

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER

of the Resource Management Act 1991
("RMA")

AND

IN THE MATTER

of a submission by KiwiRail Holdings
Limited ("**KiwiRail**") (submitter 51) on
the Proposed Waitomo District Plan
("**Proposed Plan**")

**STATEMENT OF EVIDENCE OF PAM BUTLER
ON BEHALF OF KIWIRAIL HOLDINGS LIMITED**

CORPORATE

1. INTRODUCTION

- 1.1 My name is Pam Butler and I am a Senior RMA Advisor at KiwiRail. I have over 40 years of RMA and planning experience. I have been employed in delivering railway projects in both New Zealand and the United Kingdom for the past 15 years. Before that, I was employed as the Auckland Regional Planner at the Ministry of Education for 9 years. These roles included a mix of policy and project delivery work.
- 1.2 I hold a Bachelor of Arts and a Diploma in Town Planning. I am a full member of the New Zealand Planning Institute.

2. SCOPE OF EVIDENCE

- 2.1 This statement has been prepared on behalf of KiwiRail and relates to the hearing topics contained in Tranche 2 of the Proposed Plan (except for Ecosystems and Indigenous Biodiversity), which KiwiRail submitted on.
- 2.2 My evidence will outline:
- (a) KiwiRail's infrastructure and activities within the Waitomo District;

- (b) the need for a safety setback from the railway corridor; and
- (c) the need for noise controls and a vibration alert layer.

3. KIWIRAIL IN THE WAITOMO DISTRICT

- 3.1 KiwiRail is a State-Owned Enterprise responsible for the management and operation of the national railway network. The rail network is an asset of national and regional importance. Rail is fundamental to the safe and efficient movement of people and goods throughout New Zealand. There continues to be ongoing critical investment in the maintenance and expansion of the rail network to meet future growth demands and improve transport network efficiency.
- 3.2 To assist with New Zealand's move towards a low-carbon economy and to meet the needs of New Zealand's growing population, rail services will grow. Recognising that rail produces at least 70 percent less carbon emissions per tonne of freight carried compared with heavy road freight, plans to accommodate more freight on rail are underway. The designated rail corridor of the North Island Main Trunk line ("**NIMT**") passes through the Waitomo District and is a key part of the national rail network. There are no branch lines in the Waitomo District.
- 3.3 The current rail volumes are 98 trains per week through the Waitomo District, including 6 scenic trains per week for the Northern Explorer. Rail volumes are expected to increase over the life of the Proposed Plan. Growth in the use of rail is expected as part of the mode shift in freight moving off road and onto rail as part of New Zealand's goal to reduce emissions. KiwiRail seeks to protect its ability to operate, maintain and upgrade these lines into the future.

4. SETBACKS

- 4.1 The rail corridor is an important physical resource and strategic transport infrastructure. As part of its operations and obligations to its customers, KiwiRail requires the ability to operate trains as required to meet demand. This can result in changes to the timing, frequency, or length of trains passing along the route. It can also result in upgrades to the network that can provide passing opportunities for trains, or other associated rail improvements.
- 4.2 As an asset of national significance, it is important that the rail corridor can operate safely and efficiently without interference. Any interference with the railway corridor can be incredibly disruptive to rail services, creating

unnecessary and cascading delays to passengers and freight. KiwiRail therefore seeks building setback controls from the rail corridor boundary for development on land adjoining the corridor, which is an efficient and effective means of ensuring that the risk of interference is mitigated.

- 4.3 For the avoidance of doubt, a **safety setback's** primary function is as a safety buffer. It is distinct from **noise and vibration provisions**. The planner reporting for the Transport chapter (Ms Wratt) acknowledges that setbacks are "essentially a health and safety matter".¹
- 4.4 KiwiRail's submission sought a 5 metre setback for buildings and structures from the rail corridor boundary in all zones adjacent to the rail corridor.² It also sought matters of discretion relating to impacts on the safe and efficient operation of the rail network and the outcome of consultation with KiwiRail.³ This will ensure the Council (and KiwiRail as a potentially affected party) has an opportunity to assess whether or not safety concerns can be adequately managed where the setback is not complied with (ie where a building or structure is located within 5 metres of the rail corridor boundary).

Need for safety setbacks

- 4.5 A safety setback is important to provide enough space within a site adjoining the rail corridor for the landowner or occupant of that building to maintain and access their own house or building safely – without accessing the rail corridor to do so, or getting too close to heavy freight trains. Buildings constructed close to the rail corridor do not leave enough space on site for essential maintenance activities. The lack of space means it is highly likely that these activities can only happen by accessing the rail corridor.
- 4.6 Buildings built right up on the boundary (or which are subject to a minimal setback from the boundary) also significantly increase the risk of inadvertent incursion into the rail corridor from objects falling from open windows or being dropped from scaffolding / platforms that are used for maintenance.
- 4.7 Any object within the rail corridor becomes a safety issue for rail employees who need to remove the obstruction, not to mention train drivers and passengers if the obstruction is not removed in time. It is also a safety issue

¹ Section 42A Report – Topic: Transport prepared by Carolyn Wratt dated 21 October 2024 at [108].

² Including the Residential Zone, General Rural Zone, Rural Production Zone, Rural Lifestyle Zone, Settlement Zone, Commercial Zone, Industrial Zone, Natural Open Space Zone, Open Space Zone and Māori Purpose Zone.

³ Submission by KiwiRail Holdings Limited dated 23 December 2022 at page 11.

for residents who seek to retrieve items from the track, due to danger from trains.

- 4.8 The rail corridor has a very different and high consequence risk profile compared to entering other sites. Heavy freight trains run at speed along this corridor. It is a hazardous environment and entering the rail corridor can result in a material safety issue to both the person accessing the corridor, and to the rail operations being undertaken within the rail corridor.
- 4.9 It is frequently suggested by developers that adjoining landowners should simply ask KiwiRail for permission to access the rail corridor to undertake maintenance and other activities. With respect, this is not the answer. This would be disruptive to the rail network and onerous for landowners / occupiers to have to use each time they wish to undertake maintenance on their own properties. Enabling third parties (like neighbours) to access the rail corridor can require on-site safety personnel, or the temporary closure of a block of the track. Closing the track, even temporarily, requires around six months to plan, as rail operation demands are required to be factored in and alternatives found.
- 4.10 In my opinion, it would be a poor planning outcome if the options for landowners who need to access their own buildings for maintenance are either to: (a) seek permission from KiwiRail to encroach into the rail corridor (resulting in delays, costs and safety issues); or (b) not obtain permission and trespass on the rail corridor. The better planning outcome is to provide an adequate safety setback within an adjoining site for the landowner / occupier to access their building safely.

Setback distance

- 4.11 The width of the setback area needs to be sufficient for maintenance activities and access requirements. This includes scaffolding, ladders and other mechanical access equipment required for the maintenance of buildings or land uses, for example, equipment required for drainage works such as the operation of diggers.
- 4.12 The setback distance should also take into account appropriate support structures for scaffolding (such as outriggers) and the necessary space required around scaffolding equipment or machinery. It is not enough to just ensure the equipment itself does not encroach into the rail corridor. KiwiRail is also seeking to ensure that persons operating any equipment do not encroach into the rail corridor, given the safety implications.

- 4.13 I consider that a 5 metre setback is required to enable the residents of the district to be able to use and maintain buildings on their properties safely, while also protecting rail operations from interference. The Section 32 assessment prepared by Galvin Consulting Limited (included at Attachment B to Ms Heppelthwaite's evidence) concluded a setback between 4.5 metres to 6.2 metres is the most efficient and effective option to manage the risk of interference with the rail corridor. KiwiRail generally seeks a 5 metre setback as a pragmatic balance between these distances.
- 4.14 Ms Wratt notes that a number of zones in the Proposed Plan already have standards requiring a setback from internal boundaries that are greater than 5 metres and, in any case, Rule TRAN-R9 achieves the 5 metre setback requested by KiwiRail (albeit the rule is not located in each zone chapter).⁴ Therefore, Ms Wratt does not recommend any further changes to the Proposed Plan to include the setback sought by KiwiRail in each zone chapter.
- 4.15 I disagree with Ms Wratt's recommendation and consider the 5 metre setback standard should be located in each zone chapter, rather than in TRAN-R9. Ms Heppelthwaite has confirmed this is preferable from a plan user and administration perspective.⁵

5. NOISE AND VIBRATION

- 5.1 Acoustic and vibration standards are important controls to ensure the ongoing health and wellbeing of people, and are instrumental in ensuring that reverse sensitivity effects on rail are minimised, particularly where intensive residential development is proposed adjacent to the rail corridor.
- 5.2 KiwiRail is supportive of urban development. KiwiRail is a responsible infrastructure operator and has an ongoing programme of upgrade and maintenance work to improve track conditions over time, which helps to minimise potential rail noise and vibration. However, as outlined in Dr Chiles' evidence, residual noise and vibration effects cannot be entirely internalised within the rail corridor and have the potential to cause ongoing disturbance and adverse health effects to communities surrounding the rail corridor.
- 5.3 Planning instruments are an appropriate tool to manage adverse effects of rail activities on adjacent land users. It is critical that the Proposed Plan appropriately addresses these issues so that health and wellbeing impacts on

⁴ Section 42A Report – Topic: Transport prepared by Carolyn Wratt dated 21 October 2024 at [108] – [109].

⁵ Evidence of Catherine Heppelthwaite dated 4 November 2024 at [7.3].

neighbouring communities are minimised, and the ongoing operation and efficiency of the rail network can be maintained.

5.4 A particular concern for KiwiRail is the potential for reverse sensitivity effects to arise from new or intensified sensitive activities (eg dwellings) developing near the rail corridor. Reverse sensitivity is a well-recognised resource management concept which refers to the impact that locating new, sensitive activities adjacent to existing lawfully established effects-generating activities has on the ongoing operation of those existing activities. New developments, or higher density redevelopment of existing sensitive uses, can result in greater numbers of individuals being subject to adverse noise and vibration effects. This can result in increased complaints and operational constraints on the rail network (such as limitations on operating hours), which in turn constrains the ongoing operation and future development of the rail corridor.

5.5 In its submission, KiwiRail sought:

- (a) the retention of NOISE-O3 and NOISE-P2 relating to noise in the Proposed Plan;⁶
- (b) an amendment to the definition of "noise sensitive activity";⁷
- (c) the inclusion of a new definition for "reverse sensitivity";⁸
- (d) an amendment to TRAN-R14 to delete reference to railway level crossings controlled by "stop signs" to assist with clear interpretation and implementation of the rule;⁹
- (e) amendments to the definition titles for "approach sightlines" and "restart sightlines";¹⁰

⁶ This relief has been accepted by the Council Officer and is not discussed further in my evidence.

⁷ KiwiRail's submission sought to amend the definition of "noise sensitive activity" to include educational activities, healthcare activities, indoor community activities including libraries, congregation spaces within any places of worship, hospitals and marae complex. With the exception of the phrase "indoor community activities including libraries", this has been accepted by the Council Officer. This is discussed further in the evidence of Ms Heppelthwaite.

⁸ KiwiRail's submission proposed a new definition of "reverse sensitivity" modelled on the Waikato Regional Policy Statement. This has not been addressed by the Council Officer, however KiwiRail continues to seek this relief for the reasons set out in its submission.

⁹ KiwiRail sought this amendment on the basis that TRAN-R14 need not apply to the 'approach' sightline where a level crossing is controlled by a stop sign (as opposed to a give-way sign) because vehicles must come to a complete stop and check before proceeding. This relief has been accepted by the Council Officer and is not discussed further in my evidence.

¹⁰ The notified definition titles were "Road approach visibility line" (now "Approach sightlines") and "Restart view line" (now "Restart sightlines"). The Council Officer has accepted the amendments sought by KiwiRail and this relief is not discussed further in my evidence.

- (f) the inclusion of controls requiring acoustic insulation and ventilation to be installed in new (or altered) sensitive uses within 100 metres of the rail corridor boundary; and
- (g) the inclusion of controls within 60 metres of the rail corridor boundary, for buildings containing new (or altered) sensitive uses to be constructed to manage the impacts of vibration.

Noise

- 5.6 As set out in the evidence of Dr Chiles, the understanding of rail noise effects and necessary mitigation has evolved in the past decade.¹¹ Dr Chiles' evidence demonstrates that adverse noise effects are experienced 100 metres from the rail corridor. As Dr Chiles explains, the 100 metres KiwiRail generally seeks reflects a reasonable compromise to capture the most affected sites without requiring assessment where building treatment is less likely to be required.¹²
- 5.7 Ms Wratt considers the wording of the Waikato District Plan consent order "strikes a balance between effectively reducing the internal noise of buildings where sensitive activities occur, while not adding significant cost to landowners".¹³ On that basis, Ms Wratt recommends the inclusion of new rules in the Noise chapter to provide a 40 metre buffer around the edge of the rail corridor boundary in which there is a requirement to achieve internal noise levels (as opposed to the 100 metres sought in KiwiRail's submission).¹⁴
- 5.8 I believe Ms Wratt may have misunderstood the provisions that were agreed in the Waikato consent order (attached as **Appendix A** to my evidence¹⁵), which were as follows:¹⁶
- (a) controls requiring acoustic insulation and ventilation to be installed in new (or altered) sensitive uses within 100 metres of the Rail Corridor Noise Control Boundary (which applies to active railway lines only, not the two branch lines below);¹⁷ and

¹¹ Evidence of Stephen Chiles dated 4 November 2024 at [5.1].

¹² Evidence of Stephen Chiles dated 4 November 2024 at [6.1].

¹³ Section 42A Report – Topic: Transport prepared by Carolyn Wratt dated 21 October 2024 at [151].

¹⁴ Section 42A Report – Topic: Transport prepared by Carolyn Wratt dated 21 October 2024 at [150] – [154].

¹⁵ The consent order included at Appendix A to my evidence is without the amended planning maps contained in Appendix 2 of the consent order for size reasons.

¹⁶ *HD Land Limited v Waikato District Council* [2024] NZEnvC 054.

¹⁷ Rules NOISE-R44 and NOISE-R45 of the Waikato District Plan.

- (b) a Rail Corridor Noise Alert Area within 100 metres each side of the Rotowaro and Hautapu branch line corridors.

5.9 Consistent with the Waikato District Plan, and the evidence provided by Dr Chiles, it is appropriate to include noise controls within 100 metres of the rail corridor. These controls are further described in Ms Heppelthwaite's evidence with KiwiRail's proposed amendments set out in Attachment A of her evidence.

Vibration

5.10 Ms Wratt also recommends rejecting KiwiRail's vibration controls on the basis that "there are very few meaningful or successful ways to reduce vibration generated from trains through construction techniques".¹⁸ Ms Wratt considers additional construction costs for implementing vibration controls may not be warranted where there is a low frequency of train movements.¹⁹

5.11 Dr Chiles' evidence demonstrates that rail vibration has a very real effect on neighbours (with the potential to result in reverse sensitivity effects on KiwiRail) that requires mitigation.²⁰ He considers that vibration effects are experienced more than 100 metres from the rail corridor, but that a control to 60 metres would manage the worst of vibration effects.²¹ These effects will only increase as the rail network continues to grow.

5.12 Dr Chiles' evidence is that vibration controls are appropriate to mitigate effects. However, given the practicalities of implementing vibration controls is in its infancy in New Zealand, KiwiRail is prepared to accept the inclusion of a rail vibration "alert layer" on a pragmatic basis. This layer would apply to all properties within 60 metres on either side of the rail corridor designation boundary.

5.13 A vibration alert layer is an information layer to signal to property owners that higher levels of vibration may be experienced in the area due to its proximity to the rail corridor. There are no rules or other provisions associated with the alert layer. Alert layers still provide some management of vibration effects, as landowners may be prompted when building new dwellings to consider incorporating vibration attenuation measures of their own accord or to locate new buildings outside the alert layer.

¹⁸ Section 42A Report – Topic: Transport prepared by Carolyn Wratt dated 21 October 2024 at [149].

¹⁹ Section 42A Report – Topic: Transport prepared by Carolyn Wratt dated 21 October 2024 at [149].

²⁰ Evidence of Stephen Chiles dated 4 November 2024 at [4.1] and [5.2].

²¹ Evidence of Stephen Chiles dated 4 November 2024 at [6.3].

- 5.14 Such a layer has recently been included in the Waikato District Plan, Whangārei District Plan and in the Precinct provisions relating to the Drury area in the Auckland Unitary Plan. Ms Heppelthwaite has recommended amendments to the Proposed Plan provisions in Attachment A of her evidence that include KiwiRail's proposed rail vibration alert layer.

6. CONCLUSION

- 6.1 For the reasons set out in the evidence of Dr Chiles, Ms Heppelthwaite and above, the amendments to the setback controls and noise and vibration provisions sought by KiwiRail are appropriate and necessary for the safe and efficient operation of the rail network in the Waitomo District.

Pam Butler
4 November 2024

APPENDIX A

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 054

IN THE MATTER OF an appeal under clause 14 of the First
Schedule 1 of the Resource Management
Act 1991

BETWEEN

HD LAND LIMITED

HAMPTON DOWNS (NZ) LIMITED
(ENV-2022-AKL-000037)

KIWIRAIL HOLDINGS LIMITED
(ENV-2022-AKL-000044)

WAKA KOTAHI NEW ZEALAND
TRANSPORT AGENCY
(ENV-2022-AKL-000048)

Appellants

AND

WAIKATO DISTRICT COUNCIL
Respondent

Court: Alternate Environment Judge L J Newhook sitting alone under s
279 of the Act
Last case event: 22 December 2023

Date of Order: 25 March 2024
Date of Issue: 25 March 2024

CONSENT ORDER



HD Land Limited v Waikato District Council

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) The various chapters in the Proposed Waikato District Plan be amended in accordance with Appendix 1 to this order (additions marked as underlined and deletions as ~~striketrough~~;
- (2) the planning maps are amended in accordance with Appendix 2 to this order; and
- (3) the appeals are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order relates to appeals by New Zealand Transport Agency Waka Kotahi (**NZTA**), KiwiRail Holdings Ltd (**KiwiRail**) and HD Land Limited & Hampton Downs (NZ) Limited (**Hampton Downs**) against parts of the decisions of the Waikato District Council (**Council** or **Respondent**) in respect of the Proposed Waikato District Plan (**PDP**).

Background

[2] The specific relief sought by NZTA, KiwiRail and Hampton Downs with respect to Topic 5.1 and the Independent Hearings Panel's (**IHP**) decision on this are addressed below.

NZTA and KiwiRail

[3] NZTA and KiwiRail both made a submission and further submission on the PDP seeking a variety of amendments to numerous PDP chapters, from the strategic direction chapter through to submissions on various zone provisions where either

state highways or rail corridors traverse that zone. The scope of issues raised in both appeals include concerns about safety, provision for regionally significant infrastructure, the need for integrated land use and transport planning, managing the interaction between land use activities and the state highway/rail corridor network.

[4] The main points advanced in both NZTA's and KiwiRail's submissions and further submissions were that the PDP required new provisions requiring all new buildings, or alterations to existing buildings containing a sensitive activity, within 100m of a state highway carriageway or legal boundary of a railway corridor to be appropriately mitigated in relation to noise and vibration.¹ The rationale for this was that state highway and rail networks operate 24 hours a day, seven days a week and have the potential to impact people's health and wellbeing by reducing the amenity and enjoyment of their properties and disrupting sleep. NZTA and KiwiRail argued it was critical to ensure that undue restrictions were not placed on the operation of these transport networks, and that the health and wellbeing of those residing in, or occupying, nearby sites is protected.

[5] KiwiRail's submission also sought that the 5m setback which had been applied to sensitive land uses in the notified Residential, Rural, Countryside Living and Village zones apply to all new buildings and structures (not just buildings containing sensitive land uses), or alterations to existing buildings or structures. KiwiRail further requested that the 5m setback be applied to all zones traversed by a rail corridor, not just zones which enable residential activities. They sought this relief on the basis that managing the safety effects of landowners using land adjacent to the rail corridor to maintain or repair their buildings, which is the purpose of the proposed setback, is an issue relevant to *all* zones.

[6] Decision Report 13: Infrastructure (**Decision Report 13**) addressed the management of land transport linear infrastructure (i.e., the state highway and rail networks) and reverse sensitivity concluding that:²

¹ See KiwiRail's submission, dated 9 October 2018, page 8; and NZ Transport Agency submission, dated 9 October 2018, Attachment 3.

² Decision Report 13: Infrastructure at [203].

... it was inherently unfair that the burden of mitigating the noise generated by the railway or state highway would be borne by the adjoining landowners.

[7] Based on this assessment, the IHP rejected the relief sought by NZTA and KiwiRail with respect to the introduction of noise and vibration controls and the relief sought by KiwiRail in relation to expansion of the 5m rail corridor setback to all zones. The key reasons for the IHP's decision to reject the relief sought can be summarised as follows:³

- (a) Neither NZTA nor KiwiRail provided a satisfactory costs assessment of the proposed provisions;
- (b) The variables which affect noise generation are entirely beyond the control of adjoining landowners (e.g., the surface of the road, the frequency and type of traffic, surrounding topography and the width of the gap between the infrastructure and the edge of the designation);
- (c) The absence of any rules in the PDP requiring NZTA and KiwiRail to minimise the noise and vibration effects of their infrastructure on adjoining landowners;
- (d) The fact that NZTA and KiwiRail sought to apply the noise and vibration provisions to both new and existing buildings when, arguably, alterations to existing buildings do not create a new sensitive activity, nor a new reverse sensitivity effect;
- (e) The blunt nature of the 100m acoustic effects area when, particularly in the case of state highways, it is likely that this area would capture some areas of land where road noise is already at acceptable levels;
- (f) The lack of effort to create a set of provisions tailored specifically to the state highway and rail corridor noise experienced in the Waikato District; and

³ Decision Report 13: Infrastructure at [203] – [207].

- (g) The number of properties potentially affected by the proposed provisions and the likelihood that the landowners affected by the proposed provisions were not aware of the consequences of NZTA and KiwiRail’s submissions.

Hampton Downs

[8] Hampton Downs made a submission and further submission on the PDP seeking a variety of amendments to provisions relating to the special purpose zone – Hampton Downs Motorsport and Recreation Zone (**MSRZ**). In relation to setbacks, the submission expressed support for the building setbacks in the MSRZ insofar as they apply to external zone boundaries with roads or other properties, however they did not think that internal setbacks should be imposed. Hampton Downs did not make any specific submission on the need to remove the word ‘structure’ from Rule 26.3.5 – Building Setbacks – All Precincts (which is now known as MSRZ-S18).

[9] In Decision Report 25: Hampton Downs Motorsport and Recreation Zone (**Decision Report 25**), the IHP noted that the interested parties to the MSRZ topic (being Council, Hampton Downs and NZTA) had worked together to create an agreed package of provisions resolving all of the issues raised in the submissions and further submissions. This package of provisions was included as Attachment 1 to Decision Report 25 and recommended no changes to MSRZ-S18.⁴

[10] The above parts of the appeals have been assigned to Topic 5.1: Linear infrastructure (energy and transport), and the consent order resolves KiwiRail’s interest in this topic. The draft consent order also resolves NZTA and Hampton Downs’ appeals entirely.

[11] The following parties have given notice of an intention to become a party to the NZTA, KiwiRail and/or Hampton Downs’ appeal:

NZTA	KiwiRail	Hampton Downs
<ul style="list-style-type: none"> • Kāinga Ora Homes and Communities 	<ul style="list-style-type: none"> • Kāinga Ora Homes and Communities 	<ul style="list-style-type: none"> • NZTA

⁴ Rule 26.3.5 in the notified version of the PDP.

<ul style="list-style-type: none"> • Brenda & Gavin Butcher • KiwiRail • Murray Fullerton • Steven & Teresa Hopkins • Tony & Cindy Young • Top End Properties Ltd • Federated Farmers • Perry Group Ltd 	<ul style="list-style-type: none"> • NZTA • Lakeside Developments Ltd • Meridian Energy Ltd • Ports of Auckland Ltd 	
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[12] It is noted that the section 274 notice filed by NZTA limited their interest in the Hampton Downs' appeal to specific points of relief which have been settled by way of consent order.⁵ There are no section 274 parties to the Hampton Downs' appeal in relation to MSRZ-S18.

Agreement reached

[13] Following the filing of the appeals, NZTA, KiwiRail and Hampton Downs have entered into direct discussions with Council (Council, NZTA and KiwiRail have also had direct discussions with Kāinga Ora Homes and Communities) regarding the matters raised in their respective appeals and have now agreed on various proposals which will resolve their interests in Topic 5.1: Linear infrastructure (energy and transport).

[14] The amendments to the various chapters of the PDP decisions version as a result of the agreement reached are set out in **Appendix 1** to this order (additions marked as underlined and deletions as ~~striketrough~~).

[15] The changes made to the planning maps are shown in **Appendix 2** and detailed below:

⁵ *HD Land Limited & Hampton Downs (NZ) Limited v Waikato District Council* [2023] NZEnvC 101.

- (a) Insert two noise control boundary overlays titled:
 - (i) “State Highway Noise Control Boundary” showing the areas of land modelled as being subject to elevated levels of noise (ranging from between 20m and 100m from the formed carriageway of the state highway); and
 - (ii) “Rail Corridor Noise Control Boundary” showing all land within 100m of the Northern and Eastern Main Trunk Lines.
- (b) Show the 100m Rail Corridor Noise Area along the Hautapu and Rotowaro branch lines and 60m Rail Vibration Alert Area from the designation boundary of the rail corridor within the district, as ‘information layers’.

Section 32AA evaluation

[16] Section 32AA of the Act requires a further evaluation of any changes to a proposed plan change since the initial section 32 evaluation report and the IHP’s decision.

[17] Council has prepared a separate section 32AA assessment, which is contained in **Appendix 3** to this order. In preparing the s32AA, Council has considered a range of information provided by the appellants and Kāinga Ora and has considered their different positions on the issues being negotiated. The analysis contained within the s32AA is not reflective of the position of any individual party, rather it is Council’s assessment of the agreed provisions against the requirements of s32AA.

[18] To briefly summarise, the section 32AA assessment concludes that:

Management of noise and vibration related effects

- (a) The agreed amendments to AINF-P27 are effective and efficient because they clarify that the intention of the policy is to minimise effects on indoor amenity and health and reverse sensitivity effects, and that the mechanism to achieve this policy includes mapping and design controls;

There is no additional cost associated with this amendment as it merely provides policy level support for the new NOISE provisions;

- (b) Inclusion of the new acoustic provisions (NOISE-R44 and NOISE-R45, supported by new technical standards in APP1 and the noise control boundary mapping) will support an efficient outcome as the provisions address health and amenity effects and minimise reverse sensitivity effects which, if not addressed, could lead to the inefficient operation of nationally significant infrastructure (in NZTA and KiwiRail's view). This in turn gives effect to Objective AINF-O2 of the PDP, which requires that infrastructure is protected from reverse sensitivity effects, and its construction, operation, maintenance, repair, replacement and upgrading is not compromised;
- (c) Acoustic provisions with multiple permitted activity pathways, as proposed, are more efficient and effective than more limited pathways (the more restrictive alternative) or leaving the effects entirely unmanaged in the PDP (the more permissive alternative);
- (d) The inclusion of the new acoustic provisions (NOISE-R44 and NOISE-R45, supported by new technical standards in APP1 and the noise control boundary mapping) will require additional assessments for some buildings and activities in some locations, with associated costs. Construction costs associated with the new provisions potentially involve installing upgraded glazing, mechanical ventilation, and other mitigation features. It is noted however that the proposed performance standards are not set at idealistic stringent levels which would prevent *all* adverse noise effects. Instead, they are set at pragmatic reasonable levels designed to avoid the worst noise effects which could have the biggest impact on human health and amenity. The acoustic provisions have been developed with input from acoustic and ventilation experts engaged by Council, NZTA, KiwiRail and Kāinga Ora Homes and Communities;

Rail Corridor setback for buildings and structures

- (e) The benefits of the insertion of the rail corridor setback standards into the PDP include providing a safer and more efficient rail network and reducing the potential costs incurred by railway operations regarding obstructions within the railway corridor. The proposed setback standards will also enable greater certainty around the provision of a safe environment for owners and occupiers to undertake maintenance activities on their properties;
- (f) While the setback standards may limit buildings and structures in some locations (with associated costs), this will depend on a range of considerations such as the topography of the site, design of the building/structure, amenity and geotechnical constraints etc. The cost of the proposed setback provisions are not considered in the Council's s32AA to be unreasonable nor disproportionate as landowners can develop their land within the setback through the resource consent process;
- (g) The proposed setback standards give effect to objective AINF-O2 of the PDP, which requires that the construction, operation, maintenance, repair, replacement and upgrading of infrastructure not be compromised. They also give effect to Waikato Regional Policy Statement (WRPS)⁶ objective UFD-O1 which requires that development and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes;

Rail Corridor Noise Alert Area and Rail Corridor Vibration Alert Area

- (h) Using alert area layers to manage potential adverse effects generated by the rail corridor will be efficient and effective at balancing the

⁶ It is noted that Change 1 to the WRPS was publicly notified 15 November 2023 and the parties have reviewed the associated changes to the WRPS in light of the proposed amendments.

infrastructure and health and amenity considerations resulting from development. Alert area layers are an efficient and effective mechanism to provide valuable information to current and prospective owners to allow them to elect to manage the effects they will experience themselves. There are no rules or other PDP provisions associated with the alert layers and therefore no costs arising from their inclusion in the PDP; and

- (i) Using an alert area layer places existing and prospective property owners on notice about the potential presence of effects and allows them to make informed decisions about the construction or alteration of buildings containing sensitive land uses. This is considered more appropriate than the alternative option of imposing consenting obligations on landowners to demonstrate compliance with technical standards.

Consideration

[19] In making this order the Court has read and considered the notices of appeal dated 1 March 2022 and the Joint Memorandum of the parties dated 22 December 2023.

[20] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order except Tony and Cindy Young and Brenda and Gavin Butcher who withdrew their section 274 notices on 22 December 2023; and
- (b) All remaining parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

Order

[21] The Court orders, by consent, that:

- (a) The various chapters of the Proposed Waikato District Plan be amended in accordance with **Appendix 1** to this order (additions marked as underlined and deletions as ~~striketrough~~);
- (b) The planning maps are amended in accordance with **Appendix 2** to this order;
- (c) The appeals in their entirety are otherwise dismissed; and
- (d) There is no order as to costs.



L J Newhook
Alternate Environment Judge



Appendix 1: Tracked change version of the agreed amendments to the relevant PDP chapters

1. Interpretation chapter

- (a) Edit the definition of 'additions' as follows:

Term	Definitions
Additions	Means an extension to a structure or building which increases its size, height and <u>or</u> volume, including the construction of new floors, walls, ceilings and roofs.

2. AINF – All infrastructure chapter

- (a) Amend policy AINF-P27 as follows:

AINF-P27 Land transport network.

- (1) Avoid, remedy or mitigate effects of subdivision, use and development that would compromise:
- (a) The road function, as specified in the road hierarchy;
 - (b) The access by emergency services and their vehicles; ~~and~~ or
 - (c) The safety and efficiency, including the maintenance, upgrading, development and operation of the land transport network.
- (2) Minimise reverse sensitivity effects on the land transport network and effects on indoor amenity and health for sensitive land uses through setbacks for noise sensitive activities established in proximity to existing transport corridors by mapping potentially affected areas and introducing design controls.

3. NOISE– Noise chapter

- (a) Insert the following text before the Rules table as explanatory text for the Rail Corridor Noise Alert Area and the Rail Corridor Vibration Alert Area:

Rules

Note that the Rail Corridor Noise Alert Area identifies the noise-sensitive area within 100metres each side of the Rotowaro and Hautapu branch line rail corridors. Properties within this area may experience rail noise. The Rail Corridor Vibration Alert Area identifies the vibration-sensitive area within 60metres each side of the rail corridor. Properties within this area may experience rail vibration. These Alert Areas are for information purposes only and no specific district plan rules or notification requirements apply as a result of the Rail Corridor Noise Alert Area or the Rail Corridor Vibration Alert Area.

NOISE-RI	Noise – general	
<ul style="list-style-type: none"> • LLRZ – Large lot residential zone; • GRZ – General residential zone; • RLZ – Rural lifestyle zone (including the Tamahere Commercial Areas A and B); • SETZ – Settlement zone; and • RPZ – Rangitahi Peninsula zone. 	(1) Activity status: PER Where: (a) Farming noise, and noise generated by emergency generators and emergency sirens.	(2) Activity status where compliance not achieved: n/a

(b) Insert the following two new rules (NOISE-R44 and NOISE-R45) into the NOISE chapter:

NOISE-R44	<u>Construction of a new building containing a sensitive land use within a State Highway or Rail Corridor Noise Control Boundary</u>
<u>(1) Activity status: PER</u> <u>Activity-specific standards:</u> (a) <u>New buildings are designed, constructed and maintained to ensure that any part of the building located within the State Highway or Rail Corridor Noise Control Boundary and containing an activity listed in Table 28 APP1:</u> (i) <u>complies with the maximum future indoor design noise levels in Table 28 in APP1 and meets the ventilation requirements in Section 8.1(4) of APP1; or</u> (ii) <u>is located so the nearest exterior façade of that part of the building is at least 50m from the formed carriageway of the state highway and 50m from the formed railway track and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to that activity to:</u> (1) <u>All parts of the formed carriageway of the state highway.</u> (2) <u>All points 3.8m directly above the formed railway track; or</u> (iii) <u>is located so it can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustic consultant that noise at all exterior façades of that part of the building will be no more than 15 dB</u>	<u>(2) Activity status where compliance not achieved: RDIS</u> <u>Council's discretion is restricted to the following matters:</u> (a) <u>Adverse effects on health and amenity of people indoors within the Noise Control Boundary overlays</u> (b) <u>Alternative options for building design or location that would achieve compliance with the standards in APP1</u> (c) <u>Adverse effects on the continuing operation of the state highway network, or railway corridor as a result of non-compliance with the standards in APP1</u> (d) <u>Any natural or built features of the site or surrounding area that will mitigate noise effects</u> (e) <u>The outcome of any consultation undertaken with NZTA or KiwiRail.</u>

<p>above the relevant maximum indoor design noise levels in Table 28 in APP1; or</p> <p>(iv) <u>accords with the construction schedule in Table 29 of APP1 and meets the ventilation requirements in Section 8.1(4) of APP1.</u></p>	
<p><u>NOISE-R45</u></p>	<p><u>Alterations, additions or change in use of an existing building to add or increase a sensitive land use within a State Highway or Rail Corridor Noise Control Boundary</u></p>
<p><u>Activity status: PER</u></p> <p><u>Activity-specific standards:</u></p> <p>(a) <u>The alteration, addition or change of use of an existing building does not increase the gross floor area of an activity listed within Table 28 APP1 within the State Highway or Rail Corridor Noise Control Boundary; or</u></p> <p>(b) <u>An internal alteration to an existing residential unit does not increase the total gross floor area of activities listed in Table 28 APP1 by more than 5m² within each 10 year period from [operative date]¹ within the State Highway Noise Effects Area or the Rail Noise Effects Area; or</u></p> <p>(c) <u>Other than internal alterations 5m² or less within each 10 year period from [operative date] provided for in (b) above, the alteration, addition or change of use of an existing building increases the gross floor area of an activity listed within Table 28 APP1 within the State Highway or Rail Corridor Noise Control Boundary, but the part of the building containing that activity:</u></p> <p>(i) <u>Is designed, constructed and maintained to comply with the indoor design noise levels specified in Section 8.1(1) and Table 28 in APP1 and meets the ventilation requirements in Section 8.1(4) of APP1; or</u></p> <p>(ii) <u>Is in a location where the nearest exterior façade of that part of the building is at least 50m from the formed carriageway of the state highway and 50m from the formed railway track and there is a solid building, fence, wall or landform that</u></p>	<p><u>Activity status where compliance not achieved: RDIS</u></p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p>(a) <u>Adverse effects on health and amenity indoors of people within the Noise Control Boundary overlays</u></p> <p>(b) <u>Alternative options for building design or location that would achieve compliance with the standards in APP1</u></p> <p>(c) <u>Adverse effects on the continuing operation of the state highway network, or railway corridor as a result of non-compliance with the standards in APP1</u></p> <p>(d) <u>Any natural or built features of the site or surrounding area that will mitigate noise effects</u></p> <p>(e) <u>The outcome of any consultation undertaken with NZTA or KiwiRail.</u></p>

¹ To be completed once the Waikato District Plan is made operative.

<p><u>blocks the line of sight from all parts of all windows and doors to that activity to:</u></p> <p>(1) <u>All parts of the formed carriageway of the state highway.</u></p> <p>(2) <u>All points 3.8m directly above the formed railway track; or</u></p> <p>(iii) <u>Is in a location where it can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustic consultant that the noise at all exterior façades of that part of the building is no more than 15 dB above the relevant noise levels in Table 28 in APP1; or</u></p> <p>(iv) <u>Is designed, constructed and maintained in accordance with the construction schedule in Table 29 of APP1 and meets the ventilation requirements in Section 8.1(4) of APP1.</u></p>	
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4. Appendix 1 – Acoustic insulation (APP1)

- (a) Insert the following new section into APP1:

8. State Highway and Rail Corridor Noise Control Boundary

The State Highway and Rail Corridor Noise Control Boundary overlays shown on the planning maps identify areas that have the potential to experience high noise levels from road and rail traffic. New buildings and alterations to habitable rooms in buildings used for sensitive land uses are required to demonstrate that adverse noise effects have been appropriately managed by demonstrating compliance with the standards specified in section 8.1.

8.1 Standards for permitted activities within the State Highway and Rail Corridor Noise Control Boundary overlays

- (1) Prior to the construction or alteration of, or change of use within, any building to which this standard applies, a design report shall be submitted to the Council demonstrating compliance with the maximum indoor design noise levels specified in Table 28, applying the assumptions in sections 8.1(2) and 8.1(3) below. Alternatively, the design report may be substituted with confirmation that the construction or alteration of, or change of use within, the building will meet the construction schedule requirements in Table 29.

Table 28 – Maximum indoor design noise levels for state highway and rail corridor noise

<u>Type of Noise Control Boundary</u>	<u>Activity</u>	<u>Rail Corridor maximum indoor design noise level</u>	<u>State Highway maximum indoor design noise level</u>
<u>State Highway and Rail Corridor</u>	<u>Bedrooms</u>	<u>35 dB L_{Aeq} (1hour)</u>	<u>40 dB L_{Aeq} (24hour)</u>
	<u>Lecture rooms / theatres, music studios, assembly halls</u>	<u>35 dB L_{Aeq} (1hour)</u>	<u>35 dB L_{Aeq} (24hour)</u>
	<u>Conference rooms, drama studios, libraries and designated sleeping rooms for children aged 6 years or younger in schools, early childhood centres or tertiary institutions</u>	<u>40 dB L_{Aeq} (1hour)</u>	<u>40 dB L_{Aeq} (24hour)</u>
	<u>Sensitive activities in hospitals including overnight medical care, wards, clinics, consulting rooms, theatres, nurses' stations</u>	<u>40 dB L_{Aeq} (1hour)</u>	<u>40 dB L_{Aeq} (24hour)</u>
	<u>Places of assembly including churches, places of worship and marae</u>	<u>35 dB L_{Aeq} (1hour)</u>	<u>35 dB L_{Aeq} (24hour)</u>
	<u>Other habitable rooms</u>	<u>40 dB L_{Aeq} (1hour)</u>	<u>40 dB L_{Aeq} (24hour)</u>

- (2) For State Highways, the design road noise is to be based on measured or predicted external noise levels plus 3 dB*.
- (3) For the Rail Corridor:
- (a) The source level for railway noise is 70 L_{Aeq}(1h) at a distance of 12 metres from the nearest track; and
 - (b) The attenuation over distance is:
 - (i) 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres; or
 - (ii) As modelled by a Suitably Qualified and Experienced Acoustic Consultant using a recognised computer modelling method for freight trains with diesel locomotives.

having regard to factors such as barrier attenuation, the location of the dwelling relative to the orientation of the track, topographical features and any intervening structures.

Table 29 - Construction Schedule

Elements	Minimum construction schedule for controlling noise in State Highway and Railway Noise Effects Areas in addition to the requirements of the New Zealand Building Code	
<u>Exterior walls</u>	<u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9kg/m³)</u>	
	<u>Cladding and internal wall lining complying with either Options A, B or C below:</u>	
	<u>Option A - Light cladding: timber weatherboard or sheet materials with surface mass between 8kg/m² and 30 kg/m² of wall cladding</u>	<u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10 mm thick high-density plasterboard, on resilient/isolating mountings</u>
	<u>Option B - Medium cladding: surface mass between 30 kg/m² and 80 kg/m² of wall cladding</u>	<u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10 mm thick high-density plasterboard</u>
	<u>Option C - Heavy cladding: surface mass between 80 kg/m² and 220 kg/m² of wall cladding</u>	<u>No requirements additional to New Zealand Building Code</u>
<u>Roof/ceiling</u>	<u>Ceiling cavity infill of fibrous insulation, batts or similar (minimum density of 7 kg/m³)</u>	
	<u>Ceiling penetrations, such as for recessed lighting or ventilation, shall not allow additional noise break-in</u>	
	<u>Roof type and internal ceiling lining complying with either Options A, B or C below:</u>	
	<u>Option A - Skillion roof with light cladding: surface mass up to 20 kg/m² of roof cladding</u>	<u>Internal lining of minimum 25 kg/m² plasterboard, such as two layers of 13 mm thick high-density plasterboard</u>
	<u>Option B - Pitched roof with light cladding: surface mass up to 20 kg/m² of roof cladding.</u>	<u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10 mm thick high-density plasterboard</u>
	<u>Option C - Roof with heavy cladding: surface mass between 20 kg/m² and 60 kg/m² of roof cladding</u>	<u>No requirements additional to New Zealand Building Code</u>
<u>Glazed areas</u>	<u>Aluminium frames with full compression seals on opening panes</u>	
	<u>Glazed areas shall be less than 35% of each room's gross floor area</u>	
	<u>Either:</u> <ul style="list-style-type: none"> <u>double-glazing with:</u> <ul style="list-style-type: none"> <u>a laminated pane of glass at least 6 mm thick;</u> <u>a cavity between the two panes of glass at least 12 mm deep; and</u> <u>a second pane of glass at least 4 mm thick</u> 	
	<u>Or</u> <ul style="list-style-type: none"> <u>any other glazing with a minimum performance of Rw 33 dB</u> 	

<u>Exterior doors</u>	<u>Exterior door:</u> <ul style="list-style-type: none"> <u>within the state highway noise effects area with a line-of-sight to any part of the state highway road surface; or</u> <u>within the railway corridor noise effects area with a line-of-sight to any point 3.8m directly above the formed railway track.</u> 	<u>Solid core exterior door, minimum surface mass 24 kg/m², with edge and threshold compression seals; or other doorset with minimum performance of Rw 30 dB</u>
	<u>Exterior door outside of the state highway noise effects area and railway corridor noise effects area, or with no line-of-sight to any part of the state highway road surface or to any point 3.8m directly above the formed railway track</u>	<u>Exterior door with edge and threshold compression seals</u>

- (4) If opening windows must be closed to achieve the design noise levels in Table 28 or if a building is constructed in accordance with the construction schedule in Table 29, the building must be designed, constructed and maintained with a mechanical ventilation system that:
- (a) For habitable rooms located within the State Highway or Rail Corridor Noise effects area containing a residential activity, achieves the following requirements:
- Provides mechanical ventilation that can operate continuously to satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, but no less than 7.5L/s per occupant;
 - Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C when assessed using a 2.5% design weather condition for the applicable location. An acceptable design weather set would include IRHACE Yearbook 2009 NIWA weather data; and
 - A HVAC system installed in compliance with (4)(a)(i) and (ii) above, must not generate more than 35 dB L_{Aeq(30s)} when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (4)(a)(ii), or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).
- (b) Alternatively, in lieu of section (4)(a) above, a design verified by a suitably qualified and experienced HVAC expert stating the design proposed will provide ventilation and internal space temperature controls to meet or exceed the outcomes described in parts (4)(a).
- (5) A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in 8.1(4).

*The State Highway Noise Effects Area is based on national road-traffic noise modelling by AECOM. The inputs for key parameters are as follows:

- Date of input datasets:** 2021 (generally reflecting 2020/21 conditions)
- Traffic volumes (AADT):** CoreLogic National Road Centreline dataset; 24h traffic data entered in CRTN as 18h traffic
- Heavy vehicles (%HV):** CoreLogic National Road Centreline dataset

- **Speed:** CoreLogic National Road Centreline dataset; Posted speed limit
- **Road surface:** Surface types as recorded in NZTA RAMM database; Surface corrections in accordance with NZTA Guide to state highway road surface noise, including a -2 dB correction from CRTN to a reference AC-10 surface.
- **Bridge locations:** CoreLogic National Road Centreline dataset; Height interpolated from start and end points
- **Terrain:** LIDAR where available; NZ School of Surveying 15 m nationwide DEM in other areas; Data combined in GIS to produce 1 m x 1 m DEM for noise model
- **Building footprints:** LINZ NZ Building Outlines dataset
- **Building heights:** Where available, calculated from DSM median height minus DEM median height, otherwise: 6 m residential / 8 m commercial
- **Noise barriers:** None modelled

5. Residential zone chapters

- (a) Insert the following rail corridor setback standards into the LLRZ – Large lot residential zone, GRZ – General residential zone, MDZ – Medium density residential zone and HOPZ – Hopuhopu zone chapters:

LLRZ-S11	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 2.5m from the designated boundary of the railway corridor.</u></p> <p>(b) <u>Standard LLRZ-S11(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u></p> <p>(c) <u>Standard LLRZ-S11(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u></p>	<p>(2) Activity status when compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p>(a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u></p> <p><u>Notification: Any restricted discretionary activity under LLRZ-S11 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under</u></p>

	<u>section 95A(4) of the Resource Management Act 1991.</u>
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GRZ-S25	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 2.5m from the designated boundary of the railway corridor.</u> (b) <u>Standard GRZ-S25(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u> (c) <u>Standard GRZ-S25(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u> 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u> <p><i>Notification: Any restricted discretionary activity under GRZ-S25 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>

MRZ-S12	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 2.5m from the designated boundary of the railway corridor.</u> (b) <u>Standard MRZ-S12(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u> (c) <u>Standard MRZ-S12(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u> 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u> <p><i>Notification: Any restricted discretionary activity under MRZ-S12 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of</i></p>

	<u>the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</u>
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HOPZ-S10	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 2.5m from the designated boundary of the railway corridor.</u> (b) <u>Standard HOPZ-S10(1)(a) does not apply to fences or structures less than 2m in height, poles or aerals.</u> (c) <u>Standard HOPZ-S10(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u> 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u> <p><i><u>Notification: Any restricted discretionary activity under HOPZ-S10 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</u></i></p>

6. Non-residential zone chapters

- (a) Insert the following rail corridor setback standards into the GRUZ – General Rural Zone, RLZ – Rural Lifestyle Zone, SETZ – Settlement Zone, LCZ – Local Centre Zone, COMZ – Commercial Zone, TCZ – Town Centre Zone, FUZ – Future Urban Zone, GIZ – General Industrial Zone, HIZ – Heavy Industrial Zone and OSZ – Open Space Zone chapters:

GRUZ-S21	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor.</u> 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>The location, size and design of the building as it relates to the ability to safely</u>

<p>(b) <u>Standard GRUZ-S21(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u></p> <p>(c) <u>Standard GRUZ-S21(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u></p>	<p><u>use, access and maintain buildings without requiring access on, above or over the rail corridor.</u></p> <p><i>Notification: Any restricted discretionary activity under GRUZ-S21 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>
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RLZ-S18	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor.</u></p> <p>(b) <u>Standard RLZ-S18(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u></p> <p>(c) <u>Standard RLZ-S18(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u></p>	<p>(2) Activity status when compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u></p> <p><i>Notification: Any restricted discretionary activity under RLZ-S18 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>

SETZ-S12	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor.</u></p>	<p>(2) Activity status when compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p>

<p>(b) Standard SETZ-S12(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</p> <p>(c) Standard SETZ-S12(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</p>	<p>(a) The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</p> <p><i>Notification: Any restricted discretionary activity under SETZ-S12 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>
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LCZ-S11	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor.</p> <p>(b) Standard LCZ-S11(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</p> <p>(c) Standard LCZ-S11(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</p>	<p>(2) Activity status when compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</p> <p><i>Notification: Any restricted discretionary activity under LCZ-S11 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>

COMZ-S11	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor. (b) Standard COMZ-S11(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials. (c) Standard COMZ-S11(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor. 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor. <p><i>Notification: Any restricted discretionary activity under COMZ-S11 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>

TCZ-S12	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor. (b) Standard TCZ-S12(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials. (c) Standard TCZ-S12(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor. 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor. <p><i>Notification: Any restricted discretionary activity under TCZ-S12 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under</i></p>

	<u>section 95A(4) of the Resource Management Act 1991.</u>
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GIZ-S9	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor.</u> (b) <u>Standard GIZ-S9(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u> (c) <u>Standard GIZ-S9(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u> 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u> <p><i>Notification: Any restricted discretionary activity under GIZ-S9 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>

HIZ-S11	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor.</u> (b) <u>Standard HIZ-S11(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u> (c) <u>Standard HIZ-S11(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u> 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u> <p><i>Notification: Any restricted discretionary activity under HIZ-S11 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council</i></p>

	<u>decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</u>
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OSZ-S11	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor.</u> (b) <u>Standard OSZ-S11(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u> (c) <u>Standard OSZ-S11(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u> 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u> <p><i>Notification: Any restricted discretionary activity under OSZ-S11 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>

FUZ-S13	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 3m from the designated boundary of the railway corridor.</u> (b) <u>Standard FUZ-S13(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u> (c) <u>Standard FUZ-S13(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u> 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u> <p><i>Notification: Any restricted discretionary activity under FUZ-S13 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with</i></p>

	<u>section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</u>
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7. Existing setbacks – state highway and rail corridor

- (a) Delete the following setbacks for state highway and rail corridor in the GRUZ – General Rural Zone, RLZ – Rural Lifestyle Zone, SETZ – Settlement Zone, LLRZ – Large Lot Residential Zone, TKAZ – Te Kowhai Airpark Zone, MSRZ – Motorsport and Recreation Zone, CORZ – Corrections Zone and FUZ – Future Urban Zone chapters:

LLRZ-S9	Building setbacks – sensitive land use
<p>(1) Activity status: PER Where:</p> <p>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</p> <p>(i) 5m from the designated boundary of the railway corridor;</p> <p>(ii) (i) 15m from the boundary of a national route or regional arterial;</p> <p>(iii) 25m from the designated boundary of the Waikato Expressway;</p> <p>(iv) (ii) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site;</p> <p>(v) (iii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</p> <p>(vi) (iv) 300m from the boundary of another site containing an intensive farming activity.</p> <p>(b) LLRZ-S9(1)(a) does not apply to a structure which is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) (a) On-site amenity values;</p> <p>(c) (b) Odour, dust and noise levels received at the notional boundary of the building;</p> <p>(d) (c) Mitigation measures; and</p> <p>(e) (d) Potential for reverse sensitivity effects.</p>

GRZ-S20	Building setback – sensitive land use
<p>(1) Activity status: PER Where:</p> <p>(a) Any new building or alteration to an existing building for a sensitive land use shall be set back a minimum of:</p> <p>(i) 5m from the designated boundary of the railway corridor;</p> <p>(ii) (i) 15m from the boundary of a national route or regional arterial;</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) (a) On-site amenity values;</p> <p>(c) (b) Odour, dust and noise levels received at the notional boundary of the building;</p> <p>(d) (c) Mitigation measures; and</p> <p>(e) (d) Potential for reverse sensitivity effects.</p>

<p>(iii) 25m from the designated boundary of the Waikato Expressway;</p> <p>(iv) (ii) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site;</p> <p>(v) (iii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</p> <p>(vi) (iv) 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruwaahia.</p>	
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GRUZ-S13 Building setbacks – sensitive land use	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building for a sensitive land use must be set back a minimum of:</p> <p>(i) 5m from the designated boundary of the railway corridor;</p> <p>(ii) (i) 15m from a national route or regional arterial road;</p> <p>(iii) 35m from the designated boundary of the Waikato Expressway;</p> <p>(iv) (ii) 200m from an Aggregate Extraction Area or Extractive Resource Area containing a sand resource;</p> <p>(v) (iii) 500m from an Aggregate Extraction Area or Extractive Resource Area containing a rock resource, or a Coal Mining Area;</p> <p>(vi) (iv) 100m from a site in the Tamahere Commercial Areas A and C;</p> <p>(vii) (v) 300m from the boundary of buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity;</p> <p>(viii) (vi) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site;</p> <p>(ix) (vii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed;</p> <p>(x) (viii) Not be located within the Te Uku wind farm setback shown on the planning maps; and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) (a) On-site amenity values;</p> <p>(c) (b) Odour, dust and noise levels received at the notional boundary of the building;</p> <p>(d) (c) Mitigation measures; and</p> <p>(e) (d) Potential for reverse sensitivity effects; and</p> <p>(f) (e) The safe, effective, and efficient operation, maintenance and upgrade of the gas network.</p>

(xi) (ix) 6m from the Gas network setback shown on the planning maps.	
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RLZ-S11 Building setback - sensitive land use	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</p> <p>(i) 15m from a national route or regional arterial boundary;</p> <p>(ii) 35m from the designated boundary of the Waikato Expressway;</p> <p>(iii) (ii) 200m from an Aggregate Extraction Area containing a sand resource;</p> <p>(iv) (iii) 500m from an Aggregate Extraction Area containing a rock resource;</p> <p>(v) (iv) 300m from the boundary of another site containing an intensive farming activity;</p> <p>(vi) (vii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site;</p> <p>(vii) (viii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</p> <p>(viii) (vi) 6m from the Gas network setback shown on the planning maps.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) (a) On-site amenity values;</p> <p>(c) (b) Odour, dust and noise levels received at the notional boundary of the building;</p> <p>(d) (c) Mitigation measures; and</p> <p>(e) (d) Potential for reverse sensitivity effects; and</p> <p>(f) (e) The safe, effective, and efficient operation, maintenance and upgrade of the gas network.</p>

RLZ-S12 Building setback—sensitive land use	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of 5m from the designated boundary of the railway corridor.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The size, nature and location of the buildings on the site;</p> <p>(b) The extent to which the safety and efficiency of rail and road operations will be adversely affected;</p> <p>(c) The outcome of any consultation with KiwiRail; and</p> <p>(d) Any characteristics of the proposed use that will make compliance unnecessary.</p>

SETZ-S10	Building setbacks – sensitive land use
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) (i) 15m from the boundary of a national route or regional arterial; (iii) 25m from the designated boundary of the Waikato Expressway; (iv) (ii) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; (v) (iii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and (vi) (iv) 300m from the boundary of another site containing an intensive farming activity. <p>(b) SETZ-S10(1)(a) does not apply to a structure which is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Road network safety and efficiency; (b) (a) On-site amenity values; (c) (b) Odour, dust and noise levels received at the notional boundary of the building; (d) (c) Mitigation measures; and (e) (d) Potential for reverse sensitivity effects.

CORZ-S9	Building setbacks – sensitive land use
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building for a sensitive land use must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) (i) 15m from a national route or regional arterial road; (iii) 35m from the designated boundary of the Waikato Expressway; (iv) (ii) 200m from an Aggregate Extraction Area or Extractive Resource Area containing a sand resource; (v) (iii) 500m from an Aggregate Extraction Area or Extractive Resource Area containing a rock resource, or a Coal Mining Area; (vi) (iv) 100m from a site in the Tamahere Commercial Areas A and C; (vii) (v) 300m from the boundary of buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity; 	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>(viii) <u>(vi)</u> 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site;</p> <p>(ix) <u>(vii)</u> 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</p> <p>(x) <u>(viii)</u> Not be located within the Te Uku wind farm setback shown on the planning maps.</p>	
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FUZ-S9	Building setbacks – sensitive land use
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building for a sensitive land use must be set back a minimum of:</p> <p>(i) <u>(i)</u> 5m from the designated boundary of the railway corridor;</p> <p>(ii) <u>(i)</u> 15m from a national route or regional arterial road;</p> <p>(iii) <u>(ii)</u> 35m from the designated boundary of the Waikato Expressway;</p> <p>(iv) <u>(ii)</u> 200m from an Aggregate Extraction Area or Extractive Resource Area containing a sand resource;</p> <p>(v) <u>(iii)</u> 500m from an Aggregate Extraction Area or Extractive Resource Area containing a rock resource, or a Coal Mining Area;</p> <p>(vi) <u>(iv)</u> 100m from a site in the Tamahere Commercial Areas A and C;</p> <p>(vii) <u>(v)</u> 300m from the boundary of buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity;</p> <p>(viii) <u>(vi)</u> 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site;</p> <p>(ix) <u>(vii)</u> 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</p> <p>(x) <u>(viii)</u> Not be located within the Te Uku wind farm setback shown on the planning maps.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

MSRZ-S18 Building setbacks – all precincts	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building or structure in all precincts identified on the planning maps must be set back at least:</p> <p>(i) 7.5m from the boundary of Hampton Downs Road; and</p> <p>(ii) 25m from the boundary of the Waikato Expressway; and</p> <p>(iii) (ii) 25m from the boundary of another zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Design and location of the building;</p> <p>(b) Admission of daylight and sunlight on any other sites;</p> <p>(c) Privacy on adjoining sites; and</p> <p>(d) Amenity values.</p>

TKAZ-S17 Building setback from a State Highway	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) In all precincts, construction or alteration of a building must be set back at least 15m from a State Highway.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>