

**UNDER** the Resource Management Act 1991  
**IN THE MATTER** of Proposed Waikato District Plan: Hearing 22 -  
Infrastructure and Energy

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**LEGAL SUBMISSIONS FOR KĀINGA ORA-HOMES AND COMMUNITIES**

**HEARING 22 – Infrastructure and Energy**

**15 October 2020**

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**Instructing Solicitor:**

**C E Kirman  
Special Counsel  
Kāinga Ora - Homes and  
Communities**

**PO Box 14594  
Central Auckland 1061  
E.  
Claire.Kirman@kaingaora.govt.nz**

**Solicitors Instructed:**

**ELLIS GOULD  
LAWYERS  
AUCKLAND  
REF: Douglas Allan / Alex  
Devine**

**Level 17 Vero Centre  
48 Shortland Street, Auckland  
Tel: 09 307 2172  
PO Box 1509, DX CP22003  
AUCKLAND**

**MAY IT PLEASE THE HEARINGS PANEL:**

**1. INTRODUCTION**

- 1.1 These legal submissions are presented on behalf of Kāinga Ora - Homes and Communities (“**Kāinga Ora**”) in relation to the submissions<sup>1</sup> lodged by Housing New Zealand Corporation on the Proposed Waikato District Plan (“**PDP**”) provisions to be addressed in Hearing 22 – Infrastructure and Energy.
- 1.2 Kāinga Ora is, by operation of statute, the successor to Housing New Zealand Corporation with respect to the submissions. Kāinga Ora has appeared before the Hearing Panel on several occasions and has previously provided details of its origin, the statutory framework it operates within and the scope of its role and interest in planning processes. A summary of that information is set out in **Annexure A** to these legal submissions.
- 1.3 Details of the parts of Kāinga Ora’s original and further submissions that are subject to this hearing are listed in **Annexure B** to these legal submissions. In this hearing, Kāinga Ora will primarily address the extent to which the PDP should contain provisions relating to the following three infrastructure networks:
- (a) The National Grid Subdivision Corridor;
  - (b) Noise and vibration generated by state highways; and
  - (c) Noise and vibration generated by the trunk railway network.
- 1.4 In each case the key issue is whether and to what extent owners and occupiers of land adjacent to those networks should be:
- (a) Constrained in terms of activities that they may undertake on their land or their ability to subdivide it; or
  - (b) Required to ensure that any development by them incorporates physical or locational elements that mitigate potential adverse

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<sup>1</sup> Submission No. 749 and Further Submission No. FS1269.

effects generated not by those owners or occupiers but directly or indirectly by the infrastructure.

- 1.5 In the context of Kāinga Ora's wide mandate with respect to urban development, it is concerned to avoid the undue discouragement or restriction of existing and future urban activities by a planning framework that overly emphasises reverse sensitivity effects in the context of these infrastructure networks. Kāinga Ora is concerned that such provisions would compromise the ability to achieve a coherent and compact urban form in the District's townships over time and would impact negatively and unnecessarily on development capacity.
- 1.6 Kāinga Ora opposes the extent and nature of controls proposed with respect to all three categories of infrastructure networks. It considers that the provisions are not supported by sufficient evidence to warrant being upheld and asks that they variously be deleted or modified.
- 1.7 Kāinga Ora has filed evidence by the following expert witnesses in support of its position:
  - (a) Matthew Lindenberg, consultant planner, regarding the National Grid provisions in the PDP.
  - (b) Jon Styles, acoustic consultant regarding noise and vibration generated by state highways and the railway.
  - (c) Philip Stickney, consultant planner. Mr Stickney's evidence will address a number of technical matters raised in Kāinga Ora's original submission and the provisions in respect of noise and vibration generated by state highways and the railway.

## **2. KEY PRINCIPLES**

- 2.1 Kāinga Ora's position regarding the interface between infrastructure networks and adjacent privately owned properties can be summarised as follows.
- 2.2 Major infrastructure networks can generate adverse effects on land in the immediate vicinity and, where appropriate, planning instruments such as the PDP should recognise and address those effects.

- 2.3 In this case, Council and infrastructure providers are seeking to impose constraints or obligations on neighbouring landowners rather than ensuring that the effects generated by or on that infrastructure are addressed within the corridors owned and controlled by the infrastructure providers.
- 2.4 In those circumstances, any such constraints need to be justified in law and supported by evidence in terms of:
- (a) The extent of land that the infrastructure providers say will be adversely affected as a consequence of their infrastructure;
  - (b) The necessity and desirability of imposing the selected constraints or obligations; and
  - (c) Why the infrastructure providers cannot or should not address those effects through:
    - (i) Implementing mitigation measures on their land (e.g.: ensuring that construction and sealing techniques minimise noise and vibration on state highways; or constructing noise barriers in strategic locations alongside transport networks, as has been provided elsewhere in the country);
    - (ii) Introducing effective management techniques relating to the operation of their infrastructure (e.g.: controls on speed of vehicles and trains);
    - (iii) Providing compensation to the neighbouring landowners in return for those landowners accepting constraints on their land use; or
    - (iv) Funding the works on the neighbouring properties that the provisions oblige those neighbours to undertake (e.g.: as has occurred in the context of existing dwellings or schools in the vicinity of most airports and ports around the country, including at Auckland International Airport).
- 2.5 Kāinga Ora considers that in this case neither Council nor any of the infrastructure providers who are supporting these provisions have provided the legal or factual justification necessary to support the

provisions proposed or sought by them. To the contrary, Kāinga Ora considers that these are circumstances in which the infrastructure providers can and should:

- (a) Undertake more research to better understand the relationship between their infrastructure and the neighbouring land uses;
- (b) Refine the relief sought by them so that it better reflects the area of land potentially affected by their infrastructure;
- (c) Resile from seeking provisions that are not justified by evidence and that will unnecessarily constrain land use on neighbouring properties; and
- (d) Promote outcomes that are consistent with the approach adopted elsewhere in the country rather than seeking to impose more extensive controls in the Waikato District.

### **3. EVIDENTIAL BASIS REQUIRED**

3.1 The National Grid Subdivision Corridor and the vibration and noise controls both seek to apply restrictions on the use of land within a spatially defined area. It is therefore important that there is an evidential basis which supports the imposition of additional controls on land, particularly where there are other competing interests (i.e.: the provision of housing supply).

#### ***Section 32 - RMA***

3.2 The need for a strong evidential basis is reflected in the RMA, which sets up a procedural framework, most notably through section 32, for assessing proposed plan provisions and justifying restrictions being imposed.

3.3 Section 32 requires that (emphasis added):

#### ***32 Requirements for preparing and publishing evaluation reports***

*(1) An evaluation report required under this Act must—*

*(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*

*(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

(i) identifying other reasonably practicable options for achieving the objectives; and

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions; and

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) An assessment under subsection (1)(b)(ii) must—

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

...

3.4 Collectively, those provisions:

(a) Create an obligation to justify provisions that impose constraints on landowners or occupiers.

(b) Adopt a rigorous “*most appropriate*” test in terms of assessing proposed objectives and lower order provisions. In order to reach a conclusion in terms of that test, the decision-maker needs to identify and assess a range of options for achieving the purpose of the RMA or the objectives. One of those options is to avoid having the controls at all.

(c) Explicitly require consideration of costs and benefits and, if practicable, require their quantification. This involves a process of identifying and weighting the costs and benefits that arise from any given regulatory approach.

3.5 It is inherent in those obligations that provisions which will impose constraints or restrictions on third parties be supported by a strong evidential base. In the absence of such an evidential base there is no justification for introducing a regulatory framework.

**NPS-UD 2020**

3.6 The recently promulgated NPS-UD 2020 reinforces the need for evidence-based planning, particularly when provisions conflict with or have the potential to compromise urban development capacity and the need for a compact urban form.

3.7 For example, clause 3.11 of the NPS-UD requires:

**3.11 Using evidence and analysis**

*(1) When making plans, or when changing plans in ways that affect the development of urban environments, local authorities must:*

*(a) clearly identify the resource management issues being managed; and*

*(b) use evidence, particularly any relevant HBAs, about land and development markets, and the results of the monitoring required by this National Policy Statement, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:*

*(i) achieving well-functioning urban environments; and*

*(ii) meeting the requirements to provide at least sufficient development capacity.*

*(2) Local authorities must include the matters referred to in subclause (1)(a) and (b) in relevant evaluation reports and further evaluation reports prepared under sections 32 and 32AA of the Act.*

3.8 In that context:

(a) Evidence will be required as to the resource management issue to be managed. At its most fundamental, that involves establishing that there is an issue that requires management (i.e.: in this case that the infrastructure networks generate effects in Waikato District of sufficient scale and importance to warrant regulation through the PDP).

(b) When and if it is established that an issue exists that requires regulation, an evidential basis is required when assessing the impact of the proposed regulatory response. In this case that involves assessing the impact of the regulatory response on the landowners and occupiers who have not caused the adverse effect being managed, but on whom the rules will impose costs and constraints. It logically requires consideration of why those costs and constraints do not fall on the infrastructure providers whose networks are creating the adverse effects.

#### 4. NATIONAL GRID SUBDIVISION CORRIDOR

4.1 Kāinga Ora seeks that the spatial extent of the National Grid Subdivision Corridor be refined to align with the actual effects likely to be generated by the National Grid. Kāinga Ora says that, in its current form, the National Grid Subdivision Corridor and associated provisions go beyond the statutory and regulatory requirements and impose costs on affected landowners that are not justifiable in terms of the RMA.

4.2 Kāinga Ora suggests that the PDP incorporate the approach to this issue that was taken in Auckland Unitary Plan (“**AUP**”), particularly as it relates to the width of the National Grid Subdivision Corridor:

(a) In Auckland, Transpower appealed the Council’s decision to reject a National Grid Subdivision Corridor.

(b) The High Court upheld Transpower’s appeal and resolved the appropriate form of controls applying to land within the Corridor<sup>2</sup>.

(c) The mapped extent of the Corridor was addressed through the Environment Court, which approved a mediated settlement between the parties which provided for a variable width National Grid Corridor reflecting modelling and analysis undertaken by Transpower<sup>3</sup>. The Corridor that was subsequently incorporated into the AUP maps varied in width along its length but ensured that the health and safety effects on adjacent land users could be avoided and any operational/maintenance requirements met. The Corridor width was based on the voltage and the span between towers of each particular line and took into account matters such as the extent to which the lines would move horizontally.

4.3 As a result of that comprehensive process, the resulting provisions:

(a) Meet the requirements of the National Policy Statement on Electricity Transmission (“**NPS-ET**”);

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<sup>2</sup> *Transpower v Auckland Council & Ors* [2017] NZHC 281 (Interim Decision); *Transpower v Auckland Council & Ors* [2017] NZHC 1585 (Final Judgment and Consent Order).

<sup>3</sup> *Transpower v Auckland Council*, ENV-2016-AKL-000218, 20 November 2017, Auckland Registry (Consent Order).



- (b) Are appropriate in terms of the RMA; and
- (c) Allocate responsibility for this issue with at least with some degree of fairness between the party benefiting from the constraint (Transpower) and the landowners and occupiers on whom the constraint is imposed.

4.4 Notwithstanding the incorporation into the AUP following extensive litigation and negotiation, of that methodology, Transpower opposes the introduction of a variable width Subdivision Corridor within Waikato District. The justification for not adopting a similar approach appears to be based on the following matters:

- (a) Modelling may establish a wider corridor is appropriate:

*“...we have identified that the average span length for the lines in the Waikato are mostly greater than the national 95th percentile average blowout by around 4-6m. This increased length would mean the blowout of a conductor would be greater than the national average. This indicates a wider Subdivision Corridor than that sought in the Proposed District Plan may be warranted if a more detailed span-by-span assessment was undertaken.”<sup>4</sup>*

The suggestion appears to be that if the span is modelled, it would likely establish that the Corridor should be wider than the width proposed and sought by Transpower for the PDP. If, as claimed, these provisions are sought to address health and safety issues then, surely, it is important to understand the extent of land that should be covered by them and ensure that the rules function is intended. In any event, arguing that on average a wider Corridor is required provides no justification for imposing the constraint on land which will not in fact experience effects that require management (i.e.: on areas of land where a narrower Corridor is appropriate). Doing so would be imposing unnecessary constraint and would be inconsistent with Part 2 and section 32 RMA.

- (b) The lines traversing urban areas may be dismantled in the future:

*“... Of the existing urban areas that are traversed by transmission lines, all are traversed by 110kV lines. Paragraph 13 of my Primary Evidence describes a project that could result*

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<sup>4</sup> Hearing 22, Rebuttal Evidence of Andrew Renton – Electrical Engineering (Transpower) at paragraph 13

*in the 110kV network south of Bombay being dismantled. In my opinion there is insufficient certainty regarding the future of these lines to support the cost and resource required to undertake a span by span assessment of maximum line swing for the 110kV network. The future of these lines will become known in the next five years.”<sup>5</sup>*

If there is insufficient certainty regarding the future of these lines to justify undertaking the work required to understand the scale of the effect generated by them, there is certainly no basis for imposing constraints on neighbouring landowners. These constraints will inform and constrain decisions of landowners and occupiers regarding the long-term built form outcomes for their sites, along with matters such as subdivision patterns. In that context the provisions are inappropriate, inefficient and unjustified because they will impose unnecessary long-term costs on landowners and occupiers to address alleged adverse effects that Transpower acknowledges may only be present in the short term.

(c) Time and cost of work involved:

*“..The work required to undertake the span by span approach within Auckland was significant and took approximately two months. The cost was approximately \$250,000 (in technical expertise). Given the Waikato has a similar total length of line within the district, the cost and time to complete the assessment would be similar.”<sup>6</sup>*

The suggestion here appears to be that it is too expensive and time consuming to undertake the same exercise in Waikato that was undertaken in Auckland. In circumstances where Transpower are generating the effects it is only appropriate that they, rather than landowners, should bear the burden of identifying the actual effects envelope. Furthermore, there does not seem to be any basis for asserting that lines passing through Waikato District are somehow less valuable to Transpower than lines passing through Auckland (and hence do not warrant spending funds on research). The function of the lines is to transmit electricity over long distances. They do not provide a service to the owners or

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<sup>5</sup> Hearing 22, Rebuttal Evidence of Andrew Renton – Electrical Engineering (Transpower) at paragraph 15

<sup>6</sup> Hearing 22, Rebuttal Evidence of Andrew Renton– Electrical Engineering (Transpower) at paragraph 12

occupiers of land over which they pass or in the vicinity so the density of population affected should not be relevant.

- (d) The subdivision controls are of limited cost to landowners:

*“The National Grid Subdivision Corridor does not in itself restrict/constrain or allow development. Rather it acts as a trigger for considering the effects on the National Grid and is therefore a process.*

*... the activity status is no more onerous on individual landowners, rather it ensures specific consideration in the consenting process of the National Grid. It provides the opportunity for Transpower and the council to give effect to Policy 10 of the NPSET and manage the potential effects of a subdivision on the operation/maintenance and upgrading of the network including retaining access for the network. The matters of discretion are limited to effects on the National Grid. ...*

*While I accept a ‘variable width corridor’ approach could be adopted, I see no evidence of any cost or efficiency benefits (given subdivision consent would still be required for a restricted discretionary activity under the underlying zoning rule) that would counter the costs imposed on Transpower of undertaking the technical work to determine the appropriate variable width of the network within the Waikato District.”<sup>7</sup>*

The Transpower evidence is concerned with costs to it but effectively dismisses costs to affected landowners and occupiers. Regardless of whether or not an activity would still require consent, the proposed provisions impose additional restrictions on the way in which land may be used within the National Grid Subdivision Corridor (i.e.: subdivision layout, vegetation and landscaping and design). In those circumstances, the onus should be on Transpower to identify where constraints need to be imposed and justify the imposition of those constraints. In practice, Transpower is simply transferring those obligations and costs to individual landowners who get no benefit from the lines and whose amenity and developed rights are adversely affected by them.

- (e) Growth and demand in Waikato is not the same as Auckland and therefore the approach is not warranted within Waikato:

*“I understand the variable corridor width approach was a mediated outcome between Transpower and Auckland Council. Auckland is unique in terms of the higher population density, the extent of developed land traversed by existing National Grid*

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<sup>7</sup> Hearing 22, Rebuttal Evidence of Pauline Whitney – Planning (Transpower) at paragraphs 10.2-10.3 and 10.5

*transmission lines being approximately 150km (termed “underbuilt”) and the pressure on further intensification of these underbuilt areas. While I appreciate the Waikato District is experiencing growth and is a Tier 1 urban environment under the National Policy Statement of Urban Development 2020 (NPS-UD), I would not anticipate the growth and intensification demand to be of a similar scale to that occurring in Auckland.*

Irrespective of growth pressures, it is inappropriate for individual landowners to bear the costs of managing effects which do not in fact require management (i.e.: because they are located outside the actual land subject to potential adverse effects from the operation of the National Grid).

- 4.5 For the reasons set out above, Kāinga Ora does not consider that Transpower has established an evidential basis which justifies not adopting the variable width approach to the National Grid Subdivision Corridor within the Waikato District.

## **5. NOISE AND VIBRATION CONTROLS**

- 5.1 NZ Transport Agency - Waka Kotahi and Kiwi Rail (collectively, “**the Submitters**”) seek blanket noise and vibration standards for noise sensitive activities within 100m of the rail corridor or state highway boundary. The stated intent is to minimise adverse noise and vibration effects for activities adjacent to the state highway and rail corridors, whilst not restricting the ongoing operation and growth of activity within those corridors.
- 5.2 Kāinga Ora acknowledges that where significant adverse noise and vibration effects arise, they warrant management under RMA. Where Kāinga Ora and the Submitters’ diverge is with respect to:
- (a) Whether there is any evidential basis for imposing such controls in the District;
  - (b) If so, the type of controls that are necessary and appropriate in this case; and
  - (c) Who should bear the burden (cost) of managing these effects, particularly in existing residential areas.
- 5.3 In Kāinga Ora’s view, the noise and vibration controls proposed by Submitters should not be adopted.

***Lack of evidential basis***

- 5.4 Kāinga Ora says that the Submitters have not discharged the evidential burden upon them and have failed to establish a sufficient basis for this Panel to conclude that provisions are justified in this case.
- 5.5 The controls will impact on the rights of landowners and occupiers and will restrict the activities that can be undertaken on land. That land has not been designated and the Submitters are not proposing to compensate landowners and occupiers for their losses.
- 5.6 Given that the Submitters have elected not to acquire the land in proximity to their networks that they say is affected, it is appropriate for any regulation to be applied only where there is an evidential basis that establishes a need for that regulation. That is not the approach that has been adopted, however. Instead the Submitters propose a blanket control over land within a specified distance of the road and rail corridor, where that specified distance is not supported by evidence.
- 5.7 Kāinga Ora says the evidence presented by the Submitters is not sufficient to demonstrate justification for a land use control of the nature and scope proposed:
- (a) While Dr Chiles' evidence describes the nature of noise and vibration effects generated by transport infrastructure generally it contains no modelling, empirical or factual data specific to the Waikato context. In the absence of such information, it is not possible for you to reach a conclusion that any regulation is required or is appropriate. While such effects may in practice arise in particular cases and locations, there is no evidential basis before you for concluding that they arise in this case with respect to either the road or rail network.
  - (b) Dr Chiles acknowledges that the Submitters have the detailed information available to properly inform the noise controls they seek, but do not appear willing to use it in this process<sup>8</sup>. Dr Chiles states that the noise modelling information owned by the

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<sup>8</sup> Hearing 22, Rebuttal evidence of Dr Chiles – Acoustics (Transpower/KiwiRail), at para 3.4

Submitters needs to be checked and verified before being used in a process such as this. It would seem that the Submitters are seeking to extend the controls to cover land that may or may not be affected, without completing the necessary work, to cover any uncertainty it may have in its data, which Kāinga Ora says is inappropriate.

- (c) Mr Styles' evidence identified the need for evidence to demonstrate the need for vibration controls, but that issue is not addressed in Dr Chiles' rebuttal. In the circumstances, Mr Styles arranged for vibration measurements to be undertaken in the District and he has described that work in his summary statement. Mr Styles' research indicates that the vibration controls sought by the Submitters are not justified and, to the contrary, are unnecessary. That said, his research is not exhaustive and nor is it his role to provide such justification.
- (d) Kāinga Ora considers that there is no evidential basis for a vibration control in terms of the road network and that, to the contrary, roading authorities have the ability to control and effectively avoid vibration issues arising through constructing and (critically) maintaining road surfaces to an appropriate level.

5.8 In summary, Kāinga Ora says that there is no evidential basis for you to uphold the rules proposed by the Submitters and recommended in the section 42A report. A great deal of work will be necessary if such rules are ultimately to be justified and introduced into the PDP.

### ***Reverse sensitivity***

5.9 Kāinga Ora further says that an evidential lacuna exists with respect to reverse sensitivity effects, which is put forward as a primary basis for the controls.

5.10 Reverse sensitivity relates to the potential for an incoming activity (e.g. residential) to be sensitive to effects generated by an existing activity (e.g. the network) and for that sensitivity to generate pressure on the existing activity to curtail or limit its operations.

5.11 The presence of adverse effects on neighbours does not necessarily produce reverse sensitivity effects. It is the potential for those sensitive

neighbours to compromise the operation of the activity that generates the effects (i.e.: the state highways and railway in this case) that is important.

5.12 Accordingly, to establish that there is a risk of reverse sensitivity, the Submitters need to demonstrate that they are vulnerable to noise and vibration complaints from new land uses and consequential restrictions being placed upon its operations. In Kāinga Ora's submission, they have failed to do so:

(a) KiwiRail's evidence makes reference to complaints about its activities. That evidence indicates that there is a correlation between the number of noise complaints and population density, in that Auckland (with the largest population, approx. 1.65m people) also has the largest number of complaints (average of 37 per year).<sup>9</sup> What KiwiRail's evidence does not do, however, is demonstrate that there is any correlation between complaints received and consequential restrictions being placed upon its operations.

(b) Nor is there any evidence regarding circumstances where complaints regarding state highways have resulted in restrictions being placed on operations.

5.13 It is submitted that if, as the Submitters seem to say, the focus of the controls is on addressing potential reverse sensitivity effects then the controls should only apply to new land uses. Existing residential activities will in many cases have developed prior to the adjoining transport infrastructure or at a time when the effects generated by that infrastructure were less. Furthermore, the presence of those existing residential activities adjacent to the existing transport infrastructure demonstrates that they have not prevented the continued operation of that transport infrastructure. There is, therefore, no basis for concluding that those existing activities will generate reverse sensitivity effects in the sense described by caselaw.

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<sup>9</sup> Hearing 22, Evidence of Pam Butler – Corporate (KiwiRail) at para 4.4, Figure 1.

***Who should bear the cost burden?***

- 5.14 There are ways in which noise effects from state highways and railways can be reduced (e.g.: changes to the road surface used, the construction of noise bunds, the construction of noise walls, improvements to rail and rolling stock).
- 5.15 Kāinga Ora considers that those mitigation measures are best and most efficiently carried out by the Submitters, at least in the first instance:
- (a) Clearly, some of the mitigation measures are exclusively within the control of the Submitters (e.g.: the road surface, the quality of the railway, the characteristics of rolling stock and speed limits). It is appropriate that the Submitters be incentivised to ensure that such measures are undertaken and hence reduce noise at source.
  - (b) The construction of noise walls and noise bunds is something that can occur on private or public land. Again, however, it is most efficient for those measures to be implemented or at least to be funded by the Submitters. They are able to:
    - (i) Develop and implement such measures in a comprehensive manner, using a consistent design;
    - (ii) Construct extensive links of bund or wall as a single project and in an economically efficient manner;
    - (iii) Maintain bunds or walls to a high standard and presumably in conjunction with the maintenance program on roads or rail;
    - (iv) Maintain long-term ownership and responsibility for the infrastructure which ensures high amenity and continued functionality over time.
- 5.16 Kāinga Ora considers that the provisions are inappropriate due to a lack of balance (and indeed equity) between the parties in the management of potential adverse effects arising from unreasonable transport noise levels. The proposed controls pass all costs onto the adjacent landowners, from identifying whether or not the controls actually apply to requiring the landowners to take steps to mitigate the effects of the noise.



5.17 The Submitters' appear to have taken the approach of saying that it is a minimal cost to each landowner, and therefore the overall cost is low in terms of section 32 RMA. In response, Kāinga Ora says:

- (a) The proposed rules impose a cost to landowners of managing an effect which the Submitters may or may not generate. It is also a cost that is not always justified, for example, there was recognition by KiwiRail through the AUP hearings process (where a similar set of provisions was being sought) that:
  - (i) 100m was "*perhaps overly conservative*"<sup>10</sup>;
  - (ii) "*[N]ot all buildings within the [40-80m buffer area] will be affected by noise*"<sup>11</sup>; and
  - (iii) A blanket 100m approach may impose an "*unnecessary cost*" (in the context of Auckland's housing shortage and economic environment)."<sup>12</sup>
- (b) The vibration and noise controls will apply both to existing residential communities and future greenfield areas. As noted above, reverse sensitivity does not arise in respect of existing land uses. In such cases, it is inappropriate to impose on occupiers of existing dwellings who want to modify or replace their homes the cost of managing the "*interface effects*" associated with alleged incompatibility between the transport infrastructure effects and their existing land use.
- (c) The evidence regarding the assessment of economic costs to landowners is flawed:
  - (i) It assumes, for example, that all development will be new builds (whereas the provisions apply to both new development, and changes to existing builds).

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<sup>10</sup> AUP Topic 043/044, Statement of Evidence of Deborah Hewett for KiwiRail dated 16 June 2015 at para 4.4.

<sup>11</sup> AUP Topic 043/044, Statement of Evidence of Deborah Hewett for KiwiRail dated 16 June 2015 at para 4.3.

<sup>12</sup> AUP Topic 043/044, Statement of Evidence of Deborah Hewett for KiwiRail dated 16 June 2015 at para 4.5.

- (ii) It fails to consider the resource consent process costs and the costs involved in obtaining supporting expert advice and reports (e.g. those which arise if consent is required for construction of an acoustic wall to mitigate outdoor noise or where the applicant is required to establish that the noise and vibration environment is such that mitigation is not required).
- (iii) It fails to account for ongoing maintenance costs.

5.18 If the Submitters' designated works have adverse noise and vibration effects on adjacent landowners such that use of that adjacent land is restricted, a question arises as to whether or not the Submitters should provide a mitigation package to those owners in the same way as airports and ports (including Auckland International Airport Limited) is required to do for landowners within its noise contours. This is because of the inability of affected landowners to avail themselves to the compensation provisions in the Public Works Act in circumstances where significant restrictions are being placed on their land through the district plan process.

5.19 This point was raised in the report from Nevil Hegley commissioned by Council as part of the PDP section 32 process (attached as **Annexure C**). Mr Hegley records:

*"In addition, if a dwelling is already exposed to high traffic noise NZTA do not offer to rectify, or even assist, with the perceived problem.*

*Both NZS 6805:1992 Airport Noise Management and Land Use Planning and NZS 6809:1999 Acoustics - Port Noise Management and Land Use Planning adopt the approach that if they generate noise above what is considered a reasonable level then they will either pay a percentage of the cost to upgrade the dwelling or pay for it in full and in the extreme will purchase the dwelling. They also expect a new dwelling owner to pay to achieve the upgrade – this would be a level playing field. This is what is already in the Operative District Plan in Rule M5 for the airport so you have such an approach in place already.*

*In the event you do take on board the NZTA proposal I think it only reasonable that they take a similar approach as the ports and airports rather than the one sided approach they currently adopt, which does not actually make much of an inroad into the traffic noise problem they suggest is present. This is something you will need to consider although it would be difficult to support the current NZTA approach."*

5.20 Finally, and related to Kāinga Ora's concerns regarding the lack of balance in the provisions between the Submitters and landowners, Mr

Hegley's advice identifies an apparent difference in the internal noise level to be achieved depending on whether or not you are the effects generator or effects receiver (emphasis added):

*“Another factor to consider is the requirements of NZS 6806:2010 Acoustics- Road-traffic Noise - New and Altered roads. The design criteria of this Standard sets levels of 64 - 67dB LAeq(24hr) where it is an altered road and 57 – 64 where it is a new road (greenfield site). As a guide, the level within the dwelling will be 15dB below the external level with windows open to provide ventilation. From the above the internal design level proposed by NZTA is between 49 – 52dB where the road is altered and 42 – 49dB for a new road in a greenfield site, the altered road being a closer comparison to the NZTA proposal of a new house being designed to an internal noise level of 40dB. Looking at the numbers it is apparent there is a double standard, the design level depending on whether you are generating the noise (NZTA) or the receiver of the noise (dwelling owner).”*

5.21 We understand that the “double standard” Mr Hegley refers to relates to the noise levels at which Waka Kotahi will install mitigation measures when compared with the noise levels at which mitigation measures would be required under the PDP provisions sought by the Submitters. In that regard, it is understood that where a new road is constructed, or where an existing road is altered and will result in more noise than not altering the road (i.e.: a new lane close to houses) the internal noise level in a house may reach 42-49dB (for a new road) or 49-52dB (for an altered road) before Waka Kotahi will install any mitigation measures to the house. In contrast, the rules they seek in the PDP require any landowner to achieve 40dB inside in all circumstances. That is, the need for insulating kicks in much earlier under the controls the Submitters are proposing be introduced PDP, when compared to the standard they impose on themselves when building roads.

### **Summary**

5.22 In summary, Kāinga Ora says that the Submitters:

- (a) Have not objectively quantified and demonstrated the noise and vibration levels experienced within the Waikato District, and instead have relied on assertions and assumptions regarding the presence of adverse effects.
- (b) Have not established that the 100m distance either side of the road/rail network is appropriate (particularly in light of KiwiRail's evidence to the AUP Panel which suggested a distance between

40-80m was appropriate). As a consequence, even if some control is appropriate it will be applied over sites that do not warrant it.

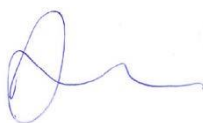
- (c) Have not established that there is potential for reverse sensitivity effects to be realised in practice (i.e.: that there is evidence of complaints in Waikato or even elsewhere having placed constraints on the operation of the road and rail network);
- (d) Have wrongly sought to apply the noise and vibration controls over all residential areas including well-established neighbourhoods near existing transport networks;
- (e) Have relied on an inadequate and generic section 32 RMA analysis which uses limited and potentially flawed assumptions to quantify the costs, focuses on the mitigation costs to the Submitters (who generate the effects) rather than the adjacent landowners (who will endure those effects), and does not address the provision of funding from the Submitters to enable neighbours to install mitigation methods; and
- (f) Have placed the full burden of managing effects on the noise and vibration receiver.

## **6. CONCLUSION**

6.1 For the reasons set out above, Kāinga Ora requests that its relief be accepted, and that:

- (a) The spatial extent of the National Grid Subdivision Corridor be refined to align with the actual effects likely to be generated by the National Grid; and
- (b) The requested vibration and noise controls be rejected.

**Dated this 15<sup>th</sup> day of October 2020**



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**D A Allan / C E Kirman**

Counsel for Kāinga Ora-Homes and Communities

## ANNEXURE A – SUMMARY BACKGROUND TO KĀINGA ORA

1. Housing New Zealand Corporation (“**HNZC**”) has been disestablished and now forms part of Kāinga Ora, a new Crown Entity that is the Government’s delivery agency for housing and urban development and is required by law to give effect to Government policy. The recently enacted Kāinga Ora-Homes and Communities Act 2019 (“**Kāinga Ora Act**”) provides for the establishment of Kāinga Ora and sets out its objectives, functions and operating principles. Kāinga Ora is appointed to act as Crown Agent under the Housing Act 1955 in respect of Crown land set aside for state housing purposes. Kāinga Ora also acts as the Crown’s agent for the purpose of administering the KiwiBuild. The Urban Development Act 2020 provides further detail around Kāinga Ora’s enabling development powers, with the overall purpose of facilitating urban development that contributes to sustainable, inclusive, and thriving communities.
2. Kāinga Ora lodged detailed evidence in Hearing 3 regarding public housing in the Waikato District, the role Kāinga Ora has in the provision of public and affordable housing, as well as urban development more generally, on behalf of the Government. This section of the legal submissions provides a summary of that information.
3. To summarise the information that has previously been presented to the Panel:
  - (c) Kāinga Ora was formed in 2019 as a statutory entity established under the Kāinga Ora Act, and brings together HNZC, HLC (2017) Ltd and parts of the KiwiBuild Unit. Kāinga Ora is a Crown Entity under the Crown Entities Act 2004 and is required to give effect to Government policies.
  - (d) Kāinga Ora will work across the entire housing spectrum to build complete, diverse communities that enable New Zealanders from all backgrounds to have similar opportunities in life. As a result, Kāinga Ora will have two core roles:
    - (i) Being a world class public housing landlord; and
    - (ii) Leading and co-ordinating urban development projects.

- (e) Kāinga Ora's statutory objective requires it to contribute to sustainable, inclusive, and thriving communities that:
  - (i) Provide people with good quality, affordable housing choices that meet diverse needs;
  - (ii) Support good access to jobs, amenities and services; and
  - (iii) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
  
- (f) Kāinga Ora owns or manages more than 64,000 rental properties throughout New Zealand<sup>13</sup>, including about almost 1,500 homes for community groups that provide housing services. Kāinga Ora manages a portfolio of approximately 390 dwellings in the Waikato District.<sup>14</sup>
  
- (g) Kāinga Ora's tenants are people who face barriers (for a number of reasons) to housing in the wider rental and housing market.
  
- (h) In general terms, housing supply issues have made housing less affordable and as such there is an increased demand for social housing. This is particularly so within the Waikato District Council jurisdiction, which proportionally has seen the second largest growth in the public housing register, in excess of a fivefold increase, from 25 households in June 2016 to 159 households in June 2019.<sup>15</sup>
  
- (i) Approximately 40% of the total public housing portfolio was built before 1967. In recent years the demand for public housing has changed markedly from 2-3 bedrooms houses, to single unit housing for the elderly and 4-5 bedroom houses for larger families. This demand contrasts with Kāinga Ora's existing housing portfolio of which a significant proportion comprises 2-3 bedroom houses on larger lots.

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<sup>13</sup> As at June 2019.

<sup>14</sup> As at 30 June 2019.

<sup>15</sup> EIC, Hearing Topic 3, Brendon Liggett (Corporate) for Kāinga Ora, 22 October 2019 at 1.7.

- (j) HNZC's focus in recent times has been to provide public housing that matches the requirements of those most in need. To achieve this, it has largely focused on redeveloping its existing landholdings. Kāinga Ora will continue this approach of redeveloping existing sites by using them more efficiently and effectively, so as to improve the quality and quantity of public and affordable housing that is available.
  
- (k) In addition, Kāinga Ora will play a greater role in urban development more generally. The legislative functions of Kāinga Ora illustrate this broadened mandate and outline two key roles of Kāinga Ora in that regard: <sup>16</sup>
  - (i) Initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and
  - (ii) Providing a leadership or coordination role more generally.
  
- (l) Notably, Kāinga Ora's functions in relation to urban development extend beyond the development of housing (which includes public housing, affordable housing, homes for first home buyers, and market housing) to the development and renewal of urban environments, as well as the development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services or works.<sup>17</sup>

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<sup>16</sup> Sections 12(f)-(g) of the Kāinga Ora Act.

<sup>17</sup> Section 12(f) of the Kāinga Ora Act.

**ANNEXURE B – RELEVANT PARTS OF ORIGINAL AND FURTHER  
SUBMISSIONS**



Extracts from Primary Submission

- (g) That the **provisions of the National Grid are overly restrictive** and do not efficiently manage sensitive activities within close proximity to and under the National Grid. Housing New Zealand opposes the National Grid provisions in its current proposed state and seeks the full package of provisions (objectives, policies, rules and definitions) including the spatial extent of the overlay as shown in the Proposed WDP is deleted.
- (h) Amendments are required to the proposed '**Building Height**' and '**Daylight admission**' development standards of the Business Town Centre Zone in order to better provide for design flexibility as well as to better enable the delivery of centre intensification at a variety of different scales and typologies. This will also enable residential intensification at different scales and typologies in centres.
- (i) Amendments are required to the proposed '**Car Parking Requirements**' standards to reduce the minimum carpark spaces for dwellings with 2 or more bedrooms to provide an appropriate balance between the needs and provision of parking on residential sites.
- (j) Housing New Zealand generally supports design guidelines for residential subdivision, multi-unit development and town centre in principle being utilised by Council to provide further detail and guidance regarding best practice design outcomes, however, **opposes any policy or rule approach which would require development proposals to comply with such design guidelines** in the Proposed WDP. As an example, the proposed Multi-Unit Development Guidelines in the Proposed WDP states a design statement should be provided with every development, however this requirement is only seen in the guidelines and not in a specific rule or matter of discretion attached to a particular activity and zone. Any requirements prescribed in a design guideline should be in a specific rule or matter of discretion, not hidden in a design guideline. Nonetheless, Housing New Zealand seeks all design guidelines should be removed from the Proposed WDP. These documents should be treated as non-statutory documents to inform design and development. This is similar to the Auckland approach with the Auckland Unitary Plan.
- (k) Similar to the design guidelines, Housing New Zealand **opposes the inclusion of Town Centre Character Statements** in the Proposed WDP. While the town centre character statements help inform current and planned,

ID	Plan Provision / Reference	Support / Oppose	Reasons for Submission	Decision Request (retain, amend or delete)	Relief / Amendments sought by decision requested (additions shown in <b>red underline</b> , deletions shown in <b>red strikethrough</b> ). Note (...) means there is more text present in the Proposed WDP that is not included below as it may be too long.  (in all cases where amendments to the Proposed WDP are proposed, Housing New Zealand would consider words or amendments to the effect of the amendments / relief sought to address the reasons for their submission). Housing New Zealand also seeks any consequential or further amendments to methods of the Proposed WDP to better give effect to the decisions sought by Housing New Zealand.
20.	4.5.30 Objective – Business Zone and Business Town Centre Zones – Amenity	Support	Housing New Zealand supports this objective.	Retain	<i>Retain provisions as proposed</i>
21.	4.5.32 Policy – Adjoining site amenity	Support	Housing New Zealand supports this policy.	Retain	<i>Retain provisions as proposed</i>
22.	4.7 Urban Subdivision and development	Support in part	Housing New Zealand generally supports the objectives and policies of 4.7 Urban Subdivision and development, however seeks the deletion of the residential subdivision design guidelines from the Proposed WDP (reasons outlined later in submission).	Amend	<p><b>4.7.3 Policy – Residential subdivision</b></p> <p>a) <del>Ensure</del> Development <u>meets the following responds to the outcomes of Waikato District Council's Urban Design Guidelines Residential Subdivision (Appendix 3.1), section 4 (Connectivity and Movement Networks), section 5 (Neighbourhood Character), section 6 (Residential Block and Street Layout), section 7 (Open Space and Landscape Treatment), and section 8 (Low Impact Urban Design), in particular by:</u></p> <ul style="list-style-type: none"> <li>i. Designs that promote walkability and pedestrian safety;</li> <li>ii. Promoting accessibility and connectivity of public spaces, employment areas, services, facilities, and amenities, both within the subdivision and wider context;</li> <li>iii. ...</li> </ul>
<b>Chapter 5: Rural Environment</b>					
23.	5.1 The Rural Environment	Support	Housing New Zealand supports this objective.	Retain	<i>Retain provisions as proposed</i>
24.	5.3 Rural Character and Amenity	Support	Housing New Zealand supports the objectives and policies of section 5.3.	Retain	<i>Retain provisions as proposed</i>
<b>Chapter 6: Infrastructure</b>					
25.	6.1 General Infrastructure	Support	Housing New Zealand supports the objectives and policies of section 6.1, in particular policies 6.1.9, 6.1.10, 6.1.11, 6.1.12, 6.1.13.	Retain	<i>Retain provisions as proposed</i>
26.	6.2 National Grid	Oppose	Housing New Zealand opposes the National Grid provisions in its current proposed state and seeks the full package of provisions (objectives, policies, rules and definitions) including the spatial extent of the overlay shown in the Proposed WDP is deleted.	Delete	Delete the full package of National Grid provisions (objectives, policies, rules and definitions) including the spatial extent of the overlay shown in the Proposed WDP.

ID	Plan Provision / Reference	Support / Oppose	Reasons for Submission	Decision Request (retain, amend or delete)	Relief / Amendments sought by decision requested (additions shown in <b>red underline</b> , deletions shown in <b>red strikethrough</b> ). Note (...) means there is more text present in the Proposed WDP that is not included below as it may be too long.  (in all cases where amendments to the Proposed WDP are proposed, Housing New Zealand would consider words or amendments to the effect of the amendments / relief sought to address the reasons for their submission). Housing New Zealand also seeks any consequential or further amendments to methods of the Proposed WDP to better give effect to the decisions sought by Housing New Zealand.
			Housing New Zealand acknowledges the need for the Proposed WDP to give effect to the requirements of the National Policy Statement for Electricity Transmission (2008). However, the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid.		
27.	6.4 Infrastructure, Subdivision and Development	Support	Housing New Zealand supports the objectives and policies of section 6.4, in particular policies 6.4.4, and 6.4.5.	Retain	<i>Retain provisions as proposed</i>
<b>Chapter 13: Definitions</b>					
28.	All definitions	Support in part	The Proposed WDP introduces a number of definitions. Housing New Zealand notes that there is a draft National Planning Standard proposed for definitions and seeks that any proposed definitions introduced in the Proposed WDP align to the final set of National Planning Standards, when gazetted in 2019. In the absence of these standards, further amendments are sought to a number of proposed definitions introduced in the Proposed WDP, see detail below.  Please note Housing New Zealand has not selected all terms included in the Proposed WDP that have a definition and term defined in the draft National Planning Standards.	Amend	Housing New Zealand seeks any proposed definitions introduced in the Proposed WDP align to the final set of National Planning Standards, when gazetted in 2019.
29.	All abbreviations and acronyms	Oppose	Certain abbreviations and acronyms should be with the principal term (not stand-alone in the definitions list) and all abbreviations and acronyms should be included in a separate table list as part of Chapter 13: Definitions.	Amend	Housing New Zealand seeks all abbreviations and acronyms are added with the principal term and in a specific 'abbreviations and acronyms' list within Chapter 13: Definitions. An example of a change would see AEP removed from the definitions list and added with the principal term 'Annual Exceedance Probability'. In doing so, the acronym AEP is added into a table list that will help the reader to identify term and meaning.
30.	Accessory Building	Support in part	Housing New Zealand supports the proposed definition with a minor amendment to clarify that dwellings including minor dwellings are not an accessory building.	Amend	<b>Accessory building</b> Means a building, the use of which is incidental to the use of the principal land use or building on that site. A garage that is integrated into and forms part of a dwelling is not an accessory building. <b><u>Dwellings and minor dwellings are excluded.</u></b>

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<b>Chapter 12: How to use and interpret the rules</b>											
68.	All sections	Oppose	Housing New Zealand generally opposes the matters of discretion and seeks the word 'any' is inserted into the provision whenever a RD activity is triggered. Housing New Zealand does not see the list as an inclusive list to which all matters need to be met. It could be that one or more matters may be relevant instead of all matters listed when the activity is triggered for consent.	Amend	Amend the following sentence wherever a RD activity is triggered in the Proposed WDP: "Council's discretion shall be restricted to <b>any of</b> the following matters".  This change will affect a number of provisions in the Proposed WDP, especially the zone provisions such as and not limited to: Residential Zone, Business Zone and Business Town Centre Zone.						
<b>Chapter 14: Infrastructure and Energy</b>											
69.	14.2.1 Permitted Activities	Support	Housing New Zealand supports the activities listed under 14.2.1.	Retain	<i>Retain provisions as proposed</i>						
70.	14.2.2 Restricted Discretionary Activities	Support	Housing New Zealand supports the activities listed under 14.2.2, in particular to RD1 and matters of discretion.	Retain	<i>Retain provisions as proposed</i>						
71.	14.3.1 Permitted Activities	Support	Housing New Zealand supports the activities listed under 14.3.1.	Retain	<i>Retain provisions as proposed</i>						
72.	14.3.3 Restricted Discretionary Activities	Support	Housing New Zealand supports the activities listed under 14.3.3, in particular to RD1, RD2 and RD3 with respective matters of discretion.	Retain	<i>Retain provisions as proposed</i>						
73.	14.3.4 Discretionary Activities	Oppose	Housing New Zealand does not support the activity 'Access and service connections for subdivision that do not comply with one or more of the conditions of Rule 14.3.1.8' to be a Discretionary Activity. Housing New Zealand seeks the activity is changed to a Restricted Discretionary Activity with matters of discretion added. The activity does not need to be subject to a range of matters when it has a number of conditions attached already to Rule 14.3.1.8.	Amend	<p><b>14.3.4 Restricted Discretionary Activities</b></p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Matters of Discretion</th> </tr> </thead> <tbody> <tr> <td>RD1</td> <td>...</td> </tr> <tr> <td><b>RD7</b></td> <td> <p><b>Access and service connections for subdivision that do not comply with one or more of the conditions of Rule 14.3.1.8</b></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a) <u>The adequacy of the service connection;</u></li> <li>b) <u>The functional and operational needs of, and benefits derived from, the infrastructure;</u></li> <li>c) <u>Site design, layout and amenity;</u></li> <li>d) <u>Visual, streetscape and amenity effects; and</u></li> <li>e) <u>Road network safety and efficiency.</u></li> </ul> </td> </tr> </tbody> </table>	Activity	Matters of Discretion	RD1	...	<b>RD7</b>	<p><b>Access and service connections for subdivision that do not comply with one or more of the conditions of Rule 14.3.1.8</b></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a) <u>The adequacy of the service connection;</u></li> <li>b) <u>The functional and operational needs of, and benefits derived from, the infrastructure;</u></li> <li>c) <u>Site design, layout and amenity;</u></li> <li>d) <u>Visual, streetscape and amenity effects; and</u></li> <li>e) <u>Road network safety and efficiency.</u></li> </ul>
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<del>D4-D3</del>	Subdivision...										
74.	14.4 National Grid	Oppose	<p>Housing New Zealand opposes the National Grid provisions in its current proposed state and seeks the full package of provisions (objectives, policies, rules and definitions) including the spatial extent of the overlay shown in the Proposed WDP is amended.</p> <p>Housing New Zealand acknowledges the need for the Proposed WDP to give effect to the requirements of the National Policy Statement for Electricity Transmission (2008). However, the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid.</p>	Delete	Delete the full package of National Grid provisions (objectives, policies, rules and definitions) including the spatial extent of the overlay shown in the Proposed WDP.						
75.	14.11 Water, wastewater and stormwater	Support	Housing New Zealand supports the activities listed under 14.11.1 with activity-specific conditions and activities listed under 14.11.2 with matters of discretion.	Retain	<i>Retain provisions as proposed</i>						
76.	14.12.1 Permitted Activities, and 14.12.2 Restricted Discretionary Activities	Support	Housing New Zealand supports the permitted activities with activity-specific conditions listed in 14.12.1 and the restricted discretionary activities listed under 14.12.2 with matters of discretion listed.	Retain	<i>Retain provisions as proposed</i>						
77.	Table 14.12.5.1 – Separation distances	Support	Housing New Zealand supports the separation distances outlined in the table.	Retain	<i>Retain provisions as proposed</i>						
78.	Table 14.12.5.7 – Required parking spaces and	Oppose	Housing New Zealand opposes the minimum required parking spaces for the following activities:	Amend	<b>Table 14.12.5.7 – Required parking spaces and loading bays</b>						

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	loading bays		<ul style="list-style-type: none"> <li>- Minor dwelling</li> <li>- Dwelling</li> <li>- Multi-unit development</li> </ul> <p>Housing New Zealand seeks the minimum required parking spaces are reduced for dwelling and multi-unit development, and no parking spaces should be required for a minor dwelling. This will enable better utilization of the site for residential development than parking spaces.</p> <p>Minimum required parking spaces should also be outlined for the activity 'boarding houses / boarding establishments' in the Proposed WDP.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="1537 472 1902 527">Activity</th> <th data-bbox="1902 472 2288 527">Minimum Required Parking Spaces</th> <th data-bbox="2288 472 2703 527">Minimum Required Loading Bays</th> </tr> </thead> <tbody> <tr> <td data-bbox="1537 527 1902 562">Bulk retail and car yards</td> <td data-bbox="1902 527 2288 562">...</td> <td data-bbox="2288 527 2703 562"></td> </tr> <tr> <td data-bbox="1537 562 1902 598"><del>Minor dwelling</del></td> <td data-bbox="1902 562 2288 598"><del>1 car space per dwelling</del></td> <td data-bbox="2288 562 2703 598">Nil</td> </tr> <tr> <td data-bbox="1537 598 1902 892">Dwelling</td> <td data-bbox="1902 598 2288 892"><del>2 car spaces are required for dwellings with 2 or more bedrooms and one car space is required for studio or 1 bedroom residential units</del> <u>1 car space per dwelling or unit</u></td> <td data-bbox="2288 598 2703 892">Nil</td> </tr> <tr> <td data-bbox="1537 892 1902 968">Retirement village</td> <td data-bbox="1902 892 2288 968">1 car space per dwelling or unit</td> <td data-bbox="2288 892 2703 968">1 HGV</td> </tr> <tr> <td data-bbox="1537 968 1902 1064"><del>Boarding houses / boarding establishments</del></td> <td data-bbox="1902 968 2288 1064"><u>1 car space per three units</u></td> <td data-bbox="2288 968 2703 1064">Nil</td> </tr> <tr> <td data-bbox="1537 1064 1902 1262">Multi-unit development</td> <td data-bbox="1902 1064 2288 1262"><u>0.5 space per dwelling or unit with only one bedroom,</u> 1 car space per dwelling or unit <u>with two or more bedrooms</u></td> <td data-bbox="2288 1064 2703 1262">Nil</td> </tr> <tr> <td data-bbox="1537 1262 1902 1283">Emergency service facilities</td> <td data-bbox="1902 1262 2288 1283">...</td> <td data-bbox="2288 1262 2703 1283"></td> </tr> </tbody> </table>	Activity	Minimum Required Parking Spaces	Minimum Required Loading Bays	Bulk retail and car yards	...		<del>Minor dwelling</del>	<del>1 car space per dwelling</del>	Nil	Dwelling	<del>2 car spaces are required for dwellings with 2 or more bedrooms and one car space is required for studio or 1 bedroom residential units</del> <u>1 car space per dwelling or unit</u>	Nil	Retirement village	1 car space per dwelling or unit	1 HGV	<del>Boarding houses / boarding establishments</del>	<u>1 car space per three units</u>	Nil	Multi-unit development	<u>0.5 space per dwelling or unit with only one bedroom,</u> 1 car space per dwelling or unit <u>with two or more bedrooms</u>	Nil	Emergency service facilities	...	
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79.	Table 14.12.5.14 – Access and road conditions	Oppose	<p>Housing New Zealand opposes the minimum road/ROW reserve, minimum trafficable carriageway and the minimum total seal width for a number of road types and allotments or activities.</p> <p>Housing New Zealand seeks the minimum widths are reduced. This will enable better utilisation of the site for residential development than for vehicle access and roading.</p>	Amend	<p><b>Table 14.12.5.14 – Access and road conditions</b></p>																								

ID	Plan Provision / Reference	Support / Oppose	Reasons for Submission	Decision Request (retain, amend or delete)	Relief / Amendments sought by decision requested (additions shown in <b>red underline</b> , deletions shown in <b>red strikethrough</b> ). Note (...) means there is more text present in the Proposed WDP that is not included below as it may be too long.  (in all cases where amendments to the Proposed WDP are proposed, Housing New Zealand would consider words or amendments to the effect of the amendments / relief sought to address the reasons for their submission). Housing New Zealand also seeks any consequential or further amendments to methods of the Proposed WDP to better give effect to the decisions sought by Housing New Zealand.																																																																																																		
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: center;">General</th> <th colspan="4" style="text-align: center;">Seal Width</th> </tr> <tr> <th style="text-align: center;">Road Type</th> <th style="text-align: center;">Number of Allotments or Activities</th> <th style="text-align: center;">Design Speed (km/h)</th> <th style="text-align: center;">Design Vehicle (RTS 18 Vehicle)</th> <th style="text-align: center;">Minimum Road/ROW Reserve Width (m)</th> <th style="text-align: center;">Minimum Trafficable Carriageway (m)</th> <th style="text-align: center;">Minimum Median Provision (m)</th> <th style="text-align: center;">Parking Provision</th> <th style="text-align: center;">Minimum Total Seal Width (m) <small>Does not include concrete kerb width</small></th> </tr> </thead> <tbody> <tr> <td colspan="9" style="text-align: center;"><b>Access and road conditions (Residential, Village, Business, Business Town Centre, Industrial and Heavy Industr</b></td> </tr> <tr> <td>Access leg to an allotment (Residential, Village)</td> <td>1</td> <td>N/A</td> <td>8m Rigid</td> <td><del>4.3</del></td> <td>N/A</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Access leg to an allotment (Business and Industrial)</td> <td>1</td> <td>N/A</td> <td></td> <td><del>4.3 (one way), 5.5m (two-way)</del></td> <td>N/A</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Private access, including ROWs and access allotments (Residential, Village)</td> <td>2 to 4</td> <td>N/A</td> <td></td> <td><del>4.3</del></td> <td><del>5.3</del></td> <td>N/A</td> <td>N/A</td> <td><del>4.3</del></td> </tr> <tr> <td>Private access, including ROWs and access allotments (Business and Industrial)</td> <td>2 to 8</td> <td>N/A</td> <td></td> <td><del>4.3 (two-way)</del></td> <td><del>5.3</del></td> <td></td> <td>N/A</td> <td><del>5.3</del></td> </tr> <tr> <td>Access allotment (Residential, Village)</td> <td>5 to 8</td> <td>N/A</td> <td></td> <td><del>5.3</del></td> <td>5</td> <td></td> <td>Optional</td> <td>5</td> </tr> <tr> <td>Service Lane (Business and Industrial)</td> <td>N/A</td> <td>N/A</td> <td>Subject to specific design that has been certified</td> <td>8</td> <td>6</td> <td></td> <td>No parking</td> <td>6</td> </tr> <tr> <td>Local Road (Residential, Village)</td> <td>&gt;8</td> <td>50</td> <td>8m Rigid</td> <td><del>4.3 (two-way)</del></td> <td><del>5.3</del></td> <td>None</td> <td>1 m on each side</td> <td><del>5.3</del></td> </tr> <tr> <td>Local Road (Business and Industrial)</td> <td></td> <td></td> <td>19m Semi</td> <td></td> <td><del>5.3</del></td> <td></td> <td>Optional</td> <td><del>5.3</del></td> </tr> </tbody> </table>						General				Seal Width				Road Type	Number of Allotments or Activities	Design Speed (km/h)	Design Vehicle (RTS 18 Vehicle)	Minimum Road/ROW Reserve Width (m)	Minimum Trafficable Carriageway (m)	Minimum Median Provision (m)	Parking Provision	Minimum Total Seal Width (m) <small>Does not include concrete kerb width</small>	<b>Access and road conditions (Residential, Village, Business, Business Town Centre, Industrial and Heavy Industr</b>									Access leg to an allotment (Residential, Village)	1	N/A	8m Rigid	<del>4.3</del>	N/A				Access leg to an allotment (Business and Industrial)	1	N/A		<del>4.3 (one way), 5.5m (two-way)</del>	N/A				Private access, including ROWs and access allotments (Residential, Village)	2 to 4	N/A		<del>4.3</del>	<del>5.3</del>	N/A	N/A	<del>4.3</del>	Private access, including ROWs and access allotments (Business and Industrial)	2 to 8	N/A		<del>4.3 (two-way)</del>	<del>5.3</del>		N/A	<del>5.3</del>	Access allotment (Residential, Village)	5 to 8	N/A		<del>5.3</del>	5		Optional	5	Service Lane (Business and Industrial)	N/A	N/A	Subject to specific design that has been certified	8	6		No parking	6	Local Road (Residential, Village)	>8	50	8m Rigid	<del>4.3 (two-way)</del>	<del>5.3</del>	None	1 m on each side	<del>5.3</del>	Local Road (Business and Industrial)			19m Semi		<del>5.3</del>		Optional	<del>5.3</del>
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80.	16.1.2 Permitted Activities	Support in part	Housing New Zealand generally supports the permitted activities listed in 16.1.2, however, notes that there is no activity for boarding houses / boarding establishments included in the table.	Amend	<p><b>16.1.2 Permitted Activities</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Activity</th> <th style="text-align: left;">Activity-specific conditions</th> </tr> </thead> <tbody> <tr> <td>P1</td> <td>...</td> </tr> <tr> <td><u>P13</u></td> <td><u>Boarding house</u></td> </tr> <tr> <td></td> <td>(a) <u>No more than 10 people per site inclusive of staff and residents</u></td> </tr> </tbody> </table> <p><i>There will be a number of consequential amendments or further amendments required to include and reference the new activity 'Boarding house' in other zones in the Proposed WDP.</i></p>	Activity	Activity-specific conditions	P1	...	<u>P13</u>	<u>Boarding house</u>		(a) <u>No more than 10 people per site inclusive of staff and residents</u>																																																																																										
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Extracts from Further Submission

297	Dave Glossop for Counties Manukau Police	<a href="mailto:david.glossop@police.govt.nz">david.glossop@police.govt.nz</a>	297.54	Amend Appendix 3.4 Multi-unit Development to prominently include the national guidelines for CPTED to provide further useful information, and not just listed as a reference.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
297	Dave Glossop for Counties Manukau Police	<a href="mailto:david.glossop@police.govt.nz">david.glossop@police.govt.nz</a>	297.55	Retain Section 4.2 in Appendix 3.1 Residential Subdivision Guidelines – Connectivity and Movement Networks – Outcomes Sought as notified.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
297	Dave Glossop for Counties Manukau Police	<a href="mailto:david.glossop@police.govt.nz">david.glossop@police.govt.nz</a>	297.56	Amend Section 4.3 Page 10, second row of the table in Appendix 3.1 Residential Subdivision Guidelines to provide clarification about pedestrian and cyclist linkages within the guideline around avoiding cul-de-sacs.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
297	Dave Glossop for Counties Manukau Police	<a href="mailto:david.glossop@police.govt.nz">david.glossop@police.govt.nz</a>	297.57	Amend 4.3 Page 12 in Appendix 3.1 Residential Subdivision Guidelines relating to rear lots to have stronger wording about conforming to CPTED guidelines.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
297	Dave Glossop for Counties Manukau Police	<a href="mailto:david.glossop@police.govt.nz">david.glossop@police.govt.nz</a>	297.63	Amend Policy 4.7.3(a)(viii) Residential subdivision as follows: Conforming to national guidelines for CPTED. Ensuring pedestrian access is consistent with the Crime Prevention through Environmental Design (CPTED)	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
302	Jeremy Talbot for Barker & Associates Limited on behalf of EnviroWaste New Zealand Limited	<a href="mailto:jeremyt@barker.co.nz">jeremyt@barker.co.nz</a>	302.1	Amend the definition for "National Grid Yard" in Chapter 13 Definitions to reduce the yard setbacks to align with the decisions on appeals and consent orders on the Auckland Unitary Plan and the current Auckland Unitary Plan rules. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.	Support	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
302	Jeremy Talbot for Barker & Associates Limited on behalf of EnviroWaste New Zealand Limited	<a href="mailto:jeremyt@barker.co.nz">jeremyt@barker.co.nz</a>	302.2	Amend Rules 14.4.1 - 14.4.4 National Grid to reduce the yard setbacks to align with decisions on appeals and consent orders on the Auckland Unitary Plan. The current Auckland Unitary Plan rules, and the activities within the yard allow for car parking or hard stand surfaces (and associated drainage) with limited storage height, on Industrial Zoned land, rather than the current proposed provisions which sterilize large tracts of Industrial Zone land for any activities. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.	Support	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
305	John Joensen	<a href="mailto:johnjoensen6@gmail.com">johnjoensen6@gmail.com</a>	305.1	Amend the Proposed District Plan to allow for more high density housing within central Raglan, possibly as far as James Street.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
310	Fiona McNabb for Whaingaroa Raglan Affordable Housing Project	<a href="mailto:fiona@solotec.co.nz">fiona@solotec.co.nz</a>	310.1	Delete the minimum unit areas from Rule 16.4.4 RD1 (a) (iv) Multi-unit development. OR Amend Rule 16.4.4 RD1 (a) (iv) Multi-unit development by replacing the minimum unit areas with lower values for example Studio unit 30m2, One bedroom unit 40m2, Two Bedroom 50m2, Three bedroom 70m2.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.

326	Charlie Young for Raglan Chamber of Commerce	<a href="mailto:cmy58@hotmail.com">cmy58@hotmail.com</a>	326.3	Add a new policy and objective to Section 4.2 Residential Zone, as follows (or similar wording): Objective: To provide for a range of opportunities for affordable housing that enables low and moderate income people to live in the district in accommodation that suits their needs. Policy 1: Enable affordable housing by allowing residential densities that make economical and best use of available land in existing residential areas. Policy 2: New housing development will include affordable housing as part of the development plan. Policy 3: Allow access for developers of affordable housing to lower cost structure of consent and regulation requirements. Policy 4: Encourage multi-unit residential developments subject to appropriate safeguards to amenities and the environment. Policy 5: Take into account the positive effects for the community of affordable housing when assessing resource consent applications.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
326	Charlie Young for Raglan Chamber of Commerce	<a href="mailto:cmy58@hotmail.com">cmy58@hotmail.com</a>	326.4	Delete Rule 16.4.4 RD1 (a)(iv) Multi-unit development OR Amend Rule 16.4.4 RD1 (a)(iv) Multi-unit development by decreasing the Multi-unit development minimum unit areas, for example Studio unit 30m2, One bedroom unit 40m2, Two bedroom 50m2 and Three bedroom 70m2.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
326	Charlie Young for Raglan Chamber of Commerce	<a href="mailto:cmy58@hotmail.com">cmy58@hotmail.com</a>	326.6	Amend Rule 16.3 Land use, so that the number of dwellings and the definition of a minor dwelling allow for more than one primary dwelling and one minor dwelling per site. The submission sets out some examples of possible amendments to rules, e.g.: Rule 16.3.1 P1 Two dwellings within a site where the combined floor areas do not exceed x percentage of the section. New Rule 16.3.1.P2 Three dwellings within a site, if at least two of the dwellings are small houses each with a gross floor area of less than 45m2.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
326	Charlie Young for Raglan Chamber of Commerce	<a href="mailto:cmy58@hotmail.com">cmy58@hotmail.com</a>	326.7	Add a matter of discretion to Rule 16.4.4 RD1(b)- Multi-unit development as follows: (xi) Positive effects for affordable housing.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
326	Charlie Young for Raglan Chamber of Commerce	<a href="mailto:cmy58@hotmail.com">cmy58@hotmail.com</a>	326.8	Amend Rule 16.3.7 P1(iii) Living Court, by changing "80m2" to "40m2".	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
326	Charlie Young for Raglan Chamber of Commerce	<a href="mailto:cmy58@hotmail.com">cmy58@hotmail.com</a>	326.9	Delete Rule 16.3.9.1 P3 Building setback - All boundaries AND Add a matter of discretion to Rule 16.3.9.1 RD1 Building setbacks - all boundaries, as follows: (viii) Positive effects for affordable housing.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
326	Charlie Young for Raglan Chamber of Commerce	<a href="mailto:cmy58@hotmail.com">cmy58@hotmail.com</a>	326.10	Add a matter of discretion to Rule 16.4.1 RD1(b) Subdivision - general, as follows: (xi) Positive effects for affordable housing.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
341	Brian Croad for Tainui Group Holdings Limited	<a href="mailto:brian.croad@tgh.co.nz">brian.croad@tgh.co.nz</a>	341.8	Amend Section 14.4 National Grid to ensure undue limitations are not placed on land subject to these provisions. AND Amend the Proposed District Plan to	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.

				make consequential amendments as necessary to give effect to the matters raised in the submission.		
341	Brian Croad for Tainui Group Holdings Limited	<a href="mailto:brian.croad@tgh.co.nz">brian.croad@tgh.co.nz</a>	341.12	Amend the definition of "National Grid Yard" in Chapter 13 Definitions as follows: National Grid Yard means the area located measured either side of the centre line of any above ground electricity transmission as follows: 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. 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'. AND Amend the Proposed District Plan to make consequential amendments as necessary to give effect to the matters raised in the submission.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
341	Brian Croad for Tainui Group Holdings Limited	<a href="mailto:brian.croad@tgh.co.nz">brian.croad@tgh.co.nz</a>	341.13	Amend the definition of "National Grid Corridor" in Chapter 13 Definitions as follows: National grid corridor means the area measured either side of the centre line of any above-ground electricity transmission line as follows located: 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. 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 AND Amend the Proposed District Plan to make consequential amendments as necessary to give effect to the matters raised in the submission.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
372	Steve van Kampen for Auckland Council	<a href="mailto:unitaryplan@aucklandcouncil.govt.nz">unitaryplan@aucklandcouncil.govt.nz</a>	372.16	Amend Rule 16.1.3 Restricted Discretionary activities, as it relates to Pokeno and Tuakau as follows: A Multi-Unit development that meets all of the following conditions: (a) The Land Use – Effects rules in Rule 16.2; (b) The Land Use – Building rules in Rule 16.3, except the following rules do not apply: (i) Rule 16.3.1, Dwelling; (ii) Rule 16.3.8 Building coverage; (iii) Rule 16.3.9 Living court; (iv) Rule 16.3.10 Service court; (c)The minimum net site area per residential unit is 300m <sup>2</sup> ; (d) The Multi-Unit development is connected to public wastewater and water reticulation..... OR Add an alternative residential zone for Pokeno and Tuakau which provides for terraced housing.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.

				consequential amendments and/or additional relief required to address the matters raised in the submission.		
535	Lance Vervoort for Hamilton City Council	<a href="mailto:laura.galt@hcc.govt.nz">laura.galt@hcc.govt.nz</a>	535.65	Amend Table 14.12.5.1 - Separation distances, to require compliance with more onerous district plan provisions of an adjoining District Plan. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
535	Lance Vervoort for Hamilton City Council	<a href="mailto:laura.galt@hcc.govt.nz">laura.galt@hcc.govt.nz</a>	535.66	Amend Table 14.12.5.3 - Minimum sight distances, to require compliance with more onerous district plan provisions of an adjoining District Plan. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
535	Lance Vervoort for Hamilton City Council	<a href="mailto:laura.galt@hcc.govt.nz">laura.galt@hcc.govt.nz</a>	535.90	Retain the notified extent of residential growth at Ngaruawahia, provided that no further residential growth occurs along former State Highway 1.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
559	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	<a href="mailto:cmcalley@heritage.org.nz">cmcalley@heritage.org.nz</a>	559.4	Amend the Proposed District Plan to include incentives and bonus provisions to encourage the retention of heritage, as follows: Permitted activity status for repairs and maintenance, and Appropriate activity status for adaptive reuse and earthquake strengthening, and The non-supply of car parking spaces at the time of the adaptive reuse, and Bonus provisions for the permanent protection of heritage sites.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
559	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	<a href="mailto:cmcalley@heritage.org.nz">cmcalley@heritage.org.nz</a>	559.293	Delete Rule 16.3.11.3 P1 All heritage items – Alterations or additions.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
576	Transpower New Zealand Ltd		576.15	Retain Section 6.2 National Grid, except for the amendments sought to particular provisions addressed elsewhere in the submission.	Oppose	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
576	Transpower New Zealand Ltd		576.52	Retain Section 14.4 National Grid, subject to amendments sought elsewhere in this submission.	Oppose	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
576	Transpower New Zealand Ltd		576.69	Retain the identification of the National Grid on the planning maps as notified.	Oppose	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
576	Transpower New Zealand Ltd		576.77	Retain Objective 6.1.6 Reverse sensitivity, except for the amendments sought below AND Amend Objective 6.1.6 Reverse sensitivity, as follows: 6.1.6 Objective – Reverse sensitivity Adverse Effects on Infrastructure (a) ... AND Amend the Proposed District Plan to make consequential amendments to address the matters raised in the submission.	Oppose	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
576	Transpower New Zealand Ltd		576.78	Retain Policy 6.1.7 Reverse sensitivity and infrastructure, except for the amendments sought below AND Amend Policy 6.1.7 Reverse sensitivity and infrastructure, as follows: 6.1.7 Policy – Reverse sensitivity Adverse Effects on and infrastructure (a) Avoid reverse sensitivity effects on infrastructure from	Oppose	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.

742	Kim Harris-Cottle for New Zealand Transport Agency	<a href="mailto:kim.harriscottle@nzta.govt.nz">kim.harriscottle@nzta.govt.nz</a>	742.15	Defer or withdraw the live zoning of new residential industrial or commercial land in Pokeno from the planning maps until an appropriate structure plan is developed with coordinated sequencing and staging of infrastructure. AND Amend Policy 4.1.11(a) Pokeno as follows: (i) Subdivision, land use and development of new growth areas does not compromise the potential future growth and development of the town and is supported by existing or planned infrastructure. (ii) Safe Walking and cycling networks are integrated with the existing urban area; and (iii) Reverse sensitivity effects from on the strategic transport infrastructure networks National Routes and Regional Arterials in accordance with Table 14.12.5.6 are avoided or minimised. AND Request any consequential changes necessary to give effect to the relief sought in the submission.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
742	Kim Harris-Cottle for New Zealand Transport Agency	<a href="mailto:kim.harriscottle@nzta.govt.nz">kim.harriscottle@nzta.govt.nz</a>	742.18	Defer or withdraw the live zoning from the planning maps or defer until an integrated land use and infrastructure plan is completed that provides for coordinated sequencing and staging of infrastructure for the 'live' rezoned area outside of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai and Glen Massey Structure Plans. AND Request any consequential changes necessary to give effect to the relief sought in the submission.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
742	Kim Harris-Cottle for New Zealand Transport Agency	<a href="mailto:kim.harriscottle@nzta.govt.nz">kim.harriscottle@nzta.govt.nz</a>	742.20	Retain Objective 4.2.16(b) Housing options as notified, except for the amendments sought below. AND Add a High Density Residential Zone to the Proposed District Plan with supporting objectives, policies and rules. AND Amend planning maps to show the location of a High Density Residential Zone. AND Request any consequential changes necessary to give effect to the relief sought in the submission.	Support in part	Housing New Zealand supports the proposed amendment, to the extent it is consistent with its primary submission.
742	Kim Harris-Cottle for New Zealand Transport Agency	<a href="mailto:kim.harriscottle@nzta.govt.nz">kim.harriscottle@nzta.govt.nz</a>	742.49	Retain Objective 6.1.6 Reverse Sensitivity, except for the amendments sought below AND Amend Objective 6.1.6 Reverse Sensitivity as follows: Existing and planned infrastructure (including the National Grid) is protected from reverse sensitivity effects, and infrastructure (including the National Grid) its construction, operation, maintenance repair, replacement and upgrading is not compromised. AND Request any consequential changes necessary to give effect to the relief sought in the submission.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
742	Kim Harris-Cottle for New Zealand Transport Agency	<a href="mailto:kim.harriscottle@nzta.govt.nz">kim.harriscottle@nzta.govt.nz</a>	742.50	Amend Policy 6.1.7 Reverse sensitivity and infrastructure as follows: Avoid reverse sensitivity effects on existing and planned infrastructure from subdivision, use and development as far as reasonably practicable, so that the its construction operation maintenance repair replacement and upgrading the ongoing and efficient operation of infrastructure is not compromised. AND Request any consequential changes	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.

				necessary to give effect to the relief sought in the submission.		
742	Kim Harris-Cottle for New Zealand Transport Agency	<a href="mailto:kim.harriscottle@nzta.govt.nz">kim.harriscottle@nzta.govt.nz</a>	742.244	Add new rules to Rule 14.12.1 Permitted Activities concerning sensitive activities, as per Attachment 3 to the submission. AND Add new rules to 14.12.2 Restricted Discretionary Activities concerning sensitive activities, as per Attachment 3 to the submission. OR Add new rules to each zone adjacent to a state highway or rail corridor. Refer to submission for full details. AND Request any consequential changes necessary to give effect to the relief sought in the submission.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
780	John Lawson (Whaingaroa Environmental Defence Incorpora on behalf of Whaingaroa Environmental Defence Incorporated Society	<a href="mailto:johnragla@gmail.com">johnragla@gmail.com</a>	780.2	Add rules to Chapter 16 Residential Zone to provide for protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined views: (a) from SH23 (north of Maungatawhiri Rd) to Kaitoke Creek (b) all existing views of the bar from Main Road, Bow St and Norrie Avenue (c) all existing views of Karioi from Raglan CBD (d) from Wainui Rd to the coast between the Bryant Reserve and the Bible Crusade Camp (e) from SH23 summit to Karioi (f) AroAro salt marsh from Wallis St. AND Amend the planning maps for any consequential relief required to give effect to this submission.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
780	John Lawson (Whaingaroa Environmental Defence Incorpora on behalf of Whaingaroa Environmental Defence Incorporated Society	<a href="mailto:johnragla@gmail.com">johnragla@gmail.com</a>	780.3	Add rules to Chapter 18 Business Town Centre Zone to provide for protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined views:- (a) from SH23 (north of Maungatawhiri Rd) to Kaitoke Creek (b) all existing views of the bar from Main Road, Bow St and Norrie Avenue (c) all existing views of Karioi from Raglan CBD (d) from Wainui Rd to the coast between the Bryant Reserve and the Bible Crusade Camp (e) from SH23 summit to Karioi (f) AroAro salt marsh from Wallis St. AND Amend the planning maps for any consequential relief required to give effect to this submission.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
780	John Lawson (Whaingaroa Environmental Defence Incorpora on behalf of Whaingaroa Environmental Defence Incorporated Society	<a href="mailto:johnragla@gmail.com">johnragla@gmail.com</a>	780.5	Add new rules for all zones as follows: Construction of a building or other structure and planting of trees and other vegetation is a permitted activity if: (a) it can be shown that it will not significantly block views of sea, river, bush or hills from neighbouring properties, or (b) neighbouring property owners confirm in writing that any loss of view does not concern them, or (c) it can be shown that the planted vegetation is of native plants and likely to contribute to reduction of river, or coastal erosion, or (d) it can be shown that the planting would improve views from public places. Any activity that does not comply with a condition for a permitted activity is a discretionary activity.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.

				to appropriate safeguards to amenities and the environment. Policy 5: take into account the positive effects for the community of affordable housing when assessing resource consent applications.		
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.14	Add a new clause (iv) to Policy 4.1.10(a) Policy – Tuakau as follows (or similar amendments to achieve the requested relief): (iv) Reverse sensitivity effects on strategic transport infrastructure networks are avoided or managed; OR Add a new clause (v) to Policy 4.1.8(a) Integration and connectivity as follows (or similar amendments to achieve the requested relief): (v) Avoiding or managing reverse sensitivity effects on the strategic transport infrastructure networks so that this applies equally to all towns and growth nodes in Chapter 4 AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.15	Amend Policy 4.1.11(a) (iii) Pokeno as follows (or similar amendments to achieve the requested relief): (iii) Reverse sensitivity effects on from the strategic transport infrastructure networks are avoided or managed; AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.16	Add a new clause (vii) to Policy 4.1.12(b) Te Kauwhata as follows (or similar amendments to achieve the requested relief): (vii) Avoids or manages reverse sensitivity effects on strategic transport infrastructure networks. AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.17	Amend Policy 4.1.13(a)(ii) Huntly as follows (or similar amendments to achieve the requested relief): (ii) Reverse sensitivity effects on from the strategic transport infrastructure networks are avoided or managed; AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.18	Add a new clause (v) to Policy 4.1.14 (a) Taupiri as follows (or similar amendments to achieve the requested relief): Reverse sensitivity effects on the strategic transport infrastructure networks are avoided or managed. OR Add a new clause (v) to Policy 4.1.8(a) Integration and connectivity as follows (or similar amendments to achieve the requested relief): (v) Avoiding or remedying reverse sensitivity effects on the strategic transport infrastructure networks so that this applies equally to all towns and growth nodes in Chapter 4 AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.



986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.19	Add a new clause (vi) to Policy 4.1.15 (a) Ngaruawahia as follows (or similar amendments to achieve the requested relief): Reverse sensitivity effects on the strategic transport infrastructure networks are avoided or managed. OR Add a new clause (v) to Policy 4.1.8(a) Integration and connectivity as follows (or similar amendments to achieve the requested relief): (v) Avoiding or remedying reverse sensitivity effects on the strategic transport infrastructure networks so that this applies equally to all towns and growth nodes in Chapter 4 AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.20	Amend Policy 4.1.16(a)(iii) Huntly as follows (or similar amendments to achieve the requested relief): (iii) Reverse sensitivity effects on from the strategic transport infrastructure networks are avoided or managed; AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.24	Retain Policy 4.7.11 Reverse sensitivity except for the amendments sought below AND Amend Policy 4.7.11(a) Reverse sensitivity as follows (or similar amendments to achieve the requested relief): (a)Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent lawfully established activities (including infrastructure) or the wider environment; and (b)Avoid the potential for reverse sensitivity effects from the location of new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity, or infrastructure; (c) Development of noise-sensitive activities is designed to avoid or mitigate reverse sensitivity effects on transport networks AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.35	Amend Policy 6.1.7 Reverse sensitivity and infrastructure as follows (or similar amendments to achieve the requested relief): (a) Avoid reverse sensitivity effects on existing and planned infrastructure from subdivision, use and development as far as reasonably practicable, so that the ongoing and efficient operation of infrastructure is not compromised. AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.51	Add to Chapter 14 Infrastructure a new rule section called "Rules applying to development adjacent to railway corridors" applying to new, or alterations to buildings for any Noise Sensitive Activity at any point within 100 metres from the legal boundary of any railway network (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief). This includes a new Schedule and additions to Appendix 1. OR Add a new rule for new or	Oppose	Housing New Zealand opposes the relief sought.

				alterations to buildings for any noise sensitive activity at any point within 100 metres from the legal boundary of any railway network to the following chapters (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief): 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 Chapter 24: Village zone Chapter 25: Reserve zone This includes a new Schedule and additions to Appendix 1. AND Any consequential amendments to link and/or accommodate the requested changes.		
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.52	Add a new Restricted Discretionary Activity applying to development adjacent to railway corridors in Chapter 14 Infrastructure which does not comply with the new performance standard sought in the preceding KiwiRail submission point (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief). OR Add a new Restricted Discretionary Activity or, where there are no current listed restricted discretionary activities in the zone, introduce a new restricted discretionary activity, to each of the zones listed below (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief): Chapter 16: Residential 16.1.3 Chapter 17: Business 17.1.3 Chapter 18: Business Town Centre 18.1.3 Chapter 20: Industrial 20.1 Chapter 21: Industrial Heavy 21.1 Chapter 22: Rural 22.1.3 Chapter 23: Country Living 23.1 Chapter 24: Village 24.1 Chapter 25: Reserve 25.1 AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose	Housing New Zealand opposes the relief sought.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.53	Amend Rule 16.3.9.2 Building setback – Sensitive land use as follows (or similar amendments to achieve the requested relief): Building setback – Sensitive land use P1 Sensitive land use (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 ... P2 Railway corridor any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary OR Retain Rule 16.3.9.2 P1(a)(i) Building setback -sensitive land use if the primary relief above is not accepted AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.

986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.62	Add new matters of discretion relating to non-compliance with the 5m Building setback - railway corridor (sought elsewhere in other submission points) in Rule 16.1 Land Use Activities as follows (or similar amendments to achieve the requested relief): 1. The size, nature and location of the buildings on the site. 2. The extent to which the safety and efficiency of rail and road operations will be adversely affected. 3. The outcome of any consultation with KiwiRail. 4. Any characteristics of the proposed use that will make compliance unnecessary. AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose	Housing New Zealand opposes the relief sought.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.63	Add new matters of discretion relating to non-compliance with the 5m Building setback - railway corridor (sought elsewhere in other submission points) in Rule 17.1 Land Use Activities as follows (or similar amendments to achieve the requested relief): 1. The size, nature and location of the buildings on the site. 2. The extent to which the safety and efficiency of rail and road operations will be adversely affected. 3. The outcome of any consultation with KiwiRail. 4. Any characteristics of the proposed use that will make compliance unnecessary. AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose	Housing New Zealand opposes the relief sought.
986	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	<a href="mailto:pam.butler@kiwirail.co.nz">pam.butler@kiwirail.co.nz</a>	986.71	Amend Policy 4.2.5 – Setback: Side boundaries as follows (or similar amendments to achieve the requested relief): 4.2.5 Policy – Setback: Side boundaries (a)Require development to have sufficient side boundary setbacks to provide for: ... (c) Manage Reverse sensitivity by providing sufficient setbacks buildings to provide for residents' safety and amenity AND Any consequential amendments to link and/or accommodate the requested changes.	Oppose in part	Housing New Zealand opposes the proposed amendment, to the extent it is inconsistent with its primary submission.

**ANNEXURE C – PROPOSED DISTRICT PLAN SECTION 32 REPORT,  
APPENIDX 1-2 - ACOUSTIC ADVICE (HEGLEY ACOUSTICS)**

5 May 2017

Kelly Nicolson  
Senior Policy Planner  
Waikato District Council  
Private Bag 544  
NGARUAWAHIA 3742

Dear Kelly

## **REVIEW OF NOISE PROVISIONS - WAIKATO DISTRICT PLAN**

As requested the following sets out a summary of my comments on the main noise issues for your Proposed District Plan and points that will need to be considered in order to develop a robust set of noise rules. The following addresses the concept of the noise rules in the Waikato Section of the District Plan, which is reasonable to adopt as a basis for the Franklin Section as well. Generally the Franklin section of the District Plan has either a similar form of control as the Waikato section or no control at all.

### **Standards to be adopted**

As a general comment it is recommended you change from the  $L_{10}$  measurement to  $L_{Aeq}$ . This change is based on the recommendations of latest noise Standards NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS6802:2008 *Acoustics – Environmental Noise*. It depends on the type of noise assessed, but as a guide the  $L_{Aeq}$  is around 2dB lower than the  $L_{10}$  although in the conversion the same number is generally adopted ie a level of 50dBA  $L_{10}$  is simply replaced with a level of 50dB  $L_{Aeq}$ .

I believe the majority of the Operative District Plan is achieving what you are setting out to do and as such there is little need to change the basic format. Some of the aspects of the rules you may wish to consider are set out below.

### **Construction noise**

This is a simple matter of updating to NZS 6803:1999 *Acoustics – Construction Noise*.

### **Wind Turbines**

The current rule adopts NZS6808:1998 and this is the latest Standard. The only aspect of this rule you may wish to consider is the wording "*when measured at any potential building site where a dwelling could be located as a permitted activity or as a permitted activity following ...*" this can take a complying activity to a non-complying activity with the simple act of building a dwelling. I appreciate a dwelling may be permitted but considering the expected options that will be available to build a new rural dwelling on a relatively large site this needs to be taken into account. There are always exceptions to the rule but there is a Planning Tribunal (now Environment Court) decision that says if you come to the noise source you cannot expect the same level of noise protection as when the noise source comes to you. In addition, I am aware of one Environment Court decision where

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the site boundary was adopted to control wind farm noise (and this was a very hotly debated wind farm) and seven decisions where the notional boundary of sites existing at the time of the wind farm development were adopted. This is how you address extractive industries at the moment so it is not a change to any current policy.

### **Helicopters**

There is no guidance in the District Plan on the control of noise from helicopters. It is recommended you consider adopting NZS6807:1994 *Noise Management and Landing Use Planning for Helicopter Landing Areas* as the appropriate Standard.

### **Traffic noise**

This is probably one of the more contentious issues you will need to consider. Currently you do not have any traffic noise controls in the District Plan. However, you can expect NZTA to take a very proactive interest in the effects of state highway noise on new and altered dwellings.

NZTA can be expected to want any new or altered dwelling within some set distance of the highway (somewhere between 40 – 80m) to be designed to limit traffic noise to no more than 40dB  $L_{Aeq(24hr)}$  within habitable rooms. Apart from the cost to the developer you should consider the fact that this approach was rejected by the hearing panel during the formulation of the Auckland Unitary Plan. This was despite the fact that six of the nine plans involved in the amalgamation had some form of traffic noise criteria.

Another factor to consider is the requirements of NZS 6806:2010 *Acoustics- Road-traffic Noise - New and Altered roads*. The design criteria of this Standard sets levels of 64 - 67dB  $L_{Aeq(24hr)}$  where it is an altered road and 57 – 64 where it is a new road (greenfield site). As a guide, the level within the dwelling will be 15dB below the external level with windows open to provide ventilation. From the above the internal design level proposed by NZTA is between 49 – 52dB where the road is altered and 42 – 49dB for a new road in a greenfield site, the altered road being a closer comparison to the NZTA proposal of a new house being designed to an internal noise level of 40dB. Looking at the numbers it is apparent there is a double standard, the design level depending on whether you are generating the noise (NZTA) or the receiver of the noise (dwelling owner).

In addition, if a dwelling is already exposed to high traffic noise NZTA do not offer to rectify, or even assist, with the perceived problem.

Both NZS 6805:1992 *Airport Noise Management and Land Use Planning* and NZS 6809:1999 *Acoustics - Port Noise Management and Land Use Planning* adopt the approach that if they generate noise above what is considered a reasonable level then they will either pay a percentage of the cost to upgrade the dwelling or pay for it in full and in the extreme will purchase the dwelling. They also expect a new dwelling owner to pay to achieve the upgrade – this would be a level playing field. This is what is already in the Operative District Plan in Rule M5 for the airport so you have such an approach in place already.

In the event you do take on board the NZTA proposal I think it only reasonable that they take a similar approach as the ports and airports rather than the one sided approach they currently adopt, which does not actually make much of an inroad into the traffic noise problem they suggest is present. This is something you will need to consider although it would be difficult to support the current NZTA approach.

### **Airport**

The existing airport noise controls are considered reasonable unless there have been problems experienced with them in the past so it is recommended these controls should be simply rolled over.

### **Location of measurement point**

Noise controls in the living zone are “at any other site”. It is recommended the wording should be changed to “within any other site”. A control at the boundary means just that; it implies a level of precision that is not appropriate and difficult to confirm in Court unless a surveyor has checked the exact position of the site boundary. Also if there is a solid fence on the boundary the noise level against the fence may comply but for various reasons (such as because of the slope of the ground there is no screening close to the house) the noise will exceed the set limit. Similarly, in the light industrial zone the measurement location is “at any other site”. There should be some consistency between rules.

Currently the District Plan adopts the site boundary as the assessment position in a rural zone. I understand this is most likely to take into account the fact a dwelling may be located anywhere on a property so this could change an existing permitted activity into a non-complying activity simply because a new dwelling has been constructed. However, what the rule actually does is to require a new activity to implement excessive noise control when the dwelling may be 1km away and the District Plan may not allow a new dwelling to be constructed on that property. While it is not suggested unlimited noise is permitted, it should be kept in mind that rural zones are a working environment and relatively high noise levels between rural zones would not be unreasonable. The site boundary approach would be difficult to support in such circumstances. This would be a policy change so you need to determine how you wish to address it in the District Plan. In the event you decide to review this current policy the control would be “within the notional boundary of any dwelling” to protect residents.

### **Daytime / night time levels**

The only reason the noise levels in rules varies between the daytime and night time is to take into account differing environmental expectations, such as sleep disturbance. In an industrial zone this is acknowledged with a relatively high level 24 hours of the day, as a control is not necessary in an industrial zone for sleep disturbance. However, the current rule adopts a lower night time level in “*other zones*” of 45dBA L<sub>10</sub> at night. If the neighbour is a rural or recreation zone this appears to be an over design (subject to controlling noise to protect any house in the rural zone). I think these points need to be rationalized.

### **Recreation Zones**

The control of recreation noise should be reviewed. The current noise control is agreed with although you may wish to make some clarifications, such as the rule does/does not include crowd noise. The actual levels may need to be reviewed as they are relatively stringent at the moment – assuming this is the direction that you wish to take.

I think the temporary event should have some guidance on noise limits to prevent abuse of the system without stifling the aims of the temporary events control.

### **Special Activities**

Special sites such as Te Kowhai, Waikato Gun Club, Hamilton Airfield, Meremere Dragway, Hampton Downs Landfill, Hampton Downs Motorsport Park etc are operating well at the moment so there is no reason change these limits, other than perhaps to update the District Plan to reflect any resource consent controls in place.

### **Extractive industries**

These controls are generally good and only need updating.

### **Intensive farming**

Rules for this type of activity do not appear to require any change.

**Exclusions**

These are dealt with in some section of the current rules and will need to be checked with perhaps some additions

**Vibration**

Retain Aggregate Extraction and Processing Zone vibration limits although you may wish to move to the German Industrial Standard DIN 4150-3 (1999): Structural Vibration – Part 3 Effects of Vibration on Structures.

I am aware that a number of District Plans are adopting vibration limits. However, you will need to consider if this is appropriate for your Plan. As a general comment I doubt if you ever have vibration effects apart from quarries, which are addressed separately. I have never come across a vibration problem where treating the level of noise associated with vibration does not remedy the concerns. Another issue you need to address is whether Council is able to measure the vibration. To have a rule you cannot check is not necessarily good practice. Regardless, you have section 16 of the Resource Management Act to fall back on if necessary.

**Mixed Use Zones**

I am unsure if there are any mixed use zones being allowed for in the Proposed District Plan. That is zones where noise sensitive activities (such as residential) are proposed in some form of business zone where the permitted noise is higher than would normally be accepted as reasonable for a noise sensitive activity. In these cases, there should be a rule that requires the noise sensitive activity to be designed to take the higher noise level into account so controlling any reverse sensitivity effects. If there are any such situations it will be necessary to include a design criterion for the noise sensitive activity to be designed to (a similar approach is required for dwellings near the airport).

Should you have any questions regarding the above please do not hesitate to contact me.

Yours sincerely  
Hegley Acoustic Consultants



Nevil Hegley