

SECTION 42A REPORT

Opening Statement

Hearing 28: Other Matters General

Prepared by: Susan Chibnall

Date: July 2021



1. Good morning Chair, Commissioners and submitters. My name is Susan Chibnall and I am the s42A reporting officer for the Other Matters -General Hearing topic. I am also the author of the rebuttal evidence in relation to the topic.
2. I do not intend to cover the recommendations in my s42A report in detail. My opening statement will provide a broad overview of:
 - a. Overview of the submissions and main themes
 - b. Main changes recommended from the notified version
 - c. Recommended amendments from consideration of submitter evidence
 - d. Remaining areas of interest raised through evidence.

Other Matters General - Overview

3. The submissions discussed in the Other Matters General topic included the following:
 - a. Submissions relating to matters which did not fall neatly into one of the hearings
 - b. Submissions which were deferred to another topic by a s42a author
 - c. Erroneously numbered submissions
 - d. Submission points that do not relate to a district plan matter
 - e. Submissions accidentally omitted during the s42A and hearings process.

Overview of submissions

4. There are 237 original submissions and 381 further submissions in this report, and these cover a great variety of topics. The submissions received that are not managed via a district plan are related to issues such as beach access, types of development within Raglan, rates, roading maintenance and parking issues.
5. Although there were a number of submitters covered by my s42A report, I only received evidence from:
 - a. New Zealand Defence Force who sought enabling provisions for Temporary Military Training Activities;
 - b. Mr Mark Chrisp on behalf of the Fonterra Te Rapa Dairy Factory who sought inclusion of a Noise Control Boundary;
 - c. Ms Pauline Whitney on behalf of Transpower who sought an amendment to the proposed plan to recognise existing infrastructure within the Hamilton Urban Expansion Area;
 - d. Mr Mark Arbuthnot on behalf of Ports of Auckland who considered that the submission points have been adequately addressed in previous hearings or in my s42A report for this hearing.
6. Given the limited evidence received, I have mainly focused my opening statement on the issues raised by those submitters.

Summary of recommended amendments to the notified version

New Zealand Defence Force (NZDF)

7. The NZDF requested a permitted activity rule for Temporary Military Training Activities (TMTA) and supporting permitted noise rules. The rebuttal evidence provided by NZDF was very helpful, as it explained in more detail what this activity entails. I have recommended the inclusion of a permitted activity for TMTA provisions. In terms of the noise rules sought by NZDF, while I have recommended to include noise provisions as per the submission, I have sought technical advice from Mr Jon Styles (an acoustic specialist who is familiar with the noise standards proposed). Unfortunately, Mr Styles was not available before this hearing and I intend to provide a supplementary statement at a later date. My main concern with regard to noise is the use of only a setback for noise mitigation, rather than a noise standard when weapons training is being undertaken. I have also invited the NZDF to discuss this aspect further at the hearing.

Fonterra Dairy Factory

8. Mr Chrisp on behalf of Fonterra sought the inclusion of the Noise Control Boundary (NCB) that surrounds the Fonterra site and some of the adjacent areas. The majority of the NCB lies within the Hamilton City Council jurisdiction. The NCB also encompasses a small area on the eastern side of the Waikato River and the expressway to the west. I have recommended including as an information layer the NCB on the PDP maps so property owners in the vicinity have an awareness of noise generated from the site.

Existing Infrastructure within Hamilton's Urban Expansion Area

9. Ms Whitney on behalf of Transpower New Zealand sought amendments to Policy 5.5.2 to recognise existing infrastructure. I have been persuaded by the evidence and recommend amending the policy by including a specific clause that recognises existing infrastructure.

Other changes sought by submitters

10. While the submissions covered in my s42A report were highly varied in terms of the matters they addressed, I recommended the following amendments:
 - a. Schedule 30.5 Urban Allotment from the Proposed Plan was the subject of a submission from Waikato Regional Council which sought to retain the Schedule. During my analysis of the submission, it came to my attention that this schedule is somewhat misleading in what its purpose is. I explained in the s42A the background of the schedule; the schedule has been used to protect Significant Natural Areas in urban areas that meet the criteria of section 76 of the RMA. This section of the RMA in my view is relevant to any vegetation and not necessarily just indigenous vegetation. As there are already rules managing this, I consider that the schedule is not required.
 - b. The submission from KiwiRail sought a new paragraph to be added to the introduction for Section E Designations, to clarify how the zoning applies when designated land does not have an underlying zone, and there are different zones on both sides of the designation. I have recommended that additional wording be included in the proposed plan to assist in the interpretation of which underlying zone applies to designations in this situation.

- c. Waikato District Council sought to correct mapping errors on the proposed planning maps. A property came to my attention that had been erroneously zoned Road and should in fact be Rural Zone.

Conclusion

- II. I would like to take the opportunity to thank the experts and submitters who have provided well thought out, thorough and reasoned evidence. I look forward to further evidence presented by submitters over the course of the hearing and welcome any questions that the Panel may have.