

SECTION 42A REPORT

Rebuttal evidence in response to expert evidence filed

Topics:

General Rural Zone

Rural Production Zone

Subdivision

**District wide matters – Noise, Signs,
Temporary Activities, Relocated Buildings &
Light.**

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Dated: 1 July 2024

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1. Introduction

1. My name is Cathy O’Callaghan. I am the writer of the original section 42A reports for Hearing Tranche 1 for the following matters:
 - a. General Rural Zone.
 - b. Rural Production Zone.
 - c. Subdivision Chapter.
 - d. District wide matters – Noise, Signs, Temporary Activities, Relocated Buildings & Light.
2. My qualifications and experience are set out in section 1 of each section 42A report, along with my agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.
3. The recommended text changes as a result of this rebuttal evidence are set out in Appendix 1 to this report. Changes that are a result of the original s42A report are shown in purple, with changes arising from this rebuttal evidence shown in red.

2. Purpose of the report

4. The purpose of this report is to consider primary expert evidence filed by submitters. Evidence was filed in respect of provisions relating to the general rural zone by the following submitters:

Submission number	Submitter	General Rural Zone
16.39	Fire and Emergency New Zealand	GRUZ-R47
10.142	Waikato Regional Council	GRUZ
42.19	Ventus Energy New Zealand.	GRUZ-O3
42.20	Ventus Energy New Zealand.	GRUZ-O5
42.23	Ventus Energy New Zealand.	GRUZ-P3
14.49	New Zealand Pork Industry Board	GRUZ-R31

5. Evidence was filed in respect of provisions relating to the rural production zone by the following submitters:

Submission number	Submitter	Rural Production Zone
43.97, 43.98	Graymont (New Zealand) Ltd	RPROZ-P1 and P2.
43.07	Graymont (New Zealand) Ltd	Regional significance
FS08.24	Graymont (New Zealand) Ltd	RPROZ-R26
49.01	Taharoa Ironsands Ltd	Rezoning the Te Mania Block
49.01	Taharoa Ironsands Ltd	Indicative areas
49.04	Taharoa Ironsands Ltd	RPROZ-P4
49.05	Taharoa Ironsands Ltd	RPROZ-R7
49.05	Taharoa Ironsands Ltd	RPROZ-R20-27

6. Evidence was filed in respect of provisions relating to the subdivision chapter by the following submitters:

Submission number	Submitter	Subdivision Chapter
09.29	Chorus, Spark, One NZ (formerly Vodafone) Connexa and FortySouth	SUB-R18
18.21, 18.23	Auckland/Waikato Fish and Game Council	SUB-P26 and SUB-R7
46.63	Federated Farmers	SUB-O9 (was CE-P2)

7. Evidence was filed in respect of provisions relating to the district wide matters – Noise, Signs, Temporary Activities, Relocated Buildings & Light, by the following submitters:

Submission number	Submitter	Chapter
21.23	New Zealand Defence Force	NOISE-R14
21.14 - 21.16	New Zealand Defence Force	Amendment is made to TEMP-R7. Submission points related to the coastal environment chapter
43.63	Graymont (New Zealand) Ltd	LIGHT-P1

8. It should be noted that I have not provided rebuttal commentary on all evidence, particularly where either the submitter agrees with my recommendation in the s42A report, or where we simply have a difference in view and there is little more to add.
9. I have therefore focused primarily on evidence that has caused me to change my recommendation, or where there is value in further discussion on the matters raised in evidence.

3. General Rural Zone

3.1 Matters addressed in submitter evidence

10. The main topics addressed in evidence from submitters for the general rural zone included:
- a. Firefighting water supply standards

- b. Application of 'highly productive land'
- c. Energy infrastructure in the general rural zone
- d. Activity status of intensive indoor primary production

3.2 Fire and Emergency New Zealand – GRUZ-R47

Matters raised in evidence

11. Ms Alec Duncan for Fire and Emergency New Zealand provided further information relating to the provision of a firefighting water supply in the general rural zone (submission point 16.39). Fire and Emergency clarified that they supported GRUZ-R47.4 to the extent that it requires the provision of a firefighting water supply, but the rule set out the water supply requirements as FW2 only. FW2 would not be sufficient for some structures provided for in the GRUZ.

Analysis and recommendations

12. SNZ PAS 4509:2008 sets out what constitutes a sufficient minimum supply of water pressure and volume for firefighting in structures. It is now clear that the rule as notified provided only for a standard dwelling without compliant water reticulation. It also precluded additional measures being enforced to provide an adequate firefighting water supply for buildings housing other types of activities (eg: visitor accommodation and tourism facilities). Mr Duncan's clarification is appreciated, and it is considered that the amendment as outlined below is appropriate to address the low probability high potential impact of a structural fire in buildings located in the general rural zone.

GRUZ-R47.	Servicing
<ol style="list-style-type: none"> 1. Where a connection to the Council's reticulated water supply system is not available, all developments must have an independent potable water supply for activities on the site; and 2. Where a connection to the Council's reticulated wastewater system is not available, all developments must be on a site of sufficient size to contain the treatment and disposal of wastewater resulting from any development within the site boundaries; and 3. All developments must be on a site of sufficient size to enable on site detention and disposal of stormwater (as measured in a 10% AEP); and 4. <u>Where a connection to the Council's reticulated water supply system compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting</u> 	<p>Activity status where compliance is not achieved: DIS</p>

~~Water Supplies Code of Practice is not available, or additional level of service is required, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water source provisions of SNZ PAS 4509:2008.~~

~~Where water is not supplied by Council or a private community supply, each site must provide access to a water supply for firefighting purposes that is:~~

- ~~a. Accessible to firefighting equipment; and~~
- ~~b. Between 6 and 90 m from any building housing a residential activity on the site; and~~
- ~~c. Located on the site except where the specified volume or flow of water is in a water body that is within the required distances; and~~
- ~~d. Either stores at least 45,000 litres of water or provides at least 25 litres of water per second for 30 minutes.~~

Note: See SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice for further information about managing fire risk and storage of water for firefighting purposes.

13. This amendment has the effect of causing Federated farmer's submission point 46.105 to be rejected as the point requested that GRUZ-R47 was retained as notified. Please see Appendix 1.

3.3 Waikato Regional Council – Highly productive land

Matters raised in evidence

14. Mr Alejandro Cifuentes and Ms Sarah Knott for Waikato Regional Council (WRC) provided further information on submission point 10.142 which sought the inclusion of a definition for "highly productive soils". WRC note that they are amending the Waikato Regional Policy Statement (WRPS) to align with the National Policy Statement for Highly Productive land and agree it is preferable to rely on the provisions in that document. They suggest the plan is amended to use the term 'highly productive land' rather than 'highly productive soils'.
15. WRC considers a new definition for highly productive land should be added to the plan as follows: 'Highly Productive Land has the same meaning as in Part 1 of the National Policy Statement for Highly Productive Land 2022.'

Analysis and recommendations

16. This amendment is considered to be acceptable. The change provides an element of consistency to the plan in respect of national direction and it is acknowledged that the WRPS is in the process of amendment to align

with the National Policy Statement. As stated in the section 42A reports, when drafting the plan, wherever possible the use of definitions provided in legislation, regulations or national direction are always preferred. The recommended change would mean amendments to GRUZ-O4 and the definitions section of the plan as follows:

'Highly Productive Land has the same meaning as in Part 1 of the National Policy Statement for Highly Productive Land.'

GRUZ-O4. Protect the primary productive values of highly productive ~~soils~~ land ~~and by~~ ensuring the adverse effects of activities do not compromise ~~their~~ soil's physical, chemical, and biological properties.

17. This amendment has the effect of causing Horticulture New Zealand's submission point 27.23 to be accepted in part as the point requested that a definition of highly productive land. This amendment has the effect of causing Horticulture New Zealand's submission point 27.58 to be rejected as the point requested that GRUZ-O4 was retained as notified. Please see Appendix 1.

3.4 Ventus Energy New Zealand – GRUZ-O3

Matters raised in evidence

18. Mr Craig Shearer provided evidence on behalf of Ventus Energy New Zealand. In submission point 42.19 Ventus Energy requested the following amendment to GRUZ-O3.

GRUZ-O3. Encourage innovation in the general rural zone that is adaptive to change and promotes rural viability and new uses of rural land while protecting the ongoing productivity of rural natural and physical resources and maintaining rural character.

19. This change was rejected on the basis that the objective currently seeks to encourage innovation in the GRUZ that is adaptive to change and promotes rural viability. In the section 42A report it was considered that the submitter's proposed wording did not alter the application of the objective and was therefore not required. Mr Shearer's concern now centres around the ending of the objective 'maintaining rural character' which he suggests should be deleted.

Analysis and recommendations

20. This change was not submitted on originally and therefore was not considered for amendment. No further amendment is recommended.

3.5 Ventus Energy New Zealand – GRUZ-05

Matters raised in evidence

21. GRUZ-05 seeks to ensure rural character and amenity are maintained and where possible, enhanced. In submission point 42.20 Ventus Energy request GRUZ-05 is deleted. The submission states that rural character and amenity are not defined in the plan, and should be if there is to be such a policy. The submission notes that rural character and amenity are subjective. The deletion of this policy was rejected in the section 42A report on the basis that:
- GRUZ-05 responds to section 7(c) of the RMA which specifies that in relation to managing the use, development, and protection of natural and physical resources, Council must have particular regard to the maintenance and enhancement of amenity values.
 - More specific objectives are contained in the energy chapter which would be applicable to the consideration of the effects of wind turbines. The plan directs that wherever there is a conflict or inconsistency between policies or between objectives, in the first instance, the most specific policy approach applies.
 - Amenity values are defined by the RMA as meaning those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. This definition indicates that the consideration of amenity is deliberately subjective.
 - The use of 'character' in the objective clarifies that a more detailed discussion of the elements of a rural locality and its characteristics (which are a component of amenity) is appropriate.
 - The overview section of the GRUZ does provide a guide as to the elements of rural character that comprise the wider rural environment.

Analysis and recommendations

22. Mr Shearer suggests that if rural character and amenity are to be maintained and enhanced, then the plan should specify those areas where they have been assessed as being worthy of maintenance or enhancement. It is not considered that the RMA requires this, but rather offers a broader direction that in managing development, it is necessary to consider the effects of a use or activity on amenity values.
23. Mr Shearer notes the plan does specify protection of natural character in some areas. The plan in fact takes a comprehensive view of amenity values via the identification of the landscapes of high amenity value. Outside of those areas, the legislative baseline is applied (being section 7(c)) via GRUZ-05.
24. It is agreed that the rural environment is not static and the policy framework should make provision to meet the expectations of an increased diversity of activities. This is achieved through GRUZ-03. It is further acknowledged that these new activities could lead to differing

expectations of acceptable amenity. Just because expectations of amenity are different does not mean that new activities should not be assessed against the basic legislative parameters. The deletion of this objective is not recommended.

3.6 Ventus Energy New Zealand – GRUZ-P3

Matters raised in evidence

25. In submission point 42.23 Ventus Energy sought to have GRUZ-P3.5 amended so that in addition to farming, forestry, and quarrying activities being recognised as established and accepted components of the rural environment, that 'energy infrastructure' is added to the list. Mr Shearer notes that this is in recognition of the key role energy infrastructure plays in the rural community, but also in the wider national benefit. The amendment proposed by the submission is:

GRUZ-P3. Ensure that rural character, amenity and safety is maintained and that reverse sensitivity effects are minimised by:

.....

5. Recognising that farming, forestry, ~~and~~ quarrying activities and energy infrastructure are an established and accepted component of the rural environment and may generate noise, odour, dust and visual effects; and

26. The section 42A report rejected this amendment on the basis that it was not agreed that communities necessarily accept energy infrastructure as a component of the general rural environment. However, it was considered that there was some benefit in adding wording to GRUZ-P3 which provides for the management of reverse sensitivity effects where the infrastructure is in-situ. The proposed amendment reads:

GRUZ-P3. Ensure that rural character, amenity and safety is maintained and that reverse sensitivity effects are minimised by:

.....

8. Ensuring activities do not compromise the safe operation of the land transport network or existing energy infrastructure.

27. Mr Shearer does not agree that GRUZ-P3.8 is a reverse sensitivity policy and considers the amendment proposed to GRUZ-P3.5 by the submission should stand.

Analysis and recommendations

28. It is not agreed that energy infrastructure is an established and accepted component of the rural environment. This is evidenced in part by the use of the special industrial areas in the operative plan and the rural production zone in the proposed plan to provide for or hydro-electricity operations. The acceptable levels of amenity within the district will vary

according to each zone and the activities that are provided for within that zone.

29. The effect of wind turbines may be minimal in a rural setting but this will be dependent on the sensitivity of the landscape, the location and scale of the turbines, their design and the cumulative effects of groups of turbines. Some landscapes and locations will absorb and accommodate the change imposed by wind turbines. In other landscapes wind turbines can be discordant, visible from some distance and poorly integrate into the wider rural environment. Not amending GRUZ-P3.5 to include energy infrastructure as an established component of the rural environment does not preclude the consideration of wind turbines in that setting. Rather it simply substantiates that these structures are not associated with the generally expected types of rural activities, and can be of a scale and prominence that is unfamiliar in the district's rural settings. No further amendment is recommended.

3.7 New Zealand Pork Industry Board – GRUZ-R31

Matters raised in evidence

30. Mr Vance Hodgson and Ms Hannah Ritchie provided evidence for the New Zealand Pork Industry Board (NZPIB) relating to the activity status for intensive indoor primary production. NZPIB submitted that the activity status for intensive indoor primary production be amended from discretionary to restricted discretionary. This submission point (14.49) was rejected in the Section 42A report on the basis that the number of potential effects of intensive indoor primary production is too great to restrict discretion.

Analysis and recommendations

31. There are currently no commercial pig farms or chicken sheds in Waitomo District. On the basis of the evidence provided by NZPIB, the Commissioners may wish to revisit the activity status of intensive indoor primary production. A draft rule is provided below for the Commissioner's consideration.

<u>GRUZ-RX.</u>	<u>Intensive indoor primary production</u>
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Activity status: RDIS

Where:

1. All of the performance standards in GRUZ – Table 2 are complied with; and
 2. As measured from the perimeter of any treatment systems, structures housing animals (and hardstand areas associated with those), intensive indoor primary production must be located at least:
-

-
- (i) 500 m from any existing building housing a residential activity or a sensitive activity on a separate holding; and
 - (ii) 1 km from any boundary of the rural lifestyle, settlement, residential, open space, future urban, tourism or Māori purpose zones or the amenity precinct.
-

Matters over which discretion is restricted:

- (a) The extent to which the site will operate in accordance with an approved Farm Environment Plan or relevant industry codes of practice; and
- (b) Visual effects including bulk, scale and location of the structures and landscape planting; and
- (c) Potential reverse sensitivity effects on any adjoining rural activities; and
- (d) The effect on surrounding properties, rural character and amenity; and
- (e) Whether the scale, intensity and character of the activity is appropriate in the context of the site and receiving environment; and
- (f) The layout, design and location of the activity, including consideration of wind and climate patterns and the topographical and geographical features affecting odour, dust, visual impact and noise; and
- (g) The effects of increased traffic and the timing of traffic generation; and
- (h) The likely effects on persons living and working in the locality from noise, odour, traffic, and nuisances such as vermin and flies; and
- (i) Any means proposed to avoid or mitigate the likely nuisance; and
- (j) Whether the site is suitable for and can physically accommodate proposed waste treatment and disposal methods given the number of animals accommodated and the volume of wastes generated.

Activity status where compliance is not achieved: DIS

4. Rural Production Zone

4.1 Matters addressed in submitter evidence

- 32. The main topics addressed in evidence from submitters for the rural production zone included:
 - a. Graymont – regional significance in the policy framework
 - b. Graymont – regional significance - Oparure Quarry and the Te Kūiti Kiln site
 - c. Graymont – activity status of RPROZ-R26
 - d. Taharoa – rezoning the Te Mania Block
 - e. Taharoa – indicative areas

- f. Taharoa – RPROZ-P4
- g. Taharoa – residential units
- h. Taharoa – other matters

4.2 Graymont (New Zealand) Ltd – RPROZ-P1 and P2

Matters raised in evidence

33. Mr Benjamin Murray and Ms Terry Calmeyer provided evidence on behalf of Graymont (New Zealand) Ltd. In submission points 43.97 and 43.98 Graymont submitted regarding the identification and differentiation of regionally significant sites in the policy framework, including RPROZ-P1 and P2. To address this, the section 42A report proposes an amendment to the overview section of the plan to explain that regionally significant sites comprise regionally significant industries, regionally significant infrastructure and significant mineral resources in line with definitions, policies and methods in both regional policy statements.

Analysis and recommendations

34. Mr Calmeyer proposes an amendment to both RPROZ-P1 and P2 to further clarify regional significance:

RPROZ-P1. Protect the ongoing operation and development or maintenance and upgrading of sites identified as regionally significant (regionally significant industries, regionally significant infrastructure and significant mineral resources) in RPROZ-SCHED1 – Scheduled rural production sites, by limiting the establishment or growth of noise sensitive activities on surrounding sites.

RPROZ-P2. Where the removal of indigenous vegetation in a significant natural area is unavoidable to provide for activities on sites identified as regionally significant (regionally significant industries, regionally significant infrastructure and significant mineral resources), the ensuing operations must remedy or mitigate adverse effects in that order in the first instance, or if this is not possible, offset adverse effects on the indigenous biodiversity values and ecological characteristics of the significant natural area by:

35. While there is no objection to these amendments, they do make the policies longer and more wordy. Another option for the Commissioners to consider is amending the schedule itself to make it more clear which sites are regionally significant. (RPROZ-SCHED1 which is contained in the RPROZ zone chapter) The amendments would read:

RPROZ-SCHED1 – Scheduled rural production sites

Unique Identifier	Map Ref	Site Name	Location	Legal description*	Site Type & regional significance
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Primary Purpose - Quarrying Activities

.....					
RPROZ-3		Graymont Oparure Quarry	Oparure Road	Lot 2 DPS 77130	Significant mineral resource
.....					
RPROZ-8		Greywacke Quarry	State Highway 30 – Bodley Road	Part Section 13 Block VIII Otanake SD	<u>Not regionally significant</u>

36. If an amendment is made to RPROZ-P2 this has the effect of causing Taharoa’s submission point 21.22 to be rejected as the point requested that RPROZ-P2 was retained as notified. Please see Appendix 1.

4.3 Graymont (New Zealand) Ltd – regional significance

Matters raised in evidence

37. Submission point 43.07 requested that RPROZ-SCHED1 was amended to identify Oparure Quarry and associated Te Kuiti Processing Plant as ‘regionally significant industry’. This submission point was rejected but Graymont were invited to provide more information on this matter to the hearing. Mr Murray and Mr Calmeyer have provided evidence about providing for the Oparure Quarry and the Te Kūiti Kiln sites as ‘regionally significant industry’.

Analysis and recommendations

38. RPROZ is an unusual zone insofar as it provides for standalone sites that meet the definition as regionally significant industry or regionally significant infrastructure or as a significant mineral resource. Not all of the scheduled sites in RPROZ are identified as regionally significant, but the majority are. The policy framework differentiates between the sites that are regionally significant and the sites that are not.
39. The RPROZ rules are enabling. For example, all buildings are permitted. Quarrying activities are covered by RPROZ-R13 and are permitted on the nine sites identified as RPROZ-1 to RPROZ-9. Graymont’s Oparure Quarry (RPROZ-3) is one of these sites.
40. There are two mineral processing sites RPROZ-10 and RPROZ-11 which are Omya’s Hangatiki East Plant (classified as regionally significant industry) and Rorison’s Serpentine (classified as a significant mineral resource). On those sites, mineral processing including product packaging, storage and distribution activities and storage of products, by-products and waste materials processed on site are permitted activities. See RPROZ-R14. Quarrying activities are not permitted activities on these two sites. It doesn’t mean they cannot occur – but they are not permitted activities under the rule framework for those sites, and would default to discretionary activities should a resource consent

be required.

41. There is no dispute that Graymont's Oparure Quarry is a regionally significant mineral resource. Most regionally significant mineral resource sites sit in the first group RPROZ-1 to RPROZ-9 and are covered by RPROZ-R13. This is because quarrying activities are permitted by RPROZ-R13. The definition of quarrying activities is: *the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.*
42. As a reminder, our discussions with Graymont when zoning the site indicated that the activities at Oparure Quarry were fully covered by the definition of 'quarrying activities' (RPROZ-R13).
43. Notwithstanding the above paragraph, Oparure Quarry can either be covered by RPROZ-R13 which permits quarrying activities as defined above or alternatively, it can be covered by RPROZ-R14. Under RPROZ-R14, mineral processing including product packaging, storage and distribution activities and storage of products, by-products and waste materials processed on site are permitted activities. Again, quarrying activities are not permitted by that rule. The Oparure site cannot be covered by both RPROZ-R13 and RPROZ-R14.
44. If Oparure Quarry is covered by RPROZ-R14, like Rorison's Serpentine, it can still be classified as a significant mineral resource. In terms of the rules, it is not the type of regional significance that is important, it is which rule (either RPROZ-R13 or RPROZ-R14) is the most applicable to the site.
45. Again, this approach is unusual because it is so enabling. For this reason, the sites are only in one rule category, so the effects of the activity are clearly understood and the parameters of the activities are set.
46. The same principle applies to the Te Kūiti Kiln site. Based on the evidence provided by Mr Murray and Mr Calmeyer, the site appears to be a regionally significant industry. However, it is located in the industrial zone which contains no specific provisions for regionally significant sites. The plan only identifies operations of regional significance via the RPROZ on stand-alone sites in the general rural zone where reverse sensitivity effects can be particularly problematic due to surrounding land uses. The RPROZ has the specific function of providing for activities that have a functional or operational need to locate in a rural environment rather than in an industrial zone.
47. The Te Kūiti Kiln site can be rezoned as RPROZ if necessary, but it is contiguous to an industrial zone and to other industrial sites rather than being a stand-alone site in a rural environment. There may also not be a great deal of 'gain' in rezoning the operation. In the industrial zone,

industrial activities are permitted. Industrial activities are defined as an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

48. In summary, there is no dispute regarding the importance of both sites and the need to accommodate them in the plan's framework subject to the appropriate management of effects. As the RPROZ rules are reasonably unique, they take some working through to interpret them fully. Accordingly, this matter may require further discussion, but the main takeaway for Oparure Quarry is that it is not the type of regional significance that is important, it is which rule is most applicable to the site. The main takeaway for the Te Kūiti Kiln site is that the industrial zone does not contain specific provisions for regionally significant sites.

4.4 Graymont (New Zealand) Ltd – RPROZ-R26

Matters raised in evidence

49. In further submission point FS08.24, Graymont opposed FENZ's submission to retain RPROZ-R26 as notified and considered requiring a consent as a discretionary activity to be overly restrictive. RPROZ-R26 requires that all sites must:
- have an independent potable water supply for activities on the site; and
 - have an independent water supply for fire fighting that is compliant with SNZ PAS 4509:2008; and
 - be on a site of sufficient size to contain the treatment and disposal of wastewater resulting from any development within the site boundaries; and
 - be on a site of sufficient size to enable on site detention and disposal of stormwater (as measured in a 10% AEP).
50. Mr Calmeyer considers that a discretionary status is overly restrictive because this is not consistent with RPROZ-O1, RPROZ-O2, RPROZ-O4, and RPROZ-P1. He recommends that, if not a controlled status, RPROZ-R26 should be restricted discretionary status.

Analysis and recommendations

51. It is considered that while the policy framework enables the rural production sites and their unique operational requirements to continue to operate, grow, be maintained and upgraded (as evidenced by RPROZ-O1, RPROZ-O2, RPROZ-O4, and RPROZ-P1), potential adverse effects on the environment must still be avoided, remedied or mitigated. This is evidenced in the policy framework by RPROZ-P9, P10 and P11 and by:

RPROZ-O3. Ensure the adverse effects of the scheduled rural production sites are internalised, or avoided, remedied or mitigated as far as practicable.

RPROZ-04. Provide for the primary purpose of any scheduled activity in the rural production zone including opportunities for their growth and expansion to meet future demands, while managing the adverse effects on the environment.

RPROZ-06. Ensure new development or re-development does not compromise the safety of the transport network or exceed available capacities for servicing and infrastructure and is co-ordinated with infrastructure provision.

52. Additionally, the four matters provided for in the rule are basic parameters of development that need to be thoroughly examined if a site cannot meet those requirements. Council would likely want full discretion to consider why a regionally significant operation could not meet the standard to have an independent potable water supply or have an area sufficient to treat and dispose of wastewater and manage stormwater.
53. If the Commissioners are of a mind to consider restricted discretionary or controlled activity status, draft reserved/restricted matters are outlined below:

The matters over which discretion is restricted:

Potable water supply

- (a) Infrastructure provision; and
- (b) Any alternative measures or mitigation measures proposed; and
- (c) Consideration of alternative locations; and

Stormwater management

- (d) Effects on existing overland flow paths, surface drainage patterns, flood storage capacity and runoff volumes; and
- (e) Effects on adjoining properties and infrastructure, including cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites; and
- (f) Use of green infrastructure methods for stormwater management; and

Fire fighting water supply

- (g) Whether fire risk can be managed through appropriate building materials and building design, site layout, setbacks, structural or engineering solutions; and
- (h) Any mitigation measures to reduce the risk to people's safety, well-being and property; and

Wastewater management

- (i) The type of by-product or waste proposed to be stored, treated or disposed of and its potential effects; and
 - (j) The location and scale of the storage facility; and
 - (k) The effect on surrounding properties, rural character and amenity; and
 - (l) Whether the scale, intensity and character of the activity is appropriate in the
-

context of the site and receiving environment; and

(m) Potential reverse sensitivity effects on any adjoining rural activities.

4.5 Taharoa Ironsands Ltd – Rezoning the Te Mania Block

Matters raised in evidence

54. Mr Grant Eccles and Mr Ian Goodacre provided evidence on behalf of Taharoa Ironsands Limited. In submission point 49.01 Taharoa requested that the RPROZ was applied to the Te Mania Block.
55. The section 42A report indicated that there was no aversion to providing live zoning to the Te Mania, which is subject to the indicative area notation. However, no information to support the rezoning was provided in the submission. Taharoa were invited to present additional information to the hearing, anticipating that the Commissioners would want to see:
- The consent and the extent of the consented area and evidence the consent addressed any potential effects on any identified features, on the surrounding village and school and evidence of affected party sign-off, including consultation and with mana whenua.
 - A brief section 32 analysis.

This information has been provided.

Analysis and recommendations

56. Mr Eccles' evidence outlines information supporting the rezoning of the Te Mania Block noting that the consents do not authorise mining on the entire block, and are geographically limited to an area in the southwest corner.
57. The Commissioners are reminded that there is a further submission in opposition to this rezoning. The further submission seeks that:
- The extent of the Indicative Area notations are disallowed and removed.
 - RPROZ zoning is amended to remove all allotments with the exception of Taharoa C Block.
 - The inclusion of Te Mania (Part Taharoa A7J2 Block) and Pihopa (Taharoa A7J8C Block) in RPROZ is disallowed.
58. The figures below are provided to assist the Commissioners in their consideration of this matter:



Figure 1: Map showing the extent of the consented area on the Te Mania Block

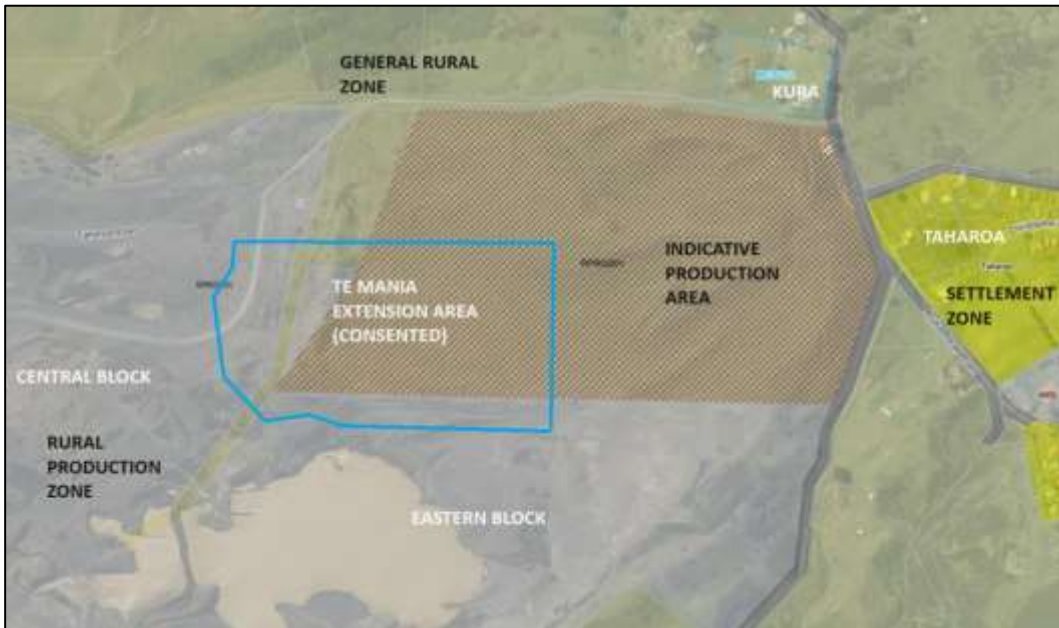


Figure 2: Map showing the notified zoning and the extent of the Te Mania consented area

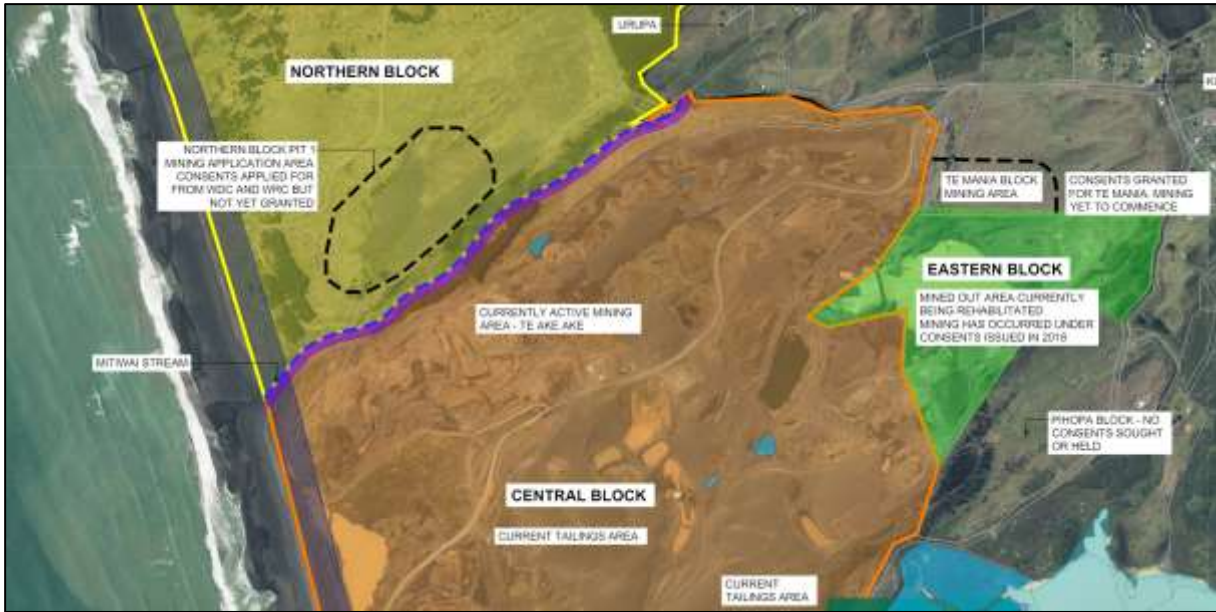


Figure 3: Map showing Pit 1 on the Northern Block currently awaiting consent

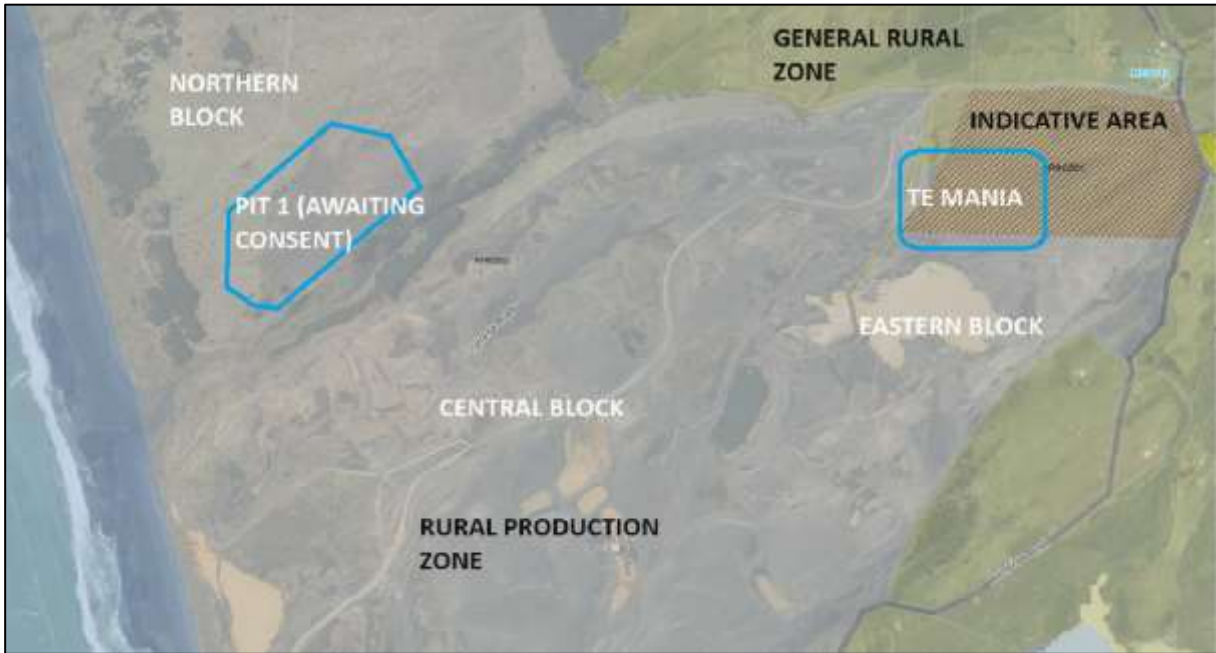


Figure 4: Map showing the notified zoning, Pit 1 and the extent of the Te Mania consented area

4.6 Taharoa Ironsands Ltd – Indicative Areas

Matters raised in evidence

59. In submission point 49.01 Taharoa requested policy support was provided for the Indicative Area notations which recognises the appropriateness of the land within the Indicative Rural Production Zone for future mining activities.

Analysis and recommendations

60. Mt Eccles states that currently, there is no purpose in the Indicative Area notation applying to any site because there are no associated objectives, policies, rules or standards that apply.
61. The section 42A report indicated that:
- In line with the provisions of the WRPS, where quarries are of regional significance, indicative areas of expansion are identified on the planning maps. The underlying zoning remains general rural and a plan change is required to make these areas into a live zone.
 - While the plan identifies these areas, the whole point is not to preempt any resource consent application or plan change decision, while giving effect to the provisions in the WRPS.
 - The notation simply indicates that a site might be used in the future for rural production activities. Until that time, the general rural zone rules apply, and the rule applied to the indicative areas is located in the subdivision chapter.
 - SUB-O11 and SUB-R9 provide the policy framework and the rule applicable to these sites. The provisions are designed to ensure notated sites are not compromised by the subdivision of land surrounding the sites.
62. The intent of the Indicative Area notation is to ensure that the location of sensitive activities is managed as comprehensively as possible. For example, in the subdivision chapter (SUB-R9) it is a discretionary activity to subdivide within 300 m of the boundary of an indicative rural production area in the general rural zone. Similarly, in the residential, future urban, rural lifestyle, settlement and Māori purpose zones, it is a discretionary activity to create a new allotment within 250 m of the boundary of an indicative rural production area.
63. As such, the context of this provision is not to have regard to an Indicative Area when a resource consent application is made within these areas for regionally significant purposes (i.e. sand mining). The context of this provision is to ensure that sensitive activities which might limit the expansion of these significant mineral resources over the lifetime of this plan are managed at the earliest possible stage.

4.7 Taharoa Ironsands Ltd – RPROZ-P4

Matters raised in evidence

64. In submission point 49.04 Taharoa requested RPROZ-P4.6 is amended so the requirement is that sites where quarrying activities occur are rehabilitated 'as far as practicable'.

Analysis and recommendations

65. This amendment is not considered necessary as the governing sentence of the policy already requires that effects are remedied as far as practicable as follows:

RPROZ-P4. Enable scheduled activities in the rural production zone, provided that the adverse effects of the activities are internalised, or avoided, remedied or mitigated as far as practicable through methods such as management practices, rehabilitation plans and mitigation measures that include:

1. Managing dust, odour, noise, vibration, access, debris on roads, illumination and driver behaviour to maintain amenity values, particularly during the night time; and
2. Ensuring that noise and vibration effects are not unreasonable and do not adversely affect amenity values in the surrounding area; and
3. Ensuring that effects associated with glare, odour and particulates are appropriately managed mitigated; and
4. Avoiding remedying or mitigating adverse effects on water bodies; and
5. Undertaking remedial measures during operations as appropriate; and
6. Requiring sites where quarrying activities occur to be rehabilitated and ensuring appropriate materials are used for this purpose.

4.8 Taharoa Ironsands Ltd – Residential units

Matters raised in evidence

66. In submission point 49.05 Taharoa requested RPROZ-R7 was amended to provide for more than one residential unit per site for security or caretakers. Mt Eccles contends that a single unit restriction may be appropriate for the majority of the RPROZ sites, however its application is not appropriate for the size and setting of the Ironsands Mine.

Analysis and recommendations

67. Mr Eccles offers an amendment to the rule which exempts Taharoa from the provision. On balance it is agreed that the Taharoa site is subject to a unique set of circumstances. It is extremely isolated. The company provides the majority of accommodation for workers both in the township and on the site itself. Providing for additional residential units on this site is unlikely to have an adverse environmental effect and as such it is agreed that the amendment could be made as follows:

.....

RPROZ-R7. 	One residential unit providing residential accommodation per each individual zone for security staff or caretakers.
<p>Activity status: PER</p> <p>Where</p> <ol style="list-style-type: none"> All of the performance standards in RPROZ - Table 2 are complied with; and Where the building is listed in SCHED1 - Heritage Buildings and Structures, see the historic heritage chapter. <p><i>Note: For the avoidance of doubt RPROZ-R1 to RPROZ-R11 apply to all sites identified in RPROZ-SCHED 1, with the exception of RPROZ-R7 which does not apply to the Taharoa Ironsands Mine (RPROZ-1).</i></p>	<p>Activity status where compliance is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> The matters of discretion associated with any performance standard which cannot be complied with in RPROZ - Table 2. <p>Activity status where compliance is not achieved with RPROZ-R26: DIS</p> <p>Activity status where compliance is not achieved with RPROZ-R27: NC</p>

4.9 Taharoa Ironsands Ltd – Other matters

Matters raised in evidence

68. In submission point 49.05 Taharoa requested RPROZ-R20 to RPROZ-R27 to were amended to eliminate inconsistencies with objectives and policies and to more appropriately recognise the activities undertaken at the Taharoa Ironsands Mine. The section 42A report observes that no specific amendments were proposed by the submitter other than in relation residential accommodation and as a further submission on outdoor storage. Accordingly, it was hard to respond to this submission point.
69. Mr Eccles has provided additional information regarding this submission point

Analysis and recommendations

70. Mr Eccles requests that:
- RPROZ-R20.9 is amended so the minimum setback from internal site boundaries for deposition of overburden material or for extraction and deposition of aggregates must be 30 m or 150 m from a building housing a residential activity on an adjoining site – whichever is the greater, provided that this rule shall not apply to any common boundary with an adjoining site in the same holding or where the written agreement of the landowner is obtained and provided to Council prior to the works commencing
 - RPROZ-R20 and R22(d) and R23 and R24(c) matters of discretion is deleted: ~~{d} The extent of the activity and the ability to internalise adverse effects"~~
 - RPROZ-R24 which requires that all buildings, carparking areas or yard areas that are visible from an adjoining road boundary, or a public space must be screened from view by planting is disapplied from the

Taharoa site.

71. Further to these points:
- It is agreed that some provision could be made in RPROZ-R20.9 to disapply the rule to 'any common boundary with an adjacent site which is in the same holding'.
 - The matter of discretion in RPROZ-R20 and R22(d) and R23 and R24(c)-"the extent of the activity and the ability to internalise adverse effects" is considered to be a cornerstone element of the management of RPROZ sites. It may be that some effects cannot be internalised, however this matter of discretion enables consideration of that extent.
 - The Commissioners are invited to consider the application of RPROZ-R24 after viewing the Ironsands Mine site.

5. Subdivision chapter

5.1 Matters addressed in submitter evidence

72. The main topics addressed in evidence from submitters for the subdivision chapter included:
- a. Telecommunications connections to new allotments
 - b. Benefit lots – Upper Awakino and Upper Waipa Rivers
 - c. Public access

5.2 Chorus et al – SUB-R18

Matters raised in evidence

73. Andrew Kantor, Graeme McCarrison, Colin Clune and Fiona Matthews provided evidence for Chorus, Spark, One NZ (formerly Vodafone) Connexa and FortySouth. Submission point 09.29 requested a number of amendments to SUB-R18 to provide for telecommunications connections to new allotments. The original submission was accepted in part and amendments made to SUB-R18.3 and R18.4 and two new provisions added as SUB-R18.5 and R18.6. An advisory note was also added to the rule. In the evidence, Chorus et al generally accept, subject to a few alterations the recommended proposed amendments to SUB-R18.

Analysis and recommendations

74. The amendments provided by Chorus et al are considered to be minor in nature and appropriate to the level of telecommunication access available in the district. The proposed amendments provide for a greater level of flexibility and continue to ensure that where telecommunications and electricity are not required to be provided to a new allotment, a consent notice on the Record of Title advises of this. The amendments

would read:

SUB-R18.	Allotment configuration and utilities
<ol style="list-style-type: none">1. All subdivision and boundary adjustments must comply with the requirements in SUB - Table 3; and2. New allotments created by subdivision or boundary adjustments must be able to incorporate the allotment shape factor in a position which does not encroach on any building setback or easement requirements. A building platform may be located over the same area as the allotment shape factor; and3. Except in the Te Maika precinct (PREC7), every allotment must have provision for electricity connections; and4. Except in the Te Maika precinct (PREC7), every allotment must have provision for telephone and/or ethernet connections.3. <u>Every new allotment in the residential, settlement, tourism, rural lifestyle, commercial and industrial zones must have provision for telecommunication (including open access fibre where practicable) and electricity connections to their legal boundary and sufficient land set aside for them on site where required.</u>4. <u>In all other zones:</u><ol style="list-style-type: none">(i) <u>where electricity lines and telecommunication lines are available within 200m of any boundary of a new allotment, these services electricity must be provided to the legal boundary and sufficient land set aside for them on site where required; and</u>(ii) <u>a telecommunication connection (fibre, mobile or wireless including satellite) can be provided to all new allotments.</u>5. <u>All necessary easements for the protection of network utility services must be duly granted and reserved; and</u>6. <u>The provisions of SUB-R18.3 – R18.5 do not apply to the Te Maika precinct (PREC7) or to the natural open space zone.</u> <p><i>Note: Where telecommunications and electricity are not required to be provided to a new allotment as set out in SUB-R18.3 – R18.5, pursuant to Section 221 of the Resource Management Act 1991 a consent notice must be placed on the Record of Title being created for the new allotment to advise of these circumstances.</i></p>	

5.3 Auckland/Waikato Fish and Game Council – SUB-P26 and SUB-R7

Matters raised in evidence

75. Dr Adam Daniel provided additional evidence for the Auckland/Waikato Fish and Game Council. In submission points 18.21 and 18.23, Fish and Game proposed adding additional criteria to SUB-P26.2, P26.4 and SUB-R7 that would allow for benefit lots where new public access is provided the Upper Waipa and Upper Awakino catchments. Similarly, Fish and Game proposed extending the benefit lot provisions offered for fencing the Upper Waipa river margins to the Upper Awakino river margins. These amendments involved a change to the policy framework (SUB-P26) and the rules (SUB-R7).

Analysis and recommendations

76. The section 42A report noted no particular objection to amending the provisions but considered that more information was required pertaining to the significance of the rivers as trout fisheries and the area of the Awakino catchment subject to the proposed change. This information was duly provided by Dr Daniel who advises in his evidence that although the access would be highly valued the scope of the proposal is small including around 6 titles on the upper Waipa and approximately 12 on the upper Awakino River. The mapped area is also provided along with draft provisions.
77. After consideration of this evidence, it is agreed that the proposed amendments can be made although the policy and rule wording provided by Fish and Game has not been adopted in full. The proposed new provisions are contained in Appendix 3 of this report due to their length. It is agreed that:
- The provisions currently applying to benefit lots in the whole Upper Waipa catchment where river margins are fenced, should be retained unamended (SUB-R7.1-R7.5).
 - The mapped area in the Upper Awakino catchment would also become eligible for the benefit lot provisions where river margins are fenced (i.e. incorporated into SUB-R7.1-R7.5).
 - The mapped area in the Upper Awakino catchment would become eligible for benefit lots where enduring public access to the river margin is provided (new rules SUB-R7.20-R7.26).
 - The mapped area in the Upper Waipa catchment (rather than the whole catchment as applied by SUB-R7.1-R7.5) would become eligible for benefit lots where enduring public access to the river margin is provided (new rules SUB-R7.20-R7.26).
78. It is considered that these provisions can offer both significant environmental gain (through fencing and planting) and meet the intention of RMA section 7(h) the protection of the habitat of trout and salmon. These amendments will require changes to the district plan maps to identify the areas subject to SUB-R7.
79. These amendments have the effect of causing the following submission points to be accepted in part as these points requested that SUB-P26 was retained as notified: Heritage New Zealand Pouhere Taonga 03.141, Te Tokanganui-a-noho Whare 38.76, Sheryl Paekau FS20.105, Te Nehenehenui 50.22 and Sheryl Paekau FS20.220.
80. These amendments have the effect of causing the following submission points to be accepted in part as these points requested that SUB-R7 was retained as notified: Firstgas 39.58, Te Tokanganui-a-noho Whare 38.79, Sheryl Paekau FS20.108, Te Nehenehenui 50.22 and Sheryl Paekau FS20.220.

5.4 Federated Farmers – Public access

Matters raised in evidence

81. In submission point 46.63 Federated Farmers sought to amend CE-P2 to provide a new policy setting out a process of engagement with landowners to reach formal agreement where any public access is sought. The submission requested that a new clause was added to CE-P2 as follows: *Engage with private landowners over which public access is sought so that a formal agreement can be reached on what suitable and appropriate public access should be developed.*
82. This relief sought was rejected in the section 42A report, as public access can only be provided across private property where there is a lawful agreement with the landowner (easement, esplanade reserve etc), or access is provided by other legislative means (i.e. queens chain).
83. Mr Peter Matich in his evidence on behalf of Federated Farmers agrees that public access can only be provided across private property where there is a lawful agreement with the landowners, but considers the plan should address this in the policy framework. He further considers that an appropriate approach to future access would entail identifying (and possibly mapping, in a structure plan) alignments for future access to key waterways where it is desirable to have public access.
84. Mr Matich proposes new wording to address this matter:

CE-P2. Maintain and enhance public access to the coastline by:... Having subdivision consent applicants consult with owners of other land over which public access is proposed, in order to determine whether or not it is practical to impose a consent condition requiring such access to be formalised in the course of subdivision.

Analysis and recommendations

85. Given the proposed amendments provided in evidence, rather than in the coastal environment chapter, it is considered that the best place to consider any amendments is within the subdivision chapter which is the appropriate legal mechanism to trigger consideration of this matter.
86. In the first instance, SUB-R23 addresses Mr Matich's point that the plan needs to identify locations where future public access to key waterways is appropriate. The rule lists the water bodies that are prioritised.
87. SUB-R24 addresses esplanade reserves and strips adjacent to the coastline. Mr Matich appears concerned that appropriate consultation needs to occur with landowners where public access over private land is proposed. This is a given and does not need to be considered in the policy framework. However, the point is taken from Mr Matich's evidence and proposed amendment that there are types of public access other than esplanades and access strips which could be considered.

88. Given this an amendment is proposed to SUB-09.

SUB-09. Ensure that esplanade reserves, esplanade strips and reserves, and other forms of legal enduring access are created through subdivision where these contribute to the maintenance, enhancement and protection of ecological, amenity, public access, recreational and hazard management values.

This amendment has the effect of amending 46.63 to accept in part. It does not affect the status of further submissions.

6. District Wide Matters

6.1 Matters addressed in submitter evidence

89. The main topics addressed in evidence from submitters for the Noise, Signs, Temporary Activities, Relocated Buildings & Light chapters included:

- a. Temporary military training activities – noise standards
- b. Temporary military training activities in the coastal environment
- c. Light policy – LIGHT-P1

6.2 Te Ope Kātua o Aotearoa | New Zealand Defence Force – NOISE-R2

Matters raised in evidence

90. Ms Rebecca Davies for the New Zealand Defence Force (NZDF) provided further information relating an amendment made to NOISE-R14 (submission point 21.23). The NZDF's submission point was accepted in part and redrafted into NOISE-R2. NZDF support revised NOISE-R2 and have provided a simplified version of the noise standards for consideration.

Analysis and recommendations

91. The simplified version of the noise standards removes the distinction between mobile and stationary noise sources, relying instead on the noise limits contained in the 'all other sources' table. This removes four rule provisions from NOISE-R2, while still enabling temporary military training activities to be undertaken. This simplification is supported and appreciated, particularly as for noise monitoring purposes if is generally preferable to have absolute standards where possible. The revised rule would read:

Activity Status: PER**Where:**Weapons firing and/or the use of explosives

1. Notice is provided to the Council at least 5 working days prior to the commencement of the activity; and
2. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:
 - (i) 7am to 7pm hours: 500m
 - (ii) 7pm to 7am hours: 1,250m
3. Where the minimum separation distances specified above cannot be met, the activity must comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:
 - (i) 7am to 7pm hours: 95 dBC
 - (ii) 7pm to 7am hours: 85 dBC
4. NZS6802:2008 Acoustics – Environmental Noise shall not be used to assess noise from weapons firing and use of explosives.

Mobile noise sources

- ~~5. Mobile noise sources must comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise, with reference to 'construction noise' taken to refer to mobile noise sources; and~~
- ~~6. Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.~~

Fixed (stationary) noise sources

- ~~7. Fixed (stationary) noise sources must comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity; and~~
- ~~8. Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.~~

5. All other sources:

Activity status where compliance is not achieved: RDIS**Matters over which discretion is restricted:**

- (a) The length of duration of the activity, characteristics of the noise being generated including its frequency, intensity, and any special noise characteristics; and
- ~~(b) The potential for cumulative effects considering the background noise environment and any special noise characteristics from existing sources; and~~
- (c) Effects on people and communities' health and wellbeing, including the potential for sleep disturbance; and
- (d) Any mitigation of the noise proposed, in accordance with a best practicable option approach including site layout, design and location of structures and equipment and the timing of operations; and
- (e) The degree to which adverse effects can be mitigated through conditions of consent such as noise attenuation; and
- (f) The social benefits that will be derived from the activity.

<u>Time (Mon to Sun)</u>	<u>Noise limit LAeq(15min)</u>	<u>LA_{Fmax}</u>
<u>7am - 7pm</u>	<u>55 dB</u>	<u>N/A</u>
<u>7pm - 10pm</u>	<u>50 dB</u>	<u>N/A</u>
<u>10pm - 7am</u>	<u>45 dB</u>	<u>75 dB</u>

6.3 Te Ope Kātua o Aotearoa | New Zealand Defence Force – TEMP-R7.

Matters raised in evidence

92. Ms Rebecca Davies for the New Zealand Defence Force (NZDF) provided further information relating to submission points 21.14 - 21.16 which requested structures and buildings associated with Temporary Military Training Activities (TMTA) were exempt from the rules in the coastal environment. The submission points were rejected on the basis that that TMTA are permitted under the provisions of TEMP-R7.
93. Ms Davies observes that while TMTA are permitted, it is not explicit that the Temporary Activities chapter provisions take precedence over the provisions in the Part 2 District-Wide Matters (which includes the coastal environment chapter provisions). That is, it is not clear that structures and buildings associated with TMTA in the coastal environment are not subject to the rules of the coastal environment chapter.

Analysis and recommendations

94. Ms Davies offers an amendment specific to TMTA. However, it is not clear how a TMTA would trigger the rules in the coastal environment unless the activity was located in a coastal flood hazard / erosion hazard area. In the general coastal environment, to trigger a restricted discretionary consent the TMTA would need to:
- Erect a building greater than 8 m in height and/or greater than 300 m² in size.
 - Erect a tank or silo that is greater than 3.2 m in height and/or has a capacity greater than 50,000 litres.
- These are significant, permanent structures outside of what would be considered as a temporary activity. Having said this, there is no objection to including the amendment as an advisory note if the Commissioners are of a mind to do so. The activities are transient in nature and effects, and have a wider social and community benefit. It is not the intention of this plan to inhibit activities of this nature. The amendment would read:

TEMP-R7.	<u>Temporary military training activities</u>
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<p>Activity Status: PER</p> <p><u>Note: See NOISE-R2</u></p> <p><u>Note: The provisions contained in the coastal environment chapter do not apply to temporary military training activities.</u></p>	<p>Activity status where compliance is not achieved: N/A</p>
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6.4 Graymont (New Zealand) Ltd – LIGHT-P1.

Matters raised in evidence

95. In the original submission point 43.63, Graymont requested that LIGHT-P1 was amended so that artificial lighting is located, designed and operated so that it does not adversely affect amenity 'to an unacceptable extent'. The amendment was rejected largely due to the use of the term 'unacceptable extent' which was considered to complicate the application of the policy. In the evidence provided Mr Calmeyer suggests alternative wording which focuses on the management of adverse effects.

Analysis and recommendations

96. It is agreed that the proposed amendment is appropriate. The change modifies the approach of LIGHT-P1 insofar as the emphasis of the policy is shifted from 'not adversely affecting' amenity, people's health and safety and the safe operation of the transport network to 'managing adverse effects' on these matters. This wording better reflects the direction of LIGHT-O1 which seeks to enable activities to generate an appropriate level of artificial lighting to support the safety and security of people and property, while managing adverse light spill effects. The amendment would read:

LIGHT-P1. Artificial lighting is located, designed and operated so that it ~~does not adversely affect~~ manages adverse effects on amenity, the health and safety of people, and the safe operation of the transport network.

97. This amendment has the effect of causing King Country Energy's submission point FS10.22 which supported Graymont's submission point, to be accepted in part. Conversely Waka Kotahi requested that LIGHT-P1 was retained as notified, causing 17.86 to be rejected.

7. Conclusion

98. I would like to thank the submitters and experts for taking the time to provide their evidence and I look forward to further discussion through the course of the hearing.
99. Appendix 1 contains the amended submitter tables and Appendix 2 contains recommended amendments to the zones and chapters.

Appendix 3 contains the recommended changes to the benefit lot provisions (SUB-P26) and (SUB-R7).

APPENDIX 1 AMENDED SUBMITTER TABLES

APPENDIX 2 RECOMMENDED AMENDMENTS

**APPENDIX 3 RECOMMENDED AMENDMENTS:
BENEFIT LOT PROVISIONS (SUB-P26) AND (SUB-
R7)**