

**Kawerau District Council
Proposed Kawerau District Plan**

**Decision Report
May 2011**

1. INTRODUCTION

1.1 Outline

This report identified the decisions that the Hearing Commissioners recommend to the Kawerau District Council in relation to the Proposed District Plan (“the Plan”).

The report provides an account of the process leading through to the recommended decisions on submissions and recommended amendments to the Proposed District Plan.

The Hearing Commissioners have considered the details of the Proposed District Plan, all of the submissions received, the evidence of the submitters at the Hearing, the Section 42A RMA report presented by the Council’s consultant planner, and other relevant matters.

Our recommendation is that the Proposed District Plan be approved with some modifications and that the submissions be accepted, accepted in part, or rejected in line with the overall recommendations.

1.2 Appointment

The Council has delegated authority to us as Hearing Commissioners (“Commissioners”) pursuant to section 34A of the Resource Management Act (“the Act” or “RMA”) to hear and consider all matters related to the Plan including submissions and the Council’s Section 42A RMA report (“the planning report”), and to then make appropriate recommendations in respect of the submissions and any associated amendments to the Plan, to the Council.

The Commissioners appointed were Mr Alan Watson, Cr Carolyn Ion, Cr Alistair Holmes, and Cr Anita Moore.

1.3 Background

The Operative Kawerau District Plan has been reviewed in full and a full and a new complete document prepared, the Proposed District Plan. The Proposed District Plan includes six main zones; Commercial, Industrial, Residential, Reserve, Road and Rural Lifestyle. Separate sections in the Plan also cover Subdivision and Development, Natural, Cultural and Heritage issues, Transportation, Utilities and district wide issues.

On 10 May 2010 the Proposed District Plan was publicly notified, with submissions closing on 7 July 2010. A total of 22 submissions were received. On 11 August 2010, a summary of submissions was publicly notified and the period for further submissions closed on 1 September 2010. At the close of this further submission period, 6 further submissions were received.

Submissions received were from a variety of parties, predominantly corporate and government agencies and community/interest groups.

1.4 Late Submissions

One submission was received after the closing date from Ngati Tuwharetoa (BOP) Settlement Trust (submitter number 121).

Section 37A of the Act outlines the provisions for the consideration of late submissions and these are as follows:

37A Requirements for waivers and extensions

- (1) A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account—
 - (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
 - (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
 - (c) its duty under section 21 to avoid unreasonable delay.
- (2) A time period may be extended under section 37 for—
 - (a) a time not exceeding twice the maximum time period specified in this Act; or
 - (b) a time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.
- (3) Instead of subsections (1) and (2), subsections (4) and (5) apply to an extension of a time limit imposed on a consent authority in respect of—
 - (a) an application for a resource consent; or
 - (b) an application to change or cancel a condition of a resource consent; or
 - (c) a review of a resource consent.

After reviewing the late submission, we have concluded that as it was received within 14 days (21 July) of the close of submissions and was included in the publicly notified summary we see no reason why the timeframe for receipt of the later submission cannot be extended. In our opinion, no person is likely to be affected by the extension of the timeframe and it is in the interests of robust district plan development that the matters raised in the late submission be considered. We therefore extend the time under Section 37A of the Act in which to accept the late submission outlined above.

1.5 Consultation and Notification

We were advised that an extensive consultative process had been undertaken from 2007 onwards that resulted in preparation of the Plan. Following receipt of submissions a more focused consultation process had been carried out which resulted in the resolution of many submitters' issues prior to the Hearing.

2. STATUTORY CONTEXT

Section 74 of the Act sets out the matters to be considered by a territorial authority in preparing or changing its district plan. These include doing so in accordance with its functions under section 31, the provisions of Part 2 and its duty under section 32 and further, having regard to other documents to the extent that their content has a bearing on resource management issues of the district.

Section 75 of the Resource Management Act, in addressing the contents of district plans, requires that a district plan must give effect to any regional policy statement and must not be inconsistent with a regional plan.

Section 31 addresses the functions of territorial authorities under the Resource Management Act and includes:

- a) *the establishment, implementation, and review of objectives, policies, and methods to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resource of the district;*
- b) *the control of any actual or potential effects of the use, development, or protection of land,...*

Section 32 of the Resource Management Act provides for the consideration of alternatives, benefits, and costs and requires that an evaluation must be carried out and that an evaluation must examine:

- a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*

- b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

For the purposes of this examination, an evaluation must take into account the benefits and costs of policies, rules, or other methods.

Part 2 of the Resource Management Act, being the purpose and principles of the statute, is the overarching part of the Resource Management Act. Regard is to be given to all matters within it.

Clause 29 of the First Schedule states that after considering a proposed plan a local authority may decline, approve or approve with modifications that plan and shall give reasons for its decision. Clause 10 states a local authority shall give its decision which shall include the reasons for accepting or rejecting any submissions.

3. RECOMMENDATIONS REPORT

For convenience, this report generally follows the format of the planning report prepared by Tracy Hayson, the Independent Consultant Planner who reported upon the Plan for the Council. That planning report provided an analysis of the submissions and made recommendations as to whether the submissions should be accepted or rejected. It included the grouping of submissions under the relevant sections of the Plan along with associated assessments, recommendations and reasons for accepting or not accepting those submissions.

Following the Hearing we found agreement with much of the analysis in the planning report and accordingly have largely adopted it in this report. We also provide additional commentary where appropriate to take into account some of the matters raised in the submissions and at the Hearing.

This decisions report has been structured to respond to submissions in a logical order. The decisions and associated responses are the decisions of Council as per Clause 10 of the First Schedule of the Resource Management Act.

4. HEARING

The Hearing took place in the Kawerau District Council Chambers in Kawerau on 1 and 2 March, 2011. Prior to the Hearing, the Commissioners had the opportunity to review the details of the Proposed District Plan together with the submissions received and the Section 42A report prepared by the Independent Consultant Planner.

4.1 Appearances

Kawerau District Council

- Mr C Jensen (Manager Regulatory and Planning)
- Mrs T Hayson (Independent Consultant Planner)

Submitters

- Bay of Plenty Regional Council – Mr J Whale, Ms M Boyd
- New Zealand Transport Agency – Ms Stella Norris, Mr A Talbot
- New Zealand Railways Corporation – Mr Aaron Hudson
- Department of Conservation – Mr Chris Staite, Mr Paul Cashmore
- Royal Forest & Bird Protection Society – Ms Linda Conning
- Mr Mark Fort
- Mr Barry Marshall – Ms Linda Conning
- Mighty River Power – Mr Spence McClintock, Mr Craig Malone, Mr Todd Whittaker

The Hearing was closed on 2 March 2010.

5. STATUTORY CONSIDERATIONS

The Proposed District Plan is considered to be in accordance with the sustainable management purpose of Part 2 of the Act. The Plan will enable the Kawerau people and community to provide for their social wellbeing and for their health and safety whilst sustaining the potential of the land and property resource to meet the foreseeable needs for future generations. The Plan will avoid, remedy or mitigate any adverse effects on the environment.

The Plan provides guidance in respect of managing future growth and development and the location of such activities. It provides a framework for sustainable growth and economic development of the district. Section 6 of the Act refers to the recognition and provision for matters of national importance. There are a number of such matters which require consideration and we are of the opinion that the Plan adequately addresses such matters.

Section 7 of the Act outlines matters of relevance to the efficient use and development of natural and physical resources and to the maintenance and enhancement of amenity values and the quality of the environment. The Plan is found to be consistent with these principles, including the principle relating to any finite characteristic of natural and physical resources.

Section 8 of the Act outlines the requirement to take into account the principles of the Treaty of Waitangi. No matters of concern were raised with us and it is noted that there were no submissions highlighting any specific issues in relation to this matter.

6. OVERALL RECOMMENDATIONS

Having regard to the relevant provisions of the Resource Management Act 1991; and

Having considered the actual and potential effects on the environment of the Proposed District Plan and the management of those effects; and

Having considered the evidence of the Kawerau District Council as the proponent for the Proposed District Plan, the submissions, the further submissions, and the evidence in support of those submissions and further submissions at the Hearing of the Proposed District Plan and submissions; and

Acting under delegation from the Kawerau District Council to hear and make recommendations on the Proposed District Plan and the submissions and further submissions; and

For the reasons set out in the text of this report, we recommend as follows:

- 6.1 THAT pursuant to Section 37 of the Resource Management Act 1991 the late submission from Ngati Tuwharetoa (BOP) Settlement Trust received in respect of the Proposed District Plan be accepted.**
- 6.2 THAT pursuant to Clauses 29 and 10 of the First Schedule of the Resource Management Act 1991,**
 - THAT the Proposed Kawerau District Plan is approved with modifications; and**
 - THAT those submissions and further submissions which support the Proposed Kawerau District Plan are accepted to the extent that the Proposed Kawerau District Plan is approved with modifications; and**

- **THAT those submissions and further submissions that seek further changes to the Proposed Kawerau District Plan are accepted to the extent that the Proposed Kawerau District Plan is approved with modifications; and**
- **THAT except to the extent provided above, all other submissions and further submissions are rejected.**

The consideration of the decisions in respect of each submission, on an issues basis, and the further submissions is set out below.

That pursuant to Clauses 10 and 29 of the First Schedule to the Resource Management Act 1991 we recommend to the Kawerau District Council as regulatory authority that it Accepts, Accepts in Part or Rejects the submissions relating to the Proposed Kawerau District Plan in accordance with the following schedule and that the changes to the notified Plan be undertaken as identified.

Submissions

General

Submitter	Director General of Conservation	Number: 109.1
District Plan Provision	General Terms	
Submission	Replace 'Trees and wetlands' with 'significant indigenous vegetation' to provide a consistent terminology that adequately describes the values of these areas.	
Decision	Accept the submission point	
Reason	The Plan refers to 'trees, wetlands, significant indigenous vegetation and habitats of indigenous fauna' (section C8.5). The term 'significant indigenous vegetation' includes trees and wetlands and therefore it is unnecessary to use both definitions.	

Submitter	Mighty River Power	Number: 116.2
District Plan Provision	Issues, Objectives, Policies, Rules & Other Methods	
Submission	Mighty River Power requests that the Council restructures the Plan to clearly identify the significant resource management issues and linked objectives, policies, rules and other methods for each zone and issue within the Plan.	
Decision	Reject the submission point	
Reason	Significant resource management issues have been included in the zone descriptions and section introductions. The Plan has been restructured from the Operative District Plan layout to provide a clearer link between the issues and underlying objectives and policies. Rules are the methods by which the objectives and policies are to be achieved. Restructuring the layout is not supported as it would unlikely achieve a better outcome for the community.	

Submitter	Mighty River Power	Number: 116.3
District Plan Provision	General – renewable energy	
Submission	<p>The Plan does not include any specific objectives or policies that address renewable energy, its use and development or electricity generation and transmission.</p> <p>Mighty River Power requests that the Council recognise and provide for the issues outlined in the content of its Plan.</p> <p>Mighty River Power seeks that the significant resource management issues, objectives, policies, rules and other methods should recognise the positive benefits that are derived from the establishment and use of renewable energy infrastructure and have full regard to s 7(i) and s 7(j) of the RMA.</p>	
Decision	Accept in part the submission point	
Reason	An additional objective and policy is added to the Utilities section (section C9) to further	

	highlight the importance of the district's natural energy resources for electricity generation and transmission. The objective and policy will further provide for Mighty River Power and similar operators.
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Submitter	Mighty River Power	Number: 116.4
District Plan Provision	General – renewable energy	
Submission	<p>Without an energy section, energy providers must rely on the provisions of the specific zone where the activity is located or by other sections of the Plan to assist in establishing and operating their services. In the context of the Plan, the Utilities section potentially provides this opportunity. The difficulty is however that electricity generation activities and their associated infrastructure are not adequately provided for in this section which re-enforces the need to either provide a separate energy section or to extend the utilities section to specifically refer to essential infrastructure along with Network Utilities.</p> <p>Seek that Council insert appropriate significant resource management issues, objectives and policies focusing on energy and electricity generation.</p>	
Decision	Accept in part the submission point	
Reason	<p>An additional objective and policy is added to the Utilities section (section C9) to further highlight the importance of the district's natural energy resources for electricity generation and transmission. The objective and policy will further provide for Mighty River Power and similar operators.</p> <p>A separate section on renewable energy is not supported as the intent of Mighty River Power's suggested energy provisions (116.3) are/can be provided for elsewhere in the Plan.</p>	

Submitter	Transpower	Number: FS206.2 (116.4)
District Plan Provision	Utilities	
Submission	<p>Transpower supports the relief sought in this submission as it recognises the national significance of electricity Transmission Activities. This is consistent with the National Policy Statement for Electricity Transmission 2008 "(NPSET)".</p>	
Decision	Accept in part the submission point	
Reason	<p>An additional objective and policy is added to the Utilities section (section C9) to further highlight the importance of the district's natural energy resources for electricity generation and transmission. The objective and policy will further provide for Mighty River Power and similar operators.</p> <p>A separate section on renewable energy is not supported as the intent of Mighty River Power's suggested energy provisions (116.3) are/can be provided for elsewhere in the Plan.</p>	

Section A – Introduction to the Plan

Submitter	Mighty River Power	Number: 116.5
District Plan Provision	A1.2	
Submission	Mighty River Power supports in part Section A1.2 and seeks the amendment of the section so that the section includes a more detailed explanation of the relationship between significant resource management issues, objectives, policies, rules and other methods.	
Decision	Accept the submission point	
Reason	Further explanation as to the structure of the Plan is supported to assist Plan users in navigating their way through the documents.	

Submitter	New Zealand Railways Corporation	Number: 118.4
District Plan Provision	A1.2	
Submission	NZRC believes it is consistent with the RMA to ensure that noise (and vibration) sensitive activities are made aware of the potential for these effects and internal environments are designed to ensure reasonable long term amenity for users.	
Decision	Accept in part the submission the submission point	
Reason	Support inclusion of reverse sensitivity effects on the transport network including rail.	

Submitter	Mighty River Power	Number: 116.6
District Plan Provision	A1.3	
Submission	Mighty River Power supports the retention of Section A1.3 in the Plan as it is currently drafted or in a similar form which provides the same intent.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Whakatane District Council	Number: 119.2
District Plan Provision	A1.3	
Submission	The Kawerau District Plan should recognise the Whakatane District Plan in this section because of the close relationship between the two councils, and the desire to coordinate planning approaches and provisions to better achieve integrated management of natural and physical resources.	
Decision	Reject the submission point	
Reason	Whakatane District Plan is a stand alone statutory document that relates to its own district. The Act is the overarching statutory document that enables cohesiveness in the approach to managing resource management issues. A statement is added to this section outlining that the list is not intended to be exhaustive.	

Submitter	Whakatane District Council	Number: 119.3
District Plan Provision	A1.3	
Submission	Provide a link to Regional Economic Development initiatives by Toi EDA.	
Decision	Accept in part the submission point	
Reason	The list is not intended to be exhaustive and listing every non-statutory document of relevant is difficult given the fluid nature of many of these documents. Lists can become outdated very quickly. Further explanation is added in this regard.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.1
District Plan Provision	A1.3	
Submission	Support the identification of the Operative RPS (RPS) and Bay of Plenty Regional Plans within the District Plan (the Plan). Taking into account the statutory hierarchy of RMA documents along with the current status of the RPS and Regional Plans and plan change process we recommend some amendments. Comment: The Regional Land Management Plan has been withdrawn and some of the activities regarding development of the second generation RPS have been completed. The	

	Plan needs to stay relevant over its lifetime and therefore text changes are sought to section A1.3.
Decision	Accept in part the submission point
Reason	As the list of Regional Plans will likely become outdated during the life of the Plan an overarching statement regarding Regional Plans is included.

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.1
District Plan Provision	A1.3	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust supports the inclusion of this section and would like to acknowledge the inclusion of Iwi Planning Documents.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.2
District Plan Provision	A1.3	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust invites Kawerau District Council to engage in further consultation with Ngati Tuwharetoa (BOP) Settlement Trust. With the intent to establish a good working partnership with Kawerau District Council to support and develop tools in which matters associated with Statutory Areas, sites of significance and any consultation guidelines can be managed effectively.	
Decision	Accept the submission point for the reasons in the submission. On-going consultation is recommended.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.1
District Plan Provision	A1.5	
Submission	Policy and Rules monitoring should also be informed by consent monitoring. For completeness, add to last 3 <i>bullets</i> 'Resource consent monitoring'.	
Decision	Accept the submission point for the reasons in the submission.	

Submitter	Whakatane District Council	Number: 119.4
District Plan Provision	A1.5	
Submission	Support the monitoring regime set out in this section, but would like this linked to time frames. This would help in planning monitoring programmes with the Whakatane District Council. A State of the Environment report could be a combined report between the Kawerau and Whakatane District Councils. This will provide a broader State of the Environment report ultimately. Seek insertion of time frames into this section so as to provide greater certainty for the monitoring programme, and to enable the Whakatane District Council to potentially plan its monitoring programme to coincide with the Kawerau District Council.	
Decision	Reject the submission point	
Reason	Whilst a combined report including noise monitoring is advantageous to both districts, the process need not be rigidly set down in the District Plan. The councils can work together to manage noise monitoring.	

Submitter	Whakatane District Council	Number: 119.5
District Plan Provision	A1.5	
Submission	Support the monitoring regime, but want the Kawerau District Plan to link the work to monitor the noise environment with the Whakatane District council's monitoring programme.	
Decision	Reject the submission point	
Reason	Whilst a combined report including noise monitoring is advantageous to both districts, the process need not be rigidly set down in the District Plan. The Councils can work together to manage noise monitoring.	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.3
District Plan Provision	A1.5	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust requests involvement with this process and would like to be identified as an integral part to this process.	

Decision	Accept the submission point for the reasons in the submission.
Reason	An ongoing and evolving relationship with tangata whenua is supported. Section A1.5 recognises the benefits of consultation with interested parties in monitoring effectiveness of the Plan. Tangata whenua are covered by this consultation and also given special recognition in the Act. Inclusion of Ngati Tuwharetoa in this process is acknowledged as appropriate.

Submitter	Whakatane District Council	Number: 119.6
District Plan Provision	A1.7	
Submission	Issues identified in this section are primarily linked to impacts on residents and businesses in Kawerau District Council. Amend the section to better reflect the relationship between the residents and businesses in the Whakatane District Council and the effects of some land uses in the Kawerau District Council	
Decision	Accept in part the submission point	
Reason	The Plan covers cross-boundary issues relevant to both districts. Specific issues should be dealt with on a case by case basis through processes available under the Act, as identified in Section A1.7.	

Submitter	Whakatane District Council	Number: 119.7
District Plan Provision	A1.7	
Submission	This section refers to "another jurisdiction" rather than Whakatane District. The Kawerau District Council may want to mention others such as the NZTA as well.	
Decision	Reject the submission point	
Reason	The Plan sufficiently acknowledges there are other authorities that are responsible for managing resources. Specific identification of other authorities is not supported as it is difficult to maintain an exhaustive list.	

Submitter	Whakatane District Council	Number: 119.8
District Plan Provision	A1.7	
Submission	This section sets out the need for a consistent approach to the administration of plans and provisions relating to the Kawerau Geothermal Field. However, there has been no consultation with Whakatane District Council on this matter. The Council supports the approach but has no knowledge of how the Kawerau District Council is proposing to achieve it.	
Decision	Accept in part the submission point	
Reason	A consistent approach is supported between territorial authorities however, further regulation of the resource in the plan is not considered necessary. Further discussion at an administration level with Whakatane District Council is recommended	

Submitter	Whakatane District Council	Number: 119.9
District Plan Provision	A1.7	
Submission	Amend the bullet point to include possible methods such as the preparation of structure plans and memoranda of understanding, particularly in relation to water provision and rating/development contributions.	
Decision	Reject the submission point	
Reason	Any future rezoning of land is subject to a statutory process which is the appropriate means for analysis of the issues raised by Whakatane District Council.	

Submitter	Whakatane District Council	Number: 119.10
District Plan Provision	A1.7	
Submission	The environmental effects identified (air and water discharges) from industrial activities operating in the Kawerau District are not solely a function of the Bay of Plenty Regional Council. It is agreed they are primarily a function of the Regional Council, but the effects of these industries on the Whakatane District are broader than just these two effects. The control of the effects of land use activities is a matter for the Kawerau District Council to have regard to as it determines through its District Plan where land uses can establish or develop. These adverse effects that arise are a function of the District Plan and the District	

	Council.
Decision	Accept in part the submission point
Reason	It is agreed that the environmental effects of land use activities is a matter for Council to have regard to in terms of Plan formulating and we consider due process has been followed in this regard. Specific issues are dealt with on a case by case basis through relevant RMA processes.

Submitter	Whakatane District Council	Number: 119.11
District Plan Provision	A1.7	
Submission	Access to landlocked land is not singularly an issue for the Whakatane District Council to resolve. The resolution will only come about through cooperation between the two jurisdictions. Amend the bullet point to include recognition that there is a legal requirement for every property to have access. KDC will retain paper roads to maintain access and should paper roads be closed, there is an agreed approach to how the land affected will be accessed. Include the need for both district councils to work cooperatively on resolving any issues.	
Decision	Accept in part the submission point	
Reason	Managing the relationship between councils is a function that sits outside the District Plan. The relationship between the two councils is an ongoing theme in Whakatane District Council's submission and is a matter that should be taken up at an administration level between the councils. This section of the Plan is for information purposes only and managing issues in relation to resource management requires an ongoing relationship between the councils.	

Submitter	Whakatane District Council	Number: 119.12
District Plan Provision	A1.7	
Submission	Councils are required to give effect to the Regional Policy Statement and not be "guided by the contents". Amend the text to reflect this requirement as: "In considering these issues, the Council will <u>give effect to</u> the contents of the Regional Policy Statement, any Regional Plan and the objectives and policies of this Plan".	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Environment Bay of Plenty Regional Council	Number: FS202.14 (119.12)
District Plan Provision	A1.7	
Submission	The proposed wording reflects the statutory requirement under section 75 3) c) Resource Management Act which requires that a District Plan must give effect to a Regional Policy Statement.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Mighty River Power	Number: 116.7
District Plan Provision	A1.7	
Submission	Mighty River Power supports the inclusion of bullet points 2, 3 and 4 in Section A1.7 on page 13 of the Plan and seeks the retention of these bullet points as currently drafted or in a similar form which provides the same intent currently existing	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Whakatane District Council	Number: 119.13
District Plan Provision	A1.9	
Submission	The river is split in two and is largely treated in isolation of the Whakatane District Council when the river is upstream and downstream of Kawerau District in the Whakatane District Council jurisdiction. For this reason, consistent planning provisions should be promoted between the two District Plans. It is a good example of where the delegation of powers could be transferred from one jurisdiction to another to assist with consistency. Amend the bullet to acknowledge that the Tarawera River is located in the Whakatane District jurisdiction upstream and downstream of Kawerau, and that the Councils will work to	

	provide consistency in the relevant provisions.
Decision	Accept the submission point
Reason	Further discussion with Whakatane District Council on the matter of the jurisdiction of the two councils regarding management of the Tarawera River is recommended.

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.4
District Plan Provision	A1.9	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust supports in part Section A1.9 and seeks the amendment of the section so that the section includes an acknowledgement of the significant relationship and connection between these water resources and Tangata Whenua.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Mighty River Power	Number: 116.8a
District Plan Provision	A1.10	
Submission	<p>Section A1.10 addresses the issue of esplanade reserves. The last paragraph of the section states that the Council will provide for the maintenance and enhancement of public access, as required by s 6(d) of the RMA, where possible. It then goes on to say that where Council considers it appropriate for public access not to be provided, for reasons of safety and security, then the provisions relating to esplanade reserves will not be implemented.</p> <p>Mighty River Power supports the intent of this paragraph as it recognises that there will be situations in which it will not be safe to provide for public access along a waterway.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Director General of Conservation	Number: FS201.4 (116.8)
District Plan Provision	A1.10	
Submission	<p>Although the Department supports the statement in this section as appropriate and consistent with the Act, to avoid ad-hoc decision making, it is important that planning provisions be developed, including objectives, policies and rules.</p> <p>Disallow the part of the submission point that seeks retention of section A1.10 as drafted, and develop formal planning provisions that provide a framework for esplanade reserve creation.</p>	
Decision	Reject the submission point	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.2
District Plan Provision	A1.10	
Submission	<p>This section on Esplanade Reserves is inadequate and appears to default to the Act. Provisions to acquire Esplanade Reserves along the Tarawera River and Ruruanga Stream need to be formally specified in objectives, policies and rules.</p> <p>Provisions to acquire Esplanade Reserves along the Tarawera River and Ruruanga Stream need to be formally specified in objectives, policies and rules. Similarly last paragraph on p16 needs to be shaped into formal policies and rules.</p>	
Decision	Reject the submission point	

Submitter	Director General of Conservation	Number: FS201.1 (105.2)
District Plan Provision	A1.10	
Submission	Allow the submission point and develop formal planning provisions that provide a framework for esplanade reserve creation.	
Decision	Reject the submission point	

Submitter	Barry Marshall	Number: 117.2
District Plan Provision	A1.10	
Submission	<p>Amend to include:</p> <p>“All areas with any potential to qualify as esplanade reserves and strips under the RMA will be identified as such and included as valid esplanade reserves and strips in the PKDP to ensure public access is provided for and protected.”</p>	
Decision	Reject the submission point	
Reason	Council's ability to acquire esplanade reserves is set out in a process under s230 of the Act.	

	The provisions of the Act are adequately provided for esplanade reserves and whilst there are certain circumstances where esplanade reserves may not be appropriate, the Act provides Council with the necessary discretion for determining such instances. Specific policy and rules are not considered necessary in the Plan as there are no defined esplanade reserve exclusions identified in the district.
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Submitter	Kevin O'Brien	Number: 114.1
District Plan Provision	A1.10	
Submission	Waterhouse Street Reserve The continual abuse of this reserve by all types of vehicular traffic i.e. motorbikes, 4 wheelers, cars, trucks, 4 x 4 vehicles. The top of the river bank is a well know drug drop off and meeting place. Pig, deer bodies and offal are regularly dumped on the top of the river bank adjoining the track. Constantly ringing Police to inform of vehicles vandalising the reserve doing skids and wheelies across and throughout this area day and night.	
Decision	Reject the submission point	
Reason	The matter of the use of vehicles on Waterhouse Street reserve is not a District Plan issue, rather it is a matter relating to the management of Council's reserves.	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.5
District Plan Provision	A1.10	
Submission	The last paragraph of this section states that the Kawerau District Council will provide for the maintenance and enhancement of public access, as required by s 6(d) of the RMA, where possible. It then follows on to state that where Kawerau District Council considers it appropriate for public access not to be provided, for reasons of safety and security, then the provisions relating to esplanade reserves will not be implemented. Ngati Tuwharetoa (BOP) Settlement Trust supports the intent of this paragraph as it recognises that there will be situations in which it will not be safe to provide for public access along a waterway. Ngati Tuwharetoa (BOP) Settlement Trust would like to express interest to further work with Kawerau District Council to develop appropriate methodology over management of reserve blocks that include riparian areas or sites of significance.	
Decision	Accept the submission point	
Reason	An ongoing relationship with tangata whenua and interested parties regarding the management of resources is encouraged.	

Section B – District Wide Objectives & Policies

Submitter	New Zealand Railways Corporation	Number: 118.3
District Plan Provision	B1	
Submission	<p>NZRC believes it is consistent with the RMA to ensure that noise (and vibration) sensitive activities are made aware of the potential for these effects and internal environments are designed to ensure reasonable long term amenity for users.</p> <p>NZRC considers that Council has a responsibility to protect sensitive receivers from the impacts of existing adjoining land use such as transport and/or industrial activities. Effective planning should encourage the location of compatible land uses within close proximity to each respective land use. While separation of non-compatible land uses is often the easiest and cheapest method of preventing reverse sensitivity, this may not always be achievable. In situations where sensitive receivers are located within close proximity to transport corridors and/or industrial activities, consideration needs to be given to ensuring reasonable amenity levels are maintained within the sensitive environments.</p>	
Decision	Accept the submission point	
Reason	Further explanation of potential reverse sensitivity effects on major transport infrastructure located in close proximity to sensitive areas is included as it will assist Plan users in their understanding of this matter.	

Submitter	Whakatane District Council	Number: 119.14
District Plan Provision	B1	
Submission	The section states <i>“The separation distance and the direction of prevailing winds reduce the effects of such noise”</i> . This prevailing wind drives noise towards the residents in Whakatane District Council. Insert into this paragraph acknowledgement that noise levels should not increase over time because of the effects on the neighbouring Whakatane District residents.	
Decision	Accept in part the submission point	
Submitter	Whakatane District Council	Number: 119.15
District Plan Provision	B1.1	
Submission	<p>The effects of noise are felt by Whakatane District residents because of prevailing winds.</p> <p>Amend 1.1.1.1 as follows: <i>“To ensure that the background noise of the district does not adversely affect community health and wellbeing and does not increase over time”</i>.</p>	
Decision	Reject the submission point	
Reason	Ambient noise level data has been collected across the district to be used as a benchmark in assessing noise levels from established and future activities. Additional policy is included addressing the potential for incremental increase in noise levels.	

Submitter	Whakatane District Council	Number: 119.16
District Plan Provision	B1.1	
Submission	<p>The effects of noise are felt by Whakatane District residents because of prevailing winds. Visual and noise effects on Whakatane residents could be exacerbated by industrial expansion onto Rural zoned land in the Whakatane District.</p> <p>Insert a new objective: <u><i>1.1.1.4 To minimise the effects of noise levels in surrounding areas in close proximity to Kawerau as a result of industrial expansion.</i></u></p>	
Decision	Reject the submission point	
Reason	Any future expansion of the industrial zone will be considered by way of a separate plan change or variation process under the Act, including an assessment of environmental effects.	

Submitter	Mighty River Power	Number: FS203.18 (119.16)
District Plan Provision	B1.1	
Submission	The proposed new objective is inconsistent with noise provisions outlined in section B1.1 of	

	the Proposed District Plan. Also the proposed objective has the potential to place unwarranted restrictions on lawfully established activities operating in the industrial zone. Do not adopt proposed objective.
Decision	Accept the submission point for the reasons stated in the submission.

Submitter	Whakatane District Council	Number: 119.17
District Plan Provision	B1.1	
Submission	Visual and noise effects on Whakatane residents could be exacerbated by industrial expansion onto Rural zoned land in the Whakatane District. Insert a new policy: <i>1.1.2.4 To provide for landscaping and screening for industrial expansion.</i>	
Decision	Reject the submission point	
Reason	Any future expansion of the industrial zone will be considered by way of a separate plan change or variation process under the Act, including an assessment of environmental effects.	

Submitter	Mighty River Power	Number: 116.9
District Plan Provision	B1	
Submission	Mighty River Power supports the inclusion of reverse sensitivity as a valid issue associated with noise within the Kawerau District. Its recognition allows for the use and development of resources within the industrial region without impacting on more sensitive activities such as those associated with residential areas.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Barry Marshall	Number: 117.3
District Plan Provision	B1.1.1.2	
Submission	Amend to include: Delete ' appropriate ' and replace with ' <i>acceptable to the local community and compatible with the character, of their areas</i> '.	
Decision	Reject the submission point	
Submitter	Barry Marshall	Number: 117.4
District Plan Provision	B1.1.2.2	
Submission	Delete the words ' where appropriate '.	
Decision	Reject the submission point	
Reason	Where there are potential noise issues in relation to a resource consent application a technical assessment can be required to determine the noise levels to be specified as a condition of consent. Clarification of objective B1.1.1.2 is provided and a new policy B1.1.2.4 addresses adverse noise effects on amenity.	

Submitter	Mark Fort	Number: 106.1
District Plan Provision	B1.1.1.2	
Submission	Delete the words 'close proximity to Kawerau District'. This is unclear and unfair to residents of places like Te Teko which are probably not considered to be in close proximity, but where in certain wind and weather conditions, residents' sleep is disturbed by the loud noise from the mill and other industrial sites.	
Decision	Accept the submission point	
Reason	The objective has been reworded to include any relevant environ outside the district.	

Submitter	Mark Fort	Number: 106.2
District Plan Provision	B1.1.2.2	
Submission	Delete the words 'where appropriate'. The maximum noise at the site boundary should be the noise level for the adjoining zone as in the NZ standards.	
Decision	Reject the submission point	
Reason	Where noise levels are not specified the excessive noise provisions of the Act together with	

	recorded ambient noise survey data are relied upon as a method of control. This has been the process relied upon under the Operative Plan and it has worked for the unique environment in Kawerau, whereas it may not be appropriate in other areas.
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Submitter	Toi Te Ora Public Health Service	Number: 107.1
District Plan Provision	B1	
Submission	Due to the potential to adversely impact on public health, vibration needs to be included in the district wide objectives and policies to ensure vibration generated from any activity occurring within the community, regardless of the location in which it is performed or managed. Extend the scope of the district wide objectives and policies to include vibration as well as noise.	
Decision	Reject the submission point	
Reason	Vibration nuisance very rarely occurs without noise nuisance and as such is usually dealt with through the noise complaint procedure. That aside, even if vibration standards were to be included, Council does not have the equipment necessary to monitor compliance. Only a small number of acoustic engineers in New Zealand have the necessary equipment thereby making it costly and time consuming for Council to administer vibration provisions.	

Submitter	Toi Te Ora Public Health Service	Number: 107.2
District Plan Provision	B1	
Submission	Council recognises the need to maintain the character of the residential zone maximum allowable noise levels to protect community health and wellbeing. However, rules C1.4.1(a) and rule C3.4.8(a) are not conducive to the objectives and policy of the proposed plan because noise can move beyond the boundary of a site and significantly alter the amenity of a neighbouring site or impact upon human health. This is because these rules exclude residential activities from meeting the noise standards in the residential and commercial zones, and provide no base line noise.	
Decision	Reject the submission point	
Reason	Where noise levels are not specified the excessive noise provisions of the Act together with recorded ambient noise survey data are relied upon as a method of control. This has been the process relied upon under the Operative Plan and it has worked for the unique environment in Kawerau, whereas it may not be appropriate in other areas.	

Submitter	Toi Te Ora Public Health Service	Number: 107.3
District Plan Provision	B1	
Submission	Recommend that all rules in the district plan which detail where the noise limits shall be complied with such as rule C3.4.8(a) and C1.4.10(a), that the noise limits when measured apply to 'any point within' the boundary or at 'any point within' the notional boundary. To do so will clarify the area to which the noise limits apply in each zone.	
Decision	Reject the submission point	

Submitter	Toi Te Ora Public Health Service	Number: 107.10
District Plan Provision	C1.4.10	
Submission	It is recommended that all rules in the district plan which detail where the noise limits shall be complied with, such as rule C1.4.10(a), that the noise limits when measured apply to 'any point within' the boundary or at 'any point within' the notional boundary. To do so will clarify the area to which the noise limits apply in each zone.	
Decision	Reject the submission point	

Submitter	Toi Te Ora Public Health Service	Number: 107.20
District Plan Provision	C3	
Submission	It is recommended that all rules in the district plan which detail where the noise limits shall be complied with, such as rule C3.4.8(a), that the noise limits when measured apply to 'any point within' the boundary or at 'any point within' the notional boundary. To do so will clarify the area to which the noise limits apply in each zone.	
Decision	Reject the submission point	
Reason	At or within the boundary or notional boundary of a site is standard wording for noise level	

	rules and has been recommended by an acoustic engineer. It provides for measurement of worst case for noise level compliance and has not been an issue for Council.
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Submitter	Toi Te Ora Public Health Service	Number: 107.4
District Plan Provision	B1	
Submission	The proposed plan provides Council with discretion to dispense with the noise standard and restricts Council to exercise discretion to a few matters. However, these matters do not adequately manage noise from activities. Council should dispense with the noise standards for temporary activities only. Bearing this in mind, activities of a temporary nature, unless managed can still cause ill health due to excessive noise and disturbance. To effectively manage temporary activity noise in the community provision is necessary to ensure temporary activities are of a limited time length, limited in number, infrequent for a particular site, only occur within certain hours, there is a break between events, and each activity is reasonable within the context of the nature and character of a locality.	
Decision	Accept in part the submission point	
Submitter	Toi Te Ora Public Health Service	Number: 107.22
District Plan Provision	C3	
Submission	When assessing an activity in the residential zone for the purpose of dispensing with the noise standards, Council needs to include the following matters of assessment. To effectively manage noise in the residential zone the activity needs to be: <ul style="list-style-type: none"> • Limited time length • Limited in number • Infrequent for a particular site • Only occur within certain hours • There is a break between events • Each activity is reasonable within the context of the nature and character of a locality. 	
Decision	Accept in part the submission point	
Reason	Any activity that doesn't meet the noise standards will require assessment. Council has the discretion to request an acoustic assessment to determine effects on the environment which includes the health and wellbeing of the community. The restricted discretionary activity criteria is further expanded to provide Council with clear discretion to request an acoustic assessment.	

Submitter	Toi Te Ora Public Health Service	Number: 107.5
District Plan Provision	B1	
Submission	Exemptions: The following model rule provisions may be found in many district plans and are supported for inclusion in the district plan. Such provisions relating to temporary military training purposes reflect agreements between the Ministry of Defence and Health for rule content where rules are required. Exemptions may relate to district-wide noise provisions. Some elements may form suitable components in rules which specifically relate to temporary activities. An alternative is to include temporary military training activities as a separate rule.	
Decision	Reject the submission point	
Reason	The addition of the list of model exemptions to the noise standards is not supported. Several of the exemptions are not appropriate for Kawerau, such as military training activity. Activities such as temporary activities that exceed noise limits require resource consent as a restricted discretionary activity which provides Council with a level of discretion as to the nature of the event.	

Submitter	Toi Te Ora (Public Health Service)	Number: 107.6
District Plan Provision	B1	
Submission	Include construction noise exposure limits district wide and require noise from any site within any zone to be permitted provided the noise limits for the timeframes stated set out in Table 2 of the New Zealand Standard 6803:199 Acoustics – Construction Noise are not exceeded district wide.	

	The construction noise rule C1.4.10(c) includes the word 'should' not exceed the limits from sites in the commercial zone which is unenforceable by Council. The work 'should' needs to be amended to 'shall' to reflect the desired outcome which is to ensure construction noise meets the New Zealand Standards.
Decision	Accept the submission point
Reason	It is considered appropriate to include construction noise exposure limits district wide.

Submitter	Toi Te Ora Public Health Service	Number: 107.12
District Plan Provision	C1	
Submission	Rule C1.4.10(c) includes the word 'should' not exceed the limits from sites in the commercial zone which is unenforceable by Council. The word 'should' needs to be amended to 'shall' to reflect the desired outcome which is to ensure construction noise meets the New Zealand Standard.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	New Zealand Railways Corporation	Number: 118.5
District Plan Provision	B1	
Submission	Alter existing policy 1.1.2.3 in B1 Noise by adding "rail" to the policy as follows: <i>"To manage land use, development and subdivision to ensure compatibility with the operation of roads, rail and industry, including the effects of reverse sensitivity."</i>	
Decision	Accept the submission point	
Reason	Including rail in the policy is appropriate given the location of the rail network in the district.	

Submitter	Toi Te Ora Public Health Service	Number: 107.23
District Plan Provision	C3.5.7	
Submission	The 'Guidelines for the Management of Road Traffic Noise – State Highway Improvements by Transit New Zealand (1994)' referenced under rule C3.5.7 has been superseded by New Zealand Standard 6806:2010. Delete reference to 'Guidelines for the Management of Road Traffic Noise – State Highway Improvements by Transit New Zealand (1994)' outlined in Rule C3.5.7 while retaining the reference to any relevant New Zealand Noise Standards.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Whakatane District Council	Number: 119.18
District Plan Provision	B3	
Submission	Amend the preamble to clarify that the presence of people does not always turn a natural event into a natural hazard.	
Decision	Accept the submission point	
Reason	Further explanation is provided to clarify influences on natural hazards.	

Submitter	Mighty River Power	Number: 116.11
District Plan Provision	B3	
Submission	Mighty River Power seeks amendments to Section B3 'Natural Hazards' so that the section contains appropriate significant resource management issues, rules and methods to be used in conjunction with the proposed objectives and policies for dealing with natural hazards within the Kawerau District.	
Decision	Reject the submission point	
Reason	Rules relating to natural hazards are contained in the Subdivision & Development section.	

Submitter	Mighty River Power	Number: 116.12
District Plan Provision	B3.1	
Submission	Mighty River Power supports the retention of the objective and policies outlined in Section B3.1 of the Plan as notified.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Royal Forest & Bird Society NZ Inc	Number: 105.3
District Plan Provision	B3.1.2.3	
Submission	There is no explanation of the circumstances contemplated that would require the exception to this rule. Provide clearer guidance to decision makers either through justification and criteria for what is contemplated as “a functional need” or delete all the words after “hazards”.	
Decision	Accept the submission point for the reasons stated in the submission.	
Submitter	Environment Bay of Plenty Regional Council	Number: 110.2
District Plan Provision	B3	
Submission	Provide clarification of what constitutes a ‘significant natural hazard’ and ‘functional need’ as referred to in B3.1.2.3.	
Decision	Accept the submission point	
Reason	The policy is rewritten for clarity.	

Submitter	Toi Te Ora Public Health Service	Number: 107.7
District Plan Provision	B3	
Submission	Council is in the process of reviewing the coastal hazards erosion policy areas. Council needs to consider restricting further development and reducing the intensity of population residing in known floodable areas as part of this review.	
Decision	Reject the submission point	
Reason	Kawerau District is not located in an area subject to coastal hazard erosion.	

Section C – Zones, Rules, Conditions, Standards and Terms

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.4
District Plan Provision	C1	
Submission	The second paragraph is meaningless and certainly not a justification for zoning. Delete second paragraph.	
Decision	Reject the submission point	
Reason	The paragraph provides information on the Kawerau environ and the thinking behind the characterisation of the various zones. It is useful to Plan users unfamiliar with the district and plan preparation.	

Submitter	Barry Marshall	Number: 117.11
District Plan Provision	C2	
Submission	Define 'discretionary' activity page 22	
Decision	Reject the submission point	
Reason	Section C2 provides information on the various activities and the status of these activities, including the considerations and process for discretionary activities.	

Submitter	Barry Marshall	Number: 117.13
District Plan Provision	C3	
Submission	Amend to include: <i>"Council will administer an appropriate form available to the public to document and record the process of considering and detailing all aspects of whether to notify a Resource Consent Application."</i>	
Decision	Reject the submission point	
Reason	When considering an application for resource consent Council must carry out a notification assessment in terms of Section 95 of the Act. For publicly notified applications the assessment is available to the public. So Council is already essentially doing what is sought by the submitter.	

Submitter	Barry Marshall	Number: 117.14
District Plan Provision	C3	
Submission	Amend to include 'special circumstances'. <i>"...if special circumstances are found to exist in relation to the application"</i> .	
Decision	Accept in part the submission point	
Reason	Section C3 includes the provision under the Act that an application may be notified if special circumstances exist in relation to an activity.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.5
District Plan Provision	C4	
Submission	Resource consent applications are public documents and parts thereof cannot be withheld on an arbitrary basis. Delete last sentence.	
Decision	Reject the submission point	
Reason	This section is for informative purposes only and the submitter appears to be misinterpreting it as placing a restriction on the availability of information to the public.	

Submitter	Toi Te Ora Public Health Service	Number: 107.8
District Plan Provision	C Information Requirements	
Submission	Water and wastewater are core responsibilities of Council and are critical elements for a district meeting basic health needs of its residents as well as attracting economic and population growth for the long term. Include a requirement for information relating to water supply and sanitary services to be submitted with any application for resource consent.	
Decision	Accept the submission point	

Reason	The addition of 'water supply' to the information requirements for resource consents is supported. Sanitary services information is currently included in this section.
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Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.6
District Plan Provision	C6	
Submission	An AEE is based on Schedule 4 of the Act which is set out in C4. These two sections should be combined.	
Decision	Reject the submission point	
Reason	For informative purposes separating the Information Requirements section into the subheadings as notified is helpful for those unfamiliar with the resource consent process.	

C1 Commercial Zone

Submitter	Tracy Hayson	Number: 120.1
District Plan Provision	C1.2.2.2	
Submission	Delete policy as no supporting rules and not considered necessary to prevent non-commercial activity in commercial zone to achieve zone objectives.	
Decision	Accept the submission point	
Reason	The policy is unnecessary as it is not supported by rules and therefore does not achieve anything.	

Submitter	Barry Marshall	Number: 117.5
District Plan Provision	C1	
Submission	Develop complete performance standards providing for a total Built Environment.	
Decision	Reject the submission point	
Reason	The intent of the submission is unclear. Performance standards and rules in the Plan provide Council the necessary discretion to appropriately manage the built environment.	

Submitter	Barry Marshall	Number: 117.6
District Plan Provision	C1	
Submission	Limit the total height of buildings within the town centre area to 9 metres permitted with the maximum height as a discretionary activity to be 1 metre above the permitted height in order to maintain the low profile nature of the town. Protect the landscape vistas from utilitarian type engineered structures with little or no architectural merit.	
Decision	Reject the submission point	
Reason	The maximum height of 14m for buildings in the town centre is considered appropriate in providing for commercial buildings without having any significant adverse effects on the environment. Council has the necessary discretion to manage potential adverse effects of over-height buildings.	

Submitter	Barry Marshall	Number: 117.7
District Plan Provision	C1	
Submission	Develop provisions for Character Area Design Guidelines involving; area, distance to boundaries, view shafts, scale, massing, and appearance to adjacent development.	
Decision	Reject the submission point	
Reason	Performance standards and rules in the Plan provide Council the necessary discretion to appropriately manage the built environment.	

Submitter	Toi Te Ora Public Health Service	Number: 107.9
District Plan Provision	C1	
Submission	Amend the proposed plan to include a rule requiring noise from the site of all activities not to exceed the noise limits at any point within the boundary of any property within the residential zone (other than the site of the activity).	
Decision	Reject the submission point	
Reason	Noise nuisance from residential activities located in the Commercial Zone can be dealt with under Section 16 of the Act relating to the excessive noise provisions.	

Submitter	Toi Te Ora Public Health Service	Number: 107.11
District Plan Provision	C1	
Submission	Community noise is commonly measured in terms of a noise exposure measure. The most widely used general exposure measure is the average noise level Leq. The choice of Leq as a measure of the impact of noise on a community is not supported by Toi Te Ora – Public Health Service. This is because an average noise level measured over a 24 hour period may not be sufficiently sensitive to the effect of noisy events of short duration or infrequent occurrence. Bearing this in mind, and to protect the public from speech interference in the commercial zone, a short-term exposure level measured as the highest 15 minute level is recommended, rather than a 23 hour average.	

	In addition, the day time noise exposure limit proposed in rule C1.4.10(a) is reasonably restrictive and is currently similar to the sound level of normal speech. Noise exposure limits are normally based on speech interference in commercial zones to ensure one commercial activity does not inhibit another. An increase to the noise limit is recommended to Council.
Decision	Reject the submission point
Reason	The noise standards contained in this section have been prepared by an acoustic engineer. The standards include an L max to take account of noisy events of a short duration. Noise nuisance from residential activities located in the Commercial Zone can be dealt with under Section 16 of the Act relating to the excessive noise provisions. Further, an increase in the day time noise limit is not appropriate because the limits in the Plan reflect the currently accepted noise limits in relation to residential sites/activities.

Submitter	New Zealand Transport Agency	Number: 115.3
District Plan Provision	C1.4.8	
Submission	<p>Whilst NZTA recognise the need to provide for signage within the Commercial zone, we have concerns over the nature, number and permitted sizes of signage as notified.</p> <p>Signage has the potential to distract road users and compromise road safety.</p> <p>Either:</p> <p>Amend Rule C1.4.8(a) to introduce standards relating to:</p> <ul style="list-style-type: none"> a) A reduced permitted area of signage; and b) A limit of one free standing sign per site; and c) A requirement that all signage relate to activities contained on that site. <p>Or</p> <p>Amend Rule C1.4.8(a) through further consultation with NZTA to address NZTA's concerns.</p>	
Decision	Accept the submission point	
Reason	The inclusion of signage requirements for signs that may be visible from the state highway is supported.	

Industrial Zone

Submitter	Whakatane District Council	Number: 119.19
District Plan Provision	C2	
Submission	<p>An appropriate Industrial zone should be provided for land that is included as part of a boundary adjustment from Whakatane District Council to Kawerau District Council.</p> <ul style="list-style-type: none"> • Insert text in C2 that provides for an appropriate industrial zoning or structure plan for land that is potentially moving from the Whakatane District to the Kawerau District to allow for industrial expansion. • Insert relevant objectives, policies and rules for land that is potentially moving from the Whakatane District to the Kawerau District for industrial expansion. 	
Decision	Reject the submission point	
Submitter	Whakatane District Council	Number: 119.21
District Plan Provision	C2.4	
Submission	<p>Relating to industrial zone is provided for land that is included as part of a boundary adjustment from Whakatane District Council to Kawerau District Council.</p> <p>Insert a new bullet point: <i><u>For new industrial areas that extend beyond the present boundary of Kawerau, there shall be progressive height restrictions ranging from 12m up to 20m to ensure that views to Mount Putauaki are maintained from the State Highway.</u></i></p>	
Decision	Reject the submission point	
Submitter	Mighty River Power	Number: FS203.19 (119.21)
District Plan Provision	C2.4	
Submission	<p>Whakatane District Council is asking for provisions to be included in the Plan for a boundary adjustment that has yet to occur and which may be amended in one way or another depending on submissions received. It is not appropriate for Kawerau District Council to do what has been asked given that the land is not officially within its district and that the proposed provisions for the industrial zone are more than adequate.</p>	
Decision	Accept the submission point	
Submitter	Whakatane District Council	Number: 119.22
District Plan Provision	C2.4	
Submission	<p>Relating to industrial zone land that is included as part of a boundary adjustment from Whakatane District Council to Kawerau District Council.</p> <p>Insert a new bullet point: <i><u>For new industrial areas that extend beyond the present boundary of Kawerau, landscaping measures will be required. These will include the provision for a landscaped buffer area, 10m wide, along the State Highway frontage. Landscaped buffer strips of a lesser width will be required along external boundaries of the area to maintain a high standard of visual amenity from outside of the new industrial area.</u></i></p>	
Decision	Reject the submission point	
Submitter	Mighty River Power	Number: FS203.20 (119.22)
District Plan Provision	C2.4	
Submission	<p>Whakatane District Council is asking for provisions to be included in the Plan for a boundary adjustment that has yet to occur and which may be amended in one way or another depending on submissions received. It is not appropriate for Kawerau District Council to do what has been asked given that the land is not officially within its district and that the proposed provisions for the industrial zone are more than adequate. No change.</p>	
Decision	Accept the submission point	
Submitter	Whakatane District Council	Number: 119.23
District Plan Provision	C2.4	
Submission	<p>Include industrial zone standards for land that is potentially moving from Whakatane District Council to Kawerau District Council.</p>	
Decision	Reject the submission point	
Submitter	Mighty River Power	Number: FS203.21 (119.23)
District Plan Provision	C2.4	
Submission	<p>Whakatane District Council is asking for provisions to be included in the Plan for a boundary</p>	

	adjustment that has yet to occur and which may be amended in one way or another depending on submissions received. It is not appropriate for Kawerau District Council to do what has been asked given that the land is not officially within its district and that the proposed provisions for the industrial zone are more than adequate. No change.
Decision	Reject the submission point
Reason	Any future proposed industrial zone land will be subject to a separate plan change or variation process as provided for under the Act. Policy framework and performance standards will be considered as part of the plan change process.

Submitter	Barry Marshall	Number: 117.8
District Plan Provision	C2	
Submission	Geothermal energy is currently being produced in the district and as there is potential for further development there is also potential for adverse effects with the release into the air of increased volumes of discharges that may effect health and objects susceptible to corrosion. Amend C2 to include: <i>"Odour nuisance occurs at concentrations much lower than those which may cause health problems."</i>	
Decision	Reject the submission point	
Reason	Detailed descriptions of potential adverse effects in a zone description risks over representing one particular effect or missing other relevant effects.	

Submitter	Barry Marshall	Number: 117.9
District Plan Provision	C2.2.2.1	
Submission	Reword as follows: <i>'Higher tolerance for noise, odour and visual effects is provided for in the industrial zone, that is where it does not cause adverse effects outside of the zone.'</i>	
Decision	Accept in part the submission point	
Reason	The policy has been amended to provide further explanation of anticipated environmental results in the local context.	

Submitter	Barry Marshall	Number: 117.10
District Plan Provision	C2.2.2.2	
Submission	Amend C2.2.2.2 to include the above ground level height needed to screen the objects in question and at least a minimum 12 metres of any screening or barriers to provide and ensure visual protection from activities when viewed by passing traffic, or nearby residences, in particular the proposed expanded industrial area opposite and east of the Paper Mills on the Kawerau/Whakatane Highway.	
Decision	Reject the submission point	
Reason	Any future proposed industrial zone land will be subject to a separate plan change or variation process as provided for under the Act. Policy framework and performance standards will be considered as part of the plan change process.	

Submitter	Barry Marshall	Number: 117.12
District Plan Provision	C2.4.6	
Submission	It is not acceptable to have no noise standards within the industrial zone, especially as it impinges primarily on residents of the Whakatane District as well as the Kawerau Community. At the very least, noise emissions should not exceed the current ones, and new developments should be required to meet lower noise standards, as the current ones are unacceptable to many residents.	
Decision	Reject the submission point	
Submitter	Toi Te Ora Public Health Service	Number: 107.15
District Plan Provision	C2	
Submission	Rule C2.4.6 indicates that Council do not intend to provide specific noise standards for	

	<p>industrial zones, and intend to manage noise in this zone through the excessive noise provisions of the RMA. While the RMA addresses excessive noise, the purpose of noise standards in district plans is to enable local authorities to manage 'social' community noise within its district.</p> <p>Amend the proposed plan to include noise standards requiring every activity in the industrial zone to be conducted to ensure noise from the site shall not exceed the limits for the applicable zone e.g. residential, when measured at any point within the boundary of an zoned site or at any point within the notional boundary of any rural lifestyle zoned site. This noise standard should also include the list of exemptions.</p>
Decision	Reject the submission point
Submitter	Mighty River Power Number: FS203.16 (107.15)
District Plan Provision	C2
Submission	The sought after amendments to the noise standards for the industrial zone are unrealistic and will create unwarranted barriers to industry operating within that zone. In addition, the amendments sought do not recognise the impact that other activities have on activities located within the industrial zone and do not recognise the issue of reverse sensitivity. Do not amend noise provisions.
Decision	Accept the submission point
Reason	Where noise levels are not specified in excessive noise provisions of the Act together with recorded ambient noise survey data are relied upon as a method of control. This has been the process relied upon under the Operative Plan and it has worked for the relatively unique environment in Kawerau, whereas it may not be appropriate for other areas.

Submitter	Mark Fort Number: 106.6
District Plan Provision	C2.4.1
Submission	This rule perversely allows a height greater than 20 metres adjoining a residential zone. To avoid this effect, an activity exceeding this standard should be non-complying.
Decision	Accept in part the submission point
Reason	The Industrial zone does not adjoin the Residential zone. Non-compliance with height as a discretionary activity is appropriate in this context.

Submitter	Mighty River Power Number: 116.14
District Plan Provision	C2.2
Submission	<p>Section C2.2 contains the objectives and policies for the Industrial Zone. Mighty River Powers supports the inclusion of Objective C2.2.1.2 and Policies C2.2.2.3, C2.2.2.5 and C2.2.2.6 as these provisions recognise and provide for the electricity transmission network located within the District as well as encourage the appropriate development of the District's geothermal resource.</p> <p>However, MRP considers that the current objectives and policies for the Industrial Zone do not go far enough and believes that a more comprehensive set of objectives and policies focusing on the appropriate use and development of geothermal resources within the Kawerau district (including the Station), are required to provide more certainty for electricity generation activities within the Industrial Zone. As there is currently no stand alone "energy section" in the Plan, the Industrial Zone provides the main direction on how existing energy generation issues are dealt with by default, as this is the zoning for the Station.</p>
Decision	Accept in part the submission point
Reason	A new objective and policy is recommended in the Utilities section recognising and providing for the use and development of renewable resources. Repetition of the policy is not necessary in the Industrial Zone as the Utilities section covers electricity generation activities.

Submitter	Mighty River Power Number: 116.15
District Plan Provision	C2.3
Submission	Mighty River Power seeks the amendment of the paragraph contained in Section C2.3.1 "Permitted Activities" so that it reads " <i>In the Industrial Zone any industrial activity <u>and associated ancillary activities including offices which meet all the standards are permitted</u></i> "

	<i>activities.”</i>
Decision	Reject the submission point
Reason	The permitted activity rule as currently worded is very permissive and does not require further clarification. The submitter appears to have misread the rule as providing for “industrial” activities only.

Submitter	Mighty River Power	Number: 116.16
District Plan Provision	C2	
Submission	Mighty River Power supports the classification for restricted discretionary activities as outlined in Section C2.3.2 of the Plan and associated Section C2.5 will define the matters the Council will restrict its discretion to when assessing restricted discretionary activity applications.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Mighty River Power	Number: 116.17
District Plan Provision	C2	
Submission	Section C2.4 defines the rules for the Industrial Zone. Noise issues are dealt with under C2.4.6 with it being noted that <i>“There is no specific noise standard in the industrial zone. Any noise produced by activities in the industrial zone shall be managed through the excessive noise provisions of the Resource Management Act 1991.”</i> Mighty River Power believes that this approach is proactive and practical in the context of this specific Industrial Zone and supports its inclusion in the Plan as it is currently worded.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Mighty River Power	Number: 116.18
District Plan Provision	C2.4	
Submission	Section C2.4.1 also outlines the rules in respect of height of buildings or structures within the Industrial zone. The maximum height for the Industrial 2 Zone is set at 20.0 metres. There is no maximum height set for the Industrial 1 Zone. The issue of height is also one of the matters Council has restricted its discretion over when assessing applications for restricted discretionary activities within the Industrial zone. Mighty River Power would like to note that not all structures located in the Industrial zone are permanent. Activities such as drilling rigs are only located at a well site temporarily and may be over the maximum height requirement specified for the zone It would be appropriate for an exemption from the required height standards for the Industrial 2 zone to be inserted into s C2.4.1 for temporary activities such as drilling, cranes being used during construction or maintenance works and activities associated with electricity generation. This exemption should also be inserted into the Rural Lifestyle Zone provisions.	
Decision	Reject the submission point	
Reason	Council retaining discretion over height over 20 metres still provides the ability for resource consent to be granted for activities considered appropriate to the zone. The temporary nature of drilling rigs would be considered when the effects are assessed in terms of resource consent being sought for an over-height structure.	

Submitter	Mighty River Power	Number: 116.19
District Plan Provision	C2	
Submission	There are a number of provisions throughout Section C of the Plan that address the issue of transmission lines and associated transmission activities. For example, Section C2.4.7 deals with transmission lines located within the industrial area and states what activities are not to occur within close proximity to the transmission lines which have been identified on the Council’s planning maps. Transmission lines are also a reserved matter of discretion for Council consideration when assessing restricted discretionary activity applications for the industrial zone (section	

	C2.5.7). Mighty River Power supports the provisions and matters of discretion as they relate to Transmission Lines located in various sections throughout the Plan. Transmission lines are essential infrastructure that aid in the security of electricity supply and it is appropriate that the Plan recognises and provides for this activity.
Decision	Accept the submission point for the reasons stated in the submission.

Submitter	EECA	Number: 104.2
District Plan Provision	C2.2	
Submission	Significant potential in the Kawerau district for geothermal electricity generation and the direct use of geothermal heat, along with some potential for hydro generation, bioenergy generation and solar generation. There is also significant potential for small scale remote generation. In addition, the Kawerau geothermal power station is locally and nationally significant infrastructure. Retain recognition of the existing geothermal energy and the potential for further development and amend C2.2 to explicitly recognise the regionally and nationally significant Kawerau geothermal power station.	
Decision	Reject the submission point	
Submitter	Mighty River Power	Number: FS203.1 (104.2)
District Plan Provision	C2.2	
Submission	The Kawerau Geothermal Power Station is of local, regional and national importance as it contributes to the local, regional and national economies. Any future development of the geothermal resource within the Kawerau district will only increase the contribution that it makes to the economy at all levels. Retain recognition of the existing geothermal energy and the potential for further development and amend C2.2 to explicitly recognise the regionally and nationally significant Kawerau geothermal power station.	
Decision	Reject the submission point	
Reason	The geothermal power station is provided for by the provisions of both the Operative and Proposed District Plans and does not require special mention. The importance of renewable energy and the local geothermal resource is acknowledged in other areas of the Plan i.e. the Utilities section.	

Submitter	EECA	Number: 104.3
District Plan Provision	C2.2.1.2	
Submission	There is significant potential for renewable energy in Kawerau. The amendments accord with RMA section 7(j) and the proposed national policy statement for renewable electricity. Retain objective C2.2.1.2 and amend as follows: <i>“To support <u>and provide for</u> the sustainable and appropriate development, <u>operation, maintenance and upgrading</u> of the district’s renewable energy sources <u>at various scales</u>”</i>	
Decision	Accept in part the submission point	
Submitter	Environment Bay of Plenty Regional Council	Number: FS202.1 (104.3)
District Plan Provision	C2.2.1.2	
Submission	Bay of Plenty Regional Council supports provisions for management of existing renewable energy sources, along with enabling further sustainable development of renewable energy. The proposed amendments “give effect” to Chapter 14 of the Operative Regional Policy Statement. Retain objective C2.2.1.2 and amend as follows: <i>To support <u>and provide for</u> sustainable and appropriate development, <u>operation, maintenance and upgrading</u> of the district’s renewable energy sources <u>at various scales</u>.</i>	
Decision	Accept in part the submission point	

Submitter	Mighty River Power	Number: FS203.2 (104.3)
District Plan Provision	C2.2.1.2	
Submission	<p>Support in part that the proposed amendments to the objective would make it consistent with the RMA and proposed National Policy Statement on Renewable Energy Generation. However the emphasis needs to be on the appropriate use and development of the geothermal resource regardless of what scale this occurs at. If a proposed use and development does not achieve Part 2 of the RMA then it should not be granted.</p> <p>Mighty River Power seeks the amendment of the objective as follows:</p> <p><i>“To support and provide for the sustainable and appropriate development, operation, maintenance and upgrading of the district’s renewable energy sources.”</i></p>	
Decision	Accept in part the submission point	
Submitter	EECA	Number: 104.4
District Plan Provision	C2.2	
Submission	<p>Planning provisions should be enabling and proactively facilitate existing generation and new renewable energy generation activities. The amendments accord with RMA section 7(j) and the proposed national policy statement for renewable electricity.</p> <p>Insert the following policy into section C2.2:</p> <p><i>“To provide for the development, operation, maintenance and upgrading of existing and future renewable energy activities while, as far as practicable, avoiding, remedying or mitigating the adverse effects on the environment.”</i></p>	
Decision	Accept in part the submission point	
Submitter	Environment Bay of Plenty Regional Council	Number: FS202.2 (104.4)
District Plan Provision	C2.2	
Submission	<p>Bay of Plenty Regional Council supports provisions for management of existing renewable energy sources, along with enabling further sustainable development of renewable energy. The proposed amendments “give effect” to Chapter 14 of the Operative Regional Policy Statement.</p> <p>Insert the following policy into C2.2:</p> <p><i>“To provide for the development, operation, maintenance and upgrading of existing and future renewable energy activities while, as far as practicable, avoiding, remedying or mitigating adverse effects on the environment.”</i></p>	
Decision	Accept in part the submission point	
Submitter	Mighty River Power	Number: FS203.3 (104.4)
District Plan Provision	C2.2	
Submission	<p>Support as policy is consistent with the RMA and the proposed National Policy Statement on Renewable Energy Generation. In addition the proposed policy recognises that it may not always be possible to avoid, remedy or mitigate all adverse effects from an activity on the environment.</p>	
Decision	Accept in part the submission point	
Reason	<p>The objective is retained and amended for clarity. A new objective and policy is recommended in the Utilities section recognising and providing for the use and development of renewable resources. Repetition of the policy is not necessary in the Industrial Zone as the Utilities section covers electricity generation activities.</p>	

Submitter	EECA	Number: 104.6
District Plan Provision	C2.2.2.5	
Submission	<p>This policy accords with the National Policy Statement on Electricity Transmission. Support and retain Policy C2.2.2.5</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	EECA	Number: 104.7
District Plan Provision	C2.2.2.6	
Submission	<p>Managing activities that adversely affect renewable energy infrastructure including electricity generation is essential to ensure that the adverse effects of activities in the vicinity of</p>	

	<p>infrastructure and utilities do not compromise electricity generation from renewable energy resources. This includes activities such as subdivisions and may include activities in neighbouring districts creating cross-boundary issues.</p> <p>Retain and amend Policy C2.2.2.6 as follows:</p> <p><i>“C2.2.2.6 To manage activities to avoid reverse sensitivity effects on the electricity transmission network and on electricity generation facilities.”</i></p>
Decision	Accept in part the submission point
Submitter	Mighty River Power Number: FS203.4 (104.7)
District Plan Provision	C2.2.2.6
Submission	It is appropriate that the Plan recognises reverse sensitivity issues on electricity generation facilities as well as the transmission network. By providing for this, the Plan would be enabling the future use and development of energy resources within the district.
Decision	Accept in part the submission point
Reason	C2.2.2.6 is amended to clarify the policy relates to the electricity generation, transmission and distribution network.

Submitter	Royal Forest & Bird Protection Society NZ Inc Number: 105.7
District Plan Provision	C2.1
Submission	<p>Para 2 last sentence <i>“The continued successful operation of these industries is essential to the prosperity of the community”</i>. This sentence duplicates the last paragraph.</p> <p>The last paragraph should be reworded to be more objective (what does ‘successful’ mean?) and consistent with the purpose of the RMA, or deleted e.g. <i>‘Whilst these industries contribute towards the well-being of the community, it is necessary to avoid, remedy, or mitigate any adverse effects on the environment’</i>.</p>
Decision	Accept in part the submission point
Reason	There is provision in the Act for recognising the economic wellbeing of the community. Consideration of adverse effects on the environment is recognised in the final paragraph of the zone description.

Submitter	Royal Forest & Bird Protection Society NZ Inc Number: 105.8
District Plan Provision	C2.2.1.1
Submission	<p><i>“Maintain the amenity of non-industrial zones whilst promoting viable and sustainable industrial activities”</i>.</p> <p>This could be clarified to read <i>“Maintain the amenity of adjoining zones”</i>. Reword for clarity.</p>
Decision	Reject the submission point
Reason	Maintaining the amenity of non-industrial zones is not restricted to adjoining zones only. The effects of activities in industrial zones can be felt by areas not immediately adjoining the zone, for example odour, visual and noise effects.

Submitter	Royal Forest & Bird Protection Society NZ Inc Number: 105.9
District Plan Provision	C2.2.1.2
Submission	Objective unclear. What constitutes ‘appropriate development’ if not sustainable? Delete words ‘and appropriate’ or clarify what is meant.
Decision	Accept the submission point
Reason	Policy is reworded to avoid ambiguity.

Submitter	Royal Forest & Bird Protection Society NZ Inc Number: 105.10
District Plan Provision	C2.2.2.1
Submission	Policy should recognise that the industrial areas of Kawerau are having a significant adverse effect on landscape and amenity values in the Whakatane District, in particular detracting from the landscape values of Mt Tarawera, Putauaki, and the Parimnahana Scenic Reserve.

	Reword C2.2.2.1 as follows: <i>“Higher tolerance for noise, odour and visual effects is provided in the industrial zone where it does not cause adverse effects outside of the zone.”</i>
Decision	Accept in part the submission point
Submitter	Mighty River Power Number: FS203.11 (105.10)
District Plan Provision	C2.2.2.1
Submission	It will not always be possible to contain all adverse effects of an activity within a site. To require this would be inconsistent with the enabling purpose of the RMA as well as going against a well-established line of case law stating that the internalisation of effects from an activity is not required.
Decision	Accept in part the submission point
Reason	Greater tolerance is relevant to the Industrial Zone and is reflective of the characteristics of the existing environment in the district. However additional explanation is added to the policy.

Submitter	Royal Forest & Bird Protection Society NZ Inc Number: 105.11
District Plan Provision	C2.2.2.2
Submission	Policy should recognise that the industrial areas of Kawerau are having a significant adverse effect on landscape and amenity values in the Whakatane District, in particular Reword C2.2.2.2 as follows: <i>“Industrial activities should not be of a height and scale which adversely effects activities or amenity and landscape values in other zones, including in the Whakatane District.</i>
Decision	Accept in part the submission point
Submitter	Mighty River Power Number: FS203.12 (105.11)
District Plan Provision	C2.2.2.2
Submission	The amendments sought by the submitter are impractical and unrealistic. Industrial zones are created as an area where industrial activities can be located and operated. To limit the height and scale of such activities is placing an unwarranted burden on industrial activities located within the Kawerau District as well as causing unsustainable management practices to result.
Decision	Accept in part the submission point
Reason	Adverse effects on the Whakatane District are included in the wording of the policy given that it identifies other “non-industrial zones” which includes the Whakatane rural areas. Consideration of effects on amenity is intended through the policy.

Submitter	Royal Forest & Bird Protection Society NZ Inc Number: 105.12
District Plan Provision	C2.2.2.3
Submission	The word ‘appropriate’ is vague and gives no guidance to decision-makers. Define what is meant or delete ‘appropriate’ and replace with ‘sustainable’.
Decision	Accept the submission point
Reason	The term ‘appropriate’ is replaced with ‘sustainable’ to better reflect the intent of the Act.

Submitter	Royal Forest & Bird Protection Society NZ Inc Number: 105.13
District Plan Provision	C2.2.2.4
Submission	The word ‘support’ is not clear and implies some kind of assistance – is the intent to encourage? Clarify “support” terminology.
Decision	Reject the submission point
Reason	Council is open in its desire to support existing and new industrial business in the district as acknowledged by the policy. The mitigation or management of adverse effects is part of the support for such activities.

Submitter	Royal Forest & Bird Protection Society NZ Inc Number: 105.14
District Plan Provision	C2.4.1
Submission	This rule perversely allows a height greater than 20 metres adjoining a residential zone. To

	avoid this effect, an activity exceeding this standard should be non-complying.
Decision	Reject the submission point
Reason	The Industrial zone does not adjoin the Residential zone.

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.15
District Plan Provision	C2.4.2	
Submission	Bullet 2 – this is supported but added to this standard should be a minimum height, otherwise this requirement could be met by ground cover. The minimum height should be 6 metres.	
Decision	Accept in part the submission point	
Reason	Landscaping to a height of 6 metres may not be suitable in all circumstances although a mix of shrubs and trees is more desirable than groundcover. Additional explanation of what is appropriate is recommended.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.16
District Plan Provision	C2.5.2	
Submission	Include landscape considerations to achieve maintenance and protection of amenity and landscape values. Add an additional matter of discretion: <ul style="list-style-type: none"> • <i>Visual appearance of the building and any landscaping mitigation</i> 	
Decision	Accept the submission point	
Reason	The inclusion of the visual appearance of buildings and any proposed landscaping as restricted discretionary activity criteria is supported.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.17
District Plan Provision	C2.5.3	
Submission	Include landscape considerations to achieve maintenance and protection of amenity and landscape values. Add an additional matter of discretion: <ul style="list-style-type: none"> • <i>Proposed setbacks</i> 	
Decision	Accept the submission point	
Reason	Proposed setbacks of buildings are a relevant consideration for an application to dispense or reduce the landscaping requirements.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.18
District Plan Provision	C2.5.4	
Submission	Include landscape considerations to achieve maintenance and protection of amenity and landscape values. Add an additional matter of discretion: <ul style="list-style-type: none"> • <i>The effects on amenity and landscape</i> 	
Decision	Accept the submission point	
Reason	The inclusion of consideration of potential landscape and amenity effects when assessing an application to exceed signage requirements is considered appropriate and is included in the assessment criteria.	

Submitter	Mark Fort	Number: 106.3
District Plan Provision	C2.2.2.1	
Submission	Unclear and unfair to residents of places like Te Teko which are probably not considered to be in close proximity, but where in certain wind and weather conditions, residents sleep is disturbed by the loud noise from the mill and other industrial sites. Rework as follows: <i>“Higher tolerance for noise, odour, and visual effects is provided in the industrial zone boundary where it does not cause adverse effects outside of the zone.”</i>	
Decision	Accept in part the submission point	
Reason	Further explanation of the policy and the maintenance of the amenity of other zones is included.	

Submitter	Mark Fort	Number: 106.4
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District Plan Provision	C2.4.6
Submission	It is not acceptable to have no noise standards within the industrial zone, especially as it impinges primarily on residents of the Whakatane District. At the very least, noise emissions should not exceed the current ones, and new developments should be required to meet lower noise standards, as the current ones are unacceptable to many residents.
Decision	Reject the submission point
Reason	Where noise levels are not specified in excessive noise provisions of the Act together with recorded ambient noise survey data are relied upon as a method of control. This has been the process relied upon under the Operative Plan and it has worked for the unique environment in Kawerau, whereas it may not be appropriate for other areas.

Submitter	Toi Te Ora Public Health Service	Number: 107.13
District Plan Provision	C2.4.1	
Submission	Do not support the height rule C2.4.1 of the industrial zone which permits buildings up to 20m plus the shortest distance where the site adjoins a residential zone. This height is likely to affect solar access to adjoining residential sites. To ensure buildings in the industrial zone do not reduce solar access to residential zones by overshadowing Council needs to retain discretion when a building in the industrial zone adjoins a residential zone.	
Decision	Accept in part the submission point	
Reason	There is provision in the Act for recognising the economic wellbeing of the community. Consideration of adverse effects on the environment is recognised in the final paragraph of the zone description.	

Submitter	Toi Te Ora Public Health Service	Number: 107.14
District Plan Provision	C2	
Submission	Council should include a minimum 10 metre distance between industrial zoned land and residential zoned land. This is because reverse sensitivity issues are common of land subject to encroaching urbanisation. Council need to proactively plan for potential health nuisances by including yard provisions between the industrial zone and sensitive residential zones.	
Decision	Reject the submission point	
Reason	Not necessary as the Industrial zone does not adjoin the Residential zone.	

Submitter	Transpower	Number: 112.3
District Plan Provision	C2.2.1.3	
Submission	Retain without further modification.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Transpower	Number: 112.1
District Plan Provision	C2.2.2.5	
Submission	Policy C2.2.2.5 should be amended to include upgrading activities. This is consistent with Policies 2 and 5 of the NPSET. Transpower is using its CMP as the basis upon which it seeks that Council's implement policy 11 of the NPSET Amend Policy C2.2.2.5 as follows: "Recognise and provide for the effective operation, and maintenance and upgrading of the electricity transmission network."	
Decision	Accept the submission point	
Reason	Policy amended to reflect the NPSET.	

Submitter	Transpower	Number: 112.2
District Plan Provision	C2.2.2.6	
Submission	Retain without modification:	

	C2.2.2.6 To manage activities to avoid reverse sensitivity effects on the electricity transmission network.
Decision	Accept in part the submission point for the reasons stated in the submission.

Submitter	Transpower	Number: 112.7
District Plan Provision	C2.4.7	
Submission	<p>In the Proposed District Plan, any buildings or structures within 32m of a high voltage transmission line would be considered a restricted discretionary activity. Ordinarily, Transpower would request that any buildings and structures within 12m of the centre line of a high voltage transmission line be considered as a non-complying activity and any buildings and structures within 12-32m be a restricted discretionary activity. However, given that the District Plan does not contain any non-complying activities and that the transmission line only traverses a small part of the district, Transpower is satisfied that the proposed provisions would be sufficient to protect the transmission corridor from inappropriate subdivision and development.</p> <p>It should be noted that the National Grid only traverses the Industrial zone and that because any new lines will be designated rules outside of the Industrial Zone are not required.</p> <p>It would not oppose the removal of the National Grid provisions from the other zones.</p>	
Decision	Accept the submission point	
Reason	Support Transpower's recommendation to delete the transmission line buffer zone standards from all zones other than the Industrial Zone.	

Submitter	Transpower	Number: 112.5
District Plan Provision	C2.4.7	
Submission	Amend the Rules in Section C2 Industrial Zone by removing the "vegetation" rule in C2.4.7 and replacing it with an advice note, but otherwise retain the rules without modification.	
Decision	Reject the submission point	
Reason	Changing the rule regarding vegetation to an advice note is not supported as it would have no status in the Plan and would not be able to be enforced. The number of sites that would be affected by the rule is limited. Having the rule in the Plan provides the community with certainty as to what the requirements are in relation to the high voltage transmission lines and serves to assist the goal of the NPSET.	

Submitter	Transpower	Number: 112.8
District Plan Provision	C2.5.7	
Submission	Replace the reference in Rule C2.5.7 to Rule C.1.4.11 with a reference to Rule C2.4.7, but otherwise retain the rule without modification.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	New Zealand Transport Agency	Number: 115.4
District Plan Provision	C2.4.3	
Submission	<p>Whilst NZTA recognises the need to provide for signage within the Industrial zone, we have concerns over the permitted sizes of signage as notified.</p> <p>Signage has the potential to distract road users and compromise road safety.</p> <p>Either:</p> <p>Amend Rule C2.4.3 to introduce standards relating to:</p> <ol style="list-style-type: none"> A reduced permitted area of signage; and A limit of one free standing sign per site; and A requirement that all signage relate to activities contained on that site. <p>Or</p> <p>Amend Rule C2.4.3 through further consultation with NZTA to address NZTA's concerns.</p>	

Decision	Accept the submission point
Reason	A signage rule is added in relation to the state highway.

C3 Residential Zone

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.19
District Plan Provision	C3.2.1	
Submission	This should be clarified i.e. <i>“To ensure development and activities carried out within and adjacent to the residential zone, maintains and enhances the amenity and character of the existing residential environment.”</i>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Barry Marshall	Number: 117.15
District Plan Provision	C3.4	
Submission	<p>Amend to include:</p> <p><i>Natural Light</i></p> <p><i>In the Residential Zone and the common boundary of a site zoned Commercial or Industrial, no part of any building shall exceed;</i></p> <ul style="list-style-type: none"> - <i>A height equal to 2.7 metres plus the horizontal distance between that part of the building and the nearest site boundary (defining the natural light plane), or</i> - <i>A height beyond the natural light plane up to a maximum of one metre parallel to the plan with a maximum vertical face area of 5m² (area that is provided written consent to the additional height).</i> <p>Provided that for the purpose of this rule, the nearest site boundary shall be, where applicable, the midpoint of the adjacent right-of-way or access way or access lot.</p>	
Decision	Reject the submission point	
Reason	Rule C3.4.1 includes a daylighting requirement for the purposes of providing for natural light. It is unclear whether the submitter is opposed to this rule or is not aware it is included in the Plan. The standard proposed in the submission includes an exemption for a maximum area of 5m ² . Whilst this exemption is fundamentally acceptable there are no other submissions opposing the daylighting requirement nor examples of where it has been a problem in the past that would justify changing the rule.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.20
District Plan Provision	C3.5.1	
Submission	<p>Include landscaping considerations to achieve maintenance and protection of amenity and landscape values. Add an additional matter of discretion:</p> <ul style="list-style-type: none"> • <i>Visual appearance of the building and any landscaping mitigation</i> 	
Decision	Accept the submission point	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.21
District Plan Provision	C3.5.2	
Submission	<p>Include landscaping considerations to achieve maintenance and protection of amenity and landscape values. Add an additional matter of discretion:</p> <ul style="list-style-type: none"> • <i>Visual appearance of the building and any landscaping mitigation</i> 	
Decision	Accept the submission point	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.22
District Plan Provision	C3.5.4	
Submission	<p>Include landscaping considerations to achieve maintenance and protection of amenity and landscape values. Add an additional matter of discretion:</p> <ul style="list-style-type: none"> • <i>The effects on amenity and landscape</i> 	
Decision	Accept the submission point	
Reason	Visual appearance and landscaping mitigation are included as matters of discretion regarding dispensation of the height and yard provisions.	

Submitter	Toi Te Ora Public Health Service	Number: 107.16
District Plan Provision	C3	

Submission	<p>The reduction of neighbourhood support, security and connectivity may arise from mixed commercial and residential activity when the scale and effect become unbalanced. This loss of community and neighbourhood environment can impact on the social and cultural wellbeing of an individual and neighbourhood. Toi Te Ora – Public Health Service therefore supports some provision for small scale home based business for people wishing to run their office from home and encourages Council to retain discretion to exclude non-residential business activities which do not provide a social service to the community.</p> <p>Retain discretion for non-residential business activities which do not provide a social service to the community.</p>
Decision	Accept the submission point for the reasons stated in the submission.

Submitter	Toi Te Ora Public Health Service	Number: 107.17
District Plan Provision	C3	
Submission	Supports in part the proposed coverage restriction rule as this will go some way in providing opportunity for gardening/composting, washing lines, refuse/recycling storage and general green space that add to the amenity of an area and to individual and community health and wellbeing. Toi Te Ora encourages Council to include carport and service areas in the coverage calculation to guarantee the quality of outdoor spaces is retained.	
Decision	Accept in part the submission point	
Reason	Carports and other built structures over 2.0 metres in height are included in the definition of buildings and are therefore subject to the coverage rule. 35% coverage is appropriate for the relatively low density environment of Kawerau.	

Submitter	Toi Te Ora Public Health Service	Number: 107.18
District Plan Provision	C3	
Submission	Do not support height intrusions to include building projections such as air conditioning and solar panels. Inclusion of such structures excluded from the definition of height is unlikely to ensure adequate sunlight and ventilation for neighbouring properties and onsite, making for a healthier home environment through increased dwelling temperature and reduced mould growth.	
Decision	Reject the submission point	
Reason	The permitted building intrusions allow a degree of design flexibility without compromising residential amenity.	

Submitter	Toi Te Ora Public Health Service	Number: 107.19
District Plan Provision	C3	
Submission	Rule C3.4.8(a) exempts residential activity from meeting the specified noise limits in the residential zone. It is not conducive to the objectives and policies of the proposed plan to exclude residential activities because noise can move beyond the boundary of a site and significantly alter the amenity of a neighbouring site or impact upon human health. Requiring every activity to meet the residential noise limits in the residential zone will protect the noise from one site from another.	
Decision	Reject the submission point	
Reason	The noise standards contained in this section have been prepared by an acoustic engineer and no change is recommended. Noise nuisance from residential activities can be dealt with under Section 16 of the Act relating to the excessive noise provisions.	

Submitter	Toi Te Ora Public Health Service	Number: 107.21
District Plan Provision	C3	
Submission	Community noise is commonly measured in terms of a noise exposure measure. The most widely used general exposure measure is the average noise level Leq. The choice of Leq as a measure of the impact of noise on a community is questioned by Toi Te Ora because an average noise level measured over a 24 hour period may not be sufficiently sensitive to the effect of noisy events of short duration or infrequent occurrence. While the rule C3.4.8 goes some way towards protecting the public, averaging the noise level over 24 hours is not supported.	

	Amend the residential zone noise limit to: 0700 to 2200 hours 50dBA Leq _(15 mins) , 2200 to 0700 hours 40dBA Leq _(15mins) and 70dBA Lmax.
Decision	Reject the submission point
Reason	We are satisfied that the standards prepared by the acoustic engineer for this rule are suitable for the local environment. The noise standards include an L max to take account of noisy events of a short duration.

Submitter	House Movers Section of NZ Heavy Haulage Association	Number: 111.1
District Plan Provision	C3	
Submission	<p>The Association is opposed to the proposed plan's treatment of removal, re-siting, and relocation of buildings relocation in its entirety. The reasons for this submission are:</p> <p>The proposed plan regulates relocation of buildings as a controlled activity at rule C3.3.2 and elsewhere. It is submitted that regulation of removal and relocation of buildings in the proposed plan does not meet the aims of the Resource Management Act.</p> <p>Seek amendments to the Plan to give effect to this submission, including such amendments as required to the provisions, definitions, other matters, rules, objectives, policies and reasons of the proposed plan to give appropriate recognition to the positive effects of removal, re-siting, and relocation of buildings and dwellings, in accordance with the reasons for this submission, and the relief sought as a whole.</p>	
Decision	Accept in part the submission point	
Reason	Relocated dwellings as a permitted activity subject to performance standards is included in the Residential zone standards. Council's concern is that relocated dwellings are not moved to a site and stored on blocks for a period of time without permanent foundations or reinstatement work being carried out in a timely manner. The performance standards will ensure Council retains control over the relocation and reinstatement of dwellings to maintain residential amenity without over-regulating the activity.	

C4 Road Zone

Submitter	Telecom	Number: 101.1
District Plan Provision	C4.3.3	
Submission	Rule C9.3vii in the Road Zone provides for “individual customer connections from existing overhead networks” as a permitted activity, which contradicts Rule C4.3.3 because it only provides for such connections where the subject road is bounded by the Rural Lifestyle zone. Rules C 4.3.3 and C9.3vii should be consistent. Telecom requests that individual customer connections from existing overhead networks be a permitted activity in every zone, given that overhead networks can be found in every zone throughout the district.	
Decision	Accept in part the submission point	
Reason	Following Council’s consultation with the submitter amendments to the proposed rule support new overhead lines and overhead customer connections in zones other than the Rural Lifestyle Zone only where underground trenching is not a practical option. Such instances would be when the cost is prohibitive to the householder due to the distance to be trenched, for example if it had to be trenched under the road. Where trenching is a practical option because the existing line is located on the same side of the road as the new connection point, lines should be placed underground.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.23
District Plan Provision	C4.3.3	
Submission	Delete the words ‘where practicable’ as this is too uncertain for a permitted activity. If not practicable an application for a restricted discretionary consent is required.	
Decision	Reject the submission point	
Submitter	Telecom	Number: FS205.1 (105.23)
District Plan Provision	C4.3.3	
Submission	Undergrounding of lines is not feasible in all locations, particularly in more remote locations where the cost of undergrounding can far outweigh the benefit of providing a particular dwelling or building with a utility service. Likewise, problematic soil conditions can make the process of undergrounding a line very difficult and expensive process. As such, Telecom supports the original wording of provision C4.3.3, which provides network utility operators with the opportunity to install overhead lines in the Road Zone as a permitted activity in instances where it is not practicable to underground them. Telecom does not support an arbitrarily chosen Restricted Discretionary Activity status for all overhead lines within the Road Zone.	
Decision	Accept the submission point	
Reason	Whilst the term “where practicable” doesn’t provide complete certainty as to what circumstances are practical for undergrounding, to require resource consent be obtained whenever a connection or new line is proposed overhead would place an unfair cost burden on the householder when underground trenching is not an option. This approach enables Council to retain discretion as to when trenching is practical and will work with the service provider and householder to ensure the best outcome is achieved in each situation without placing unnecessary cost on the householder.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.24
District Plan Provision	C4.4.1	
Submission	Include landscaping considerations to achieve maintenance and protection of amenity and landscape values. Add an additional matter of discretion: <ul style="list-style-type: none"> • <i>The effects on amenity and landscape</i> 	
Decision	Accept the submission point	
Reason	Support the inclusion of effects on amenity and landscape as matters of discretion when applying for consent to dispense with the signage standards in the Road Zone will provide Council with the ability to assess relevant environmental effects.	

Submitter	Toi Te Ora Public Health Service	Number: 107.24
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District Plan Provision	C4
Submission	There are no Noise standards applicable to the road area described as noise standards are exempt noise on roads. Delete rule C4.3.6.
Decision	Accept the submission point
Submitter	New Zealand Transport Agency Number: 115.7
District Plan Provision	C4.3.6
Submission	Road users generate noise. Existing roads benefit from existing use rights and should therefore not be subject to this rule. The rule must therefore provide clarification in this regard. New roads are subject to NZS 6806:2010 Road Traffic Noise. The suggested Rule is therefore unnecessary. Delete Rule C4.3.6 or clarify that noise from new roads is subject to NZS 6806:2010.
Decision	Accept the submission point
Reason	The noise standards are deleted for the Road zone as new roads are subject to NZS 6806:2010.

Submitter	Barry Marshall Number: 117.16
District Plan Provision	C4
Submission	Amend to include: <i>"This land is characterised by regular plantings of street trees that need protection as they are a note worthy feature giving the town its distinctiveness often admired and remarked upon by visitors, and locals alike".</i>
Decision	Reject the submission point
Submitter	New Zealand Transport Agency Number: FS204.2 (117.16)
District Plan Provision	C4
Submission	NZTA recognises the intent of Mr Marshall's submission is to ensure that the District Plan recognises and provides for the special amenity value of the street trees. While NZTA does not object to this, in some instances it may be necessary to trim and/or remove street trees where they impact on road function, or pose a danger to road users. For this reason, we request that the relief sought by Mr Marshall is granted, with the following amendment C4 'Description of Road Zone'. <i>"This land is characterised by ... regular plantings of street trees that need protection as they are a note worthy feature giving the town its distinctiveness often admired and remarked upon by visitors and locals alike."</i> Or similar wording to the same relief.
Decision	Accept the submission point
Reason	The blanket protection of trees in the Road Zone is neither practical nor necessary in the local context.

Submitter	Telecom Number: FS204.3 (117.16)
District Plan Provision	C4
Submission	The submission advocates for a 9m permitted height limit within the town centre and to protect landscape visits from utilitarian type engineered structures with little or no architectural merit. It is unclear if this submission is intended to capture network utility structures, which will be subject to separate controls for activities in general in commercial zones. Network utility structures, whether or not they are considered to have architectural merit (which is highly subjective), are an essential part of an efficiently functioning infrastructure network which in turns provides for the health and well-being and social development of our communities. The relief sought in terms of architectural merit is too uncertain and accordingly is opposed by Telecom.
Decision	Accept the further submission point for the reasons stated in the further submission.

C5 Reserves

Submitter	Barry Marshall	Number: 117.17
District Plan Provision	C5	
Submission	<p>In very recent times, many of Kawerau's large trees that have decades of healthy life ahead, have been unjustly destroyed and many are still in danger of being felled on quite spurious and fallacious grounds, such as;</p> <ul style="list-style-type: none"> - As many indigenous trees are being planted in some reserves, this somehow is supposed to give the right to destroy between 100 to 150 large healthy trees each year in other areas, without public consultation. - Trees can shade, or cast a shadow onto other properties. - Trees drop leaves, and may block rain water gutters. - Security reasons, as people may hide behind them. - Unsubstantiated health reasons, etc etc. - Branches can fall off trees. - Blocking someone's view. 	
Decision	Reject the submission point	
Reason	It is unclear how the submitter intends trees to be included in the Reserves section of the Plan. Trees and other indigenous flora are provided for in the Natural and Cultural Heritage section of the Plan. Council has the ability to include protection of specific trees in individual reserve management plans.	

Submitter	Barry Marshall	Number: 117.18
District Plan Provision	C5	
Submission	<p>Protecting Reserves from Adverse Activities "Activities occurring on reserves can have adverse effects on both the open space resource and the local environment."</p> <p>Amend to include:</p> <p><i>Chief among these adverse effects is uncontrolled trail-bike and quad-bike riders racing on the walking tracks, threatening and endangering young and elderly walkers alike.</i></p> <p><i>Substantial evidence exists, that show present barriers and gates are inadequate to protect the public from these dangerous unlawful activities.</i></p> <p><i>There is an urgent need for steel and concreted barriers and gates to be installed that will prevent unlawful access and protect the public, instead of the wooden rails and posts that are simply either levered off, or dug up with a spade, as confirmed by the Police.</i></p>	
Decision	Accept in part the submission point	
Reason	Council has the ability to introduce by-laws to address the use of motorised vehicles if deemed necessary. By-laws are subject to a separate process outside of the District Plan.	

Submitter	Barry Marshall	Number: 117.19
District Plan Provision	C5	
Submission	<p>Outdated and outmoded Reserve Management Plans</p> <p>The District Reserve Management Plans are seriously out of date to the extent that some Reserves that have been in existence for some years are not even listed in the Plans.</p> <p>Update Reserve Management Plans.</p>	
Decision	Accept in part the submission point	
Reason	Keeping reserve management plans up to date and appropriate to the current use of the individual reserve is supported.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.25
District Plan Provision	C5.2.2.2	

Submission	This should be positively worded. Reword e.g. <i>'The maintenance and enhancement of amenity values of the reserve and adjoining land.'</i>
Decision	Accept the submission point
Reason	The objective is reworded for consistency with the Act

Submitter	Toi Te Ora Public Health Service	Number: 107.25
District Plan Provision	C5	
Submission	Support matters to which Council will restrict its discretion under rule 5.5.1 in part, however, when assessing an application the noise environment of the locality needs to include the level, character and duration of the sound. This will ensure Council considers the effects of the activity on sensitive areas with low levels of noise. Toi Te Ora encourages Council when assessing a licensed premises application to consider the location of designated smoking areas to ensure these are positioned to limit noise offsite.	
Decision	Accept the submission point	
Reason	In assessing the noise environment of the locality when considering an application to exceed the licensed premises standards Council has the discretion to take into consideration the proposed noise levels, character and duration of the event. For clarity additional wording has been included in C5.5.1.	

Submitter	Toi Te Ora Public Health Service	Number: 107.26
District Plan Provision	C5	
Submission	Toi Te Ora suggests that the Smokefree Outdoor Spaces Policy project be incorporated into Kawerau District Council's District Plan, inclusive of funding to cover the cost of implementation.	
Decision	Reject the submission point	
Reason	The District Plan is not the appropriate vehicle for administering the Smokefree Outdoor Spaces Policy as it is a non-statutory document. Council has other means of administering this policy if so desired, such as by-laws.	

Submitter	Director General of Conservation	Number: 109.2
District Plan Provision	C5	
Submission	Reserves can include important natural and environmental values. It is important that, should a consent be required for activities not in accordance with an operative management plan, that these values are recognised and provided for. At present, there is no method of ensuring that these values will be considered.	
Decision	Accept in part the submission point	

Submitter	Environment Bay of Plenty Regional Council	Number: FS202.6 (109.2)
District Plan Provision	C5	
Submission	<p>Bay of Plenty Regional Council recognises that works within reserves can have an impact on values outlined in section C8: <i>Natural and Cultural Heritage</i> of the Proposed District Plan. The exclusion of reserve areas which have a operative management plan will not "give effect" to the Operative Regional Policy Statement provisions, in particular Chapters 15 and 16, or Appendices F and G.</p> <p>Request that the provisions of C8: Natural and Cultural Heritage apply so that significant indigenous vegetation and habitats are recognised and provide for when works are undertaken within reserves.</p>	
Decision	Accept in part the submission point	
Reason	Areas of significant indigenous vegetation and habitats that are located on reserves are recognised and provided by the rules of section C9 and do not require duplication in the section C8 Reserves.	

C6 Rural Lifestyle Zone

Submitter	Mighty River Power	Number: 116.39
District Plan Provision	C6	
Submission	It would be appropriate for an exemption from the required height standards for the Industrial 2 zone to be inserted into s C2.4.1 for temporary activities such as drilling, cranes being used during construction or maintenance works and activities associated with electricity generation. This exemption should also be inserted into the Rural Lifestyle Zone provisions.	
Decision	Reject the submission point	
Reason	It is appropriate that Council retains a level of discretion in relation to height, for both long term and temporary activities. Activities such as drilling rigs that are over-height in the Rural Lifestyle will be required to apply for resource consent and the Council's assessment of the effects of the proposal will include consideration of the temporary nature of drilling activities.	

Submitter	Barry Marshall	Number: 117.20
District Plan Provision	C6	
Submission	The Plan has no rules or standards that control odour nuisance. This is relevant across all zones. Known odour-producing activities e.g. poultry and pig farming, tanneries and the like, should be discretionary activities.	
Decision	Reject the submission point	
Reason	The rules of the Rural Lifestyle zone provide for the level of amenity anticipated by Council for those areas. Activities which fail to meet the performance standards require resource consent as restricted discretionary activities. The Rural Lifestyle zone is the appropriate zone for many types of odour producing activities to located and any complaints regarding odour can be dealt with under the Health Act.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.26
District Plan Provision	C6.5.5	
Submission	This rule is confusing as it refers to rule 6.3.6, which does not exist. Should it refer to 6.4.6? Correctly reference.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Mark Fort	Number: 106.5
District Plan Provision	C6.4.8	
Submission	It is not acceptable to have no noise standards in the Rural lifestyle zone. The amenity of the rural lifestyle residents, including those involved in rural production, requires that reasonable noise standards, similar to other districts, are imposed.	
Decision	Reject the submission point	
Reason	As with the Industrial Zone, Council relies upon the excessive noise provisions of the Act for ensuring noise does not create problems for the community. Survey data on the ambient noise levels across the district can be used if noise complaints are registered with Council for determining whether a noise event is "excessive".	

Submitter	Toi Te Ora Public Health Service	Number: 107.27
District Plan Provision	C6.4.2	
Submission	Supports the compulsory 25 metre yard rule between this zone and any land zoned residential. Adopt the compulsory rural yard rules as described in section C6.4.2.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Toi Te Ora Public Health Service	Number: 107.28
District Plan Provision	C6.5.3	
Submission	Do not support the proposed density rule of one house per 4000m ² or rule C6.5.3 as human waste disposal by way of onsite effluent treatment systems is an acceptable solution to protect public health, but only for isolated and remote dwellings and provided they are properly maintained and operated. Seeks Council to:	

	<ul style="list-style-type: none"> • Increase the matters Council has discretion to include the provision of potable and safe human waste disposal by adopting the decisions sought outlined in this submission under C7 Subdivision and Development, water and sanitary services and; • Facilitate a mechanism for advice and education to home owners and occupants about how to look after a septic tank and water supply. • Facilitate the inspection and maintenance (as per the manufacturer's instructions) of onsite wastewater disposal systems and water treatment systems.
Decision	Reject the submission point
Reason	Council requires demonstration of ability to adequately service development through the subdivision and development standards (C9). On-site effluent systems require consent from the regional council which is the relevant authority for dealing with issues related to on-site systems.

Submitter	Toi Te Ora Public Health Service	Number: 107.29
District Plan Provision	C6.4.8	
Submission	<p>Rule C6.4.8 indicates that Council do not intend to provide specific noise standards and intend to manage noise in this zone through the excessive noise provision of the RMA. While the RMA addresses excessive noise, the purpose of noise standards in the district plans is to enable local authorities to manage 'social' community noise within the district.</p> <p>Amend the proposed plan to include noise standards in the rural lifestyle zone to protect dwellings in this zone and include the list of exemptions discussed in section B1 of this submission.</p>	
Decision	Reject the submission point	
Reason	As with the Industrial Zone, Council relies upon the excessive noise provisions of the Act for ensuring noise does not create problems for the community. Survey data on the ambient noise levels across the district can be used if noise complaints are registered with Council for determining whether a noise event is "excessive".	

Submitter	Director General of Conservation	Number: 109.3
District Plan Provision	C6	
Submission	The application of the relevant rules of section C8 are supported as providing for the appropriate recognition and protection of natural and cultural heritage.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	New Zealand Railways Corporation	Number: 118.7
District Plan Provision	C6	
Submission	<p>Add the following to Section C6 (or to Noise B1) which reads:</p> <p>Noise Sensitive Activities in Close Proximity to the Railway</p> <p><u>Every noise sensitive activity or extensions to those activities, located within 40 metres of the closes railway track; shall be designed, sited and constructed to ensure external noise will not exceed 40dBA Leq 24 hours. Within bedrooms external noise shall not exceed 35dBA Leq 24 hours.</u></p> <p>a) <u>An acoustic design report prepared by a suitably qualified and experienced engineer shall be provided, demonstrating compliance with (this) Rule;</u></p> <p>b) <u>Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise, or any superseding codes of practice and/or standards.</u></p> <p>c) <u>Vibration: Applications should be aware that vibration within this area may cause annoyance and possibly damage to buildings. Vibration is very site specific and applicants are advised to undertake a vibration assessment to determine whether it will be an issue for their particular development.</u></p> <p>(or similar wording).</p>	

Decision	Accept the submission point	
Submitter	New Zealand Transport Agency	Number: FS204.4 (118.7)
District Plan Provision	C6	
Submission	<p>In locations that are subject to significant traffic noise, it is appropriate that developers are aware of the noise environment and are able to take this into account in the design of sites and buildings.</p> <p>Accept submission 118.7 and include similar provision for noise sensitive activities within 80m of State Highway 34.</p>	
Decision	Accept the submission point	
Reason	A performance standard requiring noise sensitive activities in close proximity to the railway and state highway to be designed to ensure external noise is appropriately mitigated in bedrooms is included. This approach is supported by policy providing for mitigation of reverse sensitivity effects of noise (B1.1.1.2).	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.7
District Plan Provision	C6	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust and Ngati Tuwharetoa Holdings Limited's understanding is that the current zoning only pertains to the Otarahanga Farm and does not take into account a number of limitations of use.	
Decision	Accept in part submission point	
Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.8
District Plan Provision	C6	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust and Ngati Tuwharetoa Holdings Limited request it identified and acknowledged that numerous archaeological, historical and culturally significant sites located on Otarahanga farm which limits the use for rural/lifestyle activities.	
Decision	Accept in part the submission point	
Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.9
District Plan Provision	C6	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust and Ngati Tuwharetoa Holdings Limited would like to propose to work with Kawerau District Council to map unconstrained parts of Otarahanga Farm and develop methodology to determine differential rating for both constrained and unconstrained land; along with land with opportunities other than rural/lifestyle.	
Decision	Accept in part the submission point	
Reason	An ongoing and evolving relationship with Ngati Tuwharetoa in terms of issues raised in this submission is recommended, particularly the identification of significant sites. Section C9 Natural and Cultural Heritage specifically provides for protection of archaeological and historically significant sites. Sites not listed are covered by the general rules of the Plan. In managing the use and development of resources, the Act gives recognition to the special relationship of tangata whenua to these resources. In terms of the differential rating issue the District Plan is not the appropriate forum for debating rating methodology and issues.	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.10
District Plan Provision	C6	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust and Ngati Tuwharetoa Holdings Limited request Kawerau District Council to further consider the closure of Fenton Mill Road as a Public Road and return it to Ngati Tuwharetoa (BOP) Settlement Trust. If this is not to happen, it is requested that a Kawerau District Council Maintenance Plan for the road is developed and provided to Ngati Tuwharetoa (BOP) Settlement Trust and Ngati Tuwharetoa Holdings Limited for consideration.	
Decision	Reject the submission point	
Reason	The District Plan is not the appropriate forum for resolving the issues raised regarding the closure of Fenton Mill Road. However, further engagement with Ngati Tuwharetoa (BOP) Settlement Trust and Ngati Tuwharetoa Holdings Limited is recommended in order that this issue may be resolved.	

C7 Subdivision and Development

Submitter	Mighty River Power	Number: 116.21
District Plan Provision	C7.2	
Submission	<p>Section C7.2 outlines the objectives and policies for Subdivision and Development occurring within the Kawerau District. Mighty River Power supports the intent in this section to recognise reverse sensitivity effects (e.g. Objective C7.2.1.5 and Policy C7.2.2.9), however it is not clear what exactly will constitute a sensitive land use activity.</p> <p>Mighty River Power supports in part Objective C7.2.1.5 and Policy C7.2.2.9 which deal with reverse sensitivity issues and seek the amendment of these provisions so that it is made explicit that sensitive activities include existing essential infrastructure such as the Kawerau Geothermal Power Station.</p>	
Decision	Accept in part the submission point	
Reason	Listing specific activities in the Plan risks other activities which may also be defined as sensitive being excluded. The objective and supporting policy as worded provide for activities such as the power station.	

Submitter	Mighty River Power	Number: 116.20
District Plan Provision	C7	
Submission	<p>Section C7 of the Plan outlines the provisions for Subdivision and Development within the Kawerau District. In C7.1 'Introduction' it is states that "<i>intensification of development in inappropriate locations or that are not managed effectively, can lead to conflicts with other lawfully established activities.</i>" Mighty River Power supports this statement as it recognises the issue of reverse sensitivity that can arise between activities.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Barry Marshall	Number: 117.21
District Plan Provision	C7.7	
Submission	<p>The section seems contradictory and inconsistent. It appears to be discretionary as it indicates situations where consents can be declined yet it professes to cover controlled activities which cannot be declined. A revision of this whole section is necessary before it can be clearly understood.</p>	
Decision	Accept in part the submission point	
Reason	<p>Section C7.6.1.1 addresses activity status and sets out that subdivision is a controlled activity <u>subject</u> to C7.6.1.3 and C7.7. C7.7 includes circumstances when Council will not approve a subdivision and those circumstances are therefore not controlled activities. To provide further clarity C7.7 is amended to clarify that certain activities will be non-complying, as opposed to "not approved". The section heading is however removed to avoid ambiguity.</p>	

Submitter	Barry Marshall	Number: 117.22
District Plan Provision	C7.7.2	
Submission	<p>Ad requirements for the lease of a building or part of a building where a cross-lease, company lease, or unit titles is not involved.</p>	
Decision	Reject the submission point	
Reason	<p>The requirements for cross lease and unit title are outlined in this section, for example demonstrating the building has been lawfully established is the first requirement in C7.7.2.</p>	

Submitter	Barry Marshall	Number: 117.23
District Plan Provision	C7.7.6	
Submission	<p>The lack of minimum lot sizes specified in this plan across all zones may cause problems in the future.</p>	
Decision	Reject the submission point	
Reason	<p>Whilst no minimum lot size is specified the shape factors, layout of lots, yard and frontage requirements ensures that lots of a size appropriate to the character of the area will be developed.</p>	

Submitter	Mighty River Power	Number: 116.22
District Plan Provision	C7.2.2.6	
Submission	<p>Policy C7.2.2.6 addresses the issue of network utilities and states “Provide for the operation, maintenance and minor upgrading of network utilities including electricity generation facilities, where adverse effects on the environment are avoided, remedied or mitigated.” While Mighty River Power supports the intent behind the policy, it believes that the policy also needs to reflect the situation where it is not possible to avoid, remedy or mitigate adverse effects caused by the operation, maintenance or minor upgrading of network utilities on the environment. In circumstances where this is the case, it is appropriate for the Plan to provide for alternative methods such as off-setting and/or environmental compensation to occur.</p>	
Decision	Accept the submission point	
Submitter	Transpower	Number: FS206.3 (116.2)
District Plan Provision	C7.2.2.6	
Submission	<p>Transpower supports the intent of the proposed changes to Policy C7.2.2.6 particularly where this policy applies to new transmission lines.</p> <p>Effects associated with the operation, maintenance and minor upgrading of existing lines forms part of the existing environment and therefore any effects should be considered in relation to the existing environment and appropriately provided for as a permitted activity.</p> <p>In some cases it is not possible to avoid, remedy or mitigate all adverse environmental affects associated with the operation of the National Grid, however such works maybe required to ensure a secure electricity supply for the district and nation. In such circumstances it maybe appropriate to consider offsetting or environmental compensation.</p>	
Decision	Accept the submission point	
Reason	The policy is amended as submitted to recognise that environmental compensation may be appropriate as a form of mitigation in certain circumstances.	

Submitter	Mighty River Power	Number: 116.23
District Plan Provision	C7.2.2.9	
Submission	<p>Mighty River Power supports Policy C7.2.2.9 as currently drafted as it recognises the need to manage subdivision and development to reduce the potential for reverse sensitivity effects to occur.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Mighty River Power	Number: 116.24
District Plan Provision	C7.4	
Submission	<p>Section C7.4 deals with the issue of infrastructure contributions. However, it is unclear as to how this section is intended to operate in respect of essential services infrastructure such as electricity generation and transmission infrastructure. The introduction (outlined in C7.4.1) should acknowledge that in some circumstances the costs of upgrading or providing infrastructure should be absorbed when specific developments have strong elements of public good/need (such as electricity generation and transmission facilities).</p> <p>This section needs to acknowledge and provide for certain circumstances where financial contributions for infrastructure will not be imposed by the Council due to the ‘public good’ element associated with the infrastructure being provided (such as electricity generation facilities). In addition, the objectives and policies for infrastructure contributions will need to be amended in order to reflect the issue outlined in paragraph [3.52] above.</p>	
Decision	Reject the submission point	
Reason	No change to infrastructure contributions is included as the submitter now appears satisfied the current infrastructure contributions policy will not present difficulties for future development.	

Submitter	Mighty River Power	Number: 116.25
District Plan Provision	C7.6.1.2	
Submission	Mighty River Power supports the controlled activity status given in Section C7.6.1.2 for utility	

	services.
Decision	Accept the submission point for the reasons stated in the submission.

Submitter	Mighty River Power	Number: 116.26
District Plan Provision	C7.8	
Submission	Section C7.8 outlines the requirements for resource consent applications for subdivision and development. Clause (d) of C7.8.1 requires that an applicant serve copies of their subdivision plans on certain organisations and provide proof of this consultation to the Council as part of their application. The list of organisations includes electricity generators and suppliers. Mighty River Power supports this and would like to thank the Council for being proactive in this regard.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Vector Gas Ltd	Number: 100.1
District Plan Provision	C7.7.8e	
Submission	The matters described adequately provides for the Council's ability to ensure that the operation, safety and protection requirements of network utilities and infrastructure, including access to these within the District are maintained.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Vector Gas Ltd	Number: 100.2
District Plan Provision	C7.8.1d	
Submission	Consultation with an affected organisation as listed in this section will ensure that all effects will be understood and appropriate mitigation measures if required are known.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	NZ Fire Service	Number: 102.1
District Plan Provision	C7.7.6	
Submission	Minimum width requirement for access to rear sites within residential zones for up to 3 dwellings, is noted as being 3.0m. NZFS would like to see amendments made to increase the minimum access width from 3.0m to 3.5m to enable fire fighting appliances adequate access for rear sites.	
Decision	Accept the submission point	
Reason	The minimum access width for new subdivision is amended to 3.5 metres to enable adequate access for fire appliances.	

Submitter	NZ Fire Service	Number: 102.2
District Plan Provision	C7.7.8	
Submission	<p>Currently there are no provisions in the Proposed District Plan to ensure that fire fighting supplies and access to new dwellings associated with subdivision are provided. NZFS has made recommendations to ensure that for all lots water supply and access shall be provided for fire fighting purposes.</p> <p>Add the wording in C7.1 Introduction to include;</p> <p>C7 Subdivision and Development C7.1 Introduction; Paragraph 5 – <i>"It is necessary to ensure that adequate roading and services including an accessible water supply for fire fighting requirements is provided at a sufficient standard to support foreseeable future activities on the land."</i></p>	
Decision	Accept the submission point	
Reason	The provision of accessible water supply for fire fighting requirements is appropriate.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.27
District Plan Provision	C7.2	
Submission	Support these objectives & policies	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.28
District Plan Provision	C7.6.1.2	
Submission	The wording of the last criterion on the page needs amending for clarification and certainty. Reword e.g. <i>'The mitigation of adverse effects on amenity values'</i> .	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.29
District Plan Provision	C7.6.1.3	
Submission	It is not clear what the plan rules for contaminated land actually are. The potential for contaminated land to have significant adverse effects is high therefore a higher level of control is required e.g. <i>'Subdivision or development of contaminated land as defined in the RMA shall be a discretionary activity'</i> .	
Decision	Reject the submission point	
Reason	Restricted discretionary status is considered appropriate given the level of discretion Council has in the Plan to request detailed information on the effects of contaminated land.	

Submitter	Toi Te Ora Public Health Service	Number: 107.31
District Plan Provision	C7	
Submission	Support with some amendments. Ensure that the health of the public is protected from historic contaminated land use. Include: <ul style="list-style-type: none"> • Specific provisions in the district plan so that the potential adverse effects of persistent chemical residues can be assessed and rectified prior to residential use (or like-use) • Require information in resource consent applications of previous land uses. • The use of the HAIL list by Council staff to identify activities and consistently report on contaminated land. • Council retains discretion where the history of a site is unknown and require soil testing. 	
Decision	Accept in part the submission point	
Reason	Further information on matters over which Council will exercise discretion is included under restricted discretionary status. Council can require detailed assessment of contaminated land and impose appropriate conditions of consent to mitigate adverse effects. Support rewording objective C7.5.1 for clarity.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.30
District Plan Provision	C7.7	
Submission	This section is very confusing. It purports to define matters under control for controlled activities but actually strays into discretionary activities, as it defines scenarios where consent will be declined. Whole sections needs rewriting.	
Decision	Accept in part the submission point	
Reason	Section C7.6.1.1 addresses activity status and sets out that subdivision is a controlled activity <u>subject</u> to C7.6.1.3 and C7.7. C7.7 includes circumstances when Council will not approve a subdivision and those circumstances are therefore not controlled activities. To provide further clarity C7.7 is amended to clarify that certain activities will be non-complying, as opposed to "not approved" and restructuring the numbering is recommended. Also reword section heading to remove ambiguity.	

Submitter	Toi Te Ora Public Health Service	Number: 107.30
District Plan Provision	C7	
Submission	While individual sanitary services may be appropriate for individual sporadic houses, it is inappropriate for subdivisions to create communities of several individual water supplies and onsite wastewater system when other land, neighbouring a site could also be subdivided in future. <ul style="list-style-type: none"> • Require all new development to undertake a cost benefit analysis of both individual and centrally-treated public and private owned reticulated water systems. • Integrate into Council planning, the future water supply needs of any land development 	

	<p>or subdivision, and consider the adoption of the most health protective means of water supply practicable when developing land.</p> <ul style="list-style-type: none"> Require land developers to service the land by centrally-treated systems and reticulated privately owned and operated systems, and individual treatment systems be an option of last resort where no Council system is available.
Decision	Accept in part the submission point
Reason	Council requires demonstration of ability to adequately service development through the subdivision and development standards. On-site effluent systems require consent from the regional council who is the relevant authority for dealing with issues related to on-site systems. Council is able to work with subdividers and developers during the consent process to ensure the best result in terms of water supply.

Submitter	Director General of Conservation	Number: 109.4
District Plan Provision	C7.2.2.2	
Submission	<p>This policy is supported providing the term 'prevent detraction' is changed, as this is not appropriate for intrinsic ecological values.</p> <p>Change 'prevent detraction' to 'prevent adverse effects' to provide a means of determining effects on these values.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Environment Bay of Plenty Regional Council	Number: FS202.7 (109.4)
District Plan Provision	C7.2.2.2	
Submission	<p>Bay of Plenty Regional Council supports the proposed wording as it would provide a greater level of alignment with the Operative Regional Policy Statement provisions in Chapters 15 and 16.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Director General of Conservation	Number: 109.5
District Plan Provision	C7.7.1(d) & C7.7.4(c)	
Submission	<p>These restrictions on the granting of subdivisions and development plans where they are inappropriate in regards to the protection requirements of Section 6 of the RMA are supported, although the insertion of criteria to determine inappropriateness should be considered as the scope of these sections is considered too broad to provide certainty.</p>	
Decision	Accept in part the submission point	

Submitter	Environment Bay of Plenty Regional Council	Number: FS202.8 (109.5)
District Plan Provision	C7.7.1 & C7.7.4	
Submission	<p>The introduction of criteria to determine the appropriateness of Section 6 Resource Management Act matters is consistent with, and "gives effect" to the Operative Regional Policy Statement (Chapters 15, 16 and <i>Appendixes F and G</i>).</p>	
Decision	Accept in part the submission point	

Submitter	Mighty River Power	Number: FS203.17 (109.5)
District Plan Provision	C7.7.1(d) & C7.7.4(c)	
Submission	<p>The introduction of any criteria to determine inappropriateness would need to go through the public consultation and submission process.</p>	
Decision	Accept the submission point	
Reason	<p>Sections C7.7.1(d) and C7.7.4(c) provide Council with the necessary discretion to administer the provisions of Sections 5,6,7 and 8 of the Act. Whilst specific criterion may reduce uncertainty as to what these sections of the Act provide for it may also restrict Council's discretion in terms of the ability to carryout the functions of the Act.</p>	

Submitter	Director General of Conservation	Number: 109.7
District Plan Provision	C7.8.2	
Submission	<p>"Bush" is an ecologically ambiguous term, and may not be interpreted as recognising all important indigenous vegetation that may be affected by subdivision.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Environment Bay of Plenty Regional Council	Number: FS202.9 (109.7)
District Plan Provision	C7.8.2	
Submission	<p>The Bay of Plenty Regional Council supports the proposed wording as it would provide a greater level of alignment with the Operative Regional Policy Statement policies 16.3.1(b)(viii) to 16.3.1(b)(xi).</p> <p>Seek an amendment to an information requirement for consent applications as follows:</p> <p><i>All trees and bush indigenous vegetation including the spread of the canopy.</i></p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Environment Bay of Plenty District Council	Number: 110.3
District Plan Provision	C7.2.1.1 & C7.2.2.2	
Submission	<p>Objective C7.2.1.1 and Policy C7.2.2.2 are consistent with, and give effect to, the RPS. For example they provide direction that potential effects on geothermal surface features and ecologies will be managed as a result of subdivision.</p> <p>Retain Objective C7.2.1.1 and Policy C7.2.2.2.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.4
District Plan Provision	C7.2.1 & C7.2.2	
Submission	<p>There are no policy references to managing subdivision so that it avoids or mitigates the potential effects of natural hazards (inundation, subsidence etc). In its present form the Plan fails to give effect to the following provisions of the RPS: Objective 11.3.1 (a), Policies 11.3.1(b)(v), 11.3.1(b)(ix)–(xiii) and Methods under 11.3.1(c).</p> <p>Amend Policy C.7.2.2.1 to read: <i>Ensure that proposals for subdivision and development assess the physical characteristics, natural hazards, amenity values and qualities and avoid, remedy or mitigate any adverse effects.</i></p>	
Decision	Accept the submission point	
Reason	The policy is amended in order that it gives effect to the Regional Policy Statement.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.5
District Plan Provision	C7.5 & C7.6.1.3	
Submission	<p>Objective C7.5.1 appears to be incomplete as it reads: <i>To manage existing and prevent the creation of additional contaminated land.</i></p> <p>Rule C7.6.1.3 Contaminated Land reads as an information requirement (similar to other statements listed under C7.8 – Resource Consent Applications): Require a statement to be provided as to the likelihood of contaminated land forming all or part of the site of a proposed activity. If this is an information requirement then it may be better located under C7.8 – Resource Consent Applications.</p> <p>Amend Objective C7.5.1 to read: <i>“To manage existing contaminated land and prevent the creation of additional contaminated land”</i></p> <p>If Rule C7.6.1.3 is an information requirement we seek that it be located within C7.8 – Resource Consent Applications. If however, information provided under Rule C7.6.1.3 affects the activity status (from controlled in its present form) then the Plan should clarify what the new activity status would be and / or outline how contaminated land is to be assessed.</p>	
Decision	Accept the submission point	
Reason	Further information on matters over which Council will exercise discretion is included under restricted discretionary status. Council can require detailed assessment of contaminated land and impose appropriate conditions of consent to mitigate adverse effects. Support	

	rewording objective C7.5.1 for clarity.
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Submitter	Environment Bay of Plenty Regional Council	Number: 110.6
District Plan Provision	C7.6 & C7.7	
Submission	<p>Rule C7.6.1.1 Activity Status – General states: Subdivision of land into two or more allotments or any subdivision of a title into two or more leased sites shall be a controlled activity, subject to C7.6.1.3 and C7.7.</p> <p>In determining an application for subdivision as a controlled activity the Council shall exercise control over those matters set out in C7.7.</p> <p>This section implies that the default position for all subdivision and development activities will be a “controlled” activity status subject to C7.7 – Matters over which Council will exercise control. There is no direction on when an application will be assessed as a restricted, discretionary or non-complying activity given the wide ranging C7.7 Matters over which Council will exercise control.</p> <p>In BOPRC’s opinion the rider subject to C7.6.1.3 and C7.7 may be insufficient to override a controlled activity classification and this creates uncertainty and potential difficulties as consent must be granted.</p> <p>By way of example C7.7.1 states: No person may subdivide land unless the lot size to be created by subdivision is in accordance with this Plan and meets the requirements of Part 2 of this Act.</p> <p>Followed by Rule C7.7.6 a) Lot Size: No minimum lot sizes are specified in this plan however a minimum lot size may be a condition of any consent...</p> <p>However Rule C.6.4.3 Density/ Coverage (Rural Lifestyle zone) states: No new site shall have an area...of less than 4,000m². Given this example, what activity status would a Rural Lifestyle zoned subdivision application containing a lot of less than 4,000m be?</p> <p>We request that C7.6 and C7.7 (note there is no C7.7.7) and any associated provisions be amended to provide for certainty and consistency with a minimum default position of Restricted Discretionary.</p> <p>This request takes into account that section 87A of the RMA states that the consent authority must grant resource consent to a controlled activity. There is no discretion over the granting or refusal of consent other than matters subject to s106 along with clear examples provided in the Plan for when consent will not be granted (e.g. C7.7.2a) and C7.7.3c)). However, with regard to all other applications it is unclear when subdivision applications will default to anything other than a controlled activity.</p>	
Decision	Accept in part the submission point	
Submitter	New Zealand Transport Agency	Number: FS204.1 (110.6)
District Plan Provision	C7.7	
Submission	NZTA supports the Bay of Plenty Regional Council submission that C7.6.1.1 be amended to provide for a minimum default position of restricted discretionary activity status. This will provide clarity and retain the ability for Council to decline consent, where appropriate.	
Decision	Accept in part the submission point	
Reason	Section C7.6.1.1 addresses activity status and sets out that subdivision is a controlled activity <u>subject</u> to C7.6.1.3 and C7.7. C7.7 includes circumstances when Council will not approve a subdivision and those circumstances are therefore not controlled activities. To provide further clarity C7.7 is amended to clarify that certain activities will be non-complying, as opposed to “not approved” and restructuring the numbering is recommended . Also reword section heading to remove ambiguity.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.7
District Plan Provision	C7.7.1 a), C7.7.1 a) ii, C.7.7.4 a) & C7.7.4 a) ii	
Submission	These requirements substantially quote from section 106(1)(a) of the RMA. However, the hazard “falling debris [from any source]” is omitted. The RMA should be quoted correctly and the hazard “falling debris” could arise from volcanic sources. The risk of that hazard should be addressed.	
Decision	Accept in part the submission point	
Reason	The text is amended to appropriately reference the terminology of the Act.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.8
District Plan Provision	C7.7.1 a) ii	
Submission	Subdivisions should have a higher level of inundation protection by setting development levels above the Building Code requirements (i.e. 2% AEP ¹) is recommended in Section C4.3.2.5.1 of NZS4404:2004 Land Development & Subdivision Engineering standard. Subdivision lasts longer than 50 years and requiring a 1% AEP subdivision level will ensure the safety and suitability of the subdivision for a longer period of time. The 1% AEP flood level would also include provision for future global warming.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.9
District Plan Provision	C7.7.4 a) i	
Submission	<p>BOPRC does not consider that a 1% AEP flood level is required for building platforms. It is however recommended that the Plan set out minimum floor levels for buildings in accordance with the Building Act 2004 requirement (E1.3.2). This states that “Surface water, resulting from an event having a 2% probability of occurring annually, shall not enter buildings.”</p> <p>Seek the following amendment to C7.7.4)i: <i>“Any proposed building has an adequate building platform whether constructed or not, that will not be affected by any; erosion, falling debris, subsidence, slippage or inundation in a 2% AEP flood event. Use will be made of consent notices or other instruments...”</i></p>	
Decision	Accept the submission point	
Reason	The subdivision requirements include a requirement for building platforms to be above a 1% AEP flood event. Also amended is the development requirements rule to reflect that any proposed building will have a building platform that will not be affected by a 2% AEP flood event.	

Submitter	Transpower	Number: 112.9
District Plan Provision	C7.2.1.5	
Submission	Retain objective without modification.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Transpower	Number: 112.10
District Plan Provision	C7.2.2.6 & C7.2.2.9	
Submission	Retain the two policies without modification.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Mighty River Power	Number: FS203.18 (112.10)
District Plan Provision	C7.2.2.6 & C7.2.2.9	
Submission	<p>The policies identified provide for the operation, maintenance and upgrading of utilities including electricity generation facilities as well as identifying the issue of reverse sensitivity. Both issues are important to the appropriate use and development of the energy resources within the Kawerau district.</p> <p>Retain without modification Policies C7.2.2.6 and C7.2.2.9.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Transpower	Number: 112.11
District Plan Provision	C7.6.1	
Submission	Transpower notes that this section relates only to exercising control over financial contributions, which will not be sufficient to ensure that transmission assets are protected from adverse effects of subdivision. Accordingly Transpower requests that a rule is included in the subdivision section that requires any subdivision within 32m of the centre line of a	

¹ Annual Exceedance Probability

	<p>high voltage transmission line to be considered a restricted discretionary activity.</p> <p>Make the following amendments to C7.6.1:</p> <p><i>Subdivision of land into two or more allotments or any subdivision of a title into two or more leased sites shall be a controlled activity, subject to C7.6.1.3 and C7.7.</i></p> <p><i>In determining an application for subdivision as a controlled activity the Council shall exercise control over those matters set out in C7.9.</i></p> <p><u><i>Subdivision of land into two or more allotments within 32m of a high voltage transmission line shall be a restricted discretionary activity subject to new Section C7.9.</i></u></p> <p><u><i>In determining an application for subdivision as a restricted discretionary activity the Council shall restrict its discretion to those matters set out in C7.9.</i></u></p>
Decision	Accept the submission point
Submitter	Transpower Number: 112.12
District Plan Provision	C7.9
Submission	<p>Transpower notes that this section relates only to exercising control over financial contributions, which will not be sufficient to ensure that transmission assets are protected from adverse effects of subdivision. Accordingly Transpower requests that a rule is included in the subdivision section that requires any subdivision within 32m of the centre line of a high voltage transmission line to be considered a restricted discretionary activity.</p> <p>Add the following Assessment Criteria into New Section C7.9 – Assessment Criteria:</p> <p><u><i>Matters over which Council has restricted its discretion:</i></u></p> <ul style="list-style-type: none"> • <u><i>The extent to which the subdivision design mitigates the effects on the lines, for example through the location of roads and reserves under the route of the line;</i></u> • <u><i>The ability for maintenance and inspection of transmission lines and the minimisation of risk or injury and/or property damage from such lines;</i></u> • <u><i>The extent to which potential adverse effects including visual impact are mitigated, for example through the location of building platforms;</i></u> • <u><i>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); and</i></u> • <u><i>The outcomes of any consultation with the affected utility operator.</i></u>
Decision	Accept the submission point
Reason	A rule is included that subdivision within 32 metres of the centre line of a high voltage transmission line is to be considered a restricted discretionary activity, together with additional information requirement to show high voltage transmission lines on subdivision plans.

Submitter	Transpower Number: 112.13
District Plan Provision	C7.8.3
Submission	Retain without modification Section C7.8.3(a) and Section C7.8.3 (a)(iv)
Decision	Accept the submission point for the reasons stated in the submission.

Submitter	Transpower Number: 112.14
District Plan Provision	C7.8.2
Submission	<p>Include the following information requirement in Section C7.8.2 as follows:</p> <p><i>“Show on the subdivision plans any high voltage transmission lines traversing or within 32m of a site”</i></p>
Decision	Accept the submission point
Reason	This ensures current and future landowners are aware of the transmission lines.

Submitter	New Zealand Transport Agency Number: 115.5
District Plan Provision	C7.2.1.4

Submission	<p>NZTA supports the inclusion of an objective addressing the adverse effects of subdivision and development on the transport network. However the wording as notified (in reference to 'public roads') does not cover all aspects of the transport network. The transport network includes provision for walking and cycling facilities, as well as public transport provision.</p> <p>Amend Objective C7.2.1.4 as follows:</p> <p><i><u>"To ensure that subdivision and development of land occurs in a manner that does not adversely effect the function or capacity of public roads the transport network."</u></i></p>
Decision	Accept the submission point for the reasons stated in the submission.

Submitter	Environment Bay of Plenty Regional Council	Number: FS202.13 (115.5)
District Plan Provision	C7.2.1.4	
Submission	<p>The Bay of Plenty Regional Council supports the amendment as it is proposed as this would provide better alignment with Policy 13.3.3.1(b)(iv) in the Operative Regional Policy Statement.</p> <p>Seek the following amendment to Objective C7.2.1.4:</p> <p><i><u>To ensure that subdivision and development of land occurs in a manner that does not adversely effect the function or capacity of public roads the transport network.</u></i></p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	New Zealand Transport Agency	Number: 115.6
District Plan Provision	C7.6.1	
Submission	<p>NZTA have serious concerns regarding the Controlled Activity status given to all subdivision within the Kawerau District.</p> <p>Controlled Activity subdivision, particularly along Strategic Roads, has the potential to compromise the safe and efficient function of the transport network. We note that the Plan states that NZTA are an affected party for all subdivision along State Highway 34, however it is considered that Council should retain an ability to decline resource consent where necessary, for example where a subdivision is unable to avoid, remedy or mitigate any adverse effects. NZTA are also happy to meet early with applicants to discuss their proposal and support an efficient application process.</p> <p>Make all subdivision and development that gains direct access off State Highway 34 a Discretionary Activity.</p>	
Decision	Accept in part the submission point	
Reason	The activity status for subdivision and development gaining access off the state highway is amended from controlled to (restricted) discretionary. Full discretionary status is not necessary as the effects are related to the functioning of the state highway.	

C8 Natural and Cultural Heritage

Submitter	Mighty River Power	Number: 116.27
District Plan Provision	C8	
Submission	<p>Section C8.4 contains the objectives and policies for natural and cultural heritage issues within the Kawerau District. As currently drafted, some of the objectives and policies appear to seek the absolute protection of certain resources which is inconsistent with Part 2 of the RMA.</p> <p>The objectives and policies need to be rewritten to be not so absolute and not promote the blanket protection of resources. There may be times when some aspects of a resource can be modified and where the benefits of an activity using a particular resource override the desire to keep that resource untouched.</p>	
Decision	Accept in part the submission summary	
Submitter	Director General of Conversation	Number: FS201.5 (116.27)
District Plan Provision	C8	
Submission	<p>The development of rules and specific activity classes for use and development would provide for appropriate use and protection of these resources.</p> <p>Allow the submission point providing protection of significant habitats and features consistent with the requirements of the Act is retained</p>	
Decision	Accept in part the submission point	
Reason	<p>The objectives and policies of the Plan in relation to natural, cultural and heritage features do not seek to provide absolute protection of certain resources. Where protection of a resource, for example the geothermal resource, is highlighted it is in relation to protection from inappropriate subdivision, use and development rather than absolute protection of the resource. It follows that in some cases use and development of a certain resource may be appropriate if adverse effects are avoided, remedied or mitigated.</p>	

Submitter	Barry Marshall	Number: 117.24
District Plan Provision	C8.2	
Submission	<p>Indigenous fauna has been devastated by habitat loss and the effects of introduced predators and competitors.</p> <p>The distinctly numerous large, tall exotic trees are now what gives the town its character. They are presently subject to and need protection from uncontrolled, unwarranted, sporadic and deliberate destruction just as much as indigenous trees.</p> <p>Enhancement of existing natural habitats are also to be proactively pursued and not just encouraged, while also being protected from continuing destruction by such as firewood gatherers.</p>	
Decision	Accept in part the submission point	
Reason	This section provides for the protection of indigenous fauna and natural habitats.	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.11
District Plan Provision	C8.3	
Submission	<p>Discusses RMA and values surrounding archaeological and significant areas of significance to Ngati Tuwharetoa (BOP) Settlement Trust.</p> <p>Ngati Tuwharetoa (BOP) Settlement Trust supports in part Section C8.4.2.3 and seeks the amendment of this section so that the section includes the following bullet point:</p> <ul style="list-style-type: none"> ▪ “Ngati Tuwharetoa (BOP) Statutory Areas including the Tarawera River and Kawerau Geothermal System, and the Owhakatihī Area-Parimahana Reserve” 	
Decision	Accept in part the submission point	
Reason	Ngati Tuwharetoa (BOP) Statutory Areas are included as submitted, however we have been advised that Owhakatihī Area Parimahana Reserve is not a Statutory Area.	

Submitter	Barry Marshall	Number: 117.25
District Plan Provision	C8.5	
Submission	All trees on private and council property including road reserve within the Kawerau District including such as the golf club and similar areas, which would qualify not to be destroyed, in other words trees qualifying for protection under the terms of the STEMS criteria, are all to be listed and scheduled for protection under the Propose Kawerau District Plan (PKDP), and shall not be destroyed without an assessment report from a fully certified, qualified and registered arboriculturalist, based as a minimum, on the STEMS Criteria.	
Decision	Reject the submission point	
Submitter	New Zealand Transport Agency	Number: FS204.3 (117.25)
District Plan Provision	C4	
Submission	In some instances it may be necessary to trim and/or remove street trees where they impact on road function, or pose a danger to road users. Decline submission 117.25.	
Decision	Accept the submission point	
Submitter	Barry Marshall	Number: 117.26
District Plan Provision	C8.9.1	
Submission	<p>Amend to include: <i>The necessity for carrying out the work, including 'following a registered arboriculturalist report will be limited to 'whether a tree is....'</i></p> <p><i>Conditions may 'will' be imposed as part of any consent to an application and may 'will' include: 'to plant at least one or preferably more replacement tree(s) of a similar or superior species in the immediate vicinity, and to wait for a threshold period of at least seven years prior to the selected tree being felled (unless an acceptable emergency situation exists), to ensure the replacement tree(s) survive local aberrations, such as vandalism, etc.'</i></p>	
Decision	Reject the submission point	
Reason	Maintenance and enhancement of areas of exotic and specimen trees is supported where appropriate however, section C8.2 is primarily concerned with providing for indigenous vegetation as relatively little is left in an unmodified state. Many of the exotic specimen trees are on Council land and are maintained by Council contractors. Regulating for the further protection of trees is not considered necessary. The addition of the ability to require an arborist's assessment of a restricted discretionary application for consent to remove a listed tree is included.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.31
District Plan Provision	C8.1	
Submission	<p>Introduction is deficient in its discussion of section 6 & 7 of the Act. Although there may be no outstanding natural features and landscapes within the district, there are significant cross-boundary issues occurring, with activities in the Kawerau District affecting outstanding natural features and landscapes in the adjoining Whakatane District.</p> <p>All of Section 6 & 7 should be referred to and discussed in their relation to the district e.g. maintenance and enhancement of public access to and along lakes and rivers; the efficiency of the end use of energy, the effects of climate change and the benefits to be derived from the use and development of renewable energy.</p>	
Decision	Accept in part the submission point	
Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.33
District Plan Provision	C8.1	
Submission	The definition of heritage does not encompass the natural values anticipated by S6(c) or 7(d) of the RMA.	
Decision	Accept in part the submission point	
Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.34
District Plan Provision	C8.1	
Submission	Activities that are subject to section 6 & 7 which are not permitted activities should be discretionary activities, not restricted discretionary activities.	
Decision	Accept in part the submission point	
Reason	The introduction of Section C8.1 is for information purposes only and does not intend to	

	replace the definitions and requirements of the Act. However, for better alignment with the terminology used in the Act amendments to the section are included.
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Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.34
District Plan Provision	C8.4.1.1	
Submission	This objective is rather vague to implement the RPS – after recognising the importance, then what? This objective should be replaced with one that is much clearer and better aligned with the RMA e.g. <i>‘To recognise and protect the values of the natural, physical and cultural resources of the Kawerau district.’</i>	
Decision	Accept the submission point	
Submitter	Mighty River Power	Number: FS203.13 (105.34)
District Plan Provision	C8.4.1.1	
Submission	The suggested wording seeks the protection of the values of the natural and physical resources of the district which is inconsistent with the purpose and principles of the RMA.	
Decision	Accept the submission point	
Reason	The amended wording does not seek absolute protection and is not inconsistent with the Act.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.36
District Plan Provision	C8.4.2	
Submission	Because of the limitation of the definition of heritage, these policies are not adequate to implement the RMA or RPS. Significant areas are required to be protected, not just maintained and enhanced. The policies need to be rewritten to apply the requirements of these higher documents.	
Decision	Accept the submission point	
Submitter	Environment Bay of Plenty Regional Council	Number: FS202.3 (105.36)
District Plan Provision	C8.4.2	
Submission	Support a greater level of alignment with the Operative Regional Policy Statement to “give effect” to Chapter 15 (<i>Natural Features and Landscapes and Historic Heritage</i>) and Chapter 16 (<i>Natural Character and Indigenous Ecosystems</i>), and criteria to assess these values have been provided under Appendices F and G.	
Decision	Accept the submission point	
Reason	The policy is rewording to better reflect the Act and RPS.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.37
District Plan Provision	C8.4.2.6	
Submission	This policy needs to recognise that some aspects of geothermal ecosystems fall within the scope of S6(c). Areas of significant indigenous vegetation include vegetation on geothermal ground.	
Decision	Reject the submission point	
Reason	Geothermal vegetation is recognised in policy C8.4.2.5.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.38
District Plan Provision	C8.5	
Submission	The item beginning “-Maintenance of” is incorrectly expressed. <i>Amend to read “<u>removal</u> of environmental weeds in areas of significant indigenous vegetation”.</i>	
Decision	Accept in part the submission point	
Submitter	Director General of Conservation	Number: 109.10
District Plan Provision	C8.5	
Submission	Environmental weeds are considered a major threat to areas of significant indigenous vegetation, and it is appropriate that their control is allowed for as an activity not requiring consent. Change ‘maintenance’ of environmental weeds to ‘control’.	
Decision	Accept the submission point	
Reason	Rule amended to ‘control’ rather than maintenance.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.39
District Plan Provision	C8.6	
Submission	"No geological feature (including geothermal surface features) listed in Appendix C shall be destroyed or altered in any manner." This is expressed as a prohibition, but then allows for exceptions. The plan would be much clearer if it specified permitted and discretionary or non-complying activities.	
Decision	Accept the submission point	
Submitter	Director General of Conservation	Number: FS201.2 (105.39)
District Plan Provision	C8.6	
Submission	Allow the submission point as the development of rules and specific activity classes for geothermal use and development would provide for appropriate use and protection of these resources.	
Decision	Accept the submission point	
Submitter	Environment Bay of Plenty Regional Council	Number: FS202.4 (105.39)
District Plan Provision	C8.6	
Submission	Clarity on the activity status for works impacting on geological features would assist plan users and decision makers. The Bay of Plenty Regional Council recognises the importance of <i>geological features</i> in Chapter 10 and <i>Appendix F</i> of the Operative Regional Policy Statement which the Kawerau District Plan must "give effect" to.	
Decision	Accept the submission point	
Reason	The section is restructured and reworded to clarify what activity statuses apply to different activities affecting geological features.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.40
District Plan Provision	C8.6	
Submission	The second exception " – the carrying out of minor works which, in Council's opinion, would not modify the features" requires consent authority determination and therefore cannot be a permitted activity.	
Decision	Accept the submission point	
Submitter	Environment Bay of Plenty Regional Council	Number: FS202.4 (105.40)
District Plan Provision	C8.6	
Submission	Clarity on the activity status for works impacting on geological features would assist plan users and decision makers. The Bay of Plenty Regional Council recognises the importance of <i>geological features</i> in Chapter 10 and <i>Appendix F</i> of the Operative Regional Policy Statement which the Kawerau District Plan must "give effect" to.	
Decision	Accept the submission point	
Reason	The rule is amended to remove discretion and a definition of minor works is included.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.41
District Plan Provision	C8.9.1	
Submission	Replace the phrase "trees and wetlands" with "natural character, natural features and landscape, indigenous vegetation and habitats of indigenous fauna" to ensure consistency with RPS & RMA.	
Decision	Accept in part the submission point	
Submitter	Director General of Conservation	Number: FS201.3 (105.41)
District Plan Provision	C8.9.1	
Submission	The term 'Trees and Wetlands' does not accurately describe these areas. Allow the submission point.	
Decision	Accept in part the submission point	
Submitter	Environment Bay of Plenty Regional Council	Number: FS202.5 (105.41)
District Plan Provision	C8.9.1	
Submission	Support the proposed amendment as it would be more consistent with the Resource Management Act. It would also enable a greater level of alignment with the Operative Regional Policy Statement (chapters 15 and 16).	
Decision	Accept in part the submission point	
Submitter	Director General of Conservation	Number: 109.11
District Plan Provision	C8.5	
Submission	Wetlands do not require separate identification, as all wetlands in the region are recognised	

	as significant indigenous vegetation.
Decision	Accept the submission point
Reason	'Trees and wetlands' is replaced with 'significant indigenous vegetation; in line with the RPS and RMA.

Submitter	Director General of Conversation	Number: 109.8
District Plan Provision	C8.4.1	
Submission	There is no objective in the Natural and Cultural Heritage Section requiring the protection of significant indigenous vegetation and significant habitats of indigenous fauna, which prevents the appropriate recognition of the requirements of section 6(c) of the RMA. Seek insertion of a new objective requiring the protection of significant indigenous vegetation and significant habitats of indigenous fauna.	
Decision	Accept in part the submission point	
Submitter	Environment Bay of Plenty Regional Council	Number: FS202.10 (109.8)
District Plan Provision	C8.4.1	
Submission	The amendment will "give effect" to Chapter 16 (<i>Natural Character & Indigenous Ecosystems</i>) and, <i>Appendices F and G</i> of the Operative Regional Policy Statement.	
Decision	Accept in part the submission point	
Submitter	Director General of Conservation	Number: 109.9
District Plan Provision	C8.4.5	
Submission	This policy appears to be the result of combining two separate policies, as it does not make sense as currently written. Redraft this policy to require the protection of these values from inappropriate subdivision, use and development, and their maintenance and enhancement.	
Decision	Accept the submission point	
Reason	The policy is reworded to better reflect the Act and RPS.	

Submitter	Director General of Conservation	Number: 109.12
District Plan Provision	C8.6	
Submission	The second exclusion matter is considered inappropriate, as although the carrying out of minor works which, in Council's opinion, would not modify the feature is a matter that discretion has been retained over, the discretion is too broad and lacks certainty. Insert criteria or standards that inform Council's opinion to provide certainty.	
Decision	Accept in part the submission point	
Submitter	Environment Bay of Plenty Regional Council	Number: FS202.11 (109.12)
District Plan Provision	C8.6	
Submission	The provision of criteria or standards would provide clarity to plan users and decision makers when assessing if works are 'minor'. The importance of <i>geological features</i> is recognised in Chapter 10 and <i>Appendix F</i> of the Operative Regional Policy Statement which the District Council must "give effect" to.	
Decision	Accept in part the submission point	
Reason	The section is restructured and reworded to clarify what activity statuses apply to different activities affecting geological features. Environment Bay of Plenty Regional Council raised whether routine maintenance should be a discretionary activity however adding definition of minor works to include routine maintenance is preferred.	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.12
District Plan Provision	C8.8	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust supports in part Section C8.8 and seeks the amendment of this section that the section excludes "listed" from in front of Maori Heritage site or Archaeological site (listed or unlisted) shall be a restricted discretionary activity.	
Decision	Accept in part the submission point	
Submitter	New Zealand Historic Places Trust	Number: 113.3
District Plan Provision	C8.8	
Submission	Provision C8.8, which appears to provide absolute protection to Maori and Archaeological sites, duplicates provisions of the New Zealand Historic Places Act (HPA) 1993. We	

	<p>recommend that instead of replicating provisions of the HPA, Kawerau District Council identify, particularly, which sites and values will be protected and state these in policies and methods.</p> <p>That provision C8.8 (Maori Heritage Sites and Archaeological Sites) be clearly stated as an activity performance standard and cross references elsewhere in the plan (i.e. C3.5.6 correctly reference this standard).</p>
Decision	Accept the submission point
Reason	Listed and unlisted sites are covered by this section as not all sites are listed in Appendix C. Sites that are not included in the lists in Appendix C may be identified in agreement with Council through the resource consent process, for example Ngati Awa Statutory Areas are not publicly disclosed, however further information on the sites' locations are available through Council in consultation with Iwi.

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.13
District Plan Provision	C8.8	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust also requests that a note be included to acknowledge that Ngati Tuwharetoa (BOP) Settlement Trust hold information surrounding Ngati Tuwharetoa (BOP) Statutory Areas and sites of cultural, historical and spiritual connection to them. Consultation with Ngati Tuwharetoa (BOP) Settlement Trust is encouraged to obtain relevant information to these areas.	
Decision	Accept in part the submission point	
Reason	Listed and unlisted sites are covered by this section as not all sites are listed in Appendix C. Sites that are not included in the lists in Appendix C may be identified in agreement with Council through the resource consent process, for example Ngati Awa Statutory Areas are not publicly disclosed, however further information on the sites' locations are available through Council in consultation with Iwi.	

Submitter	Director General of Conservation	Number: 109.13
District Plan Provision	C8.9.2	
Submission	There are no restricted discretionary activities for geological features in the Plan, as 8.6 classifies activities affecting these features as either permitted or discretionary. The matters included in this section should be used as a basis for criteria to satisfy the Department's concerns with 8.6.	
Decision	Accept the submission point	
Reason	Activity status for activities affecting geological features is amended to discretionary.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.10
District Plan Provision	C8 & C8.1	
Submission	<p>Recommend amendment to the definition of "heritage" in the Plan to provide for consistency with terminology in C8: Natural and Cultural Heritage. This would also ensure a greater level of alignment with RPS criteria in Appendix F.</p> <p>Seek amendment to the definition of 'heritage' as follows: <i>"Those natural, cultural and historic attributes from the distant and more recent past, and existing resources that establish a sense of connection to former times, contributing to community and cultural identity, sense of place and spirituality, that people have a responsibility to safeguard for current and future generations."</i></p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.11
District Plan Provision	C8.3	
Submission	<p>Section 8.3 outlines RMA obligations to protect cultural heritage along with Historic Places Act 1993 considerations. It might also assist Plan users if they are directed to the significance of Statutory Acknowledgements that apply in the Kawerau District.</p> <p>Include a reference to the Statutory Acknowledgements which are located within Appendix D of the District Plan.</p>	

Decision	Accept the submission point for the reasons stated in the submission.
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Submitter	Environment Bay of Plenty Regional Council	Number: 110.12
District Plan Provision	C8.4.2 & C8.4.2.3	
Submission	<p>Policy C8.4.2.3 is supported but BOPRC recommend that both Iwi with Statutory Acknowledgements be recognised. The proposed wording is consistent with Appendix D (page 2).</p> <p>Seek amendment to C8.4.2.3 as follows: <i>“Tangata whenua should be actively consulted where activities have the potential to adversely affect taonga or tangata whenua relationships to taonga and in particular where development involves:</i> <i>activities near scheduled waahi tapu sites</i> <i>activities near identified archaeological sites</i> <ul style="list-style-type: none"> - <i>activities that can adversely effect inland waterways</i> - <i>open space that contains heritage resources of value to tangata whenua</i> - <i>Ngati Tuwharetoa Statutory Acknowledgement Areas including: Tarawera River from the lower reach of the Tarawera Falls and, the Kawerau Geothermal System</i> - <i>Ngati Awa Statutory Areas including Tarawera River”</i></p>	
Decision	Accept in part the submission point	
Reason	‘Ngati Tuwharetoa Statutory Acknowledgment Areas’ is added to the list.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.13
District Plan Provision	C8.9	
Submission	<p>BOPRC recommend that the status of activities affecting the following natural and cultural heritage features and values be assessed as discretionary rather than restricted discretionary activities:</p> <p>C8.5 Trees, Wetlands, Significant Indigenous Vegetation and Habitats of Indigenous Fauna C8.6 Geological Features (this section states it is a discretionary activity so the amendment sought is reiterate this activity status in C8.9, p87). C8.7 Buildings and Objects C8.8 Maori Heritage and Archaeological Sites (note: this section implies that there is no information held on Ngati Tuwharetoa Statutory Areas).</p> <p>The change in activity status would provide a greater level of alignment and ability to give effect to RPS Criteria provided under Appendices F and G. It would also be consistent with the discretionary activity status referred to in Appendix C: Schedule of Heritage Sites and Places - B Criteria for Assessment of Discretionary Activities.</p>	
Decision	Accept the submission point	

Submitter	New Zealand Historic Places Trust	Number: 113.2
District Plan Provision	C8.4.2.1 & C8.4.2.2	
Submission	<p>Policies C8.4.2.1 and C8.4.2.2 do not appear to follow best practice and sit beneath a very general objective (C8.4.1.1) to recognise those resources that are valued. As what is valued is not stated, it is unclear what these objectives and policies achieve.</p> <p>The ‘Criteria for Assessment of Discretionary Activities’ within Appendix B be removed. Propose a more detailed Objective and Policies as follows:</p> <p><i>Objective</i> <i>“To protect significant [Council to define or schedule these items] historic heritage in the district from adverse effects of land-use and development.”</i></p> <p><i>Policies</i></p> <p><i>Policy 1.1</i> <i>The District Council shall identify and include significant historic heritage in the district plan heritage schedule. The assessment of heritage values in the district for listing will be guided by Appendix A.</i></p>	

	<p><i>(Note: Development of Appendix A may be guided by the Bay of Plenty Regional Policy Statement which contains heritage criteria. Alternatively the model guidelines contain a detailed set of criteria.</i></p> <p>Policy 1.2 <i>Methods and rules in the district plan shall protect significant historic heritage listed in the heritage schedule from adverse effects of land-use and development. The assessment of adverse effects of subdivision, use and development will be guided by Appendix B.</i></p> <p>Policy 1.3 <i>Methods and rules in the district plan shall protect places of national significance from adverse effects of land-use and development. These are places of special or outstanding heritage value which include registered Category I historic places, wahi tapu and wahi tapu areas under the Historic Places Act 1993. The assessment of adverse effects of subdivision, use and development will be guided by Appendix B.</i></p> <p>Policy 1.4 <i>The district council shall have regard to the NZHPT Register of Historic places, historic areas, wahi taup and tahi taup areas and recognise NZHPT as a consent authority for all pre-1900 archaeological sites.</i></p> <p>Policy 1.5 <i>Development and land-use associated with any previously unidentified historic heritage shall be managed in a way that avoids damage or destruction until its significance is assessed and adverse effects can be appropriately avoided or mitigated.</i></p>
Decision	Accept in part the submission point
Reason	A change from restricted discretionary activity status to discretionary is not supported. The matters of discretion that Council is restricted to are broad enough that the potential effects of a proposed activity can be adequately assessed. However, the addition of reference to the RPS criteria is included. Appendix C (B) Criteria for Assessment of Discretionary Activities is deleted as there are no discretionary activities relevant to this.

Submitter	Transpower	Number: 112.15
District Plan Provision	C8.5	
Submission	<p>Transpower requests that the exception to Rule C8.5, relating to the felling or destruction of any tree by the Council or Statutory Authority to maintain or restore power, is retained in the Proposed District Plan. Transpower also requests that the exemption be amended to clarify that it is not only vegetation trimming/removal required as emergency works that is exempt, but also vegetation trimming as required for ongoing maintenance.</p> <p>Make the following change to the exemption to Rule C8.5 – Trees and Wetlands (addition underlined):</p> <p><i>“the felling or destruction of any tree by the Council or a statutory authority, when this is required as an emergency work <u>or</u> to maintain or restore power and communication links to safeguard life or property”</i></p>	
Decision	Accept the submission point for the reasons stated in the submission.	

C9 Utilities

Submitter	Transpower	Number: 112.2
District Plan Provision	C9	
Submission	The Proposed District Plan recognises the benefits of network utilities, and seeks to protect transmission lines from new and incompatible land uses at the time of subdivision by requiring resource consent for development within 32 metres of a transmission line. The Proposed District Plan also provides for existing network utilities as a permitted activity and provides for minor upgrading as defined. Transpower welcomes the recognition of the National Grid in the Proposed District Plan, however some modifications and/or clarifications are required to the existing text, and some additional text is required, in order to address the relevant resource management issues identified above.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Whakatane District Council	Number: 119.25
District Plan Provision	C9.1	
Submission	Support that visual amenity is provided for.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Whakatane District Council	Number: 119.26
District Plan Provision	C9.1	
Submission	Broadband is vitally important for the sub-regional economy, including Kawerau District. Insert text and relevant objectives and policies setting out the importance of providing for an integrated highspeed broadband network.	
Decision	Accept in part the submission point	
Reason	Broadband is acknowledged as being an important service for the local area. The national initiative to roll out highspeed broadband across the country will ensure the district is provided with this valuable service. New cabling can be achieved through the current Utility section provisions.	

Submitter	Whakatane District Council	Number: 119.24
District Plan Provision	C9.1	
Submission	Insert text acknowledging the importance of maintaining utilities for a wider benefit than just the Kawerau District – the benefits extend beyond the Whakatane District jurisdiction.	
Decision	Accept the submission point	
Reason	The section is expanded as submitted..	

Submitter	Barry Marshall	Number: 117.27
District Plan Provision	C9	
Submission	<p>Council will achieve the efficient and safe functioning of all the water activity works by Council instituting Objectives and Policies in the PKDP that make certain that council retains fully effective functioning and active public control and monitoring of these systems during the forthcoming period of the PKDP, thus ensuring that services and systems shall not be contracted out to other parties or agencies, by rejecting the new 2010 legislation that would enable Councils to contract out these water services for a period of 35 years.</p> <p>Objectives and Policies are required to be included in the PKDP to ensure the efficient and safe functioning of water supply and distribution, wastewater, stormwater and sewage discharges systems and processes.</p> <p>Include provisions that;</p> <ul style="list-style-type: none"> - For a period of 35 years, Council will be prevented from exercising any direct or effective control, or monitoring, once such as contract is granted and signed. - There will be no public consultation, and no public input will be allowed into any Council consideration, or decision of such as proposal to contract out these water services. 	
Decision	Reject the submission point	
Reason	The administration of water services is not a district plan issue and it is not appropriate to	

	regulate the control of such services through the Plan.
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Submitter	Mighty River Power	Number: 116.28
District Plan Provision	C9	
Submission	Mighty River Power opposes Section C9 'Utilities' as it is currently drafted as it does not adequately provide for essential services provided by organisations not deemed to be requiring authorities and who undertake their activities outside of the designation provisions contained in the RMA.	
Decision	Accept in part the submission point	
Submitter	Mighty River Power	Number: 116.29
District Plan Provision	C9.2.1.2	
Submission	<p>Section C9 outlines the provisions in respect of network utilities. However, it is unclear if this section is attempting to deal with network utility operators as defined in the RMA or wider infrastructure providers. The introduction to the section is firmly focused on network utilities, designations and requiring authorities. However, not all essential services are provided through designations and by requiring authorities.</p> <p>Mighty River Power seeks the amendment of Objective C9.2.1.2 to read as follows:</p> <p><i>"To enable the <u>development</u>, operation, <u>maintenance and upgrading</u> of network utilities <u>utility systems and services</u> and their protection from the adverse effects of other activities, including reverse sensitivity effects."</i></p>	
Decision	Accept in part the submission point	
Submitter	Mighty River Power	Number: 116.30
District Plan Provision	C9.2.1	
Submission	<p>It is important for the Council to realise that not all infrastructure service providers fall within the current definition in the Act and for this to be reflected through the provisions contained in the Plan. For example, Mighty River Power owns essential infrastructure which it uses for the generation of electricity but is not a network utility operator or requiring authority in terms of the RMA. As organisations such as Mighty River Power provide essential services, there is a need for the Plan to recognise and provide for such activities.</p> <ul style="list-style-type: none"> • Mighty River Power seeks the insertion of a new objective into Section C9.2.1 'Objectives' to require recognition of the benefits to be derived from essential utilities and services such as electricity generation and transmission facilities at local, regional and national levels. • Mighty River Power seeks the amendment of the policies in Section C9.2.2 so that they refer to essential utilities and services such as electricity transmission infrastructure regardless of size and scale. 	
Decision	Accept in part the submission point	
Submitter	Transpower	Number: FS206.4 (116.30)
District Plan Provision	C9.2.1	
Submission	Transpower supports the relief sought in this submission as it recognises the national significance of electricity Transmission Activities. This is consistent with the National Policy Statement for Electricity Transmission 2008 "(NPSET)".	
Decision	Accept in part the submission point	
Submitter	Mighty River Power	Number: 116.32
District Plan Provision	C9.3	
Submission	<p>Mighty River Power opposes Section C9 'Utilities' as it is currently drafted as it does not adequately provide for essential services provided by organisations not deemed to be requiring authorities and who undertake their activities outside of the designation provisions contained in the RMA.</p> <p>Mighty River Power seeks the amendment of the activities listed in Section C9.3 'Permitted Activities' to incorporate essential utilities and services such as electricity transmission infrastructure.</p>	
Decision	Accept in part the submission point	

Reason	The Power station and associated infrastructure is provided for by the relevant network utility provisions, and is further clarified by rewording the definition of network utility. Amendment to objectives and policies to specifically include electricity transmission is not required as the definition is clear that generation activities are included.
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Submitter	Telecom	Number: 101.2
District Plan Provision	C9.2.2.3	
Submission	<p>The siting, designing and landscaping of structures in a manner appropriate to the character and amenity of the area may not always be possible. It is considered that Policy C9.2.2.1 sufficiently covers the issues implied through Policy C9.2.2.3, and thus that the policy can be deleted in its entirety. Alternatively the policy could be retained but with the words “which takes into consideration” added to provide the necessary flexibility to network utility operators when constructing new utilities.</p> <p>Delete Policy C9.2.2.3, or alternatively retain the policy but amend wording to read:</p> <p><i>C9.2.2.3 Utility structures should be sited, designed and landscaped in a manner which takes into consideration the character and amenity of the area.</i></p>	
Decision	Accept the submission point	
Reason	The policy is amended as not all utility structures can be designed and landscaped appropriate to the surrounding character and amenity.	

Submitter	Telecom	Number: 101.3
District Plan Provision	C9.3	
Submission	<p>No mention in the Plan of equipment in the Road Zone. The general district wide provisions for above ground utilities are difficult to apply in regard to site areas and landscaping. The NES provides for certain installations as permitted activities subject to specific restrictions. It also allows for specific noise controls for equipment in roads. Would be appropriate to include a reference to the NES for equipment in roads within this section.</p> <p>Insert the following note after “<i>vii New overhead lines in the road zone where bounded wholly by the Rural Lifestyle zone as provided for by rule C4.3.3</i>”:</p> <p><i>Telecommunications Equipment</i></p> <p><i>Telecommunications equipment located in the Road zone that complies with the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008, or any subsequent amendment, is a permitted activity.</i></p>	
Decision	Accept the submission point	
Reason	An additional permitted activity provision for for telecommunications facilities in the Road Zone is included as provided for under National Environmental Standards (NES) for Telecommunications Facilities.	

Submitter	Telecom	Number: 101.4
District Plan Provision	C9.7.7	
Submission	<p>Noise emissions from telecommunications facilities located within the Road zone are subject to the noise standards specified in the NES. As such, it is considered appropriate that a note be inserted to this effect.</p> <p>Insert after C9.7.7:</p> <p><i>Note: Noise emissions from telecommunications equipment located in the Road zone that comply with Regulation 9 of the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulation 2008, or any subsequent amendment, are a permitted activity.</i></p>	
Decision	Accept the submission point	
Reason	An additional note to C9.7.7 is included advising that noise emissions from telecommunications equipment in Road Zone are provided for in the NES in accordance	

	with Regulation 9.
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Submitter	Telecom	Number: 101.5
District Plan Provision	C9.7.8	
Submission	<p>Operation of telecommunications facilities are subject to the radiofrequency exposure limits specified in the NES, which in turn refer to NZS 2772.</p> <p>Amend to read:</p> <p><i>C9.7.8 Radiofrequency Radiation</i></p> <p><i>Telecommunications facilities shall comply with Regulation 4 of the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulation 2008, or any subsequent amendment.</i></p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	NZ Fire Service	Number: 102.3
District Plan Provision	C9.1	
Submission	<p>Within the Utilities Introduction, reference is made to “accessible water supply for fire fighting requirements”, however, there are no further references in any subsequent objective, policy or rule in the chapter to support this statement. NZFS considers that the statement is more suitable and consistent with section C7 – Subdivision and Development and should be included in section (C7) of the Proposed District Plan rather than in the Utilities Introduction (C9) as it is currently noted.</p> <p>Delete wording</p> <p><i>“An accessible water supply is also vital for fire fighting requirements”</i></p>	
Decision	Accept the submission point	
Reason	The reference to water for fire fighting is deleted as it is more appropriately dealt with in Section C7 Subdivision and Development.	

Submitter	EECA	Number: 104.8
District Plan Provision	C9.1	
Submission	<p>In the absence of a stand-alone energy chapter it is essential that the Utilities section of the plan more comprehensively address generation issues.</p> <p>Support C9.1 in part, requiring the following amendments:</p> <p><i>Utility services <u>and associated infrastructure</u> are essential for the efficient and safe functioning of many activities in the district <u>and overall community well-being</u>. Through this district plan the Council will manage the planning and provision of utility services <u>and infrastructure</u> in order to promote the sustainable management of natural and physical resources.</i></p> <p><i>A utility service, such as a network of pipes or lines, is generally provided by a network utility operator (e.g. Telecom, power supply authority). <u>Network utilities and infrastructure also include activities such as electricity generation.</u></i></p> <p><i>Some such utilities services are provided for in the Plan through a "designation" which is a means to set aside an area of land for utilities. A designation is a legal provision in the district plan to provide for public works and certain types of network utility operations such as telecommunications. A designation provides land use consent for the work and may place restrictions on the kinds of activities that may be carried out within the area of the work. Not all utilities services are provided for by designations. They can also be allowed as a Permitted, Controlled, Restricted Discretionary, Discretionary or Non-Complying activity.</i></p>	

	<p><i>Land can be designated only by 'Requiring Authorities'. The Resource Management Act 1991 defines 'Requiring Authorities'. They include Ministers of the Crown, regional and territorial authorities and those network utility operators which have been approved by the Minister for the Environment.</i></p> <p><i>Utility networks <u>and infrastructure</u> assist in enhancing the social and economic welfare of people, maintaining an acceptable quality of life and protecting and enhancing the quality of the environment. <u>Energy infrastructure of various scales is essential to the creation of a range of local and national benefits associated with a secure, affordable and environmentally responsible energy system.</u></i></p> <p><i>The Plan recognises the importance of utility networks <u>and infrastructure</u>, but at the same time should recognise the need to avoid, remedy or mitigate adverse effects from such activities.</i></p> <p><i>Network utilities <u>and infrastructure</u> are required in every zone within the district. The adverse effects associated with their provision can have differing impacts depending on the character of the area in which they are located.</i></p> <p><i>The construction, operation and use of utility networks <u>and infrastructure</u> can adversely affect the environment and conversely other activities may adversely affect the safe and efficient operation of utility networks. Any utility structures or services should recognise and be sympathetic to the particular character of the area in which they are located wherever possible.</i></p>	
Decision	Accept in part the submission point	
Submitter	Mighty River Power	Number: FS203.5 (104.8)
District Plan Provision	C9.1	
Submission	As has been discussed with Council, the Utilities section also needs to provide for essential infrastructure such as electricity generation facilities which do not fall under the definition of network utilities as defined under the RMA.	
Decision	Accept in part the submission point	
Submitter	EECA	Number: 104.9
District Plan Provision	C9.2	
Submission	<p>Renewable energy infrastructure plays an essential role in the functioning of the district and results in positive effects and national, regional and local benefits which should be acknowledged in the District Plan. In the Kawerau district, the Kawerau Geothermal Power Station results in significant local, regional, and national benefits. The benefits to be derived from renewable energy include: security of supply; reduction in greenhouse gas emissions; reduction in dependence on the national grid; reduction in transmission losses; reliability; reduced dependency on imported energy sources; reduced exposure to fossil fuel price volatility; industry and wider development benefits; and contribution to the renewable electricity target. The additional objective accords with RMA section 7(j).</p> <p>Insert the following objective into section C9.2:</p> <p><u><i>“To recognise and promote the local, regional and national benefits (social, economic, cultural and environmental) of the use and development of renewable energy resources of various scales and those associated transmission and distribution networks.”</i></u></p>	
Decision	Accept in part the submission point	
Reason	The majority of amendments outlined in the submissions are supported as they outline that utility services and associated infrastructure are essential for the operation of many activities and community wellbeing. A new objective and policy addressing the use and development of renewable energy is included.	

Submitter	EECA	Number: 104.10
District Plan Provision	C9.2.1.2	
Submission	The objective should go beyond enabling network utilities as defined in the RMA and should encompass generation activities.	

	Retain objectives C9.2.1.2 and amend as follows: <i>“C9.2.1.2 To enable the <u>development, operation, maintenance, and upgrading</u> of network utilities <u>and associated infrastructure</u> and to protect them from the adverse effects of other activities, including reverse sensitivity effects.”</i>
Decision	Accept in part the submission point
Reason	The objective is amended to include the maintenance and minor upgrading of network utilities and associated infrastructure but not to enable development. Enabling development is too strong a position for Council to take as it is not always appropriate in all locations. The Plan is permissive enough that development of network utilities is achievable in a number of zones across the district. Applying for resource consent for other locations is appropriate.

Submitter	Mighty River Power	Number: FS203.6 (104.10)
District Plan Provision	C9.1	
Submission	As has been discussed with Council, the Utilities section also needs to provide for essential infrastructure such as electricity generation facilities which do not fall under the definition of network utilities as defined under the RMA.	
Decision	Accept the submission point	
Reason	The Power station and associated infrastructure is provided for by the relevant network utility provisions, and is further clarified by rewording the definition of network utility. Amendment to objectives and policies to specifically include electricity transmission is not required as the definition is clear that generation activities are included.	

Submitter	EECA	104.11
District Plan Provision	C9.2.2.1	
Submission	The policy should go beyond the RMA definition of network utilities to encompass generation activities. Retain policy C9.2.2.1 and amend as follows: <i>“C9.2.2.1 The operation of <u>all network utilities and infrastructure</u> should be carried out in a manner that takes account of the environmental outcomes sought for each particular zone and the potential environmental effects associated with the <u>activity network utility</u> while having regard for the technical and operational requirements of utility networks <u>and infrastructure</u>.”</i>	
Decision	Accept in part the submission point	
Reason	The majority of amendments outlined in the submission are supported as they outline that utility services and associated infrastructure are essential for the operation of many activities and community wellbeing. A new objective and policy addressing the use and development of renewable energy is included.	

Submitter	Mighty River Power	Number: FS203.7 (104.11)
District Plan Provision	C2.2.1	
Submission	As has been discussed with Council, the Utilities section also needs to provide for essential infrastructure such as electricity generation facilities which do not fall under the definition of network utilities as defined under the RMA.	
Decision	Accept in part the submission point	
Submitter	EECA	Number: 104.12
District Plan Provision	C9.2.2.4	
Submission	The policy should go beyond the RMA definition of network utilities to encompass generation activities. Retain policy C9.2.2.4 and amend as follows: <i>“C9.2.2.4 Subdivision and development shall not adversely affect the function, capacity and safe and efficient operation of network utilities and infrastructure.”</i>	

Decision	Accept the submission point	
Submitter	Mighty River Power	Number: FS203.8 (104.12)
District Plan Provision	C9.2.2.4	
Submission	As has been discussed with Council, the Utilities section also needs to provide for essential infrastructure such as electricity generation facilities which do not fall under the definition of network utilities as defined under the RMA.	
Decision	Accept the submission point	
Submitter	EECA	Number: 104.13
District Plan Provision	C9.2.2.6	
Submission	<p>The policy should go beyond the RMA definition of network utilities to encompass generation activities.</p> <p>Retain policy C9.2.2.6 and amend as follows:</p> <p><i>“C9.2.2.6 To allow for the maintenance and upgrading of <u>generation</u>, transmission and distribution facilities to levels that meet the needs of the community, while avoiding, remedying or mitigating effects on the environment where practicable.”</i></p>	
Decision	Accept the submission point	
Submitter	Mighty River Power	Number: FS203.9 (104.13)
District Plan Provision	C9.2.2.6	
Submission	As has been discussed with Council, the Utilities section also needs to provide for essential infrastructure such as electricity generation facilities which do not fall under the definition of network utilities as defined under the RMA.	
Decision	Accept the submission point	
Reason	The majority of amendments outlined in the submissions are supported as they outline that utility services and associated infrastructure are essential for the operation of many activities and community wellbeing. A new objective and policy addressing the use and development of renewable energy is included.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.42
District Plan Provision	C9	
Submission	The second part of the definition of ‘minor upgrading’ is uncertain. As this is a subjective condition for a permitted activity, and there is already an extensive list of what is permitted, this should be deleted.	
Decision	Accept the submission point	
Reason	Point (ii) of “Minor Upgrading Shall Not Include” is deleted as this is not a necessary statement given that minor upgrading activities are defined in the Plan.	

Submitter	Transpower	Number: FS206.1 (105.42)
District Plan Provision	C9	
Submission	<p>Transpower supports in part and opposes in part this submission. Transpower accepts that there is an element of subjectivity with the definition, however it is well accepted and a widely used definition and is used in many District Plans throughout the Country. The District Plan should provide for minor upgrading and maintenance activities of the National Grid in an unfettered way to ensure that there is a reliable source electricity. This is also consistent with Policy 2 of the National Policy Statement for Electricity Transmission 2008.</p> <p>The second part of the definition of “minor upgrading” is uncertain:</p> <p><i>“Minor Upgrading shall not include:</i></p> <p><i>.....</i></p> <p><i>If anything will have any more than minor adverse effects on the environment.”</i></p> <p>As this is a subjective condition for a permitted activity, and there is already an extensive list of what is permitted, this should be deleted.</p>	
Decision	Accept the submission point	
Reason	Point (ii) of “Minor Upgrading Shall Not Include” is deleted as this is not a necessary statement given that minor upgrading activities are defined in the Plan.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.43
District Plan Provision	C9.4	
Submission	New substations should be <i>discretionary</i> if they adjoin the residential or reserve zone, or face any part of the residential or reserve zone or are situated across a road from either of these zones. New road should also be <i>discretionary</i> , not controlled, although renewal of associated existing facilities can be controlled. This is because the proposed location of those particular utilities may be inappropriate.	
Decision	Reject the submission point	
Submitter	Mighty River Power	Number: FS203.14 (105.43)
District Plan Provision	C9.4	
Submission	This submission seeks to place unnecessary barriers to the provision of essential infrastructure which is inappropriate and inconsistent with the Part 2 of the RMA. In addition, it needs to be noted that utilities such as electricity substations must be located near to where the resource is or is being generated from. As such utilities and infrastructure have locational, functional and technical constraints associated with them and need to be protected from inappropriate activities locating in close proximity to them and the resources they utilise.	
Decision	Accept the submission point	
Reason	If a substation cannot meet the permitted and controlled activity standards resource consent is required for a restricted discretionary activity. Council has reserved control over amenity treatment which enables conditions to be attached to a resource consent to mitigate adverse effects on visual amenity.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.44
District Plan Provision	C9.8	
Submission	"Subdivision to create an allotment of any size for the purpose of providing for an existing or proposed network utility, shall be permitted as a controlled activity." This is confusing. Delete the words 'permitted as'.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.45
District Plan Provision	C9.9.1 & C9.9.2	
Submission	It is not fair or reasonable to dispense with notification and written approvals. Notification should be considered under the provisions of the Act on a case by case basis. Affected parties, especially neighbours, should be expressly considered in the location and amenity conditions applied to utilities, as these can be intrusive and have adverse effects on adjoining properties.	
Decision	Reject the submission point	
Reason	Obtaining affected persons' approvals is not considered necessary as utilities are essential infrastructure and Council has the discretion to impose conditions to ensure amenity and character is appropriately provided for.	

Submitter	Mighty River Power	Number: FS203.15 (105.45)
District Plan Provision	C9.9.1 & C9.9.2	
Submission	Under the RMA the Council is required to grant consents to controlled activities. It is at a consent authority's discretion whether they notify an application but it would seem inappropriate to notify a controlled activity given that they can't be declined.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Toi Te Ora Public Health Service	Number: 107.32
District Plan Provision	C9.7.8	
Submission	Rule C9.7.8 requires telecommunication facilities to comply with the provisions of New Zealand Standard 2772:1999 Radiofrequency Fields Maximum Exposure Levels is supported. However, transmitters should be set up to reduce exposures to the minimum which is compatible with achieving coverage requirements.	

	<p>Support Council in retaining discretion when telecommunication facility sites are located in, adjacent to, or adjoin the residential zone. While a minimum setback rule is included in the proposed plan for radio and telecommunication masts from any residential zone, this may not encourage transmitters to be sited in locations which result in the lowest exposures to the community.</p> <p>Seeks Council to:</p> <ul style="list-style-type: none"> • Retain discretion where telecommunication facilities are located in, adjoining and adjacent to the residential zone. • Adopt rule C9.7.8 as published for consultation. • Include provision which encourages transmitters to be sited in locations which result in the lowest exposures to the community.
Decision	Accept in part the submission point
Reason	The rule is amended to refer to the NES for Telecommunications Facilities. Exposure risks from radiofrequency levels of telecommunications facilities are dealt with by NZS2772. Compliance with this standard is required under the National Environmental Standard and rule C9.7.8.

Submitter	Telecom	Number: FS205.2 (107.32)
District Plan Provision	C9.7.8	
Submission	<p>Telecom supports the use of NZS 2772 as the standard as it has been promulgated by Ministry of Health as appropriate for protecting human health in relation to installations involving radio frequency (RF) fields. This Standard specifies basic restrictions and derived reference levels for exposure of all or part of the human body to RF fields in the frequency range 3 kHz to 300 GHz. This Standard also identifies the rationale for the basic restrictions and reference levels and provides guidance on compliance measures.</p> <p>Compliance with NZS 2772 is required under the National Environmental Standard (NES) and referred to in provision C9.7.8 of the Plan. The NES was passed into regulation by Government to provide certainty around the acceptable exposures levels of RF fields for telecommunications network operators, local authorities and the community, and to remove inappropriate and arbitrary restrictions not based on international scientific consensus. The RMA does not allow a rule in the district plan to be more stringent than the requirements of the NES.</p> <p>Accordingly, it is not appropriate to set any additional controls in the district plan in relation to exposure to RF fields (be this the exposure levels or location of facilities) over and above compliance with the NES. Disallow.</p>	
Decision	Accept the submission point	
Reason	The rule is amended to refer to the NES for Telecommunications Facilities. Exposure risks from radiofrequency levels of telecommunications facilities are dealt with by NZS2772. Compliance with this standard is required under the National Environmental Standard and rule C9.7.8.	

Submitter	Toi Te Ora Public Health Service	Number: 107.33
District Plan Provision	C9	
Submission	<p>Support rule C9.10.2 because it enables Council to assess the impact of noise in the utilities zone, the degree to which Section 16 of the RMA has been applied to the facility needs to also be given regard when assessing the impact of noise. Amend rule C9.10.2 to require Council, when assessing the impact of noise to consider the degree to which Section 16 of the RMA has been applied to the proposed site and facility.</p>	
Decision	Accept in part the submission point	
Reason	Section 16 outlines that occupiers of land shall adopt the best practicable option to avoid creating unreasonable noise. Section C9.10.2 provides Council with the discretion to consider how Section 16 is achieved by any proposed activity by assessing the impact of noise on the environment. The rule does not require amendment to achieve the intent of Section 16 of the Act.	

Submitter	Transpower	Number: 112.16
District Plan Provision	C9	
Submission	The Proposed District Plan contains a separate and standalone Utilities Chapter.	

	Transpower supports this, and seeks that it be maintained. The provision of a standalone Utilities Chapter is important given the specific nature and function of lineal utilities, such as the National Grid.
Decision	Accept the submission point for the reasons stated in the submission.

Submitter	Transpower	Number: 112.17
District Plan Provision	C9	
Submission	<p>Transpower supports the policy framework in the Proposed District Plan, in particular Objective C9.2.1.2, which provides for the operation and maintenance of network utilities and their protection from reverse sensitivity effects. This Objective is consistent with Policy 2 of the NPSET.</p> <p>Retain objectives C9.2.1.2 & C9.2.1.3.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Transpower	Number: 112.18
District Plan Provision	C9.2	
Submission	<p>Transpower supports the policy framework in the Proposed District Plan, in particular Objective C9.2.1.2, which provides for the operation and maintenance of network utilities and their protection from reverse sensitivity effects. This Objective is consistent with Policy 2 of the NPSET.</p> <p>Retain objectives C9.2.2.4 & C9.2.2.6.</p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Transpower	Number: 112.19
District Plan Provision	C9.3	
Submission	<p>The rules in the District Plan must not conflict or duplicate the provisions of the NESETA. Accordingly, a statement should be included at the beginning of the rules section which clarifies that the NESETA provides for the operation, maintenance, upgrading, relocation or removal of existing transmission and that the rules in the District Plan do not apply to such activities.</p> <p>Include a new paragraph which recognises that the NESETA is a separate code of provisions that apply to electricity transmission activities and that the rules in the District Plan should not conflict or duplication the provisions of the NESETA. This could be achieved by introducing text along the following lines:</p> <p><i><u>The National Environmental Standards for Electricity Transmission Activities Regulations 2009, contains a separate code of rules for the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation. Except as provided for by the regulation, no rules in this Plan apply to such activities.</u></i></p>	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Transpower	Number: 112.20
District Plan Provision	C9.3	
Submission	<p>While Transpower supports this provision in part, it also opposes it in part, insofar as it requires any new lines to be located underground. In some cases it may be impracticable to do so for a variety of reasons.</p> <p>Retain without modification the following provisions in Section C9.3 i), iii) and vi)</p>	
Decision	Accept the submission point	
Reason	New lines in the Rural Lifestyle Zone are provided for where they are located along a road (ie in the Road Zone) or where underground trenching is not a practicable option.	

Submitter	Transpower	Number: 112.21
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District Plan Provision	C9.3	
Submission	While Transpower supports this provision in part, it also opposes it in part, insofar as it requires any new lines to be located underground. In some cases it may be impracticable to do so for a variety of reasons Transpower seeks that the following new rule be included in C9.3 <i>“New electricity lines for conveying electricity to a voltage up to and including 110kV in the rural zone on support poles having a maximum height of 20m.”</i>	
Decision	Reject the submission point	
Submitter	Transpower	Number: 112.22
District Plan Provision	Definition : Minor Upgrading	
Submission	Retain without further modification the following definition of minor upgrading.	
Decision	Accept the submission point	
Submitter	Transpower	Number: 112.23
District Plan Provision	C9.6	
Submission	Retain without modification Rule C9.6 – Discretionary Activities.	
Decision	Accept the submission point	
Submitter	Transpower	Number: 112.24
District Plan Provision	C9.7	
Submission	Retain without modification section C9.7 Development Rules For Permitted and Controlled Activities.	
Decision	Accept the submission point	
Submitter	Transpower	Number: 112.25
District Plan Provision	C9.10	
Submission	Retain without modification all of the Assessment Criteria in section C9.10.	
Decision	Accept the submission point	
Reason	New lines in the Rural Lifestyle Zone are provided for where they are located along a road (ie in the Road Zone) or where underground trenching is not a practicable option.	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.14
District Plan Provision	C9	
Submission	Ngati Tuwharetoa (BOP) Settlement Trust requests that Kawerau District Council provide for a balance between essential electricity generation infrastructure and residential enjoyment.	
Decision	Accept the submission point for the reasons stated in the submission.	

C10 Traffic Management

Submitter	New Zealand Railways Corporation	Number: 118.2
District Plan Provision	C10.2.2.1	
Submission	Amend C10.2.2.1 so that vehicle and pedestrian access gives consideration to safety, as follows: <i>“Vehicular and pedestrian access to public and private land within the District should be provided <u>where practicable</u>.”</i>	
Decision	Accept the submission point	
Reason	The consideration of safety in requiring vehicular and pedestrian access to be provided to public and private land is included, particularly in terms of the rail line and safety issues surrounding access across the line.	

Submitter	Mighty River Power	Number: 116.33
District Plan Provision	C10.4.1	
Submission	Section C10.4.1 defines the parking requirements for sites located in different zones. For industrial sites that are not pulp and paper premises and warehouses the Plan requires the following car-parking be provided “1 for every 1 of the maximum number of employees on-site at any one time, plus 1 per 1500m ² GFA.” This parking requirement is quite stringent given that some industrial sites (such as electricity generation facilities) will not have all their staff on site at the same time. To require parking to be provided on a maximum number of employees on site plus additional parking based on a certain gross floor area is unrealistic and impractical. Mighty River Power seeks the amendment of the parking requirements for industrial sites (other than pulp and paper premises and warehouses) to better reflect the reality of the situation. A standard of 1 car park for every 2 of the maximum number of employees on-site at any one time would be a more appropriate standard.	
Decision	Reject the submission point	
Reason	The parking requirement for industrial activities is considered to be very reasonable and is based on actual demand rather than a floor area calculation. The requirement relates to the number of staff on-site at any one time and not the number of staff employed by the activity as suggested in the submission. Parking on the road reserve in the Industrial Zone is an issue in some areas of Kawerau and reducing the parking requirement any further would further exacerbate this issue.	

Submitter	New Zealand Transport Agency	Number: 115.1
District Plan Provision	C10.4.5.1	
Submission	NZTA supports the criteria set out for property access onto State Highway 34. However we note that this section refers to a number of Diagrams, which appear to not be included in the Plan. That the Plan, either within Chapter C10 or within the Appendices, include the access and sight distance Diagrams referred to within Rule C10.4.5.1.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	New Zealand Transport Agency	Number: 105.2
District Plan Provision	C10.4.1	
Submission	NZTA supports the parking requirements as contained within this section. Such requirements enable development to internalise any traffic/parking effects, and avoid, remedy or mitigate potential adverse effects on the transport network.	
Decision	Accept the submission point for the reasons stated in the submission.	

Appendix A - Definitions

Submitter	New Zealand Railways Corporation	Number: 118.6
District Plan Provision	Definitions : Noise Sensitive Activities	
Submission	The Proposed Plan should contain a definition of noise sensitive activities. Add to Appendix A: Definitions <i>Noise Sensitive Activities: means buildings or parts of buildings used for, or able to be used for the following purposes;</i> <ul style="list-style-type: none"> - Residential activity; - Visitor accommodation; - Residential care activity; - Education activity; - Hospital activity; - Healthcare activity; and - Day care activity (or similar wording to the above)	
Decision	Accept the submission point	
Submitter	New Zealand Transport Agency	Number: FS204.5 (118.6)
District Plan Provision	Definitions : Noise Sensitive Activities	
Submission	The term 'noise sensitive activities' is used in the plan and therefore should be defined.	
Decision	Accept the submission point	
Reason	The definition is included with the additional definition of 'marae' also added to the list.	

Submitter	Ministry of Education	Number: 103.1
District Plan Provision	Definitions : School	
Submission	Definition does not include all types of education facilities that the Ministry facilitates and develops under its jurisdiction. The types of development that the Ministry can undertake within the District, particularly on sites which are not designated, would therefore be limited. Replace <i>School</i> definition with: " <i>School shall mean – Land and/or buildings used to provide regular instruction or training of children including Kohanga Reo and Kura Kaupapa Maori establishments, early-childhood education facilities, primary, intermediate and secondary schools, tertiary education premises, work skills training centres, outdoor education centres and sport training establishments, and their ancillary administrative, cultural, health, recreational or communal facilities. Ancillary facilities include teacher or caretaker residential accommodation.</i> "	
Decision	Accept the submission point	
Reason	The definition of 'school' is amended to include all types of education facilities that the Ministry of education has under its jurisdiction.	

Submitter	EECA	Number: 104.14
District Plan Provision	Definitions : Network Utility	
Submission	The policy should go beyond the RMA definition of network utilities to encompass generation activities.	
Decision	Accept the submission point	
Submitter	Mighty River Power	Number: FS203.10 (104.14)
District Plan Provision	Definitions : Network Utility	
Submission	As has been discussed with Council, the Utilities section also needs to provide for essential infrastructure such as electricity generation facilities which do not fall under the definition of network utilities as defined under the RMA.	
Decision	Accept the submission point	
Reason	The definition is amended to specifically include electricity generation facilities to ensure facilities such as the Mighty River Power powerstation are provided for under the Network Utility provisions but so as not to include small personal-use generation facilities.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.46
District Plan Provision	General	
Submission	There are some definitions of words that do not exist in the plan and should be removed.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.47
District Plan Provision	Definitions : Lifestyle Development	
Submission	Delete the second sentence as it is irrelevant and adds nothing to the definition.	
Decision	Accept the submission point	
Reason	The deletion is supported as it is unnecessary in terms of defining the activity.	

Submitter	Royal Forest & Bird Protection Society NZ Inc	Number: 105.48
District Plan Provision	Definitions : Temporary Signs	
Submission	Delete second sentence as it indicates a rule and therefore should not be in the definitions section.	
Decision	Accept the submission point	
Reason	The sentence is not necessary in terms of defining a temporary sign.	

Submitter	Mighty River Power	Number: 116.34
District Plan Provision	Definitions	
Submission	Mighty River Power supports in part Appendix A as it is currently drafted. There are a number of definitions contained in Appendix A that simply refer the Plan user to s2 of the RMA through noting that the meaning has the same meaning as in s2 of the Act. While referring to certain definitions being the same as those contained in the RMA, it does not provide clarity to Plan users over what the term means. To introduce more certainty into the Plan it would be appropriate to include a reference	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Mighty River Power	Number: 116.35
District Plan Provision	Definitions : Environmentally Sensitive Area	
Submission	<p>In respect of the definition in Appendix A for "<i>environmentally sensitive area</i>" Mighty River seeks clarification on what assessment criteria will be used by the community and/or regulatory authority to deem an area to be environmentally sensitive. In addition, Mighty River Powers queries the process to be used to make an area known as environmentally sensitive.</p> <p>The current definition appears to be very subjective in that it relies on judgements made by communities and authorities without giving any guidelines as to what aspects of an area are to be judged. Furthermore, it is not made clear what process is to be followed which is inconsistent with the public consultation theme pervading the RMA.</p>	
Decision	Accept in part the submission point	

Submitter	Director General of Conservation	Number: FS201.6 (116.35)
District Plan Provision	Definitions : Environmentally Sensitive Areas	
Submission	The Department supports the development of assessment criteria, and clarification of the method of identification of environmentally sensitive areas to provide certainty. Allow the submission point.	
Decision	Accept in part the submission point	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.15
District Plan Provision	Definitions : Environmentally Sensitive Area	
Submission	In respect of the definition in Appendix A for "environmentally sensitive area" Ngati Tuwharetoa (BOP) Settlement Trust seeks clarification on what assessment criteria will be used by the community and/or regulatory authority to deem an area to be environmentally sensitive. In addition, Ngati Tuwharetoa (BOP) Settlement Trust queries the process to be used to make an area known as environmentally sensitive.	
Decision	Accept in part the submission point	

Submitter	Director General of Conservation	Number: FS201.7 (121.15)
District Plan Provision	Definitions : Environmentally Sensitive Area	
Submission	The Department supports the development of assessment criteria, and clarification of the method of identification of environmentally sensitive areas to provide certainty. Allow the submission point.	
Decision	Accept in part the submission points	
Reason	The term is no longer used in the District Plan and can therefore be deleted from the definitions section.	

Submitter	Mighty River Power	Number: 116.36
District Plan Provision	Definitions : Industrial Activities	
Submission	Mighty River Power supports the definition for “ <i>industrial activities</i> ” included in the Plan as it recognises that electricity generation and transmission is located in the industrial zone within the Kawerau District and therefore should be regarded to be industrial activities.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Mighty River Power	Number: 116.37
District Plan Provision	Definitions : Network Utility	
Submission	<p>The definition provided for “<i>network utility</i>” is simply “<i>means all works undertaken by network utility operators as defined in Section 166 of the Act</i>”. The definition does not provide examples of the type of works that are encompassed under the definition and require the Plan user to go elsewhere for this information.</p> <p>Mighty River Power opposes the definition of “<i>network utility</i>” currently in Appendix A of the Plan and seeks that it be amended to include explicit provision for essential infrastructure such as electricity generation and associated infrastructure.</p>	
Decision	Accept the submission point	
Reason	The definition is amended to specifically include electricity generation facilities to ensure facilities such as the Mighty River Power power station are provided for under the Network Utility provisions but so as not to include small personal-use generation facilities.	

Appendix B - Designations

Submitter	New Zealand Railways Corporation	Number: 118.1
District Plan Provision	Designations	
Submission	Tranz Rail Limited is no longer the Requiring Authority for the Railway Purposes designation. The New Zealand Railways Corporation assumed Requiring Authority status on 16 September 2004. Amend Requiring Authority to <i>New Zealand Railways Corporation</i> .	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Telecom	Number: 101.6
District Plan Provision	Designations	
Submission	In Telecom's designation (ref 10) the reference to the Map number is incorrect; it should be Map 9 not 11.	
Decision	Accept the submission point	

Submitter	Ministry of Education	Number: 103.2
District Plan Provision	Designations	
Submission	<p>A number of amendments need to be made to ensure the designation listings are consistent with what was requested and also to ensure these listings are accurate in terms of District Plan consistency.</p> <p><i>Amend Ministry of Education to read:</i> <i>Minister of Education</i></p> <p>Amend Map 11 Designation ref 2 to: Map 9 Designation ref 2</p> <p>Amend Map 11 Designation ref 3 to: Map 9 Designation ref 3</p> <p>Amend Map 11 Designation ref 4 to: Map 10 Designation ref 4</p> <p>Amend Map 11 Designation ref 5 to: Map 9/10 Designation ref 5</p> <p>Amend Map 8 Designation Ref 6 to: Map 5/9 Designation ref 6</p>	
Decision	Accept the submission point	

Submitter	Department of Corrections	Number: 108.1
District Plan Provision	Designations	
Submission	The District Plan designation schedule notes that the designation for Kawerau Periodic Detention Centre is indicated on planning map 17 of the District Plan, however, this is not the case as it is instead located on map 9.	
Decision	Accept the submission point	

Submitter	Transpower	Number: 112.26
District Plan Provision	Designations	
Submission	The reference to the District Plan map is incorrect, the designation is shown on Planning Map 13, not 16. This should be amended accordingly.	
Decision	Accept the submission point	
Reason	All maps are updated with correct references.	

Submitter	Department of Corrections	Number: 108.2
District Plan Provision	Designations	
Submission	The site as indicated on planning map 9 is shaded grey. This is incorrect and should be shaded purple to refer to the 'Commercial 2' zone. The designation schedule refers to the underlying zoning for this site as 'Commercial', however there is no 'Commercial' zone and the surrounding area on the planning maps is zoned 'Commercial 2'.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Department of Corrections	Number: 108.3
District Plan Provision	Designations	
Submission	The District Plan designation schedule does not include an address for the Kawerau	

	Periodic Detention Centre. That council insert the address 'Bledisloe Street' in the Designating Authority and Location column.
Decision	Accept the submission point for the reasons stated in the submission.

Submitter	Department of Corrections	Number: 108.4
District Plan Provision	Designations	
Submission	The Designations Schedule lists the Department of Justice as the Requiring Authority for this site. The Department of Corrections was established in 1995 under the Department of Justice (Restructuring) Act 1995. The Minister of Corrections is a Requiring Authority as defined by Section 166 of the Resource Management Act 1991.	
Decision	Accept the submission point	

Submitter	Department of Corrections	Number: 108.5
District Plan Provision	Designations	
Submission	The District Plan designation schedule lists the Kawerau Periodic Detention Centre as "Kawerau Period [sic] Detention Centre". The Department requests that Council amend this designation description to read "Kawerau Community Work Centre". This is requested as the facility that was originally known as the Kawerau Periodic Detention Centre is now the Kawerau Community Work Centre, and has had that name since 30 June 2002. The change of name for the facility is the result of legislative changes. Section 126 of the Criminal Justice Act 1985 provided that all Periodic Detention Centres in existence at 30 June 2002.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Department of Corrections	Number: 108.6
District Plan Provision	Designations	
Submission	The legal description for the Kawerau Periodic Detention Centre no longer includes Block XIII Rangitaiki Upper Survey. That council amends the legal description by deleting 'Block XIII Rangitaiki Upper Survey'.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	New Zealand Transport Agency	Number: 115.8
District Plan Provision	Designations	
Submission	It is noted that the current legal description for the designation of State Highway 34 is 'Refer to Gazette Notice'. This reference is not user friendly. Amend the legal description to the NZTA designation to 'State Highway 34'.	
Decision	Accept the submission point for the reasons stated in the submission.	

Appendix C – Schedule of Heritage Sites and Places

Submitter	Director General of Conservation	Number: 109.14
District Plan Provision	Appendix C	
Submission	<p>Several areas that have been identified as significant natural areas are not included in this list. In order to fulfil Council's responsibilities under the RMA, it is important that all of these areas are identified.</p> <p>Ensure the following significant natural areas are identified and protected.</p> <ul style="list-style-type: none"> • A section of the Parimahana Scenic Reserve has been transferred to Tuwharetoa Ki Kawerau and is now gazetted as the Te Kaukohoiki O Tirotirowhetu Scenic Reserve but retains significant natural values. • A small area of PNA310 – Ruruanga Stream Tasman Accord – may not be included. (Beadel, Shaw, Nicholls, 1998) • Tarawera River Kanuka (RAP32) – the best example of kanuka forest on alluvial plains remaining in the ecological district. (Beadel, Shaw, Gosling, 2010.) 	
Decision	Accept the submission point	
Reason	Amendments made to correctly identify the significant natural areas.	

Submitter	Director General of Conservation	Number: 109.15
District Plan Provision	Appendix C	
Submission	<p>Many of the significant natural areas within the District are small and disjointed, with complex shapes. Determination of the true location and extent of these from single grid references is extremely difficult, especially where several areas are included in one grid reference, such as the Ruruanga Stream and Tarawera River Margins.</p> <p>The mapping of significant ecological areas is required to provide an assurance of location and extent for landowners, developers and submitters.</p> <p>Identify the sites and areas listed in this Schedule on the planning maps, or on a separate map, to ensure that all users of the plan are aware of the boundaries and the requirements of Section 8 of this Plan.</p>	
Decision	Reject the submission point	
Reason	Whilst mapping the significant ecological areas to provide absolute certainty as to their location is ideal, budget constraints and the reality that few land owners in the district are affected by the sites and their provisions makes it unrealistic to do so at this point in time for inclusion in the Plan.	

Submitter	Environment Bay of Plenty Regional Council	Number: FS202.12 (109.15)
District Plan Provision	Appendix C	
Submission	Support the inclusion of all significant natural areas which meet the criteria within Appendix F of the Operative Regional Policy Statement. Request that all significant natural areas are identified and supported.	
Decision	Reject the submission point	
Reason	Whilst mapping the significant ecological areas to provide absolute certainty as to their location is ideal, budget constraints and the reality that few land owners in the district are affected by the sites and their provisions makes it unrealistic to do so at this point in time for inclusion in the Plan.	

Submitter	Director General of Conservation	Number: 109.16
District Plan Provision	Appendix C	
Submission	The species name for this area has been misspelled. Change to "Dicranopteris dominant fernland"	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Environment Bay of Plenty Regional Council	Number: 110.14
District Plan Provision	Appendix C	

Submission	Support the identification of Heritage Sites and Places using criteria which are consistent with Appendix F of the RPS. Retain Schedule of Heritage Places and Sites in the Plan.
Decision	Accept the submission point for the reasons stated in the submission.

Submitter	New Zealand Historic Places Trust	Number: 113.1
District Plan Provision	Appendix C	
Submission	Appendix C Schedule B should be removed from the plan. As an alternative to listing sites, Council may wish to supply applicants for resource consent with an up-to-date listing from the Archaeological site register, where appropriate.	
Decision	Accept in part the submission point	
Submitter	New Zealand Historic Places Trust	Number: 113.4
District Plan Provision	Appendix C	
Submission	Having regard of the likelihood of changes within the NZHPT archaeological register, we question the inclusion of a static and dated list of archaeological sites. Remove list C – List of Archaeological Sites from Appendix C.	
Decision	Reject the submission point	
Reason	Section B is deleted as it is not particularly helpful information and is open to misinterpretation. Deletion of section C Archaeological Sites is not supported. The sites are included for information purposes to assist the community in their knowledge of where archaeological sites may be located. Section C8 Natural and Cultural Heritage has been amended to make it clear that the lists of sites is not exclusive and that other sites may exist.	

Planning Maps

Submitter	New Zealand Transport Agency	Number: 115.9
District Plan Provision	Planning Maps	
Submission	<p>The current planning maps as notified don't give an adequate visual indication of the physical extent of each designation. Further, it appears that State Highway 34 contains no reference within the planning maps to it being designated.</p> <ul style="list-style-type: none"> Amend the planning maps to provide an indication of the physical extent of <u>all</u> designations, by providing an outline of each designation. Identify SH34 as a designation. 	
Decision	Accept in part the submission point	
Reason	<p>Support identifying State Highway 34 is identified as a designation. The identification of the physical extent of all designations further than what the maps currently propose is considered unnecessary. The sites affected by a designation are currently identified and if further information is required people can access that information from council or the appropriate Requiring Authority. The GIS professional engaged to prepare the maps advised that mapping the designations risks inaccuracies due to the level of detail required and the difficulties in presenting it as the maps' scale.</p>	

Submitter	Mighty River Power	Number: 116.38
District Plan Provision	Planning Map 13	
Submission	Mighty River Power supports the industrial zoning of the Kawerau Geothermal Power Station as shown on Planning Map 13 of the Plan.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Ngati Tuwharetoa (BOP) Settlement Trust	Number: 121.6
District Plan Provision	Planning Map 9	
Submission	<p>Ngati Tuwharetoa (BOP) Settlement Trust would like to raise an issue surrounding Map 9, which identifies a block of land as reserve however this is incorrect as it is currently owned by Ngati Tuwharetoa Holdings Limited.</p> <p>Ngati Tuwharetoa (BOP) Settlement Trust request that Map 9 be amended to show the actual ownership of title surrounding this area adjacent to the Ruruanga Stream.</p>	
Decision	Accept the submission point	
Reason	Planning map corrected.	

Submitter	Transpower	Number: 112.6
District Plan Provision	Planning Maps	
Submission	If the scale of the maps permits, Transpower requests that the 32m corridor is also shown on the maps to make explicitly clear the areas to which the rules apply.	
Decision	Accept the submission point	

Submitter	Transpower	Number: 112.27
District Plan Provision	Planning Maps	
Submission	Amend maps to include 32m corridor. Retain the high voltage transmission lines on the planning maps, but include the 32m corridor either side of the centre line of the transmission line.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Ministry of Education	Number: 103.3
District Plan Provision	Planning Maps	
Submission	The mapped area for designation number 3 be amended to include Lot 4 DPS 5396 within the designated area indicated for this designation on Proposed District Plan Map 9. Lot 3 & 4 DPS 5396 are listed on the Designation Schedule, however Lot 4 is not identified on the planning maps as being part of the designation.	
Decision	Accept the submission point for the reasons stated in the submission.	

Submitter	Director General of Conservation	Number: 109.17
District Plan Provision	Planning Maps	
Submission	Rotoma Conservation Area is a reserve under the Conservation Act 1987. It has been correctly identified as a Natural Heritage Site but is not identified as a Reserve within the Kawerau District.	
Decision	Accept the submission point	
Reason	Rotomahana Conservation Area is identified correctly.	

Signed on *(insert date)* 2011 by:



Mr A Watson
Commissioner

Cr Carolyn Ion
Commissioner

Cr Alistair Holmes
Commissioner

Cr Anita Moore
Commissioner