

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Vector Gas Limited								
Vector Gas Ltd	100.1	C7.7.8e	S	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.	Retain without further modification Section C7.7.8(e).	N	Y	
Vector Gas Ltd	100.2	C7.8.1d	S	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.	Retain without further modification Section C7.8.1(d).	N	Y	
Telecom New Zealand Limited								
Telecom	101.1	C4.3.3	O	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.	Remove "and overhead customer connections from existing overhead networks" from C4.3.3.	Y	N	
Telecom	101.2	C9.2.2.3	O	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.	Delete Policy C9.2.2.3, or alternatively retain the policy but amend wording to read: <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>	Y	N	
Telecom	101.3	C9.3	O	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.	Insert the following note after "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>Telecommunications Equipment</i> <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>	Y	N	
Telecom	101.4	C9.7.7	A	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.	Insert after C9.7.7: <i>Note: Noise emissions from telecommunications equipment located in the Road zone that comply with Regulation 9 of the Resource Management (National Environmental</i>	Y	N	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<i>Standards for Telecommunications Facilities) Regulation 2008, or any subsequent amendment, are a permitted activity.</i>			
Telecom	101.5	C9.7.8	A	Operation of telecommunications facilities are subject to the radiofrequency exposure limits specified in the NES, which in turn refer to NZS 2772.	Amend to read: <i>C9.7.8 Radiofrequency Radiation</i> <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>	Y	N	
Telecom	101.6	Appendix B : Designations	A	In Telecom's designation (ref 10) the reference to the Map number is incorrect; it should be Map 9 not 11.	Amend map number 11 reference 10 to map number 9 reference 10.	Y	N	
New Zealand Fire Service								
NZ Fire Service	102.1	C7.7.6	A	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.	Y	Y	
NZ Fire Service	102.2	C7.7.8	A	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.	Add the wording in C7.1 Introduction to include; 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>			
NZ Fire Service	102.3	C9.1	A	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.	Delete wording <i>"An accessible water supply is also vital for fire fighting requirements"</i>			
Ministry of Education								
Ministry of Education	103.1	School	O	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 School 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,</i>	Y	N	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<i>cultural, health, recreational or communal facilities. Ancillary facilities include teacher or caretaker residential accommodation.</i>			
Ministry of Education	103.2	Appendix B : Designations	A	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.	Amend <i>Ministry of Education</i> to read: <i>Minister of Education</i> Amend Map 11 Designation ref 2 to: Map 9 Designation ref 2 Amend Map 11 Designation ref 3 to: Map 9 Designation ref 3 Amend Map 11 Designation ref 4 to: Map 10 Designation ref 4 Amend Map 11 Designation ref 5 to: Map 9/10 Designation ref 5 Amend Map 8 Designation Ref 6 to: Map 5/9 Designation ref 6	Y	N	
Ministry of Education	103.3	Planning Maps	A	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.	Identify Lot 4 DPS 5396 as being part of the designation on planning map 9.	Y	N	
Energy Efficiency and Conservation Authority (EECA)								
EECA	104.2	C2.2	S	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.	Y	Y	
EECA	104.3	Objective C2.2.1.2	A	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 at various scales"</i>	Y	Y	
EECA	104.4	C2.2 Policies	A	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.	Insert the following policy into section C2.2: <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>	Y	Y	
EECA	104.5	Policy	S	Significant potential for geothermal electricity and heat generation in	Support and retain policy C2.2.2.3.	Y	Y	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
		C2.2.2.3		the district. Geothermal energy is expected to take a greater share in electricity generation in the future and is crucial to the electricity system because it is a renewable resource which can provide reliable, consistent, non-weather dependant 'baseload' generation.				
EECA	104.6	Policy C2.2.2.5	S	This policy accords with the National Policy Statement on Electricity Transmission.	Support and retain Policy C2.2.2.5.	Y	Y	
EECA	104.7	Policy C2.2.2.6	A	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 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.	Retain and amend Policy C2.2.2.6 as follows: "C2.2.2.6 To manage activities to avoid reverse sensitivity effects on the electricity transmission network <u>and</u> <u>electricity generation facilities.</u> "	Y	Y	
EECA	104.8	C9.1 Utilities	A	In the absence of a stand-alone energy chapter it is essential that the Utilities section of the plan more comprehensively address generation issues.	Support in part, requiring the following amendments: <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> <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> <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> <i>Land can be designated only by 'Requiring Authorities'. The Resource Management Act 1991 defines 'Requiring</i>	Y	Y	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<p><i>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>			
EECA	104.9	C9.2 Objectives	A	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>Insert the following objective into section C9.2:</p> <p><i><u>"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."</u></i></p>	Y	Y	
EECA	104.10	Objective	A	The objective should go beyond enabling network utilities as defined	Retain objectives C9.2.1.2 and amend as follows:	Y	Y	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
		C9.2.1.2		in the RMA and should encompass generation activities.	<i>"C9.2.1.2 To enable the <u>development, operation, maintenance, and upgrading of network utilities and associated infrastructure</u> and to protect them from the adverse effects of other activities, including reverse sensitivity effects."</i>			
EECA	104.11	Policy C9.2.2.1	A	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>al 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 and infrastructure."</i>	Y	Y	
EECA	104.12	Policy C9.2.2.4	A	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>	Y	Y	
EECA	104.13	Policy C9.2.2.6	A	The policy should go beyond the RMA definition of network utilities to encompass generation activities.	Retain policy C9.2.2.6 and amend as follows: <i>"C9.2.2.6 To allow for the maintenance and upgrading of <u>generation, transmission and distribution facilities</u> to levels that meet the needs of the community, while avoiding, remedying or mitigating effects on the environment where practicable."</i>	Y	Y	
EECA	104.14	Network Utility	A	The policy should go beyond the RMA definition of network utilities to encompass generation activities.	Amend the definition of Network Utility to include electricity generation activities.	Y	Y	
Eastern Bay of Plenty Branch Royal Forest and Bird Protection Society NZ Inc (Royal Forest & Bird)								
Royal Forest & Bird	105.1	A1.5 Monitoring	A	Policy and Rules monitoring should also be informed by consent monitoring.	For completeness, add to last 3 bullets ' <i>Resource consent monitoring</i> '.	Y	Y	
Royal Forest & Bird	105.2	A10 Esplanade Reserves	O	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.	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.	Y	Y	
Royal Forest & Bird	105.3	Natural Hazards B3.1.2.3	O	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".	Y	Y	
Royal Forest & Bird	105.5	C4 Information Requirement	O	Resource consent applications are public documents and parts thereof cannot be withheld on an arbitrary basis.	Delete last sentence.	Y	Y	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
		s						
Royal Forest & Bird	105.6	C6 Assessment of Environmental Effects	A	An AAE is based on Schedule 4 of the Act which is set out in C4. These two sections should be combined.	Combine sections C4 and C6.	Y	Y	
Royal Forest & Bird	105.4	C1 Rationale for Zoning	O	The second paragraph is meaningless and certainly not a justification for zoning.	Delete second paragraph.	Y	Y	
Royal Forest & Bird	105.7	C2.1 Industrial Zone Description of the Zone	A	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. The last paragraph should be reworded to be more objective (what does 'successful' mean?) and consistent with the purpose of the Act, or deleted e.g. <i>'Whilst these industries contribute towards the wellbeing of the community, it is necessary to avoid, remedy, or mitigate any adverse effects on the environment'</i> .	Reword last paragraph e.g. <i>Whilst these industries contribute towards the wellbeing of the community, it is necessary to avoid, remedy, or mitigate any adverse effects on the environment'</i> .	Y	Y	
Royal Forest & Bird	105.8	C2.2.1.1	A	<i>"Maintain the amenity of non-industrial zones whilst promoting viable and sustainable industrial activities"</i> . This could be clarified to read <i>"Maintain the amenity of adjoining zones"</i> .	Reword for clarity.	Y	Y	
Royal Forest & Bird	105.9	C2.2.1.2	A	Objective unclear. What constitutes 'appropriate development' if not sustainable?	Delete words 'and appropriate' or clarify what is meant.	Y	Y	
Royal Forest & Bird	105.10	C2.2.2.1	A	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>	Y	Y	
Royal Forest & Bird	105.11	C2.2.2.2	A	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 C2.2.2.2 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>	Y	Y	
Royal Forest & Bird	105.12	C2.2.2.3	A	The word 'appropriate' is vague and gives no guidance to decision-makers.	Define what is meant or delete 'appropriate' and replace with 'sustainable'.	Y	Y	
Royal Forest & Bird	105.13	C2.2.2.4	A	The word 'support' is not clear and implies some kind of assistance – is the intent to encourage?	Clarify "support" terminology.	Y	Y	
Royal Forest & Bird	105.14	C2.4.1 Height	O	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.	Amend activity to be non-complying.	Y	Y	
Royal Forest & Bird	105.15	C2.4.2 Yards &	A	Bullet 2 – this is supported but added to this standard should be a minimum height, otherwise this requirement could be met by ground	Add minimum height of 6 metres to this standard.	Y	Y	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
		Landscaping		cover. The minimum height should be 6 metres.				
Royal Forest & Bird	105.16	C2.5.2 Yards	A	Include landscape considerations to achieve maintenance and protection of amenity and landscape values.	Add an additional matter of discretion: - <i>Visual appearance of the building and any landscaping mitigation</i>	Y	Y	
Royal Forest & Bird	105.17	C2.5.3 Landscaping	A	Include landscape considerations to achieve maintenance and protection of amenity and landscape values.	Add an additional matter of discretion: - <i>Proposed setbacks</i>	Y	Y	
Royal Forest & Bird	105.18	C2.5.4 Signs	A	Include landscape considerations to achieve maintenance and protection of amenity and landscape values.	Add an additional matter of discretion: - <i>The effects on amenity and landscape</i>	Y	Y	
Royal Forest & Bird	105.19	Objective C2.3.2.1	A	C3.2.1 Objective "To ensure development and activities carried out within and adjacent to the residential zone, maintains and enhances the amenity and character of the environment."	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> "	Y	Y	
Royal Forest & Bird	105.20	C3.5.1 Height	O	Include landscaping considerations to achieve maintenance and protection of amenity and landscape values.	Add an additional matter of discretion: - <i>Visual appearance of the building and any landscaping mitigation</i>	Y	Y	
Royal Forest & Bird	105.21	C3.5.2 Yards	A	Include landscaping considerations to achieve maintenance and protection of amenity and landscape values.	Add an additional matter of discretion: - <i>Visual appearance of the building and any landscaping mitigation</i>	Y	Y	
Royal Forest & Bird	105.22	C3.5.4 Signs	A	Include landscaping considerations to achieve maintenance and protection of amenity and landscape values.	Add an additional matter of discretion: - <i>The effects on amenity and landscape</i>	Y	Y	
Royal Forest & Bird	105.23	C4.3.3 Undergrounding of Services	A	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.	Delete the words 'where practicable'.	Y	Y	
Royal Forest & Bird	105.24	C4.4.1 Signs	A	Include landscaping considerations to achieve maintenance and protection of amenity and landscape values.	Add an additional matter of discretion: - <i>The effects on amenity and landscape</i>	Y	Y	
Royal Forest & Bird	105.25	Objective C5.2.2.2	A	This should be positively worded.	Reword e.g. ' <i>The maintenance and enhancement of amenity values of the reserve and adjoining land.</i> '	Y	Y	
Royal Forest & Bird	105.26	C6.5.5 Appearance of Buildings	A	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.	Y	Y	
Royal Forest & Bird	105.27	C7.2 Objectives & Policies	S	Support these objectives & policies	Support these objectives & policies	Y	Y	
Royal Forest & Bird	105.28	C7.6.1.2 Utility Services	A	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> '.	Y	Y	
Royal Forest & Bird	105.29	C7.6.1.3 Contaminated Land	O	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.	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> '.	Y	Y	
Royal Forest & Bird	105.30	C7.7	O	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.	Y	Y	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Royal Forest & Bird	105.31	C8.1 Introduction	O	Introduction is deficient in its discussion of section 6 & 7. 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.	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.	Y	Y	
Royal Forest & Bird	105.33	C8.1 Introduction	O	The definition of heritage does not encompass the natural values anticipated by S6(c) or 7(d) of the RMA.		Y	Y	
Royal Forest & Bird	105.34	C8.1 Introduction	O		Activities that are subject to section 6 & 7 which are not permitted activities should be discretionary activities, not restricted discretionary activities.	Y	Y	
Royal Forest & Bird	105.34	Objective C8.4.1.1	O	This objective is rather vague to implement the RPS – after recognizing the importance, then what?	This objective should be replaced with open 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>	Y	Y	
Royal Forest & Bird	105.36	C8.4.2 Policies	O	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.	Y	Y	
Royal Forest & Bird	105.37	C8.4.2.6	O	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.	This policy needs to recognise that some aspects of geothermal ecosystems fall within the scope of S6(c).	Y	Y	
Royal Forest & Bird	105.38	C8.5	A	The item beginning “-Maintenance of” is incorrectly expressed.	Amend to read <i>“removal of environmental weeds in areas of significant indigenous vegetation”</i> .	Y	Y	
Royal Forest & Bird	105.39	C8.6	O	<i>“No geological feature (including geothermal surface features) listed in Appendix C shall be destroyed or altered in any manner.”</i> 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.	Specify permitted and discretionary or non-complying activities in terms of C8.6.	Y	Y	
Royal Forest & Bird	105.40	C8.6	O	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.	Amend activity status or wording.	Y	Y	
Royal Forest & Bird	105.41	C8.9.1	A	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.	Replace the phrase <i>“trees and wetlands”</i> with <i>“natural character, natural features and landscape, indigenous vegetation and habitats of indigenous fauna”</i> .	Y	Y	
Royal Forest & Bird	105.42	C9 Utilities	O	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.	Delete	Y	Y	
Royal Forest & Bird	105.43	C9.4 Controlled Activities	O	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.	Amend activity status	Y	Y	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Royal Forest & Bird	105.44	C9.8	A	"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'.	Y	Y	
Royal Forest & Bird	105.45	C9.9.1 & C9.9.2	O	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.		Y	Y	
Royal Forest & Bird	105.46	General	O	There are some definitions of words that do not exist in the plan, and should be removed.	Delete definitions that do not existing in the plan.	Y	Y	
Royal Forest & Bird	105.47	Lifestyle Development	O	Delete the second sentence as it is irrelevant and adds nothing to the definition.	Delete second sentence of Lifestyle Development.	Y	Y	
Royal Forest & Bird	105.48	Temporary Signs	O	The second sentence indicates a rule and therefore should not be in the definitions section.	Delete second sentence.	Y	Y	
Fort, Mark								
Fort, Mark	106.1	Objective B1.1.1.2	A	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.	Delete the words 'close proximity to Kawerau District'.	Y	Y	
Fort, Mark	106.2	Policy 1.1.2.2	A	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.	Delete the words 'where appropriate'.	Y	Y	
Fort, Mark	106.3	C2.2.2.1	O	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.	Reword 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>	Y	Y	
Fort, Mark	106.4	C2.4.6	O	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.	Noise emissions should not exceed the current ones, and new developments should be required to meet lower noise standards	Y	Y	
Fort, Mark	106.5	C6.4.8	O	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.	Include noise standards in zone.	Y	Y	
Fort, Mark	106.6	C2.4.1 Height	O	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.	An activity exceeding the 20m height standard should be a non-complying.	Y	Y	
Bay of Plenty District Health Board (Toi Te Ora – Public Health Service Toi Te Ora)								
Toi Te Ora –	107.1	B1 Noise	O	District wide objectives & policies are supported however the	Extend the scope of the district wide objectives and policies	N	Not	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Public Health Service		(including Vibration)		individual zone and rule sections of the plan are considered inadequate to achieve the desired objectives and policies within the whole district. 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.	to include vibration as well as noise.		stated	
Toi Te Ora – Public Health Service	107.2	B1 Zone Noise Rules	O	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 standards to protect dwellings within the district from noise generated in the industrial rural lifestyle zones.	Amend the proposed plan to include rules requiring: - Noise from the site of all activities does not exceed the noise limits at any point within the boundary of any property within the residential zone (other than the site of the activity) - Noise from all activities in the industrial and commercial zone is conducted to ensure noise limits are not exceeded at any point within the notional boundary of any dwellings located within the commercial or rural lifestyle zones, or at any point within the boundary of any property within a residential zone.	N	Not stated	
Toi Te Ora – Public Health Service	107.3	B1 Noise Measurement Location	A	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.	Amend the words 'at or within' the boundary or notional boundary to 'at any point within' the boundary or 'at any point within' the notional boundary.	N	Not stated	
Toi Te Ora – Public Health Service	107.4	B1 Noise	O	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.	Provide discretion to dispense with the noise standards for temporary activities only and include provisions to exercise discretion which include provision to ensure temporary activities are: - 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 locality	N	Not stated	
Toi Te Ora – Public Health Service	107.5	B1	O	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	Amend the proposed plan to include the model rule provisions for exclusions from the noise standards: "Noise limits in any part of the plan shall not apply: - In any area to activities of limited duration required by normal primary production activities excluding forest	N	Not stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation																								
				<p>components in rules which specifically relate to temporary activities. An alternative is to include temporary military training activities in the form below as a separate rule.</p>	<p>harvesting, provided that the activities comply with the requirements of Section 16 of the Resource Management Act 1991</p> <ul style="list-style-type: none"> - In any part of the district where the noise source is a warning device use by emergency services - In any (Residential zone) to activities of a normal domestic nature including recreational aviation, gunfire or amplified music - Where any residential activity exists on the same site as a noise source being assessed - In any part of the district where on not more than ten (for example) occasions in any period of 12 months, a special event for recreational or entertainment purposes is open to the public and held between the hours of 8.00am and 11.00pm on any day - Where the activity is a temporary military training activity and complies with the following provision: - temporary military training activity shall be conducted so as to ensure the following noise limits in table 1 below are not exceeded at any point with the notional boundary of any dwelling, residential institution, or education facility within the District, within the timeframes stated. <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Time of any day</th> <th>Leq</th> <th>(15 mins)</th> <th>dBA</th> </tr> </thead> <tbody> <tr> <td>LmaxdBA</td> <td></td> <td></td> <td></td> </tr> <tr> <td>0600-0730</td> <td>60</td> <td></td> <td>70</td> </tr> <tr> <td>0730-1800</td> <td>75</td> <td></td> <td>90</td> </tr> <tr> <td>1800-2000</td> <td>70</td> <td></td> <td>55</td> </tr> <tr> <td>2000-0700</td> <td>55</td> <td></td> <td>75</td> </tr> </tbody> </table> <ul style="list-style-type: none"> - Provided the limits for impulsive noise arising from any use of explosives, explosives simulators, ammunition, munitions or pyrotechnics at any time, shall not exceed 120 dBC (peak). - Provided also that the above noise limits shall not apply on up to four occasions in any period of 12 months between the hours of 10.00a, and 5.00pm. 	Time of any day	Leq	(15 mins)	dBA	LmaxdBA				0600-0730	60		70	0730-1800	75		90	1800-2000	70		55	2000-0700	55		75			
Time of any day	Leq	(15 mins)	dBA																													
LmaxdBA																																
0600-0730	60		70																													
0730-1800	75		90																													
1800-2000	70		55																													
2000-0700	55		75																													
Toi Te Ora – Public Health Service	107.6	B1 Construction Noise Rules	O	<p>While the proposed district plan addresses construction noise from sites by providing rules in the commercial zone, construction can occur anywhere in the district. Accordingly construction noise should be a permitted activity provided the noise limits for the timeframes stated set out in Table 2 of the New Zealand Standards 6803:1999 Acoustics – Construction Noise are not exceeded district wide.</p>	<p>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 6803:1999 Acoustics – Construction Noise are not exceeded district wide.</p>	N	Not stated																									

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					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.			
Toi Te Ora – Public Health Service	107.7	B3 Natural Hazards	O	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.	Restrict the development of new habitable buildings in the floodable areas of the district and ensuring higher density housing and population intensification is outside flood hazard areas.	N	Not stated	
Toi Te Ora – Public Health Service	107.8	C Information requirements for resource consents	O	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. Due to the high level of risk to health from consuming non-potable water and the risk to health from inappropriately disposed human waste, Toi Te Ora - encourages Council to seek information concerning the supply of potable and sufficient water as well as the proposed method of human waste for new development resource consents. This will enable Council to assess these services in terms of compliance with the Health Act 1956 and Building Act 2004 and if appropriate seek public health input in the application early on.	Include a requirement for information relating to water supply and sanitary services to be submitted with any application for resource consent.	N	Not stated	
Toi Te Ora – Public Health Service	107.9	C1 Commercial Activity Noise	A	Rule C1.4.10(a) exempts residential activity from meeting the specified noise limits in the commercial zone. It is not conducive to the objectives and policy 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. By requiring every activity to meet the commercial noise limits in the commercial zone it will protect one site from another from noise annoyance.	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).	N	Not stated	
Toi Te Ora – Public Health Service	107.10	C1.4.10 Noise Measurement Location	A	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.	Amend rule C1.4.10(a) to read: "...shall be conducted to ensure noise from the site shall not exceed the following limits when measured at 'any point' within the boundary of any residential zoned site or at 'any point within' the notional boundary of any rural lifestyle zoned site"	N	Not stated	
Toi Te Ora – Public Health Service	107.11	C1 Noise Exposure Measurements & Limits	A	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.	Amend the commercial exposure measure and limits to 0700 to 2200 hours 65dBA Leq (15mins), 2200 to 0700 hours 40dBA Leq (15mins) and 85dBA Lmax.	N	Not stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				<p>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.</p> <p>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.</p>				
Toi Te Ora – Public Health Service	107.12	C1 Construction Noise	A	Rule C1.4.10(c) includes the word 'should' next 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.	Amend Rule C.4.10 to read: "Construction noise from site <u>shall</u> not exceed the limits set for the timeframes stated set out in Table 2 of New Zealand Standard 6803:1999 Acoustics – Construction Noise. This is provided the provisions of the Standard applicable in such circumstances apply relating to the duration of construction events and the more or less stringent noise limits."	N	Not stated	
Toi Te Ora – Public Health Service	107.13	C2 Height	O	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.	N	Not stated	
Toi Te Ora – Public Health Service	107.14	C2 Yard (Buffer Zones)	O	<p>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.</p> <p>Council needs to ensure a 10 metre buffer to reduce the impact of noise, odour and visual amenity of residents.</p>	Amend the proposed plan by including a 10 metre buffer between industrial activity and residential zones with a rule of no exception.	N	Not stated	
Toi Te Ora – Public Health Service	107.15	C2 Noise	O	Rule C2.4.6 indicates that Council do not intend to provide specific noise standards for 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. Noise can move beyond the boundary of a site and significantly alter the amenity of a neighbouring site and significantly alter the amenity of a neighbouring site or impact upon human health and Council need to protect sensitive residential zones from noise generated by industrial activities.	<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 outlined in submission point 1.7.5.</p> <p>Amend the proposed plan to include rules requiring noise</p>	N	Not stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					from all activities in the industrial zone to be conducted to ensure noise limits are not exceeded at any point within the notional boundary of any dwellings located within the commercial or rural lifestyle zones, or at any point within the boundary of any property within a residential zone.			
Toi Te Ora – Public Health Service	107.16	C3 Permitted Activities – Home Occupations	A	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.	Retain discretion of non-residential business activities which do not provide a social service to the community. Support C3.3.1 and C3.4.9.	N	Not stated	
Toi Te Ora – Public Health Service	107.17	C3 Building Coverage Rule	A	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.	Adopt a 40% coverage rule for buildings on site and include carport and service areas in the coverage calculation.	N	Not stated	
Toi Te Ora – Public Health Service	107.18	C3 Height Rule and Height Definition	O	Do not support height intrusions to include building projections such as air conditions 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.	Amend the height definition in the proposed plan to include building projections.	N	Not stated	
Toi Te Ora – Public Health Service	107.19	C3 Residential Activity Noise	O	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 policy 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. By requiring every activity to meet the residential noise limits in the residential zone will protect the noise from one site from another.	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).	N	Not stated	
Toi Te Ora – Public Health Service	107.20	C3 Noise Measurement Location	O	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.	Amend rule C3.4.8(a) to read “...shall be conducted to ensure noise from the site shall not exceed the following limits when measured at 'any point' within the boundary or any other residential zoned site or at 'any point within' the notional boundary of any rural lifestyle zoned site.”	N	Not stated	
Toi Te Ora – Public Health Service	107.21	C3 Noise Exposure Measurement	A	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	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.	N	Not stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
		& Limit		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.				
Toi Te Ora – Public Health Service	107.22	C3 Dispensing with Noise Standards	O	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. 	Matters to which Council restricts its discretion are amended to include an assessment of the noise from the activity in relation to duration, frequency, character of the sound, sound intensity, sound annoyance, and time of occurrence.	N	Not stated	
Toi Te Ora – Public Health Service	107.23	Rule C3.5.7	O	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.	N	Not stated	
Toi Te Ora – Public Health Service	107.24	C4 Road Zone	O	There are no Noise standards applicable to the road area described as noise standards are exempt noise on roads.	Delete rule C4.3.6.	N	Not stated	
Toi Te Ora – Public Health Service	107.25	C5 Reserve Zone – Noise	A	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.	The matters which Council will restrict its discretion outlined in rule C5.5.1 include the level, character and duration of the sound from the activity when assessing an application.	N	Not stated	
Toi Te Ora – Public Health Service	107.26	C5 – Smokefree Outdoor Spaces Policy	O	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.	Incorporate the Smokefree Outdoor Spaces Policy project into the District Plan.	N	Not stated	
Toi Te Ora – Public Health Service	107.27	C6.4.2	S	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.	N	Not stated	
Toi Te Ora – Public Health Service	107.28	C6.5.3 Density/Coverage	O	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,	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 	N	Not stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				but only for isolated and remote dwellings and provided they are properly maintained and operated.	<p>disposal by adopting the decisions sought outlined in this submission under C7 Subdivision and Development, water and sanitary services and;</p> <ul style="list-style-type: none"> - 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. 			
Toi Te Ora – Public Health Service	107.29	C6.4.8	O	Rule C6.4.8 indicates that Council do not intend to provide specific noise standards and intent 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.	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.	N	Not stated	
Toi Te Ora – Public Health Service	107.30	C7 Subdivision & Development – Water & Sanitary Services	O	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 or subdivision, and consider the adoption of the most health protective means of water supply practicable when developing land. - 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. 	N	Not stated	
Toi Te Ora – Public Health Service	107.31	C7 Contaminated Land	A	Support with some amendments. Ensure that the health of the public is protected from historic contaminated land use.	<p>Include:</p> <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. 	N	Not stated	
Toi Te Ora – Public Health Service	107.32	C9 Utilities C9.7.8	O	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	<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. 	N	Not stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				<p>which is compatible with achieving coverage requirements.</p> <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 site in locations which result in the lowest exposures to the community.</p>	<ul style="list-style-type: none"> - 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. 			
Toi Te Ora – Public Health Service	107.33	C9 Noise	O	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.	N	Not stated	
Department of Corrections								
Department of Corrections	108.1	Designations	A	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.	That council deletes the reference to planning map no. 17 and replaces it with planning map no. 9.	Y	N	
Department of Corrections	108.2	Designations	A	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'.	That council amends planning map 9 so that the site (designation ref 8) is shaded purple to indicate the Commercial 2 zone, and that council amends the underlying zoning in the Designation Schedule to read 'Commercial 2'.	Yes	N	
Department of Corrections	108.3	Designations	A	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.	Yes	N	
Department of Corrections	108.4	Designations	A	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.	That Council deletes 'Department of Justice' and replaces with 'Minister of Corrections' as the Requiring Authority.	Yes	N	
Department of Corrections	108.5	Designations	A	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 were deemed to be Community Work Centres.	That council deletes 'Kawerau Period Detention Centre' and replaces with 'Kawerau Community Work Centre' (as per Table 1 above)	Yes	N	
Department of Corrections	108.6	Designations	A	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'.	Yes	N	
Director General of Conservation								
Director General of Conservation	109.2	C5 Reserves	A	Reserves can include important natural and environmental values. It is important that, should a consent be required for activities not in	Ensure that rules of section C8 apply so that significant indigenous vegetation and habitats are recognised and	Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				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.	provided for when consent is required for reserve works.			
Director General of Conservation	109.3	Section C6 – C6.4.7; C6.5.7	S	The application of the relevant rules of section C8 are supported as providing for the appropriate recognition and protection of natural and cultural heritage.	Retain the application of section C8 to this chapter.	Yes	Yes	
Director General of Conservation	109.4	Section C7 – C7.2.2.2	A	This policy is supported providing the term 'prevent detractor' is changed, as this is not appropriate for intrinsic ecological values.	Change 'prevent detractor' to 'prevent adverse effects' to provide a means of determining effects on these values.	Yes	Yes	
Director General of Conservation	109.5	Section C7 – C7.7.1(d); C7.7.4(c)	O	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.	Retain the ability to decline granting subdivisions and development plans where the requirements of Section 6 are not being provided for, and introduce criteria to determine inappropriateness.	Yes	Yes	
Director General of Conservation	109.6	C7.8.1(d)	O	The Department supports this section requiring consultation with the Department. However, the Department's interests are not limited to Reserves, and also include Conservation Covenants and Identified Significant Natural Areas.	Add DOC (if adjacent to DOC reserve, conservation covenant, or significant natural area)	Yes	Yes	
Director General of Conservation	109.7	C7.8.2	A	"Bush" is an ecologically ambiguous term, and may not be interpreted as recognising all important indigenous vegetation that may be affected by subdivision.	Replace "bush" with "indigenous vegetation"	No	Yes	
Director General of Conservation	109.8	C8.4.1	O	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.	Insert a new objective requiring the protection of significant indigenous vegetation and significant habitats of indigenous fauna.	Yes	Yes	
Director General of Conservation	109.9	C8.4.2.5	O	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.	Yes	Yes	
Director General of Conservation	109.10	C8.5 – Last bullet point	A	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'.	Yes	Yes	
Director General of Conservation	109.11	C8.5	A	Wetlands do not require separate identification, as all wetlands in the region are recognised as significant indigenous vegetation.	Ensure that wetlands are included within the term 'significant indigenous vegetation'	No	Yes	
Director General of Conservation	109.12	C8.6 – second exclusion matter	O	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.	Yes	Yes	
Director General of Conservation	109.13	C8.9.2	O	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.	Yes	Yes	
Director General of Conservation	109.14	Appendix C – A – List of	O	Several areas that have been identified as significant natural areas are not included in this list. In order to fulfil Council's responsibilities	Ensure the following significant natural areas are identified and protected.	Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
(DOC)		Natural Heritage Sites (Areas)		under the RMA, it is important that all of these areas are identified.	<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 Kaukohiwi 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.) 			
Director General of Conservation	109.15	Appendix C – A – List of Natural Heritage Sites (Areas)	A	<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>	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.	Yes	Yes	
Director General of Conservation	109.16	Appendix C – A – List of Natural Heritage Sites (Areas) - 8(a)(iv)	A	The species name for this area has been misspelled.	Change to "Dicranopteris dominant fernland"	No	Yes	
Director General of Conservation	109.17	Planning Maps	O	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.	Identify Rotoma Conservation Area as a reserve on the Planning Maps	Yes	Yes	
Director General of Conservation								
Bay of Plenty Regional Council	110.1	A1.3	A	<p>Support the identification of the Operative RPS (RPS) and Bay of Plenty Regional Plans within the District Plan (the Plan).</p> <p>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.</p> <p>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.</p>	<p>Amend A1.3 to delete paragraphs 2 and 3 as follows: "The RPS was adopted in December 1999 and Proposed Change No 1 amended in November 2005. Proposed Change No 2 (Growth Management) was amended in November 2006."</p> <p>"The RPS is undergoing a review to enable the preparation of the second generation regional policy statement. A draft RPS has been prepared and is currently advertised for public consultation until April 2010. The proposed RPS is expected to be notified for formal submissions in the latter part of 2010."</p> <p>Insert the following paragraph 2 under Bay of Plenty</p>	Yes	Not Stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<p>Regional Policy Statement:</p> <p>"The District Plan must give effect to the Regional Policy Statement. "</p> <p>Insert the following sentence 2 under Bay of Plenty Plans:</p> <p>"...The plans relate to different areas of the Bay of Plenty environment and are statutory resource management documents the District Plan must not be inconsistent with Regional Plans. The following is a list of the regional plans as at February 2010:"</p> <p>Amend the following Regional Plan references under "Bay of Plenty Plans:</p> <ul style="list-style-type: none"> - Operative BOP Regional Policy Statement - Operative Regional Water and Land Plan - Operative Regional Coastal Environmental Plan - Operative Regional Air Plan - Operative On-Site Effluent Treatment Regional Plan - Operative Regional Land Management Plan - Operative Regional Plan for the Tarawera River Catchment - Operative Regional Gravel Management Plan - Operative Rotorua Geothermal Regional Air Plan" 			
Bay of Plenty Regional Council	110.2	B: District Wide Objectives & Policies B3 Natural Hazards B3.1.2.3	O	<p>Provide clarification of what constitutes a 'significant natural hazard' and 'functional need' as referred to in B3.1.2.3:</p> <p><i>To ensure that new subdivision, use and development are located and designated to avoid significant natural hazards unless there is a functional need to locate in an area subject to significant risk.</i></p>	Provide clarification or a definition of what constitutes a 'significant natural hazard' and 'functional need.'	Yes	Not Stated	
Bay of Plenty Regional Council	110.3	C7: Subdivision and Development C7.2.1.1 C7.2.2.2	S	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.	Retain Objective C7.2.1.1 and Policy C7.2.2.2.	Yes	Not Stated	
Bay of Plenty Regional Council	110.4	C7.2.1 C7.2.2	A	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).	Amend Policy C.7.2.2.1 to read: 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.	Yes	Not Stated	
Bay of Plenty	110.5	Contaminate	A	Objective C7.5.1 appears to be incomplete as it reads: <i>To manage</i>	Amend Objective C7.5.1 to read:	Yes	Not	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Regional Council		d Land C7.5 and C7.6.1.3		<p><i>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):</p> <p>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><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>		Stated	
Bay of Plenty Regional Council	110.6	Subdivision and Development Rules and C7.7 Matters over which Council will Exercise Control	O	<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. 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</p>	<p>Amend C7.6.1.1 as follows to provide for a minimum default position of restricted discretionary activity status.</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 restricted discretionary activity subject to C7.6.1.3 and C7.7.”</i></p> <p><i>“In determining an application for subdivision as a controlled restricted discretionary activity the Council shall exercise control over those matters set out in C7.7.”</i></p> <p><i>“In determining an application for subdivision as a restricted discretionary activity the Council shall restrict its power to decline a consent, or to grant a consent and to impose conditions to the matters set out in C7.7.</i></p> <p><i>In addition amend the C7.7 heading section so it reads: MATTERS TO WHICH COUNCIL WILL RESTRICT ITS DISCRETION”</i></p>	Yes	Not Stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				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.				
Bay of Plenty Regional Council	110.7	C7.7.1 a) C7.7.1 a) ii C.7.7.4 a) C7.7.4 a) ii	A	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.	Seek amendments to C7.7.1a), C7.7.1 a)ii, C7.7.4a) and C7.7.4a)i, after “erosion,” insert the expression “ <i>falling debris...</i> ” For example C7.7.1a) amended to read: “ <i>Any of the land the subject of the application or any structure on that land is likely to be subject to material damage by erosion, falling debris, subsidence...</i> ”	Yes	Not Stated	
Bay of Plenty Regional Council	110.8	Requirements for Subdivision C7.7.1 a) ii	A	Subdivisions should have a higher level of inundation protection by setting development levels above the Building Code requirements (i.e. 2% AEP) is recommended in Section C14.3.2.5.1 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.	Seek the following amendment to C7.7.1 a) ii: “ <i>Any proposed allotment 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 1% AEP flood event. Use will be made of consent notices or other instruments.</i> ”	Yes	Not Stated	
Bay of Plenty Regional Council	110.9	Requirements for Development C7.7.4 a) i)	A	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 “ <i>Surface water, resulting from an event having a 2% probability of occurring annually, shall not enter buildings.</i> ”	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> ”	Yes	Not Stated	
Bay of Plenty Regional Council	110.10	C8: Natural and Cultural Heritage C8.1 Introduction	A	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.	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> ”	Yes	Not Stated	
Bay of Plenty Regional Council	110.11	C8.3 Cultural Heritage	A	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.	Include a reference to the Statutory Acknowledgements which are located within Appendix D of the District Plan.	Yes	Not Stated	
Bay of Plenty Regional Council	110.12	C8.4.2 Policies C8.4.2.3	A	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).	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: activities near scheduled waahi tapu sites activities near identified archaeological sites</i> ”	Yes	Not Stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<ul style="list-style-type: none"> - activities that can adversely effect inland waterways - open space that contains heritage resources of value to tangata whenua - Ngati Tuwharetoa Statutory Acknowledgement Areas including: Tarawera River from the lower reach of the Tarawera Falls and, the Kawerau Geothermal System - Ngati Awa Statutory Areas including Tarawera River" 			
Bay of Plenty Regional Council	110.13	C8.9 Restricted Discretionary Activities	A	<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</p> <p>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).</p> <p>C8.7 Buildings and Objects</p> <p>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>	Amend the restricted activity status for applications under C8: Natural and Cultural Heritage to discretionary activity status and, insert the following text as a new C8.9.1: <i>"All applications shall assess if the subdivision, use or development is appropriate by referring to criteria which are not inconsistent with those in Appendices F and G of the Regional Policy Statement."</i>	Yes	Not Stated	
Bay of Plenty Regional Council	110.14	Appendix C – Schedule of Heritage Sites and Places	S	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.	Yes	Not Stated	
House Movers Section of New Zealand Heavy Haulage Association (Inc)								
House Movers Section of New Zealand Heavy Haulage Association (Inc)	111.1	C3	O	<p>Provisions (including objectives, policies, rules, assessment criteria, methods and reasons) regulating the removal, re-siting, and relocation of buildings in the plan, including rule C3.3.2, rule C3,3,3, C3.3.4, and any definitions relating to removal, re-siting, and relocation of buildings.</p> <p>1. 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>2. 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</p>	<ol style="list-style-type: none"> 1. Delete all provisions (including objectives, policies, rules, assessment criteria and other methods and reasons) on removal, re-siting, and relocation of buildings as located in section C3.3 of the proposed plan, the definitions section, and elsewhere. 2. Amend the definition section of the plan to accord with trade practice and usage so as to distinguish between the activities of removal, re-siting, and relocation of buildings. 3. Rewrite the proposed plan, and section C3.3 and its policies and objectives, rules, methods and reasons to reflect the reasons for this submission. 	Y	Y	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				<p>Management Act, in particular:</p> <p>a. The classification of removal, re-siting, and relocation of buildings in the proposed plan as a controlled activity activity is inconsistent and contrary to sustaining the potential of natural and physical resources of the district in accordance with Section 5 RMA, and Part 2 of the Act generally.</p> <p>b. It is inconsistent with sustainable management to require resource consent for removal, re-siting, and relocation of buildings, but to provide for construction of new buildings as a permitted activity.</p> <p>c. Relocation of buildings is an affordable housing/construction option, and consistent with sustainable management by providing for the recycling and reuse of buildings. Activity classification should take into account the positive effects from activities.</p> <p>d. Providing for notifiable resource consent applications as a controlled activity does not recognise the transaction costs associated with obtaining neighbors' approvals and any hearing process.</p> <p>e. Controls on removal, re-siting, and relocation of buildings in the proposed plan are not necessary for the purpose of assisting the Council to carry out its functions.</p> <p>f. Controls on removal, re-siting, and relocation of buildings in the proposed plan do not meet section 32 criteria of the RMA. It is denied that Council has carried out a proper section 32 assessment on removal, re-siting, and relocation of buildings, or if any section 32 assessment has been carried out, it has not sufficient in that Council has failed to have regard to the extent to which the objectives, rules and policies and other methods are necessary; to consider other means that may be used to achieved the same objectives and policies (including the "do nothing" option); to carry out a proper evaluation of the benefits and costs (both monetary and non-monetary) of regulation of removal, re-siting, and relocation of buildings; or be satisfied that the regulation in the proposed plan is the most appropriate, efficient and effective means of exercising Council's functions.</p> <p>g. Controls in the plan on removal and relocation of buildings</p>	<p>4. Recognise in the objectives, policies and rules and methods of the plan to provide for the coordination between Building Act and Resource Management Act control, to avoid regulatory duplication.</p> <p>5. Provide for the demolition and removal and re-siting of buildings (including dwellings) as a permitted activity in all areas and zones, excepting in relation to any scheduled or specifically identified heritage buildings, or any specific conservation or historic heritage zone.</p> <p>6. In the event that demolition and or removal and re-siting of buildings is not a permitted activity (as provided for in paragraph 11 above), then as a default rule, provide for relocation of buildings no more restrictively than a restricted controlled activity, provided that such application be expressly provided for on a non-notified, non-service basis.</p> <p>7. Replace section C3.3 of the proposed plan in its entirety (either by rewriting section C3.3, or alternatively, by deleting the section and replacing it with provisions in each section or zone of the plan, as is appropriate) with objectives, policies, rules, assessment criteria, methods, reasons and other provisions which expressly provide for relocation of buildings and/or dwellings as "permitted activities" in all zones/areas, so as to achieve performance standards no more restrictive than provided for in paragraph 14 below.</p> <p>8. Provide for the relocation of buildings subject to the following performance standards/conditions (or to same or similar effect):</p> <p>Relocation of Buildings</p> <p>Relocated buildings are permitted where the following matters can be satisfied:</p> <p>a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan;</p>			

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				<p>are inconsistent with the criteria in Sections 75 and 76 of the RMA.</p> <p>h. Controls in the plan on removal, re-siting, and relocation of buildings are not proportionate to other controls on buildings in the proposed plan.</p> <p>i. In practical terms, any potential adverse effect on amenity values from building relocation is remedied after an initial establishment period. The same establishment period is present whenever a new dwelling is constructed, and whereas the Council has not generally promoted similar controls for new dwellings.</p> <p>j. Any performance bond or restrictive covenant would be unnecessary and not the most appropriate means of Council exercising its functions.</p> <p>k. The proposed plan fails to apply the decision of the Environment Court in New Zealand Heavy Haulage Association Inc v The Central Otago District Council (Environment Court, C45/2004, Thompson EJ presiding). Central Otago District treated relocated dwellings a discretionary activity in its proposed plan. The position of Central Otago District was not upheld by the Environment Court. Following a</p> <p>l. defended hearing the Court allowed for relocation of dwellings as a permitted activity subject to a number of performance standards. As a default rule, where unable to meet permitted activity standards, relocation was provided for as a restricted discretionary (non-notifiable) activity.</p> <p>m. The proposed plan does not recognise the transaction costs of not expressly exempting relocation and removal of dwellings from any requirement to obtain neighbour approval.</p> <p>n. The submitter pleads the reasons given by the Court in New Zealand Heavy Haulage Association Inc v The Central Otago District Council as if set out herein.</p>	<p>b) Any relocated dwelling must have been previously designed built and used as a dwelling;</p> <p>c) A building inspection report shall accompany the building consent. The report is to identify all reinstatement work required to the exterior of the building; and</p> <p>d) All work required to reinstate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within 12 months of the building being delivered to the site.</p> <p>9. In the event that relocation of a building is not a permitted activity (as provided for in paragraph 13 and 14 above) then as a default rule, provide for relocation of buildings no more restrictively than a restricted discretionary activity (provided that such application be expressly provided for on a non-notified, non-service basis) subject to the following assessment criteria (or to the same or similar effect):</p> <p>Restricted Discretionary Activity</p> <p>(on a non-notified , non-service basis)</p> <p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>i) Proposed landscaping;</p> <p>ii) the proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services;</p> <p>iii) the design and appearance of the building following reinstatement</p> <p>10. Delete any provision in the plan for a performance bond or any restrictive covenants for the removal, re-siting, and relocation of buildings.</p> <p>11. Restrict (as a discretionary activity rule) the use of</p>			

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					restrictive covenants for the removal, re-siting, and relocation of buildings. 12. Make any consequential amendments 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.			
Transpower New Zealand Limited								
Transpower	112.3	C2.2.1.3	S		Retain without further modification. C2.2.1.3 To manage the environmental effects of the electricity transmission network on industrial land uses and to manage adverse effects of other activities on the network	Yes	No	
Transpower	112.	C2.2.2.5	A	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."	Yes	No	
Transpower	112.	C2.2.2.6	S		Retain without modification: C2.2.2.6 To manage activities to avoid reverse sensitivity effects on the electricity transmission network.	Yes	No	
Transpower	112.	C2.4.7	A	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.	Amend Planning Maps : Transpower also requests that the 32m corridor is shown on the Edgecumbe – Kawerau B line as, although the line is located in the Whakatane District, the corridor extends into the Kawerau District and activities will therefore be subject to the National Grid Rules in this Council's Industrial Zone.	Yes	No	
Transpower	112.	C2.4.7		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	Retain restricted discretionary activity status. Delete replicated standard from other zones.	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				<p>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>				
Transpower	112.5	C2.4.7	A	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:	<p>C2.4 Rules of the Industrial Zone</p> <p><i>C2.4.7 Transmission Lines</i></p> <ul style="list-style-type: none"> • <i>No buildings or structures shall be located within 32 metres either side of the centreline of a high voltage electricity transmission line shown on Council's Planning Maps.</i> • <i>No vegetation (over 2 metres height at maturity) shall be planted within 12 metres of the centre line of a high voltage electricity transmission line shown on Council's Planning Maps.</i> • <i>No earthworks shall be carried out within 12 metres of the closest visible edge of the foundation of a high voltage transmission line support structure.</i> • <i>No earthworks shall be carried out within 12 metres of the centreline of a high voltage electricity transmission line shown on Council's Planning Maps that result in an increase in ground level (i.e. that reduces the clearance distance from conductor to ground).</i> <p><u>Advice Note:</u> <u>No vegetation (over 2 metres height at maturity) shall be planted within 12 metres of the centre line of a high voltage electricity transmission line shown on Council's Planning Maps.</u></p>	Yes	No	
Transpower	112.5	C2.5.7	A		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.	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<i>The relevant network utility operator will be considered an affected party for applications for non-compliance with rules contained in C1.4.11-C2.4.7.</i>			
Transpower	112.5	C3 Section C7 - Subdivision and Development	S		Retain without modification the following Objective: <i>C7.2.1.5 - To ensure subdivision and development does not create conflict with sensitive land uses.</i>	Yes	No	
Transpower	112.5	C7.2.2.6 and C7.2.2.9	S		Retain without modification the following Policies: <i>C7.2.2.6 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.</i> <i>C7.2.2.9 To manage subdivision and development to ensure compatibility with sensitive activities and reduce the potential for reverse sensitivity effects.</i>	Yes	No	
Transpower	112.5	C7.1.1	A	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.	Make the following amendments to C7.1.1: <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> <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> <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> <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>	Yes	No	
Transpower	112.5	C7.9	O	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	Add the following Assessment Criteria into New Section C7.9 – Assessment Criteria: <i>Matters over which Council has restricted its discretion:</i> <ul style="list-style-type: none"> <i>The extent to which the subdivision design mitigates the effects on the lines, for example through the</i> 	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				restricted discretionary activity.	<p><u>location of roads and reserves under the route of the line;</u></p> <ul style="list-style-type: none"> • <u>The ability for maintenance and inspection of transmission lines and the minimisation of risk or injury and/or property damage from such lines;</u> • <u>The extent to which potential adverse effects including visual impact are mitigated, for example through the location of building platforms;</u> • <u>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); and</u> • <u>The outcomes of any consultation with the affected utility operator.</u> 			
Transpower		C7.8.3	S		Retain without modification Section C7.8.3(a) and Section C7.8.3 (a)(iv)	Yes	No	
Transpower		C7.8.3	A		<p>Include the following information requirement in Section C7.8.3 as follows:</p> <p><i>“Show on the subdivision plans any high voltage transmission lines traversing or within 32m of a site”</i></p>	Yes	No	
Transpower		Section C8.5 - Trees and Wetlands	A	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>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>	Yes	No	
Transpower	112.2	C9 Network Utilities	A	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.	<p>Retain or amend the relevant provisions in the Proposed District Plan to make all required changes as detailed in this submission to ensure:</p> <ul style="list-style-type: none"> • That the NPSET is given effect to; • The sustainable management of the National Grid as a physical resource; • Appropriate provision for the ongoing operation and maintenance of the network, including ensuring that lines can be accessed; • That the existing network can be upgraded in order to meet growth in energy demand; • The protection of the existing network from issues of reverse sensitivity and the effects of others’ 	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<p>activities; and</p> <ul style="list-style-type: none"> • Appropriate provision for the planning and development of new lines. 			
Transpower		Section C9 - Utilities Chapter	O	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	Retain a separate and standalone Utilities Chapter in the District Plan	Yes	No	
Transpower		Section C9 Objectives and Policies	S	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>Retain without modification the following objectives:</p> <p><i>C9.2.1.2 To recognise the importance of the National Grid to the district's, region's and nation's social and economic wellbeing.</i></p> <p><i>C9.2.1.3 To enable the operation of network utilities and to protect them from the adverse effects of other activities, including reverse sensitivity effects.</i></p>	Yes	No	
Transpower		C9.2	S	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>Retain without modification the following objectives:</p> <p><i>C9.2.2.4 Subdivision and development shall not adversely affect the function, capacity and safe and efficient operation of network utilities</i></p> <p><i>C9.2.2.6 To allow for the maintenance and upgrading of 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>	Yes	No	
Transpower		C9.3	O	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>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 (additional text underlined):</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>	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Transpower		C9.3	S	<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>Transpower seeks that a new rule is incorporated into the District Plan, which permits new lines on poles up to 20m high in rural areas. Any transmission lines, which did not comply with this, would be a discretionary activity.</p>	<p>Retain without modification the following provisions in Section C9.3:</p> <p>i) <i>All network utilities in existence at the date of notification of the proposed plan, and their maintenance, replacement and minor upgrading including temporary lines.</i></p> <p>iii) <i>Any above ground network utility where the structures for that activity:</i></p> <p>a) <i>Have a ground coverage of less than 50m²; and</i> b) <i>Have a height not exceeding 8.0m; (see definition of height) and</i> c) <i>Are on allotments less than 2000m² in area</i></p> <p>vi) <i>New substations and additions to existing substations in all industrial zones or commercial zones, provided that the substation does not adjoin a residential or reserve zone, or face any part of a residential or reserve zone situated across a road and contained within the property boundaries of the substation property.</i></p> <p>Retain with out modification Rule C9.3(iV) as follows:</p> <p><i>Underground lines, including new lines or additions to existing lines, together with switchgear, fusegear and other associated equipment for conveying electricity to a voltage up to and including 110kV.</i></p>	Yes	No	
Transpower		C9.3	O	<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>Transpower seeks that a new rule is incorporated into the District Plan, which permits new lines on poles up to 20m high in rural areas. Any transmission lines, which did not comply with this, would be a discretionary activity.</p>	<p>Include the following new rule in Rule C9.3</p> <p><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></p>	Yes	No	
Transpower			S		<p>Retain without further modification the following definition of minor upgrading:</p> <p><i>Minor upgrading means an increase in the carrying</i></p>	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation								
					<p>capacity, efficiency or security of electricity and associated telecommunication lines, utilising the existing support structures or structures of a similar scale and character, and includes:</p> <p>(i) the addition of circuits and conductors (ii) the reconductoring of the line with higher capacity conductors (iii) the resagging of conductors (iv) the addition of longer or more efficient insulators (v) the addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods. (vi) the addition of electrical fittings (vii) tower replacement in the same location within the existing alignment of the transmission line corridor (viii) the replacement of existing cross arms with cross arms of an alternative design (ix) an increase in tower height to achieve compliance with the clearance distances specified in NZECP34:2001.</p> <p>Minor Upgrading Shall Not Include:</p> <p>i. an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.</p> <p>anything that will have any more than minor adverse effects on the environment.</p>											
Transpower		C9.6	S		Retain without modification Rule C9.6 – Discretionary Activities.	Yes	No									
Transpower		C9.7	S		Retain without modification section C9.7 Development Rules For Permitted and Controlled Activities.	Yes	No									
Transpower		C9.10	O		Retain without modification all of the Assessment Criteria in section C9.10.	Yes	No									
Transpower	112.	Designations	A	The reference to the District Plan map is incorrect, the designation is shown on Planning Map 13, not 16. This should be amended accordingly.	<p>Make the following amendments to the reference to the Kawerau Substation the</p> <table border="1"> <thead> <tr> <th>Map No. & Designation</th> <th>Designating Authority &</th> <th>Legal Description</th> <th>Designation (Underlying Zoning)</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Map No. & Designation	Designating Authority &	Legal Description	Designation (Underlying Zoning)					Yes	No	
Map No. & Designation	Designating Authority &	Legal Description	Designation (Underlying Zoning)													

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required				Wish to be Heard	Consider Joint Presentation	Council Recommendation
					Ref.	Location					
					46 13 7	Trans Power NZ Ltd	Blocks IX and XIII Rangitaiki Upper Survey District part Allot.59 B2D4 Matata Parish	Electricity Substation (Industrial)			
Transpower	112.5	Planning Maps	A	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.				Yes	No	
New Zealand Historic Places Trust											
New Zealand Historic Places Trust	113.2	C8.4.2.1 & C8.4.2.2	O	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>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> "To protect significant [Council to define or schedule these items] historic heritage in the district from adverse effects of land-use and development."</p> <p><i>Policies</i></p> <p><i>Policy 1.1</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. (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.</p> <p><i>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.</p>				Yes	Not Stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<p><i>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.</p> <p><i>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.</p> <p><i>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.</p>			
New Zealand Historic Places Trust	113.3	C8.8	A	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 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.	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).	Yes	Not Stated	
New Zealand Historic Places Trust	113.1	Appendix C(B)	O	Criteria included in the plan, via the schedule (Appendix C(b)), and with the limitations stated in the preceding paragraphs may lead to confusion. For example, the statement 'strict compliance with these is not a condition for consent ...evidence that applicants have considered these would be of benefit' is of limited value and is open to broad interpretation.	Appendix C Schedule B 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.	Yes	Not Stated	
New Zealand Historic Places Trust	113.4	C	O	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.	Yes	Not Stated	
O'Brien, Kevin								
O'Brien, Kevin	114.1	A1.10 Esplanade Reserves	O	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	Not specified in terms of District Plan text.	Y	Y	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				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.				
New Zealand Transport Agency (NZTA)								
NZTA	115.3	C1.4.8 Signs	A	<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> <p>a) A reduced permitted area of signage; and</p> <p>b) A limit of one free standing sign per site; and</p> <p>c) A requirement that all signage relate to activities contained on that site.</p> <p>Or</p> <p>Amend Rule C1.4.8(a) through further consultation with NZTA to address NZTA's concerns.</p>	Yes	No	
NZTA	115.4	C2.4.3 Signs	A	<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> <p>a) A reduced permitted area of signage; and</p> <p>b) A limit of one free standing sign per site; and</p> <p>c) A requirement that all signage relate to activities contained on that site.</p> <p>Or</p> <p>Amend Rule C2.4.3 through further consultation with NZTA to address NZTA's concerns.</p>	Yes	No	
NZTA	115.5	C7.2.1.4 Objective	A	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>Amend Objective C7.2.1.4 as follows:</p> <p><i>"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."</i></p>	Yes	No	
NZTA	115.6	C7.6.1 Activity Status	O	<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>	Make all subdivision and development that gains direct access off State Highway 34 a Discretionary Activity.	Yes	No	
NZTA	115.7	C4.6.3 Noise	O	Road users generates noise. Existing roads benefit from existing use rights and should therefore not be subject to this rule. The rule must	Delete Rule C4.3.6 or clarify that noise from new roads is subject to NZS 6806:2010.	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				therefore provide clarification in this regard. New roads are subject to NZS 6806:2010 Road Traffic Noise. The suggested Rule is therefore unnecessary.				
NZTA	115.1	C10.4.5.1 Performance Criteria for Property Access	O	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 (diagrams attached to this submission).	Yes	No	
NZTA	115.2	C10.4.1 Parking Requirements	S	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.	Retain as notified.	Yes	No	
NZTA	115.8	Designations	A	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'.	Yes	No	
NZTA	115.9	SA	O	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.	<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. 	Yes	No	
Mighty River Power Limited								
Mighty River Power	116.3	Renewable Energy	O	<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>To ensure that the Plan includes the appropriate recognition and provision for renewable energy a separate section could be included in the Plan to this effect.</p> <p>The Plan needs to recognise and provide for:</p> <ul style="list-style-type: none"> Electricity as an essential service. The security of the electricity supply is essential for the health and wellbeing of communities at local, regional and national levels. The need for a resource management context in which both existing electricity generation activities and future activities for electricity generation from renewable energy resources can occur and operate efficiently and effectively and in a sustainable manner. A balance is required between the effects infrastructure may have on the environment and the benefits that it provides to communities at local, regional and national levels. 	<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>	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				<ul style="list-style-type: none"> The direct use and development of renewable energy resources at their source. Electricity generation activities and their accompanying infrastructure may not always occur in the Industrial zone and need to be provided for in case this situation arises. 				
Mighty River Power	116.4	Utilities Section	A	<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>It is important that appropriate issues, objectives and policies are included in the Plan to address the issue of electricity generation from renewable energy. Appropriate issues, objectives and policies concerning renewable energy and electricity generation and transmission are outlined for Council's consideration.</p>	<p>Council insert appropriate significant resource management issues, objectives and policies focusing on energy and electricity generation as outlined below or wording to a similar effect into the Plan:</p> <p><i>“Significant Resource Management Issues</i></p> <ul style="list-style-type: none"> <i>Electricity generation and transmission activities and their associated infrastructure provide systems and services essential to the maintenance and enhancement of the economic, cultural, and social well-being and for the quality of life for communities within the local district, region and at a national level. Failure to provide adequately for these systems and services can result in the desired level of well-being and quality of life not being achieved.</i> <i>The Kawerau District includes natural geothermal resources suitable for electricity generation and associated infrastructure. The use of renewable resources for electricity generation to maintain the security of electricity supply and reduce fossil fuel consumption is a matter of national significance. The use of a renewable resource requires that the energy is harnessed and electricity generated in the vicinity in which the resource occurs. This, when combined with any functional, locational, operational and technical constraints, mean that there are very limited opportunities for utility scale renewable energy developments in the district. The functional and locational constraints posed by the limited development opportunities available for the development of renewable energy activities and associated transmission infrastructure is a significant issue for not only the district, but New Zealand as a whole.</i> <p><i>Objectives</i></p> <ul style="list-style-type: none"> <i>The efficient development, operation, maintenance and upgrading of electricity generation and associated infrastructure so as to efficiently and effectively meet the current and foreseeable needs of not only the</i> 	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<p><i>district but also the region and New Zealand as a whole.</i></p> <ul style="list-style-type: none"> <i>The sustainable utilisation of the district's natural resources for electricity generation and associated infrastructure, recognising the benefits of the use and development of renewable energy resources in particular, whilst ensuring that adverse effects are avoided, remedied or mitigated where reasonably practicable.</i> <p><i>Policies</i></p> <ul style="list-style-type: none"> <i>When developing resource management strategies and assessing applications for resource consent, Council shall recognise the benefits that are derived from electricity generation infrastructure, and ensure that subdivision and land use development is controlled and managed in such a manner as to avoid, remedy or mitigate potential adverse effects on the safe efficient and effective operation of existing infrastructure and any resources associated with the future establishment and development of electricity infrastructure.</i> <i>Where electricity infrastructure has a functional, locational technical or operational need for a particular location, such facilities should, as far as practicable, be located and designed so as to avoid, remedy or mitigate significant adverse effects on significant landscapes, cultural values, and other established structures and activities."</i> 			
Mighty River Power	116.5	A1.2	A	Section A1.2 outlines what objectives and policies are and why they are required in a District Plan. Mighty River Power supports the intent of the section but believes that the section could be developed further to incorporate significant resource management issues for the district as well as methods and rules. The inclusion of discussion on issues, rules and other methods in this section would add clarity and certainty to the Plan and Plan users.	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.	Yes	No	
Mighty River Power	116.6	A1.3	S	Section A1.3 of the Plan discusses the other statutory and non-statutory statements and plans to be considered when using the Plan. The discussion of these statements and plans add certainty to the Plan and highlight to users of the Plan other information that they may need to consider.	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.	Yes	No	
Mighty River Power	116.7	A1.7	S	Cross boundary issues are discussed in Section A1.7 of the Proposed Plan. Of particular interest to Mighty River Power are the following bullet points:	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	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				<ul style="list-style-type: none"> • <i>“Use and development of renewable energy resources provides local, regional and national benefits that are not contained exclusively within one district. Provision should be made to ensure efficient and practical resource management administration of these resources.</i> • <i>A consistent approach to the administration of plans and provisions relating to the Kawerau Geothermal Field which crosses the territorial boundaries.</i> • <i>The provision of industrial land that may cross the district boundaries and how that land will be managed and serviced in an efficient and practical manner.”</i> <p>These bullet points recognise the need for consistency in administration of renewable energy resources as well as acknowledging these resources may be located over one or more local authority boundaries.</p>	drafted or in a similar form which provides the same intent currently existing			
Mighty River Power	116.8a	A1.10	S	<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>	River Power supports Sections A1.7 and A1.10 and seeks the retention of these sections as currently drafted in the Plan.	Yes	No	
Mighty River Power	116.9	B1 Noise	S	<p>Section B1 of the Plan deals with noise and associated issues. One of the recognised issues is reverse sensitivity and the need to allow activities with high noise levels to locate away from residential areas with the Plan seeking to provide maximum operational flexibility for industries while protecting amenity values and community health and well-being in residential areas (p17, 6th para).</p> <p>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.</p>	Mighty River Power seeks the retention of the issue of reverse sensitivity in Section B1 of the Plan.	Yes	No	
Mighty River Power	116.11	B3 Natural Hazards	A	<p>Section B3 provides information concerning natural hazards. While the section contains appropriate objectives and policies relating to natural hazards, it does not contain any resource management issues, rules or methods in respect of natural hazards.</p>	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.	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Mighty River Power	116.12	B3.1	S	It is important that the Plan contain appropriate issues, rules and methods for dealing with natural hazards as this will allow for the sustainable management of these areas. Natural hazards such as flooding and erosion can adversely impact on land use and subdivision activities and in order to provide certainty and clarity to plan users, it is important that issues for natural hazards are identified as well as stating how these will be dealt with in the Plan (i.e. rules and/or methods).	River Power supports the retention of the objective and policies outlined in Section B3.1 of the Plan as notified.	Yes	No	
Mighty River Power	116.13	C2.1	O	<p>Mighty River Power supports in part Section C2.1 of the Plan which describes the characteristics associated with the Industrial Zone within the Kawerau District. The section clearly articulates the importance of industrial activities for the social and economic well being of the people of the district, wider region and New Zealand.</p> <p>However, Mighty River Power considers that there should also be explicit recognition of existing legally established geothermal operations such as the Kawerau Geothermal Power Station in the zone description as the Station is a key physical resource for this District. The description should also acknowledge the role of the Station in electricity generation from a renewable energy resource as well as recognizing the direction of the RMA to have regard to the effects of climate change (s 7(i) and the benefits to be derived from the use and development of renewable energy (s 7(j)).</p>	<p>Mighty River Power supports in part Section C2.1 of the Plan and requests that the following statement be added at the end of the section to specifically recognise the role played by the Kawerau Geothermal Power Station within the district:</p> <p><i>“The Kawerau Geothermal Power Station is a nationally important physical resource that makes a positive contribution to reduce adverse effects on climate change through use of an appropriate renewable energy source. The ability for the Station to continue operation and potentially expand is important to ensure a reliable and secure electricity supply. Activities associated with the Station have the potential to generate adverse environmental effects. The development of sensitive land use activities (such as dwellings) in close proximity to core electricity generation sites can expose such activities to these effects. This could create a “reverse sensitivity” situation whereby operation of the Station could be affected by the sensitivity of neighbouring land uses to effects, which are inherent in its operation.”</i></p>	Yes	No	
Mighty River Power	116.14	C2.2	A	<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.</p>	<p>Mighty River Power seeks the amendment of Section C2.2 ‘Objectives and Policies’ of the Plan and requests that the existing objectives and policies are retained as notified and that the following new objectives and policies be inserted into the section:</p> <p><i>“New objective - To recognise and provide for the development, operation, maintenance, repair and upgrading of industry including the components that comprise the Kawerau Geothermal Power Station.</i></p> <p><i>New objective - Minimise the opportunity for subdivision and sensitive land use activities to be adversely affected by activities associated with the operation, maintenance, repair and upgrading of industry including the Kawerau</i></p>	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				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.	<i>Geothermal Power Station.</i> <i>New policy - To enable the efficient operation and development of industry including the Kawerau Geothermal Power Station in a manner that avoids, remedies or mitigates any additional significant adverse effects on the environment as far as practicable.</i> <i>New policy - To manage new subdivision and land uses that may potentially conflict with, restrict or compromise the existing operation of industry including the Kawerau Geothermal Power Station.”</i>			
Mighty River Power	116.15	C2.3	A	Section C2.3 outlines the activity status for the Industrial Zone. Section C2.3.1 states that, in relation to permitted activities “ <i>In the Industrial Zone, any activity which meets all the standards is a permitted activities.</i> ”	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 and associated ancillary activities including offices which meet all the standards are permitted activities.</i> ”	Yes	No	
Mighty River Power	116.16	C2	S	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.	Mighty River Power supports the inclusion of Sections C2.3.2 “Restricted Discretionary Activities’ and C2.4.6 ‘Noise’ as notified and seeks the retention of these sections in the Proposed Kawerau District Plan.	Yes	No	
Mighty River Power	116.17	C2	S	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.	Mighty River Power supports the inclusion of Section C2.5 ‘Matters to Which Council Will Restrict Its Discretion’ and Section C2.4.6 ‘Noise’ and seeks the retention of these sections in the Plan as notified or with wording that gives similar effect.	Yes	No	
Mighty River Power	116.18	C2.4	A	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	Mighty River Power supports in part the height restriction rule outlined in Section C2.4.1 and requests that the rule be amended to exempt activities such as drilling rigs from the specified height restrictions and allow these to occur as a right for up to 60 days at each well site as well as cranes being used during construction or maintenance works and activities associated with electricity generation. Mighty River Power also requests that a similar provision to this is inserted into the Rural Lifestyle height rules in Section C6.4.1.	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				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.				
Mighty River Power	116.19		S	<p>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.</p> <p>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).</p> <p>Similar provisions to the ones highlighted above are located in Sections C3.4.11 and C3.5.8 (dealing with the residential zone), Sections C4.3.7 and C4.4.5 (dealing with the road zone) Sections C5.4.3 and C5.5.3 (dealing with the reserve zone) and Sections C6.4.9 and C6.5.9 (dealing with provisions for the rural lifestyle zone).</p> <p>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.</p>	Mighty River Power supports the inclusion of the various sections dealing with transmission lines as highlighted in paragraphs above and seeks the retention of all of these sections in the Plan as notified or wording to a similar effect.	Yes	No	
Mighty River Power	116.	C6	A	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.	Power also requests that a similar provision to this is inserted into the Rural Lifestyle height rules in Section C6.4.10.	Yes	No	
Mighty River Power	116.21	C7.2	A	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.	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.	Yes	No	
Mighty River Power	116.20	C7	S	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</i>	Mighty River Power supports the retention of the second sentence of the second paragraph in Section C7 as notified.	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				<i>lawfully established activities.</i> Mighty River Power supports this statement as it recognises the issue of reverse sensitivity that can arise between activities.				
Mighty River Power	116.22	C7.2.2.6	O	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 Mighty River Power 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.	Mighty River Power seeks the amendment of Policy C7.2.2.6 so that it reads: "Provide for the operation, maintenance and minor upgrading of network utilities and infrastructure including electricity generation facilities, where adverse effects on the environment are avoided, remedied or mitigated <u>where practicable to do so or consider alternatives such as offsetting or environmental compensation where it is not possible to avoid, remedy or mitigate adverse effects on the environment.</u> "	Yes	No	
Mighty River Power	116.23	C7.2.2.9	S	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.	Mighty River Power seeks the retention of Policy C7.2.2.9 in the Plan as notified or with wording to a similar effect.	Yes	No	
Mighty River Power	116.24	C7.4	O	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). 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.	Mighty River Power opposes Section C7.4 'Infrastructure Contributions' as it is currently worded in the Plan and seeks the section be amended to acknowledge 'public good' infrastructure such as electricity generation and transmission facilities and provide for the requirement for infrastructure contributions to be waived in these circumstances.	Yes	No	
Mighty River Power	116.25	C7.6.1.2	S	Mighty River Power supports the controlled activity status given in Section C7.6.1.2 for utility services.	Mighty River Power seeks the retention of the controlled activity status given in Section C7.6.1.2 for utility services.	Yes	No	
Mighty River Power	116.26	C7.8	S	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	Mighty River Power seeks the retention of Section C7.8.1, clause (d) of the Plan requiring subdivision applicants to serve copies of their plans on certain organisations including electricity generators and suppliers.	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				and would like to thank the Council for being proactive in this regard.				
Mighty River Power	116.27	C8	A	<p>This section of the Plan outlines the provisions for natural heritage (being landforms, natural heritage sites, native flora and fauna) and cultural heritage (being archaeological sites, historic places, heritage resources and values and taonga).</p> <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>	Mighty River Power requests the amendment of the objectives and policies contained in Section C8.6 of the Plan to allow for the appropriate use and development of these resources.	Yes	No	
Mighty River Power	116.28	C9	O	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.	Mighty River Power seeks the amendment of Section C9 'Utilities' to provide for essential utilities and services such as electricity generation and transmission infrastructure provided by organisations other than requiring authorities.	Yes	No	
Mighty River Power	116.29	C9.2.1.2	A	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>Mighty River Power seeks the amendment of Objective C9.2.1.2 to read as follows:</p> <p><i>"To enable the <u>development, operation, maintenance and upgrading of network utilities utility systems and services</u> and their protection from the adverse effects of other activities, including reverse sensitivity effects."</i></p>	Yes	No	
Mighty River Power	116.30	C9.2.1	O	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.	<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 	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					transmission infrastructure regardless of size and scale.			
Mighty River Power	116.32	C9.3	O	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.	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.	Yes	No	
Mighty River Power	116.33	C10.4.1	O	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.	Yes	No	
Mighty River Power	116.34		O	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 in the Plan to where the Plan user can obtain those definitions from.	Mighty River Power seeks the insertion of a reference in the Appendix to where the appropriate definitions can be located e.g. RMA.	Yes	No	
Mighty River Power	116.35		O	In respect of the definition in Appendix A for "environmentally sensitive area" 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. 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.	Mighty River Power opposes the current definition "environmentally sensitive area" and seeks that the definition be amended to clarify the assessment criteria to be used and the process to be followed to deem an area as being environmentally sensitive.	Yes	No	
Mighty River Power	116.36		S	Mighty River Power supports the definition for "industrial activities" included in the Plan as it recognises that electricity generation and transmission is located in the industrial zone within the Kawerau	Mighty River Power supports the retention of the definition for "industrial activities" as it is currently drafted in the Plan.	Yes	No	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				District and therefore should be regarded to be industrial activities.				
Mighty River Power	116.37		O	The definition provided for “network utility” is simply “means all works undertaken by network utility operators as defined in Section 166 of the Act”. 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.	Mighty River Power opposes the definition of “network utility” 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.	Yes	No	
Mighty River Power	116.38	Planning Map 13	S	Mighty River Power supports the industrial zoning of the Kawerau Geothermal Power Station as shown on Planning Map 13 of the Plan.	Mighty River Power seeks the retention of the industrial zoning of the Kawerau Geothermal Power Station and associated infrastructure as shown on Planning Map 13 of the Plan.	Yes	No	
Marshall, Barry C								
Marshall, Barry	117.2	A1.10 Esplanade Reserves	O	No reason given in summary	Amend to include: A1.10 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.	Yes	Yes	
Marshall, Barry	117.3	B1.1.1.2 Objective	A	So reason/summary given	Amend to include: Delete ‘appropriate’ and replace with ‘acceptable to the local community and compatible with the character, of their areas’.	Yes	Yes	
Marshall, Barry	117.4	B1.12.2 Policies	A	So reason/summary given	Amend to include: Delete the words ‘where appropriate’.	Yes	Yes	
Marshall, Barry	117.5 117.6 117.7	C1 Commercial Zone C1 Commercial Zone C1 Commercial Zone	O	No reasons/summary given. No reasons/summary given. No reasons/summary given.	- Develop complete performance standards providing for a total Built Environment. - 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. - Develop provisions for Character Area Design Guidelines involving; area; distance to boundaries; view shafts; scale; massing; and appearance to adjacent development.	Yes	Yes	
Marshall, Barry	117.8	C2 Industrial	A	Geothermal energy is currently being produced in the district and as	Amend to include:	Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
		Zone – Description of the Zone		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.	Odour nuisance occurs at concentrations much lower than those which may cause health problems.			
Marshall, Barry	117.9	C2.2.2.1	A	Reword.	Reword as follows: '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.	Yes	Yes	
Marshall, Barry	117.10	C2.2.2.2.2	A	No reason/summary given.	Amend C2.2.2.2.2 to include: Specify 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.	Yes	Yes	
Marshall, Barry	117.11	C2	A		Define 'discretionary' activity page 22	Yes	Yes	
Marshall, Barry	117.12	C2.4.6 Noise	O	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.	Yes	Yes	
Marshall, Barry	117.13	C3 Notification	O	No reason/summary given.	Amend to include: 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.	Yes	Yes	
Marshall, Barry	117.14	C3 Notification	A	Amend to include 'special circumstances'.	"...if special circumstances are found to exist in relation to the application".	Yes	Yes	
Marshall, Barry	117.15	C3.4 Rules of the Residential Zone	O	Amend to include Natural Light.	Amend to include: Natural Light In the Residential Zone and the common boundary of a site zoned Commercial or Industrial, no part of any building shall exceed; - 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 - A height beyond the natural light plane up to a maximum of one metre parallel to the plan with a	Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<p>maximum vertical face area of 5m² (area that is provided written consent to the additional height).</p> <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>			
Marshall, Barry	117.16	C4 Description of Road Zone	A	No reasons/summary given.	<p>Amend to include:</p> <p><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></p>	Yes	Yes	
Marshall, Barry	117.17	C5 Reserve Zone	O	<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. 	Amend C5 to include 'Trees'.	Yes	Yes	
Marshall, Barry	117.18	C5 Reserve Zone	O	Protecting Reserves from Adverse Activities	<p>"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>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.</p> <p>Substantial evidence exists, that show present barriers and gates are inadequate to protect the public from these dangerous unlawful activities.</p> <p>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</p>	Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					posts that are simply either levered off, or dug up with a spade, as confirmed by the Police.			
Marshall, Barry	117.19	C5 Reserve Zone	O	<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>This disregard for Reserves is perhaps indicative and helps explain the inadequate protection from adverse effects.</p> <p>Until all these matters are put-to-rights, it will not be possible to achieve the following intended outcome, nor gain the necessary credibility:</p> <p><i>"The intended outcome of the Reserve Zone is to provide for the sustainable management of parks and reserves in the Kawerau District."</i></p>	Update Reserve Management Plans.	Yes	Yes	
Marshall, Barry	117.20	C6.4.8 Noise	O	<p>It is not acceptable to have no noise standards in the 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.</p>	<p>Other 'nuisances' need to be included: 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.</p>	Yes	Yes	
Marshall, Barry	117.21	C7.7	O	<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.</p>	<p>A revision of this whole section is necessary before it can be clearly understood.</p>	Yes	Yes	
Marshall, Barry	117.22	C7.7.2	O	<p>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>	<p>Add requirements.</p>	Yes	Yes	
Marshall, Barry	117.23	C7.7.6	O	<p>Subdivision Design.</p> <p>a) Lot size "a minimum lot size may be a condition of any consent where it may be necessary to ensure other standards relating to the subdivision can be met".</p> <p>The lack of minimum lot sizes specified in this plan across all zones may cause problems in the future.</p>	<p>Add minimum lot sizes.</p>	Yes	Yes	
Marshall, Barry	117.24	C8.2		<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>		Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
				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.				
Marshall, Barry	117.25	C8.5 Trees	A		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.	Yes	Yes	
Marshall, Barry	117.26	C8.9.1	A		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> 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.'	Yes	Yes	
Marshall, Barry	117.27	C9 Utilities	O	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. -	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. Include provisions that: - 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.	Yes	Yes	
New Zealand Railways Corporation								
New Zealand Railways	118.4	A1.2 Objectives	A	NZRC believes it is consistent with the RMA to ensure that noise (and vibration) sensitive activities are made aware of the potential for these	Further Objective be added to Section A1.2 and/or District Wide Objectives and Policies B1 Noise:	Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Corporation		and Policies		<p>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 on 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>	<p><u>Land use and transport throughout the district shall be integrated to ensure that reverse sensitivity issues on the transport network are considered in new land use development</u>" or similar.</p>			
New Zealand Railways Corporation	118.3	A1.2 Objectives and Policies	A	<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 on 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>	<p>Add the following paragraph to Section A1.2 Objectives and Policies and/or District Wide Objectives and Policies B1 Noise:</p> <p><u>"Given the regional importance of major items of transport infrastructure there is a greater expectation developing for newer activities to internalise the likely effects of locating close to these assets. The potential for reverse sensitivity impacts of new activities on existing uses is recognised as an effect on the environment that must be avoided, remedied or mitigated under the RMA. Reverse sensitivity is "the vulnerability of an established activity to objection from a sensitive land use. This means the risk that new activities (such as houses and offices, pre-schools etc) that choose to locate near established transport corridors, including rail may object to the effects of the corridor (such as train noise and vibration). The term generally relates to the effects of the development of a sensitive activity in an area that is already affected by established infrastructure activities such as transportation facilities. The aim of any reserve sensitivity policy is to ensure that noise sensitive activities are able to use their chosen environment without adverse effects of noise and vibration"</u>.</p>	Yes	Yes	
New Zealand Railways Corporation	118.5	B1 Noise	A	Alter existing policy 1.1.2.3 in B1 Noise by adding "rail" to the policy as follows:	"To manage land use, development and subdivision to ensure compatibility with the operation of roads, rail and industry, including the effects of reverse sensitivity."	Yes	Yes	
New Zealand Railways Corporation	118.7	C6 Rural Residential	O	Add the following to Section C6 (or to Noise B1) which reads:	<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</u></p>	Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
					<p><u>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>			
New Zealand Railways Corporation	118.2	C10.2.2.1	A	Amend C10.2.2.1 so that vehicle and pedestrian access gives consideration to safety.	Amend Policy 10.2.2.1 with the following wording: “ <i>Vehicular and pedestrian access to public and private land within the District should be provided where practicable.</i> ”	Yes	Yes	
New Zealand Railways Corporation	118.2	C10.2.2.1	A	Amend C10.2.2.1 so that vehicle and pedestrian access gives consideration to safety.	Amend Policy 10.2.2.1 with the following wording: “ <i>Vehicular and pedestrian access to public and private land within the District should be provided where practicable.</i> ”	Yes	Yes	
New Zealand Railway Corporation	118.6	Noise Sensitive Activities	A	The Proposed Plan should contain a definition of noise sensitive activities.	Add to Appendix A: Definitions Noise Sensitive Activities: means buildings or parts of buildings used for, or able to be used for the following purposes; <ul style="list-style-type: none"> - Residential activity; - Visitor accommodation; - Residential care activity; - Education activity; - Hospital activity; - Healthcare activity; and - Day care activity <p>(or similar wording to the above)</p>	Yes	Yes	
New Zealand Railways	118.1	Designation	A	Tranz Rail Limited is no longer the Requiring Authority for the Railway Purposes designation. The New Zealand Railways Corporation	Amend Requiring Authority to <i>New Zealand Railways Corporation.</i>	Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Corporation				assumed Requiring Authority status on 16 September 2004.				
Whakatane District Council								
Whakatane District Council	119.2	A1.3	A	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.	Insert into the Non-statutory section, the Whakatane District Plan.	Not stated	Not stated	
Whakatane District Council	119.3	A1.3	A	Provide a link to Regional Economic Development initiatives by Toi EDA.	Insert text that makes explicit the linkage between the Kawerau Growth Advantage Study and Toi-EDA strategies.	Not stated	Not stated	
Whakatane District Council	119.4	A1.5 Plan Monitoring, page 11 – 12	A	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.	Insert 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.	Not stated	Not stated	
Whakatane District Council	119.5	A1.5 Plan Monitoring, page 11 – 12	A	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.	Insert a bullet point into this section for Noise Monitoring and linking the "noise monitoring" regime with Whakatane District Council's monitoring programme.	Not stated	Not stated	
Whakatane District Council	119.6	A1.7 Cross Boundary Issues pages 12 - 14	A	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	Not stated	Not stated	
Whakatane District Council	119.7	A1.7 Cross Boundary Issues Second bullet point, page 12	A	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.	Amend the bullet to specifically mention the Whakatane District.	Not stated	Not stated	
Whakatane District Council	119.8	A1.7 Cross Boundary Issues Fifth bullet point, page 13	O	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.	Undertake consultation with Whakatane District Council and align with provisions in the Whakatane District Plan, or discuss how the Proposed Kawerau District Plan and the review of the Whakatane District Plan could be better integrated.	Not stated	Not stated	
Whakatane District Council	119.9	A1.7 Cross Boundary Issues Sixth bullet point, page 13	A	The provision of industrial land has evolved from a joint project with a willing partner.	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.	Not stated	Not stated	
Whakatane District Council	119.10	A1.7 Cross Boundary Issues Seventh	A	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	Amend the bullet to acknowledge that land use decisions also have environmental effects.	Not stated	Not stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
		bullet point, page 13		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.				
Whakatane District Council	119.11	A1.7 Cross Boundary Issues Eighth bullet point, page 13	A	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 to include recognition that there is a legal requirement for every property to have access. Kawerau District Council 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.	Not stated	Not stated	
Whakatane District Council	119.12	A1.7 Cross Boundary Issues	A	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</u> to the contents of the Regional Policy Statement, any Regional Plan and the objectives and policies of this Plan".	Not stated	Not stated	
Whakatane District Council	119.13	A1.9 Surface of Water Activities, page 15	A	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. Alternatively, the possibility of transfer of functions will be considered.	Not stated	Not stated	
Whakatane District Council	119.14	B1 Noise	A	The section states "The separation distance and the direction of prevailing winds reduce the effects of such noise". 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.	Not stated	Not stated	
Whakatane District Council	119.15	B1.1 Objectives and Policies B1.1.1. Objectives, page 18	A	The effects of noise are felt by Whakatane District residents because of prevailing winds.	Amend 1.1.1.1: "To ensure that the background noise of the district does not adversely affect community health and wellbeing <u>and does not increase over time</u> ".	Not stated	Not stated	
Whakatane District Council	119.16	B1.1 Objectives and Policies B1.1.1. Objectives, page 18	O	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.	Insert a new objective: <u>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.</u>	Not stated	Not stated	
Whakatane District Council	119.17	B1.1 Objectives and Policies B1.1.2 Policies	O	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: <u>1.1.2.4 To provide for landscaping and screening for industrial expansion.</u>	Not stated	Not stated	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Whakatane District Council	119.18	B3 Natural Hazards, pages 20 – 21	A	The preamble is incomplete and requires further explanation as the presence of people will not always turn a natural event into a natural hazard.	Amend the preamble to clarify that the presence of people does not always turn a natural event into a natural hazard.	Not stated	Not stated	
Whakatane District Council	119.19	C2 Industrial Zone, page 35	A	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.	<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. 	Not stated	Not stated	
Whakatane District Council	119.21	C2.4 Rules of the Industrial Zone C2.4.1 Height	A	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.	Insert a new bullet: <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>	Not stated	Not stated	
Whakatane District Council	119.22	C2.4 Rules of the Industrial Zone C2.4.2 Yards and Landscaping	A	Relating to industrial zone land that is included as part of a boundary adjustment from Whakatane District Council to Kawerau District Council.	Insert a new bullet: <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>	Not stated	Not stated	
Whakatane District Council	119.23	C2.4 Rules of the Industrial Zone C2.4.6 Noise	A	Include industrial zone standards for land that is potentially moving from Whakatane District Council to Kawerau District Council.	Add rules to ensure the noise effects of any new industrial area/expansion is controlled by standards and that standards are included.	Not stated	Not stated	
Whakatane District Council	119.25	C9.1 Utilities, page 93	S	Support that visual amenity is provided for.	Retain C9.1.	Not stated	Not stated	
Whakatane District Council	119.26	C9.1 Utilities, page 92 – 93	O	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.	Not stated	Not stated	
Whakatane District Council	119.24	C9 Utilities C9.1 Utilities, page 92 - 93	O	Acknowledge the importance of maintaining utilities for a wider benefit than just the Kawerau District – the benefits extend beyond the Whakatane District jurisdiction.	Insert text acknowledging the importance of maintaining utilities for the wider benefit of the sub-region.	Not stated	Not stated	
Tracy Hayson								
Tracy Hayson	120.1	Policy C1.2.2.2	O	Delete policy as no supporting rules and not considered necessary to prevent non-commercial activity in commercial zone to achieve zone objectives.	Delete Policy C1.2.2.2	Y	Not Stated	
Ngati Tuwharetoa (BOP) Settlement Trust								
Ngati Tuwharetoa	121.1	A1.3	S	Ngati Tuwharetoa (BOP) Settlement Trust supports the inclusion of		Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
(BOP) Settlement Trust				this section and would like acknowledge the inclusion of Iwi Planning Documents.				
Ngati Tuwharetoa (BOP) Settlement Trust	121.2	A1.3		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.		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.3	A1.5		Ngati Tuwharetoa (BOP) Settlement Trust requests involvement with this process and would like to be identified as an integral part to this process.		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.4	A1.9	A	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.		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.5	A1.10		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.	Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.7	C6 Rural / Lifestyle Zone		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.		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.8	C6 Rural / Lifestyle Zone		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.		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.9	C6 Rural / Lifestyle Zone		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.		Yes	Yes	

Submitter	Sub ID & Point	District Plan Point	Posn	Summary	Decision Required	Wish to be Heard	Consider Joint Presentation	Council Recommendation
Ngati Tuwharetoa (BOP) Settlement Trust	121.10	C6 Rural / Lifestyle Zone		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.		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.11	C8.3	A	Discusses RMA and values surrounding archaeological and significant areas of significance to Ngati Tuwharetoa (BOP) Settlement Trust.	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: <ul style="list-style-type: none"> “Ngati Tuwharetoa (BOP) Statutory Areas including the Tarawera River and Kawerau Geothermal System, and the Owihakatihi Area-Parimahana Reserve” 	Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.12	C8.8	A	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.		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.13	C8.8	A	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.		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.14	C9	A	Ngati Tuwharetoa (BOP) Settlement Trust requests that Kawerau District Council provide for a balance between essential electricity generation infrastructure and residential enjoyment.		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.15	Environmentally Sensitive Area		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		Yes	Yes	
Ngati Tuwharetoa (BOP) Settlement Trust	121.6	Planning Map 9	A	Ngati Tuwharetoa (BOP) Settlement Trust would like to raise an issue surrounding Map 9, which identifies a block of land as reserve however is incorrect and is currently owned by Ngati Tuwharetoa Holdings Limited. Ngati Tuwharetoa Holdings Limited.	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.	Yes	Yes	