

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing Submissions and Further Submissions on the Proposed Waikato District
Plan (Stage 1)

**MEMORANDUM BY COUNCIL TO HEARING COMMISSIONERS RELATING TO THE
INFRASTRUCTURE AND ENERGY PROVISIONS**

4 December 2020

May it please the Hearing Commissioners:

1. The purpose of this memorandum is to present the revised version of the recommended Infrastructure and Energy provisions, following the hearing on 20 and 21 October 2020.
2. On 4 November 2020 the Hearings Panel provided directions on general drafting revision of the Infrastructure and Energy provisions as follows:

General Drafting

9. No later than 5pm on Friday 4 December 2020, Council representatives are to provide a revised version of the all the objectives policies and rules of the proposed plan that apply to Infrastructure to all parties that presented evidence or submissions at the Infrastructure Hearing and to the Hearings Administrator. For the avoidance of doubt, that document need not address matters arising from Directions 5 – 8 above, but should address all other amendments that the Council considers either aid clarity and/or which address matters raised by the Hearings Panel during the Infrastructure Hearing.
 10. No later than 5pm on Friday 18 December 2020, any submitter who presented evidence or submissions at the Infrastructure Hearing who wishes to do so, is to provide the Hearings Administrator with any drafting amendments they propose, and to identify areas of agreement and disagreement.
 11. As soon as possible thereafter, the Hearings Administrator is to provide the documents referred to in Directions 9 and 10 to the Hearings Panel and post them on the Council website.
3. These revisions were to be conveyed by 4 December 2020 to the submitters who presented evidence or submissions at the hearing; for those submitters to provide further drafting amendments and to identify areas of disagreement. The marked-up revisions and further amendments and areas of disagreement would then be posted on the Council website and provided to the Hearings Panel for deliberation and decision-making.
 4. In accordance with the Directions outlined above, Mr Mackie (the s42A reporting officer for infrastructure and Energy) has revised the provisions in three sections; being the Amendments to Chapter 6 Objectives and Policies; Amendments to Chapter 14 Rules; and infrastructure-related amendments to other parts of the Proposed Waikato District Plan (PWDP). They include the parts of the PWDP that remain unchanged following the hearing (black text); recommended amendments from the s42A reports which were mainly unchallenged (red text); recommended amendments from the Council s42A rebuttal evidence with further concessions (blue text); and further drafting changes in response to questions from the Hearings Panel and evidence presented by submitters at the hearing (green text). These general drafting revisions do not include final recommendations on the National Grid provisions or the provisions on noise-sensitive activities in proximity of transport corridors, which are being prepared under separate parts of the Hearings Panel directions.

5. At the beginning of the hearing, the questions from the Hearings Panel canvassed general drafting language and style, the framing of objectives, relative policy weighting, and clarifications of policy direction and matters of discretion. Those questions were the origin of some of the proposed revisions by Mr Mackie. Where the provisions have been derived from National Policy Statements, or to give effect to the Waikato Regional Policy Statement, they have generally not been amended further. The green text revisions are in response to Hearings Panel questions where the policy or rule re-directions were clear and understood, and where submitter evidence supported further changes. There is scope within the submissions for the revisions proposed, and the Hearings Panel has scope to go further on many matters, as some submissions asked broadly for a different policy approach.
6. Some of the proposed revisions involve moving provisions to other parts of the Proposed Waikato District Plan. For example, the regional flood management infrastructure policy and rules are now proposed to be attached to Stormwater and Drainage provisions rather than stand alone. An additional policy proposed by Mr Scafton for Watercare is now recommended as part of the policy on Infrastructure within Identified Areas, rather than as a separate general policy.
7. In accordance with the Panel's Directions outlined above in paragraph 2, the attached set of provisions will be circulated to all submitters who presented evidence or submissions at the Infrastructure Hearing for their consideration and feedback.

Dated at Ngaruawahia this 4th day of December 2020



Carolyn Wratt
Principal Planner