

Appendix 3

Pre-Hearing Minutes

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).

Note: 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
A	John Richard Mellow
B	Progressive Enterprises
C	Waikato Regional Council
D	Ministry of Education
E	KiwiRail
F	Macken Farm Ltd
G	Mike Gribble
H	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
O	Kaimai Properties & Matamata Metal Supplies
P	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
Y	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 to make	Further Submissions			Pre-Hearing Comments
							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 reverse-sensitivity.	N) The plan change needs to be consistent with the RPS. The submission is not consistent with the RPS.
7	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: <u>"The historic heritage of the District is not significantly adversely affected"</u> .	Support	Environmental Futures It is important to ensure historic heritage of the District is considered.	Allow	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.
							Support	Mike Gribble It is important to retain the District's historic heritage.	Allow	
							Oppose	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.	Reject submission	

7	H	A..2.4.6	Integrating land-use and infrastructure	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 " <i>existing <u>and planned</u> infrastructure</i> " and " <i>existing <u>and planned</u> networks</i> ".	Oppose	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.	Disallow whole	<p>N) Reference to "planned" infrastructure is consistent with RPS. The term "planned" is explained in the RPS.</p> <p>U) Reference to "planned" is acceptable if the term is explained and the interpretation is not left open-ended.</p> <p>MPDC) Review RPS wording and amend plan change to include an explanation of "planned", consistent with the RPS.</p>
							Oppose	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.	Remove the word "planned" from the requested amendment.	
							Support	Powerco Support the proposed amendment for the reasons set out in the submission.	Allow	
							Support in part	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.	Limit the term "planned infrastructure" as defined in the RPS. Make consequential amendments to the rest of the plan change.	
							Support	Transpower Large-scale infrastructure can have significant planning and consenting timeframes. Transpower supports the recognition that land-use should be integrated with planned and existing infrastructure.	Allow	

7	C	A. 2.4.6	Sustainable management strategy - Integrating land-use 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: " <i>Adverse effects on the natural and physical environment can be appropriately avoided, remedied, and mitigated</i> ". Make consequential amendments to the rules to ensure this bullet-point is fully implemented.	Support	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.	Allow	<p>C) Requests the following change:</p> <p>P1: <i>Rezoning, new development, and expansion/intensification of existing development shall take place where:</i></p> <ul style="list-style-type: none"> <i>The operation, maintenance, upgrading, or development of infrastructure, including regionally significant infrastructure, is not compromised;</i> <i>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</i> <i>The networks have been designed to carry the type of service including the type and volume of traffic required to support the development.</i> <u>Adverse effects on the natural and physical environment can be appropriately avoided, remedied, and mitigated.</u> <p>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.</p>
							Support 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. 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	
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: " <i>Adverse effects including, <u>where necessary</u>, reverse-sensitivity effects on regionally significant infrastructure are avoided, remedied, or mitigated</i> ". 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	<p>U) 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.</p> <p>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).</p>

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: " <u>Adverse effects including reverse-sensitivity effects on the National Grid are avoided</u> ".	Oppose	Mike Gribble The word "reverse" is not required.	Remove the following words "including reverse-sensitivity 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: " <i>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</i> ".				<p>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).</p> <p>U) Grammatical error results if the word "greatest" is removed.</p> <p>Q) The qualifier "to the greatest extent practicable" dilutes the objective. The entire phrase "to the greatest extent practicable" should be removed.</p> <p>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.</p>
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: " <i>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</i> ". Amend Policy P2 as follows: " <i>Require the development and upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects to the extent practicable on the:</i> <ul style="list-style-type: none"> • Health, safety, and wellbeing of people; • Visual and amenity values; • Natural and physical environment; • <u>Historic heritage and the intrinsic values of scheduled sites;</u> and • Existing sensitive activities". 	Support	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.	Allow	See comments above.
							Oppose	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".	

[illegible]

9	C	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: "... <i>their connections to the electricity transmission grid are enabled while managing</i> : - Significant adverse effects on the environment". Make consequential amendments to the rules to ensure the amended policy is implemented.	Support	Environmental Futures There is no justification for restricting attention to avoidance, mitigation and remediation only of "significant" adverse effects.	Allow	<p>C) Cumulative effects must be able to be considered. It is not appropriate to manage only "significant" effects.</p> <p>U) In agreement: Effects that seem "insignificant" when viewed in isolation can accumulate.</p> <p>S) By removing "significant", it can be interpreted that all effects have to be managed. This is not always possible.</p>
							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	

16	W	A.3.7.2.1	Works and network utilities - Community infrastructure - Policy P2	Amend	Remove reference to "adjacent lands".	Amend as follows: " <i>To protect works and network utilities from incompatible development, use or subdivision of adjacent lands</i> ".				<p>W) The reference to "adjacent lands" is inappropriate. If the term is retained, it will create confusion as to what comprises "adjacent lands" and what is excluded.</p> <p>MPDC) MPDC staff can see the submitter's point and will reconsider the wording.</p>
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: " <i>To ensure that works and network utilities are considered having particular regard to</i> : - <i>The degree to which the environment has already been modified further modification would have adverse effects on the natural and physical environment</i> ". Make consequential amendments to the rules to ensure the change to the policy is implemented.	Support	Environmental Futures Support the reasons given by the Submitter that just because the environment may have been modified, should not prevent consideration of the adverse effects of further modification.	Allow	<p>C) Seeks the following amendment: <i>To ensure that works and network utilities are considered having particular regard to:</i></p> <ul style="list-style-type: none"> <i>The degree to which the environment has already been modified further modification would have adverse effects on the natural and physical environment;</i> <i>The duration, timing and frequency of the adverse effect;</i> <i>The impact on the network and levels of service if the new work is not undertaken;</i> <i>The need for the work in the context of the wider network or in the context of the provision of alternative infrastructure;</i> <i>The avoidance, remediation or mitigation of anticipated adverse environmental effects to the extent practicable;</i> <i>Comprehensive analysis of The demand for/benefits of existing and future services/facilities;</i> <i>The route, site, and method selection process; and;</i> <i>The technical and locational constraints.</i> <p>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.</p> <p>MPDC) Staff questions whether moving bullet 5, immediately below bullet 1, would alleviate the submitter's concerns?</p> <p>C) Has considered the above suggestion and advised after the meeting that the suggestion is not acceptable. The submission stands.</p> <p>W) Considers that the policy framework is clear. The amendment requested, is not necessary.</p>
							Oppose	Powerco It is important to take into account the nature of the existing environment and the degree to which it has already been modified when considering the appropriateness of proposed works and network utilities. This will avoid any implication that required mitigation or remediation must achieve a higher environmental standard than currently exists. In relation to new overhead electricity line, for example, a higher level of mitigation or remediation is likely to be required if located in a significant natural area in comparison to an industrial area, where the environment will already be heavily modified.	Retain wording as notified	

ACTIVITIES ADJACENT TO NATIONAL GRID/SUB-TRANSMISSION LINES										
Topic	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council to make	Further Submissions			Pre-Hearing Comments
							Support/ Oppose	Reasons	Decision Requested	
25	S	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: <u>“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 shall be at least 12m from a National Grid support structure unless it is a:</u>	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.

						<p><u>(a) Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.</u></p> <p><u>(b) Fence less than 2.5m in height and more than 5m from the nearest support structure.</u></p> <p><u>(c) Horticultural structure between 8m and 12m from a pole support structure that:</u></p> <p><u>(i) Meets the requirements of the NZECP34 for separation distances from the conductor;</u></p> <p><u>(ii) Is no more than 2.5m high;</u></p> <p><u>(iii) Is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and</u></p> <p><u>(iv) Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.</u></p> <p><u>3. Earthworks; subject to compliance with the following:</u></p> <p><u>(a) That they be no deeper than 300mm within 12m of any National Grid support structure foundation;</u></p> <p><u>Except that Vertical holes not exceeding 500mm in diameter beyond 1.5 from the outer edge of pole support structure or stay wire are exempt.</u></p> <p><u>(b) Not create an unstable batter that will affect a National Grid support structure; and</u></p> <p><u>(c) Not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.</u></p> <p><u>Provided that the following are exempt from point (c)(i) above:</u></p> <ul style="list-style-type: none"> <u>• Earthworks undertaken by a Network Utility Operator;</u> <u>or</u> <u>• Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.</u> <p><u>Note: Vegetation to be planted within the transmission corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the</u></p>				
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						<p><u>Electricity (Hazards from Trees) Regulations 2003.</u> <u>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.</u> <u>Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.</u> <u>(ii) Restricted Discretionary Activities</u> <u>1. Within the National Grid Yard any earthworks not permitted by 3.5.1(i)3(a).</u> <u>(iii) Non-Complying Activities</u> <u>1. Within the National Grid Yard:</u> <u>(a) Any building or addition to a building for a sensitive activity.</u> <u>(b) Any change of use to a sensitive activity or the establishment of a new sensitive activity.</u> <u>(c) Intensive farm buildings and dairy/milking sheds, commercial greenhouses or buildings excluding associated ancillary structures.</u> <u>(d) Any earthworks not permitted by 3.5.1(i) 3.(b) or (c).</u> <u>(e) Any building or structure that is not permitted under Rule 3.5.1 (i).</u></p> <p><u>For the site located between Bolton Road and Morrinsville – Walton Road legally described as Lot 1 DPS18429 the following exemptions shall apply:</u> <u>3.5.2 National Grid Yard</u> <u>Note: This rule only applies to the site legally described as Lot 1 DPS18429.</u> <u>(i) Permitted Activities</u> <u>Any building less than 2.5m high and 10m² in area is permitted.</u> <u>(ii) Discretionary Activities</u> <u>Any building or structure not permitted by Rule 3.5.1 or non-complying under Rule 3.5.1(iii)1(a) to (d) above shall be a discretionary activity.</u> <u>Note: Vegetation to be planted within the transmission corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the</u></p>				
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						<p><u>Electricity (Hazards from Trees) Regulations 2003.</u> <u>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.</u> <u>Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice."</u></p>				
26	T	B.3.6(i)	Development adjacent to sub-transmission lines - Permitted activities	Amend	Provide for crop protection structures	<p>Amend as follows: "New buildings or additions to existing buildings <u>(excluding artificial crop protection structures and crop support structures)</u> 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".</p>	Oppose	<p>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 sub-transmission 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.</p>	Disallow	<p>MPDC) Powerco to discuss with Horticulture NZ and Federated Farmers, and to advise MPDC if an agreed position is reached.</p>

FLOOD CONTROL ASSETS

Topic	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council to make	Further Submissions			Pre-Hearing Comments
							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.				<p>F) Controlling activities near WRC works in the district plan appears to be a duplication of a regional council function.</p> <p>MPDC) Staff consider that control of land-use near the flood control assets is a district plan matter and not a function of WRC.</p> <p>F) Will accept the inclusion of provisions in the district plan provided it is not duplicated in the regional plan.</p> <p>N) Reinforces the need for further clarification/diagram to improve reader understanding.</p> <p>C) WRC agrees to provide the clarification/diagrams required by the submitter.</p>
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/ Oppose	Details of Submission	Decision that the Submitter wants Council to make	Further Submissions			Pre-Hearing Comments
							Support/ Oppose	Reasons	Decision Requested	
35	BB	B.5.9.2(e)	Performance standards - Integrating land-use and infrastructure	Amend	Delete the stormwater provisions.	Amend as follows: " <i>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</i> ";				<p>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.</p> <p>MPDC) Staff will review the wording to ensure that solutions other than on-site soakage are not precluded.</p>
35	O	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: " <i>Advice Note: In assessing whether the performance outcomes are being achieved, the Council will require <u>recommends</u> evidence of consultation with NZTA be provided where applications have the potential to affect the integration of land use with the state highway network</i> ".	Oppose	<p>New Zealand Transport Agency</p> <p>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.</p>	Disallow	<p>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.</p>
35	P	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: " <i>Advice Note: In assessing whether the performance outcomes are being achieved, the Council will require <u>recommends</u> evidence of consultation with NZTA be provided where applications have the potential to affect the integration of land use with the state highway network</i> ".				See above.
35	H	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: " <i>That the development will be <u>connected</u> served by existing and/or new roads <u>identified in the roading hierarchy as appropriate for serving</u> designed for the purpose of carrying the type and volume of traffic that will be generated;</i> " Amend sub-clause (h) as follows: " <i>That the development will lead to the investment in existing <u>and planned</u> infrastructure networks being used efficiently</i> ";	Oppose	<p>Environmental Futures</p> <p><u>Sub-clause (g):</u> 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.</p> <p><u>Sub-clause (h):</u> It is sufficient for the development to be assessed against efficient</p>	<p>Disallow whole</p> <p>Disallow whole</p>	<p>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.</p> <p>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.</p> <p>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.</p>

								use of existing infrastructure networks.		
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.				MPDC) Staff understands the submission and is investigating amendments to the provisions aimed at alleviating the submitters concerns.
36	O	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.	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.
							Oppose	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	Disallow	
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.				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	O	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	P	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
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ROAD TRANSPORT, PARKING AND LOADING

Topic	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council to make	Further Submissions			Pre-Hearing Comments
							Support/ Oppose	Reasons	Decision Requested	
55	H	B.8.10	Matters of discretion/discretionary assessment criteria/guidance for non-complying activities applicable to Sections 8.1–8.5, and 8.8–8.9.	Support with amendment	Include an additional assessment criterion that assesses effects on the roading network	Insert the following additional assessment criterion: <u>"Adverse effects on the safety, efficiency and effectiveness of the 'strategic' road network, including state highways"</u> .	Oppose	Environmental Futures It is unnecessary to include an additional assessment criterion that assesses effects on the roading network, as adverse effects generally are matters already included in 8.10(xxii). It would be unreasonable to single out effects on the roading networks as a special case.	Disallow whole	U) <i>"Measures required to avoid, remedy or mitigate adverse effects"</i> are already provided for in Rule 8.10(xxii). This includes the road network. There is no reason why the road network should specifically be mentioned, while other networks (such as railways) are not mentioned. H) Inclusion of the reference to the road network will serve to clarify that it is included in Rule 8.10(xxii). MPDC) A possible solution is to add <i>"including the transportation network"</i> at the end of Rule 8.10(xxii).

57	R	B.9.1.2(iii)(a)(iii)	Access - Access to significant roads and arterial roads - Performance Standards	Amend	The vehicle crossings serving the Morrinsville Dairy Manufacturing Site and Transport Garage vehicle from Allen Street, already exceed the trigger for resource consent. A traffic report has been prepared and states that the entrances are adequate to accommodate an increase in use, and recommends a higher trigger threshold for requiring resource consents.	Amend 9.1.2(iii)(a)(iii) as follows: <u>"With the exception of vehicle movements through the existing Allen Street vehicle crossings at the Morrinsville Dairy Manufacturing Site (and the associated Transport Garage), there shall be less than an average of 50 car 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"</u> .				See previous discussion and option to amend DCP.
57	R	B.9.1.2(iv)(a)(ii)	Access - Access to collector and local roads - Performance Standards	Amend	The Waitoa Dairy Manufacturing Site's access onto No 1 Road already exceeds the trigger for resource consent. A traffic report has been prepared and states that the entrances are adequate to accommodate an increase in use and recommends a threshold of 3,000 car equivalent movements.	Amend 9.1.2(iv)(a)(ii) as follows: <u>"With the exception of vehicle movements through the two existing No 1 Road vehicle crossings at the Waitoa Dairy Manufacturing Site, there shall be less than an average of 250 car equivalent"</u> .				See previous discussion and option to amend DCP.

						<i>movements per day..... <u>In 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 left-turn egress only)</u></i>				
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.	Amend 9.1.2(iii) as follows: <u>"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"</u>				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	Horticulture NZ The need for clarification is supported	Allow	<p>N) Suggests deletion of reference to "nuisance" (i.e. <i>"vehicles must not track loose material onto the carriageway of the road which may cause a hazard nuisance to road users"</i>). "Hazard" is considered a less subjective measure.</p> <p>MPDC) To amend plan change to reflect the above, it being noted that the NZ Transport Agency accepts the change.</p>
							Support in part	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.	
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 <i>change "in character, scale or intensity"</i> is subjective. Staff will review. Reference to <i>"the effects of a change in character, scale or intensity"</i> could assist in providing clarity?
57	K	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: <i>"The vehicle crossing shall be designed, formed and constructed in accordance with the Development Manual; <u>or if accessing a state highway network, to the standard required by the NZ Transport Agency in speed environments of 70km/h and over</u>".</i> Amend 9.1.2(vii)(a)(ii) as follows: <i>"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, <u>or to the relevant road controlling authority's satisfaction...</u>".</i>	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	BB	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 <u>"1 space per staff member employed"</u> . Include new parking ratio for Transport Garage of <u>"2 spaces for truck-and-trailer units for every servicing bay, plus 2 car parking spaces for every 3 staff members"</u> .				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: <u>"All properties with legal access to a strategic road shall provide all parking and manoeuvring on site"</u> ; 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	BB	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	H	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	C	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	B	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	H	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.

STOCK MOVEMENTS AND STOCK CROSSINGS										
Topic	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council to make	Further Submissions			Pre-Hearing Comments
							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.

REVERSE-SENSITIVITY – STATE HIGHWAYS AND RAILWAY LINES										
Topic	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council to make	Further Submissions			Pre-Hearing Comments
							Support/ Oppose	Reasons	Decision Requested	
31	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.	<p>Amend Rule 5.2.9 as set out below:</p> <p>“5.2.9 Internal noise limits – railway lines and state highways Noise insulation: noise sensitive activities</p> <p><i>(i) Performance Standards</i></p> <p><u>(x) New and altered buildings shall be set back:</u></p> <ul style="list-style-type: none"> <u>10m from a state highway where the posted speed is less than 70km/h;</u> <u>20m from a state highway where the posted speed is 70km/h or more.</u> <p><u>The setback shall be measured from the edge of the nearest traffic lane.</u></p> <p><i>(a) New buildings or additions to existing buildings to be used for a noise sensitive activity located:</i></p> <p><i>(i) Within 40m of an operational railway line;</i></p> <p><i>(ii) Within 80m of a state highway with where the site's frontage has a posted speed limit of 70km/h or above; or</i></p> <p><i>(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 a complying building platform that is within 40m of the state highway with a speed limit of less than 70km/h;</i></p> <p><i>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:.....</i></p> <p><i>(b) The distances referred to above are measured from the:</i></p> <ul style="list-style-type: none"> <i>• Edge of a railway track;</i> <i>• Edge of seal nearest traffic lane of the state highway;</i> <i>• Face of the closest external wall of a new building or addition to an existing building.</i> <p><i>(c) If windows are required to be closed to achieve the noise limits above, the building shall be designed and constructed to provide an alternative</i></p>	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	<p>H) The Transport Agency supplied the following clarification:</p> <ul style="list-style-type: none"> The need to mitigate reverse-sensitivity stems from the fact that the state highways were built at a time when adjoining development was sparse and traffic volumes low. In the meantime, development and traffic have increased making the state highways vulnerable to 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 built or existing roads substantially altered. The Agency is in any event required, by internal processes, to comply with the standard. The Agency has limited funding and cannot remedy all the reverse-sensitivity issues that have resulted from changes to the environment since the roads were built. Therefore, the Agency seeks to ensure that when new houses are built they have adequate setbacks from the roads and can meet internal noise standards. Where the internal noise standards are not able to be met unless the windows are closed, then adequate ventilation must be provided, else residents will be forced to open their windows leaving no 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 that gives a minimum standard,

					<p><i>means of ventilation in accordance with the Clause G4 of the New Zealand Building Code with a ventilation system to achieve the following:</i></p> <ul style="list-style-type: none"> • <u>A quantity of air shall be provided to achieve the requirements of Clause G4 of the New Zealand Building Code. At the same time as meeting this requirement, the sound of the system shall not exceed 30 dB $L_{Aeq(30s)}$ when measured 1m away from any grille or diffuser.</u> • <u>Either:</u> <ul style="list-style-type: none"> ○ <u>Air conditioning shall be provided; or:</u> ○ <u>A high air flow rate setting shall provide at least 15 air changes per hour (ACH) in the principal living space and at least 5 ACH in all other habitable spaces.</u> • <u>At the same time as meeting the above requirement, the sound of the system shall not exceed 40dB $L_{Aeq(30s)}$ in the principal living space and 35 dB $L_{Aeq(30s)}$ in all other habitable spaces, when measured 1m away from any grille or diffuser.</u> • <u>The internal air pressure shall be no more than 10 Pa above ambient air pressure due to the mechanical ventilation.</u> • <u>Where a high air flow setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal stages up to the high setting.....</u> <p><i>(iii) Restricted-discretionary Non-complying activities</i> <i>A new building or addition to an existing building, to be used for a noise sensitive activity not meeting the performance standards in 5.2.9(i) above is a restricted-discretionary non-complying activity...."</i></p>				<p>basically protecting against suffocation, not sufficient to ensure residents' comfort. The Agency acknowledges that the ventilation standards that it seeks, are complicated. The Agency is currently looking at simplifying the provisions, but this will take some time. Generally, installation of a heat pump is sufficient to ensure the ventilation standard can be met.</p> <ul style="list-style-type: none"> • Maintaining a minimum setback is necessary, in addition to ensuring that internal noise limits can be met. This is so because: It is not practical to mitigate certain effects (such as vibration and air pollution) except by means of a minimum setback. Secondly, the cost of treating a dwelling to the level required to meet internal noise levels increases exponentially the closer the dwelling is to the road. • The typical cost of obtaining a design statement that the Council can rely on in terms of being satisfied that the internal noise levels can be met is \$1,000. For a new building, the additional cost (3-bedroom house) to implement the noise attenuation necessary to meet the internal noise limits is \$ 3,000. • The Agency's preference is a nationally consistent approach. The Agency will always seek that the same best practice approach be implemented consistently in all district plans under review at any point in time. However, in the absence of a national standard the Agency is often forced to negotiate the best possible outcome given particular circumstances. As a result, the Agency's preferred methods do not always end up being included in all Plans. Therefore, inconsistencies unfortunately occur across district plans, depending on local circumstances. For instance, the Tauranga Plan, being a high growth area, has more limitations; while the Agency accepted a more lenient approach in the Hauraki District Plan. • The Agency acknowledges that houses shielded by existing dwellings along the road frontage, will experience less noise and may not require mitigation to meet the internal noise standard. The Agency will accept provisions that, under certain minimum conditions, exclude the rear dwellings from the requirement to obtain acoustic certification. Such an approach ("line-of-sight" provisions) is provided for
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										<div>in the Tauranga Plan. The only issue is that wording of the provisions is extensive and complex.</div> <div><div>•</div>Registering a no-complaints covenant is not acceptable to the Agency as the covenants are not enforceable, and do not mitigate the effects.</div>
							Oppose	<div>Mike Gribble The request is not necessary.</div>	As requested by Submitter 7.	
							Oppose	<div>Federated Farmers Oppose the proposal to make activities that do not meet the performance standard non-complying</div>	Reject non-complying status for activities that do not meet performance standard.	

OTHER MATTERS

Topic	Ref	Clause	Clause Description	Support/ Oppose	Details of Submission	Decision that the Submitter wants Council to make	Further Submissions			Pre-Hearing Comments
							Support/ Oppose	Reasons	Decision Requested	
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.