

## D11 14.11 Water, wastewater and stormwater

### I Introduction

1. This report section is D11 of Part D Submissions Analysis of the section 42A report on the Infrastructure and Energy topic, Proposed Waikato District Plan (PWDP). The report provides consideration of submissions on section 14.11, which contains the rules for water, wastewater and stormwater.

### 2 Submissions

2. The main themes in submissions on the water, wastewater and stormwater section are:
  - a. Cost sharing of up-stream infrastructure
  - b. Low impact and treatment train stormwater management
  - c. Area and height controls
  - d. Water quality and water quantity management
  - e. Refer to WRC stormwater guidelines
  - f. Re-route stormwater to avoid sandy coastal discharges
  - g. Re-locate impervious area controls to Zones
  - h. Wastewater disposal alternatives
  - i. Water supply options, rain harvesting and fire-fighting water supplies
  - j. Definition of farming distinguished from infrastructure
  - k. Protection of Identified Areas.
3. Watercare Services Limited has further submissions on many submission points and is intending to provide a new set of provisions. As the new Watercare provisions have not been provided, this report has not been able to take them into account. The Watercare further submissions are not shown against individual submission points nor addressed directly and should be accepted or rejected in accordance with the responses to the original submission points. Watercare further submissions are identified in Appendix I along with recommendations. The further submissions provide Watercare with standing on these issues, including right to be heard and appeal rights.
4. The Waikato Regional Policy Statement (RPS) highlights providing for effects of climate change, managing the built environment and the health and wellbeing of the Waikato River as key issues for the Waikato region. Many issues, objectives and policies of the RPS are relevant to the management of infrastructure to some degree, but the most relevant to water, wastewater and stormwater are outlined below. The focus of the RPS in relation to three waters is:
  - a. Integration of infrastructure with land use
  - b. Maintaining the quality of waterbodies (this is relevant to the management of stormwater)
  - c. Providing for the ongoing operation and maintenance of water supply
  - d. Recognising the importance of regionally significant infrastructure.
5. Relevant RPS objectives include:
  - a. Objective 3.1 Natural resources are managed to protect natural processes, acknowledge complex interactions between natural resources and the built environment and meet the needs of current and future generations.

- b. Objective 3.2 The sustainable use of resources includes maintaining and where appropriate enhancing the availability of water for municipal and domestic supply to people and communities.
- c. Objective 3.4 The health and wellbeing of the Waikato River is restored and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.
- d. Objective 3.6 Land use is managed to avoid the potential adverse effects of climate change induced weather variability and sea level rise on the built environment including infrastructure and public health and safety.
- e. Objective 3.12 Development of the built environment occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes including: d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth; e) recognising and protecting the value and long-term benefits of regionally significant infrastructure.
- f. Objective 3.14 Maintain or enhance the mauri and identified values of fresh water bodies including by: a) maintaining or enhancing the overall quality of freshwater within the region; b) safeguarding ecosystem processes and indigenous species habitats; c) safeguarding the outstanding values of identified outstanding freshwater bodies and the significant values of wetlands; d) safeguarding and improving the life supporting capacity of freshwater bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2030; e) establishing objectives, limits and targets, for freshwater bodies that will determine how they will be managed; f) enabling people to provide for their social, economic and cultural wellbeing and for their health and safety; g) recognising that there will be variable management responses required for different catchments of the region; and recognising the interrelationship between land use, water quality and water quantity.
- g. Objective 3.15 The allocation and use of fresh water is managed to achieve freshwater objectives (derived from identified values) by: a) avoiding any new over-allocation of ground and surface waters; b) seeking to phase out any existing over-allocation of ground and surface water bodies by 31 December 2030; c) increasing efficiency in the allocation and use of water; and d) recognising the social, economic and cultural benefits of water takes and uses.

There are also RPS objectives in relation to Significant Natural Areas, Outstanding Natural Features and Landscapes, and Historic and Cultural Heritage. These objectives are relevant to water infrastructure in Identified Areas.

### 3 General on Water, wastewater and stormwater

Submission point	Submitter	Decision requested
498.1	Kent Baigent for Tuakau Business Park Limited	Water, wastewater and stormwater cost sharing - Amend Chapter 14.11 Water wastewater and stormwater, to confirm cost sharing, to enable developers to recover a fair, equitable and proportionate proportion of the total cost of capital expenditure necessary to service growth or existing development upstream of new developments

FSI 176.96	Watercare Services Ltd	Supports 498.1
749.74	HNZC	Retain Section 14.11 Water, wastewater and stormwater as notified, supports 14.11.1 and 14.11.2.
578.35	POAL	Retain Rule 14.11.1 Permitted Activities, as notified. Support rule as notified and the inclusion of an infrastructure chapter
942.71	Tainui o Tainui	Amend Section 14.11 Water, wastewater and stormwater to require that no new or replacement infrastructure be installed on Maori cultural sites of significance.
942.88	Tainui o Tainui	Amend Section 14.11 Water, wastewater and stormwater to clarify what is an Identified Area.
825.10; 780.10; 831.12; 435.20	John Lawson; Whaingaroa Environmental Defence Incorporated Society; Gabrielle Parson on behalf of Raglan Naturally; Jade Hyslop	Add rules to each catchment to Section C Rules - to support the following: <ul style="list-style-type: none"> <li>· onsite stormwater disposal</li> <li>· sufficient capacity to enable disposal of stormwater</li> <li>· best-practice low impact design</li> <li>· on-site treatment</li> <li>· minimises impervious surfaces</li> <li>· retains pre-development hydrological conditions</li> <li>· not increase the flow of stormwater runoff</li> <li>· not reduce storage capacity onsite</li> <li>· stormwater catchment management plan</li> <li>· promotes clean water reuse and groundwater recharge</li> </ul> AND Amend Section C Rules to provide rules for individual limits to suit each catchment, rather than permitted up to 70% impermeable cover everywhere. AND No specific decision sought, but submission opposes Policy 4.2.7 Site coverage and permeable surfaces, Policy 6.4.7 Stormwater and Rule 14.11.1.2 RD2.

### 3.1 Analysis

6. Submitters **John Lawson** [825.10], **Whaingaroa Environmental Defence Incorporated Society** [780.10] and **Gabrielle Parson on behalf of Raglan Naturally; Jade Hyslop** [831.12] seek decisions sought as set out in table immediately above, to add low impact design /stormwater-related rules to each catchment.
7. The submitters oppose policies 4.2.7 and 6.4.7, as the only rules implementing them in Raglan are discretionary and ill-defined. An example provided being the use of the term "where appropriate". Submitters state that no scientific stormwater plan for Raglan has been completed. While a settling pond at AroAro was designed in 2011 as a filtration wetland for the stormwater, pollutants such as copper are at or near their limits and addition of more sites with 70% impermeable cover will exacerbate the pollution. Submitters therefore identify that the application of Rule 14.11.1.2 RD2 discretion without clear scientific evidence of effects will make pollution worse.
8. In order to be a permitted activity under 14.11.1 P1, new subdivision stormwater systems are required to meet standards including low impact design. These standards are supported by the Regional Infrastructure Technical Specifications, and by the Waikato Regional Council's control of stormwater network discharge consents. Waikato Regional Council is also requesting that

14.11.1 PI be amended to include water quality treatment. I note that stormwater network discharge water quality will be improved for new developments, but Council (WDC) will only be able to require improvements to the water quality of existing discharges through the renewal of network discharge consents (regional plan consents).

9. The PWDP policies encourage at source and onsite stormwater management as the first step in a treatment train approach; with best-practice low impact design; at source treatment; (zone) control of impervious surfaces; retention of pre-development hydrological conditions; not increasing the flow of stormwater runoff across site boundaries; not reducing storage capacity onsite; preparing catchment stormwater management plans (in response to Waikato District Council submission), and promoting clean water re-use and groundwater recharge. In addition, further planning is underway in relation to Natural Hazards, including flooding, in Stage 2 of the PWDP.
10. In relation to the first part of the submissions, the PWDP, as notified and as recommended to be amended in response to other submissions, will provide for the reliefs sought. In relation to the second part - the impervious surface rules relating to urban development - catchment management and site stormwater management plans should respond to that intended capacity, including structure planning and subdivision design. The third part of the submissions opposes the rules and policies for stormwater and impervious surfaces, and the submitter expects the first two parts of the submission to provide the resolution of that opposition.
11. I recommend accepting in part the submissions by John Lawson [825.10] and Whaingaroa Environmental Defence Incorporated Society [780.10]; Gabrielle Parson on behalf of Raglan Naturally [831.12]; and Jade Hyslop [435.20], to the extent that the PWDP manages new development so as to include the stormwater approaches requested by the submitters and those proposed by Waikato Regional Council, but does not change the overall impervious surface limits.
12. **Kent Baigent for Tuakau Business Park Limited** [498.1] seeks amendments to Chapter 14.11 Water wastewater and stormwater to confirm cost sharing practices enabling developers to recover a fair, equitable and proportionate share of the total cost of capital expenditure necessary to service growth or existing development upstream of new developments.
13. The submitter reasons that stormwater from existing infrastructure from neighbouring properties and the road reserve, which is legally unprotected, is being conveyed into the subject properties at 94 and 100D Bollard Road, Tuakau leading to increased overall volume for catchment analysis and calculations for further subdivision. The submitter states Council advised that in order to satisfy the conditions of a subdivision consent on the subject property, the developer is required to upgrade the servicing of the entire stormwater catchment, without compensation. The submitter considers that if developers have to cater for publicly owned land as well as existing or future development of private land upstream, all while being requested by Council to increase capacity of the new infrastructure (water, wastewater and stormwater) to accommodate this additional volume, then a fair, equitable and proportionate share of the total cost of capital expenditure necessary to service growth or existing development up-catchment should be provided to the developer by the territorial authority and or contributing properties. The submitter considers that, in order to be consistent with the Local Government Act which allows territorial authorities to recover costs from developers for the additional burden on infrastructure through Development Contributions, it is only fair that private developers receive the same if they incur additional costs to cater for wider catchments.

14. *FSI 176.96 Watercare Services Ltd supports 498.1: but notes this is not a matter for the district plan. Watercare has sought changes to provide for infrastructure more efficiently.*
15. Development Contributions are provisions under the Local Government Act, set by Council in relation to Long Term Plans on the basis of planned and funded infrastructure for growth, and sit outside the RMA. They are not the same as a development funding agreement, which is a negotiated sharing of funding or provision of required infrastructure between developer and Council, which also lies outside the RMA but can be a mitigation of effects of development. Where new development is proposed in the middle or lower end of a catchment, then the infrastructure may need to be upgraded to avoid effects on the upper catchment and/or the receiving environment downstream. It is the view of Council that those costs are the responsibility of the developer if the upgrade works would not have been required if the development did not proceed. It is not appropriate to have cost sharing agreements within the District Plan. I recommend rejecting the submission by Kent Baigent for Tuakau Business Park Limited [498.1]; and the further submission *FSI 176.96 Watercare Services Ltd*, as any cost sharing would occur outside the District Plan provisions.
16. **HNZC** [749.74] seeks to retain Section 14.11 Water, wastewater and stormwater as notified, and supports 14.11.1 and 14.11.2. Similarly, **POAL** [578.35] supports the rule as notified and the inclusion of an infrastructure chapter. The water, wastewater and stormwater rules allow for the provision of infrastructure and manage the effects of and on infrastructure. Having a stand-alone chapter is an efficient way of planning for infrastructure. I recommend accepting the submission by HNZC [749.74] and POAL [578.35].
17. **Tainui o Tainui** [942.71] seeks amendments to section 14.11 Water, wastewater and stormwater to require that no new or replacement infrastructure be installed on Maaori cultural sites of significance.
18. **Tainui o Tainui** [942.88] seeks amendments to section 14.11 Water, wastewater and stormwater to clarify what is an identified area.
19. I recommend rejecting the submission by Tainui o Tainui [942.71], as the protection of Identified Areas will require resource consent or Notice of Requirement for any infrastructure on Maaori Sites and Areas of Significance, that is, it will not be a permitted activity. There may be situations where infrastructure is appropriate in a Maaori Area or Site of Significance, but this will need to be shown and assessed through a resource consent process. I recommend accepting the submission by Tainui o Tainui [942.88], as 'Identified Areas' are listed within 14.1(3) in the Introduction, and include Maaori Sites and Areas of Significance, and should be defined in Chapter 13 Definitions.

### 3.2 Recommendations

20. For the reasons given above I recommend that the Hearings Panel:
- Accept in part John Lawson [825.10]; Whaingaroa Environmental Defence Incorporated Society [780.10]; Gabrielle Parson on behalf of Raglan Naturally [831.12]; Jade Hyslop [435.20]
  - Reject Kent Baigent for Tuakau Business Park Limited [498.1]; and *FSI 176.96 Watercare*
  - Accept HNZC [749.74]
  - Accept POAL [578.35]
  - Reject Tainui o Tainui [942.71]
  - Accept Tainui o Tainui [942.88].

### 3.3 Recommended amendments

21. The following amendments are recommended:

In Chapter 13 Definitions, include a definition of Identified Area. [Tainui o Tainui 942.71]

[This definition has also been proposed for other Hearings]

Identified Area means one of the following areas:

- a. Urban Expansion Area
- b. Significant Natural Area
- c. Outstanding Natural Feature
- d. Outstanding Natural Landscape
- e. Significant Amenity Landscape
- f. Outstanding Natural Character
- g. High Natural Character
- h. Heritage Precinct
- i. Heritage Items
- j. Maaori Sites of Significance
- k. Maaori Areas of Significance
- l. Notable Trees

### 3.4 Section 32AA evaluation

22. The new definition will match the description of Identified Areas provided in Chapter 14 Infrastructure and Energy – 14.1 Introduction and provide additional clarity. Accordingly, no s32AA evaluation is required to be undertaken.

## 4 14.1.1.1 Permitted Activities introductory rules

Submission point	Submitter	Decision requested
697.47	Waikato District Council	Amend Rule 14.1.1.1(2) Permitted Activities to delete area and height, as follows: (2) Rule 14.2.1.1 will apply to the activities set out in this table unless there is a specific area, height location and noise condition listed below.

### 4.1 Analysis

This is a consequential amendment of changes to 14.2 Rules applying to all Infrastructure, Rule 14.2.1.1(1), where area and height limits are recommended as no longer providing an exception to the rule (from submission Waikato District Council [697.527]).

### 4.2 Recommendations

23. As a consequential amendment of changes to another rule I recommend that the Hearings Panel accepts Waikato District Council [697.47]

### 4.3 Recommended amendments

24. The following amendments are recommended to 14.1.1.1 Permitted Activities:

- (1) The following activities are permitted activities if they meet the activity specific conditions set out in this table. These rules apply throughout the District.

- (2) **Rule 14.2.1.1** will apply to the activities set out in this table unless there is a specific **area, height**<sup>1</sup> location and noise condition listed below.

#### 4.4 Section 32AA evaluation

25. The recommended removal of reference to area and height limits are consequential amendments. Accordingly, no s32AA evaluation is required to be undertaken.

## 5 Rule 14.11.1.1 PI Stormwater systems for new development or subdivision

Submission point	Submitter	Decision requested
246.1	Tony Oosten	Amend Rule 14.11.1 Permitted Activities to require new subdivision stormwater systems for Raglan to have swales and other technology to bring the quality of stormwater up to a standard such that its additive impact to the existing stormwater quality is maintained or improved at the point of connection.
FS1276.273	Whaingaroa Environmental Defence Inc. Society	Supports FS1276.273
831.11	Gabrielle Parson for Raglan Naturally	Amend Rule 14.11.1 PI Permitted Activities, to include stormwater filters.
680.151	FFNZ	Amend Activity specific condition 14.11.1.1 (a) relating to PI Stormwater systems for new development or subdivision, to exempt the Rural Zone as follows: 14.11.1.1(a) <u>Except within the Rural Zone</u> , new development or subdivision must have a stormwater system that complies with all of the following conditions...
FS1277.143	Waikato Regional Council	Opposes 680.151
FS1171.83	T&G Global	Supports 680.151
581.21	Synlait Milk Limited	Delete Rule 14.11.1 PI Permitted activity to remove duplication of regional rules concerning management of stormwater, or Amend Rule 14.11.1 PI Permitted activities to remove duplication of regional rules concerning management of stormwater.
FS1341.38	Hynds Pipe Systems Limited	Supports 581.21
81.144	Waikato Regional Council	Amend Rule 14.11.1.1 PI Permitted Activities to add advice notes regarding the Waikato Stormwater Management Guideline and Waikato Stormwater Runoff Modelling Guideline.
FS1340.24	TaTa Valley Limited	Opposes 81.144
FS1377.32	Havelock Village Limited	Opposes 81.144

<sup>1</sup> 697.47 Waikato District Council

697.50	Waikato District Council	Amend Rule 14.11.1.1 Permitted Activities Notes to replace the reference of the "Regional Infrastructure Technical Specifications" to the correct reference and renumber the notes AND Amend Rule 14.11.1 Permitted Activities to correct numbering.
81.150	Waikato Regional Council	Amend Rule 14.11.1.1 PI Permitted Activities to include additional clauses that address: water quality treatment; downstream erosion and scour effects; and cumulative volume effects.
FS1110.33	Synlait Milk Limited	Opposes 81.150
FS1322.38	Synlait Milk	Opposes 81.150
81.248	Waikato Regional Council	Amend Rule 14.11.1.1 PI Permitted Activities (a)(ii) to add retention to detention options for managing stormwater runoff.
535.58	Hamilton City Council	Amend Activity specific condition 14.11.1.1(a)(ii) relating to PI Stormwater systems for new development or subdivision, to include a higher standard that is aligned with Hamilton City Council's requirements.
FS1322.13	Synlait Milk	Opposes 535.58
FS1110.34	Synlait Milk Limited	Opposes 535.58
FS1269.146	HNZC	Opposes 535.58
579.61	Lakeside 2017:	Amend activity-specific conditions 14.11.1.1(a)(ii) A relating to PI Stormwater systems for new development or subdivision to add " <u>or connects to a stormwater treatment train process approved by the Council as part of a previous consent</u> ", as follows: 14.11.1.1(a)(ii)A Manages stormwater in the following manner: A. Primary systems detain runoff from all impervious surfaces during a 10% Annual Exceedance Probability (AEP) storm event to ensure that the rate of any stormwater discharge offsite is at or below pre-development rates <u>or connects to a stormwater treatment train process approved by the Council as part of a previous consent.</u>
535.59	Hamilton City Council	Amend Activity specific condition 14.11.1.1(a)(iv) relating to PI Stormwater systems for new development or subdivision, to clarify the meaning of the phrase "specific to the area". It is unclear whether the phrase "specific to the area" creates a requirement to undertake local rainfall gauging where existing data is not "specific" enough, or whether the intent is to allow for the use of the "most relevant existing rainfall data".
535.60	Hamilton City Council	Amend Activity specific condition 14.11.1.1 (a)(v) relating to PI Stormwater systems for new development or subdivision, to clarify how the hierarchical permitted condition will be implemented.
FS1322.14	Synlait Milk	Opposes 535.60
FS1110.35	Synlait Milk Limited	Opposes 535.60
942.72	Tainui o Tainui	Add new clauses to Activity specific conditions 14.11.1.1 relating to Rule 14.11.1 PI as follows: (a) New development or subdivision must have a stormwater system that complies with all of the following conditions:... (v) Stormwater management measures, including low impact design measures, must be implemented as appropriate in accordance with the following drainage hierarchy:...

		<p><u>F. Re-routing of stormwater to avoid coastal discharge into sandy areas...</u></p> <p><u>(b) Where the existing management of stormwater does not meet the requirement for New Developments and problems are resulting, upgrading may be required to mitigate adverse effects in accordance with 14.11.1.1 section (a).</u></p> <p><u>(c) Manages stormwater in the following manner: No stormwater discharges into coastal sandy beach areas to minimise the risks of erosion.</u></p>
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## 5.1 Analysis

26. **Tony Oosten** [246.1] seeks amendment to Rule 14.11.1 Permitted Activities to require new subdivision stormwater systems for Raglan to have swales and other technology to bring the quality of stormwater up to a standard such that its additive impact to the existing stormwater quality is maintained or improved at the point of connection. The submission is supported by *FS1276.273 Whaingaroa Environmental Defence Inc. Society*, which states that copper pollution was near limits a decade ago and needs to be limited.
27. **Gabrielle Parson for Raglan Naturally** [831.11] seeks amendment to Rule 14.11.1 PI Permitted Activities, to include stormwater filters. The submitter states that the stormwater system tends to collect both solid and liquid contaminants and discharges them into the harbour, and it would be highly desirable to prevent this happening, preferably at source, or by somehow processing the water at the point of discharge. She also states that Enviropods have been fitted to most of Raglan's gullies, but oil filters to only a few.
28. To be a permitted activity under 14.11.1 PI, new subdivision stormwater systems are required to meet standards including low impact design. These standards are supported by the Regional Infrastructure Technical Specifications, and by the Waikato Regional Council's control of stormwater network discharge consents. I recommend accepting in part the submission by Tony Oosten [246.1]; the further submission *FS1276.273 Whaingaroa Environmental Defence Inc. Society*; and the submission by Gabrielle Parson for Raglan Naturally [831.11], as already provided for by Rule 14.11.1 PI, and by Regional Infrastructure Technical Specifications and the Waikato Regional Council control of stormwater network discharge consents. Waikato Regional Council is also requesting that 14.11.1 PI be amended to include water quality treatment. I note that improvements in stormwater network discharge water quality will be required for new developments to meet earthworks rules on silt and sediment control and when stormwater discharge consents are also required from the Waikato Regional Council. Only the renewal of network discharge consents (regional plan consents) will be able to require improvements to the water quality of existing discharges.
29. **FFNZ** [680.151] seeks to amend activity specific condition 14.11.1.1 (a) relating to PI Stormwater systems for new development or subdivision, to exempt the Rural Zone.
30. The submitter opposes Rule 14.11.1 considering that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas stating that the issues around these services in rural areas are quite different to the issues confronted within urban areas for a range of reasons. These reasons include different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these and farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis through inappropriate resource consent requirements which will have little or no

environmental benefit. The submitter also states that, for farms, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale three-water management issues.

31. *FSI 277.143 Waikato Regional Council opposes: Agree that rules may be overly onerous on certain rural activities, these rules should apply in certain circumstances such as the creation of small rural lots.*
32. *FSI 171.83 T&G Global supports: in so far as it seeks to clarify that provision for stormwater management within the rural environment must be considered separately to those requirements within the urban environment.*
33. Within the Rural Zone new development, particularly at a large scale, and subdivision can produce significant stormwater run-off effects, including on ecological health of streams and wetlands, changes to overland flowpaths, and flooding, and also on stormwater capture for re-use (a positive effect). The principles of stormwater management are relevant to rural (impervious surface) development and subdivision. However the technical solutions will likely be different, involving stormwater capture and use as a potable water supply, infiltration to ground, protection of riparian margins, land drainage, flood management, and water takes for stock and irrigation, in addition to discharges to and from land and to water. The above items that are regional plan matters are not repeated within the PWDP. It is anticipated that water supply, wastewater disposal and stormwater management will generally be onsite within the Rural Zone. It is noted that there is no impervious area control within the Rural Zone. A separate submission, Waikato District Council [697.532], seeks to amend Rule 14.3.1.8 Permitted Activities Service connections for subdivision to exempt the Rural or Country Living Zone site. That will mean a stormwater connection to a reticulated system is not required of subdivision within the Rural Zone, although there is still a requirement for managing stormwater through Rule 14.11.1 P1. I consider this to be appropriate.
34. I recommend rejecting the submission by FFNZ [680.151]; the further submission *FSI 17.83 T&G Global*; and accepting the further submission *FSI 277.143 Waikato Regional Council*, as stormwater management is required within the Rural Zone, albeit with different characteristics from urban zones. It is noted that 14.11.1.1 P1 sets out the permitted activity standards for stormwater management, which are best practice standards and ensure effective management of stormwater. This framework is equally applicable to the Rural Zone.
35. **Synlait Milk Limited** [581.21] seeks to delete or amend Rule 14.11.1 P1 Permitted activity to remove duplication of regional rules concerning management of stormwater. The submitters consider duplication of regional plan rules in a district plan is neither efficient nor effective. It adds costs and duplication of compliance to achieve the same environmental outcome.
36. *FSI 341.38 Hynds Pipe Systems Limited supports 581.21: This submission supports the industrial strategic growth node along McDonald Road and in particular the importance of appropriate land to enable heavy industrial use. Importantly the submission seeks to protect the location of Heavy Industrial Zone land from encroachment by sensitive activities and proposal for residential re-zoning. Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions. Note: This further submission does not appear to be relevant to the original submission, however it states support for 581.21.*

37. The Regional Council controls discharges of stormwater to receiving environments, through network or individual stormwater discharge consents. These consents include conditions on quantity (flow) and quality of the stormwater to be discharged. The District Council applies stormwater management rules to land use and development to meet the requirements of the regional network discharge consents. Stormwater rules and management plans also address flood management and land stability. I consider it appropriate for the District Plan rules to manage stormwater. Therefore, I recommend rejecting the submission by Synlait Milk Limited [581.21]; and the further submission *FS1341.38 Hynds Pipe Systems Limited*, as the District Plan stormwater rules deal with district level stormwater management.
38. **Waikato Regional Council** [81.144] seeks to amend Rule 14.11.1.1 PI Permitted Activities to add advice notes regarding the Waikato Stormwater Management Guideline and Waikato Stormwater Runoff Modelling Guideline. *FS1340.24 TaTa Valley Limited and FS1377.32 Havelock Village Limited* oppose 81.144 because it is not considered appropriate to reference external guidelines (which may be subject to change and amendment) within the Proposed District Plan.
39. I consider that advice notes and references to guidelines and other documents outside the Plan should be used sparingly and only where they will ensure that necessary guidance is recognised. There are many regional, national and international agency and organisation guidelines, New Zealand Standards, Codes of Practice, and Acts and Regulations which are relevant to the PWDP. However, referring to them all directly could add substantial volume and complexity to the Plan, give the impression that all necessary guidance has been provided, and risk best practice not occurring if anything relevant is omitted. On balance I consider it reasonable to add these two references, as the guidelines will assist in managing stormwater and flooding. Amendments, deletions and replacements of documents incorporated by reference require a Schedule 1 plan change procedure or variation to a proposed plan. This Schedule states:
- RMA Schedule 1, cl.30 Incorporation of documents by reference in plans and proposed plans*
- (1) *The following written material may be incorporated by reference in a plan or proposed plan:*
- (a) *standards, requirements, or recommended practices of international or national organisations:*
- (b) *standards, requirements, or recommended practices prescribed in any country or jurisdiction:*
- (c) *any other written material that deals with technical matters and is too large or impractical to include in, or print as part of, the plan or proposed plan.*
40. I recommend accepting the submission by Waikato Regional Council [81.144]; and rejecting the further submissions *FS1340.24 TaTa Valley Limited and FS1377.32 Havelock Village Limited*, as the Guidelines are useful practice guidance of which applicants may not otherwise be aware, and an advice note added referring to the Waikato Stormwater Management Guideline and Waikato Stormwater Runoff Modelling Guideline, highlight coloured as a reference to documents outside the Plan.
41. **Waikato District Council** [697.50] seeks to amend Rule 14.11.1.1 Permitted Activities Notes to replace the reference of the "Regional Infrastructure Technical Specifications" to the correct reference and renumber the notes and to correct the numbering.
42. I recommend accepting in part the submission by Waikato District Council [697.50], to the extent that Regional Infrastructure Technical Specification (RITS) is identified on the Council web-site

but not dated, and adopted by all Waikato councils. It will be marked in the PWDP as a document referred to outside the Plan. The document reference requires a date for accurate identification, but is currently not dated, and is apparently under periodic review. Re-numbering of the advice notes will result in this provision being numbered (i).

43. **Waikato Regional Council** [81.150] seeks amendments to Rule 14.11.1.1 PI Permitted Activities to include additional clauses that address water quality treatment; downstream erosion and scour effects; and cumulative volume effects. The wording proposed by the submitter supports a shift to low impact design stormwater management systems that manage stormwater at source through retention devices rather than relying on large detention devices downstream.
44. *FS1110.33 Synlait Milk Limited opposes 81.150 in whole. FS1322.38 Synlait Milk opposes 81.150: All of the further conditions ought by the submitter concern matters that fall within the functions of a regional council as specified in s30 RMA. In particular s30(1)(c) specifies matters relating to the quality and quantity of water and soil conservation as regional matters. It is unnecessary to duplicate these matters in the District Plan and unlikely to meet the tests for efficiency and effectiveness as specified in s32 RMA.*
45. I recommend accepting the submission by Waikato Regional Council [81.150], rejecting the further submission *FS1110.33 Synlait Milk Limited; FS1322.38 Synlait Milk* as 14.11.1.1 includes low impact design but could usefully include more guidance about the outcomes sought, including water quality treatment, and control of downstream erosion/scour effects and cumulative volume effects. Such amendments can assist in achieving the PWDP stormwater objective and policy, the higher level RPS stormwater, stream protection and flood management objectives, and stormwater discharge consent conditions.
46. **Waikato Regional Council** [81.248] seeks to amend Rule 14.11.1.1 PI Permitted Activities (a)(ii) to add retention options for managing stormwater runoff. Wording is proposed in the submission to support a shift to low impact design stormwater management systems that manage stormwater at source through retention devices rather than relying on large detention devices downstream. There is also a submission from Waikato District Council [697.525], which seeks: "Amend Policy 6.4.7 (a) Stormwater by adding a new matter (viii) as follows: (viii) Be supported by a stormwater management plan". The implementation of that submission requires a consequential amendment to 14.11.1.1(a), adding the requirement for a stormwater management plan. The stormwater management plan will include the assessment and design of the low impact stormwater management, including the approach to detention and retention.
47. I recommend accepting the submission by Waikato Regional Council [81.248], as stormwater runoff retention can supplement detention. Dry detention ponds temporarily store a volume of stormwater runoff and discharge it at a controlled rate to prevent infrastructure and waterbodies from receiving too much runoff flow (volume). Retention involves maintaining a permanent pool or part tank of water and can have the added benefit of enabling settling out of contaminants (and therefore improving water quality).
48. **Hamilton City Council** [535.58] (HCC) seeks to amend Activity specific condition 14.11.1.1(a)(ii) relating to PI Stormwater systems for new development or subdivision, to include a higher standard that is aligned with HCC's requirements. HCC considers that the attenuation standard (10% annual exceedance probability (AEP)) is inadequate; attenuation to at least 1% AEP of pre-development rates should be used when discharging upstream of a catchment shared with Hamilton City. The submitter considers that if there are existing downstream/flooding issues, then further mitigation should be required so that HCC's requirements are not compromised (such as its Comprehensive Stormwater Discharge Consent).

49. *FS1322.13 Synlait Milk opposes 535.58: Insufficient justification has been provided to support the inclusion of standards aligned with Hamilton City Council's storm water system requirements. The district environment has different geo-physical characteristic from Hamilton City, covering a significantly greater geographic area with greater topographical variety. FS1110.34 Synlait Milk Limited opposes 535.58 in whole. FS1269.146 HNZC opposes 535.58 to the extent it is inconsistent with its primary submission.*
50. Waikato District Council stormwater system rules (14.11.1.1) require attenuation of the 10% AEP rainfall event (10% chance of the event in any year, or the 1 in 10 year event), which is a design standard for reticulated stormwater systems, and provides for hydrologic neutrality under normal conditions. Secondary overland flowpaths (14.11.1.1(a)(ii)B) are required for up to 1% AEP events (1 in 100 year event), and controlled discharge is required to the network or receiving environment once the catchment is fully developed. I recommend rejecting the submission by Hamilton City Council [535.58]; accepting the further submissions *FS1322.13 Synlait Milk; FS1110.34 Synlait Milk Limited; and FS1269.146 HNZC*, as attenuation to at least the 1% AEP of pre-development rates, as requested by Hamilton City Council, is a 1 in 100 year flood management design approach which is already embedded in the standards for a permitted activity. Natural hazards, including flooding, is addressed in Stage 2 PWDP.
51. **Lakeside2017** [579.61] seeks amendment to activity-specific conditions 14.11.1.1(a)(ii) A to add text as follows:
- 14.11.1.1(a)(ii) Manages stormwater in the following manner:
- A. Primary systems detain runoff from all impervious surfaces during a 10% Annual Exceedance Probability AEP storm event to ensure that the rate of any stormwater discharge offsite is at or below pre-development rates or connects to a stormwater treatment train process approved by the Council as part of a previous consent.
52. The submitter considers that this rule is unrealistic in greenfield subdivision or development stating that when Lakeside go through a comprehensive land development consent process, addressing stormwater, it can be found that individual development of houses may still trigger discharges above pre-development rates.
53. I consider that comprehensive land development consent processes for stormwater management should consider the impervious surfaces created by the subdivision, such as roads, and also the impervious surfaces able to be constructed as a permitted activity as part of the development of individual houses. If the land development does not provide sufficient detention and/or retention to achieve pre-development rates of stormwater discharge offsite then the individual house developments would need to provide additional onsite stormwater management devices. I recommend rejecting the submission by Lakeside2017 [579.61], as the completed built subdivision needs to meet the stormwater performance requirements, and not only the land development part of the process. The PWDP provisions do not override previous consents which may have been granted to alternative stormwater management processes.
54. **Hamilton City Council** [535.59] seeks to amend Activity specific condition 14.11.1.1(a)(iv) relating to PI Stormwater systems for new development or subdivision, to clarify the meaning of the phrase "specific to the area". The submitter considers it is unclear whether the phrase "specific to the area" creates a requirement to undertake local rainfall gauging where existing data is not "specific" enough, or whether the intent is to allow for the use of the "most relevant existing rainfall data".

55. Waikato Regional Council maintains 7 rainfall gauges, within or near Waikato District areas, that form a network considered sufficient to provide relevant existing rainfall data “specific to the area”. The spread of rainfall gauges is not as specific as a localised standard but could not prescribe the requirement in more certain terms. Large-scale or complex new activities may be required to acquire and provide more accurate localised information. I recommend rejecting the submission by Hamilton City Council [535.59] as additional clarity is not required.
56. **Hamilton City Council** [535.60] seeks an amendment to Activity specific condition 14.11.1.1 (a)(v) to clarify how the hierarchical permitted condition will be implemented. For example, the submitter wishes to clarify what and who determines how the choice of stormwater measure moves down the hierarchy. The submitter states that given the use of permitted conditions, there is no certainty that the stormwater treatment measures are appropriate to the particular catchment and its values, for example, what type of contaminants are an issue and will the treatment measures address them? The submitter also considers that the provision also needs to allow measures which ensure the protection and enhancement of the Waikato and Waipa rivers.
57. *FS1322.14 Synlait Milk opposes 535.60: The condition as currently drafted, where stormwater management measures are implemented "as appropriate" is neither certain nor measurable, and compliance with the standard is subject to individual judgement. This uncertainty results in an inconsistent and inequitable consideration of permitted activity status. Whilst it is agreed that the wording of the provision is too uncertain to be a permitted activity, it is also noted that the matters to be managed fall within the functions of a regional council in s30 RMA and are not prescribed within the statutory functions of a district council. FS1110.35 Synlait Milk Limited opposes 535.60 in its entirety.*
58. Activity specific condition 14.11.1.1 (a)(v) relating to PI Stormwater systems for new development or subdivision has a hierarchy requiring each sequential level to be addressed. There is a level of subjectivity in this rule, requiring exercise of judgement on applicability of the management techniques. Where retention for re-use is not possible or practicable then soakage techniques must be employed. If soakage techniques are not sufficient or possible then infiltration rate of a minimum of 7mm/hour should be targeted. Subsequent to the use of those hierarchical levels, treatment, detention and gradual release are required, to a watercourse if possible or to a piped stormwater system. Waikato Regional Council submission points 81.150 and 81.248 requested the addition of retention options as well as detention for runoff to primary systems, and water quality treatment; control of downstream erosion and scour effects; and control of cumulative volume effects as part of the low impact design approach, and those proposals are recommended as amendments to 14.11.1.1(a)(ii) and (v). Inclusion of reference to technical documents will assist in reducing uncertainty as to how the rules are to be implemented. I recommend accepting in part the submission by Hamilton City Council [535.60]; and the further submissions *FS1322.14 Synlait Milk*; *FS1110.35 Synlait Milk Limited*, to the extent that the low impact design approach include water quality treatment; control of downstream erosion and scour effects; control of cumulative volume effects, and a stormwater management plan being required for subdivision.
59. **Tainui o Tainui** [942.72] seeks to add new clauses to Activity specific conditions 14.11.1.1 as follows:
- (a) New development or subdivision must have a stormwater system that complies with all of the following conditions:...
  - (v) Stormwater management measures, including low impact design measures, must be implemented as appropriate in accordance with the following drainage hierarchy:...

F. Re-routing of stormwater to avoid coastal discharge into sandy areas...

(b) Where the existing management of stormwater does not meet the requirement for New Developments and problems are resulting, upgrading may be required to mitigate adverse effects in accordance with 14.11.1 section (a).

(c) Manages stormwater in the following manner: No stormwater discharges into coastal sandy beach areas to minimise the risks of erosion.

60. The submitter states that stormwater outlets have been responsible for numerous land-sourced erosion events along the Ngarunui - Te Kopua Beaches and that efforts by Beachcare and Coast-care volunteers have helped mitigate effects through having outlets stopped and re-routed, and affected areas fenced followed by focused planting of dune species.
61. This proposal cannot be applied retrospectively, except by the Regional Council through a regional plan. New development and subdivision can have stormwater drainage patterns and routes redesigned as part of the required stormwater management plan. I recommend accepting in part the submission by *Tainui o Tainui* [924.72], to the extent that the stormwater provisions can allow directions for stormwater re-routing within a stormwater management plan, however the discharges to coast or sandy areas would be a regional plan discharge consent rather than a district plan consent.

## 5.2 Recommendations

62. For the reasons given above I recommend that the Hearings Panel:
- a. Accept in part Tony Oosten [246.1]; and the further submission *FS1276.273 Whaingaroa Environmental Defence Inc. Society*
  - b. Accept in part Gabrielle Parson for *Raglan Naturally* [831.11], to the extent that it is provided for by Rule 14.11.1 P1, and by Regional Infrastructure Technical Specifications and the Waikato Regional Council control of stormwater network discharge consents
  - c. Reject *FFNZ* [680.151]; and *FS1171.83 T&G Global*; accept *FS1277.143 Waikato Regional Council*
  - d. Reject *Synlait Milk Limited* [581.21]; *FS1341.38 Hynds Pipe Systems Limited*
  - e. Accept *Waikato Regional Council* [81.144]; reject *FS1340.24 TaTa Valley Limited* and *FS1377.32 Havelock Village Limited*
  - f. Accept in part *Waikato District Council* [697.50], to the extent that Regional Infrastructure Technical Specification (RITS) is identified on the Council web-site and adopted by Waikato councils, to be marked in the PWDP as a document referred to outside the Plan. Re-numbering of the advice notes will result in this provision being numbered (i).
  - g. Accept *Waikato Regional Council* [81.150]; reject *FS1110.33 Synlait Milk Limited*; and *FS1322.38 Synlait Milk*
  - h. Accept *Waikato Regional Council* [81.248]
  - i. Reject *Hamilton City Council* [535.58]; accept *FS1322.13 Synlait Milk*; *FS1110.34 Synlait Milk Limited*; and *FS1269.146 HNZC*
  - j. Reject *Lakeside 2017* [579.61]
  - k. Reject *Hamilton City Council* [535.59]
  - l. Accept in part *Hamilton City Council* [535.60], to the extent that the low impact design approach has added water quality treatment; control of downstream erosion and scour effects; and control of cumulative volume effects; accept in part *FS1322.14 Synlait Milk*, and *FS1110.35 Synlait Milk Limited*

- m. Accept in part *Tainui o Tainui* [924.72], to the extent that the PWDP provisions can address stormwater re-routing by means of a stormwater management plan for new subdivision and development.

### 5.3 Recommended amendments

63. The following amendments are recommended to rule 14.1.1.1 Permitted activities:

PI	Stormwater systems for new development or subdivision	<p>14.1.1.1</p> <p>(a) New development or subdivision must have a stormwater system that complies with all of the following conditions:</p> <p>(i) Operates by gravity;</p> <p>(ii) Manages stormwater <u>through a Stormwater Management Plan</u><sup>2</sup> in the following manner:</p> <p>A. Primary systems detain <u>or retain</u><sup>3</sup> runoff from all impervious surfaces during a 10% Annual Exceedance Probability storm event to ensure that the rate of any stormwater discharge off-site is at or below pre-development rates; and</p> <p>B. Secondary overflows are conveyed to a system or drainage path designed to collect concentrated stormwater during events up to and including a 1% Annual Exceedance Probability; or</p> <p>C. A controlled discharge to a network or receiving environment that will have equivalent capacity (as in (i) and (ii) above) once the catchment is fully developed.</p> <p>(iii) Stormwater management measures must be in place and operational upon the completion of subdivision and/or development;</p> <p>(iv) Systems must be designed using rainfall data specific to the area in which the property is located and be adjusted for a climate change temperature increase of 2.1°C;</p> <p>(v) Stormwater management measures, including low impact design measures, must be implemented as appropriate in accordance with the following drainage hierarchy:</p> <p>A. Retention of rainwater/stormwater for reuse;</p> <p>B. Soakage techniques;</p> <p>C. Infiltration rate of a minimum of 7mm/hour;</p> <p>D. Treatment, detention and gradual release to a watercourse;</p> <p>E. Treatment, detention and gradual release to a piped stormwater system.</p> <p>F. <u>Stormwater treatment shall address water quality; downstream erosion and scour effects; and cumulative volume effects.</u><sup>4</sup></p> <p>(vi) Where land is subject to instability, stormwater discharges directly to ground occurs only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the site or on neighbouring properties;</p> <p>(vii) Connection of new development to any existing stormwater drainage system must not result in the minimum level of service not being met or the minimum level of capacity being exceeded. Alteration of the existing receiving stormwater network drainage system to achieve minimum level of service or additional onsite detention volume to ensure existing capacity will be required.</p> <p><b>Notes:</b></p>
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<sup>2</sup> 697.565 Waikato District Council

<sup>3</sup> 81.248 Waikato Regional Council

<sup>4</sup> 81.150 Waikato Regional Council; 535.60 Hamilton City Council

		<p>(iii)-(i) Acceptable means of compliance for the provision, design and construction of stormwater infrastructure, including low impact design features, are contained within the <a href="#">Regional Infrastructure Technical Specifications (RITS)</a>. Refer also to <a href="#">Waikato Stormwater Management Guideline (2020/07)</a> and <a href="#">Waikato Stormwater Run-off Modelling Guideline (2018/02)</a>.<sup>5</sup></p> <p>(ii) A stormwater discharge consent may also be required from the Waikato Regional Council.</p>
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## 5.4 Section 32AA evaluation

### 5.4.1 Effectiveness and efficiency

64. The addition of “Stormwater Management Plan” is a consequential amendment. Options of “detain” and “retain” run-off support efficiency of the rule. The stormwater treatment description in new clause “F” is for clarification. Renumbering Notes is a numbering correction. Addition of the Regional Infrastructure Technical Specifications (RITS) is for terminology consistency. Additional references to WRC guidelines is for clarification and best practice. The amendments are to better meet the stormwater objective 6.4.6.
65. The range of reasonably practicable options considered includes the PWDP provisions as notified, the recommended provisions shown marked up above, and the proposals from the submitters. Each was considered in the analysis above to determine the most appropriate approach. The amendments are considered the most efficient and effective way to achieve the infrastructure and stormwater objectives, and to give effect to the RPS. The introduction of a requirement for stormwater management plans efficiently implements stormwater Policy 6.4.7, by providing the means to identify the effects management technique for the identified policy framework. Adding scope for the use of stormwater retention also implements that policy, as an extension of the drainage hierarchy approach. Reference to guidelines is an efficient way to assist in achieving the objective, providing assistance with the techniques required to manage stormwater in new development and subdivision.

### 5.4.2 Costs and benefits, Risks

66. The costs of the preferred amendments, compared to the notified provisions and the submitters’ proposals, are not substantial compared to the environmental, economic and social benefits of achieving the objective. Reference to guidelines is a benefit rather than a cost, in providing information supporting stormwater solutions. The environmental and social and cultural benefits of improved stream and river water quality and stream protection are assisted by the drainage hierarchy approach and by stormwater management plans. The economic cost of preparing and implementing stormwater management plans is low compared to the stormwater management, stream protection and flood management benefits achieved, and provides valuable integration of land use planning, infrastructure and development (Objective 6.4.1).
67. There are no additional risks from acting with insufficient information. There is sufficient information available to understand how the benefits of the amendments outweigh the costs.

## 6 Rule 14.11.1.2 P2 Impervious surfaces

Submission point	Submitter	Decision requested
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<sup>5</sup> 697.50 Waikato District Council; 81.144 Waikato Regional Council

697.51	Waikato District Council	Seek that this impervious surface control be deleted from 14.11.1.2 and relocated into the Zone rules for Chapters 16 Residential, 28 Rangitahi Peninsula, 24 Village and 23 Country Living Zones.
FS1291.25	Havelock Village Limited	Supports 697.51
680.152	FFNZ	Amend Activity specific condition 14.11.1.2 (a) relating to P2 The establishment of impervious surfaces associated with new development or subdivision, as follows: (a) <u>Except within the Rural Zone</u> , the establishment of impervious surfaces associated with new development or subdivision that complies with the following condition:...
FS1171.84	T&G Global	Supports 680.152
579.62	Lakeside 2017	Amend activity-specific conditions in Rule 14.11.1.2(a)(ii) relating to P2 Impervious surfaces by adding <u>and within the Te Kauwhata Lakeside Precinct is 75%</u> , as follows: 14.11.1.2(a) The establishment of impervious surfaces associated with new development or subdivision that complies with the following condition:(ii) The maximum impervious surface of a site within the Residential Zone, Rangitahi Peninsula Zone, Village Zone or Country Living Zone is 70% <u>and within the Te Kauwhata Lakeside Precinct is 75%</u> .
724.5	Tamahere Community Committee	No specific decision sought, but submission opposes the activity specific conditions for stormwater management in Rule 14.11.1.1 Permitted Activities unless clarification is provided on the workings of this rule and confirmation is given that there will be no requirement to obtain resource consent.

## 6.1 Analysis

68. **Waikato District Council** [697.51] seeks that this impervious surface control be deleted from 14.11.1.2 and relocated into the Zone rules for Chapters 16 Residential, 28 Rangitahi Peninsula, 24 Village and 23 Country Living Zones.
69. *FS1291.25 Havelock Village Limited supports 697.51: amendments to the Plan that provide greater development potential and a wider variety of densities and zones. Havelock Village Limited has an interest in any amendments to definitions that may affect these matters.*
70. I recommend accepting the submission by Waikato District Council [697.51] and further submission *FS1291.25 Havelock Village Limited*, as this is a development control more suitable for zones, albeit with stormwater infrastructure capacity implications. Re-location of the control into the zone chapters will make the Plan easier to interpret.
71. **FFNZ** [680.152] seeks to amend Activity specific condition 14.11.1.2 (a) relating to P2 to exempt the Rural Zone,
72. The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on stormwater management in rural areas. The submitter states that issues in rural areas are quite different to the issues confronted within urban areas, for a range of reasons. These reasons include different spatial and geographical scale and differences in natural resource characteristics and opportunities for their management. Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted

with inappropriate resource consent requirements which will have little or no environmental benefit for farms in rural areas. The submitter also states that the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale three-water management issues.

73. *FS1171.84 T&G Global supports 680.152: This submission proposes amendments to Activity specific condition 14.11.1.2(a) relating to P2 - The establishment of impervious surfaces associated with new development or subdivision. This submission is supported in so far as it seeks to clarify that provision for stormwater management within the rural environment must be considered separately to those requirements within the urban environment.*
74. I recommend rejecting the submission by FFNZ [680.152] and the further submission *FS1171.84 T&G Global*, as impervious surface controls are designed to be appropriate to the more expansive Country Living Zone as well as more compact urban zoned land lots. There is no impervious surface control in the Rural Zone. Rule P2 (impervious surfaces) currently only applies within the Residential, Rangitahi Peninsula, Village and Country Living Zones.
75. **Lakeside2017** [579.62] seeks to amend activity-specific conditions in Rule 14.11.1.2(a)(ii) relating to P2 Impervious surfaces by adding “and within the Te Kauwhata Lakeside Precinct is 75%”.
76. The submitter considers that the impervious surface should be increased to 75% to take account of required driveways and paths.
77. I recommend rejecting the submission by **Lakeside2017** [579.62] as limiting impervious surface to 70% is related to allowing sufficient pervious area on sites, such as landscape planting, to assist in stormwater management. Increased impervious surface above 70% may be possible by resource consent if any effects can be appropriately mitigated. I accept that the Te Kauwhata Lakeside Precinct may be able to be consented at that higher level of 75% impervious surface if supported by the stormwater catchment management plan and the decisions made previously on Private Plan Change 20.
78. **Tamahere Community Committee** [724.5] opposes the activity specific conditions for stormwater management in Rule 14.11.1 unless clarification is provided on the workings of this rule and confirmation is given that there will be no requirement to obtain resource consent. The submission states that in terms of the operative rule, resource consent is required if building coverage exceeds 700m<sup>2</sup> on a site in the Countryside Living Zone. The new rule 14.11.1.2 is not supported if that also involves resource consents which can be time consuming and costly. The provisions in Chapter 14 are considered more relevant to urban development.
79. I recommend rejecting the submission by **Tamahere Community Committee** [724.5]. Permitted activity rules identify the activity specific conditions which must be met to avoid the requirement to obtain a resource consent.

## 6.2 Recommendations

80. For the reasons given above I recommend that the Hearings Panel:
- Accept Waikato District Council [697.51]; *FS1291.25 Havelock Village Limited*; reject *FS1168.207 Hort NZ*
  - Reject FFNZ [680.152] and the further submission *FS1171.84 T&G Global*
  - Reject **Lakeside2017** [579.62]

d. Reject Tamahere Community Committee [724.5]

### 6.3 Recommended amendments

81. The following amendments are recommended to rule 14.11.1.2 Permitted Activities:

P2	<del>The establishment of impervious surfaces associated with new development or subdivision<sup>6</sup></del>	<del>14.11.1.2            (a) The establishment of impervious surfaces associated with new development or subdivision that complies with the following condition:            (i) The maximum impervious surface of a site within the Residential Zone, Rangitahi Peninsula Zone, Village Zone or Country Living Zone is 70%.<sup>7</sup></del>  [Delete P2 and 14.11.1.2, and Re-locate 14.11.1.2 P2 and Activity specific condition impervious area controls to the zone chapters Residential Zone; Rangitahi Peninsula Zone; Village Zone; and Country Living Zone] <sup>8</sup>
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### 6.4 Section 32AA evaluation

82. Re-locating the impervious surface controls into the zone provisions will make the Plan easier to interpret for anyone proposing development within the zone. The rule is not amended but re-located. Accordingly, no s32AA evaluation is required to be undertaken.

## 7 Rule 14.11.1.3 P3 Wastewater servicing for new development or subdivision

Submission point	Submitter	Decision requested
397.5	Horotiu Properties Limited	Retain Rule 14.11.1.3 (a)(ii) relating to P3 Wastewater servicing for new development or subdivision, as notified.
602.39	Greig Metcalfe	Retain Rule 14.11.1.3 (a)(ii) relating to P3 Wastewater servicing for new development or subdivision, as notified.
435.11	Jade Hyslop	Retain wastewater disposal that complies with AS/NZS 1547:2012 in Rule 14.11.1.3 Permitted Activities
780.12	Whaingaroa Environmental Defence Incorporated Society	Retain wastewater disposal that complies with AS/NZS 1547:2012 in Rule 14.11.1.3 Permitted Activities
825.12	John Lawson	Retain wastewater disposal that complies with AS/NZS 1547:2012 in Rule 14.11.1.3 Permitted Activities
831.69	Gabrielle Parson for Raglan Naturally	Retain wastewater disposal that complies with AS/NZS 1547:2012 in Rule 14.11.1.3 Permitted Activities
942.73	Tainui o Tainui	Retain Activity Specific condition 14.11.1.3(a)(iii) relating to Rule 14.11.1 P3.
680.153	FFNZ	Amend Activity specific conditions 14.11.1.3 (a) relating to P3 Wastewater servicing for new development or subdivision, as follows:

<sup>6</sup> 697.9; 697.51 Waikato District Council

<sup>7</sup> 697.310 Waikato District Council

<sup>8</sup> 697.9; 697.51 Waikato District Council

		(a) <u>Except within the Rural Zone</u> , new development or subdivision must have a wastewater system that complies with the following conditions:...
FSI108.60	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Opposes 680.153
FSI139.51	Turangawaewae Trust Board	Opposes 680.153
FSI286.11	Horotiu Properties Limited	Supports 680.153
535.61	Hamilton City Council	Amend Activity specific control 14.11.1.3 relating to P3 Wastewater servicing for new development or subdivision, to clarify that the options are a hierarchy. Clause (ii) - connection to a community-scale wastewater system and clause (iii) - a site-contained alternative method that complies with AS/NZS 1547:2012, should not be allowed if the method set out in clause (i) - connection to a public, reticulated wastewater network is available. AND Add an equivalent rule for water servicing. Amend rule to ensure that if a reticulated wastewater network is available, this should be required before considering the other options set out in clauses (ii) and (iii).
FSI286.10	Horotiu Properties Limited	Opposes 535.61

## 7.1 Analysis

83. There is considerable support for Rule P3 which requires wastewater to be disposed of through a reticulated system, community scale wastewater system or onsite.
84. **Horotiu Properties Limited** [397.5] and **Greig Metcalfe** [602.39] seek retention of Rule 14.11.1.3 (a)(ii) relating to P3 Wastewater servicing for new development or subdivision, as notified. The submitters consider the rule allows for a range of wastewater solutions to be considered at the time of subdivision or development. **Jade Hyslop** [435.11], **Whaingaroa Environmental Defence Incorporated Society** [780.12], **John Lawson** [825.12] and **Gabrielle Parson for Raglan Naturally** [831.69] seek the retention of wastewater disposal that complies with AS/NZS 1547:2012 in Rule 14.11.1.3 Permitted Activities. The submitters consider AS/NZS 1547:2012 covers the whole range of options which may be appropriate, including waterless composting toilets; 14.11.1.3 (a)(iii) supports investigation of such systems to minimise water consumption and sewage volumes, thus making it easier to treat sewage as a valuable resource. **Tainui o Tainui** [942.73] seek the retention of Activity specific condition 14.11.1.3(a)(iii) relating to Rule 14.11.1 P3. The submitter has fought for over 50 years for a circular system of wastewater treatment and disposal and is open to considering options which would better protect the mauri of waterways which are currently used for wastewater disposal. The submitter states that most of the multiple owned land available to whanau and hapu for development is sited in areas which are not serviced by reticulated systems so other options need to be investigated.
85. The notified PWDP provisions for wastewater are designed to implement Policy 6.4.3 – “Provide adequate infrastructure” and achieve Objective 6.4.1 – “Integration of infrastructure with subdivision, land use and development”. They provide an optional approach, including public

reticulated wastewater network, community-scale wastewater system, or an onsite system that complies with a national standard. This approach provides the greatest opportunities for high-quality wastewater management across the diverse communities of Waikato District.

86. I recommend accepting the submissions by Horotiu Properties Limited [397.5], Greig Metcalfe [602.39], Jade Hyslop [435.11], Whaingaroa Environmental Defence Incorporated Society [780.12], John Lawson [825.12] and Gabrielle Parson for Raglan Naturally [831.69], Tainui o Tainui [942.73], noting support for 14.11.1.3 (a)(ii) and (iii).
87. **FFNZ** [680.153] seeks to amend Activity specific conditions 14.11.1.3 (a) relating to P3 Wastewater servicing for new development or subdivision, to exempt the Rural Zone.
88. The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on wastewater in rural areas. The submitter considers the issues around these services in rural areas are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these resources.
89. *FS1108.60 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) and FS1139.51 Turangawaewae Trust Board oppose 680.153: as an inappropriate addition.*
90. *FS1286.11 Horotiu Properties Limited supports 680.153.*
91. I recommend rejecting the submission by FFNZ [680.153]; and the further submission *FS1286.11 Horotiu Properties Limited*; accepting the further submissions *FS1108.60 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*; and *FS1139.51 Turangawaewae Trust Board*, as even development in the Rural Zone requires wastewater management, albeit generally without a public, reticulated wastewater network or a community-scale system. Wastewater management is required for public health and safety. P3 allows for site-contained, alternative methods of wastewater disposal as a permitted activity. This rule appropriately requires all new development or subdivision to be serviced for wastewater.
92. **Hamilton City Council** [535.61] seeks to amend Activity specific control 14.11.1.3 relating to P3, to clarify that the options are a hierarchy. The submitter states that Clause (ii) - connection to a community-scale wastewater system and clause (iii) - a site-contained alternative method that complies with AS/NZS 1547:2012, should not be allowed if the method set out in clause (i) - connection to a public, reticulated wastewater network is available. The submitter also seeks the addition of an equivalent rule for water servicing to ensure that if a reticulated wastewater network is available, this should be required before considering the other options set out in clauses (ii) and (iii). If development exceeds the capacity of the existing system, the submitter considers that upgrades should be required before other options are used and notes an equivalent rule for water servicing would give clear guidance on water management at the time of subdivision.
93. *FS1286.10 Horotiu Properties Limited opposes 535.61: on the basis that the notified version of the rule allows for a range of wastewater solutions to be considered at the time of the subdivision or development. It is better to have flexibility of options for managing wastewater.*
94. Rule 14.11.1.3 Wastewater servicing for new development or subdivision recognises the full range of options rather than a hierarchy. The options include public reticulated networks, community-scale systems, and site-contained alternative methods. This approach appropriately recognises the

different environments within the District and ensures that new development or subdivision is serviced for wastewater treatment and disposal. A hierarchy is not appropriate in this regard. For water supply for new development and subdivision, Waikato District Council, in submission point 697.48, agrees that a hierarchy of water supply should require connection to a public reticulated water network if a reticulated system is within 20m of the site. Although raised under the topic of wastewater reticulation, it shows a difference of approach to requiring the connection to public reticulated water supply while allowing flexibility in wastewater management. I recommend accepting in part the submission by Hamilton City Council [535.61]; and rejecting the further submission *FS1286.10 Horotiu Properties Limited*, to the extent that water supply for new subdivision shall require connection to a public, reticulated system where one is available, and wastewater has a range of options rather than a hierarchy.

## 7.2 Recommendations

95. For the reasons given above I recommend that the Hearings Panel:

- a. Accept Horotiu Properties Limited [397.5]
- b. Accept Greig Metcalfe [602.39]
- c. Accept Jade Hyslop [435.11]
- d. Accept Whaingaroa Environmental Defence Incorporated Society [780.12]
- e. Accept John Lawson [825.12]
- f. Accept Gabrielle Parson for Raglan Naturally [831.69]
- g. Accept Tainui o Tainui [942.73]
- h. Reject FFNZ [680.153]. Accept *FS1108.60 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*; and *FS1139.51 Turangawaewae Trust Board*. Reject *FS1286.11 Horotiu Properties Limited*
- i. Accept in part Hamilton City Council [535.61], to the extent that water supply for new subdivision shall require connection to a public, reticulated system where one is available, and reject in part, as wastewater has a range of options rather than a hierarchy; reject *FS1286.10 Horotiu Properties Limited*. The amendment to require water supply servicing is also addressed in relation to the submission by Waikato District Council [697.48] later in this report section.

## 7.3 Recommended amendments

96. The following amendments are recommended to rule 14.11.1.11 Permitted Activities:

<u>PII</u>	<u>Water supply servicing for new development or subdivision</u> <sup>9</sup>	<u>14.11.1.11</u>  <u>(a) New development or subdivision must have a water supply system that complies with the following conditions:</u>  <u>(i) Is connected to any available public, reticulated water supply system nearby;</u> <sup>10</sup>  <u>(ii) In addition to connection to reticulated supply for potable water, may also use rainwater harvesting (installation of rain storage tanks for water conservation) to supplement water supply, but not for potable uses.</u> <sup>11</sup>
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<sup>9</sup> 697.48 Waikato District Council

<sup>10</sup> 535.61 Hamilton City Council; 697.48 Waikato District Council

<sup>11</sup> 822.2 Bob MacLeod

## 7.4 Section 32AA evaluation

97. Public water supply services will be more resilient infrastructure, more efficient and to public health and safety standards, if reticulated systems are used where available. The effective provision of public water supply reticulation relies on the efficient connection of high proportions of urban water users. The provision will more effectively and efficiently meet the objectives and implement the policies for infrastructure, subdivision and development.

## 8 Rule 14.11.1.4 P4 Below ground pipelines for the conveyance of water, wastewater and stormwater

Submission point	Submitter	Decision requested
697.52	Waikato District Council	Amend Rule 14.11.1(P4) Permitted Activities to refer to 'Pipelines' rather than below-ground pipelines, so that it more accurately reflects the conditions, as follows: <del>Below ground</del> —Pipelines for the conveyance of water, wastewater and stormwater...
680.154	FFNZ	Amend Activity specific condition 14.11.1.4 (a) relating to P4 Below ground pipelines for the conveyance of water, wastewater and stormwater, to exempt Rural Zone as follows: Activity-specific conditions 14.11.1.4 (a) <u>Except within the Rural Zone</u> , below ground pipelines systems for the conveyance of water, wastewater and stormwater that comply with all of the following...
559.197	Heritage NZPT	Retain Activity specific condition 14.11.1.4(a)(ii) relating to P4 Below-ground pipelines for the conveyance of water, wastewater and stormwater. AND Delete Activity specific condition 14.11.1.4(b) relating to P4 Below-ground pipelines for the conveyance of water, wastewater and stormwater

### 8.1 Analysis

98. **Waikato District Council** [697.52] seeks to amend Rule 14.11.1(P4) Permitted Activities to refer to 'pipelines' rather than below-ground pipelines, so that it more accurately reflects the conditions.
99. I recommend accepting the submission by Waikato District Council [697.52] as a correction referring to 'pipelines' rather than the narrower term 'below-ground pipelines', as the specific activity conditions refer to below-ground and above-ground pipelines. I consider it appropriate for the rule to apply to both.
100. **FFNZ** [680.154] seeks amendments to Activity specific condition 14.11.1.4 (a) relating to P4 to exempt the Rural Zone.
101. The submitter opposes Rule 14.11.1 generally to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas as the issues around these services in rural areas are quite different to the issues confronted within urban areas for a

range of reasons. These reasons include different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these. The submitter considers that farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.

102. In my opinion, the infrastructure provisions are intended for public network or distribution infrastructure. The definition of infrastructure within Chapter 13 of the PWDP, and taken from s.2 RMA, has a focus on network utility operations and networks. The definition includes distribution networks, such as for water supply and drainage, but does not include onsite services at the user level. The PWDP Infrastructure and Energy chapter includes some technically non-infrastructure activities for convenience of location, such as solar panel rules (small-scale electricity generation), and the onsite parking and manoeuvring rules. Within the RMA (and identical PWDP) definitions of 'infrastructure', even though pipelines for irrigation are specifically included, I consider this definition of infrastructure would apply to public or group irrigation systems crossing or passing individual properties, rather than the internal farm-owned individual network which in some cases may consist of movable above-ground pipelines and spray-pumping distributors as well as in-ground pipe networks and water storage structures. In the case of rule 14.11.1.4 P4, infrastructure would only include the underground and above-ground public infrastructure pipelines passing through a rural property. 'Connections' such as water supply, wastewater, electricity, gas and stormwater to public network services lie within individual properties and are generally only considered part of infrastructure to the extent of pole/support structures and treatment devices. The on-farm irrigation, dams and reservoirs, trough and water reticulation, wastewater pipelines, ditch drainage, onsite electricity and telecommunications cabling should be considered a 'farming' activity rather than infrastructure. The telephone and electricity distribution poles are controlled as infrastructure until their final service connection onto the property of an end user. Earthworks and Identified Area zone rules would apply to on-farm services networks. It may be appropriate to provide an amended PWDP definition of 'Farming' activity to include on-farm services, and I understand other s42A reports also address the definition of 'farming' and 'primary production'. To clarify this difference between onsite and offsite infrastructure, I recommend an advice note be added to the Introduction of Chapter 14. I recommend accepting in part the submission by FFNZ (680.154) to the extent that internal farm services networks are part of a 'farming' activity rather than an infrastructure activity. It is noted that in regional plans and the Building Act, there are other mechanisms controlling structures and services, water takes, diversions and damming, discharges to waterbodies, and discharges to land, including stock effluent management.

103. **Heritage NZPT** [559.197] seeks the retention of Activity specific condition 14.11.1.4(a)(ii) relating to P4 and the deletion of Activity specific condition 14.11.1.4(b). The submitter supports 14.11.1 Permitted activities P4 and the Activity specific condition, as this will ensure that works are not located within the Heritage items or Maaori sites or areas of significance. The submitter cannot support the exception in Activity specific condition 14.11.1.4(b), as some of the bridges within the Waikato District are heritage items and an assessment should take place to consider the impact on heritage values.

104. I recommend rejecting in part the submission by Heritage NZPT [559.197] to the extent that 14.11.1.4(b) only provides an exception for length and diameter of above-ground pipes and does not provide an exception for above-ground pipes within an Identified Area, such as a heritage bridge.

## 8.2 Recommendations

105. For the reasons given above I recommend that the Hearings Panel:

- a. Accept Waikato District Council [697.52]
- b. Accept in part FFNZ [680.154], to the extent that internal farm services networks be considered as a 'Farming' activity rather than an Infrastructure activity
- c. Reject in part Heritage NZPT [559.197], to the extent that 14.11.1.4(b) only provides an exception for length and diameter of above-ground pipes and does not provide an exception for above-ground pipes within an Identified Area, such as on a heritage bridge.

## 8.3 Recommended amendments

106. The following amendments are recommended to rule 14.11.1.4 Permitted Activities:

P4	Below ground pipelines for the conveyance of water, wastewater and stormwater	<p>14.11.1.4</p> <p>(a) <b>Below-ground</b><sup>12</sup> Pipelines for the conveyance of water, wastewater and stormwater that comply with all of the following:</p> <ol style="list-style-type: none"> <li>(i) Any aboveground section of a pipeline must comply with the following:           <ol style="list-style-type: none"> <li>A. Not exceed 25m in length, and</li> <li>B. Not exceed 300mm in diameter.</li> </ol> </li> <li>(ii) Is not located within an Identified Area.</li> </ol> <p>(b) The maximum dimensions in <b>Rule 14.11.1.4(a)(i)</b> do not apply to any above-ground section of pipeline which is attached to or contained within the superstructure of a bridge.</p>
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## 8.4 Section 32AA evaluation

107. This proposed amendment is for clarification, as the pipelines generally are underground but may have small sections above-ground. The notified rule permitted the aboveground sections but called them "Below-ground pipelines". The rule is designed to permit that configuration, to achieve the enabling objectives in Chapter 6, 6.1.1 Development, operation and maintenance of infrastructure; 6.1.8 Infrastructure in the community and Identified Areas (that is, to encourage new infrastructure to be underground unless there are significant reasons that require it to be above ground); and 6.4.1 Integration of infrastructure with subdivision, land use and development.

## 9 Rule 14.11.1.5 P5 Below ground pipelines within an Identified Area

Submission point	Submitter	Decision requested
559.198	Heritage NZPT	Amend Rule 14.11.1 Permitted Activity P5 Below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area from a permitted activity status to become a Restricted Discretionary Activity status.
680.155	FFNZ	Amend Rule 14.11.1.5 P5 Below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area, as follows:

<sup>12</sup> 697.52 Waikato District Council

		14.11.1.5 P5 <u>Except within the Rural Zone</u> , below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area.
FS1139.52	Turangawaewae Trust Board	Opposes 680.155
FS1108.61	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Opposes 680.155

## 9.1 Analysis

108. **Heritage NZPT** [559.198] seeks amendments to Rule 14.11.1 Permitted Activity P5 Below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area from a permitted activity status to a restricted discretionary activity status. The submitter cannot support the permitted activity rule P5 and the associated Activity specific condition 14.11.1.5(a) as the pipes both above and below ground have the potential to impact on cultural and heritage values and need to be assessed.

109. Below-ground pipelines may have effects on the Identified Area types of Historic and Cultural Heritage, which can be managed (avoided, remedied or mitigated) if the activity is classified as restricted discretionary. I recommend accepting in part the submission by Heritage NZPT [559.198] to the extent that any parts of pipelines within Historic Heritage and Maaori Sites and Areas of Significance types of Identified Areas are to be amended to be restricted discretionary activities, regardless of whether they are above or below ground.

110. **FFNZ** [680.155] seeks to amend Rule 14.11.1.5 P5 to exempt the Rural Zone.

111. The submitter opposes Rule 14.11.1.5 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas. Farmers should not be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis through inappropriate resource consent requirements which will have little or no environmental benefit.

112. *FS1108.61 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) and FS1139.52 Turangawaewae Trust Board oppose submission 680.155: as it is an inappropriate addition.*

113. I recommend rejecting the submission by FFNZ [680.155], accepting the further submissions *FS1139.52 Turangawaewae Trust Board and FS1108.61 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*, as the provision is intended to protect values of Identified Areas, including within the Rural Zone. I note that an additional amendment is recommended in response to submission by Heritage NZPT, to further protect Identified Areas for Historic Heritage or Maaori Sites and Areas of Significance, particularly against the effects of earthworks related to below-ground pipelines. I do not consider that infrastructure in the Rural Zone should be managed any differently from other zones in this respect. The RPS has objectives and policies for protection of identified areas, such as Significant Natural Areas, Outstanding Natural Features and Landscapes, and Historic and Cultural Heritage, and the PWDP is required to give effect to the RPS. The below-ground pipelines could have adverse effects on the values of Historic and Cultural Heritage sites and areas.

## 9.2 Recommendations

114. For the reasons given above I recommend that the Hearings Panel:

- a. Accept in part Heritage NZPT [559.198], to the extent that the parts of pipelines within Historic Heritage and Maaori Sites and Areas of Significance types of Identified Areas are to be amended to be restricted discretionary activities.
- b. Reject FFNZ [680.155]; accept *FS1139.52 Turangawaewae Trust Board*; and *FS1108.61 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*.

### 9.3 Recommended amendments

115. The following amendments are recommended to 14.11.1.5 Permitted Activities:

P5	Below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area	<p>14.11.1.5</p> <p>(a) Below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area that comply with all of the following:</p> <ul style="list-style-type: none"> <li>(i) There are no aboveground sections of pipeline within an Identified Area.</li> <li>(ii) <b>Are not within a site or area in Schedule 30.1 or 30.3 or 30.4.</b><sup>13</sup></li> </ul>
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### 9.4 Section 32AA evaluation

116. Making below-ground pipelines within scheduled Heritage sites or Maaori Sites and Areas of Significance a restricted discretionary activity better meets the requirements of s.6 RMA, recognising and providing for matters of national importance, and the RPS objectives and policies for historic and cultural heritage.

117. Other reasonably practicable options include the notified PWDP activity status (permitted), the more stringent discretionary activity status, and the recommended restricted discretionary status. The rule as notified would not protect historic and cultural heritage values. Protection is required to meet the objectives of Chapter 2 Tangata Whenua and Chapter 7 Historic Heritage. The full discretionary status is not required, as there is a limited focus on the matters of concern, being the values of the Identified Areas. Therefore, the restricted activity status will be the more effective (protective) and efficient (not open-ended) means of achieving the objectives, of Tangata Whenua, Historic Heritage and Infrastructure.

118. The benefits of the restricted activity status are substantial for protection of historic and cultural heritage values. The costs are economic, in the financial cost of investigations and consenting, and the uncertainty in whether a consent will be obtained. Those costs will incentivise the careful selection of sites and routes. There are no additional risks in acting or not acting where there is not sufficient information. I note that PWDP consultation with Mana Whenua revealed that many sites and areas of significance to Maaori have not been identified and scheduled in the PWDP. Heritage New Zealand Pouhere Taonga Act provides additional safeguards for archaeological sites, even where they are not registered.

119. The amendment gives effect to RPS objectives and policies for protection of Historic and Cultural Heritage, and better achieves the PWDP objectives for Tangata Whenua, Historic Heritage and Infrastructure.

<sup>13</sup> 559.198 Heritage NZPT

## 10 Rule 14.11.1.6 P6 Pump stations for the conveyance of water, wastewater and stormwater

Submission point	Submitter	Decision requested
680.156	FFNZ	Amend Rule 14.11.1.6 P6 Pump stations for the conveyance of water, wastewater and stormwater to exempt the Rural Zone, as follows: 14.11.1.6 P6 <u>Except within the Rural Zone</u> , pump stations for the conveyance of water, wastewater and stormwater...
697.53	Waikato District Council	Add new clauses (ii) and (iii) to Rule 14.11.1.6 P6 (a) Permitted Activities as follows: <u>(ii) Not exceed 10m<sup>2</sup> in area above-ground;</u> <u>(iii) Not exceed 2.5m in height.</u>
559.199	Heritage NZPT	Retain Activity specific condition 14.11.1.6(a)(i) relating to P6 Pump stations for the conveyance of water, wastewater and stormwater.

### 10.1 Analysis

120. **FFNZ** [680.156]: seeks to Amend Rule 14.11.1.6 P6 to exempt the Rural Zone.

121. The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.

122. I recommend rejecting the submission by FFNZ [680.156], as the provision allows pump stations as a permitted activity within the Rural Zone, only requiring resource consent if there are potential effects on an Identified Area. In relation to Identified Areas and protection of their values, there is no valid reason why the Rural Zone should be treated differently to other zones.

123. **Waikato District Council** [697.53] seeks to add new clauses (ii) and (iii) to limit area and height of pump stations.

124. These maximum height and area controls are a consequential amendment to a recommendation on Rule 14.2.1.1(1), which removes height and area limits to permitted activity structures in Section 14.2 Rules applying to all infrastructure, and instead only applies them to specific infrastructure where warranted. A specific Watercare submission 423.9, on rule 14.2.1.1, requested a 3m height limit to allow a permitted activity status for pump stations.

125. I recommend accepting in part the submission by Waikato District Council [697.53] with a 3m height limit, as a consequential amendment in response to the recommendation to have specific rather than general height and area limits for infrastructure structures, including applying to pump stations. The 3m recommended height limit is appropriate in my opinion, when compared to the notified provision of 2.5m and the range of height limits for buildings permitted within each of the zones. The infrastructure provisions are intended to be enabling, with dimensional limits relating to industry standard equipment and facilities.

126. There will need to be a consequential amendment to provide an activity status for pump stations which do not comply with the area/height limits.

127. **Heritage NZPT** [559.199] supports Rule 14.11.1 P6 and the Activity specific condition 14.11.1.6(a)(i), as this will ensure that works are not located within the Heritage Items and Maori Sites or Areas of Significance and will avoid adverse impacts on heritage values.

128. I recommend accepting the submission by Heritage NZPT [559.199], as the provision supports the protection of Identified Areas.

## 10.2 Recommendations

129. For the reasons given above I recommend that the Hearings Panel:

- a. Reject FFNZ [680.156]
- b. Accept in part Waikato District Council [697.53]
- c. Accept Heritage NZPT [559.199]

## 10.3 Recommended amendments

130. The following amendments are recommended to 14.11.1.6 Permitted Activities:

P6	Pump stations for the conveyance of water, wastewater and stormwater	14.11.1.6 (a) Pump stations for the conveyance of water, wastewater and stormwater that complies with the following conditions: (i) Is not located within an Identified Area. (ii) <u>Not exceed 10m<sup>2</sup> in area above-ground;</u> <sup>14</sup> (iii) <u>Not exceed 3m in height.</u> <sup>15</sup>
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131. The following amendments are recommended to 14.11.2 Restricted Discretionary Activities:

RD4	Below ground pipelines that do not comply with one or more of the conditions of <b>Rules 14.11.1.4 and 14.11.1.5</b>	Discretion is restricted to: (a) The <b>functional need</b> and <b>operational need</b> of, and benefits derived from, the <b>infrastructure</b> ; (b) Visual, streetscape and amenity effects; (c) Road network safety and efficiency; (d) The risk of hazards to public or individual safety, and risk of property damage; and (e) Effects on the specific values, qualities and characteristics of any Identified Area.
RD5	Pump stations for the conveyance of water, wastewater and stormwater located within an Identified Area, <u>or are larger than the area/height limits of Rule 14.11.1.6</u> <sup>16</sup>	

## 10.4 Section 32AA evaluation

132. The consequential amendment to provide specific rather than general height and area controls will address the need to allow for minimum height requirements of 3m height for pump stations. The permitted activity height limit being increased by 0.5m for pumping stations provides an efficient solution. Accordingly, no s32AA evaluation is required to be undertaken.

## 11 Rule 14.11.1.7 P7 Stormwater treatment, detention and retention facilities or devices

Submission point	Submitter	Decision requested
697.54	Waikato District Council	Amend Rule 14.11.1 P7 Permitted Activities for clarification as follows:

<sup>14</sup> 697.53 Waikato District Council

<sup>15</sup> 423.9 Watercare Services Limited

<sup>16</sup> 697.53 Waikato District Council; 423.9 Watercare

		(a) Stormwater treatment, detention and retention facilities or devices, <u>excluding stormwater wetlands or ponds that comply with the following:</u> <del>(i) is not a stormwater wetland or pond.</del>
581.37	Synlait Milk Limited	Delete Rule 14.11.1 P7 Permitted activity to remove duplication of regional rules concerning management of stormwater, OR Amend Rule 14.11.1 P7 Permitted activities to remove duplication of regional rules concerning management of stormwater
FS1341.54	Hynds Pipe Systems Limited	Supports 581.3
680.157	FFNZ	Amend Activity specific condition 14.11.1.7 P7 (a) relating to Stormwater treatment, detention and retention facilities or devices to exempt the Rural Zone as follows: 14.11.1.7.P7(a) <u>Except within the Rural Zone</u> , stormwater treatment, detention and retention facilities or devices that comply with the following...

## 11.1 Analysis

133. **Waikato District Council** [697.54] seeks to restructure the rule for clarification.

134. I recommend accepting the submission by Waikato District Council [697.54] as the clarification does not change the intent or effect of the rule.

135. **Synlait Milk Limited** [581.37]: seeks to delete or amend Rule 14.11.1 P7 to remove duplication of regional rules concerning management of stormwater. The submitter considers duplication of regional plan rules in a district plan is neither efficient nor effective, and it adds costs and duplication of compliance to achieve the same environmental outcome.

136. *FS1341.54 Hynds Pipe Systems Limited supports 581.37: This submission supports the industrial strategic growth node along McDonald Road and the importance of appropriate land to enable heavy industrial use. Importantly the submission seeks to protect the location of Heavy Industrial Zone land from encroachment by sensitive activities and proposal for residential re-zoning. Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. • Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions. Note: This further submission appears to support deletion of the rule to support Heavy Industrial zoned land.*

137. P7 allows for the construction and installation of stormwater treatment, detention and retention facilities or devices as permitted activities, without the need for a resource consent. The regional plan controls discharge and diversion of stormwater, by stormwater discharge consents. The design of stormwater management facilities for new development and subdivision is controlled by the District Plan to meet the conditions of discharge consents, including by allowing the stormwater management devices as permitted activities. I recommend rejecting the submission by Synlait Milk Limited [581.37] and the further submission *FS1341.54 Hynds Pipe Systems Limited*, as the District Plan stormwater rules deal with district level stormwater management, including identifying stormwater treatment devices as permitted activities.

138. **FFNZ [680.157]** seeks to amend Activity specific condition 14.11.1.7 P7 (a) to exempt the Rural Zone.

139. The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.

140. I recommend rejecting the submission by FFNZ [680.157], as the provision allows for stormwater treatment, detention and retention facilities or devices as permitted activities, including within Rural Zones, except for wetlands and ponds which are covered by activity P8. If the Rural Zone were excluded from the rule then stormwater treatment, detention and retention facilities or devices in the Rural Zone would be activities not listed in the District Plan, and default to discretionary or non-complying activity status.

## 11.2 Recommendations

141. For the reasons given above I recommend that the Hearings Panel:

- a. Accept Waikato District Council [697.54]
- b. Reject Synlait Milk Limited [581.37]; and *FS1341.54 Hynds Pipe Systems Limited*
- c. Reject FFNZ [680.157]

## 11.3 Recommended amendments

142. The following amendments are recommended to 14.11.1.7 Permitted Activities:

P7	Stormwater treatment, detention and retention facilities or devices	14.11.1.7 (a) Stormwater treatment, detention and retention facilities or devices, <del>excluding stormwater wetlands or ponds that comply with the following:</del> <del>(i) is not a stormwater wetland or pond.</del> <sup>17</sup>
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## 11.4 Section 32AA evaluation

143. The recommended amendment is for clarification only and the intent of the rule is unchanged. Accordingly, no s32AA evaluation is required to be undertaken.

## 12 Rule 14.11.1.8 P8 Stormwater ponds or wetlands

Submission point	Submitter	Decision requested
697.55	Waikato District Council	Amend Rule 14.11.1.8 P8 Permitted Activities Stormwater ponds or wetlands to correct the numbering.
535.62	Hamilton City Council	Amend Activity Specific condition 14.11.1.8 relating to P8 Stormwater ponds or wetlands, so it is relevant to the control of stormwater infrastructure.
680.158	FFNZ	Amend Activity specific condition 14.11.1.8 (a) relating to P8 Stormwater ponds or wetlands as follows: 14.11.1.8 P8(a) <u>Except within the Rural Zone</u> , stormwater ponds or wetlands that comply with the following:...

<sup>17</sup> 697.54 Waikato District Council

579.63	Lakeside2017	Amend activity-specific conditions in Rule 14.11.1.8 (a) (i) relating to P8 Stormwater ponds or wetlands, to exclude the Rural zone, as follows: 14.11.1.8(a)(i) The area of the pond or wetland does not exceed the equivalent site building coverage conditions applicable to the zone, <u>except that this control does not apply in the Rural Zone.</u>
602.40	Greig Metcalfe	Delete Rule 14.11.1.8 relating to P8 Stormwater ponds or wetlands.

## 12.1 Analysis

144. **Waikato District Council** [697.55] seeks to amend Rule 14.11.1.8 P8 to correct current numbering. I recommend accepting the submission by Waikato District Council [697.55] as a numbering correction.
145. **Hamilton City Council** [535.62] seeks to amend Activity Specific condition 14.11.1.8 relating to P8, so it is relevant to the control of stormwater infrastructure. The submitter considers that the sizing/design of stormwater infrastructure should not be constrained by building coverage rules which have not been developed with infrastructure in mind. The submitter states that the area to be calculated needs to be made clear, for example, there is uncertainty as to whether the surface area of standing water during normal flow should be calculated up to a design level (e.g. 10% annual exceedance probability), including all slopes, batters, etc.
146. **FFNZ** [680.158] and **Lakeside2017** [579.63] seek to amend Activity specific condition 14.11.1.8 (a) relating to P8 Stormwater ponds or wetlands to exempt the Rural Zone.
147. FFNZ opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
148. Lakeside2017 states that stormwater ponds or wetlands are limited in area to the site building coverage, and considers that while this works in most zones, to impose this control in the Rural Zone is inappropriate.
149. **Greig Metcalfe** [602.40] seeks to delete Rule 14.11.1.8 relating to P8, because stormwater ponds and wetlands are not buildings and should not be subject to building coverage provisions.
150. The permitted activity of small ponds and wetlands (up to an area equivalent to the allowed building coverage) would allow for any stormwater management related to building development in the zones. Any larger ponds and wetlands, that were required for the land development, flood management or stormwater management of residential subdivisions or rural land, would require resource consent to allow management of their effects. I recommend rejecting the submissions by Hamilton City Council [535.62]; FFNZ [680.158]; Lakeside2017 [579.63]; and Greig Metcalfe [602.40], as 14.11.1.1 P8 is a concessionary permitted activity for small 'no effect' ponds and wetlands, rather than a specific design.
151. Stormwater systems for new development or subdivisions (14.11.1.1 P1) requires primary systems to detain or retain runoff from all impervious surfaces during a 10% AEP storm event. 14.11.1.1 P8 allows a rule-of-thumb permitted activity stormwater pond or wetland of an area up to the equivalent site building coverage conditions applicable to the zone. The zone building coverage controls range from 40% in Residential zone up to 2% or maximum 500m<sup>2</sup> in the Rural zone. Larger ponds or wetlands would require resource consent. Although it is a 'rule-of-thumb'

rule, I consider it is an appropriate concession to enable development and stormwater management, rather than a significant limitation.

## 12.2 Recommendations

152. For the reasons given above I recommend that the Hearings Panel:

- a. Accept Waikato District Council [697.55] as a numbering correction
- b. Reject Hamilton City Council [535.62]
- c. Reject FFNZ [680.158]
- d. Reject Lakeside2017 [579.63]
- e. Reject Greig Metcalfe [602.40]

## 12.3 Recommended amendments

153. Numbering corrections only are recommended [Waikato District Council 697.55]. There are no other recommended amendments to this rule.

## 12.4 Section 32AA evaluation

154. The recommended amendments are to provide numbering corrections. Accordingly, no s32AA evaluation has been required to be undertaken.

# 13 Rule 14.11.1.9 P9 Ventilation facilities, drop shafts and manholes

Submission point	Submitter	Decision requested
680.159	FFNZ	Amend Activity specific condition 14.11.1.8 relating to P9 Ventilation facilities, drop shafts and manholes, to exempt Rural Zone as follows: 14.11.1.9(a) <u>Except within the Rural Zone</u> , ventilation facilities, drop shafts and manholes that comply with the following...
559.200	Heritage NZPT	Retain Activity specific condition 14.11.1.8(a)(i) relating to P9 Ventilation facilities, drop shafts and manholes. AND Amend numbering of specific activity condition to 14.11.1.9.

## 13.1 Analysis

155. **FFNZ** [680.159] seeks to amend Activity specific condition 14.11.1.8 relating to P9 to exempt the Rural Zone.

156. The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.

157. I recommend rejecting the submission by FFNZ [680.159], as 14.11.1.9 P9 (numbering corrected) allows ventilation facilities, drop shafts and manholes as a permitted activity, providing they are not located within an Identified Area. Values of Identified Areas are appropriately protected by resource consents. If the Rural Zone were excluded from the rule then ventilation facilities, drop shafts and manholes in the Rural Zone would be activities not listed in the District Plan, and default to discretionary (RMA) or non-complying (PWDP s.14.2 if within an Identified Area) activity status.

158. **Heritage NZPT** [559.200] supports Rule 14.11.1 Permitted activities P9 and the Activity specific condition 14.11.1.8(a)(i), as this will ensure that works are not located within the Heritage Items and Maaori Sites or Areas of Significance and will avoid adverse impacts on heritage values.

159. I recommend accepting the submission by Heritage NZPT [559.200], as the rule appropriately protects values of Identified Areas, including those stated by the submitter. Numbering of the specific activity condition will be corrected.

### 13.2 Recommendations

160. For the reasons given above I recommend that the Hearings Panel:

- a. Reject FFNZ [680.159]
- b. Accept Heritage NZPT [559.200], noting support for provision. Numbering of the Activity specific condition will be corrected.

### 13.3 Recommended amendments

161. Numbering corrections only are recommended [Heritage NZPT 559.200]. There are no other recommended amendments to this rule.

### 13.4 Section 32AA evaluation

162. The recommended amendments are to provide consequential and numbering corrections. Accordingly, no s32AA evaluation is required to be undertaken.

## 14 Rule 14.11.1.10 P10 Below-ground reservoirs

Submission point	Submitter	Decision requested
559.201	Heritage NZPT	Heritage New Zealand Lower Northern Office: Retain Activity specific condition 14.11.1.9 (a)(i) relating to P10 Below ground reservoirs AND Amend numbering of specific activity condition to 14.11.1.10.
680.160	FFNZ	Amend Activity specific condition 14.11.1.10 relating to P10 Below ground reservoirs, as follows: 14.11.1.10P10(a) <u>Except within the Rural Zone</u> , below ground reservoirs that comply with all of the following...

### 14.1 Analysis

163. **Heritage NZPT** [559.201] seeks to retain Activity specific condition 14.11.1.9 (a)(i) relating to P10 and amend numbering of the Activity specific condition to 14.11.1.10.

164. I recommend accepting the submission by Heritage NZPT [559.201] and note support for the provision. Numbering of the Activity specific condition will be corrected.

165. **FFNZ** [680.160] seeks to amend Activity specific condition 14.11.1.10 relating to P10 to exempt the Rural Zone.

166. The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.

167. I recommend rejecting the submission by FFNZ [680.160], as 14.11.1.10 P10 (numbering corrected) allows below-ground reservoirs as a permitted activity, providing they are not located within an Identified Area or within road or unformed road. Values of Identified Areas are

protected by requiring resource consents for structures located within them, and roads and unformed roads are generally unsuitable locations for reservoirs.

## 14.2 Recommendations

168. For the reasons given above I recommend that the Hearings Panel:

- a. Accept Heritage NZPT [559.201], noting support for provision and numbering to be corrected
- b. Reject FFNZ [680.160]

## 14.3 Recommended amendments

169. Numbering corrections only are recommended [Heritage NZPT 559.201].

## 14.4 Section 32AA evaluation

170. The recommended amendments are correct the numbering sequence. Accordingly, no s32AA evaluation is required to be undertaken.

# 15 New Permitted Activity Rules

Submission point	Submitter	Decision requested
697.48	Waikato District Council	Add a new rule to Rule 14.11.1 Permitted Activities as follows: <u>PI1 Water servicing for new development or subdivision 14.11.1.11 (a) Development or subdivision within the Residential, Village, Business, Business Town Centre, Industrial, Industrial Zone Heavy, Reserve, Te Kowhai Airpark and Rangitahi Peninsula Zone must have a water supply that complies with the following conditions:</u> <u>(i) Is connected to public, reticulated water network if a reticulated system is within 20m of the site;</u> <u>(ii) Water supply must be provided on site if a public, reticulated water supply is not available.</u> <u>(b) Development in the Rural, Country Living and Motorsport and Recreation Zone must have a water supply onsite.</u>
FS1339.79	NZTE Operations Limited	Supports 697.48
FS1291.1	Havelock Village Limited	Supports 697.48
FS1377.202	Havelock Village Limited	Supports 697.48.
FS1114.26	FENZ	Not Stated (Supports) 697.48
822.2	Bob MacLeod	Add a new activity to Rule 14.11.1 Permitted Activities, as follows: <u>PI2 - Rain harvesting</u> <u>14.11.1.12 - Installation of rain tanks (storage) for water conservation.</u>
FS1369.19	Ngati Tamaoho Trust	Supports 822.2: <i>The request for water conservation as a permitted activity is supported and encouraged. Perhaps the addition of "clean groundwater recharge once rain tanks are full" could also be added to this request.</i>

824.4	Bob MacLeod for Raglan Community Board	Add a new activity to Rule 14.11.1 Permitted Activities, as follows: <u>P12 - Rain harvesting</u> <u>14.11.1.12 - Installation of rain tanks (storage) for water conservation.</u>
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## 15.1 Analysis

171. **Waikato District Council** [697.48] seeks to add a new rule to Rule 14.11.1 Permitted Activities for water servicing, to mirror the rule for wastewater servicing.

172. The submitter states there are currently rules requiring stormwater and wastewater to be managed, but there is no equivalent rule requiring an adequate water supply to be provided. The submitter considers further investigation is needed as to the most appropriate condition because the rule needs to apply where a reticulated supply is in close proximity to the newly created site, but may not be adjacent (i.e. it may be across the other side of the road).

173. *FS1339.79 NZTE Operations Limited supports the submission points of 697.48 to the extent they are consistent with the relief sought in NZTE's submission and this further submission.*

174. *FS1291.1 Havelock Village Limited supports 697.48: Havelock Village Limited supports integrated development and amendments to the proposed plan that better achieve that outcome. However, there are a number of different mechanisms that can be included in the PWDP to achieve that outcome including development standards and triggers for release of live zoned residential land or the creation of a future urban/deferred zone.*

175. *FS1377.202 Havelock Village Limited supports 697.48: Havelock Village Limited supports integrated development and amendments to the proposed plan that better achieve that outcome. However, there are several different mechanisms that can be included in the PWDP to achieve that outcome including development standards and triggers for release of live zoned residential land or the creation of a future urban/deferred zone.*

176. *FS1114.26 FENZ supports 697.48 the addition of a new provision to 14.11.1 providing the requirement for water servicing for new development or subdivision. FENZ also supports in part the addition of new activity specific conditions and requests that the provision be amended to maintain consistency with other similar provisions submitted on by FENZ to read as follows: Water servicing for new development or subdivision. AND Add new Activity specific conditions (14.11.1.10) as follows: (a) Development or subdivision within the Residential, Village, Business, Business Town Centre, Industrial, Industrial Zone Heavy, Reserve, Te Kowhai Airpark and Rangitahi Peninsula Zone must have a water supply that complies with the following conditions: (i) Is connected to public, reticulated water network if a reticulated system is within 20m of the site and must be in accordance with New Zealand Fire Service Fire-fighting Water Supplies Code of Practice SNZ PAS 4509:2008. (ii) Water supply must be provided on site if a public, reticulated water supply is not available and must be in accordance with New Zealand Fire Service Fire-fighting Water Supplies Code of Practice SNZ PAS 4509:2008. (b) Development in the Rural, Country Living and Motorsport and Recreation Zone must have a water supply on-site and must be in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*

177. I note that a submission can request additions to the provisions but a further submission can only support or oppose an original submission and cannot extend the relief sought in that original submission.

178. The proposed rule allows connection to water supply as a permitted activity within a hierarchy, requiring connection to existing public reticulated water supply network where available, and also requiring that onsite water supply be provided in the Rural, Country Living and Motorsport and Recreation Zones. The 20m proximity dimension of the water supply rule is to ensure properties will connect to the reticulated public network where it is adjacent to or near the site. The onsite water supplies would be, either roof water collection, pond, local stream, or bore. I recommend accepting the submission by Waikato District Council [697.48]; the submissions *FS1339.79 NZTE Operations Limited*; *FS1291.1 Havelock Village Limited*; *FS1377.202 by Havelock Village Limited*; and *FS1114.26 FENZ*.

179. **Bob MacLeod** [822.2] and **Bob MacLeod for Raglan Community Board** [824.4]: seeks to add a new activity to Rule 14.11.1 Permitted Activities, for rain harvesting:

180. The submitters consider rainwater tanks provide a financial benefit to the community through the reduction in the cost of water and stormwater infrastructure. Additionally, the submitters state that the ability of Council to reduce the cost of water and stormwater infrastructure is dependent on the cost benefit of 'Long Run Marginal Cost'. This method is used for creating new water supplies and represents the change in cost if new water sources are brought forward or delayed.

181. *FS1369.19 Ngati Tamaoho Trust supports 822.2: The request for water conservation as a permitted activity is supported and encouraged. Perhaps the addition of "clean groundwater recharge once rain tanks are full" could also be added to this request.*

182. I recommend accepting the submission by Bob MacLeod [822.2]; the further submission *FS1369.19 Ngati Tamaoho Trust* and the submission by Bob MacLeod for Raglan Community Board [824.4], for making rain harvesting water tanks a permitted activity, as they are already in the respective Rural and Country Living Zone chapters. I have recommended a separate (new) rule requiring connection of new development to public reticulated water supply system where that is available, but also to enable rainwater harvesting in those areas to supplement the piped supply, and be used for gardening, lawn irrigation, car-washing and in dual-plumbed houses for other non-potable uses. Rain-tanks as stormwater management detention or retention devices are enabled separately by P7 14.11.1.7.

## 15.2 Recommendations

183. For the reasons given above I recommend that the Hearings Panel:

- a. Accept Waikato District Council [697.48]; and *FS1339.79 NZTE Operations Limited*; *FS1291.1 Havelock Village Limited*; *FS1377.202 Havelock Village Limited*; and *FS1114.26 FENZ*
- b. Accept Bob MacLeod [822.2]; *FS1369.19 Ngati Tamaoho Trust* and Bob MacLeod for Raglan Community Board [824.4]

## 15.3 Recommended amendments

184. The following amendments are recommended to add rule 14.11.1.11 Permitted Activities:

PII	<u>PII Water supply servicing for new development or subdivision</u> <sup>18</sup>	<u>14.11.1.11</u> <u>(a) New development or subdivision must have a water supply system that complies with the following conditions:</u>
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<sup>18</sup> 697.48 Waikato District Council

		<p><u>(i) Is connected to any available public, reticulated water supply system nearby.</u><sup>19</sup></p> <p><u>(ii) In addition to connection to reticulated supply for potable water, may also use rainwater harvesting (installation of rain storage tanks for water conservation) to supplement water supply, but not for potable uses.</u><sup>20</sup></p>
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#### 15.4 Section 32AA evaluation

185. Provisions for water supply servicing clarify that new development must connect to public reticulated water supply where available. This is for efficiency and for public health and safety reasons. The amended provision also clarifies that rainwater harvesting is permitted, for efficiency and water conservation reasons, but not for potable uses.

186. Public water supply services will be more resilient infrastructure, more efficient and to public health and safety standards, if reticulated systems are used where available. The effective provision of public water supply reticulation relies on the efficient connection of high proportions of urban water users. The provision will more effectively and efficiently meet the objectives and implement the policies for infrastructure, subdivision and development, and for integration of infrastructure with subdivision, land use and development.

### 16 Rule 14.11.2 Restricted Discretionary Activities - General

Submission point	Submitter	Decision requested
559.202	Heritage NZPT	Retain Rule 14.11.2 RD4, RD5, RD6, RD7, RD8 and RD9 Restricted Discretionary Activities and the associated matters of discretion (e).
578.36	POAL	Retain Rule 14.11.2 Restricted Discretionary Activities, as notified.
680.161 .162 .163 .164 .165 .166 .167 .168	FFNZ	Amend Rules 14.11.2 RD1, RD2, RD3, RD4, RD5, RD6, RD7 and RD9 Restricted Discretionary Activities by excepting the Rural Zone in each case as follows: <u>Except within the Rural Zone,...</u>
FS1171.85	T&G Global	Supports 680.161
FS1171.86	T&G Global	Supports 680.162
FS1108.62	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Opposes 680.163
FS1139.53	Turangawaewae Trust Board	Opposes 680.163
697.56	Waikato District Council	Delete Rule 14.11.2(RD2) Restricted Activities and associated matters of discretion from Chapter 14 AND Amend Chapters 16, 28, 24, 23 by relocating Rule 14.11.2 (RD2) and matters of discretion into these chapters.

<sup>19</sup> 535.61 Hamilton City Council; 697.48 Waikato District Council

<sup>20</sup> 822.2 Bob MacLeod

## 16.1 Analysis

187. **Heritage NZPT** [559.202] supports Rule 14.11.2 Restricted Discretionary activities RD4, RD5, RD7, RD8 and RD9 and the associated matter of discretion (e), considering this is an appropriate level of resource consent activity, providing the appropriate level of protection and assessment as required under s. 6 RMA.
188. I recommend accepting the submission by Heritage NZPT [559.202], as support for the proposed treatment of Identified Areas. I consider the restricted discretionary activity classification appropriate to manage the effects of these types of infrastructure on Identified Areas.
189. **POAL** [578.36] supports Rule 14.11.2 as notified and the inclusion of an infrastructure chapter.
190. I recommend accepting the submission by POAL [578.36] and note the support for infrastructure rule and chapter.
191. **FFNZ** [680.161-168] seeks to amend Rules 14.11.2 RD1, RD2, RD3, RD4, RD5, RD6, RD7 and RD9 by excluding the Rural Zone in each case.
192. The submitter opposes Rule 14.11.2 for the same reasons that they oppose Rule 14.11.1, to the extent that those rules seek to impose inappropriate regulation on water, wastewater and stormwater management in rural areas. The submitter considers that the issues around these services in rural areas are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these. The submitter states that farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis through inappropriate resource consent requirements which will have little or no environmental benefit. Additionally, the submitter states that for farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.
193. *FS1171.85 T&G Global supports 680.161: This submission proposes amendments to Rule 14.11.2 RD1 Restricted Discretionary Activities. This submission is supported in so far as it seeks to clarify that the provision of stormwater management within the rural environment must be considered separately to those requirements within the urban environment.*
194. *FS1171.86 T&G Global supports 680.162: This submission proposes amendments to Rule 14.11.2 RD2 Restricted Discretionary Activities. This submission is supported in so far as it seeks to clarify that the provision of stormwater management within the rural environment must be considered separately to those requirements within the urban environment.*
195. *FS1108.62 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) and FS1139.53 Turangawaewae Trust Board oppose 680.163: as an inappropriate addition.*
196. I recommend rejecting the submission by FFNZ [680.161 to 680.168]; the further submissions *FS1171.85 T&G Global; FS1171.86 T&G Global*; accepting the further submissions *FS1108.62 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*; and *FS1139.53 Turangawaewae Trust Board*, as the proposed activity classification hierarchy of permitted, restricted discretionary, discretionary and non-complying activities is considered appropriately applied to activities within the Rural Zone. However, as discussed elsewhere in this report, I consider that the infrastructure provisions should be directed at public or group-serving infrastructure, and not at the

infrastructure connections to properties or to the on-farm infrastructure. Internal, private on-farm irrigation, dams and reservoirs, trough and water reticulation, wastewater and stock effluent pipelines, ditch drainage, onsite electricity and telecommunications cabling should be considered a 'farming' activity rather than an Infrastructure activity. However, telephone and electricity distribution poles, and some elements of stormwater management such as ponds and wetlands may be controlled as infrastructure. Earthworks and Identified Area rules would apply to on-farm services networks. I am recommending an advice note be included in the Introduction to clarify that 'farming activity' includes on-farm services. It is noted that there are other mechanisms, in regional plans and the Building Act, controlling structures and services, water takes and diversions and damming, discharges to waterbodies, and discharges to land, including stock effluent management.

197. **Waikato District Council** [697.56] seeks to delete Rule 14.11.2 (RD2) and associated matters of discretion from Chapter 14 and amend Chapters 16, 28, 24, 23 by relocating Rule 14.11.2 (RD2) and matters of discretion into these chapters. The submitter considers this is more logically located in the zone chapters.

198. I agree the impervious area controls should be re-located into the zone chapters as they apply directly to development within the zones, albeit with stormwater management implications.

## 16.2 Recommendations

199. For the reasons given above I recommend that the Hearings Panel:

- a. Accept Heritage NZPT [559.202]
- b. Accept POAL [578.36]
- c. Reject FFNZ [680.161 to 680.168]; reject *FS1171.85 T&G Global*; and *FS1171.86 T&G Global*; accept *FS1108.62 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*; and *FS1139.53 Turangawaewae Trust Board*.
- d. Accept Waikato District Council [697.56].

## 16.3 Recommended amendments

200. The following amendments are recommended to 14.11.2 Restricted Discretionary Activities:

<b>RD2</b>	<del>The establishment of impervious surfaces associated with new development or subdivision that do not comply with one or more of the conditions of Rule 14.11.2</del>	<del>Discretion is restricted to:</del> <del>(a) Site design, layout and amenity;</del> <del>(b) The risk of flooding, nuisance or damage to the site or other buildings and sites.</del> <sup>21</sup>
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## 16.4 Section 32AA evaluation

201. The recommended amendments are to achieve the relocation of an existing rule. Accordingly, no s32AA evaluation has been required to be undertaken.

<sup>21</sup> 697.56 Waikato District Council; 697.310 Waikato District Council

## 17 Rule 14.11.2 RDI Stormwater systems for new development or subdivision that does not comply with one or more of the conditions of Rule 14.11.1.1

Submission point	Submitter	Decision requested
81.145	Waikato Regional Council	Amend Rule 14.11.2 RDI Restricted Discretionary Activities to include a new point (c) as follows: <u>(c) The potential for adverse effects to the environment in terms of stormwater quantity and stormwater quality effects.</u>

### 17.1 Analysis

202. **Waikato Regional Council** [81.145] seeks to amend Rule 14.11.2 RDI to include a new Matter of discretion.

203. The effects on the environment of stormwater quantity and quality have not been included as a matter of discretion. The submitter recommends this change to ensure that stormwater systems are appropriately designed to address potential adverse effects to the environment.

204. I recommend accepting the submission by Waikato Regional Council [81.145], as I consider this more explicitly addresses management of stormwater quantity and quality effects.

### 17.2 Recommendations

205. For the reasons given above I recommend that the Hearings Panel accepts Waikato Regional Council [81.145].

### 17.3 Recommended amendments

206. The following amendments are recommended to 14.11.2 Restricted Discretionary Activities:

RDI	Stormwater systems for new development or subdivision that does not comply with one or more of the conditions of <b>Rule 14.11.1.1</b>	Discretion is restricted to: <ul style="list-style-type: none"> <li>(a) The likely effectiveness of the system to avoid flooding, nuisance or damage to other <b>buildings</b> and <b>sites</b>;</li> <li>(b) The capacity of the system and suitability to manage stormwater.</li> <li>(c) <u>The potential for adverse effects to the environment in terms of stormwater quantity and stormwater quality effects.</u><sup>22</sup></li> </ul>
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### 17.4 Section 32AA evaluation

207. The amendment clarifies that stormwater quantity and quality effects require management, to give effect to the Waikato RPS and its water management and flood management objectives. The PWDP objective on stormwater and drainage (6.4.6) is to retain the hydrological characteristics of the natural drainage processes, and the policies require management of stormwater quantity (flow and flooding) and to a certain extent, management of water run-off quality, pre-development

<sup>22</sup> 81.145 Waikato Regional Council

hydrological conditions and clean water re-use and groundwater recharge. The amendment will more efficiently and effectively achieve that objective and implement the policies.

## 18 Rule 14.11.2 RD6 Stormwater ponds or wetlands, that serve more than one site, located within particular zones

Submission point	Submitter	Decision requested
697.57	Waikato District Council	Amend Rule 14.11.2 RD6 Restricted Discretionary Activities to correct the numbering of provisions, as follows: Stormwater ponds or wetlands, that serve more than one site, located within: (i) Residential Zone (ii) Rangitahi Peninsula Zone (iii) Village Zone (iv) Country Living Zone (v) Road and unformed road (vi) Identified Area.

### 18.1 Analysis

208. Waikato District Council [697.57] seeks to correct the numbering of the rule and I agree.

### 18.2 Recommendations

209. I recommend that the Hearings Panel accepts Waikato District Council [697.57] as a numbering correction.

### 18.3 Recommended amendments

RD6	Stormwater ponds or wetlands, that serve more than one <b>site</b> , located within: <del>(v)</del> (i) Residential Zone <del>(vi)</del> (ii) Rangitahi Peninsula Zone <del>(vii)</del> (iii) Village Zone <del>(viii)</del> (iv) Country Living Zone <del>(ix)</del> (v) Road and unformed road <del>(x)</del> (vi) Identified Area. <sup>23</sup>
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### 18.4 Section 32AA evaluation

210. The recommended amendments are to correct the numbering sequence. Accordingly, no s32AA evaluation is required to be undertaken.

## 19 Rule 14.11.2 New Restricted Discretionary activity

Submission point	Submitter	Decision requested
697.49	Waikato District Council	Add a new activity RD10 to Rule 14.11.2 Restricted Discretionary Activities as follows;

<sup>23</sup> 697.57 Waikato District Council

		RD10 Water supply that does not comply with Rule 14.11.1(P1). Discretion is restricted to: (a) Health and safety of the occupants; and (b) Sufficiency of supply for fire-fighting.
FS1114.27	FENZ	Supports 697.49
FS1339.80	NZTE Operations Limited	Supports 697.49
FS1291.23	Havelock Village Limited	Opposes 697.49

### 19.1 Analysis

211. **Waikato District Council [697.49]** seeks to add a new activity RD10 to Rule 14.11.2 Restricted Discretionary Activities as a consequential of seeking inclusion of a new rule for water supply. This addition is to provide a restricted discretionary activity for development or subdivision that does not comply with the recommended new water supply rule.
212. *FS1114.27 FENZ supports 697.49: the addition of a new activity to Rule 14.11.2 Restricted Discretionary Activities as it provides discretion to Council to consider the activity in terms of the health and safety of the occupants and sufficiency of supply for fire-fighting. To maintain consistency with other similar submission points submitted by FENZ however some additional wording is sought as follows: (b) Sufficiency of supply for fire-fighting to ensure compliance with the New Zealand Fire Service Fire-fighting Water Supplies Code of Practice SNZ PAS 4509:2008.*
213. *FS1339.80 NZTE Operations Limited supports 697.49: to the extent they are consistent with the relief sought in NZTE's submission and this further submission.*
214. *FS1291.23 Havelock Village Limited opposes 697.49: Neighbourhood centres should be identified on the planning maps with the appropriate zoning (ie commercial and the definition should reflect that). Further submission appears misdirected as it is on neighbourhood centres, and not on water supply rules.*
215. The proposed matters of discretion cover the health and safety of occupants, which is a principal quality objective of water supply, and sufficiency of supply for fire-fighting which is a quantity objective, whether as a tank or water-source volume or as piped pressure. Those matters are appropriate restrictions of discretion in my opinion.
216. I recommend accepting the submission by Waikato District Council [697.49]; the further submissions *FS1114.27 FENZ*; and *FS1339.80 NZTE Operations Limited*; rejecting the further submission *FS1291.23 Havelock Village Limited*, as a consequential amendment following the recommended new water supply rule (14.11.1.11 P11).

### 19.2 Recommendations

217. For the reasons given above I recommend that the Hearings Panel accepts Waikato District Council [697.49]; and *FS1114.27 FENZ*; *FS1339.80 NZTE Operations Limited*; and rejects *FS1291.23 Havelock Village Limited*

### 19.3 Recommended amendments

218. The following amendments are recommended to 14.11.2 Restricted Discretionary Activities:

<b>RD10</b>	<u>Water supply that does not comply with Rule 14.11.1(P1). Discretion is restricted to: (a) Health and safety of the occupants; and (b) Sufficiency of supply for fire-fighting.</u> <sup>24</sup>
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#### 19.4 Section 32AA evaluation

219. This rule is intended to provide a complete activity cascade. Provisions for water supply servicing clarify that new development must connect to public reticulated water supply where available. This is for efficiency and for public health and safety reasons. Water supply services will be better infrastructure, more efficient and to public health and safety standards, if reticulated systems are used where available. The effective provision of public water supply reticulation relies on the efficient connection of high proportions of urban water users. The provision will more effectively and efficiently meet the objectives and implement the policies for infrastructure, subdivision and development, and for integration of infrastructure with subdivision, land use and development. Where there is no connection to a public reticulated system, the alternative water supply needs to be assessed for quality (public health and safety) and fire-fighting sufficiency. That is to achieve the objectives where no public reticulated water supply is available, and to implement the policies for infrastructure, subdivision and development, and for integration of infrastructure with subdivision, land use and development.

## 20 Rule 14.11.3 Discretionary Activities - General

Submission point	Submitter	Decision requested
578.37	POAL	Retain Rule 14.11.3 Discretionary Activities, as notified.
680.169 .170/.171	FFNZ	Amend Rules 14.11.3 D1, D2 and D3 Discretionary Activities by excepting the Rural Zone in each case as follows: <u>Except within the Rural Zone,...</u>
FSI 139.54; FSI 139.55; FSI 139.56	Turangawaewae Trust Board	Opposes 680.169; 680.170; 680.171
FSI 108.63; FSI 108.64; FSI 108.65	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Opposes 680.169; 680.170; 680.171.

### 20.1 Analysis

220. **POAL** [578.37] supports the rule as notified and the inclusion of an infrastructure chapter.

221. The value of the rule is in its classification of intensive infrastructure as a discretionary activity, allowing consideration of their full range of effects and relevant objectives and policies. Some of these types of infrastructure may be established by designation. I recommend accepting the submission by POAL [578.37] and note support for the infrastructure rules and chapter.

222. **FFNZ** [680.169/.170/.171] seeks to amend Rules 14.11.3 D1, D2 and D3 by excepting the Rural Zone in each case.

<sup>24</sup> 697.49 Waikato District Council

223. The submitter opposes Rule 14.11.3 for the same reasons that they oppose Rule 14.11.1, to the extent that those rules seek to impose inappropriate regulation on water, wastewater and stormwater management in rural areas. The submitter considers that the issues around these services in rural areas are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these. The submitter states that farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit. Additionally, the submitter states that for farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

224. *FS1139.54; FS1139.55; FS1139.56 Turangawaewae Trust Board oppose 680.169; 680.170; 680.171 as inappropriate additions. FS1108.63; FS1108.64; FS1108.65 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) oppose 680.169; 680.170; 680.171 as inappropriate additions.*

225. I recommend rejecting the submission by FFNZ [680.169; 680.170; 680.171]; accepting the further submissions *FS1139.54; FS1139.55; FS1139.56 Turangawaewae Trust Board; FS1108.63; and FS1108.64; FS1108.65 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*, as the proposed hierarchical activity classification of permitted, restricted discretionary, discretionary and non-complying activities is considered appropriately applied to the Rural Zone, in this case for discretionary activity water treatment plants, wastewater treatment plants and above-ground water reservoirs. However, as discussed elsewhere in this report, I consider that the infrastructure provisions should be directed at public or group-serving infrastructure, and not at the infrastructure connections to properties or to the on-farm services. Internal, private on-farm irrigation, dams and reservoirs, trough and water reticulation, wastewater and stock effluent pipelines, ditch drainage, onsite electricity and telecommunications cabling should be considered a 'farming' activity rather than an Infrastructure activity. Earthworks and Identified Area zone rules would apply to on-farm services networks. Water infrastructure is appropriate within the Rural Zone and if it is not specifically listed would default to a non-complying activity under Rule NC3 in section 14.2. It is noted that there are other mechanisms in regional plans and the Building Act, controlling structures and services, water takes and diversions and damming, discharges to waterbodies, and discharges to land including stock effluent management.

## 20.2 Recommendations

226. For the reasons given above no changes are recommended and I recommend that the Hearings Panel:

- a. Accept POAL [578.37], noting support for infrastructure rule and chapter
- b. Reject FFNZ [680.169; 680.170; 680.171]; accept *FS1139.54; FS1139.55; FS1139.56 Turangawaewae Trust Board; FS1108.63; FS1108.64; and FS1108.65 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*.

## 21 Rule 14.11.3 D1 Water treatment plants not located within road and unformed road or an Identified Area

Submission point	Submitter	Decision requested
697.58	Waikato District Council	Amend Rule 14.11.3 D1 Discretionary Activities, Water treatment plants, for clarity to state “road <u>or</u> unformed road” rather than “road <del>and</del> unformed road”.

### 21.1 Analysis

227. The submission from Waikato District Council seeks a minor change to clarify the intent of the rule. I agree and recommend this submission be accepted.

### 21.2 Recommended amendments

228. The following amendments are recommended to 14.11.3 Discretionary Activities:

DI	Water treatment plants not located within road <del>and</del> <u>or</u> <sup>25</sup> unformed road or an Identified Area
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### 21.3 Section 32AA evaluation

229. The recommended amendments are to provide clarification to assist with the understanding and readability of the rules. Accordingly, no s32AA evaluation is required to be undertaken.

## 22 Rule 14.11.3 D2 Wastewater treatment plants

Submission point	Submitter	Decision requested
697.59	Waikato District Council	Amend Rule 14.11.3 D2 Discretionary Activities to correct the numbering of provisions, as follows: Wastewater treatment plants located within the following: (i) Industrial Zone (ii) Heavy Industrial Zone (iii) Motor Sport and Recreation Zone (iv) Rural Zone (v) Country Living Zone (vi) Reserve Zone.
602.41	Greig Metcalfe	Add Village Zone to Rule 14.11.3 D2 Wastewater treatment plants.

### 22.1 Analysis

230. **Waikato District Council** [697.59] seeks to amend Rule 14.11.3 D2 to correct the numbering of provisions.

231. I recommend accepting the submission by Waikato District Council [697.59], as a numbering correction.

232. **Greig Metcalfe** [602.41] seeks to add Village Zone to Rule 14.11.3 D2 Wastewater treatment plants.

<sup>25</sup> 697.58 Waikato District Council

233. The submitter considers that a wastewater management plant may need to be established in the Village Zone to service proposed development and this should be considered as a discretionary activity.

234. Wastewater treatment plants are non-complying activities within zones and areas where they generally should not be installed. The intention is that where required, a wastewater treatment plant will be located in a nearby more spacious or less sensitive zone, such as Industrial, Rural or in some cases Reserve (ie drainage reserve). It may be possible to recreate those features - of less relative sensitivity and more spacious buffer-type siting - in comprehensive development of a large block of Village Zone land. However, it would be difficult to provide appropriate levels of inter site amenity if smaller house sites would result in close proximity to a wastewater treatment plant. I recommend rejecting the submission by Greig Metcalfe [602.41], as the activity status of wastewater treatment plants is designed to discourage their locating within Village, Residential and Centre zones.

## 22.2 Recommendations

235. For the reasons given above I recommend that the Hearings Panel:

- a. Accept Waikato District Council [697.59], as a numbering correction
- b. Reject Greig Metcalfe [602.41]

## 22.3 Recommended amendments

236. This is a numbering correction only. Amend 14.11.3 Discretionary Activities, as follows:

D2	Wastewater treatment plants located within the following: <sup>26</sup> <del>(iv)</del> (i) Industrial Zone <del>(v)</del> (ii) Industrial Zone <b>Heavy</b> <sup>27</sup> <del>(vi)</del> (iii) Motor Sport and Recreation Zone <del>(vii)</del> (iv) Rural Zone <del>(viii)</del> (v) Country Living Zone <del>(ix)</del> (vi) Reserve Zone <sup>28</sup>
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## 22.4 Section 32AA evaluation

237. The recommended amendments are to correct numbering. Accordingly, no s32AA evaluation has been required to be undertaken.

## 23 Rule 14.11.4 Non-Complying Activities - General

Submission point	Submitter	Decision requested
559.203	Heritage NZPT	Retain Rule 14.11.3 NCI, NC2 and NC3 Non-Complying Activities.
578.38	POAL	Retain Rule 14.11.4 Non-Complying Activities, as notified.
680.172	FFNZ	Amend Rule 14.11.4 NCI Non-Complying Activities, to exempt the Rural Zone, as follows:

<sup>26</sup> 697.57 Waikato District Council (renumbering)

<sup>27</sup> 697.518 Waikato District Council

<sup>28</sup> 697.59 Waikato District Council

		<u>Except within the Rural Zone,...</u>
FSI 139.57	Turangawaewae Trust Board	Opposes 680.172
FSI 108.66	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Opposes 680.172.
680.173	FFNZ	Amend Rule 14.11.4 NC3 Non-Complying Activities, to exempt the Rural Zone, as follows: <u>Except within the Rural Zone,...</u>
FSI 139.58	Turangawaewae Trust Board	Opposes 680.173
FSI 108.67	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Opposes 680.173

### 23.1 Analysis

238. **Heritage NZPT** [559.203]: supports Rule 14.11.4 Non-Complying Activities and considers this to be an appropriate level of resource consent activity, providing the appropriate level of protection and assessment as required under s.6 RMA.
239. I recommend accepting the submission by Heritage NZPT [559.203; 559.203], as support for specific management of Identified Areas. I consider the non-complying activity classification appropriate to manage (avoid, remedy or mitigate) the effects of these types of infrastructure on Identified Areas, and to support the objectives and policies in relation to Identified Areas and their values.
240. **POAL** [578.38]: supports the rule as notified and the inclusion of an infrastructure chapter.
241. The value of the non-complying activity rule is in its indication that these specified zones are generally inappropriate locations for such intensive infrastructure. I recommend accepting the submission by POAL [578.38].
242. **FFNZ** [680.172 and 680.173]: seeks to amend Rules 14.11.4 NCI and NC3 Non-Complying Activities, to exempt the Rural Zone,
243. The submitter opposes Rule 14.11.4 for the same reasons that they oppose Rule 14.11.1, to the extent that those rules seek to impose inappropriate regulation on water, wastewater and stormwater management in rural areas. The submitter considers that the issues around these services in rural areas are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these. FFNZ considers that farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit; for farms in rural areas. FFNZ further states that the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.
244. FSI 139.57; FSI 139.58 Turangawaewae Trust Board and FSI 108.66; FSI 108.67 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) oppose 680.172; 680.173 as an inappropriate addition.

245. I recommend rejecting the submissions by FFNZ [680.172 and 680.173]; accepting the further submissions *FSI 139.57*; *FSI 139.58 Turangawaewae Trust Board*; *FSI 108.66*; and *FSI 108.67 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*, as the proposed hierarchical activity classification of permitted, restricted discretionary, discretionary and non-complying activities is considered appropriately applied to the Rural Zone, in this case for non-complying activity status for water treatment plants within a road or unformed road (note that roads are not zoned within Waikato District so do not form part of the Rural Zone) or within an Identified Area, and above-ground reservoirs located within an Identified Area. It is noted that earthworks within a scheduled Maaori site or area of significance Identified Area is a restricted discretionary activity within the Rural Zone (Rule 22.2.3.2).

## 23.2 Recommendations

246. For the reasons given above I recommend the Hearings Panel:

- a. Accept Heritage NZPT [559.203]
- b. Accept POAL [578.38], noting support for rule and chapter
- c. Reject FFNZ [680.172 and 680.173]; accept *FSI 139.57 Turangawaewae Trust Board*; *FSI 108.66 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*; *FSI 139.58 Turangawaewae Trust Board*; and *FSI 108.67 Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*.

## 24 Rule 14.11.4 NCI Water treatment plants located within the Road and unformed road or an Identified Area

Submission point	Submitter	Decision requested
697.60	Waikato District Council	Amend Rule 14.11.4 NCI Non-Complying Activities to correct the numbering of provisions, as follows: Water treatment plants located within the following: (i) Road <del>and</del> <u>or</u> unformed road; or (ii) Identified Area

### 24.1 Analysis

- a. **Waikato District Council** [697.60]: seeks to Amend Rule 14.11.4 NCI Non-Complying Activities to correct the numbering of provisions, I agree and therefore recommend the Hearings Panel accept Waikato District Council [697.60].

### 24.2 Recommended amendments

247. The following amendments to 14.11.4 Non-Complying Activities are recommended:

NCI	Water treatment plants located within the following: (i) Road <del>and</del> <u>or</u> unformed road; or (ii) Identified Area <sup>29</sup>
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### 24.3 Section 32AA evaluation

248. The recommended amendments are to provide numbering corrections. Accordingly, no s32AA evaluation is required to be undertaken.

<sup>29</sup> 697.60 Waikato District Council

## 25 Rule 14.11.4 NC2 Wastewater treatment plants located within particular zones

Submission point	Submitter	Decision requested
243.3 and 243.8	Shaun McGuire	Amend Rule 14.11.4 NC2 for wastewater treatment plants to be a Restricted Discretionary activity for wastewater treatment plants located in the Residential Zone, and delete Rule 14.11.4(xix) which makes them Non-Complying activities
698.1	Simon Dromgool for Christine Dromgool, John and Caroline Vincent, Mark Dromgool	Amend Rule 14.11.4 NC2 Non-Complying Activities, to be a Controlled Activity so that any acceptable wastewater system should be a requirement.
602.42	Greig Metcalfe	Delete Rule 14.11.4 NC2 (xxi) which refers to the Village Zone (Village Zone wastewater treatment plants to be discretionary Activity)
942.74	Tainui o Tainui	Add an exemption to Rule 14.11.4 NC2 (xx) Non-Complying Activities Wastewater treatment plants, as follows: <u>(xx) Rangitahi Peninsula Zone: Land made available for treatment of sewage through wetlands or land-based treatment is exempted.</u>  AND Add a new clause to Rule 14.11.4 NC2 Non-Complying Activities as follows: <u>(xxx) In conjunction with the planning, consideration shall be given to the identification of areas suitable for wastewater polishing and mini treatment plants to mitigate the risk of disposal in the event of failure to the existing networks from significant events or natural disasters.</u>
823.2	NZTE Operations Limited	Delete Rule 14.11.4 - Non-Complying Activities NC2 (xxv)(g)[renumbered (vii)]
FS1178.2	<i>Kristine Stead on behalf of Marshall &amp; Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson.</i>	<i>Opposes 823.2</i>
697.61	Waikato District Council	Amend Rule 14.11.4 NC2 Non-Complying Activities to correct numbering, as follows: Wastewater treatment plants located within the following: <u>(i) Residential Zone (ii) Rangitahi Peninsula Zone (iii) Village Zone (iv) Business Zone (v) Business Town Centre Zone (vi) Tamahere Business Zone (vii) Te Kowhai Airpark Zone (viii) Road and unformed road (ix) Identified Area.</u>

FS/339.81	NZTE Limited	Operations	Supports 697.61
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## 25.1 Analysis

249. **Shaun McGuire** [243.3; 243.8]: seeks an amendment to Rule 14.11.4 NC2 to provide for wastewater treatment plants to be a restricted discretionary activity in the Residential Zone and delete Rule 14.11.4(xix) which makes them non-complying activities. The submitter considers that if infrastructure for wastewater and stormwater is not available, an engineer-designed wastewater treatment system approved by Waikato District Council's engineering department may be used.
250. The submitter states that some parts of Tuakau do not have public wastewater and stormwater infrastructure. The submitter also states that many of these areas have small lots comprising multiple owners. The costs to install these services for small developments are prohibitively expensive. Engineered waste and stormwater systems are successfully servicing dwellings in this area now. Approval via resource consent on a restricted discretionary basis will allow this solution to continue until suitable waste and stormwater infrastructure can be provided. The submitter considers that placing this infrastructure provision as a non-complying activity will make it unreasonably difficult to obtain approval, and that restricted discretionary is a fair category.
251. I recommend rejecting the submission by Shaun McGuire [243.3 and 243.8], as full-scale public wastewater treatment plant infrastructure can have effects making it unsuited to Residential and Village Zone locations. However, Rule 14.11.1.3 P3 allows, as a permitted activity, domestic wastewater onsite treatment plants meeting AS/NZS 1547:2012, which generally can serve up to ten people.
252. **Simon Dromgool for Christine Dromgool, John and Caroline Vincent, Mark Dromgool** [698.1] seek to Amend Rule 14.11.4 NC2 Non-Complying Activities, to be a controlled activity. The submitter considers the rule negates the ability to have a septic tank servicing a dwelling on an existing 1/4 acre section even though this practice has been acceptable since the township was formed; technologies in wastewater treatment systems have progressed significantly in recent decades with more efficiency gained and less land area required. The submitter considers that their legal titles, rated separately, should have the right to a building consent without restriction.
253. Rule 14.11.1.3 P3 allows, as a permitted activity, domestic wastewater onsite treatment plants meeting AS/NZS 1547:2012, which generally can serve up to ten people. It is unlikely that a standard septic tank, without further treatment such as aeration or disinfection, could operate effectively in a Village or Residential Zone on lots of 1,000m<sup>2</sup> (1/4 acre), particularly as setback distances from the site boundaries would be more difficult to achieve, while the Regional Plan requires a minimum site area of 2,500m<sup>2</sup> for onsite wastewater disposal. Domestic scale plants meeting AS/NZS 1547:2012, which includes land area and soil soakage and slope criteria, may be possible on smaller sites but would still be controlled by the Regional Plan. I recommend rejecting the submission by Simon Dromgool [698.1], as full-scale public wastewater treatment plant infrastructure can have effects making it unsuited to Residential and Village Zone locations, and community-scale or individual site wastewater treatment plants will require a minimum site area for wastewater disposal to meet Regional Plan requirements. However, Rule 14.11.1.3 P3 allows, as a permitted activity, domestic wastewater onsite treatment plants meeting AS/NZS 1547:2012, which generally can serve up to ten people, for a site meeting the Regional Plan requirements. The building consent process would include verification that the site and proposed system complies with the standard.

254. **Greig Metcalfe** [602.42]: seeks to delete Rule 14.11.4 NC2 (xxi) which refers to the Village Zone, as a wastewater management plant may need to be established in the Village Zone to service development and this should be considered as a discretionary activity rather than a non-complying activity.
255. Wastewater treatment plants are non-complying activities within zones and areas where they generally should not be installed. The intention is that where required, a wastewater treatment plant will be located in a nearby more spacious or less sensitive zone, such as Industrial, Rural or in some cases Reserve (ie drainage reserve). It may be possible to recreate those features - less relative sensitivity and more spacious buffer-type siting - in comprehensive development of a large block of Village Zone land. However, it would be difficult to provide appropriate levels of inter site amenity if smaller house sites would result in close proximity to a wastewater treatment plant. I recommend rejecting the submission by Greig Metcalfe [602.42], as the activity status of wastewater treatment plant is designed to discourage their locating within Village, Residential, and Business and Business Town Centre zones.
256. **Tainui o Tainui** [942.74] seek to add an exemption to Rule 14.11.4 NC2 (xx) Non-Complying Activities Wastewater treatment plants, as follows:
- (xx) Rangitahi Peninsula Zone: Land made available for treatment of sewage through wetlands or land-based treatment is exempted.
- AND Add a new clause to Rule 14.11.4 NC2 Non-Complying Activities as follows:
- (xxx) In conjunction with the planning, consideration shall be given to the identification of areas suitable for wastewater polishing and mini treatment plants to mitigate the risk of disposal in the event of failure to the existing networks from significant events or natural disasters.
257. I recommend rejecting the submission by Tainui o Tainui [942.74], as while public wastewater treatment plants are a non-complying activity within Rangitahi Peninsula Zone, the wetlands and land-based treatments referred to would be permitted (Rule 14.11.1.3) while mitigating polishing and mini treatment plants would be restricted discretionary activities (Rule 14.11.2.3).
258. **NZTE Operations Limited** [823.2] seeks to delete Rule 14.11.4 - Non-Complying Activities NC2 (xxv)(g)[renumbered (vii)]. The submitter explains that it intends to have onsite treatment and disposal of wastewater in the form of a Packed Bed Reactor (or similar) to meet relevant Waikato Regional Council standards. As such, the submitter considers a wastewater treatment plan is a permitted activity in Chapter 27.1.1, which makes Chapter 14 (Infrastructure and Energy) inconsistent with this rule because Rule 14.11.4 classifies wastewater treatment plants as a non-complying activity for the Te Kowhai Airpark Zone. The submitter considers the permitted activity rule in Chapter 27 should therefore take precedence over the general rule in Chapter 14.
259. *FS1178.2 Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson oppose 823.2 stating in their words: The proposed changes are severely impinging our rights to facilitate our development to its full potential whilst we have placed no restrictions on them. Its costly to move the runway to the south and bring noise control onto their property. They are therefore using our properties to achieve their proposed requirements when their property is able to contain the noise boundaries. Collectively we own approximately 750m along the airfield's northern boundary. We are directly next to the actual airstrip in Te Kowhai where the new owners are proposing to expand their operations to include Instrument Flight Rules (IFR) and all the accompanying changes that come with it, should it go ahead. Our submission considerations last October*

were based on the report from the acoustic specialist Hegley that was in the original proposed plan of NZTE with consultation based and discussed on their report. NZTE presented another proposal from Marshall Day acoustics which was dated 8/10/18 but not presented until mid-January 2019, which have damning effect over our property. They have entered this information by means of submitting on their plans which is where we are opposing this submission. We are especially concerned with the implications of this over our and neighbouring properties which would require building on land not owned by them to make us to have to apply for Resource consents to build and do not think we should have to. All for their business venture.

260. I recommend accepting the submission by NZTE Operations Limited [823.2]; and rejecting the further submission FS1178.2 Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson, as Chapter 27 makes specific provision for wastewater treatment for the Te Kowhai Airpark Zone.

261. **Waikato District Council** [697.61] seeks to correct the numbering.

262. FS1339.81 NZTE Operations Limited supports 697.61: NZTE supports the submission to correct the numbering.

263. I recommend accepting the submission by Waikato District Council [697.61]; and the further submission FS1339.81 NZTE Operations Limited, as a numbering correction. Note (vii) Te Kowhai Airpark Zone is recommended to be deleted in response to 823.2 NZTE Operations Limited, which will mean renumbering as follows: (vii) Road and unformed road and (viii) Identified Area.

## 25.2 Recommendations

264. For the reasons given above I recommend that the Hearings Panel:

- a. Reject Shaun McGuire [243.3 and 243.8]
- b. Reject Simon Dromgool for Christine Dromgool, John and Caroline Vincent, Mark Dromgool [698.1]
- c. Reject Greig Metcalfe [602.42]
- d. Reject Tainui o Tainui [942.74]
- e. Accept NZTE Operations Limited [823.2]; reject FS1178.2 Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson
- f. Accept Waikato District Council [697.61]; FS1339.81 NZTE Operations Limited.

## 25.3 Recommended amendments

265. The following amendments are recommended to 14.11.4 Non-Complying Activities:

NC2	<p>Wastewater treatment plants located within the following:</p> <ul style="list-style-type: none"> <li><del>(ix)(i)</del> Residential Zone</li> <li><del>(xx)(ii)</del> Rangitahi Peninsula Zone</li> <li><del>(xxi)(iii)</del> Village Zone</li> <li><del>(xxii)(iv)</del> Business Zone</li> <li><del>(xxiii)(v)</del> Business Town Centre Zone</li> <li><del>(xxiv)(vi)</del> Tamahere Business Zone</li> <li><del>(xxv)</del> Te Kowhai Airpark Zone</li> </ul>
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	<del>(xxvi)</del> (vii) Road and unformed road <del>(xxvii)</del> (viii) Identified Area <sup>30</sup>
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#### 25.4 Section 32AA evaluation

266. The recommended amendments are to provide consequential and numbering corrections. Accordingly, no s32AA evaluation is required to be undertaken.

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<sup>30</sup> 697.61 Waikato District Council