

# **SECTION 42A REPORT**

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

## **Part A: Background and Process**

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# Glossary

Parts A and B of the hearings reports contain these abbreviations:

| Abbreviation                | Means  |
|-----------------------------|--|
| the Act or RMA              | Resource Management Act 1991   |
| the Council or WDC          | Waikato District Council   |
| the operative district plan | Operative Waikato District Plan, comprising Waikato and Franklin sections.   |
| the proposed plan or PWDP   | Proposed Waikato District Plan 2018  |
| Council website             | <a href="https://www.waikatodistrict.govt.nz/">https://www.waikatodistrict.govt.nz/</a><br>(search for proposed district plan) |
| NES                         | National Environmental Standard  |
| NPS                         | National Policy Statement  |

## I Introduction to the hearings reports

1. Waikato District Council has appointed hearings commissioners to consider, hear and decide on submissions on the Proposed Waikato District Plan Stages 1 and 2. The hearings will commence in September 2019 and continue until late 2020. Submissions will be grouped by topic, to be heard together on the same day, or over several days. Submitters who asked to be heard will receive advance notification of the timetable and hearing dates.
2. To assist the commissioners, the council has arranged for hearings reports to be written by qualified planners. Hearings reports are prepared in accordance with section 42A of the Resource Management Act 1991 (RMA) and are sometimes called “section 42A reports.”
3. The primary purpose of the hearings reports is to assist the hearing commissioners to evaluate and decide on submissions made on the proposed plan.
4. The hearings reports have two parts:
  - Part A – a single document (this document) containing factual background information, statutory context and procedural matters leading up to the hearings.
  - Part B – multiple documents containing an evaluation of submissions on particular topics, including associated recommendations. The Part B reports are organised largely around each chapter of the proposed district plan.
5. Part A (this document) contains no analysis or recommendations on any individual submissions or further submissions. It provides background material on the district plan review process to date, to inform the hearings panel, submitters and interested people of the steps taken over several years to reach the hearings stage. This document covers:

- Background to the district plan review
  - Council adoption of proposed district plan
  - Rules with immediate legal effect
  - Section 32 evaluation
  - Public notification and submissions
  - Pre-hearing processes
  - Technical reports
  - Hearings and Decision Process.
6. All other hearings reports (collectively called Part B) will analyse submissions and make recommendations to the hearings commissioners on the submissions relevant to the report topic.
  7. Some topics may be separated out from their chapters for various reasons. Given this 'compartmentalisation' of various chapters and the interrelated nature of the provisions in the proposed district plan, some degree of cross-referencing between Part B reports may be required for some submitters and decision-makers. These reports will indicate where such cross-referencing may assist.
  8. The analysis and recommendations contained within Part B hearings reports are preliminary only, responding only to the written submissions and any information accompanying that submission. Submitters can speak and present their own evidence at the hearing. The hearings report on each topic will be released to submitters well before the relevant hearing date, to give submitters time to prepare.

## 2 Background to the district plan review

### 2.1 The need for the district plan review

9. The district plan is the primary document that manages land use and development within the district. It is a legal document required by the RMA, which helps the Council manage the development of the district by regulating the environmental effects created by new buildings, subdivision and activities.
10. The operative Waikato District Plan comprised two sections after 2010, following the amalgamation of the former Waikato District with part of the former Franklin District.
11. The Franklin section became operative in 2000. The Waikato section became partly operative in 2011 and fully operative in 2013. Plan changes were made to both sections at different times, but the current review that gave rise to the proposed district plan is the first comprehensive review of both documents.
12. The review was motivated by a number of considerations. Section 79(1) RMA requires councils to commence a review of their district plan provisions if they have not been subject to a review or change during the previous 10 years. Some Franklin provisions are more than

10 years old and due for review. Regardless of whether the council wishes to alter a provision or retain it, the provisions must still be notified as if they were amended.

13. In addition to the statutory requirement to review the district plan provisions, the pressures faced within the district have evolved over time. Growth pressures have manifested that the plan needs to respond to. Several plan changes were undertaken by both previous councils to provide for individual areas where these pressures are being felt, both in the north and south of the district, but Council considered that a more comprehensive all-of-district planning approach was needed.
14. Higher-order RMA planning instruments have already responded to these growth pressures, the main ones being the National Policy Statement on Urban Development Capacity 2016 and the Waikato Regional Policy Statement 2016. These require district plan modifications to give them effect.
15. The review is being undertaken to provide one consolidated set of planning methods applicable to the entire district, address growth pressures, give effect to the national and regional policy statements, and generally improve planning outcomes and administrative efficiency.

## **2.2 Early consultation and development of the Proposed District Plan**

16. In April 2014 Council initiated a full review of the Operative Waikato District Plan including Waikato and Franklin sections (Resolution No. WDC1404/08/1/7), following the recommendation of the Policy & Regulatory Committee in March 2014 (P&R1403/07/9).
17. After that decision, the district plan review proceeded with identification of significant resource management issues, gathering technical evidence, drafting of objectives and provisions, consultation with Government, iwi, stakeholders and the community, and public release in 2017 of a draft district plan that sought informal feedback. Details of these steps are contained in the section 32 report. The draft was continuously revised and developed throughout these steps.
18. Schedule 1 RMA requires consultation during the preparation of a proposed plan with the following bodies:
  - the Minister for the Environment; and
  - those other Ministers of the Crown who may be affected by the policy statement or plan; and
  - local authorities who may be so affected; and
  - the tangata whenua of the area who may be so affected, through iwi authorities; and
  - any customary marine title group in the area.
19. Consultation with the Government ministers and departments, community, stakeholders, iwi and elected members and numerous background research and reports were used as a basis for the drafting of the proposed district plan.
20. Schedule 1 RMA sets out the requirements for local authorities to consult with iwi authorities before notifying a proposed plan. Clause 4A(1)(b) requires Council to have

particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

21. Council engaged with the relevant Iwi and Hapuu and through Te Kahui Mangai website:
- Iwi authorities within Waikato District:
    - Waikato Tainui
    - Ngaati Tamaoho
  - Iwi for the purpose of RMA list on Te Kahui Mangai
    - Tainui o Tainui
  - Iwi that have relationship from other districts
    - Hauraki
    - Ngaati Maniapoto
    - Ngaati Paoa - Hauraki
22. The advice received from iwi authorities was carefully considered. The section 32 report details this advice and the Council's responses.
23. Council created an Iwi Reference Group to provide Council with a single forum to socialise the proposed changes to the Operative District Plan. The Iwi Reference group was made up of all iwi and hapuu within the district that council currently consults with on resource consents. Engagement and consultation with the Iwi Reference Group provided input into the development of the draft plan from the inception of the project, between December 2009 and June 2018.
24. Council undertook extensive consultation with key stakeholders and with local communities as to how the plan should reflect all the individual aspirations. The engagement process started in June and July 2015 when a total of 18 community drop-in sessions were held throughout the district for the community to chat to staff and Councillors about any topic in the District Plan that was important to them. Further community drop-in sessions were held in November 2017 to share a draft of the plan with the community for feedback.
25. Many of the wider issues identified in the PWDP are also managed and influenced by other organisations through their respective planning documents. A collaborative partnership approach was taken to the drafting of the proposed district plan. This included the Iwi Reference Group and Future Proof partners (Waikato Regional Council, New Zealand Transport Agency, Hamilton City Council and Waipa District Council). Various utility providers have also been consulted with. This process ensures that the PWDP is consistent with, and gives effect to, the relevant statutory plans and documents, and integrates with the responsibilities of other organisations.
26. It was anticipated during the consultation that some of these partners would make consequential amendments to their planning documents to reflect the on-the-ground reality and the issues which the PWDP seeks to address.
27. Council made a draft district plan available for public feedback in November 2016. Council held 33 open days and drop-in days around the district which enabled the community to talk to the planners and examine the draft district plan.

28. Specific consultation on biodiversity, landscapes, natural character and historic heritage with affected landowners commenced in May and June 2018, with letters sent to property owners who would be directly affected by provisions on these matters. Discussions were had with landowners to discuss the draft provisions and what this would mean for them.

### 2.3 Statutory considerations in preparation of the Proposed District Plan

29. The RMA requires that there be a district plan in place at all times for the Waikato District, and sets out district plan content, the process and considerations that the Council must follow when changing or reviewing a district plan. The purpose of preparing, implementing and administering a district plan is to assist the Council to carry out its functions in order to achieve the purpose of the Act (section 72).

30. The RMA purpose and principles are set out in Part 2 of the Act. These comprise:

- the purpose of the Act (section 5)
- Matters of National Importance (section 6)
- Other Matters that require particular regard in achieving the purpose of the Act (section 7), and
- Treaty of Waitangi (section 8).

31. Section 31 RMA states the Council's functions under the RMA:

*(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

*(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

*(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*

*(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*

*(i) the avoidance or mitigation of natural hazards; and*

*(ii) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*

*(iii) the maintenance of indigenous biological diversity:*

*(d) the control of the emission of noise and the mitigation of the effects of noise:*

*(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*

*(f) any other functions specified in this Act.*

*(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.*



32. The Council's Operative District Plan satisfies 'establishment' under section 31(1)(a), whilst the 'implementation' role is delivered through Council's regulatory planning and enforcement channels. The third requirement is to 'review' the provisions of the District Plan, a task that is further reinforced by section 79(1)(c) of the Act.
33. The proposed district plan assists the Council in meeting both the section 31(1)(a) and 79(1)(c) obligations.
34. Section 75 RMA sets out the contents of the district plan.
- (1) *A district plan must state*
- (a) *the objectives for the district; and*
- (b) *the policies to implement the objectives; and*
- (c) *the rules (if any) to implement the policies.*
- (2) *A district plan may state*
- (a) *the significant resource management issues for the district; and*
- (b) *the methods, other than rules, for implementing the policies for the district; and*
- (c) *the principal reasons for adopting the policies and methods; and*
- (d) *(d) the environmental results expected from the policies and methods; and*
- (e) *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
- (f) *the processes for dealing with issues that cross territorial authority boundaries; and*
- (g) *the information to be included with an application for a resource consent; and*
- (h) *any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act. ...*
- (5) *A district plan may incorporate material by reference under Part 3 of Schedule 1.*
35. Section 74 RMA sets out the matters that must be considered in preparing or changing a district plan. Among other things, section 74 requires a local authority to comply with its functions under sections 31, 32, 75(2) and Part 2 of the Act in preparing a change to a district plan. Section 74 requires the following matters to be given regard to:
- proposed regional policy statement, or
  - proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4
  - management plans and strategies prepared under other Acts
  - any relevant entry in the Historic Places Register
  - any regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiāpure, mahinga mātaītai, or other non-commercial Māori customary fishing),
  - the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

36. In addition, a territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (RMA section 74(2A).)
37. Section 75(3) RMA requires district plans to give effect to:
- (a) any national policy statement; and
  - (b) any New Zealand coastal policy statement; and
  - (c) any regional policy statement.

## 2.4 National Policy Statements

38. Section 75(3) RMA requires that the district plan gives effect to any National Policy Statement (NPS) and any New Zealand coastal policy statement. The proposed district plan gives effect to the four NPS documents currently in place:
- NPS on Electricity Transmission (2008)
  - NPS for Renewable Electricity Generation (2011)
  - NPS for Freshwater Management (2014)
  - NPS on Urban Development Capacity (2016).
39. As part of the National Policy Statement on Urban Development Capacity requirements, minimum targets for the development of residential and commercial land are required to be incorporated into the Waikato Regional Policy Statement. This is being undertaken by the Future Proof partner councils through the development of a Future Development Strategy. The content and timing of any change to the regional policy statement will be reported in more detail to relevant hearings.
40. Several other draft NPS have been considered or proposed by the Government but are not yet operative, and have not been taken into account in the district plan review. These will be discussed further in hearings reports where relevant.
41. The New Zealand Coastal Policy Statement (NZCPS) states policies to achieve the purpose of the Act in relation to the coastal environment of New Zealand. The proposed district plan Stage 1 gives effect to NZCPS, apart from natural hazards aspects, which will be addressed in Stage 2 of the proposed district plan.
42. The Hauraki Gulf Marine Park Act 2000 (section 9) requires territorial authorities to ensure that any part of a district plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8. These sections, dealing with the national significance and management of the Hauraki Gulf, are given the status of national policy statements. Waikato District includes land within the Hauraki Gulf catchment, as well as a short coastline at Miranda. The proposed district plan complies with the Hauraki Gulf Marine Park Act.

## 2.5 National Environmental Standards

43. Every local authority and consent authority must observe national environmental standards (NES) and must enforce them to the extent that their powers enable them to. Section 44A

RMA requires district plans to not duplicate a national environmental standard or conflict with it. The following standards are in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry.

44. Several other national environmental standards have been considered or proposed by the Government but are not yet operative. The proposed district plan is consistent with all of the operative NES above, neither duplicating nor conflicting with any of the NES provisions.

## **2.6 National Planning Standards**

45. National Planning Standards were approved by the Minister for the Environment and published in April 2019, after the PWDP was notified. Some submissions on the PWDP ask for the National Planning Standards to be applied to the plan. These submissions will be reported in detail in the relevant hearings.

## **2.7 Waikato Regional Policy Statement**

46. The PWDP gives effect to the Waikato Regional Policy Statement (2016), which states regional objectives and policies, and methods of implementation. The methods statements make numerous references to district plans, requiring district plans to give effect to relevant policies. PWDP Stage 2 will address hazards issues. PWDP Stage 1 gives effect to all other relevant provisions of the regional policy statement, except possibly in regard to some urban limits provisions.

47. It was anticipated through the consultation with Waikato Regional Council that the proposed district plan will inform a consequential change to the regional policy statement, with regard to urban limits for some of the towns and villages that the proposed district plan has identified for growth. The content and timing of any change to the regional policy statement will be reported in more detail at relevant hearings.

48. The Waikato Regional Policy Statement gives effect to the vision and strategy (Te Ture Whaimana o Te Awa o Waikato) contained in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The proposed district plan acknowledges the vision and strategy (para 1.7) and complies with the requirements of the regional policy statement and obligations imposed directly under this and other Treaty settlement legislation.

## **2.8 Regional Plans**

49. Section 75(4) RMA requires district plans to not be inconsistent with a regional plan for matters specified in section 30(1). Waikato Regional Council is currently conducting a regional plan review. Two regional plans are currently operative:

- Waikato Regional Plan
- Waikato Regional Coastal Plan.

50. The proposed district plan is not inconsistent with these operative regional plans. The district plan review had regard to the provisions of Proposed Regional Plan Change 1: Healthy Rivers Wai Ora, (notified October 2016) which addresses water issues, including water quality and the vision and strategy for the Waikato River. The proposed district plan indirectly affects water issues with its development controls. Submissions on Proposed Regional Plan Change 1 are currently being heard. When its final form is known there will be a need to review whether there is any inconsistency in the district plan.

## **2.9 Neighbouring Territorial Authorities**

51. A Council is required by the RMA section 75(2)(c) to have regard to the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities. Waikato District adjoins Auckland, Hauraki District, Matamata-Piako District, Waipa District, Otorohanga District and Hamilton City.
52. Opportunities for alignment of provisions or plan structure were considered. All adjacent territorial authorities were notified as part of the district plan review. No specific cross-boundary issues were raised. PWDP Chapter 1 provides a process to address cross-boundary issues emerging in future.
53. Consistency was considered and discussed with neighbouring territorial authorities, and the proposed district plan is considered sufficiently consistent with the operative or proposed district plans of neighbouring territorial authorities. Differences in approach or content do not reflect a conflict with neighbouring authorities, but provide a locally-informed, context-sensitive, Waikato-based planning framework.

## **2.10 Iwi Management Plans**

54. Section 74(2A) RMA states that the territorial authority must “take into account” any planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
55. To date there are two iwi planning documents that have been prepared and lodged with the Council. These documents have been considered in the preparation of the proposed district plan.
56. Waikato-Tainui Environmental Plan 2013 (Tai Tumu Tai Pari Tai Ao) is designed to enhance Waikato-Tainui participation in resource and environmental management. The plan seeks to achieve a consistent approach to environmental management across the Waikato-Tainui rohe, providing clear high-level guidance to external agencies regarding Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment.
57. The Joint Management Agreement (JMA) Waikato District Council has with Waikato-Tainui via Waikato Raupatu River Trust provides for an enduring relationship between the two parties. Council must take into account the relevant components of the Waikato-Tainui Environmental Plan. As it relates to the Waikato River, Council must respect the independence of the parties and their individual mandates, roles and responsibilities in relation to the Waikato River.
58. The Maniapoto Environmental Management Plan 2016 (Ko Ta Maniapoto Mahere Taiao) is a direction-setting document and describes issues, objectives, policies and actions to protect,

restore and enhance the relationship of Maniapoto with the environment, including economic, social, cultural and spiritual relationships.

59. In giving effect to the Vision and Strategy for the Waikato River, including the Waipa River, the proposed district plan has taken into account the Maniapoto Environmental Management Plan.

## **2.11 Other Plans and Strategies**

60. The RMA also requires a Council preparing a district plan to have regard to any management plans and strategies prepared under other Acts (section 74(2)(b)(i)). The proposed district plan takes into account several Council strategies prepared under the Local Government Act, as well as other plans and strategies that do not fall under the realm of Section 74(2)(b)(i):

- Waikato District Development Strategy
- Structure plans
- Design guides
- Tree Policy
- Activity Management Policy
- Reserves Management Plans
- Waste Management and Minimisation Plan
- Catchment Management Plans
- Community Plans
- Economic Development Strategy
- Biodiversity Strategy
- Natural Hazard Risk Management.

61. While consultation on these documents did not explicitly link them to the district plan, the Council has considered the community input that shaped them. During the review process, collaboration within Council has ensured that appropriate methods are included for rules or alternative methods to implement the strategies. Care has been taken to ensure that the proposed district plan does not duplicate requirements within a bylaw.

62. The Future Proof Strategy, Planning for Growth, November 2017 is a 30-year growth management and implementation plan specific to the Hamilton, Waipa and Waikato sub-regions. Future Proof establishes a settlement pattern to provide for growth and development, and aims to achieve a more compact and concentrated urban form over time. Elements of an earlier version of Future Proof have been incorporated into the Waikato Regional Policy Statement, and these are given effect to by the proposed district plan.

63. The Hauraki Gulf Marine Spatial Plan (Sea Change – Tai Timu Tai Pari) aims to secure a healthy, productive and sustainable future for the Hauraki Gulf. The proposed district plan has a role in assisting with the implementation of the spatial plan in those parts of the district within the Hauraki Gulf catchment.

64. The strategies given regard to are not limited to Waikato District Council strategies. The council also had regard to these other strategies in preparation of the proposed district plan:
- NZ Biodiversity Strategy 2000 (Department of Conservation)
  - Waikato Conservation Management Strategy 2014–2024 (Department of Conservation)
  - Vision and Strategy for the Waikato River (Legislation/ Regional Policy Statement)
  - The Waikato River and Waipa River Restoration Strategy (Waikato River Authority).

## 2.12 Documents incorporated by reference

65. Schedule 1 RMA clause 34 enables district plans to incorporate documents by reference. The PWDP contains 17 documents incorporated by reference, as listed in **Appendix A** to this report. These include New Zealand Standards and other recognised industry standards. These external documents contain standards applicable to controls on activities such as site development and noise. The documents are referred to in the PWDP text where relevant. The list of documents proposed to be incorporated by reference was publicly notified on 17 July 2018, with comments closing on 31 August 2018. No comments were received.

## 2.13 Designations

66. After consultation, 21 requiring authorities requested that their existing designations contained in the operative district plan be included in the proposed district plan (Stage 1) without change:

|                               |                              |
|-------------------------------|------------------------------|
| Airways Corporation of NZ Ltd | Ministry of Education        |
| Auckland Council              | Ministry of Justice          |
| Chorus NZ Ltd                 | New Zealand Transport Agency |
| Counties Power                | Radio NZ Ltd                 |
| Department of Conservation    | Transpower NZ Ltd            |
| Department of Corrections     | Waikato District Council     |
| First Gas Ltd                 | Waikato Regional Airport Ltd |
| Hamilton City Council         | Waikato Regional Council     |
| Hauraki District Council      | Watercare Services Ltd       |
| KiwiRail Holdings Ltd         | WEL Networks                 |
| Minister of Police            |                              |

67. Transpower NZ Ltd and the Department of Corrections sought to roll over existing designations, with modifications to conditions.
68. Notices of Requirement for new designations were lodged by Chorus NZ Ltd to designate 25 sites that already have telecommunication facilities established on the sites. The Ministry of Education lodged a Notice of Requirement to designate three sites that already have schools established on the sites. New Zealand Transport Agency lodged a Notice of Requirement to designate State Highway 39.

### 3 Council adoption of the Proposed District Plan

69. The review approach was modified on 12 March 2018 to a rolling review. The majority of the plan was to continue as Stage 1. Council resolved that climate change and natural hazards topics would be removed and notified separately from the rest of the district plan as Stage 2 (resolution WDC1803/11.) This was because technical data for climate change and natural hazards topics was incomplete. It was intended that the two Stages would dovetail into a single hearing process in 2019.
70. On 27 June 2018 the Council approved Stage 1 of the proposed district plan for notification (resolution WDC1806/07.)
71. The chapters of the proposed district plan, as notified, are as follows:
- Section A Plan overview and strategic directions
- Chapter One: Introduction
- Section B Objectives and policies
- Chapter 2: Tangata Whenua
  - Chapter 3: Natural Environment
  - Chapter 4: Urban Environment
  - Chapter 5: Rural Environment
  - Chapter 6: Infrastructure
  - Chapter 7: Historic Heritage
  - Chapter 8: Reserves
  - Chapter 9: Specific Zones
  - Chapter 10: Hazardous Substances and Contaminated Land
  - Chapter 11: Natural Hazards and Climate Change (Stage 2)
- Section C Rules
- Chapter 12: How to use and interpret the rules
  - Chapter 13: Definitions
  - Chapter 14: Infrastructure and Energy
  - Chapter 15: Natural Hazards and Climate Change (Stage 2)
  - Chapters 16-28: Zone rules
- Section D Appendices and Schedules
- Chapter 29: Appendices
  - Chapter 30: Schedules.
72. No plan provisions have been withdrawn by Council after the date of notification.

## 4 Rules with immediate legal effect

73. Generally, a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified (RMA Section 86B.) However, legal effect is given immediately after the notification date to any rule that:
- (a) protects or relates to water, air, or soil (for soil conservation), or
  - (b) protects areas of significant indigenous vegetation, or
  - (c) protects areas of significant habitats of indigenous fauna, or
  - (d) protects historic heritage, or
  - (e) provides for or relates to aquaculture activities.
74. Council could have applied to the Environment Court to vary this statutory approach, but did not do so.
75. Accordingly, rules in the PWDP relating to indigenous vegetation and habitats, contaminated sites, and historic heritage have had legal effect since the date of notification of the proposed district plan. The proposed district plan highlighted in green the rules having immediate legal effect under section 86B(3). **Appendix B** to this report lists the relevant rules.

## 5 Section 32 Evaluation

76. Statutory considerations have been addressed in the suite of section 32 reports that accompanied notification of the proposed district plan. The reports are available on the Council website.
77. Section 32 (as applicable to the proposed district plan process) requires the Council to carry out an evaluation at the following stages:
- (a) before a proposed plan is publicly notified, and
  - (b) before making a decision on provisions and matters raised in submissions for the proposed plan under clause 10 of Schedule 1 to the RMA .
78. While there is nothing in section 32 that expressly requires a section 32 evaluation to be undertaken before, or included in, a Council Officer's section 42A report, in practice it is useful and probably essential for a section 42A report to address section 32 matters. The section 42A report, and any recommendations made in it, will form part of the evidence presented to the decision-maker for consideration in making their decision.
79. Where proposed district plan provisions are recommended for amendments as a result of submissions, the reasoning for the amendments is given in the hearing report, including the obligations under section 32AA to consider the appropriateness of the proposed provisions and the benefits and costs of any policies, rules or other methods.

## 6 Technical reports

80. Many technical reports were commissioned to inform the District Plan Review prior to notification of the proposed district plan. These were focused on topics where Council staff required additional data or technical expertise to understand particular resource



management issues and to analyse potential district plan options. These reports are cited in the relevant s32 reports and in many cases appended to those reports. The reports include:

- Hegley Acoustic Consultants - Review of Noise Provisions, May 2017
- ME Consulting - Indigenous Biodiversity Assessment Framework, June 2018
- Kessels Ecology/Waikato Regional Council - Significant natural areas of the Waikato District: terrestrial and wetland ecosystems, May 2017
- Beca - Waikato Urban Design Guidelines 2017
- ME Consulting - Residential Zone Minimum Lot Sizes Assessment Framework, June 2018
- Ministry for the Environment - Hazardous Activities and Industries List (HAIL), October 2011
- Norbert Schaffoener - Hazardous Substances Management, April 2017
- ME Consulting - Heritage Assessment Framework, June 2018
- Heritage Consultancy Services - Built Heritage Assessment, November 2017
- Archifact – architecture & conservation ltd - Built heritage items for proposed registration
- Peer review, June 2018
- MWH/Stantec - Review Of The Infrastructure Provisions, January 2017
- Boffa Miskell Limited - Waikato District Landscape Study, June 2018
- Boffa Miskell Limited - Natural character study of Waikato coastal environment (July 2016)
- ME Consulting - Growth Areas, July 2018
- Des Tatana Kahotea PhD - Maori Sites of Significance, Methodology for Establishing Boundaries, June 2018

## 7 Public Notification and submissions

### 7.1 Notification

81. The RMA sets out procedures and timelines for the notification and subsequent processing of proposed district plans. In particular, the following clauses in Schedule I have been complied with:

- Clause 5: public notification requirements, including where the proposed district plan can be inspected, minimum 40 working days for submissions and provision of the proposed district plan to the regional council, the Minister for the Environment, adjacent local authorities and the tangata whenua of the area, through iwi authorities.
- Clause 6: making submissions.

- Clause 7: public notice of a summary of decisions requested, including serving the public notice on all persons who made submissions and the availability of that summary. Clause 7 also requires a minimum of 10 working days for further submissions to be made.
  - Clause 8 defines who may make further submissions.
  - Clause 8AA: arranging meetings with Council for the purpose of clarifying or facilitating the resolution of any matter relating to the proposed district plan.
  - Clause 8B: arranging a hearing to enable submitters to be heard and giving at least 10 working days' notice of the dates, times, and place of the hearings to every person who made a submission or further submission.
82. Stage 1 of the proposed district plan was notified on 18 July 2018, with submissions open for 60 days. Submissions closed on 9 October 2018. Submissions were received from 989 individuals and organisations, making 9766 original submission points. The names of all the submitters are listed on the Council website, under the summary of submissions. Hearings reports on particular topics will include full lists of submitters and submission summaries relevant to each topic.
83. Council publicly notified a summary of decisions requested, in accordance with clause 7, on 29 April 2019. Further submissions were invited. The period for lodging further submissions was set to close on 27 May 2019. The summary is available on the Council website.
84. On 15 August 2019 Council publicly notified a correction to the original summary of submissions. This was not a re-notification of the summary of submissions. The additional notification included:
- a. Minor corrections to the summaries of 29 submissions;
  - b. The original submission documents to 39 submissions that were not available due to technical issues; and
  - c. Added five submissions that had been omitted from the first summary of decisions.
- The timeframe for receiving all further submissions was extended to 16 July 2019.
85. The corrected summary of decisions requested included the following submitters (previously omitted) and submitter numbers:
- Mark Fendall [122]
  - KiwiRail [986]
  - Koch Farms Limited [985]
  - Turangawaewae Trust Board [984]
  - Waikato-Tainui [286].
86. Some of these omissions were due to submitters submitting two documents that were in addition to their initial submission, rather than replacements (and an incorrect assumption was made that they were replacement submissions). The submission from Turangawaewae Trust Board had not been received by Council, and Council only became aware of this after the summary of decisions requested had been notified.

87. For fairness, the further submission period matched that of the initial notification period for further submissions (20 working days), therefore the closing date for all further submissions was 9am on 16 July 2019
88. Further submissions were received from 423 individuals and organisations, making 13,908 further submission points. The names of the further submitters are available on the Council website. Hearings reports on particular topics will cover the further submissions relevant to the primary submissions under each topic.
89. The summary of decisions requested, as well as full copies of all submissions and further submissions, are available on the Council website.

## 7.2 Trade competition issues

90. Schedule 1 RMA states that anyone may make a submission, however if the person could gain an advantage in trade competition through the submission, the person's right to make a submission is limited by clause 6(4).

*(4) A person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that—*

*(a) adversely affects the environment; and*

*(b) does not relate to trade competition or the effects of trade competition.*

91. Council included this item in the submission form:

*I could / could not gain an advantage in trade competition through this submission.*

92. These submitters indicated they could gain an advantage in trade competition:

| No. | Name            | Organisation                     |
|-----|-----------------|----------------------------------|
| 454 | Troy Fell       |                                  |
| 474 | Charlotte Brown | Fara Kurima Partnership          |
| 664 | Mark Morgan     | Waikato Regional Airport Limited |
| 788 | Susan Hall      |                                  |

93. No determination has been made to date whether all or any parts of these submissions can be received under clause 6(4).
94. Hearings reports dealing with the relevant topics will report on these submissions and highlight the fact that there is a question around trade competition. It is anticipated that the Hearings Commissioners will hear evidence and determine whether these submissions can be received.
95. Trade competition issues around other submissions (not listed above) might emerge from evidence in the hearings, even though trade competition issues were not indicated when the submissions were first lodged. The Hearings Commissioners may call for such other evidence or evaluation of these as the case requires.

### 7.3 Withdrawn submissions

96. Submissions have been withdrawn in whole or in part by the following individuals and organisations (names are followed by submitter numbers). Many of these were not withdrawals of submissions per se, but deletion of duplicate submissions where the submitters had lodged the same submission in more than one way eg by email and by post.

- Deborah Reardon [1]
- TaTa Valley Limited [15, 431, 1337]
- Brendan Balle for Balle Bros Group [448]
- Nick Hall for Birch Surveyors Limited [470]
- Withers Family Trust - Health Food Park (as successor in title) [598.1 and 598.7]
- Zeala Ltd t/a Aztech Buildings [779]
- Tasman Lands Limited [843]
- Industrial Holdings Huntly Ltd [848]
- Clyde Juices Ltd [849]
- Mark Hickmott [852]
- McCracken Surveys Ltd [856]
- Te Kowhai Landowners Group [858]
- Paul Arnesen (Planning Focus Ltd) Part-withdrawal of request for rezoning [937.1]
- Carolyn McAlley on behalf of Heritage New Zealand [976]
- Howard Lovell [979]
- Sangeeta Kumar [1067]
- Ray Scrimgeour for Department of Conservation [1137]
- Tim Lester for Blue Wallace Surveyors [1173, 1378]
- Sam Hutchings, on behalf of NZTE Operations Limited [1174]
- Fire and Emergency New Zealand [1195]
- Bruce Cameron [1263]
- Harrison Grierson on behalf of K Badger and WR Badger Estate [1294]
- Felicity Ellmers on behalf of Avondale Trust [1327]
- Andrew and Amy de Langen [1344]
- Mark Thompson, withdrawn prior to summary of submissions, so not included in notified summary.

97. These and any later withdrawals will be reported as necessary in relevant hearings reports.

## 8 Pre-hearing processes

### 8.1 Appointment of Hearings Panel

98. In accordance with section 34A(1) of the RMA, the Council appointed a seven-member Hearings Panel to hear the proposed district plan submissions. The Hearings Panel comprises two independent commissioners, two iwi commissioners and three councillor commissioners.

99. Council appointed Councillors Jan Sedgwick, Janet Gibb and Dynes Fulton as independent commissioners to the Hearings Panel for the Proposed Waikato District Plan on 10 September 2018 (WDC1809/14.) Council noted that additional external commissioners would be appointed later.

100. Council resolved to appoint external commissioners on 10 December 2018 (WDC 1812/08):

*THAT two external independent commissioners be appointed to the pool to make up the Hearings Panel of the Proposed Waikato District Plan, Stages 1 and 2;*

*AND THAT subject to staff discussions with iwi, Dr Phil Mitchell be appointed as Chair and Mr Paul Cooney be appointed as Deputy Chair of the Hearings Panel of the Proposed Waikato District Plan, Stages 1 and 2;*

*AND FURTHER THAT following engagement with tangata whenua, at least one further independent commissioner with an understanding of tikanga Maaori and of the perspectives of local iwi or hapuu, be appointed, at a later date by Council, to the pool to make-up the Hearings Panel of the Proposed Waikato District Plan, Stages 1 and 2;*

*AND FURTHER THAT Council delegates to the Chair of the Hearings Panel the power to determine the composition of the Hearings Panel for specific topics and/or individual hearings of submissions on the Proposed Waikato District Plan, Stages 1 and 2;*

*AND FURTHER THAT Council delegates to the Hearings Panel all powers, duties and functions under the Resource Management Act 1991 to consider, hear, deliberate and decide on all submissions and further submissions received on the Proposed Waikato District Plan Stages 1 and 2;*

*AND FURTHER THAT Council adopts the Terms of Reference for the Proposed Waikato District Plan Hearings Panel as set out in Attachment 1 to the agenda.*

101. Additional external commissioners were appointed by Council on 8 April 2019 (WDC1904/07 and 1904/08):

- Linda Te Aho as lead independent commissioner, bringing an understanding of tikanga Maaori and of the perspectives of local iwi and hapuu.
- Weo Maag as a supporting independent commissioner, bringing an understanding of tikanga Maaori and of the perspectives of local iwi and hapuu.

102. Two minor changes were made to the Terms of Reference, on request of the Hearing Panel Chair. The minor amendments removed the requirement for an odd number of panel members to sit on a hearing. Council resolved to amend the Terms of Reference on 10 June 2019 (WDC 1906/06):

*THAT Council approves the minor changes to the Terms of Reference for the District Plan Review Hearings Panel (Stage 1 and 2) as shown in Attachment 1 to the staff report (Item 5.3 in the Strategy & Finance Committee Agenda).*

103. The Terms of Reference for the Hearings Panel are set out in **Appendix C** to this report.
104. The Hearings Commissioners have issued a number of minutes and directions, which are available on the Waikato District Council website. These include, to date:
- Register of Commissioner Interests, relationships with submitter parties and actions proposed in respect of them
  - Additions to the Register of Commissioner Interests
  - Directions on preparations for, and conduct of, the hearings.

## **8.2 Late submissions**

105. 25 submissions were received after the closing date of 9 October 2018, as listed in **Appendix D** to this report. The late submissions were reported on 14 June 2019 by Council staff to the Hearings Commissioners, recommending that all of the late submissions be allowed. Staff advised that 21 of the 25 late submissions were received in the days immediately following the closing of the submission period. Staff considered that there was no prejudice to any person directly affected by the late submissions being accepted, as the further submission period had not expired and affected landowners could lodge a further submission.
106. On 26 June 2019 the Hearings Commissioners accepted the 21 late submissions received before 31 October 2018. The commissioners invited Amy and Andrew de Langen, Andrew Wilson and Hynds Pipes Limited to advise in writing the reasons why their respective submissions were filed so late, and why they considered that the submissions should be accepted. Turangawaewae Trust Board was asked to advise in writing, of their attempt(s) made to lodge their submission and why they consider that it should be accepted.
107. On 22 July 2019 the commissioners issued a minute that they had determined acceptance of the late submissions of Andrew Wilson, Hynds Pipes Limited and Turangawaewae Trust Board. Further, the commissioners determined that Mr and Mrs de Langen's submission is a response to a neighbour's rezoning. As such, it was accepted as being a further submission on that neighbour's submission, although this was later amended to being a primary submission as there were no other primary submissions which it could be linked to.

## **8.3 Late further submissions**

108. 15 further submissions were received after the extended further submission period closed on 16 July 2019 at 9am, as listed in **Appendix E** to this report. Of these, 13 were received on the same day that the further submission period closed, and two were received within two days of the close of further submissions.
109. The late submissions were reported in September 2019 by Council staff to the Hearings Commissioners, recommending that all of the late submissions be allowed. Council staff considered that the late submissions were within the scope of the relevant primary submissions, and that there would be no prejudice to anyone affected by accepting the late further submissions. On 23 September 2019 the Hearings Commissions issued Directions

that they were satisfied that late further submissions should be accepted, for the reasons outlined by Council staff.

110. The Direction of 23 September also stated:

*Submitters and further submitters should note that the Chairperson has included Riverdale Group Ltd and Tuakau Proteins Ltd on the Commissioners' Register of Interests (see the Council's website for the latest version) and is taking no part in the consideration of their submissions or further submissions by the proposed plan. Thus, although the Chairperson has signed these Directions on the hearing panel's behalf, the decision to allow these two late further submissions has been made by the Deputy Chairperson, Mr Cooney.*

#### **8.4 Pre-hearing conference**

111. The Hearings Commissioners held a pre-hearing conference on 5 August 2019 in respect of a request by Ambury Properties Limited that its submission related to rezoning at Ohinewai be heard in May 2020 – approximately five months earlier than would otherwise be expected – and that a decision on that submission be issued by mid-2020, approximately one year earlier than anticipated. The conference was attended by representatives of Ambury and nine others.

112. On 6 August the commissioners confirmed their preliminary view to agree to Ambury's request, subject to several procedural modifications. Commissioners issued their formal written decision and further directions on 20 August 2019 (available on the Waikato District Council website.)

## **9 Hearings and decision process**

113. The Hearings Commissioners have been delegated all powers, duties and functions under the Resource Management Act 1991 to consider, hear and decide on submissions on the Proposed Waikato District Plan Stage 1 and 2.

114. The Hearings Commissioners have issued a number of minutes and directions to date. These are available on the Council website.

115. Following the hearings, the commissioners will adjourn to deliberate on the decisions they consider appropriate in terms of RMA requirements and their mandate.

116. The decisions will be released in writing following the conclusion of all hearings and deliberations. This is not expected before late 2020. Decisions will be sent to submitters. A 'decisions version' of the PWDP will be released at the same time, including any changes made.

117. The decisions version of the rules of the PWDP will have legal effect as at that date in accordance with section 86B.

118. Submitters are entitled to appeal to the Environment Court if they are not satisfied with the decision. All appeals must be lodged within the time period specified in Clause 14 of Schedule 1 RMA, being within 30 working days of service of the notice of decision by the Council.

## Appendix A: Documents incorporated by reference

(Report para 65)

- NZS 2772.1:1999 Radiofrequency Fields Part 1: Maximum Exposure Levels 3kHz - 300GHz when measured in accordance with AS/NZS 2772.2:2016
- AS/NZS 2772.2:2016 Radiofrequency Fields Part 2: Principles and methods of measurement and computation - 3kHz to 300GHz
- NZS 4404:2010 Land Development and Subdivision Infrastructure
- NZS 4431:1989 Code of Practice for Earth fill for residential development
- NZS 5433.1:2012 Transport of Dangerous Goods on Land - Part 1: Technical Information
- NZS 5433.2:2012 Transport of Dangerous Goods on Land - Part 2: Technical Information
- NZS 6801:2008 Acoustics - Measurement of Environmental Sound
- NZS 6802:2008 Acoustics - Environmental noise
- NZS 6803:1999 Acoustics – Construction noise
- NZS 6808:2010 Acoustics - Wind farm noise
- Other documents incorporated by reference
- National Code of Practice for Utility Operators' Access to Transport Corridors
- International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and the recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007)
- Regional Infrastructure Technical Specifications
- RTS 18 - New Zealand on-road tracking curves for heavy motor vehicles (2007)
- Australia/New Zealand Roadway Lighting Standard I 158, (series) - Lighting for Roads and Public Spaces: 2005
- New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 (NZECP34:2001)



## Appendix B: Rules with immediate legal effect

(Report para 75)

Rules:

- 16.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance
- 16.2.4.3 Earthworks – Significant Natural Areas
- 16.2.8 Indigenous vegetation clearance inside a Significant Natural Area
- 16.3.3.2 Height – Building and vegetation in a battlefield view shaft area
- 16.3.9.3 Building setback – Water bodies
- 16.3.11.1 Group A heritage item – Demolition, removal or relocation
- 16.3.11.2 Group B heritage item – Demolition, removal or relocation
- 16.3.11.3 All heritage items – Alteration or addition
- 16.3.11.4 All heritage items – Maintenance or repair
- 16.3.11.5 All heritage items – Site development
- 16.3.11.6 Heritage precincts – Matangi and Huntly
- 16.4.8 Title boundaries – Significant Natural Areas
- 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance
- 16.4.10 Subdivision of land containing heritage items
- 17.2.5.2 Earthworks – Maaori Sites and Maaori Areas of Significance
- 17.2.5.3 Earthworks – within Significant Natural Areas
- 17.2.9 Indigenous vegetation clearance inside a Significant Natural Area
- 17.3.4.2 Building setback – Water bodies
- 17.3.8.1 Group A heritage item – Demolition, removal or relocation
- 17.3.8.2 Group B heritage item – Demolition, removal or relocation
- 17.3.8.3 All heritage items – Alteration or addition
- 17.3.8.4 All heritage items – Maintenance or repair
- 17.3.8.5 All heritage items – Site development
- 17.4.1.4 Title boundaries – Significant Natural Areas, Maaori sites and Maaori areas of Significance
- 17.4.1.5 Subdivision - land containing heritage items
- 18.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance
- 18.3.7 Building setback – Water bodies
- 18.3.10.1 Group A heritage item – Demolition, removal or relocation
- 18.3.10.2 Group B heritage item – Demolition, removal or relocation
- 18.3.10.3 All heritage items – Alteration or addition
- 18.3.10.4 All heritage items – Maintenance or repair
- 18.3.10.5 All heritage items – Site development

- 18.4.5 Title boundaries –Maaori sites and Maaori areas of Significance
- 18.4.6 Subdivision - land containing heritage items
- 20.2.5.2 Earthworks – within Significant Natural Areas
- 20.2.9 Indigenous vegetation clearance inside a Significant Natural Area
- 20.3.4.2 Building setback – Water bodies
- 20.3.5.1 Group A heritage item – Demolition, removal or relocation
- 20.3.5.2 Group B heritage item – Demolition, removal or relocation
- 20.3.5.3 All heritage items – Alteration or addition
- 20.3.5.4 All heritage items – Maintenance or repair
- 20.3.5.5 All heritage items – Site development
- 20.4.5 Subdivision of land containing a heritage item
- 20.4.6 Subdivision – Significant Natural Areas
- 21.2.5.2 Earthworks – Significant Natural Areas
- 21.2.9 Indigenous vegetation clearance inside a Significant Natural Area
- 21.3.4.2 Building setback – Water bodies
- 21.4.5 Subdivision – Significant Natural Areas
- 22.2.3.2 Earthworks – Maaori Sites and Maaori Areas of Significance
- 22.2.3.3 Earthworks – within Significant Natural Areas
- 22.2.7 Indigenous vegetation clearance inside a Significant Natural Area
- 22.3.4.4 Height – Buildings, structures and vegetation in a battlefield view shaft
- 22.3.7.5 Building setback – Water bodies
- 22.3.8.1 Group A heritage item – Demolition, removal or relocation
- 22.3.8.2 Group B heritage item – Demolition, removal or relocation
- 22.3.8.3 All heritage items – Alteration or addition
- 22.3.8.4 All heritage items – Maintenance or repair
- 22.3.8.5 All heritage items – all site development
- 22.4.1.1 Prohibited subdivision PR2 and PR#
- 22.4.3 Title boundaries – Significant Natural Areas, heritage, archaeological, significance to Maaori
- 22.4.8 Subdivision of land containing heritage items
- 23.2.3.2 Earthworks – Maaori Sites and Maaori Areas of Significance
- 23.2.3.3 Earthworks – Significant Natural Areas
- 23.2.8 Indigenous vegetation clearance inside a Significant Natural Area
- 23.3.7.5 Building setback – Water bodies
- 23.3.9.1 Group A heritage item – Demolition, removal or relocation
- 23.3.9.2 Group B heritage item – Demolition, removal or relocation
- 23.3.9.3 All heritage items – Alteration or addition

- 23.3.9.4 All heritage items – Maintenance or repair
- 23.3.9.5 All heritage items – Site development
- 23.4.5 Site boundaries – Significant Natural Areas, heritage, archaeological, significance to Maaori i
- 23.4.6 Subdivision of land containing heritage items
- 24.2.4.2 Earthworks for Maaori Sites and Maaori Areas of Significance
- 24.2.4.3 Earthworks – within Significant Natural Areas
- 24.2.8 Indigenous vegetation clearance inside a Significant Natural Area
- 24.3.6.3 Building setback – Water bodies
- 24.3.8.1 Group A heritage item – Demolition, removal or relocation
- 24.3.8.2 Group B heritage item – Demolition, removal or relocation
- 24.3.8.3 All heritage items – Alteration or addition
- 24.3.8.4 All heritage items – Maintenance or repair
- 24.3.8.5 All heritage items – Site development
- 24.4.6 Title boundaries – Significant Natural Areas, heritage, archaeological, significance to Maaori
- 24.4.7 Title boundaries – Maaori sites and Maaori areas of significance to Maaori
- 24.4.8 Subdivision of land containing heritage items
- 25.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance
- 25.2.4.3 Earthworks – within Significant Natural Areas
- 25.2.8 Indigenous vegetation clearance inside a Significant Natural Area
- 25.3.5.2 Building setback – Water bodies
- 25.3.6.1 Group A heritage item – Demolition, removal or relocation
- 25.3.6.2 Group B heritage item – Demolition, removal or relocation
- 25.3.6.3 All heritage items – Alteration or addition
- 25.3.6.4 All heritage items – Maintenance or repair
- 25.3.6.5 All heritage items – all site development
- 28.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance
- 28.2.4.3 Earthworks –Significant Natural Areas
- 28.2.6.3 Signs – Heritage items and Maaori Sites of Significance
- 28.2.8 Indigenous vegetation clearance inside a Significant Natural Area
- 28.3.9.3 Building setback – water bodies
- 28.4.5 Subdivision – Title boundaries – Significant Natural Areas and Maaori Sites of Significance
- Appendix 3.2.3 Tamahere Business Zone – Development Plan Guideline – Earthworks plan 2.9
- Appendix 3.5 Huntly Heritage Precinct Design Guide
- Appendix 3.6 Matangi Heritage Precinct Design Guide
- Schedule 30.1 Historic Heritage Items
- Schedule 30.3 Maaori Site of Significance

## Appendix C: Terms of reference of Hearings Panel

### 1. Hearing Panel pool membership

The membership of the Proposed Waikato District Plan Hearing Panel pool shall comprise at least six persons. Each member shall hold a current certification under the RMA Making Good Decisions Programme. There shall be a designated Chair and Deputy Chair of the Hearings Panel pool who shall both hold a current chair certification under the RMA Making Good Decisions Programme.

### 2. Hearing Panel composition

The quorum is three members for a Hearing Panel on an individual topic. Each Hearing Panel for an individual topic shall be chaired by either the Chair or Deputy Chair unless a conflict requires a substitute.

### 3. Hearing Procedures

All members of the Hearing Panel for an individual topic have equal speaking rights. The panels shall endeavour to reach decisions by consensus. In the event that a consensus is unable to be reached then decisions shall be made via a majority vote by those commissioners who heard the topic. Each member has a deliberative vote. On a panel with an even number of commissioners, the Chair of the topic panel has a casting vote.

### 4. Powers

The Proposed Waikato District Plan Hearing Panel is delegated all powers, duties and functions under the Resource Management Act 1991 to consider, hear and decide on submissions on the Proposed Waikato District Plan Stage 1 and 2.

The Chair of the Hearings Panel is delegated all powers, duties and functions under the Resource Management Act 1991 to determine the composition of the Hearings Panel for specific topics and/or individual hearings of submissions on the Proposed Waikato District Plan Stage 1 and 2.

### 5. Responsibilities

The Proposed Waikato District Plan Hearings Panel shall ensure that:

- The hearing and evaluation process is carried out in a way that is effective and timely;
- Submitters are provided with the best possible opportunity to be heard in support of their submission;
- Panel members receive submissions with an open mind and give due consideration to each submission;
- The principles of natural justice are followed; and
- The decision-making process is robust and transparent.

### 6. Reporting

Council reserves the right to have staff draft decisions or parts of decisions to assist in the efficiency of the hearings process.

## **7. Duration**

The Proposed Waikato District Plan Hearing Panel is deemed to be dissolved at the end of the decision-making process on the submissions received on the Proposed Waikato District Plan Stage 1 and 2.

## Appendix D: Late submissions

(Report para 102)

| <b>Submitter Name</b>              | <b>Submitter Number</b> | <b>Date Submission Received</b> |
|------------------------------------|-------------------------|---------------------------------|
| Colleen Earby                      | 555                     | 10 October 2018                 |
| Alan Kosoof                        | 556                     | 10 October 2018                 |
| Bronwyn Kosoof                     | 557                     | 10 October 2018                 |
| KiwiRail Holdings Limited          | 835                     | 10 October 2018                 |
| Kearvell Family Trust              | 867                     | 10 October 2018                 |
| Huib Volker                        | 868                     | 10 October 2018                 |
| Patrick Day                        | 760                     | 11 October 2018                 |
| Ian & Helen Gavin                  | 865                     | 11 October 2018                 |
| Lisa Graham                        | 866                     | 11 October 2018                 |
| Angeline Greensill                 | 942                     | 12 October 2018                 |
| Linda Young                        | 828                     | 15 October 2018                 |
| Whenua Holdings Waikato Limited    | 829                     | 15 October 2018                 |
| Brodick Farms Limited              | 944                     | 15 October 2018                 |
| Raglan Naturally                   | 831                     | 16 October 2018                 |
| Kyung Koo Han & Sun<br>Kyuang Kang | 961                     | 18 October 2018                 |
| Ngati Tamainupo                    | 962                     | 19 October 2018                 |
| Stonehill Trustee Limited          | 971                     | 23 October 2018                 |
| Carol & Gordon Corke               | 968                     | 28 October 2018                 |
| Debbie McPherson                   | 969                     | 28 October 2018                 |
| Peter Pavich                       | 967                     | 29 October 2018                 |
| Margaret O'Brien                   | 970                     | 31 October 2018                 |
| Amy & Andrew de Langen             | 977                     | 29 November 2018                |
| Andrew Wilson                      | 981                     | 23 January 2019                 |
| Hynds Pipes Limited                | 983                     | 5 April 2019                    |
| Turangawaewae Trust Board          | 984                     | 7 May 2019                      |

## Appendix E: Late further submissions

(See report para 105)

| <b>Further submitter name</b>               | <b>Submitter number</b> | <b>Date and Time Received by Council</b> |
|---|-------------------------|--|
| Primary Land Users Group PLUG               | 1274                    | 16 July 2019, 9:05am                     |
| Mark Chrisp-Riverdale Group                 | 1298                    | 16 July 2019, 1:34pm                     |
| P Williams & Stu Lye                        | 1299                    | 16 July 2019, 4:49pm                     |
| Andrew Mowbray                              | 1305                    | 16 July 2019, 5:31pm                     |
| New Zealand Walking Access Commission       | 1307                    | 16 July 2019, 9:35am                     |
| Ethan & Rachael Findlay                     | 1311                    | 16 July 2019, 5:31pm                     |
| Bob Carter                                  | 1321                    | 16 July 2019, 11:00am                    |
| Kenneth Graham Barry                        | 1328                    | 16 July 2019, 4:45pm                     |
| Sam Hutchings                               | 1339                    | 16 July 2019, 9:03am                     |
| Alec Duncan                                 | 1348                    | 16 July 2019, 5:07pm                     |
| Allen Fabrics Ltd.                          | 1349                    | 16 July 2019, 5:28pm                     |
| Tuakau Proteins Limited                     | 1353                    | 16 July 2019, 9:05am                     |
| John Duthie – Lakeside Te Kauwhata Precinct | 1371                    | 16 July 2019, 5:31am                     |
| Harry Mowbray                               | 1289                    | 17 July 2019                             |
| Ngati Te Ata                                | 1248                    | 18 July 2019                             |