

D0 Infrastructure and Energy Overall

I Introduction

1. This report section is D0 of Part D Submissions Analysis of the section 42A report on the Infrastructure and Energy topic, Proposed Waikato District Plan (PWDP).
2. This section deals with the submissions that do not fit in the other sections, or that cross over two or more sections. The main themes in submissions in this category are:
 - a. better enable infrastructure
 - b. better integration of planning (live zoning) and infrastructure
 - c. identification and protection of identified areas, and a consistent infrastructure approach
 - d. enable and require energy efficiency
 - e. relocation of rules into Zone Chapters
 - f. Definitions: Minor infrastructure structure; minor upgrading of existing infrastructure; National Grid related; network utility operator; functional need and operational need; infrastructure; Regionally Significant Infrastructure; road network activities; Energy Corridor
 - g. mapping of potential sites for infrastructure and energy
 - h. rail corridor and State Highway noise-sensitive activities.

2 General submissions

3. *Watercare has further submissions on many submission points and is intending to provide a new set of provisions. As the new provisions have not been provided by Watercare they are not addressed in this report. The Watercare further submissions are not shown against individual submission points nor addressed directly and should be accepted or rejected in accordance with the responses to the original submission points.*

Submission point	Submitter	Decision requested
164.5	Hiini Kupa	No specific decision sought, but submission states support for Chapter 14 Infrastructure and Energy.
81.246	Waikato Regional Council	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.
FS1033.1; FS1032.1; FS1031.1	Spark; Vodafone; Chorus	Support 81.246
FS1258.14	Meridian Energy	Not Stated 81.246
286.35; 493.18	Waikato-Tainui; Jackie Colliar	Amend Chapter 14 Infrastructure to provide clear provisions to manage the effects of infrastructure and energy activities on Maori Areas of Significance and Maaori Sites of Significance. This may include amending the activity status, rules and defining terms such as "identified areas."
FS1258.16	Meridian Energy	Not Stated 286.35
FS1345.127	Genesis Energy	Supports 286.35
FS1176.46	Watercare Services Ltd	Supports 286.35

FS1033.15; FS1032.15; FS1031.15	Spark; Vodafone; Chorus	Opposes 286.35
FS1035.41; FS1035.71	Pareoranga Te Kata	Supports 286.35; 493.18
FS1139.109	Turangawaewae Trust Board	Supports 493.18
FS1108.121	Waikato-Tainui	Supports 493.18
644.31; 646.31; 648.31	Spark; Vodafone; Chorus	Retain Chapter 14 Infrastructure and Energy as notified, except where specific amendments have been requested in the submission.
423.21	Watercare	Amend Chapter 14 Infrastructure and Energy to include comprehensive rules specifying the activity status for infrastructure (including water, wastewater and storm water infrastructure) in all zones, overlays and areas covered by the PWDP including permitted activity rules, on a similar basis to Chapter E26 Infrastructure in the Auckland Unitary Plan (Operative in Part).
FS1202.70	NZTA	Supports 423.21
FS1033.2; FS1032.2; FS1031.2	Spark; Vodafone; Chorus	Oppose 423.21
FS1342.114	FFNZ	Opposes 423.21
697.514	Waikato District Council	Amend Chapter 14 Infrastructure and Energy by replacing acronyms with the full terms eg RTS, ROW.
836.66	Powerco	Add a new introduction to Chapter 14: Infrastructure and Energy as follows: <u>Introduction The provisions within this chapter of the district plan apply across the district in all zones. The underlying zone objectives and policies do not apply to infrastructure activities unless specifically referred to within this chapter.</u>
697.515; 697.516; 697.517; 697.526	Waikato District Council	Amend Chapter 14: Infrastructure and Energy to ensure numbering is logical and clear; sequential; so the structure of the chapter is consistent with other chapters
697.519	Waikato District Council	Amend Chapter 14: Infrastructure and Energy the term "Te Kowhai Airpark" to be "Te Kowhai Airpark Zone" in the following rules; Permitted Activity Rule 14.4.1.2, Rule 14.10.1.7, Rule 14.12.1.7; Restricted Discretionary Activity Rule 14.12.2 RD7
FS1339.77	NZTE Operations Limited	Supports 697.519
697.518	Waikato District Council	Amend in Chapter 14: Infrastructure and Energy, the term "Heavy Industrial Zone" to be "Industrial Zone Heavy".
836.23	Powerco	No specific decision sought, but submission states it is unclear if Rule 14.5.1 supersedes Rule 14.2.1 for new infrastructure and Rule 14.5.3 which makes new infrastructure in Identified Areas non-complying.
FS1211.43	First Gas	Supports 836.23
836.72	Powerco	Amend the PWDP to clearly outline and cross reference any applicable zone or overlay provisions that supersede any objectives, policies and rules within the "Infrastructure" Chapters.

FS1176.266	Watercare Services Ltd	Supports 836.72
423.14	Watercare	Amend the PWDP to better enable the provision of necessary infrastructure and associated works, e.g. earthworks, and recognise the technical and operational needs of infrastructure throughout the Waikato District.
423.15	Watercare	Amend the Infrastructure provisions to better: Enable the provision of necessary infrastructure; <ul style="list-style-type: none"> • Recognise that, in some cases technical and/or operational needs of infrastructure will result in unavoidable adverse effects; • Recognise that, in some cases technical and/or operation needs of infrastructure necessitate infrastructure to be provided in certain locations; and • Recognise the importance of the provision of resilient infrastructure.
836.73	Powerco	Retain the generally permissive nature of rules around development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure.

2.1 Analysis

4. **Hiini Kupa** [164.5]; **Spark** [644.31]; **Vodafone** [646.31]; and **Chorus** [648.31] support Chapter 14 Infrastructure and Energy, as it allows autonomy, growth and independence. Generally, Chapter 14 is supported in regard to infrastructure and particularly sections 14.1-14.3 and 14.10 - Telecommunications except where specific amendments have been requested.
5. I recommend accepting Hiini Kupa [164.5], and accepting in part Spark [644.31]; Vodafone [646.31]; and Chorus [648.31], to the extent that Chapter 14 is amended in response to other submissions and other submission points by these submitters, for the reasons provided by the submitters.
6. **Waikato Regional Council** [81.246] seeks amendments to 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.
7. *FS1031.1 Chorus; FS1032.1 Vodafone; FS1033.1 Spark support 81.246.FS1258.14 Meridian Energy not Stated on 81.246: The submission point states that amendments are required to Chapter 14 (to give effect to Chapters 11 and 12 of the Waikato Regional Policy Statement and the NZ Coastal Policy Statement). However, the specific wording amendments requested are not detailed in the submission. The submission point lacks the detail necessary to enable other submitters to evaluate the likely impact of the requested relief for their own land interests. Meridian request that it be included in any meetings or discussions about proposed amendments to Chapter 14.*
8. The submission to Paragraph 14.1(1) of the Infrastructure and Energy Chapter states that the provisions of the chapter apply across the district in all the zones and overlays in the PWDP. It then goes on to say that the zone chapters and their associated overlays, objectives, policies and rules do not apply to infrastructure and energy activities unless specifically referred to within Chapter 14. Waikato Regional Council raises concerns that it appears that Chapter 14 is largely intended to be a stand-alone/self-contained chapter.

9. Waikato Regional Council identifies that with the exception of Rule 14.3.1.3(3) (which relates to earthworks associated with infrastructure in Landscape and Natural Character Areas), there are inconsistencies between the activity status and standards relating to ONFL, Significant Amenity Landscapes, natural character, SNA and non-SNA vegetation clearance in Chapter 14 when compared with the zone chapters although the effects on the resource are the same. Examples identified by the submitter are:
- a. Rule 14.4.1.2, which allows certain buildings as a permitted activity where they are in the National Grid Yard - there is no mention of situations where the National Grid Yard and overlay areas coincide. Rule 22.3.3 for the Rural Zone, states that any building and structure within a landscape or natural character area is a discretionary activity. The submitter considers there to be an inconsistent approach between the two chapters;
 - b. Many permitted activities in Chapter 14 become restricted discretionary if standards cannot be met. However, activities with similar effects tend to be discretionary in Chapter 22 Rural Zone. The matters of discretion in Chapter 14 do not always cover effects on outstanding natural features and landscapes, natural character, significant amenity landscapes or indigenous vegetation (both within and outside of SNAs);
 - c. Vehicle access, parking and manoeuvring are all permitted under 14.12.1 subject to activity specific conditions. However, there are no standards that address adverse effects where overlays are present on the site. Rule 22.2.7 in the Rural Zone Chapter sets out restrictions for the permitted clearance of indigenous vegetation in a SNA; However, given that Chapter 14 is intended to be standalone it is unclear how the standards in Chapter 22 would apply;
 - d. It is also unclear what the term 'Identified Area' means, whether it is intended that this term capture ONFL, Significant Amenity Landscapes, NC, SNA and non-SNA; and
 - e. Amendments are required to Chapter 14 to ensure that Chapters 11 and 12 of the WRPS and the NZCPS are given effect to.
10. Chapter 14 Infrastructure and Energy is intended to be a stand-alone chapter, and the zone chapters and their associated overlays, objectives, policies and rules do not apply to infrastructure and energy activities unless specifically referred to within Chapter 14 or the activity is a discretionary activity. In some cases the Chapter 14 provisions are more enabling of infrastructure than are the zone or overlay provisions, and rather than being inconsistencies they are intended to recognise the functional and operational needs and benefits of significant infrastructure, including locational constraints.
11. Some infrastructure activities within Identified Areas are classified as discretionary or non-complying. Where they are restricted discretionary activities, in each case the matters of discretion include consideration of the effects on the values, qualities and characteristics of the site. Many infrastructure activities are permitted activities. For example, road network activities within existing roads including where they traverse an Identified Area, and the associated earthworks may have activity or location specific conditions that limit effects on the Identified Area. Where there are specific conditions in relation to Identified Areas (i.e. Rule 14.3.1.3 P4 Earthworks) the scale of effects are limited and where they cannot be complied with they become a restricted discretionary activity. The National Grid provisions in Section 14.4, for example, are designed to give effect to the NPSET, which applies to the existing National Grid. It covers new

National Grid infrastructure assets of transmission lines, support structures, sub-stations and switching stations, with consent required for new National Grid structures and networks in Identified Areas.

12. Identified Areas are listed within the Introduction to Chapter 14.1(3), and elsewhere in the PWDP, and include sites and areas of value requiring protection. I consider it appropriate to include the definition within Chapter 13 Definitions, and that has already been proposed through the s.42A report to Hearing 5 on Definitions. The significant natural area and high value landscape Identified Areas have their objectives and policies in Chapter 3 Natural Environment, but the protective provisions and activity classifications are within the Zone chapters and the Infrastructure and Energy chapter. As well as heritage items and high value landscapes, the Identified Areas also include the Urban Expansion Area, which is protected for its purpose of integrated accommodation of growth rather than any inherent site value.
13. The Chapter 14 Introduction should in my opinion be amended to be explicit that the objectives and policies of the Identified Areas will apply to activities and structures addressed in the Infrastructure and Energy chapter; namely Chapter 2 Tangata Whenua, Chapter 3 Natural Environment and Chapter 7 Historic Heritage. That amendment could be within the scope of this submission, but I have attached it to a later discussion on Powerco [836.72], which refers specifically to identifying where objectives and policies are not overridden by Infrastructure and Energy provisions.
14. In response to the examples identified by the submitter, I consider there to be a number of amendments required to 14.12 Transport Section to better address potential adverse effects on Identified Areas. The other sections within Chapter 14 already have a more restricted activity status for any activities in an Identified Area. The amendments recommended in response to this submission point, which have not been recommended in response to other submissions on Identified Area values, include:
 - 14.12.1.1(1)...(h) New vehicle access shall not be located within an Identified Area
 - 14.12.1.2(1)...(j) New on-site parking and loading bays shall not be located within an Identified Area
 - 14.12.1.3(1)...(g) New on-site manoeuvring shall not be located within an Identified Area
 - 14.12.2 RD1 Matters of discretion...(f) Management of effects on the values of the Identified Area
 - 14.12.2 RD2 Matters of discretion...(f) Management of effects on the values of the Identified Area
 - 14.12.2 RD3 Matters of discretion...(e) Management of effects on the values of the Identified Area
15. I recommend accepting in part Waikato Regional Council [81.246]; and *FS1031.1 Chorus; FS1032.1 Vodafone; FS1033.1 Spark; FS1258.14 Meridian Energy*, to the extent that Identified Areas are defined and amendments are made to infrastructure provisions to take account of Identified Areas. I do not consider Chapter 14 to be more enabling than the zone rules, but with infrastructure in many cases being enabled so that the functional and operational needs and benefits of significant infrastructure are recognised, subject to locational constraints such as Identified Areas.

16. **Waikato-Tainui** [286.35]; **Jackie Colliar** [493.18] seek clear provisions to manage the effects of infrastructure and energy activities on Maaori Areas of Significance and Maaori Sites of Significance. This may include amending the activity status, rules and defining terms such as "identified areas."
17. *FS1035.41; FS1035.71 Pareoranga Te Kata supports 286.35; 493.18: Council needs to partner with Kaitiaki, mana whenua or review strategies with Waikato Tainui to ensure preservation and restoration of the Waikato River; engage with Waikato Tainui and mana whenua to ensure that the Tainui Environmental Plan Tai Tunu, Tai Pari, Tai Ao and marae environmental plans have been included in the PWDP. FS1139.109 Turangawaewae Trust Board supports 493.18: Amend to provide clear provisions to manage effects of infrastructure activities on Maaori areas of significance. Including making amendments to terms i.e. 'identified areas.' FS1108.121 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) supports 493.18: Amend to provide clear provisions to manage effects of infrastructure activities on Maaori areas of significance including making amendments to terms i.e. 'identified areas'.*
18. *FS1258.16 Meridian Energy Not Stated 286.35: Meridian agrees that the absence, currently of a definition for 'Identified Area' is potentially problematic. The submission point does not suggest specific wording for a definition. In the absence of this detail, it is not possible to support or oppose or suggest refinement to the wording. FS1345.127 Genesis Energy supports 286.35: supports the intent of the submission, subject to the nature of the provisions. FS1176.46 Watercare Services Ltd supports 286.35: Watercare supports a definition of "identified areas" and are seeking changes to enable the provision of infrastructure in Chapter 6 and 14. Watercare is preparing track changes to these chapters, taking a similar approach to the Auckland Unitary Plan and are intending to supply these in evidence to the hearings. Watercare is keen to discuss any proposed changes with Waikato-Tainui, and note from other submissions that changes may be required to the proposed rules with regard to "identified areas".*
19. *FS1033.15 Spark; FS1032.15 Vodafone; FS1031.15 Chorus oppose 286.35: generally support Chapter 14 as notified, but recognise the need for appropriate rules regarding the protection of sites of significance to Maaori. Accordingly, we seek to be involved in any changes to notified Chapter 14 including changes to rules regarding activities on Maaori Areas and Sites of Significance.*
20. The submitters identified the same concerns as Waikato Regional Council in relation to how Chapter 14 applies, and whether it is designed to be self-contained and stand-alone. Specifically, the submitters seek clarity to what activity status and provisions would apply to infrastructure and energy activities proposed on Maaori Areas of Significance or Maaori Sites of Significance. Submitters also identified that the term Identified Areas is not defined in Chapter 13 Definitions and therefore it is unclear if this is intended to capture Maaori Areas of Significance or Maaori Sites of Significance. Without clear provisions regarding infrastructure and energy activities in Maaori Areas of Significance or Maaori Sites of Significance there is a risk that these areas and sites may be adversely affected by activities with very few checks and balances in place. The submitters also note that not all Areas of Significance to Waikato-Tainui are listed or public knowledge, this is well understood by all parties. For this reason, concerns exist that if infrastructure development was occurring, site disturbance could occur at sites of significance without the knowledge of Waikato-Tainui or the infrastructure provider.
21. Chapter 14 is intended to be a largely stand-alone chapter for infrastructure. Identified Areas are listed within the Introduction to Chapter 14.1(3), and elsewhere in the PWDP, and include sites and areas of value requiring protection, including Maaori Sites and Areas of Significance. I consider it appropriate to include the definition within Chapter 13 Definitions, and that has already been proposed through the s.42A report to Hearing 5 on definitions. Submissions from Heritage NZPT have also identified omissions in relation to Identified Area protection, particularly in relation to

Maaori Sites and Areas of Significance, and these are to be rectified by my recommended amendments to the text.

22. I accept it is likely that not all areas of significance to Waikato – Tainui are scheduled in the PWDP or Heritage NZPT registers or public knowledge, and that means those areas may be vulnerable to adverse effects of land use and development, including infrastructure, until they can be protected. I recommend accepting in part Waikato – Tainui [286.35] and Jackie Colliar [493.18], accept in part *FS1345.127 Genesis Energy; FS1176.46 Watercare Services Ltd; FS1033.15 Spark; FS1032.15 Vodafone; FS1031.15 Chorus; FS1035.41; FS1035.71 Pareoranga Te Kata; FS1139.109 Turangawaewae Trust Board; FS1108.121 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui);* accept in part *FS1258.16 Meridian Energy*, to the extent that Identified Areas are defined and amendments are made to infrastructure provisions to take account of Maaori Sites and Areas of Significance, which are Identified Areas.
23. **Watercare** [423.21] seeks comprehensive rules specifying the activity status for infrastructure (including water, wastewater and storm water infrastructure) in all zones, overlays and areas covered by the PWDP, including permitted activity rules, on a similar basis to Chapter E26 Infrastructure in the Auckland Unitary Plan (Operative in Part).
24. *FS1202.70 NZTA supports 423.21: The Transport Agency supports providing certainty in regard to the status of infrastructure.*
25. *FS1033.2 Spark; FS1032.2 Vodafone; FS1031.2 Chorus oppose 423.21.*
26. *FS1342.114 FFNZ opposes 423.21: It is unclear whether the submitter's relief will result in changes to the proposed rules framework and the submitter remains interested and involved on the basis that this submission may enable more lenient land use controls for activities that may adversely affect our members.*
27. Watercare states that Chapter 14 does not appropriately enable the provision of infrastructure or recognise the technical or operational needs of infrastructure. With respect to the potential for rules in other chapters of the PWDP (e.g. Chapter 2 and the zone chapters) to effectively override the permitted activity rules for infrastructure in Chapter 14, Watercare seeks that this be addressed in the same manner as in Chapter E26 Infrastructure of the Auckland Unitary Plan Operative in Part; In other words, that the PWDP includes rules setting out the activity status for infrastructure in all zones, overlays and areas covered by the PWDP and permitted activity rules for infrastructure with appropriate standards in all zones, overlays and areas.
28. Chapter 14, Introduction 14.1(1) states as follows:

“The provisions within this Infrastructure and Energy chapter of the district plan shall apply across the district in all the zones and overlays in the district plan. The zone chapters and their associated overlays, objectives, policies and rules do not apply to infrastructure and energy activities unless specifically referred to within this Infrastructure and Energy chapter.”
29. The Chapter 14 text, in relation to infrastructure activities, sets out activity status and activity specific conditions and matters for discretion, applying across all zones and roads and across all overlays which are classified as Identified Areas. In some cases the activity status and permitted activity rules are more reflective of the lineal nature of infrastructure and the scale/function of the structures than those of the zones, in order to recognise the functional and operational needs and benefits of significant infrastructure, including locational constraints. The Chapter 14 treatment of infrastructure activities planning has many similarities to Chapter E26 of the Auckland Unitary Plan, as a stand-alone infrastructure chapter, but with a simplified response to

the overlay-type Identified Areas. I acknowledge that other submission points from Watercare request amendment of specific rule provisions, in order to identify appropriate permitted activity standards for water and wastewater infrastructure, and those requests are dealt with under the provision numbers. I also note there are some disparities in the Watercare submission and further submissions, for example requesting the provisions of the Auckland Unitary Plan Chapter E26 apply (permitted activity pump stations up to 2.5m high and 20m² area in residential zones and 30m² in other zones) and also that the PWDP should include permitted activity pump stations up to 3m high and 40m² in area. I recommend accepting in part Watercare [423.21], and *FS1202.70 NZTA*; *FS1033.2 Spark*; *FS1032.2 Vodafone*; *FS1031.2 Chorus*; *FS1342.114 FPNZ* to the extent that some permitted activity standards are amended, but that the PWDP Chapter 14 is already a stand-alone infrastructure chapter and has provisions overriding those of the zones and specifically responding to the Identified Area overlays.

30. **Waikato District Council** [697.514] seeks replacement of acronyms with the full terms eg RTS, ROW, for increased ease of reading the chapter.
31. I agree that some use of full terms would assist in readability of the chapter. However, I see little to be gained in writing in full the many times it is mentioned: "the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001 ISSN 0114-0663" when NZECP 34:2001 should suffice, and the same argument would apply to other NZ Standards. If many acronyms, initialisations and abbreviations were to be used then there should be an appendix or table of them in the PWDP. I recommend accepting in part Waikato District Council [697.514], such as for example Right Of Way and Regional Policy Statement and others, except for initialisations and abbreviations authorised by the National Planning Standards, and other standards and codes of practice referenced throughout the PWDP.
32. **Powerco** [836.66 and 836.72] seeks greater clarity regarding any applicable zone or overlay provisions that supersede any objectives, policies and rules within the "Infrastructure" Chapters; and seeks the addition of a new introduction to Chapter 14 to clearly identify that the provisions apply across the district in all zones, but that the underlying zone objectives and policies do not apply to infrastructure activities unless referred to. *FS1176.266 Watercare Services Ltd supports 836.72: for the same reasons.*
33. The submitter states considering utilities on a district-wide basis and containing all rules in a separate section will assist with plan administration and enable both network utility operators and the community to easily determine the status of an activity. The submitter also states that any applicable zone or overlay provisions that supersede any objectives, policies and rules within the "Infrastructure" chapters should be clearly outlined, and cross referenced within "Infrastructure" chapters.
34. The intention is that the Infrastructure chapters' objectives and policies and rules prevail over the zone and overlay provisions elsewhere in the PWDP. To ensure the activity cascades are complete within Chapter 14, a number of amendments are proposed in response to other submissions, particularly in relation to Identified Areas. There should not remain any activities where the Infrastructure and Energy provisions are superseded or overridden by provisions on zones and overlays elsewhere in the PWDP. Chapter 14 Introduction will need to be amended, in relation to Identified Areas, to state that the objectives and policies of Chapter 2 Tangata Whenua, Chapter 3 Natural Environment, and Chapter 7 Historic Heritage will apply to infrastructure activities within Identified Areas. They will be read alongside the Infrastructure objectives and policies rather than supersede them.

35. I note that Chapter 14 has an almost identical first paragraph 14.1(1) to that sought by the submitter discussed previously. However, the key difference is that the amendment sought removes the reference to overlays. I do not support the removal of overlays from the introduction because this will create additional uncertainty.
36. I recommend accepting in part Powerco [836.72]; *FS1176.266 Watercare Services Ltd*, to the extent that amendments are made to Chapter 14 provisions in response to other specific submissions, and the Identified Area overlay objectives and policies are referenced. I recommend rejecting Powerco [836.66], because the introduction in 14.1(1) already outlines how the provisions work in relation to the zones and overlays.
37. **Waikato District Council** [697.515; 697.516; 697.517; 697.526] seeks amendments to ensure numbering is logical and clear, sequential, and so the structure of the chapter is consistent with other chapters. The submitter states an inconsistent approach to numbering makes referencing rules difficult, and the structure and layout is not consistent with other chapters.
38. Chapter 14 appears consistent with other chapters in the structure and layout of permitted activities and their activity specific conditions, controlled activities, restricted discretionary activities and their matters of discretion, discretionary activities and non-complying activities. The structure and layout are different to the zone chapters, which need to manage a broader range of noise, amenity, building, earthworks, subdivision and overlay effects.
39. I agree that the numbering should be made consistent and sequential, to allow easier referencing of rules. I note that the National Planning Standards include a convention for district plans structure and number that should be applied to the whole district plan. I recommend accepting Waikato District Council [697.515; 697.516; 697.526] for consistency and to assist the plan reader. I recommend accepting in part Waikato District Council [697.517], only to the extent of structure and layout amendments to meet the requirements of National Planning Standards.
40. **Waikato District Council** [697.518 and 697.519] seeks amendments to provide consistency of zone names - "Te Kowhai Airpark" to "Te Kowhai Airpark Zone" and "Heavy Industrial Zone" to be "Industrial Zone Heavy". *FS1339.77 NZTE Operations Limited supports 697.519: to provide consistency to the PWDP.*
41. I note that recommendations to Hearing 7 Industry Zone and Heavy Industry Zone amended the name of the zone from "Industry Heavy Zone" to "Heavy Industrial Zone." This recommendation supersedes the submission of the Council. I agree that references to "Te Kowhai Airpark" should be amended to "Te Kowhai Airpark Zone" for consistency. I recommend rejecting Waikato District Council [697.518], and accepting Waikato District Council [697.519].
42. **Powerco** [836.23]; No specific decision is sought, but the submission states it is unclear if Rule 14.5.1 supersedes Rule 14.2.1 for new infrastructure and Rule 14.5.3 which makes new infrastructure in identified areas non-complying. No reasons are provided.
43. *FS1211.43 First Gas supports 836.23: supports retention of Chapter 14 Infrastructure and Energy as a separate section within the PWDP and retention of Chapter 6 Infrastructure as a separate section covering objectives and policies for utilities on a district-wide basis.*
44. Rule 14.5.1 is more specific to Electrical Distribution infrastructure and sets out height and area controls. I have recommended that Rule 14.2.1 Rules Applying to All Infrastructure is to be amended so that height and area controls are applied within their specific infrastructure type

section. 14.2.1 will still apply for the management of operational and construction noise, and electric and magnetic fields. Rule 14.5.3 makes new infrastructure in Identified Areas a discretionary activity (D2 or D3). I acknowledge that the relationship between the different sections of Chapter 14 is always clear, in particular how 14.2 and 14.3 relate to the more activity specific provisions. This issue is also discussed in relation to section 14.2 and 14.3. I recommend accepting Powerco [836.23], and *FS/2/11.43 First Gas* where I have recommended amendments to sections 14.2 and 14.3 to provide clarity.

45. **Watercare** [423.14; 423.15] seeks amendments to better enable the provision of necessary infrastructure and associated works, e.g. earthworks; to recognise the technical and operational needs of infrastructure throughout the Waikato District; to recognise that, in some cases technical and/or operation needs of infrastructure will result in unavoidable adverse effects; to recognise that, in some cases technical and/or operation needs of infrastructure necessitate infrastructure to be provided in certain locations; and to recognise the importance of the provision of resilient infrastructure.
46. The submitter considers that the provisions relevant to infrastructure provision and associated works do not appropriately enable the provision of infrastructure or recognise the technical or operational needs of infrastructure, e.g. pump stations are constantly up to 40m² in area and up to 3m in height. Infrastructure is critical to the social, economic, and cultural well-being of people and communities and the quality of the environment. Infrastructure is a critical enabler of the economy, the well-being of people and communities and of growth. The submitter considers that a crucial element of any development is the infrastructure to support it, both to enable it and to assist in avoiding, remedying or mitigating the adverse effects of development and ensuring that this is done in an efficient and cost effective way. Watercare's infrastructure assets are generally buildings and associated structures (e.g. pumping stations) or linear structures (e.g. pipes) and in many cases need to be in specific locations to be able to provide an appropriate level of service.
47. Watercare considers the objectives, policies and rules in the PWDP relating to infrastructure raise three broad issues which it seeks to be addressed, in their words as follows:
 - (a) First, the permitted activity rules for "all infrastructure" in Rule 14.2.1, and the permitted activity rules for "water, wastewater and stormwater" in Rule 14.11.1 are not sufficiently enabling;
 - (b) Second, the permitted activity rules for "all infrastructure" and for "water, wastewater and stormwater" may be effectively "overridden" by rules triggering requirements for consent elsewhere in the PWDP. These additional requirements for consent in other chapters of the PWDP (e.g. Chapter 3 Natural Values - which primarily relates to s.6 RMA matters, and the zone rules) mean that important infrastructure may in fact not be permitted; and
 - (c) Third, the objectives and policies of the PWDP do not recognise the importance of the provision of resilient infrastructure provision in supporting communities.
48. On the issue of enabling permitted activity rules for all infrastructure and for water, wastewater and stormwater, I am recommending some amendments to adjust dimensions of minor upgrading and minor structures in response to detailed submissions, although not to support all larger pump stations, which would be able to occur in roads and the Residential Zone. The permitted activity status is directed at activities with no or minor adverse effects, with some additional latitude for infrastructure. An activity classified as restricted discretionary or discretionary is not prevented by the PWDP, it just requires a resource consent level of assessment of effects and their management.

49. There should not be additional requirements for consent for infrastructure in other chapters of the PWDP. I am recommending amendments to some Chapter 14 rules to clarify how Identified Areas are managed, including the RMA s.6 and 7 matters. Important infrastructure may in many cases not be classified as a permitted activity, and in some cases may need to avoid, remedy or mitigate adverse effects, but in almost all cases infrastructure would be allowed as a permitted activity or by a resource consent managing effects. Infrastructure is not the only matter of importance, with the PWDP being required to recognise and provide for matters of national importance such as many of the Identified Areas (RMA s.6 Matters of national importance). The objectives and policies in Chapter 6 recognise the benefits and functional and operational needs and constraints of infrastructure; and give effect to RPS Objective 3.12 requiring infrastructure to be integrated, sustainable and planned to enable positive social, environmental, cultural and economic outcomes.
50. The objectives and policies of the PWDP recognise the importance of the provision of resilient infrastructure delivery in supporting communities: see Objective 6.1.1, Policies 6.1.2, 6.1.4 on infrastructure benefits including lifeline utilities, 6.1.5 (placeholder for natural hazards and climate change), Objective 6.4.6 and Policy 6.4.7 on stormwater and drainage, and Policy 6.5.2 on a resilient land transport network. Stage 2 of the PWDP will also engage with infrastructure resilience and will develop the Natural Hazards and Climate Change resilience theme further. For the above reasons, I recommend accepting in part Watercare [423.14; 423.15], to the extent that amendments are recommended to the Chapter 14 provisions in response to specific submissions, including more permissive dimensional requirements and more comprehensive treatment of Identified Areas.
51. **Powerco** [836.73] supports the generally permissive nature of rules around development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure (no reasons are provided).
52. I consider the rules are relatively permissive for infrastructure and that further amendments are recommended to adjust dimensional provisions for infrastructure. Therefore I recommend accepting Powerco [836.73].

2.2 Recommendations

53. For the reasons above I recommend the Hearings Panel:
- a. Accept the submission from Hiini Kepa [164.5].
 - b. Accept in part the submissions from Spark [644.31]; Vodafone [646.31]; Chorus [648.31].
 - c. Accept in part the submission from Waikato Regional Council [81.246]; accept in part *FS1031.1 Chorus; FS1032.1 Vodafone; FS1033.1 Spark; FS1258.14 Meridian Energy*.
 - d. Accept in part the submissions from Waikato – Tainui [286.35] and Jackie Colliar [493.18]; *accept in part FS1345.127 Genesis Energy; FS1176.46 Watercare Services Ltd; FS1033.15 Spark; FS1032.15 Vodafone; FS1031.15 Chorus; FS1035.41; FS1035.71 Pareoranga Te Kata; FS1139.109 Turangawaewae Trust Board; FS1108.121 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui); accept in part FS1258.16 Meridian Energy*.
 - e. Accept in part the submission from Watercare [423.21]; and *FS1202.70 NZTA; FS1033.2 Spark; FS1032.2 Vodafone; FS1031.2 Chorus; FS1342.114 FPNZ*
 - f. Accept in part the submission from Waikato District Council [697.514]
 - g. Accept the submission from Powerco [836.66]
 - h. Accept the submissions from Waikato District Council [697.515; 697.516; 697.526], accept in part the submission from Waikato District Council [697.517];
 - i. Accept the submission from Waikato District Council [697.519] and *FS1339.77 NZTE Operations Limited*; accept the submission from Waikato District Council [697.518]

- j. Accept the submission from Powerco [836.23]; and *FS1211.43 First Gas*
- k. Accept in part the submission from Powerco [836.72]; and *FS1176.266 Watercare Services Ltd*
- l. Accept in part the submissions from Watercare [423.14; 423.15]
- m. Accept the submission from Powerco [836.73]

2.3 Recommended amendments

54. Detailed amendments are recommended in response to other specific submissions, which will provide the relief sought by the above submissions. These will include adjustments of the permitted activity dimensional activity specific conditions and activity cascades completed to ensure management of Identified Areas is covered within Chapter 14. 11.

55. Add to 14.1 Introduction, as follows:

(1) The provisions within this Infrastructure and Energy chapter of the district plan shall apply across the district in all the zones and overlays in the district plan. The zone chapters and their associated overlays, objectives, policies and rules do not apply to infrastructure and energy activities unless specifically referred to within this Infrastructure and Energy chapter. The objectives and policies of Chapter 2 Tangata Whenua, Chapter 3 Natural Environment and Chapter 7 Historic Heritage will apply to infrastructure activities within the Identified Areas relevant to those Chapters. [Powerco [836.72]]

56. Amendments recommended in response to Waikato Regional Council [81.246] to amend Permitted Activities Rule 14.12.1.1(1)(i) and 14.12.1.2(1)(j), to add a new condition to identify that vehicle accesses, on-site parking and loading bays, and new on-site manoeuvring shall not be located in an Identified Area, are as follows (Note: Changes are also shown recommended in response to other submissions, and the WRC changes are marked by a footnote referring to Waikato Regional Council submission):

Activity		Activity specific conditions
PI	Vehicle access for all activities	<p>14.12.1.1</p> <p>(1) All activities must comply with the following vehicle access conditions:</p> <p>(a) The site has a vehicle legal physical access to a formed road that is maintained by a road controlling authority;¹</p> <p>(b) The site has a vehicle access that is constructed to comply with the relevant requirements of Table 14.12.5.1, Figure 14.12.5.2, Table 14.12.5.3 and Figure 14.12.5.4, Table 14.12.5.14 and Table 14.12.5.15² except:</p> <p>i. Rule 14.12.1.1(1)(b) does not apply where the separation distance requirements of Table 14.12.5.1 and Figure 14.12.5.2 cannot be achieved on a site's road frontage due to existing vehicle accesses on adjacent sites;</p> <p>(c) No new vehicle access shall be created from Newell Road (south of Birchwood Lane);</p> <p>(d) No access, access leg or right-of-way shall run parallel to any road within 30m of the road, except:</p> <p>i. Rule 14.12.1.1(1)(d) does not apply to farm races, or unsealed internal rural accesses in sites within the Rangitahi Peninsula Structure Plan Area and Opororu Road;</p>

¹ 742.95 NZTA

² 378.16 FENZ

		<p>(e) On a site with legal access to two roads, the activity only accesses the road with the lower classification in the road hierarchy in Tables 14.12.5.5 and 14.12.5.6 (where the roads have the same classification, access is only to the road with the lower average daily traffic movements);</p> <p>(f) New vehicle accesses/entrances are not to be constructed to any site from the following roads:</p> <ol style="list-style-type: none"> i. Main Street, Huntly; ii. Jesmond Street, Ngaruawahia; iii. Bow Street, Raglan (James Street to Cliff Street); iv. George Street, Tuakau (Gibson Road to Liverpool Street); v. Great South Road, Pokeno (Selby Street to Market Street); and vi. Main Street, Te Kauwhata (Saleyard Road to Baird Avenue); and <p>(g) No new vehicle access shall be created within 30 metres of a railway level crossing.</p> <p>(h) <u>All existing and new accesses and roads that cross an operational rail network via a level crossing must be maintained in accordance with the sight line triangles provided in Table 14.12.5.22.</u>³</p> <p>(i) <u>New vehicle access shall not be located within an Identified Area</u>⁴</p> <p>Note: Any new vehicle access (or additional land use utilising an existing vehicle entrance) on a limited access road or state highway will require the approval of the NZTA, as the road controlling authority, <u>and on a limited access road will require the approval of the road controlling authority.</u>⁵</p>
P2	On-site parking and loading	<p>14.12.1.2</p> <p>(1) All activities must comply with the following on-site parking and loading conditions:</p> <p>(a) The parking requirements in Table 14.12.5.7 and 14.12.5.11, noting:</p> <ol style="list-style-type: none"> i. When calculating the requirements for parking and loading on the basis of the prescribed floor area, the area for parking, loading and manoeuvring shall be excluded; ii. If the calculation results in a fraction, then that figure shall be rounded to the nearest whole number; iii. 90 percentile car dimensions in Figure 14.12.5.8 apply; iv. The requirements of Table 14.12.5.7 do not apply to residential and⁶ rural activities; v. Parking spaces must comply with the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001); vi. The number of accessible car park spaces required in Table 14.12.5.9 can be included in the number of car parking spaces required in Table 14.12.5.7.

³ 986.87 KiwiRail

⁴ 81.246 Waikato Regional Council

⁵ 742.96 NZTA

⁶ 742.98 NZTA; 697.62 Waikato District Council

		<p>(b) On-site bicycle space requirements in Table 14.12.5.10, except:</p> <p>i. The requirements of Table 14.12.5.10 do not apply to residential and rural activities;</p> <p>(c) Any on-site car parking spaces for non-residential activities within the Residential Zones must be set back at least 3m from the road boundary of the site and screened by planting or fencing from being viewed from the road; ⁷</p> <p>(d) On-site car parking spaces and loading bays are to be provided in accordance with the requirements of Table 14.12.5.7, Figure 14.12.5.8 and Table 14.12.5.11 and be located on the same site as the activity for which they are required;</p> <p>(e) On-site car parking spaces and loading bays are formed to be sealed if five or more parking spaces are required; ⁸</p> <p>(f) On-site car parking spaces and loading bays are to be permanently marked if five or more parking spaces are required;</p> <p>(g) On-site car parking spaces and loading bays are not to be located on any shared access or residential living ⁹ court;</p> <p>(h) Vehicles occupying any on-site car parking or loading spaces must have ready access to the road (or relevant access or right of way) at all times, without needing to move any other vehicle occupying other on-site car parking or loading spaces;</p> <p>(i) On-site car parking spaces and loading bays are not required on sites with sole frontages to the following:</p> <p>i. Main Street, Huntly;</p> <p>ii. Jesmond Street, Ngaruawahia;</p> <p>iii. Bow Street, Raglan (James Street to Cliff Street);</p> <p>iv. George Street, Tuakau (Gibson Road to Liverpool Street);</p> <p>v. Great South Road, Pokeno (Selby Street to Market Street);</p> <p>vi. Main Street, Te Kauwhata (Saleyard Road to Baird Avenue).</p> <p>(j) New on-site parking and loading bays shall not be located within an Identified Area.¹⁰</p>
P3	On-site manoeuvring and queuing	<p>14.12.1.3</p> <p>(1) All activities must comply with the following on-site manoeuvring and queuing conditions:</p> <p>(a) On-site manoeuvring space shall be provided to ensure that no vehicle is required to reverse onto from or to ¹¹ a road except:</p> <p>i. Rule 14.12.1.3(1)(a) does not apply to Local Roads within the Residential and Village Zones with a posted speed limit of less than 60 kph km/h.¹²</p> <p>(b) A 90th ¹³ percentile car, as defined in Figure 14.12.5.8, can enter and exit all parking spaces without making more than one reverse movement, excluding spaces required for a dwelling;</p> <p>(c) On-site manoeuvring space for any heavy vehicle shall comply with the tracking curve (relevant for the type of activities to</p>

⁷ 697.63 Waikato District Council

⁸ 697.64 Waikato District Council

⁹ 697.65 Waikato District Council

¹⁰ 81.246 Waikato Regional Council

¹¹ 697.66 Waikato District Council

¹² 742.99 NZTA

¹³ 742.100 NZTA

		<p>be carried out on the site and <u>the largest combination standard configuration heavy vehicle permitted on the road(s) to which the site has frontage trucks to be used</u>), <u>as set out in the guideline RTS 18 – New Zealand on-road tracking curves for heavy motor vehicles (2007)</u>; ¹⁴</p> <p>(d) On-site manoeuvring space shall be formed;</p> <p>(e) On-site queuing space shall be provided in accordance with <u>Table 14.12.5.12</u> for vehicles entering and exiting any on-site car parking, loading or manoeuvring space, where:</p> <ul style="list-style-type: none"> i. Length is measured from the road boundary where vehicles first enter the site; and ii. On-site queuing above must not encroach into the required on-site manoeuvring area; <p>(f) On-site manoeuvring and queuing spaces are not required on <u>sites</u> with vehicle accesses/entrances to the following:</p> <ul style="list-style-type: none"> i. Main Street, Huntly; ii. Jesmond Street, Ngaruawahia; iii. Bow Street, Raglan (James Street to Cliff Street); iv. George Street, Tuakau (Gibson Road to Liverpool Street); v. Great South Road, Pokeno (Selby Street to Market Street); vi. Main Street, Te Kauwhata (Saleyard Road to Baird Avenue). <p>(g) <u>New on-site manoeuvring shall not be located within an Identified Area</u> ¹⁵</p>
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57. Amendments recommended in response to Waikato Regional Council [81.246] to amend Rule 14.12.3 Restricted Discretionary Activities, RD1, RD2 and RD3 to include an additional matter of discretion for the management of effects and values on the Identified Area, are as follows:

Activity		Matters of Discretion
RD1	Vehicle access that does not comply with one or more of the conditions of <u>Rule 14.12.1.1</u>	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) Traffic generation by the activities to be served by the access; (b) Location, design, construction and materials of the vehicle access; (c) Safety for <u>vehicles and pedestrians all users of the access and/or intersecting road including but not limited to vehicle occupants or riders and pedestrians</u>; ¹⁶ (d) Road network safety and efficiency; and (e) Mitigation to address safety <u>and/or efficiency, including access clearance requirements for fire-fighting purposes</u>. ¹⁷ (f) <u>The foreseeable needs for access by emergency services and their vehicles</u> ¹⁸ (g) <u>The extent to which the safety and efficiency of rail and road operations will be adversely affected, including:</u>

¹⁴ 742.101 NZTA

¹⁵ 81.246 Waikato Regional Council

¹⁶ 742.245 NZTA

¹⁷ 378.17 FENZ

¹⁸ 297.51 Counties Manukau Police

		<p><u>i. The outcome of any consultation with KiwiRail; NZTA; Waikato District Council, as the rail or road controlling authority.</u></p> <p><u>ii. Any characteristics of the proposed use that will make compliance unnecessary.</u>¹⁹</p> <p>(h) <u>Management of effects on the values of the Identified Area</u>²⁰</p>
RD2	On-site parking and loading that does not comply with one or more of the conditions of Rule 14.12.1.2	<p>Discretion is restricted to:</p> <p>(a) The number, area, type, location and marking of parking spaces;</p> <p>(b) The area, design, gradient, stormwater management, construction and materials of parking and loading spaces,</p> <p>(c) Accessibility of parking areas from on-site activities;</p> <p>(d) Safety for vehicles and pedestrians <u>all users of the access and/or intersecting road including but not limited to vehicle occupants, vehicle riders and pedestrians;</u>²¹</p> <p>(e) Mitigation to address amenity and connectivity.</p> <p>(f) <u>Need for parking spaces.</u>²²</p> <p>(g) <u>The foreseeable needs for access by emergency services and their vehicles.</u>²³</p> <p>(h) <u>Management of effects on the values of the Identified Area</u>²⁴</p>
RD3	On-site manoeuvring and queuing that does not comply with one or more of the conditions of Rule 14.12.1.3	<p>Discretion is restricted to:</p> <p>(a) Location, area, design, construction and materials of the manoeuvring and queuing space;</p> <p>(b) Type and frequency of use;</p> <p>(c) Safety design for vehicles and pedestrians <u>The design of features intended to ensure safety for all users of the access site, and/or intersecting road including but not limited to vehicle occupants, vehicle riders and pedestrians;</u>²⁵</p> <p>(d) Road network safety and efficiency.</p> <p>(e) <u>Management of effects on the values of the Identified Area</u>²⁶</p>

58. Specific corrections recommended as amendments in the table above include re-numbering of the Chapter 14 provisions to be consistent and sequential, and correction of the following terms throughout Chapter 14:

Te Kowhai Airpark **Zone** [697.519 Waikato District Council]

¹⁹ 986.86 KiwiRail

²⁰ 81.246 Waikato Regional Council

²¹ 742.246 NZTA

²² 697.72 Waikato District Council

²³ 297.59 Counties Manukau Police

²⁴ 81.246 Waikato Regional Council

²⁵ 742.104 NZTA

²⁶ 81.246 Waikato Regional Council

2.4 Section 32AA evaluation

59. The recommended amendments are for corrections only. Therefore no further s.32AA evaluation is required.
60. The amendments to the activity specific conditions and activity cascades for Identified Areas are the most appropriate for achieving the following objectives and policies of the district plan that give effect to the RPS and the New Zealand Coastal Policy Statement:
- a. Objective 2.12 and Policy 2.12.1 to recognise and provide for relationship of Tangata Whenua with areas of significance;
 - b. Objective 3.1.1 and Policy 3.1.2 to enable activities that maintain and enhance indigenous biodiversity;
 - c. Objective 3.2.1 and Policy 3.2.2 to recognise and protect Significant Natural Areas;
 - d. Objective 3.3.1 and Policy 3.3.3 to recognise and protect Outstanding natural features and landscapes;
 - e. Objective 3.4.1 and Policy 3.4.3 to maintain and enhance identified Significant Amenity Landscapes during development;
 - f. Objective 3.5.1 and Policies 3.5.3 and 3.5.4 to protect the qualities off outstanding and high natural character areas in the coastal environment, and the natural character of wetlands, and lakes and rivers and their margins from inappropriate development.

3 Infrastructure and zoning/growth/development - general

3.1 Introduction

61. There were a number of submissions seeking integration of growth with infrastructure. Where these submissions had spatial consequences such as addressing live zoning or deferred zoning they will be addressed in Hearing 25 Zone extents.

Submission point	Submitter	Decision requested
423.11	Watercare	Amend the PWDP to include appropriate objectives, policies and rules to ensure the timing and sequencing of proposed growth is sufficiently integrated with the planned development of necessary infrastructure.
<i>FS1202.15</i>	<i>NZTA</i>	<i>Supports 423.11</i>
<i>FS1377.90</i>	<i>Havelock Village Limited</i>	<i>Supports 423.11</i>
423.13	Watercare	Amend the PWDP to better provide for the integration of land use and infrastructure.
<i>FS1269.122</i>	<i>HNZC</i>	<i>Supports 423.13</i>
423.5	Watercare	Amend the PWDP to include sufficiently robust rules in relation to subdivision and development to ensure appropriate land use and infrastructure integration and to (amongst other matters) adequately give effect to Policies 4.7.5, 4.7.6 and 4.7.8.
<i>FS1281.12</i>	<i>Pokeno Village Holdings Limited</i>	<i>Supports 423.5</i>

FS1202.12	NZTA	Supports 423.5
493.20	Jackie Colliar	Amend the PWDP to include integrated catchment management planning as a method of sustainably managing land development and Three Waters infrastructure.
FS1035.73	Pareoranga Te Kata	Supports 493.20
FS1277.136	Waikato Regional Council	Supports 493.20

3.2 Analysis

62. This group of submission points addresses deferred live zonings to ensure integrated infrastructure, in principle and for each area, and the approach to live zoning.
63. **Watercare** [423.11] seeks appropriate objectives, policies and rules to ensure the timing and sequencing of proposed growth is sufficiently integrated with the planned development of necessary infrastructure. The submitter states it is critical that the PWDP includes sufficiently robust objectives, policies and methods to ensure appropriate land use and infrastructure integration. The availability of infrastructure capacity needs to be a key consideration through the resource consent process. Watercare considers that the ability to decline resource consents for development that is unable to be efficiently and cost-effectively serviced by infrastructure, or that does not have an appropriate infrastructure solution, needs to be provided for in the PWDP. Clear guidance as to the sequencing of development in the areas zoned for growth and the necessity for infrastructure capacity to be available to service development is needed.
64. *FS1202.15 NZTA supports 423.11: The Transport Agency supports the integration of land use and infrastructure provisions to achieve liveable communities.*
65. *FS1377.90 Havelock Village Limited supports 423.11: supports integrated development and amendments to the proposed plan that better achieve that outcome. However, there are a number of different mechanisms that can be included in the PWDP to achieve that outcome including development standards and triggers for release of live zoned residential land or the creation of a future urban zone/deferred zone.*
66. **Watercare** [423.13] seeks amendments to better provide for the integration of land use and infrastructure.
67. *FS1269.122 HNZA supports 423.13 to the extent it is consistent with its primary submission.*
68. **Watercare** [423.5] seeks to include sufficiently robust rules in relation to subdivision and development to ensure appropriate land use and infrastructure integration and to (amongst other matters) adequately give effect to Policies 4.7.5, 4.7.6 and 4.7.8. Submitter notes Objective OD1 of the National Policy Statement: Urban Development Capacity requires the integration of land use, development and development infrastructure and states it is critical that the PWDP includes sufficiently robust objectives, policies and methods to ensure appropriate land use and infrastructure integration.
69. *FS1281.12 Pokeno Village Holdings Limited supports 423.5: supports the inclusion of robust implementation methods in the PWDP to ensure appropriate land use and infrastructure integration.*

70. *FS1202.12 NZTA supports 423.5: The Transport Agency supports the integration of land use and infrastructure provisions to achieve liveable communities.*
71. **Jackie Colliar** [493.20] seeks to have integrated catchment management planning used as a tool to help manage the form and function of Three Waters infrastructure in an integrated, effective, efficient, functional, safe and sustainable manner, particularly in urban centres. The submitter also seeks that Water Impact Assessments be used as a tool to assess and ensure Three Waters integration at a more detailed level.
72. *FS1035.73 Pareoranga Te Kata supports 493.20: Engage with Waikato Tainui and mana whenua to ensure that the Tainui Environmental Plan Tai Tunu, Tai Pari, Tai Ao and marae environmental plans have been included in the PWDP.*
73. *FS1277.136 Waikato Regional Council supports 493.20: The management of fresh water bodies is most effectively undertaken at a catchment or sub-catchment level. This approach recognises the inter-connected nature of ground and surface water and land use, and is considered a more effective approach of managing the cumulative effects of activities and discharges on fresh water body values.*
74. The issue of timing of live zoning is addressed in the Zoning hearings for each area. In principle, the integration of infrastructure planning and structure planning for changing land use will occur as part of the process leading to live zoning. Some zones with larger sites, such as Village Zone, are capable of onsite servicing, for water, wastewater and stormwater management. It is accepted that upgrades and new infrastructure will be required if growth is to be accommodated and the environment protected. Subdivision and development are required to provide and connect to infrastructure.
75. The PWDP Introduction acknowledges the management of growth in accordance with the Future Proof Strategy and the Waikato Regional Policy Statement:
- 1.5.4 Urban growth... (c) It is important that the district's settlement pattern is consistent with the Future Proof Strategy's settlement pattern, as set out in the WRPS, with the expectation that any growth within Waikato District is managed within the population and land allocation limits, as included within the WRPS or as addressed by the Future Proof Strategy and any subsequent changes made to the WRPS.
76. Objective and policies in Chapter 4 Urban Environment promote integration of subdivision and development with infrastructure:
- 4.7 Urban Subdivision and development 4.7.1 Objective – Subdivision and Land Use Integration
(a) Subdivision layout and design facilitates the land use outcomes sought for the residential, business, industrial, reserve and specific purpose zones.
- 4.7.5 Policy – Servicing requirements (a) Require urban subdivision and development to be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone, including through the provision of: (i) Reserves for community, active and passive recreation; (ii) Pedestrian and cycle connections; (iii) Roads; (iv) Public transport infrastructure, e.g. bus stops; (v) Telecommunications; (vi) Electricity; (vii) Stormwater collection, treatment and disposal; (viii) Wastewater treatment and reticulation, water provision for domestic and fire-fighting purposes; and (ix) Connections to identified adjacent future growth areas.

4.7.6 Policy – Co-ordination between servicing and development and subdivision (a) Ensure development and subdivision: (i) Is located in areas where infrastructural capacity has been planned and funded; (ii) Is located in areas subject to an approved structure plan and provide sufficient infrastructure capacity to meet the demand identified in the structure plan; (iii) Achieves the lot yield anticipated in an approved structure plan; and (iv) Includes infrastructure provision for both the strategic infrastructure network and local infrastructure connections.

4.7.7 Policy – Achieving sufficient development density to support the provision of infrastructure services (a) In areas where there is no structure plan, ensure that the maximum potential yield for the zone is achieved to support infrastructure provision. (b) Recognise that the minimum potential yield may not be achieved where there are proven geotechnical constraints.

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

77. Objective and policies in Chapter 6 Infrastructure and Energy also promote integration of land use, subdivision and development, and infrastructure (some are amended in response to submissions later in this report):

6.4 Infrastructure, Subdivision and Development

6.4.1 Objective – Integration of infrastructure with subdivision, land use and development

- (a) Infrastructure is provided for, and integrated with, subdivision, use and development.

6.4.2 Policy – Provide adequate infrastructure

- (a) Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided or its use intensified.

6.4.3 Policy – Infrastructure Location and Services

- (a) Ensure subdivision, use and development are provided with infrastructure and services to a level that is appropriate to its location and intended use including:
- (i) Three waters (water, wastewater and stormwater supply);
 - (ii) Telecommunication services;
 - (iii) Electricity services; and
 - (iv) Adequate water supply within urban areas for firefighting purposes.

78. The PWDP also contains a number of specific rules to address integration of infrastructure and subdivision or development for example:

Rule 14.3.1 P12 Service connections for subdivisions – conditions 14.3.1.8 All new lots created as part of a subdivision, other than a utility allotment, access allotment or reserve allotment, must be designed and located so that provision is made for access and service connections up to the boundary of the lot; and

Rule 16.4.1 Subdivision RDI matter of discretion (b)(x) provision for infrastructure

79. In relation to stormwater management, the objective and policies in Chapter 6 take a new direction towards retention of hydrological characteristics of the natural drainage processes. These processes include low impact design, at-source treatment, minimising run-off, promotion

of groundwater recharge and clean water re-use, and the use of stormwater catchment plans and site-specific stormwater management plans. The stormwater management plan will require subdivision and development proposals to demonstrate how stormwater can be managed according to those principles. Stage 2 of the PWDP will also develop further the natural hazard and climate change aspects of flooding and river protection.

3.3 Recommendations

80. For the reasons above I recommend the Hearings Panel:

- a. Accept in part the submission from Watercare [423.11]; and *FS1202.15 NZTA; FS1377.90 Havelock Village Limited*, to the extent that objectives, policies and methods are designed to ensure appropriate land use and infrastructure integration, and infrastructure capacity is a key consideration in the resource consent process.
- b. Accept in part the submissions from Watercare [423.13; 423.5]; *FS1281.12 Pokeno Village Holdings Limited; FS1202.12 NZTA*, and *FS1269.122 HNZC* to the extent that subdivision and development rules require land use and infrastructure integration and give effect to urban environment policies.
- c. Accept the submission from Jackie Colliar [493.20]; *FS1035.73 Pareoranga Te Kata*; and *FS1277.136 Waikato Regional Council*

3.4 Recommended amendments

81. The requests for amendments sought in the submissions above are covered in detail in the report sections dealing with changes sought by specific submission points, for example the requirement for stormwater management plans.

3.5 Section 32AA evaluation

82. There are no proposed amendments as a result of the submissions in this part of the report. Therefore, a s32 evaluation is not required.

4 Low Impact Design - General

Submission point	Submitter	Decision requested
81.7	Waikato Regional Council	Amend the provisions of the PWDP to support the use of low impact design principles for stormwater management (in particular consider for Restricted Discretionary Activity criteria and permitted activity standards).
<i>FS1293.8</i>	<i>Department of Conservation</i>	<i>Supports 81.7</i>
286.33	Waikato-Tainui	Amend the PWDP to utilise Low Impact Design in all new developments.
<i>FS1035.39</i>	<i>Pareoranga Te Kata</i>	<i>Supports 286.33</i>
<i>FS1176.44</i>	<i>Watercare Services Ltd</i>	<i>Supports 286.33</i>
380.6	Norman Hill for Waahi Whaanui Trust	Amend the PWDP to ensure that Low Impact Design is utilised in all new developments and to ensure best practice low impact design

		is used for the management of stormwater is forced to reduce the demand and load on infrastructure.
<i>FS1269.117</i>	<i>HNZC</i>	<i>Opposes 380.6</i>
433.80	Auckland Waikato Fish and Game Council	Amend the PWDP to encourage and prioritise Water Sensitive Design Principles (as used in the Auckland Unitary Plan) for new developments to reduce the creation of runoff and the sources of contaminants.
493.25	Jackie Colliar	Amend the PWDP to clarify situations where low impact design is not appropriate, as provided for in the Proposed District Plan.
<i>FS1139.111</i>	<i>Turangawaewae Trust Board</i>	<i>Not Stated 493.25</i>
<i>FS1035.78</i>	<i>Pareoranga Te Kata</i>	<i>Supports 493.25</i>
<i>FS1108.123</i>	<i>Waikato-Tainui</i>	<i>Supports 493.25</i>
493.32	Jackie Colliar	Amend the PWDP to utilise low impact design in all new developments.
<i>FS1035.85</i>	<i>Pareoranga Te Kata</i>	<i>Supports 493.32</i>

4.1 Analysis

83. This group of submission points all seek the use of low impact design (also referred to as water-sensitive design) principles for stormwater management.
84. **Waikato Regional Council** [81.7] states that sensitive environments can be adversely affected by stormwater from the subdivision and development of land, and there is an opportunity to provide in the policies for low impact design, or a water sensitive design approach, especially in the coastal environment, and in the vicinity of wetlands, lakes and rivers, and their margins. This opportunity is supported by Policies 6.2 and 6.3 of the VRPS and Implementation Method 8.3.10. The submitter considers that reserves can be located to enable low impact design stormwater management.
85. *FS1293.8 Department of Conservation supports 81.7: The Director-General supports the inclusion of low impact design which is important to limit impervious surfaces which can adversely affect the hydrology of a catchment.*
86. **Waikato-Tainui** [286.33] seeks clarification as to why Council would not be seeking best practice low impact design for the management of stormwater to reduce the demand and load on existing infrastructure.
87. *FS1035.39 Pareoranga Te Kata supports 286.33: Council needs to partner with Kaitiaki, mana whenua or review strategies with Waikato Tainui to ensure preservation and restoration of the Waikato River.*
88. *FS1176.44 Watercare Services Ltd supports 286.33: Watercare supports clarifications to this policy for the reasons given in the submission.*
89. **Norman Hill for Waahi Whaanui Trust** [380.6] seeks to ensure that Low Impact Design is utilised in all new developments and to ensure best practice low impact design is used for the management of stormwater to reduce the demand and load on infrastructure (no reasons provided).
90. *FS1269.117 HNZC opposes 380.6 to the extent it is inconsistent with its primary submission.*

91. **Auckland Waikato Fish and Game Council** [433.80] seeks to encourage and prioritise Water Sensitive Design Principles (as used in the Auckland Unitary Plan) for new developments to reduce the creation of runoff and the sources of contaminants. The submitter states that growth of settlement into as-yet undeveloped land is a threat in terms of potential effects on sensitive ecosystems, particularly wetlands, and fauna (particularly avifauna). The following issues are of significance to the submitter:
- runoff of heavy metals and other contaminants from hard surfaces into water bodies;
 - drainage of wetland and bog areas for protection of increased settlement; and
 - increased predation of avifauna from pets and pests associated with human population.
92. **Jackie Colliar** [493.25; 493.32] seeks to clarify situations where low impact design is not appropriate, as provided for in the PWDP and amend the PWDP to utilise low impact design in all new developments.
93. *FSI 139.111 Turangawaewae Trust Board Not Stated 493.25: Submission seeks that PWDP utilises Low Impact Design in all developments.*
94. *FSI 1035.78; FSI 1035.85 Pareoranga Te Kata supports 493.25; 493.32: Engage with Waikato Tainui and mana whenua to ensure that the Tainui Environmental Plan Tai Tunu, Tai Pari, Tai Ao and marae environmental plans have been included in the PWDP.*
95. *FSI 108.123 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) supports 493.25: Submission seeks that PWDP utilises low impact design in all developments.*
96. The PWDP already proposes a low impact approach to stormwater management. Objective 6.4.6 seeks retention of the hydrological characteristics of the natural drainage processes. Policy 6.4.7 requires best-practice low impact design approach to the management of stormwater where appropriate, setting out these expectations. The stormwater rules in Section 14.11 Permitted Activity PI Stormwater systems for new development or subdivision must comply with all the conditions in 14.11.1.1 including (a)(v) low impact design measures as appropriate in accordance with the drainage hierarchy – Retention; Soakage; Infiltration; Treatment, detention and gradual release to a watercourse; Treatment, detention and gradual release to a piped stormwater system. The low impact design condition requires low impact design while recognising that stormwater management measures need to be appropriate, and the hierarchy demonstrates the order in which measures should be applied. Certain stormwater management measures will not be appropriate in all situations. For example, it may not be appropriate to provide for soakage where land is susceptible to instability or infiltration where soils cannot achieve a minimum of infiltration rate of 7mm/hour.

4.2 Recommendations

97. For the reasons above, and because low impact stormwater management is already promoted in the notified PWDP, I recommend the Hearings Panel:
- a. Accept in part the submission from Waikato Regional Council [81.7]; *FSI 293.8 Department of Conservation*;
 - b. Accept the submission from Waikato-Tainui [286.33]; *FSI 1035.39 Pareoranga Te Kata*; *FSI 176.44 Watercare Services Ltd*;
 - c. Accept the submission from Norman Hill for Waahi Whaanui Trust [380.6];
 - d. Reject the further submission from *FSI 269.117 HNZZ*;
 - e. Accept in part the submission from Auckland Waikato Fish and Game Council [433.80];

- f. Accept in part the submissions from Jackie Colliar [493.25; 493.32]; *FS1035.78; FS1035.85 Pareoranga Te Kata; FS1108.123 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui); and FS1139.111 Turangawaewae Trust Board.*

4.3 Recommended amendments

98. No amendments are recommended solely in response to these requests for a low impact design approach to stormwater management, which is adopted within the PWDP. However, detailed amendments are recommended in other sections of this report in response to specific submission points, for example changing “onsite” to “at-source”, adding in the requirement for a stormwater management plan, roadside swales and water quality, and reference to Waikato Stormwater Management Guideline and Waikato Stormwater Run-off Modelling Guideline.

4.4 Section 32AA evaluation

99. There are no proposed amendments as a result of the submissions in this part of the report on submissions. Therefore, a s32 evaluation is not required.

5 Energy efficiency - General

Submission point	Submitter	Decision requested
830.8; 830.12; 830.13; 830.21; 830.22; 830.23; 830.24; 830.15	Linda Silvester	Add new provisions to Chapter 16 Residential Zone; Chapter 20 Industrial Zone; Chapter 21 Industrial Zone Heavy; Chapter 22 Rural Zone; Chapter 23 Country Living Zone; Chapter 24 Village Zone; Chapter 25 Reserve Zone; Chapter 28 Rangitahi Peninsula Zone to include energy efficiency policies and rules (see submission for wording)
<i>FS1276.222; FS1276.177; FS1276.178; FS1276.181; FS1276.182; FS1276.183; FS1276.184; FS1276.180</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>FS1276.222 Supports 830.8; FS1276.177 Supports 830.12; FS1276.178 Supports 830.13; FS1276.181 Supports 830.21; FS1276.182 Supports 830.22; FS1276.183 Supports 830.23; FS1276.184 Supports 830.24; FS1276.180 Supports 830.15</i>
831.14	Gabrielle Parson on behalf of Raglan Naturally	Add new provisions to Chapter 16 to Chapter 28 regarding energy efficiency and solar power.
<i>FS1276.186</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Supports 831.14</i>
780.34	Whaingaroa Environmental Defence Incorporated Society	Add policies and rules to all zones for energy efficiency.
825.34	John Lawson	Add policies and rules to all zones for energy efficiency
<i>FS1276.221</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Supports 825.34</i>

5.1 Analysis

100. **Linda Silvester** [830.8; 830.12; 830.13; 830.21; 830.22; 830.23; 830.24; 830.15] seeks new provisions in Chapter 16 Residential Zone; Chapter 20 Industrial Zone; Chapter 21 Industrial Zone Heavy; Chapter 22 Rural Zone; Chapter 23 Country Living Zone; Chapter 24 Village Zone; Chapter 25 Reserve Zone; and Chapter 28 Rangitahi Peninsula Zone to include energy efficiency policies and rules; **Gabrielle Parson on behalf of Raglan Naturally** [831.14] seeks new provisions in Chapters 16 to Chapter 28 regarding energy efficiency and solar power. **Whaingaroa Environmental Defence Incorporated Society** [780.34]; **John Lawson** [825.34] seeks additional policies and rules to all zones for energy.

101. Note that these four submissions are identical in detail, except that Gabrielle Parson on behalf of Raglan Naturally [831.14] has an additional point on solar power. The policies and rules requested are as follows:

“These energy policies and rules should be applied to all zones –

Solar power [Raglan Naturally only]: New developments should maximise use of solar power, both passively and with panels.

Best practice: Energy efficiency in line with EECA’s best practice guidelines will be required in all new building and renovation.

Site layout: Design buildings to be of similar height without long uninterrupted spaces or small gaps between to reduce wind speeds and use planting to provide shelter around buildings to reduce heat loss.

Building form: A compact building form reduces heat loss. Consider designing to maximise passive solar gains. Reduce shading from obstructions. Shading from other buildings at higher densities restricts the opportunities to reduce heat loss. Avoid overheating in summer by overhangs, shading or deciduous shade planting.

Internal planning: Provide a lobby to the entrance to avoid cold air entering into the heart of the house.

Insulation: Provide insulation above the minimum required by the Building Regulations. Insulation is relatively easy to incorporate in new construction and much harder to incorporate later. Insulation avoids condensation and can reduce the initial cost and maintenance of heating systems. Aim for an all-round improvement in performance. There is little point in having a very high standard for one element, the roof say, and much lower standards for other elements.

Target U-values (Watts/m²/°C): Walls 0.25; Roofs 0.15; Floors 0.20; Windows/Doors 2.0; Rooflights 2.2

Windows & External doors

- need to be of robust construction and well weather stripped
- specify double glazed softwood windows with 20mm air gap
- if metal frames are specified for reduced maintenance they should be thermally broken
- specify insulated doors.

Cold bridging: Avoid cold bridges particularly around openings. Timber construction inherently reduces the risk of cold bridges.

Airtight construction

- Seal around windows and external doorframes. Seals are better (and cheaper than acrylic mastic) on the inside with a breathable cover detail to the outside of the joint.
- Draught strip and insulate hatch into roof void
- Particular attention should be paid to sealing around service entries.
- Pressure test new construction to 4 air changes maximum at 50 Pascals pressure.
- Water Heating
- Solar hot water heating
- Install low energy system.
- Specify fittings for compact fluorescent bulbs which include the necessary control gear (not just low energy bulbs which include the control gear which is disposed of every time you change a bulb and which can be replaced with tungsten bulbs).
- Lampholders are available for compact fluorescent lamps which take conventional lampshades if householders prefer them
- When using fluorescent battens, specify fittings with high frequency control gear rather than ballasts as these increase lamp life, light quality and efficiency.

Choosing Materials: Once the energy consumption of buildings is reduced, the environmental impact of the materials and products used in their construction should be considered. Reducing the amount of energy that is used to extract raw materials, manufacture and transport them, preserves resources and reduces pollution.

- Reduce the quantity of material employed by designing for the efficient use of materials. A thin membrane 1mm thick of zincalume with a high embodied energy may be less energy intensive than 12mm of clay roof tiles, for example.
- As a general rule, use natural rather than highly manufactured materials. For example, specify linoleum flooring made from natural oils and minerals in preference to PVC sheet, a product of the petrochemical industry.
- As a general rule, use local materials where possible.
- Use recycled materials where possible e.g. second-hand bricks and tiles, crushed concrete aggregates in concrete and demolition material for hardcore and road bases.
- A significant amount of energy and cost is buried in the ground in foundations. Consider the use of innovative foundation systems, for example. pre-cast ground beams on piled foundations.
- Life cycle analysis measures the energy costs of winning, processing, using, maintaining and disposing of materials in a building and can be used to inform choices of specification.

102. The submitters' reasons for these points include: The Resource Management Act requires Councils to have regard to effects of climate change and benefits of renewable energy. Section 1.9.5 reflects the Resource Management Act requirements around climate change and renewable energy. The PWDP only makes passing reference to climate change and says nothing about the effects of coal, gas and oil on global warming. There is also no commitment to solar and wind energy and micro-hydro reference has been removed. Despite mentioning 'passive solar' in the PWDP, there is no rule requiring use of solar power. Waipa District Plan specifically lists solar power generation collector panels up to 6m² as a permitted development. The St Kilda development has covenants covering solar power and stormwater. The submitters consider it is disappointing that Stage 2 of the PWDP is to be published in 2019 and it is not possible to consider it in context with Stage 1. The International Panel on Climate Change report came out 24 hours

before close of submissions. There is a need for cooperation between local, regional and national governments.

103. *FS1276.222; FS1276.177; FS1276.178; FS1276.181; FS1276.182; FS1276.183; FS1276.184; FS1276.180; FS1276.186; FS1276.221 Whaingaroa Environmental Defence Inc. Society supports 830.8; 830.21; 830.22; 830.23; 830.24; 830.15; 831.14; 825.34: submitter's reasons are that climate change issues can't be separated from the rest of the plan. Section 5.2.9 of the RMA states "Development should be designed and located to avoid or mitigate the predicted effects of global climate change on natural hazards, especially increased flooding, erosion, fire, and storms. Where there is incomplete information, a precautionary approach should be taken." Section 5.3.8 of the RMA states "Scientific opinion differs about the possible impacts of global impacts of global climate change, but majority opinion predicts that the effects could include a greater frequency and intensity of extreme weather events. Increased storms, floods and droughts may occur. The extent of these is uncertain and a precautionary approach is taken, because of the high potential for harm."*
104. Climate change is addressed in Stage 2 of the PWDP. Energy is included in Chapter 6 Infrastructure and Energy, in particular the objective and policies enabling renewable energy generation and energy efficiency. In addition to the promotional activity and grant and loan funding from Energy Efficiency and Conservation Authority, I consider that the relief sought in these submissions should come through the Building Act and Regulations and Building Code at a nation-wide level, and not through a district plan. I would only support including them within a district plan if they were mandated by a National Planning Standard. It is not that I disagree with the design guidance and energy choices, as they are largely best practice and supported by building sustainability ratings. However, I consider it inappropriate for the PWDP to go beyond enabling and promotion and support and to require these provisions in new development as rules in the district plan, when the Building Code already contains provisions for building, materials, design, ventilation, insulation, and energy efficiency.
105. I also note that Rule 14.6.1 identifies the following permitted activities: P1 enables small-scale electricity generation; P2 Community-scale electricity generation; as well as P3 Research and exploratory-scale investigations for renewable electricity generation activities. I consider these provisions to support and enable renewable energy where there are no or very minor adverse effects.

5.2 Recommendations

106. For the reasons above I recommend the Hearings Panel:

- a. Reject Linda Silvester [830.8; 830.12; 830.13 830.21; 830.22; 830.23; 830.24; 830.15]; *FS1276.222; FS1276.181; FS1276.182; FS1276.183; FS1276.184; FS1276.180 Whaingaroa Environmental Defence Inc. Society;*
- b. Reject Gabrielle Parson on behalf of Raglan Naturally [831.14]; *FS1276.186 Whaingaroa Environmental Defence Inc. Society;*
- c. Reject Whaingaroa Environmental Defence Incorporated Society [780.34];
- d. Reject John Lawson [825.34]; *FS1276.221 Whaingaroa Environmental Defence Inc. Society.*

5.3 Recommended amendments

107. No amendments are recommended in response to these submissions.

5.4 Section 32AA evaluation

108. There are no proposed amendments as a result of the submissions in this part of the report. Therefore, a s32 evaluation is not required.

6 Relocations of plan provisions

Submission point	Submitter	Decision requested
697.310	Waikato District Council	Amend the location of the following rules currently in Chapter 14 into the zone chapters: (a) Rules regarding buildings and structures within the National Grid Yard (rule 14.4.1 P1, P2 and 14.4.4 NC3, NC4 and NC9) (b) Rules regarding subdivision within the national Grid Corridor (rule 14.4.2 RD4 and 14.4.4 NC10) (c) Rules regarding sensitive land uses within the National Grid Yard (rule 14.4.1 P1 and P2, 14.4.4 NC3, NC4, NC5, NC6 and NC7) (d) Earthworks within the National Grid yard (rule 14.4.1 P3 and 14.4.2 RD3) (e) New hazardous facilities within the National Grid yard (rule 14.4.4 NC8) (f) Rules regarding sensitive land uses within close proximity to electricity distribution lines (rule 14.5.1 P5 and 14.5.2 RD2) (g) Rules regarding maximum impervious surface (rule 14.11.1 P2 and 14.11.2 RD2)
<i>FSI 350.53</i>	<i>Transpower</i>	<i>Opposes 697.310</i>
<i>FSI 168.179</i>	<i>Hort NZ</i>	<i>Opposes 697.310</i>
697.24	Waikato District Council	Amend Chapters 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28. by relocating Rule 14.5.2 RD2 Construction or alteration of a building for a sensitive land use into these chapters AND Undertake consequential renumbering in the zone chapters AND Delete Rule 14.5.2 RD2 from Chapter 14.
697.23	Waikato District Council	Amend Chapters 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28. by relocating Rule 14.5.1 (P5) into these chapters AND Undertake consequential renumbering in the zone chapters AND Delete Rule 14.5.1(P5) from Chapter 14.
<i>FSI 168.205</i>	<i>Hort NZ</i>	<i>Opposes 697.23</i>
405.54	Counties Power	Add conditions of compliance contained in Rule 14.5.1.3 (a)(ii) Permitted Activities relating to P5 Construction of building for sensitive land use for construction or alteration of ANY building to each of the relevant Zone chapters.

6.1 Analysis

109. **Waikato District Council** [697.310; 697.23; 697.24] seeks to relocate rules relating to the National Grid yard, National Grid Corridor, buildings for sensitive land uses in proximity to electricity distribution lines, and maximum impervious surface rules into the zone chapters so they can be more easily found. Council considers that the rules are focused on land use rather than infrastructure.

110. **Counties Power** [405.54] seeks the same relocation of 14.5.1 (P5) and states that construction or alteration of ANY building within the vicinity of overhead lines must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP34:2001).

111. FS1168.205; FS1168.179 Hort NZ opposes 697.23; 697.310: The Council is seeking to restructure the rules relating to land use and locate them in Zone provisions rather than Chapter 14. Such an approach would lead to considerable duplication through the Plan and is not supported. FS1350.53 Transpower opposes 697.310: reasons discussed in National Grid section of this report.

112. I support the relocation of rules regarding sensitive land uses within close proximity to electricity distribution lines (rule 14.5.1 P5 and 14.5.2 RD2) and rules regarding maximum impervious surface (rule 14.11.1 P2 and 14.11.2 RD2) into the zone chapters, as electricity distribution lines generally do not appear on the Planning Maps, so the rules are more easily found if in the zone chapters. The rules should only apply to sensitive land uses (i.e. educational facilities, residential activities, and health facilities) which are located in close proximity to electricity distribution lines. Separation distances for other uses and buildings are also controlled by NZCEP34:2001. However, I consider that the rules in relation to the National Grid yard should more appropriately remain within Section 14.4 National Grid. This matter is discussed in the National Grid section of this report.

113. I recommend accepting in part Waikato District Council [697.310]; FS1168.179 Hort NZ; and FS1350.53 Transpower to the extent that rules regarding sensitive land uses within close proximity to electricity distribution lines (rule 14.5.1 P5 and 14.5.2 RD2) and rules regarding maximum impervious surface (rule 14.11.1 P2 and 14.11.2 RD2) are moved into the zone chapters. I recommend accepting Waikato District Council [697.23, and 697.24]; and rejecting FS1168.205 Hort NZ. I recommend accepting in part Counties Power [405.54], to the extent that Rule 14.5.1 P5 is moved into the zone chapters, but only for sensitive land uses.

6.2 Recommendations

114. For the reasons above I recommend the Hearings Panel:

- a. Accept in part the submission from Waikato District Council [697.310]; FS1168.179 Hort NZ; and FS1350.53 Transpower
- b. Accept the submissions from Waikato District Council [697.23 and 697.24].
- c. Reject the further submission from FS1168.205 Hort NZ
- d. Accept in part the submission from Counties Power [405.54].

6.3 Recommended amendments

115. Delete Rule 14.5.1 Permitted Activities P2 Impervious surfaces and P5 Construction or alteration of a building for a sensitive land use:

P2	The establishment of impervious surfaces associated with new development or subdivision	14.11.1.2 (a) The establishment of impervious surfaces associated with new development or subdivision that complies with the following condition: The maximum impervious surface of a site within the Residential Zone, Rangitahi Peninsula Zone, Village Zone or Country Living Zone is 70%. [697.310 Waikato District Council]
P5	Construction or alteration of a building for a sensitive land use	14.5.1.3 (a) The construction or alteration of a building for a sensitive land use that complies with all of the following conditions: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not

		associated with the National Grid, that operate at a voltage of 110kV or more. [Waikato District Council [697.310; 697.23 and 697.24]] [Counties Power [405.54]]
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116. Delete Rule 14.5.2 Restricted Discretionary RD2:

RD2	Construction or alteration of a building for a sensitive land use that does not comply with Rule 14.5.1.3	(a) Discretion is restricted to: (i) Effects on the amenity values of the site; (ii) The risk of electrical hazards affecting the safety of people; (iii) The risk of damage to property; (iv) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines. [Waikato District Council [697.310; 697.23 and 697.24]]
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117. Delete Rule 14.11.2 Restricted Discretionary RD2:

RD2	The establishment of impervious surfaces associated with new development or subdivision that do not comply with one or more of the conditions of Rule 14.11.1.2	Discretion is restricted to: (a) Site design, layout and amenity; (b) The risk of flooding, nuisance or damage to the site or other buildings and sites. [Waikato District Council [697.310]]
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118. Insert the following rules in Chapters: 16 Residential; 17 Business; 18 Business Town Centre; 19 Business Tamahere; 22 Rural; 23 Country Living; 24 Village; 25 Reserve; 26 Motorsport and Recreation; 27 Te Kowhai Airpark; and 28 Rangitahi Peninsula:

PX	Construction or alteration of a building for a sensitive land use	16/17/18/19/22/23/24/25/26/27/28.X.X (a) The construction or alteration of a building for a sensitive land use that complies with all of the following conditions: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more. [Waikato District Council [697.310; 697.23 and 697.24]]
16/ 17/ 18/ 19/ 22/ 23/ 24/ 25/ 26/ 27/ 28.X.X RDX	Construction or alteration of a building for a sensitive land use that does not comply with Rule 16/ 17/ 18/ 19/ 22/ 23/ 24/ 25/ 26/ 27/ 28.X.X	(a) Discretion is restricted to: (i) Effects on the amenity values of the site; (ii) The risk of electrical hazards affecting the safety of people; (iii) The risk of damage to property; (iv) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines. [Waikato District Council [697.310; 697.23 and 697.24]]

119. Insert the following rules in Chapters: 16 Residential; 23 Country Living; 24 Village; and 28 Rangitahi Peninsula:

PX	<u>The establishment of impervious surfaces associated with new development or subdivision</u>	<u>16/23/24/28.X.X</u> (a) <u>The establishment of impervious surfaces associated with new development or subdivision that complies with the following condition:</u> (i) <u>The maximum impervious surface of a site within the Residential/Rangitahi Peninsula/Village/Country Living Zone is 70%. [Waikato District Council [697.310; 697.23 and 697.24]]</u>
16/23/24/28.X.X RDX	<u>The establishment of impervious surfaces associated with new development or subdivision that do not comply with one or more of the conditions of Rule 16/23/24/28.X.X</u>	<u>Discretion is restricted to:</u> (a) <u>Site design, layout and amenity;</u> (b) <u>The risk of flooding, nuisance or damage to the site or other buildings and sites.</u> [Waikato District Council [697.310; 697.23 and 697.24]]

6.4 Section 32AA evaluation

120. The rules are not changed, rather they are relocated into the relevant zone chapters and therefore a s32 evaluation is not required.

7 Definitions

7.1 Introduction

121. Most definitions have been addressed in Hearing 5, but the following definitions specific to Chapters 6 and 14 are addressed in this report:

- a. Minor infrastructure structures
- b. Minor upgrading of existing infrastructure
- c. National Grid related
- d. Network utility operator
- e. Functional need and Operational need
- f. Infrastructure
- g. Regionally significant infrastructure
- h. Road network activities
- i. Other

8 Minor infrastructure structure

Submission point	Submitter	Decision requested
692.43	WEL Networks	Retain the definition of "Minor Infrastructure Structure" in Chapter 13: Definitions.
FS1176.238	Watercare Services Ltd	Supports 692.43
578.55	POAL	Retain the definition of "Minor infrastructure structure" in Chapter 13 Definitions, as notified.
FS1211.37	First Gas	Supports 578.55

FS1176.147	Watercare Services Ltd	Supports 578.55
81.194	Waikato Regional Council	Amend the definition of "Minor Infrastructure Structure" in Chapter 13: Definitions to clarify the terminology.
FS1176.21	Watercare Services Ltd	Supports 81.194
FS1041.4	Aka Aka Otaua Land Drainage Subcommittee	Supports 81.194
836.11	Powerco	Amend the definition of "Minor infrastructure structure" in Chapter 13: Definitions as follows: Means any above-ground box-like structure or enclosure associated with infrastructure or that receives or transmits to or from any part of an infrastructure network, which includes: (a) electricity junction pillars (b) transformers <u>(including pole mounted transformers);</u> (c) <u>regulator stations;</u> (d) <u>compressor stations; and</u> (e) <u>pumping stations.</u>
FS1134.31	Counties Power	Supports 836.11
405.12	Counties Power	Amend the definition of "Minor infrastructure structure" in Chapter 13 Definitions, to include the following relating to boxlike structures (dimensions can be provided for ground and pole mounted equipment in order to decide whether to adopt extensive list or refer to utility and dimension of infrastructure): <ul style="list-style-type: none"> • <u>service pillars;</u> • <u>switch gear;</u> • <u>voltage generator;</u> • <u>autotransformer;</u> • <u>cabinetry for electricity network connectivity;</u> AND Amend the definition of "Minor infrastructure structure" in Chapter 13 Definitions, to include the following equipment mounted on power poles (dimensions can be provided for ground and pole mounted equipment in order to decide whether to adopt extensive list or refer to utility and dimension of infrastructure). <ul style="list-style-type: none"> • <u>transformer;</u> • <u>switch gear;</u> • <u>voltage regulator;</u> • <u>autotransformer;</u> • <u>cabinetry for electricity network connectivity;</u> • <u>control boxes;</u> • <u>capacitor.</u> <u>Dimensions can be provided for ground and pole mounted equipment in order to decide whether to adopt extensive list or refer to utility and dimension of infrastructure.</u> AND

		Add “ <u>plinths</u> ” to the definition of "Minor infrastructure structure" in Chapter 13 Definitions, and state that conditions which quote a height for ground/pad mounted infrastructure should not include height of plinth in overall height. OR Amend definition of "Minor infrastructure structure" definition in Chapter 13 Definitions, to allow box-like structures to be defined by use, e.g. electricity, telecommunications etc., and by maximum dimensions (m ² /m ³).
FS1176.65	Watercare Services Ltd	Supports 405.12

8.1 Analysis

122. **Counties Power** [405.12] seeks amendment to the definition of "Minor infrastructure structure" in Chapter 13 Definitions to provide for both box-like structures as well as other types of structures including plinths, service pillars, voltage generators, autotransformers, switch gear, and cabinetry for electricity network connectivity. The submitter states that the current wording suggests this definition applies to box-like structures installed at ground level in which case, the list needs to include other structures. The electricity industry has equipment which is mounted on power poles which performs the same function as the ground/pad mounted equipment, and this definition does not appear to include these items.

123. *FS1176.65 Watercare Services Ltd supports 405.12: supports changes to definitions which clarify the interpretation of the rules. The proposed changes, which include dimensions, may be better implemented by a rule.*

124. **Powerco** [836.11] seeks to amend the definition of "Minor infrastructure structure" in Chapter 13: Definitions to provide for additional structures including, pole mounted transformers, regulator stations, compressor stations and pumping stations. The submitter states that inclusion of regulator stations, compressor stations and pumping stations and pole mounted transformers will provide more clarity around rules. *FS1134.31 Counties Power supports 836.11 for the same reasons.*

125. **Waikato Regional Council** [81.194] seeks amendment of the definition of "Minor Infrastructure Structure" to clarify the terminology. The submitter notes the definition of Minor Infrastructure Structure includes “water infrastructure” and asks would this include the infrastructure associated with flood and drainage schemes?

126. *FS1176.21 Watercare Services Ltd supports 81.194: for the same reasons.*

127. *FS1041.4 Aka Aka Otaua Land Drainage Subcommittee supports 81.194: for the primary reason that it will mean that flood and drainage works within their Land Drainage area, and other areas, will remain a permitted activity as provided for under the present Franklin Section (refer to Rule 23A.1.1.19 The ongoing maintenance upgrade and repair of flood protection, land drainage and erosion control work). This operative permitted activity rule was introduced through the former Franklin District Council's Rural Plan Change 14 and has worked well to date, without having to carry out such necessary works through a resource consent process. Also support a district wide framework to provide for all the activities associated with flood and drainage activities throughout the district. The alignment of rules and policy between adjoining District and Regional Councils should be the same.*

128. **WEL Networks** [692.43]; **POAL** [578.55] seek to retain the definition of "Minor Infrastructure Structure" in Chapter 13: Definitions as notified, as it would include activities that WEL would undertake regularly (i.e. on a daily basis).

129. *FSI 211.37 First Gas supports. FSI 176.147 and FSI 176.238 Watercare supports 578.55 and 692.43: Watercare supports the approach in principle as set out in the provisions, however is seeking additional changes to enable the provision of necessary infrastructure, which may include minor infrastructure upgrades.*

130. The submitters all seek various amendments to the definition of Minor Infrastructure Structure to include specific structures. The notified definition is:

Means any above-ground box-like structure or enclosure associated with infrastructure or that receives or transmits to or from any part of an infrastructure network, which includes:

- *electricity junction pillars;*
- *transformers;*
- *switchgear;*
- *gas infrastructure;*
- *telecommunications plinths and pillars;*
- *water infrastructure;*
- *cabinetry for stormwater/wastewater networks;*
- *electricity storage, and generators (less than 10m² in area and 2.5m in height); and*
- *link pillars.*

131. Rule 14.3 General Standards identifies Minor Infrastructure Structures as Permitted Activity P9 provided there is no connection to an area, façade or item specifically listed in Schedule 30.1. Rule 14.2.1 PI New infrastructure also applies, which sets out the conditions for permitted activities in Rule 14.2.1.1 including area, height, height in relation to boundary, noise. These do not apply to activities with specific conditions, roads or other lineal transport networks, road network activities or activities subject to NES Telecommunication Facilities 2016.

132. A number of amendments are recommended in response to other submissions that will address the concerns of these submitters without the need to amend the definition of Minor Infrastructure Structures. I have recommended amendments to Rule 14.2.1.1 PI applying to all infrastructure that will delete the general area and height limit from this rule and to locate area and height limits against each specific activity instead. I consider these amendments to address in part the concerns raised by submitters. Those activity specific conditions will relate to each building or structure. For example, electricity distribution in 14.5, the minor infrastructure structure has a maximum height of 10m, recognising that it may be pole-mounted (from Waikato District Council [697.22]), and this would certainly accommodate a plinth without needing supplementary height. In section 14.3 General Infrastructure "visually similar fixtures" is recommended to be added to transformers to broaden the range of structures as part of the permitted activity minor upgrading of existing infrastructure (from Counties Power [405.25]).

133. Within Chapter 14 there are a number of activity specific provisions, such as specific dimensions for electricity distribution structures in 14.5. The term "Water infrastructure" is very broad and covers the three waters (water supply, wastewater and stormwater), including stormwater management for flooding and drainage schemes. Note that the definition has a focus on "box-like

structure or enclosure” and is not intended to include the drains and pipes and cables of the networks, which are a different activity.

134. I recommend accepting in part Counties Power [405.12]; *FSI 176.65 Watercare*; Powerco [836.11]; *FSI 134.31 Counties Power*; Waikato Regional Council [81.194]; *FSI 176.21 Watercare*; and *FSI 041.4 Aka Aka Otaua Land Drainage Subcommittee* to the extent that specific dimensions are provided for minor infrastructure structures. I recommend accepting WEL Networks [692.43]; POAL [578.55]; *FSI 211.37 First Gas*; *FSI 176.147* and *FSI 176.238 Watercare*.

8.2 Recommendations

135. For the reasons above I recommend the Hearings Panel:

- a. Accept in part the submissions from Counties Power [405.12]; *FSI 176.65 Watercare*;
- b. Accept in part the submissions from Powerco [836.11]; *FSI 134.31 Counties Power*;
- c. Accept in part the submissions from Waikato Regional Council [81.194]; *FSI 176.21 Watercare Services Ltd*; and *FSI 041.4 Aka Aka Otaua Land Drainage Subcommittee*
- d. Accept the submission from WEL Networks [692.43];
- e. Accept the submissions from POAL [578.55]; *FSI 211.37 First Gas*; *FSI 176.147* and *FSI 176.238 Watercare*.

8.3 Recommended amendments

136. No amendments are recommended to the definition of “minor infrastructure structure”.

9 Definitions - Minor upgrading of existing infrastructure

Submission point and Submitter	Decision requested
692.44 WEL Networks; 777.16 Radio New Zealand Limited; 405.13 Counties Power; 576.37 Transpower; 680.257 FFNZ; 578.56 POAL; 945.46 First Gas	Retain the definition of "Minor upgrading of existing infrastructure" in Chapter 13: Definitions.
<i>FSI 273 Auckland Transport</i>	<i>FSI 273.58 Supports 692.44; FSI 273.56 Supports 777.16; FSI 273.53 Supports 405.13; FSI 273.57 Supports 576.37; FSI 273.55 Supports 578.56; FSI 273.54 Supports 945.46</i>
<i>FSI 176 Watercare</i>	<i>FSI 176.239 Supports 692.44; FSI 176.148 Supports 578.56</i>
580.2 Meridian Energy	Retain the definition of "minor upgrading" in Chapter 13 Definitions, provided it explicitly includes all the ancillary activities and structures necessary to support large-scale wind farms through the amended definition of "Infrastructure" as sought elsewhere in the submission, and subject to confirmation of the National Planning Standards definition.
419.127 Hort NZ	Amend the definition of "Minor upgrading of existing infrastructure" in Chapter 13 Definitions, as follows: Means an increase in the capacity, efficiency or security of existing infrastructure where this utilises existing structures and networks and/or structures and networks of a similar scale and character. <u>An increase in voltage of the National Grid or electricity distribution lines can only occur as minor upgrading if the line was constructed for the increased voltage.</u>

FS1350.36	Transpower	Opposes 419.127
FS1342.99	FFNZ	Supports 419.127
FS1258.21	Meridian Energy	Opposes 419.127
FS1134.32	Counties Power	Opposes 419.127

9.1 Analysis

137. **Hort NZ** [419.127] seeks amendment of the definition of "Minor upgrading of existing infrastructure" to confine increases in voltage in existing lines. The submitter supports the definition in that the work should be of similar scale and character, and considers it should be clear that an increase in voltage can only be undertaken if the line was constructed for that voltage.

138. *FS1342.99 FFNZ supports 419.127 for same reasons.*

139. *FS1350.36 Transpower opposes 419.127: The reference to the National Grid within the sought text is opposed as it is inconsistent with Regulation 10 of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA"). Specific to the National Grid, Regulation 10 places no restriction on the increase in voltage or current rating based on the constructed design voltage of the line. While the NESETA regulations prevail over the district plan provisions, removal of reference to National Grid would provide consistency with the Regulations and avoid confusion and interpretation issues for plan users.*

140. *FS1258.21 Meridian Energy opposes 419.127: The requested amendments to the definition of "Minor upgrading of infrastructure" unnecessarily constrain the efficient use and development of existing renewable electricity generation and transmission assets.*

141. *FS1134.32 Counties Power opposes 419.127: Part of Counties Power's network has been built at 11kV and it is possible to make minor changes in order to operate at 22kV.*

142. The submitter seeks to ensure that reconductoring of lines at higher capacity does not affect landowners. The rules as notified permit minor upgrading of existing infrastructure which includes reconductoring lines at a higher capacity and any increase in voltage up to 110kV. If the lines are on private property the distances in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) will apply, meaning that the greater the voltage, the greater the clearance distance required for buildings and structures below the lines. Therefore the increase in voltage can affect landowners and should not be able to be done as a permitted activity.

143. I disagree that the electricity distribution line capacity should be limited to earlier designs. In my opinion, electricity distribution lines should be able to be upgraded. The requested amendments unnecessarily constrain the efficient use and development of existing electricity distribution lines and renewable electricity generation and transmission assets. I accept that an increase in voltage may increase the clearance distances required for buildings and structures that are subsequently constructed below and adjacent to the lines. I agree with Transpower that the references to the National Grid are not appropriate. Regulation 10 of the National Environmental Standards for Electricity Transmission Activities (NESETA) places no restriction on the increase in voltage or current rating based on the constructed design voltage of the line. The NESETA regulations prevail over the district plan provisions, and therefore there is no need to make specific mention of the National Grid in this definition as it will not apply. I recommend rejecting Hort NZ [419.127], FS1342.99 FFNZ; accepting FS1350.36 Transpower; FS1258.21 Meridian Energy; and FS1134.32 Counties Power.

144. **WEL Networks** [692.44]; **Radio New Zealand Limited** [777.16]; **Counties Power** [405.13]; **Transpower** [576.37]; **FFNZ** [680.257]; **Ports of Auckland Limited** [578.56]; and **First Gas** [945.46] support the definition of "Minor upgrading of existing infrastructure" and seek that it be retained. *FS1273.58; FS1273.56; FS1273.53; FS1273.57; FS1273.55; FS1273.54 Auckland Transport supports 692.44; 777.16; 405.13; 576.37; 578.56; 945.46. FS1176.239; FS1176.148 Watercare supports 692.44; 578.56.* I recommend the submissions and further submissions as listed are accepted to the extent that ...
145. **Meridian Energy** [580.2] seeks retention of the definition of "minor upgrading" subject to amendments to explicitly include all the ancillary activities and structures necessary to support large-scale wind farms through the amended definition of "Infrastructure" as sought elsewhere in the submission and subject to confirmation of the National Planning Standards definition. The submitter indicates that this would include activities undertaken regularly (i.e. on a daily basis), provides clarity for plan users as to what constitutes minor upgrading, and therefore assists in plan interpretation and application. The submitter supports retention of the definition to the extent that it is consistent with the National Policy Statement on Electricity Transmission and National Environmental Standard for Electricity Transmission; provides for the realignment, configuration, relocation or replacement of infrastructure as a permitted activity providing this meets the specified conditions. There is ambiguity about whether all of the ancillary activities that are essential to large-scale wind farms are included in the permitted activity provision for 'minor upgrading' of 'infrastructure'.
146. The submitter considers that ancillary activities and structures need to be included by definition, either by including 'large-scale wind farms' in the definition of 'infrastructure' or by explicitly referencing the ancillary activities and structures in the definition of infrastructure. The PWDP energy objectives and policies all refer to 'infrastructure'. The definition of 'infrastructure' only includes the core activities of a wind farm. However, the rules for establishing new wind farms (or expanding them) refer to 'large-scale wind farms'. The definition of 'large-scale wind farm' refers to access tracks, buildings and structures and is inclusive of most of the ancillary activities in addition to the core generation activity. By contrast, the proposed definition of 'infrastructure' is silent on these ancillary activities. The submitter considers that the definition should include these ancillary activities (including earthworks and access tracks) as an integral element of 'infrastructure' so that they are explicitly embraced by the 'infrastructure' policies and rules.
147. The National Planning Standards do not contain a definition of "infrastructure" or "minor upgrading of existing infrastructure" but those terms are defined in Chapter 13 of the PWDP. The infrastructure definition comes from section 2 of the RMA, and includes "facilities for the generation of electricity, and support structures for lines used or intended to be used to convey electricity". In my opinion, a large-scale wind farm is included in "facilities for the generation of electricity". Therefore, minor upgrading of an existing large-scale windfarm including the ancillary activities and structures necessary to support it is captured by the definition of "minor upgrading of existing infrastructure" provided it utilises existing structures and networks and/or structures and networks of a similar scale and character.
148. "Earthworks activities associated with infrastructure" is a separate permitted activity in 14.3 General Infrastructure and is proposed to explicitly include formation and maintenance of access tracks. I recommend accepting in part Meridian Energy [580.2], to the extent the definitions are retained and that large-scale wind farms are within the definition of infrastructure. Other permitted activities associated with infrastructure include minor infrastructure structures, minor infrastructure upgrading, and earthworks including tracks that enable ancillary activities and structures that support existing infrastructure, including large-scale windfarms.

9.2 Recommendations

149. For the reasons above I recommend the Hearings Panel:

- a. Reject the submission from Hort NZ [419.127], and *FS1342.99 FFNZ*;
- b. Accept the further submissions from *FS1350.36 Transpower*; *FS1258.21 Meridian Energy*; *FS1134.32 Counties Power*
- c. Accept the submissions from WEL Networks [692.44]; Radio New Zealand Limited [777.16]; Counties Power [405.13]; Transpower [576.37]; FFNZ [680.257]; POAL [578.56]; First Gas [945.46]; *FS1273.58*; *FS1273.56*; *FS1273.53*; *FS1273.57*; *FS1273.55*; *FS1273.54 Auckland Transport*; *FS1176.239*; and *FS1176.148 Watercare Services Ltd*
- d. Accept in part the submission from Meridian Energy [580.2].

9.3 Recommended amendments

150. No amendments are recommended to the definition of “minor upgrading of existing infrastructure” as a result of these submissions. However, elsewhere in this report, the detailed Activity specific conditions are recommended to be amended in response to other submissions.

10 Definitions - National Grid terms

Submission point	Submitter	Decision requested
680.258	FFNZ	Retain the definition of "National grid yard" in Chapter 13 Definitions, as notified.
<i>FS1350.40</i>	<i>Transpower</i>	<i>Opposes 680.258</i>
680.259	FFNZ	Retain the definition of "National grid corridor" in Chapter 13 Definitions, as notified.
<i>FS1350.44</i>	<i>Transpower</i>	<i>Opposes 680.259</i>
576.40	Transpower	Amend the definition for "National Grid corridor" in Chapter 13 Definitions, as follows (see submission for diagram): National G grid corridor -Yard Means the area located <u>within</u> : (a) 12 metres in any direction from the outer <u>visible</u> edge of a national grid support structure <u>foundation</u> ; and (b) 10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and (c) 12 metres either side of the centre line of any above-ground national grid line on towers. <u>The National Grid Yard and National Grid Subdivision Corridor does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</u>
<i>FS1326.19</i>	<i>Holcim</i>	<i>Supports 576.40</i>
<i>FS1168.126</i>	<i>Hort NZ</i>	<i>Supports 576.40</i>
419.129	Hort NZ	Amend the term "National Grid corridor" in Chapter 13: Definitions to "National Grid yard."
<i>FS1350.43</i>	<i>Transpower</i>	<i>Supports 419.129</i>
419.128	Hort NZ	Amend the term "National Grid yard" in Chapter 13: Definitions to "National Grid subdivision corridor".

<i>FS1350.39</i>	<i>Transpower</i>	<i>Supports 419.128</i>
341.12	Tainui Group Holdings Limited	Amend the definition of "National Grid Yard" in Chapter 13 Definitions as follows: National Grid Yard means the area <u>located</u> measured either side of the centre line of any above ground electricity transmission as follows: <ul style="list-style-type: none"> • <u>12 metres in any direction from the outer edge of a national grid support structure; and</u> • <u>10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and</u> • <u>12 metres either side of the centre line of any above-ground national grid line on towers.</u> • 14m for the 110kV national grid lines on single poles; • 16m for the 110kV national grid lines on pi poles; • 32m for 110kV national grid lines on towers; and • 37m for the 220kV transmission lines. • Refer to the diagram in the definition for 'National grid corridor':
<i>FS1168.124</i>	<i>Hort NZ</i>	<i>Supports 341.12</i>
<i>FS1269.111</i>	<i>HNZC</i>	<i>Supports 341.12</i>
<i>FS1350.38</i>	<i>Transpower</i>	<i>Supports 341.12</i>
341.13	Tainui Group Holdings Limited	Amend the definition of "National Grid Corridor" in Chapter 13 Definitions as follows: National grid corridor means the area <u>measured either side of the centre line of any above-ground electricity transmission line as follows</u> located: <ul style="list-style-type: none"> • <u>14m for the 110kV national grid lines on single poles;</u> • <u>16m for the 110kV national grid lines on pi poles;</u> • <u>32m for 110kV national grid lines on towers; and</u> • <u>37m for the 220kV transmission lines.</u> • 12 metres in any direction from the outer edge of a national grid support structure; and • 10 metres either side of the centre line of any above ground 110kV national grid line on single poles; and • 12 metres either side of the centre line of any above ground national grid line on towers
<i>FS1350.42</i>	<i>Transpower</i>	<i>Supports 341.13</i>
<i>FS1269.112</i>	<i>HNZC</i>	<i>Supports 341.13</i>
766.5; 302.1	Holcim; EnviroWaste	Amend the definition of "National Grid" in Chapter 13 Definitions so that yard setbacks are reduced to align with decisions on appeals and consents orders on Auckland Unitary Plan and the current Auckland Unitary Plan rules.
<i>FS1350.41</i>	<i>Transpower</i>	<i>Supports 766.5</i>
<i>FS1350.37</i>	<i>Transpower</i>	<i>Supports 302.1</i>
<i>FS1269.29</i>	<i>HNZC</i>	<i>Supports 302.1</i>
695.75	Sharp Planning Solutions Ltd	Amend the definition of "National Grid Corridor" in Chapter 13 Definitions to be consistent with the NZECP34:2001 requirements, and recognise that in some cases, high voltage line pylons and/or their conductor wires also set out a 22.5m setback.
<i>FS1350.45</i>	<i>Transpower</i>	<i>Opposes 695.75</i>

576.38	Transpower	Amend the definition for "National grid" in Chapter 13 Definitions, as follows: National <u>g</u> Grid.
576.39	Transpower	Amend the definition for "National Grid yard" in Chapter 13 Definitions, as follows: National <u>G</u> grid <u>S</u> ubdivision <u>C</u> orridor <u>y</u> ard—Means the area measured either side of the centre line of any above-ground electricity transmission line as follows: (a) 14m for the 110kV national grid lines on single poles; (b) 16m for the 110kV national grid lines on pi poles; (bc) 32m for 110kV national grid lines on towers; and (cd) 37m for the 220kV transmission lines. <u>The National Grid Yard and National Grid Subdivision Corridor does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</u>
<i>FS1168.125</i>	<i>Hort NZ</i>	<i>Supports 576.39</i>
<i>FS1326.18</i>	<i>Holcim</i>	<i>Supports 576.39</i>

10.1 Analysis

151. Most of these submission points are in relation to the transposed definitions of National Grid Yard and National Grid Corridor. The submissions from Transpower identify that the definitions of “National Grid Yard” and “National Grid Corridor” have been erroneously transposed in chapter 13 Definitions, and that it can be corrected so the correct dimensions will apply. The National Grid Yard applies to land use and the National Grid Corridor applies to subdivision. Amendments to the definition title would accurately reflect this as the terms are used correctly throughout the PWDP, and it is only the definition titles which are incorrect. I agree and consider that switching the defined terms in Chapter 13 will resolve this issue.
152. **Transpower** [576.39] seeks an amended definition for "National grid" in Chapter 13 Definitions, as per the table above; **Transpower** [576.38] seeks to capitalise the ‘g’ for National gGrid as a ‘minor grammatical correction’. The submitter states that the subdivision ‘National Grid Corridor’ width of 37m (maximum) is based on the distance from the centreline between the support structures to a point where the conductor would swing under possible high wind conditions, and is the swing of the 95th percentile span across the country, as well as other variables. Transpower considers it is important that the swing of conductors be taken into account in the subdivision process so that the allotment(s) can be safely developed and used. This is why differing widths are provided for different voltage lines. In essence the Corridor is wider than the Yard and it should be noted that the Corridor and Yard overlap. However, while generally supported, the submitter seeks two amendments as follows: 1. By way of summary, the National Grid yard applies to land use and the National Grid Corridor applies to subdivision. Amendment to the definition title would accurately reflect this. It is noted the terms are used correctly throughout the PWDP, it is only the definition titles which are incorrect. 2. Removal of reference to pi poles as there are none in the district.

153. FS1168.125 Hort NZ supports 576.39: seeks to clarify what is the National Grid yard. FS1326.18 Holcim supports 576.39: The amendments requested appear to meet the relief sought by Holcim to align the PWDP definitions with those recently established by the Auckland Unitary Plan.

154. **Transpower** [576.40] seeks to amend the definition for "National Grid corridor" in Chapter 13 Definitions, as follows (see submission for diagram):

National ~~G~~grid ~~corridor~~-Yard

Means the area located within:

(a) 12 metres in any direction from the outer visible edge of a national grid support structure foundation; and

(b) 10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and

(c) 12 metres either side of the centre line of any above-ground national grid line on towers. The National Grid Yard and National Grid Subdivision Corridor does [do?] not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

155. The submitter states that 'National Grid Yard', is a 12m width calculated as the distance from the centreline between the support structures to the point where the conductor would swing under everyday conditions (noting that maintenance is not generally undertaken in high wind conditions). However, while generally supported, the submitter seeks 1. Inclusion of a statement to clarify when the term applies to assist in its application, and 2. Minor amendments to insert 'foundation' in relation to measurement from a support structure, and 'within'.

156. FS1326.19 Holcim supports 576.40: The amendments requested appear to meet the relief sought by Holcim to align the PWDP definitions with those recently established by the Auckland Unitary Plan. FS1168.126 Hort NZ supports 576.40: to clarify what is the National Grid subdivision corridor.

157. **Hort NZ** [419.128; 419.129]; **Tainui Group Holdings Limited** [341.12; 341.13] seek to essentially swap the definitions for "National Grid corridor" and "National Grid yard" with Hort NZ also asking for the definition to refer to "National Grid subdivision corridor". The two definitions are transposed and making these amendments will help ensure the associated National Grid provisions are implemented correctly.

158. FS1350.43; FS1350.39; FS1350.38; FS1350.42 Transpower supports 419.129; 419.128; 341.12; 341.13: As noted by the submitter, the definition titles of National Grid Yard and National Grid corridor as provided in the notified plan require amendment (essentially an exchange of titles). The submission point is supported in so far as the relief sought is consistent with the relief sought in Transpower's original submission.

159. FS1168.124 Hort NZ supports 341.12: also seeks to clarify what is the National Grid yard. FS1269.111; FS1269.112 HNZA supports 341.12; 341.13: to the extent it is consistent with its primary submission.

160. I consider the reference to the National Grid Corridor would be clarified by the inclusion of "Subdivision", although the only places the term "National Grid Corridor" is used are in a

subdivision rule RD4 14.4.2.1, and within Policy 6.2.6. I recommend accepting in part Hort NZ [419.128; 419.129]; Tainui Group Holdings Limited [341.12; 341.13], to the extent that the transposed definitions are corrected and "Subdivision" is added to "National Grid Subdivision Corridor" for clarity for Plan users.

161. **Holcim** [766.5]; **EnviroWaste** [302.1] seek amendment of the definition of "National Grid" so that yard setbacks are reduced to align with decisions on appeals and consents orders on Auckland Unitary Plan and the current Auckland Unitary Plan rules. The submitters state that the overlay and its provisions should reflect the minimums allowed under the Auckland Unitary Plan, whereby the 'Yard' is measured at 12m in any direction from outer edge of a National Grid support structure and 12m either side of the centreline of any overhead National Grid line rather than up to 37m either side of a 220kV transmission line. They consider there is no reason for Waikato District Plan to have a wider restriction buffer than Auckland when the effect on the National Grid would be the same regardless of region. Auckland rules apply immediately adjoining the submitter's site. Since Auckland has the most recent case law on the National Grid network through the Auckland Unitary Plan appeals process, the submitters believe it is not unreasonable to consider that its provisions are suitable to meet the NPS for Electricity Transmission.

162. *FS1350.41; FS1350.37 Transpower supports 766.5 and 302.1: Allow in part (in so far as is consistent with the relief sought in Transpower's original submission). FS1269.29 HNZC supports 302.1: to the extent it is consistent with its primary submission.*

163. As the correction of the transposed definitions will align generally with the outcomes of the Auckland Unitary Plan rules in relation to the National Grid, except with less tapering of the National Grid Corridor segments, I recommend accepting in part Holcim [766.5]; EnviroWaste [302.1], and *FS1269.29 HNZC*; and accepting *FS1350.41; FS1350.37 Transpower*.

164. **Sharp Planning Solutions Ltd** [695.75] seeks the definition of "National Grid Corridor" to be consistent with the NZECP34:2001 requirements, and recognise that in some cases, high voltage line pylons and/or their conductor wires also set out a 22.5m setback.

165. *FS1350.45 Transpower opposes 695.75: As noted in Transpower's original submission (Point 576.40) the National Grid Subdivision Corridor width of 37m (maximum) is based on the distance from the centreline between the support structures to a point where the conductor would swing under possible high wind conditions (this equating to the swing of the 95th percentile span across the country), as well as other variables. It is important that the swing of conductors be taken into account in the subdivision process so that the allotment(s) can be safely developed and used. This is why differing widths are provided for different voltage lines. In response to reference by the submitter to 22.5m as provided within NZECP34, NZECP34 also applies to all electricity lines and is not specific to the National Grid. As such it does not recognise the significance of the National Grid, and furthermore its scope and purpose is confined to safety. It is the Code of Practice that sets minimum safe distances to primarily protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards and is only focused on minimum safety standards. As such, the distances referred to in NZECP34 provide guidance on safety distances only and do not provide for access, operation, maintenance and development relating to the Transmission Network, or distances to manage the adverse effects of third-party activities. Minimum safety requirements in the Code do not seek to protect the integrity of the National Grid from the effects of third parties. Nor does the Code provide for all access, work space, step and touch hazards where activities or infrastructure cause restrictions or create unsafe situations, especially during work activities on either Transpower's assets or works by a member of the public under or near a line. On this basis the submission point is opposed.*

166. The National Grid Corridor is not the same as the requirements of NZECP34:2001, which only deals with safe separation distances for buildings and people adjacent to electricity lines. The NZECP34:2001 will apply outside the District Plan and independently of it. NZECP34:2001 is mentioned in several places within chapter 14 of the PWDP. The National Grid Yard is intended to give effect to Policies 10 and 11 of the National Policy Statement for Electricity Transmission and assist in avoiding reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. For those reasons, and the reasons provided by the further submitter Transpower, I recommend rejecting Sharp Planning Solutions Ltd [695.75], and accepting *FS1350.45 Transpower*.
167. **FFNZ** [680.258] Retain the definition of "National grid yard" as notified; **FFNZ** [680.259] Retain the definition of "National grid corridor" as notified. The submitter supports the definitions to the extent that they are consistent with the NPSET and NESETA.
168. *FS1350.40; FS1350.44 Transpower opposes in part 680.258; 680.259: in so far as Transpower considers the proposed plan has incorrectly applied the 12m yard to the term National Grid Corridor, and the 14m-37m subdivision corridor to the term National Grid Yard. In its own submission Transpower sought correction of the terms along with minor amendments to assist with their interpretation and application.*
169. This submission point does not recognise that the yard and corridor definitions are transposed, and for that reason I recommend rejecting **FFNZ** [680.258] and accepting *FS1350.40; FS1350.44 Transpower*.

10.2 Recommendations

170. For the reasons above I recommend the Hearings Panel:

- a. Accept the submissions from Transpower [576.39]; *FS1168.125 Hort NZ*; and *FS1326.18 Holcim*.
- b. Accept the submissions from Transpower [576.38; 576.40]; *FS1326.19 Holcim*; and *FS1168.126 Hort NZ*.
- c. Accept in part the submissions from Hort NZ [419.128 and 419.129]; Tainui Group Holdings Limited [341.12 and 341.13].
- d. Accept the submissions from *FS1350.43; FS1350.39; FS1350.38; FS1350.42 Transpower; FS1168.124 Hort NZ; FS1269.111; and FS1269.112 HNZA*.
- e. Accept in part the submissions from Holcim [766.5], EnviroWaste [302.1], *FS1269.29 HNZA*;
- f. Accept the submissions from *FS1350.41; FS1350.37 Transpower*
- g. Reject the submission from Sharp Planning Solutions Ltd [695.75],
- h. Accept the submission from *FS1350.45 Transpower*
- i. Reject the submission from **FFNZ** [680.258; 680.259].
- j. Accept the submissions from *FS1350.40; FS1350.44 Transpower*.

10.3 Recommended amendments

171. The following amendments are recommended in Chapter 13 Definitions:

National ~~G~~grid ~~yard-Subdivision Corridor~~

Means the area measured either side of the centre line of any above-ground electricity transmission line as follows:

- (a) 14m for the 110kV national grid lines on single poles;
- ~~(b) 16m for the 110kV national grid lines on pi poles;~~
- ~~(b)(c)~~ 32m for 110kV national grid lines on towers; and

(c)(d) 37m for the 220kV transmission lines.

The National Grid Subdivision Corridor does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.[Transpower [576.39]]

National ~~Ggrid corridor~~Yard

Means the area located within:

- (a) 12 metres in any direction from the outer visible edge of a national grid support structure foundation; and
- (b) 10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and
- (c) 12 metres either side of the centre line of any above-ground national grid line on towers.

The National Grid Yard does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.[Transpower [576.40]]

172. The following amendments are recommended to Policy 6.2.6 to include “subdivision” into clauses (a)(i) and (iii):

6.2.6 Policy – Reverse sensitivity, Adverse effects on Infrastructure,²⁷ and the National Grid

- (a) Manage subdivision, use and development to the extent reasonably possible²⁸ so that the operation, maintenance, upgrading and development of the National Grid is not compromised by ensuring that:
 - (i) The National Grid is identified on the planning maps and the National Grid Yard and National Grid Subdivision²⁹ Corridor establish buffer distances for managing land use development and subdivision near the National Grid;
 - (ii) Land uses (including sSensitive land uses)³⁰ and structures that may compromise the National Grid, including intensive farming activities, are excluded from establishing within the National Grid Yard;
 - (iii) Subdivision is managed within the National Grid Subdivision³¹ Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid; and

²⁷ 576.20 Transpower

²⁸ 419.75 Hort NZ

²⁹ 576.39; 576.40 Transpower; 419.128 Hort NZ

³⁰ 576.20 Transpower

³¹ 576.39; 576.40 Transpower; 419.128 Hort NZ

- (iv) Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid.

173. The following amendment is recommended to Rule 14.4.2.1 Restricted Discretionary Activity to include “subdivision” in the activity:

<p>RD4</p>	<p>14.4.2.1</p> <p>The subdivision of land in any zone within the National Grid Subdivision³² Corridor that complies with all of the following conditions:</p> <ul style="list-style-type: none"> (a) All resulting allotments intended to contain a sensitive land use must provide be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use to be located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; or and³³ (b) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area. 	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of, including access to,³⁴ the National Grid; (b) The ability to provide a complying building platform outside of the National Grid Yard; (c) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (d) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines, and show how such landscaping will impact on the operation, maintenance, upgrading and development (including access) of the National Grid;³⁵ (e) The risk to the structural integrity of the National Grid;³⁶ (f) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.³⁷
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10.4 Section 32AA evaluation

174. The amendments are to correct a definition transposition error and to clarify that the National Grid Corridor applies to subdivision. No further s.32AA re-evaluation is required.

11 Definitions - Network Utility Operator

Submission point and Submitter	Decision requested
692.45 WEL Networks; 777.17 Radio New	Retain the definition of "Network utility operator" in Chapter 13 Definitions as notified.

³² 576.39; 576.40 Transpower
³³ 576.59 Transpower
³⁴ 576.59 Transpower
³⁵ 576.59 Transpower
³⁶ 576.59 Transpower
³⁷ 576.59 Transpower

Zealand Limited; 405.14 Counties Power; 986.45 KiwiRail	
<i>FS1273 Auckland Transport</i>	<i>FS1273.62 Supports 692.45; FS1273.61 Supports 777.17; FS1273.59 Supports 405.14; FS1273.60 Supports 986.45; FS1273.61 Supports 777.17</i>
<i>FS1211.38 First Gas</i>	<i>Supports 405.14</i>
836.8 Powerco	Retain inclusion of electricity storage, and generators (less than 10m ² in area and 2.5m in height in the definition of "Network utility operator" in Chapter 13: Definitions.

11.1 Analysis

175. **WEL Networks** [692.45]; **KiwiRail** [986.45]; **Counties Power** [405.14]; **Radio New Zealand Limited** [777.17] support the definition of "Network Utility Operator". Reasons include: it has the same meaning as the RMA; it would include the submitter; it includes rail; it is consistent with the Proposed National Standards.

176. *FS1273.62; FS1273.60; FS1273.59; FS1273.61 Auckland Transport supports 692.45; 986.45; 405.14; 777.17. FS1211.38 First Gas Limited supports 405.14: First Gas supports the submission which seeks to retain the definition of network utility operator as per S166 RMA and in particular S166 (a) but seeks that the definition is included within the PWDP.*

177. The definition of "network utility operator" is taken directly from the RMA. I do not consider it needs to be repeated in full in the PWDP. I recommend accepting WEL Networks [692.45]; KiwiRail [986.45]; Counties Power [405.14]; Radio New Zealand Limited [777.17]; *FS1273.62; FS1273.60; FS1273.59; FS1273.61 Auckland Transport* and accepting in part *FS1211.38 First Gas Limited*, to the extent of its support for the submission.

178. **Powerco** [836.8] seeks that electricity storage, and generators (less than 10m² in area and 2.5m in height) be retained in the definition of "Network utility operator". The submitter states these small-scale generators are not visually intrusive and do not create adverse visual or dominance effects on the environment or neighbouring properties, therefore their use and placement should not trigger the need for a resource consent. They are often located in rural or isolated areas, where access to the electricity grid is not always possible or practical, which lessens any visual effects.

179. Electricity storage and generators, up to 10m² in area and 2.5m in height, are defined in the Electricity Act 1992 as being "Electricity operators" and s.166 of the RMA includes electricity operators within the definition of "network utility operators". The PWDP definition of "network utility operator" is taken directly from the RMA. I recommend accepting Powerco [836.8], as the definition is taken directly from the RMA.

11.2 Recommendations

180. For the reasons above I recommend the Hearings Panel:

- a. Accept the submissions from WEL Networks [692.45]; KiwiRail [986.45]; Counties Power [405.14]; and Radio New Zealand Limited [777.17]; *FS1273.62; FS1273.60; FS1273.59; FS1273.61 Auckland Transport*.
- b. Accept in part the further submission from *FS1211.38 First Gas Limited*
- c. Accept the submission from Powerco [836.8].

11.3 Recommended amendments

181. No amendments are recommended to the definition of "Network utility operator".

12 Definitions - Functional need and Operational need

Submission point	Submitter	Decision requested
836.7	Powerco	Retain the definition of "Functional need" in Chapter 13: Definitions as notified.
FS1176.262	Watercare Services Ltd	Supports 836.7
FS1211.33	First Gas	Supports 836.7
578.46	POAL	Retain the definition of "Functional need" in Chapter 13 Definitions, as notified.
FS1211.36	First Gas	Supports 578.46
742.69	NZTA	Amend the definition for "Functional need" in Chapter 13: Definitions as follows: Means for Chapter 14 Infrastructure and Energy the need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment.
FS1323.111	Heritage NZPT	Opposes 742.69: HNZPT is concerned that the submitter (680.137) is diluting this definition by the inclusion of the phrase "for any number of reasons" and all submitters seek to enlarge its applicability through the deletion of "Means for Chapter 14 Infrastructure and Energy". Chapter 14 includes matters covered by National Policy statements that are deemed to have a greater priority than other activities. These amendments have the potential to cause adverse effects to historic heritage.
680.137	FFNZ	Amend the definition of "Functional need" in Chapter 13 Definitions, as follows: Means for Chapter 14 Infrastructure and Energy , the need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment <u>for any number of reasons.</u>
FS1345.38	Genesis Energy	Opposes 680.137
FS1168.118	Hort NZ	Supports 680.137
FS1258.77	Meridian Energy	Not Stated 680.137
FS1323.109	Heritage NZPT	Opposes 680.137
FS1211.34	First Gas	Opposes 680.137
697.388	Waikato District Council	Amend the definition "Functional need" as follows: Means for Chapter 14 Infrastructure and Energy , the need for a proposal...
FS1323.110	Heritage NZPT	Opposes 697.388
576.41	Transpower	Retain the definition for "Operational need" in Chapter 13 Definitions, as notified.
836.6	Powerco	Retain the definition of "Operational need" in Chapter 13: Definitions as notified.

FS1211.32	First Gas	Supports 836.6
FS1176.261	Watercare Services Ltd	Supports 836.6
578.77	POAL	Retain the definition of "Operational need" in Chapter 13 Definitions, as notified.
742.76	NZTA	Retain the definition of "Operational need" in Chapter 13: Definitions as notified.

12.1 Analysis

182. There is a total of 10 submission points on the definitions of “functional need” and “operational need”. Generally, submitters seek the retention of the definitions, with three submitters seeking amendments to the definition of “functional need.”

183. **Powerco** [836.7]; **POAL** [578.46] support the definition of "Functional need". Powerco [836.7] states this term helps other plan users understand the requirements for infrastructure and that there is not always a choice in their design and location. Infrastructure often has to traverse, locate or operate in a particular environment because it can only occur in that environment or because of technical or operational constraints. The definition creates more certainty for Powerco around the ability to establish assets where necessary, particularly within sensitive environments. Powerco undertakes a rigorous route selection process to identify the best location for infrastructure, taking into consideration several environmental and economic factors.

184. *FS1176.262 Watercare Services Ltd supports 836.7. FS1211.33; FS1211.36 First Gas supports 836.7; and 578.46: supports the intent of this submission which acknowledges requirements for infrastructure which often has to traverse, locate or operate in a particular environment because it can only operate in that environment or because of technical or operational constraints.*

185. **FFNZ** [680.137]; **NZTA** [742.69]; and **Waikato District Council** [697.388] seek amendment of the definition of "Functional need" to apply across the PWDP, not just to Chapter 14. Waikato District Council states while “functional need” is most relevant to Chapter 14 Infrastructure and Energy, it is also used in Chapter 5 of the PWDP. NZTA recognises that although infrastructure can often have locational constraints, this definition should not be restricted to Chapter 14.

186. *FS1345.38 Genesis Energy opposes 680.137: The addition of "for any number of reasons" adds little to the definition and is unspecific. FS1168.118 Hort NZ supports 680.137: There is a definition for functional need in the National Planning Standards and the definition for functional need in the Plan should be consistent with that definition. FS1258.77 Meridian Energy Not Stated 680.137: As a renewable electricity generator, Meridian has an interest in any amendments to the definition of "Functional need" in Chapter 13 and in any consequential changes arising from amendments to that definition. FS1323.109 Heritage NZPT opposes 680.137: Heritage NZPT is concerned that the submitter (680.137) is diluting this definition by the inclusion of the phrase "for any number of reasons" and all submitters seek to enlarge its applicability through the deletion of "Means for Chapter 14 Infrastructure and Energy". Chapter 14 includes matters covered by National Policy statements that are deemed to have a greater priority than other activities. These amendments have the potential to cause adverse effects to historic heritage. FS1211.34 First Gas opposes 680.137: supports the definition as notified. FS1323.110; FS1323.111 Heritage NZPT opposes 697.388; 742.69: same reasons for opposing 680.137 above.*

187. **Transpower** [576.410]; **Powerco** [836.6]; **POAL** [578.77]; and **NZTA** [742.76] seek retention of the definition for "Operational need". The submitters’ reasons include that the term ‘Operational need’ is used within Policy 6.1.2(a)(i) (noting that the term ‘operational’ is also

elsewhere in the plan but is not specific to ‘need’); on the basis the PWDP also contains the term ‘Functional need’ and this term is also used within Policy 6.2.1; the term “Operational need” helps other plan users understand the requirements for infrastructure and that there is not always a choice in their design and location; and the definition creates more certainty for the submitter around the ability to establish assets where necessary, particularly within sensitive environments.

188. *FS1211.32 First Gas supports 836.6: supports the intent which acknowledges requirements for infrastructure which often has to traverse, locate or operate in a particular environment because it can only operate in that environment or because of technical or operational constraints. FS1176.261 Watercare Services Ltd supports 836.6.*

189. Since the PWDP was notified, the National Planning Standards have been released and contain definitions for both of these terms as follows:

Functional need: means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

Operational need: means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

190. These terms effectively replace those notified and therefore I recommend either accepting or accepting in part all submissions received on these terms, to the extent that they are consistent with the definitions in the National Planning Standards.

12.2 Recommendations

191. For the reasons above I recommend the Hearings Panel:

- a. Accept in part the submissions from Powerco [836.7]; POAL [578.46], FFNZ [680.137]; *FS1176.262 Watercare Services Ltd; FS1211.33; FS1211.34; FS1211.36 First Gas, FS1345.38 Genesis Energy; FS1168.118 Hort NZ; FS1258.77 Meridian Energy, and FS1323.109 Heritage NZPT*, to the extent that “~~for Chapter 14 Infrastructure and Energy~~” is deleted, but “for any number of reasons” is not added to the definition
- b. Accept the submissions from NZTA [742.69]; and Waikato District Council [697.388].
- c. Reject the submissions from *FS1323.110; and FS1323.111 Heritage NZPT*.
- d. Accept the submissions from Transpower [576.41]; Powerco [836.6]; POAL [578.77]; NZTA [742.76]; *FS1211.32 First Gas; and FS1176.261 Watercare.*

12.3 Recommended amendments

192. The following amendments are recommended to the definition for “Functional need” in Chapter 13 Definitions (note that there is no amendment proposed to the definition for “Operational need”.):

Functional need - Means ~~for Chapter 14 Infrastructure and Energy~~, the need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment. [NZTA [742.69]; Waikato District Council [697.388]]

12.4 Section 32AA evaluation

193. The definition largely aligns with the National Planning Standards’ definition, and does not need to be limited to only applying to Chapter 14 Infrastructure and Energy. No further s.32AA re-evaluation is required.

13 Definitions - Infrastructure

Submission point and Submitter		Decision requested
576.35 Transpower; 578.81 POAL; 986.44 KiwiRail; 692.42 WEL Networks; 742.71 NZTA		Retain the definition for "Infrastructure" in Chapter 13 Definitions, as notified.
<i>FS1273 Auckland Transport</i>		<i>FS1273.43 Supports 576.35; FS1273.46 Supports 578.81; FS1273.51 Supports 986.44; FS1273.44 Supports 692.42; FS1273.42 Supports 742.71</i>
<i>FS1176 Watercare Services Ltd</i>		<i>FS1176.129 Supports 576.35; FS1176.149 Supports 578.81</i>
<i>FS1134.30 Counties Power</i>		<i>Supports 576.35</i>
777.15	Radio New Zealand Limited	Retain clause (c) in the definition of "infrastructure" in Chapter 13 Definitions, as notified.
<i>FS1273.45</i>	<i>Auckland Transport</i>	<i>Supports 777.15</i>
281.18	Aztech Buildings	Amend clause (e) and (f) of the definition of "Infrastructure" in Chapter 13: Definitions to exclude farm irrigation/drains.
<i>FS1342.58</i>	<i>FFNZ</i>	<i>Supports 281.18</i>
<i>FS1168.120</i>	<i>Hort NZ</i>	<i>Opposes 281.18</i>
423.20	Watercare	Amend the definition of "Infrastructure" in Chapter 13 Definitions to include the following: (i) <u>Storage and treatment facilities for water supply distribution; and</u> (ii) <u>Storage, treatment and discharge facilities for drainage or sewerage systems.</u>
<i>FS1273.47</i>	<i>Auckland Transport</i>	<i>Not Stated 423.20</i>
<i>FS1323.114</i>	<i>Heritage NZPT</i>	<i>Opposes 423.20</i>
405.11	Counties Power	Amend the definition of "Infrastructure" in Chapter 13 Definitions to include lines and fittings used or designed or intended for use, in or in connection with the generation, conversion, transformation, conveyance or use of electricity.
<i>FS1273.48</i>	<i>Auckland Transport</i>	<i>Not Stated 405.11</i>
<i>FS1176.64</i>	<i>Watercare Services Ltd</i>	<i>Supports 405.11</i>
<i>FS1323.113</i>	<i>Heritage NZPT</i>	<i>Opposes 405.11</i>
796.2	New Zealand Defence Force	Amend the definition of "Infrastructure" in Chapter 13 Definitions to include "national defence facilities" as clause (m).
<i>FS1273.50</i>	<i>Auckland Transport</i>	<i>Not Stated 796.2</i>
945.45	First Gas	Amend the definition of "Infrastructure" in Chapter 13: Definitions as follows: (a) <u>pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy and above ground incidental equipment;</u>
<i>FS1273.49</i>	<i>Auckland Transport</i>	<i>Not Stated 945.45</i>
81.193	Waikato Regional Council	Amend the definition of "infrastructure" in Chapter 13: Definitions to include Waikato Regional Council flood infrastructure with associated flood management regime.
<i>FS1041.3</i>	<i>Aka Aka Otatau Land Drainage Subcommittee</i>	<i>Supports 81.193</i>

FS1176.20	Watercare Services Ltd	Supports 81.193
FS1273.52	Auckland Transport	Not Stated 81.193
FS1323.112	Heritage NZPT	Opposes 81.193
FS1342.24	FFNZ	Opposes 81.193
827.27	NZ Steel	Add a new clause (m) to the definition of 'Infrastructure' in Chapter 13 Definitions as follows (or word to similar effect): <u>m. Material slurry pipelines and associated facilities including pump stations are considered to be infrastructure.</u>
FS1323.116	Heritage NZPT	Opposes 827.27
FS1345.67	Genesis Energy	Supports 827.27
580.1	Meridian Energy	Retain the core activities listed in the definition of "Infrastructure" in Chapter 13 Definitions AND Amend the definition of "Infrastructure" in Chapter 13 Definitions to explicitly include large-scale wind farms, subject to the confirmation of the National Planning Standards definition of "Infrastructure" OR Amend the definition of "Infrastructure" in Chapter 13 definitions to include large-scale wind farms and the ancillary activities necessary to support these including earthworks, access tracks, and ancillary structures, subject to the confirmation of the National Planning Standards definition OR Amend the policies and rules for addressing "Infrastructure" to explicitly include "large scale windfarms" in a manner that includes all necessary supporting ancillary activities, subject to confirmation of the final Natural Planning Standards definitions OR Add equivalent objectives, policies, and rules for "large scale wind farms" (including all ancillary activities and structures) as are currently provided for "Infrastructure" as sought in the submission.
FS1323.115	Heritage NZPT	Opposes 580.1

13.1 Analysis

194. There are 14 submissions; half seek retention of the definition of “infrastructure” and the other half seek various amendments. The term “infrastructure” is defined in s.2 of the RMA and I do not support moving away from this definition. The following discussion responds to specific amendments sought.

195. **Meridian Energy** [580.1] seeks the inclusion of large-scale wind farms to ensure that ancillary activities are provided for. The definition includes facilities for the generation of electricity, which would include the buildings, structures and plant, and access tracks and other ancillary activities. Electricity generators can be gazetted as “electricity operators” under s.4A of the Electricity Act 1992 and s.166 of the RMA includes electricity operators within the definition of “network utility operators” if they connect to the transmission or distribution network (i.e. not for electricity use on their own site). The PWDP definition of “network utility operator” is taken directly from the RMA. I do not consider that the definition of infrastructure in the PWDP needs to be amended to explicitly state “large-scale wind farms” or their ancillary activities. Earthworks activities

associated with infrastructure, such as for the creation of access tracks, is a specified activity P4 14.3.1.3 in Section 14.3 General Infrastructure. I recommend rejecting Meridian Energy [580.1].

196. **Aztech Buildings** [281.18] seek amendments to clause (e) and (f) of the definition of "Infrastructure" to exclude farm irrigation/drains as these clauses may be interpreted to include farm irrigation and farm drains. Elsewhere within this s.42A report I have addressed the (FFNZ and Hort NZ) submission points seeking that on-farm services, including irrigation and drainage, be distinguished from "infrastructure" which is public-facing. I support the definition of "farming activities" including those on-farm services.
197. **Watercare** [423.20] seeks that the definition of "Infrastructure" include storage, treatment and discharge facilities for water supply distribution and drainage or sewerage systems. The submitter states the notified definition does not appropriately enable the provision of infrastructure or recognize the technical or operational needs of infrastructure and doesn't include the storage and treatment of water and wastewater. I consider that storage and treatment facilities for water supply distribution; and storage, treatment and discharge facilities for drainage or sewerage systems are all already within the definitions of network utility operations and infrastructure.
198. **Counties Power** [405.11] seeks to amend the definition of "Infrastructure" to include lines and fittings related to generation, conversion, transformation, conveyance or use of electricity. I consider that lines and fittings used or designed or intended for use, in or in connection with the generation, conversion, transformation and conveyance of electricity are all already within the definition of infrastructure. The end use of electricity is not included in the definition. If the RMA and PWDP definitions could be considered to exclude these items by only mentioning generation facilities, lines and support structures, then these items are still included in the part of the definition on "network utility operation".
199. **New Zealand Defence Force** [796.2] seeks to amend the definition of "Infrastructure" to include "national defence facilities" as clause (m) to see the significance of defence activities recognised in the PWDP. National defence facilities are not included within the RMA or PWDP definitions of "infrastructure", and nor are other nodal facilities such as schools and hospitals. Those definitions have a distinct focus on networks and associated facilities connecting to the networks. I do not support amending the definition of infrastructure to include national defence facilities. I consider that such facilities should be established by designation, which will appropriately recognise their significance and allow them to override zones and planning rules. Some ancillary activities such as training and exercises may benefit from being defined as "temporary activities".
200. **First Gas** [945.45] seeks to amend the definition of "Infrastructure" to include above ground incidental equipment on gas transmission pipelines. I do not support the requested amendment to the definition. I consider that above-ground incidental equipment would be included within the infrastructure definition as part of the pipeline, and even if not, this equipment is also included by way of the definition including network utility operations.
201. **Waikato Regional Council** [81.193] seeks to amend the definition of "infrastructure" to include Waikato Regional Council flood infrastructure with associated flood management regime. Infrastructure definition includes "a drainage system". Natural hazards and climate change issues, such as flooding, are to be covered in Stage 2 of the PWDP, as Chapter 15 and a Variation to other PWDP Chapters. This Variation will include flood management and river protection, and management of effects of land use, development and subdivision on those flood management and

river protection systems. Zone rules manage earthworks to protect natural drainage patterns, water bodies and established drainage paths.

202. **NZ Steel [827.27]** seeks an addition to the definition of 'Infrastructure' for material slurry pipelines and associated facilities including pump stations. NZ Steel material slurry pipelines and associated facilities are neither within the definition of "infrastructure" in the RMA nor in the PWDP. Other similar industrial processes are also generally outside the definition, except where they are an associated part of a network for the generation of electricity (such as the Huntly Power Station ash pipeline) or a water supply distribution system, or a drainage or sewerage system (such as public trade waste sewerage system), or other pipeline for a network utility operation. The material slurry pipeline and associated facilities, not being within the definition of infrastructure, would be treated as an industrial activity and be subject to any plan provisions relating to that industrial activity, including any associated regional consent requirements for discharges to air, land or water. There are some physical similarities to pipeline and pump station 'infrastructure', but industrial processes are not subject to an equivalent planning treatment as the currently defined "infrastructure" and its enabling objectives and policies. Nor does it fit within "any other means" in clause (g) of the infrastructure definition, which deals with the land transport network utilities.
203. I do not support amendments sought by submitters to the definition of "infrastructure" and recommend either accepting or rejecting all submissions and further submission received, to the extent that they are consistent with the definition as provided in s.2 of the RMA.

13.2 Recommendations

204. For the reasons above I recommend the Hearings Panel:

- a. Reject the submission from Meridian Energy [580.1]
- b. Accept the submissions from Transpower [576.35]; POAL [578.81]; KiwiRail [986.44]; WEL Networks [692.42]; NZTA [742.71]; *FS1176.129*; *FS1176.149 Watercare Services Ltd*; *FS1273.43*; *FS1273.46*; *FS1273.51*; *FS1273.44*; *FS1273.42 Auckland Transport*; and *FS1134.30 Counties Power*
- c. Accept the submission from Radio New Zealand Limited [777.15]
- d. Accept in part the submission from Aztech Buildings [281.18]; *FS1342.58 FFNZ*; and *FS1168.120 Hort NZ*
- e. Reject the submission from Watercare [423.20]
- f. Reject the submissions from Counties Power Limited [405.11]; and *FS1176.64 Watercare Services Ltd*
- g. Reject the submission from New Zealand Defence Force [796.2]
- h. Reject the submission from First Gas Limited [945.45]
- i. Reject the submissions from Waikato Regional Council [81.193]; *FS1041.3 Aka Aka Otatau Land Drainage Subcommittee*; and *FS1176.20 Watercare*;
- j. Accept the submission from *FS1342.24 FFNZ*
- k. Reject the submission from NZ Steel [827.27];
- l. Accept in part the submission from *FS1345.67 Genesis Energy*
- m. Accept the submission from *FS1323.116*; *FS1323.112*; *FS1323.115*; *FS1323.113*; *FS1323.114 Heritage NZPT*
- n. Accept the submission from *FS1273.52*; *FS1273.47*; *FS1273.48*; *FS1273.50*; *FS1273.49*; *FS1273.45 Auckland Transport*

13.3 Recommended amendments

205. No amendments are recommended to the definition of “infrastructure”, however other parts of this s.42A report recommend amendments to the definition or “farming activities” or “farming” to distinguish on-farm services from public-facing infrastructure.

14 Definitions - Regionally significant infrastructure

Submission point	Submitter	Decision requested
576.36	Transpower	Add a new definition for "Regionally Significant Infrastructure" as provided in the Waikato Regional Policy Statement. AND Amend the PWDP to use the term "Regionally Significant Infrastructure".
<i>FS1168.109</i>	<i>Hort NZ</i>	<i>Supports 576.36</i>
<i>FS1211.39</i>	<i>First Gas</i>	<i>Supports 576.36</i>
<i>FS1176.130</i>	<i>Watercare Services Ltd</i>	<i>Supports 576.36</i>
<i>FS1258.24</i>	<i>Meridian Energy</i>	<i>Supports 576.36</i>
<i>FS1323.93</i>	<i>Heritage NZPT</i>	<i>Opposes 576.36</i>
<i>FS1375.26</i>	<i>Radio New Zealand</i>	<i>Supports 576.36</i>
<i>FS1345.31</i>	<i>Genesis Energy</i>	<i>Supports 576.36</i>
742.78	NZTA	Add a definition of "regionally significant infrastructure" to Chapter 13: Definitions as follows: <u>Means:</u> <u>(a) Pipelines for the distribution or transmission of natural or manufactured gas or petroleum;</u> <u>(b) Infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;</u> <u>(c) Radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;</u> <u>(d) The national electricity grid as defined by the Electricity Industry Act 2010;</u> <u>(e) A network as defined in the Electricity Industry Act 2010;</u> <u>(f) Infrastructure for the generation and/or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);</u> <u>(g) Significant transport corridors as defined in Maps 6.1 and 6.1A of the Waikato Regional Policy Statement (2016);</u> <u>(h) Lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002 and their associated essential infrastructure and services;</u> <u>(i) Municipal wastewater treatment plants, water supply treatment plants and bulk water supply wastewater conveyance and storage systems municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure; and</u> <u>(j) Flood and drainage infrastructure managed by Waikato Regional Council.</u>

<i>FS1323.94</i>	<i>Heritage NZPT</i>	<i>Opposes 742.78</i>
<i>FS1345.48</i>	<i>Genesis Energy</i>	<i>Supports 742.78</i>
945.33	First Gas	Amend Section 6.2 National Grid of the PWDP, as sought in the submission OR Add a definition for "Regionally Significant Infrastructure" and corresponding objective and policy framework for "Regionally Significant Infrastructure" in order to give effect to the Waikato Regional Policy Statement
<i>FS1345.55</i>	<i>Genesis Energy</i>	<i>Supports 945.33</i>
<i>FS1168.134</i>	<i>Hort NZ</i>	<i>Opposes 945.33</i>

206. For information, the Waikato Regional Policy Statement defines “Regionally significant infrastructure” as follows:

- a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
- b) infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;
- c) radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;
- d) the national electricity grid, as defined by the Electricity Industry Act 2010;
- e) a network (as defined in the Electricity Industry Act 2010);
- f) infrastructure for the generation and/or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);
- g) significant transport corridors as defined in Map 6.1 and 6.1A;
- h) lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;
- i) municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure;
- j) flood and drainage infrastructure managed by Waikato Regional Council;
- k) Hamilton City bus terminal and Hamilton Railway Station terminus; and
- l) Hamilton International Airport (this is outside Waikato District but the airport designation and Airport Noise Outer Control Boundary extend into Waikato District).

207. For information, the National Policy Statement Urban Development, effective from 20 August 2020, defines “Nationally significant infrastructure” as all of the following:

- (a) State highways;
- (b) the national grid electricity transmission network;
- (c) renewable electricity generation facilities that connect with the national grid;
- (d) the high-pressure gas transmission pipeline network operating in the North Island;
- (e) the refinery pipeline between Marsden Point and Wiri;
- (f) the New Zealand rail network (including light rail);
- (g) rapid transit services (as defined in this clause);
- (h) any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers;

- (i) the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002.

14.1 Analysis

208. **NZTA** [742.78] seeks the inclusion of a definition of "regionally significant infrastructure" aligned with the Waikato Regional Policy Statement which defines "regionally significant infrastructure" (including "significant transport corridors") and recognises the local, regional and national benefits that these provide.
209. *FS1345.48 Genesis Energy supports 742.78: For the same reasons provided that the definition is consistent with the Waikato RPS.*
210. *FS1323.94 Heritage NZPT opposes 742.78: The submitter has not specified the instances where in the PWDP the new defined term is proposed to be included and the relevant assessment criteria that would be associated with its inclusion. There is potential for its inclusion to inadvertently cause adverse effects to historic heritage.*
211. **Transpower** [576.36] seeks a new definition for "Regionally Significant Infrastructure" such as is provided in the Waikato Regional Policy Statement AND amendment of the PWDP to use the term "Regionally Significant Infrastructure". While the lack of such a definition is not in itself opposed by Transpower on the basis specific recognition is provided within the PWDP to the National Grid, the submitter notes the provision of a definition for 'Regionally significant infrastructure' would reflect the provision of a definition as provided in the Waikato Regional Policy Statement 2016 and provide a distinction for infrastructure that is important at a regional level. The provision of a definition of Regionally significant infrastructure and its use throughout the plan would also reflect the approach used within the Regional Policy Statement.
212. *FS1345.31 Genesis Energy supports 576.36 for the same reasons.*
213. *FS1168.109 Hort NZ supports 576.36: The submitter seeks that the definition of regionally significant infrastructure from the RPS is included in the Plan. As the term is used in the Plan such an addition is appropriate.*
214. *FS1211.39 First Gas supports 576.36: supports the intent of this submission which seeks to include a definition of 'Regionally Significant Infrastructure' providing the definition includes the gas network. Inclusion of the proposed definition would be consistent with the Waikato Regional Policy Statement.*
215. *FS1176.130 Watercare Services Ltd supports 576.36: supports the approach of recognising and providing for regionally significant infrastructure and is seeking changes, in its original submission, to the provisions of the PWDP to implement this.*
216. *FS1258.24 Meridian Energy supports 576.36: Meridian own and operates the Te Uku Wind Farm within the Waikato District. The PWDP includes a definition of 'infrastructure', which includes (in (d)) ' facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity...'. Submission 580 by Meridian notes that the Waikato Regional Policy Statement includes a definition of 'regionally significant infrastructure' and a policy framework for regionally significant infrastructure. As a renewable electricity generator, Meridian has an interest in the definition proposed by submission point 576.36 and in any other provisions that are inserted into the PWDP for 'regionally significant infrastructure'.*

217. *FSI 375.26 Radio New Zealand supports 576.36: agrees it would be useful if the PWDP was consistent with the Waikato Regional Policy Statement.*
218. *FSI 323.93 Heritage NZPT opposes 576.36: The submitter has not specified the instances where in the PWDP the new defined term is proposed to be included and the relevant assessment criteria that would be associated with its inclusion. There is potential for its inclusion to inadvertently cause adverse effects to historic heritage.*
219. **First Gas [945.33]** seeks to have the gas transmission pipeline network recognised as nationally significant infrastructure similar to the National Grid OR a definition for "Regionally Significant Infrastructure" and corresponding objective and policy framework for "Regionally Significant Infrastructure" in order to give effect to the Waikato Regional Policy Statement.
220. The submitter generally supports the intent of the chapter but notes that regionally significant infrastructure is neither defined in the PWDP nor is the term used in the objective and policy framework. The submitter is of the opinion that its transmission pipeline is nationally significant and seeks that those provisions referencing the National Grid be amended to also include reference to the gas transmission pipeline. First Gas acknowledges that its distribution pipeline differs from its transmission pipeline in this regard. Alternatively, the submitter considers that the PWDP should include a definition for, and corresponding objective and policy framework for Regionally Significant Infrastructure to give effect to the RPS for Waikato District.
221. *FSI 345.55 Genesis Energy supports 945.33 for the same reasons. FSI 168.134 Hort NZ opposes 945.33: Submitter seeks that a definition for regionally significant infrastructure and corresponding objective and policy framework is included in the Plan but does not specify the wording sought. The submitter also seeks the same status for gas pipelines as the National Grid. There is no NPS for the gas network so it should not be accorded the same status as the National Grid.*
222. The NPSUD addresses infrastructure issues extensively in relation to integrated planning and development and land use for growth. The only references to "nationally significant infrastructure" are in its definition; a requirement for consultation with providers of that infrastructure (along with providers of other infrastructure) in the preparation of a Future Development Strategy, and an exception ("qualifying matter") to the intensification density and height requirements for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. This last provision effectively means that nationally significant infrastructure can 'trump' the urban development capacity requirements, which are National Policy Statement matters to which the PWDP must give effect. I do not think that Waikato District currently has any locations in close proximity to rapid transit stations, which would require the NPSUD levels of intensification. That effectively means that the NPSUD definition of "nationally significant infrastructure" has no current relevance to the PWDP beyond the provisions relating to infrastructure generally.
223. The Waikato Regional Policy Statement (WRPS) defines "regionally significant infrastructure", as set out above. It selects certain elements of infrastructure which are within the RMA and PWDP definitions of "infrastructure", elevates the significance of elements of the land transport networks, and adds in regional council flood management infrastructure. The following table provides a comparison of the PWDP definition of "infrastructure" and the WRPS definition of "regional significant infrastructure":

Proposed Waikato District Plan	Waikato Regional Policy Statement
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<p>Infrastructure means:</p> <ul style="list-style-type: none"> (a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy; (b) a network for the purpose of telecommunication, as defined in section 5 of the Telecommunications Act 2001; (c) a network for the purpose of radiocommunication, as defined in section 2(1) of the Radiocommunications Act 1989; (d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person: (e) uses them in connection with the generation of electricity for the person's use; and (f) does not use them to generate any electricity for supply to any other person; (g) a water supply distribution system, including a system for irrigation; (h) a drainage or sewerage system; (i) structures for transport on, under or over land by cycle ways, rail, roads, walkways, or any other means; (j) facilities for the loading or unloading of cargo or passengers transported on land by any means; (k) an airport as defined in section 2 of the Airport Authorities Act 1966; (l) a navigation installation as defined in section 2 of the Civil Aviation Act 1990; (m) facilities for the loading or unloading of cargo or passengers carried by sea, including a port-related commercial undertaking, as defined in section 2(1) of the Port Companies Act 1988; or <p>anything described as a network utility operation in regulations made for the purposes of the</p>	<p>Regionally significant infrastructure – includes:</p> <ul style="list-style-type: none"> (a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum; (b) infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001; (c) radio apparatus as defined in section 2(1) of the Radio Communications Act 1989; (d) the national electricity grid, as defined by the Electricity Industry Act 2010; (e) a network (as defined in the Electricity Industry Act 2010); (f) infrastructure for the generation and/or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010); (g) significant transport corridors as defined in Map 6.1 and 6.1A; (h) lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services; (i) municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure; (j) flood and drainage infrastructure managed by Waikato Regional Council; (k) Hamilton City bus terminal and Hamilton Railway Station terminus; and (l) Hamilton International Airport.
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definition of network utility operator in section 166 of the Resource Management Act 1991.	
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224. The PWDP is required to give effect to the VRPS. In my opinion it does that without the need for a definition or use of the term “regionally significant infrastructure”. The PWDP, as notified and as amended in response to submissions, in my opinion appropriately sets out the relationship between enabling the functional and operational needs of infrastructure and protecting high value environments, including historic heritage, and does not need specific provisions for Regionally Significant Infrastructure. In many cases the protection of high value environments manifests in restricted discretionary or discretionary activity classifications for infrastructure activities where it would be non-complying for other activities.

225. Further submitter Heritage NZPT is concerned that the submitters have not specified the instances where in the PWDP the new defined term is proposed to be included and the relevant assessment criteria that would be associated with its inclusion, and that there is potential for its inclusion to inadvertently cause adverse effects to historic heritage. As I am not recommending changes to include a definition of regional significant infrastructure there will be no inadvertent impacts on historic heritage.

14.2 Recommendations

226. For the reasons above I recommend the Hearings Panel:

- o. Reject the submission from NZTA [742.78]; *FS1345.48 Genesis Energy*
- p. Accept the submission from *FS1323.94 Heritage NZPT*
- q. Reject the submission from Transpower [576.36]; *FS1345.31 Genesis Energy; FS1168.109 Hort NZ; FS1211.39 First Gas; FS1176.130 Watercare; FS1258.24 Meridian Energy; FS1375.26 Radio New Zealand*
- r. Accept the submission from *FS1323.93 Heritage NZPT*
- s. Reject the submission from First Gas [945.33]; *FS1345.55 Genesis Energy*
- t. Accept the submission from *FS1168.134 Hort NZ*.

14.3 Recommended amendments

227. No amendments are recommended in relation to “regionally significant infrastructure”.

15 Definitions - Road network activities

Submission point and Submitter	Decision requested
578.78 POAL; 742.79 NZTA; 749.60 HNZC; 372.14 Auckland Council	Retain the definition of "Road network activities" in Chapter 13 Definitions, as notified.
<i>FS1273 Auckland Transport</i>	<i>FS1273.64 Supports 749.60; FS1273.65 Supports 578.78; FS1273.63 Supports 742.79; FS1273.66 Supports 372.14</i>
697.503	Add to the definition for "Road network activities" as follows: (p) <u>wastewater and water supply management structures</u>
<i>FS1273.67</i>	<i>Auckland Transport</i> <i>Not Stated 697.503</i>

986.47	KiwiRail	Amend the definition of "Road network activities" in Chapter 13 Definitions as follows (or similar amendments to achieve the requested relief): <u>Road–Land transport network activities Means road or rail infrastructure and transport services provided within a land transport network corridor the road, including: (p) railway tracks, bridges, tunnels, signalling, access tracks and facilities.</u>
FS1273.68	Auckland Transport	Not Stated 986.47

15.1 Analysis

228. **KiwiRail** [986.47] seeks to amend the definition of "Road network activities" to refer to land transport and specifically include reference to rail. The submitter considers that the definition should be amended to clarify that it provides coverage for all listed infrastructure activities within the railway corridor by changing the definition to 'road and rail network activities'.

229. *FS1273.68 Auckland Transport Not Stated 986.47: supports the retention of the "Road network activities" as notified, it is neutral in respect to submissions that seek to add additional clarity around what ancillary activities also occur within these corridors in relation to other infrastructure.*

230. I note that KiwiRail has designated the North Island Main Trunk Railway; East Coast Main Trunk Railway - Ruakura to Eureka; Cambridge Branch Railway - Ruakura to Matangi; and Rotowaro Branch Line - Huntly to Rotowaro. The designations will allow KiwiRail to undertake rail **network** activities regardless of whether they are located in a road. An amendment to "land transport network" would remove the key element, which is that such activities occur in the road. The term "road" has a meaning defined within the RMA, and referring to the Local Government Act, including for walking and cycling, streetscape and landscaping, public open space, service berms and stormwater management. However, I consider there would be a benefit in including rail activities within the definition of "road network activities", as it would identify permitted activities which could be undertaken without the need for an Outline Plan of Works. "Rail activity" is defined in the Land Transport Management Act 2003. I recommend adding a note to the definition of "road network activities", stating that:

"Rail activities, as defined in the Land Transport Management Act 2003, within the rail corridor shall have the same meaning and activity status as road network activities within the road."

231. I recommend accepting in part KiwiRail [986.47]; *FS1273.68 Auckland Transport*, to the extent that rail activities are to be treated in the same way as road network activities where they are located within the road corridor.

232. **Waikato District Council** [697.503] seeks to add wastewater and water supply management structures to the definition for "Road network activities". The submitter notes there are manholes and other structures associated with the reticulation of wastewater and water supply and these are often within the road reserve. *FS1273.67 Auckland Transport Not Stated 697.503: is neutral in respect to submissions that seek to add additional clarity around what ancillary activities also occur within these corridors in relation to other infrastructure.*

233. I note that the definition of "road network activities", within Chapter 13 Definitions, is comprehensive and includes "(k) road drainage devices including culverts, subsoils, catch pits,

water tables, manholes, inlets, outlets, flumes...”, and “(m) stormwater management devices...”. Those services are not only related to the transport function of the road itself, but reflect the wider role of the road network in providing a public corridor for water supply reticulation, and for wastewater and stormwater drainage where slope allows, and for other services such as electricity and gas distribution and telecommunications. I support the amendment of the definition to include (p) wastewater and water supply management structures. I recommend accepting Waikato District Council [697.503].

234. **HNZC** [749.60]; **POAL** [578.78]; **NZTA** [742.79]; **Auckland Council** [372.14] support the definition of "road network activities". Auckland Council states the general alignment of the definition of "road network activities" with the Auckland Unitary Plan definition will make it more efficient for Auckland Transport to manage roading within Waikato District and across the common boundary. *FS1273.64; FS1273.65; FS1273.63; FS1273.66 Auckland Transport supports 749.60; 578.78; 742.79; 372.14 for same reason.*

235. The notified PWDP definition of “road network activities” is identical to that in the Auckland Unitary Plan. I recommend accepting in part **HNZC** [749.60]; **POAL** [578.78]; **NZTA** [742.79]; **Auckland Council** [372.14]; *FS1273.64; FS1273.65; FS1273.63; FS1273.66 Auckland Transport*, to the extent that the definition remains largely intact, but amended in response to other submissions.

15.2 Recommendations

236. For the reasons above I recommend the Hearings Panel:

- a. Accept in part the submission from KiwiRail [986.47]; *FS1273.68 Auckland Transport*
- b. Accept the submission from Waikato District Council [697.503];
- c. Accept the submission from *FS1273.67 Auckland Transport*
- d. Accept in part the submissions from **HNZC** [749.60]; **POAL** [578.78]; **NZTA** [742.79]; **Auckland Council** [372.14]; and *FS1273.64; FS1273.65; FS1273.63; FS1273.66 Auckland Transport*.

15.3 Recommended amendments

237. The following amendments are recommended to Chapter 13 Definitions Road Network Activities:

Road network activities

Means road infrastructure and transport services provided within the road, including:

- (a) footpaths, footways and footbridges, bridges for roads, tunnels, retaining walls for roads both above and below the road;
- (b) road verges and berms;
- (c) site access including vehicle crossings;
- (d) road carriageways and road pavements;
- (e) cycle facilities;
- (f) road lighting and support structures;
- (g) traffic operation and safety signs, direction signs, road name signs, road safety devices including interactive warning signs, road markings, rumble strips, barriers, fences, speed tables and speed cushions, traffic separators, bus-friendly vertical deflection devices;

- (h) ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets;
- (i) traffic control devices including traffic islands, pedestrian crossings and roundabouts and intersection controls, traffic and cycle-monitoring devices, traffic signals and support structures, cabinets and ancillary equipment associated with traffic signals;
- (j) devices and structures to implement regulatory controls (no-stopping, no-overtaking, parking control, bus lane controls, vehicle restrictions) including speed limit and parking restriction signs, parking meters, pay-and-display kiosks, speed cameras, red light/traffic cameras and on-street parking areas;
- (k) road drainage devices including culverts, subsoils, catch pits, water tables, manholes, inlets, outlets, flumes;
- (l) scour and erosion control devices;
- (m) stormwater management devices including rain gardens, wetlands, stormwater treatment areas and ponds;
- (n) noise attenuation walls or fences; and
- (o) devices associated with intelligent transport systems, including vehicle detection systems (electronic vehicle identification, and infra-red vehicle occupancy counters), lane control signals, ramp signals, variable messaging signs, CCTV cameras, incident detection, emergency telephones, cables and ducting.

(p) wastewater and water supply management structures [Waikato District Council [697.503]]

Rail activities, as defined in the Land Transport Management Act 2003, within the rail corridor shall have the same meaning and activity status as road network activities within the road. [KiwiRail [986.47]]

15.4 Section 32AA evaluation

238. Amendments clarify the role of the road as a services corridor, and that rail activities within the rail corridor should be treated similarly to road network activities where they are also located within a road corridor. It is a more efficient and effective way of enabling this infrastructure, and is the most appropriate method to achieve an integrated land transport network (including rail) where all transport modes are accessible, safe and efficient and adverse effects are managed in accordance with Objective 6.5.1 and Policy 6.5.2.

16 Definitions - Other

Submission point	Submitter	Decision requested
594.1	NZART	Add a definition for 'Amateur radio configurations' in Chapter 13 Definitions, as follows: <u>Means aerials, antennas and associated support structures which are owned and operated by licensed amateur radio operators</u>
FS1082.1; FS1030.1; FS1184.1; FS1069.1; FS1034.5	David George King; Phillip King; Sam Birch; Gavin William Petrie; Warren Philip Nelson Semmens	Supports 594.1

697.363	Waikato District Council	Amend the definition of "Ancillary equipment" as follows: ... necessary to install within a facility to enable...
405.9	Counties Power	Amend definition of "Cabinet" in Chapter 13 Definitions, to clarify whether cabinets ancillary to the operations of communications equipment for the connectivity of the electricity network should be regarded as a cabinet or minor infrastructure. If regarded as a cabinet, the submitter questions whether it would be excluded because it houses ancillary equipment, or whether this is subject to assessment of dimensions.
697.379	Waikato District Council	Add to Chapter 13: Definitions a new definition for "Design Speed" as follows: <u>Design Speed Means a speed fixed for the design of those geometric features of a carriageway that influence vehicle operation. Design speed is the 85th percentile speed of traffic through that geometric feature. These can either be measured or estimated (Austroad design guides or similar).</u>
923.137	Waikato DHB	Amend the definition of "emergency generator" in Chapter 13: Definitions as follows: Means either a fixed or trailer-mounted generator that can supply reticulated water and wastewater networks or treatment facilities with emergency power where and when necessary. <u>It does not include any generator when running for testing or maintenance.</u>
419.119	Hort NZ	No specific decision requested, but the submission is seeking clarification of the definition of "Energy Corridor" in Chapter 13 Definitions.
<i>FS1345.103</i>	<i>Genesis Energy</i>	<i>Opposes 419.119</i>
576.33	Transpower	Delete the definition for "Energy Corridor" from Chapter 13 Definitions if it is not shown on the planning maps OR Amend the planning maps legend so that plan users can readily identify where the Energy corridor applies if it is shown on the planning maps.
680.132	FFNZ	Amend the definition of "Energy corridor" in Chapter 13 Definitions to ensure that it is the same, regardless of which format of the PWDP is being used.
945.44	First Gas	Add a new definition to Chapter 13: Definitions for "Gas Network" as follows: <u>Gas Network: A network for the purpose of conveying high pressure gas and liquid petroleum including pipelines and above ground incidental equipment.</u>
742.72	NZTA	Add a definition for "Integrated transport assessment" to Chapter 13: Definitions as follows: <u>Means a comprehensive review of all the potential transport impacts of a development proposal.</u>
742.73	NZTA	Add a definition for "land transport network" to Chapter 13: Definitions as follows:

		<u>The network used for the land-based transportation of people and/or goods including by road, rail, cycling, walking and public transport.</u>
<i>FS1272.12</i>	<i>KiwiRail</i>	<i>Supports 742.73</i>
580.3	Meridian Energy	Retain the definition of "Large-scale wind farm" in Chapter 13 Definitions.
742.74	NZTA	Amend the definition of "limited access road" to Chapter 13: Definitions as follows: Means the following roads in the district to which sections 88 to 98 of the Government Roading Powers Act 1989 apply: (a) State Highway 1, except those parts within Huntly town boundaries and in Taupiri between Mangawara bridge and Kainui Road; (b) State Highways 2 and 26; and (c) State Highway 23 from the Hamilton City boundary to the Okete Stream bridge south abutment. Any road declared a limited access road under Section 88 of the Government Roading Powers Act 1989, Section 346A of the local Government Act 1974 or the corresponding provisions of any former enactment.
831.24	Gabrielle Parson on behalf of Raglan Naturally	Amend the definition of "Public transport facility" in Chapter 13: Definitions, to include water and ferry transport.
692.46	WEL Networks	Retain the definition of "Renewable Electricity Generation Activities" in Chapter 13: Definitions.
692.47	WEL Networks	Retain the definition of "Self-Contained Power Unit" in Chapter 13: Definitions.
692.48	WEL Networks	Retain the definition of "Service Connection" in Chapter 13: Definitions.
692.49	WEL Networks	Retain the definition of "Small-Scale Electricity Generation" in Chapter 13: Definitions.
836.10	Powerco	Add a definition of 'Support structures' in Chapter 13: Definitions as follows (or similar words or planning options to address the issues raised): <u>Support Structure</u> <u>Support Structure means any structure associated with a network utility and includes, but is not limited to, support poles and towers for lines, navigational aids, meteorological installations, and similar structures. It does not include lines, antennas and masts.</u> AND Add exclusions for "support structures" to Rule 14.2.1.1 (1) (b) (c) and (d) Permitted activities (or alternative planning options to address the issues raised).
742.82	NZTA	Retain definition for "temporary infrastructure" in Chapter 13: Definitions as notified.
576.48	Transpower	Retain the definition for "Temporary Infrastructure" in Chapter 13 Definitions, as notified.
<i>FS1176.132</i>	<i>Watercare Services Ltd</i>	<i>Supports 576.48</i>
692.1	WEL Networks	Retain the definition of "Temporary Infrastructure" in Chapter 13: Definitions.
<i>FS1176.232</i>	<i>Watercare Services Ltd</i>	<i>Supports 692.1</i>

405.15	Counties Power	Retain the definition of "Temporary infrastructure" in Chapter 13 Definitions, as notified.
FS1176.67	Watercare Services Ltd	Supports 405.15
692.2	WEL Networks	Retain the definition of "Utility Allotment" in Chapter 13: Definitions.
FS1176.233	Watercare Services Ltd	Supports 692.2
742.83	NZTA	Retain the definition for "vehicle movement" in Chapter 13: Definitions as notified.

16.1 Analysis

239. **NZART** [594.1] seeks a definition for 'Amateur radio configurations' because it would effectively capture all antennas, aerials and support structures used by licensed radio amateurs. *FS1082.1 David George King; FS1030.1 Phillip King; FS1184.1 Sam Birch; FS1069.1 Gavin William Petrie; FS1034.5 Warren Philip Nelson Semmens support 594.1: The plan needs to define the activity being submitted about.*
240. I do not agree that a definition is needed for "amateur radio configurations", as the common meaning is sufficient. In each case where the term is used in the PWDP it refers to associated aerials, antennas and support structures. I recommend rejecting NZART [594.1]; *FS1082.1 David George King; FS1030.1 Phillip King; FS1184.1 Sam Birch; FS1069.1 Gavin William Petrie; FS1034.5 Warren Philip Nelson Semmens.*
241. **Waikato District Council** [697.363] seeks to correct the definition of "Ancillary equipment" to improve clarity. I recommend accepting Waikato District Council [697.363] as a correction.
242. **Counties Power** [405.9] seeks to amend the definition of "Cabinet", to clarify whether cabinets ancillary to the operations of communications equipment for the connectivity of the electricity network should be regarded as a cabinet or minor infrastructure. If regarded as a cabinet, the submitter questions whether it would be excluded because it houses ancillary equipment, or whether this is subject to assessment of dimensions. Counties Power uses cabinets which are ancillary to the operation of communications equipment which is required for connectivity of the electricity network. These cabinets are generally attached to the lower part of the pole, or on the ground at the base of the pole.
243. In response to other submissions the activities 14.10.1.1 P1 Ancillary equipment and 14.10.1.2 P3 Cabinets (not regulated by NESTF) have both been allocated area (10m²) and height (2.5m) limits, so I do not consider amendments are needed to the definition. These area/height limits would apply to a cabinet or junction box ancillary to the operations of communications equipment for the connectivity of the electricity network. Telecommunications equipment cabinet dimensions are regulated by the NESTF. I recommend rejecting Counties Power [405.9].
244. **Waikato District Council** [697.379] seeks to add a new definition for "Design Speed" to clarify the rules in Chapter 14.12 Transportation.
245. "Design speed" is a term used in the transportation tables 14.12.5.1; 14.12.5.3; 14.12.5.14 and 14.12.5.15. I agree that it is a technical term requiring definition for clarity. I recommend accepting Waikato District Council [697.379].

246. **923.137 Waikato DHB** [923.137] seeks to amend the definition of "emergency generator" to exclude the noise exemptions for testing and maintenance of generators. The submitter states that the definition is used to exclude this sound source from noise limits in most zones. The submitter states the exclusion is reasonable for emergency operation of generators but not for routine testing or maintenance, particularly outside of core daytime hours.
247. I consider it would be unreasonable to not allow the routine testing and maintenance of emergency generators and note that temporary diesel-fuelled electricity generation activities are a permitted activity in Rule 14.6.1 P4 with no limitations on the purpose of their use. I recommend rejecting Waikato DHB [923.137].
248. **Hort NZ** [419.119]: No specific decision is requested, but the submission is seeking clarification of the definition of "Energy Corridor" in Chapter 13 Definitions. The term "Energy Corridor" has the same definition as "Emergency generator" in a version of the PWDP. FS1345.103 Genesis Energy opposes 419.119: Genesis opposes any amendments to the definition.
249. **Transpower** [576.33] seeks deletion of the definition for "Energy Corridor" from Chapter 13 Definitions if it is not shown on the planning maps OR Amend the planning maps legend so that plan users can readily identify where the Energy Corridor applies. The submitter states it is unclear as to where the definition applies as it does not appear to be shown on the planning maps or identified on the planning legend.
250. **FFNZ** [680.132] seeks to amend the definition of "Energy Corridor" to ensure that it is the same, regardless of which format of the PWDP is being used. The definition of Energy Corridor is different on the two different formats of the plan uploaded on the Council website. It is assumed the electronic plan version contains a drafting error as it applies to emergency generator.
251. Energy corridor is defined in Chapter 13 definitions as: "Means an energy corridor shown on the planning maps". That is not helpful, and the PWDP Map Legend does not have a label for "energy corridor" but does have a label and dot-dash line for "Specific Area/Activity". On the planning maps the dot-dash line is used, for example on map Huntly West 20.1 for two Specific Areas/Activities, to show a labelled "Energy Corridor" to the west of Huntly Power Station (for Genesis Energy) and a labelled "Ash Water Pipeline" to the north between the Huntly Power Station and the Ash Water Disposal Ponds. Chapter 22 Rural Zone has a sub-section as follows:
- 22.6.8 Energy corridor - transportation of minerals and substances
- PI (a) The transportation of minerals and substances in an energy corridor must comply with all the following conditions:
- (i) be limited to coal ash, aggregate, overburden, cleanfill, wastewater and other liquids (other than a hazardous substance);
- (ii) not deposit discernible minerals or dust; and
- (iii) not result in odour identified outside the energy corridor.
252. In my opinion the planning map legend should be amended to list the Specific Areas/Activities, such as "Energy Corridor; Ash Water Pipeline" and Chapter 13 Definitions should be amended to align with the activity, i.e. "Means an energy corridor shown on the planning maps, being a corridor for the transportation of minerals and substances, limited to coal ash, aggregate, overburden, clean-fill, wastewater and other liquids (other than a hazardous substance)." I am not

aware of all the Energy Corridors and Specific Areas/Activities, and there may be others for wastewater and for aggregate quarries. The Energy corridor is not intended to include the National Grid, National Grid Yard or the National Grid Subdivision Corridor. I consider my recommended amendments would provide the clarification relief sought by the submitters, although FS1345.103 Genesis Energy opposes any change to the definition. I recommend accepting Hort NZ [419.119] and rejecting FS1345.103 Genesis Energy; and accepting Transpower [576.33]; and FFNZ [680.132].

253. **First Gas** [945.44] seeks a new definition for "Gas Network", to ensure that the entire network including gas transmission lines and above ground incidental equipment are provided for within the PWDP.

254. I do not consider such a definition is necessary. There are no such definitions for the telecommunications or electricity distribution networks. The gas network is a network utility operation and infrastructure and is explicitly included in those definitions. Sub-section 14.7 has permitted activities including above and below-ground pipelines, storage facilities and pump stations for liquid fuels and gas. Sub-section 14.3 has a permitted activity P9 Minor Infrastructure Structure, which is defined as: "any above-ground box-like structure or enclosure associated with infrastructure or that receives or transmits to or from any part of an infrastructure network, which includes:... (d) gas infrastructure." I recommend rejecting First Gas [945.44].

255. **NZTA** [742.72] seeks a definition for "Integrated transport assessment" consistent with the Regional Policy Statement.

256. The term "integrated transport assessment" is not used within the PWDP, so it currently does not have a definition in Chapter 13 definitions. The term is in common usage by traffic engineers and transport planners. If an integrated transport assessment was requested to support a resource consent application or plan change request, it would not need a definition in the PWDP to be understood. I recommend rejecting NZTA [742.72].

257. **NZTA** [742.73] seeks to add a definition for "land transport network". The submitter considers it is important to recognise the whole transport system and the parts that road, rail, cycling and walking facilities have within the network. *FS1272.12 KiwiRail supports 742.73: KiwiRail's original submission sought amendments to various provisions in the Proposed Plan to refer to the "land transport network". KiwiRail supports the addition of a definition for this term to ensure that the Proposed Plan has sufficient clarity and certainty for plan users.*

258. I agree that the term "land transport network" more appropriately includes the range of transport modes. I have recommended amendments in response to other submissions to change "road network" to "land transport network". I recommend accepting NZTA [742.73]; and *FS1272.12 KiwiRail*.

259. **Meridian Energy** [580.3] supports the definition of "Large-scale wind farm". The definition refers to access tracks, buildings and structures and the submitter considers it is inclusive of most ancillary activities in addition to the core generation activity. For the reasons provided by the submitter, I recommend accepting Meridian Energy [580.3].

260. **NZTA** [742.74] seeks to amend the definition of "limited access road" to describe its legal status rather than the actual sections of road where it applies. The submitter states the definition of "limited access road" refers to specific sections of roads and does not account for the situation of new roads being classified as Limited Access Roads. Given the process of declaring Limited

Access Roads is covered by legislation and cannot be overridden by a district plan, it could be misleading and/or unnecessarily trigger a plan change if new sections of Limited Access Road are declared. The definition also excludes the situation of Limited Access Roads declared or existing under the Local Government Act 1974.

261. I agree that it would be preferable to define “limited access road” by its legal status rather than by way of a list. A plan change would not be needed if new sections of “Limited Access Road” are declared. I do not know if Waikato District Council has had any Limited Access Roads declared under the Local Government Act 1974, but the suggested amendment would also encompass those. I recommend accepting NZTA [742.74].
262. **Gabrielle Parson on behalf of Raglan Naturally** [831.24] seeks to amend the definition of “Public transport facility”, to include water and ferry transport. The submitter envisages resumption of ferry services to ease congestion. The submitter considers that the current definition only applies to land based public transport.
263. The PWDP does not regulate activities on the water, except in the Rural Zone in Chapter 12. Regulating activities on the water is a regional council function. The definition of “Public transport facility” includes the land-based parts of scheduled passenger transport services, such as a ferry terminal. I recommend rejecting Gabrielle Parson on behalf of Raglan Naturally [831.24].
264. **WEL Networks** [692.46] supports the definition of “Renewable Electricity Generation Activities” as it includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network. For the reasons provided by the submitter, I recommend accepting WEL Networks [692.46].
265. **WEL Networks** [692.47] supports the definition of “Self-Contained Power Unit” as it includes battery units which are essential in the storage of electricity. For the reasons provided by the submitter, I recommend accepting WEL Networks [692.47].
266. **WEL Networks** [692.48] supports the definition of “Service Connection as it includes the service line that would connect the submitter to the customer. For the reasons provided by the submitter, I recommend accepting WEL Networks [692.48].
267. **WEL Networks** [692.49] supports the definition of “Small-Scale Electricity Generation” as it includes small renewable generation activities and connecting to the network. For the reasons provided by the submitter, I recommend accepting WEL Networks [692.49].
268. **Powerco** [836.10] seeks a definition of 'Support structures' AND exclusions for "support structures" to height and height-in relation-to-boundary rules. A new definition is suggested due to the locational requirements of support structures and their minimum required height to achieve safe separation distances between conductors, the public, traffic and buildings.
269. Support structures are also used for amateur radio configurations and for artificial crop protection and crop support structures, and not only for network utilities. The term is used 44 times within Chapter 14. There are permitted activity allowances for minor infrastructure upgrading of existing support structures including poles, and for a few new support structures such as for amateur radio configurations, poles for service connections within access lots, electricity distribution and telecommunications poles within rural zones and rural roads, small meteorological installations, pole-mounted transformers, wind turbines, and agricultural and

horticultural structures. New overhead lines and their support structures are otherwise restricted discretionary activities (14.5.2 RD1), with matters of discretion limited to the functional need and operational need of, and benefits derived from, the infrastructure; the extent to which alternative technologies and techniques have been considered; the extent to which co-location of overhead lines is technically, economically and practically reasonable; the extent to which the proposal is in accordance with relevant industry standards and meets specified clearance requirements for operational and safety reasons; the extent to which the proposal will adversely affect the amenity values of the site and locality; the extent to which there are difficult ground conditions, topography or obstructions which make undergrounding impractical. The permitted activity status of poles and overhead lines in rural zones and rural roads is in recognition that it is not economically or practically reasonable to require new infrastructure to be undergrounded in those extensive low-density locations. I recommend rejecting Powerco [836.10].

270. **NZTA** [742.82]; **Transpower** [576.48]; **WEL Networks** [692.1]; **Counties Power** [405.15] support the definition for "temporary infrastructure". The definition is supported by the submitters as it recognises and provides for infrastructure that is not permanent, and includes the installation of poles and other equipment and generators, necessary for maintenance and emergency works. *FS1176.132; FS1176.232; FS1176.67 Watercare supports 576.48; 692.1; 405.15.*
271. For the reasons provided by the submitters, I recommend accepting NZTA [742.82]; Transpower [576.48]; WEL Networks [692.1]; Counties Power [405.15]; and *FS1176.132; FS1176.232; FS1176.67 Watercare.*
272. **WEL Network** [692.2] supports the definition of "Utility Allotment" as it includes an allotment used exclusively for the purposes of accommodating infrastructure. *FS1176.233 Watercare supports 692.2.* For the reason provided by the submitter, I recommend accepting WEL Networks [692.2]; and *FS1176.233 Watercare.*
273. **NZTA** [742.83] supports the definition for "vehicle movement" as the term is used in rules and the transportation Tables. I recommend accepting NZTA [742.83].

16.2 Recommendations

274. For the reasons above I recommend the Hearings Panel:

- a. Reject 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*
- b. Accept the submission from Waikato District Council [697.363]
- c. Reject the submission from Counties Power [405.9]
- d. Accept the submission from Waikato District Council [697.379]
- e. Reject the submission from Waikato DHB [923.137]
- f. Accept the submission from Hort NZ [419.119];
- g. Reject the submission from *FS1345.103 Genesis Energy*
- h. Accept the submissions from Transpower [576.33]; FFNZ [680.132]
- i. Reject the submission from First Gas [945.44]
- j. Reject the submission from NZTA [742.72]
- k. Accept the submissions from NZTA [742.73]; *FS1272.12 KiwiRail*
- l. Accept the submission from Meridian Energy [580.3]
- m. Accept the submission from NZTA [742.74]
- n. Reject the submission from Gabrielle Parson on behalf of Raglan Naturally [831.24]
- o. Accept the submissions from WEL Networks [692.46; 692.47; 692.48; 692.49]
- p. Reject the submission from Powerco [836.10]

- q. Accept the submissions from NZTA [742.82]; Transpower [576.48]; WEL Networks [692.1]; Counties Power [405.15]; and *FS1176.132; FS1176.232; FS1176.67 Watercare*
- r. Accept the submissions from WEL Networks [692.2]; and *FS1176.233 Watercare*
- s. Accept the submission from NZTA [742.83]

16.3 Recommended amendments

275. The following amendments are recommended:

Amend the planning map Legend to list the Specific Areas/Activities, such as Energy Corridor: Ash Water Pipeline

Amend Chapter 13 Definitions, as follows:

Ancillary equipment – Means... necessary to install within a facility to enable... [697.363 Waikato District Council]

Design Speed - Means a speed fixed for the design of those geometric features of a carriageway that influence vehicle operation. Design speed is the 85th percentile speed of traffic through that geometric feature. These can either be measured or estimated (Austroad design guides or similar). [697.379 Waikato District Council]

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

Land transport network – Means the network used for the land-based transportation of people and/or goods including by road, rail, cycling, walking and public transport. [742.73 NZTA]

Limited access road - Means ~~the following roads in the district to which sections 88 to 98 of the Government Rounding Powers Act 1989 apply: (a) State Highway 1, except those parts within Huntly town boundaries and in Taupiri between Mangawara bridge and Kainui Road; (b) State Highways 2 and 26; and (c) State Highway 23 from the Hamilton City boundary to the Okete Stream bridge south abutment. any road declared a limited access road under Section 88 of the Government Rounding Powers Act 1989, Section 346A of the Local Government Act 1974 or the corresponding provisions of any former enactment.~~[742.74 NZTA]

16.4 Section 32AA evaluation

276. The recommended amendments to include a definition for “Design speed” and “Land Transport Network” provide greater certainty for implementation because these terms are used throughout the PWDP and are therefore efficient and effective. They are the most appropriate method for achieving Objective 6.5.1 and Policy 6.5.2 that seek an integrated land transport network, as well as Policy 6.5.4 requiring the construction and operation of roads consistent with their function in the road headachy. The other recommended amendments are for clarification and correction. No further s.32AA re-evaluation is required.

17 Mapping Future Infrastructure and Energy

Submission point	Submitter	Decision requested
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942.28	Tainui Tainui	o	Amend the planning maps to provide for an overlay map identifying potential sites for transmission corridors, infrastructure, energy and renewable energy activities.
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17.1 Analysis

277. **Tainui o Tainui** [942.28]: With over a thousand years of history hidden in layers of the landscape, the submitter has concerns about undergrounding infrastructure in Maaori areas of significance and asks for the amendment in order to avoid adverse effects on Maaori sites of significance.

278. In my opinion it would be extremely difficult to map potential sites for new transmission corridors, infrastructure, energy and renewable energy activities. Some will require site-specific resources which may not be known, others will have commercial sensitivity until the site or resource has been researched and secured. Attempting to map future infrastructure is more likely to mislead than inform, if it is not based on the stated intentions of the infrastructure providers, as it would be extremely unreliable and speculative. Some new infrastructure locations will be proposed through resource consent applications or Notice of Requirement, and those will have some form of consultation and research before proceeding. For example, a large-scale wind farm would require meteorological (wind) research and monitoring to determine site suitability. Other renewable energy generation may also require site-specific attributes, such as solar access, access to biofuel, or geothermal resources. Transpower has stated that any new sections of the National Grid transmission corridor will be established by Notice of Requirement. Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an (unknown or known) archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. I recommend rejecting Tainui o Tainui [942.28].

17.2 Recommendations

279. For the reasons above I recommend the Hearings Panel:

Reject Tainui o Tainui [942.28]

18 Rail corridor and State Highways

Submission point	Submitter	Decision requested
986.51	KiwiRail	Amend either by adding to (a) Chapter 14 Infrastructure a new rule section called <u>Rules applying 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.</u> OR (b) Add to the following Plan Zones a new permitted activity: Chapter 16: Residential zone 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 zone

		<p>Chapter 24: Village zone Chapter 25: Reserves zone The new Rule, to be added either to Chapter 14 only relief (a), or to all of the above listed zones relief (b), is as follows: <u>X. Land Use – Building</u> <u>X.X Building – Noise Sensitive Activities</u></p> <table border="1" data-bbox="561 373 1357 600"> <thead> <tr> <th data-bbox="561 373 662 407">Activity</th> <th data-bbox="662 373 964 407"></th> <th data-bbox="964 373 1357 407">Activity-specific condition</th> </tr> </thead> <tbody> <tr> <td data-bbox="561 407 662 600">P 'x'</td> <td data-bbox="662 407 964 600"><u>New, or alterations to buildings for any Noise-Sensitive Activity at any point within 100 metres from the legal boundary of any railway network</u></td> <td data-bbox="964 407 1357 600"><u>The new or altered building complies with the standard 'Noise Sensitive Activity near a network' in Section D: Appendices and Schedules Appendix I: Acoustic Insulation new section (7).</u></td> </tr> </tbody> </table> <p>Alter Appendix I: Acoustic Insulation I. Application (a) "This appendix is referred to in the rules related to" by adding the following list to (a): <u>Buildings for Noise Sensitive Activities near railway network within:</u></p> <ol style="list-style-type: none"> A. <u>Chapter 16: Residential zone</u> B. <u>Chapter 17: Business zone</u> C. <u>Chapter 18: Business town Centre zone</u> D. <u>Chapter 20: Industrial zone</u> E. <u>Chapter 21: Industrial heavy zone</u> F. <u>Chapter 22: Rural zone</u> G. <u>Chapter 23: Country Living</u> H. <u>Chapter 24: Village zone</u> I. <u>Chapter 25: Country Living</u> <p>Add to Appendix I a new standard as follows: <u>x. Noise Sensitive Activities within 100m of a Rail Network Boundary:</u></p> <table border="1" data-bbox="561 1104 1357 1839"> <thead> <tr> <th data-bbox="561 1104 699 1171"></th> <th colspan="2" data-bbox="699 1104 1357 1171"><u>Activity sensitive to noise near a railway network</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="561 1171 699 1524"><u>All zones – at any point within 100 metres from the legal boundary of any railway network</u></td> <td colspan="2" data-bbox="699 1171 1357 1524"> <u>Activity status: Permitted</u> <u>Indoor railway noise</u> <ol style="list-style-type: none"> <u>1. 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			Teaching areas, conference rooms, drama studios, sleeping areas	40 dB
			Libraries	45 dB
Health			Overnight medical care, wards	40 dB
			Clinics, consulting rooms, theatres; nurses' stations	40 dB
Cultural			Places of worship; marae	35dB

(b) is at least 50 metres from any railway network and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above 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.

Mechanical ventilation

2. if a building is constructed in accordance with 2(c) or if windows must be closed to achieve the design noise levels in clause 2(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:

- i. Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code and;
- ii. 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
- iii. Provides relief for the equivalent volumes of spill air;
- iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and
- v. 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.

Indoor railway vibration

		<p>3. <u>Any new buildings or alterations to existing buildings containing an activity sensitive to noise, closer than 60 metres from the boundary of a railway network;</u></p> <p>(a) <u>is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3mm/s vv.95 or</u></p> <p>(b) <u>is a single storey framed residential building with:</u></p> <p>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></p> <p>ii. <u>vibration isolation separating the sides of the floor slab from the ground; and</u></p> <p>iii. <u>no rigid connections between the building and the ground.</u></p> <p><u>Design report [alternatively may be replaced with development meeting construction schedule ‘Y’ to demonstrate compliance]</u></p> <p>4. <u>A report is submitted to the council demonstrating compliance with clauses (1) to (4) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise. In the design:</u></p> <p>(a) <u>railway noise is assumed to be 70 L_{Aeq(1h)} at a distance of 12 metres from the 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,</u></p> <p><u>Where the activity complies with the following rule requirements: NIL</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="557 1423 716 1493"><u>Elements</u></td> <td data-bbox="716 1423 1357 1493"><u>Minimum construction for noise control in addition to the requirements of the New Zealand Building Code</u></td> </tr> <tr> <td data-bbox="557 1493 716 1581"><u>External walls</u></td> <td data-bbox="716 1493 1357 1581"><u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m³)</u></td> </tr> </table>	<u>Elements</u>	<u>Minimum construction for noise control in addition to the requirements of the New Zealand Building Code</u>	<u>External walls</u>	<u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m³)</u>
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			<p>Cladding and internal wall lining complying with either Options A, B or C below:</p> <table border="1"> <tr> <td>Option A – Light cladding: timber weatherboard or sheet materials with surface mass between 8 kg/m² and 30 kg/m² of wall cladding</td> <td>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard on resilient/isolating mountings</td> </tr> <tr> <td>Option B – medium cladding: surface mass between 30 kg/m² and 80kg/m² of wall cladding</td> <td>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard</td> </tr> <tr> <td>Option C – heavy cladding: surface mass between 80 kg/m² and 220 kg/m² of wall cladding</td> <td>No requirements additional to New Zealand Building Code</td> </tr> </table>	Option A – Light cladding: timber weatherboard or sheet materials with surface mass between 8 kg/m ² and 30 kg/m ² of wall cladding	Internal lining of minimum 17 kg/m ² plasterboard, such as two layers of 10mm thick high density plasterboard on resilient/isolating mountings	Option B – medium cladding: surface mass between 30 kg/m ² and 80kg/m ² of wall cladding	Internal lining of minimum 17 kg/m ² plasterboard, such as two layers of 10mm thick high density plasterboard	Option C – heavy cladding: surface mass between 80 kg/m ² and 220 kg/m ² of wall cladding	No requirements additional to New Zealand Building Code
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Option C – heavy cladding: surface mass between 80 kg/m ² and 220 kg/m ² of wall cladding	No requirements additional to New Zealand Building Code								
		Roof/ceiling	<p>Ceiling cavity infill fibrous insulation, batts or similar (minimum density of 7 kg/m³)</p> <p>Ceiling penetrations such as for recessed lighting or ventilation, shall not allow additional noise break-in</p> <p>Roof type and internal ceiling lining complying with either Options A, B or C below:</p> <table border="1"> <tr> <td>Option A – skillion roof with light cladding: surface mass up to 20 kg/m² or roof cladding</td> <td>Internal lining of minimum 25 kg/m² plasterboard, such as two layers of 13mm thick high density plasterboard</td> </tr> <tr> <td>Option B – pitched roof with light cladding: surface mass up to 20 kg/m² of roof cladding</td> <td>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard</td> </tr> <tr> <td>Option C – roof with heavy cladding: surface mass between 20 kg/m² and 60 kg/m² of roof cladding</td> <td>No requirements additional to New Zealand Building Code</td> </tr> </table>	Option A – skillion roof with light cladding: surface mass up to 20 kg/m ² or roof cladding	Internal lining of minimum 25 kg/m ² plasterboard, such as two layers of 13mm thick high density plasterboard	Option B – pitched roof with light cladding: surface mass up to 20 kg/m ² of roof cladding	Internal lining of minimum 17 kg/m ² plasterboard, such as two layers of 10mm thick high density plasterboard	Option C – roof with heavy cladding: surface mass between 20 kg/m ² and 60 kg/m ² of roof cladding	No requirements additional to New Zealand Building Code
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		<p><u>Glazed areas</u></p> <p>Aluminium frames with full compression seals on opening panes</p> <p>Glazed areas shall be less than 35% of each room floor area</p> <p>Either, double glazing with:</p> <ul style="list-style-type: none"> • 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 • a second pane of glass at least 4 mm thick <p>Or, any other glazing with a minimum performance of Rw 33 dB</p>	
		<p><u>Exterior doors</u></p> <p>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</p>	<p>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</p>
		<p>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</p>	<p>Exterior doors with edge and threshold compression seals</p>
FSI269.86	HNZC	Opposes 986.51	
FSI078.52	Hugh Green Limited	Opposes 986.51	
FSI193.28	Van Den Brink Group	Opposes 986.51	
986.52	KiwiRail	<p>Either: 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</p> <p>OR</p> <p>(b) 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:</p> <p>Chapter 16: Residential 16.1.3</p> <p>Chapter 17: Business 17.1.3</p> <p>Chapter 18: Business Town Centre 18.1.3</p> <p>Chapter 20: Industrial 20.1</p> <p>Chapter 21: Industrial Heavy 21.1</p> <p>Chapter 22: Rural 22.1.3</p> <p>Chapter 23: Country Living 23.1</p> <p>Chapter 24: Village 24.1</p> <p>Chapter 25: Reserve 25.1</p>	

		<p>The new Rule, to be added either to Chapter 14 only relief applying to development adjacent to railway corridors (a), or to all of the above listed zones relief (b), is as follows:</p> <p>Restricted Discretionary Activities</p> <p>(1) The activities listed below are restricted discretionary activities.</p> <p>(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Matters of Discretion</th> </tr> </thead> <tbody> <tr> <td>RD 'X' <u>The new or altered building not complying with the standard 'Noise Sensitive Activity near a railway network' in Section D: Appendices and Schedules Appendix 1: Acoustic Insulation section 7</u></td> <td> <p>Council's discretion shall be restricted to the following matters:</p> <p>(a) Location of the building;</p> <p>(b) The effects of any non-compliance with the standards in Section 7 of Appendix 1;</p> <p>(c) Special topographical, building features or ground conditions which will mitigate vibration impacts;</p> <p>(d) The outcome of any consultation with KiwiRail.</p> </td> </tr> </tbody> </table>	Activity	Matters of Discretion	RD 'X' <u>The new or altered building not complying with the standard 'Noise Sensitive Activity near a railway network' in Section D: Appendices and Schedules Appendix 1: Acoustic Insulation section 7</u>	<p>Council's discretion shall be restricted to the following matters:</p> <p>(a) Location of the building;</p> <p>(b) The effects of any non-compliance with the standards in Section 7 of Appendix 1;</p> <p>(c) Special topographical, building features or ground conditions which will mitigate vibration impacts;</p> <p>(d) The outcome of any consultation with KiwiRail.</p>				
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FS1269.87	HNZC	Opposes 986.52								
FS1078.53	Hugh Green Limited	Opposes 986.52								
FS1193.29	Van Den Brink Group	Opposes 986.52								
742.244	NZTA	<p>Add new rules to Rule 14.12.1 Permitted Activities concerning sensitive activities, as follows:</p> <table border="1"> <thead> <tr> <th colspan="2">14.12.1 Permitted Activities</th> </tr> <tr> <th>Activity</th> <th>Activity specific conditions</th> </tr> </thead> <tbody> <tr> <td>P10 <u>Construction or alteration of a building for a sensitive land use within 100m of a state highway carriageway or legal boundary of a railway corridor</u></td> <td> <p>14.12.1.10</p> <p>(1) The building is designed and constructed to achieve the internal design sound levels specified in section 7 of Appendix 1 (Acoustic Insulation).</p> </td> </tr> <tr> <td>P11 <u>The subdivision of land in any zone within, or partly within, 100m of a state highway carriageway or legal boundary of a railway corridor</u></td> <td> <p>14.12.1.11</p> <p>(1) All allotments, excluding allotments for roads, access ways or infrastructure, must provide a building platform located more than 100m from a state highway carriageway and/or legal boundary of a railway corridor</p> </td> </tr> </tbody> </table>	14.12.1 Permitted Activities		Activity	Activity specific conditions	P10 <u>Construction or alteration of a building for a sensitive land use within 100m of a state highway carriageway or legal boundary of a railway corridor</u>	<p>14.12.1.10</p> <p>(1) The building is designed and constructed to achieve the internal design sound levels specified in section 7 of Appendix 1 (Acoustic Insulation).</p>	P11 <u>The subdivision of land in any zone within, or partly within, 100m of a state highway carriageway or legal boundary of a railway corridor</u>	<p>14.12.1.11</p> <p>(1) All allotments, excluding allotments for roads, access ways or infrastructure, must provide a building platform located more than 100m from a state highway carriageway and/or legal boundary of a railway corridor</p>
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14.12.2 Restricted Discretionary Activities		
Activity	Activity specific conditions	
RD9	<u>Construction or alteration of a building for a sensitive land use within 100m of a state highway carriageway or legal boundary of a railway corridor that does not comply with the condition of Rule 14.12.1.10</u>	<u>Discretion is restricted to:</u> (a) <u>Location of the building;</u> (b) <u>The effects of any non-compliance with the standards in Section 7 of Appendix I;</u> (c) <u>Topographical, ground conditions or building design features that will mitigate vibration effects;</u> (d) <u>The outcome of any consultation with the NZ Transport agency or Kiwirail.</u>
RD10	<u>The subdivision of land in any zone within, or partly within, 100m of a state highway carriageway or legal boundary of a railway corridor that does not comply with the condition of Rule 14.12.1.11</u>	<u>Discretion is restricted to:</u> (a) <u>Subdivision layout and design;</u> (b) <u>The location of complying building platforms in relation to the state highway and/or railway</u>
FS1269.62	HNZC	Opposes 742.244
FS1342.202	FFNZ	Opposes 742.244
FS1273.79	Auckland Transport	Supports 742.244
742.182	NZTA	Amend Appendix I Acoustic Insulation as follows: I. 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.
FS1283.8	Parkmere Farms	Opposes 742.182
FS1221.8	Cindy and Tony Young	Opposes 742.182

18.1 Analysis

280. **KiwiRail** [986.51; 986.52] seeks new permitted and restricted discretionary rules applying to development adjacent to railway corridors, as set out in the table above, to manage reverse sensitivity of noise-sensitive activities in close proximity to the rail corridor. Two options are proposed for location of those rules.

281. The submitter's reasons are that the PWDP acknowledges reverse sensitivity with some supportive policies and objectives, which are supported by KiwiRail, but does not contain a

definition of reverse sensitivity – which is sought by KiwiRail. The PWDP protects some activities sensitive to noise but not the effects from operational railway and road noise and vibration within the District. The new rule has been developed collaboratively with NZTA, providing for the PWDP and developers to ensure potential adverse effects (including conflicts between incompatible activities and associated reverse sensitivity effects) are mitigated (where they cannot be avoided). The rail network operates 24 hours a day, 7 days a week, and the frequency, length and weight of trains can change without community consultation. Noise and vibration effects can interrupt people's amenity and enjoyment of their dwelling, as well as people's ability to sleep. Appropriate mitigation, installed to ensure that the health and wellbeing of those living near to the rail network are not adversely affected, is pivotal to ensuring that undue restrictions are not placed on the operation of the rail network. Part 2 of the RMA supports the efficient use and development of the rail network while also enabling people and communities to provide for their well-being and their health and safety. An appropriate balance needs to be achieved between ensuring the rail network is efficiently utilised and adjacent development can be facilitated, without compromising safety of people and communities. The Rule proposed by KiwiRail provides for new or altered buildings within 100m of the railway boundary, which can achieve the required internal noise standard, to be permitted activities. Where windows need to be closed to achieve the desired internal noise levels then ventilation performance is prescribed. Where a new or altered building is 50m away from the railway corridor boundary and there is a line of sight i.e. a cut or a physical barrier removing line of sight to 3.8m high, this can also be assessed as a permitted activity. Enhancements to building are best achieved at the time of construction. The further removed from the rail corridor a building is, the less additional mitigation may be required. The noise level proposed is in accordance with World Health Organisation standards. The mitigation for reverse sensitivity effects proposed through these provisions reflects that in some circumstances, e.g. smaller residential sites near the rail corridor, requiring a greater setback from the rail boundary as a means of addressing noise and vibration effects may not always be practicable. The rules seek to ensure that building development options can still maximise the use of a site, while at the same time having standards for mitigating noise and vibration effects arising from the rail corridor. Plan-wide rules are already included in the proposed Plan in respect of other types of infrastructure, including for example the National Grid. Restricted Discretionary Activity status for non-compliance with the proposed noise and vibration performance standards allows for a bespoke consideration of site-specific effects.

282. *FS1269.86; FS1269.87 HNZA; FS1078.52; FS1078.53 Hugh Green Limited oppose 986.51 and 986.52. FS1193.28; FS1193.29 Van Den Brink Group oppose 986.51; 986.52: The amendments unduly restrict development options of business and industrial zoned land and imposes all costs related to mitigation of noise effects from the railway corridor on private property owners.*

283. **NZTA** [742.244] seeks new rules included in Rule 14.12.1 Permitted Activities and Rule 14.12.2 Restricted Discretionary Activities concerning sensitive activities, as per the Table in Submission above, OR Add new rules to each zone adjacent to a state highway or rail corridor, similar to the submission by KiwiRail. The submitter's reasons are very similar to those of KiwiRail's (proposed rules prepared collaboratively) and are that they seek provisions be inserted requiring all new buildings, or alterations to existing buildings containing a noise sensitive activity to be appropriately mitigated in relation to road and rail noise and vibration. The PWDP defines 'reverse sensitivity' and acknowledges it with some supportive policies and objectives which are supported by the submitter. The PWDP protects some activities sensitive to noise but not the effects from operational railway and road noise and vibration within the District. The submitter seeks to introduce new rules, which have been developed collaboratively with KiwiRail, in various chapters of the Plan. This is to ensure potential adverse effects (including conflicts between activities and reverse sensitivity effects) are mitigated. Rules could either be inserted as district-

wide rules (applying to all zones) or alternatively within each of the zones where state highways and/or rail networks are located. The road network is operating 24 hours a day, 7 days a week with variability in traffic. Noise and vibration effects can interrupt amenity and enjoyment, as well as ability to sleep which can have significant impacts on people's health and wellbeing. Appropriate mitigation is critical to ensuring that undue restrictions are not placed on the operation of these transport networks and the health and wellbeing of those residing or otherwise occupying nearby sites is protected. Part 2 of the RMA supports the efficient use and development of the road and rail network while also enabling people and communities to provide for their well-being and their health and safety. An appropriate balance needs to be achieved between ensuring the transport network is efficiently utilised and adjacent development can be facilitated, without compromising safety of people and communities. The proposed new rules provide for new or altered buildings within 100m of the railway boundary, which can achieve the required internal noise standard, to be permitted activities. Where windows need to be closed to achieve the desired internal noise levels then ventilation performance is prescribed. Where a new or altered building is 50m away from the railway corridor boundary and there is a line of sight i.e. a cut or a physical barrier removing line of sight to 3.8m high, this can also be assessed as a permitted activity. Enhancements to buildings are best achieved at the time of construction. The further removed from the road or rail corridor a building is, the less additional mitigation may be required, The noise level proposed is in accordance with World Health Organisation standards. The mitigation for adverse effects on human health proposed through these provisions reflects that in some circumstances, eg smaller residential sites near the transport corridor, requiring a greater setback from the transport corridor boundary as a means of addressing noise and vibration effects may not always be practicable. The rules seek to ensure that building development options can still maximise the use of a site, while at the same time having standards for mitigating noise and vibration effects arising from the transport corridor.

284. **NZTA** [742.182] seeks to amend Appendix I Acoustic Insulation in a similar manner as KiwiRail, as follows:

I. Application (a) This appendix is referred to in the rules related to: ... (ii) buildings for sensitive land use within 100 m of a state highway or rail corridor.

AND Add to Appendix I Acoustic Insulation, to include standards in a new Section 7 for sensitive land use near state highways and rail corridors. The submitter states that Appendix I needs to be amended to include sound insulation standards, vibration standards and ventilation requirements for buildings near road/rail to ensure that health and well-being are protected.

285. *FS1283.8 Parkmere Farms; FS1221.8 Cindy and Tony Young oppose 742.182: Acoustic insulation requirements for buildings for sensitive land uses are inappropriate; The setback requirements for sensitive activities in relation to a state highway are already addressed in various rules within the different zones and there is no need to require acoustic insulation in addition to an increased setback. The setback of a building from a front boundary has no relationship to the edge of the carriageway from which noise is generated. The setback requirements from a national route or regional arterial road for sensitive land uses is adequate in terms of noise, vibration and amenity.*

286. NZTA and KiwiRail have developed variants of new rules for development and subdivision for 'noise-sensitive activities' or 'sensitive land uses' and avoiding vibration adjacent to state highways and railway corridors, and are promoting the rules for plan changes and reviewed district plans. This approach to control of noise-sensitive activities can be seen in 16 Residential Zone 16.5 Lakeside Te Kauwhata Precinct – Rule 16.5.7.1 (shown below), which inserted such a rule as part of the implementation of the Lakeside Te Kauwhata Precinct plan change. Four Chapters of the

PWDP (16 Residential; 22 Rural; 23 Country Living; and 24 Village Zone) contain rules for building setbacks for sensitive land uses, from rail corridor and national road routes (State Highways including Waikato Expressway) and variously from arterial roads, aggregate areas, oxidation ponds and enclosed wastewater treatment plants, and intensive farming. Other zones, such as Industrial and Industrial Heavy and Reserve, make sensitive land uses non-complying except where provided for by a Reserve Management Plan. The Business and Business Town Centre Zones make provision for sensitive activities such as dwellings and multi-unit developments to meet internal noise levels in accordance with Appendix I Acoustic Insulation requirements. If the new rules are to be included, then in my opinion they need only apply to the Residential, Rural, Country Living and Village Zones, as the other zones will be capable of managing the noise and vibration and their reverse sensitivity effects as discretionary or non-complying activities.

16.5.7 Land Use – Effects Rule

16.5.7.1 Noise and vibration – North Island Main Trunk Line (NIMT)

PI	<p>(a) Construction or alteration of a building must comply with the following conditions:</p> <ul style="list-style-type: none"> (i) a non-habitable accessory building or attached non-habitable garage and is set back at least 5m from any boundary which adjoins the NIMT, or (ii) a building other than that specified in (a) above and is set back at least 10m from any boundary which adjoins the NIMT and. (iii) If located within 100m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure that the following internal design noise limits shall not be exceeded with all external doors and windows closed. <table border="0"> <tr> <td>Receiving Environment</td> <td>L_{Aeq}, 1 hour</td> </tr> <tr> <td>Residential – bedrooms</td> <td>35 dB</td> </tr> <tr> <td>Residential – other habitable spaces</td> <td>40 dB</td> </tr> <tr> <td>Teaching spaces</td> <td>40 dB</td> </tr> <tr> <td>All other sensitive activity building spaces</td> <td>To comply</td> </tr> </table> <p>e.g.</p> <ul style="list-style-type: none"> - Hospital and Dementia sound levels Care Spaces AS/NZS - Commercial Spaces 2107:2000 (nearest specified equivalent) <ul style="list-style-type: none"> (iv) For the purpose of this rule, the noise levels generated by rail operations on the NIMT shall be as determined by a qualified acoustic specialist, using methods consistent with New Zealand Standards, within five years prior to the date of the design certificate referred to at the end of this clause b) (v) This rule only applies to habitable rooms, teaching spaces and sensitive activity building spaces identified in the table above where those habitable rooms or spaces fall within or partly within the specified 100m distance. (vi) Where it is necessary to have windows closed to achieve the internal acoustic noise limits, an alternative ventilation system shall be provided. (vii) The ventilation system installed shall comply with the following: <ul style="list-style-type: none"> A. Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40dB L_{Aeq}(30s) in the largest habitable room (excluding bedrooms) and 35dB L_{Aeq}(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; or B. A system capable of providing at least 15 air changes per hour (ACH) in the largest habitable room (excluding bedrooms) and at least 5 air changes per hour (ACH) in all other habitable rooms; C. The noise level generated by the system must not exceed 40dB L_{Aeq}(30s) in the largest habitable room (excluding bedrooms) and 35dB L_{Aeq}(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; D. The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation; E. Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal progressive stages up to the high setting. (viii) Compliance with this rule shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified acoustic specialist, at the time of building consent application; and (ix) If located within 40m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from 	Receiving Environment	L _{Aeq} , 1 hour	Residential – bedrooms	35 dB	Residential – other habitable spaces	40 dB	Teaching spaces	40 dB	All other sensitive activity building spaces	To comply
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Proposed District Plan (Stage 1)

16 Residential Zone

18 July 2018

287. It is my recommendation that the new rules proposed by the submitters be adopted in the PWDP. In my opinion the new rules could appropriately provide for permitted activity development and sensitive land uses, building alterations and subdivision where reverse sensitivity effects of noise

and vibration can be managed, and for restricted discretionary activity management of those effects where noise-sensitive activities or sensitive land uses are to be located in closer proximity to the state highway and railway transport networks. The rules will apply to additions to existing dwellings, including in the Rural Zone, as well as to new noise-sensitive activities.

288. As to whether the proposed new rules are better located in the district-wide Infrastructure Chapter or in each Zone Chapter, a person intending development for a noise-sensitive activity or sensitive land use on a residential or commercial or rural property would expect to find any rules relating to development setbacks or noise and vibration mitigation within the Zone rules, or at least referenced in the Zone rules for example to Appendix I Acoustic Insulation. If the rules were to be located in the Infrastructure Chapter, there may need to be a state highway and railway corridor 'buffer area' shown on the PWDP maps.

289. The recommended rules will be amendments to the "Building setback – sensitive land use" rules and subdivision matters for discretion in each of the four Zone chapters, and the addition of a new Section 7 to Appendix I – Acoustic Insulation. The rule amendments will be an amalgam ('accept in part') of the KiwiRail and NZTA suggested amendments, to cover new buildings and also alterations and subdivision, to resolve the use of the terms "noise-sensitive activities" and "sensitive land uses", so they do not apply in zones where there are other requirements for acoustic insulation or the activities are Non-complying, and to ensure they apply to both the rail corridor and the State Highways. There are currently some noise mitigation techniques included in the State Highway network such as noise bunds. When changes are made to the State Highways existing development needs to be protected against increased noise levels by such devices. The main concerns of the further submitters are that development options will be restricted and the costs of noise mitigation are passed on to the adjacent landowners and users, rather than being mitigated within the land transport corridors. Both the rail and State Highway land transport networks are nationally significant infrastructure and require protection against reverse sensitivity effects.

290. I recommend accepting in part NZTA [742.244; 742.182]; and KiwiRail [986.51; 986.52], as providing appropriate management of effects, including reverse sensitivity, of noise and vibration from the state highway and rail corridor land transport networks. I recommend that the rules be located in the Zone Chapter provisions for each Zone that contains land within 100m of the state highway and railway transport networks, being the Rural, Country Living, Residential, and Village Zones. I recommend rejecting *FS1269.62 HNZC*; *FS1342.202 FFNZ* on 742.244. Recommend accept *FS1273.79 Auckland Transport*. I recommend rejecting *FS1269.86*; *FS1269.87 HNZC*; *FS1078.52*; *FS1078.53 Hugh Green Limited* on 986.51 and 986.52, rejecting *FS1193.28*; *FS1193.29 Van Den Brink Group* on 986.51; 986.52. I recommend rejecting *FS1283.8 Parkmere Farms*; *FS1221.8 Cindy and Tony Young* on 742.182.

18.2 Recommendations

291. For the reasons above I recommend the Hearings Panel:

- a. Accept in part the submission from Kiwi Rail [986.51; 986.52]
- b. Reject the further submissions from *FS1269.86*; *FS1269.87 HNZC*; *FS1078.52*; *FS1078.53 Hugh Green Limited*; *FS1193.28*; and *FS1193.29 Van Den Brink Group*.
- c. Accept in part the submission from NZTA [742.244; 742.182],
- d. Reject the further submissions from *FS1269.62 HNZC*; *FS1342.202 FFNZ*; *FS1283.8 Parkmere Farms*; and *FS1221.8 Cindy and Tony Young*,
- e. Accept the further submission from *FS1273.79 Auckland Transport*.

18.3 Recommended amendments

292. The following amendments are recommended:

293. 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	(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: (i) 5m from the designated boundary of the railway corridor; (ii) 15m from the boundary of a national route or regional arterial; (iii) 25m from the designated boundary of the Waikato Expressway; (iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and (v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed.
P2	<u>(a) Any new building or alteration to an existing building for a sensitive land use 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]]
RD1	<u>Any new building or alteration to an existing building for a sensitive land use 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> <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]]
DI	Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P1.

Residential Zone 16.4.12 Subdivision - Building platform

RD1	(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: (i) a circle with a diameter of at least 18m exclusive of yards; or (ii) a rectangle of at least 200m ² with a minimum dimension of 12m exclusive of yards. (b) Council's discretion shall be restricted to the following matters: (i) Subdivision layout; (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
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	(vii) Ponding areas and primary overland flow paths; <u>and</u> (viii) <u>Where any building platform is 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>
D1	Subdivision that does not comply with Rule 16.4.12 RD1.

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 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]]
RD1	<u>Any new building or alteration to an existing building for a sensitive land use 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]]
D1	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

RD1	(a) Subdivision, other than an access... (b) Council's discretion is restricted to the following matters: (i)...; <u>and</u> (vii) <u>Where any building platform for a sensitive land use is 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>
D1	Subdivision that does not comply with Rule 22.4.9 RD1.

Country Living Zone 23.3.7.2 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:
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	<p>(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...</p>
P2	<p><u>(a) Any new building or alteration to an existing building for a sensitive land use 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 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</u></p> <p><u>Matters of discretion:</u> <u>Discretion is restricted to</u> (a) <u>Location of the building;</u> (b) <u>The effects of any non-compliance with the standards in Section 7 of Appendix I;</u> (c) <u>Topographical, ground conditions or building design features that will minimise vibration effects;</u> (d) <u>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 23.3.7.2. P1.

Country Living Zone 23.4.8 Subdivision - Building platform

RD1	<p>(a) Subdivision, other than an access... (b) Council's discretion is restricted to the following matters: (i)...; <u>and</u> (vi) <u>Where any building platform for a sensitive land use is 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: (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) 300m from the edge of oxidation ponds...</p>
P2	<p><u>(a) Any new building or alteration to an existing building for a sensitive land use within 100m of a state highway or legal boundary of a rail corridor must comply with Section 7 of Appendix I – Acoustic Insulation.</u></p>
RD1	<p><u>Any new building or alteration to an existing building for a sensitive land use 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

RD1	<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 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 RD1.

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>

<p><u>All zones – at any point within 100 metres from the _____ legal boundary of any State Highway or _____ railway network</u></p>	<p><u>Activity status: Permitted</u></p> <p><u>1. Indoor noise</u> <u>Any new building or alteration to an existing building that contains an activity sensitive to noise where the building or alteration:</u> <u>(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;</u></p>																							
	<table border="1"> <thead> <tr> <th><u>Building type</u></th> <th><u>Occupancy/activity</u></th> <th><u>Maximum noise level</u> <u>L_{Aeq(1h)}</u></th> </tr> </thead> <tbody> <tr> <td rowspan="2"><u>Residential</u></td> <td><u>Sleeping spaces</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>All other habitable rooms</u></td> <td><u>40 dB</u></td> </tr> <tr> <td rowspan="3"><u>Education</u></td> <td><u>Lecture rooms/theatres, music studios, assembly halls</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>Teaching areas, conference rooms, drama studios, sleeping areas</u></td> <td><u>40 dB</u></td> </tr> <tr> <td><u>Libraries</u></td> <td><u>45 dB</u></td> </tr> <tr> <td rowspan="2"><u>Health</u></td> <td><u>Overnight medical care, wards</u></td> <td><u>40 dB</u></td> </tr> <tr> <td><u>Clinics, consulting rooms, theatres; nurses' stations</u></td> <td><u>40 dB</u></td> </tr> <tr> <td><u>Cultural</u></td> <td><u>Places of worship; marae</u></td> <td><u>35dB</u></td> </tr> </tbody> </table>	<u>Building type</u>	<u>Occupancy/activity</u>	<u>Maximum noise level</u> <u>L_{Aeq(1h)}</u>	<u>Residential</u>	<u>Sleeping spaces</u>	<u>35 dB</u>	<u>All other habitable rooms</u>	<u>40 dB</u>	<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>	<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40 dB</u>	<u>Libraries</u>	<u>45 dB</u>	<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>	<u>Clinics, consulting rooms, theatres; nurses' stations</u>	<u>40 dB</u>	<u>Cultural</u>	<u>Places of worship; marae</u>	<u>35dB</u>
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	<p><u>OR</u></p> <p><u>(b) is at least 50 metres from any State Highway or railway network and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above the road carriageway or railway tracks; or</u></p> <p><u>(c) is a single-storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Schedule Y.</u></p> <p><u>2. Mechanical ventilation</u> <u>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:</u> <u>(a) For habitable rooms for a residential activity achieves the following requirements:</u></p> <ol style="list-style-type: none"> <u>i. Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code and;</u> <u>ii. 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</u> <u>iii. Provides relief for the equivalent volumes of spill air;</u> <u>iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u> <u>v. Does not generate more than 35 dB L_{Aeq(30s)} when measured 1 metre away from any grille or diffuser.</u> 																							

	<p>(b) <u>For other spaces is as determined by a suitably qualified and experienced person.</u></p> <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 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 vw.95 or</u></p> <p>(b) <u>is a single storey framed residential building with:</u></p> <ol 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.</u></p> <p><u>Where the activity complies with the following rule requirements of Schedule Y: NIL</u> <u>[KiwiRail [986.51]]</u></p>
<p>Add: Construction Schedule Y</p>	
<p><u>Schedule Y Construction schedule for indoor noise control</u></p>	
<p><u>Elements</u></p>	<p><u>Minimum construction for noise control in addition to the requirements of the New Zealand Building Code</u> <u>[KiwiRail [986.51]]</u></p>
<p><u>External walls</u></p>	<p><u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m³)</u> <u>[KiwiRail [986.51]]</u></p>

	<p><u>Cladding and internal wall lining complying with either Options A, B or C below:</u></p> <table border="1"> <tr> <td data-bbox="516 216 850 373"> <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 data-bbox="855 216 1408 310"> <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 data-bbox="516 394 850 520"> <u>Option B – medium cladding: surface mass between 30 kg/m² and 80kg/m² of wall cladding</u> </td> <td data-bbox="855 394 1408 489"> <u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard</u> </td> </tr> <tr> <td data-bbox="516 531 850 657"> <u>Option C – heavy cladding: surface mass between 80 kg/m² and 220 kg/m² of wall cladding</u> </td> <td data-bbox="855 531 1408 594"> <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>
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<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 border="1"> <tr> <td data-bbox="516 930 850 1056"> <u>Option A – skillion roof with light cladding: surface mass up to 20 kg/m² or roof cladding</u> </td> <td data-bbox="855 930 1408 1024"> <u>Internal lining of minimum 25 kg/m² plasterboard, such as two layers of 13mm thick high density plasterboard</u> </td> </tr> <tr> <td data-bbox="516 1066 850 1182"> <u>Option B – pitched roof with light cladding: surface mass up to 20 kg/m² of roof cladding</u> </td> <td data-bbox="855 1066 1408 1161"> <u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10mm thick high density plasterboard</u> </td> </tr> <tr> <td data-bbox="516 1192 850 1318"> <u>Option C – roof with heavy cladding: surface mass between 20 kg/m² and 60 kg/m² of roof cladding</u> </td> <td data-bbox="855 1192 1408 1255"> <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]; KiwiRail [986.52]]

18.4 Section 32AA evaluation

294. The following points evaluate the recommended change under Section 32AA of the Act.

Other reasonably-practicable options

295. Other reasonably practicable options include the PWDP provisions as notified, which include setbacks for noise-sensitive activities (5m setback from railway corridors and 25m setback from Waikato Expressway), and do nothing while allowing noise and vibration from road and rail operations. The notified PWDP setbacks do not manage the reverse sensitivity effects, and both those setbacks and the 'do nothing' option would rely on users of adjacent land to make their own provision for noise attenuation.

296. Enclosing the rail and State Highway corridors is not a reasonably practicable option.

297. The proposed amendments require noise sensitive activities and sensitive land uses within 100m of railway corridors and State Highways to comply with acoustic insulation standards as a permitted activity. Resource consent is required as a restricted discretionary activity if the acoustic insulation standards are not achieved. The acoustic insulation standards

Effectiveness and efficiency

298. I consider requiring acoustic insulation as a permitted activity to be efficient and effective because it does not rely on additional regulation. Compliance with the acoustic insulation standards would be confirmed through the building consent process, and/or resource consent process if required for other reasons.

299. Where development is not able to meet the acoustic insulation standards consent can be sought as a restricted discretionary activity, taking into consideration location and proximity to the railway corridor or state highway.

Costs and benefits

300. There will be cost implications for any sensitive land uses developed within 100m of a railway corridor or state highway, for the acoustic insulation and mechanical ventilation. These costs will be borne by the developer and are likely to have some increase on housing costs.
301. Benefits of the provisions include mitigating adverse reverse sensitivity effects on national nationally significant land transport network infrastructure, as well as improved health and well-being benefits to occupants of these buildings due to reduced internal noise. Mechanical ventilation will also have some benefits in terms of internal air quality.
302. Overall, I consider the benefits to outweigh the costs.

Risk of acting or not acting

303. The risk of not acting is that development intensifies in proximity to the railway corridors and state highway without appropriate acoustic insulation. This can impact on the operation and maintenance of these infrastructure corridors due to an increasing number of people being potentially affected by noise.
304. The risk of acting is that additional costs of construction may make development (including intensification) within 100m of a railway corridor or state highway less viable and could impact on the provision of affordable housing.

Decision about most appropriate option

305. The new rules, for noise-sensitive activities and vibration near the rail corridor and State Highways, are the most appropriate way to achieve Policy 6.1.7 reverse sensitivity and infrastructure as recommended to be amended in Section D13 of my s42A report. I also consider them to achieve Objectives 6.1.1 and 6.4.1 relating to the development, operation and maintenance of infrastructure and integration with subdivision, land use and development; and Policy 6.4.4 – Road and rail network to discourage subdivision, use and development that would compromise the road function and safety and efficiency of the railway network.

19 Miscellaneous

Submission point	Submitter	Decision requested
836.71	Powerco	No specific decision sought, but submission seeks clarification around the "Coastal Environment" overlay, where Powerco assets are located and how the overlay fits within the PWDP. The submission seeks clarification as to what rules apply in the Coastal Environment.
<i>FS1381.8</i>	<i>Counties Power</i>	<i>Supports 836.71</i>
370.1	Catherine Shaw	No specific decision sought, but submission opposes any increase in setbacks required from the First Gas pipeline on Te Kowhai Road, Hamilton.
942.29	Tainui o Tainui	Add a rule requiring communities to be notified if cell towers or other transmitters are to be located in their area.
371.5	Kitty Burton	Add within the Village Zone overlay in Matangi, the provision of reticulated infrastructure, footpaths, cycleways, other healthy exercise options and public transport links in Matangi.

FS1305.6	Andrew Mowbray	Supports 371.5
603.3	Helen Clotworthy on behalf of Pokeno Community Committee	Identify car and bus parking in Pokeno Town Centre.
FS1175.2	Pokeno Community Committee	Supports 603.3
55.10	Shelley Munro	Amend the PWDP to plan for medical and public transport services along State Highway 2.
81.146	Waikato Regional Council	Amend the Section 32 analysis of the road hierarchy to ensure that the One Network Road Classification has been considered when forming Table 14.12.5.5.
423.19	Watercare	Add specific rules in the PWDP to enable infrastructure within transport corridors as a permitted activity where it will not compromise the safe and efficient functioning of the transport network.
FS1202.16	NZTA	Supports 423.19
669.1	Bernard Brown	No specific decision sought, but submission states that the PWDP lacks practical measures to assist management of existing excessive pressures of tourist uses on existing infrastructure of the Whaanga Coast.
FS1007.13; FS1040.1	Phillip John Swann; Bernard Brown Family Trust	FS1007.13 Supports 669.1; FS1040.1 Supports 669.1
603.4	Pokeno Community Committee	Amend the PWDP to require residential car parking spaces to be located one block back from Great South Road, Pokeno (excluding parking spaces for hotel/motel accommodation).
FS1175.3	Pokeno Community Committee	Not Stated 603.4

19.1 Analysis

306. **Powerco** [836.71]: No specific decision is sought, but submission seeks clarification around the "Coastal Environment" overlay, where Powerco assets are located and how the overlay fits within the PWDP. The submission seeks clarification as to what rules apply in the Coastal Environment. The plan outlines "Identified Areas" included in the activity table in the Chapter 14: Infrastructure and Energy, but "Coastal Environment" is not included. The submitter understands this clarification may occur in Stage 2 of the plan development, which covers natural hazards and climate change.

307. *FS1381.8 Counties Power supports 836.71: supports clarification around the Coastal Environment overlay, where nationally and regionally significant assets are located and how the overlay fits within the PWDP.*

308. There is a 'Coastal Environment' overlay on the planning maps. The PWDP provisions refer, in the Zone chapters, only to the coastal environment in terms of manuka and kanuka removal restrictions, and areas which are of high or outstanding natural character (separate but overlapping

overlays) within the coastal environment. Chapter 14 Infrastructure and Energy controls earthworks within 20m of Mean High Water Springs and within Landscape and Character Areas and Significant Amenity Landscape sand dunes, but does not refer to those areas as the 'Coastal Environment'. Chapter 15, in Stage 2 on Natural Hazards and Climate Change, has specific coastal overlays including High Risk Coastal Hazard (Erosion) Area; High Risk Coastal Hazard (Inundation) Area; Coastal Sensitivity Areas for Erosion and Inundation; and provisions for sea level rise, salt water intrusion, and control of hard coastal protection structures. Some of those Chapter 15 provisions will affect infrastructure assets, for location and resilience, but they are 'Natural Hazard' overlays rather than 'Identified Area' overlays. The Variation to introduce Stage 2 includes adding the following to the Introduction of Chapter 14 Infrastructure and energy:

“The provisions of the Natural Hazards and Climate Change chapter (Chapter 15), and associated natural hazard overlays identified in the planning maps, apply to activities in the Infrastructure and Energy chapter.”

309. I recommend accepting in part Powerco [836.71]; *FS/381.8 Counties Power*, to the extent that the 'Coastal Environment' overlay is not an 'Identified Area' overlay or a 'Natural Hazard' overlay, but that there are specific Identified Area and Natural Hazard overlays within much of the mapped Coastal Environment.
310. **Catherine Shaw** [370.1]: No specific decision is sought, but the submission opposes any increase in setbacks required from the First Gas pipeline on Te Kowhai Road, Hamilton. First Gas has informed the submitter that they are proposing to have the gas pipeline building setback changed from 6m to “no less than 20m”. The submitter has two gas lines crossing their land and they already take up a large area. The submitter is not happy about the proposed changes. With a 20m building setback the area within the setbacks would be approximately 7,400m² over two paddocks on the western boundary. The existing setback already prevents any building on the western boundary of the land but adding an extra 14m to the existing 6m set back on the eastern side of the pipeline would have an unfavourable impact when the land is subdivided. The submitter understands what the gas company is trying to do but this proposal would have a negative financial impact on the submitter in the future and it doesn't seem right that a gas company could have more right to the land than what the owner does. The submitter knows the gas easement was on the property when it was purchased, but First Gas are wanting to make significant changes without consulting the legal owners of the land.
311. The Chapter 14 Infrastructure and Energy 14.7 Liquid Fuels and Gas provisions apply to the gas transmission activity, and do not include building setbacks. First Gas Limited has made submissions allocated to other hearings (6 Village Zone; 7 Industrial and Industrial Heavy Zones; 10 Residential Zone; 14 Te Kowhai Airpark Zone; 12 Country Living Zone; and 21B Rural Zone) seeking restrictions for activities in close proximity to the gas transmission lines. They request that earthworks deeper than 200mm within 12m of the gas pipeline be a restricted discretionary activity, and that residential activities within 20m of the gas transmission pipeline and 60m of other parts of the gas network be restricted discretionary activities, and subject to building setbacks. They also request that subdivision applications acknowledge the gas transmission pipeline and avoid or mitigate conflict, and allow access for inspection and maintenance, and place notices on titles for compliance with AS2885, the Gas Pipeline standard. I presume those setbacks are currently provided only by the easements and designation which protects the below-ground gas pipeline, and are therefore outside the PWDP. The s.42A reports to those other hearings recommend that the earthworks rule not be introduced as the designation and easements can control earthworks, and that the residential setbacks should not be applied as they can also be controlled by the designation and easements. Rather than a new restricted discretionary activity

for subdivision of land containing a gas transmission pipeline, those reports recommend an additional matter of discretion be added to the existing subdivision restricted discretionary activity, addressing effects on infrastructure including the gas transmission pipeline. I recommend rejecting Catherine Shaw [370.1] as no decision is sought, and her issue is addressed within the s.42A reports to five other hearings.

312. **Tainui o Tainui** [942.29] seeks to add a rule requiring communities to be notified if cell towers or other transmitters are to be located in their area. The reason given is while infrastructure that generates electromagnetic or radiation frequency fields must comply with the International Commission on Non-ionising Radiation Protection Guidelines, relevant WHO guidelines and the New Zealand Standard Electromagnetic field (EMF), EMF can still pass through the earth, walls and human or animal bodies and therefore can have adverse effects on the health and wellbeing of humans and their environment.

313. The National Environmental Standard – Telecommunications Facilities 2016 (NESTF) requires cell towers and transmitters that comply with the New Zealand Standard NZS2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure levels – 3 kHz to 300 GHz, to be permitted activities (NESTF Sub-part 5 Regulation 55). That means they do not require a resource consent, and there is no requirement for notification. For these activities, the PWDP has no role to play. Substantially larger structures for cell towers and transmitters may require resource consent, depending on the zoning of the site and whether it is within an Identified Area. However, the consent would be concerned with visual and bulk and earthworks effects rather than health effects of electromagnetic fields. I recommend rejecting Tainui o Tainui [942.29].

314. **Kitty Burton** [371.5] seeks to add within the Village Zone overlay in Matangi, the provision of reticulated infrastructure, footpaths, cycleways, other healthy exercise options and public transport links in Matangi (no reasons are provided).

315. *FS1305.6 Andrew Mowbray supports 371.5: It is very important for the future sensible growth of Matangi there is one community plan in place to cater for the development of the area and its surrounds.*

316. The PWDP generally does not identify the level of servicing for an area, such as reticulated infrastructure, healthy exercise options and public transport links. There are identified 'indicative trails' further west towards the river, but the Trails Strategy did not identify walkway and cycleway trails in Matangi. Subdivision is required to connect to reticulated infrastructure where it is available. Decisions on infrastructure upgrading and reticulation, and cycleways and public transport services are made outside the PWDP. I therefore Recommend rejecting Kitty Burton [371.5]; and *FS1305.6 Andrew Mowbray*.

317. **Helen Clotworthy on behalf of Pokeno Community Committee** [603.3] seeks to identify car and bus parking in Pokeno Town Centre (no reasons are provided).

318. *FS1175.2 Pokeno Community Committee supports 603.3: We need designated Bus Stops in our CBD and residential roads, currently buses stop anywhere. Car parking is critical for the success of our CBD.*

319. The PWDP does not provide bus-stop locations. I accept that car parking is needed to support the viability of Pokeno Town Centre. The National Policy Statement on Urban Development 2020 requires that Waikato District remove all PWDP provisions that require minimum off-street car parking associated with land uses, except for accessible car parks. It also encourages comprehensive parking management plans. Some businesses will provide off-street car parking for the convenience of their customers, and there will continue to be parking on the road, although

it may be managed differently in the future. These changes will all occur outside the PWDP. I recommend rejecting Helen Clotworthy on behalf of Pokeno Community Committee [603.3]; and *FSI 175.2 Pokeno Community Committee*.

320. **Shelley Munro** [55.10] seeks to amend the PWDP to plan for medical and public transport services along State Highway 2 (no reasons provided).
321. It is not clear what type of medical and public transport services are desired along State Highway 2, and the PWDP can allow for but does not provide medical and public transport services. I recommend rejecting Shelley Munro [55.10].
322. **Waikato Regional Council** [81.146] seeks to amend the Section 32 analysis of the road hierarchy to ensure that the One Network Road Classification has been considered when forming Table 14.12.5.5. The NZTA has developed the One Network Road Classification as a tool to categorise roads based on their use, and to subsequently fund the road infrastructure accordingly; Clarification is sought that the road hierarchy reflects the actual and future anticipated levels of movement, in alignment with the One Network Road Classification, as this will influence the availability of funding, and may affect the ability of the road network infrastructure to meet the requirements of users and the associated land uses.
323. The s.32 report on Transport identifies that the One Network Road Classification framework was raised during consultation on the PWDP. During that consultation NZTA acknowledged that, in terms of road hierarchy, the One Network Road Classification does not sit easily within a district plan context, having been developed by engineers for asset management and funding purposes. Table 14.12.5.5 in the PWDP identifies the functions of the different road categories within the hierarchy, including for national routes and regional arterial roads. Those functions determine the classifications of roads and include the vehicle movements per day thresholds at which the road is classified at a higher level within the hierarchy. I do not consider the s.32 analysis and report needs to be amended further, unless changes are made to the road hierarchy classifications or descriptions and a s.32AA re-evaluation is subsequently required. I recommend rejecting Waikato Regional Council [81.146].
324. **Watercare** [423.19] seeks to add specific rules in the PWDP to enable infrastructure within transport corridors as a permitted activity where it will not compromise the safe and efficient functioning of the transport network. The submitter states the PWDP does not appropriately enable the provision of infrastructure or recognize the technical or operational needs of infrastructure. The PWDP does not provide methods (e.g. assigning specific activity status to infrastructure activities within the road corridor) to adequately implement proposed policy 6.5.6a.) regarding the encouragement of network utility infrastructure within transport corridors. *FSI 202.16 NZTA supports 423.19 in principle*.
325. The PWDP allows certain types and scale of infrastructure within the road, without compromising the safe and efficient functioning of the transport network. These provisions are within section 14.11 for water, wastewater and stormwater infrastructure, and apply to all zones and roads. The Road Controlling Authority also has some control over the placement of infrastructure within the road, primarily to manage the safe and efficient functioning of the transport network. I recommend rejecting Watercare [423.19]; and *FSI 202.16 NZTA*.
326. **Bernard Brown** [669.1]: No specific decision is sought, but the submission states that the PWDP lacks practical measures to assist management of existing excessive pressures of tourist uses on existing infrastructure of the Whaanga Coast.

327. *FS1007.13 Phillip John Swann; FS1040.1 Bernard Brown Family Trust Supports 669.1: In recent times the Whaanga Coast has experienced excessive pressure from tourist users placing considerable demand on local infrastructure such as parking at Calvert Road, Whale Bay and unsafe pedestrian movement between Whale Bay and Manu Bay. In order to meet the above demands Waikato District Council has been obliged to turn Calvert Road into a carpark with 42 parking spaces thus seriously limiting access to private properties at times and also severely restricting visibility from access ways. Collectively, these pressures now adversely affect amenity values for private residents. A formal submission was made by the writer to Council in April 2016, highlighting the above issues, but no formal response has been received.*
328. The New Zealand Coastal Policy Statement (NZCPS) Objective 4 requires the Council through its District Plan: “To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by: • recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy...” That objective results in provision of access to the coastal environment and supporting facilities. Having said that, the PWDP would not be the place to resolve the car parking congestion and property access safety issues identified by the submitter, which are public space operational matters. I recommend rejecting Bernard Brown [669.1]; *FS1007.13 Phillip John Swann; FS1040.1 Bernard Brown Family Trust*, but conveying the submitters’ concerns as recommendations to the Roding and Parks operational areas.
329. **Pokeno Community Committee** [603.4] seeks to amend the PWDP to require residential car parking spaces to be located one block back from Great South Road, Pokeno (excluding parking spaces for hotel/motel accommodation). The submitter has provided no reasons for the amendment. *FS1175.3 Pokeno Community Committee unstated decision: The submitter states that they do not want any residential dwellings on Pokeno's Great South Road. Locate residential living one block back from Great South Road.*
330. I understand the submitter may wish to protect Great South Road on-street parking for business customers. There are residentially zoned blocks fronting parts of Great South Road, shown in yellow on the map below. There is also a proposed Rule 14.12.1.1(1)(f) which prevents new vehicle accesses to sites from Great South Road in Pokeno, from Selby Street to Market Street. Residential activity is also able to occur on business zoned land, being a permitted activity above the ground floor within the Business and Business Town Centre Zones The management of car parking on Great South Road in Pokeno may change in the future to deal with growth and demand, but that would occur outside the PWDP. There is also a National Policy Statement Urban Development effective from 20 August 2020, which may in time remove private land minimum car parking requirements from district plans. I recommend rejecting Pokeno Community Committee [603.4].

Figure 1: Zoning map of Pokeno



19.2 Recommendations

331. For the reasons above I recommend the Hearings Panel:

- a. Accept in part the submissions from Powerco [836.71]; and *FS1381.8 Counties Power*
- b. Reject the submission from Catherine Shaw [370.1]
- c. Reject the submission from Tainui o Tainui [942.29]
- d. Reject the submissions from Kitty Burton [371.5]; and *FS1305.6 Andrew Mowbray*
- e. Reject the submissions from Helen Clotworthy on behalf of Pokeno Community Committee [603.3]; and *FS1175.2 Pokeno Community Committee*
- f. Reject the submission from Shelley Munro [55.10]
- g. Reject the submission from Waikato Regional Council [81.146]
- h. Reject the submissions from Watercare [423.19]; and *FS1202.16 NZTA*
- i. Reject the submissions from Bernard Brown [669.1]; *FS1007.13 Phillip John Swann*; and *FS1040.1 Bernard Brown Family Trust*
- j. Reject the submissions from Pokeno Community Committee [603.4]; and *FS1175.3 Pokeno Community Committee*

19.3 Recommended amendments

332. No amendments are recommended in response to the above submissions. Therefore, no s32AA re-evaluation is required.