PROPOSED FAR NORTH DISTRICT PLAN

RECOMMENDATIONS OF THE INDEPENDENT HEARINGS PANEL

RECOMMENDATION REPORT 6 and 7

Hearings 6 and 7: General District Wide Matters - Earthworks; Light; Noise; Signs; Genetically Modified Organisms; and Temporary Activities

March 2026

Recommendation Report 6 and 7

Recommendation Report 6 and 7 is to be read in conjunction with the **Recommendation Preamble Report** and **Recommendation Reports 11, 15B** and **17.**

Recommendation Report 6 and 7 contains the Panel's recommendation on: Part 1 – Introduction and General Provisions, Tangata Whenua, and Part 2 - Strategic Direction. It also contains the Panel's recommendations on a number of miscellaneous matters.

Recommendation Report 6 and 7 also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 6 and 7 contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from the notified version (provisions not subsequently renumbered) including:

- **Appendix 2.1** Earthworks
- **Appendix 2.2** Light
- **Appendix 2.3** Noise
- **Appendix 2.4** Signs
- **Appendix 2.5** Genetically Modified Organisms
- **Appendix 2.6** Temporary Activities

Appendix 3: Summary table of the Hearings Panel recommended decisions on each submission point including:

- **Appendix 3.1** Recommended Decisions on Submissions – Earthworks
- **Appendix 3.2** Recommended Decisions on Submissions – Light and Noise
- **Appendix 3.3** Recommended Decisions on Submissions – Signs
- **Appendix 3.4** Recommended Decisions on Submissions – Genetically Modified Organisms
- **Appendix 3.5** Recommended Decisions on Submissions – Temporary Activities

The Independent Hearings Panel for this hearing comprised Bill Smith – Independent Panel member and Chairperson, Alan Watson - Independent Panel member; Felicity Foy - Council member.

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RECOMMENDATION REPORT 6 and 7

1 Introduction

1.1 Report Structure

This is **Recommendation Report 6 and 7** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the provisions in the following parts, sub-parts, chapters and sections of the PDP; and on a number of other general or miscellaneous matters.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
Part 2 – District-Wide Matters	General District-Wide Matters	
		Earthworks
		Light
		Noise
		Signs
		Genetically Modified Organisms
		Temporary Activities

1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the Act and s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council's right of reply reports. Those reports are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors' recommendations, we have incorporated our own s32AA evaluation into the body of our recommendation report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.2 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

1.3 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

2 Procedural Issues

2.1 Late Submissions

There were no late submissions received to any of the topics in Hearings 6 and 7.

We were advised that some of the reporting officers had held discussions with some of the submitters which was, in the most part, to better understand the submissions and context. Details of these discussions are shown in the various hearing reports and rights of reply under the heading 'Procedural matters'.

2.2 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed), we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

3 Topic 1: Earthworks

3.1 Relevant Provisions

The relevant provisions we address in the Earthworks topic relate to the objectives, policies, general comments on rules and advice notes. We also consider the rules; standards and definitions relevant to earthworks.

3.2 Overview of Submissions Received

There were 46 primary submission points and 43 further submission points on the Earthworks provisions.

The main submissions came from Federated Farmers (S421); Horticulture NZ (S159); Summit Forests New Zealand Limited (S148); Manulife Forest Management (NZ) Ltd (S160); Transpower (S454); Top Energy (S483); the Telco Companies (S282); the Fuel Companies (S335); NRC (S359); the Department of Conservation (**DOC**) (S364); Heritage New Zealand (S409); Northland Planning and Development 2020 Limited (S502); Haigh Workman Limited (S215); Fish and Game (S436); Kapiro Residents Association (S429); and Russell Protection Society (S179).

3.3 Matters Raised in Submissions and Evidence

As well as the provisions outlined above, the hearing report referred to several key themes and the key amendments being recommended. These are:

a) Removing unnecessary duplication in the PDP and the Northland Regional Policy Statement that are primarily the responsibility of the Northland Regional Council under s30 of the RMA.

b) Consolidation of rules EW-R1 to EW-R14 into a single earthworks rule to help reduce duplication, remove unnecessary consent requirements and to provide a more effective and effects-based rule framework.

c) Providing exemptions to earthworks rules and standards for certain common and/or low risk activities to remove unnecessary consent requirements.

In addition, the Department of Conservation (**DOC**) requested specific provision for Kauri dieback in the PDP.

3.4 Hearings Panel Evaluation

We have only addressed evidence and statements presented at the hearing where the Hearings Panel considers additional comment is required and relates to submitters with outstanding matters in contention.

For all other submissions not otherwise addressed in this recommendation report, the Hearings Panel agrees with the recommendations in the Council's hearing report as updated by the right of reply.

A number of submitters generally supported the recommendations in the Council's hearing report and the reporting officer's recommended amendments to the Earthworks chapter.

The submitters in support included:

- The Fuel Companies, who noted in their hearing statement that they support the s42A Report recommendations.
- Ms Cook-Munro on behalf of Federated Farmers, who accepted all the s42A Report recommendations;
- Mr Horne on behalf of the Telco Companies; and
- Mr Badham on behalf of Top Energy, who supported the report recommendation to consolidate the earthworks rules into a single general rule that requires compliance with the earthworks standards.

However, we note that some submitters had outstanding issues with the Earthworks standards, which we respond to below.

With regard to the outstanding issues, Mr Butler on behalf of Heritage New Zealand did not agree that the requirement for earthworks to be setback 20m from archaeological sites should be located in the Historic Heritage chapter (as opposed to the Earthworks chapter) as recommended in the hearing report. The reasons given by Mr Butler were included in the right of reply from the reporting officer. Mr Butler did however, support a requirement for earthworks to be setback 20m from an archaeological site. Additionally, Mr Butler clarified in his evidence that Heritage New Zealand did not request that the advice note for the setbacks from waterbodies in the Natural Character chapter be deleted from EW-S6. Rather, Mr Butler considered that this appears to be an inaccurate

summary of the original submission, particularly as archaeology is frequently found around waterbodies.

Mr Badham on behalf of Top Energy did not agree with the hearing report recommendation to not exempt earthworks associated with infrastructure from standard EW-S1 (maximum earthworks thresholds). Mr Badham considered that:

- There is a strong policy rationale in the Strategic Direction chapter of the PDP and the Infrastructure chapter more broadly to provide more enabling provisions for earthworks associated with infrastructure.
- The hearing report recommendations appear to contradict recommendations in Hearing 4, including Mr Badham's recommended amendments to CE-R3 to enable earthworks associated with the operation, repair, maintenance or upgrade of existing network utilities to be undertaken as permitted activity (outside outstanding natural character and high natural character areas) with no volume or area thresholds.

Accordingly, Mr Badham recommended that standard EW-S1 be amended to also provide an exemption for *"earthworks for the operation, repair, maintenance and upgrading of existing lawfully established network utilities."*

At the hearing, this issue was discussed in terms of what scale of "upgrading" may be enabled under this exemption, given that this can vary significantly. It was also noted that "upgrading" is not defined in the PDP, but that Top Energy has a submission point requesting this.

Mr Horne on behalf of the Telco Companies supported the hearing report recommendation to exempt earthworks associated with infrastructure from standard EW-S6 (Setback). Mr Horne also supported the recommendation as it acknowledged that earthworks for localised pole foundations and underground lines do not need to meet boundary setbacks due to the nature of such work.

In addition, Mr Horne noted that while the Telco companies also requested an exemption to standard EW-S1, they were no longer pursuing this submission point as typical pole earthworks would not infringe the thresholds and earthworks associated with underground telecommunication lines are permitted under the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 (NES-TF). However, Mr Horne did consider that amendments to standard EW-S2 were required to address the following:

- A typical pad foundation for 25m high telecommunication pole is up to 1.5m therefore a minor exceedance of this standard would trigger the need for a resource consent.

Mr Horne was unaware of any issues with earthworks associated with telecommunication pole foundations and therefore considered that there is no clear resource management purpose to require resource consent for these earthworks.

Mr Horne's evidence was that standard EW-S2 should be amended to not apply to the foundations of telecommunication poles and that there is no reason for standard EW-S2 to refer to slope in the title, as the standard does not control slope.

Ms Jacobs' evidence on behalf of Waitangi Limited sought to exempt earthworks associated with a range of activities from standard EW-S1. However, Ms Jacobs did acknowledge that some of the activities listed in the request are unlikely to exceed the thresholds in EW-S1. However, that this may not be the case for sites with multiple activities operating, or larger farms where various land disturbing activities are required throughout the year, meaning the thresholds may be "used-up" over a 12-month period. Ms Jacobs acknowledged that the recommendations to exempt land disturbances from standards EW-S2 and EW-S6 will cover many of the exemptions sought, but the total volume and area thresholds in standard EW-S1 will remain applicable.

Ms Jacobs' evidence also covered a number of other issues. These were further addressed in the Council's right of reply and we have not repeated them here. However, we do note that Ms Jacobs raised the issue of a Special Purpose zone for the Waitangi Estate which could provide a single set of consolidated earthworks standards applicable to the Estate in one place. Ms Jacobs acknowledged that this rezoning request would be considered through a future hearing relating to rezoning requests.

Ms Dines on behalf of Transpower considered that the hearing report recommended amendments to policy EW-P6 did improve the drafting of the policy but did not go far enough to give effect to Policy 10 in the National Policy Statement for Electricity Transmission 2008 (**NPS-ET**). That policy gives a "relatively strong directive" which requires that the operation of the National Grid is not compromised by third party activities such as earthworks.

Ms Dines noted that the submission requested a new policy in the Infrastructure chapter specific to earthworks in the National Grid Yard. To address this concern Ms Dines considered that the policy requested by Transpower should be inserted into the Earthworks chapter, or alternatively, an 'Advice note' should be added that directs the District Plan users to this policy (or an alternative policy outcome) in the Infrastructure chapter, when a non-complying resource consent is required for earthworks in the National Grid Yard under new rule EW-R2.

Mr Badham's evidence on behalf of Top Energy supported the hearing reports recommended amendments to policy EW-P6. Mr Badham considered the amendments provide for the protection of Top Energy's earthworks assets.

With regard to new proposed rule EW-R2 – Earthworks within the National Grid Yard and near transmission lines, Ms Dines broadly supported the hearings report recommended amendments. However, Ms Dines noted some errors and potential interpretation issues that she considered should be addressed as follows:

- The wording needs to make it clear that the depth standards apply to all National Grid support structures, not just the 110kV transmission lines. This could be addressed by deleting the reference to 110kV lines from the title of new rule EW-R2.
- The references to 66kV and 220kV lines should be removed as there are none of these assets in the Far North District.
- Additional minor grammatical and wording corrections as set out in Appendix 2 of Ms Dines evidence (e.g. consistently referring to "*transmission line, tower or pole*").

Mr Badham on behalf of Top Energy supported the hearing reports recommended amendments to new rule EW-R2 that make it a permitted activity rule, with non-complying activity resource consent required when the standards are not complied with. However, Mr Badham was concerned that the relationship between rules EW-R2 and the Infrastructure chapter rule I-R12 (buildings and earthworks within 10m of a Critical Electricity Lines Overlay) has not been specifically addressed. Mr Badham considered that this issue is symptomatic of integration issues raised at previous hearings. Mr Badham considered that this issue is best addressed through expert caucusing on the Infrastructure chapter. The relationship between the rules EW-R2 and I-R12 was raised at the hearing, and it was agreed that the reporting officer and Mr Badham should undertake further correspondence to clarify, and ideally, resolve this issue.

Heritage New Zealand was concerned that the archaeological discovery protocol in standard EW-S3 is reactive, whereas an earthworks setback standard from archaeological sites is a more conservative/precautionary approach to protecting these sites. However, the reporting officer in the right of reply did not consider that a new requirement for all earthworks to be setback from archaeological sites (scheduled or not) is an appropriate, effective or efficient way to achieve the relevant PDP objectives. The reporting officer's reasons were as follows:

- 'Archaeological site' has a broad definition in the HNZPT Act as it includes any building or structure associated with human activity that occurred before 1900. It would be difficult for the District Plan users to understand with sufficient certainty whether the earthworks they are undertaking will be setback 20m from any unscheduled archaeological site.

- The PDP includes a list of scheduled heritage resources in SCHED-2 and includes a range of rules to protect these sites (both within and outside Heritage Area Overlays), including, for example: HA-R5 and HH-R5, which require earthworks to be setback at least 20m from a scheduled heritage resource and HH-R4 and HA-S1, which require new buildings and structures to be setback a minimum of 20m from a scheduled heritage resource.

Accordingly, in the reporting officer's view, it was not necessary to duplicate these controls in the Earthworks chapter. The reporting officer did acknowledge that this means there are no setback standards for earthworks in relation to unscheduled archaeological sites. However, this needs to be balanced against the need to provide certainty in the application of the earthwork's standards and the range of PDP protections relating to historic heritage. The reporting officer also understood that one of the purposes of identifying and mapping Heritage Overlay Areas is that these are the most likely locations for unscheduled archaeological sites to be found which will help ensure these unscheduled archaeological sites are better protected. The reporting officer noted that the adequacy of the list of scheduled heritage resources in SCHED-2 of the PDP and the boundaries of the Heritage Area Overlays will be considered as part of Hearing 12, and that this is being informed by additional technical advice.

Having considered the submissions, evidence, the hearing report and the right of reply we agree with the evidence of the reporting officer and accept his reasons and recommendations to us.

With regard to exemptions to standard EW-S1 for infrastructure, Top Energy and the reporting officer agreed in principle with Mr Badham that a more enabling approach for infrastructure is anticipated by the PDP, both through the Strategic Direction chapter and the Infrastructure chapter, and the reporting officer acknowledged that retaining the earthworks thresholds for infrastructure in standard EW-S1 could seem contrary to the recommendations in Hearing 4 which the reporting officer included in the right of reply. Those recommendations were:

- Amend CE-R3 to enable earthworks associated with the upgrading of existing above ground network utilities in the coastal environment (outside ONC and HNC areas) where that upgrade is permitted under CE-R1 (which sets some constraints on the scale of the upgrade).
- Amend NFL-R3 to enable earthworks associated with existing network utilities permitted by rule NFL-R1 (which sets some constraints on the scale of the upgrade).

However, the reporting planner's evidence was that while these earthworks rules do not set a maximum area or volume threshold *per se*, the scale of earthworks is limited by the rules being linked back to the upgrading being permitted under the rule for buildings and structures. As such, a large-scale upgrade activity (e.g. replacing and realigning lines across a large area) is unlikely to be permitted under the rules for buildings and structures and, therefore the associated earthworks will also not be permitted.

On balance, the reporting officer did not consider that there is sufficient policy justification, evidence or examples to provide a blanket exemption to the earthworks area and volume thresholds in standard EW-S1 for the upgrading of existing infrastructure. This is because the scale of earthworks could vary significantly, from the upgrading of a single pole (which is unlikely to exceed the thresholds) through to upgrading of an existing road, which could involve a significant area of disturbance and volume of earthworks. However, the reporting officer did support an exemption to standard EW-S1 for the operation, maintenance and repair of existing infrastructure consistent with existing tracks and roads etc, and other earthworks rules in the PDP. This recommendation to standard EW-S1 was shown in Appendix 1 of right of reply.

In respect to questions that were raised at the hearing about the scale of upgrading permitted under this exemption and whether upgrading needs to be defined the reporting officer stated that he was aware that Top Energy has a submission point (S483.021) requesting that a definition of upgrading be added to the PDP as follows (or words to the same effect): *"means an increase in the capacity, efficiency or security of existing infrastructure"*. This submission point has been allocated to the Interpretation hearing (Hearing 17). However, given the term "upgrading" is used almost exclusively in relation to infrastructure in the PDP and has wider implications for numerous provisions relating to infrastructure, Council has determined that it is most appropriate to consider this submission point as part of expert caucusing and hearings on the Infrastructure chapter (Hearing 11).

In respect to the Telco Companies and exemptions to standard EW-S3 for telecommunication pole foundations, Mr Horne on behalf of the Telco Companies had helpfully provided examples of where earthworks for telecommunication pole

foundations may exceed the maximum depth standards in EW-S2. The reporting officer agreed with Mr Horne's evidence that earthworks associated with telecommunication pole foundations are low-risk and these facilities are commonly deployed throughout New Zealand in a range of soil conditions. On this basis, the reporting officer considered it would be inefficient to require a resource consent for these foundations and agreed with the requested relief from Mr Horne, as was discussed at the hearing. The reporting officer also agreed with Mr Horne that standard EW-E2 should be amended to only refer to depth as the standard does not manage slope. These amendments to EW-S2 were shown in Appendix 1 of the Council's right of reply.

In terms of the evidence from Waitangi Limited reiterating requests for additional exemptions to standard EW-S1, the Reporting Officer acknowledged the concerns that assessing potential non-compliance with the earthworks area and volume thresholds could result in some unnecessary costs and uncertainty for common, low-risk activities on larger sites like at the Waitangi Estate. However, the reporting officer still considered that there is a lack of clear evidence that these activities will exceed the thresholds. Additionally, the reporting officer's:

- expectation was that earthworks associated with pou, mailboxes, trenching of drains and cables will be able to comply with the thresholds without needing to undertake detailed assessments.
- understanding was that the majority of the Waitangi Estate is zoned Rural Production zone, with the exception of the golf course which is zoned Sport and Active Recreation zone, and the hotel area which is zoned Mixed Use zone. This means that the more permissive earthworks standards in standard EW-S1 (i.e. 5,000m^3 and 2,500^2) will generally apply within the Waitangi Estate within a calendar year.
- opinion was that where earthworks associated with boardwalks or building foundations exceed the area and volume thresholds in standard EW-S1, then there is no clear policy rationale as to why these should be treated differently to other types of earthworks that also exceed the thresholds.

On the above basis, the reporting officer did not recommend any further exemptions to standard EW-S1 in response to the evidence of Ms Jacobs on behalf of Waitangi Limited. We agree with the reporting officer's evidence and reasoning.

With regard to policy EW-P6 and amendments to provide for infrastructure. The reporting officer agreed with Ms Dines that Policy 10 in the NPS-ET is a strong directive that third party activities such as earthworks should not compromise the operation of the National Grid. However, the reporting officer also considered that the recommended wording in policy EW-P6 to "require" that earthworks are undertaken in a manner that "ensures" "the safe, effective and efficient operation of infrastructure" already provides strong direction. The reporting officer was also aware that Transpower has a submission point (S454.050) requesting a new policy to manage the effects of third parties on the National Grid, including specific policy direction relating to earthworks (clause 4 of the requested policy) and that this submission point would be considered at expert caucusing and hearings on the Infrastructure chapter.

The reporting officer's evidence was that the Earthworks chapter does not need to be amended to either incorporate or cross-reference that policy direction (if accepted) as all PDP chapters need to be read together as relevant. However, the reporting officer noted that there may be consequential amendments to clarify the relationship between the Infrastructure chapter and other PDP chapters as a result of expert caucusing and hearings on the Infrastructure chapter.

With regard to Infrastructure, such as earthworks within National Grid Yard and Transmission Lines/Critical Electricity Lines, the amendments to the new rule EW-R2 requested by Ms Dines on behalf of Transpower were sensible amendments in the reporting officer's view to improve workability (e.g. consistently referring to "transmission, line or pole") and to reflect the nature of Transpower's assets in the Far North District (e.g. that there are no 66kV or 220kV lines). However, as discussed at the hearing, the reporting officer also saw the benefit of "future-proofing" rule EW-R2 given that there may be 66kV transmission lines in the future, to meet growing demand, even if there are no foreseeable plans for such lines.

Following the hearing, the reporting officer undertook further engagement with Mr Badham to resolve the integration/alignment issues between new rule EW-R2 and Infrastructure chapter rule I-R12 (new buildings and earthworks within 10m of Critical Electricity Lines Overlay). The outcome of those discussions and agreements were shown in the Council's right of reply, as were the recommendations to us from the reporting officer. We agree with the rationale and the recommendations to us that:

- New rule EW-R2 should continue to focus on earthworks within the National Grid Yard and near (within 10m) Top Energy's transmission lines (110kV lines, along with the potential for 66kV lines in the future).
- The earthworks component of Infrastructure chapter rule I-R12 is moved to the Earthworks chapter and applied to Top Energy's 33kV lines.

The amendments to new rule EW-R2 and new EW-R3 were shown in Appendix 1 of the Council's right of reply and the reporting officer's evidence/understanding was that Top Energy supported the recommendations.

We agree and accept the recommendations as contained in the Council's right of reply. The resulting recommended amendments to the Earthworks chapter are identified in **Appendix 2.1** to this recommendation report.

3.5 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommends the amendments to the Earthworks chapter identified in **Appendix 2.1**. The amendments include:

a) New Rule EW-R2 is further amended to clarify how the rule applies within the National Grid Yard (as defined in the PDP) and to improve wording and workability.

b) A new rule, EW-R3 is inserted into the Earthworks chapter, which essentially moves the controls on earthworks within 10m of Critical Electricity Lines (excluding 110kV lines) from the Infrastructure chapter rule I-R12 to improve visibility for the District Plan users.

c) Standard EW-S1 is amended to exempt earthworks associated with the operation, maintenance and repair of existing infrastructure.

d) Standard EW-S2 is amended to remove the reference to 'slope' in the title and to exempt earthworks for telecommunication pole foundations.

We note that amendments to define and clarify the application of the Critical Electricity Lines Overlay and associated rules are part of the recommendations on the Infrastructure chapter, considered in **Recommendation Report 11**).

We consider that the recommended amendments to the Earthworks chapter above are an appropriate, effective and efficient way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA. These amendments are primarily to clarify the intent and improve the workability of the provisions and to provide exemptions for certain earthworks activities that are low risk to avoid the potential for unnecessary consent requirements. This will have efficiency benefits and help ensure the provisions are implemented as intended.

Accordingly, submissions and further submissions are accepted, accepted in part and rejected as set out in **Appendix 3.1.**

4 Topic 2: Light

4.1 Relevant Provisions

The relevant provisions we address in the Light topic relate to the overview and request for new provisions, objectives, policies, rules and standards.

4.2 Overview of Submissions Received

There were 38 original submissions and 25 further submissions on the Light and Noise provisions.

The main submissions came from Anne Clarke (S563), the Department of Conservation (**DOC**) (S364), Kapiro Conservation Trust (S442), Carbon Neutral NZ Trust (S529), Waiaua Bay Farm Limited (S463), NZTA (S356), Te Hiku Development Trust (S399), Jeff and Robby Kemp (S51) and the Far North District Council (**FNDC**) (S368).

4.3 Matters Raised in Submissions and Evidence

Based on the review of the submissions and evidence at the hearing received from Vision Kerikeri (S521, S527), Carbon Neutral Trust (S529) and Kapiro Conservation Trust (S442, S443), the reporting officer considered that there were three key issues to respond to. These were:

- Key Issue 1 - The link used for reference to the Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds.
- Key Issue 2 - Rule LIGHT-R1 and an additional clause to ensure lighting design considers a number of matters such as energy efficiency, wildlife and night skies.

- Key issue 3 - Whether the Light chapter should contain energy efficiency principles and require consideration of energy efficient design.

4.4 Hearings Panel Evaluation

4.4.1 Key Issue 1 - The link used for reference to the Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds.

Submitters requested that an updated link is used in relation to the *Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds*. The link suggested by the submitters is to an updated document called the *CMS International Light Pollution Guidelines for Migratory Species* (CMS ILPGMS) which was published in February 2024.

The reporting officer advised us that the document was still an 'in-session document' which had not been finalised or formally adopted and it is still subject to change. The reporting officer's opinion was that it is not appropriate to include reference to this document in the PDP and the reference to the *Convention on Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds* should be maintained. We agree with the reporting officer.

4.4.2 Key issue 2 - Rule LIGHT-R1 and an additional clause to ensure lighting design considers a number of matters such as energy efficiency, wildlife and night skies

The submitters also requested that an additional clause be added to rule LIGHT-R1 as follows:

> '*PER-3. The lighting design has considered the following matters:*
>
> - *Energy efficient design;*
> - *Guidelines on wildlife specified in the Overview Note;*
> - *Guidelines on night skies specified in the Overview Note.'*

We were told that rule LIGHT-R1 addresses the emission of artificial light. PER-1 specifies that artificial light emitted from a site must comply with AS/NZS 4282:2019 – *Control of the Obtrusive Effects of Outdoor Lighting* to qualify as a permitted activity. PER-2 requires that artificial lighting must also comply with standard LIGHT-S1, which specifies the maximum allowable level of light spill.

The submitters' evidence to support adding an additional PER to rule LIGHT-R1 is, in summary, to minimise the effects of outdoor lighting on nocturnal wildlife and reduce night sky pollution in a way that is energy efficient.

The submitters' evidence also highlighted that the guidelines for responsible lighting serve similar purposes in terms of wildlife protection and dark sky preservation. They emphasise that such guidelines are straightforward and cost-effective to implement, citing an example from the Hutt City Council, which offers best practice lighting guidelines. However, upon review of the Hutt City Council's District Plan and Draft District Plan, the reporting officer noted that the specific example referenced by the submitters does not appear within either of these documents. It appears that the Council

commissioned a report, *Cardno - Effects of Artificial Light on Urban Wildlife within the Lower Hutt District*, which reviews the literature on the effects of artificial lighting on wildlife. This report was used to inform the draft district plan, providing best practice guidelines as referenced by the submitters.

In the reporting officer's opinion, adding the additional clause to rule LIGHT-R1 is not appropriate. LIGHT-R1 is a rule, and therefore, in the reporting officer's view, the term "considered" is not appropriate as it lacks sufficient prescriptiveness and is too broad to be effectively monitored. This provision would apply to every individual light, which, given the extensive number of lights in the district, would be challenging to monitor and enforce. It would also require a significant educational effort for the community, as most people would not associate small-scale outdoor lighting with the need to comply with the PDP.

In the reporting officer's opinion the original recommendation within the hearing report to reference the *National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds* within the overview section as best practice is more appropriate than adding an additional PER to the rule. This provides suitable guidance for installing and assessing lighting in areas where it could affect the natural behaviour of indigenous fauna. Additionally, referencing the effects of light on the night sky within the overview section is also more appropriate than adding a specific PER to rule LIGHT-R1 as requested by the submitters. We agree.

The submitters also requested that energy efficiency provisions be included in all relevant parts of the PDP, including the chapter on lighting. To support this, they referenced RMA s7(ba) and RMA s74(2). They are also referred to the RPS, specifically the regional development guidelines to emphasize the importance of sustainable design.

We note that the PDP already includes a chapter on renewable energy generation which addresses renewable energy generation activities and mentions the efficient use of energy. In relation to the RPS the Reporting Officer's opinion was that the guideline is discretionary, as indicated by it including the phrase 'adopt where appropriate'. This wording suggests that while energy efficiency is encouraged, it is not mandated. Therefore, the PDP does not need to prescribe these technologies, though they are desirable in many situations. In his view, specific energy efficiency requirements within the Lighting chapter of the PDP are not required. We agree.

4.4.3 Key issue 3 - Whether the Light chapter should contain energy efficiency principles and require consideration of energy efficient design.

The submitters also provided evidence regarding energy efficiency standards in road lighting design manuals, including the adoption of LEDs for all new and replacement streetlights. They referenced the Northland Transportation Alliance Design Manual and the Auckland Transport Street Lighting guidelines. Given this additional evidence, the reporting officer considered that no amendments to the PDP lighting chapter were warranted as the Northland Transportation Alliance Design Manual, which FNDC currently follows for street lighting, already sets this standard. We agree.

The submitters also propose that the PDP lighting chapter should include provisions such as:

- *Energy efficiency: The installation must be designed for economic use of energy.*
- *All new lighting designs or replacement luminaires must be LED and selected from Auckland Transport's current approved list of LEDs.*

The submitters stated that warm LEDs cost the same as cool LEDs, and LEDs in general are significantly more energy efficient than traditional bulbs, leading to cost savings.

We accept that LEDs are a more economical choice due to their efficiency, however making this a specific requirement within the PDP could lead to difficulties in enforcement and significant monitoring demands (costs) of the Council. As previously mentioned, the Council does follow the Northland Transportation Alliance Design Manual which could address some of the submitters' concerns.

The submitters also referenced the energy efficiency provisions within the ODP and expressed concern over a perceived lack of such provisions in the PDP. However, we note that references to energy efficiency are limited to the subdivision chapter of the ODP.

In the reporting officer's view, any further reference to energy efficiency within the PDP would be more appropriately located in the Renewable Electricity Generation chapter or the Subdivision chapter rather than the Lighting chapter. We were informed that this approach will be further considered in the hearing reports for these topics and in the associated hearings. We agree with the reporting officer in that respect.

4.5 Hearings Panel Recommendations

The Hearings Panel recommend that the Light provisions are retained as notified except for updating the hyperlink in the note in the Overview to the: *National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds* document. The recommended amendment is shown in the amended Lighting chapter provisions in **Appendix 2.2**.

For the reasons outlined above, the submissions and further submissions are accepted, accepted in part and rejected as identified in **Appendix 3.2**.

5 Topic 3: Noise

5.1 Relevant Provisions

The relevant matters and provisions we address in the Noise topic relate to general opposition or support; refinement and requests for new provisions; exemptions, the chapter overview, the objectives and policies; and primary production.

5.2 Overview of Submissions Received

There were 38 primary submissions and 25 further submissions on the Light and Noise provisions.

The main submissions came from Waipapa Pime Limited and Adrian Broughton Trust (S342), Puketona Business Park Limited (S45), Nga Tai Ora (S516), Transpower (S454), Horticulture NZ (S159), Fire and Emergency New Zealand (**FENZ**) (S512), Northern Rescue Helicopter (S281), KiwiRail (S416), Top Energy Limited (S483), Northland Fish and Game

Council (S436), Summit Forests NZ Limited (S148), Te Hiku Development Trust (S399), NZ Agricultural Aviation Association (S182), New Zealand Defence Force (**NZDF**) (S217), Ministry of Education (**MoE**) (S331), Balance Agri-Nutrients Limited (S143), Waiaua Bay Farm (S463), Federated Farmers (S421), Ironwood Trust Limited (S337), Bentzen Farm Limited (S167), PS Yates Family Trust (S333), Setar Thirty Six Limited (S168), Matauri Trustee Limited (S243), Wendover Two Limited (S222), The Shooting Box Limited (S187), Te Whatu Ora – Health NZ (S42), Paihia Properties and UP Management Ltd (S344, Timothy and Dion Spicer (S213), FNR Properties Ltd (S316), Kainga Ora (S561).

5.3 Matters Raised in Submissions and Evidence

A number of submitters generally supported the recommendations made in the Noise and Light hearing report but raised specific issues. Accordingly, the reporting officer addressed only the evidence where they considered additional comment was necessary. The reporting officer grouped related issues from specific submitter's evidence together, where appropriate. The remaining key issues were organised as follows:

- Key Issue 1 – General issues
- Key Issue 2 – Helicopter Landing Area provisions
- Key Issue 3 – Rail line provisions
- Key Issue 4 – Setbacks from the State Highway provisions
- Key Issue 5 – RPS implementation in objectives and policies
- Key Issue 6 - Noise exemptions for generators
- Key Issue 7 - Specific noise limits for substation sites
- Key Issue 8 - Audible bird scaring devices permitted hours
- Key Issue 9 - Zone noise limits interaction
- Key Issue 10 - Agricultural Aviation
- Key Issue 11 - Emergency Helicopter use

The reporting officer, in the right of reply, also addressed additional questions raised by us at the hearing.

The reporting officer's right of reply included details of the submitters, the relevant evidence, and included Tables showing suggested amendments. We have not repeated all of this information in this recommendation report.

5.4 Key Issue 1 – General Issues

A number of submitters broadly support the recommendations in the hearing report and the amended provision in the right of reply version of the Noise chapter. This included:

- Ms Cook Munro on behalf of Northland Federated Farmers (**Federated Farmers**);

- Mr Tuck on behalf of Waiaua Bay Farms Limited; and
- Ms Buckingham on behalf of Manulife Forest Management (NZ), Summit Forests NZ Ltd and Ltd PF Olsen Ltd.

Definition of 'Noise sensitive activity/activities'

With regard to the submission point allocation within the hearing report, KiwiRail submitted that the request to modify the definition of 'noise sensitive activity' was not addressed in the hearing report for noise.

The reporting officer confirmed that this was correct, as the submission point was allocated to the 'Definitions' topic; and while it would be logical to address this matter under the noise topic, it remains assigned to the 'Definitions' topic (Hearing 17). Furthermore, submission point S416.003 has four further submissions, all of which either support or support in part KiwiRail's position. Given this context, the reporting officer considered that it was not appropriate to make a recommendation on this definition under the noise topic.

However, as a result of expert conferencing with KiwiRail the reporting officer was of the opinion that 'Hospitals' should be added to the definition of 'noise sensitive activities' but given this submission point has been allocated to the definitions topic, this matter is addressed there.

Clause 16 and Other Amendments

With regard to possible Clause 16 amendments and other amendments to the recommended provisions, the reporting officer advised us that Mr Ibbotson (the Noise expert for the Council) had reviewed the suggested amendments and identified several improvements. These had been incorporated into the recommended provisions where they are within the scope of submissions or can be made as Clause 16 corrections. This included amending 'NOISE-Table 1 – Design noise level incident' to group the Orongo Bay zone with the Light Industrial zone as these limits should be the same instead of what was originally recommended in the hearing report.

The reporting officer recommended that this issue be retained as notified except for the recommended changes outlined in the remainder of the right of reply report. We agree.

5.5 Hearings Panel Recommendations

There are no specific recommendations or amendments to the Noise chapter resulting from Key Issue 1.

5.6 Key Issue 2 - Helicopter Landing Area Provisions

Based on a review of the planning evidence received from Mr Hall on behalf of Bentzen Farm Limited and Setar Thirty-Six Limited, as well as matters raised during the hearing, the reporting officer considered that there were three key issues to respond to as follows regarding helicopter landing area provisions. These are:

- Rule NOISE-R7 and amendments to the helicopter landing areas rule.

- New suggested provision – NOISE-RDIS – Helicopter landing areas – Restricted Discretionary Activity step.
- Standard NOISE-S4 – amendments to Helicopter landing areas standard.

Rule NOISE-R7 and Amendments to the Helicopter Landing Areas Rule

Mr Hall had recommended a number of amendments to rule NOISE-R7. However, the reporting officer, although agreeing with the intent of the amended provisions, considered they needed to be redrafted to fit the structure of the PDP and ensure they are user friendly. In the reporting officer's opinion some of the topographical error fixes are appropriate and some are not, given the new suggested structure of the rule. Mr Hall had also suggested the wording of PER-1 be amended as follows:

> ~~*PER-2*~~ *PER-1* ~~*The helicopter landing site complies with standard:*~~ *Noise generated from the operation of helicopters using the helicopter landing area complies with standard: NOISE-S4 Helicopter landing areas.*

The reporting officer agreed with the suggested wording change for the reasons outlined by Mr Hall, that the term 'helicopter landing area' is recommended to be a defined term so should be used in the rule. The other wording amendments will ensure consistency with the wording used in the related standard and will also recognise that it is not the landing area *per se* that generates the noise, but the use of it by helicopters.

Mr Hall had also recommended that where compliance with the rule cannot be achieved it becomes a restricted discretionary activity. While the reporting officer acknowledged and supported the intent of Mr Hall's provision to include a restricted discretionary activity step, the reporting officer considered that the format and structure was not consistent with the PDP. It was the reporting officer's view, that the suggested amendment may lead to the misinterpretation that any activity breaching NOISE-R7 defaults to a restricted discretionary activity status. This is not correct, as in certain instances, where restricted discretionary activity limits are exceeded, the activity would instead require a discretionary activity consent.

The evidence from Mr Hall also recommended an additional provision that provides a restricted discretionary activity step for helicopter landing areas. Mr Ibbotson, the Council's noise expert, and the reporting officer concurred that this was a more appropriate way to manage helicopter landing areas. That is, if noise levels associated with helicopter landing areas in certain zones do not exceed 50dB Ldn, this activity may be considered a restricted discretionary activity with discretion limited to the matters identified by Mr Ibbotson in his initial report, which was provided to inform the hearing report.

The reporting officer recommended that the restricted discretionary activity step be added as requested by Mr Hall, however the reporting officer's opinion was that it was best to add the limits associated with the restricted discretionary activity step to rule NOISE-R7 as PER-2. To be a permitted helicopter landing area it must comply with PER-1 and 2. Where it cannot comply with PER-1 but can comply with PER-2 it is a restricted discretionary activity. Where the activity cannot comply with PER-1 and PER-2 it becomes

a discretionary activity. In the reporting officer's opinion this implements the approach requested by Mr Hall in a way that fits into the existing PDP format.

Mr Ibbotson's opinion, as outlined in evidence was that helicopter activities that exceed the restricted discretionary activity threshold should not generally be consented, however there may be circumstances when this is acceptable. For example, if the frequency of helicopter movements is low, and the benefits outweigh any of the costs. For these types of activities, the discretionary activity status enables a full assessment of matters considered relevant by the reporting officer.

In reviewing the suggested provisions Mr Ibbotson identified that the Hospital zone should also be protected in terms of helicopter landing areas by including it as one of the zones subject to NOISE-R7 PER-2 that is specified as having a 50 dB L_{dn} noise limit. Mr Ibbotson also identified an issue with the suggested wording of PER-2. His comment was:

> "*There is a problem with how this was written. The [RD] rule was requiring 50 dB L_{dn} to be met for noise sensitive activities within the rural and residential type zones, but was then requiring the underlying recommendations of NZS6807 to apply to commercial and industrial activities that operated within those rural and residential zones. However, there was no noise rule that would apply to the actual commercial and industrial zones.*"

The reporting officer agreed with the matters raised by Mr Ibbotson and the recommended amendments seek to address these issues. We agree.

NOISE-S4 – Amendments to Helicopter Landing Areas Standard

In his evidence Mr Hall had recommended deleting the matters of discretion from standard NOISE-S4 and moving them to the suggested new provision (NOISE-RDIS). In the reporting officer's opinion this was not necessary and not consistent with the format used in the PDP. The reporting officer advised that the matters of discretion should be maintained within NOISE-S4 except matter of discretion (a) which is now incorporated into NOISE-R7 and is no longer necessary. This achieves the intent of Mr Hall's requested changes while being consistent with the PDP format and Mr Ibbotson's advice.

Mr Ibbotson's evidence identified that the Hospital zone should also be protected in terms of helicopter landing areas by including it as one of the zones subject to standard NOISE-S4(1) that is specified as having a 40 dB L_{dn} noise limit. The reporting officer agreed.

For the reasons above, the reporting officer recommended amendments to NOISE-R7 and these were identified in the right of reply.

We agree with the reporting officer's recommendations and amendments in the right of reply.

5.6.1 Hearings Panel Evaluation

We agree with the reporting officer's that the inclusion of a restricted discretionary activity status, along with specific assessment criteria, represents a more efficient and effective approach to managing helicopter landing areas. When noise from helicopter landing areas complies with a specified limit, a restricted discretionary activity status is more appropriate, allowing Council to focus its discretion on relevant matters only. In

cases where noise exceeds 50dB Ldn within the relevant zones, a discretionary activity status is warranted, as the greater exceedance justifies a broader assessment of potential effects.

We also agree that typographical errors be corrected as this ensures that the rule and standard reflect the original intent accurately.

5.6.2 Hearings Panel Recommendations

The Hearings Panel recommends amendments to Rule NOISE-R7 and standard NOISE–S4 for the reasons outlined above. The amendments are identified in the Noise chapter provisions provided in **Appendix 2.3**.

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

5.7 Key Issue 3 - Rail Line Provision

Based on a review of the planning evidence from Ms Heppelthwaite on behalf of KiwiRail Holdings Limited and matters raised during the hearing, the reporting officer considered that there were several matters to respond to as follows:

- Provide a rail noise and vibration Alert Overlay within 100m of the rail designation boundary
- NOISE-P2 – Amendments to refer to rail;
- NOISE-S5 – Amendments to refer to rail noise and vibration;
- Provide provisions which apply once a rail line becomes operational; and
- 'Operational rail line' definition.

5.7.1 Hearings Panel Evaluation

Provide a Rail Noise and Vibration Alert Overlay within 100m of the Rail Designation Boundary

As requested by KiwiRail and supported by the Panel at the hearing, KiwiRail and Far North District Council (**FNDC)** and their respective planning and noise experts held informal discussions following the hearing; and amended provisions (included as Appendix 1.5 to the Council's right of reply) are the outcome of two post-hearing meetings. While these discussions do not indicate agreement from FNDC, they apparently facilitated constructive dialogue with the parties engaging collaboratively to identify areas of agreement and to refine the proposed approach.

The reporting officer considered that a key challenge with KiwiRail's approach was the uncertainty surrounding if and when the railway will be operational, and that this could lead to a situation where some buildings may be erected without adequate acoustic protection, or that the already substantive cost of building in the Far North District will be increased if incorporating measures into housing design that may never be required.

KiwiRail indicated at the hearing that the rail line will only become operational if it is financially viable; and given the significant investment required to restore operational capability, it is difficult to predict whether the rail line will become operational within the

life of the District Plan, or at all. KiwiRail were unable to provide specific information on timeframes associated with making the rail line operational.

Given the uncertainty regarding the utilisation of the rail lines in the Far North District the primary recommendation from the reporting officer was not to include operational rail provisions in the Noise chapter, but rather to include an alert layer similar to the relief requested by KiwiRail. This would alert property owners to the effects associated with rail lines without imposing noise insulation provisions. The reporting officer also suggested including the construction schedule as requested by KiwiRail as a guidance note only, so property owners could use this information to noise insulate as an option should they so choose.

The reporting officer also provided an alternative option, Option 2 (refer to Appendix 1.1 and 1.3 of the right of reply) for the Panel's consideration. This included adopting provisions associated with an 'operational rail line' as requested by KiwiRail.

We note that the addition of an alert layer would be a non-statutory mapping instrument incorporated into the Council GIS, and it does not need to be incorporated into the PDP of the planning maps.

Having read the comprehensive right of reply from the reporting officer on this issue and taking into account the various written and verbal expert evidence, we agree with Option 1 as recommended by the reporting officer. We also agree that the addition of a 100m rail alert overlay will ensure that property owners and developers are aware of potential noise and vibration issues associated with proximity to the rail corridor. This approach strikes a balance between enabling informed decision-making and avoiding unnecessary regulatory burdens, as it does not impose specific rules. The efficiency and effectiveness of this amendment are high, as it promotes awareness without constraining development unnecessarily. The costs are minimal, primarily relating to the mapping and communication of the overlay.

Furthermore, the inclusion of a construction schedule (Schedule Z) as a guidance note provides clarity and certainty for both developers and the public regarding the management of construction noise and vibration. This amendment enhances the usability of the plan by offering practical guidance while avoiding overly prescriptive requirements. It is a minor amendment that does not alter the intent or outcomes of the plan provisions but supports better implementation. The benefits include improved compliance while not prescribing any specific provisions which will not increase development cost.

We agree that with the officer's recommended wording regarding the Rail Alert Overlay to be added to the Overview of the Noise chapter. The wording is as follows:

> *A Rail Alert Overlay has been applied which identifies the noise and vibration-sensitive area within 100 metres each side of the railway designation boundary as properties within this area may experience future rail noise and vibration effects. No specific district plan provisions apply in relation to noise and vibration controls as a result of this Rail Alert Overlay. The Rail Alert Overlay informs property owners of the potential noise and vibration effects associated with the rail line should it become operative, while allowing property owners the discretion to determine an appropriate response.*

Schedule 'Z' is included for guidance purposes only. This construction schedule provides a framework for designing, constructing, and maintaining a single-storey framed residential building with habitable rooms to achieve noise insulation from rail noise.

We also agree with the wording of Schedule Z to be included as a guidance note in the Noise chapter. The wording of Schedule Z, as well as that outlined above, is identified in the amendments we recommend to the Noise chapter in **Appendix 2.3**.

Amendments to Policy NOISE-P2

Ms. Heppelthwaite's evidence also proposed amendments to policy NOISE-P2 to include reference to rail, along with other wording changes. The reporting officer considered that regardless of whether the Panel adopts the rail provisions as suggested by KiwiRail, policy NOISE-P2 should address rail as requested by Ms Heppelthwaite. This aligns with the reporting officers recommendation to include advice notes relating to rail. The additional wording amendments sought by Ms Heppelthwaite enhance the readability of the policy. We agree.

Amendments to Standard NOISE-S5

Following the expert conferencing between KiwiRail and FNDC, the notified noise provisions were amended to create a more agreeable framework. However, the reporting officer informed us that there were points of contention remaining, including whether specific rail provisions in standard NOISE-S5 are appropriate.

We agree with the reporting officer's comments, as outlined in the right of reply, that deleting references to "habitable rooms" in NOISE-S5 and introducing a table specifying internal noise levels for particular rooms and activities improves the clarity and precision of standard NOISE-S5. This approach reduces ambiguity and aligns provisions with best practice acoustic standards. By specifying thresholds, the standard ensures more consistent application and assessment of noise effects.

In addition, we agree that the updated assessment criteria in the right of reply, including specific consideration of non-compliance, health and wellbeing effects, reverse sensitivity impacts, and consultation outcomes, provide a robust framework for evaluating noise and vibration effects.

These amendments ensure a balanced approach, that accounts for the interests of all stakeholders, including infrastructure providers and the community. Similarly, the updated ventilation standards support indoor acoustic quality, improving health outcomes while maintaining some flexibility for developers.

Provide provisions which apply once a rail line becomes operational

Ms Heppelthwaite considered that rail line provisions would only apply when a rail line becomes operation; and this would ensure unnecessary costs of noise and vibration mitigation measures are avoided unless they are absolutely necessary.

As outlined above, we have not agreed with the noise insulation standards or approach suggested by KiwiRail. We prefer the Council's approach, which includes an alert layer without associated noise provisions, given the uncertainty surrounding the use of the railway in the Far North District.

'Operational rail line' Definition

Ms Heppelthwaite considered that a new definition of 'operational rail line' should be added to the PDP and used to implement the two-stage approach to managing rail lines in the Far North District. We were advised by the reporting planner that the addition of this definition would only be necessary should the panel decide to adopt Option 2 for rail noise. Given we have not adopted option 2, we do not agree with the need for a new definition.

5.7.2 Hearings Panel Recommendations

The Hearings Panel recommend:

1. The establishment of a rail alert overlay as a non statutory layer in the PDP, with recognition in the noise overview of this overlay.

2. The introduction of a guidance note relating to construction for buildings to control indoor noise in the Noise chapter. Noting that this is also a non-statutory guidance note.

3. Amendments to Policy NOISE-P3 and Standard NOISE-S5.

The Hearings Panel recommended amendments to the Noise chapter provisions are identified in Appendix 2.3.

This suite of amendments enhances the clarity, effectiveness, and usability of the plan while maintaining its overarching intent to manage noise and vibration effects.

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

5.8 Key Issue 4 – Setbacks from the State Highway Provisions

Mr Hawkins gave evidence on behalf of NZTA regarding noise reverse sensitivity and the effects on the State Highway network.

Based on a review of the planning evidence received by Mr Hawkins on behalf of NZ Transport Agency Waka Kotahi and matters raised during the hearing, the reporting officer considered that there were matters to respond to regarding standard NOISE-S5 including:

- Replacing the fixed 40m noise contour with a modelled Road Noise Corridor Boundary overlay within 100m of the road designation boundary effects corridor;

- Widen the standard to cater for the different dynamics of receiving activities by referencing a table provided by NZTA's section 32 analysis including qualify that the design level cited is an external standard.

- Replace reference to ventilation with the example provision from the NZTA section 32 analysis.

- Delete of certain matters of discretion as the 40dB standard is a bottom line for protection of health, and it is not appropriate to add factors to open this up for litigation.

The reporting planner also considered amendments to the definition of 'Noise Sensitive Activity'.

5.8.1 Hearings Panel Evaluation

Standard NOISE-S5

With regard to replacing the fixed 40m noise contour, we agree with the reporting officer that there are limitations, as outlined in the right of reply, to using the modelled Road Noise Corridor Boundary in the PDP. In addition, in our view the overlay within 100m of the road designation boundary would have significant effects in the Far North District area due to the extensive state highway network which traverses the district and goes through most of the main centres.

We also agree with the reporting officer that there are limitations to using the modelled Road Noise Corridor Boundary in the PDP, taking into account the evidence of NZTA which confirmed at the hearing that the modelling would not be updated frequently.

We agree that this is a concern for the Council, as various factors, such as speed limit changes, road surface alterations, and road realignments, could impact the accuracy of the model. If NZTA does not intend to update the modelling, Far North District ratepayers would need to bear the cost of maintaining its accuracy, which, in our view, is undesirable and unjustified.

As a result of the limitations identified with NZTA's modelling in regard to its use in planning, the reporting officer recommended retaining the fixed 40m noise contour as notified. We agree.

With regard to widening standard NOISE-S5, Mr Hawkins' evidence included a suggestion to include additional provisions within NOISE-S5 to cater for the different dynamics of receiving activities by referencing a table provided by NZTA's standard section 32 analysis. The table recommended to be referred to in the standard was referenced as Table 1 in the right of reply report and we note that a similar table was also requested by KiwiRail to be included in NOISE-S5 (refer to Issue 3 above).

Mr Ibbotson provided the following comment in evidence:

> *If the relief granted was provided in principle, the road traffic noise and rail noise standard NOISE-S5 requires careful drafting to ensure it is well integrated and that suitable criteria are applied to each source. During the right-of-reply period I have met with KiwiRail to discuss proposed sound insulation rule changes, and Ms Hepplethwaite and Dr Chiles have provided input and updates on these rules. My comments on these rules are appended to my evidence in Appendix B. While the KiwiRail submission rules have been improved by this process and the NZTA requirements are now better integrated, I am still of the view that further mediation between FNDC, KiwiRail and NZTA would be necessary to resolve some outstanding matters.*

The reporting officer considered that the suggested provisions for NOISE-S5 provide a balance between minimising the health effects of traffic noise on people located near State Highways and also seeking to minimise the additional costs imposed on

development within these setback areas. We agree with this reasoning and accept the reporting officer's recommendations on this matter.

Mr Hawkins' evidence also suggested that reference to the ventilation standards in NOISE-S5 be updated to reflect the example provision from NZTA's section 32 analysis. Mr Ibbotson, Council's noise expert, advised that:

> *"Without better information, I remain somewhat uncomfortable about the implications and necessity of NZTA's proposed mechanical ventilation specification, specifically the requirement for six air-changes per hour (this is now recommended to be reduced to 1 air-change per hour as per the KiwiRail submission). I agree that if a dwelling requires sound insulation, then a suitable, effective (and ideally simple) air-conditioning and mechanical ventilation system will need to be provided. It is important however that the system is not over specified or cost prohibitive, and that it is specified appropriately for the Far North conditions. The matter is complex and potentially requires the expertise of an expert mechanical services engineer. The changes to the rule sought by KiwiRail through our recent discussions has improved the situation from my perspective, though have not resolved all my concerns."*

In the reporting officer's opinion, the ventilation standards requested by NZTA are too prescriptive and would increase the cost of building beyond what is necessary or appropriate to noise insulate specified buildings. The reporting officer considered that the suggested provisions as a result of the expert conferencing with KiwiRail were more appropriate and less costly, and recommended those accordingly. We agree.

With regard to deleting certain matters of discretion in NOISE-S5, we were advised by Council officer's that the 40dB standard in NOISE-S5 is a bottom line for protection of health and it is not appropriate to add factors to open this up for litigation.

The reporting officer confirmed that this issue had also been addressed in relation to Issue 3 relating to the KiwiRail submission and that the matters of discretion decided on as a result of expert conferencing are more appropriate. Again, we agree.

Definition of 'Noise sensitive activities'

Mr Hawkins evidence for NZTA suggested amendments to the 'noise sensitive activities' definition. The suggested definition was as follows:

> *'Means any residential activity including visitor, student or retirement accommodation, educational activity including in any childcare facility, healthcare activity and any congregations within places of worship/marae. Excludes those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.'*

The reporting officer did not consider it necessary to amend the definition as the changes proposed are unnecessary and the additional activities are already encompassed by the notified version of the definition. The reporting planner provided specific examples. The reporting planner also did not support introducing exclusions for specific rooms, as the definition should apply to the activity as a whole, not individual rooms.

The reporting planner considered that the use of the table in standard NOISE-S5 includes reference to "habitable rooms" in the context of noise-sensitive activities and it is a more suitable approach, that adequately addresses the relevant household spaces without including these in the 'noise sensitive activities' definition. We agree with the reporting officer.

While the reporting officer did not believe the changes to the definition were required, both he and Mr Ibbotson, the Council's noise expert accepted NZTA's request to apply a table with different internal noise criteria for various activities as outlined in relation to KiwiRail's submission in Issue 3, as this is now a largely standard approach in other districts following appeals. Mr Ibbotson had provided comment in evidence on the table, and noted that if some amendments to the table to address these issues were made, that may address NZTA's concerns regarding the definition of Noise sensitive activities. We agree with this approach. Therefore, we do not recommend any amendments to the definition of 'Noise sensitive activities'.

5.8.2 Hearings Panel Recommendations

The Hearings Panel consider that the recommendations outlined in relation to Key Issue 3 above, relating to the KiwiRail submissions, also address matters raised by NZTA. As a result, no further amendments are recommended to standard NOISE-S5 or the definition of 'Noise sensitive activity'.

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

5.9 Key Issue 5 – RPS Implementation in Objectives and Policies

Based on a review of the planning evidence received from Mr Badham on behalf of Top Energy Ltd and matters raised during the hearing, the reporting officer considered that an outstanding matter to be addressed was the implementation of the Regional Policy Statement (**RPS**) within the noise objectives and policies, particularly objective NOISE-O2 and policy NOISE-P2.

Objective NOISE-O2

In Mr Badham's opinion, the RPS had not been given effect to by objective NOISE-O2, and he suggested the following amendments:

> *NOISE-P2* *'New noise sensitive activities are designed and/or located to minimise conflict with, and avoid reverse sensitivity effects on, existing lawfully established noise generating activities, and to protect community health and wellbeing.'*

The reporting officer agreed with the intent of the suggested amendments. However, the reporting officer's opinion was that it was more appropriate to separate the suggested wording into a new objective that specifically relates to avoiding reverse sensitivity effects on existing lawfully established 'noise generating activities', which is defined as *"means high levels of noise generated from activities that are nationally significant or regionally significant infrastructure."* In the reporting officer's opinion, this better reflects the specific policies of the RPS referenced by Mr Badham.

RPS Policy 5.1.1 states:

> *'Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:*
>
> ...
>
> *e. Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;'*

It was the reporting officer's opinion that the word 'should' in the RPS policy, rather than the use of the word 'must' means the RPS policy is not as prescriptive in terms of more general activities. Therefore, it was the reporting officer's view that the policy recommended in the hearing report is appropriate. The wording of this is as follows:

> *NOISE-O2 "New noise sensitive activities are designed and/or located to minimise conflict, ~~and~~ reverse sensitivity effects and to protect community health and wellbeing."*

In relation to the other RPS policy referenced by Mr Badham, RPS Policy 5.1.3, this states:

> *Avoid the adverse effects, including reverse sensitivity effects, of new subdivision, use and development, particularly residential development on the following:*
>
> ...
>
> *c) The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and ...*

In the reporting officer's opinion this policy should be reflected in the noise objectives, as it provides a more prescriptive approach.

The reporting officer considered that a new objective is warranted, and that this should focus specifically on the defined 'noise-generating activities', which includes nationally or regionally significant infrastructure, rather than covering a wider range of activities. The reporting officer considered that this approach would align with the specific policies of the RPS referenced by Mr. Badham. The reporting officer did not consider it was necessary to include the term "lawfully established" as any activity not legally established would be unlawful and therefore not provided for under the PDP. The reporting officers recommended new objective is:

> *NOISE-O3 Reverse sensitivity effects on existing noise generating activities are avoided.*

Policy NOISE-P2

Mr Badham's evidence also considered that the RPS has not been given effect to by the wording of NOISE-P2. Mr Badham suggested the following amendments to the policy:

> *NOISE-P2 'Ensure noise sensitive activities proposing to be located within the Mixed Use, Light Industrial, on land near state highways ~~and~~ Air Noise Boundary and in close proximity of regionally significant infrastructure in these areas are*

located, designed, constructed and operated in a way which will minimise adverse noise on community health, safety and wellbeing by having regard to:

a. Any existing lawfully established noise generating activities and the level of noise that will be received within any noise sensitive building;

b. The need to avoid any reverse sensitivity effects on lawfully established noise generating activities;

c. The primary purpose and the frequency of use of the activity; and

d. The ability to design and construct buildings accommodating noise sensitive activities with sound insulation and/or other mitigation measures to ensure the level of noise received within the building is minimised particularly at night.'

Although agreeing with the intent of the amendments suggested by Mr Badham the reporting officer's opinion was that the policy as drafted does not provide the relief sought by Top Energy. The reporting officer noted that Mr Badham's suggested policy relates to specific areas including Mixed Use or Light Industrial area or on land near state highways and an Air Noise Boundary. The reporting officer also considered that, including the requested clause (b) *'The need to avoid any reverse sensitivity effects on lawfully established noise generating activities;'* would only relate to the specified area, and this was not the intent.

The reporting officer considered a new policy but then noted that this would be the same as the new recommended objective (outlined above). Therefore, the reporting officer was of the opinion that the recommended objective provides sufficient relief for Top Energy. However, the reporting officer did suggest amending clause (a) of policy NOISE-P2 as follows:

NOISE-P2 .... are located, designed, constructed and operated in a way which will minimise adverse noise on community health, safety and wellbeing by having regard to:

a. ~~Any~~ reverse sensitivity risks to existing noise generating activities and the level of noise that will be received within any noise sensitive building; ...

The reporting officer considered that this approach would enable the Council to consider the potential effects of reverse sensitivity on established noise-generating activities in a manner consistent with the intent of the RPS policy.

In suggesting the additional objective NOISE-O3, the reporting officer no longer considered it necessary to include the original recommendations to NOISE-P2 suggested hearing report.

5.9.1 Hearings Panel Evaluation

We agree with the reporting officer's comments in the right of reply, and with the reporting officer's recommended amendments to objective NOISE-O2 and new objective NOISE-O3. We also agree with the reporting officer's recommended amendments to policy NOISE-P2. We agree that these amendments will give effect to the RPS policies and better manage or avoid reverse sensitivity impacts.

5.9.2 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommends amendments to objective NOISE-O2; a new objective NOISE-O3; and amendments to policy NOISE-P2. These amendments are identified in the Noise chapter provided as **Appendix 2.3.**

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

5.10 Key Issue 6 – Noise Exemptions for Generators

Based on a review of the planning evidence received by Mr Badham on behalf of Top Energy Ltd and matters raised during the hearing, the reporting officer considered that there was one remaining matter to respond to, being 'Exemption Note 8 and the removal of a time limit'.

Mr Badham's opinion was that Exemption Note 8 should not be restricted in terms of a time limit as this is not appropriate in terms of the operation of generators and mobile equipment for emergency purposes, testing and maintenance, and the ongoing supply of electricity during planned maintenance on the electricity network. The requested amendments sought by Mr Badham were as follows:

> 8. *the use of generators and mobile equipment (including vehicles) where they are operated by ~~for~~ emergency services or lifeline utilities as defined in the Civil Defence Emergency Management Act 2002 for:*
>
> *a. emergency purposes~~;~~*
>
> *b. testing and maintenance; or*
>
> *c. the ongoing supply of electricity during planned maintenance on the electricity network.*
>
> ~~not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities;, provided that the use of generators for testing and maintenance purposes is limited to a cumulative time of 12 hours per year;~~

The reporting officer agreed with these amendments.

5.10.1 Hearings Panel Evaluation

We agree with Mr Badham and the reporting officer that the suggested amendments to exemption note 8 are appropriate and necessary. We also note that the evidence provided by the submitter confirms that this type of activity will only be conducted where necessary, due to the costs associated with running generators. We also note that

imposing a specific time limit is also difficult to monitor and enforce; and requiring a resource consent to exceed this time limit is inefficient and is unlikely to improve outcomes, while also creating additional administrative costs for Top Energy, other emergency services, or lifeline utilities.

5.10.2 Hearings Panel Recommendations

For the reasons outlined above, we recommend the following amendments to Note 8:

> 8. *the use of generators and mobile equipment (including vehicles) where they are operated by ~~for~~ emergency services or lifeline utilities as defined in the Civil Defence Emergency Management Act 2002 for:*
>
> *a. emergency purposes;*
>
> *b. testing and maintenance; or*
>
> *c. the ongoing supply of electricity during planned maintenance on the electricity network.*
>
> ~~not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities;, provided that the use of generators for testing and maintenance purposes is limited to a cumulative time of 12 hours per year;~~

These amendments are identified in the Noise chapter provided as **Appendix 2.3.**

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

5.11 Key Issue 7 - Specific Noise Limits for Substation Sites

Based on a review of the planning evidence received from Ms Dines and noise evidence received by Mr Hunt on behalf of Transpower NZ Ltd, and matters raised during the hearing, the reporting officer advised that there were two outstanding matters. These are:

- The addition of specific noise limits for sites used for substation activities in standard NOISE-S1; and
- The omission of night-time noise in standard NOISE-S1

Ms Dines and Mr Hunt had suggested that provisions should be included within NOISE-S1 that relate to substation sites, as substations would be unable to meet the noise limits as drafted in the hearings report recommended version of standard NOISE-S1.

Substations

Mr Ibbotson, Council's noise expert, provided comment on these matters in his expert evidence, but as he considered the matter finely balanced, he did not make a specific recommendation to us. However, the reporting officer was comfortable accepting the general intent of the relief requested by Transpower and incorporated these amendments with some further changes into the recommended provisions in the right of reply.

The reporting planner suggests adding a specification that a site used for substation activities must be owned and operated by a requiring authority, to ensure it cannot be applied by any party operating a substation site. Mr Ibbotson supported this approach.

Omission of night-time noise

Mr Hunt identified that night-time noise levels in NOISE-S1(f) that relate to certain zones, was unintentionally omitted.

This was acknowledged by the reporting officer as an error and the correct night-time noise levels were recommended to be included in the right of reply version of standard NOISE-S1.

5.11.1 Hearings Panel Recommendations

The Hearings Panel agrees with the reporting officer's recommended amendments to standard NOISE-S1 relating to the use of substations by requiring authorities and to include reference to night-time noise levels.

These amendments, along with others as discussed in this recommendation report, are identified in the Noise chapter provided as **Appendix 2.3.**

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

5.12 Key Issue 8 - Audible Bird Scaring Devices Permitted Hours

Based on a review of the industry statement received by Ms Cameron, the reporting officer considered that the issue of permitted hours audible bird scaring devices can operate (half an hour before and after sunrise and sunset) remained outstanding.

The reporting officer had recommended enabling audible bird scaring devices to operate from 'sunrise to sunset' in the hearing report. However, Ms Cameron, on behalf of Horticulture New Zealand, had tabled evidence to support the submitters' request to increase the time of day that an audible bird scaring device is permitted to operate to be 'half an hour before and after sunrise and sunset'. The submitter requested the extended time as this is a time that birds are active in feeding on produce. Both the reporting officer and Mr Ibbotson, Council's noise expert, supported this amendment. We agree.

5.12.1 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommend the following amendments to rule NOISE-R8:

> *NOISE-R8*
>
> *PER-1*
>
> *Audible ~~B~~bird scaring devices must only be used ~~between~~ from half an hour before sunrise ~~and~~ until half an hour after sunset ~~7.00am and 7.00pm on any calendar year~~;*

We note also that reference to PER-3 is also deleted as a consequential amendment because PER-3 was recommended to be deleted in the hearing report.

These amendments are identified in the Noise chapter provided as **Appendix 2.3.**

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

5.13 Key Issue 9 - Zone Noise Limits Interaction

Based on a review of the planning evidence received by Mr McPhee on behalf of Waipapa Pine Ltd and Adrian Broughton Trust, the reporting officer considered that the matter of the interaction between zone noise limits remained outstanding. This specifically relates to standard NOISE-S1 – Interrelationship between zone noise limits in the Heavy Industrial zone and Open Space zones.

The reporting officer, in the right of reply, also responded to some inconsistencies in the hearing report and provided some further comment on scope associated with the recommended amendments to standard NOISE-S1 and Waipapa Pine's original submission for us to consider.

Scope

The reporting officer considered it important for us to consider additional comments regarding the scope of the standard NOISE-S1 amendments. As notified, standard NOISE-S1 in the PDP included noise limits for activities generating noise within the Open Space zones but did not include noise limits for noise received in the Open Space zones from activities in adjacent zones. The recommended change in approach, made in response to submission S516.072, proposes to include the Open Space zone and Sport and Active Recreation zone in the receiving noise limits for standard NOISE-S1. We were advised that this is a new approach with district-wide implications.

Although Waipapa Pine (S342) was not a further submitter on S516.072, which provides scope for the standard NOISE-S1 amendment, its submission is broad in nature. The submission opposes the noise provisions in their entirety and seeks relief as follows:

> *"The submitters believe that the provisions associated with the Heavy Industrial zone require careful consideration and attention... A balance needs to be struck between enabling heavy industrial activities to operate effectively and efficiently within the zone, while ensuring that the potential effects do not exceed limits set under the PDP and within the s16 RMA 1991 requirements... The submitter opposes the noise provisions until their own expert can consider the rules in the context of their operations and underlying resource consenting requirements, and potential for growth."*

The reporting officer's right of reply (paragraphs 50 to 52) dealt with some issues regarding the evidence received on this issue, scope, fairness and risks and while the recommendations to us provided a balanced and effective solution, the reporting officer suggested that we should consider the implications when making our decision.

Interaction Between Zone Noise Limits

Mr McPhee's evidence identified issues with the interrelationship between the noise limits of the Heavy Industrial zone and the Open Space and Sport and Active Recreation zones.

In the opinion of the reporting officer (also confirmed by Mr Ibbotson) this is a valid concern. The reporting officer, in the right of reply, recommended that standard NOISE-S1 be amended to rectify this issue. In this regard, the reporting officer agreed with Mr Ibbotson's evidence that the best way to address this issue is to keep the noise limit provisions that relate to the Open Space zones, but to exclude the Heavy and Light Industrial, Horticultural Processing and Orongo Bay zones from compliance with those noise limits.

Mr Ibbotson's evidence was that the Open Space zoned land that are adjacent to heavy or light industry do not have the same level of amenity expectations as Open Space zoned land within town centres. While it would be ideal for parks and outdoor areas near industrial sites to have low noise levels, this is unlikely to be practical and is not likely to be expected by the public. The reporting officer considered that the majority of Open Space type zones are well removed from industry and will not receive high noise levels.

The reporting officer also referred to advice he had received from the Council's reserves planner that, exempting the Heavy and Light Industrial, Horticultural Processing, and Orongo Bay zones from compliance with the noise limits associated with the Open Space zones is not appropriate. The reserves planner highlighted that open space zones, including sports fields and esplanade reserves, differ significantly from residential, educational, and health activities, where people are generally within buildings. They emphasised that open spaces are still used by people without hearing protection and that noisier activities should be set back from boundaries or shielded by buildings where possible. We note for completeness that we did not receive any evidence from the reserves planner in writing or at the hearing.

The reporting officer recommended, on balance, the option as outlined by Mr Ibbotson, being an expert in the field of noise. However, the reporting officer recommended that we make the decision based on the information provided.

As a result of the suggested changes, the Natural Open Space receiving zone is now included in the same section as the Open Space and Sport and Active Recreation zones. Mr Ibbotson has agreed that this is appropriate but has recommended that it may be suitable to include provisions for night-time noise protection within the Natural Open Space zone. The reporting officer supported this approach for the reasons outlined by Mr Ibbotson. While there are limited scenarios where night-time noise protection may be critical, the inclusion of such provisions is appropriate. For most situations, land uses adjoining a Natural Open Space zone will already be constrained by existing noise limits applicable to adjacent zones, such as Residential zones. Alternatively, in some cases, no night-time noise limits would apply, as is typical for rural activities such as harvesting, spraying, farming operations, or forestry activities within the Rural Production zone.

The reporting officer considered that there may occasionally be instances where a site adjacent to a Natural Open Space zone engages in night-time activities that could potentially affect the natural character of bush or wetland areas, but with such effects more likely to impact fauna rather than people. To address these potential impacts and protect ecological values, the reporting officer recommended the inclusion of a night-time noise limit specific to the Natural Open Space zone.

Inconsistencies in the Hearing Report

Mr McPhee had identified a number of typographical errors in relation to standard NOISE-S1, including the omission of the Quail Ridge zone and incorrect noise limits both of which were recommended to be amended. The omission of the night-time noise limit was also identified by Transpower and was recommended to be amended as outlined in Issue 7 above.

5.13.1 Hearings Panel Evaluation

Scope

With regard to the matter of scope for amendments to standard NOISE-S1, having re-read the submissions, the evidence, reports provided, and taking into account the implications raised by the reporting officer we agree and accept the officer's recommendations to retain the limits for receiving noise levels in Open Space zones but to exclude the Heavy Industrial, Light Industrial, Horticultural Processing, and Orongo Bay zones from compliance with these noise limits. We consider that this approach fits within the scope of the relief sought by S516.072 and partially addresses the concerns raised by S342.

Interaction Between Zone Noise Limits

We agree with the recommendation to retain noise limit provisions for Open Space zones while excluding the Heavy and Light Industrial, Horticultural Processing, and Orongo Bay zones from compliance with these limits. We consider that such amendment is both efficient and effective in balancing amenity expectations with practical land use constraints. Mr Ibbotson's evidence highlights that Open Space zoned land adjacent to industrial activities does not carry the same amenity expectations as similar land within town centres. While low noise levels in parks near industrial areas may be ideal, this is neither practical nor likely to align with public expectations.

The amendment recommended by the reporting officer avoids placing unreasonable constraints on industrial activities that are essential for economic development. Across the District, there are relatively few industrial areas, some of which are proximate to Open Space, Natural Open Space, and Sport and Recreation zones. Imposing stringent noise standards on these industrial areas would risk undue limitations on their operations without delivering significant benefits to the community, as the majority of Open Space type zones are distant from industrial areas and therefore unlikely to experience high noise levels.

By targeting the application of noise limits to areas where they are most relevant and effective, the proposed change will ensure a proportionate approach that supports the amenity values of Open Space zones without unnecessarily hindering industrial activities.

Inconsistencies in the Hearing Report

We agree that other identified topographical errors and accidental omissions be corrected to ensure the provisions are both effective and efficient.

5.13.2 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommend amendments to Standard NOISE-S1 and other Noise chapter provisions as identified in **Appendix 2.3.**

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

5.14 Key Issue 10 – Agricultural Aviation

Based on a review of the evidence received by Tony Michelle on behalf of New Zealand Agricultural Aviation Association, the reporting officer considered that there were four remaining matters to respond to. These are:

- Add a new objective – 'Lawfully established and permitted noise-generating activities can continue to function and operate.'
- Add a new definition of 'agricultural aviation activities.'
- Add a new rule in the Noise chapter that permits agricultural aviation activities subject to certain time limits and other restrictions.
- Amend standard NOISE-S4 to state NZS6807:1994 does not apply to agricultural aviation activities.

The reporting officer, in the right of reply, also confirmed that discussion had occurred with the officer reporting on the Temporary Activities provisions, and in their opinion, it was more appropriate to address the matters raised by the submitter in this recommendation report to avoid duplication.

5.14.1 Hearings Panel Evaluation

Add a new objective – 'Lawfully established and permitted noise-generating activities can continue to function and operate.'

Mr Michelle requested that the following objective be added to the Noise chapter:

> *'Lawfully established and permitted noise-generating activities can continue to function and operate.'*

Mr Michelle pointed out that existing use rights do not apply if the activity is discontinued for a continuous period of 12 months or more and it would not cover agricultural aviation as there are often periods of 12 months or more between when activity is conducted on any given property.

The reporting officer accepted this point but considered that the additional objective was not necessary as the recommended provisions accommodate agricultural aviation as a permitted activity subject to certain restrictions such as a time limit and certain zones. The reporting officer's opinion, given there is a specific rule that permits this activity, was that an objective that states lawfully established and permitted noise-generating activities can continue to operate and function is not necessary. We agree.

New Definition for 'Agricultural Aviation Activities.'

Mr Michelle supported the definition of 'agricultural aviation activities' as recommended in the hearing report. We accept and agree with that definition. The definition is identified in **Recommendation Report 17**, **Appendix 2.1**, Definitions.

Add a new rule in the Noise chapter that permits agricultural aviation activities subject to certain time limits and other restrictions.

Mr. Michelle requested the addition of a new rule in the Noise chapter to permit agricultural aviation, subject to specific limitations, including restricted zones and timeframes. The reporting officer's view was that the additional rule was unnecessary because there is already a recommended provision to be included in the Temporary Activities chapter that permits agricultural aviation with relevant limitations. An exemption has also been proposed in the Noise chapter, specifying that if agricultural aviation activities comply with the temporary activities rule, they are not subject to the Noise chapter provisions, and that this approach meets the submitter's requested relief, even though it differs in format. The reporting officer considered that the intended outcome, remains the same. We agree with this approach.

Amend standard NOISE-S4 to state NZS6807:1994 does not apply to agricultural aviation activities.

As outlined above, the recommended exemption for the Noise chapter in relation to agricultural aviation activities that can comply with the recommended temporary activity rule means that NZS6807:1994 would not apply to agricultural aviation activities if they can meet the permitted threshold. If the agricultural aviation activity is not permitted under the temporary activities rule, then it would become subject to the noise provisions including standard NOISE-S4 which relates to the use of helicopter landing areas and includes reference to NZS6807:1994. If it did not relate to the use of a helicopter, it would be captured by the NOISE-R3 – Noise from temporary activity and the related standard NOISE-S2 – Temporary activities standards.

The reporting officer's opinion was that this is appropriate as anything above the limits specified in the permitted activity for agricultural aviation should be regulated in terms of noise as this level of agricultural aviation may not be anticipated or expected by people living in the rural environment. Once again, we agree.

For the reasons above, the Reporting Officer did not recommend any further amendments.

5.14.2 Hearings Panel Recommendations

The Hearing Panel agree with and accept the recommendations of the reporting officer in the right of reply. No further amendments to the noise chapter provisions are necessary as a result.

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

5.15 Key Issue 11 – Emergency Helicopter Use

Based on a review of the evidence received by Northern Rescue Helicopter Ltd, the reporting officer considered that there was one matter to respond to. This is amendments to the definition of 'emergency helicopters operation'. The submitter had provided a definition of 'emergency helicopter operation' as follows:

> *'Emergency helicopters operation*
>
> *includes helicopters that are in operation for emergency purposes such as medical emergencies, search and rescue, firefighting;*

other helicopter operations such as landings, departures, hover, overflights, taxiing, lifting, ground operations, training, or relocations; and

any other activity necessary for emergency purposes and training for emergency purpose'

Although the reporting officer considered that the definition was not specifically requested within the submitter's original submission or any other original submission, the reporting officer considered it to be within scope because the submitter's original submission (S281) raised concerns that the rules for emergency helicopter operations were confusing and warranted review.

The relief sought was to allow emergency rescue helicopters to operate without constraints and to be exempt from noise rules. The reporting officer's opinion was that this provides sufficient scope to consider the proposed definition for 'emergency helicopter operation'. Having re-read the submission, we agree.

5.15.1 Hearings Panel Evaluation

The suggested definition for *'emergency helicopters operation'* is mostly consistent with a definition for 'emergency helicopter' which was recommended by Marshall Day noise consultants in the report that helped to inform the hearing report but, this was not included in the original hearing report recommendations as it was not identified there was sufficient scope at that stage.

The reporting officer considers that inclusion of the definition of 'emergency helicopter operation' in the PDP would be beneficial, as it will provide clarity on the types of activities associated with emergency operations, including training and other operational activities that are essential for emergency services to remain prepared. We agree.

The addition of a specific definition for 'emergency helicopter operation' is intended to clarify which helicopter activities are exempt from noise provisions due to their critical nature. By explicitly listing activities like medical emergencies, search and rescue, firefighting, and other necessary operations (including related training), this definition provides clear guidance on what constitutes emergency operations. It ensures that essential helicopter activities, which are often unpredictable and life-saving, are not hindered by noise regulations that might otherwise restrict their use.

This new definition promotes clarity and efficiency by defining the full scope of exempt activities, thereby reducing interpretive ambiguity. The definition will also support community understanding, as it distinguishes between necessary emergency activities and regular helicopter operations. The result is a more effective regulatory framework that balances community noise concerns with the need for unfettered emergency response capabilities.

5.15.2 Hearings Panel Recommendations

The Hearings Panel recommends that the following additional definition be included in the District Plan as follows:

Emergency helicopter operation - includes

- *helicopters that are in operation for emergency purposes such as medical emergencies, search and rescue, firefighting;*
- *other helicopter operations such as landings, departures, hover, overflights, taxiing, lifting, ground operations, training, or relocations; and*
- *any other activity necessary for emergency purposes and training for emergency purpose.*

This definition is identified in **Recommendation Report 17**, **Appendix 2.1**, Definitions.

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2.**

6 Topic 4 – Signs

6.1 Relevant Provisions

The relevant provisions we address in the Signs topic relate to the overview and request for new provisions, objectives, policies, rules and standards.

6.2 Overview of Submissions Received

There were 17 primary submissions and 13 further submissions on the Signs provisions.

The submissions were generally about clarification, interpretation matters and general support, maximum sign area and height, reducing visual clutter, temporary signs and community signs, third-party signs, exemptions, transport network safety and other general matters.

6.3 Matters Raised in Submissions and Evidence

The hearing report recommendations related to several amendments to improve the clarity and implementation of the PDP, amendments to standard SIGN-S2 to add a height restriction of 6m; amendments to the duration of temporary signs to erect signs no more than 8 weeks before the activity and removed 1 week after the activity; the insertion of an exemption to standards SIGN-S1 and SIGN-S3 for the Waitangi Estate zone, the insertion a new rule for digital signs in the Light Industrial zone as a discretionary activity; and amendments to PER-3 of rule SIGN-R7 to specifically refer to lawfully established activities.

The reporting officer also recommended a number of new definitions.

The reporting officer's right of reply identifies a number of issues remained. We consider them as follows:

- Key Issue 1 – Definition of Community Sign and Amendment of Rule SIGN-R8 to Include Community Sign;
- Key Issue 2 – Sign area in Standard SIGN-S1
- Key Issue 3 – Height of Signs in Standard SIGN-S2
- Key issue 4 - Third Party Signage

- Key Issue 5 - Waitangi Estate Signage
- Key Issue 6 – Level Crossing Signage
- Key Issue 7 – Signs on or attached to a building, window, fence or wall

6.4 Key Issue 1 - Definition of Community Sign and Amendment of Rule SIGN-R8 to Include Community Sign

Ms Jacobs on behalf of Waitangi Limited suggested amendments to the definition of 'Community Sign', as recommended in the hearing report, to clarify the intent and reduce the potential for duplication.

This was supported by the reporting officer in the right of reply, which recommended the definition of 'Community Sign' be amended to read as follows:

> *Community Sign means a sign displaying information relating to the location of:*
>
> *a. public facilities*
>
> *b. place-names; or*
>
> *c. destinations of historical, cultural, spiritual, sporting, or scenic significance.*
>
> ~~*d. The advertising of public, sporting, recreation, community, social or cultural events.*~~

The reporting officer also recommended that rule SIGN-R8 be amended to include reference to 'Community Sign'.

6.4.1 Hearings Panel Recommendations

The Hearings Panel agree with the recommendations of the reporting officer and the amendment to the definition of Community Sign outlined above. This amended definition is included in **Recommendation Report 17**, **Appendix 2.1**, Definitions.

The Hearings Panel recommends that 'community sign' is added as clause (6) under PER 2 in rule SIGN-R2. This is identified in the recommended version of the Signs chapter provided as **Appendix 2.4.**

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.3.**

6.5 Key Issue 2 - Standard SIGN-S1

Mr Badham gave evidence on behalf of McDonalds in which he considered that the notified standards for maximum sign area for the Mixed Use zone (standard SIGN-S1) were overly restrictive for a commercial setting, resulting in unnecessary consenting costs for existing and future stores.

The view of the reporting officer was that Mr Badham's evidence did not provide any compelling reason to support such a statement but that to the contrary, Carbon Neutral NZ Trust, Vision Kerikeri, Our Kerikeri Community Charitable Trust and Kapiro

Conservation Trust considered that the Mixed Use zone signage provisions were too enabling and may enable excessive signage.

The reporting officer, having considered the evidence presented, maintained his position that the Mixed Use zone signage standards were appropriate for the reasons stated in paragraph 104 of the hearing report.

6.5.1 Hearings Panel Recommendations

Having considered the evidence presented and the submissions we agree with the reporting officer and those groups who largely represent the local community. Therefore, we do not recommend any amendments to standard SIGN-S1.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3.**

6.6 Key Issue 3 – Height of Signs in Standard SIGN-S2

Mr Badham's evidence also considered that the hearing report's recommended amendment to standard SIGN-S2 to amend the maximum height for freestanding signs to 6 metres was outside the scope of McDonald's Restaurants Ltd original submission point (S385.015).

The Reporting Officer disagreed with Mr Badham and considered that the recommended amendment was within scope because:

- Submission point S385.015 sought that the maximum height for freestanding signs is amended from "must not exceed the height of the building" to "must not exceed 12m in height".
- The submission states that freestanding signs are intended to be higher than the building to provide wayfinding assistance and to be visible from a distance, and to provide flexibility, noting that Standard MUZ-S1 permits a building or structure up to 12 m in height in the Mixed Use zone.
- Although Mr Badham considers that he had recommended a more "restrictive requirement", the reporting officer considered that the 6m height limit is more permissive than the notified framework which required freestanding signs to be the same height of the building. In the Far North context, many buildings are single storey, which means freestanding signs could only be built to approximately 3-4m height. Therefore, the recommended 6-metre height limit for freestanding signs is more permissive than the notified framework and enables freestanding signs to be higher than the building in many contexts.
- The reporting officer's hearing report recommendation was to accept in part submission point S385.015 (as stated in paragraph 116 of the hearing report), because the 6 metre height goes some way to achieve the relief sought by McDonalds (albeit not to the full 12 m height which would be excessive).

In the right of reply, the reporting officer maintained his position and recommendations set out in Key Issue 2 of the hearing report for the reasons stated above and in paragraphs 95 to 109 of the hearing report.

6.6.1 Hearings Panel Recommendations

Having considered all of the evidence before us we agree with the evidence of the reporting officer and those submitters in opposition to increased signage height. We accordingly agree with the recommendations of the reporting officer on this matter, and do not recommend any further amendments to standard SIGN-S2.

Therefore, we recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3.**

6.7 Key Issue 4 - Third Party Signage

In support of their submissions on 'Third Party' signage, Carbon Neutral NZ Trust, Vision Kerikeri, Our Kerikeri Community Charitable Trust and Kapiro Conservation Trust produced evidence on third-party signs including photos of locations within Kerikeri and Waipapa where they consider that third party signage is excessive and required greater control by the Council. We did not hear any evidence to oppose this.

The current framework (as notified) for third party signage was explained in paragraphs 142 to 143 of the hearing report. The notified framework does not allow third party signs as a permitted activity, rather it requires resource consent for third-party signage, as a restricted discretionary activity in the Mixed Use zone and as a non-complying activity in other zones.

After considering the evidence, the reporting officer maintained their position on third party signs for the reasons stated in at paragraphs 142 to 147 of the hearing report.

6.7.1 Hearings Panel Evaluation

We have re-read the submissions and evidence, reviewed the photographs supplied to us in evidence by the submitters and read the hearing report and right of reply.

We prefer the evidence of those submitters from the community. Taking into account the activities that may occur in the Mixed Use zone, we consider that non-complying activity status should apply.

Having considered the submissions and evidence and the provisions (including the Overview and Policies) of the Mixed Use zone and what is allowed as of right in the zone the view of the Panel is that Third Party signs should be a Non-Complying Activity in 'all' zones. That will provide for any effects on the community to be appropriately managed, recognising the range of activities that may occur in the Mixed Use zone.

6.7.2 Hearings Panel Recommendations

The Hearings Panel recommend that 'Third-party signs' be a 'non-complying activity' in all zones; accordingly restricted discretionary activity rule, SIGN-R15, is deleted. These amendments are identified in **Appendix 2.4**.

The Hearings Panel also recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3.**

6.8 Key Issue 5 - Waitangi Estate Signage

Waitangi Limited (S503) sought a number of exemptions to signage provisions due to the nature of activities that occur at the Waitangi Estate including the Waitangi Treaty Grounds. These were addressed by the reporting officer and related to signs within overlays; signs visible from a public place; and temporary signs.

6.8.1 Hearings Panel Evaluation

Signs Within Overlays

With regard to Ms Jacobs evidence for Waitangi Estate and signs located within overlays, such as ONF, ONL, Heritage areas or scheduled heritage resource; and whether it is clear which provisions would apply, the reporting officer considered that it was sufficiently clear. However, the reporting officer recommended a clause 16 correction be made to standard SIGN-S1 to use the term "schedule heritage resource" for consistency with the defined term, as opposed to "Scheduled historic resource". Also, to assist in clarification and ensure consistent interpretation, the reporting officer recommended an additional 'note' being 'advice note 2' be added above the rules to clarify that the rules that apply to signs within overlays will apply over rules addressing Area Specific Matters (i.e. zone rules). The recommended wording is as follows:

> *In addition to Note 1, any rule in SIGNS that specifically applies to a District Wide Matters chapter for Heritage Area Overlays, Schedule Heritage Resource, Outstanding Natural features, or Outstanding Natural Landscapes will apply over rules addressing Area Specific Matters. Where there is conflict, the most stringent rule applies.*

The reporting officer considers that this advice note is appropriate because it will reduce the potential for ambiguity, confusion or overlap between provisions. This will, in turn, improve district plan interpretation and implementation, with reduced costs / risks and uncertainty for district plan users.

We agree with this approach and the reporting officer's recommendations.

Signs Visible from a Public Place

Ms Jacobs also sought an amendment to rule SIGN-R8 Standard PER-1 to preclude signs that are not 'visible from a public place' from needing to comply with standards for maximum sign area and number of signs. The evidence on behalf of Waitangi Limited was that it has many signs, including within a museum that would be caught by the provisions otherwise.

The reporting officer's evidence was that he could not think of any situation in his experience as a planner where signs within an enclosed building have been required to comply with a rule in a district plan. He also noted that the definition of signs in the Operative District Plan only includes signs visible from public places and this is set out below:

> *SIGN includes every advertising and informative device of whatever nature, whether painted, electronically displayed, written, printed, carved, inscribed, endorsed, illuminated, projected onto or otherwise fixed to or upon any building, wall, pole, structure or erection of any kind*

whatsoever, or onto any rock, stone, tree or other object if such a device is visible from any public place. For the purposes of this Plan "sign" shall include any hoarding and any tethered inflatable sign. A sign does not include material placed within a window, provided it is non-flashing and does not contain a moving message. However, permanently engraved advertisements on windows are considered a sign. A sign does not include 'official signs'. The area of the sign shall be calculated by measuring the rectangular area which encloses all symbols or letters which make up the sign surface and which are differentiated from its background if affixed to a wall. Where a sign is an uneven shape, the area shall be calculated by measuring a rectangle around all symbols or letters which make up the sign surface to enclose the uneven shape. Support structures or the façade on which the sign is attached/affixed is not included in such calculations.

The reporting officer noted that there was no consequential definition of 'public place' and in the reporting officer's view a public place is anywhere the public has access to, irrespective of ownership. This would include a significant part of the Waitangi Estate; it would also mean the coastline or from the CMA. In the reporting officer's opinion this approach is unhelpful as there would be increased ambiguity and for the reasons provided in the right of reply, the reporting officer did not support the change requested by Waitangi Estate.

We agree with the evidence and recommendation of the reporting officer.

Maximum Area for Temporary Signs and Waitangi Estate

Ms Jacobs evidence on behalf of the Waitangi Estate sought that it be precluded from complying with the maximum area for a temporary sign.

The reporting officer noted that the evidence given at the hearing for Temporary Activities, Waitangi Limited now seeks no limit to temporary activities on substantial parts of the Waitangi Estate. The reporting officer considered that this could result in permanent 'temporary signs' being established without a limit on number or size. The reporting officer understood that the author of the Temporary Activities hearing report intends to discuss matters of 'scope' in their right of reply.

In the right of reply, the reporting officer advised that he has attempted to balance the wide range of significant and potentially sensitive values of the Waitangi Estate, general amenity concerns and the commercial and corporate aspirations of Waitangi Limited. However, the reporting officer maintained the position set out in the hearing report, for the reasons stated in paragraph 159 of that report.

Again, we agree with the reporting officer and do not consider the requested exclusion appropriate.

6.8.2 Hearings Panel Recommendations

Having considered all of the evidence before us we agree with the evidence and recommendations of the reporting officer with regard to the matter of Signs and the Waitangi Estate.

We recommend the addition of Advice Note 2 to clarify that the rules that apply to signs within overlays will apply over rules addressing Area Specific Matters (i.e. zone rules). This amendment is identified in **Appendix 2.4.**

We do not recommend any amendments to exclude Waitangi Estate from the maximum area for temporary signs.

Therefore, we recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3.**

6.9 Key Issue 6 - Level Crossing Signage

KiwiRail sought an amendment to policy SIGN-P3 to expressly recognise level crossing sightlines as part of SIGN-P3(c).

The reporting officer had recommended retaining the policy on the basis that the policy in the Transport chapter, policy TRAN-P3a, appropriately addresses safe and efficient 'transport networks' by managing building and structures in relation to sight lines.

However, the evidence of Ms Heppelthwaite for KiwiRail was that the policy does not explicitly address level crossing sightlines and is predominantly focussed on 'roads'. Ms Heppelthwaite recommended the amendment proposed by KiwiRail in its submission. On further review, the reporting officer noted that policy SIGN-P3 is similarly worded with regard to the 'transport network' and 'roads' and it is not sufficiently clear that it is intended to apply to the rail networks.

The reporting officer also noted that both policies TRAN-P3 and SIGN-P3 seek to manage safety of the 'transport network' by managing visual obstructions that may impact on sightlines/location. Therefore, the reporting officer considered that there is an element of duplication; and while the preferred approach would be to manage all matters regarding buildings and structures (including signs) in relation to transport safety as part of TRAN-P3, the reporting officer was mindful that signs present a particular set of risks to transport networks as set out in SIGN-P3 in clauses (b) and (c) in particular. Therefore, a particular consideration of level crossing sightlines in the SIGNS chapter would likely be helpful. Therefore, the reporting officer recommended amending policy SIGN-P3 as follows:

SIGN-P3 *Ensure that signs do not compromise the safe and efficient use of the transport network by managing:*

a.` the type, scale, design, location and direction of signs having regard to the road type and speed environment;

b. distraction or confusion for users through the control of proliferation, illumination, flashing and moving images and digital signage;

c. any obstruction caused by signs projecting over the road boundary or within level crossing sightlines; and

d. signage that does not relate to the activity on-site.

6.9.1 Hearings Panel Evaluation

We agree with the reporting officer's suggested amended wording; and we consider that the proposed change improves certainty and provides clarity that signs are not appropriate within sightlines for level crossings. This provides a more efficient and effective district plan while providing for the health and safety of the community.

6.9.2 Hearings Panel Recommendations

The Hearings Panel recommends amendment to policy SIGN-P3 to include reference to level crossing sightlines in clause (c). This amendment is identified in **Appendix 2.4.**

Therefore, we recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3.**

6.10 Key Issue 7 - Signs On or Attached to a Building, Window, Fence or Wall

Mr Badham evidence on behalf of Foodstuffs and McDonalds requested the deletion of "windows, fence or wall" from rule SIGN-R7 (signs on or attached to a building, window, fence or wall) and considered that Rule SIGN-R7 is overly restrictive.

Having considered the written evidence of Mr Badham and the matters raised at the hearing, in the right of reply the reporting officer agreed with Mr Badham that signs on windows, walls and fences are commonly used to advertise. However, the reporting officer's view was that this underlined the need for such signs to be included in the controls set out in rule SIGN-R7, Standard PER-2, namely the requirement to comply with standards SIGN-S1 to S5. The reporting officer saw no reason to exclude signs on windows, fences or walls from the rule as it could result in a significant and unencumbered increase in total signage.

The reporting officer also noted the additional complexity and confusion that excluding some or all of these signs (window, wall, fence) from the rule would create.

The reporting officer did, however, agree with Mr Badham that that there may be some duplication between rule SIGN-R7 PER 1 and standard SIGN-S2(2). However, rule SIGN-R7 applies to all zones, whereas standard SIGN-S2 applies only to Mixed Use, Industrial, Hospital, Ngawha, and Airport zones. The reporting officer agreed that these provisions would duplicate each other in some circumstances, but in Rural zones for example, only rule SIGN-R7, PER-1 would apply.

The reporting officer considered that deleting standard SIGN-S2, row 2, standard 2 *"Signs attached to a building must not protrude above the highest point of the building",* would be a more appropriate method to resolve the perceived duplication.

6.10.1 Hearings Panel Evaluation

We agree with the reporting officer's recommendations and consider the deletion of, row 2, standard 2 of SIGN-S2 being *"Signs attached to a building must not protrude above the highest point of the building"* is appropriate to clarify intent, reduce duplication across the rules and standards and achieve the same outcome in a more efficient manner.

6.10.2 Hearings Panel Recommendations

The Hearings Panel recommends the deletion of, row 2, standard 2 of SIGN-S2. This amendment is identified in **Appendix 2.4.**

The Hearings Panel recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3.**

7 Topic 5 – Genetically Modified Organisms

7.1 Relevant Provisions

The relevant provisions we address in the Signs topic relate to the overview and request for new provisions, objectives, policies, rules and standards.

7.2 Overview of Submissions Received

There were 7 original submissions and 8 further submissions on the Genetically Modified Organisms provisions.

The submissions were generally about scope of the Genetically Modified Organisms (GMO) chapter in relation to the Hazardous Substances and New Organisms Act (**HSNO**); definitions and inclusions; and the provisions.

7.3 Matters Raised in Submissions and Evidence

The main submissions on GMOs came from Ngati Rangi ki Ngawha Hapu (S304), Ngati Rangi ki Ngawha (S433), GE Free Tai Tokerau (S433), Federated Farmers (S421) and key interest groups such as Forest and Bird (S511), Kapiro Conservation Trust (S442), and members of the public. These submissions either supported the provisions, supported in part, or opposed them (3 submission points).

There were no recommended changes to the GMO chapter in the Council's hearing report.

7.4 Hearings Panel Evaluation

We did not hear any evidence at the hearing opposing the GMO provisions. Those submitters we did hear from were supportive of the recommendation that no amendments be made to the GMO chapter provisions.

With regard, to the other submitters and submission points we have, in the absence of any evidence to the contrary, adopted the recommendations of the reporting officer.

7.5 Hearings Panel Recommendations

The Hearings Panel recommend the GMO chapter provisions as identified in **Appendix 2.5**.

The Hearings Panel recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.4.**

8 Topic 6 – Temporary Activities

8.1 Relevant Provisions

The relevant provisions we address in the Temporary Activities topic relate to the definitions and general matters; the rules framework; temporary buildings or structures; and temporary agricultural aviation noise.

8.2 Overview of Submissions Received

There were 18 original submissions and 9 further submissions on the Temporary Activities provisions.

A large number of the provisions for Temporary Activities did not receive any submissions and do not require a recommendation from us. Furthermore, there were no submission points opposing the temporary activities provisions.

The main submissions on the Temporary Activities chapter came from Transpower (S454); Waitangi Ltd; New Zealand Defence Force (S217); Waiaua Bay Farms Limited (S463); New Zealand Agricultural Aviation Association (**NZAAA**) (S182); and Balance Agri-Nutrients Limited (S143).

8.3 Matters Raised in Submissions and Evidence

The key changes recommended in the hearing report related to:

- Amendments to rule TA R1 – PER 1 – PER 4 and PER 5 to provide clarity and reduce unintended consequences;
- Amendments to TA-PER –1 – PER 2 and PER 3 to provide for events at Waitangi Treaty Grounds;
- Amendments to allow for set up and pack down to Temporary Military Activities; and
- Amending the rules and permitted activities on sites including the number of people and activities which can take place.

We did not hear any evidence at the hearing opposing the Temporary Activities provisions. Two submitters gave evidence, being Waitangi Ltd and New Zealand Agricultural Aviation Association, in respect of the rule framework and Temporary Agriculture Aviation Noise.

Those submitters we did hear from were generally supportive of the recommended amendments to be made to the Temporary Activities chapter provisions but did request some further amendments.

At the end of the hearing the reporting officer maintained the position identified in the hearing report.

Based on information in the reporting officer's right of reply there remain two key issues in contention. These are:

- Key Issue 1 - The Temporary Activities at Waitangi Estate; and

- Key Issue 2 - Temporary Agricultural Aviation Noise.

8.3.1 Key Issue 1 - The Temporary Activities at Waitangi Estate

In relation to Waitangi Limited we note that the evidence from Ms Jacobs was secondary to the primary relief that Waitangi Limited was seeking through the PDP process of developing a Special Purpose zone that covers the whole Waitangi Estate. We discussed this briefly with Ms Jacobs and Ms Wihongi and we were advised that Waitangi Limited was in the process of preparing Special Purpose zone provisions for the Estate to present to the PDP Hearing Panel in Hearing 15B.

Therefore, while evidence on the issue of temporary activities at the Waitangi Estate was presented to us, we note the additional evidence presented and findings of the Hearings Panel on this matter in **Recommendation Report 15B**, at section 4.9.

8.3.2 Key Issue 2 - Temporary Agricultural Aviation Noise

Mr Michelle's evidence for NZAAA referred to the inclusion of a new objective to ensure that lawfully established and permitted noise generating activities could continue to function and operate. It included support and acceptance of a new definition of 'agricultural aviation activities' and the addition of a new rule as sought referring to 30 days in any 12 month period or 315 aircraft hours (whichever is the greater). Mr Michelle's evidence referred to other Councils' district plans which have provided for agricultural aviation activities as a permitted activity through noise or the zone rules. With regard to temporary activities, Mr Michelle sought a new Objective and a new Definition of agricultural aviation activities (paragraphs 3.1 and 3.2 of his evidence).

We note that these matters were addressed in the Noise topic earlier in this recommendation report, and a new definition has been recommended for adoption.

8.3.3 Hearings Panel Recommendations

The Hearings Panel recommends the Temporary Activities provisions as identified in **Appendix 2.6**.

The Hearings Panel also recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.5.**

9 Conclusion

For the reasons set out in this recommendation report, we recommend a suite of amendments to the following chapters:

- Earthworks;
- Light
- Noise
- Signs
- Genetically Modified Organisms;
- Temporary Activities

The Hearing Panel's recommended amendments are shown in **Appendices 2.1 – 2.6.**

Our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

We have had regard to the submissions and further submissions received, the evidence tabled and presented to us and to the Council's hearing reports (including the rights of reply). We have also incorporated our own s32AA evaluation when needed into the body of our recommendation report as part of our reasons for any recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendices 3.1 - 3.5**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide for the PDP being easier to implement and understand for users of it.