

HEARINGS PANEL REPORT AND RECOMMENDATIONS

ON THE

PROPOSED KĀPITI COAST DISTRICT PLAN 2012

Chapter 12 General District-wide Provisions

(including Amateur Radio)

Report 16 of 16

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**Report and Recommendations of the Hearings Panel
Pursuant to s34A of the Resource Management Act 1991
on the
Proposed Kāpiti Coast District Plan 2012: Chapter 12 General
District-wide Provisions (Including Amateur Radio)**

Report 16 of 16

Panel Members:

Alistair Aburn (Independent Commissioner and Chair)

David McMahon (Independent Commissioner)

Miria Pomare (Independent Commissioner)

Diane Ammundsen (Commissioner)

Mike Cardiff (Commissioner)

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Hearings Panel Report and Recommendations

Chapter 12 General District-wide Provisions (Including Amateur Radio)

CONTENTS

- 1 Introduction 1
- 2 Chapter 12 District-Wide Provisions 6
- 3 Submissions 9
- 4 The Hearings 10
- 5 Evaluation 15
- 6 Issue 1: General Matters 21
- 7 Issue 2: Temporary Military Training Activities 22
- 8 Issue 3: Noise and Reverse Sensitivity - NZTA [457] 25
- 9 Issue 4: Noise and Reverse Sensitivity - KiwiRail [447] 28
- 10 Issue 5: Noise and Rural Activities 30
- 11 Issue 6: Financial Contributions and the State Highway Network 31
- 12 Issue 1: General Issues and Approach to Amateur Radio 34
- 16 Statutory Evaluation 46
- 17 Recommendations 50

APPENDICES

- Appendix 1 51
- Appendix 2 52

PART A – INTRODUCTION AND OVERVIEW

1 Introduction

Report Purpose

- 1.1 At its meeting on 24 July 2014 the Kapiti Coast District Council (the Council or KCDC) resolved to appoint, pursuant to section 34A(1) of the Resource Management Act 1991 (RMA or the Act), a Hearings Panel comprising five accredited commissioners to hear the submissions and further submissions on the Proposed District Plan (PDP). The Council subsequently confirmed a Hearings Panel comprising three independent commissioners and two KCDC councillor commissioners:
- (a) Alistair Aburn (Independent Commissioner and Chair)
 - (b) Miria Pomare (Independent Commissioner)
 - (c) David McMahon (Independent Commissioner)
 - (d) Diane Ammundsen (Commissioner)
 - (e) Mike Cardiff (Commissioner)
- 1.2 The Hearings Panel was delegated¹ the responsibility for hearing the submissions and further submissions on the PDP and to consider and make recommendations to the Council on the provisions and matters raised.²
- 1.3 This report sets out our recommendations to the Kapiti Coast District Council (Council or KCDC) in respect to all submissions lodged to Chapter 12 of the Proposed District Plan (PDP) dealing with general and Plan-wide provisions.
- 1.4 The PDP was initially drafted as a complete review of the Kapiti Coast Operative District Plan in accordance with Section 79 of the RMA. The PDP was publicly notified on 29 November 2012 in accordance with Clause 5 of Schedule 1 of the RMA. There were subsequent changes to the PDP including:
- (a) corrections under Clause 16 of Schedule 1 of the RMA on the 6 December 2012;
 - (b) the withdrawal of objectives, policies, rules, and map layers publicly notified on the 30 October 2014 for Coastal Hazard Management Areas, hazardous substances and facilities, and Priority Areas for Restoration; and

¹ Minute KCDC 14/06/128, 24 July 2014.

² Pursuant to Schedule 1, Clause 10(1) of the RMA.

(c) the withdrawal of one policy (Chapter 3) and seven rules (Chapter 4) on 3 May 2017 in response to an Environment Court declaration application.

1.5 The PDP has an extensive background which we will canvas in due course. All Chapters have had Section 32 (of the RMA) evaluations undertaken, along with public consultation, and public notification and hearings; culminating in a series of decision reports containing our recommendations to the Council. This Report is one of sixteen decision reports with each report generally aligning with a Chapter of the PDP. Where a given report contains provisions that have relevance to other Chapters of the PDP, we have endeavoured to make the appropriate cross references. Further commentary of the structure of each decision report is contained later in this section and also in Section 5 of this report.

1.6 Before setting out the details of the PDP, the submissions and our substantive evaluations, there are some procedural matters that we will address, beginning with our role as a Hearings Panel.

Role of the Hearings Panel

1.7 As noted above, our role is to make recommendations to the Council on the PDP. The final decision-making power rests with the Council; and in the event that the Council adopts our recommendations, then this report (and all sixteen decision reports) will become the Council Decision.

1.8 It is not our role for us to introduce our own evidence, and we have not done so - rather, our role has been to:

- (a) establish that all relevant evidence is before us (or where it is not, consider whether we should commission additional reports or information);³ and
- (b) test the evidence of others, and to determine the most appropriate outcome based on the views we consider best achieve sustainable management.

1.9 Council's decision-making power for the PDP is set out in Clause 10(1) of Schedule 1 of the RMA. Under this clause, the Council must give a decision on the provisions and matters raised in submissions. The Council must give reasons for the decision it reaches. Whilst we are 'recommenders' and not 'decision-makers' in this case, we have followed this structure so that our recommendations are valid, should they be adopted by Council.

1.10 In conducting this exercise, we have familiarised ourselves with the PDP and its associated background material, read all the submissions, read the Section 42A reports and any further assessments accompanying this, conducted the hearings, and undertaken many site and locality visits - both at the request of submitters and also to assist our understanding of various issues

³ Section 41C(4) of the Act.

raised by submitters and officers. Having undertaken all these tasks, we hereby record our recommendations.

Report Outline

1.11 Our report is generally organised into four broad parts:

Part A

This section is factually based with no evaluation. It outlines procedural matters as well as acknowledging the RMA statutory requirements that direct and guide our subsequent evaluation. For contextual reasons, it outlines the role of the PDP Chapter which this report covers; summarising the content and purpose of the Chapter. Essentially this background section provides a factual context for our consideration of the issues raised in submissions (Part B of this report). This section also contains a summary of the submissions and records and acknowledges the submitters that prepared evidence and presented to us. We provide a brief account of the hearing process itself and our subsequent deliberations. Where relevant, procedural matters such as minutes, directions, conferencing and caucusing are also referenced in this part of the report.

Part B

The second part of our report is structured around the main issues raised in submissions, and where relevant, summarises the evidence / statements presented at the hearing. This part of the report is evaluative and records the results of our deliberations on substantive matters.

Part C

This part of the report acknowledges the statutory requirements and records our evaluation of the PDP provisions against the relevant sections of the RMA, as well as all other relevant documents prepared under the RMA, in reaching our recommendations. Where there is other relevant legislation that we must have regard to, such as the Heritage New Zealand Pouhere Taonga Act 2014, any discussions of the relevant legislation will also be contained in this part of the report.

Part D

We conclude with a summary of our recommendations, having had regard to the necessary statutory considerations that underpin our evaluation.

Submitter Engagement Version

1.12 Following the close of submissions, and during 2013-2015, Council officers undertook formal engagement with various submitters in an endeavour for the parties to fully understand the Plan provisions and the submitters to them. The basis for this exercise was the production of a Submitter Engagement Version (SEV) of the PDP dated 15 June 2015.

- 1.13 The purpose of the SEV was for reporting officers to consider all the submissions and make preliminary changes in response to those submitters where they considered amendments were appropriate. The SEV showed the preliminary changes recommended by the planners to the PDP in response to the submissions received and formed the base for engagement with submitters leading up to the hearing. The main purpose of the SEV was to facilitate discussions, and various methods were used to engage with submitters including newsletters, workshops, one-on-one meetings and formal pre-hearing meetings under Clause 8AA to Schedule 1 of the RMA.
- 1.14 While all meetings were recorded and minutes produced, all the pre-hearing meetings were documented with reports prepared under Clause 8AA(5) to Schedule 1 of the RMA. These were appended to the relevant Section 42A reports.
- 1.15 Although our baseline document for consideration of submissions is the notified version of the PDP (minus those provisions withdrawn subsequently by Council), we acknowledge the value of the SEV. We recognise however that the SEV was for discussion purposes only and has no statutory status. This has proved a highly useful method for engaging further with submitters, and testing some of the preliminary thinking of the reporting planners. We also note that many of the altered provisions in the SEV made their way into the recommended changes in the Section 42A reports and have subsequently been adopted by the Hearings Panel.

Approach to Hearings

- 1.16 The RMA sets out a number of requirements for conducting hearings including holding them in public, determining appropriate procedures and who may be heard at hearings.
- 1.17 To this end, prior to the commencement of the hearings, we issued several minutes to the parties to achieve various purposes. All minutes issued throughout the pre-hearing, hearing and post-hearing process are contained on the Council web page and files.
- 1.18 Our introductory Minute (dated 14 December 2015) introduced the Hearings Panel, outlined the background to the process and provided a draft hearing schedule. It also included a draft set of procedures for the hearings. In advance of the first hearing scheduled for Monday 4 April 2016, the Hearings Panel convened a one-day meeting to hear from submitters or their representatives on any 'procedural' points regarding the proposed hearing process, as outlined in Minute 1. That meeting was Wednesday 17 February 2016 in the Council Chamber, Rimu Road, Paraparaumu.
- 1.19 The procedural meeting was extremely useful and resulted in some agreed changes to the hearing procedures to reflect suggestions from submitters who attended that procedural meeting. We set out our revised hearing procedures in Minute 3 issued on 10 March 2016, including a direction to require expert evidence to be pre-circulated in advance of the particular hearing(s) to which it relates. Whilst it was not mandatory for non-expert / lay submitters to pre-circulate their evidence, we appreciated those who did.

1.20 We approached the hearing schedule on a topic-by-topic⁴ basis to allow us to hear all evidence relative to a given topic in one sitting⁵ as opposed to having such evidence scattered throughout a multitude of hearings. We have structured our reports in a similar manner and there are sixteen reports outlining our recommendations:

- (a) Report 1: Chapter 1 - Introduction and Interpretation (including Plan Wide)
- (b) Report 2: Chapter 2 - Objectives
- (c) Report 3: Chapter 3 - Natural Environment: Landscape and Earthworks
- (d) Report 4: Chapter 3 - Natural Environment: Ecology and Vegetation
- (e) Report 5: Chapter 4 - Coastal Environment
- (f) Report 6: Chapter 5 - Living Environment
- (g) Report 7: Chapter 6 - Working Environment
- (h) Report 8: Chapter 7 - Rural Environment
- (i) Report 9: Rural Re-zoning Requests
- (j) Report 10: Chapter 8 - Open Space
- (k) Report 11: Chapter 9 - Hazards
- (l) Report 12: Chapter 10 - Historic Heritage
- (m) Report 13: Chapter 11 - Infrastructure, Services and Associated Resources Use: Network Utilities and Services
- (n) Report 14: Chapter 11 - Infrastructure, Services and Associated Resources Use: Access and Transport
- (o) Report 15: Chapter 11 - Infrastructure, Services and Associated Resources Use: Community Facilities
- (p) Report 16: Chapter 12 - General District-wide Provisions (including Amateur Radio)

1.21 Each report takes a lead from the Objectives recommended in the Chapter 2 report. Other than that, each report is largely self-contained on all matters relevant to the Chapter it is reporting on. In some instances, however, cross references to relevant content in other reports are provided where necessary; for example, to illustrate a point about how a rule gives effect to a particular policy or to reference a particular point about the rationale for consistency in provisions across the Plan as a whole.

Comments on the Assistance Given to Us

1.22 In advance of setting out the PDP context, we would like to record our appreciation of all the organisations and individuals involved throughout the PDP process, but in particular those who took part in the hearing. We would like to acknowledge the following:

- (a) the constructive and helpful input provided by all the submitters appearing before us;

⁴ In most instances, each topic is synonymous with a single Chapter of the PDP.

⁵ Some sittings were confined to a single day whereas others extended over several days.

- (b) the helpfulness of Council's Hearings Administrator, Leanne Taylor in coordinating the scheduling of parties and general administrative assistance;
- (c) the assistance of Council's Hearings Panel Support, Sally Matich for ensuring we had access to evidence as soon as it was lodged with Council;
- (d) the reporting and planning input from the various Council planners and consultants who prepared the Section 42A reports;
- (e) the advice provided by other experts appearing for the Council, including both internal and external advisors; and
- (f) Koro Don the Council's kaumatua, assisted by Monica Fraser, Council's Iwi Relationship Manager, who assisted in opening and closing the hearings.

1.23 We are grateful for the efforts of the submitters, experts, and other witnesses for doing their very best to respond constructively to the challenges presented by the Act's processes. We also wish to acknowledge the effort that has been put in by some submitters who have spent hours and hours reading and discussing the PDP and reports so that they were in a position to present knowledgeably to us about their concerns at the various hearings. We appreciate the conduct of the participants which allowed us to have a focused hearing process. This greatly assisted us in assessing and determining the issues, and delivering our recommendations.

2 Chapter 12 District-Wide Provisions

Role of Chapter

- 2.1 Chapter 12 sets out the general provisions which are to apply across the District, comprising the following topics:
- (a) Section 12.1 Financial Contributions;
 - (b) Section 12.2 Temporary Events;
 - (c) Section 12.3 Signs; and
 - (d) Section 12.4 Noise.
- 2.2 As discussed later in this Report, Section 12.5 Domestic Satellite Dishes and Amateur Radio Configurations is a new recommended section to Chapter 12 in response to submissions.
- 2.3 The primary objective that Chapter 12 implements is Objective 2.11 - Character and Amenity Values; however, the following Objectives are also relevant to this Chapter:
- (a) 2.1 Tangata Whenua;
 - (b) 2.3 Development Management;
 - (c) 2.6 Rural Productivity;
 - (d) 2.7 Historic Heritage;

- (e) 2.8 Strong Communities;
- (f) 2.9 Landscapes;
- (g) 2.13 Infrastructure and Services;
- (h) 2.14 Access and Transport;
- (i) 2.16 Economic Vitality;
- (j) 2.17 Centres; and
- (k) 2.18 Open Space / Active Communities.

Summary of Chapter 12 Provisions

- 2.4 The Chapter 12 provisions apply across all zones. A brief explanation of each Chapter 12 topic covered in this report is provided below.

Financial Contributions

- 2.5 Financial contributions are a contribution of money, land or a combination of both to address the specific effects generated by a land use activity or subdivision.
- 2.6 Under the PDP, financial contributions may be required in respect of the mitigation of effects of any or all of the following:
- (a) open spaces and reserves;
 - (b) upgrading off-site infrastructure, before programmed works that will address any environmental effects created by the proposed development;
 - (c) significant heritage and ecological features; and
 - (d) riparian margins.
- 2.7 In addition to financial contributions under the PDP, the Council also has a Development Contributions Policy under the Local Government Act 2002. These Development Contributions are not part of the PDP, but may apply when a land use activity or subdivision occurs.

Temporary Events

- 2.8 Temporary events such as concerts, parades, festivals and exhibitions occur on a regular basis throughout the District. Their temporary nature generally minimise the adverse effects the event may have on the surrounding environment and as such are usually accepted by the community.
- 2.9 The PDP seeks to balance the adverse effects arising from the number, scale and intensity of temporary events against the benefits temporary events have to the community, and in creating a vibrant District.

Signs

- 2.10 The PDP recognises signs as being an important and established means of communicating information for business and public/community purposes. In particular, providing directions, identifying premises, assisting businesses in selling goods and services, and promoting local events and activities.

- 2.11 The size, location and design of signs all have the potential to generate adverse effects on the amenity values of the surrounding environment. Additionally, signs can become obtrusive, visually dominating or distracting to motorists particularly flags and banners adjoining the road carriageway and digital/electronic signs that contain moving or changing text or are flashing.
- 2.12 The PDP therefore recognises the need for suitably designed and located signs by allowing for some signs as permitted activities subject to specific standards. The purpose of these standards is to maintain the amenity values associated with the various zones in the District and maintain a safe and efficient road network with minimal driver distraction.

Noise

- 2.13 The PDP manages environmental noise by providing a balance between allowing for people's legitimate economic, cultural and social well-being while ensuring adverse effects (such as those on people's health and well-being) are avoided, and amenity is maintained across the district.
- 2.14 The PDP also contains noise provisions which manage potential reverse sensitivity effects on infrastructure such as roads, rail and airport operations.

Amateur Radio

- 2.15 The topic of amateur radio was not specifically included in the PDP when notified. Rather, the structures associated with amateur radio activities were covered by Chapter 11 Infrastructure which set out the policies, rules and standards for infrastructure including masts, aerials and antennae. We understand the PDP as notified did not differentiate between network utility providers and amateur radio.
- 2.16 Although there is a National Environmental Standard for Telecommunications Facilities (NESTF), the NESTF definitions exclude amateur radio activities from being covered by the NES. Antenna is defined in the NESTF as only applying to a device operated by a network operator and antenna is a necessary component of a telecommunications facility under the NES. Therefore, the NES does not include amateur radio aerials as they are not telecommunication facilities.

3 Submissions

District-wide Provisions

- 3.1 As noted in the two relevant Section 42A reports,⁶ there were 90 submitters and 113 further submissions received on the Chapter 12 District-wide Provisions, including 19 submissions and 23 further submissions received on the Financial Contributions provisions.
- 3.2 We provide a summary of the submissions received in Appendix 2, including our recommendations on the relief sought by each submitter.
- 3.3 Submissions received sought a range of outcomes; including support for Chapter 12 provisions, and many amendments to the content of the provisions within Chapter 12 (such as changes to policies, amendments to rules and the activity status of specific activities, corrections of inaccuracies and removal of duplicated provisions). The largest number of submissions received on Chapter 12 related to the noise provisions in Section 12.4.
- 3.4 Submissions on the financial contributions provisions within Chapter 12 ranged from support, to opposing the financial contributions and the basis for their calculation, seeking a specific policy for a contribution for state highway roading and seeking amendments to the policy and rules, including remissions policies

Amateur Radio Provisions

- 3.5 As noted in the Planner's Opening Statement⁷ and Closing Statement,⁸ there were three submissions and two further submitters on the topic of amateur radio. The submissions largely sought specific provisions for amateur radio installations. The submitters were Kapiti Amateur Radio Society Inc. [452], Lyndon Enterprises Limited [271] and New Zealand Association of Amateur Radio Transmitters [203].
- 3.6 We provide a summary of the submissions received in Appendix 2, including our recommendations on the relief sought by each submitter.
- 3.7 Our evaluation has adopted the same approach as the reporting planner and we have approached this issue on the following topics:
- (a) general approach to amateur radio;
 - (b) scale of facilities;
 - (c) location of facilities; and

⁶ Section 42A Report: Part B - Chapter 12 General and Plan-Wide, Sherilyn Hinton; and Section 42A Report: Part B - Chapter 12 Financial Contributions, Gina Sweetman.

⁷ Section 42A Report Overview: Amateur Radio (Emily Thomson).

⁸ Section 42A Response by Reporting Officer to Matters Raised During Amateur Radio Provisions Hearing, 3 October 2016 (Emily Thomson).

(d) radiofrequency.

3.8 We discuss the submissions and associated issues in greater detail under our evaluation in Part B below.

4 The Hearings

District-wide Provisions (Excluding Financial Contributions)

4.1 We were not presented with any agreements under Clause 8AA of Schedule 1 of the RMA as a result of any formal pre-hearing meetings on Chapter 12 District-wide Provisions.

4.2 The hearing of submissions on Chapter 12 District-wide Provisions (excluding Financial Contributions) was held on one day, being Tuesday 3 May 2016 at Kapiti Coast District Council.

4.3 There were no procedural issues for the Panel to address in respect of this Chapter and the hearings were generally focused on the presentation of evidence and submissions from the various parties present.

4.4 We received a Section 42A report regarding Chapter 12, excluding financial contributions, from Ms Sherilyn Hinton. This was circulated to Chapter 12 submitters and made available on Council's website. The hearing commenced with an overview of the Section 42A report from Ms Hinton, summarising the key issues for consideration by the Panel.

4.5 We received written pre-circulated evidence from the following submitters for the District-wide Provisions (excluding Financial Contributions) hearing:

- (a) Rob Crozier and Joan Allin [451];
- (b) NZ Defence Force [267] - drafted 29 April 2016; and
- (c) KiwiRail Holdings Ltd [447]:
 - Dr Chiles evidence statement received by officers; and
 - Ms Hewett at the hearing.

4.6 We received correspondence prior to the hearing, and evidence tabled during the hearing from the following submitters:

- (a) Federated Farmers of New Zealand [250 and FS63];
- (b) Kapiti Coast Airport Holdings Ltd (KCAHL) [276 and FS94];
- (c) Winstone Aggregates [92 and FS23];
- (d) NZ Fire Service Commission [404 and FS174];
- (e) Progressives Enterprises Ltd [255 and FS129];
- (f) Z Energy Ltd [87 and FS131]; and
- (g) Heritage New Zealand [460 and FS175].

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- 4.7 In addition to the Council advisor Ms Hinton and the Council's noise expert Mr Malcolm Hunt, the following people attended the hearing and presented evidence / material in support of their submission:
- (a) Ms Angela Penfold on behalf of New Zealand Transport Agency [457];
 - (b) Ms Kristy McGregor on behalf of Federated Farmers of New Zealand [250 and FS63];
 - (c) Ms Sarah Bevin, Mr Rob Owen and Ms Rebecca Davies on behalf of New Zealand Defence Force [267]; and
 - (d) Ms Deborah Hewitt on behalf of KiwiRail Holdings Ltd [447].
- 4.8 Due to the timing of the provision of evidence regarding noise matters provided by NZ Defence Force, and KiwiRail Holdings Ltd being the day prior to hearing, insufficient time was available for Ms Hinton or the Council's noise advisor Mr Malcolm Hunt to consider it and answer any questions we may have had during the hearing. We therefore requested this evidence was considered by Ms Hinton and Mr Hunt following the hearing, with further advice provided to us as part of Ms Hinton's closing statement.
- 4.9 Following completion of the hearing on General and District-wide provisions of Chapter 12, Ms Hinton drafted a closing statement on 23 May 2016 which was made public on the Council's website on 24 May 2016.
- 4.10 In the case of noise evidence provided the day prior to the hearing by NZ Defence Force and KiwiRail Holdings Ltd, we have referred to Ms Hinton's closing statement which includes a response from the Council's noise expert Mr Hunt.

Financial Contributions

- 4.11 We were not presented with any agreements under Clause 8AA of Schedule 1 of the RMA as a result of any formal pre-hearing meetings on Chapter 12 Financial Contributions provisions.
- 4.12 The hearing of submissions on Chapter 12 - Financial Contributions - District-wide Provisions was held on one day, being Monday 26 September 2016 at Kapiti Coast District Council.
- 4.13 There were no procedural issues for the Hearings Panel to address in respect of this Chapter and the hearing was generally focused on the presentation of evidence and submissions from the various parties present.
- 4.14 We received a Section 42A report regarding the financial contributions provisions of Chapter 12 from Ms Gina Sweetman on 29 August 2016. This was circulated to relevant Chapter 12 submitters on 29 August 2016 and made available on Council's website on the same day. The hearing commenced with an overview of the Section 42A report from Ms Sweetman, summarising the key issues for consideration by the Hearings Panel.
- 4.15 We received written pre-circulated evidence, summary statements, letters/emails from the following submitters for the Chapter 12 financial contributions hearing:

- (a) Rob Crozier and Joan Allin [451 and FS29];
 - (b) NZ Transport Agency [457];
 - (c) Bunnings Ltd [232 and FS48]; and
 - (d) Progressive Enterprises [255 and FS129].
- 4.16 In addition to the Council's advisors Ms Sweetman and Mr Neil Trotter, the following people attended the hearing and presented evidence / material in support of their submission:
- (a) Mr Tony Brennand and Mr Robert Harris on behalf of New Zealand Transport Agency [457]; and
 - (b) Mr James Gardner-Hopkins on behalf of Progressive Enterprises Ltd [255 and FS129].
- 4.17 There were matters we raised with Ms Sweetman and Mr Trotter during the financial contributions hearing which required further consideration before they could provide us with a response. We requested responses to these matters to be provided within Ms Sweetman's closing statement.
- 4.18 Following completion of the hearing on the financial contributions provisions of Chapter 12, Ms Sweetman drafted a closing statement on 6 October 2016 which was made public on the Council's website the same day.

Amateur Radio

- 4.19 Through the PDP Submitter Engagement process there was a pre-hearing meeting held on 22 July 2015 where amateur radio matters were discussed. We understand the pre-hearing meeting was attended by:
- (a) Mr Mike Newman from New Zealand Association of Radio Transmitters [203]
 - (b) Mr Richard Harkett from Kapiti Amateur Radio Society Inc [452]
 - (c) Mr Jeff Graham from Kapiti Amateur Radio Society Inc [452]
- 4.20 We understand no agreements were reached in this meeting, although the minutes of the meetings were appended to the Section 42A report.
- 4.21 We also understand from the Section 42A report that Ms Thomson provided the submitters with a set of draft provisions for amateur radio activities on 3 August 2016 and a meeting was held on 11 August with representative from submitters 452 and 203 to discuss the draft provisions. The purpose of this meeting was to discuss the draft provisions sent out and gain the submitter's views on these.
- 4.22 The hearing for amateur radio was held on 3 October 2016. The hearing was convened at 9am in Council Chambers, Kapiti Coast District Council, 175 Rimu Road, Paraparaumu.

- 4.23 There were no procedural issues raised by any party in this part of the hearing and was generally focused on the presentation of evidence and submissions from the various parties present.
- 4.24 We received Section 42A reports from Ms Thomson on the date pertaining to amateur radio. This was circulated to submitters on these Chapters on date and made available on Council's website on date.
- 4.25 In addition to Ms Thomson on behalf of Council, we heard from the following people:
- (a) Mr Jeff Graham and Mr John Yuleman on behalf of Kapiti Amateur Radio Society Inc [452];
 - (b) Mr Mike Newman on behalf of New Zealand Association of Radio Transmitters [203]; and
 - (c) Mr Don Wallace on behalf of Lyndon Enterprises [271].
- 4.26 For all parties who presented to us, we took the opportunity to ask questions at the proceedings. In most instances our questions were promptly and readily addressed on the spot and we are grateful for the assistance of all participants in the hearing.
- 4.27 The submitters appearing at the hearing were primarily concerned enabling amateur radio configurations as a permitted activity and in particular:
- (a) height of structures - seeking taller support structures;
 - (b) number and type of aerials - on buildings or ground mounted;
 - (c) location of configurations;
 - (d) ecological sites and outstanding landscapes;
 - (e) yards; and
 - (f) definitions - aerial versus antenna.
- 4.28 Ms Thomson prepared an Opening Statement which summarised the submissions and her initial recommendations. She drew our attention to the most significant amendments recommended in her Section 42A report.
- 4.29 Ms Thomson also prepared an Officer's Reply following completion of the hearing on this matter which summarised the evidence presented and commented on matters raised by submitters.

General Approach to Hearings

- 4.30 Whilst not specific to just Chapter 12, there was an issue as to whether the chapter-by-chapter approach embodied in the PDP (and also adopted for the purpose of hearing submissions), represented the most effective process with regards to coastal management and coastal planning. In response to these concerns, we directed two sets of integration hearings as follows:
- (a) **Coastal Integration Hearing** - the purpose of this hearing was to consider the interrelationship between Chapters 3, 4, 8 and 9 (and also with relevant objectives in

Chapter 2). This hearing was discussed and directed by way of Minute 5 dated 7 April 2016 and was in part response to concerns expressed by some submitters (Rob Crozier and Joan Allin [451], Coastal Ratepayers United [378] and North Otaki Beach Residents Group [38]) that the hearing schedule did not enable effective consideration of (and thus ultimately integration of) management of the coastal resource by any party (including submitters, Section 42A report writers or the Hearings Panel). The Coastal Integration Hearing schedule was established by way of Minute 11 dated 22 June 2016. The actual Coastal Integration Hearing was conducted on 16 July 2016. Full details on this hearing and the background to it are contained in our Report on Chapter 4 Coastal Environment (at Section 4).

- (b) **Whole of Plan Integration Hearing** - this was our initiative and was first signalled in Minute 5 dated 7 April 2016. Subsequent Minutes (Minute 15 dated 6 September 2016 and Minute 16 dated 18 October 2016) outlined the procedures and programming for this hearing. The purpose of the Whole of Plan Integration Hearing was to identify and consider cross-chapter linkages in an integrated manner given that previous hearings originated and were conducted on a chapter-by-chapter basis. It transpired that we required four separate sittings to complete the Whole of Plan Integration Hearing. The first sitting was held over two days, being 13-14 December, followed by two days on the 3 and 15 March 2016, and the last sitting was conducted on 5 April 2017.

4.31 For all parties who presented to us at the various fixtures, we took the opportunity to ask questions at the proceedings. In most instances, our questions were promptly and readily addressed on the spot. However, there were matters we raised with Council advisors at the integration hearings which required further consideration and response. We are satisfied that both the Coastal Integration and Whole of Plan Integration reports and hearings satisfied any outstanding matters on Chapter 12 General and District-wide Provisions.

PART B – EVALUATION OF ISSUES

5 Evaluation

Overview

- 5.1 As in the Section 42A report, we have grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the matters⁹ to which they relate, rather than assessing each individual submission. We have adopted this approach to avoid unnecessary duplication with our focus being on the key themes and issue which underpin our recommendations.
- 5.2 Where we do not refer to a specific submission or further submission topic or recommended amendment to Chapter 12 it is because we concur with the analysis and recommendations contained within the Section 42A report and the closing statements provided to us by the report writer.
- 5.3 For those submitters who are interested in a particular matter as it pertains to their submission(s), reference can be made to the submitter-by-submitter summary of decisions requested in Appendix 2, which includes our recommendation on each relief point sought. Those specific decisions have been derived from our issues assessment below. Therefore, our recommendations on all Chapter 12 provisions, and our recommendations on all Chapter submissions and further submissions, are contained in Appendix 1 and Appendix 2 respectively.
- 5.4 This approach is not to downplay the importance of the input from submitters - we acknowledge the invaluable input of submitters in shaping our grouping of issues and our consideration of those matters. We considered it would be helpful for submitters as well as our own thinking to focus on the key issues.
- 5.5 We accept having adopted this approach means that not every submission is specifically referenced in the discussions in this report. To have done so would have resulted in the reports being significantly longer as a result of simply listing out submitters for no purposeful end. Hence, we have adopted the approach of grouping issues / matters in the report as a basis for deriving decisions on individual submissions.
- 5.6 For those submitters who are interested in a particular matter as it pertains to their submission(s), reference can be made to the submitter-by-submitter summary of decisions requested in Appendix 2, which includes our recommendation on each relief point sought. Those specific decisions have been derived from our issues assessment below.
- 5.7 We have organised our discussion of issues as follows:

⁹ Clause 10(2)(a) of Schedule 1, RMA sets out that a Plan change decision may address submissions by grouping them according to either the provisions of the Plan change to which they relate, or to the matters to which they relate.

District-wide Provisions (including Financial Contributions)

- Issue 1:** General matters
- Issue 2:** Temporary military activities
- Issue 3:** Noise and reverse sensitivity - NZTA
- Issue 4:** Noise and reverse sensitivity - KiwiRail
- Issue 5:** Noise and rural activities
- Issue 6:** Financial contributions for state highways

Amateur Radio

- Issue 1:** General issues and approach to amateur radio provisions
- Issue 2:** Scale and number of facilities
- Issue 3:** Location of facilities
- Issue 4:** Radiofrequency

Evaluation Preamble - Statutory Framework

Context

- 5.8 Before formally recording our consideration of the issues, we summarise here the relevant statutory matters that frame our evaluation. This summary is organised into three parts as follows:
- (a) firstly, we set out the mandatory requirements of the Act that frame our decision-making;
 - (b) secondly, we clarify which ‘version’ of Section 32 (RMA) is applicable as part of our decision-making; and
 - (c) finally, we provide clarification about the force of certain higher order documents that we must have regard to as part of our evaluation.
- 5.9 What follows represents just an initial factual commentary on these matters governing our evaluation. The specific statutory evaluation of the challenged provisions in this Chapter of the PDP are covered in greater detail later in this report. Specifically, the principal Section 32 consideration is provided in Section B of this report under the heading “Evidence and Evaluation” for each of the Issues (referred to in the Act as “matters”) that are canvassed for this Chapter; and ultimately the overall Section 32 evaluation is summarised and concluded in Part C of this report.

Mandatory Requirements

- 5.10 The Environment Court gave a comprehensive summary of the mandatory requirements for the preparation of district plans in *Long Bay-Okura v North Shore City Council*.¹⁰ Subsequent cases have updated the 'Long Bay' summary following amendments to the Act in 2005 and 2009, with the most comprehensive and recent of which provided in *Colonial Vineyard Ltd v Marlborough District Council*.¹¹
- 5.11 The framework established by the Court sets out the relevant decision-making framework as follows:

General requirements

- a. the Plan should be designed to accord with,¹² and assist Council to carry out its functions¹³ so as to achieve the purpose of the Act;¹⁴
- b. when preparing/changing the Plan, Council must:
 - i. give effect to any NPS,¹⁵ the NZCPS¹⁶ or any RPS;^{17,18}
 - ii. have regard to any *proposed* RPS;¹⁹
 - iii. have regard to any management plans and strategies under any other Acts and to any relevant entry on the NZ Heritage List and to various fisheries regulations (to the extent relevant), and to consistency with plans and proposed plans of adjacent authorities;²⁰
 - iv. take into account any relevant planning document recognised by an iwi authority;²¹
 - v. not have regard to trade competition or the effects of trade competition;²²
 - vi. be in accordance with any regulation;²³
- c. in relation to regional plans:
 - i. the Plan must not be inconsistent with an operative regional plan for any matter specified in s30(1) or any water conservation order;²⁴ and
 - ii. shall have regard to any proposed regional plan on any matter of regional significance;²⁵
- d. the Plan must also state its objectives, policies and the rules (if any) and may state other matters;²⁶

¹⁰ Decision No. A 078/2008.

¹¹ Decision No. [2014] NZEnvC 55.

¹² s74(1), RMA.

¹³ s31, RMA.

¹⁴ ss 72, 74(1), RMA.

¹⁵ National Policy Statement.

¹⁶ New Zealand Coastal Policy Statement.

¹⁷ Wellington Regional Policy Statement.

¹⁸ s75(3)(a)-(c), RMA.

¹⁹ s74(2), RMA.

²⁰ s74(2)(b)-(c), RMA.

²¹ s74(2A), RMA.

²² s74(3), RMA.

²³ s74(1), RMA.

²⁴ s75(4), RMA.

²⁵ s74(2)(f), RMA.

²⁶ s75(1)-(2), RMA.

Objectives

- e. the objectives of the Plan are to be evaluated to the extent which they are the most appropriate way to achieve the Act's purpose;²⁷

Provisions (policies, rules and methods)

- f. the policies are to implement the objectives, and the rules are to implement the policies;²⁸
- g. each provision is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives²⁹ of the Plan, taking into account:
 - i. the benefits and costs of the proposed policies and methods;
 - ii. the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions;³⁰ and
 - iii. if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.³¹

Rules

- h. in making a rule, Council shall have regard to the actual or potential effect of activities on the environment;³²
- i. rules have the force of regulations;³³
- j. rules may be made for the protection of property from the effects of surface water, and these may be more restrictive than those under the Building Act 2004;³⁴
- k. there are special provisions for rules about contaminated land;³⁵
- l. there must be no blanket rules about felling of trees³⁶ in any urban environment;³⁷ and

Other Statutes

- m. Council may be required to comply with other statutes

5.12 The above Court established decision-making framework is adopted in our evaluation of challenged provisions for all Plan Chapters. The way we approach this is explained in more detail in Part C of this report. Suffice to say however, that the approach is adopted consistently across all our reports on the Plan Chapters. Whilst this may at first glance appear to be formulaic and/or repetitive, it does nonetheless ensure (importantly) that we have undertaken and recorded our evaluation in terms of the relevant statutory tests prescribed in the Act.

²⁷ s74(1) and s32(3)(a), RMA.

²⁸ s75(1), RMA.

²⁹ s32(3)(b), RMA.

³⁰ s32(4), RMA.

³¹ s32(3A), RMA

³² s76(3), RMA.

³³ s76(2), RMA.

³⁴ s76(2A), RMA.

³⁵ s76(5), RMA.

³⁶ s76(4A), RMA.

³⁷ s76(4B), RMA.

The Applicable Section 32 Framework

- 5.13 The unchallenged advice before us is that our evaluation of issues is to be structured to satisfy the requirements of Section 32 as it applied when the PDP was publicly notified in November 2012³⁸ as opposed to the version of Section 32 as it currently sits.
- 5.14 That (now former) Section 32 requires the Council to carry out an evaluation at the following stages:
- (a) before a proposed plan is publicly notified; and
 - (b) before making a decision on provisions and matters raised in submissions for the proposed plan under clause 10 of Schedule 1 to the Act.
- 5.15 We record that the Council already completed the Section 32 evaluation referred to in (a) above, prior to the PDP being notified on 29 November 2012, and therefore we do not need to repeat this evaluation further in this report.
- 5.16 The next juncture when an evaluation is required by the Act is before making the Decision referred to in (b) above.
- 5.17 Given that we have delegated authority to hear submissions and make a recommendation to the Council about what the Decision should be, the onus of making that further evaluation rests with us.
- 5.18 In this respect, we note that while Section 32(5) requires a report to be prepared summarising and giving reasons for the initial Section 32(1) evaluation prior to notification of a proposed plan, there is no equivalent provision requiring a Section 32 report to be prepared for the further evaluation required under Section 32(2). Nor is there an express requirement in the applicable version of Clause 10 of Schedule 1 of the Act for the Decision to address Section 32 matters.
- 5.19 This position differs from Clause 10 as it is currently worded in the Act (post-2013 Amendment Act), which expressly requires the Decision to include a further evaluation of the proposed plan in accordance with Section 32AA, and for the Council to have particular regard to that evaluation in making its decision.
- 5.20 Despite the absence of an express requirement to that effect in the Section 32 framework applicable to our report, we consider it essential for the Decision to address Section 32 matters. In practice, the requirement in Clause 10(2)(a) for the Decision to include reasons for accepting or rejecting submissions should relate directly to the Section 32 matters and other statutory requirements that are applicable.
- 5.21 Notwithstanding that Section 32AA(1)(d)(ii) under the post-2013 Amendment Act version of the RMA is also not applicable to our evaluation, we find some utility in applying the scope of that

³⁸ The version of Section 32 of the RMA that was in force between 1 October 2011 and 2 December 2013 applies to the current PDP process, despite Section 32 having since been amended in the Resource Management Amendment Act 2013.

Clause as it enables our Section 32(2) evaluation of the alterations we are recommending to be incorporated into this report as part of the decision-making record.

- 5.22 In adopting the above pragmatic approach, this means that in those instances where we have recommended an alteration to the notified PDP within our report, we have deliberately assessed the appropriateness of that alteration in the wider context of Section 32 (in specific detail in Part B and in summary form in Part C of this report).

Status of Higher Order Documents

- 5.23 Against the context established above, we acknowledge there is an obligation for the Plan to give effect to the higher order planning documents identified; however, we note our ability to achieve this through amendments is limited to instances where there is scope provided by submissions to do so.
- 5.24 We record here that five national policy statements (NPS) have been gazetted to date, being:
- (a) NPS on Electricity Transmission (2008);
 - (b) New Zealand Coastal Policy Statement (2010);
 - (c) NPS for Renewable Electricity Generation (2011);
 - (d) NPS for Freshwater Management (2014); and
 - (e) NPS for Urban Development Capacity (2016).³⁹
- 5.25 The NPS on Electricity Transmission, the New Zealand Coastal Policy Statement, and the NPS for Renewable Electricity Generation are all relevant and represented in the Objectives. The NPS for Urban Development Capacity is of particular relevance to Objectives on Living and Working Zones and we have picked up those matters where relevant in Chapters 5 and 6, but again within the scope of submissions.
- 5.26 We note that a National Environmental Standard for Plantation Forestry was in a draft form at the time of the hearing, but has now been gazetted and comes into force on 1 May 2018. Consequently, during our deliberations we did not give it any weight, other than be aware of the matters it was intending to cover.⁴⁰
- 5.27 When the PDP was first notified, the (then) *Proposed* Wellington Regional Policy Statement 2009 was still the subject of appeals to the Environment Court. In line with the general requirements outlined above, the PDP was required at that point to give effect to the *Operative* Regional Policy Statement 1999 by Section 75(3)(c) of the Act. The provisions of the *Proposed* Wellington Regional Policy were required to be given regard to by Section 74(2)(a)(i).

³⁹ The NPSUDC came into force on 1 December 2016, which was after our Hearings had been largely concluded but prior to our deliberations concluding.

⁴⁰ Local authorities have until 1 May 2018 to identify any Plan rules that duplicate or conflict with the NES, or which deal with the same effects. As soon as practicable after 1 May 2018, those rules must be removed from the Plan without using Schedule 1 of the RMA.

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- 5.28 The *Proposed* Regional Policy Statement for the Wellington Region became the Operative Regional Policy Statement (RPS) on 24 April 2013. To the extent enabled by the scope of submissions, we have adopted recommendations to ensure the Plan gives effect to the now Operative RPS.
- 5.29 We have also endeavoured to ensure any proposed amendments are not inconsistent with the operative regional plans for the Wellington Region, and we have had regard to the Proposed Natural Resources Plan for the Wellington Region (notified May 2015).
- 5.30 We also have taken into account the relevant planning documents recognised by iwi authorities and lodged with KCDC, to the extent that their content has a bearing on the resource management issues of the District. We understand two documents have been prepared and lodged with the Council - the Ngati Raukawa Ōtaki River and Catchment Iwi Management Plan 2000, and Nga Korero Kaupapa mo Te Taiao Policy Statements Manual for Kapakapanui Te Runanga o Ati Awa 1999-2000.
- 5.31 With these contextual matters established, we now turn to our evaluation of issues, followed by our summary evaluation of the above statutory requirements.

District-wide Provisions

6 Issue 1: General Matters

General Submissions and Recommended Amendments

- 6.1 As signalled in Section 5 of this report, we do not revisit all submissions, topics or recommended amendments to the PDP addressed within the Section 42A reports for Chapter 12 and integration matters. To avoid unnecessary duplication, we have focused our discussion on the key themes and issues which underpin our recommendations.
- 6.2 Where we do not refer to a specific submission, topic or recommended amendment to the PDP in this report, it is because we concur with the analysis and recommendations contained within the Section 42A reports and closing statements provided to us by the report writers.
- 6.3 Our recommendations on all Chapter 12 submissions, and our complete recommendations on all relevant PDP provisions, are attached to this report as Appendix 2 and Appendix 1 respectively.

Description of the Issue

- 6.4 While most of the submissions addressed specific Chapter 12 provisions, there were three submissions which made more general comments on the content of Chapter 12. The themes from these more general submissions included:

- (a) general support for the provisions of Chapter 12;
- (b) seeking minor formatting and numbering amendments; and
- (c) seeking amendments to give effect to Operative Plan Changes 78 and 81, or amendments *“to enhance development opportunities for the land subject to Plan Change 81”* (i.e. the Otaki South Precinct) [498 Riverbank Orchards Limited and Kennott Trust Company].

Evidence and Evaluation

- 6.5 We acknowledge and accept the support of submitters in general on Chapter 12 provisions, and we agree with the recommended amendments in response to these submissions as outlined within the Section 42A report.
- 6.6 We note the matters raised by 498 Riverbank Orchards Limited and Kennott Trust Company are largely addressed within our report on Chapter 6 - Working Environment. However, we agree with the minor amendments in response to this submitter as outlined within the Chapter 12 Section 42A report.

Findings

- 6.7 We recommend minor amendments to Chapter 12 provisions as outlined in Appendix 1.
- 6.8 We recommend the submissions on general Chapter 12 matters are accepted, accepted in part or rejected as outlined in Appendix 2.

7 Issue 2: Temporary Military Training Activities

Description of the Issue

- 7.1 We heard from Ms Sarah Bevin, Mr Rob Owen and Ms Rebecca Davies on behalf of New Zealand Defence Force (NZDF) [267] who provided an introduction and background to temporary military training activities (TMTA), and addressed the PDP provisions which manage TMTA, in particular the activity status for relevant rules.
- 7.2 Ms Bevin stated that she generally supported the recommended amendments to the provisions managing TMTA contained within the Section 42A report; however, she still considered the discretionary activity status which applied when the permitted activity standards are not met to be overly onerous, which would adversely impact on NZDF’s ability to plan its training exercises. In Ms Bevin’s opinion, controlled activity status would be appropriate although during questioning she confirmed that restricted discretionary activity status would be acceptable to NZDF.

- 7.3 Ms Bevin's evidence helped clarify the types of temporary military training activities and possible locations, the likely effects that could be expected, and the usually long lead time in planning for these activities.

Evidence and Evaluation

- 7.4 We acknowledge NZDF's perspective and the concerns they have with a full discretionary activity status applying to activities which do not meet the permitted activity noise standards.
- 7.5 Having considered the NZDF evidence and Ms Hinton's closing statement, we agree discretionary activity status is not appropriate, and a lesser activity status would successfully manage the effects associated with TMTA, which we consider are chiefly noise related.
- 7.6 We consider a restricted discretionary status would be an appropriate middle-ground which would adequately address any adverse effects and community concern, particularly with regard to larger scale TMTAs, while making the PDP more enabling by restricting the matters of Council's discretion to specific matters. We consider this would provide additional certainty to NZDF, while ensuring Council retains discretion over any significant adverse noise effects.
- 7.7 Although generally allowed for as a permitted activity within the PDP, we note TMTA are subject to all other rules and standards in other Chapters where relevant. For example, TMTAs are subject to indigenous vegetation and earthworks rules within Chapter 3, and historic heritage rules within Chapter 10. Chapter 12 provisions only address the potential noise effects of TMTAs.

Findings

- 7.8 We recommend the provisions managing temporary military training activities are retained with modifications as shown in the Section 42A report and Ms Hinton's closing statement for the reasons outlined above.
- 7.9 We recommend the following amendments as outlined in Appendix 1:
- (a) amend the following permitted activity rules to exclude temporary military training activities permitted under Rule 12D.1.9:
 - 12D.1.1;
 - 12D.1.2;
 - 12D.1.3;
 - 12D.1.4 and;
 - 12D.1.5.
 - (b) amend the wording of Standard C of Rule 12D.1.9 to be consistent with that recommended in Ms Hinton's closing statement as follows:

- (c) ~~The activity is undertaken in accordance with~~ A Noise Management Plan prepared by a suitably qualified and experienced expert ~~and approved by~~ shall ~~must be submitted to the Council not less than~~ 15 working days prior to the ~~activity taking place~~ commencement of the *temporary military training* activity, setting out the methods by which noise will be managed.
The Noise Management Plan shall, as a minimum, contain:...

- (c) change the activity status for military training activities which do not comply with the permitted activity standards from discretionary (falling under the catch-all discretionary activity rule), to a specific restricted discretionary rule by inserting new Rule 12D.3.4.4 as follows:

| Restricted Discretionary Activities | Standards | Matters over which Council will restrict its discretion |
|---|--|---|
| <p>4. <u>Temporary military training activities that do not comply with one or more of the <i>permitted activity</i> standards in Rule 12D.1.7.</u></p> | <p>1. <u>A Noise Management Plan prepared by a suitably qualified and experienced expert must be submitted to the Council as part of the resource consent application setting out the methods by which noise will be managed. The Noise Management Plan must, as a minimum, address the standards identified in Rule 12D.1.7.</u></p> <p>2. <u>Noise levels must be measured in accordance with NZS6801:2008 Acoustics – Measurement of Environmental Sound.</u></p> | <p>1. <u>The timing and location of the <i>temporary military training</i> activity.</u></p> <p>2. <u>The type of military noise source.</u></p> <p>3. <u>The length of time the breach of the <i>permitted activity</i> standards is expected to occur, and the extent to which the expected sound levels will exceed the <i>permitted activity</i> standards.</u></p> <p>4. <u>The separation distance to any household unit, residential activity, Living Zone site, or any building used for noise sensitive activities.</u></p> <p>5. <u>Noise mitigation measures to avoid unreasonable noise effects.</u></p> <p>6. <u>The extent of compliance with the General District-wide policies 12.10-12.15.</u></p> |

- 7.10 For the above reasons, we recommend the submissions of the New Zealand Defence Force [267] are accepted, accepted in part or rejected as shown in Appendix 2.

8 Issue 3: Noise and Reverse Sensitivity - NZTA [457]

Description of the Issue

- 8.1 We heard from Ms Angela Penfold on behalf of the New Zealand Transport Agency (NZTA), chiefly regarding how the PDP manages reverse sensitivity effects associated with the State Highway Network.
- 8.2 We also heard from the NZTA's noise expert Mr Michael Smith with respect to the NZTA's preferred reverse sensitivity noise provisions.
- 8.3 Ms Penfold identified aspects within Ms Hinton's Section 42A report which she agreed with, and we do not revisit those aspects in this report unless we have a different view. The unresolved matters raised by the NZTA comprise:
- (a) wording amendments to Policy 2.13;
 - (b) an amended rule framework comprising:
 - i. applying reverse sensitivity restrictions to properties within 100 metres (rather than 80 metres) from the state highway;
 - ii. adding a new restricted discretionary activity rule for new noise sensitive activities located within 40 metres of the state highway, and for the NZTA to be specified as an affected party;
 - iii. deleting Standard 2 from Rule 12D.1.12, and replacing it with a new standard that provides for a maximum internal noise level (rather than the PDP's noise level measured at building façade) of noise sensitive activities located in the *transportation noise effects route* (effectively the area between 41m – 100m of the state highway); and
 - iv. deleting the *noise corridor* black dashes shown on the PDP maps around the state highways, and the associated definition, and inserting two new overlays onto the plan maps showing a:
 - "*Transportation noise buffer area*" (an area 40m either side of the edge of the state highway), and
 - "*Transportation noise effects area*" (an area effectively 41-100m either side of the edge of the state highway).
- 8.4 A large number of further submissions (eighteen) were received in opposition to the NZTA's submission seeking the introduction of new rules and standards that require consent or prohibit buildings within certain distances of the current and future state highway network.
- 8.5 The further submitters consider that the provisions sought by NZTA are unreasonable restrictions on private landowners, and if the requested approach is necessary to implement a successful State Highway network, the NZTA should purchase the properties as a true reflection of the impact on people.

Evidence and Evaluation

- 8.6 We note the concerns regarding scope and fairness raised by Ms Hinton with respect to the differences between what is sought within the NZTA's submission, and what is now sought by the NZTA's evidence presented to us during the hearing.
- 8.7 We have considered the differences between the submission and the evidence presented at the hearing, and we are in agreement with Ms Hinton there are issues as to whether the relief now sought by the NZTA, which we consider is quite different, is reasonable and fairly raised, in particular:
- (a) many affected land owners are unlikely to be aware of the revised approach now sought by NZTA. Although the PDP submissions process provided an opportunity for people to make further submissions on the NZTA submission (which a number of people did), it is likely many directly affected parties will consider they have not been appropriately or adequately involved in the revised plan provisions now sought by the NZTA; and
 - (b) the resulting effect on these landowners in terms of costs is a matter which we consider, in terms of fairness and natural justice, the Council would wish to consult more directly with affected parties to ensure the full costs and benefits are understood, and that the approach can be justified in terms of the effect it intends to address within the District.
- 8.8 We are also mindful that, as confirmed by the NZTA and described in Ms Hinton's closing statement, the provisions now sought by the NZTA, which are based on the Agency's own 2015 guide to the management of the effects on noise sensitive land use near the state highway network, have not been adopted by any district plans to date. We therefore share Ms Hinton's concerns the proposed approach is untested. We consider introducing such untested provisions by way of submissions, rather than a participatory planning approach, including reasonable resource management grounds for their inclusion, and a comprehensive understanding of the costs and benefits of all affected parties raises reasonableness and fairness issues.
- 8.9 Regarding timing and refinement, and as pointed out by Ms Hinton, we agree there to be risk in NZTA's suggested approach not being sufficiently refined with regard to the operational noise mitigation conditions the NZTA is required to achieve on an on-going basis under the MacKay's to Peka Peka and Peka Peka to Otaki Expressway designations to ensure operational noise effects are no more than minor. We note neither of these designations were confirmed at the time the PDP was notified, and in the case of the Peka Peka to Otaki Expressway the notice of requirement was not yet lodged. The provisions sought by the NZTA for inclusion within the PDP are taken from the Agency's own 2015 guidance.⁴¹

⁴¹ Guide to the management of the effects on noise sensitive land use near to the state highway network, September 2015.

- 8.10 Therefore, we consider there to be uncertainty in the effect of the NZTA's suggested provisions, in that the provisions may, at least in part, shift the NZTA's on-going operational noise mitigation responsibilities and costs for the expressways onto the Council and private land owners. We consider an updated and refined approach which fully takes into account these matters would need to be carried out before the NZTA's requested approach could be considered as to whether it is the most efficient, effective and appropriate method to achieve the purpose of the RMA and the Plan's objectives.
- 8.11 Regarding the evidence presented by the noise experts addressing the distance reverse sensitivity provisions should apply from a state highway, and the method used to assess noise levels, we note the experts are aligned on the outcome sought, but have different views on how it is best achieved.
- 8.12 Having considered the evidence of Mr Smith and Mr Hunt, we prefer that of Mr Hunt which underpins the approach used within the PDP for the management of noise effects from a range of sources, including traffic noise. We note the approach recommended by Mr Hunt follows that used in the Operative District Plan, which we understand has successfully managed noise effects, including traffic noise effects for many years within the District. As pointed out within Ms Hinton's closing statement, we have not been presented with any evidence which demonstrates this well-established approach to managing traffic noise effects is insufficient within Kapiti.
- 8.13 Therefore, with the exception of the minor amendments already recommended by Ms Hinton and Mr Hunt, we agree with Ms Hinton's recommendations that the PDP should not be amended to include NZTA's requested provisions. When compared to the tested approach of the provisions contained within the PDP (which are based on Operative District Plan provisions), we are not satisfied the NZTA's provisions are the most efficient, effective and appropriate method to achieve the purpose of the RMA and the Plan's objectives.
- 8.14 We consider that the inclusion of the Transportation Noise Corridor on the Plan Features Maps is desirable

Findings

- 8.15 For the above reasons discussed in Evidence and Evaluation, we recommend minor amendments to Chapter 12 provisions and maps as shown in Appendix 1.
- 8.16 We recommend the submissions of NZTA relating to noise and reverse sensitivity are accepted, accepted in part or rejected as detailed in Appendix 2.

9 Issue 4: Noise and Reverse Sensitivity - KiwiRail [447]

Description of the Issue

- 9.1 We heard from Ms Deborah Hewett on behalf of KiwiRail [447] in regard to provisions for the management of noise and reverses sensitivity effects on the rail corridor. Mr Hewett tabled her evidence at the hearing. We note Ms Hewett's statement at paragraph 1.4 of her evidence that states given her employment by KiwiRail, she does not consider herself an independent expert.
- 9.2 We also received noise evidence prepared by Dr Stephen Chiles for KiwiRail the day prior to the hearing.
- 9.3 The relief sought by Ms Hewett and Dr Chiles in their evidence comprises:
- (a) Policy 12.13 - further wording amendment to recognise the proposed arterial routes, the designated rail corridor and the Expressway;
 - (b) provide terminology link between recommended Rule 12D.1.12 and the annotated District Plan Maps, but a Chapter 1 definition of "*noise corridor*" is not required;
 - (c) include noise overlay on relevant plan maps to depict extent of noise effects area, rather than the dashed lines on District Plan Maps;
 - (d) Rule 12D.1.12 - delete the reference in the explanation of "*altered habitable room*" (in amended Rule 12D.1.12) to additions "*up to 10% floor area*" and replace with "*with an area more than 5% of the floor area of the room*";
 - (e) Rule 12D.1.12 - supports permitted activity status where acoustic standards are met, but support the NZ Transport Agency proposal in its evidence for a restricted discretionary status where there is noncompliance with the permitted activity standards;
 - (f) amend rule 12D.1.12 to also apply to habitable rooms within buildings that are relocated;
 - (g) amend the PDP standards to refer to use internal sound levels, rather than the performance standard approach;
 - (h) amend the standards to provide a higher standard of sound insulation for buildings within 40m of railways, commensurate with the approach for roads;
 - (i) amend the standards so the noise effects area from the rail corridor is extended out to 80m, rather than 40m as notified;
 - (j) amend the District Plan Maps with an overlay which shows the combined requirements of Rule 12D.1.12 for road and railway;

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- (k) delete the reference in the explanation of “*altered habitable room*” (in amended Rule 12D.1.12) to additions “*up to 10% floor area*” and replace with “*with an area more than 5% of the floor area of the room*”; and
 - (l) amend standard 4 to include appropriate ventilation requirements, as per standard 6.

Evidence and Evaluation

9.4 Before assessing this submission, we make two preliminary comments as follows:

- (a) firstly, we note Ms Hewett’s statement at paragraph 1.4 of her evidence stating that given her employment by KiwiRail she does not consider herself an independent expert. Therefore, despite Ms Hewett’s resource management qualifications and experience we have not treated her evidence as expert evidence, but we have considered the matters she raised on behalf of KiwiRail.
- (b) secondly, we note Ms Hinton’s concerns regarding scope within her closing statement. Therefore, our evaluation of the provisions sought by KiwiRail as presented by Ms Hewett and Dr Chiles begins with identifying the differences between KiwiRail’s submission and what is now sought in the evidence of Ms Hewett and Dr Chiles, and then determining what aspects are within scope of KiwiRail’s submission. We note as a legal principle, that amendments which are not sought by a submission but are later sought through the hearings process are not reasonably or fairly raised, and are therefore beyond the scope of submissions.⁴²

9.5 We have considered the matters raised within KiwiRail’s submission against the matters sought within the evidence of Ms Hewett’s and Dr Chiles, and we concur with Ms Hinton’s opinion regarding scope as contained in her closing statement.

9.6 We note there are matters raised within the evidence of Ms Hewett and Dr Chiles which are within scope, for which Ms Hinton has provided recommendations to us. We agree with Ms Hinton’s recommended amendments on these additional matters as contained within her closing statement, comprising:

- (a) amendment to the wording of Policy 12.13 to add the word “*designated*” in front of rail corridor; and
- (b) amendment to the wording of Rule 12D.1.12, Standard 4, to address the concern raised regarding ventilation requirements.

⁴² Weatherwell-Johnson v Tasman District Council EnvC Wellington W181/96, 6 December 1996.

Findings

- 9.7 For the above reasons, and as outlined by Ms Hinton in her closing statement, we consider a number of matters raised in the evidence of Ms Hewett and Dr Chiles on behalf of KiwiRail are beyond the scope of KiwiRail's submission.
- 9.8 We recommend minor amendments to Chapter 12 provisions as outlined in Appendix 1.
- 9.9 We recommend the submissions of KiwiRail [447] relating to noise and reverse sensitivity are accepted, rejected or accepted in part as outlined in Appendix 2.

10 Issue 5: Noise and Rural Activities

Description of the Issue

- 10.1 We heard from Ms Kristy McGregor on behalf of Federated Farmers of New Zealand [250 and FS63]. We also heard from Mr Chris Brown [53], Mr Alan Smith [443 and FS139] and Ms Diane Richards [82], who were in support of Ms McGregor, as Federated Farmers members from the District.
- 10.2 Ms McGregor spoke to the Federated Farmers of New Zealand submission, with a focus on reverse sensitivity and how this matter is addressed by the recommended amendments to the Chapter 12 noise provisions contained within the Section 42A report.
- 10.3 Ms McGregor's evidence was not pre-circulated but it was provided to us at the hearing following Ms McGregor's presentation.
- 10.4 Ms McGregor acknowledged the recommended amendments within the Section 42A reports for Chapter 2 Objectives, and Chapter 12 General and District-wide Provisions in response to the issues raised within the Federated Farmers of New Zealand submission, however she sought the following further amendment to those already recommended:

Exemption for all noise arising from primary production activities from the noise limits under Rule 12D.1.2, rather than only temporary sources of noise.

Evidence and Evaluation

- 10.5 During the course of the hearing we asked Ms Hinton whether noise arising from ordinary rural activities such as noise from stock would be subject to the noise standards under Rule 12D.1.2. We asked Ms Hinton to provide us with an answer in her closing statement following the hearing.
- 10.6 In her closing statement, Ms Hinton recommended further amendments to the exclusion within the Rule in response to the matters raised during the hearing by Ms McGregor. In our view, the

recommended amendments provide clarity regarding the sources of noise which are excluded from the Rule.

10.7 Regarding Ms McGregor's request that noise from all primary production activities are excluded from the Rule, we consider such an approach would undermine Objective 2.6 - Rural Productivity, and Objective 2.11 - Character and Amenity, as the approach would likely lead to conflict between rural activities resulting from amenity effects. Instances of conflict would only be able to be addressed via the Council carrying out enforcement action under Section 16 of the RMA - duty to avoid unreasonable noise.

10.8 We consider the exclusions to the Rule as recommended by Ms Hinton strikes an appropriate balance by excluding noise from typical primary activities while ensuring significant noise effects can be managed by the Council should they become an issue in any particular rural location. We therefore recommend Rule 12D.1.2 is amended as follows:

e) In Rural Zones, livestock noise, mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting.

10.9 For these reasons, we consider the amended Rule 12D.1.2 provides the most efficient and effective method to achieve the Objectives of the Plan and the purpose of the RMA.

Findings

10.10 For the above reasons, we recommend amendments to Rule 12D.1.2 as outlined in Appendix 1.

10.11 We recommend the submissions of the Federated Farmers of New Zealand [250 and FS63] relating to noise and primary production activities are accepted, rejected or accepted in part as outlined in Appendix 2.

11 Issue 6: Financial Contributions and the State Highway Network

Description of the Issue

11.1 There were nineteen submissions and twenty three further submissions received on the Section 12.1 Financial Contributions provisions within Chapter 12. Submissions ranged from:

- (a) supporting the financial contributions provisions;
- (b) opposing financial contributions and the basis for their calculation; and
- (c) seeking a specific policy for a contribution for state highway roading and seeking amendments to the policy and rules, including remissions policies.

-
- 11.2 Section 12.1 of the PDP implements multiple objectives in Chapter 2, for example: 2.3 - Development Management, 2.8 - Strong Communities, 2.11 - Character and Amenity Values, 2.13 - Infrastructure and Services, 2.14 - Access and Transport and 2.14 - Open Spaces / Active Communities.
- 11.3 We heard from Mr Tony Brennand and Mr Robert Harris on behalf of the New Zealand Transport Agency [457]. Mr Harris and Mr Brennand spoke to, and expanded upon the NZTA's submission points regarding financial contributions which had not been recommended within the Section 42A report for inclusion within the PDP.
- 11.4 The relief requested by the NZTA in its submission with respect to financial contributions is detailed within paragraph 63 of the Section 42A report, which we have summarised as:
- that the PDP includes mechanisms for funding State highway infrastructure that is required to support development, including provisions of developers to make equitable contributions.
- 11.5 We heard from Mr James Gardiner-Hopkins on behalf of Progressive Enterprises Ltd [255 and FS129]. Mr Gardiner-Hopkins spoke to Progressive Enterprises Ltd's further submission [FS129] in opposition to the NZTA's requested relief for a financial contribution for funding state highway infrastructure.
- 11.6 Mr Gardiner-Hopkins provided legal and technical information with regard to:
- (a) the differences between financial contributions and development contributions;
 - (b) the evidence and details required to justify the imposition of a financial contribution;
 - (c) the circumstances under which a condition on a resource consent can be imposed for matters which would otherwise be addressed via a financial contribution; and
 - (d) the Section 32 RMA risks to the Council should the Panel adopt the NZTA's requested relief.
- 11.7 We also heard from Mr Quentin Poole [653] who spoke to various PDP chapters including:
- (a) the functionality and complexity of the PDP in general and with regard to coastal hazard provisions;
 - (b) the prescriptive nature of PDP provisions;
 - (c) consultation;
 - (d) natural character;
 - (e) earthworks; and
 - (f) retaining walls, seawalls and coastal protection structures.

Evidence and Evaluation

- 11.8 Regarding the matters raised by Mr Poole, we note they do not specifically relate to financial contributions and therefore we do not address them within this report. However, we have had

regard to Mr Poole's representations to us within other PDP Chapters (including Chapter 4) where relevant and where within scope of Mr Poole's submissions.

- 11.9 Turning to the NZTA's request to include a mechanism for a financial contribution within the PDP for funding state highway infrastructure, we appreciate the information provided to us by Mr Brennand and Mr Harris concerning the future challenges communities face in light of increased development and how such development would impact on transportation infrastructure.
- 11.10 Although we appreciate the NZTA's reasoning for seeking a financial contribution mechanism within the PDP for funding State highway infrastructure to support future development, we agree with the advice provided by Mr Gardiner-Hopkins, that a financial contribution within the PDP would be difficult to justify. We agree the approach sought by the NZTA lacks the evidence and detail that would be necessary to support a formula to provide a robust and defensible financial contribution under the RMA.
- 11.11 We also note and agree with Mr Gardner-Hopkins advice regarding the RMA Section 32 analysis risks to the Council should the approach sought by the NZTA be incorporated within the PDP based on the evidence we have been provided with.
- 11.12 We note as confirmed by Mr Brennand and Mr Harris during the hearing, no other district plans within the region have included the financial contributions provisions sought by the NZTA despite NZTA making similar submissions on those plans.
- 11.13 We are also mindful of Mr Trotter's comments attached to Ms Sweetman's closing statement questioning the necessity for the approach to financial contributions sought by the NZTA within the District, taking into account the transportation evidence presented by the NZTA to the Board of Inquiry for the MacKays to Peka Peka Expressway (M2PP) notice of requirement.
- 11.14 In light of the concerns raised by Mr Trotter in his memo attached to Ms Sweetman's closing statement, we consider we have not been presented with a sufficient evidential and legal basis by the NZTA to consider including the financial contribution provisions sought by the NZTA. We consider an evidential basis underpinning such a financial contribution would need to contain a greater level of detail which is specific to the District in which it is sought. We consider such evidence would need to consider previous transportation modelling the NZTA has carried out and presented in evidence to Boards of Inquiry for the Roads of National Significance within the District.
- 11.15 We also share Ms Sweetman's concerns raised at paragraph 2.11 of her closing statement as to whether the financial contributions provisions sought by the NZTA have been reasonably and fairly raised. We agree including such provisions by way of submission would give rise to natural justice and fair process issues, as the community would not have had an opportunity to consider and make a submission on them.
- 11.16 We have therefore concluded the funding concerns raised by the NZTA with respect to future infrastructure works would be more appropriately addressed either by working with the Council

in its future review of the development contributions policy under the Local Government Act 2002, or if not provided for through the Local Government Act, via legislative means as suggested by Ms Sweetman at paragraph 2.14 of her closing statement.

Findings

- 11.17 We recommend the financial contributions provisions contained within Chapter 12.1 are amended as outlined in Appendix 1.
- 11.18 We recommend the submissions and further submissions relevant to financial contributions are accepted, rejected or accepted in part as outlined in Appendix 2.

Amateur Radio Provisions

12 Issue 1: General Issues and Approach to Amateur Radio

Description of the Issue

- 12.1 The main concern expressed in the submission from New Zealand Association of Radio Transmitters (Inc) [203.1] was that the PDP contains no specific provision for amateur radio stations, and that these activities do not fit within the rules for free standing masts for “*network utilities*” in Chapter 11. The submission advised that the size and type of antenna/aerial required for amateur radio differs considerably from those for network utilities. The submission therefore considered that the rules and standards in 11A.1.9 for network utilities are not appropriate for amateur radio operators. The Association requested that the construction of masts and associated support structures for amateur radio stations be permitted in the district plan subject to restrictions on scale, location and radio frequency standards which are covered in subsequent sections.
- 12.2 Kapiti Amateur Radio Society Inc. [452.1] expressed similar concern that neither the network utility rules nor the zone rules are appropriate for amateur radio.
- 12.3 Further Submission 29, Rob Crozier, Joan Allin, Crozier Family Trust and Allin Family Trust opposed Submission 452 as the changes sought would “*have unacceptable adverse effects in residential areas*”.

Evidence and Evaluation

- 12.4 We agree with the submission of the Kapiti Amateur Radio Society Inc. [452.1] that amateur radio structures and activities are not a network utility per se and are therefore not adequately

addressed in the PDP provisions as notified. We consider that specific provisions for amateur radio is an appropriate response and creation of a new Section 12.5 is an efficient way to address the issue. The creation of a separate section in the Plan for amateur radio activities enables new policies as well as rules focused on amateur radio.

- 12.5 We recommend inserting the following introduction to set the context for the new section in Chapter 12:

Domestic Satellite Dishes and Amateur Radio Configurations

12.5.1 Introduction

Domestic satellite dishes are common place in residential and rural areas and are mainly used to receive satellite television broadcasts. Satellite dishes of various sizes or multiple dishes, may be used to receive broadcasts from overseas. It is important that larger dishes or several dishes do not cause adverse visual and amenity effects on the surrounding areas and residents. The plan provides for these types of structures whilst controlling their height, diameter and location in order to maintain visual and amenity values.

Amateur radio is a personal recreational and technical activity that encourages experimentation in radio technology and related topics, self-training, and personal communications world-wide. It also can provide a pool of technically capable people available to the community in times of adversity.

Although amateur radio is generally considered a hobby, operators can provide a means of communication during emergencies if all other technologies fail. Amateur Radio operators can also be involved in rescue operations.

Amateur radio operators do not fit within the definition of network utility operators under the RMA, however their activities involve radio-communication and their radio configurations involve masts, aerials and supporting structures.

Amateur Radio structures are most commonly located in residential or rural areas, in the backyard of an operator's residence. Both the location and size of some configurations means that they may have adverse environmental effects.

Amateur radio uses the radio spectrum which is an international natural resource. Amateur radio is regulated by international convention to which all signatory countries are bound. The Radio Spectrum Management division of the Ministry of Business Innovation and Employment administers amateur radio in New Zealand.

Amateur radio activity in New Zealand, apart from Repeaters, Beacons and Fixed Links, is covered by the General User Radio Licence for Amateur Radio Operators. To be a part of the General User Radio Licence for Amateur Radio Operators an operator must hold a New Zealand General Amateur Operator's Certificate. This certificate is gained through sitting and passing an exam administered by an approved radio examiner.

Amateur Radio configurations that include Repeaters, Beacons and Fixed Links must be individually licensed by an approved radio engineer or certifier. This is because they require coordination with other radio services.

12.6 We recommend the inclusion of the following policies:

Policy 12.16 - Amateur Radio

To provide for amateur radio, while recognising the possible adverse effects of configurations on amenity, heritage, landscape, and open space values.

Policy 12.17

The following assessment criteria shall be applied, where applicable, when considering resource consent applications for domestic satellite dishes and amateur radio configurations:

- a) The maximum height of the any mast or satellite dish and area or diameter of any mast, aerial or satellite dish.
- b) The extent to which the amateur radio configuration or satellite dish will be obtrusively visible, will adversely affect landscape values, or will detract from the amenity values of the area in which it is situated or those in any nearby area.
- c) The extent to which the height, area, diameter or siting of the mast, satellite dish or aerials will have effects on sunlight access to residential areas or public places.
- d) The extent of variance from the standards for Permitted Activities.
- e) If the mast, satellite dish or aerials are likely to result in a significant adverse effect on the environment, whether the location and scale are appropriate having regard to alternative locations or other options.
- f) The visibility of the mast, satellite dish and/or aerial in relation to district wide, local and neighbouring views.
- g) The use of external materials on masts, satellite dishes, aerials and associated buildings to minimise the visual contrast with the surrounding environment.
- h) Cumulative effects associated with other amateur radio configurations or satellite dishes in close proximity.
- i) The visual amenity effects and siting of supporting structures, aerials and other attachments.

12.7 We acknowledge the concerns expressed in further submission 29 (J Allin, R Crozier and the Allin and Crozier Trusts) that these installations can potentially have adverse visual and amenity effects for neighbours of the sites and the wider community and address these concerns in Section 7 below.

12.8 The separation of the amateur radio provisions from network utilities has required some consequential specific definitions for “aerial” in order to have different provisions from the “antenna” definition used for telecommunications network utilities and “amateur radio configurations” as well as consequential changes to the definitions of “building”, “antenna” and

“mast” to clarify which terms relate to amateur radio. We heard from New Zealand Association of Amateur Radio Transmitters [203] seeking to delete the definition of “aerial” as amateur radio operators use the term “antenna” and the submitter considers this to be an artificial distinction that is unnecessary. As amateur radio structures are proposed to be separated from network utility provisions, we agree that a separate definition assists in distinguishing amateur radio activities from network utilities.

12.9 We therefore recommend inclusion of the following definitions into Chapter 1:

Aerial(s) means a *structure* made of rod or wire that transmits or receives signals as part of an *Amateur Radio Configuration*.

Amateur radio configuration means the masts, *aerials* (including rods, wires and tubes) and associated supporting *structures* which are owned and operated by licensed amateur radio operators

12.10 We recognise that the separation of amateur radio from other types of structures results in the need for a specific provision for any amateur radio structures in flood and earthquake hazard areas. We agree with this being a restricted discretionary activity rule in the newly created Section 12.5.

Findings

12.11 For the reasons discussed in Evidence and Evaluation, we recommend that the Chapter 12 provisions are amended as set out in Appendix 1, including the following:

- (a) new Section 12.5 is inserted into Chapter 12;
- (b) new policies 12.16 and 12.17 are inserted; and
- (c) new Section 12.5.3 Rules and Standards are inserted.

12.12 For the reasons discussed above in Evidence and Evaluation, those submissions relating to specific provisions for amateur radio are either accepted, rejected or accepted in part as outlined in Appendix 2.

13 Issue 2: Scale and Number of Facilities

Description of the Issue

13.1 New Zealand Association of Radio Transmitters (Inc) [203.4] and Kapiti Amateur Radio Society Inc [452.2 and 452.3] sought to amend rules to enable antenna and aerials up to 20m in height in living and other zones and 30m in rural zones as a permitted activity. The submission states that these heights are necessary to ensure transmission can occur free of obstructions and will accommodate the needs for short range radio communications and long range communications.

-
- 13.2 In addition, Kapiti Amateur Radio Society Inc [452.3] sought to enable masts and antenna of the following scale as a permitted activity:
- (a) up to six supporting structures of less than 120mm in diameter and less than 9m in height allowing for local thickening of support structures at joints;
 - (b) the maximum horizontal diameter of any mast at a height above 8m shall be 600mm;
 - (c) antenna and support structures of less than 120mm in diameter on buildings to a maximum of 20m above ground in living zones and in all other zones a maximum of 20m or 6m above actual building height (whichever is greatest);
 - (d) dish antenna up to a maximum diameter of 3m in urban areas and 4.6m in rural areas setback from property boundaries a minimum of 1m; and
 - (e) dish antenna more than 5m above ground up to 1.2m in diameter and setback a minimum of 1.5m from property boundaries.
- 13.3 Kapiti Amateur Radio Society Inc [452.4] sought that more than one amateur radio mast or supporting structure greater than 120mm in diameter in Rural Zones be controlled activities.
- 13.4 Kapiti Amateur Radio Society Inc. [452] and New Zealand Association of Amateur Radio Transmitters [203] sought an increase in the number of aerials permitted on buildings and ground mounted aerials.
- 13.5 Rob Crozier, Joan Allin, Crozier Family Trust and Allin Family Trust [FS 29] opposed Submission 452 as the changes sought would *“have unacceptable adverse effects in residential areas”*.

Evidence and Evaluation

- 13.6 We understand that a number of meetings have taken place between submitters on this matter and Council officers. We commend all parties for engaging in these discussions early in the process and can see the value of the information sharing that occurred. It was helpful for us to understand the configurations and structures involved in amateur radio activities. We understand that wire aerials are supported by posts either in a straight line, v or ring formation depending on the space available. The support posts may also have other aerials on them such as Yagi aerials, dish, discone or vertical whip aerials. These wire types are desirable to have above the roof height of the building to enable clear transmission and minimise radiation levels in and around the dwellings.
- 13.7 We understand that an important constraint for aerials is the wind loading and structural strength of support poles. For these reasons, they advised that large installations (of 20m or greater) would be rare due to the cost to establish them and need for a building consent. The submitters likened their installations to be no different to flagpoles, light standards or yacht masts (on parked yachts) which was helpful for us to understand the scale.
- 13.8 Having considered the landscape assessment undertaken by Isthmus, Ms Thomson in her Section 42A report recommended maximum permitted standards for the following:

- (a) single large ground mounted support structures ranging from 12m to 18m depending on the zone;
- (b) maximum height of support structures less than 120mm in diameter range between 10m and 12m depending on zone; and
- (c) heights and dimensions for dish panels.

13.9 We heard from Kapiti Amateur Radio Society Inc. [452] and New Zealand Association of Amateur Radio Transmitters [203] who sought to increase the permitted height of support structures in both rural and residential zones from those recommended in the Section 42A report. The submitters explained the increased height as being necessary to enable a wider range of apparatus to be utilised.

13.10 After listening to the submitters and considering the evidence, we agree with Ms Thomson in her closing statement that some increase in the permitted height is acceptable. We heard from the submitters that 25m in the general rural zones and 20m with aerials up to 3.5m above the support structure in urban areas would be sufficient. This sentiment was expressed by the submitters at the meeting with Council officers on 11 August 2015 as well. We accept that there is a balancing of visual and amenity effects against the operator's need to have flexibility for multiple aerials on a single support structure. On this basis, we recommend that the maximum single large ground mounted support structure be increased to range from 15m to 25m (formerly 12-18m in Section 42A Report) depending on the Zone.

13.11 For the reasons outlined above, we recommend that the permitted height standards for ground mounted support structures be inserted as follows:

1. Ground mounted support structures for Amateur Radio Configurations must comply with the requirements in tables a) and b) (i.e. there may be one large support structure that meets the requirements in table a) combined with or separate to several smaller support structures that meet the standards in table b)

).

a) Requirements for single large ground mounted support structures

| <u>Zone</u> | <u>Maximum Height (including aerial)</u> | <u>Setbacks (including aerial)</u> | <u>Support structure maximum diameter above 8m</u> |
|---|--|---|--|
| <u>Rural Hills, Rural Plains</u> | <u>25m</u> | <u>5m from rear and side boundaries</u> | <u>600mm</u> |
| <u>Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones</u> | <u>18m</u> | <u>5m from rear and side boundaries</u> | <u>600mm</u> |
| <u>Living Zones and</u> | <u>15m</u> | <u>1.5m from rear</u> | <u>300mm</u> |

| <u>Zone</u> | <u>Maximum Height (including aerial)</u> | <u>Setbacks (including aerial) and side boundaries</u> | <u>Support structure maximum diameter above 8m</u> |
|-------------------------|--|--|--|
| <u>Open Space Zones</u> | | | |

13.12 One other aspect of these submissions is the dimension (diameter or width) of installations. On this matter, we agree with the officer's recommendations in the closing statement.

13.13 We accept the recommended dimension standards be inserted as follows:

2. A maximum of four dish, whip or yagi aerials attached to a ground mounted support structure for amateur radio that meets the following standards are permitted:

| <u>Zone</u> | <u>Maximum Mounted Height</u> | <u>Maximum dimension (diameter or width) if mounted at or below 5m</u> | <u>Maximum dimension (diameter or width) if mounted a above 5m</u> |
|---|-------------------------------|--|--|
| <u>Rural Hills, Rural Plains</u> | <u>16.5m</u> | <u>3.5m</u> | <u>2m</u> |
| <u>Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones</u> | <u>13</u> | <u>2m</u> | <u>2m</u> |
| <u>Living Zones and Open Space Zones</u> | <u>10m</u> | <u>2m</u> | <u>1.2m</u> |

3. Configurations attached to buildings must meet the standards below. A maximum of four dish, yagi, whip or discone type aerial is permitted:

| <u>Zone</u> | <u>Dish or panel maximum area/Diameter</u> | <u>Maximum height above permitted building height</u> |
|---|--|---|
| <u>Rural Hills, Rural Plains</u> | <u>2m or 2m²</u> | <u>5m</u> |
| <u>Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones</u> | <u>2m or 2m²</u> | <u>5m</u> |
| <u>Living Zones and Open Space Zones</u> | <u>1.2m or 0.8m²</u> | <u>2m</u> |

13.14 In terms of the request for an increase in the number of aerials permitted on buildings and ground mounted aerials, we agree with the officer's closing statement that this is reasonable in relation to both ground mounted and roof mounted aerials. We therefore recommend inserting the following standard:

1. A maximum of four dish, whip or yagi aerials attached to a ground mounted support structure for amateur radio that meets the following standards are permitted:
2. Configurations attached to buildings must meet the standards below. A maximum of four dish, yagi, whip or discone type aerial is permitted:

13.15 We therefore accept in part the submissions from New Zealand Association of Radio Transmitters (Inc) [203.4] and Kapiti Amateur Radio Society Inc [452.2 and 452.3] and their further submissions on the matter of heights and dimensions of amateur radio facilities.

Findings

13.16 For the reasons outlined above in Evidence and Evaluation, we recommend that the rules and standards are amended as set out in Appendix 1, including the following:

- (a) insert Standard 1 to Rule 12E.1.2 for maximum height, setbacks and diameter of amateur radio structures;
- (b) insert Standard 2 to Rule 12E.1.2 for maximum numbers of aerials, dimensions and heights; and
- (c) insert Standard 3 to Rule 12E.1.2 setting out configurations attached to buildings.

13.17 For the reasons discussed above in Evidence and Evaluation, those submissions relating to the rules and standards for amateur radio are either accepted, rejected or accepted in part as outlined in Appendix 2.

14 Issue 3: Location of Facilities

Description of the Issue

14.1 From the submissions, we understand there are two parts to this issue - firstly the location of amateur radio facilities within a site, and secondly location of amateur radio facilities within overlays such as outstanding natural landscapes, ecological sites or heritage features.

14.2 In terms of location of facilities on a site in respect of proximity to boundaries, Kapiti Amateur Radio Society Inc [452.2] sought that masts and antenna be permitted up to 0.5m from the property boundary in all zones.

14.3 New Zealand Association of Radio Transmitters (Inc) [203.1] and Kapiti Amateur Radio Society Inc [452.3] sought that masts and aerials for amateur radio activities are not located in a sensitive natural feature or historic heritage feature. Kapiti Amateur Radio Society Inc [452.4]

sought that amateur radio masts and support structures in sensitive natural features be controlled activities. Further submitter 175 New Zealand Historic Places Trust (now Heritage New Zealand) supported Submission 452 proposed amendments “*insofar as the effects on historic heritage are avoided*”.

- 14.4 Although accidentally omitted from the Section 42A Report, we acknowledge the submission from Lyndon Enterprises [271] which sought to enable amateur radio stations within ecological sites and outstanding landscapes as a permitted activity.

Evidence and Evaluation

- 14.5 We heard from New Zealand Association of Amateur Radio Transmitters [203] seeking to enable structures to be up to 0.5m from property boundaries in residential zones. We consider that this would potentially create potential adverse effects from these structures for neighbouring properties. It was helpful to see in comparison that all structures in residential zones, including garden sheds and water tanks, are required to be located a minimum of 1m from the boundary, with all buildings required to be at least 1.5m from a boundary.
- 14.6 We consider that masts and aerials to be located within 1.5m of property boundaries in Living and Open Space Zones and 5m from property boundaries in Rural and Working zones as a permitted activity is an appropriate separation distance. We therefore recommend insertion of the following standards:

a) Requirements for single large ground mounted support structures

| <u>Zone</u> | <u>Maximum Height (including aerial)</u> | <u>Setbacks (including aerial)</u> | <u>Support structure maximum diameter above 8m</u> |
|---|--|---|--|
| <u>Rural Hills, Rural Plains</u> | <u>25m</u> | <u>5m from rear and side boundaries</u> | <u>600mm</u> |
| <u>Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones</u> | <u>18m</u> | <u>5m from rear and side boundaries</u> | <u>600mm</u> |
| <u>Living Zones and Open Space Zones</u> | <u>15m</u> | <u>1.5m from rear and side boundaries</u> | <u>300mm</u> |

b) Requirements for support structures less than 120mm in diameter (thickening is permitted at joints) with no dish or panel aerial attached:

| <u>Zone</u> | <u>Maximum number of support structures</u> | <u>Maximum height including aerial</u> | <u>Setback</u> |
|---|---|--|---|
| <u>Rural Hills, Rural Plains</u> | <u>6</u> | <u>12m</u> | <u>5m from rear and side boundaries</u> |
| <u>Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones</u> | <u>6</u> | <u>10m</u> | <u>5m from rear and side boundaries</u> |
| <u>Living Zones and Open Space Zones</u> | <u>6</u> | <u>10m</u> | <u>1.5m from rear and side boundaries</u> |

- 14.7 In regards to the location of amateur radio structures within overlays, we heard from Mr Wallace on behalf of Lyndon Enterprises [271]. We do not agree with the submissions seeking that masts and aerials for amateur radio activities are located in sensitive natural features or historic heritage features. We consider that ecological sites and outstanding landscapes are highly sensitive sites and such structures as a permitted activity would not be achieving the purpose of the relevant objectives to protect the District's natural landforms and valued landscapes (including identified outstanding natural features and landscapes) and areas of indigenous vegetation. We consider that structures within these areas need to be carefully managed. However, we consider that a controlled activity status is also not the most appropriate activity status for amateur radio facilities in sensitive natural features. Controlled activities cannot be declined but we recognise that there may be circumstances where a proposal would not be appropriate and that the Council needs to have the ability to decline a consent. We consider that these areas are likely to be more sensitive to change than other areas in the district, and therefore recommend a restricted discretionary activity is more appropriate to enable assessment of all of the issues relating to these natural and heritage features in relation to the specific proposal, and give effect to the relevant Objectives and Section 6 matters in the RMA.
- 14.8 We consider this approach to the activity status for amateur radio structures in areas prone to a high risk from natural hazards including areas of well-defined fault and river or stream corridor flooding.
- 14.9 We therefore recommend inclusion of the following Standard to Rule 12E.1.2:
9. No amateur radio configuration (except building mounted configurations meeting standard 12.E.1.2.3), shall be located in:
- a) a well defined fault avoidance area,
- b) a well defined extension fault avoidance area,

- c) a river corridor, stream corridor or overflow path
- d) an Open Space (conservation and scenic) Zone,
- e) an outstanding natural feature and landscape,
- f) an ecological site,
- g) historic heritage feature identified in Schedule 10.1 - Historic Heritage

14.10 We also recommend the inclusion of Rule 12E.3.1 as a restricted discretionary activity:

1. Amateur radio configurations that do not meet the permitted activity standards in 12E.1.2

Matters over which Council will restrict its discretion:

- 1. Any positive effects to be derived from the activity
- 2. Health and safety
- 3. Layout, design and location of the proposed structure(s)
- 4. Colour and materials of the proposed structure(s)
- 5. Visual, character and amenity effects
- 6. Effects on natural character
- 7. Effects on historic heritage
- 8. Natural hazard risk management
- 9. Adequacy of the methods of mitigation/remediation or ongoing management of effects.
- 10. Any opportunities to reduce existing adverse effects on sensitive activities
- 11. Effects on a geological site, special amenity landscape, outstanding natural feature and landscape, area of outstanding or high natural character
- 12. Adequacy of the methods of mitigation/remediation or ongoing management
- 13. Imposition of conditions in accordance with Section 108 of the RMA.

Findings

14.11 For the reasons discussed in Evidence and Evaluation, we recommend that the rules and standards regarding location of amateur radio facilities are amended as outlined in Appendix 1, including the following.

- (a) Standards inserted in Rule 12E.1.2 regarding setbacks;
- (b) insertion of Standard 9 to Rule 12E.1.2 regarding location;
- (c) new restricted discretionary activity status for amateur radio configurations that do not meet the permitted activity standards in 12E.1.2; and
- (d) new matters of discretion.

14.12 For the reasons discussed above in Evidence and Evaluation, those submissions relating to the rules and standards regarding location of amateur radio configurations are either accepted, rejected or accepted in part as outlined in Appendix 2.

15 Issue 4: Radiofrequency

Description of the Issue

- 15.1 Kapiti Amateur Radio Society Inc [452.2] sought that amateur radio configurations be required to operate within nationally recognised radio frequency exposure standards. The submission considered that all antenna be designed and operated in compliance with New Zealand Standard NZS2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300GHz (or subsequent amendments) at all times and in all places to which the public has access.

Evidence and Evaluation

- 15.2 We note that the National Environmental Standard for Telecommunications Facilities (NESTF) does not apply to amateur radio aerials as they are not defined as telecommunication facilities. Of relevance, however are the radiofrequency levels in the NESTF which requires telecommunication facilities to be planned and operated in accordance with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 - Maximum Exposure Levels - 3 kHz to 300 GHz.
- 15.3 We note that the relevant standard is NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 - Maximum Exposure Levels - 3 kHz to 300 GHz (which is contained in the submission and the NESTF). We agree that this is an appropriate activity standard for all amateur radio configurations. For the reasons outlined above we recommend that the submission be accepted and a radiofrequency standard be included for amateur radio activities requiring compliance with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 - Maximum Exposure Levels - 3 kHz to 300 GHz as follows:

8. The maximum exposure levels for all *amateur radio configurations* must not exceed the levels specified in NZS 2772:1999;

Findings

- 15.4 For the reasons outlined above in Evidence and Evaluation, we recommend that the rules and standards for radiofrequency are amended as set out in Appendix 1, including the following:
- (a) insert new permitted activity standard requiring the maximum exposure levels for all amateur radio configurations must not exceed the levels specified in NZS 2772:1999.
- 15.5 For the reasons discussed above in Evidence and Evaluation, those submissions relating to amateur radio radiofrequencies are either accepted, rejected or accepted in part as outlined in Appendix 2.

PART C – STATUTORY EVALUATION

16 Statutory Evaluation

16.1 This part of our report addresses the mandatory requirements as summarised in Part A of this report, and draws on our detailed evaluation of the issues in Part B. In this respect, most of our substantive evaluation of the matters below has already been addressed above.

16.2 We acknowledge the analysis at notification and further analysis as part of Section 42A reports in relation to the matters in Sections 32 and 32AA for provisions notified after 2014. To avoid unnecessary duplication, we have therefore adopted a thematic approach to our evaluation here, and we have omitted from considering the general requirements of the legislation which are not relevant.

Is the PDP designed to accord with, and assist KCDC to carry out its functions so as to achieve the Act's purpose?

16.3 The PDP contains policies, rules and other methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources in the District. Likewise, the PDP adopts measures to control actual and potential environment effects.

16.4 Chapter 12 sets out the general provisions which are to apply across the District, comprising the following topics:

- (a) Section 12.1 Financial Contributions;
- (b) Section 12.2 Temporary Events;
- (c) Section 12.3 Signs; and
- (d) Section 12.4 Noise.

16.5 As discussed in Part B in this Report, Section 12.5 Domestic Satellite Dishes and Amateur Radio Configurations have, in response to submissions, been excluded from Chapter 11 Network Utilities and included in a new recommended section to Chapter 12.

16.6 The primary Objective that Chapter 12 implements is Objective 2.11 - Character and Amenity Values; however, there are numerous other Objectives (and polices) that are also relevant to this Chapter. In terms of Chapter 12, we are particularly mindful of Section 7(c) of the RMA which recognises and provides for the maintenance and enhancement of amenity in respect to subdivision, use, and development. Overall, we consider the PDP provisions, with the amendments we recommend, facilitate the maintenance and enhancement of amenity in a District-wide sense, whilst also enabling enhanced social, economic, and cultural wellbeing of

the District. Similarly, we conclude that the provisions will protect residents from the District in the various Zones from inappropriate effects and will therefore achieve the purpose of the Act.

- 16.7 We also find that the PDP, including the amendments that we have made to the policies, rules and other methods in Chapter 12, will assist the Council to carry out its functions so as to achieve the sustainable management purposes of the RMA.

Does the PDP give effect to any NPS or the NZCPS?

- 16.8 The PDP was designed to give effect to the NPSs and NZCPS in effect at the time of notification. Since that time, the NPS on Urban Development Capacity has been gazetted.⁴³
- 16.9 A number of amendments have been applied to the notified policies, rules and other methods in the PDP to better implement these higher order documents where enabled by submissions. Of these, none of the changes in Chapter 12 (generally or specifically) are particularly relevant to the higher order documents in the sense that they can be said to give effect to any such NPS. However, it is equally true that none of the changes made to the notified provisions of Chapter 12 would be inconsistent or counterproductive to the various higher order documents.
- 16.10 Overall, we consider that the amended PDP gives effect to the various NPSs and the NZCPS. The relevance of the NPSs varies for each PDP Chapter.

Does the PDP give effect to the RPS?

- 16.11 As noted above, the current RPS was made operative after the PDP. To the extent that we have scope to make amendments through the relief of submissions received, we have amended the PDP in order to give effect to the RPS.
- 16.12 In terms of Chapter 12, there is little, if any, relevance of the RPS to these District-wide general provisions. This is as expected given the generic nature of Chapter 12. We take some comfort in our position on this from the evidence of Ms Watson for the Regional Council who clarified that Chapter 12 provisions have little relevance to the RPS policies.

In relation to Regional Plans, is the PDP inconsistent with the operative Regional Plans, and has regard been given to the proposed Natural Resources Regional Plan?

- 16.13 In our evaluation, the PDP - including Chapter 12 - is not inconsistent with any Regional Plan. We have had regard to the Proposed Natural Resources Regional Plan, and do not consider any amendments to the PDP are necessary as a result.

⁴³ We also note that Council has an obligation to continue to monitor housing needs and demands against supply - particularly given the NPS-UDC requirements - and is able to review and update the district plan provisions as appropriate through future RMA Schedule 1 processes.

Does the PDP satisfy the necessary requirements in relation to relevant plans and strategies under other acts, including the Heritage New Zealand Pouhere Taonga Act 2014, plans of adjacent territorial authorities and plans of iwi authorities?

16.14 At a general level across the entire PDP, we have applied appropriate consideration of these matters in amending the PDP policies, rules and other methods, including (for example) in relation to historic heritage and matters of significance to iwi. From a Chapter 12 specific perspective, there are no specific policies or rules or methods that would place these matters in jeopardy. The focus on amenity considerations (noise, glare, visual etc) in these District-wide provisions would extend to, and complement, the amenity aspirations in other non-RMA plans including those of iwi, heritage and (other) territorial authorities.

16.15 We consider these requirements are met by the PDP

Does the PDP state objectives, policies, rules and other methods?

16.16 This general requirement has been satisfied by the notified PDP and as amended by our evaluation and recommendations. For Chapter 12, there is a suite of policies, rules and methods relating to topics that span the entire District; namely, Financial Contributions (Section 12.1); Temporary Events (Section 12.2; Signs (Section 12.3); and Noise (Section 12.4). We have 'tweaked' these provisions in terms of the scope afforded by submissions such as providing exemptions from noise rules for temporary military activities and clarifying how certain temporary activities and associated signage are able to be established for a limited duration, without the need for a resource consent.

16.17 Added to this, we have removed any reference to amateur radio from Chapter 11 Network Utilities and have, within the scope of submissions, made specific provision throughout the District for amateur radio facilities and activities in Chapter 12.

16.18 Collectively, these provisions have clearly stated policies rules and methods which are appropriately derived principally from Objective 2.11 - Character and Amenity Values.

Is each objective the most appropriate way to achieve the purpose of the RMA?

16.19 No objectives are considered as part of this decision. We have found in our Decision Report 2 that the PDP objectives, as amended by our recommendations, are the most appropriate to achieve the purpose of the Act.

Do the policies implement the objectives, do the rules implement the policies, and are the policies and rules the most appropriate for achieving the objectives?

16.20 This has been the primary focus of our report. In considering how the policies implement the objectives and in how the methods implement the policies, we were greatly assisted by the cascade and logic tables prepared by Council Officers.

16.21 Those tables - which were presented at the integration hearings - were an invaluable resource and assisted us in confirming the appropriateness of various amendments we made through our deliberations, and highlighted areas where additional refinement was required.

16.22 Each of the amendments to the policies and methods we have proposed has been assessed in terms of its efficiency and effectiveness of implementing the higher order provision(s) to which they relate. For the reasons we have provided above, we consider that the proposed policies are the most appropriate for implementing the Objectives and the rules are the most appropriate for implementing the policies.

Do the PDP rules have sufficient regard to actual and potential environmental effects?

16.23 This is an additional consideration which has factored heavily in our evaluation of the issues under Part B. As per our conclusion in relation to the efficiency and effectiveness of the proposed policies, rules and methods, we find that these provisions will appropriately manage any actual and potential adverse effects. This will be through both the establishment of appropriate limits for permitted activities, and through the consideration of future resource consent applications.

16.24 What we can say with certainty is that the notified provisions and the amendments we have recommended to them are aimed at achieving the outcomes of Section 7(c) of the RMA such that any developments - whether rural, industrial, residential or commercial - have sufficient policy and rule safeguards and protections for their own operation, but also for the effects on adjoining properties/resources. For example, and in relation to the new amateur radio provisions, we are satisfied that in addition to enabling these facilities throughout the District, the rules controlling matters such as the scale and number of facilities, the location of these facilities and environment health considerations (such as exposure to radiofrequency emissions) have the necessary safeguards to ensure the health and wellbeing of residents.

PART D - RECOMMENDATIONS

17 Recommendations

17.1 Based on our consideration of all the material before us, including the Kapiti Coast Proposed District Plan 2012 (PDP) as notified including the Section 32 reports, the submissions and further submissions, Section 42A reports from the Council advisors, evidence and submissions presented at the hearing, and following consideration of the requirements of Clause 10(2)(a) and Section 32 and of other relevant statutory matters, we make the following statutory recommendations:

- (a) That Council adopt the recommendations of the Hearings Panel in respect of Chapter 12 (General District-wide Provisions) of the PDP as outlined in the Hearings Panel Report dated 11 September 2017.
- (b) That Council approve Chapter 12 (General District-wide Provisions) of the PDP as amended in Appendix 1 and for the reasons stated in the report and that accordingly all submissions and further submissions on Chapter 12 (General District-wide Provisions) of the PDP be accepted, accepted in part or rejected to the extent set out above and summarised in Appendix 2.
- (c) That pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991 Council give public notice of its decision on submissions and further submissions on Chapter 12 (General District-wide Provisions) of the PDP.



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Alistair Aburn (Commissioner and Chair)

for and on behalf of the Kapiti Coast Proposed District Plan Hearings Panel

Commissioner Alistair Aburn
Commissioner Diane Amundsen
Commissioner Miria Pomare
Commissioner David McMahon
Commissioner Mike Cardiff

11 September 2017

Appendix 1

Volume 1 - Plan

Volume 2 - Appendices

Volume 3 - Maps

Appendix 2

Recommendations on Submission and Further Submissions to Chapter 12 (General District-wide Provisions)

