

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan

Hearing 28: Other Matters

Report prepared by Susan Chibnall

Date: June 2021



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List of submitters and further submitters addressed in this report

Original Submitter	Submission number
Lynne Adrienne	546
Aggregate and Quarry Association (AQA) and Straterra	860
Alstra (2012) Limited	693
Auckland Council	372
Mischa Davis for Auckland Waikato Fish and Game Council	433
Barbara Baker	134
Balle Bros Group Limited	466
Rawiri Bidois	381
Blue Wallace Surveyors	662
BTW Company	445
Kitty Burton	371
Bob Carter	510
Susan Carter	480
Chorus New Zealand Limited	648
Jackie Colliar	493
Ron Pollock on behalf of Community Living Trust	212
Counties Manukau Police	297
Counties Power Limited	405
Dave Currie	733
Olivia Dean-Chambers	479
Dilworth Trust Board	577
Paula Dudley	328
Henk Ensing	30
EnviroWaste New Zealand Limited	302
Dave and Fransiska Falconer	271
Dave Falconer	880
Federated Farmers of New Zealand	680
First Gas Limited	945
Fonterra Limited	797
Kym Holland on behalf of Friends of Kimihia Lake	826

Further Submitter	Submission number
Gerardus Aarts & Yvonne Gemma Aarts	FS1200
AH & DB Finlay Limited	FS1252
Allen Fabrics Ltd.	FS1047 FS1349
Alstra (2012) Limited	FS1316
Ara Poutama Aotearoa (Department of Corrections)	FS1210
Auckland Transport	FS1273
Avondale Trust	FS1325
K Badger and WR Badger Estate	FS1260
Robyn Ballard	FS1324
Bathurst Resources Limited and BT Mining Limited	FS1198
BIOTech New Zealand	FS1225
BIOTech New Zealand	FS1225
Bootleg Brewery	FS1264
Bowrock Properties Limited	FS1197
David Stewart Bull	FS1212
Burton Trust	FS1203
Bruce Cameron	FS1343
Annie Chen	FS1261
J H & R Cotman	FS1192
CKL	FS1335
CSL Trust & Top End Properties Limited	FS1297
Gordon Downey	FS1157
Garth & Sandra Ellmers	FS1092
Ethan & Rachael Findlay	FS1311
Federated Farmers	FS1342
Fonterra Limited	FS1333
Forest Owners Association	FS1214
Fulton Hogan Limited	FS1334
Genesis Energy Limited	FS1345
Andrew and Christine Gore	FS1062

Jon Muller for GE Free New Zealand	651
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Kathryn Gold	634
Andrew and Christine Gore	330
Graham Halsey	663
Susan Hall	788
Malibu Hamilton	553
Hamilton City Council	535
Raymond & Cheryl Higgins	570
Hill Country Farmers Group	482
Holcim (New Zealand) Limited	766
Horotiu Properties Limited	397
Horticulture New Zealand	419
Housing New Zealand Corporation	749
J and T Quigley Ltd	389
Jade Hyslop	435
KiwiRail Holdings Limited (KiwiRail)	986
Lisa Kerrisk	792
Lakeside Developments 2017 Limited	579
John Lawson	825
Litania Liava'a	572
Lyndendale Farms Limited	761
Madsen & Holmes	678
Matthew Dean on behalf of Mangatawhiri River Catchment Care Group	750
Peter Thomson on behalf of Maramarua Golf Club	149
Gillian Marie	525
Peter McCallum	744
McCracken Surveys Limited	943

Hamilton City Council	FS1379
Colette Shona Hanrahan	FS1051
Charlie Harris	FS1303
Havelock Village Limited	FS1291 FS1377
Heritage New Zealand Pouhere Taonga	FS1323
Horticulture New Zealand	FS1168
Housing New Zealand Corporation	FS1269
Jarod Kowhai Huaki	FS1166
Tamara Huaki	FS1164
Hynds Foundation	FS1306
KiwiRail Holdings Ltd	FS1272
Koning Family Trust and Martin Koning	FS1329
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Lakeside Development Limited	FS1371
Life Sciences Network Incorporated	FS1295
Livestock Improvement Corporation	FS1320
Gavin Lovegrove and Michelle Peddie	FS1149
Christian & Natasha McDean	FS1204
McPherson Resources Limited	FS1292
Mercury Energy Ltd	FS1387
Mercury NZ Limited	FS1223 FS1384 FS1385 FS1386 FS1387 FS1388
Gary Bogaart/Meremere Dragway	FS1118 FS1304
Meridian Energy Limited	FS1258
Greig Metcalfe	FS1142
Moeraki Farm Limited	FS1256
Bryan Morris	FS1309
Andrew Mowbray	FS1305
New Zealand Forest Research	FS1199

Liam McGrath for Mercer Residents and Ratepayers Committee	367
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Ministry of Education	781
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Mowbray Group	404
Shelley Munro	55
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New Zealand National Fieldays Society Inc	280
New Zealand Steel Holdings Ltd	827
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Ngati Te Ata	798
Doug Nicholson	403
Anna Noakes	524
Tony Oosten	246
Maris O'Rourke	628
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Pukekohe Motorcycle Club	807
Neville Ritchie for Queen's Redoubt Trust	518
Jade Penn	755
June Penn	963
Helen Clotworthy on behalf of Pokeno Community Committee	603
Gabrielle Parson on behalf of Raglan Naturally	831
David Rawiri	156

<i>Institute</i>	
<i>New Zealand Health Food Park Limited</i>	<i>FS1301</i>
<i>New Zealand Transport Agency</i>	<i>FS1202</i>
<i>New Zealand Walking Access Commission</i>	<i>FS1307</i>
<i>Newstead Country Preschool</i>	<i>FS1182</i>
<i>Newstead Residents Association</i>	<i>FS1216</i>
<i>Ngati Tamaoho Trust</i>	<i>FS1369</i>
<i>NZTE Operations Limited</i>	<i>FS1339</i>
<i>Ohinewai Area Committee</i>	<i>FS1145</i>
<i>Ohinewai Area Committee</i>	<i>FS1207</i>
<i>Pareoranga Te Kata</i>	<i>FS1035</i>
<i>Pekerangi Kee-Huaki</i>	<i>FS1165</i>
<i>Perry Group Limited</i>	<i>FS1313</i>
<i>Perry International Trading Group Limited</i>	<i>FS1348</i>
<i>Pokeno Community Committee</i>	<i>FS1175</i>
<i>Pokeno Village Holdings Limited</i>	<i>FS1281</i>
<i>Rangitahi Limited</i>	<i>FS1208</i>
<i>Shand Properties Limited</i>	<i>FS1141</i>
<i>Noel Gordon Smith</i>	<i>FS1183</i>
<i>T&G Global</i>	<i>FS1171</i>
<i>Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village</i>	<i>FS1005</i>
<i>Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village</i>	<i>FS1004</i>
<i>TaTa Valley Limited</i>	<i>FS1340</i>
<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>FS1108</i>
<i>The Surveying Company</i>	<i>FS1308</i>
<i>The Village Church Trust</i>	<i>FS1131</i>
<i>Tuakau Proteins Limited</i>	<i>FS1353</i>
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Chris Rayner	414
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Tom Seddon on behalf of Jo, Peggi, Oki, Mila, Jade, Anita and other kids	169
Shand Properties Limited	738
Sharp Planning Solutions Ltd	695
Linda Silvester	830
Charlotte Simsar	487
Karen Smith	739
Brendon John & Denise Louise Strong	871
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The Village Church Trust	743
Brent Trail	345
Transpower New Zealand Ltd	576
Van Den Brink Group	633
Vera van der Voorden	638 802
Norman Hill for Waahi Whaanui Trust	380
Waikato District Council	697
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Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	FS1089
Zeala Limited trading as Aztech Buildings	FS1275

Louise Whyte	486
Kenneth Whyte	652
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Withers Family Trust	598
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Please refer to Appendix I to see where each submission point is addressed within this report.

1. Introduction

1.1. Qualifications and experience

1. My name is Susan Chibnall. I am employed by Waikato District Council as a Policy Planner within the Resource Management Team.
2. I hold the qualification of Bachelor of Social Science from the University of Waikato, majoring in Environmental Planning.
3. I have been employed in local government for over 15 years. I have been employed by Waikato District Council as a policy planner since 2015. In this role I have undertaken the following tasks and responsibilities:
 - The drafting of Objectives, Policies and Rules for the purpose of the district plan review process
 - The writing of Section 32A reports
 - The summarising of submissions and further submissions
 - The writing of S42A reports.
4. Prior to my role as Policy Planner, I was a Monitoring Officer in the Regulatory Team, where the main focus was on the monitoring of land use consents, designations and district plan compliance.

1.2. Code of Conduct

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

1.3. Conflict of Interest

7. I confirm that I have no real conflict of interest. However, a perceived conflict of interest is in my capacity as a Monitoring Officer, where I have monitored or undertaken enforcement action in relation to land use consents or breaches of the district plan rules which a submitter may have been party to. I am also a ratepayer and live within the district.

1.4. Preparation of this report

8. I am the author of this report.
9. The scope of evidence relates to evaluation of submissions and further submissions received in relation to the provisions related to the matters that have been omitted from the relative hearing.
10. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
11. In preparing this report I rely on expert advice sought from Council's Monitoring Team and the Consents Team with regard to these matters and other related Hearing Reports.

2. Scope of Report

2.1 Matters addressed by this report

12. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that were received by the Council in relation to the provisions within various zones within the Waikato Proposed District Plan.

2.2 Overview of the topic

- The purpose of this topic is to address: Submissions relating to matters which did not fall neatly into one of the hearings
- Submissions which were deferred to another topic by a s42a author
- Erroneously numbered submissions
- Submissions assigned to this topic as the submission point does not relate to a district plan matter
- Submissions accidentally omitted during the process.

2.3 Statutory requirements

13. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45). The following sections identify statutory documents with particular relevance to this report.
14. The National Planning Standards seek to provide a standard format for district plans across New Zealand. The Hearings Panel has indicated that it wishes to adopt National Planning Standards approaches where possible during the current hearings. This report relies on the National Planning Standards defined terms (14 – Definitions) that were recommended for adoption in Hearing 5.
15. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and that the provisions (policies, rules or other methods) of the proposal be examined for their efficiency, effectiveness and risk. Section 32 reports were published when the Proposed Waikato District Plan (PWDP) was notified in 2018. This report updates that earlier analysis in 'section 32AA evaluations' where material changes to the plan are recommended.

2.4 Procedural matters

16. No pre-hearing meetings or Schedule 1 Clause 8AAs (Resolution of Disputes) on the submissions in this Hearing were held prior to the finalisation of this s42A report.
17. There has been no further consultation with any parties regarding this Hearing.

3. Consideration of submissions received

3.1 Overview of submissions

18. Submissions – There are 237 original submissions and 381 further submissions within this report. There is a great variety of topics.
19. Submissions from 126 separate parties relate to this topic. The submissions cover a wide range of issues.
20. As the submissions in this report cover many different zones and sections of the Proposed District Plan, those Hearing topics have contributed to assessments made on submissions in this report.

3.2 Further submissions

21. I address the further submissions together with the primary submissions that they relate to.
22. Numerous Mercury Energy Ltd further submissions oppose original submissions on the grounds that it is not clear how effects from flooding would be managed. I recommend that all of these be rejected, because I consider them irrelevant to the matters considered in this report. These further submissions and my recommendations on them are recorded in Appendix I, but there is no further discussion of the Mercury further submissions in this report.

3.3 Structure of this report

23. Given the wide variety of topics in this Hearing, I have structured this report by grouping by the following themes where they are either a specific topic or can be arbitrarily considered:
 - New Zealand Defence
 - GMOs
 - HCC Area of Interest and the Urban Expansion Area
 - Rural Zone
 - Aggregate and mining
 - Mapping
 - Definitions
 - General other matters
 - No specific relief sought
 - Not a district plan matter.

3.4 Amendments to plan text

24. Where amendments to plan text are recommended, the relevant text is presented after the recommendations with new text in red underlined, and deleted text in ~~red struck through~~. All recommended amendments are brought together in Appendix 2.

4. NZ Defence Force

25. Three submissions were received and six further submissions:

Submission point	Submitter	Decision requested
796.3	New Zealand Defence Force	Add a permitted activity rule for temporary military training activities within a general district wide chapter that applies across all zones, subject to appropriate noises standards; OR Add a new permitted activity rule as shown below for temporary military training activities to the following chapters: Chapter 16 Residential Zone Chapter 17 Business Zone Chapter 18 Business Town Centre Zone Chapter 19 Business Zone Tamahere Chapter 20 Industrial Zone Chapter 21 Industrial Zone Heavy Chapter 22 Rural Zone Chapter 23 Country Living Zone Chapter 24 Village Zone Chapter 25 Reserve Zone Chapter 26 Hampton Downs Motor Sport Recreation Zone Chapter 27 Te Kowhai Airpark Zone Chapter 28 Rangitahi Peninsula Zone P* Temporary military training activities Activity-specific conditions The activity must comply with the permitted activity noise standards for temporary military training activities.
FS1385.51	Mercury NZ Limited	Oppose
FS1339.180	NZTE Operations Limited	Not Stated
796.4	New Zealand Defence Force	Add permitted activity noise standards in a general district-wide chapter that applies across all zones for temporary military training activities (see Attachment 2 to the submission for specific standards); OR Add new permitted activity noise standards for temporary military training activities (see Attachment 2 to the submission for specific standards) to the following chapters: Chapter 16 Residential Zone Chapter 17 Business Zone Chapter 18 Business Town Centre Zone Chapter 19 Business Zone Tamahere Chapter 20 Industrial Zone Chapter 21 Industrial Zone Heavy Chapter 22 Rural Zone Chapter 23 Country Living Zone Chapter 24 Village Zone Chapter 25 Reserve Zone Chapter 26 Hampton Downs Motor Sport Recreation Zone Chapter 27 Te Kowhai Airpark Zone Chapter 28 Rangitahi Peninsula Zone
FS1385.52	Mercury NZ Limited	Oppose
FS1339.181	NZTE Operations Limited	Not Stated
796.5	New Zealand Defence Force	Add a controlled activity rule within a general district wide chapter of the District Plan for temporary military training activities that do not meet Permitted Activity standards; OR Add a new controlled activity rule as shown below for temporary military training activities that do not meet the permitted activity standards to the following chapters: Chapter 16 Residential Zone Chapter 17 Business Zone Chapter 18 Business Town Centre Zone Chapter

		19 Business Zone Tamahere Chapter 20 Industrial Zone Chapter 21 Industrial Zone Heavy Chapter 22 Rural Zone Chapter 23 Country Living Zone Chapter 24 Village Zone Chapter 25 Reserve Zone Chapter 26 Hampton Downs Motor Sport Recreation Zone Chapter 27 Te Kowhai Airpark Zone Chapter 28 Rangitahi Peninsula Zone C* Any temporary military training activities that do not comply with the permitted activity noise standard. Council's discretion shall be restricted to the following matters: (a) Noise effects
FS1385.53	Mercury NZ Limited	Oppose
FS1339.182	NZTE Operations Limited	Not Stated

4.1 Analysis

26. The NZ Defence Force [796.3] has requested that a new permitted activity rule be provided for Temporary Military Training Activities throughout the district, that applies to all zones. The provision would provide for Temporary Military Training Activities as a permitted activity. The NZ Defence Force [796.4] and [796.5] also seek a permitted noise rule, and in the event that this standard cannot be met, a controlled activity status is suggested to be imposed. Further submission from *Mercury Energy* [FS1385.51] [FS1385.51] and [FS1385.53] opposes the submission and further submitter *NZTE Operations Limited* [FS1339.181] [FS1339.181] and [FS1339.182] are neutral.
27. The s42 report authors of Hearing 5 Definitions recommended the following definition for Temporary Military Training Activities as per the National Planning Standards:
- 'means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are:*
- a. The defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act:*
 - b. the is protection of the interests of New Zealand, whether in New Zealand or elsewhere:*
 - c. the contribution of forces under collective security treaties, agreements, or arrangements:*
 - d. the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations:*
 - e. the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency:*
 - f. the provision of any public service.'*
28. NZ Defence Force advises that NZDF must undertake training to fulfil its statutory obligations under the Defence Act. I also consider that providing for temporary military training activities would meet section 5 of the RMA, in that it would enable people and communities to provide for their safety. Taking this into account, I consider that it is appropriate to provide for Temporary Military Training Activities. The NZ Defence Force is seeking to include Temporary Military Training Activities within all zones as a permitted activity.
29. Temporary Military Training Activities (TMTA) can cause noise. The NZDF have advised that they have proposed replacement noise standards for Temporary Military Training Activities, which in the submission indicates that they are up to date, appropriate for the

type of noise generated and relatively simple to understand and to assess compliance with. The TMTA Noise standard proposed by the NZDF has not been assessed at the time of this report. However, the submission from NZDF indicates that the noise standard proposed is based on the standard for NZS 6803:1999 (Acoustics-Construction Noise). The specific activities this would apply to are when undertaking a mobile noise source and/or fixed (stationary) noise source.

30. According to NZDF a mobile noise source (other than firing of weapons and explosives) includes personnel, light and heavy vehicles, self-propelled equipment, and earthmoving equipment. In my view it seems appropriate that the measurements within the Construction Noise standard are used in regard to these activities, as they are not too dissimilar to a construction site for a building activity, where it is expected that consideration of the rules for Construction Noise would be applied.
31. Regarding the activity of Weapons firing and/or the use of explosives, NZ Defence are suggesting an alternative noise standard, where the standard allows for significantly louder thresholds, which are set out in the table below. In my view this activity could have a significant impact on surrounding properties. I recommend not accepting NZ Defence's proposed noise levels for weapons firing. For ease I include a table below of the sought permitted rule for Fixed noise sources and for Weapons firing.

Fixed (stationary) noise sources	Weapons firing
Time (Monday to Sunday) L_{Aeq} (15 mm) L_AF_{max} -0700 to 1900 hours 55 dB -1900 to 2200 hours 50 dB -2200 to 0700 hours the next day 45 dB 75 dB	0700 to 1900 hours: 95 dBC 1900 to 0700 hours: 85 dBC

32. In NZ Defence Force submission [796.5] they seek a Controlled activity if the Defence Force permitted rule cannot be met. In my opinion, a Restricted Discretionary Activity Status would seem more appropriate where the matters of discretion are based on the effects on amenity, hours and days and duration of the activity. I recommend that the Hearing Panel accept in part NZ Defence Force [796.4].
33. I also recommend that the rule for Temporary Military Training activities be applied in a similar way to the general Temporary event rule imposed in other zones. In this regard, there is a limitation as to how often an event can occur per year, for how long, that the site is returned to its original condition at the end of the event and there is no access from a national route or regional arterial road. I recommend including in the rule framework the following:

Activity	Activity-specific conditions
<u>PXX</u> <u>Temporary military training activities</u>	<p>(a) <u>The activity must comply with the permitted Activity Noise Standards for Temporary military training activities.</u></p> <p>(b) <u>The event occurs not more than 3 times per single 12-month period;</u></p> <p>(c) <u>The duration of each event is less than 72 hours</u></p> <p>(d) <u>The site is returned to its original condition no more than 3 days after the end of the event</u></p>

	(e) <u>There is no direct site access from a national route or regional arterial road.</u>
<u>RD1</u>	<p>(a) <u>Temporary Military Training activities that do not comply with Rule PXX</u></p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>Effects on amenity values</u></p> <p>(ii) <u>Timing and duration</u></p> <p>(iii) <u>Hours and days of Military Training activities</u></p>

Noise - Temporary military training

<u>Activity</u>	<u>Activity-specific conditions</u>
<u>PXX</u> <u>Temporary military training activities</u>	<p>(a) <u>Noise measured within any other site in the XXXXXX Zone must not exceed</u></p> <p>(i) <u>55dB (L_{Aeq}), 7am to 7pm, every day;</u></p> <p>(ii) <u>50dB (L_{Aeq}), 7am to 10pm, every day;</u> <u>and</u></p> <p>(iii) <u>45dB (L_{Aeq}) and 75dB (L_{max}), 10pm to 7am the following day</u></p>

34. The addition of these parameters to the rule framework will ensure that the surrounding areas are not impacted for overly long periods of time and too often.
35. I recommend that the Hearing Panel accept in part NZ Defence Submission [796.3] and accept in part NZ Defence [796.4], to the extent that a permitted noise activity rule be included in the proposed plan, but for Military activities in general.
36. I recommend that the Hearing Panel accept in part submission [796.5], where a Restricted Discretionary Rule is imposed rather than a controlled activity.

4.2 Recommendations

37. For the reasons above I recommend that the Hearing Panel:
- **Accept in part** NZ Defence Force [796.3] and NZTE Operations Limited [FSI339.180] and Mercury Energy [FSI385.51]
 - **Accept in part** NZ Defence Force [796.4], and [796.5], Mercury Energy [FSI385.52], [FSI385.53] and NZTE Operations Limited [FSI339.181] [FSI339.182].

4.3 Recommended amendments

38. The following rules are recommended to be included in the following zones:
- Chapter 16: Residential
- Chapter 17: Business Zone
- Chapter 18: Business Town Centre
- Chapter 19: Business Zone Tamahere
- Chapter 20: Industrial Zone
- Chapter 21: Industrial Zone Heavy
- Chapter 22: Rural Zone
- Chapter 23: Country Living Zone
- Chapter 24: Village Zone
- Chapter 25: Reserve Zone
- Chapter 26: Hampton Downs Motor Sport and Recreation Zone

Chapter 27: Te Kowhai Airpark Zone, and
Chapter 28: Rangitahi Peninsula Zone.

Activity	Activity-specific conditions
<u>PXX</u> <u>Temporary military training activities</u>	(a) <u>The activity must comply with the permitted Activity Noise Standards for Temporary military training activities;</u> (b) <u>The event occurs not more than 3 times per single 12-month period;</u> (c) <u>The duration of each event is less than 72 hours;</u> (d) <u>The site is returned to its original condition no more than 3 days after the end of the event;</u> (e) <u>There is no direct site access from a national route or regional arterial road.</u>
<u>RD I</u>	(a) <u>Temporary Military Training activities that do not comply with Rule PXX;</u> (b) <u>Councils' discretion shall be restricted to the following matters:</u> (i) <u>Effects on amenity values;</u> (ii) <u>Timing and duration;</u> (iii) <u>Hours and days of Military Training activities</u>

Noise- Temporary military training

Activity	Activity-specific conditions
<u>PXX</u> <u>Temporary military training activities</u>	(a) <u>Noise measured within any other site in the XXXXXX Zone must not exceed:</u> (i) <u>55dB (L_{Aeq}) 7am to 7pm, every day;</u> (ii) <u>50dB (L_{Aeq}), 7am to 10pm, every day; and</u> (iii) <u>45dB (L_{Aeq}) and 75dB (L_{max}), 10pm to 7am the following day.</u>

4.4 Section 32AA evaluation

39. The recommended additional rules addressing Temporary Military Training Activities recognises the importance of Military training and enable the Military to fulfil their statutory obligations under the Defence Act. Providing for temporary military training activities would also meet section 5 of the RMA, in that it would enable people and communities to provide for their safety.

4.5 Other reasonably-practicable options

40. Maintaining the status quo of the Proposed District Plan as notified is an option, however all Temporary Military Training activities would be assessed as either Discretionary or a non-complying activity.
41. Regarding the standards for noise rules, to impose the general noise standard is an option, however this may be too restrictive for the activities that are being sought. The other option is to provide for a noise standard similar to that of the construction noise standards that only applies for certain activities. The option of amending the plan to include provisions specifically to enable Temporary Military Training activities will ensure that NZ Defence can

undertake training activities that will support them to efficiently and effectively provide for the health and safety of people and communities.

4.6 Effectiveness and efficiency

42. The recommended amendments for the inclusion of provisions for Temporary Military Training gives effect to Part 2 of the Act, as they provide for a community's health, safety, and wellbeing. The restriction of duration and number of events combined with appropriate noise standards will ensure the amenity of the surrounding area is not compromised to any great degree. The amendments support the respective policies that enable activities that may not be provided for within the zone and provide suitable guidance to plan users for the assessment of those activities.

4.7 Costs and benefits

43. There may be some costs associated with this type of activity, such as traffic, noise, and effects on amenity. However, this will be temporary in nature, as it is likely that military training exercises are not commonplace. Further to this, provisions that manage the number of events and the duration of the events are recommended to be included in the rule framework. However, there are benefits to the community, as the NZDF can train for all our benefit and cultivate a variety of abilities.

4.8 Risk of acting or not acting

44. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.

5. Genetically Modified Organisms ("GMO")

5.1 Submissions

45. 11 submission points were received on the topic and 79 further submissions. The submissions received are seeking the same outcome - which is for consent applications to be notified, regardless of the dispensation sought.

Submission point	Submitter	Decision requested
525.3	Gillian Marie	Amend the Proposed District Plan to required all consent applications to be automatically publicly notified, regardless of whether the application is regarding genetically modified organisms or not.
<i>FSI 192.12</i>	<i>J H & R Cotman</i>	Oppose
<i>FSI 199.10</i>	<i>New Zealand Forest Research Institute</i>	Oppose
<i>FSI 212.12</i>	<i>David Stewart Bull</i>	Oppose
<i>FSI 214.12</i>	<i>Forest Owners Association</i>	Oppose

FSI225.12	BIOTech New Zealand	Oppose
FSI295.12	Life Sciences Network Incorporated	Oppose
FSI320.12	Livestock Improvement Corporation	Oppose
FSI343.14	Bruce Cameron	Oppose
FSI342.270	Federated Farmers	Oppose
553.10	Malibu Hamilton	Amend the Proposed District Plan to require public notification of all consents, whether the rules are on genetically modified organisms, or any other matter.
FSI276.123	Whaingaroa Environmental Defence Inc. Society	Support
FSI388.787	Mercury NZ Limited for Mercury E	Oppose
638.3	Nora van der Voorden	Amend the Proposed Waikato District Plan to require consents which require exemption from plan rules to be automatically publicly notifiable, whether the rules are on Genetically Modified Organisms, or any other matter.
FSI276.125	Whaingaroa Environmental Defence Inc. Society	Support
651.4	Jon Muller for GE Free New Zealand	No specific decision sought, but submission supports Rural Resources - 1A.6 Issues, Objectives and Policies in the Operative District Plan which ensure that rural actions do not constrain or compromise existing lawfully-established productive rural activities. Submission relates to GMOs
FSI192.21	J H & R Cotman	Oppose
FSI199.19	New Zealand Forest Research Institute	Oppose
FSI212.21	David Stewart Bull	Oppose
FSI214.21	Forest Owners Association	Oppose
FSI225.21	BIOTech New Zealand	Oppose
FSI295.21	Life Sciences Network Incorporated	Oppose
FSI320.21	Livestock Improvement Corporation	Oppose
FSI343.23	Bruce Cameron	Support
FSI342.279	Federated Farmers	Oppose
733.3	Dave Currie	Amend the Proposed District Plan to require all consents to be publically notified, whether the rules are on genetically modified organisms or not.
FSI199.26	New Zealand Forest Research Institute	Oppose

FSI276.126	Whaingaroa Environmental Defence Inc. Society	Support
744.3	Peter McCallum	Amend the Proposed District Plan to require all consent applications to be automatically publically notified, regardless of whether the application is regarding genetically modified organisms or not.
FSI192.30	J H & R Cotman	Oppose
FSI199.29	New Zealand Forest Research Institute	Oppose
FSI212.30	David Stewart Bull	Oppose
FSI214.29	Forest Owners Association	Oppose
FSI225.30	BIOTech New Zealand	Oppose
FSI295.30	Life Sciences Network Incorporated	Oppose
FSI320.30	Livestock Improvement Corporation	Oppose
FSI343.32	Bruce Cameron	Oppose
FSI276.127	Whaingaroa Environmental Defence Inc. Society	Support
FSI342.288	Federated Farmers	Oppose
755.3	Jade Penn	Amend the Proposed Waikato District Plan to require consents which would require exemption from plan rules, to be automatically be publicly notifiable, whether the rules are on Genetically Modified Organisms or any other matter.
FSI192.33	J H & R Cotman	Oppose
FSI199.32	New Zealand Forest Research Institute	Oppose
FSI212.33	David Stewart Bull	Oppose
FSI214.32	Forest Owners Association	Oppose
FSI225.33	BIOTech New Zealand	Oppose
FSI295.33	Life Sciences Network Incorporated	Oppose
FSI320.33	Livestock Improvement Corporation	Oppose
FSI343.35	Bruce Cameron	Oppose
FSI276.128	Whaingaroa Environmental Defence Inc. Society	Support
FSI342.291	Federated Farmers	Oppose
780.30	John Lawson on behalf of Whaingaroa Environmental Defence Incorporated Society	Amend the Proposed District Plan to require consents requiring exemption from plan rules to be automatically publicly notified, whether the rule is on genetically modified organisms or not.
FSI208.9	Rangitahi Limited	Oppose

<i>FSI269.72</i>	<i>Housing New Zealand Corporation</i>	<i>Oppose</i>
<i>FSI342.209</i>	<i>Federated Farmers</i>	<i>Oppose</i>
788.10	Susan Hall	Amend the Proposed District Plan so that consents which would require exemption from plan rules should automatically be publicly notifiable, whether the rules are on Genetically Modified Organisms, or any other matter.
<i>FSI192.46</i>	<i>J H & R Cotman</i>	<i>Oppose</i>
<i>FSI199.46</i>	<i>New Zealand Forest Research Institute</i>	<i>Oppose</i>
<i>FSI212.46</i>	<i>David Stewart Bull</i>	<i>Oppose</i>
<i>FSI214.46</i>	<i>Forest Owners Association</i>	<i>Oppose</i>
<i>FSI225.47</i>	<i>BIOTech New Zealand</i>	<i>Oppose</i>
<i>FSI295.47</i>	<i>Life Sciences Network Incorporated</i>	<i>Oppose</i>
<i>FSI320.47</i>	<i>Livestock Improvement Corporation</i>	<i>Oppose</i>
<i>FSI343.49</i>	<i>Bruce Cameron</i>	<i>Oppose</i>
<i>FSI276.129</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
<i>FSI276.135</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
<i>FSI342.305</i>	<i>Federated Farmers</i>	<i>Oppose</i>
830.20	Linda Silvester	Amend the Proposed District Plan to require public notification of resource consent applications, regardless of whether the rules are Genetically Modified Organisms or any other matter.
<i>FSI192.58</i>	<i>J H & R Cotman</i>	<i>Oppose</i>
<i>FSI199.58</i>	<i>New Zealand Forest Research Institute</i>	<i>Oppose</i>
<i>FSI212.58</i>	<i>David Stewart Bull</i>	<i>Oppose</i>
<i>FSI214.58</i>	<i>Forest Owners Association</i>	<i>Oppose</i>
<i>FSI225.59</i>	<i>BIOTech New Zealand</i>	<i>Oppose</i>
<i>FSI295.59</i>	<i>Life Sciences Network Incorporated</i>	<i>Oppose</i>
<i>FSI320.59</i>	<i>Livestock Improvement Corporation</i>	<i>Oppose</i>
<i>FSI343.61</i>	<i>Bruce Cameron</i>	<i>Oppose</i>
<i>FSI276.132</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
<i>FSI276.140</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>

FSI342.317	Federated Farmers	Oppose
963.3	June Penn	Amend the Proposed District Plan so that all consents/activities that would require exemption from plan rules would be publicly notified, regardless of whether they are on genetically modified organisms or not.
FSI192.63	J H & R Cotman	Oppose
FSI199.64	New Zealand Forest Research Institute	Oppose
FSI212.62	David Stewart Bull	Oppose
FSI214.63	Forest Owners Association	Oppose
FSI225.64	BIOTech New Zealand	Oppose
FSI295.64	Life Sciences Network Incorporated	Oppose
FSI320.64	Livestock Improvement Corporation	Oppose
FSI343.66	Bruce Cameron	Oppose
FSI276.133	Whaingaroa Environmental Defence Inc. Society	Support
FSI276.143	Whaingaroa Environmental Defence Inc. Society	Support
FSI342.322	Federated Farmers	Oppose

5.2 Analysis

5.2.1 Relief sought in submissions

46. All but one of the submitters in this table ask for this relief:

“Amend the Proposed District Plan so that all consents/activities that would require exemption from plan rules would be publicly notified, regardless of whether they are on genetically modified organisms or not.”

47. Hearing 8 discusses the topic of GMOs in more detail and addresses a similar submission in that report. The author of the report considered that the submission would have wide implications for the administration of the district plan, and that it would be costly for council and applicants and add delays to a consenting process.
48. I agree with the further submission from *Rangitahi Limited [FSI208.9]*, who also agrees that a rule requiring all resource consents to be publicly notified would result in significant costs and delays to applicants. It would be an unreasonable approach for a district plan to undertake. It is appropriate that any application for consent be assessed as per the notification process in the RMA.
49. I note that the author of Hearing 8 GMOs has stated *“In particular contexts, such as for GMOs applications, consideration could be given to including specific requirements for notification. Such provisions are included in the Auckland Unitary Plan GMO text, and these can be considered in the context of the submission asking for the adoption of the Auckland approach to GMO. Submission [245.5] is provisionally recommended to be rejected at this stage, consistent with other recommendations above. If the Auckland provisions are adopted by the Hearings Panel, this*

submission should be accepted in part, to the extent of considering special notification rules for GMO consents.

50. As the author of Hearing 8 GMOs has recommended that the submission be rejected, for consistency I therefore recommend that the Hearing Panel address these submissions using the same approach.
51. The submission from Jon Muller for GE Free NZ [651.4] sought no specific decision, however the submission supports Rural Resources A.6 Issues, Objectives and Policies in the Operative District Plan which ensure that rural activities do not constrain/compromise lawfully established productive rural activities. The reasons provided are that he has concerns over the lack of any consideration of GMOs within the proposed plan. As the submission does not disclose any relief sought, I recommend that the Hearing Panel reject this submission.

5.3 Recommendation

52. For the reasons given above, I recommend that the Hearing Panel:
 - **Reject** Gillian Marie [525.3], Malibu Hamilton [553.10], Nora van der Voorden [638.3], Jon Muller for GE Free New Zealand [651.4], Dave Currie [733.3], Peter McCallum [744.3], Jade Penn [755.3], John Lawson (Whaingaroa Environmental Defence Incorpora) [780.30], Susan Hall [788.10], Linda Silvester [830.20], June Penn [963.3], *Whaingaroa Environmental Defence Inc. Society* [FS1276.123], [FS1276.125], [FS1276.126], [FS1276.127] [FS1276.128], [FS1276.129], [FS1276.135], [FS1276.132], [FS1276.140], [FS1276.133] and [FS1276.143].
 - **Accept** J H & R Cotman [FS1192.1], New Zealand Forest Research Institute [FS1199.10], David Stewart Bull [FS1212.12], Forest Owners Association [FS1214.12], BIOTech New Zealand [FS1225.12], Life Sciences Network Incorporated [FS1295.12], Livestock Improvement Corporation [FS1320.12], Bruce Cameron [FS1343.14], Federated Farmers [FS1342.270], Mercury NZ limited [FS1388.787], J H & R Cotman [FS1192.21], New Zealand Forest Research Institute [FS1199.19], David Stewart Bull [FS1212.21], Forest Owners Association [FS1214.21], BIOTech New Zealand [FS1225.21], Life Sciences Network Incorporated [FS1295.21], Livestock Improvement Corporation [FS1320.21], Bruce Cameron [FS1343.23], Federated Farmers [FS1342.279], New Zealand Forest Research Institute [FS1199.26], J H & R Cotman [FS1192.30], New Zealand Forest Research Institute [FS1199.29], David Stewart Bull [FS1212.30], Forest Owners Association [FS1214.29], BIOTech New Zealand [FS1225.30], Life Sciences Network Incorporated [FS1295.30], Livestock Improvement Corporation [FS1320.30], Bruce Cameron [FS1343.32], Federated Farmers [FS1342.288], J H & R Cotman [FS1192.33], New Zealand Forest Research Institute [FS1199.32], David Stewart Bull [FS1212.33], Forest Owners Association [FS1214.32], BIOTech New Zealand [FS1225.33], Life Sciences Network Incorporated [FS1295.33], Livestock Improvement Corporation [FS1320.33], Bruce Cameron [FS1343.35], Federated Farmers [FS1342.291], Rangitahi Limited [FS1208.9], Housing New Zealand Corporation [FS1269.72], Federated Farmers [FS1342.209], J H & R Cotman [FS1192.46], New Zealand Forest Research Institute [FS1199.46], David Stewart Bull [FS1212.46], Forest Owners Association [FS1214.46], BIOTech New Zealand [FS1225.47], Life Sciences Network Incorporated [FS1295.47], Livestock Improvement Corporation [FS1320.47], Bruce Cameron [FS1343.49], Federated Farmers [FS1342.305], J H & R Cotman [FS1192.58], New Zealand Forest Research Institute [FS1199.58], David Stewart Bull [FS1212.58], Forest Owners Association [FS1214.58], BIOTech New Zealand [FS1225.59], Life Sciences Network Incorporated [FS1295.59], Livestock Improvement Corporation [FS1320.59], Bruce Cameron [FS1343.61], Federated Farmers [FS1342.317], J H & R Cotman [FS1192.63], New Zealand Forest Research Institute [FS1199.64], David Stewart Bull [FS1212.62], Forest Owners Association [FS1214.63], BIOTech New Zealand [FS1225.64], Life Sciences Network Incorporated

[FSI 295.64], Livestock Improvement Corporation [FSI 320.64], Bruce Cameron [FSI 343.66] and Federated Farmers [FSI 342.322].

5.4 Recommended amendments

53. There are no changes recommended in response to the submissions.

5.5 Section 32AA evaluation

54. There are no recommended amendments. Accordingly, no s32AA evaluation has been undertaken.

6. HCC Area of Interest and the Urban Expansion Area

55. 14 primary submissions were received in relation to this topic, mainly seeking to map the HCC's Area of Interest. 51 further submissions were received.

Submission point	Submitter	Decision requested
535.94	Hamilton City Council	Add the Hamilton City Council 'Area of Interest' map into the Proposed District Plan (as attached to the submission). This could take the form of an overlay; AND Add objectives and policies specific to the 'Area of Interest' which seek to avoid urban subdivision and development in rural zones and provide only for rural land uses in that zone; AND Add a supporting set of rules and methods including deploying a prohibited activity status for certain non-rural land uses and subdivision. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI 131.2	The Village Church Trust	Oppose
FSI 203.3	Burton Trust	Support
FSI 252.6	AH & DB Finlay Limited	Support
FSI 254.6	Wattle Downs Limited	Support
FSI 256.6	Moeraki Farm Limited	Support
FSI 260.6	K Badger and WR Badger Estate	Support
FSI 324.6	Robyn Ballard	Support
FSI 062.84	Andrew and Christine Gore	Oppose
FSI 197.25	Bowrock Properties Limited	Oppose
FSI 311.20	Ethan & Rachael Findlay	Oppose
FSI 342.132	Federated Farmers	Oppose
292.1	David and Barbara Yzendoorn	Delete the Urban Expansion Area overlay from the submitter's property at 83 Greenhill Road, Puketaha.
FSI 379.58	Hamilton City Council	Oppose
FSI 277.120	Waikato Regional Council	Oppose

<i>FSI386.296</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
330.146	Andrew and Christine Gore	Amend the rules to not prohibit subdivision in the Urban Expansion Policy Area.
<i>FSI379.85</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
535.9	Hamilton City Council	Retain Chapter 4 Urban Environment subject to ensuring alignment between objectives, policies, rules and methods, including those that control the type and rate of development use with Hamilton's 'Area of Interest' (shown as a map attached to submission) in order to be consistent with Hamilton City Council's strategic land use plans and urban growth strategies, except for the amendments sought below AND Amend Chapter 4 Urban Environment to include objectives and policies which ensure that land use within the 'Area of Interest' (shown as a map attached to submission) is controlled and enabled at a rate which is consistent with and prioritises Hamilton City's strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient land use and infrastructure and non-rural land uses. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
<i>FSI131.3</i>	<i>The Village Church Trust</i>	<i>Oppose</i>
<i>FSI333.7</i>	<i>Fonterra Limited</i>	<i>Support</i>
<i>FSI388.684</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
535.27	Hamilton City Council	Retain Chapter 5 Rural Environment subject to ensuring alignment and giving effect to the Hamilton City Council 'Area of Interest' (shown as a map attached to submission) and the supporting objectives, policies, rules and methods. Objectives and policies are sought which ensure that land use within the 'Area of Interest' (shown as a map attached to submission) is controlled and enabled at a rate which is consistent with and prioritises Hamilton City Council's strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.
<i>FSI062.73</i>	<i>Andrew and Christine Gore</i>	<i>Oppose</i>
<i>FSI388.700</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
535.28	Hamilton City Council	Retain Objective 5.1.1 The rural environment, subject to ensuring alignment and giving effect to Hamilton's 'Area of Interest' and supporting objectives, policies, rules and methods. Objectives and policies are sought to ensure that activities within the 'Area of Interest' are controlled and enabled at a rate which is consistent with Hamilton City Council's strategic land use plans and urban growth strategies that address the avoidance urban sprawl, inefficient land use and non-rural land uses.
<i>FSI062.74</i>	<i>Andrew and Christine Gore</i>	<i>Oppose</i>

<i>FSI388.701</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
535.69	Hamilton City Council	Retain Chapter 22: Rural Zone subject to ensuring alignment and giving effect to the submitter's 'Area of Interest' (shown in map attached to submission) and supporting objectives, policies, rules and methods. Objectives and policies are sought which ensure that land use within the 'Area of Interest' (shown in map attached to submission) is controlled and enabled at a rate which is consistent with and prioritises Hamilton City Council's strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.
<i>FSI062.80</i>	<i>Andrew and Christine Gore</i>	<i>Oppose</i>
<i>FSI157.10</i>	<i>Gordon Downey</i>	<i>Support</i>
<i>FSI164.15</i>	<i>Tamara Huaki</i>	<i>Support</i>
<i>FSI165.11</i>	<i>Pekerangi Kee-Huaki</i>	<i>Support</i>
<i>FSI166.11</i>	<i>Jarod Kowhai Huaki</i>	<i>Support</i>
<i>FSI388.708</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
535.70	Hamilton City Council	Delete the non-rural activities from Rule 22.1.5 NC4 Non-Complying Activities as they relate to the Urban Expansion Area. AND Add these activities to Rule 22.1.1 Prohibited as prohibited activities. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
<i>FSI062.81</i>	<i>Andrew and Christine Gore</i>	<i>Oppose</i>
<i>FSI149.15</i>	<i>Gavin Lovegrove and Michelle Peddie</i>	<i>Support</i>
<i>FSI182.16</i>	<i>Newstead Country Preschool</i>	<i>Support in part</i>
<i>FSI183.11</i>	<i>Noel Gordon Smith</i>	<i>Support</i>
<i>FSI204.16</i>	<i>Christian & Natasha McDean</i>	<i>Support</i>
<i>FSI216.14</i>	<i>Newstead Residents Association</i>	<i>Support</i>
<i>FSI280.14</i>	<i>Dennis and Jan Tickelpenny</i>	<i>Support</i>
<i>FSI388.709</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
535.74	Hamilton City Council	Retain Chapter 23: Country Living Zone subject to ensuring alignment and giving effect to the submitter's 'Area of Interest' (shown in map attached to submission) and supporting objectives, policies, rules and methods. Objectives and policies are sought which ensure that land use within the 'Area of Interest' (shown in map attached to submission) is controlled and enabled at a rate which is consistent with and prioritises Hamilton City Council's strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.

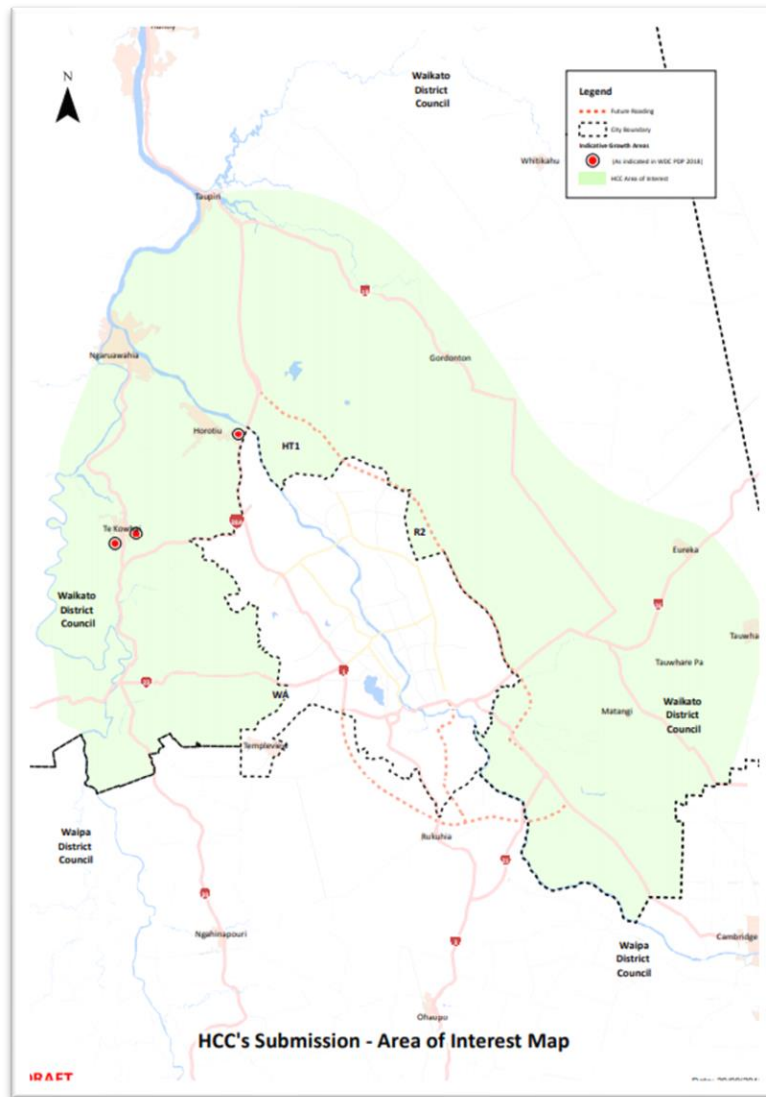
FSI197.22	Bowrock Properties Limited	Oppose
FSI311.17	Ethan & Rachael Findlay	Oppose
FSI388.712	Mercury NZ Limited	Oppose
535.78	Hamilton City Council	Retain Chapter 24: Village Zone subject to ensuring alignment and giving effect to the submitter's 'Area of Interest' and supporting objectives, policies and rules and methods.
FSI388.715	Mercury NZ Limited	Oppose
535.87	Hamilton City Council	Amend the planning maps by adding an overlay that illustrates the submitters 'Area of Interest' (shown as a map attached to submission) and potentially integrate this with Hamilton's Urban Expansion Area, and if appropriate the mapped Urban Expansion Area can be extended to give effect to the submitters 'Area of Interest' (shown as a map attached to submission). AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI131.1	The Village Church Trust	Oppose
FSI197.24	Bowrock Properties Limited	Oppose
FSI311.19	Ethan & Rachael Findlay	Oppose
FSI388.717	Mercury NZ Limited	Oppose
680.75	Federated Farmers of New Zealand	Amend Objective 5.5.1 (a) Hamilton's Urban Expansion Area, as follows: (a) Protect land within Hamilton's Urban Expansion Area for future urban development whilst; AND Add to Objective 5.5.1 (a) Hamilton's Urban Expansion Area new clause (i), as follows: (i) Ensuring that existing rural production activities and industrial activities are protected from the effects of reverse sensitivity when locating new residential development. AND Any consequential changes needed to give effect to this relief.
FSI062.90	Andrew and Christine Gore	Support
FSI108.59	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FSI139.50	Turangawaewae Trust Board	Support
FSI171.78	T&G Global	Support
FSI333.12	Fonterra Limited	Support
FSI379.250	Hamilton City Council	Oppose
743.1	The Village Church Trust	Amend the Urban Expansion Policy Area overlay to include the properties on the southern side of Martin Lane, bounded by the Waikato Expressway to the south and Resolution Drive / Horsham Downs Link Road to the east (Lots 1 and 2 DP 504278, Lot 1 DPS76724, Allotment 479 Kirikiriroa Parish, Lots 1 and 2 DPS 3136, Part Allotment 23 Kirikiriroa Parish, Allotment 248 Komakorau Parish, Section 4 and Section 5 SO 500297) (see map attached to submission); AND Amend the Proposed District Plan

		as may be necessary to address the matters raised in the submission.
576.12	Transpower New Zealand Ltd	Amend Policy 5.5.2 Activities within Hamilton's Urban Expansion Area, as follows: (a) Manage urban subdivision, use and development within Hamilton's Urban Expansion Area to ensure that future urban development is not compromised, recognising existing Infrastructure within the Area and ensuring the ongoing operation, maintenance, upgrading and development of the Infrastructure is not compromised. AND Amend the Proposed District Plan to make consequential amendments to address the matters raised in the submission.
FS1388.827	Mercury NZ Limited	Oppose

6.1 Analysis

Hamilton Area of Interest (AOI)

56. The submissions from Hamilton City Council [535.94] and [535.87], seek that an 'Area of Interest' be mapped and included in the proposed plan. The 'Area of Interest' relates to an area that has been determined to be a rough indicator of the area of Hamilton City's economic and social influence, and represents its various communities of interest. Further submissions from *Burton Trust* [FS1203.3], *AH and DB Finlay* [FS1252.6], *Wattle Downs Limited* [FS1254.6], *Moeraki Farm Limited* [FS1256.6], *K Badger and WR Badger Estate* [FS1260.6], and *Robyn Ballard* [FS1324.6] have supported the submission. Further submissions from *The Village Church Trust* [FS1131.2] and [FS1131.1], *Andrew and Christine Gore* [FS1062.84], *Bowrock Properties Limited* [FS1197.25] [FS1197.24], *Ethan and Rachael Findlay* [FS1311.20] and [FS1311.19], *Federated Farmers* [FS2342.132] and *Mercury Energy Limited* [FS1388.717] have opposed the submission.
57. The area encompasses areas of potential for an extended urban footprint of Hamilton City in the future. The purpose of the proposed area is for Waikato District to carefully control land use within the defined area to ensure that the transition to the long-term urban form is not compromised for Hamilton City.
58. The submission indicates that HCC are undertaking a finer detailed analysis, however this work will take some time to complete. The submission also indicates that the area of interest will be fine-tuned as the proposed plan process moves forward.
59. The submission seeks that the Area of Interest be mapped within the proposed plan and seeks objectives, policies, rules, and methods which will control the use of land within the area. HCC seek an integrated planning approach to development in this area. The Area of Interest is shown below.



60. The 'Area of Interest' was fundamentally addressed in previous hearings, where the author of Hearing 2, in response to a submission from the Property Council, does mention the HCC 'Area of Interest' in relation to the Hamilton Metropolitan Spatial plan in paragraph 93 as follows:

'Hamilton City Council have also sought that in addition to the UEPA an "Area of Interest overlay" be established in areas of the District that will be subject to the Hamilton Metropolitan Spatial Plan 10. The Hamilton Metropolitan Spatial Plan is being prepared as part of the Hamilton-Auckland Spatial Plan which will in part identify growth nodes in the Hamilton-Auckland corridor. 94. Thus, the PWDP provisions do not foreclose on the outcome sought by the Property Council. The upshot of all the above planning provisions and processes is that, in time, the outcome sought by the submitter may transpire but in my view it would be premature to make the amendments sought as part of this PWDP process.'

61. The evidence from HCC for Hearing 2 seeks that land use planning for the AOI is embedded in the strategic objectives. Although the author of Hearing 2 did not specifically address the Hamilton City Council submission in relation to the mapping of the AOI, they did recommend that the Hearing Panel reject the submission.
62. I agree with the author of Hearing 2. In my view it would be unreasonable to include a mapped area that has not been supported by a robust analysis and consultation with the

affected people. The further submissions that have opposed indicate that this approach would create uncertainty for property owners whose land has been captured. I agree with this. In the absence of a meaningful analysis, I recommend that the Hearing Panel reject the submission from HCC.

63. The submissions from Hamilton City Council [535.9], [535.27], [535.28], [535.69], [535.74] and [535.78] seek to retain Chapter 4 Urban Environment, Chapter 5 Rural Environment, Objective 5.1.1 The Rural Environment, and Chapter 22: Rural Zone, all subject to ensuring alignment and giving effect to the above-mentioned 'Area of Interest'. Further submissions from *The Village Church Trust* [FS1131.3], *Mercury Energy Limited* [FS1388.684], [FS1388.700] [FS1388.701], [FS1388.708] and [FS1388.712], *Andrew and Christine Gore* [FS1062.73], [FS1062.74] and [FS1062.80], *Bowrock Properties Limited* [FS1197.22] and *Ethan and Rachael Findlay* [FS1311.17] have opposed the submissions. Further submissions from *Fonterra Limited* [FS1333.7], *Gordon Downey* [FS1157.10], *Tamara Huaki* [FS1164.15], *Pekerangi Kee-Huaki* [FS1165.11] and *Jarod Kowhai Huaki* [FS1166.11] support the submission.
64. I have recommended not to map the 'Area of Interest', as I consider that this issue has a much wider context than the Proposed District Plan. However, I recommend that the Hearing Panel only accept in part these submissions, as there have been amendments to these chapters in response to other submissions.

Urban Expansion Area

65. Submission from David and Barbara Yzendoorn [292.1] seeks to delete the Urban Expansion Area overlay from their property located at 83 Greenhill Road, Puketaha. Further submissions from *Hamilton City Council* [FS1379.58], *Waikato Regional Council* [FS1277.120] and *Mercury Energy limited* [FS1386.296] have opposed the submission. In my view it is not appropriate to delete the UEA from the property in isolation, as the boundaries of the UEA have long been established as an area that needs careful planning consideration. Accordingly, I recommend that the Hearing Panel reject this submission.
66. Submission from Andrew and Christine Gore [330.146] seeks to amend the rule to not prohibit subdivision in the UEA. A further submission from *Hamilton City Council* [FS1379.85] has opposed the submission. The context of this submission was addressed in Hearing 18 Rural subdivision, where the section 42 author recommended amending Rule PR1 from a Prohibited Activity status to non-complying. Accordingly, I recommend that the Hearing Panel accept this submission.
67. Hamilton City Council [535.70] submission seeks to delete non-rural activities from Rule 22.1.5 NC4 as they relate to the UEA and add them to Rule 22.1.1 Prohibited activities. Further submissions from *Andrew and Christine Gore* [FS1062.81] and *Mercury Energy Limited* [FS1388.709] oppose the submission. Further submissions from *Gavin Lovegrove and Michelle Peddie* [FS1149.15], *Newstead Country Preschool* [FS1182.16], *Noel Gordon Smith* [FS1183.11], *Christian and Natasha McDean* [FS1204.16], *Newstead Residents Association* [FS1216.14] and *Dennis and Jan Tickelpenny* [FS1280.14] have supported the submission.
68. The Operative District Plan has a prohibitive regime for some limited subdivision and various activities within the UEA. I also note that the Country Living Zone has a similar approach of prohibitive status for some activities, such as on-site disposal or storage of solid waste and hazardous waste storage, reprocessing or disposal.
69. When considering the proposed plan, I note that in both the Rural Zone and the Country Living Zone a Non-complying activity status has been imposed for all the above activities. I have considered the s32 Report for the Rural Zone which stated:

'The non-complying activity rule applies to activities that are expected to generate reverse sensitivity effects because of their incompatibility with urban uses. This could compromise later development of urban land uses. All of these uses require significant investment and are unlikely to be short term uses. The non-complying activity status provides the opportunity for

effects to be assessed and consideration to be made whether the use will compromise future urban use.

To be granted consent for a non-complying activity, the effects of the activity would need to be no more than minor or the activity must not be contrary to objectives and policies of the district plan. It is possible that if an applicant was unable to demonstrate this, consent could be granted if they passed the second 'gateway' and were able to demonstrate that effects were no more than minor. As part of this assessment, it is unlikely that the effects on future urban use would be able to be considered as this is not currently part of the existing environment that effects are measured against. However, any activity would need to demonstrate how reverse sensitivity and environmental effects are managed. Sufficient mitigation of effects would reduce the risk of that activity compromising future urban land use. Realistically, the number of lots of sufficient size to be used for these activities is few and there are a relatively high number of smaller residential lots. This means that, without significant mitigation, those specifically listed activities would have more than minor effects.'

70. This issue was also considered in Hearing 18 Rural Zone in paragraph 332, where Mr Cleave helpfully provided an overview of the activity categories and showed Prohibitive as follows:

Prohibited Activity – It is unusual for activities to be prohibited, with many district plans not having any, or very few, prohibited activities. Prohibited activity status means that you cannot apply for a resource consent, so there is no pathway for demonstrating that the site specific effects are able to be managed. Prohibited status is therefore used sparingly, for example in situations where there is a significant and proven natural hazard risk, risk to the safe functioning of critical infrastructure, or nationally-significant heritage or cultural values that need to be protected.

71. Mr Cleave considers that the move to a non-complying activity status is not an easy pathway, but it does however, provide a pathway and a prohibitive regime does not. I consider the non-complying activity status to be a pragmatic approach, and recommend that the Hearing Panel reject Hamilton City council's submission.
72. A submission from Federated Farmers of New Zealand [680.75] seeks to amend the wording of Objective 5.5.1 (a) Hamilton's Urban Expansion Area, by adding the following new clause as follows:
- (i) Ensuring that existing rural production activities and industrial activities are protected from the effects of reverse sensitivity when locating new residential development. AND Any consequential changes needed to give effect to this relief.
73. Further submissions from Andrew and Christine Gore [FS1062.90], Waikato Tainui [FS1108.59], Turangawaewae Trust Board [FS1139.50], T and G Global [FS1171.79], and Fonterra Limited [FS1333.12] support the submission. A further submission from Hamilton City Council [FS1379.250] opposes the submission.
74. The issue of reverse sensitivity was discussed in Hearing 18 Rural Zone, where it has been recommended to amend policies to incorporate a reverse sensitivity component.
75. It is recommended that Policy 5.3.7 be retitled and rewritten as follows:

5.3.7 Policy – Reverse sensitivity and separation of incompatible activities

(a) Contain adverse effects as far as practicable within the site where the effect is generated, including through the provision of adequate separation distances between the activity and site boundaries.

(b) Ensure that the design and location of new or extended sensitive land uses achieves adequate separation distances and/or adopts appropriate mitigation measures to mitigate potential reverse sensitivity effects on lawfully-established productive rural activities, intensive farming, rural industry, strategic infrastructure, extractive activities, or Extraction Resource Areas.

76. The s42 author has also recommended in the rebuttal report that 'reverse sensitivity' be defined as follows:

<u>Reverse sensitivity</u>	<p>Means the effect on existing lawful activities from the introduction of new sensitive land uses that may lead to restrictions on existing lawful activities as a consequence of complaints.</p> <p><u>Means the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual to perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.</u></p>
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77. I consider that these recommended changes will alleviate the concerns of the submitter, and accordingly recommend that the Hearing Panel accept in part submission from Federated Farmers.
78. The submission from The Village Church Trust [743.1] seeks to amend the spatial area of the UEA to include the properties on the southern side of Martin Lane. The reason for the request is that the Church is at capacity. The current site of the church is in a location that is bounded to the west by the Community Hall (WDC) and Horsham Downs School and the to the east by Resolution Drive. The southern boundary of the church abuts an approximately 8-hectare block of rural zone that has become topographically isolated due to the Waikato Expressway and Resolution Drive. The Church is at capacity and now leases the community hall as and when necessary. The Village church considers that the Rural-zoned 8 hectares are not a viable farming unit, and considers that the UEA should be extended, as this would enable landowners to better utilise the land.
79. Diagram showing the UEA (purple hatch) and the boundary of the property of interest in red:



80. When considering the UEA on the proposed plan maps, it is apparent that the expressway forms a natural barrier to this property. My understanding is that the UEA is an agreement between HCC and WDC, and any amendment as such would need to go through a process outside the proposed district plan. I note the AOI sought by HCC incorporates this area, and I suggest that until the AOI is finalised, any changes to the current UEA are not appropriate. Accordingly, I recommend that the Hearing Panel reject this submission.
81. The submission from Transpower New Zealand Ltd [576.12] seeks to amend Policy 5.5.2 Activities within Hamilton's Urban Expansion Area. A further submission from *Mercury Energy Ltd* [FS1388.827] has opposed the submission. This Policy was considered in the s42A report on Strategic Directions with a recommendation that Policy 5.5.2 be amended as follows:
- '~~manage~~ avoid subdivision, use and development within Hamilton's Urban Expansion Area to ensure future urban development is not compromised'.*
82. The change in emphasis from being one of management to one of avoiding development was recommended so that the policy might better implement the objective of 'protecting' land for future urban development. I do not consider that the additional wording is necessary, as in my view an 'avoid' policy imposes a stronger approach than 'manage', and I believe this will alleviate the concerns of the submitter. While decisions are yet to be released, I agree with this recommendation. Accordingly, I recommend that the Hearing Panel accept in part.

6.2 Recommendations

83. For the reasons above I recommend that the Hearing Panel:
- **Reject** Hamilton City Council [535.94] and [535.87], *Burton Trust* [FS1203.3], *AH and DB Finlay* [FS1252.6], *Wattle Downs Limited* [FS1254.6], *Moeraki Farm Limited* [FS1256.6], *K Badger and WR Badger Estate* [FS1260.6], and *Robyn Ballard* [FS1324.6]
 - **Accept** *The Village Church Trust* [FS1131.2] and [FS1131.1], *Andrew and Christine Gore* [FS1062.84], *Bowrock Properties Limited* [FS1197.25] and [1197.24], *Ethan and Rachael*

Findlay [FS1311.20], and [FS1311.19], Federated Farmers [FS2342.132], and Mercury Energy Limited [FS1388.717].

- **Accept in part** Hamilton City Council [535.9], [535.27], [535.28], [535.69], [535.74], [535.78], The Village Church Trust [FS1131.3], Mercury Energy Limited [FS1388.684], [FS1388.700], [FS1388.701], [FS1388.715], [FS1388.708] and [FS1388.712], Andrew and Christine Gore [FS1062.73], [FS1062.74] and [FS1062.80], Bowrock Properties Limited [FS1197.22] and Ethan and Rachael Findlay [FS1311.17], Fonterra Limited [FS1333.7], Gordon Downey [FS1157.10], Tamara Huaki [FS1164.15], Pekerangi Kee-Huaki [FS1165.11], and Jarod Kowhai Huaki [FS1166.11].
- **Reject** David and Barbara Yzendoornd [292.1] and **Accept** Hamilton City Council [FS1379.58], Waikato Regional Council [FS1277.120] and Mercury Energy limited [FS1386.296].
- **Accept** Andrew and Christine Gore [330.146] and **Reject** Hamilton City Council [FS1379.85].
- **Reject** Hamilton City Council [535.70] and Gavin Lovegrove and Michelle Peddie [FS1149.15], Newstead Country Preschool [FS1182.16], Noel Gordon Smith [FS1183.11], Christian and Natasha McDean [FS1204.16], Newstead Residents Association [FS1216.14] and Dennis and Jan Tickelpenny [FS1280.14].
- **Accept** Andrew and Christine Gore [FS1062.81] and Mercury Energy Limited [FS1388.709].
- **Accept in part** Federated Farmers of New Zealand [680.75], Andrew and Christine Gore [FS1062.90], Waikato Tainui [FS1108.59], Turangawaewae Trust Board [FS1139.50], T and G Global [FS1171.79], and Fonterra Limited [FS1333.12].
- **Accept** Hamilton City Council [FS1379.250].
- **Reject** The Village Church Trust [743.1].
- **Accept in Part** Transpower New Zealand Ltd [576.12] and Mercury Energy Ltd [FS1388.827].

6.3 Recommended amendments

84. There are no changes recommended in response to the submissions.

6.4 Section 32AA evaluation

85. There are no recommended amendments. Accordingly, no s32AA evaluation has been undertaken.

7. Other matters-general

86. 89 original submissions were received and 139 further submissions:

Submission point	Submitter	Decision requested
246.2	Tony Oosten	Delete the ability for Council to apply discretion if applications are not notified.
FS1276.134	Whaingaroa Environmental Defence Inc. Society	Support

FSI276.190	Whaingaroa Environmental Defence Inc. Society	Support
FSI276.203	Whaingaroa Environmental Defence Inc. Society	Support
312.1	Metro Planning Ltd	Add a site-specific precinct as Appendix 13 for the Whatawhata Arboretum at 635 State Highway 23, Whatawhata which: provides for not more than 10 house sites; protects all identified trees and planting areas on a precinct tree plan; and enables subdivision associated with the approved house sites and the protection of individual or groups of notable trees.
FSI385.5	Mercury NZ Limited	Oppose
FSI277.14	Waikato Regional Council	Oppose
328.11	Paula Dudley	Amend Section 12.2 How to use and interpret the rules – Categories of Activities, pertaining to controlled activities to offer provisions to property owners who are affected by multiple public developments. AND Amend Section 12.2 How to use and interpret the rules – Categories of Activities, specifically in relation to the ability for council to refuse to grant a controlled activity subdivision if the provisions of s106 of the Resource Management Act apply, to ensure provisions are offered to support property owners faced with unusual circumstances of multiple public developments.
FSI385.6	Mercury NZ Limited	Oppose
330.1	Andrew and Christine Gore	Amend the activity status of subdivision to be controlled activities.
FSI385.7	Mercury NZ Limited	Oppose
FSI379.71	Hamilton City Council	Oppose
367.31	Liam McGrath for Mercer Residents and Ratepayers Committee	Add Pukekohe Motorcycle Club, located in Mercer, to Appendix 12 Motorsport and Recreation.
FSI304.9	Meremere Dragway Inc.	Oppose
FSI118.17	Meremere Dragway Inc	Oppose
367.50	Liam McGrath for Mercer Residents and Ratepayers Committee	Add Meremere Dragway, located off SH1 to Appendix 12 Motorsport and Recreation.
FSI118.18	Meremere Dragway Inc.	Opposes
FSI304.10	Meremere Dragway Inc.	Opposes
371.6	Kitty Burton	Retain the existing rail corridor in Matangi.
FSI305.7	Andrew Mowbray	Support
386.6	Pokeno Village Holdings Limited	Amend the Proposed District Plan to include an appropriate definition of the term "structure plan" AND Amend the Proposed District Plan to provide sufficient guidance (in line with recent good practice) for what is required for a structure plan process including (but not limited to) expectations of the

		development of new plan provisions to give effect to structure plans AND Amend the Proposed District Plan to include guidance for a structure plan approval process AND Amend the Proposed District Plan to include confirmation that the term "structure plan" applies to existing structure plan areas, including but not limited to the Pokeno Structure Plan Area AND Add a new section to the Proposed District Plan specifically for structure plans and associated plan provisions.
FSI202.11	New Zealand Transport Agency	Support
404.1	Mowbray Group	Add provision for historic railway cottages to be shifted to the property at 452B Tauwhare Road, Matangi.
FSI264.2	Bootleg Brewery	Support
FSI305.11	Andrew Mowbray	Support
FSI323.181	Heritage New Zealand Pouhere Taonga	Oppose
435.9	Jade Hyslop	Add new rules in each zone such 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.
FSI329.6	Koning Family Trust and Martin Koning	Oppose
FSI385.11	Mercury NZ Limited	Oppose
435.22	Jade Hyslop	Amend the Proposed District Plan to require housing for the elderly in all new developments, not just in Te Kauwhata, e.g. Policy 4.1.12 (b) (i) Te Kauwhata.
445.2	BTW Company	Add a new Appendix headed 'Structure Plan Content' into Chapter 29 Appendices, which specifies the type of development rules that can be created within a structure plan (aligned with design guidelines) and which replace other zone rules. This should outline a streamlined process for structure planning and not require the same developer to subdivide as well as build.
FSI202.94	New Zealand Transport Agency	Support
FSI385.12	Mercury NZ Limited	Oppose
486.2	Louise Whyte	Amend the Proposed District Plan to not allow more unsustainable or environmentally practical waste

		facilities to be located by the River on the land between Buckland Road, Tuakau and the Waikato River.
493.10	Jackie Colliar	Amend the Proposed District Plan to ensure consistency of wording in the rural and residential zones, in relation to the approval process for a Concept Management Plan.
<i>FSI035.63</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
568.5	JoonYoung Moon	Amend the Proposed District Plan to prevent more waste facilities locating by the Waikato River near Geraghtys Road, Tuakau, (see submission for map of site).
<i>FSI353.20</i>	<i>Tuakau Proteins Limited</i>	<i>Oppose</i>
570.1	Raymond & Cheryl Higgins	Amend the Proposed District Plan to allow construction of a mini house a little larger than 70m2 on the site at 321 Whiriwhiri Road, Waiuku.
572.4	Litania Liava'a	Amend the Proposed District Plan to prevent more waste facilities locating by the Waikato River near Geraghtys Road, Tuakau (see submission for map of site).
<i>FSI353.22</i>	<i>Tuakau Proteins Limited</i>	<i>Oppose</i>
577.2	Dilworth Trust Board	Add a new 'Specific Area' in Chapter 22 - Rural Zone, to provide for the Dilworth School - Rural Campus facility. See Appendix 2 of the submission for full details of provisions sought for the 'Specific Area'. AND Amend the Proposed District Plan for any further or other consequential relief required to give effect to the relief sought in this submission
<i>FSI388.830</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
580.20	Meridian Energy Limited	Amend the Proposed District Plan as necessary to address the matters raised in submission.
588.32	Woolworths NZ Ltd	Consider that Pokeno be removed from the Proposed District Plan and not subject to the Proposed District Plan review process. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
<i>FSI261.27</i>	<i>Annie Chen</i>	<i>Oppose</i>
<i>FSI281.30</i>	<i>Pokeno Village Holdings Limited</i>	<i>Support</i>
<i>FSI297.37</i>	<i>CSL Trust & Top End Properties Limited</i>	<i>Oppose</i>
<i>FSI297.39</i>	<i>CSL Trust & Top End Properties Limited</i>	<i>Oppose</i>
<i>FSI385.20</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FSI377.169</i>	<i>Havelock Village Limited</i>	<i>Oppose</i>
598.28	Withers Family Trust	Add policies and support for additional residential zoning opportunities to cater for anticipated demand for the next 27 years.

FS1377.183	Havelock Village Limited	Support
FS1388.1023	Mercury NZ Limited	Oppose
678.3	Madsen & Holmes	Retain the right as a permitted activity to maintain the habitat for the benefit of game bird shooters on the submitter's property at Oram Road and 150 Koheroa Road, Mercer (see map included in submission for location).
695.7	Sharp Planning Solutions Ltd	Add a hierarchy of non-motor vehicle routes for cycling, walking and horse riding.
749.124	Housing New Zealand Corporation	Add a new chapter that provides for a "Medium Density Residential Zone" with appropriate Land Use - Activities, Land Use - Effects, Land Use - Building and Subdivision provisions as outlined in attachment 3 of the submission. AND Amend the Proposed District Plan to enable a number of consequential amendments to give effect to the "Medium Density Residential Zone" sought.
FS1387.1043	Mercury NZ Limited	Oppose
761.19	Lyndendale Farms Limited	Amend the Proposed District Plan to make any consequential amendments that are required to give effect to the submission.
693.14	Alstra (2012) Limited	Amend the Proposed District Plan to protect the two intensive farming properties within the Ngaruawahia Residential Zone from residential development until Alstra decides to cease operations.
780.38	Whaingaroa Environmental Defence Incorporated Society	Amend the Proposed District Plan to require housing for the elderly in all new developments, not just Te Kauwhata (e.g. Policy 4.1.12(b)(i) Te Kauwhata).
781.9	Ministry of Education	Amend Rule 17.1.2 P5 Permitted Activities as follows: P5 Education facility facilities
FS1193.24	Van Den Brink Group	Support
FS1387.1215	Mercury NZ Limited	Oppose
807.2	Pukekohe Motorcycle Club	Add a minimum 300m buffer around the track at 115 Geraghty Maber Road, Tuakau, preventing the establishment of any new activity sensitive to noise. AND Any further or consequential relief to give effect to the relief sought in the submission.
FS1200.2	Gerardus Aarts & Yvonne Gemma Aarts	Not Stated
807.4	Pukekohe Motorcycle Club	Amend Appendix 1: Acoustic Insulation to include reference to the Harrisville Motocross Track and the Noise Control Boundary overlay. AND Add a specific acoustic insulation/ventilation requirement for any new noise sensitive activity along with suitable internal noise levels to be achieved by any new noise sensitive spaces established within the overlay. AND Any further or consequential relief to give effect to the relief sought in the submission.
FS1200.4	Gerardus Aarts & Yvonne	Support

	<i>Gemma Aarts</i>	
807.6	Pukekohe Motorcycle Club	Add any other suitable provisions to the plan to control, restrict or prevent development on land adjacent to the motocross track at 115 Geraghty Maber Road, Tuakau without sufficient consideration of the potential for reverse sensitivity effects on the ongoing operation and intensification of the current activity, and any further or consequential relief to give full effect to all previous submission points. AND Any further or consequential relief to give effect to the relief sought in the submission.
<i>FS1200.6</i>	Gerardus Aarts & Yvonne Gemma Aarts	Oppose
825.38	John Lawson	Amend the Proposed District Plan to require housing for the elderly is required in all new developments, not just Te Kauwhata (e.g. Policy 4.1.12(b)(i) Te Kauwhata).
<i>FS1371.35</i>	<i>Lakeside Developments Limited</i>	Oppose
827.26	New Zealand Steel Holdings Ltd	Delete Rule 12.3 Additional Matters of Control, Matters of Discretion and Matters for Discretionary and Non-Complying Activities
943.71	McCracken Surveys Limited	Amend the Proposed District Plan to make consequential amendments as necessary to address the matters raised in the submission.
945.54	First Gas Limited	Amend the Proposed District Plan to make consequential amendments as required to achieve the relief sought.
493.35	Jackie Colliar	Put the District Plan review process on hold so that outcomes of the blueprinting exercise can be accommodated I the District Plan, including the development of structure plans
<i>FS1035.88</i>	<i>Pareoranga Te Kata</i>	Support
<i>FS1261.44</i>	<i>Annie Chen</i>	Oppose
<i>FS1281.17</i>	<i>Pokeno Village Holdings Limited</i>	Support
<i>FS1308.72</i>	<i>The Surveying Company</i>	Oppose
<i>FS1377.119</i>	<i>Havelock Village Limited</i>	Oppose
81.16	Waikato Regional Council	Amend Chapter 4, Chapter 16, the Planning Maps and any other provisions that are proposed for unserviced urban residential areas where there is uncertainty about the funding, staging and timing for infrastructure provision. The amendments should establish a stronger objective, policy and rule framework than is proposed, in order to ensure that activities of an urban nature, including subdivision, is not provided for prior to structure planning processes being undertaken and without certainty about the funding, timing and staging of infrastructure provision.
<i>FS1062.5</i>	<i>Andrew and Christine Gore</i>	Oppose

FSI 176.2	Watercare Services Ltd	Support
FSI 202.1	New Zealand Transport Agency	Support
FSI 281.2	Pokeno Village Holdings Limited	Support
FSI 377.2	Havelock Village Limited	Oppose
FSI 335.17	Greig Metcalfe for CKL	Oppose
FSI 342.11	Federated Farmers	Support
FSI 379.12	Hamilton City Council	Support
FSI 308.141	The Surveying Company	Support
81.22	Waikato Regional Council	Add assessment criteria to earthwork and fill activities to allow the consideration of effects on pest and disease management.
FSI 223.8	Mercury NZ Limited	Support
FSI 342.45	Federated Farmers	Oppose
81.100	Waikato Regional Council	Retain Schedule 30.5 Urban Allotment.
198.19	Property Council New Zealand	Retain the minimum density of 12-15 households per hectare in Residential zones and 8-10 households per hectare in Village zones. AND Amend the Proposed District Plan to have a mixed typology across the district.
FSI 269.3	Housing New Zealand Corporation	Oppose
FSI 386.215	Mercury NZ Limited	Oppose
297.2	Counties Manukau Police	Retain Section 1.12.5 Community well-being specifically the wording "a high level of... personal safety and the potential for crime is recognised in the design of (these) public places". AND Amend Section 1.12.5 Community well-being to include conforming to the four principles of CPTED and the seven qualities of safer places contained within the National Guidelines for Crime Prevention through Environmental Design in New Zealand.
FSI 005.6	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Oppose
FSI 004.16	Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village	Oppose
FSI 386.307	Mercury NZ Limited	Oppose
302.36	EnviroWaste New Zealand Limited	Retain Rule 4.6.5 Recognition of industrial activities outside of urban areas insofar as it gives effect to the relief sought.
FSI 386.352	Mercury NZ Limited	Oppose
371.7	Kitty Burton	Add a density target of 8-10 households per hectare for Greenfield development in serviced Waikato District rural Villages and specifically Matangi.

FSI 305.8	Andrew Mowbray	Support
372.12	Auckland Council	Amend Section 1.5 What does this mean for Waikato district strategic objectives and directions? to include a strategic recognition regarding reverse sensitivity.
FSI 388.3	Mercury NZ Limited	Oppose
FSI 168.15	Horticulture New Zealand	Support
FSI 340.49	TaTa Valley Limited	Support
FSI 342.64	Federated Farmers	Support
403.5	Doug Nicholson	Amend Rule 18.1.3 Restricted Discretionary Activities and review the rules in consultation with 10 Baird Avenue, Te Kauwhata.
FSI 388.144	Mercury NZ	Oppose
405.74	Counties Power Limited	Add a clause to Rule 23.3.3 DI Buildings and structures in Landscape and Natural Character Areas so that where there are existing overhead lines, the location of the dwelling must comply with the requirements of NZECP34:2001.
433.27	Auckland Waikato Fish and Game Council	Amend Rule 23.3.3 DI Buildings and structures in Landscapes and Natural Character Areas, as follows: (a) Any building or structure that is not a maimai that is located within any: ... AND/OR Any alternative relief to address the issues and concerns raised in the submission.
553.16	Malibu Hamilton	Retain Rule 17.2.5.2 Earthworks – Maaori Sites and Maaori Areas of Significance.
553.18	Malibu Hamilton	Retain Rule 18.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance.
563.2	Andrew Mowbray	Amend the provisions to enable placement of cottages and railway houses on the property at 452 Tauwhare Road, Matangi.
FSI 264.8	Bootleg Brewery	Support
578.9	Ports of Auckland Limited	Amend Rule 20.3.IPI Building height, as follows: (a) The maximum height of a building must not exceed: (i) 15m; or (ii) 10m if located on Tregowath Lane and within 50m of the Residential Zone in Huntly. (iii) within the Horotiu Industrial Park: A. it is located in Stage 1, Stage 2, Stage 3A or Stage 3B, and is: 1. more than 400m from Horotiu Road; and 2. height does not exceed 25m; and 3. height does not exceed 15m over 90% of the site; and B. height does not exceed 10m within 50m of Horotiu Road boundary. OR Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions). AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
578.13	Ports of Auckland Limited	Add a new restricted discretionary activity rule in Rule 20.3.I Building height to specifically address activities within the Horotiu Industrial Park that do

		not comply with the permitted activity rules requested in this submission. The new rule will read: (a) Any activity that does not comply with Rules 20.3.1 P2 and P3. (b) Council's discretion is restricted to the following matters: (i) the extent to which the visual amenities of the residential Zone are maintained. OR Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions). AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
578.19	Ports of Auckland Limited	Add a new rule providing for subdivision within the Horotiu Industrial Park to be undertaken as a controlled activity under Rule 20.4.1 Subdivision - General. The new rule will read: C1 (a) Subdivision within the Horotiu Industrial Park is a controlled activity where it complies with all of the following conditions: (i) every allotment in the Horotiu Industrial Park area has a net site area of at least 500m ² , excluding access allotments or utility allotments which shall have a minimum net site area of 100m ² ; (ii) prior to any subdivision or development of the Stage 3A areas on earth bund is constructed generally in the location of the form and height shown on Figure 20.6(B); (iii) any subdivision of land adjoining Horotiu Road includes a minimum 5m wide landscaping strip adjoining Horotiu Road (excluding access) to be planted and maintained with indigenous species that will achieve a height of at least 5m within 5 years and sufficient density to visually screen the land from the Residential Zone; (iv) any subdivision of land adjoining the designated boundary of the Waikato Expressway includes landscape planting and maintenance of indigenous species that will achieve an average height of 3m within 5 years and of sufficient density to visually screen the industrial activity from the Expressway in combination with any existing or proposed landscaping within the Expressway designation. (b) Control is reserved over: (i) amenity values; (ii) construction and maintenance of bund area; (iii) planting and maintenance of bund area. OR Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions). AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
FS1388.842	Mercury NZ Limited	Oppose
578.20	Ports of Auckland Limited	Amend Rule 20.4.1 RDI Subdivision - General, as follows: (a) In all other areas, subdivision must comply with all of the following conditions... OR Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions). AND Amend the Proposed District Plan

		to make alternative or consequential amendments as necessary to address the matters raised in the submission.
579.44	Lakeside Developments 2017 Limited	Amend the position of the Lakeside walkway to ensure it is located only within the Lakeside Development 2017 Limited property boundary, Te Kauwhata and west of the Significant Natural Area and Outstanding Natural Feature (see map included in submission). AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
648.2	Chorus New Zealand Limited	Retain Objective 3.1.1 - Biodiversity and ecosystems as notified.
697.670	Waikato District Council	Delete Rule 20.4.6 Subdivision - Significant Natural Areas.
697.850	Waikato District Council	Add a new permitted activity (P6) to Rule 23.1.1 Permitted Activities, as follows: Amendment or alteration to an existing retirement village Specific activity conditions: (a) The site is already serviced with water, wastewater and stormwater infrastructure; (b) Total building coverage of the site or combination of sites does not exceed 65% including all impervious surfaces areas; and (c) Building height does not exceed 8m, except for 10m on 30% of the total site coverage.
FS1004.15	Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village	Support
FS1005.19	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Support
697.892	Waikato District Council	Amend Rule 23.3.3 DI (a) Buildings and structures in Landscape and Natural Character Areas, as follows: (a) Any building or structure that is located within any of the following landscape and natural character areas: (i) ...
FS1387.724	Mercury NZ Limited	Oppose
825.2	John Lawson	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 Central Business District (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.
FS1258.53	Meridian Energy Limited	Oppose
FS1329.17	Koning Family Trust and	Oppose

	<i>Martin Koning</i>	
<i>FSI387.1311</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
825.5	John Lawson	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.
<i>FSI092.4</i>	<i>Garth & Sandra Ellmers</i>	<i>Oppose</i>
<i>FSI325.8</i>	<i>Avondale Trust</i>	<i>Oppose</i>
<i>FSI142.15</i>	<i>Greig Metcalfe</i>	<i>Oppose</i>
<i>FSI329.19</i>	<i>Koning Family Trust and Martin Koning</i>	<i>Oppose</i>
<i>FSI387.1314</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
830.9	Linda Silvester	Add new provisions to Chapter 17 Business Zone to include energy efficiency policies and rules (see submission for wording)
<i>FSI276.223</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
<i>FSI387.1343</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
830.10	Linda Silvester	Add new provisions to Chapter 18 Business Town Centre Zone to include energy efficiency policies and rules (see submission for wording)
<i>FSI276.175</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
830.11	Linda Silvester	Add new provisions to Chapter 19 Business Zone Tamahere to include energy efficiency policies and rules (see submission for wording)
<i>FSI276.176</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
830.12	Linda Silvester	Add new provisions to Chapter 20 Industrial Zone to include energy efficiency policies and rules (see submission for wording)
<i>FSI276.177</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
<i>FSI387.1344</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
830.13	Linda Silvester	Add new provisions to Chapter 21 Industrial Zone Heavy to include energy efficiency policies and rules (see submission for wording)

FSI276.178	Whaingaroa Environmental Defence Inc. Society	Support
FSI387.1345	Mercury NZ Limited for Mercury D	Oppose
FSI094.2	Dorothy Derecourt and David Mckeown	Support
FSI096.2	Ian Jospeh Robson and Sandra Joan Robson	Support
FSI099.2	Gregory Philip and Barabara Wiechern	Support
FSI100.2	Margaret Lindsay Mitchell	Support
FSI101.1	Christine McNeill	Support
FSI102.2	Eric and Vickie Finlay	Support
FSI103.1	Kevin Desmond Mattson	Support
FSI104.1	Greg and Natalie Kelly	Support
FSI105.1	Raewyn Williams	Support
FSI106.1	Greg and Shirley Weller	Support
FSI387.1334	Mercury NZ Limited for Mercury D	Support
830.25	Linda Silvester	Add new provisions to Chapter 26 Hampton Downs Motor Sport and Recreation Zone to include energy efficiency policies and rules (see submission for wording)
FSI276.185	Whaingaroa Environmental Defence Inc. Society	Support
831.25	Gabrielle Parson on behalf of Raglan Naturally	Add provisions in Policy 8.1.3 Esplanade reserves and walkways and Rule 16.5.3 Restricted Discretionary Activities, to implement Waikato District Council's Walking, Cycling and Bridle Trails Strategy to create links within new developments as well as existing developments that currently have no safe alternative to car use, such as Greenslade Road.
FSI276.60	Whaingaroa Environmental Defence Inc. Society	Support
831.37	Gabrielle Parson on behalf of Raglan Naturally	Retain and strengthen Rule 23.4.5 Site boundaries - Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori, to celebrate and protect archaeological sites.
939.2	Waipa District Council	Retain the strategic directions and objectives as set out in Section 1.12- Strategic directions and objectives for the district.
FSI273.2	Auckland Transport	Support
FSI387.1558	Mercury NZ Limited	Oppose
986.10	KiwiRail Holdings Limited (KiwiRail)	Amend Policy 3.5.4(a)(iv) Protecting the natural character of wetlands, and lakes and rivers and their margins as follows (or similar amendments to achieve

		the requested relief): (iv) requiring appropriate setbacks of new activities from wetlands, lakes and rivers. AND Any consequential amendments to link and/or accommodate the requested changes.
FSI340.198	TaTa Valley Limited	Support
FSI345.139	Genesis Energy Limited	Support
986.73	KiwiRail Holdings Limited (KiwiRail)	Add a new clause (b) to Policy 4.6.7 Management of adverse effects within industrial zones as follows (or similar amendments to achieve the requested relief): (a) Manage adverse effects including visual impact from buildings, parking, loading spaces and outdoor storage, lighting, noise, odour and traffic by managing the location of industrial uses, bulk and form of buildings, landscaping and screening at the interface with roads and environmentally sensitive areas. (b) 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.
FSI193.35	Van Den Brink Group	Oppose
986.128	KiwiRail Holdings Limited (KiwiRail)	Amend the second paragraph of the Introduction in Section E Designations as follows (or similar amendments to achieve the requested relief): The zone rules regulate activities that are not covered by the designation. Where designated land is un-zoned, activities not covered by the designation will be subject to the rules of the adjacent zone. If there are two different zones, the adjacent zone extends to the centre line of the designated land. AND Any consequential amendments to link and/or accommodate the requested changes.
FSI323.179	Heritage New Zealand Pouhere Taonga	Oppose
397.11	Horotiu Properties Limited	Amend the Proposed District Plan to make any consequential amendments necessary to address the matters raised in the submission.
524.37	Anna Noakes	Amend the rules relating to subdivision to give effect to policies 6.4.2-6.4.7 and ensure greenfield sites for urban growth are investigated through section 32 analysis to assess the ability to appropriately, effectively and efficiently service these areas in comparison to other areas
FSI385.17	Mercury NZ Limited for Mercury B	Oppose
633.47	Alan Henderson for Van Den Brink Group	Retain Policy 4.5.31 Reverse Sensitivity, insofar as it gives effect to the relief sought.
FSI387.48	Mercury NZ Limited for Mercury D	Oppose
945.1	First Gas Limited	Retain activity specific condition I4.3.1.3(3)(a) relating to Permitted Activities.
271.4	Dave and Fransiska	Amend zoning of a small portion of the land at Solid

	Falconer	Energy's Huntly East Mine from Rural Zone to Residential Zone.
286.34	Lorraine Dixon for Waikato-Tainui	Amend the Proposed District Plan to re-instate deferred zoning to a point in time when Waikato District Council have clarity around their wastewater infrastructure and are not reliant on outdated technology that is currently causing negative environmental outcomes.
FSI 035.40	Pareoranga Te Kata	Support
FSI 176.45	Watercare Services Ltd	Support
FSI 261.36	Annie Chen	Reject submission point and do not re-instate any form of deferred zoning that previously existed.
FSI 297.46	CSL Trust & Top End Properties Limited	Reject submission points and do not re-instate any form of deferred zoning that previously existed.
389.2	Jonathan Quigley for J and T Quigley Ltd	Retain the current extent of Countryside Living Zone and Residential Zone located to the west of the submitters' site on Tamahere Drive, Tamahere.
FSI 388.91	Mercury NZ Limited for Mercury E	Oppose
493.17	Jackie Colliar	Amend the Proposed District Plan to re institute deferred zoning to a point in time when Waikato District Council have clarity around their infrastructure and how the areas will be serviced.
FSI 035.70	Pareoranga Te Kata	Agree and support the whole submission.
FSI 176.95	Watercare Services Ltd	Support
FSI 261.37	Annie Chen	Reject submission point and do not reinstate any form of deferred zoning that previously existed.
FSI 297.47	CSL Trust & Top End Properties Limited	Oppose
FSI 108.120	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FSI 139.108	Turangawaewae Trust Board	Support
749.153	Housing New Zealand Corporation	Amend the extent of Residential Zone, Village Zone and Rural Zone as contained in Attachment 4 of the submission. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FSI 316.47	Alstra (2012) Limited	Oppose
FSI 202.104	New Zealand Transport Agency	Support
FSI 345.117	Genesis Energy Limited	Support
FSI 387.1060	Mercury NZ Limited for Mercury D	Oppose
804.1	PLB Construction	Amend the Proposed Waikato District Plan to recognise at the policy level that there is a need for

		more Industrial Zoned land to be provided within the Waikato District.
FSI 141.2	Shand Properties Limited	Allow the part of the submission that seeks additional industrial land to be provided in the Waikato District, in particular for Huntly.
FSI 145.6	Ohinewai Area Committee	Oppose
FSI 309.6	Bryan Morris	Support
FSI 207.15	Ohinewai Area Committee	Oppose
871.1	Brendon John & Denise Louise Strong	Retain the Residential Zoning of the properties at 10, 12 and 12A Harrisville Road, Tuakau, as notified.
FSI 387.1417	Mercury NZ Limited for Mercury D	Oppose
697.347	Waikato District Council	Amend the purpose and status of the objectives in Chapter 1 Introduction. AND Add a stand-alone chapter containing all of the strategic objectives.
FSI 323.1	Heritage New Zealand Pouhere Taonga	That a revised version of the chapter is circulated for submitter consideration and approval.
FSI 202.30	New Zealand Transport Agency	Support submission point 697.347.
FSI 291.15	Havelock Village Limited	Oppose.
FSI 384.42	Mercury NZ Limited for Mercury A	
FSI 308.109	The Surveying Company	
FSI 377.216	Havelock Village Limited	Oppose.
923.91	Waikato District Health Board	Amend Chapter 1 to more clearly state the strategic objectives and policies in each policy chapter, and identify how they relate to each other and the issues.
FSI 384.69	Mercury NZ Limited for Mercury A	Oppose
FSI 308.168	The Surveying Company	Support
FSI 377.293	Havelock Village Limited	Support
345.7	Brent Trail	Amend Rule 22.4.1.5 RDI (a) Rural Hamlet Subdivision, to replace the word "lot" with "record of title".
482.10	Hill Country Farmers Group	Amend the number of conservation lots that can be created from Significant Natural Areas in Rule 22.4.1.6 RDI Conservation lot subdivision, particularly for Significant Natural Areas under 5ha and over 10ha. AND Offer suitable monetary compensation for all Significant Natural Areas proportional to the size of the Significant Natural Area.
662.49	Blue Wallace Surveyors	Amend structure plans to avoid placing roads that will

	Ltd	span different boundaries.
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7.1 Analysis

Activity Status

86. A submission from Tony Oosten [246.2] seeks to delete the ability for Council to apply discretion if applications are not notified. The reasons provided are to stop development that is not a permitted activity - the submitter uses the example of the Wainui Road development (the apartments). Further submissions from *Whaingaroa Environmental Defence Inc. Society* [FS1276.134], [FS1276.190] and [FS1276.203] support the submission.
87. I do not agree with this approach, as the consenting process has a robust method where matters of discretion are closely looked at by the processing planner, who assesses any application against the notification path as per the RMA. This approach would not give effect to the overarching Objectives and Policies of the Proposed District Plan or Waikato Regional Policy Statement. Further to this, to remove the ability to assess an application on its merits would not be reasonable for applicants. I recommend that the Hearing Panel reject the submission from Tony Oosten [246.2].
88. Andrew and Christine Gore [330.1] submission seeks to amend the activity status for subdivision to be a controlled activity. The submission does not specify any particular zone. Further submissions from *Mercury Energy Ltd* [FS1385.7] and *Hamilton City Council* [FS1379.31] have opposed the submission. A similar submission was discussed in Hearing 18: Rural Subdivision. The author of the s42a discusses the activity status for subdivision and makes the following comment:
- The framework is about controlled subdivision, which in my view does not signal a controlled activity status pursuant to S104A of the RMA which would mean that Council must grant subdivision applications that meet the criteria in the rule, subject to the matters of control.*
89. I consider that the activity status for subdivision specified in the plan is appropriate. In my view, a controlled activity where consent must be granted may not be suitable for a subdivision application, and any application needs to be addressed fully and ensure that objectives and policies of the zone are being met. I recommend that the Hearing Panel reject Andrew and Christine Gore [330.1].

Specific areas

90. Submission from Brian Putt for Metro Planning Ltd [312.1] seeks to add to the proposed district plan a precinct as Appendix 13 for the Whatawhata Arboretum that provides for house sites and protection of all identified trees, and for a limited regime of subdivision. Further submissions from *Mercury Energy* [FS1385.5] and *Waikato Regional Council* [FS1277.14] have opposed the submission.
91. A similar submission from Dilworth Trust Board [577.2] also seeks a new 'Specific Area' in Chapter 22 -Rural Zone for the Dilworth School. Further submitter *Mercury Energy* [FS1388.830] have opposed the submission. Similar submissions from Dilworth School have been discussed in Hearing 18: Rural Land use, along with other similar entities such as Meremere Dragway, retirement villages, Dairy NZ as examples. It was discussed that although the Operative Plan included scheduling for specific sites, the Proposed District Plan does not, therefore it must rely on the underlying zone rule, which in this case is Rural. The submission seeks a return to the Operative Plan approach of scheduling sites. The author of the s42A has made the following recommendation:

'In the event that the Panel decide to retain the notified Plan approach for these facilities, I have considered the submissions and made recommendations on the basis that they remain in the Rural Zone.'

92. I recommend that the Panel approach this submission in the same way, therefore I recommend that the Hearing Panel reject Dilworth Trust Board [577.2] and Brian Putt for Metro Planning Ltd [312.1].
93. Liam McGrath for Mercer Residents and Ratepayers Committee [367.31] seeks to include the Pukekohe Motorcycle Club, located in Mercer, in Appendix 12: Motor Sport and Recreation. Liam McGrath for Mercer Residents and Ratepayers Committee [367.50] also seeks to add Meremere Dragway to Appendix 12: Motor Sport and Recreation. Further submissions from *Meremere Dragway Inc.* [FS1304.9] and [FS1304.10] and *Meremere Dragway Inc.* [FS1118.17] and [FS1118.16] have opposed these submissions and consider that these activities should be recognised instead as 'Specific Areas' in the proposed plan.
94. I note here that Appendix 12: Motor Sport and Recreation is specifically for Hampton Downs Motorsport Park, and that all background technical reports relate specifically to this facility. In my opinion, for Meremere Dragway and Pukekohe Motorcycle Club to be included in Appendix 12 would require background technical information to support these activities. I recommend that the Hearing Panel reject Liam McGrath for Mercer Residents and Ratepayers Committee [367.31] and [367.50].
95. A submission from Pukekohe Motorcycle Club [807.4] seeks to amend Appendix 1: Acoustic insulation to include reference to the Harrisville Motocross Track and the Noise boundary overlay. Further submissions from Gerardus Aarts and Yvonne Gemma Aarts [FS1200.4] support the submission. I note that Hearing 18 Rural Land Use discussed the relief sought by the submitter in a similar submission. The author of that report recommended to reject the submission. Accordingly, I recommend that the Hearing Panel reject Pukekohe Motorcycle Club [807.4].
96. Pukekohe Motorcycle Club [807.2] seek a 300m buffer around the track at 115 Geraghty Maber Road. Further submissions from Gerardus Aarts and Yvonne Gemma Aarts [FS1200.2] have supported the submission. Pukekohe Motorcycle Club [807.6] also seek additional provisions to control, restrict or prevent development on land adjacent to the motocross track. Further submitter Gerardus Aarts and Yvonne Gemma Aarts have opposed the submission. I can appreciate the desire to protect the activities that take place at the Pukekohe Motorcycle Club. Regarding a 300m buffer to be imposed on the neighbouring area, for this to be considered would need to be accompanied by a noise report by a suitably qualified person in combination with consultation with the property owner within the affected area. The same would be for any associated provisions. Without any supporting evidence, I recommend that the Hearing Panel reject Pukekohe Motorcycle Club [807.2] and [807.6].
97. The submission from Raymond and Cheryl Higgins [570.1] seeks to amend the Proposed District plan to allow construction of a mini house on the site at 321 Whiriwhiri Road, Waiuku. The property is currently zoned Rural. It is not practical to attach specific rules to individual properties in relation to this activity. However, a recommendation has been made in Hearing 18 Rural Zone to allow a minor dwelling to be constructed as a permitted activity. I believe this recommendation will support the Higgins' submission, and although the recommendation is not site-specific to the Higgins, I recommend that the Hearing Panel accept in part Raymond and Cheryl Higgins [570.1], depending on the outcome of Hearing 18 Rural Zone.

98. The submission from Alstra (2012) [693.14] Limited seeks to amend the Proposed District Plan to protect the two intensive farming operations that are located within the Residential Zone from residential development. The Alstra properties under the Operative Plan are in the Rural Zone. The notified version of the Proposed Plan has rezoned the properties to Residential. Under the Rural Zone in the Waikato Operative Plan there is a dwelling setback rule which requires a setback of at least 300m from the boundary of an intensive farming activity.
99. I can appreciate the submitters concerns, as there is potential for reverse sensitivity issues in the event that the surrounding properties undertake residential activities in line with the proposed residential zoning. Hearing 25 Zone Extents Ngaruawahia, Horotiu and Taupiri has discussed the same concerns raised by this submitter. The submissions in that report seek to either retain the proposed Residential zoning if there are reverse sensitivity provisions protecting the existing intensive activities, or alternatively rezone the properties back to Rural.
100. The author has discussed as follows:
- Notwithstanding, the PDP has 'live-zoned' both of these growth areas to enable residential development. However, Ngaruawahia Policy 4.1.15 contains specific policies to ensure: (i) Existing intensive farming and industrial activities are protected from the effects of reverse sensitivity when locating new residential development; (ii) That future residential development is not located within the intensive farming setbacks from the two operating poultry farms until such time that the two poultry farms within the residential growth areas of Ngaruawahia cease to exist. 110. These policies are implemented through Chapter 16: Residential Zone subdivision provisions (Rule 16.4.7) that require the boundary of proposed allotments 17 to be setback at least 300m from any intensive farming activity. Non-compliance with this rule defaults to a non-complying activity status*
- On the basis that the PDP contains provisions that will protect the submitters' intensive farming activities from reverse sensitivity effects until these operations cease, it is considered appropriate to retain the notified residential zones in these locations. 112. It is also recognised that the residential zoning of these sites in the PDP contributes to the provision of additional households to satisfy NPS-UD requirements and that the suitability of these sites for urban growth otherwise appears to be satisfy the development principles in Section 6A of the WRPS. I therefore recommend that these submission points be accepted in part.*
101. For the reasons given above I recommend that the Hearing Panel accept in part Alstra (2012) [693.14].
102. A submission from Mowbray Group [404.1] and Andrew Mowbray [563.2] seek a provision for historic railway cottages to be shifted to a property at 452B Tauwhare Road. Further submissions from Bootleg Brewery [FS1264.2] and [FS1264.8], and Andrew Mowbray [FS1305.11] have supported the submission, and a further submission from Heritage New Zealand Pouhere Taonga [FS1323.181] has opposed the submission. This area has been subject to the Matangi Rezone and the s42A report has recommended that the area be rezoned as a mixed-use zone. In this regard, the provision sought could be dealt with under those provisions recommended in the mixed-use zone. I recommend that the Hearing Panel accept in part Mowbray Group [404.1] and Andrew Mowbray [563.2], subject to the provisions under the mixed use zone for Matangi being accepted.
103. Submissions received from Louise Whyte [486.2], Joon Young Moon [568.5] and Litania Liava'a [572.4] seek to prevent waste facilities locating by the Waikato River near Geraghty Road, Tuakau. Further submissions from Tuakau Proteins [FS1353.20] and [FS1353.22] have

opposed the submissions from Mr Moon and Ms Liava'a. Geraghtys Road traverses both the Residential and the Rural Zone. A waste facility would be deemed an Industrial activity under the proposed plan. In my view the provisions within the Proposed plan are appropriate to manage activities such as this, and would undergo a robust analysis through the consenting process. I therefore recommend that the Hearing Panel reject Louise Whyte [486.2], Joon Young Moon [568.5] and Litanía Liava'a [572.4].

104. A submission received from Madsen and Holmes [678.3] seeks to retain the right as a permitted activity to maintain the habitat for game bird shooting on their property. It is not appropriate to isolate a specific property in terms of district plan rules. The proposed plan has no restriction regarding an individual seeking to maintain a habitat. However, there are provisions that manage significant natural areas, and I suggest that the permitted regime within the rules for SNA that will allow the submitter to manage the habitat is a way that allows for game bird shooting. I recommend that the Hearing Panel accept in part Madsen and Holmes [678.3].
105. Doug Nicholson [403.5] submission seeks to amend Rule 18.1.3 Restricted Discretionary Activities in consultation with the owners of 10 Baird Avenue, Te Kauwhata. A further submission from *Mercury Energy Ltd* [FS1388.144] has opposed the submission. The submitter has not provided information as to how the rule is to be amended. Without further information as to what the submitter is seeking, I recommend that the Hearing Panel reject Doug Nicholson [403.5].

Section I introduction

106. Counties Manukau Police [297.2] seek to retain section 1.12.5 Community wellbeing and amend Section 1.12.5 to include conforming to CPTED. Further submissions from Tamahere Eventide Home Trust - Atawhai Assisi Retirement Home [FS1005.6] and *Tamahere Eventide Home Trust* [FS1004.16] and *Mercury Energy Ltd* [FS1386.307] have opposed the submission. The inclusion of CPTED was discussed in response to a similar submission from Counties Manukau Police, and it was recommended to be rejected on the grounds that CPTED principles are incorporated in the Urban Design Guidelines Residential Subdivision and there is no need at a strategic directions level to elevate CPTED above other considerations. I recommend that the same approach be applied to Counties Manukau Police [297.2] and recommend the Hearing Panel reject the submission.
107. Auckland Council [372.12] seek to amend section 1.5 What does this mean for Waikato District strategic objectives and directions, to include a strategic recognition of reverse sensitivity. Further submitter *Mercury Energy Ltd* [FS1388.3] has opposed the submission and further submitters *Horticulture New Zealand* [FS1168.15], *TaTa Valley Limited* [FS1340.49] and *Federated Farmers* [FS1342.64] have supported the submission. I do not consider it necessary to address reverse sensitivity at a strategic direction level, as reverse sensitivity is addressed through policies where, in my view, this allows for the consideration of reverse sensitivities through consenting processes. I recommend that the Hearing Panel reject Auckland Council [372.12].
108. The submission from New Zealand Steel Holdings Ltd [827.26] seeks to delete Rule 12.3 Additional Matters of Control, Matters of Discretion and Matters for Discretionary and Non-Complying Activities. Chapter 12 How to use and interpret the rules, is a section of the plan that assists the plan user when navigating the intricacies of the plan. In my opinion this is a useful tool for plan users, and I consider it appropriate to include within the plan. Accordingly, I recommend that the Hearing Panel reject New Zealand Steel Holdings Ltd [827.26].

109. The submission from Waipa District Council [939.2] seeks to retain Section 1.12 strategic directions. Further submission from *Auckland Transport* [FS1273.2] has supported the submission and *Mercury Energy Ltd* [FS1387.1558] has opposed the submission. I recommend that the Hearing Panel only accept in part this submission, as there have been amendments made to the rule in response to other submissions.
110. A submission from Paula Dudley [328.11] seeks to amend Section 12.2 How to use and interpret the rules - Categories of Activities, pertaining to controlled activities, where the submitter requests that property owners who are affected are “offered provisions”. A further submission from *Mercury Energy Ltd* [FS1385.6] has opposed the submission. In my view, Section 12.2 Categories of Activities is clear and informative for the purpose of explaining the activity status and does not need any additional information. In my view, any consent application, regardless of the activity status, undergoes a robust process and the consenting planner will consider any effects that are deemed appropriate and condition accordingly. I recommend that the Hearing Panel reject Paula Dudley [328.11].

Housing for the elderly

111. Three submissions - from Whaingaroa Defence Inc Society [780.38], John Lawson [825.38] and Jade Hyslop [435.22] - have been received seeking to amend the Proposed District Plan to requiring housing for the elderly in all new developments. A further submission from *Lakeside Developments* [FS1371.35] opposes the submission from John Lawson. Further submissions from Koning Family Trust and Martin Koning [FS1329.6] and *Mercury Energy Ltd* [FS1385.11] have opposed Ms Hyslop’s submission. The submission speaks to Policy 4.1.12, which relates to Te Kauwhata.
112. This matter was addressed in Hearing 3 Strategic objectives, where the author of the report has stated that the residential policies all seek to ensure that a range of housing types are provided for. They considered that the reference to the Te Kauwhata policy is unintended, and have recommended that this reference be removed, as housing for the elderly is recognised in other policies. I note the author of Hearing 3 has recommended accepting the submissions that are of the same nature.
113. However, when considering the submissions, my understanding of the original submissions is that they are ‘requiring housing’ for the elderly when new development is being undertaken. In my view it would not be reasonable to require housing for the elderly in all new developments. Further to this, the Proposed District Plan seeks to provide a range of housing through a variety of mechanisms, including:
- A range of living zones (Residential, Medium Density Residential, Village, CLZ, Rural)
 - Minor household units as a permitted activity in all living zones
 - An activity status for retirement villages in certain zones
 - Multi-unit housing as restricted discretionary in the Residential Zone
 - Multi-unit housing as permitted activity in the Medium Density Residential Zone as per Kainga Ora’s submission
 - Residential units as a permitted activity in the Business and Business Town Centre zone as long as they are above the ground floor.
114. I recommend that the Hearing Panel reject Whaingaroa Defence Inc Society [780.38] and John Lawson [825.38].

Housing Density

115. The submission from Housing New Zealand Corporation [749.124] seeks a new chapter that provides for Medium Density Residential Housing (MDRZ). A further submission from *Mercury Energy Ltd* [FS1387.1043] has opposed the submission. The wider relief sought by the submitter regarding introducing an MDRZ has been discussed in detail in the Hearing 25 Future Urban and Residential Medium Density Zone report, with the relief recommended to be accepted. I therefore recommend that the Hearing Panel accept Housing New Zealand Corporation [749.124], as per the Hearing 25 report.
116. Waikato Regional Council [81.16] seek to amend Chapter 4, Chapter 16 and the planning maps, and any other provisions that are proposed for serviced urban residential areas. Further submissions from *Andrew and Christine Gore* [FS1062.5], *Havelock Village Limited* [FS1377.2] and *Grieg Metcalf for CKL* [FS1335.17] have opposed the submission. Further submissions from *Watercare Services* [FS1176.2], *New Zealand Transport Agency* [FS1202.1], *Pokeno Village Holdings Limited* [FS1281.2], *Federated Farmers* [FS1342.11], *Hamilton City Council* [1379.12] and *The Surveying Company* [FS1308.141] have supported the submission. As discussed above, although this specific submission point was not addressed in the Hearing 25 Future Urban and Residential Medium Density Zone report, the relief sought has been discussed in relation to similar submissions. The s42A author has recommended that the relief be accepted. I agree with this approach and recommend that the Hearing Panel accept Waikato Regional Council [81.16].
117. The submission from Withers Family Trust [598.28] seeks additional policies for additional residential zoning within the district A further submission from *Havelock Village Limited* [FS1377.183] has supported the submission and a further submission from *Mercury Energy Ltd* [FS1388.1023] has opposed the submission. The author of Hearing 25 has recommended under paragraph 3.2 Assessment - development capacity to accept in part similar submissions, to the extent that the capacity required under the NPS-UD will be provided in appropriate locations for the short to medium term. Therefore, I recommend that the Hearing Panel accept in part Withers Family Trust [598.28], as per Hearing 25 Zone Extents.
118. Katherine Wilson for the Property Council New Zealand [198.19] seeks to retain the minimum density of 12-15 households in the Residential Zone and 8-10 in the Village Zone. The further submissions from *Housing New Zealand Corporation* [FS1269.3] and *Mercury Energy Ltd* [FS1386.215] have opposed the submission. In respect of the density of housing within the Village Zone, Hearing: 6 Village Zone has discussed this in detail and has made recommendations to accept in part similar submissions, due to some recommended amendments to exclude the density of 8-10 in some areas unless services are provided. I recommend that the Hearing Panel only accept in part this submission for the same reasons as those provided in Hearing 6.
119. Kitty Burton [371.7] seeks to add a density target of 8-10 households in Matangi. Further submitter *Andrew Mowbray* [FS1305.8] supports the submission. The submitter has not identified in their submission the spatial extent of Matangi and whether they are referring to the Residential Zone, the Industrial Zone, or the surrounding Rural Zone. Without the spatial information, it is difficult to analyse the submission. I invite the submitter to elucidate at the Hearing to further clarify. In the absence of this information, I recommend that the Hearing Panel reject the submission from Kitty Burton [371.7].

Landscape and Character Areas

120. Counties Power Limited [405.74] seek an additional clause to Rule 23.2.3 D1 Landscape and Natural Character Areas to the effect that any dwelling must comply with the requirements

of NZECP34:2001. Similar submissions have been discussed in other hearings, where the approach is that it is not the role of a district council to administer the requirements of NZECP34:2001. Accordingly, I recommend that the Hearing Panel reject Counties Power Limited [405.74].

121. Auckland Waikato Fish and Game Council [433.27] seek to amend Rule 23.3.3 D1 Buildings and structures in landscapes and Natural Character Areas to allow for maimai. Similar submissions were discussed in Hearing 21b Landscapes where the author of the s42A report has not supported this approach due to the potential adverse effects (particularly visual) to be generated by maimai. I agree with this approach and therefore recommend the Hearing Panel reject Auckland Waikato Fish and Game Council [433.27].
122. Waikato District Council [697.892] submission seeks to amend Rule 23.3.3 D1 (a) Buildings and Structures in Landscape and Natural Character Areas by adding the additional wording 'of the following landscape and natural character areas'. The reasons provided are to provide more clarity to the rule. A further submission from *Mercury Energy Ltd* [FS1387.724] has opposed the submission. Hearing 21B discussed a similar submission and made the recommendation to reject, as the additional wording is not necessary. I agree with the approach in this report and recommend that the Hearing Panel reject Waikato District Council [697.892].

Ports of Auckland

123. Three submissions were received from Ports of Auckland Limited that were not discussed in Hearing 7. Submission [578.9] seeks to amend Rule 20.3 P1 Building Height, Submission [578.13] seeks to add a new restricted discretionary activity rule to Rule 20.3.1 Building height, and submission [578.19] seeks a new rule providing for subdivision within the Horotiu Industrial Park. Further submitter *Mercury Energy Ltd* [FS1388.842] opposes submission [578.19]. Submission [578.20] seeks to amend Rule 20.4.1. Similar submissions have been discussed in detail in Hearing 7 Industrial Zone and Heavy Industrial Zone. The s42A author has made the recommendations to amend the rules which will partially alleviate the submitter's concerns and has recommended accepting the submissions in part. I agree with the approach taken in that Hearing report, therefore recommend that the Hearing Panel accept in part Ports of Auckland Limited [578.9], [578.13], [578.19] and [578.20].

Raglan

124. The submissions from John Lawson [825.2] and [825.5] and Jade Hyslop [435.9] seek to add rules to provide for protection of defined views from public spaces and new rules to manage the construction of buildings or other structures and planting of trees/vegetation to prevent views being significantly blocked. Further submissions from *Meridian Energy Limited* [FS1258.53], *Koning Family Trust and Martin Koning* [FS1329.17] and [FS1329.19], *Mercury Energy Limited* [FS1387.1311] and [FS1387.1314], *Garth and Sandra Ellmers* [FS1092.4], *Avondale Trust* [FS1325.8] and *Greig Metcalf* [FS1142.15] have opposed the submissions.
125. Similar submissions were discussed in Hearing 16 Raglan and the Panel has indicated that there is not enough information to support the submissions. It is thought that there needs to be better understanding of the spatial extent of the view shafts. The s42A author has recommended rejecting those submissions. I agree with the report writer's analysis and recommendation, therefore recommend that the Hearing Panel reject John Lawson [825.2] and [825.5] and Jade Hyslop [435.9].
126. Raglan Naturally [831.25] seeks to add provisions to Policy 8.1.3 Esplanade reserves and walkways and Rule 16.5.3 Restricted Discretionary Activity to implement suggested

additions which relate to the Trail Strategy. Further submitter *Whaingaroa Defence Inc. Society* [FS1276.60] has supported the submission. This topic was discussed in depth in Hearing 24 Reserves regarding a similar submission. The s42A author has recommended rejecting those submissions, as the author considers that implementation of the trail strategy is a Long Term Plan matter, and also considers that the purpose of Policy 8.1.3 is to acquire land for trails shown on the planning maps as well as trails identified in structure plans and the Trails Strategy. I agree with this approach and recommend that the Hearing Panel reject Raglan Naturally [831.25].

127. Raglan Naturally [831.37] seeks to retain and strengthen Rule 23.4.5 Site Boundaries - Significant Natural Areas, Heritage Items, archaeological, sites of significance to Maaori. I recommend that the Hearing Panel accept this in part, as there have been amendments made to the rule in response to other submissions.

Other

128. Lakeside Developments 2017 Limited [579.44] seek to amend the position of the Lakeside walkway to ensure that it is located only within the Lakeside Developments property boundary. This matter was discussed in Hearing 11 Lakeside Te Kauwhata, where the author has agreed to alter the mapping as they considered the changes are minor changes and do not compromise the overall development of the area. I agree with the analysis, and recommend that the Hearing Panel accept Lakeside Developments 2017 Limited [579.44].
129. Malibu Hamilton [553.16] and [553.18] seeks to retain Rules 17.2.5.2 and 18.2.4.2 Earthworks - Maaori Sites and Maaori Areas of Significance. Similar rules have been assessed in Hearing 20 Maaori Sites and Areas of Significance, where an amendment has been recommended to replace the rule in the zones where MSOS occur. I recommend that the Hearing Panel accept in part these submissions.
130. A submission from Kitty Burton [371.6] seeks to retain the rail corridor. A further submission from *Andrew Mowbray* [FS1305.7] has supported the submission. The Rail Corridor is a designated area for the purposes of KiwiRail's rail network. As there have been no other submissions seeking otherwise, I recommend that the Hearing Panel accept the submission from Kitty Burton [371.6].
131. The submission from Pokeno Village Holdings Limited [386.6] seeks to amend the Proposed District Plan to include an appropriate definition of a Structure Plan and to provide suitable guidance for what is required for a structure plan process. A further submission from *New Zealand Transport Agency* [FS1202.11] supports the submission. A similar submission from Heather Perring for BTW Company [445.2] also seeks a similar relief, and is further supported by *New Zealand Transport Agency* [FS1202.94]. A further submission from *Mercury Energy Ltd* [FS1385.12] has opposed the submission. I can appreciate the submitter's request for guidance on Structure Plan development, however I do not consider that it is necessary for the Proposed District Plan to contain guidance on this matter, and that this is best to sit outside of the rigidity of a district plan so that any guidance document can remain fluid in development. I recommend that the Hearing Panel reject Pokeno Village Holdings Limited [386.6] and Heather Perring for BTW Company [445.2].
132. Blue Wallace Surveyors Ltd [662.49] seek to amend structure plans to avoid placing roads that will span different boundaries. I consider that as the purpose of a Structure Plan is a framework to guide development of an area and therefore should not be constrained by property boundaries. A Structure Plan considers land use patterns and the layout and nature of infrastructure, including roading and ensures future development is in a comprehensive

and integrated manner. For reasons above, I recommend the Hearing Panel reject Blue Wallace Surveying Ltd [662.49].

133. Meridian Energy [580.20], Lyndedale Farms Limited [761.19], McCracken Surveys Limited [943.71] Horotiu Properties Limited [397.11] and First Gas Limited [945.54] seek to amend the Proposed District Plan to address the matters in their submission. These submissions were originally linked to their respective original submission, some of which are very comprehensive. My understanding is that during the summarising of the original submission they have been inadvertently separated. It is likely that there have been multiple issues addressed with various outcomes. My recommendation to the Hearing Panel is to reject these submissions, on the grounds that the originals have been analysed and recommendations made during the respective hearings.
134. The Ministry of Education [781.9] submission seeks to amend Rule 17.1.2 P5 Permitted Activities to read as 'facilities', rather than the notified version which refers to 'facility'. Further submitter *Van Den Brink Group* [FS1193.24] has supported the submission and *Mercury Energy Ltd* [FS1387.1215] has opposed the submission. The author of Hearing 5 has discussed the definition of Education facility and the National Planning standards refer to the activity as 'Education facility'. In my view it is appropriate that the rule uses the terminology of the National Planning Standard. Accordingly, I recommend that the Hearing Panel reject Ministry of Education [781.9].
135. The submission from Sharp Planning Solutions [695.7] seeks to add a hierarchy of "non-motor vehicle route for cycling, walking, and horse riding". I can appreciate the submitter seeking to provide for these activities in the Proposed Plan. My understanding is that there is a trail strategy that sits outside the District Plan, however some of these trails have been recognised as 'indicative trails' on the planning maps (received with mixed results). I consider that this goes some way towards meeting some of the requests that the submitter has made, and recommend that the Hearing Panel accept in part the submission, to the extent that the various indicative trails are accepted.
136. Jackie Collier [493.35] submission seeks to put the District Plan review on hold so outcomes of the BluePrint exercise can be accommodated in the District Plan. Further submissions from *Pareoranga Te Kata* [FS1035.88] and *Pokeno Village Holdings Limited* [FS1281.77] have supported the submission. Further submitters Annie Chen [FS1261.44], *The Surveying Company* [FS1308.72] and *Havelock Village Limited* [FS1377.119] have opposed the submission. My understanding of Blueprints is that it is a non-statutory document that indicates community aspirations, many of which will need to be considered through the Long-Term Plan. As the review of the district plan is a statutory process, I do not consider placing the review on hold to accommodate the Blueprint initiatives is an appropriate approach. I recommend that the Hearing Panel reject Jackie Collier [493.35].
137. Waikato Regional Council [81.22] seek to add assessment criteria to earthworks and fill activities to take into account pest and disease management. Further submitter *Mercury Energy Ltd* [FS1223.8] has supported the submission and *Federated Farmers* [FS1342.45] has opposed the submission. Hearing 21 Significant Natural Areas, in response to a submission from Waikato Regional Council, made a recommendation to include an advice note directing plan users to the Waikato Pest Management Plan when undertaking earthworks. I recommend that the Hearing Panel reject Waikato Regional Council [81.22].
138. EnviroWaste New Zealand Ltd [302.36] seeks to retain Rule 4.6.5 Recognition of industrial activities outside of urban areas. I believe that the reference to 'rule' is in error and the submitter is referring to 'Policy' of the same name. Further submission from *Mercury Energy Ltd* [FS1386.352] has opposed the submission. Hearing 7 Industrial discussed this Policy in

relation to other submitters seeking to retain as notified, and has recommended accepting these submissions, as the policy recognises that some industrial activities require locations outside of urban areas. Therefore, I recommend that the Hearing Panel accept EnviroWaste New Zealand Ltd [302.36].

- 139. A submission from Chorus New Zealand Limited [648.2] seeks to retain Objective 3.1.1 Biodiversity. I recommend that the Hearing Panel accept this submission in part, as there have been recommendations to amend the definition in response to other submissions, as discussed in Hearing 21 Significant Natural Areas.
- 140. Waikato District Council [697.670] seek to delete Rule 20.4.6 Subdivision - Significant Natural Areas. Reasons provided are that it is not required in the Industrial Zone. I disagree with this approach, as there are areas of SNA within the Industrial Zone. The activity status for subdivision within the Industrial Zone is restricted discretionary and defaults to discretionary. Further to this, the author of the s42A for Hearing 20 has made recommended minor changes to the restricted discretionary rule. In my view it is appropriate that this defaults to discretionary. I recommend that the Hearing Panel reject Waikato District Council [697.670].
- 141. Waikato District Council [697.850] seeks to add a new permitted activity Rule to 23.1.1 in relation to retirement villages. Further submitter *Tamahere Eventide Home Trust* [FS1004.15] and *Tamahere Eventide Trust Assisi Retirement Village* [FS1005.19] have supported the submission. Hearing 18 Rural Land Use has discussed retirement, and whilst this specific submission point was missed, the wider relief sought by the submitter has fundamentally been accepted where a specific rule framework has been recommended for existing retirement villages. I recommend that the Hearing Panel accept in part Waikato District Council [697.850].
- 142. A submission from Jackie Colliar [493.10] seeks to amend the proposed plan to ensure consistency of wording in relation to the approval of a Concept Management Plan. A further submission from *Pareoranga Te Kata* [FS1035.63] has supported the submission. This is in relation to the Maaori Freehold Land Papakaainga rule, and is being addressed in that topic, where it is recommended to remove the term 'Concept Management Plan'. I recommend that the Hearing Panel accept in part this submission, subject to the outcome of the Maaori Freehold Land provisions.
- 143. Woolworths NZ Ltd [588.32] considers that Pokeno should be removed from the Proposed District Plan and not subject to the review process. Further submissions from *Annie Chen* [FS1261.27], *CSL Trust and Top End Properties Limited* [FS1297.37] and [FS1297.39, *Mercury Energy Ltd* [FS1385.20] and *Havelock Village Limited* [FS1377.169] have opposed the submission. A further submission from *Pokeno Village Holdings Limited* [FS1281.30] has supported the submission.
- 144. A district plan is for the whole district and it would not be appropriate to isolate an area in the district to be exempt from the District Plan review process. This approach would not be giving effect to the objectives, policies and rules in the plan and the Waikato Regional Policy Statement, and therefore the RMA. I recommend that the Hearing Panel reject Woolworths NZ Ltd [588.32].
- 145. KiwiRail [986.10] seeks to amend Policy 3.5.4 (a)(iv) by requiring appropriate setbacks. Further submissions from *TaTa Valley Limited* [FS1340.198] and *Genesis Energy Limited* [FS1345.139] have supported the submission. KiwiRail considers that Policy 3.5.4(a)(iv) is unreasonably restrictive for linear transport works because it does not recognise existing encroachments into required setback areas. I do not consider it necessary for this policy to

refer to 'new' activities, as the district plan is a forward-looking document and not retrospective. Transport infrastructure that is already located within proposed setback areas is protected through existing use rights (in terms of section 10 of the RMA) or operative designations. For this reason, I recommend that the Hearing Panel reject KiwiRail [986.10].

146. KiwiRail [986.73] also requests an amendment to Policy 4.6.7(b) so that it refers to setbacks as a method that manages reverse sensitivity in industrial zones. Further submitter *Van Den Brink Group* [FS1/93.35] opposes the submission. It would appear that this amendment is connected with KiwiRail's request to introduce a new rule in all zones that requires buildings to be set back a minimum of 5m from the rail corridor. This setback matter was specifically addressed in Section 8 of Council's rebuttal evidence for Hearing 7 (Industrial Zone and Heavy Industrial Zone) and was not supported. As a consequence, I do not support the request to amend Policy 4.6.7(b) as suggested. Instead, the recommended wording of Policy 4.6.7 is set out in Attachment 1 to Council's concluding hearing report (at page 26). I therefore recommend that the Hearing Panel reject KiwiRail's requested amendment to Policy 4.6.7(b).
147. KiwiRail [986.128] requests that a new paragraph be added to the introduction for Section E of the PWDP (Designations) to make it clear that where designated land is not zoned, then activities not covered by the designation will be subject to the rules of the adjacent zone. Further submitter *Heritage New Zealand Pouhere Taonga* [FS1/323.179] has opposed the submission. In circumstances where there are different zones on either side of the designation, they request the statement that the adjacent zonings extend to the centreline of the designated land.
148. As a related matter, the zoning of the rail corridor has been addressed in Section 5.5 of Mr Cleese's s42A report (Zone Extents – Thematic Issues, Future Urban Zone and Medium Density Residential Zone, dated 16 April 2021). At paragraph 62 of that report, Mr Cleese comments that the rail corridor is not zoned in terms of the Operative District Plan. However, that comment needs a slight correction. For the Waikato Section, the whole of the rail corridor is not zoned except for two areas that are zoned Rural (at Taupiri) and Heavy Industrial (at Ruakura). For the Franklin Section, the underlying zone of the rail corridor varies (depending on the adjacent zone). This is explained by the Schedule of Designations in the Franklin Section and further in Rule 12.4 which deals with the use of designated land. The third paragraph in Rule 12.4 states that 'where a designation runs across a number of zonings and there is any doubt as to the underlying zoning at some point or position of the designation, then the Council will assign the zoning which is immediately adjacent and/or predominant in that locality or area'. However, the designated rail corridor has an underlying Rural Zone in terms of the PWDP.
149. Paragraph 71 of Mr Cleese's report sets out his conclusion on the zoning of the rail corridor and states:
- 71. This leaves me with a recommendation that the rail corridor be zoned to whatever the adjacent zone is, measured to the centreline of the corridor in instances where there are different zones on either side of that corridor. I accept that this may make for some challenging zone boundary alignments in the limited number of places where the corridor is irregularly shaped. These areas are however in the minority, and often have the same zoning on either side so in practice the identification of zone boundaries should not prove insurmountable.*
150. All designations in the PWDP have an underlying zone, and this is also a requirement of the National Planning Standards. The planning maps in the decision version of the PWDP will therefore need to indicate the underlying zone for the designated rail corridor. Subject to the hearing panel accepting Mr Cleese's recommendation noted above, I consider that there

would be merit in adding a statement in Section E to assist district plan users interpret the spatial extent of the underlying zone, particularly where there are different zones on either side of the designated land. A statement of this nature is commonly used in district plans.

151. Accordingly, I recommend KiwiRail's request be accepted in part, to the extent of the wording for this new paragraph shown below.
152. Submissions from Linda Silvester [830.9], [830.10], [830.11], [820.12], [830.13] and [830.25] seek to include energy efficiency policies and rules. Further submissions from *Whaingaroa Environmental Defence Inc. Society* [1276.223], [FS1276.175], [FS1276.176], [FS1276.178] and [FS1276.185] have supported the submissions. Further submitter *Mercury Energy Ltd* [FS1387.1343], [FS1387.1345] and [FS1387.1334] has opposed the relative submission. Whilst these specific submission points were missed, the wider relief sought by the submitter has been discussed in detail in Hearing 22 Infrastructure, with the relief recommended to be rejected. Hearing 22 fundamentally considers that there are enough provisions supporting energy efficiency. I agree with this approach and recommend that the Hearing Panel reject Linda Silvester [830.9], [830.10], [830.11], [820.12] and [830.25].
153. Waikato Regional Council [81.100] seek to retain Schedule 30.5 Urban Allotment. The Urban Allotment Schedule relates to Significant Natural Areas containing groups of trees which are located on urban environment allotments. The Urban Allotment Schedule is based on the implementation of section 76(4A) of the RMA and has been included in the Proposed District Plan. Below is the introduction to the Schedule which explains its purpose.

'As required under section 76(4A) of the Resource Management Act 1991, this appendix is a schedule of Significant Natural Areas containing groups of trees which are located on urban environment allotment:

(1) that is no greater than 4000m²; and

(2) that is connected to a reticulated water supply system and a reticulated sewerage system; and

(3) on which there is a building used for industrial or commercial purposes or as a dwelling house; and

(4) that is not reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.

Zone rules addressing the clearance of indigenous vegetation within Significant Natural Areas apply to this listed groups of trees and allotments.'

154. My understanding of the rationale behind Schedule 30.5 Urban Allotment is that it includes properties in the Waikato District that have had a Significant Natural Area identified on them that meet the criteria under section 76.
155. I note that the actual wording in the RMA under section 76 District rules is written such that a territorial authority 'may' include rules in a district plan, whereas the schedule within the proposed plan implies that it is a requirement. In my view it is not a requirement to include such a schedule. Further to this, the schedule in the proposed plan is aimed at SNAs whereas, Section 76(4A) does not specify whether vegetation is native or not, rather the Act states a 'group of trees which means a cluster, grove, or line of trees'. Applying this rationale, in my view, means that rules may be included that protect any vegetation that has been identified, as necessary to protect, and not just indigenous species. I consider that the Urban Allotment schedule is somewhat misleading, and that its purpose should have been to protect other vegetation that has been deemed worthy of protection, and not aimed at SNAs (as these are managed by other means). In this regard, there has been no analysis

undertaken within the Waikato District on vegetation that could otherwise be protected under this part of the Act.

156. I have undertaken a desktop analysis of the properties listed in the Urban Allotment Schedule and have observed that some of the properties either: do not have SNA identified on them, have a very small area, or have been included due to the spatial data touching the boundary. I have included some example maps of these properties as follows (the spotted area denotes the Urban Allotment overlay).









157. Hearing 21 SNA has identified that the SNA spatial data has too many inaccuracies to safely include on the planning maps, and in response to submissions seeking to delete the SNA mapping, a recommendation has been made to remove the mapping unless ground truthing has been undertaken. Removal of the mapping is inclusive of the areas that are within the Urban Allotment schedule.
158. I also note that the rules that manage vegetation clearance relate to indigenous vegetation that relates to SNA mapping, and are generally as follows:
- Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:
159. If the purpose of the Urban allotment overlay is to protect indigenous vegetation, then the overlay would not have been required, as the vegetation is already protected by virtue of the rule.
160. I have come to the conclusion that the Urban Allotment Schedule is not required, and I recommend the deletion of the schedule, and recommend that the Hearing Panel reject Waikato Regional Council [81.100].

Zoning/ Considerations

161. Waikato Tainui [286.34] and Jackie Colliar [493.17] seek to re-instate deferred zoning to a point when there is clarity around infrastructure. Further submissions from *Pareoranga Te Kata* [FS1035.40] and *Watercare Services* [FS1176.45] have supported the submission and *Annie Chen* [FS1261.36] and *CSL Trust and Top End Properties Limited* [FS1297.46] have opposed the submission from Waikato Tainui. Further submissions from *Pareoranga Te Kata* [FS1035.70], *Watercare Services Ltd* [FS1176.95], *Waikato Tainui* [FS1108.120] and *Turangawaewae Trust Board* [FS1139.108] have supported submission [493.17] and *Annie Chen* [FS1261.37] and *CSL Trust and Top End Properties Limited* [FS1297.47] have opposed. Similar submissions have been discussed in Hearing 25 where the s42A author has not recommend this approach to be undertaken as deferred zones has been found to be challenging to administer. I agree with the analysis in the Hearing 25 report and accordingly recommend the Hearing Panel reject Waikato Tainui [286.34] and Jackie Colliar [493.17].
162. The submission from Housing New Zealand Limited [749.153] seeks to amend the extent of Residential Zone, Village Zone and Rural Zone as contained in their submission. Further submissions from *NZTA* [FS1202.104] and *Genesis Energy Limited* [FS1345.117] have supported the submission and further submitters *Mercury Energy Ltd* [FS1387.1060] and *Alstra (2010) Limited* [FS1316.47] have opposed the submission. A similar submission from Housing NZ was discussed in Hearing 25 where the s42A author has recommended to accept in part the submission as the areas are suitable for intensified residential activity. Accordingly, I recommend the Hearing Panel accept in part Housing New Zealand Limited [749.153].
163. The submission from J and T Quigley Ltd [389.2] seeks to retain the current extent of Country Living Zone and residential Zone to the west of the submitter's site on Tamahere Drive. Further submitter *Mercury Energy Ltd* [FS1388.91] has opposed the submission. This area has been discussed in Hearing 25 where the s42A author has noted there is no Country Living Zone or Residential Zone on Tamahere Drive, accordingly the submission to retain such zonings is not possible and has recommended to reject the submission. I agree with the report writer and recommend the Hearing Panel reject J and T Quigley Ltd [389.2].
164. The submission from Brendon and Denise Strong [871.1] seek to retain the zoning at 10,12, and 12A Harrisville, Tuakau. The only further submission is *Mercury Energy Ltd*

[FS1387.1417] opposing this relief. I see no other submission seeking alternative zoning therefore recommend the Hearing Panel Accept the submission from Brendon and Denise Strong [871.1]

165. Anna Noakes [524.37] submission seeks to amend the rules relating to subdivision to give effect to the policies managing infrastructure. Further submitter *Mercury Energy Ltd* [FS1385.17] has opposed the submission. Ms Noakes has not provided any suggestions as to what these amendments entail. In the absence of this information, I recommend the Hearing Panel reject Anna Noakes [524.37].
166. The submission from Van Den Brink Group [633.47] seeks to retain Policy 4.5.31 Reverse Sensitivity. Further submitter *Mercury Energy Ltd* [FS1387.48] has opposed the submission. I recommend the Hearing panel accept in part the submission as there have been recommended amendments made to this policy in response to other submissions.
167. The submission from First Gas Limited [945.1] seeks to retain Rule 14.3.1.3(3)(3)(a). I recommend the Hearing Panel only accept in part this submission as there have been recommended amendments made to this rule in response to other submissions.
168. The submission from PLB Construction [804.1] seeks to amend the Proposed District plan to recognise at the policy level a need for more industrial land. Further submitter *Shand Properties Limited* [FS1141.2] and *Bryan Morris* [FS1309.6] have supported the submission. Further submission from *Ohinewai Area Committee* [FS1145.6] and [FS1207.15] have opposed the submission. The submission does not provide any suggestion as to wording in this regard and in the absence of information and supporting documents, I recommend the Hearing Panel reject PLB Construction [804.1].
169. Dave and Fransiska Falconer [271.4] seek to amend the zoning of land at Solid Energy's East Mine from Rural Zoning to Residential. The original submission indicates that the area in question relates to the Kimihia Lakes project. Hearing 25 Kimihia Lakes has discussed in detail this area and has recommended to accept the proposed rezoning in response to other submissions. On this basis I recommend the Hearing Panel accept Dave and Fransiska Falconer [271.4] subject to the outcome of Hearing 25.
170. Waikato District Council [697.347] seek to amend Chapter 1 Introduction and add a standalone chapter for strategic objectives. Further submissions from *Heritage New Zealand Pouhere Taonga* [FS1323.1] and *New Zealand Transport Agency* [FS1202.30], have supported the submission. Further submitters *Havelock Village Limited* [FS1291.15], [FS1377.216], *The Surveying Company* [FS1308.109] and *Mercury Energy Limited* [FS1384.42] have opposed the submission. A submission from Waikato Health Board [923.91] seeks to amend Chapter 1 Introduction to clarify its relationship to other chapters in the proposed plan. Further submissions from *The Surveying Company* [FS1308.168] and *Havelock Village Limited* [FS1377.293] have supported the submission and *Mercury Energy Limited* [FS1384.69] has opposed the submission. Submissions of a similar nature are discussed in Hearing 3 Strategic Objectives and the s42A author recommended that the submission be accepted as the National Planning Standards sets out how 'Strategic directions' are to be incorporated into a district plan. I recommend the Hearing Panel accept the submission from Waikato District Council [697.347] and Waikato District Health Board [923.91]
171. The submissions from Brent Trail [345.7] and Hill Country Farmers Group [482.10] have been analysed in Hearing 18 Rural Subdivision. Brent Trail sought to replace "lot" with "Record of title" and the s42A author has recommended to use "record of title". The Hill Country Farmers Group sought to amend the approach to how many lots can be obtained in the conservation house lot rule. The s42A report author had not provided a formal

recommendation and as to ensure the submitters have had a response, I have considered the analysis in Hearing 18 and recommend the Hill Country Group submission is accepted in part and accept Brent Trail [345.7].

172. Waikato Regional Council [81.155] seeks to amend the definitions of 'Commercial activity' and 'Commercial services' to distinguish scale of activities. In my view the purpose of the definition is to describe the activity not the scale and that this is more appropriately managed by the rules and not a definition. The submission from Housing New Zealand Corporation [749.36] seeks to amend the definition of 'commercial services'. A further submission from *Mercury Energy Ltd* [FS1387.1009] has opposed the submission I note that Hearing 5 Definitions s42A author has recommended to adopt the National Planning Standard definition for 'Commercial activity' and delete the definitions of 'commercial services' and 'retail activity' Accordingly, I recommend the Hearing Panel undertake the same approach and adopt the National Planning Standards definition and reject Waikato Regional Council [81.155].

7.2 Recommendations

173. For the reasons above I recommend that the Hearing Panel:

- **Accept** Kitty Burton [371.6] and *Andrew Mowbray* [FS1305.7]
- **Reject** Tony Oosten [246.2] and *Whaingaroa Environmental Defence Inc. Society* [FS1276.134], [FS1276.190] and [FS1276.203]
- **Reject** Dilworth Trust Board [577.2] and *Metro Planning Ltd* [312.1] and **Accept** *Mercury Energy* [FS1385.5] and *Waikato Regional Council* [FS1277.14] and **Accept** *Mercury Energy* [FS1388.830]
- **Reject** Paula Dudley [328.11] and **Accept** *Mercury Energy Ltd* [FS1385.6]
- **Reject** Andrew and Christine Gore [330.1] and **Accept** *Mercury Energy Ltd* [FS1385.7] and *Hamilton City Council* [FS1379.31]
- **Reject** Liam McGrath for Mercer Residents and Ratepayers Committee [367.31] and [367.50] and **Accept** *Meremere Dragway Inc.* [FS1304.9] and [FS1304.10] and *Meremere Dragway Inc.* [FS1118.17] and [FS1118.16]
- **Reject** Pukekohe Motorcycle Club [807.4] and *Meremere Dragway Inc.* [FS1304.9] and *Meremere Dragway Inc.* [FS1118.17], *Gerardus Aarts* and *Yvonne Gemma Aarts* [FS1200.4]
- **Reject** Pukekohe Motorcycle Club [807.2] [807.6] and *Gerardus Aarts* and *Yvonne Gemma Aarts* [FS1200.2], and **Accept** *Gerardus Aarts* and *Yvonne Gemma Aarts* [FS1200.6]
- **Accept in part** Jackie Colliar [493.10] and *Pareoranga Te Kata* [FS1035.63]
- **Accept in part** Raymond and Cheryl Higgins [570.1]
- **Reject** *Woolworths NZ Ltd* [588.32] and *Pokeno Village Holdings Limited* [FS1281.30] and **Accept** further submissions from *Annie Chen* [FS1261.27], *CSL Trust and Top End Properties Limited* [FS1297.37] and [FS1297.39], *Mercury Energy Ltd* [FS1385.20] and *Havelock Village Limited* [FS1377.169]
- **Reject** *Whaingaroa Defence Inc Society* [780.38], *John Lawson* [825.38], *Jade Hyslop* [435.22] and **Accept** *Lakeside Developments* [FS1371.35], *Koning Family Trust* and *Martin Koning* [FS1329.6] and *Mercury Energy Ltd* [FS1385.11]

- **Accept in part** Mowbray Group [404.1], Andrew Mowbray [563.2], Bootleg Brewery [FS1264.2] and [FS1264.8], and Andrew Mowbray [FS1305.11] Heritage New Zealand Pouhere Taonga [FS1323.181]
- **Accept** Housing New Zealand Corporation [749.124] and **Reject** Mercury Energy Ltd [FS1387.1043]
- **Accept in Part** Withers Family Trust [598.28] and Havelock Village Limited [FS1377.183] and Mercury Energy Ltd [FS1388.1023]
- **Reject** Pokeno Village Holdings Limited [386.6] and BTW Company [445.2], New Zealand Transport Agency [FS1202.11] and [FS1202.94].
- **Reject** Blue Wallace Surveying Ltd [662.49]
- **Reject** Louise Whyte [486.2], Joon Young Moon [568.5], Litanía Liava'a [572.4] and **Accept** Tuakau Proteins [FS1353.20], [FS1353.22]
- **Accept in part** Madsen and Holmes [678.3]
- **Reject** New Zealand Steel Holdings Ltd [827.26]
- **Reject** The Ministry of Education [781.9] and Van Den Brink Group [FS1193.24] and **Accept** Mercury Energy Ltd [FS1387.1215]
- **Reject** Meridian Energy [580.20], Lyndedale Farms Limited [761.19], McCracken Surveys Limited [943.71] Horotiu Properties Limited [397.11] and First Gas Limited [945.54]
- **Accept in part** Sharp Planning Solutions [695.7]
- **Reject** Jackie Collier [493.35], Pareoranga Te Kata [FS1035.88], Pokeno Village Holdings Limited [FS1281.77] and **Accept** Annie Chen [FS1261.44], The Surveying Company [FS1308.72] and Havelock Village Limited [FS1377.119]
- **Reject** Waikato Regional Council [81.22] and Mercury Energy Ltd [FS1223.8] and **Accept** Federated Farmers [FS1342.45]
- **Reject** Counties Manukau Police [297.2] and **Accept** Tamahere Eventide Home Trust - Atawhai Assisi Retirement Home [FS1005.6], Tamahere Eventide Home Trust [FS1004.16] and Mercury Energy Ltd [FS1386.307]
- **Accept** EnviroWaste New Zealand Ltd [302.36] and **Reject** Mercury Energy Ltd [FS1386.352]
- **Reject** Auckland Council [372.12], Horticulture New Zealand [FS1168.15], TaTa Valley Limited [FS1340.49] and Federated Farmers [FS1342.64] and **Accept** Mercury Energy Ltd [FS1388.3]
- **Reject** Doug Nicholson [403.5] and **Accept** Mercury Energy Ltd [FS1388.144]
- **Reject** Counties Power Limited [405.74]
- **Reject** Auckland Waikato Fish and Game Council [433.27]
- **Accept in part** Malibu Hamilton [553.16] and [553.18]
- **Accept in part** Chorus New Zealand Limited [648.2]
- **Reject** Waikato District Council [697.670]
- **Accept in part** Waikato District Council [697.850], Tamahere Eventide Home Trust [FS1004.15] and Tamahere Eventide Trust Assisi Retirement Village [FS1005.19]

- **Reject** Waikato District Council [697.892] and **Accept** Mercury Energy Ltd [FS1387.724]
- **Reject** John Lawson [825.2] and [825.5], and Jade Hyslop [435.9] and **Accept** Meridian Energy Limited [FS1258.53], Koning Family Trust and Martin Koning [FS1329.17] and [FS1329.19] and Mercury Energy Limited [FS1387.1311] and [FS1387.1314], Garth and Sandra Ellmers [FS1092.4], Avondale Trust [FS1325.8] and Greig Metcalf [FS1142.15]
- **Reject** Linda Silvester [830.9], [830.10], [830.11], [830.12], [830.13] and [830.25] and Whaingaroa Environmental Defence Inc. Society [FS1276.223], [FS1276.175], [FS1276.176], [FS1276.185], [FS1276.177].and [FS1276.178] Dorothy Derecourt and David Mckeown [FS1094.2], Ian and Sandra Robson [FS1096.2], Gregory Phillip and Barbara Wiechern [FS1099.2], Margaret Mitchell [FS1100.2], Christine McNeil [FS1101.1], Eric and Vickie Finlay [FS1102.2], Kevin Mattson [FS1103.1], Greg and Natalie Kelly [FS1104.1], Raewyn Williams [FS1105.1] and Greg and Shirley Weller [FS1106.1] **Accept** Mercury Energy Ltd [FS1387.1343], and [FS1387.1344], [FS1387.1345], [FS1387.1334]
- **Accept in part** Raglan Naturally [831.37]
- **Accept in part** Waipa District Council [939.2], Auckland Transport [FS1273.2] and Mercury Energy Ltd [FS1387.1558]
- **Reject** Raglan Naturally [831.25] and Whaingaroa Defence Inc. Society [FS1276.60]
- **Accept in part** Ports of Auckland Limited [578.9], [578.13], [578.19] and [578.20] and Mercury Energy Ltd [FS1388.842]
- **Accept** Waikato Regional Council [81.16], Watercare Services [FS1176.2], New Zealand Transport Agency [FS1202.1], Pokeno Village Holdings Limited [FS1281.2], Federated Farmers [FS1342.11], Hamilton City Council [1379.12] and The Surveying Company [FS1308.141] and **Reject** Andrew and Christine Gore [FS1062.5], Havelock Village Limited [FS1377.2] and CKL [1335.17]
- **Accept in part** Property Council New Zealand [198.19] and Housing New Zealand Corporation [FS1269.3] and Mercury Energy Ltd [FS1386.215]
- **Reject** Kitty Burton [371.7]
- **Accept in part** Alstra (2012) [693.14]
- **Reject** KiwiRail [986.10], TaTa Valley Limited [FS1340.198] and Genesis Energy Limited [FS1345.139]
- **Reject** KiwiRail [986.73] and **Accept** Van Den Brink Group [FS1193.35]
- **Accept in part** KiwiRail [986.128] and Heritage New Zealand Pouhere Taonga [FS1323.179]
- **Reject** Waikato Regional Council [81.100]
- **Reject** Waikato Tainui [286.34], and Jackie Colliar [493.17] Pareoranga Te Kata [FS1035.40], [FS1035.70], Watercare Services [FS1176.45], [FS1176.95], Waikato Tainui [FS1108.120] and Turangawaewae Trust Board [FS1139.108] **Accept** Annie Chen [FS1261.36] and [FS1261.37], and CSL Trust and Top Enc Properties Limited [FS1297.46] and [FS1297.47]

- **Accept in Part** Housing New Zealand Limited [749.153], NZTA [FS1202.104], Genesis Energy Limited [FS1345.117], Mercury Energy Ltd [FS1387.1060] and Alstra (2010) Limited [FS1316.47]
- **Reject** J and T Quigley Ltd [389.2] and **Accept** Mercury Energy Ltd [FS1388.91]
- **Accept** Brendon And Denise Strong [871.1] and **Reject** Mercury Energy Ltd [FS1387.1417]
- **Reject** Anna Noakes [524.37] and **Accept** Mercury Energy Ltd [FS1385.17]
- **Accept in part** Van Den Brink Group [633.47] and Mercury Energy Ltd FS1387.48]
- **Accept in part** First Gas Limited [945.1]
- **Reject** PLB Construction [804.1], Shand Properties Limited [FS1141.2] and Bryan Morris [FS1309.6], **Accept** Ohinewai Area Committee [FS1145.6] and [FS1207.15]
- **Accept** Dave and Fransiska Falconer [271.4]
- **Accept** Waikato District Council [697.347], Heritage New Zealand Pouhere Taonga [FS1323.1], New Zealand Transport Agency [FS1202.30], **Reject** Havelock Village Limited [FS1291.15], [FS1377.216], The Surveying Company [FS1308.109] and Mercury Energy Limited [FS1384.42]
- **Accept** Waikato Health Board [923.91] The Surveying Company [FS1308.168] and Havelock Village Limited [FS1377.293] **Reject** Mercury Energy Limited [FS1384.69]
- **Accept in part** Hill Country Farmers Group [482.10]
- **Accept** Brent Trail [345.7]
- **Reject** Waikato Regional Council [81.155] and Housing New Zealand Corporation [749.36] and **Accept** Mercury Energy Ltd [FS1387.1009]

7.3 Recommended amendments

174. Amend the introduction for Section E: Designations by adding the following sentence as the third paragraph.
- All designated land has an underlying zone which is the same as the nearest adjoining zone. Where the zone is different either side of the designated land, then the boundary between the underlying zones is the centreline of the designation.
175. The recommended sentence assists in the interpretation of what underlying zone applies to designations. It does not involve any amendment to any objective, policy or method and therefore no section 32AA evaluation is necessary.
176. Delete Schedule 30.5: Urban Allotment Significant Natural Areas and as a consequence delete reference to the Schedule within the SNA vegetation clearance rules.

7.4 Section 32AA evaluation

177. The recommendation to amend the Proposed District Plan by deleting Schedule 30.5: Urban Allotment Significant Natural Areas is to address the relevance of the Schedule in regard to Significant Natural Areas.

7.5 Other reasonably-practicable options

178. Maintaining the status quo of the Proposed District Plan as notified is an option, however the schedule serves no purpose, as the vegetation clearance rules already protect SNA areas.

7.6 Effectiveness and efficiency

179. The deletion of Schedule 30.5 Urban Allotment Significant Natural Areas removes unnecessary information in the Proposed District Plan, thereby making the Proposed plan more efficient.

7.7 Costs and benefits

180. There are no additional costs, therefore costs are likely to be the same. The recommended amendments provide more clarity in the Proposed Plan.

7.8 Risk of acting or not acting

181. There is a risk in not acting. The risk of leaving Schedule 30.5 Urban Allotment in the Proposed Plan is that if the recommendation to remove the SNA mapping is accepted, plan users may think that all vegetation on all properties is protected, rather than just in SNAs. There is a benefit to plan users, as unnecessary information is removed, therefore the risk of incorrect implementation of the rules is reduced.

7.9 Decision about most appropriate option

182. The removal of Schedule 30.5: Urban Allotment Significant Natural Areas does not alter the implementation of Objectives and Policies that manage indigenous vegetation. There is sufficient information and benefits to people and communities to justify the amendment.

8. Mapping requests

183. 22 submissions were received and 30 further submissions.

Submission point	Submitter	Decision requested
81.137	Waikato Regional Council	Amend maps to show identified Neighbourhood Centres within the planning maps and not only on master and structure plans.
<i>FS1377.31</i>	<i>Havelock Village Limited</i>	<i>Support</i>
280.3	New Zealand National Fieldays Society Inc	Amend the Proposed District Plan to include a noise contour for Mystery Creek Events Centre to align with the noise contour in the Operative Waipa District Plan. AND Add the rules from the Waipa District Plan (see Appendix E attached to the submission).
<i>FS1386.290</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
410.1	Trevor Weaver	Amend Planning Map 14.5 for Rangiriri so that it indicates the canal/drain running from Lake Kopuera to Rangiriri Stream and the weir located beside this lake.
410.4	Trevor Weaver	Amend Planning Map 14.5 Rangiriri to correct the boundaries of the submitter's property at Te Onetea

		Road so the farm boundaries align with the main trunk railway line and Lake Kopuera and include the swamp/bush from the lake to the railway line.
FSI 272.2	KiwiRail Holdings Ltd	Oppose
510.4	Bob Carter	Amend planning maps to provide clearer symbols; AND Amend planning maps to not have overlays on top of one another.
FSI 388.529	Mercury NZ Limited	Oppose
524.33	Anna Noakes	Amend the Proposed District Planning maps (inclusive of Legend) to provide explanation as to what is meant by Stage 1.
FSI 388.632	Mercury NZ	Oppose
598.23	Withers Family Trust	Amend the Proposed District Plan (including planning maps) to explain what is meant by Stage 1.
FSI 388.1019	Mercury NZ Limited	Oppose
680.249	Federated Farmers of New Zealand	Delete all notified overlays on the Proposed District Plan planning maps which are identified over private land. The relief sought specifically relates to the overlays listed on the Waikato Proposed Plan Legend as: Natural character Environmental Protection Area Significant Amenity Landscapes Significant Natural Area Outstanding Natural Landscapes Outstanding Natural Feature Walkway Cycleway Bridleway Maaori Site of Significance Maaori Area of Significance AND Any consequential changes needed to give effect to this relief.
FSI 307.7	New Zealand Walking Access Commission	Oppose
FSI 051.16	Colette Shona Hanrahan	Support
FSI 108.78	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI 139.69	Turangawaewae Trust Board	Oppose
FSI 198.53	Bathurst Resources Limited and BT Mining Limited	Support
FSI 275.18	Zeala Limited trading as Aztech Buildings	Support
FSI 369.18	Ngati Tamaoho Trust	Oppose
FSI 369.24	Ngati Tamaoho Trust	Oppose
FSI 385.25	Mercury NZ Limited	Oppose
FSI 323.148	Heritage New Zealand Pouhere Taonga	Oppose
FSI 340.113	TaTa Valley Limited	Oppose
FSI 377.194	Havelock Village Limited	Support
695.3	Sharp Planning Solutions Ltd	Add those sites to which Sections 1.7.2.1(a), 1.7.3.1 and 1.7.3.5 are relevant as a planning overlay on the Planning Maps.

FSI323.149	Heritage New Zealand Pouhere Taonga	Support
695.55	Sharp Planning Solutions Ltd	Add a list of all known sites where Hazardous Activities and Industries List activities are understood to have occurred on the Planning Maps.
FSI168.174	Horticulture New Zealand	Oppose
695.111	Sharp Planning Solutions Ltd	Amend the planning maps to reduce the number of planning overlays that undertake similar functions and group them, particularly landscape, features and character overlays.
FSI223.206	Mercury NZ Limited	Oppose
697.339	Waikato District Council	Amend map legend on all maps to ensure layers are able to be interpreted easily.
FSI108.5	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FSI139.5	Turangawaewae Trust Board	Support
FSI387.536	Mercury NZ Limited	Oppose
697.340	Waikato District Council	Amend labels on planning maps to avoid repetition. For example on some maps, stream names are repeated several times.
697.341	Waikato District Council	Amend Planning Maps to create additional spatial extents on planning maps to correspond to certain activities (i.e. landscape rules, specific noise areas etc).
FSI387.537	Mercury NZ Limited	Oppose
765.2	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Retain the proposed overlays as notified identified in Planning Maps for Tamahere Eventide Retirement Village and the surrounding properties in the immediate area at 621 State Highway One (Lot 2 DPS 88165), 0 State Highway One (Lot 1 DPS 88165) and 597 State Highway One (Pt Lot 2 DPS 2182).
FSI385.48	Mercury NZ Limited	Oppose
797.39	Fonterra Limited	Amend the Planning maps to identify the extent of the Te Rapa Dairy Manufacturing Facility Noise Control Boundary (See submission for map). AND Any consequential amendments or further relief to give effect to the concerns raised in the submission.
FSI387.1277	Mercury NZ Limited	Oppose
807.3	Pukekohe Motorcycle Club	Add a Noise Control Boundary overlay to the land surrounding the track at 115 Geraghty Maber Road, Tuakau, with a distance of at least 500m and taking into account the noise generated from the track. Submitter seeks a similar approach to the Noise Control Boundary over the Waikato Gun Club at 556 Holland Road, Eureka, where a Noise Control Boundary was added to the Operative District Plan Maps. AND Any further or consequential relief to give effect to the relief sought in the submission.
FSI200.3	Gerardus Aarts & Yvonne	Support

	<i>Gemma Aarts</i>	
939.3	Waipa District Council	Amend the planning maps to show the matching noise contour around the Mystery Creek Event Centre that matches that of the Waipa District Plan (See map provided in the submission).
<i>FS1387.1559</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
942.67	Tainui o Tainui	Amend the planning maps to indicate where access is available in the district and where it is not due to private property.
845.3	Grace M Wilcock	Amend to confirm that the Rosebanks/Windmill gullies are a joined corridor with no gap between 152 Rosebanks Drive and 117 Windmill Road, Hamilton.
766.33	Nicky Hogarth for Holcim (New Zealand) Limited	Delete the Aggregate Extraction Area Overlay once quarrying activities have ceased, including the site at 611 Ridge Road, Bombay. AND Any additional or consequential relief to give effect to the matters raised in the submission.
412.1	David Saxton	<i>Require the Department of Corrections to maintain all mitigation plantings associated with Springhill Prison for as long as the prison exists. AND Amend the Proposed District Plan to apply a "Significant Natural Area" map annotation to the native plantings at Springhill Prison.</i>
<i>FS1210.1</i>	Ara Poutama Aotearoa (Department of Corrections)	<i>Oppose</i>

8.1 Analysis

184. The following submissions are seeking amendments to the Proposed District Plan maps. These range from removal of overlays through to the inclusion of new overlays.
185. Submissions from New Zealand National Fieldays Society Inc [280.3] and Waipa District Council [939.3] seek to amend the Proposed District Plan to include a noise contour for the Mystery Creek Events Centre to align with the Waipa District Plan, and to add rules from the Waipa District Plan to the Waikato District Plan. A further submission from *Mercury Energy* [FS1386.290] and [FS1387.1559] has opposed the submissions. The Mystery Creek site is governed by an Environment Court Consent Order which does not require Waikato District Council to alter its noise provisions to align with the Waipa Plan. There may be some benefit to recognising the noise boundary, where property owners in the Waikato district are aware of the noise boundary. However, in my view, in the absence of any associated rules within the proposed plan, the addition of a noise contour that relates to another council's rule framework may confuse plan users as to who's responsible in the event there is a noise complaint. It may be more useful to have this information included in a LIM report, and to make an agreement between councils to include this information on a LIM application. The Country Living Zone hearing also discussed this issue in detail, and the recommendation was to reject the relief sought.
186. The submission from Federated Farmers of New Zealand [680.249] seeks to delete all notified overlays on the Proposed District plan maps which are identified on private land. The reason given is that they consider that the process used to identify overlays has not been robust. Further submissions from *New Zealand Walking Access Commission* [FS1307.7], *Waikato Tainui* [FS1108.78], *Turangawaewae Trust Board* [FS1139.69], *Ngati Tamaoho Trust*

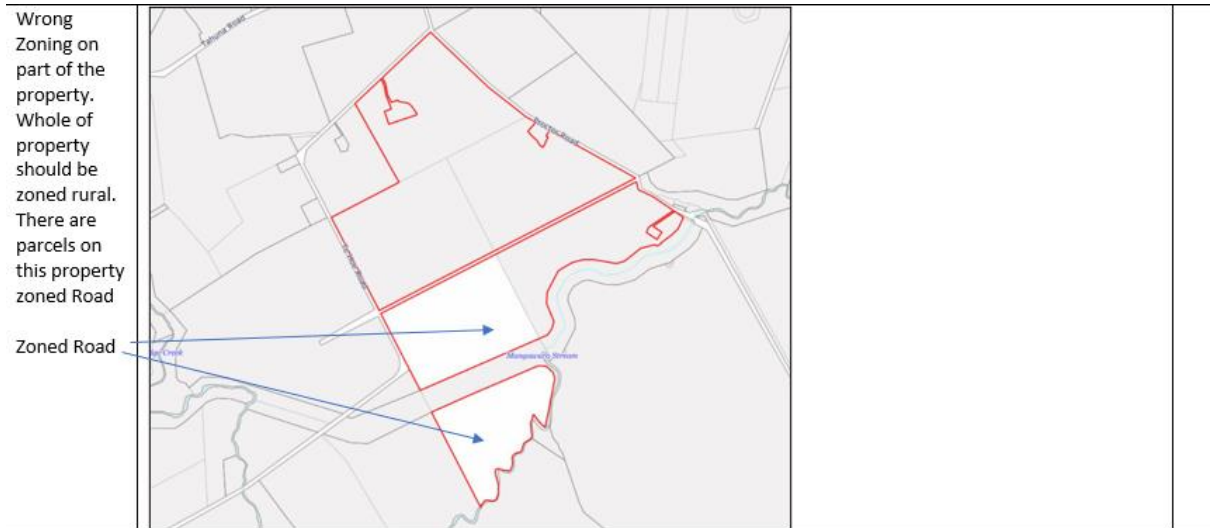
[FS1369.18] and [FS1369.24], Mercury Energy Ltd [FS1385.25], Heritage New Zealand Pouhere Taonga [FS1323.148] and Ta Ta Valley Limited [FS1340.113] have opposed the submission. Further submissions from Colette Shona Hanrahan [FS1051.16], Bathurst Resources Limited and BT Mining [FS1198.53], Zeala Limited trading as Aztech Buildings [FS1275.18] and Havelock Village Limited [FS1377.194] have supported the submission. I can appreciate that there has been some mapping that has needed to be addressed due to inaccuracies. Those issues have been addressed in their respective hearings. In my view, to simply remove all overlays would not be useful to plan users. Many rules rely on the mapping of overlays so plan users can see clearly whether a rule framework applies. This provides surety to property owners. I recommend that the Hearing Panel reject Federated Farmers of New Zealand [680.249].

187. Waikato Regional Council [81.137] seek to amend the maps to show identified Neighbourhood Centres. A further submission from Havelock Village Limited [FS1377.31] has supported the submission. I note that Hearing 5: definitions discussed a submission raised in relation to the wording of Neighbour Centre. The submission sought to remove the reference to planning maps due to the centres not being shown on the maps. In my view, as 'neighbourhood centres' only appear in the Residential Zone rules, where 'neighbourhood centres' are a permitted activity (subject to being within a defined area). My understanding is much work is required to be undertaken by council to identify the best locations for neighbourhood centres and this work will need to consider all the growth cells in each township. It is considered, there will be a requirement for a specific zone established for a neighbourhood centre that is appropriate for small scale businesses. Currently the 'Business Zone' would potentially accommodate development that is not appropriate in a residential setting. Until this work has been undertaken, I recommend that the Hearing Panel reject Waikato Regional Council [81.137].
188. Submissions from Bob Carter [510.4], Sharp Planning Solutions [695.111] and Waikato District Council [697.339] and [697.340] seek to amend the maps to ensure that layers are able to be easily interpreted. Further submitters Waikato Tainui [FS1108.5] and Turangawaewae Trust Board [FS1139.5] have supported the submission from Waikato District Council. Further submissions from Mercury Energy Ltd [FS1223.206] and [FS1388.529] has opposed the submission from Mr Sharp. I agree with the submission, and as part of the updating of maps through recommendations from various hearings, that Councils mapping team will be ensuring that the planning maps are appropriately clear. I recommend that the Hearing Panel accept Bob Carter [510.4] and Waikato District Council [697.339].
189. Waikato District Council [697.341] also seek to amend the planning maps to create additional spatial extents to correspond with certain activities, and give the examples of landscape rules and specific noise areas. A further submission from Mercury Energy [FS1387.537] has opposed the submission. The reasons provided by Waikato District Council are that this would ensure that rules that have specific purposes are spatially mapped, making the areas easier to identify on the planning maps. This would enable Council to group certain activities together and have one spatial extent to be more specifically targeted. It will also enable better plan usability for the customer. I agree with this approach and I envisage that this would occur once decisions have been released. I recommend that the Hearing Panel accept Waikato District Council [697.341].
190. Anna Noakes [524.33] and Withers Family Trust [598.23] seek to amend the Proposed Plan and Maps to explain what is meant by Stage 1. A further submission from Mercury Energy Ltd [FS1388.632] and [FS1388.1019] has opposed the submission. I do not consider that this is necessary, as Stage 1 and Stage 2 will be merged into one at the time of release of the decision. I recommend that the Hearing Panel reject Anna Noakes [524.33] and Withers Family Trust [598.23].

191. Sharp Planning Solutions [695.3] seek to add to the proposed District Plan aspects of Chapter 1.7 to the Planning Maps. Section 1.7 relates to Settlement Acts /Rivers Vision and Strategy and Joint Management Agreement. A further submission from *Heritage New Zealand Pouhere Taonga* [FS1323.149] has supported the submission. This section of the Proposed Plan contains information regarding statutory requirements. In my view, this would clutter the planning maps. I recommend that the Hearing Panel reject Sharp Planning Solutions [695.3]
192. Trevor Weaver [410.1] and [410.4] is seeking to amend the planning map for Rangiriri so that the canal/drain is identified, and also to correct the boundaries of his property on the planning maps. A further submission from *KiwiRail Holdings Ltd* [FS1272.2] has opposed the submission. In my view, when studying the planning maps, I do not believe that the resolution is good enough to show the canal and weir that Mr Weaver is referring to. I invite Mr Weaver to provide evidence at the hearing to give a better understanding of the area he considers needs to be mapped. Without this information I recommend that the Hearing Panel reject the submission. Regarding the latter point, the amendment of the boundary is not a district plan function, accordingly I recommend that the Panel reject this submission.
193. Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village [765.2] seeks to retain the proposed overlays as notified. A further submission from *Mercury Energy Ltd* [FS1385.48] has opposed the submission. I recommend that the Hearing Panel accept the submission, as the notified layers recognise the activities that need to be managed in the area.
194. Fonterra Limited [797.39] submission seeks to amend the Planning maps to include the extent of the Te Rapa Dairy Facility Noise Control Boundary. A further submission from *Mercury Energy* [FS1387.1277] has opposed the submission. This site was discussed in Hearing 12: Country Living Zone, where the s42A report writer for that hearing explained that the Noise Control Boundary has no provisions associated with it and was for information purposes only. In my view the overlay serves no purpose unless there are provisions associated with it. To include the overlay on the planning maps in my view adds unnecessary clutter and creates confusion for plan users. I recommend that the Hearing Panel reject Fonterra Limited [797.39].
195. The submission from Pukekohe Motorcycle Club [807.3] seeks to include a Noise Control Boundary overlay to the land surrounding the track at Geraghty Maber Road, Tuakau, that encompasses an area that is at least 500m from the track. Further submitter *Gerardus Aarts and Yvonne Gemma Aarts* [FS1200.3] has supported the submission. In my view, to impose a 500m buffer would have an impact on the properties that it encompasses as presumably if a property is inside the noise control boundary, they could expect noise from the motorcycle track to be more than what the noise standards are within the plan. In my view, a request such as this needs consultation with the affected properties, supported by a noise assessment from an Acoustic Noise expert. The submitter has not provided either, and without this information it would be unreasonable to impose a 500m buffer. I recommend that the Hearing Panel reject Pukekohe Motorcycle Club [807.3].
196. The submission from Sharp Solutions Limited [695.55] seeks to add a list of all known sites where Hazardous Activities and Industries list activities that have occurred on the planning maps. A further submission from *Horticulture New Zealand* [FS1168.174] has opposed the submission. Although such information would be useful to show on the planning maps, the list would potentially be constantly changing leaving the situation of council displaying information that is not up to date. Further to this is, the NES that manages contaminated

land sets how such sites are managed. I recommend that the Hearing Panel reject Sharp Solutions Limited [695.55].

197. Tainui o Tainui [942.67] seek to amend the planning maps to indicate where public access is available to the coast. The planning maps show public roads and where public access is available to the coast. My understanding from the original submission is that the submitter is seeking an appendix to the plan that shows maps indicating a level down to walking access on public land. I agree this could be a useful tool, however I do not consider that this should be shown on the Proposed Planning Maps. I do not believe, however, that that was the intent of the submission. In my view such a document would be best located as a fluid document outside of the proposed plan. I recommend the Hearing Panel reject Tainui o Tainui [942.67].
198. Holcim New Zealand Limited [766.33] seek to delete the Aggregate Extraction Overlay once quarrying activities have ceased, including at the site at 611 Ridge Road Bombay. The reasons provided consider the overlays affect future subdivision/building platforms within the vicinity of the overlay. The submitter has informed that the aggregate extraction is winding down on its landholdings and is moving towards rehabilitation. I can appreciate that if the extraction activity is winding down that it may seem pragmatic to remove the overlay as part of the district plan review process. However, I am cautious to remove any overlay that is currently in effect. Without knowing actual timelines for Holcim's winding down of activities, in my view the overlay needs to remain in place until the operation ceases. This will also ensure any reverse sensitivity issues can be managed accordingly. In the event that any application for development occurs that is affected by the overlay and it is established that the overlay is no longer required, then this would be dealt with at the time of an application. I recommend the Hearing Panel reject Holcim New Zealand Limited [766.33]
199. The submission from Grace Wilcock [845.3] seeks an amendment to confirm that Rosebanks/Windmill gullies are a joined corridor. I do not see that this information adds any value to the planning maps. I recommend that the Hearing Panel reject Grace Wilcock [845.3].
200. David Saxton [412.1] seeks to require the Department of Corrections to maintain the mitigation plantings at Springhill Prison and to map the area as a SNA. Further submitter *Ara Poutama Aotearoa (Department of Corrections)* [FS1210.1] opposed the submission. Hearing 21 SNA discussed a similar submission and recommended to reject on the grounds that the Springhill Prison site has designation conditions that require the maintenance of the plantings. Due to strict protocol of visitors at the site a site visit to assess the planting was not undertaken and also deemed not necessary as the vegetated area is already sufficiently protected by the conditions of the designation. Accordingly, I recommend the Hearing Panel reject David Saxton [412.1].
201. In the submission point from Waikato District Council [697] seeks to correct mapping errors on the Proposed Plan maps. The following property 2017610 has been erroneously mapped as follows:



202. I recommend that the Hearing Panel accept the recommended changes to the zone mapping on the above property where the areas zoned Road should be zoned Rural.

8.2 Recommendations

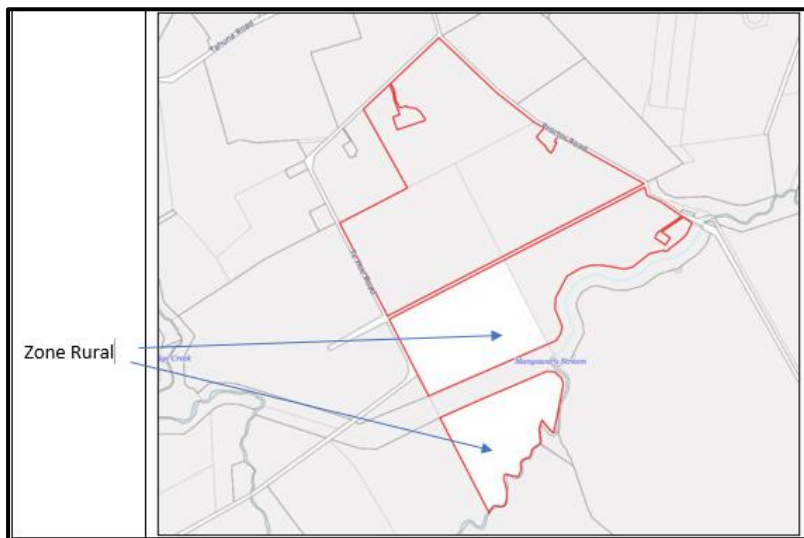
203. For the reasons above I recommend that the Hearing Panel:

- **Reject** New Zealand National Fieldays Society Inc [280.3] and Waipa District Council [939.3], and **Accept** Mercury Energy [FSI386.290] and [FSI387.1559]
- **Reject** Federated Farmers of New Zealand [680.249], Colette Shona Hanrahan [1051.16], Bathurst Resources Limited and BT Mining [FSI198.53], Zeala Limited trading as Aztech Buildings [FSI275.18] and Havelock Village Limited [FSI377.194] and **Accept** New Zealand Walking Access Commission [FSI307.7], Waikato Tainui [FSI108.78], Turangawaewae Trust Board [FSI139.69], Ngati Tamaoho Trust [FSI369.18] and [FSI369.24], Mercury Energy Ltd [FSI385.25], Heritage New Zealand Pouhere Taonga [FSI323.148] and Ta Ta Valley Limited [FSI340.113]
- **Reject** Waikato Regional Council [81.137] and Havelock Village Limited [FSI377.31] and **Accept** Mercury Energy [FSI387.537]
- **Accept** Bob Carter [510.4], Sharp Planning Solutions [695.111] and Waikato District Council [697.339] and [697.340], Waikato Tainui [FSI108.5] and Turangawaewae Trust Board [FSI139.5] and **Reject** Mercury Energy Ltd [FSI388.529]
- **Accept** Waikato District Council [697.341] and **Reject** Mercury Energy [FSI387.537]
- **Reject** Anna Noakes [524.33] and Withers Family Trust [598.23] and **Accept** Mercury Energy Ltd [FSI388.632] and [FSI388.1019]
- **Reject** Sharp Planning Solutions [695.3] and Heritage New Zealand Pouhere Taonga [FSI323.149]
- **Reject** Trevor Weaver [410.1] and [410.4] and **Accept** KiwiRail Holdings Ltd [FSI272.2]
- **Accept** Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village [765.2] and **Reject** Mercury Energy Ltd [FSI385.48]
- **Reject** Fonterra Limited [797.39] and **Accept** Mercury Energy [FSI387.1277]

- **Reject** Pukekohe Motorcycle Club [807.3] and *Gerardus Aarts and Yvonne Gemma Aarts* [FS1200.3]
- **Reject** Tainui o Tainui [942.67]
- **Reject** Grace Wilcock [845.3]
- **Reject** Sharp Solutions Limited [695.55] and **Accept** *Horticulture New Zealand* [FS1168.174]
- **Reject** Holcim New Zealand Limited [766.33]
- **Reject** David Saxton [412.1] and **Accept** *Ara Poutama Aotearoa (Department of Corrections)* [FS1210.1].

8.3 Recommended amendments

204. Correct the zoning on property 2017610 as follows:



8.4 Section 32AA evaluation

205. The recommended changes are to correct a mapping error. Accordingly, no s32AA evaluation has been undertaken.

9. Definitions

206. 18 original submissions were received and 37 further submissions.

Submission point	Submitter	Decision requested
578.49	Ports of Auckland Limited	Retain the definition of "Hazardous substances" in Chapter 13 Definitions, as notified.
FS1388.853	Mercury NZ Limited	Oppose
738.8	Shand Properties Limited	Amend definition of "contaminated land" in Chapter 13: Definitions to refer to standards and or mapped locations.
FS1089.1	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil	Support

	<i>Companies'</i>	
FSI349.11	Allen Fabrics Ltd	Support
FSI342.197	Federated Farmers	Oppose
FSI387.830	Mercury NZ Limited	Oppose
742.67	New Zealand Transport Agency	Amend Proposed District Plan to ensure all terms are defined as appropriate. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
419.24	Horticulture New Zealand	Amend the definition of 'Vegetation Clearance' in Chapter 13 Definitions, to exclude clearance related to a rapid biosecurity response. Specific amendments are outlined elsewhere in the submission. OR Add a new clause (viii) to Rule 22.2.8 PI Indigenous vegetation clearance outside a Significant Natural Area, as follows: (a) Indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must be for the following purposes: ... (viii) removal of vegetation for pest management and biosecurity works. AND Any consequential or additional amendments as a result of changes sought in the submission.
FSI171.19	T&G Global	Support
FSI342.112	Federated Farmers	Support
574.23	TaTa Valley Limited	Add a definition to Chapter 13 Definitions for "Outdoor Recreation", as follows: Physical activity undertaken in outdoors or natural settings to connect to the outside environment and whose primary aim is the enjoyment of leisure. Activities include: Walking and cycling, bush walks, bird watching, mini golf, paintball, zip lining, golf driving range. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FSI223.95	Mercury NZ Limited	Support
FSI301.65	New Zealand Health Food Park Limited	Support
FSI303.65	Charlie Harris	Support
FSI306.20	Hynds Foundation	Support
697.372	Waikato District Council	Add to Chapter 13: Definitions a new definition for "Caretaker accommodation" as follows: Caretaker accommodation Means within the Industrial or Industrial Zone Heavy, one residential unit per site for the purposes of providing on-site security and monitoring.
FSI340.122	TaTa Valley Limited	Support
FSI387.548	Mercury NZ Limited	Oppose
732.8	Terra Firma Resources Ltd	Amend the definition of "Commercial activity (Te Kauwhata Lakeside Precinct)", by adding text as follows: Commercial activity (Te Kauwhata Lakeside Precinct and Residential Puketirini Area) Means a community activity that relates to the Te Kauwhata Lakeside

		Precinct Plan area or the Residential Puketirini Area and involves the use of land and buildings that provide for individual or community health, welfare, care, safety, recreation, cultural, ceremonial, spiritual, and art and cultural purposes. It includes any preschool or education facility, place of worship, community hall or centre or recreation facility.
574.15	TaTa Valley Limited	Chapter 13 Definitions or "Special Event", as follows: A temporary event that exceeds the permitted noise standard of the Resort Zone. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FSI 108.92	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI 139.83	Turangawaewae Trust Board	Oppose
FSI 301.57	New Zealand Health Food Park Limited	Support
FSI 303.57	Charlie Harris	Support
574.25	TaTa Valley Limited	Chapter 13 Definitions, for "Entertainment Facility", as follows: A facility used for entertainment, including: cinema, showground, performance/cultural venue. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FSI 301.67	New Zealand Health Food Park Limited	Support
FSI 303.67	Charlie Harris	Support
FSI 388.826	Mercury NZ Limited	Oppose
578.43	Ports of Auckland Limited	Add clause (f) to the definition of "building", as follows: Building Has the meaning in the Building Act 2004, excluding: ... (g) a structure that is permeable and less than 4 metres in height to protect crops for agricultural use.; or; (f) <u>cargo and containers associated with industrial activities within the Horotiu Industrial Park</u> . AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
FSI 388.850	Mercury NZ Limited	Oppose
574.22	TaTa Valley Limited	Add a definition to Chapter 13 Definitions, for "Workers Accommodation", as follows: Means a dwelling for people whose duties require them to live onsite. This definition includes seasonal workers. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FSI 108.95	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	
FSI 139.86	Turangawaewae Trust Board	
FSI 171.61	Phoebe Watson for Barker	Allow the submission to extent consistent with this further

	<i>& Associates on behalf of T&G Global</i>	<i>submission.</i>
<i>FSI301.64</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support the submission in its entirety.</i>
<i>FSI303.64</i>	<i>Charlie Harris</i>	<i>I also support the original submission by Ta Ta Valley Limited in its entirety.</i>
<i>FSI348.16</i>	<i>Perry International Trading Group Limited</i>	
<i>FSI388.825</i>	<i>Mercury NZ Limited for Mercury E</i>	
578.79	Ports of Auckland Limited	Add the definition of "Sensitive land use"as follows: Sensitive land use Means an education facility including a childcare facility, waananga and koohanga reo, a residential activity excluding worker's accommodation, ... AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
<i>FSI269.51</i>	<i>Housing New Zealand Corporation</i>	<i>Oppose in part.</i>
<i>FSI171.116</i>	<i>Phoebe Watson for Barker & Associates on behalf of T&G Global</i>	<i>Allow the submission.</i>
<i>FSI388.867</i>	<i>Mercury NZ Limited for Mercury E</i>	
578.80	Ports of Auckland Limited	Add a definition of "Worker's accommodation" in Chapter 13 Definitions, as follows: Worker's accommodation A dwelling for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area. Includes: a) accommodation for rangers; b) artists in residence; c) farm managers and workers; and d) staff. AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
<i>FSI269.52</i>	<i>Housing New Zealand Corporation</i>	<i>Oppose in part.</i>
<i>FSI168.133</i>	<i>Horticulture New Zealand</i>	<i>Accept in part.</i>
<i>FSI171.117</i>	<i>Phoebe Watson for Barker & Associates on behalf of T&G Global</i>	<i>Allow the submission.</i>
578.51	Ports of Auckland Limited	Amend the definition of 'Height' in Chapter 13 Definitions as follows: Height Means, in relation to a structure, the vertical No account shall also be taken of: lift wells; lift towers; elevator and stair bulkheads; roof water tanks; machinery rooms; plant, including cooling towers, air-conditioning units, including any access walkways and screening directly

		associated with the plant; cranes; derricks; reefer gantries; cargo stacking and lifting devices; conveyors; stacking of cargo; telecommunications equipment associated with industrial activities; lighting poles and associated equipment that are ancillary to industrial activities; and aerials that are ancillary to industrial activities. AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
<i>FSI 345.1</i>	<i>Genesis Energy Limited</i>	<i>Accept submission point.</i>
<i>FSI 333.22</i>	<i>Fonterra Limited</i>	<i>Allow the relief.</i>
749.50	Housing New Zealand Corporation	Amend the definition of "Height" in Chapter 13 Definitions to add exclusions. AND Amend the definition of "Height" in Chapter 13 Definitions to include specific methods of measurements such as rolling height and/or average ground level. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
749.51	Housing New Zealand Corporation	Delete the definition of "Height control plane" in Chapter 13 Definitions; AND Add a definition of "Recession plane" to Chapter 13 Definitions as follows: Means the height of a building or structure relative to its distance from the boundary of the site. The allowable height increases as the distance from the boundary increases up to the maximum height allowed. The Recession Plane is measured by lines that proceed at a prescribed angle (e.g. 45 degrees) from the horizontal, measured from any point at a prescribed height (e.g. 2m) vertically above ground level along site boundaries. The angle of the recessions plan and the height of the starting point vary by Zone. This control does not apply to chimneys, finials, or other similar decorative features, flues and ventilation shafts, antennas, satellite dishes with a diameter not exceeding 0.6m, flagpoles or any other similar projections not exceeding 2 metres in height and 1 square metre in area. AND Consequential or further amendments required to give effect to the new term "recession plane" replacing "height control plane".
81.155	Waikato Regional Council	Amend the definitions of "Commercial activity" and "Commercial services" to better distinguish large format from small scale activities.
749.36	Housing New Zealand Corporation	Amend the definition of "commercial services" in Chapter 13 Definitions as follows: Means a business providing personal, property, financial, household, private or business services to the general public. It includes but is not limited to: a) authorised betting shops; b) copy and quick print services; c) financial and banking facilities; d) postal services; e) counter insurance services; f) dry cleaning and laundrette services; g) electrical goods repair services; h) footwear and leather goods repair services; i) hairdressing, beauty salons and barbers; j) internet and computer services; k) key cutting services; l) real

		estate agents and valuers; m) travel agencies, airline and entertainment booking services; n) optometrists; o) movie and game hire; and p) animal welfare and/or grooming services.; and q) government and administration services. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1009	Mercury NZ Limited	Oppose

9.1 Analysis

207. A submission from Ports of Auckland [578.49] seeks to retain the definition of Hazardous Substances. A further submission from *Mercury Energy Ltd* [FS1388.853] has opposed the submission. The definition for Hazardous Substances was addressed in Hearing 8 in relation to a submission seeking to amend the definition. The submission was recommended to be rejected on the grounds that the National Planning Standards have a specific definition for Hazardous Substances. Therefore, I recommend that the Hearing Panel accept Ports of Auckland [578.49] and retain the definition of Hazardous Substance as notified.
208. The submission from Shand Properties Limited [738.8] seeks to amend the definition of 'contaminated land' to refer to standards or mapped locations. Further submissions from *Z Energy Limited*, *BP Oil NZ Limited* and *Mobil Oil NZ Limited for Oil Companies* [FS1089.1] and *Allen Fabrics* [FS1349.11] have supported the submission and further submissions from *Federated Farmers NZ* [FS1342.197] and *Mercury Energy Ltd* [FS1387.830] have opposed the submission. The definition for contaminated land was addressed in Hearing 5: Definitions, and the recommendation was to amend the definition to reflect section 2 of the RMA. I agree with the recommendation by the authors of Hearing 5 and recommend that the Hearing Panel reject Shand Properties Limited [738.8].
209. A submission from New Zealand Transport Agency [742.67] seeks to amend the Proposed District Plan to ensure that all terms are defined as appropriate. I acknowledge NZTA's submission, and consider that the appropriate considerations have been undertaken regarding the various terms in the Proposed Plan and have been addressed in the various hearings, as necessary. I recommend that the Hearing Panel accept in part New Zealand Transport Agency [742.67], insofar as there have been amendments made to various terms throughout the hearing process.
210. Horticulture New Zealand [419.24] seeks to amend the definition of Vegetation clearance to exclude clearance related to rapid biosecurity response or add a new clause (viii) to Rule 22.2.8 PI which allows for the removal of such. *T and G Global* [FS117.19] and *Federated Farmers* [FS1342.112] have supported the submission. Similar submissions have been addressed in Hearing 21 Significant Natural Areas where it was discussed that biosecurity works are covered by the recommended inclusion of a definition for 'conservation activities' where these activities are covered, and therefore do not need to be specifically listed. I recommend that the Hearing Panel accept in part Horticulture New Zealand [419.24], where as I believe the relief sought is covered by the recommended definition for 'conservation activities'.
211. TaTa Valley Limited [574.23] seek to add a definition for "Outdoor Recreation" which includes the following activities: walking, cycling, bush walks, birdwatching, minigolf, paintball, zip lining, golf driving range. The reasons provided were that the definition will enable these types of activities to be identified and referred to within the sought Resort Zone. Further

submissions from *Mercury Energy Ltd* [FS1223.95], *New Zealand Health Food Park Limited* [FS1301.65], *Charlie Harris* [FS1303.65] and *Hynds Foundation* [FS1306.20] have supported the submission. The term 'outdoor recreation' has not been mentioned in Hearing 5 Definitions and has also not been identified in the National Planning Standards. In my view it is not necessary to have this term in the plan. Many of the aspects mentioned are day-to-day activities that happen outside the controls of the District Plan and do not need to be identified as a definition, as this would then require there to be a rule framework to manage the activities. I recommend that the Hearing Panel reject TaTa Valley Limited [574.23].

212. TaTa Valley Limited [574.15] and [574.25] also seek definitions for 'Special Event' and 'Entertainment Facility'. Further submitters *Waikato Tainui* [FS1108.92] and *Turangawaewae Trust Board* [FS1139.83] have opposed the submission. Further submitter *New Zealand Health Food park Limited* [FS1301.57] and *Charlie Harris* [FS1303.57] have supported the submission. In regard to [574.25], further submitters *New Zealand Health Food park Limited* [FS1301.67] and *Charlie Harris* [FS1303.67] have supported and *Mercury Energy* [FS1388.826] has opposed. In my view neither of these definitions are required as there are no rules pertaining to these terms and that there is no 'Resort Zone' that is proposed to be created within the Proposed District Plan. Accordingly, I recommend that the Hearing Panel reject TaTa Valley Limited [574.15] and [574.25].
213. The submission from Waikato District Council [697.372] seeks to add a definition to Chapter 13: Definitions for 'Caretaker accommodation'. A further submission from *TaTa Valley Limited* [FS1340.122] has supported the addition of the definition and *Mercury Energy Ltd* [FS1387.548] has opposed the submission. The suggested proposed wording reads as follows:

Means within the Industrial or Industrial Zone Heavy, one residential unit per site for the purposes of providing on-site security and monitoring.
214. I do not support WDC's requested definition of 'caretaker accommodation' because it reads more like a rule. This term is also not contained in the list of definitions in the National Planning Standards. In my opinion, the meaning and role of a caretaker on an industrial site is self-explanatory and no definition is necessary. Attachments 2 and 3 of the concluding hearing report for the Industrial Zone and Heavy Industrial Zone respectively set out the recommended restricted discretionary activity rule for a residential unit for a caretaker or security personnel, subject to a maximum gross floor area of 70m². For the above reasons, I recommend that the Hearing Panel reject Waikato District Council [697.372].
215. The submission from TaTa Valley Limited [574.22] and Ports of Auckland [578.80] both seek to add a definition for "workers accommodation". Further submissions from *Waikato Tainui* [FS1108.95], *Turangawaewae Trust Board* [FS1139.86] and *Mercury Energy Ltd* [FS1388.825] *Horticulture New Zealand*, [FS1168.133], *Housing New Zealand Corporation* [FS1269.52] and *T and G Global* [FS1171.117] have supported the submission and *Mercury Energy Ltd* [FS1388.825] has opposed [574.22]. I have discussed above a similar scenario above in relation to 'caretakers' accommodation' and maintain the view that the term is self-explanatory and as well, there are no rules that use this terminology. I recommend the Hearing Panel reject TaTa Valley Limited [574.22] and Ports of Auckland [578.80]
216. Terra Firma Resources Ltd [732.8] seek to amend the definition of 'Commercial activity (Te Kauwhata Lakeside Precinct)' to include reference to the Residential area of Puketirini Area. I have reread the original submission, and I believe that although the submission speaks to Commercial, I believe the submitter is seeking to amend the definition of 'Community activity (Te Kauwhata Lakeside Precinct)' and has erroneously referred to 'commercial.' I invite the submitter to confirm or clarify this at the Hearing. Nevertheless, I do not agree

with the additional wording to the definition of Community activity (Te Kauwhata Lakeside Precinct), as this definition is specifically for Lakeside Developments and has underlying supporting reports for the area. In my view, for Puketirini to be included within this definition would require the same approach and needs to be supported by similar reports. I recommend that the Hearing Panel reject Terra Firma Resources Ltd [732.8].

217. Housing New Zealand Corporation [749.50] seek to amend the definition of “Height” to add exclusions and to include specific methods of measurements such as rolling height and/or averaged ground level. Housing New Zealand [749.51] also seek to delete the definition of ‘height control plane’ and instead use the term ‘recession plane’. These submissions have been considered in Hearing 5: Definitions where the analysis has recommended as that the definitions within the Definition list of the Planning Standards definitions must be used however suggest that further consideration should be given in s42A reports for all applicable zones in relation to these submissions. In my view given that the National Planning Standards defines these terms I do not consider further consideration is necessary. Hearing 5 authors suggest that it may be more applicable to address these concerns when considering the rules. I note that there have been some amendments recommended in relation to rules and height in various zones and this may alleviate the concerns. In respect of the National Planning Standards, I recommend the Hearing Panel reject the submissions from Housing New Zealand Corporation [749.50] and [749.51].
218. Submission [578.79] from POAL requests that the Chapter 13 definition of ‘sensitive land use’ be amended so that it excludes worker’s accommodation. They considered this necessary to permit workers’ accommodation in the Industrial Zone.
219. The s42A report for Hearing 7 (General Industrial Zone and Heavy Industrial Zone) specifically addressed this matter (at paragraphs 225-229). While the author does not support the requested permitted activity status, they support a restricted discretionary activity status instead.
220. Following the hearing, a revised set of provisions for the General Industrial Zone were developed with helpful input from all submitters, including POAL. These revised provisions are set out in Attachment 2 of the concluding hearing report (dated 8 May 2020) including specific provisions for Horotiu Park in a new Development Area 20.5. Rule 20.5.2.2 (at page 18 of Attachment 2) provides for a residential unit for a worker, caretaker or security personnel as a restricted discretionary activity within Horotiu Industrial Park, subject to a maximum gross floor area of 70m². POAL has now agreed to this new Rule 20.5.2.2. Accordingly, it is recommended that POAL’s submission [587.79] be rejected.
221. Submission [578.51] from POAL requests that the Chapter 13 definition of ‘height’ be amended to exclude various structures (noted in the table above) so that their operational requirements in the inland freight hub are not compromised. They consider any requirement to obtain resource consent for these critical ancillary structures would not be the most effective and efficient way of sustainably managing the natural and physical resources of industrial-zoned land. I agree that this list of structures are integral to POAL’s industrial operations. However, I also consider that recommended Rule 20.5.2.1 P1 and P2 (in Attachment 2 of the concluding hearing report) provide for all these items as permitted activities and that their height is also accommodated by Rule 20.5.4.1 (Building Height) and Rule 20.5.4.3 (Aerials, antennae and lightning masts). Therefore, no amendment is needed to the definition of ‘height’.
222. POAL has raised an issue as to whether shipping containers used to transport their cargo constitute a ‘building’ as defined by the Building Act 2004. From my discussions with Council’s Building Inspectors, I understand that Council has never required building consents

for shipping containers at Horotiu Industrial Park as they are not considered to be ‘buildings’ unless they have a use other than what they are designed for (i.e. to transport cargo). Therefore, I do not consider it necessary to amend the recommended Rule 20.5.4.1 to permit shipping containers and cargo up to a height of 21 metres. Accordingly, it is recommended that POAL’s submission [578.51] be rejected.

223. POAL’s submission [578.43] requests an amendment to the definition of ‘building’ so that it excludes cargo and contains associated with their industrial activities at Horotiu Industrial Park. From my discussions with Council’s Building Inspectors, I understand that Council has never required building consents for shipping containers at Horotiu Industrial Park as they are not considered to be ‘buildings’ unless they have a use other than what they are designed for (i.e. to transport cargo). Accordingly, it is recommended that this submission be rejected.

9.2 Recommendations

224. For the reasons above I recommend that the Hearing Panel:

- **Accept** Ports of Auckland [578.49] and **Reject** Mercury Energy Ltd [FS1388.853]
- **Reject** Shand Properties Limited [738.8], **Accept** Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for Oil Companies [FS1089.1] and Allen Fabrics [FS1349.11] and Federated Farmers NZ [FS1342.197] and Mercury Energy Ltd [FS1387.830]
- **Accept in part** New Zealand Transport Agency [742.67]
- **Accept in part** Horticulture New Zealand [419.24], T and G Global [FS117.19] and Federated Farmers [FS1342.112]
- **Reject** TaTa Valley Limited [574.23], Mercury Energy Ltd [FS1223.95], New Zealand Health Food Park Limited [FS1301.65], Charlie Harris [FS1303.65] and Hynds Foundation [FS1306.20]
- **Reject** Waikato District Council [697.372] and TaTa Valley Limited [FS1340.122] and **Accept** Mercury Energy Ltd [FS1387.548]
- **Reject** TaTa Valley Limited [574.22] and Ports of Auckland [578.80], Waikato Tainui [FS1108.95], Turangawaewae Trust Board [FS1139.86] and Mercury Energy Ltd [FS1388.825], Horticulture New Zealand [FS1168.133], Housing New Zealand Corporation [FS1269.52] and T and G Global [FS1171.117], **Accept** Mercury Energy Ltd [FS1388.825] and [574.22].
- **Reject** Terra Firma Resources Ltd [732.8].
- **Reject** TaTa Valley Limited [574.15] and [574.25], New Zealand Health Food Park Limited [FS1301.57] and [FS1301.67], Charlie Harris [FS1303.57] and [FS1303.67], **Accept** Waikato Tainui [FS1108.92], Turangawaewae Trust Board [FS1139.83] and Mercury Energy [1388.826]
- **Reject** Housing New Zealand Corporation [749.50] and [749.51]
- **Reject** Ports of Auckland Limited [578.79] and T & G Global [FS1171.116]
- **Accept** Housing NZ Corporation [FS1269.51] and Mercury NZ [FS1388.867]
- **Reject** Ports of Auckland [578.51], Genesis Energy Limited [FS1345.1] and Fonterra Limited [FS1333.22]
- **Reject** Ports of Auckland Limited [578.43] and **Accept** Mercury NZ Limited [FS1388.850].

9.3 Recommended amendments

225. There are no changes recommended in response to the submissions.

9.4 Section 32AA evaluation

226. There are no recommended amendments. Accordingly, no s32AA evaluation has been undertaken.

10. No specific relief sought - General

227. 11 submissions were received and 14 further submissions.

Submission point	Submitter	Decision requested
198.6	Property Council New Zealand	No specific decision sought, but submission encourages a coordinated approach between councils across the Waikato region to comply with the upcoming Ministry for the Environment's (MfE) National Planning Standards as soon as the standards are operative.
<i>FS1269.96</i>	<i>Housing New Zealand Corporation</i>	<i>Support</i>
198.13	Property Council New Zealand	No specific decision sought, but the submission supports the monitoring of growth against the anticipated growth settlement patterns and the targets identified in Future Proof strategy and the National Policy Statement on Urban Development Capacity.
<i>FS1269.100</i>	<i>Housing New Zealand Corporation</i>	<i>Support</i>
372.1	Auckland Council	No specific decision sought, but submission seeks clarification over the exclusion of Chapter 11 from the Proposed Waikato District Plan.
<i>FS1297.1</i>	<i>CSL Trust & Top End Properties Limited</i>	<i>Not Stated</i>
<i>FS1388.1</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1340.48</i>	<i>TaTa Valley Limited</i>	<i>Oppose</i>
<i>FS1377.72</i>	<i>Havelock Village Limited</i>	<i>Oppose</i>
<i>FS1276.219</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
414.7	Chris Rayner	No specific decision sought, but submitter questions why there are 6 new cul-de-sacs in the Greenslade Road infill development, which is contrary to Policy 4.7.3(a)(iv). The submission seeks a detailed design with public consultation for the development between State Highway 23 and Greenslade Road.
695.144	Sharp Planning Solutions	No specific decision sought, but submission recommends that council follow the design principles

	Ltd	of Professor Newman et al and Engwicht, in subdivision design.
942.45	Tainui o Tainui	No specific decision sought, but the submitter opposes the commodification of the coastal space. AND Amend the Proposed District Plan to classify economic development of the coast as a discretionary activity and notified.
802.15	Vera van der Voorden	No specific decision sought, but submission expresses concern at the dearth of rental accommodation and lack of affordable housing.
860.16	Aggregate and Quarry Association (AQA) and Straterra	No specific decision requested, but submission considered planning rules need to allow for fluctuating demands and periods of quarry inactivity.
<i>FSI292.8</i>	<i>McPherson Resources Limited</i>	<i>Support</i>
<i>FSI334.8</i>	<i>Fulton Hogan Limited</i>	<i>Support</i>
<i>FSI332.16</i>	<i>Winstone Aggregates</i>	<i>Support</i>
198.18	Property Council New Zealand	No specific decision sought, but submission wishes to see more progress on Future Proof.
535.93	Hamilton City Council	No specific decision sought, but the submission opposes the extent of new residential zoning from Country Living Zone on Map 26.1 Horotiu, pending the satisfactory resolution of infrastructure implications, and addressing how future industrial needs in the southern areas of Waikato District will be met.
<i>FSI277.69</i>	<i>Waikato Regional Council</i>	<i>Support</i>
<i>FSI313.14</i>	<i>Perry Group Limited</i>	<i>Support</i>
<i>FSI388.720</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
798.2	Ngati Te Ata	No specific decision sought, but submission considers the Proposed District Plan does not adequately cover future environmental effects.
<i>FSI385.59</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

10.1 Analysis

228. Submissions received from The Property Council [198.6] and [198.13], Auckland Council [372.1], Chris Raynor [414.7], Sharp Planning Solutions [695.144], Tainui o Tainui [942.45], Vera van der Voorden [802.15], Aggregate and Quarry Association (AQA), Straterra [860.16], Property Council [198.18], Hamilton City Council [593.93], and Ngati Te Ata [798.2] seek no specific decision. As these submissions do not disclose any relief sought, I recommend that the Hearing Panel reject these submissions. However, I have included below concerns expressed in the submissions:

- Property Council encourages a coordinated approach among councils across the region to comply with the planning standards. Also to support the monitoring of growth against the anticipated growth settlement patterns and the targets identified in Future Proof strategy and NPS-UDC. Further submissions from *Housing New Zealand Corporation* [FSI269.96] and [FSI269.100] support this approach.

- Auckland Council seeks clarification over excluding Chapter 11 from the Proposed Plan, and *CSL and Top End Properties* [FS1297.1] support the submission. *Mercury Energy Ltd* [FS1388.1], *TaTa Valley Limited* [FS1340.48], *Havelock Village Limited* [FS1377.72] and *Whaingaroa Defence Inc Society* [FS1276.219] oppose the submission.
- Chris Raynor asks why there are 6 new cul-de-sacs in the Greenslade Road infill development.
- Sharp Planning Solutions recommends that council follow the design principles of Professor Newman and Engwicht in subdivision design.
- Tainui o Tainui oppose any commodification of the coastal space.
- Vera van der Voorden [802.15] expresses concern at the dearth of rental accommodation and lack of affordable housing.
- Aggregate and Quarry Association (AQA) and Straterra [860.16] consider planning rules need to allow for fluctuation demands and periods of quarry inactivity. Further submissions from *McPherson Resources Limited* [FS1292.8], *Fulton Hogan* [FS1334.8] and *Winstone Aggregates* [FS1332.16] have supported the submission.
- Property Council New Zealand [198.18] wishes to see more progress on Future Proof.
- Hamilton City Council [535.93] opposes the extent of new residential zoning from Country Living Zone on Map 26.1 Horotiu. Further submissions from *Waikato Regional Council* [FS1277.69], *Perry Group Limited* [FS1313.14] have supported the submission and *Mercury Energy Limited* [FS1388.720] has opposed.
- Ngati Te Ata [798.2] considers that the Proposed District Plan does not adequately cover further environmental effects. *Mercury Energy Limited* [FS1385.59] opposed the submission.

10.2 Recommendations

229. For the reasons above I recommend that the Hearing Panel:

- **Reject** The Property Council [198.6] and [198.13], Auckland Council [372.1], Chris Raynor [414.7], Sharp Planning Solutions [695.144] and Tainui o Tainui [942.45], Vera van der Voorden [802.15], Aggregate and Quarry Association (AQA) and Straterra [860.16], *Housing New Zealand Corporation* [FS1269.96] and [FS1269.100], *CSL and Top End Properties* [FS1297.1], *Mercury Energy Ltd* [FS1388.1], *TaTa Valley Limited* [FS1340.48], *Havelock Village Limited* [FS1377.72] and *Whaingaroa Defence Inc Society* [FS1276.219], *McPherson Resources Limited* [FS1292.8], *Fulton Hogan* [FS1334.8], *Winstone Aggregates* [FS1332.16], Property Council New Zealand [198.18], Hamilton City Council [535.93], *Waikato Regional Council* [FS1277.69], *Perry Group Limited* [FS1313.14] and Ngati Te Ata [798.2]. **Accept** *Mercury Energy Limited* [FS1388.720].

10.3 Recommended amendments

230. There are no changes recommended in response to the submissions.

10.4 Section 32AA evaluation

231. There are no recommended amendments. Accordingly, no s32AA evaluation has been undertaken.

11. Issues not managed by a District Plan

232. The following submissions are issues that are not managed by a district plan.

11.1 Submissions

233. 69 submission points were received on the topic. 25 further submissions were received. The topics include roading, parking, beach access, rates, development in Raglan.

Submission point	Submitter	Decision requested
30.3	Henk Ensing	No specific decision sought, but the submitter requests assistance with fencing and plants.
55.6	Shelley Munro	Amend the Proposed District Plan to introduce signage to unsealed 100km/limit roads (yellow signs like on windy roads).
99.1	Peter Roberts	No specific decision sought, but submission opposes the painting of yellow no passing lines on Kaiaua Road.
99.2	Peter Roberts	No specific decision sought, but submission states that Council are wasting ratepayers' money.
99.3	Peter Roberts	No specific decision sought, but submission expresses concerns regarding the quality of Council's roading infrastructure, in particular Ratoroa Road.
134.1	Barbara Baker	Requests removal of the recently planted trees on the roadside of Te Kowhai Road, Hamilton.
136.1	Ward Ranch Ltd	Remove the weir from the Whangamarino Wetland.
149.1	Peter Thomson on behalf of Maramarua Golf Club	Maramarua Golf Club carpark be maintained by Council.
156.1	David Rawiri	Maintain access to the property at 123 Rawiri Road from Rawiri Road, despite future changes to roading configuration.
198.3	Property Council New Zealand	Increase collaboration with other councils for the sharing of resources and infrastructure near or crossing boundary lines.
<i>FS1176.36</i>	<i>Watercare Services Ltd</i>	<i>Support</i>
198.11	Property Council New Zealand	No specific decision sought, but submission strongly supports the need for alternative funding mechanisms for infrastructure with central and local government, and the Long Term Plan and District Plan proposals in this regard.
212.6	Ron Pollock on behalf of Community Living Trust	Prioritise the provision of reticulated Council operated water and wastewater to existing home owners and residents (particularly Whatawhata Village), and include planning these systems in Council's Long Term plan to encourage and support housing development in the Whatawhata Village Residential Area.
271.2	Dave and Fransiska	Add a southbound on/exit ramp near Kimihia Road or

	Falconer	McVie Road, Huntly, to divert as much traffic away as possible from Taupiri Mountain Cemetery.
FSI202.29	New Zealand Transport Agency	Oppose submission point 271.2.
FSI386.274	Mercury NZ Limited	Oppose
271.3	Dave and Fransiska Falconer	Restore the town name of Huntly to its original name of Rahui Pokeka.
FSI386.275	Mercury NZ Limited	Oppose
286.16	Waikato-Tainui	Amend the property description and title number SA57C/456 relating to 333 Old Taupiri Road and 467 Hakarimata Road to correct an error where both are referenced under same property description and title number.
FSI035.22	Pareoranga Te Kata	Support the submission in full.
371.3	Kitty Burton	Request that Matangi reticulated infrastructure issues are resolved or investigated further by council.
FSI305.4	Andrew Mowbray	Support
FSI311.10	Ethan & Rachael Findlay	Support submission point 371.3.
377.2	Rangimonehu Kereopa for Pareaute Kereopa Whanau Trust	No specific decision sought, but submission supports Whaingaroa Kite Whenua, Tihei Mauriora - a cultural theme park plan.
380.1	Norman Hill for Waahi Whaanui Trust	Amend the name Huntly to Raahui Pookeka in the Proposed District Plan.
380.3	Norman Hill for Waahi Whaanui Trust	No specific decision sought, but submission seeks that the Waikato District Council immediately commit resources to a programme of restoration and reconstruction of Raahu Pookeka (Huntly).
380.8	Norman Hill for Waahi Whaanui Trust	No specific decision sought, but submission seeks that Waikato District Council resource and support Whaanui to develop and undertake initiatives, activities and projects that improve the education, employment opportunities, health and well-being of the people and community of Whaanui.
381.1	Rawiri Bidois	Council shall provide rates relief for the loss of use to the private landowner where an identified Significant Natural Area is located on private land.
410.3	Trevor Weaver	Lower the weir height in winter to stop water overflowing the normal margins of Lake Kopuera and causing flooding on private land.
419.99	Horticulture New Zealand	Consider rates relief for situations where high class soils are rezoned for residential use.
466.74	Balle Bros Group Limited	Explore rates relief for the following situations: Where high class soils are rezoned for urban growth but remain in primary production use to assist in retaining economic viability. Large scale ecological enhancement areas retired from productive use.
479.1	Olivia Dean-Chambers	Horses should have access to the beach down the walking track.

FS1276.258	Whaingaroa Environmental Defence Inc. Society	WED seeks that the whole of the submission point be allowed, subject to correcting the spelling of Ngarunui.
480.2	Susan Carter	No specific decisions sought, but submission expresses concern at the lack of iwi consultation for road works and traffic detours, particularly on Wainui Road and Gilmour Street, Raglan.
487.1	Charlotte Simsar	Allow free access for horse riding through the paddocks.
FS1276.260	Whaingaroa Environmental Defence Inc. Society	WED seeks that the submission point be allowed, subject to correcting the spelling of Ngarunui.
493.24	Jackie Colliar	Recognise tikanga and Maatauranga Maori in the Blueprint and structure plan processes.
FS1035.77	Pareoranga Te Kata	Agree and support the whole submission.
FS1108.122	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FS1139.110	Turangawaewae Trust Board	Support
525.4	Gillian Marie	Cease using toxic sprays for weed control and stop the requirement to opt out of having their berm sprayed; and replace with a system where people to pay for this service and have to opt in.
525.5	Gillian Marie	WDC to monitor water quality more closely and look at innovative ways of dealing with Whaingaroa sewage and waste water, preferably in a land based system.
546.7	Lynne Adrienne	Add the requirement for Council to take into account advice received from the Raglan Community Board in any future growth and development decisions made by council and decision-making be devolved to the Community Board.
FS1208.4	Rangitahi Limited	Oppose
568.2	JoonYoung Moon	Submitter seeks that the council purchase the land contained within the Waikato River stop banks for parkland.
572.2	Litania Liava'a	Submitter seeks that council purchase the land contained within the Waikato River stop banks for parkland.
603.2	Helen Clotworthy on behalf of Pokeno Community Committee	No specific decision sought, but submission agrees with the work being done on the Economic Corridor.
FS1175.1	Pokeno Community Committee	Support
628.1	Maris O'Rourke	No specific decision sought, but submission opposes the proposed developments in Raglan such as the condominiums proposed for Wainui Road and Stewart Street.
FS1276.193	Whaingaroa Environmental	Support

	<i>Defence Inc. Society</i>	
634.1	Kathryn Gold	Rebuild the single lane bridge at Wainui Road, Raglan.
<i>FSI276.73</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>WED seeks that the whole of the submission be disallowed.</i>
652.2	Kenneth Whyte	Council to purchase the land contained within the Waikato River stopbanks near Buckland Road, Tuakau by Council for park land (see the maps attached to the submission for further detail).
663.2	Graham Halsey	Purchase the land contained within the Waikato River stopbanks near Buckland Road, Tuakau, by Council for park land (see the maps attached to the submission for further detail).
695.1	Sharp Planning Solutions Ltd	Requests council to promote discussion with Kiwirail, the NZ Government, and the Regional Council and transport providers about future development of rail infrastructure and appropriately designated corridors in its region.
695.4	Sharp Planning Solutions Ltd	Add an online calculator for development contributions linked to the Planning Maps that provides a site-specific assessment.
695.5	Sharp Planning Solutions Ltd	Requests applied development plans for each village and town to set out how localities should be developed which sets out how localities should be developed with visual plans.
695.146	Sharp Planning Solutions Ltd	Investigate incentives for road transport operators to form co-operatives using computerised freight sourcing and tracking systems, and for road truck operators to invest in rail rolling stock or leasing.
695.149	Sharp Planning Solutions Ltd	Ensure that Council website online links and pathways are easy to find and links are to the current plan/s and maps.
695.150	Sharp Planning Solutions Ltd	Clarify the Section 88 and Schedule 4 application requirements to Council planners and provide this detail online to the public with examples.
695.6	Sharp Planning Solutions Ltd	Council to consider the needs of all likely road users when re-sealing road surfaces.
724.12	Sue Robertson for Tamahere Community Committee	Add provisions into the District Plan to address cost responsibilities when the harvesting of forests results in damage to the local roading network.
724.13	Sue Robertson for Tamahere Community Committee	Amend the Proposed District Plan to enable targeted rates to be charged when benefits are only accrued to a specific area (user pays).
739.1	Karen Smith	No specific decision sought. (refers to apartments in Raglan)
<i>FSI276.195</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>

FS1276.236	Whaingaroa Environmental Defence Inc. Society	Support
FS1276.242	Whaingaroa Environmental Defence Inc. Society	Support
748.1	Reynolds Limited	Amend the amount of rates payable on the properties at 105 Bollard Road - Property number 302134, Whangarata Road - Property number 302125, 128 Bollard Road and 124 Bollard Road, Tuakau to be based on the current land use (cropping) and not the current zoning. The submission seeks some sort of rates relief.
748.4	Reynolds Limited	Align rates payable on the land to the land use not the zone.
750.1	Matthew Dean on behalf of Mangatawhiri River Catchment Care Group	Beautify the landscape around the bridge on Pioneer Road over the Mangatawhiri River after consultation with all interested parties; AND Erect an interpretation panel to tell the history of the Mangatawhiri area. AND Upgrade the section of the Te Araroa trail that passes through that area. AND Clean up the river in the longer term.
FS1035.91	Pareoranga Te Kata	Support
792.1	Lisa Kerrisk	Provide for free access to ride horses down beach track.
FS1276.265	Whaingaroa Environmental Defence Inc. Society	WED seeks that the whole of the submission point be allowed, subject to correcting the spelling of Ngarunui.
802.3	Vera van der Voorden	Create a register of septic tanks to show proof of regular maintenance to avoid adverse impacts to waterways, and a control team to monitor. OR Develop a bylaw to manage septic tanks.
819.3	Dominic O'Rourke	Undertake selective community consultation for Raglan.
821.15	The Poultry Industry Association of New Zealand	Include information regarding the proximity of intensive farming activities into LIM reports.
826.2	Kym Holland on behalf of Friends of Kimihia Lake	Avoid discharge of water from the proposed Huntly East Mines Development into Kimihia Lake.
FS1047.50	Allen Fabrics Limited	Oppose
831.30	Gabrielle Parson on behalf of Raglan Naturally	Add a chapter and maps showing provision for freedom camping and associated rules, including those for signage.
831.53	Gabrielle Parson on behalf of Raglan Naturally	Consider the positive benefits and negative aspects of a Raglan bypass and do not develop by default.
880.2	Dave Falconer	Add a southbound on/exit ramp near Kimihia Road or McVie Road, Huntly, to divert as much traffic away as possible from Taupiri Mountain Cemetery, in relation to 2.12.1 (Tangata Whenua – Whakapapa (connection to nature) Policy – Whanaungatanga (relationship to nature)) and encourage Huntly's significant current

		growth.
<i>FS1202.108</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>
880.3	Dave Falconer	Restore the town name of Huntly to its original name of Rahui Pokeka.
924.42	Genesis Energy Limited	Amend the Section 32 Report for Infrastructure regarding the Huntly Power Station's transition to being completely gas fired as set out in the submission
942.2	Tainui o Tainui	Provide resources, such as a planner or funds to employ one to complete an Iwi engagement plan as outlined in section 1.7.3.4 Iwi Management Plans.
942.39	Tainui o Tainui	Consider an alternative transport route in the event that State Highway 23 is inaccessible.
942.41	Tainui o Tainui	Provide Tangata whenua with resourcing to undertake surveys and ensure the survival rate of indigenous biodiversity improves on their lands.
942.84	Tainui o Tainui	No specific decision sought, but the submission expresses disappointment that the plan does not improve public transport between the west coast communities and Auckland, Hamilton and Kawhia.
942.86	Tainui o Tainui	No specific decision sought for section 1.5.7.5 The Coast, but submission opposes access over dunes to the beach by vehicles, including horse-drawn carriages.
518.1	Neville Ritchie for Queen's Redoubt Trust	Develop a consent plan for development/beautification of 'Te Aukati Mangatawhiri Wahi Tapu' (and immediate surrounds along the banks of the Mangatawhiri Stream) as a significant historic place. This includes land between State Highway 1 and Pioneer Road, Pokeno in the vicinity of the Pioneer bridge including Mangatawhiri Stream.
<i>FS1323.180</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Oppose</i>
169.2	Tom Seddon on behalf of Jo, Peggi, Oki, Mila, Jade, Anita and other kids	Oppose the prohibition of horse access to Ngaranui Beach via the north-end carpark track.
<i>FS1276.256</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
414.4	Chris Rayner	The submitter seeks a number of roading changes in Raglan; including: - State Highway 23 to end just before Greenslade Road; - A proper turning bay for traffic turning into Greenslade Road with enough room for traffic going straight; - Reducing speed limits; - Standards of roading, drainage, lighting and footpaths; and -Roundabout between Hills Road and Lorezen Bay Road and State Highway 23. -Turning bays on State Highway 23 at Lorenzen Bay Road/Hills Road.

11.2 Analysis

234. These submissions relate to issues that are not a matter for a district plan.

Roading, Parking, Transport-type issues

- The submission from Shelly Munro [55.6] seeks to amend the plan to introduce signage for unsealed road.
- Peter Roberts [99.1] submission seeks no specific relief but opposes the painting of yellow lines on Kaiaua Road, and in submission [99.2] seeks no specific decision but is concerned council is wasting ratepayer's money. Submission [99.3] also seeks no specific decision but expresses concerns about the quality of council's roading infrastructure. As the submission does not disclose any relief sought, I recommend that the Hearing Panel reject these submissions.
- The submission from Peter Thomson on behalf of Maramarua Golf Club [149.1] seeks that Council maintain the Maramarua Golf Club carpark.
- David Rawiri [156.1] seeks Council to maintain access to the property at 123 Rawiri Road.
- Dave and Fransiska Falconer [271.2] and Dave Falconer [880.2] submission seek to add a southbound on/exit ramp near Kimihia or McVie Road. *New Zealand Transport Agency* [FS1202.29] and [FS1202.108] and *Mercury Energy* [FS1386.274] oppose the submission.
- Susan Carter [634.1] submission seeks no specific decision but expresses concerns at the lack of iwi consultation for road works and traffic detours. As the submission does not disclose any relief sought, I recommend that the Hearing Panel reject this submission.
- The submission from Kathryn Gold [634.1] seeks the rebuild of the single lane bridge in Raglan. A further submission from *Whaingaroa Environmental Defence Inc. Society* [FS126.73] opposes the submission.
- Sharp Planning Solutions Ltd [695.1] submission request that council promote discussion with KiwiRail, the NZ Government and Regional Council and transport providers about future development. Sharp Solutions Ltd [695.146] also suggests that Council investigate incentives for road transport operators.
- Gabrielle Parsons of behalf of Raglan Naturally [831.53] seeks considerations of positive and negative benefits of a Raglan Bypass.
- Tainui o Tainui [942.84] and [942.86] seek no specific decision, but one submission expresses disappointment that the plan does not improve public transport to the west coast. The other submission opposes access over the sand dunes by vehicles. As the submission does not disclose any relief sought, I recommend that the Hearing Panel reject this submission.
- Sue Robertson for Tamahere Community Committee [724.12] seeks to add provisions to the Plan to address cost responsibilities for plantation forestry with regard to the roading network.
- A submission from Ms Greensill [942.39] seeks consideration of an alternative transport route if SH23 is inaccessible.

- The submissions from Lisa Kerrisk [792.1], Charlotte Simar [487.1] and Olivia Dean-Chambers [479.1], Tom Seddon on behalf of Jo, Peggi, Oki, Mila, Jade Anita and other kids [169.2] seek council to provide free access for horses to the beach. A further submission from *Whaingaroa Environmental Defence Inc. Society* [FS1276.265] supports the submission.
- Sharp Planning Solutions [695.6] requests that Council consider the needs of all likely road users when re-sealing. The consideration of sealing roads is covered by the Regional Infrastructure Technical Specifications (RITS), which sits outside of the District Plan.
- Chris Raynor [414.4] requests a number of roading changes in Raglan.

235. As the above submissions are not in relation to a district plan function, I recommend that the Hearing Panel reject these submissions.

Submissions on various matters that seek no specific decision

236. The following submissions seek no specific relief:

- A submission from Norman Hill for Waahi Whaanui Trust [380.3] seeks that Council commit resources to the restoration and reconstruction of Raahui Pookeka (Huntly).
- Property Council New Zealand [198.11] strongly supports alternative funding mechanisms for infrastructure.
- Helen Clotworthy on behalf of Pokeno Community Committee [603.2] agrees with the work being done on the economic corridor. A further submission from *Pokeno Community Committee* [FS1175.1] supports the submission.
- Rangimonehu Kereopa for Pareaute Kereopa Whanau Trust [377.2] supports Whaingaroa Kite Whenua, Tihei Mauriora - a cultural theme park plan.
- Henk Ensing [30.3] submission requests assistance with fencing and plants.
- Maris O'Rourke [628.1], Karen Smith [739.1] and Ken Barry [610.1] oppose the development of apartments on Wainui Road in Raglan. Further submissions from *Whaingaroa Environmental Defence Inc. Society* [FS1276.193], [FS1276.195], [FS1276.236] and [FS1276.242] support these submissions.

237. As the submission does not include any relief sought, I recommend that the Hearing Panel reject these submissions.

Renaming of Huntly

238. Three submissions were received that seek to rename Huntly Township to its original name of Rahui Poeka – from Dave and Fransiska Falconer [271.3] and Dave Falconer [880.3] and Norman Hill for Waahi Whaanui Trust [380.1]. A further submission from *Mercury Energy Ltd* [FS1386.275] opposes the submission. The renaming of Huntly is not a district plan consideration, and accordingly I recommend that the Hearing Panel reject these submissions.

Rates relief

239. Five submissions were received seeking consideration of rates:

- The submissions from Horticulture New Zealand [419.99], Balle Bros Group Limited [466.74], Rawiri Bidois [381.1], Tamahere Community Committee [724.13], T A Reynolds Limited [748.1] and [748.4], either seek to amend or provide rates relief. As this is not a district plan consideration, I recommend that the Hearing Panel reject these submissions.

240. The following matters relate to various considerations:

- Barbara Baker [134.1] requests removal of trees on roadside in Te Kauwhata.
- Ward Ranch Ltd [136.1] seeks the removal of a weir from the Whangamarino Wetland.
- Trevor Waver [410.3] requests that the weir height in winter be lowered in relation to Lake Kopuera.
- Property Council New Zealand [198.3] seeks an increase in collaboration with other councils for the sharing of resources in relation to near or crossing boundary lines. A further submission from *Watercare Services Ltd* [FS1176.36] supports the submission.
- A submission from Community Living Trust [212.6] seeks council to prioritise the provision of reticulated services to Whatawhata in the Long-Term Plan.
- Kitty Burton [371.3] requests that Matangi reticulated infrastructure issues be resolved. Further submissions from *Andrew Mowbray* [FS1305.4] and *Ethan and Rachael Findlay* [FS1311.10] support the submission.
- Waikato Tainui [286.16] seek to amend the property description and tile number relating to 333 Old Taupiri Road and 467 Hakarimata Road. A further submission from *Pareoranga Te Kata* [FS1035.22] supports the submission.
- Jackie Colliar [493.24] seeks recognition of tikanga and Maatauranga Maaori in the Blueprint document. Further submissions from *Pareoranga Te Kata* [FS1035.77], *Waikato Tainui* [FS1108.122] and *Turangawaewae Trust Board* [FS1139.110] support the submission.
- Tainui o Tainui [942.2] and [942.41] seeks resources to complete Iwi Management Plans, as well as resourcing to undertake surveys in relation to indigenous biodiversity.
- The submissions from Joan Young Moon [568.2], Litinia Liava [572.2], Kenneth Whyte [652.2] and Graham Halsey [663.2] seek that council purchase land for parks.
- Gillian Marie [525.4] submission seeks the ceasing of toxic spraying for weed control on roadsides. Another submission from Gillian Marie [525.5] seeks that Council undertake water quality monitoring in the Whaingaroa area.
- A submission from Mangatawhiri River Catchment Care Group [750.1] seeks beautification around the bridge on Pioneers Road. A further submission from *Pareoranga Te Kata* [FS1035.91] supports the submission.
- The submissions from Sharp Planning Solutions Ltd [695.4], [695.5], [695.149], and [695.150] seek a range of considerations that relate to functions that in my view sit outside the district plan, such as online tools (mapping and calculators), clarification of Section 88 and Schedule 4, and structure plans.
- A submission from Lynne Adrienne [546.7] seeks that council add the requirement for council to take into account advice received from the Raglan Community Board. A further submission from *Rangitahi Limited* [FS1208.4] opposes the submission. A

submission from Dominic O'Rourke [819.3] also seeks selective community consultation for Raglan.

- Raglan Naturally [831.30] seek that the district plan manages Freedom Camping.
- Vera van der Voorden [802.3] submission seeks that council create a septic tank register.
- The Poultry Association [821.15] seeks that intensive farming activities be included in LIM reports.
- Friends of Kimihia Lake [826.2] submission seeks avoidance of discharge of water from Huntly East Mine into Lake Kimihia. A further submission from *Allen Fabrics Limited* [FS1047.50] opposes the submission.
- Genesis Energy Limited [924.42] seeks amendment to the Section 32 report for Infrastructure.
- The submission from Neville Ritchie for Queen's Redoubt Trust [518.1] seeks a concept plan for development/beautification of 'Te Aukati Mangatawhiri Wahi Tapu' (and immediate surrounds along the banks of the Mangatawhiri Stream). A further submission from *Heritage New Zealand Pouhere Taonga* [FS1323.180] opposes the submission.

241. As these matters cannot be addressed in a district plan, I recommend that the Hearing Panel reject these submissions.

11.3 Recommendations

242. For the reasons above I recommend that the Hearing Panel:

- **Reject** Shelly Munro [55.6], Peter Roberts [99.1], [99.2] and [99.3], Peter Thomson on behalf of Maramarua Golf Club [149.1], David Rawiri [156.1], Dave and Fransiska Falconer [271.2] and Dave Falconer [880.2], Susan Carter [634.1], Kathryn Gold [634.1], Sharp Planning Solutions Ltd [695.1] and [695.146], Gabrielle Parsons of behalf of Raglan Naturally [831.53], Angeline Greensill for Tainui o Tainui [942.84], [942.86] and [942.39], Sue Robertson for Tamahere Community Committee [724.12], Lisa Kerrisk [792.1], Charlotte Simar [487.1], Olivia Dean-Chambers [479.1], *Whaingaroa Environmental Defence Inc. Society* [FS1276.258], [FS1276.260] and [FS1276.265]. Tom Seddon on behalf of Jo, Peggi, Oki, Mila, Jade Anita and other kids [169.2] and Chris Raynor [414.4]
- **Accept** New Zealand Transport Agency [FS1202.29] and [FS1202.108], *Mercury Energy* [FS1386.274] and *Whaingaroa Environmental Defence Inc. Society* [FS126.73]
- **Reject** Sharp Planning Solutions [695.6]
- **Reject** Dave and Fransiska Falconer [271.3] and [Dave Falconer [880.3], Norman Hill for Waahi Whaanui Trust [380.1] and **Accept** *Mercury Energy Ltd* [FS1386.275]
- **Reject** Norman Hill for Waahi Whaanui Trust [380.3], The Property Council New Zealand [198.11], Helen Clotworthy on behalf of Pokeno Community Committee [603.2], *Pokeno Community Committee* [FS1175.1], Pangimonehu Keropa for Pareaute Kereopa Whanua Trust [377.2], Henk Ensing [30.3], Maris

O'Rourke [628.1], Karen Smith [739.1], *Whaingaroa Environmental Defence Inc. Society* [FS1276.193], [FS1276.195], [FS1276.236] and [FS1276.242]

- **Reject** Horticulture New Zealand [419.99], Balle Bros Group Limited [466.74], Rawiri Bidois [381.1], Tamahere Community Committee [724.13], T A Reynolds Limited [748.1] and [748.4].
- **Reject** Barbara Baker [134.1], Ward Ranch Ltd [136.1], Trevor Waver [410.3], Property Council New Zealand [198.3], *Watercare Services Ltd* [FS1176.36], Community Living Trust [212.6], Kitty Burton [371.3], Andrew Mowbray [FS1305.4] and *Ethan and Rachael Findlay* [FS1311.10], Waikato Tainui [286.16] *Pareoranga Te Kata* [FS1035.22]
- **Reject** Jackie Colliar [493.24], *Pareoranga Te Kata* [FS1035.77] and *Waikato Tainui* [FS1108.122] and *Turangawaewae Trust Board* [FS1139.110], Tainui o Tainui [942.2] and [942.41], Joan Young Moon [568.2], Litinia Liava's [572.2], Kenneth Whyte [652.2] and Graham Halsey [663.2], Gillian Marie [525.4] and [525.5], Mangatawhiri River Catchment Care Group [750.1], *Pareoranga Te Kata* [FS1035.91], Sharp Planning Solutions Ltd [695.4], [695.5], [695.149], and [695.150], Lynne Adrienne [546.7], Dominic O'Rourke [819.3], Raglan Naturally [831.30], Vera van der Voorden [802.3], The Poultry Association [821.15], Friends of Kimihia Lake [826.2] and Genesis Energy Limited [924.42]
- **Accept** *Rangitahi Limited* [FS1208.4] and *Allen Fabrics Limited* [FS1047.50]
- **Reject** Neville Ritchie for Queen's Redoubt Trust [518.1] and **Accept** *Heritage New Zealand Pouhere Taonga* [FS1323.180].

11.4 Recommended amendments

243. There are no changes recommended in response to the submissions.

11.5 Section 32AA evaluation

244. There are no recommended amendments. Accordingly, no s32AA evaluation has been undertaken.

12. Further Submissions

245. With respect to the further submissions which did not have a specific recommendation, the following is applied to those:

Type of submission	Original Recommendation	Further submission position	Recommendation for missed further submission
Original	Accept		
Further		Oppose	Reject
Type of submission	Original Recommendation	Further submission position	Recommendation for missed further submission
Original	Accept		
Further		Support	Accept
Type of submission	Original Recommendation	Further submission position	Recommendation for missed further submission
Original	Reject		
Further		Oppose	Accept
Type of submission	Original Recommendation	Further submission position	Recommendation for missed further submission
Original	Reject		
Further		Support	Reject

246. These are identified in the attached Appendix 3 but is also applied to any other further submission which has inadvertently missed having a recommendation

13. Conclusion

247. This report has provided an assessment of submissions received on a variety of topics. The main amendment has been the inclusion of a permitted activity rule for the New Zealand Defence Force.
248. I consider that the submissions within this report should be accepted, accepted in part or rejected, as set out in **Appendix I**, for the reasons set out above.
249. **Appendix 2** contains recommended amendments to the plan.
250. **Appendix 3** contains recommendations on further submissions that did not have a specific recommendation.

Appendix 2: Recommended amendments

7. The following rules are to be included in the following zones: Chapter 16: Residential, Chapter 17: Business Zone, Chapter 18: Business Town Centre, Chapter 19: Business Zone Tamahere, Chapter 22: Rural Zone, Chapter 23: Country Living Zone, Chapter 24: Village Zone, Chapter 25: Reserve Zone and Chapter 28: Rangitahi Peninsula Zone.

Activity	Activity-specific conditions
<p><u>PXX</u> <u>Temporary military training activities</u></p>	<p>(a) <u>The activity must comply with the permitted Activity Noise Standards for Temporary military training activities.</u></p> <p>(b) <u>The event occurs not more than 3 times per single 12-month period.</u></p> <p>(c) <u>The duration of each event is less than 72 hours</u></p> <p>(d) <u>The site is returned to its original condition no more than 3 days after the end of the event</u></p> <p>(e) <u>There is no direct site access from a national route or regional arterial road.¹</u></p>
<p><u>RDI</u></p>	<p>(c) <u>Temporary Military Training activities that do not comply with Rule PXX</u></p> <p>(d) <u>Councils' discretion shall be restricted to the following matters</u></p> <p>(iii) <u>Effects on amenity values</u></p> <p>(iv) <u>Timing and duration</u></p> <p>(v) <u>Hours and days of Military Training activities²</u></p>

Noise- Temporary military training

Activity	Activity-specific conditions
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¹ New Zealand Defence Force [796.3],

² New Zealand Defence Force [796.4]

<u>PXX</u>	<u>Temporary military training activities</u>	<p>(b) <u>Noise measured within any other site in the XXXXXX Zone must not exceed</u></p> <p>(iv) <u>55dB (L_{Aeq}) 7am to 7pm, every day.</u></p> <p>(v) <u>50dB (L_{Aeq}), 7am to 10pm, every day; and</u></p> <p>(vi) <u>45dB (L_{Aeq}) and 75dB (L_{max}), 10pm to 7am the following day</u></p>
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