

## D8 14.8 Meteorological

This report section is D8 of Part D Submissions Analysis of the section 42A report on the Infrastructure and Energy topic, Proposed Waikato District Plan. The report provides a consideration of submissions on Section 14.8, which contains the rules for meteorological structures and activities.

### I Introduction

1. The main themes in submissions on the Meteorological section are:
  - a. Permitted height and area, and flexibility for rural locations; and
  - b. Protection of Identified Area values.

### 2 14.8.1 Permitted Activities General

Submission point	Submitter	Decision requested
697.32	Waikato District Council	Amend Rule 14.8.1(b) Permitted Activities, as follows: (b) Rule 14.2.1.1 will apply to the activities set out in this table unless there is a specific area, height, location and noise condition listed below.

#### 2.1 Analysis

2. The submission from **Waikato District Council** [697.32] seeks a consequential amendment arising from changes to Rule 14.2.1.1(1), where area and height are recommended as no longer providing an exception to the rule (from submission 697.527 Waikato District Council). Each permitted activity has any required area and height standards listed as activity-specific conditions.

#### 2.2 Recommendations

3. For the reasons above, I recommend accepting the submission from Waikato District Council [697.32]

#### 2.3 Recommended amendments

4. Amend 14.8.1(b) as follows:

14.8.1(b) Rule 14.2.1.1 will apply to the activities set out in this table unless there is a specific ~~area, height,~~ location and noise condition listed below. [697.32 Waikato District Council]

#### 2.4 Section 32AA evaluation

5. As this is a consequential amendment to Rule 14.2.1.1, a s.32AA re-evaluation is not required.

### 3 14.8.1.1 PI Meteorological enclosures and buildings, including automatic weather stations

Submission point	Submitter	Decision requested
559.170	Heritage NZPT	Retain activity specific condition 14.8.1.1 (a)(iii) relating to Meteorological enclosures and buildings including automatic weather stations.

580.8	Meridian Energy	Amend the activity conditions of Rule 14.8.1.1(a)(ii) to change the maximum height, as follows:  (ii) <u>Meteorological measurement masts must not exceed 80 metres in height and all other structures must comply</u> <del>The structure complies</del> with any relevant building height condition for the applicable zone;
-------	-----------------	---

### 3.1 Analysis

6. The submission from **Heritage NZPT** [559.170]: supports the activity-specific condition 14.8.1.1 (a)(iii), which prevents such structures being permitted activities within an Identified Area.
7. I recommend accepting Heritage NZPT [559.170] due to the protection the rule provides for Identified Areas.
8. **Meridian Energy** [580.8] considers the proposed height limit is too low to practically allow meaningful investigations of potential wind energy at the height required for large-scale wind farms.
9. I recommend rejecting Meridian Energy [580.8], as a meteorological measurement mast of up to a zone height limit is considered an appropriate level for a permitted activity effect. Taller masts, such as the 80m suggested by the submitter and needed for wind-farm feasibility research, are possible, but I consider it is appropriate that the effects be assessed through a resource consent process.

### 3.2 Recommendations

10. For the reasons above, I recommend:
  - a. Accepting Heritage NZPT [559.170]
  - b. Rejecting Meridian Energy [580.8].
11. I have not recommended any changes to this provision.

## 4 14.8.1.2 P2 Meteorological and air quality monitoring structures and devices

Submission point	Submitter	Decision requested
559.171	Heritage NZPT	Retain activity specific condition 14.8.1.2 (a)(iii) relating to Meteorological and air quality monitoring structures and devices.
697.34	Waikato District Council	Amend Rule 14.8.1.2 (a)(ii) Permitted Activities, as follows:  (ii) There shall be no more than one <u>structure instrument, or device</u> <del>per site</del> ;
580.9	Meridian Energy	Amend the activity-specific conditions of Rule 14.8.1.2(a)(i), as follows:  Meteorological and air quality monitoring structures and devices that comply with all of the following: (i) Do not exceed <u>80m+2m</u> <del>80m</del> in height;

697.33	Waikato District Council	Add a new clause (v) to Rule 14.8.1.2 Permitted Activities as follows:  (v) <u>Maximum area is 10m<sup>2</sup>.</u>
--------	--------------------------	---

#### 4.1 Analysis

12. **Heritage NZPT** [559.171] seeks to retain activity-specific condition 14.8.1.2 (a)(iii) relating to Meteorological and air quality monitoring structures and devices. The submitter supports the activity-specific condition 14.8.1.1 (a)(iii), which prevents such structures being permitted activities within an Identified Area.
13. I recommend accepting Heritage NZPT [559.171] due to the protection the rule provides to Identified Areas.
14. **Waikato District Council** [697.34] seeks to amend Rule 14.8.1.2 (a)(ii) Permitted Activities, to focus on one structure per site. The submitter clarifies that the intention is to restrict structures not panels or instruments, and the amendment should focus on the number of structures.
15. I recommend accepting Waikato District Council [697.34], and consider this to clarify the intent of the rule.
16. **Meridian Energy** [580.9] seeks to increase the maximum height to 80m. The submitter states that the proposed height limit is too low to practically allow meaningful investigations of potential and energy at the height required for large-scale wind farms.
17. I recommend rejecting Meridian Energy [580.9], as a meteorological measurement mast of up to 12 metres in height is considered an appropriate level of permitted activity effect. Taller masts, such as the 80m suggested and required by the submitter, are possible, but I consider it is appropriate that the effects be assessed through a resource consent process.
18. **Waikato District Council** [697.33] seeks to add a new clause (v) to Rule 14.8.1.2 to restrict the area to a maximum 10m<sup>2</sup>.
19. This maximum area is an addition consequential to changes to Rule 14.2.1.1 Permitted Activities, which deletes a general area control.
20. I recommend accepting submission point 697.33, as it introduces permitted activity area limits to specific types of infrastructure, as a consequence of deleting the generic height and area controls from Rule 14.2.1.1. This will address the potential impacts on the environment of each type of infrastructure.

#### 4.2 Recommendations

21. For the reasons above I recommend the Hearings Panel:
  - a. Accept Heritage NZPT [559.171]
  - b. Accept Waikato District Council [697.34]
  - c. Reject Meridian Energy [580.9]
  - d. Accept Waikato District Council [697.33].

### 4.3 Recommended amendments

22. Amend Rule 14.8.1.2 as follows:

Activity		Activity specific conditions
P2	Meteorological and air quality monitoring structures and devices	14.8.1.2 (a) Meteorological and air quality monitoring structures and devices that comply with all of the following: (i) Do not exceed 12m in height; (ii) There shall be no more than one <del>structure instrument, or device</del> <sup>1</sup> per site; (iii) Is not located within an Identified Area; (iv) Is not located on a road, or unformed road. (v) <del>Maximum area is 10m<sup>2</sup>.</del> <sup>2</sup>

#### 4.3.1 Section 32AA evaluation

23. The amendments are for clarification and as a consequential amendment following Rule 14.2.1.1, therefore a s.32AA re-evaluation is not required.

## 5 14.8.2 Restricted Discretionary Activities

Submission point	Submitter	Decision requested
697.35	Waikato District Council	Delete Rule 14.8.2 (a)(iv) Restricted Discretionary Activities.
<i>FSI 258.84</i>	<i>Meridian Energy</i>	<i>Opposes 697.35</i>

### 5.1 Analysis

24. **Waikato District Council [697.35]** seeks the deletion of the effects on Identified Areas as a matter of discretion as the rule does not apply to activities in Identified Areas.
25. *FSI 258.84 Meridian Energy Opposes 697.35: Meridian requests clarification of what the proposed deletion is intended to achieve.*
26. Meteorological activities within Identified Areas are discretionary activities rather than restricted discretionary activities, so the inclusion of Identified Areas as a matter of discretion is not required. I recommend accepting Waikato District Council [697.35], as this approach will align with the appropriate activity status. I therefore recommend rejecting *FSI 258.84 Meridian Energy*.

### 5.2 Recommendations

27. For the reasons above, I recommend accepting Waikato District Council [697.35]; rejecting *FSI 258.84 Meridian Energy*.

### 5.3 Recommended amendments

28. Amend Rule 14.8.2 as follows:

Activity	Matters of Discretion
----------	-----------------------

<sup>1</sup> 697.34 Waikato District Council

<sup>2</sup> 697.33 Waikato District Council

RD1	Meteorological enclosures and buildings, including automatic weather stations located within road or unformed road	(a) Discretion is restricted to: (i) The functional and operational needs of, and benefits derived from, the <b>infrastructure</b> ; (ii) Visual, streetscape and amenity effects; (iii) Road network safety and efficiency; and <del>(iv) Effects on the specific values, qualities and characteristics of any Identified Area.</del> <sup>3</sup>
RD2	Meteorological and air quality monitoring structures and devices located within road or unformed road	

#### 5.4 Section 32AA evaluation

29. Meteorological activities within an Identified Area is a discretionary activity, so the matters of discretion do not apply. As I am not recommending any fundamental amendments, a s.32AA re-evaluation is not required.

## 6 14.8.3 DI Meteorological enclosures and buildings, including automatic weather stations located within Identified Areas

Submission point	Submitter	Decision requested
559.172	Heritage NZPT	Retain Rule 14.8.3 DI Discretionary Activities

### 6.1 Analysis

30. The submission from **Heritage NZPT** [559.172] considers that discretionary activity status provides the appropriate level of protection and assessment to provide protection as required under RMA section 6. There were no contrary submissions or further submissions. I consider discretionary activity status to be appropriate for meteorological enclosures and buildings, including automatic weather stations located within Identified Areas as this will enable any effects to be assessed.

### 6.2 Recommendations

31. As support for the provision, I recommend accepting the submission from Heritage NZPT [559.172].

## 7 14.8.3 D2 Meteorological and air quality monitoring structures and devices located within Identified areas

Submission point	Submitter	Decision requested
559.173	Heritage NZPT	Retain Rule 14.8.3 D2 Discretionary Activities

<sup>3</sup> 697.35 Waikato District Council

## 7.1 Analysis

32. The submission from **Heritage NZPT** [559.173] considers that discretionary activity status provides the appropriate level of protection and assessment to provide protection as required under RMA section 6. I recommend accepting Heritage NZPT [559.173] as support for the provision. There were no contrary submissions or further submissions. I consider discretionary activity status to be appropriate for meteorological and air quality monitoring structures and devices located within Identified Areas as this will enable any effects to be assessed.

## 7.2 Recommendations

33. For the reason above I recommend accepting the submission from Heritage NZPT [559.173].

## 8 14.8.3 Discretionary Activities

Submission point	Submitter	Decision requested
697.36	Waikato District Council	Add to Rule 14.8.3 Discretionary Activities as follows:  <u>D3 Meteorological enclosures and buildings, including automatic weather stations that do not comply with one or more conditions in Rule 14.8.3 (P1)</u>  <u>D4 Meteorological and air quality monitoring structures and devices that do not comply with one or more conditions in Rule 14.8.3 (P2)</u>
FS1258.85	Meridian Energy	Opposes 697.36

## 8.1 Analysis

34. The submission from **Waikato District Council** [697.36]: seeks to remedy the absence of an activity cascade for meteorological structures or activities that do not comply with one or more conditions in Rule 14.8.1(P1) or (P2) and the submitter wishes to include a discretionary rule to cover this scenario.
35. *FS1258.85 Meridian Energy Opposes 697.36: While Meridian supports the initiative to include a rule cascade for meteorological facilities, the proposed discretionary activity status is considered to be excessive and unnecessary. Meridian suggests that a restricted discretionary activity default activity status is sufficient.*
36. The RMA applies a default status of discretionary activity where the activity is not otherwise classified, unless there is a rule in the plan stating otherwise. Rules 14.2.3 and 14.2.4 make unspecified infrastructure activities discretionary or non-complying depending on whether they are located within an Identified Area. I recommend accepting the submission from Waikato District Council [697.36] as completing the activity cascade, and therefore rejecting the further submission from *Meridian Energy* [FS1258.85].

## 8.2 Recommendations

37. For the reason given by the submitter above, I recommend accepting 697.36 Waikato District Council [697.36], and rejecting the further submission from *FS1258.85 Meridian Energy*.

### 8.3 Recommended amendments

38. Amend Rule 14.8.3 as follows:

<u>D3</u>	<u>Meteorological enclosures and buildings, including automatic weather stations that do not comply with one or more conditions in Rule 14.8.3 (P1)</u> <sup>4</sup>
<u>D4</u>	<u>Meteorological and air quality monitoring structures and devices that do not comply with one or more conditions in Rule 14.8.3 (P2)</u> <sup>5</sup>

### 8.4 Section 32AA evaluation

39. The amendments provide a complete activity cascade, ensuring all activities are allocated an activity status. This amendment provides clarity. A s.32AA re-evaluation is not required. In any case, Rule 14.2.3 DI would have made these activities default to discretionary activity status if they were not specifically listed within Chapter 14, or through the RMA default section 87B(1).

---

<sup>4</sup> 697.36 Waikato District Council

<sup>5</sup> 697.36 Waikato District Council