and Heritage Items, Heritage Precincts, and Maaori Sites and Areas of Significance, including Waahi Tapu and Waahi Tapu Areas⁴⁷ when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.

13 Definition of ‘amateur radio configuration’

13.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
K. Douglas Birt on behalf of New Zealand Association of Radio Transmitters Incorporated (NZART)	Paragraph 10.1, page 7-8	NZART [594.1]
s42A report	D0 section 16	

13.2 Analysis

100. In my s42A report, in D0 section 16, I stated that a definition of ‘amateur radio configuration’ is not needed, as the common meaning is sufficient. I recommended rejecting the submissions from NZART [594.1]; *FS1082.1 David George King*; *FS1030.1 Phillip King*; *FS1184.1 Sam Birch*; *FS1069.1 Gavin William Petrie*; and *FS1034.5 Warren Philip Nelson Semmens*. Mr Birt on behalf of New Zealand Association of Radio Transmitters Incorporated (NZART), has identified in his evidence that a definition would refer to ‘licensed amateur radio operators’. That would allow the Council to distinguish between the structures required for licensed radio operators and those erected for other purposes, including for unlicensed radio operations. I accept that a definition would be useful for that purpose, and recommend its inclusion in Chapter 13

⁴⁷ 559.59 Heritage NZPT

definitions. No s32AA evaluation is required, as the term ‘amateur radio configurations’ is already used within the PWDP.

13.3 Recommended Amendments

101. I recommend accepting the submissions from NZART [594.1]; *FS1082.1 David George King; FS1030.1 Phillip King; FS1184.1 Sam Birch; FS1069.1 Gavin William Petrie; and FS1034.5 Warren Philip Nelson Semmens*. I recommend the addition of a definition of ‘amateur radio configuration’ to Chapter 13 Definitions, as follows:

Amateur radio configuration Means aerials, antennas and associated support structures which are owned and operated by licensed amateur radio operators.

Appendix I: Table of amended recommendations

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
742.182	NZTA Waka Kotahi	Neutral/amend	<p>Retain Appendix I Acoustic Insulation, except for the amendments sought below AND Amend Appendix I Acoustic Insulation as follows: 1. Application (a) This appendix is referred to in the rules related to: ... (ii) <u>buildings for sensitive land use within 100 m of a state highway or rail corridor.</u> AND Add to Appendix I Acoustic Insulation, to include standards a new Section 7 for sensitive land use near state highways and rail corridors. AND Request any consequential changes necessary to give effect to the relief sought in the submission.</p>	Accept in part (further amendments agreed)	Section 4
742.244	NZTA Waka Kotahi	Oppose	<p>Add new rules to Rule 14.12.1 Permitted Activities concerning sensitive activities, as per Attachment 3 to the submission. AND Add new rules to 14.12.2 Restricted Discretionary Activities concerning sensitive activities, as per Attachment 3 to the submission. OR Add new rules to each zone adjacent to a state highway or rail corridor. Refer to submission for full details. AND Request any consequential changes necessary to give effect to the relief sought in the submission.</p>	Accept in part (further amendments agreed)	Section 4
986.51	KiwiRail	Not stated	<p>Add to Chapter 14 Infrastructure a new rule section called "Rules applying to development adjacent to railway corridors" applying to new, or alterations to buildings for any Noise Sensitive Activity at any point within 100 metres from the legal boundary of any railway network (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief). This includes a new Schedule and additions to Appendix 1. OR Add a new rule for new or alterations to buildings for any noise sensitive activity at any point within 100 metres from the legal boundary of any railway network to the following chapters (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief):</p> <ul style="list-style-type: none"> Chapter 16: Residential zone 	Accept in part (further amendments agreed)	Section 4

			<ul style="list-style-type: none"> Chapter 17: Business zone Chapter 18: Business town Centre zone Chapter 20: Industrial zone Chapter 21: Industrial zone heavy Chapter 22: Rural zone Chapter 23: Country Living Chapter 24: Village zone Chapter 25: Reserve zone <p>This includes a new Schedule and additions to Appendix I. AND Any consequential amendments to link and/or accommodate the requested changes.</p>		
986.52	KiwiRail	Neutral/amend	<p>Add a new Restricted Discretionary Activity applying to development adjacent to railway corridors in Chapter 14 Infrastructure which does not comply with the new performance standard sought in the preceding KiwiRail submission point (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief). OR Add a new Restricted Discretionary Activity or, where there are no current listed restricted discretionary activities in the zone, introduce a new restricted discretionary activity, to each of the zones listed below (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief):</p> <ul style="list-style-type: none"> Chapter 16: Residential 16.1.3 Chapter 17: Business 17.1.3 Chapter 18: Business Town Centre 18.1.3 Chapter 20: Industrial 20.1 Chapter 21: Industrial Heavy 21.1 Chapter 22: Rural 22.1.3 Chapter 23: Country Living 23.1 Chapter 24: Village 24.1 Chapter 25: Reserve 25.1 <p>AND Any consequential amendments to link and/or accommodate the requested changes.</p>	Accept in part (further amendments agreed)	Section 4
81.7	Waikato Regional Council	Neutral/amend	<p>Amend the Proposed District Plan's provisions to support the use of low impact design principles for stormwater management (in particular consider for Restricted Discretionary Activity criteria and permitted activity standards).</p>	Accept in part (further amendments agreed)	Section 5

81.246	Waikato Regional Council	Neutral/amend	Amend Chapter 14 to ensure it is consistent with the approach to overlay areas in the zone chapters. For example, there should be consistency between permitted activity thresholds and activity status between Chapter 14 and the zone chapters.	Accept in part (further amendments agreed)	Section 6
81.190; 81.191	Waikato Regional Council	Neutral/amend	Amend Chapter 6: Infrastructure to explicitly provide for the protection of waterways and public drainage networks by suggested additions to Policies 6.4.2 and 6.4.7 or, alternatively, reflect this outcome in the specific objectives and policies for each zone. Refer to suggested wording and examples in original submission. AND Amend Chapters 6: Infrastructure and 14 : Infrastructure and Energy to include a policy and rule framework that will provide for the ongoing maintenance, repair, replacement and upgrade of flood and drainage scheme infrastructure. OR Alternatively provide specifically for flood protection and drainage scheme infrastructure in the policies and rule frameworks for each zone. (Refer to original submission for full details)	Accept in part (further amendments agreed)	Section 7
576.20	Transpower	Neutral/amend	Retain Policy 6.2.5 Environmental effects, except for the amendments sought below AND Amend Policy 6.2.5 (a) Environmental effects, as follows: (i) Recognising and providing for the national, regional and local benefits of sustainable, secure and efficient electricity transmission; (ii) Considering the extent to which any Avoiding, remedying or mitigating adverse effects through consideration of have been avoided, remedied or mitigated by the route, site and method selection; (iii) Seeking to r Reduce, the existing adverse effects as part of any substantial upgrade; (iv) ... (v) Within rural environments, seeking to avoid Addressing the adverse effects on any identified heritage values, outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities, including seeking to the avoidance of adverse effects where practicable. AND Amend the Proposed District Plan to make consequential amendments to address the matters raised in the submission.	Accept in part (further amendments agreed)	Section 8
580.25	Meridian Energy	Neutral/amend	Retain Policy 6.1.4 Infrastructure Benefits, except for the amendments sought below AND Add a new clause (b) to Policy 6.1.4 Infrastructure Benefits as follows: <u>(b) Have particular regard to the benefits that the use and development of renewable energy provides.</u> AND Amend the Proposed District Plan as necessary to address the matters raised in the submission.	Accept	Section 9

585.11	Department of Conservation	Neutral/Amend	Add additional matters of discretion to Rule 14.6.2 Restricted Discretionary activities to address any adverse effects to the environment associated with the construction, operation and decommissioning of small-scale and community-scale electricity generation projects, particularly wind farms.	Accept	Section 9
FS1345.103 FS1345.45 FS1345.52 FS1345.53 FS1345.54	Genesis Energy	Oppose 419.127 HortNZ; Support 742.48 NZTA; Oppose 648.30 Chorus; Oppose 644.30 Spark; Oppose 646.30 Vodafone		Reject FS1345.103; Accept in part FS1345.45 FS1345.52 FS1345.53 FS1345.54 (further amendments agreed)	Section 10
644.33 646.33 648.33	Spark Vodafone Chorus	Oppose Oppose Oppose	Amend Rule 14.3.1.1 Minor Infrastructure Upgrading- Activity Specific Conditions, as follows:(1) (b) Amend the existing the permitted height increase for an existing pole to " <u>the lesser of 25m or 30%.</u> " (1) (c) Amend the permitted pole or support structure width to twice the width of the existing pole at the widest point, unless a double pole is required to replace a single pole where the permitted pole or support structure width required is three times the width of the existing pole at the widest point (double poles may be required for electricity networks). (3) The addition, replacement or relocation of existing antennas where: (a) The antennas shall not increase in <u>the face</u> area by more than 20% of the relevant permitted standard for new panel antennas and shall not increase the diameter of a dish antenna by more than 20% of the relevant permitted standard for a new dish antenna; and (b) The antennas shall not increase in height by more than 20% of the relevant permitted standard for <u>new dish and panel antennas</u> . Note that area controls are not applied to other antennas types such as those <u>made up of rods and tubes, which are controlled by standard (3)(b).</u> AND Any consequential amendments necessary as a result of the amendments to grant the relief sought.	Accept in part (further amendments agreed)	Section 11

559.59	Heritage NZPT	Neutral/amend	Retain Policy 6.1.10 (a) Infrastructure in identified areas, except for the amendments sought below. AND Amend Policy 6.1.10 (a) Infrastructure in identified areas as follows: (a) Ensure consideration of the values, qualities and characteristics of Significant Natural Areas, Landscape and Natural Character Areas and Heritage Items, <u>heritage precincts, and Maaori Sites and Areas of significance, including Waahi Tapu and Waahi Tapu Areas</u> when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.	Accept in part	Section 12
594.1 <i>FS1082.1 David George King; FS1030.1 Phillip King; FS1184.1 Sam Birch; FS1069.1 Gavin William Petrie; and FS1034.5 Warren Philip Nelson Semmens</i>	New Zealand Amateur radio Transmitters Inc (NZART)	Neutral/amend	Add a definition for 'Amateur radio configurations' in Chapter 13 Definitions, as follows: Means aerials, antennas and associated support structures which are owned and operated by licensed amateur radio operators	Accept	Section 13

Appendix 2: Recommended amendments

I Noise-sensitive activity transport corridors

Amend the Building Setback – Sensitive Land Use rules in Chapter 16 Residential Zone, Chapter 22 Rural Zone, Chapter 23 Country Living Zone, and Chapter 24 Village Zone, and add a new Section 7 to Appendix I – Acoustic Insulation as follows:

Residential Zone 16.3.9.2 Building setback – Sensitive land use

PI	<p>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</p> <ul style="list-style-type: none"> (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.
P2	<p><u>(a) Any new building or alteration to an existing building for a sensitive land use at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or legal boundary of a rail corridor must comply with Section 7 of Appendix I – Acoustic Insulation.</u> [KiwiRail [986.51]]</p>
RD1	<p><u>Any new building or alteration to an existing building for a sensitive land use at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or legal boundary of a rail corridor that does not comply with the condition of Rule 16.3.9.2 P2</u></p> <p><u>Matters of discretion:</u> <u>Discretion is restricted to</u> <u>(a) Location of the building;</u> <u>(b) The effects of any non-compliance with the standards in Section 7 of Appendix I;</u> <u>(c) Topographical, ground conditions or building design features that will minimise vibration effects;</u> <u>(d) The outcome of any consultation with NZTA or KiwiRail.</u> [KiwiRail [986.52]]</p>
DI	Any building for a sensitive land use that does not comply with Rule 16.3.9.2. PI.

Residential Zone 16.4.12 Subdivision - Building platform

RD1	<p>(a) Every proposed lot, other than one designed specifically for access, utility allotment must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</p> <ul style="list-style-type: none"> (i) a circle with a diameter of at least 18m exclusive of yards; or (ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout;
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	(ii) Shape of allotments; (iii) Ability of allotments to accommodate a practical building platform; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Geotechnical suitability for building; and (vii) Ponding areas and primary overland flow paths; and <u>(viii) Where any building platform is at any point within 100metres from the edge of a state highway carriageway within 100m of a state highway or rail corridor, Subdivision layout and design, in relation to the management of noise and vibration effects from the land transport networks; and the location of complying building platforms in relation to the state highway and/or rail corridor.</u>
DI	Subdivision that does not comply with Rule 16.4.12 RDI.

Rural Zone 22.3.7.2 Building setback – Sensitive land use

PI	(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 road; (iii) 25m from the designated boundary of the Waikato Expressway; (iv) 200m from an Aggregate...
P2	<u>(a) Any new building or alteration to an existing building for a sensitive land use at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or legal boundary of a rail corridor must comply with Section 7 of Appendix I – Acoustic Insulation.</u> [KiwiRail [986.51]]
RDI	<u>Any new building or alteration to an existing building for a sensitive land use at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or legal boundary of a rail corridor that does not comply with the condition of Rule 22.3.7.2 P2</u> <u>Matters of discretion:</u> <u>Discretion is restricted to</u> <u>(a) Location of the building;</u> <u>(b) The effects of any non-compliance with the standards in Section 7 of Appendix I;</u> <u>(c) Topographical, ground conditions or building design features that will minimise vibration effects;</u> <u>(d) The outcome of any consultation with NZTA or KiwiRail.</u> [KiwiRail [986.51]]
DI	Any building for a sensitive land use that does not comply with Rule 22.3.7.2. PI.

Rural Zone 22.4.9 Subdivision - Building platform

RDI	(a) Subdivision, other than an access... (b) Council's discretion is restricted to the following matters: (i)...; and <u>(vii) Where any building platform for a sensitive land use is at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or rail corridor, Subdivision layout and design, in relation to the management of noise and vibration effects from the land transport networks; and the location of complying building platforms in relation to the state highway and/or rail corridor.</u>
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DI	Subdivision that does not comply with Rule 22.4.9 RD1.
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Country Living Zone 23.3.7.2 Building setback – Sensitive land use

PI	<p>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</p> <p>(i) 5m from the designated boundary of the railway corridor;</p> <p>(ii) 15m from the boundary of a national route or regional arterial road;</p> <p>(iii) 25m from the designated boundary of the Waikato Expressway;</p> <p>(iv) 200m from an Aggregate...</p>
P2	<p>(a) Any new building or alteration to an existing building for a sensitive land use at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or legal boundary of a rail corridor must comply with Section 7 of Appendix I – Acoustic Insulation.</p> <p>[KiwiRail [986.51]]</p>
RD1	<p>Any new building or alteration to an existing building for a sensitive land use at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or legal boundary of a rail corridor that does not comply with the condition of Rule 23.3.7.2 P2</p> <p><u>Matters of discretion:</u></p> <p><u>Discretion is restricted to</u></p> <p><u>(a) Location of the building;</u></p> <p><u>(b) The effects of any non-compliance with the standards in Section 7 of Appendix I;</u></p> <p><u>(c) Topographical, ground conditions or building design features that will minimise vibration effects;</u></p> <p><u>(d) The outcome of any consultation with NZTA or KiwiRail.</u></p> <p>[KiwiRail [986.52]]</p>
DI	Any building for a sensitive land use that does not comply with Rule 23.3.7.2. PI.

Country Living Zone 23.4.8 Subdivision - Building platform

RD1	<p>(a) Subdivision, other than an access...</p> <p>(b) Council's discretion is restricted to the following matters: (i)...; <u>and</u></p> <p><u>(vi) Where any building platform for a sensitive land use is at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or rail corridor, Subdivision layout and design, in relation to the management of noise and vibration effects from the land transport networks; and the location of complying building platforms in relation to the state highway and/or rail corridor.</u></p>
DI	Subdivision that does not comply with Rule 23.4.8 RD1.

Village Zone 24.3.6.2 Building setback – Sensitive land use

PI	<p>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</p> <p>(i) 5m from the designated boundary of the railway corridor;</p>
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	<p>(ii) 15m from the boundary of a national route or regional arterial road;</p> <p>(iii) 25m from the designated boundary of the Waikato Expressway;</p> <p>(iv) 300m from the edge of oxidation ponds...</p>
P2	<u>(a) Any new building or alteration to an existing building for a sensitive land use at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or legal boundary of a rail corridor must comply with Section 7 of Appendix I – Acoustic Insulation.</u>
RDI	<p><u>Any new building or alteration to an existing building for a sensitive land use at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or legal boundary of a rail corridor that does not comply with the condition of Rule 24.3.6.2 P2</u></p> <p><u>Matters of discretion:</u></p> <p><u>Discretion is restricted to</u></p> <p><u>(a) Location of the building;</u></p> <p><u>(b) The effects of any non-compliance with the standards in Section 7 of Appendix I;</u></p> <p><u>(c) Topographical, ground conditions or building design features that will minimise vibration effects;</u></p> <p><u>(d) The outcome of any consultation with NZTA or KiwiRail.</u></p> <p>[KiwiRail [986.52]]</p>
DI	Any building for a sensitive land use that does not comply with Rule 24.3.6.2. P1.

Village Zone 24.4.10 Subdivision - Building platform

RDI	<p>(a) Every proposed lot...</p> <p>(b) Council's discretion is restricted to the following matters: (i)...; <u>and</u></p> <p><u>(viii) Where any building platform for a sensitive land use is at any point within 100 metres from the edge of a state highway carriageway within 100m of a state highway or rail corridor, Subdivision layout and design, in relation to the management of noise and vibration effects from the land transport networks; and the location of complying building platforms in relation to the state highway and/or rail corridor.</u></p>
DI	Subdivision that does not comply with Rule 24.4.10 RDI.

Alter Appendix I: Acoustic Insulation as follows:

<p>I. Application (a) This appendix is referred to in the rules related to:</p> <p>(i)...</p> <p><u>(iv) Buildings and alterations for Noise-sensitive Activities near State Highways and rail network within:</u></p> <p>A. <u>Chapter 16: Residential Zone</u></p> <p>B. <u>Chapter 22: Rural Zone</u></p> <p>C. <u>Chapter 23: Country Living Zone</u></p> <p>D. <u>Chapter 24: Village Zone</u></p> <p>Add to Appendix I a new standard as Section 7 as follows:</p> <p><u>7. Noise-Sensitive Activities or Sensitive Land Uses within 100m of a State Highway or Rail Corridor Boundary:</u></p>	
	<u>Activity sensitive to noise near a State Highway or Rail Corridor</u>

All zones – at any point within 100 metres from the edge of the state highway carriageway legal boundary of any State Highway or railway network

Activity status: Permitted

1. Indoor noise

Any new building or alteration to an existing building that contains an activity sensitive to noise where the building or alteration:

(a) Is designed, constructed and maintained to achieve indoor design noise levels resulting from the State Highway or railway not exceeding the maximum values in the following table:

Building type	Occupancy/activity	Maximum rail noise level $L_{Aeq(1h)}$	Maximum road noise level $L_{Aeq(24h)}$
Residential	Sleeping spaces	35 dB	40 dB
	All other habitable rooms	40 dB	40 dB
Education	Lecture rooms/theatres, music studios, assembly halls	35 dB	35 dB
	Teaching areas, conference rooms, drama studios, sleeping areas	40 dB	40 dB
	Libraries	45 dB	45 dB
Health	Overnight medical care, wards	40 dB	40 dB
	Clinics, consulting rooms, theatres; nurses' stations	40 dB	40 dB
Cultural	Places of worship; marae	35dB	35 dB

OR

(b) is at least 50 metres from any State Highway carriageway or railway network and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to the road surface and to all points 3.8 metres above the road carriageway or railway tracks; or

(c) is a single-storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Schedule Y.

2. Mechanical ventilation

If a building is constructed in accordance with 1(c) or if windows must be closed to achieve the design noise levels in clause 1(a), the building is designed, constructed and maintained with a mechanical ventilation system that:

(a) For habitable rooms for a residential activity achieves the following requirements:

- Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code and;
- Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides as least 6 air changes per hour; and
- Provides relief for the equivalent volumes of spill air;
- Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and
- Does not generate more than 35 dB $L_{Aeq(30s)}$ when measured 1 metre away from any grille or diffuser.

(b) For other spaces is as determined by a suitably qualified and experienced person.

	<p><u>3. Indoor vibration</u></p> <p><u>Any new buildings or alterations to existing buildings containing an activity sensitive to noise, closer than 40 metres to the carriageway of a state highway or 60 metres from the boundary of a State Highway or railway network;</u></p> <p>(a) <u>is designed, constructed and maintained to achieve vibration levels from the road or railway not exceeding 0.3mm/s v.w.95 or</u></p> <p>(b) <u>is a single storey framed residential building with:</u></p> <ul style="list-style-type: none"> i. <u>a constant level floor slab on a full surface vibration isolation bearing with natural frequency not exceeding 10Hz, installed in accordance with the supplier's instructions and recommendations; and</u> ii. <u>vibration isolation separating the sides of the floor slab from the ground; and</u> iii. <u>no rigid connections between the building and the ground.</u> <p><u>4.Design report [alternatively may be replaced with the development meeting the standard of construction in schedule 'Y' to demonstrate compliance]</u></p> <p><u>A report is submitted to the Council demonstrating compliance with clauses (1) to (3) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise.</u></p> <p><u>In the design: State Highway or Railway noise level is assumed to be 70 L_{Aeq(1h)} at a distance of 12 metres from the road or track, and must be deemed to reduce at a rate of 3dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres. Road noise is based on measured or predicted noise level plus 3 dB.</u></p> <p><u>Where the activity complies with the following rule requirements of Schedule Y: NIL [KiwiRail [986.51]]</u></p>				
<p>Add: Construction Schedule Y</p> <p><u>Schedule Y Construction schedule for indoor noise control</u></p> <table border="1"> <tr> <td data-bbox="337 1371 496 1461"><u>Elements</u></td><td data-bbox="496 1371 1442 1461"><u>Minimum construction for noise control in addition to the requirements of the New Zealand Building Code [KiwiRail [986.51]]</u></td></tr> <tr> <td data-bbox="337 1461 496 1549"><u>External walls</u></td><td data-bbox="496 1461 1442 1549"><u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m³) [KiwiRail [986.51]]</u></td></tr> </table>		<u>Elements</u>	<u>Minimum construction for noise control in addition to the requirements of the New Zealand Building Code [KiwiRail [986.51]]</u>	<u>External walls</u>	<u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m³) [KiwiRail [986.51]]</u>
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<u>External walls</u>	<u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m³) [KiwiRail [986.51]]</u>				

	<p><u>Cladding and internal wall lining complying with either Options A, B or C below:</u></p> <table> <tr> <td><u>Option A – Light cladding: timber weatherboard or sheet materials with surface mass between 8 kg/m² and 30 kg/m² of wall cladding</u></td><td><u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard on resilient / isolating mountings</u></td></tr> <tr> <td><u>Option B – medium cladding: surface mass between 30 kg/m² and 80kg/m² of wall cladding</u></td><td><u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard</u></td></tr> <tr> <td><u>Option C – heavy cladding: surface mass between 80 kg/m² and 220 kg/m² of wall cladding</u></td><td><u>No requirements additional to New Zealand Building Code</u></td></tr> </table> <p>[KiwiRail [986.51]]</p>	<u>Option A – Light cladding: timber weatherboard or sheet materials with surface mass between 8 kg/m² and 30 kg/m² of wall cladding</u>	<u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard on resilient / isolating mountings</u>	<u>Option B – medium cladding: surface mass between 30 kg/m² and 80kg/m² of wall cladding</u>	<u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard</u>	<u>Option C – heavy cladding: surface mass between 80 kg/m² and 220 kg/m² of wall cladding</u>	<u>No requirements additional to New Zealand Building Code</u>
<u>Option A – Light cladding: timber weatherboard or sheet materials with surface mass between 8 kg/m² and 30 kg/m² of wall cladding</u>	<u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard on resilient / isolating mountings</u>						
<u>Option B – medium cladding: surface mass between 30 kg/m² and 80kg/m² of wall cladding</u>	<u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard</u>						
<u>Option C – heavy cladding: surface mass between 80 kg/m² and 220 kg/m² of wall cladding</u>	<u>No requirements additional to New Zealand Building Code</u>						
<u>Roof/ceiling</u>	<p><u>Ceiling cavity infill fibrous insulation, batts or similar (minimum density of 7 kg/m³)</u></p> <p><u>Ceiling penetrations such as for recessed lighting or ventilation, shall not allow additional noise break-in</u></p> <p><u>Roof type and internal ceiling lining complying with either Options A, B or C below:</u></p> <table> <tr> <td><u>Option A – skillion roof with light cladding: surface mass up to 20 kg/m² or roof cladding</u></td><td><u>Internal lining of minimum 25 kg/m² plasterboard, such as two layers of 13mm thick high density plasterboard</u></td></tr> <tr> <td><u>Option B – pitched roof with light cladding: surface mass up to 20 kg/m² of roof cladding</u></td><td><u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard</u></td></tr> <tr> <td><u>Option C – roof with heavy cladding: surface mass between 20 kg/m² and 60 kg/m² of roof cladding</u></td><td><u>No requirements additional to New Zealand Building Code</u></td></tr> </table> <p>[KiwiRail [986.51]]</p>	<u>Option A – skillion roof with light cladding: surface mass up to 20 kg/m² or roof cladding</u>	<u>Internal lining of minimum 25 kg/m² plasterboard, such as two layers of 13mm thick high density plasterboard</u>	<u>Option B – pitched roof with light cladding: surface mass up to 20 kg/m² of roof cladding</u>	<u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard</u>	<u>Option C – roof with heavy cladding: surface mass between 20 kg/m² and 60 kg/m² of roof cladding</u>	<u>No requirements additional to New Zealand Building Code</u>
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<u>Option C – roof with heavy cladding: surface mass between 20 kg/m² and 60 kg/m² of roof cladding</u>	<u>No requirements additional to New Zealand Building Code</u>						
<u>Glazed areas</u>	<p><u>Aluminium frames with full compression seals on opening panes</u></p> <p><u>Glazed areas shall be less than 35% of each room floor area</u></p> <p><u>Either, double glazing with:</u></p> <ul style="list-style-type: none"> <u>a laminated pane of glass at least 6 mm thick; and a cavity between the two panes of glass at least 12 mm deep; and</u> <u>a second pane of glass at least 4 mm thick</u> <p><u>Or, any other glazing with a minimum performance of Rw 33dB</u></p> <p>[KiwiRail [986.51]]</p>						

<u>Exterior doors</u>	<u>Exterior doors with line-of-sight to any part of the state highway road surface or to any point 3.8 metres above railway tracks</u>	<u>Solid core exterior door minimum surface mass 24 kg/m² with edge and threshold compression seals; or other door set with minimum performance of Rw 30 dB</u>
	<u>Exterior doors shielded by the building so there is no line-of-sight to any parts of the state highway road surface or any points 3.8 metres above the railway tracks</u>	<u>Exterior doors with edge and threshold compression seals</u>
[KiwiRail [986.51]]		

NZTA [742.244; 742.182]; KiwiRail [986.51; 986.52]

2 Low impact stormwater management

Amend Rule 14.11.2 RDI in 14.11 Water, Wastewater and Stormwater, as follows:

RDI	Stormwater systems for new development or subdivision that does not comply with one or more of the conditions of <u>Rule 14.11.1.1</u>	Discretion is restricted to: <ul style="list-style-type: none"> (e) The likely effectiveness of the system to avoid flooding, nuisance or damage to other buildings and sites; (f) The capacity of the system and suitability to manage stormwater. (g) <u>The potential for adverse effects to the environment in terms of stormwater quantity and stormwater quality effects.</u>⁴⁸ (h) <u>Use of low impact design principles and approaches</u>⁴⁹
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3 Significant Natural Area vegetation management

Amend Rule 14.3.1.3 P4 and Rule 14.3.3 RD3, as follows:

P5	Trimming, maintenance or removal of vegetation or trees associated with infrastructure	14.3.1.4 <u>(1) Trimming and pruning of trees and vegetation necessary to protect all overhead electric lines or telecommunication lines; and</u> ⁵⁰ Any trimming, maintenance or removal of vegetation or trees associated with infrastructure, <u>including access tracks,</u> ⁵¹ that meet all of the following conditions: <ul style="list-style-type: none"> (c) No tree identified in Schedule 30.2 is removed;
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⁴⁸ 81.145 Waikato Regional Council

⁴⁹ 81.7 Waikato Regional Council

⁵⁰ 692.9 WEL Networks

⁵¹ 576.30 Transpower

		<p>(d) Any required trimming of a tree identified in Schedule 30.2 is either:</p> <p>(ii) To remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or</p> <p>The maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed over any consecutive 12 month time period.</p> <p><u>(c) Any indigenous vegetation alteration or removal within a Significant Natural Area must not:</u></p> <p><u>(i) include any trees over 6m in height or 600mm in girth at a height of 1.4m; and (ii) exceed 50m² per site over any consecutive 12 month time period.</u>⁵²</p> <p><u>(2) Any trimming, maintenance or removal of vegetation, where required for the safe operation or maintenance of the National Grid or to remove a potential fire risk associated with the National Grid.</u>⁵³</p> <p>Note: <u>Trimming, maintenance or removal of vegetation or non-notable trees in and around electrical assets are required to be managed</u>⁵⁴ in accordance with the Electricity (Hazards from Trees) Regulations 2003.</p>
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RD3	Trimming, maintenance or removal of vegetation or trees that does not comply with one or more of the conditions of <u>Rule 14.3.1.4</u>	<p>Discretion is restricted to:</p> <p>(d) The extent of the works required;</p> <p>(e) Effects on the values, qualities and characteristics of any tree identified in <u>Schedule 30.2 or any Significant Natural Area</u>.⁵⁵</p> <p>(f) Whether alternative methodologies avoiding the need to affect the tree(s)/vegetation have been adequately considered.</p> <p><u>(d) land transport network safety and efficiency</u>⁵⁶</p>
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4 Regional flood protection infrastructure

Amend policies and rules to provide for regional flood protection infrastructure, as follows:

6.4.2 Policy – Provide adequate infrastructure

- (a) Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided creating one or more additional lots, excluding reserve or non-housing

⁵² 81.246 Waikato Regional Council

⁵³ 576.30 Transpower

⁵⁴ 419.142 Hort NZ

⁵⁵ 81.246 Waikato Regional Council

⁵⁶ 742.93 NZTA

conservation lots, access and utility allotments, ⁵⁷ or its use significantly changed or ⁵⁸ intensified, needing additional or upgraded infrastructure. ⁵⁹

- (b) Recognise the importance to the economic and social well-being of the district and the essential nature of regional flood management infrastructure so as to provide for its development, operation and maintenance.
- (c) To ensure that regional flood management infrastructure is provided in a manner that:
 - (i) does not adversely affect the health and safety of the people of the district
 - (ii) avoids, remedies or mitigates any adverse effects on the natural and physical resources
 - (iii) is sensitive to the amenity values of the district, and relevant cultural or spiritual values
 - (iv) is efficient. ⁶⁰

6.4.7 Policies – Stormwater

- (a) Ensure that stormwater and drainage infrastructure for subdivision, land use and development:
 - (i) Adopts, where appropriate, a best-practice low impact design approach to the management of stormwater;
 - (ii) Manages stormwater in accordance with a drainage hierarchy, with a preference for on-site treatment at-source management; ⁶¹
 - (iii) Minimises impervious surfaces to reduce stormwater run-off;
 - (iv) Retains pre-development hydrological conditions as far as practicable;
 - (v) Does not increase the flow of stormwater runoff onto adjoining properties adjacent land ⁶² or flood plains, or reduce storage capacity on-site;
 - (vi) Provides a stormwater catchment management plan for future urban development; and
 - (vii) Promotes clean water reuse and groundwater recharge where practicable;:-
 - (viii) Avoids, remedies or mitigates the generation of contaminants from urban development, particularly from high contaminant generating car parks and high use roads; and ⁶³
 - (ix) Is supported by a stormwater management plan. ⁶⁴
- (b) The continuing operation of existing regional flood management infrastructure shall be protected from the adverse effects of other activities. In particular consideration shall be given to:
 - (i) Maintaining and enhancing the operational efficiency, effectiveness, viability and safety of regional flood management infrastructure
 - (ii) Protecting investment in existing regional flood management infrastructure
 - (iii) Retaining the ability to maintain and upgrade regional flood management infrastructure.
- (c) To ensure that new regional flood management infrastructure is considered having regard to:
 - (i) The environment as it exists
 - (ii) The duration, timing and frequency of the adverse effect
 - (iii) The impact on other existing regional flood management infrastructure if the new work is not undertaken

⁵⁷ 680.302 FFNZ

⁵⁸ 742.52 NZTA

⁵⁹ 680.302 FFNZ

⁶⁰ 81.190; 81.191 Waikato Regional Council

⁶¹ 81.224 Waikato Regional Council

⁶² 742.54 NZTA

⁶³ 419.76 Hort NZ

⁶⁴ 697.565 Waikato District Council

- (iv) The need for the work in the context of the wider network or in the context of the provision of alternative infrastructure
 - (v) The avoidance, remediation or mitigation of anticipated adverse environmental effects to the extent practicable
 - (vi) The demand for and benefits of new regional flood management infrastructure
 - (vii) The route, site, and method selection process
 - (viii) The technical and locational constraints
 - (ix) The benefits of the regional flood management infrastructure in terms of managing climate change effects.
- (d) Provision of new regional flood management infrastructure occurs in a planned and coordinated manner which recognises and addresses potential cumulative effects and is based on sufficient information to allow assessment of the potential long-term effects on the environment.⁶⁵

14.13 Regional flood management infrastructure

4.13.1 Permitted Activities

- (a) The following activities are permitted activities if they meet the activity specific conditions set out in this table. These rules apply throughout the District.

<u>Activity</u>		<u>Activity specific conditions</u>
<u>P1</u>	<u>The construction of new regional flood management infrastructure undertaken by or on behalf of the public authority responsible for the regional flood management infrastructure</u>	<u>14.13.1.1</u> <u>(1) All activities must comply with the following conditions:</u> <u>(a) Activities are carried out:</u> <ul style="list-style-type: none"> <u>(i) within 20m of the landward toe of a stopbank (See diagram 14.13.1 below)</u> <u>(ii) On a stopbank</u> <u>(iii) Within the flood channel (between a stopbank and river bank)</u> <u>(iv) Within a 20m radius of a pump station or floodgate.</u>
<u>P2</u>	<u>Flood control, renewal, maintenance, unscheduled, and storm response works undertaken by or on behalf of the public authority responsible for the regional flood management infrastructure</u>	
<u>P3</u>	<u>The maintenance of existing stock-proof fences</u>	
<u>P4</u>	<u>Grazing of animals</u>	
<u>P5</u>	<u>Any farming activity other than the grazing of animals</u>	
<u>P6</u>	<u>The planting of trees</u>	
<u>P7</u>	<u>The construction of any road or race for the passage of stock or vehicles</u>	
<u>P8</u>	<u>The erection of any new fence, shelter, building or structure</u>	
<u>P9</u>	<u>The excavation or the digging of any drain</u>	

⁶⁵ 81.190; 81.191 Waikato Regional Council

P10	<u>A network utility or private infrastructure including underground pipes and cables with written approval from the</u>
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Advice note: Flood control schemes are managed by public authorities, and as such activities associated with flood control schemes require the approval of the relevant public authority.

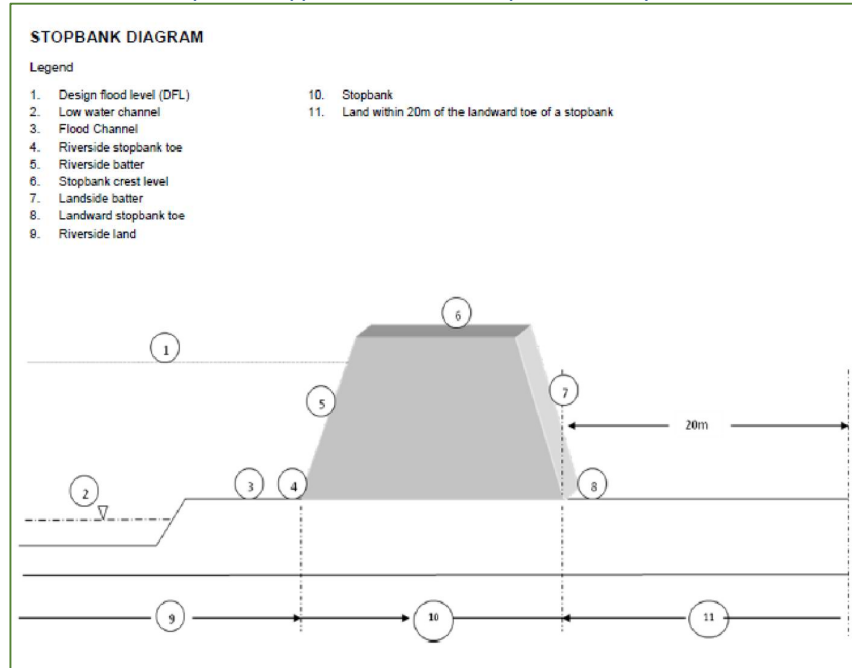


Diagram 14.13.1

14.13.2 Restricted Discretionary Activities

- (a) The activities listed below are restricted discretionary activities.
- (b) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table

<u>Activity</u>		<u>Matters of Discretion</u>
<u>RDI</u>	<u>New capital works relating to regional flood management</u>	<u>Discretion is restricted to:</u>
	<u>infrastructure, including but not limited to flood control dams, flood gates, stopbanks, channels, and culverting of waterways.</u>	<u>(a) The extent to which adverse effects are avoided, remedied or mitigated.</u>

RD2	Any other activity that is not permitted under Rule 14.13.1 but complies with activity specific condition 14.13.1.1 shall be a restricted discretionary activity.	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) <u>The extent to which the activity will affect the integrity of the flood control asset</u> (b) <u>The extent to which the activity will impede maintenance access</u> (c) <u>Methods to avoid, remedy, or mitigate adverse effects on the integrity of the flood control assets</u> (d) <u>Methods to avoid, remedy, or mitigate adverse effects on maintenance access.</u> <p><u>Non-notification</u> <u>Applications utilising RD2 that do not simultaneously trigger other consent requirements shall not be publicly notified and shall not be served on any party other than Council and the public authority responsible for the regional flood management infrastructure.</u></p>
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Advice Note: "Emergency Works" undertaken in accordance with Section 330 of the Resource Management Act 1991 in response to a sudden event causing or likely to cause loss of life, injury, or serious damage to property are a permitted activity.

5 National Grid

Amend the national Grid Policy 6.2.5 and rules, as follows:

6.2.5 Policy – Environmental effects

- (a) Manage the environmental effects of the development or upgrades (other than minor upgrades) of the National Grid, by:
 - (i) Recognising and providing for ⁶⁶ the national, regional and local benefits of sustainable, secure and efficient electricity transmission;
 - (ii) Considering the extent to which any ~~Avoiding, remedying or mitigating~~ adverse effects ~~through consideration of have been avoided, remedied or mitigated by~~ the route, site and method selection; ⁶⁷
 - (iii) Seeking to r~~Reduce~~ ⁶⁸ the existing adverse effects as part of any substantial upgrade;
 - (iv) Considering the effects on urban amenity (including town centres), areas of high recreational or amenity value and existing sensitive land uses; and
 - (v) Within urban environments, a~~Addressing~~ the adverse effects on any heritage values, cultural values, ⁶⁹ ~~outstanding natural landscapes, areas of high natural character,~~ town centres, areas of high recreation value and existing sensitive activities including the avoidance of adverse effects where practicable.
 - (vi) Within rural environments, seeking to avoid adverse effects on identified heritage values, cultural values, outstanding natural landscapes, outstanding natural features, significant natural areas, significant amenity landscapes, areas of

⁶⁶ 576.20 Transpower

⁶⁷ 576.20 Transpower

⁶⁸ 576.20 Transpower

⁶⁹ 559.63 Heritage NZPT

outstanding or high natural character, areas of high recreation value and existing sensitive activities. ⁷⁰

Amend Rule 14.4.4 National Grid Non-Complying Activities, as follows:

14.4.4 Non-Complying Activities

- (a) The activities listed below are non-complying activities.

NC1	<u>Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1 P1 P3 or a restricted discretionary activity under Rule 14.4.2 RD3 or a discretionary activity under Rule 14.4.3 D3</u> ⁷¹
NC1	Above-ground transmission lines associated with the National Grid located within identified areas
NC2	Transformers, S ubstations and switching stations associated with the National Grid located within Identified Areas identified areas
NC3	Any activity within the National Grid Yard that does not comply with one or more of the conditions of Rule 14.4.1.1
NC4	Any activity within the National Grid Yard that does not comply with one or more of the conditions of Rule 14.4.1.2
NC5	Any new building for a sensitive land use , <u>or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use,</u> ⁷² within the National Grid Yard
NC6	Any change of use of an existing building to a sensitive land use within the National Grid Yard
NC7	The establishment of any new sensitive land use within the National Grid Yard
NC8	Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line
NC9	Dairy/milking sheds <u>(excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures,</u> ⁷³ or buildings for intensive farming within the National Grid Yard
NC10	Any subdivision of land in any zone within the National Grid Corridor that does not comply with one or more of the conditions of Rule 14.4.2.1
NC11	Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1 P3 or a restricted discretionary activity under Rule 14.4.2 RD3 or a discretionary activity under Rule 14.4.3 D4

6 Renewable energy generation facilities and meteorological facilities

Amend Policy 6.1.4, as follows:

6.1.4 Policy – Infrastructure benefits

- (a) Have regard to the benefits that infrastructure provides, including:
- (i) Enabling enhancement of the quality of life and residential standard for people and communities;
 - (ii) Providing for public health and safety;

⁷⁰ 559.63 Heritage NZPT; 576.20 Transpower

⁷¹ 576.66 Transpower

⁷² 576.63 Transpower

⁷³ 576.64 Transpower

- (iii) Enabling the functioning of business and growth and development;
 - (iv) Managing adverse effects on the environment;
 - (v) Enabling the transportation of freight, goods and people;
 - (vi) Enabling interaction and communication; and
 - (vii) Providing for lifeline utility services.
- (b) Have particular regard to the benefits that the use and development of renewable energy provide.

Amend Policy 6.1.7 as a correction, as follows:

6.1.7 Policy – ~~Reverse-sensitivity~~ Adverse Effects on and infrastructure ⁷⁴

- (b) Avoid reverse sensitivity effects on infrastructure from subdivision, use and development as far as reasonably practicable, and ensure so ⁷⁵ that ~~the the its construction, operation, maintenance, repair, replacement and upgrading the ongoing and efficient operation of~~ infrastructure ~~is are~~ not compromised. ⁷⁶

Amend Rule 14.6.4 Non-Complying Activities for clarification, as follows:

NC1	<u>Large-scale wind farms</u> not located within in a zone other than the Rural Zone, including within an Identified Area
<u>NC2</u>	<u>Large-scale wind farm located within any Identified Area in the Rural Zone</u> and within an Identified Area ⁷⁷

Amend Rule 14.6.2, as follows:

Activity		Matters of Discretion
RD1	<u>Small-scale electricity generation</u> that do not comply with one or more of the conditions of <u>Rule 14.6.1.1</u>	Discretion is restricted to: (g) The functional and operational needs of, and benefits derived from, the <u>infrastructure</u> ; (h) Visual, landscape, streetscape and amenity effects, including noise; (i) Shadow flicker effects; (j) The risk of hazards affecting public or individual safety, and risk of property damage; (k) Effects on the values, qualities and characteristics of any Identified Area. (l) <u>Ecology and biodiversity effects</u>
RD2	<u>Community-scale electricity generation</u> that do not comply with one or more of the conditions of <u>Rule 14.6.1.1</u>	
RD3	<u>Research and exploratory-scale investigations for renewable electricity generation activities</u> that do not comply with one or more of the conditions of <u>Rule 14.6.1.2</u>	

⁷⁴ 576.78 Transpower

⁷⁵ 576.78 Transpower

⁷⁶ 742.50 NZTA

⁷⁷ 697.28 Waikato District Council

RD4	<u>Electricity generation within the Huntly Power Station site in the Industrial Zone Heavy⁷⁸ that do not comply with one or more conditions of the Rule 14.6.1.[X].</u>	<u>Discretion is restricted to the extent of effects associated with the Industrial Zone Heavy⁷⁹ rules that the activity does not comply with.⁸⁰</u>
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Correct Rule 14.8.3 D3 and D4, as follows:

14.8.3 Discretionary Activities

(b) The activities listed below are discretionary activities.

D1	Meteorological enclosures and buildings, including automatic weather stations located within Identified areas
D2	Meteorological and air quality monitoring structures and devices located within Identified areas
<u>D3</u>	<u>Meteorological enclosures and buildings, including automatic weather stations that do not comply with one or more conditions in Rule 14.8.3 14.8.1 (P1).⁸¹</u>
<u>D4</u>	<u>Meteorological and air quality monitoring structures and devices that do not comply with one or more conditions in Rule 14.8.3 14.8.1 (P2).⁸²</u>

7 Huntly Power Station

Amend Chapter 13 Definitions as follows:

Energy corridor - Means an energy corridor shown on the planning maps, being a corridor for the transportation of minerals and substances, limited to coal,⁸³ coal ash, aggregate, overburden, clean-fill, wastewater and other liquids (other than a hazardous substance). [680.132 FFNZ]

Amend Policy 6.1.3, as follows:

6.1.3 Policy - Technological advances

- (a) Provide flexibility for infrastructure operators to ~~use new technological advances~~ adopt new technologies that:
- (i) Improve access to, and ~~enable the~~ efficient use of, infrastructure, networks and services or development of infrastructure;
 - (ii) Allow for the reuse of redundant services and infrastructure ~~infrastructure~~ and structures ~~where appropriate~~; and
 - (iii) ~~Result in positive environmental and community outcomes~~ Increase resilience, safety or reliability of infrastructure,⁸⁴ networks and services;
 - (iv) Result in environmental benefits and enhancements; or

⁷⁸ 697.518 Waikato District Council

⁷⁹ 697.518 Waikato District Council

⁸⁰ 924.27 Genesis Energy Limited

⁸¹ 697.36 Waikato District Council

⁸² 697.36 Waikato District Council

⁸³ FS1345.103 Genesis Energy

⁸⁴ FS1345.45/52/53/54

(v) Promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.⁸⁵

8 Telecommunication provisions and Identified Areas

Amend Chapter 14 Introduction advice note 7, as follows:

- (7) The **Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016** ("NESTF") provides national consistency in the rules surrounding the deployment of telecommunications **infrastructure** across New Zealand. This means that many telecommunications facilities may potentially be deployed as a permitted activity. However, telecommunications facilities which do not comply with the conditions within the NESTF, or are not covered by the regulations of the NESTF, will have the activity status specified in this plan. In the case of conflict with any other provision of this plan, the NESTF provisions shall prevail.⁸⁶ unless located within an identified Area other than the Urban Expansion Area, where the district plan rules for infrastructure may apply to regulated activities as per Regulation 56 of the NESTF.⁸⁷

Amend Rule 14.3.1.1 (3), as follows:

P2	Minor upgrading of existing infrastructure	<p>14.3.1.1</p> <p>(3) The addition, replacement or relocation of existing antennas where:</p> <p>(a) The antennas shall not increase in the largest face area by more than 20% of the relevant permitted standard for new panel antennas and shall not increase the diameter of dish antenna by more than 20% of the relevant permitted standard for a new dish antenna; and⁸⁸</p> <p>(b) The antennas shall not increase in height by more than 20% of the relevant permitted standard for new dish and panel antennas.⁸⁹</p> <p><u>Except that this rule shall not restrict the size of an antenna that would otherwise comply with the permitted activity rules applying to new antennas.</u>⁹⁰</p>
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9 Waahi Tapu and Waahi Tapu Areas

Amend Policy 6.1.10, as follows:

⁸⁵ 644.30 Spark; 646.30 Vodafone; 648.30 Chorus

⁸⁶ 697.524 Waikato District Council

⁸⁷ RMA Schedule 1 clause 16(2) alteration

⁸⁸ 648.33 Chorus; 646.33; Vodafone; 644.33 Spark

⁸⁹ 648.33 Chorus; 646.33; Vodafone; 644.33 Spark

⁹⁰ 644.33Spark; 646.33 Vodafone; 648.33 Chorus

6.1.10 Policy – Infrastructure in identified areas

- (a) Ensure consideration of the values, qualities and characteristics of Significant Natural Areas, Landscape and Natural Character Areas and Heritage Items, Heritage Precincts, and Maaori Sites and Areas of Significance, including Waahi Tapu and Waahi Tapu Areas⁹¹ when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.

10 Definition of ‘amateur radio configuration’

Add a definition of ‘amateur radio configuration’ to Chapter 13 Definitions, as follows:

Amateur radio configuration Means aerials, antennas and associated support structures which are owned and operated by licensed amateur radio operators.

⁹¹ 559.59 Heritage NZPT