Appendix 3

Pre-Hearing Minutes

matamata piako district council

MINUTES

Pre-Hearing Meeting

Plan Change 43 - Transportation and Plan Change 44 - Works and Network Utilities

1 May 2014, MPDC Council Chambers, Kenrick Street, Te Aroha

In attendance:

The following parties attended all, or part of the pre-hearing meeting.

Name	Organisation
Mike Gribble	-
Martin Wallace	Environmental Futures Inc
Sally Millar	Federated Farmers
Graeme Mathieson	EMS (for Fonterra)
Norm Robins	AECOM (for Fonterra)
Paul Ballist	Fonterra
Shaun O'Neill	Geometrix
Carolyn McAlley	Heritage NZ
John MacRae	Macken Farm Ltd
Ally van Kuijk	MPDC
Graham Robertson	MPDC
Marius Rademeyer	Planning consultant (for MPDC)
Mark Hamilton	MPDC
Raymond Short	MPDC
Caitlin Kelly	NZ Transport Agency
Jenni Fitzgerald	NZ Transport Agency
Stephen Childs	NZ Transport Agency
David Burton	Powerco
Joel de Boer	Transpower
Mike Hurley	Transpower
Amon Martin	Waikato Regional Council
Jason Roxburgh	Waikato Regional Council
Ursula Lehr	Waikato Regional Council
Vincent Chow	Waikato Regional Council

Minutes:

Ally van Kuijk opened the meeting. Thereafter, the meeting discussed the submissions to the plan changes, made by parties in attendance at the pre-hearing meeting.

The attached table records the minutes of the discussion. The minutes aim to record:

- 1. The substance of the discussion/ clarification of submission points;
- 2. In-principle agreements reached on amendments (where applicable);
- 3. Further information that parties agreed to supply (where applicable).

<u>Note:</u> Please note that this information (where required) is needed by Tuesday 13 May to enable consideration/inclusion before the upcoming hearing.

The column in the attached table headed "Ref" refers to the Submitter's name. The codes used in this column are:

Reference	Submitter
Α	John Richard Mellow
В	Progressive Enterprises
С	Waikato Regional Council
D	Ministry of Education
E	KiwiRail
F	Macken Farm Ltd
G	Mike Gribble
Н	New Zealand Transport Agency
I	Vector Gas
J	David Nickalls
K	Tidmarsh Holdings Ltd
L	M & C O'Callaghan
M	Piako Gliding Club
N	Federated Farmers
0	Kaimai Properties & Matamata Metal Supplies
Р	D & L Swap
Q	New Zealand Historic Places Trust
R	Fonterra
S	Transpower
T	Horticulture NZ
U	Environmental Futures Inc
V	Telecom NZ
W	Powerco Ltd
X	Chorus NZ
Υ	Helen & Kerry Cranston - LATE SUBMISSION
Z	Ventus Energy (NZ) Ltd - LATE SUBMISSION
AA	Barr & Harris - LATE SUBMISSION
BB	GeoMetrix - LATE SUBMISSION

Conclusion

Ally van Kuijk thanked parties for their attendance and valuable contributions.

The meeting was adjourned at 5pm.

ISSUES, OBJECTIVES AND POLICIES

Topic	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council		Further Submission	ons	Pre-Hearing Comments
						to make	Support/ Oppose	Reasons	Decision Requested	
4	U	A.2.3.7	Regionally significant infrastructure networks	Amend	There is lack of clarity of the balance required between recognition of public benefits, and adverse effects. In addition, modify the paragraph referring to reverse-sensitivity effects to clarify that reverse-sensitivity effects need only be managed when existing infrastructure is constrained to the extent that the adverse effects of the infrastructure on the receiving environment cannot reasonably be avoided or mitigated.	Amend to give effect to the submission points as noted in this submission.	Oppose	Federated Farmers Oppose the proposed amendments to clarify reverse sensitivity. The reverse-sensitivity definition and application should be consistent with the Proposed Waikato Regional Policy Statement.	Reject the proposed amendments to clarify reversesensitivity.	N) The plan change needs to be consistent with the RPS. The submission is not consistent with the RPS.
,	Q	A.2.4.6	Integrating land-use and infrastructure - Policies P1 - P6	Support with changes to P1	The policy-framework should make more explicit reference to historic heritage	Add the following bullet-point to Policy P1: "The historic heritage of the District is not significantly adversely affected".	Support Support Oppose	Environmental Futures It is important to ensure historic heritage of the District is considered. Mike Gribble It is important to retain the District's historic heritage. Federated Farmers The proposed amendment is unnecessary. To include historic heritage which is required to be considered under s6, means that all other s6 matters must also be listed.	Allow Reject submission	N) There is no justification to add just "historic heritage" on its own. If "historic heritage" is to be added, then the other s6 matters should also be added. There is already sufficient provision in the policy-framework elsewhere in the Plan, to ensure that historic heritage is not significantly affected. Q) The addition of "historic heritage" is necessary to ensure it is given adequately consideration.

7	H	A2.4.6 In int	tegrating land-use and frastructure	Support with amendment	The provisions are generally supported. However, the provisions should include both "existing" and "planned" infrastructure.	Retain as notified but amend all references to "existing infrastructure" and "existing networks" to "existing and planned infrastructure" and "existing and planned networks".	Oppose Oppose Support Support in part	Environmental Futures Provisions should not be made that relate to "planned" infrastructure as that takes the planning of such infrastructure outside of a fully public process. Mike Gribble The planned network may never happen. There are planned by-passes in the District that will never go ahead in future, and certainly not within the designation time period. Powerco Support the proposed amendment for the reasons set out in the submission. Federated Farmers Support the amendment subject to the term "planned infrastructure" being limited as defined in the Proposed Waikato Regional Policy Statement and that any consequential amendments to the Plan are made to ensure consistency. Transpower Large-scale infrastructure can have significant planning and consenting timeframes. Transpower supports the recognition thoul land-use should be integrated with planned and existing infrastructure.	Remove the word "planned" from the requested amendment. Allow Limit the term "planned infrastructure" as defined in the RPS. Make consequential amendments to the rest of the plan change. Allow	N) Reference to "planned" infrastructure is consistent with RPS. The term "planned" is explained in the RPS. U) Reference to "planned" is acceptable if the term is explained and the interpretation is not left openended. MPDC) Review RPS wording and amend plan change to include an explanation of "planned", consistent with the RPS.
								infrastructure.		

7	C A. 2.4.6	Sustainable management strategy - Integrating landuse and infrastructure. Objective O1, bullet-point 3, Policy P1, and consequential amendments.	Support in part.	Objective O1, bullet-point 3 acknowledges that the integration of land-use and infrastructure needs to also consider the sustainable management of natural resources. However, the related policies do not reflect this requirement.	Retain Objective O1. In relation to Objective O1, add the following bullet-point to Policy P1: "Adverse effects on the natural and physical environment can be appropriately avoided, remedied, and mitigated". Make consequential amendments to the rules to ensure this bullet-point is fully implemented.	Support in part.	Environmental Futures The suggested change fills a gap in the objective and subsequent policies, methods, and explanations so that the natural and physical environment is properly considered. Transpower It is important that the benefits and constraints on the National Grid can be considered as part of any development of the National Grid. If a policy like this is introduced then it is important that the benefits and constraints can be recognised through the retention of the word "appropriately" or similar in the policy.	Allow	 C) Requests the following change: P1: Rezoning, new development, and expansion/intensification of existing development shall take place where: The operation, maintenance, upgrading, or development of infrastructure, including regionally significant infrastructure, is not compromised; There is sufficient capacity in the infrastructure networks to cope with the additional demand, or where the existing networks can be upgraded cost effectively to meet that demand; and The networks have been designed to carry the type of service including the type and volume of traffic required to support the development. Adverse effects on the natural and physical environment can be appropriately avoided, remedied, and mitigated. S) There is no need to change the policy but, if it is changed then word "appropriately" (before "avoided, remedied and mitigated") should be retained.
8	U A.2.4.7	Sustainable management strategy - Regionally significant infrastructure - Objective O3	Amend	The requirement that reverse-sensitivity effects on regionally significant infrastructure must be avoided, remedied, or mitigated, is too broad.	Qualify the objective as follows, and amend Explanation accordingly: "Adverse effects including, where necessary, reversesensitivity effects on regionally significant infrastructure are avoided, remedied, or mitigated". Delete/amend AERs 7, 11, and 14 accordingly.	Oppose	Powerco Reverse sensitivity effects can result in significant constraints on the operation, maintenance, upgrade and development of infrastructure, which can undermine its efficiency, effectiveness, and sustainable management. It is not clear in what circumstances it will not be appropriate to protect a regionally significant resource from reverse sensitivity effects.	Disallow	W) A degree of tolerance should be acceptable. Not all adverse effects should be required to be mitigated or remedied: some detriment to housing or network should be acceptable. W) A "degree of tolerance" may be acceptable to a developer. However, it is the end-purchaser that ends up having to suffer the effects. The issue of "tolerance" can be considered as part of the resource management response (i.e. avoidance, remediation, or mitigation).

8	S	A.2.4.7	Regionally significant infrastructure - New Policy P7	Amend	Include a new policy that refers specifically to the National Grid.	Include new Policy P7 as follows: "Adverse effects including reverse-sensitivity effects on the National Grid are avoided".	Oppose	Mike Gribble The word "reverse" is not required.	Remove the following words "including reversesensitivity effects on the National Grid are avoided".	S) The inclusion of the policy is required to ensure that the plan change gives effect to the NPS-ET.
8	S	A.2.4.7	Regionally significant infrastructure - Objective O2	Amend	Delete the word "greatest" which creates an expectation of onerous mitigation	Amend as follows: "Operation, maintenance, upgrading, and development of regionally significant infrastructure is enabled, efficiency is promoted, and the asset is protected to promote the economic, social, and cultural wellbeing of national, regional and local communities, while avoiding, remedying or mitigating adverse effects on the environment to the greatest extent practicable".				s) Deletion of the word "greatest" is necessary to signal that a "reasonable" (not necessary "greatest") level of avoidance, remediation, or mitigation is required (i.e. financial implications must be able to be considered when deciding upon the appropriate resource management response). U) Grammatical error results if the word "greatest" is removed. Q) The qualifier "to the greatest extent practicable" dilutes the objective. The entire phrase "to the greatest extent practicable" should be removed. S) The reality is that the nature of some infrastructure works is such that some residual adverse effects are unavoidable. The objective signals this and should not be changed.
8	Q	A.2.4.7	Regionally significant infrastructure - Objective O2 and Policy P2	Support with changes	The wording must be changed to avoid dilution of the intent, and historic heritage should be included in the policy-framework.	Amend Objective O2 as follows: "Operation, maintenance, upgrading, and development of regionally significant infrastructure is enabled, efficiency is promoted, and the asset is protected to promote the economic, social, and cultural wellbeing of national, regional and local communities, while avoiding, remedying or mitigating adverse effects on the environment to the greatest extent practicable". Amend Policy P2 as follows: "Require the development and upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects to the extent practicable on the: • Health, safety, and wellbeing of people; • Visual and amenity values; • Natural and physical environment; • Historic heritage and the intrinsic values of scheduled sites; and • Existing sensitive activities".	Oppose	Environmental Futures Deletion of the qualifying statements about the extent of avoidance, remediation, or mitigation is supported as it dilutes the duty prescribed in the Act. It is important to include historic heritage where suggested. Powerco Due to their extensive linear nature, electricity networks are subject to a range of technical and locational constraints. In some cases a better environmental outcome may be achieved by allowing some localized effects to occur. For example, a requirement to divert a new electricity line around a significant natural area may result in a much greater length of line and more overall effects than allowing a short	Powerco seeks retention of the words "to the extent practicable".	See comments above.

		section of line to traverse that feature.	
	Support in part/ Oppose in part.	proposed amendment to Objective 2. Oppose the proposed amendment to Policy 2. While the objective should	
		be to avoid, remedy, or mitigate; it needs to be recognised that there may be instances where this is not possible. The development of nationally significant infrastructure is an example.	
	Oppose in pa	Transpower	
		important for the purposes of giving effect to the NPS on Electricity Transmission that the wording "to the extent practicable" or similar be retained. Policy 2: The importance of the	
		need to protect historic heritage is recognised and supported by Transpower.	

Š		С	A. 2.4.8	Sustainable management strategy - Energy efficiency and renewable energy generation. Policy P2, bullet-point 1 and consequential amendments.	Oppose	Oppose the requirement to manage only "significant" adverse effects. Consideration needs to be given to all adverse effects on the environment, direct and indirect, in order to avoid cumulative impacts.	Amend Policy P2, bullet-point 1 as follows: "their connections to the electricity transmission grid are enabled while managing: - Significant adverse effects on the environment". Make consequential amendments to the rules to ensure the amended policy is implemented.	Support	There is no justification for restricting attention to avoidance, mitigation and remediation only of "significant" adverse effects.	Allow	C) Cumulative effects must be able to be considered. It is not appropriate to manage only "significant" effects. U) In agreement: Effects that seem "insignificant" when viewed in isolation can accumulate. S) By removing "significant", it can be interpreted that all effects have to be managed. This is not always possible.
								Oppose in part	Transpower It is important that the benefits and constraints on the National Grid can be considered as part of any development of the National Grid. It is important that not all adverse effects must be avoided.	Disallow in part	
7	16	W	A.3.7.2.1	Works and network utilities	Amend	Remove reference to "adjacent	Amend as follows: "To protect				W) The reference to "adjacent lands" is
				- Community infrastructure - Policy P2		lands".	works and network utilities from incompatible development, use or subdivision of adjacent lands ".				inappropriate. If the term is retained, it will create confusion as to what comprises "adjacent lands" and what is excluded. MPDC) MPDC staff can see the submitter's point
											and will reconsider the wording.
	16	C	A. 3.7.2.1	Works and network utilities - Community infrastructure. Policy P3, bullet-point 1.	Support in part.	Further effects on the already modified environment needs to be considered as part of any assessment.	Amend Policy P3, bullet-point 1 as follows: "To ensure that works and network utilities are considered having particular regard to: - The degree to which the environment has already been modified further modification would have adverse effects on the natural and physical environment". Make consequential amendments to the rules to ensure the change to the policy is implemented.	Support	Environmental Futus Support the reasons given by the Submitte that just because the environment may have been modified, shoul not prevent considera of the adverse effects further modification. Powerco It is important to take account the nature of existing environment the degree to which i already been modifie when considering the appropriateness of proposed works and network utilities. This avoid any implication required mitigation or remediation must ach a higher environment standard than curren exists. In relation to r overhead electricity li for example, a higher level of mitigation or remediation is likely t required if located in significant natural are comparison to an industrial area, where environment will alrea be heavily modified.	Allow er ye d ation s of into t the and t has d will that nieve tal tly new ne, o be a ta in e the	C) Seeks the following amendment: To ensure that works and network utilities are considered having particular regard to: The degree to which the environment has already been modified further modification would have adverse effects on the natural and physical environment: The duration, timing and frequency of the adverse effect; The impact on the network and levels of service if the new work is not undertaken; The need for the work in the context of the wider network or in the context of the provision of alternative infrastructure; The avoidance, remediation or mitigation of anticipated adverse environmental effects to the extent practicable; Comprehensive analysis of The demand for/benefits of existing and future services/facilities; The route, site, and method selection process; and: The technical and locational constraints. U) Agrees: Perpetrator should take responsibility for harm caused; wording of policy removes this onus. New infrastructure should particularly consider the adverse effects of further modification. MPDC) Staff questions whether moving bullet 5, immediately below bullet 1, would alleviate the submitter's concerns? C) Has considered the above suggestion and advised after the meeting that the suggestion is not acceptable. The submission stands. W) Considers that the policy framework is clear. The amendment requested, is not necessary.

opic F	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council		Further Sub	missions	Pre-Hearing Comments
				Oppose		to make	Support/ Oppose	Reasons	Decision Requested	
25 \$	8	B.3.5	Activities adjacent to transmission lines	Amend	Amend for national consistency. Recognise existing development on Lot 1 DPS 18429	Delete Rules 3.5.1 and 3.5.2 and replace with the following: "3.5.1 National Grid Yard (i) Permitted Activities 1. Under the National Grid Conductors (wires): (a) On all sites within any part of the National Grid Yard any buildings and structures must: (i) If they are for a sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or (ii) Be a fence; or (iii) Be network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or (iv) Be an uninhabitable farm building or structure for farming activities (but not a milking/dairy shed, commercial greenhouse or intensive farming building (excluding ancillary structures)); or (v) Be an uninhabited horticultural building (but not a commercial greenhouse) or structure; or (vi) Be any public sign required by law or provided by any statutory body in accordance with its powers under any law. (b) All buildings or structures permitted by a) must comply with at least one of the following conditions: (i) A minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or (ii) Demonstrate that safe electrical clearance distances required by NZECP34 are maintained under all National Grid line operating conditions. 2. Around National Grid support structures: Buildings and structures Buildings and structures Buildings and structures Buildings and structures Buildings and structures	Support in part	Horticulture NZ The changes sought are consistent with the approach taken in other council areas. However, Horticulture NZ seeks that there is a provision for horticultural structures to be a permitted activity where the written consent of the National Grid Operator is given in accordance with clause 2.4.1 of NZECP34:2001. This is consistent with the approach taken in other council areas and the submission of Horticulture NZ and allows for the provisions in NZECP34:2001.	Allow with amendments	F) Asks for clarification of the amended rules proposed by S. S) Provides further clarification.

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						Electricity (Hazards from Trees) Regulations 2003. Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) contains restrictions on the location of structures and activities in relation to the lines. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice."		Danage		MDDO) Davida di avas viiti
26	Т	B.3.6(i)	Development adjacent to sub-transmission lines - Permitted activities	Amend	Provide for crop protection structures	Amend as follows: "New buildings or additions to existing buildings (excluding artificial crop protection structures and crop support structures) within 20m of the centreline of a sub transmission line (identified on the Planning Maps) that have demonstrated compliance with NZECP 34:2001 are a permitted activity".	Oppose	Powerco The submission states that Hort NZ seeks to ensure that growers can establish crop protection/ support structures consistent with NZECP34:2001. The rule already provide for this by permitting new buildings and additions that comply with NZECP34:2001 within 20m of the centreline of subtransmission lines as permitted activities. The effect of the relief sought is to exempt such structures from the permitted activity status, with the potential implication that they would then become non-complying.	Disallow	MPDC) Powerco to discuss with Horticulture NZ and Federated Farmers, and to advise MPDC if an agreed position is reached.

FLOOD CONTROL ASSETS

Topic	Ref	Clause	Clause Description	Support/	Details of Submission	Decision that the		Further Submissions		Pre-Hearing Comments
				Oppose		Submitter wants Council to make	Support/ Oppose	Reasons	Decision Requested	
28	V	B.3.8	Activities adjacent to flood control and erosion protection assets.	Oppose in part	The rule does not provide consideration of network utilities in flood hazard areas.	That network utilities be provided for as permitted where WRC has given its authorization.	Support	Powerco The amendment is supported for the reasons set out in the original submission. Due to their linear nature, it will not always be possible for network utilities to completely avoid locating within flood hazard areas.	Allow	MPDC) Staff has discussed the submission with WRC and is considering amendments as requested by the submitter.
28	N	B.3.8	Activities adjacent to flood control and erosion protection assets.	Support with amendment	The provisions are generally supported but the provisions should be clarified by the addition of a diagram to improve reader understanding.	Add a diagram to improve reader understanding of where the provisions apply.				F) Controlling activities near WRC works in the district plan appears to be a duplication of a regional council function. MPDC) Staff consider that control of landuse near the flood control assets is a district plan matter and not a function of WRC. F) Will accept the inclusion of provisions in the district plan provided it is not duplicated in the regional plan. N) Reinforces the need for further clarification/diagram to improve reader understanding. C) WRC agrees to provide the clarification/diagrams required by the submitter.
28	F	B.3.8	Activities adjacent to flood control and erosion protection assets.	Oppose	Not clear to which waterways the rules apply. The imposition of controls on minor waterways is unreasonable and unnecessary. The rule does not resolve jurisdictional issues between MPDC and WRC. Sub-paragraph (iii)(e) is invalid. The rule is contrary to the principles of the RMA and to sound resource management practice.	Accept plan change with amendments (details of amendments required, not stated).	Support in part	Federated Farmers Support that clarity is required for resource users in how the rules are applied and to which water bodies in the District.	Provide clarification of the rules	See above.
54	Q	B.8.8.2(ii)	Flood control works - Annual works programme	Support in part	The requirement for NZHPT to review the works programme is supported, but the timeframes need to be clarified.	Retain as notified and advise NZHPT of likely timeframes.				C) Suggests a 30-day timeframe in response to the submission raised by Q.

INFRASTRUCTURE AND SERVICING

Topic	Ref	Clause	Clause Description	Support/	Details of Submission	Decision that the Submitter wants Council		Further Submissions		Pre-Hearing Comments
				Oppose		to make	Support/ Oppose	Reasons	Decision Requested	
35	ВВ	B.5.9.2(e)	Performance standards - Integrating land-use and infrastructure	Amend	Delete the stormwater provisions.	Amend as follows: "That there is sufficient capacity in the infrastructure networks to cope with the additional demand, or that the existing networks can be increased cost effectively. In the case of stormwater, the adequacy of the network will be assessed taking into account the requirement for on-site soakage or detention/disposal and provision for secondary flow-paths and ability to set minimum floor levels as set out in the Development Manual";				BB) Explains that onsite soakage isn't always the best solution. The provision in the district plan reads as if onsite soakage is the sole solution. If on-site soakage is not possible, then there should be provision for all other solutions to be considered. MPDC) Staff will review the wording to ensure that solutions other than on-site soakage are not precluded.
35	0	B.5.9.2	Infrastructure and servicing - Performance Outcomes.	Amend	The first advice note requires evidence of consultation with the Transport Agency. This is contrary to the RMA which does not impose a mandatory requirement to consult.	Amend the first advice note under 5.9.2 as follows: "Advice Note: In assessing whether the performance outcomes are being achieved, the Council will require recommends evidence of consultation with NZTA be provided where applications have the potential to affect the integration of land use with the state highway network".	Oppose	New Zealand Transport Agency The Transport Agency would like to be party to any discussions relating to this matter as the outcome has the potential to affect the safe and efficient functioning of the state highway network.	Disallow	H) The Transport Agency, as expert on highways, expects to be consulted for all activities along its network. However, it is accepted that consultation cannot be a requirement. The Transport Agency will likely accept the submission, or words to that effect.
35	Р	B.5.9.2	Infrastructure and servicing - Performance Outcomes.	Amend	The first advice note requires evidence of consultation with the Transport Agency. This contrary to the RMA which does not impose a mandatory requirement to consult.	Amend the first advice note under 5.9.2 as follows: "Advice Note: In assessing whether the performance outcomes are being achieved, the Council will require recommends evidence of consultation with NZTA be provided where applications have the potential to affect the integration of land use with the state highway network".				See above.
35	Н	B.5.9.2(i)	Integrating land-use and infrastructure - sub-clauses (i)(g) and (i)(h).	Support with amendments	The provisions are supported, subject to reference to the roading hierarchy in sub-clause (g), and reference to planned infrastructure in sub-clause (h).	Amend sub-clause (g) as follows: "That the development will be connected served by existing and/or new roads identified in the roading hierarchy as appropriate for serving designed for the purpose of carrying the type and volume of traffic that will be generated;" Amend subclause (h) as follows: "That the development will lead to the investment in existing and planned infrastructure networks being used efficiently";		Environmental Futures Sub-clause (g): The use of the term "served by" does not need to be changed to "connected by". Also, there is no need to refer to the roading hierarchy with respect to existing roads. For new roads, this guideline should not be referenced as it is not the exclusive method or reference point to determine what new roads might adequately serve the development. Sub-clause (h): It is sufficient for the development to be assessed against efficient	Disallow whole	H) Seeks a consistent approach where developments are served by roads of the appropriate class and where there is consistency in the classification of roads within the hierarchy. U) The function of roads in the hierarchy is not clear. The road controlling authorities can change the functions of roads which will impact on the ability to use the roads for different purposes, without any further planning process or consultation. MPDC) Staff clarifies that the district plan will contain a definition/explanation of the functions of the different classes of roads within the hierarchy and that changing those functions will require a plan change.

36	R	B.5.9.3	Non-compliance with performance standards and outcomes	Oppose	The provision requires resource consent for non-compliance with the performance outcomes. The outcomes contain discretion which is ultra vires for determining whether a standard is met, and lacks certainty.	Delete 5.9.3 and all references to resource consent being required where the performance outcomes in 5.9.2 are not achieved.		use of existing infrastructure networks.		MPDC) Staff understands the submission and is investigating amendments to the provisions aimed at alleviating the submitters concerns.
36	0	B.5.9.3	Non-compliance with performance standards and outcomes	Oppose	The provision requires resource consent for non-compliance with the performance outcomes. The outcomes contain discretion which is ultra vires for determining whether a standard is met, and lacks certainty.	Delete 5.9.3 and all references to resource consent being required where the performance outcomes in 5.9.2 are not achieved.				As above.
37	BB	B.5.9.4	Integrating land-use with infrastructure - larger scale activities	Oppose	Business and development should be encouraged - not restricted. The roads are designed to carry traffic. Other than for site access, roading should not restrict a site's development.	Delete	Support	Te Aroha Business Association The Association supports that business should be encouraged, not restricted. Many businesses generate more than 100 vehicles per day. The imposition of this rule could hinder business. New Zealand Transport Agency The Agency opposes the deletion of rule 5.9.4. Development has the potential to have an effect wider than that which can be assessed by the standard of access way alone. The deletion of the rule would reduce the Road Controlling Authority's ability to ensure the safe and efficient functioning of the roading network	Allow	BB) The District's roads are adequate to serve development and there are no known capacity constraints. There is no reason for any restrictions (other than for safe site access) on the use of the roads. Business and development should be encouraged, not hindered by unnecessary restrictions on the use of the roads.
37	R	B.5.9.4	Integrating land-use with infrastructure - larger scale activities	Oppose	The provision is conflicting and uses an unnecessarily low vehicle movement threshold. It is also at odds with the Industrial Zoning and DCPs for the Waitoa and Morrinsville dairy processing sites which provide for future development as of right.	Delete Rule 5.9.4.		INSTRUCTOR		R) Seeks more generous threshold, especially for existing sites with DCPs that provide for future development as of right. BB) 100 extra vehicles per day will not affect most intersections in the district. The trigger points are too low. MPDC) Staff will consider the submission in the light of the approach taken in other neighbouring district plans. MPDC) With regard to R's submission, it is agreed that review of the relevant DCPs to provide for the level of traffic movements recommended by the submitter's TIA, is the appropriate mechanism. With regard to Fonterra's garage site in Morrinsville, it is suggested that Fonterra should consider preparation of a site specific DCP.
37	0	B.5.9.4	Integrating land-use with infrastructure - larger scale activities	Oppose	The provision is conflicting and uses an unnecessarily low vehicle movement threshold.	Delete Rule 5.9.4.				See above

37	Р	B.5.9.4	Integrating land-use with infrastructure - larger scale activities	Oppose	The provision is conflicting and uses an unnecessarily low vehicle movement threshold.	Delete Rule 5.9.4.		See above

ROAD TRANSPORT, PARKING AND LOADING Topic Ref Clause **Clause Description Details of Submission** Decision that the **Pre-Hearing Comments** Support/ **Further Submissions Submitter wants Council** Oppose Support/ Reasons Decision to make **Oppose** Requested Н B.8.10 Matters of Support with Include an additional assessment Insert the following additional **Environmental Futures U)** "Measures required to avoid, remedy or discretion/discretionary mitigate adverse effects" are already amendment criterion that assesses effects on assessment criterion: Oppose It is unnecessary to include Disallow whole an additional assessment provided for in Rule 8.10(xxii). This assessment the roading network "Adverse effects on the criteria/guidance for nonsafety, efficiency and criterion that assesses includes the road network. There is no complying activities effectiveness of the effects on the roading reason why the road network should applicable to Sections 8.1-'strategic' road network, network, as adverse effects specifically be mentioned, while other 8.5, and 8.8-8.9. including state highways". generally are matters already networks (such as railways) are not included in 8.10(xxii). It mentioned. would be unreasonable to H) Inclusion of the reference to the road single out effects on the roading networks as a network will serve to clarify that it is included in Rule 8.10(xxii). special case. MPDC) A possible solution is to add "including the transportation network" at the end of Rule 8.10(xxii). B.9.1.2(iii)(a) Access - Access to Amend The vehicle crossings serving the Amend 9.1.2(iii)(a)(iii) as See previous discussion and option to follows: "With the exception significant roads and Morrinsville Dairy Manufacturing amend DCP. (iii) Site and Transport Garage vehicle arterial roads of vehicle movements from Allen Street, already exceed through the existing Allen Performance Standards the trigger for resource consent. A Street vehicle crossings at the Morrinsville Dairy traffic report has been prepared and states that the entrances are Manufacturing Site (and the associated Transport adequate to accommodate an increase in use, and recommends Garage), there shall be less than an average of 50 car a higher trigger threshold for requiring resource consents. equivalent movements per day..... In terms of the two existing Allen Street vehicle crossings at the Morrinsville Dairy Manufacturing Site, there shall be less than an average of 1,300 car equivalent movements per day within any one week. In terms of the two existing Allen Street vehicle crossings at the Transport Garage, there shall be less than an average of 300 car equivalent movements per day within any one week". B.9.1.2(iv)(a) The Waitoa Dairy Manufacturing Amend 9.1.2(iv)(a)(ii) as See previous discussion and option to R Access - Access to Amend collector and local roads -Site's access onto No 1 Road follows: "With the exception amend DCP. (ii) Performance Standards already exceeds the trigger for of vehicle movements resource consent. A traffic report through the two existing No 1 Road vehicle crossings at has been prepared and states that the entrances are adequate to the Waitoa Dairy accommodate an increase in use Manufacturing Site, there and recommends a threshold of shall be less than an average 3,000 car equivalent movements. of 250 car equivalent

						movements per day <u>In</u> terms of the two existing No 1 Road vehicle crossings at the Waitoa Dairy Manufacturing Site (i.e. the main entrance), there shall be less than an average of 3,000 car equivalent movements per day within any one week (provided that the western-most vehicle crossing shall be used as a				
57	R	B.9.1.2(iii)(a) (ii)	Access - Access to significant roads and arterial roads - Performance Standards	Amend	The Morrinsville dairy manufacturing site and Morrinsville Transport Garage have accessways that exceed the Development Manual standard. Expansion on either site would trigger resource consent under 9.1.2(iii)(a)(ii). A traffic report included states that the existing vehicle entrances are adequate and recommends that the entrances be exempt from compliance with the Development Manual.	left-turn egress only)". Amend 9.1.2(iii) as follows: "With the exception of the two existing Allen Street vehicle crossings at the Morrinsville Dairy Manufacturing Site and the two existing Allen Street vehicle crossings at the associated Transport Garage, the vehicle crossing shall be designed, formed and constructed in accordance with the Development Manual".				See previous discussion and option to apply for a site specific DCP.
57	N	B.9.1.2(vi)(a) (ii)	Access for seasonal rural activities	Amend	The performance standard requiring vehicles not to track loose material onto the road carriageway which may cause a hazard/nuisance is too vague.	Amend, to provide clarity as to what constitutes a nuisance effect.	Support Support in part	Horticulture NZ The need for clarification is supported New Zealand Transport Agency Further clarification may be beneficial. Loose material tracked onto the road increases the risk of vehicles skidding. Loose material also increases the likelihood of chips flying up. It also contributes to driver distraction.	Clarify the performance standard regarding the tracking of loose material onto roads.	N) Suggests deletion of reference to "nuisance" (i.e. "vehicles must not track loose material onto the carriageway of the road which may cause a hazard / nuisance to road users"). "Hazard" is considered a less subjective measure. MPDC) To amend plan change to reflect the above, it being noted that the NZ Transport Agency accepts the change.
57	L	B.9.1.2	Access	Amend	The Activity Table relating to access is too complex. The reference to changes "in character, scale or intensity of use" is too vague. The trigger threshold for arterial and significant roads (50vpd) is too low and for local roads (250vpd) too high. Consistency with the requirements of neighbouring District Plans should be considered.	Amend to: Rationalise the Table. Consider the provisions of the Waipa and Waikato District Plans. Replace reference to changes "in character, scale or intensity" with threshold triggers. Increase the trigger thresholds for vehicle use.				MPDC) Staff acknowledge that the table is complex, but its advantage is that it caters for all situations and thus ensures consistency in the implementation of access standards. Staff will review other district plan approaches. It is also acknowledged that change "in character, scale or intensity" is subjective. Staff will review. Reference to "the effects of a change in character, scale or intensity" could assist in providing clarity?
57	К	B.9.1.2	Access	Amend	The Activity Table relating to access is too complex. The reference to changes "in character, scale or intensity of use" is too vague. The trigger threshold for arterial and significant roads (50vpd) is too low and for local roads (250vpd) too high. Consistency with the requirements of neighbouring District Plans should be considered.	Amend to: Rationalise the Vehicle Crossing Table. Consider the provisions of the Waipa and Waikato District Plans. Replace reference to changes "in character, scale or intensity" with threshold triggers. Increase the trigger thresholds for vehicle use.				See above

57	H	B.9.1.2	Access	Support with amendments	Section 9.1.2 is supported subject to inclusion of reference to the Transport Agency's standards.	Amend 9.1.2(iii) as follows: "The vehicle crossing shall be designed, formed and constructed in accordance with the Development Manual; or if accessing a state highway network, to the standard required by the NZ Transport Agency in speed environments of 70km/h and over". Amend 9.1.2(vii)(a)(ii) as follows: "The primary access to a lot shall be designed and constructed in accordance with the relevant standards being DG307, DG308, or Diagrams C, D, or E in the Development Manual or to the relevant road controlling authority's satisfaction"	Oppose	Tidmarsh Holdings Ltd Rule 9.1.2(vii): The standards proposed are confusing enough without having to also refer to relevant road controlling authorities.	Disallow	H) NZ Transport Agency wants some flexibility in terms of the entranceway design to allow for unique circumstances. The Agency will review its position and will advise MPDC of its preferred wording.
58 59	ВВ	B.9.1.3 and 9.1.4	On-site loading and On-site parking	Oppose	The provisions will deter development and/or be overly onerous.	Reconsider the provisions to ensure development in the towns is encouraged.	Support	Te Aroha Business Association The Association supports that rule 9.1.3 be opposed with regard to on-site loading. There are a number of properties that could potentially not meet this criterion. With the alternative being the payment to Council for parking, this could stifle progress and deter start-up businesses from establishing.	Allow	MPDC) Clarifies that no parking/loading is required in the specified shopping area for any development <u>up to</u> a FAR of 1. BB) More accepting of the rule, given MPDC's explanation.
59	R	B.9.1.4(ii)	On-site parking - Table	Amend	The car parking requirements are excessive for the Waitoa and Morrinsville Dairy Manufacturing Sites and the Transport Garage.	Exclude the Waitoa and Morrinsville Dairy Manufacturing sites from the parking ratio for "industry". Exclude the Transport Garage from the parking ratio for "repair of motor vehicles". Include new parking ratio for Dairy Manufacturing Sites of "1 space per staff member employed". Include new parking ratio for Transport Garage of "2 spaces for truck-and-trailer units for every servicing bay, plus 2 car parking spaces for every 3 staff members".				See previous discussion and option for amendment of site specific DCP.
59	H	B.9.1.4	On-site parking	Amend	There should be no parking on significant roads	Insert the following additional provision in 9.1.4: "All properties with legal access to a strategic road shall provide all parking and manoeuvring on site"; or cross-reference provision 9.1.2(iii)(iv).	Oppose	Tidmarsh Holdings Ltd The submission states that there shall be no parking on strategic roads. This includes state highways which run through some of our town centres. Submitter proposes that all properties with access to a strategic road shall provide all parking and manoeuvring on-site. This is a totally unfeasible suggestion given that parking needs to be close to destination.	Disallow	H) Accepting of the provision that on-site parking is not required for sites within the shopping frontage area, provided the FAR does not exceed 1.

20	ВВ	B.1.1.1(x)	General provisions - Written report	Oppose	The requirement for an ITA when applications have the potential to result in adverse effects is too open to interpretation (all applications "have the potential to result in adverse traffic effects").	Delete, or alternatively detail the specific circumstances when an ITA will be required.	Oppose	New Zealand Transport Agency Limiting the circumstances where an ITA is required reduces the ability of Council and the Transport Agency to undertake a full assessment of the potential effects of a resource consent application.	Disallow	MPDC) To review suggestions put forward by NZ Transport Agency (Waipa Plan approach) that assists in clarifying the ITA requirements.
21	Н	B.1.1.1	General provisions - Written report - Sub-clause (x)	Amend	Exclude reference to "Integrated Transport Assessment Guidelines, November 2010, NZTA Research Report 422".	Replace reference to "Integrated Transport Assessment Guidelines, November 2010, NZTA Research Report 422" with reference to a new Appendix 11 "Information requirements for Integrated Transport Assessments" as outlined in the submission.	Oppose	Environmental Futures Deletion of reference to this guide, leaves uncertainty as to whether adequate assessment is in fact done and whether such an assessment is done by a qualified person.	Disallow whole	See comment above.
21	С	B. 1.1.1	Written report. Sub-clause (x) and consequential amendments.	Support in part.	The use of Integrated Transport Assessment (ITA) is supported as being consistent with the PWRPS Method 6.3.9. However, further guidance on the use of ITAs through the inclusion of specific policy, rule, and assessment criteria is required.	Where appropriate, policy, rule, and assessment criteria should be included in the District Plan to guide the use of ITAs.				See comment above.
21	В	B. 1.1.1(x)	Applications that have the potential to result in adverse traffic effects shall be accompanied by an ITA prepared in accordance with the "Integrated Transport Assessment Guidelines", November 2010, NZTA Research Report 422.	Support	The inclusion of sub-clause (x) represents good industry practice.	Retain sub-clause (x).				See comment above.
66	Н	New Appendix 11	Information requirements for Integrated Transport Assessments	Amend	Remove reference to the "Integrated Transport Assessment Guidelines, November 2010, NZTA Research Report 422" and include a new "Appendix 11 - Information Requirements for Integrated Transport Assessments".	Include new Appendix 11 as set out in p13 of the Transport Agency's submission.	Oppose	Environmental Futures Deletion of reference to this guide leaves uncertainty as to whether adequate assessment is in fact done and whether such an assessment is done by a qualified person.	Disallow whole	See comment above.

Горіс	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council		Further Submissions		Pre-Hearing Comments
						to make	Support/ Oppose	Reasons	Decision Requested	
52	N	B.8.7	Stock Movements and Stock Crossings	Oppose	The provisions are confusing and a duplication of the "Stock Movements on Roads Bylaw 2008".	Except for underpasses, remove the rest of the provisions from the District Plan and manage stock movements and crossings through the Bylaw provisions.	Oppose	New Zealand Transport Agency The Agency opposes the deletion of provisions in relation to stock crossings and stock movement along roads. It is acknowledged that some of the provisions in Section 8.7 are duplicated in the Land Transport Bylaw 2008. However, Section 8.7 provides clarification on the activity status for stock movements and stock crossings and clearly sets out the matters over which discretion is reserved.	Disallow	N) Considers that the provisions are unclear and confusing. Stock crossings are not a district plan matter in any other districts. The provisions should be deleted and dealt with through a by-law. MPDC) Staff will review the need for including the provisions in the district plan.

Горіс	Ref	Clause	Clause Description	Support/	Details of Submission	Decision that the		Further Submissions		Pre-Hearing Comments
				Oppose		Submitter wants Council to make	Support/ Oppose	Reasons	Decision Requested	
1	H	B.5.2.9	Internal noise limits - railway lines and state highways	Amend	To better address reverse- sensitivity issues, the title of the rule should be changed, provision should be made for setbacks within an environmental buffer area, effects within the wider road noise effects area should be managed better, and amendments should be made to the internal ventilation standard. Activities that do not comply with the performance standards should be non-complying, not restricted- discretionary as proposed in the notified plan change.	Amend Rule 5.2.9 as set out below: "5.2.9 Internal noise limits—railway lines and state highways Noise insulation: noise sensitive activities (i) Performance Standards (x) New and altered buildings shall be set back: • 10m from a state highway where the posted speed is less than 70km/h; • 20m from a state highway where the posted speed is 70km/h or more. The setback shall be measured from the edge of the nearest traffic lane. (a) New buildings or additions to existing buildings to be used for a noise sensitive activity located: (i) Within 40m of an operational railway line; (ii) Within 80m of a state highway with where the site's frontage has a posted speed limit of 70km/h or above; or (iii) On a front site or a corner site that directly adjoins a state highway where the posted speed limit is less than 70km/h and that has acomplying building platform that is within 40m of the state highway with a speed limit of less than 70km/h; Shall be designed, insulated, constructed, or screened by suitable barriers to ensure that noise received within any new bedroom, habitable space, or other space containing a noise sensitive activity, will not exceed the limits below:	Oppose	Environmental Futures This proposal further restricts development of property owners' land even if they were to meet the proposed internal noise limits.	Disallow whole	 H) The Transport Agency supplied the following clarification: The need to mitigate reverse-sensitive stems from the fact that the state highways were built at a time when adjoining development was sparse at traffic volumes low. In the meantime, development and traffic have increase making the state highways vulnerable reverse-sensitivity and requiring adjoining properties to mitigate reverse-sensitivity. This does not apply when new state highways are built or substantially altered. In this instance, NZ Transport Agency itself, is required to mitigate the potential for reverse-sensitivity by implementing measures (such as acoustic designed fences or seal design) to meet the requirements in "NZS6808:2010 – Acoustics – Road traffic noise – New and altered roads. The Agency has no objection if the district plan requires it to comply with this standard when new roads are burned or existing roads substantially altered. The Agency is in any event required, internal processes, to comply with the standard. The Agency has limited funding and cannot remedy all the reverse-sensitic issues that have resulted from change to the environment since the roads we built. Therefore, the Agency seeks to ensure that when new houses are burned to be met unless the window are closed, then adequate ventilation must be provided, else residents will forced to open their windows leaving mitigation. For extensions to existing dwellings, the Agency seeks to ensure that the new additions (not the whole dwelling) are designed to meet the internal noise limits. For ventilation, relying on G4 of the Building Act is not acceptable because.

means of ventilation in	basically protecting against suffocation,
accordance with the Clause	not sufficient to ensure residents'
G4 of the New Zealand	comfort. The Agency acknowledges that
Building Code with a	the ventilation standards that it seeks,
ventilation system to achieve the following:	are complicated. The Agency is
A quantity of air shall be	currently looking at simplifying the
provided to achieve the	provisions, but this will take some time.
requirements of Clause	Generally, installation of a heat pump is
G4 of the New Zealand	sufficient to ensure the ventilation
	standard can be met.
Building Code. At the	
same time as meeting	Maintaining a minimum setback is
this requirement, the	necessary, in addition to ensuring that
sound of the system	internal noise limits can be met. This is
shall not exceed 30 dB	so because: It is not practical to mitigate
<u>L_{Aeq(30s)}when measured</u>	certain effects (such as vibration and air
1m away from any grille	pollution) except by means of a
or diffuser.	
• <u>Either:</u>	minimum setback. Secondly, the cost of
o Air conditioning shall be	treating a dwelling to the level required
provided; or:	to meet internal noise levels increases
o A high air flow rate	exponentially the closer the dwelling is
setting shall provide at	to the road.
least 15 air changes per	
hour (ACH) in the	The typical cost of obtaining a design
principal living space	statement that the Council can rely on in
and at least 5 ACH in all	terms of being satisfied that the internal
other habitable spaces.	noise levels can be met is \$1,000. For a
At the same time as	new building, the additional cost (3-
meeting the above	bedroom house) to implement the noise
requirement, the sound	attenuation necessary to meet the
of the system shall not	internal noise limits is \$ 3,000.
exceed 40dB L _{Aeq(30s)} in	
the principal living	The Agency's preference is a nationally
space and 35 dB $L_{Aeq(30s)}$	consistent approach. The Agency will
in all other habitable	always seek that the same best practice
spaces, when measured	approach be implemented consistently
1m away from any grille	in all district plans under review at any
or diffuser.	point in time. However, in the absence
The internal air pressure	of a national standard the Agency is
shall be no more than	often forced to negotiate the best
10 Pa above ambient air	possible outcome given particular
pressure due to the	circumstances. As a result, the Agency's
mechanical ventilation.	preferred methods do not always end up
Where a high air flow	being included in all Plans. Therefore,
	inconsistencies unfortunately occur
setting is provided, the	across district plans, depending on local
system shall be controllable by the	circumstances. For instance, the
	Tauranga Plan, being a high growth
occupants to be able to	area, has more limitations; while the
alter the ventilation rate	Agency accepted a more lenient
with at least three equal	approach in the Hauraki District Plan.
stages up to the high	
setting	The Agency acknowledges that houses
(iii) Restricted-discretionary	shielded by existing dwellings along the
Non-complying activities	road frontage, will experience less noise
A new building or addition to	and may not require mitigation to meet
an existing building, to be	the internal noise standard. The Agency
used for a noise sensitive	will accept provisions that, under certain
activity not meeting the	minimum conditions, exclude the rear
performance standards in	dwellings from the requirement to obtain
5.2.9(i) above is a restricted	acoustic certification. Such an approach
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discretionary non-complying

acoustic certification. Such an approach

					in the Tauranga Plan. The only issue is that wording of the provisions is extensive and complex.
					Registering a no-complaints covenant is not acceptable to the Agency as the covenants are not enforceable, and do not mitigate the effects.
			Mike Gribble		
		Oppose	The request is not necessary.	As requested by Submitter 7.	
			Federated Farmers		
		Oppose	Oppose the proposal to	Reject non-	
			make activities that do not	complying status	
			meet the performance standard non-complying	for activities that do not meet	
			Januara non complying	performance	
				standard.	

Topic	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council to make	Further Submissions			Pre-Hearing Comments
	IXOI						Support/ Oppose		Decision Requested	Tre-riearing Comments
51	BB	B.8.6.1.2	Transportation - Activity Table - Clause 2	Oppose	Cycleways and footpaths are at present permitted activities. Changing the activity status will delay positive community initiatives and cost the public unnecessarily.	Delete	Support	Te Aroha Business Association The Association supports cycleways and footpaths. When living adjacent to a legal road it is expected that the types of activities outlined in this rule will be carried out in the road reserve. Given that the Hauraki Rail Trail Cycleway has already provided positive benefits for the community, and that future development of the cycleway is proposed, activities of this type should be encouraged.	Allow	BB) Ridiculous for Council to apply for consent to lay footpaths. Should be permitted in reserve of formed and unformed roads, and public reserves. MPDC) Staff agrees to amend the rules and have reached agreement with the submitter on the specific changes to the activity status for the various zones.
67	W	Planning Maps N/A	Planning Maps	Support	Support	Retain the illustration of Powerco's sub-transmission network on the Planning Maps and retain the associated disclaimer in "Part C: Maps and Plans".	Support in part	Mike Gribble The disclaimer diminishes the accuracy of the plan. The plan is either correct or incorrect.	Delete all disclaimers	G) Each pole has a GPS reading, so why is a disclaimer necessary? MRDC) Staff considers that disclaimers are standard and also used by the Council when distributing GIS information. The disclaimers also recognise that: the information is not accurate when enlarged to a site specific scale; and that the information is accurate at the time that it is provided but that subsequent changes to the network will not be reflected. Staff advises that site specific information can be obtained free of charge on the internet at the following URL: http://www.beforeudig.co.nz/ U + G) The disclaimers are acceptable provided the wording is adjusted to reflect that site specific information can be obtained on the internet.
67	S	Planning Maps	Planning Maps	Support	Support the inclusion of the National Grid on the Planning Maps	Retain as notified.	Support in part	Mike Gribble The disclaimers concerning the lack of accuracy of the maps as to the position of the network render the maps meaningless.	Remove all disclaimers	See comment above.
67	G	C. Maps & Plans, Page 1	Maps and Plans - Planning Maps	Oppose	The sub-transmission line data shown on the Planning Maps is subject to a disclaimer that the information is indicative only. This is unacceptable and gives no certainty to parties.	Remove the disclaimer regarding sub-transmission lines from the Planning Maps and require the company to supply accurate data.	Oppose	Powerco The lines information supplied by Powerco is accurate as at the date provided. The planning maps should not be relied upon as the only source of verification as the scale may mean the actual location of the lines may vary slightly from where they appear on the planning maps. Further, there may be some lag between Powerco undertaking works to the lines (removal, relocation, or installation of new lines), and the new information being updated on the planning maps.	Disallow	See comment above.