

SECTION 42A REPORT

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

Hearing 22: Infrastructure and Energy

Report prepared by: Trevor Mackie

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TABLE OF CONTENTS

Part A	Introduction.....	3
Part B	Scope of Report.....	4
Part C	Consideration of submissions received.....	5
Part E	Conclusion.....	10
Appendix 1: Table of submission points		
Appendix 2: Recommended amendments to plan Chapter 14		
Appendix 3: Recommended amendments to plan Chapter 6		
Appendix 4: Recommended amendments to other parts of PWDP		
Appendix 5: Provisions cascades 5.1; 5.2; 5.3; 5.4; 5.5		
Part D	Substantive submissions section by section	
Part D0	Infrastructure and Energy Chapter 14 Overall.....	(D0) 1
	General.....	(D0) 1
	Infrastructure and zoning/growth/development - general.....	(D0) 17
	Low Impact Design - General.....	(D0) 21
	Energy efficiency -General.....	(D0) 24
	Relocations of plan provisions.....	(D0) 28
	Definitions - Minor infrastructure structure.....	(D0) 31
	Definitions - Minor upgrading of existing infrastructure.....	(D0) 35
	Definitions - National Grid terms	(D0) 38
	Definitions - Network Utility Operator.....	(D0) 45
	Definitions - Functional need and Operational need.....	(D0) 47
	Definitions - Infrastructure.....	(D0) 50
	Definitions - Regionally significant infrastructure.....	(D0) 54
	Definitions - Road network activities.....	(D0) 59
	Definitions - Other.....	(D0) 62
	Mapping Future Infrastructure and Energy.....	(D0) 70
	Rail corridor and State Highways.....	(D0) 71
	Miscellaneous.....	(D0) 90
Part D1	14.1 Introduction.....	(D1) 1
	General.....	(D1) 1
	14.1(1)	(D1) 4
	14.1(2)	(D1) 6
	14.1(3); (4)	(D1) 7
	14.1(6)	(D1) 8
	14.1(7)	(D1) 9
Part D2	14.2 Rules applying to all Part infrastructure.....	(D2) 1
	General.....	(D2) 1
	14.2.1 General Permitted Activities.....	(D2) 4
	14.2.1 P1 New Infrastructure.....	(D2) 5

	14.2.1.2 P2 Construction Noise.....	(D2) 13
	14.2.1.3 P3 Any activity emitting electric and magnetic fields.....	(D2) 14
	14.2.1.4 P4 Any activity emitting radio frequency fields.....	(D2) 14
	14.2.2 General Restricted Discretionary Activities.....	(D2) 14
	14.2.2 RD1 New Infrastructure not complying with conditions.....	(D2) 15
	14.2.2 RD2 Construction noise not complying with conditions.....	(D2) 16
	14.2.3 D1 Discretionary Activities.....	(D2) 17
	14.2.3 General Non-Complying activities.....	(D2) 19
	14.2.3 Non-complying activities.....	(D2) 20
Part D3	14.3 General infrastructure.....	(D3) 1
	General.....	(D3) 1
	14.3.1 General Permitted Activities.....	(D3) 2
	14.3.1 P1 Operation, maintenance, repair and removal of existing infrastructure.....	(D3) 3
	14.3.1 P2 Minor upgrading of existing infrastructure	(D3) 5
	14.3.1 P3 Temporary infrastructure.....	(D3) 16
	14.3.1 P4 Earthworks activities associated with infrastructure	(D3) 17
	14.3.1 P5 Trimming, maintenance or removal of vegetation or trees associated with infrastructure.....	(D3) 25
	14.3.1 P6 Pipe and cable bridge structures	(D3) 30
	14.3.1 P7 Electric vehicle chargers	(D3) 30
	14.3.1 P8 Service connections	(D3) 32
	14.3.1 P9 Minor infrastructure structure	(D3) 33
	14.3.1 P10 Closed-circuit television (CCTV) systems	(D3) 34
	14.3.1 P11 Signage associated with infrastructure.....	(D3) 34
	14.3.1 P12 Service connections for subdivision	(D3) 34
	14.3.2 Controlled Activities General	(D3) 41
	14.3.2 C1 Subdivision to create a utility allotment for infrastructure	(D3) 42
	14.3.3 Restricted Discretionary Activities general.....	(D3) 43
	14.3.3 RD1 Minor upgrading of existing infrastructure	(D3) 43
	14.3.3 RD2 Earthworks associated with infrastructure	(D3) 45
	14.3.3 RD3 Trimming, maintenance or removal of vegetation or trees.....	(D3) 47
	14.3.3 RD5 Electric vehicle charging stations.....	(D3) 48
	14.3.3 RD6 Activities that do not comply with Rule 14.3.1.7.....	(D3) 48
	14.3.4 D1 Activities and permanent structures or facilities located within road or unformed road.....	(D3) 48
	14.3.4 D2 Temporary infrastructure that does not comply.....	(D3) 50
	14.3.4 D3 Access and service connections for subdivision	(D3) 50
Part D4	14.4 National Grid.....	(D4) 1
	General.....	(D4) 1
	14.4.1 P1 Buildings, structures and sensitive land uses within the National Grid Yard in existing Residential or Village Zones.....	(D4) 7

	14.4.1 P2 Buildings, structures and sensitive land use within the National Grid Yard in all other zones.....	(D4) 11
	14.4.1 P3 Earthworks activities within the National Grid Yard.....	(D4) 18
	14.4.2 RD1 Below ground transmission lines associated with the National Grid not located within identified areas.....	(D4) 24
	14.4.2 RD2 Transformers, substations and switching stations associated with the National Grid not located within Identified Areas.....	(D4) 24
	14.4.2 RD3 Earthworks within the National Grid Yard that do not comply....	(D4) 25
	14.4.2 RD4 Subdivision of land in any zone within the National Grid Corridor(D4)	26
	14.4.3 Discretionary activities general.....	(D4) 31
	14.4.3 D1 New below-ground transmission lines associated with the National Grid within Identified Areas.....	(D4) 33
	14.4.4 Non-complying general.....	(D4) 33
	14.4.4 NC1 Above-ground transmission lines associated with the National Grid located within identified areas.....	(D4) 37
	14.4.4 NC2 Transformers, substations and switching stations associated with the National Grid located within identified areas.....	(D4) 38
	14.4.4 NC3 - NC10 Non-complying activities.....	(D4) 38
	Relocations or replications - relating to National Grid.....	(D4) 43
Part D5	14.5 Electrical distribution.....	(D5) 1
	14.5.1 Permitted activities General	(D5) 1
	14.5.1 P1 Below-ground distribution lines.....	(D5) 1
	14.5.1 P2 and P3 Overhead distribution lines.....	(D5) 2
	14.5.1 P4 Substations and associated transformers and switching stations.....	(D5) 4
	14.5.1 P5 Construction or alteration of a building for a sensitive land use.....	(D5) 7
	14.5.2 Restricted discretionary general.....	(D5) 8
	14.5.2 RD1 Overhead distribution lines and support structures.....	(D5) 9
	14.5.2 RD2 Construction or alteration of a building for a sensitive land use..	(D5) 11
	14.5.3 Discretionary Activities.....	(D5) 12
Part D6	14.6 Electricity generation.....	(D6) 1
	14.6.1 General permitted activities.....	(D6) 2
	14.6.1 P1 Small-scale electricity generation	(D6) 4
	14.6.1 P2 Community-scale electricity generation.....	(D6) 8
	14.6.1 P3 Research and exploratory-scale investigations for renewable electricity generation activities.....	(D6) 9
	14.6.1 P4 Temporary diesel-fuelled electricity generation activities	(D6) 12
	14.6.2 Restricted Discretionary Activities General	(D6) 13
	14.6.3 Discretionary Activities General.....	(D6) 14
	14.6.4 Non-Complying Activities general.....	(D6) 15
Part D7	14.7 Liquid fuels and gas.....	(D7) 1
	14.7.1 Permitted general.....	(D7) 1
	14.7.1 P1 Below-ground pipelines for the conveyance of liquid fuels and gas	(D7) 2

	14.7.1 P2 Below-ground pipelines located within an Identified Area.....	(D7)	2
	14.7.1 P3 Storage facilities and pump stations for liquid fuels and gas.....	(D7)	5
	14.7.2 Discretionary Activities General.....	(D7)	6
	Mapping.....	(D7)	8
Part D8	14.8 Meteorological.....	(D8)	1
	14.8.1 Permitted Activities General.....	(D8)	1
	14.8.1.1 P1 Meteorological enclosures and buildings, including automatic weather stations	(D8)	1
	14.8.1.2 P2 Meteorological and air quality monitoring structures and devices.....	(D8)	2
	14.8.2 Restricted Discretionary Activities.....	(D8)	4
	14.8.3 D1 Meteorological enclosures and buildings, within Identified Areas... ..	(D8)	4
	14.8.3 D2 Meteorological and air quality monitoring structures and devices located within Identified areas.....	(D8)	5
	14.8.3 Discretionary Activities.....	(D8)	6
Part D9	14.9 Amateur radio.....	(D9)	1
	14.9.1 Permitted Activities General.....	(D9)	1
	14.9.1.1 P1 Antennas associated with amateur radio configurations.....	(D9)	3
	14.9.1.2 P2 Aerials associated with amateur radio configurations.....	(D9)	4
	14.9.1.3 P3 Support structures associated with amateur radio configurations.....	(D9)	7
	14.9.2 Restricted Discretionary Activities.....	(D9)	10
	14.9.3 D2 Antennas, aerials and support structures within Identified Areas.....	(D9)	11
Part D10	14.10 Telecommunications and radio-communications.....	(D10)	1
	14.10.1 Permitted Activities – General.....	(D10)	1
	14.10.1.1 P1 Ancillary equipment.....	(D10)	2
	14.10.1.2 P2 Below-ground telecommunications and radiocommunications facilities, lines, cables and ducts.....	(D10)	3
	14.10.1.2 P3 Cabinets.....	(D10)	4
	14.10.1.3 P4 Antennas and lines attached to structures within the road.....	(D10)	5
	14.10.1.4 P5 Antennas attached to a building and/or structure.....	(D10)	7
	14.10.1 P6 Antennas inside new or existing buildings.....	(D10)	9
	14.10.1.5 P7 Antennas not attached to a building and/or structure.....	(D10)	9
	14.10.1.6 P8 Small cell units exceeding the permitted dimension.....	(D10)	12
	14.10.1.7 P9 Poles, antennas and headframes.....	(D10)	15
	14.10.1.8 P10 Externally-mounted telecommunication satellite dishes.....	(D10)	17
	14.10.1.9 P11 Telecommunication kiosk.....	(D10)	19
	14.10.1.10 P12 Telephone exchanges.....	(D10)	20
	14.10.1.11 P13 Self-contained power units.....	(D10)	20
	14.10.1.12 P14 Aerial telecommunication lines and support structures.....	(D10)	21
	14.10.1.13 P15 Lightning rods.....	(D10)	23
	14.10.2 Controlled activities - General.....	(D10)	23
	14.10.2 C5 Dish antennas not complying with regulations within zones.....	(D10)	24
	14.10.2 C7 Small cell units located within an Identified Area.....	(D10)	24

	14.10.2 C8 Poles, antennas and headframes located within an Identified Area.....	(D10) 25
	14.10.2 C9 (a) Externally mounted telecommunication satellite dishes and ancillary components.....	(D10) 25
	14.10.2 C10 Telecommunication kiosks, located within road or unformed road adjacent to an Identified Area.....	(D10) 26
	14.10.3 Restricted Discretionary Activities - General.....	(D10) 27
	14.10.3 RD5 Aerial telecommunication lines not complying with conditions.....	(D10) 28
	14.10.4 Discretionary Activities - General.....	(D10) 28
Part D11	14.11 Water, wastewater and stormwater.....	(D11) 1
	General.....	(D11) 1
	14.11.1 Permitted Activities introductory rules.....	(D11) 4
	Rule 14.11.1.1 P1 Stormwater systems for new development or subdivision.....	(D11) 5
	Rule 14.11.1.2 P2 The establishment of impervious surfaces associated with new development or subdivision	(D11) 13
	Rule 14.11.1.3 P3 Wastewater servicing for new development/subdivision.....	(D11) 16
	Rule 14.11.1.4 P4 Below-ground pipelines.....	(D11) 19
	Rule 14.11.1.5 P5 Below-ground pipelines within an Identified Area.....	(D11) 21
	Rule 14.11.1.6 P6 Pump stations	(D11) 22
	Rule 14.11.1.7 P7 Stormwater facilities or devices.....	(D11) 24
	Rule 14.11.1.8 P8 Stormwater ponds or wetlands.....	(D11) 26
	Rule 14.11.1.9 P9 Ventilation facilities, drop shafts and manholes.....	(D11) 27
	Rule 14.11.1.10 P10 Below-ground reservoirs.....	(D11) 28
	New Rules 14.11.1.11 & 12.....	(D11) 29
	Rule 14.11.2 Restricted Discretionary Activities – General.....	(D11) 32
	Rule 14.11.2 RD1 Stormwater systems not complying with conditions.....	(D11) 35
	Rule 14.11.2 RD6 Stormwater ponds or wetlands, within particular zones.	(D11) 35
	Rule 14.11.2 New RD10 activity.....	(D11) 36
	Rule 14.11.3 Discretionary Activities – General.....	(D11) 37
	Rule 14.11.3 D1 Water treatment plants.....	(D11) 39
	Rule 14.11.3 D2 Wastewater treatment plants.....	(D11) 39
	Rule 14.11.4 Non-Complying Activities – General.....	(D11) 40
	Rule 14.11.4 NC1 Water treatment plants located within the road or an Identified Area.....	(D11) 42
	Rule 14.11.4 NC2 Wastewater treatment plants located within particular zones.....	(D11) 42
Part D12	14.12 Transportation.....	(D12) 1
	General.....	(D12) 3
	Rule 14.12.1.1 P1 Vehicle access for all activities.....	(D12) 13
	Rule 14.12.1.2 P2 On-site parking and loading.....	(D12) 19
	Rule 14.12.1.3 P3 On-site manoeuvring and queuing.....	(D12) 26
	Rule 14.12.1.4 P4 Traffic generation.....	(D12) 29

Rule 14.12.1.5 P5 Operation, maintenance and minor upgrading of existing public roads, State Highways and road network activities.....	(D12) 45
Rule 14.12.1.6 P6 New public roads.....	(D12) 48
Rule 14.12.1.7 P7 Access and New Roads – Te Kowhai Airpark Zone.....	(D12) 52
Rule 14.12.1.8 P8 Off-road pedestrian and cycle facilities.....	(D12) 55
Rule 14.12.1.9 P9 Stock underpasses located within Road.....	(D12) 58
Rule 14.12.2 Restricted Discretionary Activities.....	(D12) 60
Rule 14.12.2 RD1 Vehicle access not complying with conditions.....	(D12) 60
Rule 14.12.2 RD2 On-site parking and loading not complying with conditions.....	(D12) 63
Rule 14.12.2 RD3 On-site manoeuvring and queuing not complying with conditions.....	(D12) 65
Rule 14.12.2 RD4 Traffic generation not complying with conditions.....	(D12) 66
Rule 14.12.2 RD5 Operation, maintenance and minor upgrading of existing public roads, State Highways not complying with conditions.....	(D12) 69
Rule 14.12.2 RD6 New public roads not complying with conditions	(D12) 69
Rule 14.12.2 RD7 Access and New Roads – Te Kowhai Airpark Zone not complying with conditions.....	(D12) 69
Rule 14.12.2 RD8 Off-road pedestrian and cycle facilities not complying with conditions.....	(D12) 71
Rule 14.12.3 D1 Stock underpasses not provided for.....	(D12) 72
14.12.5 Transportation Tables and Figures	
General and Cross-table.....	(D12) 73
Table 14.12.5.1 - Separation distances of an access onto a road.....	(D12) 74
Figure 14.12.5.2 - Separation distances.....	(D12) 78
Table 14.12.5.3 - Minimum sight distances from a vehicle entrance.....	(D12) 78
Figure 14.12.5.4 - Minimum sight distances.....	(D12) 83
Table 14.12.5.5 - Functions of roads within the Road Hierarchy.....	(D12) 84
Table 14.12.5.6 - Road Hierarchy list.....	(D12) 85
Table 14.12.5.7 - Required parking spaces and loading bays.....	(D12) 87
Table 14.12.5.8 - 90th Percentile car tracking curve minimum radius.....	(D12) 101
Table 14.12.5.10 - Required bicycle spaces.....	(D12) 103
Table 14.12.5.12 - Queuing space.....	(D12) 105
Table 14.12.5.13 - Traffic generation rates.....	(D12) 105
Table 14.12.5.14 - Access and road conditions (Urban Zones)	(D12) 107
Table 14.12.5.15 - Access and road conditions (Rural Zones)	(D12) 117
Figure 14.12.5.19 - Te Kauwhata Structure Plan – Collector Roads.....	(D12) 120
Figure 14.12.5.20 - Te Kauwhata Structure Plan – Local Roads.....	(D12) 120
Part D12A 14.12A Transportation - Trails and Indicative Roads.....	(D12A) 1
Walkway Cycleway Bridleway - General.....	(D12A) 1
Walkway Cycleway Bridleway - Raglan / Port Waikato.....	(D12A) 5
Walkway Cycleway Bridleway - Te Kauwhata.....	(D12A) 10

	Walkway Cycleway Bridleway - Tamahere.....	(D12A) 14
	Walkway Cycleway Bridleway - Tuakau / Pokeno / Mercer.....	(D12A) 18
	Walkway Cycleway Bridleway - Ngaruawahia / Taupiri / Te Kowhai.....	(D12A) 22
	Indicative Roads.....	(D12A) 25
Part D13	Ch 6 Infrastructure and Energy - Objectives and Policies.....	(D13) 1
	General.....	(D13) 5
	6.1 General Infrastructure.....	(D13) 12
	6.1.1 Objective - Development, operation and maintenance.....	(D13) 18
	6.1.2 Policy - Development, operation and maintenance.....	(D13) 21
	6.1.3 Policy - Technological advances.....	(D13) 28
	6.1.4 Policy - Infrastructure benefits.....	(D13) 33
	6.1.5 Policy - Natural hazards and climate change.....	(D13) 36
	6.1.6 Objective - Reverse sensitivity.....	(D13) 38
	6.1.7 Policy - Reverse sensitivity and infrastructure.....	(D13) 46
	6.1.8 Objective – Infrastructure in the community and identified areas.....	(D13) 55
	6.1.9 Policy - Environmental effects, community health, safety, amenity...	(D13) 58
	6.1.10 Policy - Infrastructure in identified areas.....	(D13) 61
	6.1.11 Policy - Undergrounding new infrastructure.....	(D13) 66
	6.1.12 Policy - Co-location of compatible facilities.....	(D13) 70
	6.1.13 Policy - Future growth areas.....	(D13) 73
	6.1.14 Policy - Electromagnetic and radio frequency fields.....	(D13) 75
	6.1.16 Policy - Water conservation.....	(D13) 76
	6.2 National Grid.....	(D13) 79
	General Submissions on National Grid.....	(D13) 81
	6.2.1 Objective - National grid.....	(D13) 83
	6.2.2 Policy - Recognise the national grid.....	(D13) 89
	6.2.3 Policy - Operation and development of the National Grid.....	(D13) 93
	6.2.4 Policy - Maintenance and minor upgrade the National Grid.....	(D13) 95
	6.2.5 Policy - Environmental effects.....	(D13) 98
	6.2.6 Policy - Reverse sensitivity and the National Grid.....	(D13) 104
	6.3 Energy.....	(D13) 112
	General Submissions on Energy.....	(D13) 112
	6.3.1 Objective - Renewable energy.....	(D13) 114
	6.3.2 Policy - Utilising energy efficiency.....	(D13) 117
	6.3.3 Policy - Enabling renewable electricity generation.....	(D13) 118
	6.3.4 Policy - Future renewable electricity.....	(D13) 118
	6.3.5 Policy - Existing renewable electricity facilities.....	(D13) 119
	6.3.6 Objective - Non-renewable energy.....	(D13) 122
	6.3.7 Policy - Recognise non-renewable energy resources.....	(D13) 93
	6.4 Infrastructure, Subdivision and Development.....	(D13) 122
	General Submissions on Infrastructure, Subdivision and Development.....	(D13) 122
	6.4.1 Objective - Integration of infrastructure with development.....	(D13) 124

6.4.2 Policy - Provide adequate infrastructure.....	(D13) 126
6.4.3 Policy - Infrastructure Location and Services.....	(D13) 129
6.4.4 Policy - Road and rail network.....	(D13) 132
6.4.5 Policy - Roading infrastructure.....	(D13) 138
6.4.6 Objective - Stormwater and drainage.....	(D13) 144
6.4.7 Policies - Stormwater.....	(D13) 146
6.5 Transport.....	(D13) 153
General Submissions on Transport.....	(D13) 153
6.5.1 Objective - Land transport network.....	(D13) 157
6.5.2 Policy - Construction and operation of the land transport network.	(D13) 161
6.5.3 Policy - Road hierarchy and function.....	(D13) 168
6.5.4 Policy - Road standards.....	(D13) 171
6.5.5 Policy - Road safety.....	(D13) 172
6.5.6 Policy - Network utility location.....	(D13) 175
6.5.7 Policy - Vehicle access.....	(D13) 176

List of submitters and further submitters addressed in this report

Appendix I is a table of the submission points, submitters, and further submissions and further submitters, and includes recommendations and references to where the submission points are addressed within this report. The submission points are addressed in Parts D0 to D13 of this report under separate covers, in relation to the sections of Chapter 14 and Chapter 6 of the Proposed Waikato District Plan (PWDP). This part of the report, Part ABCE, has A the Introduction, B Scope of the report, C Consideration of submissions received and format, and E Conclusions.

Some of the submitter names have been abbreviated as follows:

Submitter Name	Abbreviations
Brendan Balle for Balle Bros Group Ltd	Balle Bros Group
New Zealand Steel Holdings Ltd	NZ Steel
Spark New Zealand Trading Limited	Spark
Chorus New Zealand Limited	Chorus
Vodafone New Zealand Limited	Vodafone
Angeline Greensill for Tainui o Tainui	Tainui o Tainui
Transpower New Zealand Limited	Transpower
Meridian Energy Limited	Meridian Energy
Genesis Energy Limited	Genesis Energy
Housing New Zealand Corporation	HNZC
Holcim New Zealand Limited	Holcim
EnviroWaste New Zealand Limited	EnviroWaste
Simon Ash for Lakeside Development 2017 Limited	Lakeside2017
Heritage New Zealand Pouhere Taonga / Heritage New Zealand Lower Northern Office	Heritage NZPT
Mercury NZ Limited	Mercury
Waikato District Health Board	Waikato DHB
First Gas Limited	First Gas
WEL Networks Limited	WEL Networks
Counties Power Limited	Counties Power
Ports of Auckland Limited	POAL
New Zealand Transport Agency	NZTA
Kiwi Rail Holdings Limited	KiwiRail
Fire and Emergency New Zealand	FENZ
Horticulture New Zealand	Hort NZ
Federated Farmers of New Zealand	FFNZ
Vaughan Rowsell from OMGTech! for The Pam Fergusson Charitable Trust and Allen Fabrics Limited	Pam Fergusson Charitable Trust and Allen Fabrics Limited
Watercare Services Limited	Watercare

Definition of Infrastructure

'Infrastructure' is defined in the PWDP Chapter 13 Definitions and is virtually the same as in the RMA s.2 Interpretation, as follows:

Means:

- (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:
 - (i) uses them in connection with the generation of electricity for the person's use; and
 - (ii) does not use them to generate any electricity for supply to any other person;
- (e) a water supply distribution system, including a system for irrigation;
- (f) a drainage or sewerage system;
- (g) structures for transport on, under or over land by cycle ways, rail, roads, walkways, or any other means;
- (h) facilities for the loading or unloading of cargo or passengers transported on land by any means;
 - (i) an airport as defined in section 2 of the Airport Authorities Act 1966;
 - (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990;
- (k) 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
- (l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166 of the Resource Management Act 1991.

Submissions on the definition of infrastructure are discussed in section D0, and also within the specialist infrastructure sections, including on the issue of distinguishing farming and horticultural activities (on-farm services) from 'infrastructure'.

Part A - Introduction

1.1 Qualifications and experience

1. My full name is Trevor Stewart Mackie. I am a consultant planner, contracted to Waikato District Council to provide s42A reporting on Infrastructure and Energy in the Proposed Waikato District Plan (PWDP).
2. I hold the qualifications of Bachelor of Town Planning from University of Auckland and Bachelor of Architecture (Hons) and Bachelor of Building Science from Victoria University of Wellington.
3. I have more than 25 years planning experience in both local government and the private sector. From 2000 to 2010 I was manager of Environmental Policy and Planning at North Shore City Council, with responsibility for the District Plan, plan changes and notices of requirement, structure planning, centre and corridor plans. That work included planning for arterial road corridors, the Northern Busway, North Shore Wastewater Treatment Plant and its tunnel and outfall, stormwater network discharge consents, and the three waters strategy, and urban design and visual impact reporting on infrastructure projects. For the Auckland Unitary Plan, from 2013 until 2017, I advised both Auckland Council and Auckland Transport on Significant Infrastructure and Energy regional policy statement, infrastructure and transport planning amongst other topics, including policy development, mediation, preparation of evidence and rebuttal for the Independent Hearings Panel. I also undertook negotiation and assisted with writing a combined chapter on Infrastructure in consultation with the Auckland Utility Operators Group, Watercare, NZTA, Transpower and Auckland Transport. I consult to Auckland Transport on stormwater network discharge consents, and for public and private plan changes with transport implications. I am an accredited Hearings Commissioner on the Auckland Council panel of Commissioners, and hear resource consent applications, plan changes and notices of requirement. I acted as Friend of Submitters for the Environmental Protection Authority on the Puhoi to Warkworth motorway project.

1.2 Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the hearing commissioners.

1.3 Conflict of Interest

6. I confirm that I have no real or perceived conflict of interest.

1.4 Preparation of this report

7. I am the author of this report.
8. Scope of evidence relates to evaluation of submissions and further submissions received in relation to the provisions related to Infrastructure and Energy.
9. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
10. In preparing this report I have sought advice from Waikato District Council staff on Council processes, consents processing, development engineering, road hierarchy classification and Indicative Roads, and Indicative Trails and the Trails Strategy.

Part B – Scope of Report

2.1 Matters addressed by this report

11. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the objectives and provisions on Infrastructure and Energy within the Proposed Waikato District Plan. Provisions relating to Infrastructure and Energy include policies, activities, buildings and structures, protection of Identified Areas, environmental and amenity effects, and subdivision.

2.2 Overview of the topic / chapters

12. Chapter 6 of the PWDP contains the Infrastructure and Energy objectives and policies. Chapter 14 is a stand-alone chapter for the Infrastructure and Energy rules, activity classification, and matters of control and discretion. It includes all of the rules for infrastructure generally, and then for each type of infrastructure, including transportation.
13. The Infrastructure and Energy rules apply across all zones and roads.

2.3 Statutory requirements

14. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32.) The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40), and other relevant plans and strategies (paragraphs 41-45). The following sections identify statutory documents with particular relevance to this report.

National Policy Statements

15. **New Zealand Coastal Policy Statement (NZCPS):** The key messages from the NZCPS for strategic direction on infrastructure, is that not all development is inappropriate in the coastal environment, but local authorities must consider the rate at which built development should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment. Objective 6 of the NZCPS is: “To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that: the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities; functionally some uses and developments can only be located on the coast or in the coastal marine area.” The NZCPS has a number of policies that require adverse effects to be ‘avoided’ rather than remedied or mitigated, in relation to values of the coastal environment. These values include conservation land and waters, outstanding natural character/features/landscapes, and indigenous biological diversity. Policy 6 of the NZCPS recognises the provision of infrastructure, including the generation and transmission of energy, is an important activity; and requires consideration of the rate at which infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment.
16. **National Policy Statement Electricity Transmission (NPSET):** The NPSET sets out one objective and a number of policies to standardise the approach to the electricity transmission network (the National Grid) across the country. The NPSET recognises as a

matter of national significance the need to operate, maintain, develop and upgrade the electricity transmission network. The NPSET seeks to ensure that, in providing for the transmission of electricity within a region or district and in managing the effects of the transmission network on the environment, the operational and long-term development requirements of the network are appropriately considered and its status as a linear cross-boundary network is fully recognised. Transpower has confirmed that any new sections of the National Grid will be established by designation rather than resource consent.

17. **National Policy Statement Urban Development (NPSUD):** Objectives include: New Zealand having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; Planning decisions improve housing affordability by supporting competitive land and development markets; Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment near a local or town centre, or which are well-served by public transport, or where there is high relative demand for housing or business land; urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations; Planning decisions relating to urban environments, and Future Development Strategies, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Local authority decisions on urban development that affect urban environments are to be: integrated with infrastructure planning and funding decisions; and strategic over the medium term and long term; and responsive, particularly in relation to proposals that would supply significant development capacity. This is particularly relevant to the integration of infrastructure with areas live-zoned for development. Local authorities are required to have robust and frequently updated information about their urban environments and use it to inform planning decisions. New Zealand's urban environments are to support reductions in greenhouse gas emissions and be resilient to the current and future effects of climate change. There is one other implication for infrastructure, a policy which may require in the future that Waikato District Council, as a tier I territorial authority, does not set minimum car parking rate requirements other than for accessible car parks. This policy must be implemented without using a plan change or plan variation process.
18. **National Policy Statement for Renewable Electricity Generation (NPSREG):** The National Policy Statement for Renewable Electricity Generation (NPSREG) sets out objectives and policies for local authorities to address renewable electricity generation in RMA planning documents, including district plans. The NPSREG recognises the importance of renewable energy. It promotes a more consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources when councils make decisions on resource consent applications. The Infrastructure and Energy chapters include energy matters including the generation of electricity. The NPSREG objective is: "To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation." The NPSREG requires local authorities to provide specific recognition and provision for renewable electricity generation activities in their district plan. An objective is included in the PWDP which flows through into policies and assessment criteria (for appropriate activities) that aligns with the NPSREG objective.

National Environmental Standards

19. National Environmental Standards provide nation-wide direction on rules for a number of topics related to infrastructure, including National Environmental Standards for Electricity Transmission Activities (NESETA), which protects the existing National Grid facilities;

National Environmental Standards for Telecommunication Facilities (NESTF); and National Environmental Standards for Freshwater (NESF).

Waikato Regional Policy Statement

20. The Operative Waikato Regional Policy Statement (RPS) provides an overview of the resource management issues in the Waikato region, and the ways in which integrated management of the region's natural and physical resources will be achieved. The PWDP is required to give effect to the RPS. The RPS identifies providing for energy demand and managing the built environment as key issues for the Waikato Region.
21. The RPS objectives of providing strategic direction for infrastructure and energy, focus on adapting to climate change and the built environment and include: Objective 3.6 "Land use is managed to avoid the potential adverse effects of climate change induced weather variability and sea level rise on the built environment, including infrastructure"; and Objective 3.12 "Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by: a) promoting positive indigenous biodiversity outcomes; b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development; c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors; ... e) recognising and protecting the value and long-term benefits of regionally significant infrastructure; ... g) minimising land use conflicts, including minimising potential for reverse sensitivity; f) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region.
22. The main focus of the RPS in relation to renewable electricity generation is: "To recognise opportunities for new renewable electricity generation structures; Protect existing renewable electricity generation structures; Ensure subdivision and development does not compromise existing renewable electricity generation activities; and Increase the use of renewable electricity generation and decreased dependence of non-renewable energy sources as there are substantial benefits."
23. The RPS identifies a list of 'Regionally Significant Infrastructure', including within Waikato District the State Highways, National Grid, renewable energy generation facilities connecting to the National Grid, high pressure gas transmission pipeline and the New Zealand rail network.
24. In relation to transport, the RPS requires regional and district plans to provide for a long-term strategic approach to the integration of land use and infrastructure, including a strategic land transport network, support for public transport and alternative modes, and a strategic freight network. Alternative transport modes are also supported for their benefits to air quality (emissions) and minimising energy and carbon use.

Iwi Management Plans

25. **Waikato-Tainui Environmental Plan - Vision and Strategy:** Waikato-Tainui is supportive of, and would like an increased focus on renewable electricity generation. The Vision and Strategy, within The Waikato-Tainui Environmental Plan, expresses concern about the development of renewable electricity generation activities through Infrastructure (Section 26) and Electricity Generation (Section 27). Waikato-Tainui generally do not support any form of energy generation unless it is sustainable and renewable, or any form of energy generation that has adverse social, cultural, spiritual, or environmental effects that cannot be managed to meet the requirements of this Plan. Objectives include: "26.3.1 Infrastructure development,

upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui; 26.3.2 Infrastructure development, upgrade, and maintenance manages economic, social, cultural, spiritual, and environmental effects; 27.3.1 In partnership with Waikato-Tainui, existing and new electricity generation activities, and the structures and operations to transmit electricity to end users, effectively manages adverse social, cultural, spiritual, environmental, and economic effects; 27.3.2 Alternative sustainable forms of electricity generation are developed, provided any adverse effects on the environment, particularly on the Waikato River or culturally and/or spiritually sensitive sites, are managed (Note: Due to the adverse environmental, social, spiritual, and cultural effects of such structures, Waikato-Tainui does not consider containment hydro dams to be an alternative sustainable form of electricity generation); 27.3.3 Electricity generation and transmission activities demonstrate a direct community benefit for the communities near their activities.”

26. **Maniapoto Environmental Management Plan:** Prepared by Maniapoto Māori Trust Board on behalf of the people of Maniapoto, this is a high-level direction setting document and describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment including their economic, social, cultural and spiritual relationships. Research for clean, renewable energy generation developments, including hydro, geothermal, solar, wind and wave power, is promoted, although any activities are subject to the management of effects and protecting and enhancing the mauri of the environment and Maniapoto values. Objectives on relationship, energy generation and transmission and telecommunications include: “To avoid adverse effects of infrastructure on the relationship of Maniapoto with significant sites and resources; To ensure electricity generation, transmission and distribution benefits Maniapoto and protects the mauri of the environment; Maniapoto has access to reliable, sustainable and efficient energy sources; To provide telecommunications and ultrafast broadband access to Maniapoto to support them to engage with digital media for work, education and business.

New Zealand Standards

27. New Zealand Standards on: subdivision and land development; construction noise; fire-fighting water supply; on-site wastewater; ionisation/radiation & electromagnetic; and New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 (NZECP34:2001).

National Planning Standards

28. The National Planning Standards (‘NPS’) seek to provide a standard format for district plans across New Zealand. The Hearings Panel has indicated that it wishes to adopt NPS approaches where possible during the current hearings. This report relies on the NPS defined terms (14 – Definitions), some of which have been addressed in Hearing 5.

Waikato District Council adopted Strategies

29. Trails Strategy 2016 identifies indicative trails, classified as low, medium and high priority.
30. Future Proof, a growth strategy prepared by Waikato District Council, collaboratively with Waikato Regional Council and Hamilton, recognises the need for infrastructure to support growth and contains key approaches in Section 8.25.3: “Encourage and promote compact forms of development that lead to more efficient infrastructure utilisation and investment; Ensure new infrastructure development takes into account potential future climate change effects; Ensure the settlement pattern and development decisions allow for expansion and upgrading of infrastructure; Advocate for long-term strategic infrastructure planning by

network utility managers; New urban and rural-residential development should aim to maximise the use of existing infrastructure, where this is an efficient and viable approach; The security, safety, affordability and reliability of infrastructure are accorded priority in the assessment of development; Corridors are provided for protection of pipes, routes and cables; Services are co-sited where feasible and practical.

31. Regional Infrastructure Technical Specifications is a code of practice rather than a strategy, for deemed-to-comply infrastructure. The Regional Infrastructure Technical Specification (RITS) is a document that sets out how to design and construct transportation, water supply, wastewater, stormwater and landscaping infrastructure in the participating councils' areas. The purpose of RITS is to provide a single regional guide and specifications for building public infrastructure

RMA Section 32 and Section 32AA

32. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules or other methods) of the proposal to be examined for their efficiency, effectiveness and risk. Section 32 reports were published when the Proposed Waikato District Plan (PWDP) was notified in 2018. This report updates that earlier analysis in "s.32AA re-evaluations" where material changes to the plan are recommended. In many instances, such as corrections, re-numbering and minor clarification, a s.32AA re-evaluation is not required. Where submissions support or seek to retain a provision of the PWDP, the earlier s.32 evaluations are deemed to be the reasons why the provisions are retained, in addition to any new reasons raised by the submissions.

2.4 Procedural matters

33. Many of the submission points request corrections, and particularly from Waikato District Council requesting numbering corrections. Where no substantive change is proposed these corrections could have been made by Council as 'minor corrections' pursuant to RMA Schedule 1 cl.16(2) for proposed plan and cl.20A for operative plan. The corrective submission points are included for completeness, as they have come forward as submissions.
34. Many submission points request an additional relief of "Any consequential changes elsewhere in the plan to give effect to this relief". That additional relief is not listed within the Decision Sought table, to save space, but is included in the submissions table in Appendix I. If an alternative decision is proposed with consequential amendment required, the submission requesting the amendment would need to be assessed for scope to make further changes.
35. Many submissions express their decision sought in terms of "retain the provision AND amend the provision..." The "retain the provision" part is only recorded in the table if there is no conjunctive amendment sought. That means the level of support can be substantially greater than indicated by the summary table.
36. Where a submission point seeks to retain a provision and I recommend the retention of that provision, the reasons include that the PWDP has already been through a s.32 evaluation.
37. As at 24 August 2020 there have been no pre-hearing meetings. Contact with submitters have included the following:
- a. 16 June Meeting Trevor Mackie with Graeme McCarrison and Chris Horne representing Spark, Chorus and Vodafone. Discussed background National Environmental Standard review and National Planning Standards; telecommunication submission topics and historic heritage protection.
 - b. 22 June Email request to Pam Butler of KiwiRail for provision of clear sightline diagrams, as submission attachments were unreadable.
 - c. 20 August Phone call from Mike Wood of New Zealand Transport Agency. Stated how my draft s42A report would address the two main points of NZTA

submission, being the noise-sensitive activities adjacent to State Highways and the use of Integrated Transport Assessments.

Part C – Consideration of submissions received

3.1 Overview of submissions

38. Submissions – 147 submissions were received from 147 submitters on Infrastructure and Energy. There were 1316 submission points and 1301 further submissions.
39. “All of Plan” submissions were addressed in Hearing Report 2, on the council website. Hearing report 5 on Definitions is also relevant, with some definitions remaining to be resolved within this hearing.
40. In relation to Infrastructure and Energy, the principal themes arising in submissions are as follows by PWDP section:
 - a. Infrastructure and Energy Overall
 - i. Better enable infrastructure
 - ii. Better integration of planning (live zoning) and infrastructure
 - iii. Identified Area identification and protection, and consistent infrastructure approach
 - iv. Enable and require energy efficiency
 - v. Relocation of rules into Zone Chapters
 - vi. 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
 - vii. Mapping of potential sites for infrastructure and energy
 - viii. Rail corridor and State Highway noise-sensitive activities
 - b. Ch 14.1 Introduction
 - i. Advice note on archaeology
 - ii. Farming activities distinguished from infrastructure
 - iii. NES to prevail over PWDP provisions
 - c. Ch 14.2 Rules applying to all infrastructure
 - i. Area and height controls
 - ii. Relocation of rules within PWDP
 - iii. Default activity status for unspecified infrastructure
 - iv. Utilities corridors
 - v. Infrastructure and farming definitions and rural flexibility
 - vi. Line support structures and overhead lines
 - vii. Noise limits
 - viii. Protection of Identified Area values
 - d. Ch 14.3 General Infrastructure
 - i. Clarify relationship between 14.3 General Infrastructure and the specialist section provisions 14.4 to 14.12
 - ii. Definition of minor upgrading, and fine-tuning of activity-specific conditions
 - iii. Definition of minor infrastructure structure
 - iv. Constrain rural infrastructure and enable farming activity
 - v. Temporary activity duration
 - vi. Protect Identified Area values
 - vii. Protect all natural areas against infrastructure effects

- viii. Tree trimming related to electricity and telecommunication lines
- ix. Height and connections to electric vehicle chargers
- x. Fire-fighting water supply
- xi. Water supply, wastewater and stormwater management in Rural and Country Living Zones
- xii. Subdivision service connections and vehicle access
- e. Ch I 4.4 National Grid
 - i. National Grid provisions onerous on private land and housing
 - ii. National Grid provisions onerous on farming and horticulture
 - iii. National Grid effects on rural subdivision
 - iv. Transposition error in definitions – National Grid Yard v. National Grid Corridor
 - v. Giving effect to NPSET
 - vi. PWDP location of National Grid Yard rules for sensitive land uses, structure setbacks, earthworks setbacks
 - vii. National Grid provision management of sensitive activities near or beneath the National Grid
 - viii. Protection of Identified Area values
 - ix. Activities Non-Complying or Discretionary within National Grid Yard
- f. Ch I 4.5 Electrical Distribution
 - i. Area and height controls, including for support structures, switch-rooms and pole-mounted transformers
 - ii. Undergrounding of new and existing electricity distribution lines
 - iii. Flexibility for substations and transformer location in the Rural Zone
 - iv. Protection of electricity distribution network against reverse sensitivity of sensitive land uses
 - v. Protection of Identified Area values
- g. Ch I 4.6 Electricity generation
 - i. Area and height controls
 - ii. Enable Huntly Power station electricity generation activity
 - iii. Manage electricity generation activity effects on roads and within identified Areas
 - iv. Flexibility for rural locations and farming activity
 - v. Flexibility for research and exploratory scale equipment
 - vi. Protection of Identified Area values
 - vii. Provide a complete activity cascade
- h. Ch I 4.7 Liquid fuels and gas
 - i. Extent of recognition and protection of gas transmission and distribution network pipelines and associated equipment
 - ii. Protection of Identified Area values
 - iii. Flexibility for farming activities related to fuel and gas storage
- i. Ch I 4.8 Meteorological
 - i. Permitted height and area, and flexibility for rural locations
 - ii. Protection of Identified Area values
- j. Ch I 4.9 Amateur radio
 - i. Enabling amateur radio configurations, their aerials/antennas and support structures
- k. Ch I 4.10 Telecommunications and radiocommunications
 - i. Area and height controls for structures
 - ii. Protection of identified Areas
 - iii. Dish and panel antenna dimensions
 - iv. Larger satellite dishes
 - v. Location of poles, antennas and headframes

- I. Ch14.11 Water, wastewater and stormwater
 - i. Cost sharing of up-stream infrastructure
 - ii. Low impact and treatment train stormwater management
 - iii. Area and height controls
 - iv. Water quality and water quantity management
 - v. Refer to WRC stormwater guidelines
 - vi. Re-route stormwater to avoid sandy coastal discharges
 - vii. Re-locate impervious area controls to Zones
 - viii. Wastewater disposal alternatives
 - ix. Water supply options, rain harvesting and fire-fighting water supplies
 - x. Definition of farming distinguished from infrastructure
 - xi. Protection of Identified Areas
- m. Ch14.12 Transportation
 - i. Safety and sightline provisions
 - ii. Vehicle access design requirements, including access by emergency services vehicles
 - iii. Traffic generation / vehicle movement controls
 - iv. Car parking requirements for various activities
 - v. Corrections and clarifications to wording and terminology
 - vi. Consistency of technical rules with latest transport Standards, Manuals and guidance
 - vii. A new zone and specific activity and development standards including for transport, for a Kimihia Lakes Recreation and Events Park
 - viii. Provisions for sensitive land uses close to major transport routes
 - ix. Road hierarchy classifications
- n. Ch14.12 Transport – Indicative Roads and Trails
 - i. Adding new cycle/walkways that are in Council’s walking, cycling and bridle trails strategies to the planning maps
 - ii. Deleting the walkway/cycleway/bridleway overlay on specific properties
 - iii. Either deleting or retaining certain indicative roads shown on the planning maps
- o. Ch6 Infrastructure and Energy objectives and policies
 - i. Support for retaining many of the objectives and policies as notified
 - ii. Minor wording adjustments and amendments
 - iii. New objectives/policies to give effect to RPS, take into account RLTP
 - iv. Additional clauses to policies to add specific matters (e.g. CPTED, sustainability, renewable energy, reverse sensitivity, emergency services)
 - v. More enabling policies relating to primary production/farming activities.

3.2 Further submissions

- 41. I address the further submissions together with the primary submissions they relate to. Further submissions and their numbers and names are italicised within this report, e.g. *FS1234.121 Name supports...*
- 42. The further submissions are listed in the tables of submission points, beneath the original submission points to which they refer. In the tables they are only shown as ‘*support*’ or ‘*oppose*’, and their reasons are shown in the Analysis section below each table, between the submitter’s reasons for the requested amendment and my assessment. That arrangement holds the three sets of reasonings together.
- 43. Numerous Mercury [*FS1387*] further submissions oppose original submissions on the grounds that it is not clear how effects from flooding would be managed. I recommend all these be accepted or rejected in accordance with the recommendation on the original submission,

because I consider them irrelevant to the matters considered in this report. These recommendations are recorded in Appendix I, but there is no further discussion of those Mercury further submissions in this report. A few of the Mercury further submissions are individualised on submission points and those further submissions are addressed in this report.

44. Watercare Services Limited (Watercare) [FSI 176] has many further submissions supporting or opposing original submission points. However, Watercare proposes to bring a new set of provisions to the hearing, based on the Auckland Unitary Plan Chapter E26. Those further submissions are not listed or discussed further in this report, except for appearing in the Appendix I table of submissions as accepted or rejected in accordance with the recommendation on the original submission. The Watercare further submissions, which address an original submission point without proposing a replacement text, are included in discussion within this report.

3.3 Structure of this report

45. Appendix I is a table of the submission points, submitters, and further submissions and further submitters, and includes recommendations and references to where the submission points are addressed within this report. The submission points are addressed in Parts D0 to D13 of this report, in relation to the sections of Chapter 14 and Chapter 6 of the PWDP.
46. I have structured the report with this Part ABCE, having A the Introduction, B Scope of the report, C Consideration of submissions received and format, and E Conclusions. Part D, comprised of sections D0 to D13, reflects the submissions received. The report D1 to D12 sections consider submissions on the rules in Chapter 14 in the order that they appear in the PWDP, with D0 Overall also containing definitions, general submissions, mapping and miscellaneous, which apply to the broader topic of infrastructure. The report D13 section considers submissions on the objectives and policies in Chapter 6 in the order that they appear in the PWDP. The Part D report sections include:

D0	Infrastructure and Energy Chapter 14 Overall
D1	14.1 Introduction
D2	14.2 Rules applying to all infrastructure
D3	14.3 General infrastructure
D4	14.4 National Grid
D5	14.5 Electrical distribution
D6	14.6 Electricity generation
D7	14.7 Liquid fuels and gas
D8	14.8 Meteorological
D9	14.9 Amateur radio
D10	14.10 Telecommunications and radio-communications
D11	14.11 Water, wastewater and stormwater
D12	14.12 Transportation
D12A	14.12A Transportation – Trails and Indicative Roads
D13	Ch 6 Infrastructure and Energy – Objectives and Policies

The following are appended to the end of this Part ABCE report:

Appendix 1 Table of submission points, recommendations and submission locations

Appendix 2 Recommended amendments to Chapter 14 marked with scope submissions

Appendix 3 Recommended amendments to Chapter 6 marked with scope submissions

Appendix 4 Recommended amendments to other parts of the PWDP

Appendix 5 Provisions cascades 5.1; 5.2; 5.3; 5.4; 5.5

3.4 Amendments to plan text

47. Where amendments to plan text are recommended, the relevant text is presented after the recommendations with new text in red underlined, and deleted text in ~~red-strike-through~~. All recommended amendments are brought together in Appendices 2 (Chapter 14) and 3 (Chapter 6) and 4 (Other parts of the PWDP). In each Appendix, each recommended amendment is marked with the submission number providing scope to make the change.

Part D – Substantive submissions section by section

48. The substantive submissions and further submissions are reported under separate covers in the Sections D0 to D13.

Part E - Conclusion

Principal amendments recommended to Chapter 14 Infrastructure and Energy are as follows:

49. Stand-alone infrastructure provisions: The Introduction to Chapter 14 recognises that objectives and policies of Chapter 2 Taangata Whenua, Chapter 3 Natural Environment and Chapter 7 Historic Heritage will apply to infrastructure activities within Identified Areas. Other clarifications are provided for the Infrastructure and Energy provisions to stand alone and override the provisions of the underlying Zones, and for specific infrastructure-type provisions to prevail over general rules.
50. Farming not infrastructure: Clarification that rural land uses, such as farming activities, are generally not 'infrastructure' when they are on-farm services and do not have a group or public infrastructure purpose.
51. Practical minor upgrading: 'Minor upgrading of existing infrastructure' sets out amended parameters for each type of infrastructure, to allow the practical day-to-day minor upgrading required. This includes adjustments to allowances for poles, pipe sizes, antennas, ancillary equipment and alterations to structures.
52. Identified Areas: The Identified Areas are defined and the infrastructure rules, including activity classifications, are amended so that infrastructure activities in Identified Areas have an appropriate activity cascade. That will enable infrastructure activities to meet their functional and operational needs while protecting Identified Area values.

53. Water supply: Water supply servicing requirements are amended to require a fire-fighting supply of water and to allow flexibility in rain harvesting.
54. Land transport network: References to 'road network' are generally amended to 'land transport network' to recognise the networks include other modes such as rail, and off-road walking and cycling, and to ensure those have the same enabling policy treatment in the PWDP.
55. National Grid: National Grid provisions are amended to give effect to the NPSET, and to correct an error that had transposed the National Grid Yard and National Grid Subdivision Corridor rules.
56. Huntly Power Station: Enabling electricity generation activities within the Huntly Power Station site in the Industrial Zone Heavy as an industrial activity.
57. Amateur radio configuration: Rationalisation of amateur radio configurations, including supporting structure quantities and dimensions.
58. Waikato Regional Policy Statement: Amendments to give effect to the Waikato Regional Policy Statement, in relation to stormwater management.
59. Waikato Regional Policy Statement: Amendments to give effect to the Waikato Regional Policy Statement, in relation to transportation.
60. Transportation and noise-sensitive activities: Introduction of acoustic insulation and ventilation requirements for noise-sensitive activities adjacent to the rail corridor and State Highways.
61. Rail level crossings: Introduction of level crossing sightline protection rule, controlling visibility around level crossings to reduce the risk of collisions.
62. General: There are also many amendments recommended which are relatively minor, being: correction, re-numbering, clarification, updating of information, reference to guidance documents, definitions, relocation of some rules into Zone chapters, and ensuring a full activity cascade is provided for all activities (without a complete activity cascade many activities would otherwise default to non-complying activity status).

Principal amendments recommended to Chapter 6 Infrastructure and Energy objectives and policies are as follows:

63. Well-being: Objective is amended to recognise infrastructure provides benefits to more than the district (region and nation), for example, by strategic freight routes, nationally significant electricity transmission network and land transport network.
64. Access to infrastructure: Policy is amended to recognise the need to access infrastructure.
65. Technological advances: Policy is amended to better enable use of technological advances in infrastructure.
66. Adverse effects on infrastructure: Objective and policy are amended to recognise reverse sensitivity is not the only adverse effect on infrastructure. Infrastructure needs to be enabled to ensure construction, operation, maintenance, repair, replacement and upgrading is not compromised.
67. Infrastructure in Identified Areas: Policies are amended to ensure protection of specific Identified Area values.
68. Regionally significant infrastructure: Policy is added to recognise Regionally Significant Infrastructure, to give effect to Waikato Regional Policy Statement. However, the rules recognise different levels of importance already, and are not changed.

69. National Grid: Objective and policy are amended to better give effect to the NPSET.
70. Renewable energy: Objective is amended from 'promotional' to 'aspirational', that is, to achieve renewable energy generation rather than only promote it to more appropriately give effect to the NPSREG
71. Land transport network: Policy is amended to recognise the broader land transport network rather than only the road network. Policy is also amended to support introduction of rules on noise-sensitive activities locating adjacent to the rail corridor and State Highways.
72. Stormwater: Policy is amended to clarify low impact approach to stormwater management including at-source management and stormwater management plans, and to introduce management of contaminant run-off from construction.
73. Transport: Objective and policy is amended to recognise strategic freight network, and economic well-being, growth and productivity to give effect to the Waikato Regional Policy Statement and the RLTP.

Principal amendments recommended to Other parts of the PWDP are as follows:

74. Definitions for Minor infrastructure structure; minor upgrading of existing infrastructure; National Grid related; network utility operator; functional need and operational need; infrastructure; Regionally Significant Infrastructure; land transport network; road network activities and rail activities; limited access road; Energy Corridor; design speed (where not already addressed in Hearing 5).
75. Re-location of provisions from Chapter 14 Infrastructure and Energy into Zone Chapters, for the following matters: Construction or alteration of a building for a sensitive land use, in relation to electrical distribution and transmission lines that are not part of the National Grid; Impervious surface rules for stormwater management.
76. Amendment of the Zone subdivision – building platform and sensitive land use setback rules and PWDP Appendix 1 – Acoustic Insulation, to provide for acoustic insulation and ventilation of noise-sensitive activities in proximity to the rail corridor and State Highways.
77. I consider that the submissions on this chapter should be accepted, accepted in part or rejected as set out in Appendix 1 for the reasons set out in Part D0 – D13.
78. **Appendix 1** is a Table of submissions and further submissions, the decisions sought, recommendations and reference to location of the submission within the report.
79. **Appendix 2** contains recommended amendments to plan Chapter 14.
80. **Appendix 3** contains recommended amendments to plan Chapter 6.
81. **Appendix 4** contains recommended amendments to other parts of the PWDP.
82. **Appendix 5** illustrates the cascade of plan provisions (as amended) that flow through from the objectives to policies and to rules.
83. I consider that the amended objectives will be efficient and effective in achieving the purpose of the RMA, and the amended provisions will be efficient and effective in achieving the relevant objectives of this plan and giving effect to other relevant statutory documents, for the reasons set out in relation to the submissions and the Section 32AA re-evaluations undertaken and included in this report.

