

# **WAIKATO DISTRICT COUNCIL**

## **Hearings of Submissions on the Proposed Waikato District Plan**

### **Report and Decisions of Independent Commissioners**

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#### **Decision Report 21: Industrial Zones**

**17 January 2022**

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##### **Commissioners**

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

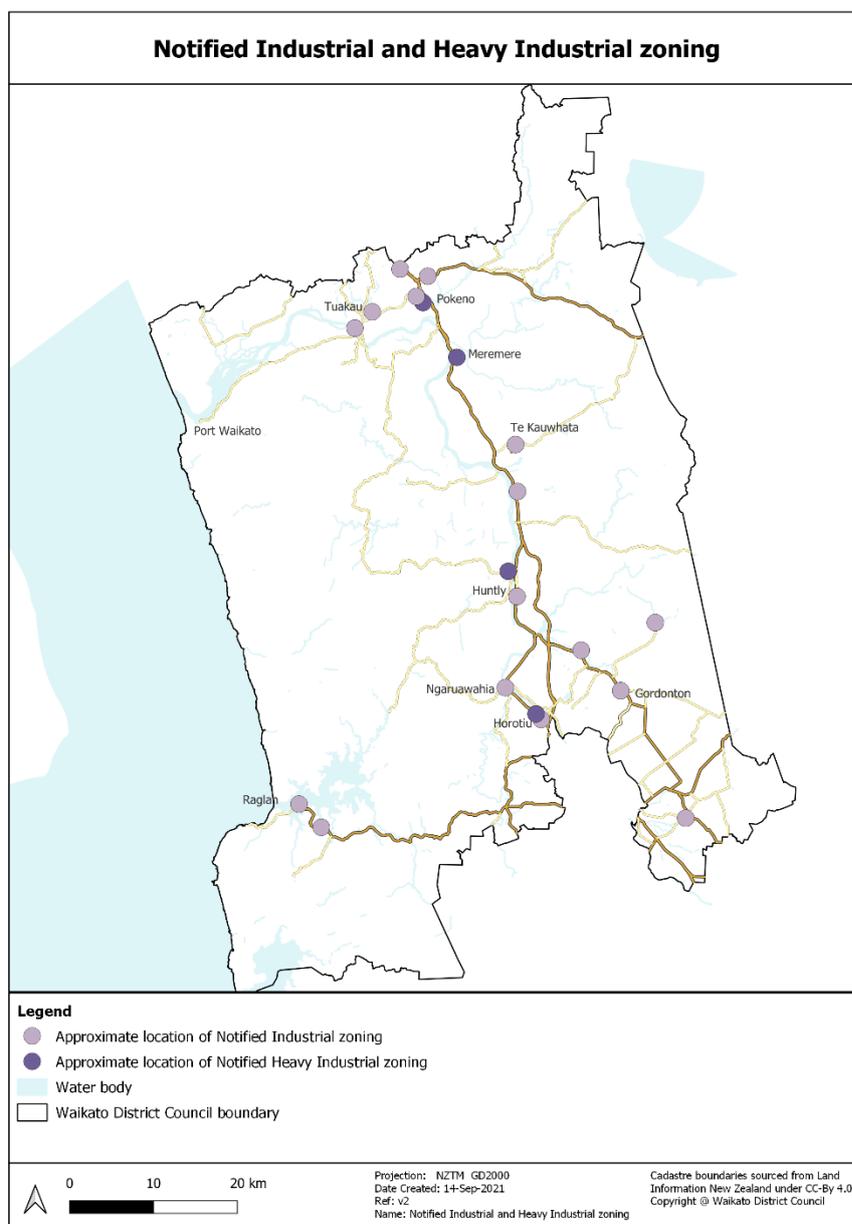
Mr Weo Maag

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## **1 Introduction**

- 1.1 Hearing 7 related to all the submissions received by the Waikato District Council (Council) on the provisions of the General Industrial Zone and Heavy Industrial Zone within the Proposed Waikato District Plan (PDP). This hearing specifically related to objectives, policies, land use activities, land use effects, building and subdivision within the two industrial zones.
- 1.2 The General Industrial Zone contains areas used predominantly for a range of industrial activities. This zone may also be used for activities that are compatible with the adverse effects generated from industrial activities. The General Industrial Zone applies mainly to perimeter areas within the main towns and villages. Some particular sites within and outside these settlements are also zoned industrial to reflect historic industrial occupation, such as service stations, dairy factories, timber mills and wool scouring sites.
- 1.3 The Heavy Industrial Zone contains areas used predominantly for industrial activities that generate potentially significant adverse effects. This zone may also be used for associated activities that are compatible with the potentially significant adverse effects from industrial activities. This zone applies to only four specific sites, namely Huntly Power Station, the former Meremere Power Station, Affco in Horotiu, and the Hynds Pipes and Yashili and Synlait dairy factories at Pōkeno.
- 1.4 The locations of the notified Industrial Zones are illustrated on Figure 1 below. The General and Heavy Industrial Zones are a rationalisation of several industrial zones and scheduled areas applying under the Operative Franklin and Waikato District Plans.



## 2 Hearing Arrangement

- 2.1 The hearing was held on Tuesday 21 January 2020 at Council's offices in Ngaruawahia. All of the relevant information pertaining to this hearing (i.e., section 42A report, legal submissions and evidence) is contained on Council's website.
- 2.2 We heard from the following parties on the General and Heavy Industrial Zones provisions of the PDP:

Submitter organisation	Attendee at the hearing
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Council	Jane Macartney (author of section 42A Report)
Genesis Energy	Richard Matthews – planning Damian Ellerton – noise
Ports of Auckland	Mark Arbuthnot – planning Chris Day – noise Alistair Kirk – corporate
Hamilton City Council	Paul Bowman
KiwiRail	Allison Arthur-Young / Lauren Eaton – legal counsel Pam Butler – planning
Northgate Developments and Northgate Industrial Park	Kathryn Drew
Tuakau Proteins	Nicki Williams
Fire and Emergency NZ	Craig Sharman
Pōkeno Village Holdings	Sue Simons / Kate Storer – legal counsel Adam Jellie – planning
Synlait	Ewan Chapman – legal counsel Robert Stowell – corporate Nicola Rykers – planning
Department of Corrections	Matt Allott
Tasman Lands	Philip Barrett Bob Carter

Van den Brink Limited	Renee Fraser-Smith
Havelock Village	Jon Styles – noise Mark Tollemache – planning
Hynds Pipes and Hynds Foundation	Bill Loutit / Sarah Mitchell – legal counsel Adrian Hynds – corporate Chanel Hargraves – planning

2.3 Although these parties did not attend the hearing, evidence was filed by:

- a. Tanya Running on behalf of Waka Kotahi;
- b. Kahlia Thomas on behalf of The Oil Companies;
- c. Lisette Balsom on behalf of Waikato Regional Council;
- d. Bevan Houlbrooke on behalf of Greig Metcalfe;
- e. Keith Frentz on behalf of Ministry of Education;
- f. Leigh Shaw on behalf of Fellrock Development Ltd/TTT Products Ltd;
- g. Pauline Whitney on behalf of Transpower NZ; and
- h. Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga.

2.4 Following the hearing, Council staff developed revised provisions in response to the evidence presented. These were circulated to the submitters for feedback on 16 April 2020. A final Concluding Hearing Report was prepared by Ms Macartney on 8 May 2020.

### **3 Overview of issues raised in Submissions**

3.1 In the section 42A report, Ms Macartney set out the full list of submissions received pertaining to the General Industrial Zone and Heavy Industrial Zone provisions. These were broadly categorised as relating to the following wider topics:<sup>1</sup>

- a. Objectives and policies (Chapter 4);

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<sup>1</sup> Section 42A Report Hearing 7: Industrial Zone and Heavy Industrial Zone, Paragraph 16, dated November 2019.

- b. Rules for the Industrial Zone (Chapter 20);
  - c. Rules for the Industrial Zone Heavy (Chapter 21); and
  - d. Provisions for the Horotiu Industrial Park – new Development Area.
- 3.2 Common themes identified were the need for greater clarity within the provisions and the need for more liberal rules to better implement and achieve the notified objectives and policies. Following the exchange of evidence, the submitters' outstanding matters of contention at the time of hearing were set out in Ms Macartney's rebuttal evidence as:<sup>2</sup>
- a. Definition of and provision for educational facilities;
  - b. Real estate signage;
  - c. Provision of community corrections activities;
  - d. Emergency service facilities and firefighting water supply;
  - e. Building setback from and earthworks in proximity to the railway corridor;
  - f. Tuakau Proteins Limited – provision as an 'industrial activity' and acoustic matters;
  - g. Huntly Power Station – provision as a 'regionally significant industry', health and safety signage, and acoustic matters;
  - h. Hamilton City Council – discretionary activity status for commercial/retail activities;
  - i. Signage for heritage buildings and Maaori sites and areas of significance;
  - j. Effects of signage on traffic users;
  - k. Specific provisions for Horotiu Industrial Park – Ports of Auckland and Northgate;
  - l. Pōkeno Village Holdings – permitted activities in Pōkeno Gateway Industrial Park;
  - m. Havelock Village Limited – acoustic matters;
  - n. Van Den Brink Group – general development in Industrial Zone;

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<sup>2</sup> Section 42A rebuttal evidence Hearing 7: Industrial Zone and Heavy Industrial Zone, Paragraph 8, dated 13 January 2020.

- o. Synlait – development on existing dairy factory site; and
- p. Hynds – development at 9 McDonald Road, Pōkeno.

#### **4 Overview of evidence**

- 4.1 Mr Richard Matthews presented planning evidence on behalf of Genesis Energy, with a focus on providing for the continued operations of Genesis' Huntly Power Station within the Heavy Industrial Zone. Mr Matthews considered that to avoid any doubt, Huntly Power Station must be explicitly identified as a 'Regionally Significant Industry' within the Waikato District Plan. He also considered that the height limit for the Huntly Power Station should be amended to the operative height limit, allowing a maximum of 60 metres, and 35 metres over 90 per cent of the site. Mr Matthews clarified that no change is proposed with respect to the scale of the present buildings on the power station site, and potential future peaker units would be of a similar scale to existing smaller units on the site.<sup>3</sup>
- 4.2 In terms of activities provided for in the Heavy Industrial Zone, Mr Matthews considered that electricity generation activities and associated coal stockpiling activities at the Huntly Power Station should be explicitly provided for, while signage for health and safety or asset identification purposes or that is required by legislation should be identified as a permitted activity in Chapter 14 of the PDP. He agreed with the section 42A report recommendation that education facilities should not be provided for within industrial zones.
- 4.3 Mr Matthews also referred to primary noise evidence prepared on behalf of Genesis Energy by Mr Ellerton, and supported the changes to noise rules proposed in that evidence. These included the need for a "date stamp" for the Huntly Power Station noise limits as received at surrounding dwellings and to tag this to the notional boundary of dwellings existing near the power station as of 25 September 2004.
- 4.4 Mr Mark Arbuthnot and Mr Chris Day presented planning and acoustic evidence, respectively, on behalf of Ports of Auckland Limited (POAL), who have an inland freight hub at Horotiu Industrial Park in the Heavy Industrial Zone. In response to POAL's submission, Ms Macartney's section 42A report had recommended that a new Development Area be applied to the Horotiu Industrial Park.<sup>4</sup>
- 4.5 Mr Arbuthnot sought that POAL's inland freight hub be explicitly recognised as a 'regionally significant industry' through a policy. He also considered that the following provisions were appropriate for the Horotiu Industrial Park:
- a. a controlled activity status for workers' accommodation, which would only apply to people whose duties require them to live on-site;

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<sup>3</sup> Summary of Evidence of Richard Matthews for Genesis, Paragraph 6B, dated 21 January 2020.

<sup>4</sup> Section 42A report Hearing 7: Industrial Zone and Heavy Industrial Zone, Part D, dated 25 November 2019.

- b. a landscape planting permitted activity standard for development that provides 4m riparian planting and 5m planting fronting Horotiu Road;
  - c. a specific rule relating to building setbacks adjacent to waterbodies that would retain the status quo from the operative District Plan;
  - d. a permitted area of 15 square metres for freestanding signs in the industrial zones.
- 4.6 In relation to permitted noise levels, Mr Day considered that an upper night-time noise limit of 45 dB  $L_{Aeq}$  for activities in the Horotiu Industrial Park would maintain a reasonable level of acoustic amenity for Residential zoned properties at Horotiu, rather than the 40 dB  $L_{Aeq}$  in the PDP. He also supported the application of the 'notional boundary' when measuring noise received at land located outside of the Industrial and Residential zones, and the use of a 'date stamp' for the Horotiu Industrial Park noise rules. He proposed that the date stamp refers to the date that the Waikato District Plan becomes operative.<sup>5</sup>
- 4.7 Mr Paul Bowman presented evidence on behalf of Hamilton City Council. He supported the section 42A report recommendations made by Ms Macartney with regards to Policy 4.6.3 (maintain a sufficient supply of industrial land) and Policy 4.6.4 (maintain industrial land for industrial purposes). However, Mr Bowman disagreed with the application of a discretionary activity status for standalone retail and office activities of any size and scale in the General Industrial Zone. He instead sought a non-complying activity status to clearly signal that these activities are not anticipated and are discouraged from locating in these zones. It was his view that this would better protect industrial land supply, in line with Policies 4.6.3 and 4.6.4.
- 4.8 Ms Allison Arthur-Young and Ms Lauren Eaton filed legal submissions on behalf of KiwiRail. These noted that KiwiRail agreed with a number of Ms Macartney's section 42A report recommendations. The key outstanding issues for KiwiRail were in relation to setbacks for buildings from the railway corridor, and setbacks for earthworks from any infrastructure. The legal submissions referred to the primary evidence of Ms Pam Butler on behalf of KiwiRail, which provided further detail on these issues. They explained that provision of a 5-metre physical setback for buildings adjacent to the railway corridor boundary, as sought by KiwiRail, is primarily a safety control to manage the interface between operations within the railway corridor and activities on adjoining sites.
- 4.9 KiwiRail's legal submissions provided a section 32 and section 32AA analysis in response to rebuttal evidence on behalf of POAL and by Ms Macartney, which preferred KiwiRail increasing the width of its existing designation rather than apply a building setback rule. The section 32 analysis stated that increasing the designation width would subject the neighbouring owners and occupiers to a more restrictive regime than the building setback rule would, as restricted discretionary consent could still be sought for new or altered activities within the setback under KiwiRail's proposal.

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<sup>5</sup> Statement of Evidence of Chris Day for POAL, dated 20 January 2020.

- 4.10 KiwiRail's concerns related to earthworks near the railway corridor. KiwiRail considered that the rail corridor could be impacted from a change in the contour of land caused by earthworks if not appropriately managed. KiwiRail was also concerned that inadequate sediment control measures on adjacent sites could affect the rail corridor. KiwiRail therefore sought that all earthworks be located at least 1.5 metres away from any infrastructure.
- 4.11 Ms Kathryn Drew presented planning evidence on behalf of Northgate Developments and Northgate Industrial Park (collectively Northgate), who is a developer and major landowner in the Horotiu Industrial Park. Northgate submitted that specific existing Horotiu Industrial Park provisions should be retained in the PDP; and Ms Macartney's section 42A report agreed that a specific set of provisions should be included in Section 20.6 of the General Industrial Zone chapter. Northgate sought to amend the proposed wording of some of these provisions, including:
- a. The removal of the rule relating to planting of the earth bund;
  - b. The volume of free-standing signage permitted to relate to the site size or frontage; and
  - c. Night time noise limits to be 45dB.
- 4.12 Ms Nicola Williams presented planning evidence on behalf of Tuakau Proteins, which has been established on Lapwood Road, Tuakau since the 1970s. She supported a site-specific noise limit applying to the Tuakau Proteins site similar to the Horotiu Industrial Park, being 45dBA  $L_{Aeq}$  (10pm to 7am the following day) measured within the notional boundary of any site zoned Rural. In her opinion, this relaxation of the General Industrial Zone noise limit by 5dB would recognise the isolated nature of the Lapwood Road Industrial zone, the particular characteristics of the zone (being limited to one industrial site) and would enable the activity to continue on the site without the continued issue of night-time noise compliance.
- 4.13 Ms Williams also sought that Policy 4.7.11 - Reverse Sensitivity ensures the protection of existing industrial activities. She supported Ms Macartney's amended recommendation in relation to Policy 4.6.7 - Management of adverse effects within industrial zones.
- 4.14 Mr Craig Sharman presented planning evidence on behalf of Fire and Emergency New Zealand (FENZ). FENZ were supportive of Ms Macartney's proposed addition of new Objective 4.6.16 and Policy 4.6.17 in relation to the recognition of emergency services facilities in the industrial zones. They were also in support of the retention of building setbacks from waterbodies within the Industrial Zones, as these rules provide mitigation of flood hazard risk to buildings, therefore safeguarding the wellbeing of communities.
- 4.15 Mr Sharman clarified that permitted activity status for both 'emergency services training and management activities', and 'emergency service facilities' was sought by FENZ in both the Heavy and General Industrial Zones. He clarified that 'emergency service facilities' refers to fire stations and other emergency response facilities (i.e., buildings)

that do not otherwise fall within the meaning of the phrase 'emergency services training and management activities'.

- 4.16 Mr Sharman also noted that for firefighting purposes, reticulated water supply is not a requirement for industrial activities and this can be provided through alternative means. Therefore, FENZ suggested further amendments to the wording of the subdivision conditions to only require proposed lots to be 'connected to water supply sufficient for firefighting purposes'.
- 4.17 Ms Sue Simons and Ms Kate Storer filed legal submissions on behalf of Pōkeno Village Holdings Limited (PVHL), while Mr Adam Jellie presented planning evidence. PVHL sought that the Pōkeno Structure Plan (PSP) be incorporated into the PDP, as developed as part of Plan Change 24 to the operative Waikato District Plan – Franklin Section (operative in 2010), which provides a bespoke solution for Pōkeno. In relation to the industrial zones, the PSP provides for additional community and commercial facilities in the industrial area between the town centre and the Heavy Industry zone, with interface controls applying. Mr Jellie therefore proposed that a 'Development Area' apply to the Industrial zoned land in Pōkeno, that reflected the range of uses anticipated by the PSP. He noted that a comprehensive case for the inclusion of the PSP would be made at Hearing 26: Other Matters, but that a form of secondary relief would be to modify the activity tables for the Industrial zones to permit additional activities (within the PSP area only).
- 4.18 Mr Ewan Chapman filed legal submissions on behalf of Synlait Milk Limited, accompanied by corporate evidence from Mr Robert Stowell of Synlait and planning evidence by Ms Nicola Rykers. Synlait's interests focused on the ongoing use of its Heavy Industrial site at Pōkeno for milk-processing purposes. They sought amendments to policies and rules to better protect the ability of the Heavy Industrial zone to operate, and recognise the importance of dairy processing. Specifically, Ms Rykers supported the following amendments to the provisions proposed by Ms Macartney's section 42A report:
- a. Amend Policy 4.6.2 to distinguish between the two industrial zones in terms of both activities anticipated and environmental outcomes sought;
  - b. Amend Policy 4.6.3 to recognise that sufficiency of supply of industrial land should also consider appropriateness of location;
  - c. Expand Policy 4.6.7 to identify that the General Industrial Zone can function as a transition between heavy industrial and other more sensitive zones;
  - d. Increase the permitted earthworks limit to 10,000 cubic metres in volume and 5 metres total depth;
  - e. Make signage for health and safety and regulatory purposes permitted activities within Chapter 21; and
  - f. Amend Rule 21.3.3 Daylight admission so that it only applies at the Residential zone boundary.

- 4.19 Mr Matthew Allott presented planning evidence in support of the Department of Corrections' submission seeking a permitted activity status for 'community corrections activities' in the Industrial Zone. He considered that light industrial areas provide suitable sites for such activities and noted there are many examples of community corrections facilities in Industrial zoned sites around the country. He explained that activities at community corrections facilities are industrial in nature, in particular the community work components, where large sites with yard-based activities such as job training, large equipment storage and vehicle storage are required.
- 4.20 Section 20.5 of the notified Industrial Zone chapter related specifically to the Nau Mai Business Park (NMBP) within the Industrial Zone near Raglan, and contained a location-specific set of rules. Mr Philip Barrett and Mr Bob Carter presented planning and corporate evidence, respectively, on behalf of Tasman Lands Limited, with a focus on provisions applying to the NMBP. Mr Barrett considered that any light industrial activity within the NMBP should be a permitted activity, subject to compliance with performance standards. He noted that the NMBP is approximately 90 per cent developed, with the bulk of activities onsite being light industrial, and consent notices applied to each lot to ensure consistency with the original land use consent. He stated there is no obvious reason not to allow for similar activities as in the General Industrial Zone to occur at the NMBP.
- 4.21 Mr Barrett's evidence also proposed various other changes to the provisions for the NMBP relating to signage, the storage of fireworks, landscaping, mapping of 'effective building areas', and on-site tanks for liquid trade waste.
- 4.22 Ms Renee Fraser-Smith presented planning evidence on behalf of Van den Brink Limited. She stated that she concurred with changes to Rule 20.3.3 and Policy 4.6.9A recommended in Ms Macartney's rebuttal evidence, as well as a number of changes recommended to the General Industrial Zone rules and standards in Ms Macartney's original section 42A report.
- 4.23 Ms Fraser-Smith then set out various matters of disagreement with Ms Macartney. She supported a 3-metre building setback being applied to the General Industrial Zone rather than the 5-metre setback recommended in Ms Macartney's rebuttal evidence. She also sought an amendment to Policy 4.6.2 to refer to the efficient use of industrial land, because in her opinion, such a reference is missing from the policy framework of the PDP. Lastly, she supported the continued application of a 18-metre height limit for the Whangarata Business Park as per the operative District Plan provisions, or alternatively supported an increased height limit of 20 metres in Industrial Zones more broadly to encourage the efficient use of industrial land.
- 4.24 Mr Jon Styles presented noise evidence and Mr Mark Tollemache presented planning evidence on behalf of Havelock Village Limited. Mr Styles supported lowering the anytime noise limits for the General and Heavy Industrial Zones by 5 dB each (to 70 dB  $L_{Aeq}$ ). Additionally, he did not support the introduction of lower night-time noise limits for the General Industrial Zone, as he was unaware of any night-time activities permitted in the General Industrial Zone that would require night-time noise amenity protection,

noting that interface noise limits are included to adequately protect adjacent zones. He strongly supported the interface rules (Rule 20.2.2.1 P1 and Rule 21.2.2.1 P2(b)) applying between industrial zones and all other zones where noise sensitive activities are permitted, including the Rural zone, but suggested a wording amendment to provide additional clarity.

- 4.25 Mr Styles also commented on the 'date stamp' approach for applying noise limits to the Huntly Power Station and Horotiu inland port operations, as advanced by acoustic witnesses. He considered that this approach may be reasonable for specific sites and situations but did not support its use on a district-wide level. Mr Styles preferred the establishment of noise control boundaries combined with setback rules to manage noise emissions from sites.
- 4.26 Mr Tollemache supported the position of Mr Styles and provided some comments on other submitters' evidence, noting his agreement with Mr Jellie's proposal to retain the bespoke provisions of the operative District Plan for the industrial zones in Pōkeno.<sup>6</sup>
- 4.27 Mr Bill Loutit and Ms Sarah Mitchell filed legal submissions on behalf of Hynds Pipes and the Hynds Foundation (collectively Hynds). Hynds' key interest in relation to this hearing was to ensure that the provisions of the Heavy Industrial Zone appropriately provide for the continued operation of its plant at Pōkeno. Hynds also provided background on its concerns around residential development proposed in the vicinity of its plant, the details of which are to be addressed at the rezoning hearings.
- 4.28 Mr Adrian Hynds, a director of Hynds, provided a description of Hynds' operations and the criteria used to select the Pōkeno site. These included allowing for 24/7 production, generous land area, room for future expansion and proximity to raw materials supply and markets. He stated that Hynds had made a significant investment in their facility and are planning for ongoing investment, describing that stage two and three developments are planned to the west and south of Hynds' current development. He was very concerned about reverse sensitivity effects on the operation resulting from potential residential development near the site.
- 4.29 Ms Chanel Hargraves presented planning evidence on behalf of Hynds, which addressed what she considered to be a lack of policy direction on the purpose of, and outcomes sought for, the two industrial zones. While Ms Hargraves supported the majority of Ms Macartney's recommendations in relation to Hynds' submission points, she proposed the following amendments to the provisions proposed in Ms Macartney's rebuttal evidence:
- a. Inclusion of additional wording in Objective 4.6.1 recognising the positive effects of industrial activities;

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<sup>6</sup> Primary Evidence of Adam Jellie for Pokeno Village Holdings Limited, dated 10 December 2019.

- b. Inclusion of additional wording in Policy 4.6.2(ii)A identifying that because of the nature of their operation, heavy industrial activities be required to locate in the Heavy Industrial Zone; and
  - c. Replacing the reference to in Policy 4.6.2(ii) to having 'appropriate separation distances' with reference to avoiding encroachment from sensitive activities or protecting Heavy Industrial activities from reverse sensitivity.
- 4.30 Ms Tanya Running filed evidence to be tabled at the hearing on behalf of Waka Kotahi. Ms Running's evidence set out a limited number of areas where she disagreed with the section 42A report's recommendations. These related to signs and building setbacks from State Highways. Waka Kotahi sought a restriction on the number of characters and words on signs viewed from State Highways, and that all signs be set back from State Highways by at least 15 metres. Waka Kotahi also requested a 20-metre building setback from State Highways should apply in the Heavy Industrial Zone in order to manage effects on traffic safety.
- 4.31 Ms Kahlia Thomas filed evidence to be tabled at the hearing on behalf of Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (collectively the Oil Companies). She noted that the Oil Companies generally supported the section 42A report recommendations in relation to their submission points.
- 4.32 Ms Lisette Balsom on behalf of Waikato Regional Council also tabled evidence expressing support for the section 42A report recommendations. These included the retention of Objectives 4.6.1 and 4.6.6, and Policies 4.6.4 and 4.6.7.
- 4.33 Mr Bevan Houlbrooke filed evidence to be tabled at the hearing on behalf of Mr Greig Metcalfe, owner of a Real Estate Agency with an interest in signage provisions applying in the General and Heavy Industrial Zones. He suggested further refinements to the amended real estate signs rules proposed in the section 42A report. These included removing the requirement for the sign to relate to the site on which it is located and the introduction of a maximum sign size of 2.16 square metres. He considered that these changes would further assist in reducing the instances of real estate signs requiring resource consent.
- 4.34 Mr Keith Frentz filed evidence on behalf of the Ministry of Education which sought a restricted discretionary activity status for educational facilities in the General Industrial Zone, rather than the notified default non-complying activity status for educational facilities other than Trade and Industry Training. In Mr Frentz's opinion, matters of discretion would be able to appropriately address the effects of educational activities in the General Industrial Zone. Alternatively, should this not be accepted, Mr Frentz considered that a discretionary activity status should apply. He also supported a discretionary activity status being applied to educational facilities in the Heavy Industrial Zone, to support the provision of education as a fundamental right.
- 4.35 Mr Frentz also sought changes to the notified rules for educational facilities in the NMBP, which permit facilities with up to 10 students and default to non-complying status for

those with greater than 10 students. He instead supported a restricted discretionary status being applied to facilities with more than 10 students.

- 4.36 Mr Leigh Shaw on behalf of Fellrock Development Limited/TTT Products Limited filed evidence to be tabled in support of a number of section 42A report recommendations in relation to the General Industrial Zone rules. These included the deletion of Rule 20.2.1 (servicing and hours of operation) and Rule 20.2.8 (outdoor storage of goods or materials), increased permitted volumes of earthworks, changes to sign rules, removing the restriction on number of rear lots for subdivision in Rule 20.4.1, retention of Rule 20.4.2 (Subdivision - boundaries for records of title), amendments to the daylight admission standard, and retention of building setbacks.
- 4.37 Ms Pauline Whitney filed evidence on behalf of Transpower NZ which focused on whether the rules regarding subdivision and earthworks near the National Grid should be replicated in each of the zone chapters or the infrastructure and energy chapter. Ms Whitney opposed the “zone by zone” approach and instead preferred a standalone set of National Grid provisions, for the reason it avoids duplication and provides a coherent set of rules which plan readers can refer to. She supported clear cross referencing in the zone chapters. We address this in another decision<sup>7</sup> but record here that we have adopted a standalone set of provisions for the National Grid, and other infrastructure in the district.
- 4.38 Ms Carolyn McAlley filed evidence on behalf of Heritage New Zealand Pouhere Taonga, and sought recognition of historic and cultural values in Rule 20.2.7.1 Signs, in particular the inclusion of a restricted discretionary activity for signs on historic heritage sites or Maori Sites and Areas of Significance. Alternatively, if a sign is enabled as a permitted activity, then Ms McAlley sought the inclusion of an additional standard regarding the location of the sign on the building and method of attachment of the sign. Ms McAlley concurred with Ms Macartney’s section 42A report recommendation on Rule 20.3.1 Building Height.

## 5 Panel Decisions

- 5.1 **Attachment 1** contains our decisions. We note that 440 primary submission points were received on the General Industrial and Heavy Industrial Zones, which were considered in a comprehensive section 42A report and rebuttal evidence prepared by Ms Macartney. Following the hearing, Ms Macartney helpfully prepared a further report which contained amended provisions to address many of the submitters’ remaining concerns and incorporated feedback from the submitters.<sup>8</sup> We have therefore focused our decision on the areas of contention and where we have an alternate view to Ms Macartney’s recommendations set out in her closing statement. We have only briefly discussed the changes to the notified provisions which were agreed between the relevant parties.

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<sup>7</sup> See Decision Report 13: Infrastructure.

<sup>8</sup> Concluding Hearing Report: Hearing 7 by Jane Macartney, dated 8 May 2020

5.2 The following sub-sections have been grouped by topic, generally in the order of where the provisions appear in the PDP.

### **General Industrial Zone and Heavy Industrial Zone objectives and policies**

5.3 We heard from several submitters on their preferred phrasing of the objectives and policies framework for the Industrial Zones, with a view to providing for the continued operation and growth of industrial activities in the district. Key themes were:

- a. Defining the functions and outcomes of the General Industrial Zone and the Heavy Industrial Zone;
- b. Providing for an increased level of effects generated by activities in the Heavy Industrial Zone; and
- c. Protecting those activities from reverse sensitivity effects.

5.4 We also heard about the importance of maintaining appropriate industrial land supply and protecting its functioning for industrial purposes.

5.5 After careful deliberations we have comprehensively redrafted and consolidated the objectives and policies attached to Ms Macartney's closing statement to concisely state what we consider to be the key aims and outcomes for the Industrial Zones.

5.6 We have adjusted the wording of Objective 4.6.1 from that which was notified so that it supports both existing and new Industrial Zones. These amendments will also better encapsulate the key outcome for both the General and Heavy Industrial Zones, being that the existing and future growth of the district's industry is supported and strengthened. We do not consider that reference to recognising the positive employment and economic benefits of industrial activities is necessary within this objective, as suggested by Ms Hargraves, as it is already addressed in strategic Objective 1.12.6.

5.7 We have then included five policies on:

- a. The functions of the two Industrial Zones (4.6.2);
- b. Maintaining sufficient industrial land (4.6.3);
- c. Management of environmental effects in the Heavy Industrial Zone (4.6.4);
- d. Management of environmental effects in the General Industrial Zone (4.6.5); and
- e. Support of regionally significant industry (4.6.6).

5.8 The new wording of Policy 4.6.2 makes clear the distinction between the zones, being that for the General Industrial Zone, adverse effects should be confined to within the zone, whereas for the Heavy Industrial Zone, effects may extend beyond the zone boundary and be potentially significant (in alignment with the description of these zones in the National Planning Standards). In both Industrial Zones there is still a general obligation on landowners/occupiers to avoid, remedy and mitigate adverse effects. We do not see any need to specify the types of adverse effects generated from Industrial Zones in the policy, as per the wording proposed by Hynds and Ms Macartney.

5.9 We have also carried the functions of the two Industrial Zones through to revised zone descriptions in each of the Industrial Zone chapters, consistent with the National Planning Standards, as follows:

The General Industrial Zone contains areas used predominantly for a range of industrial activities, other than Heavy Industrial Activities, but also other compatible activities.

The Heavy Industrial Zone contains areas used predominantly for industrial activities that generate potentially significant adverse effects, but also other compatible activities.

5.10 Next, we have combined and simplified policies aimed at ensuring a sufficient supply of industrial land and the utilisation of industrial land primarily for industrial purposes into new Policy 4.6.3, as follows:

4.6.3 Policy – Maintain sufficient industrial land

(a) Maintain a sufficient supply of industrially zoned land to meet reasonably foreseeable future demand for industrial land

(b) Utilise industrial land primarily for industrial purposes so as to preserve the functionality of industrially zoned land

(c) Protect industrial activities, and in particular heavy industrial activities, from reverse sensitivity effects associated with activities in non-industrial zones.

5.11 Although Ms Macartney recommended that the activities that are and are not appropriate in the Industrial Zones be described in the policies,<sup>9</sup> we prefer the approach taken in the notified PDP whereby no such descriptions are included in the policies. We consider that the specific activities which are appropriate in the Industrial Zones are better addressed in the rules. In our view, Policy 4.6.3 above is sufficiently directive when considering any proposed non-industrial activities within the Industrial Zones.

5.12 We have then included two policies setting out the approach to management of environmental effects in each of the Industrial Zones, in order to reflect the different functions and zone purposes set out above, (i.e., with activities in the General Industrial Zone required to avoid significant adverse effects on other adjoining zones, and activities in the Heavy Industrial Zone required to avoid, remedy or mitigate adverse effects on adjoining zones). We have also focused on the ‘functionality’ of adjacent zones being maintained in order that they allow the expected outcomes to be delivered.

5.13 As well as the policies specifically applying to the Industrial Zones, we agree with Ms Williams for Tuakau Proteins that Policy 4.7.11 – Reverse sensitivity is also relevant. For consistency with the new Policy 4.6.3, we consider it necessary to amend Policy 4.7.11 so that development in the two Industrial Zones is not required to minimise reverse sensitivity effects. This will help to address submitters’ requests to protect industrial activities from reverse sensitivity effects.

5.14 We do not see a need to include specific objectives and policies addressing any individual Industrial Zone location, and support one set of provisions that are applied consistently across the Industrial Zones throughout the District. For this reason, we do

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<sup>9</sup> See the version attached to the Concluding Hearing Report: Hearing 7 by Jane Macartney, dated 8 May 2020.

not support the inclusion of policies specific to the Horotiu Industrial Park (proposed Policies 4.6.8-4.6.13 in the Concluding Hearing Report version of Chapter 4). While submissions sought that Huntly Power Station and the inland freight hub at Horotiu be recognised in policies as regionally significant industry, that would result in an ad hoc approach and we have concluded that to do so would exclude other regionally significant industry. We have instead elected to support regionally significant industry in new Policy 4.6.6 and also include a definition of regionally significant industry (see Decision Report 30: Definitions).

- 5.15 A new objective and policy supporting the presence of emergency services-related activities in Industrial Zones has been proposed by Ms Macartney. We agree with the intent of these provisions, but also see a need for them to apply to a wider range of zones.
- 5.16 The revised policy framework for the Industrial Zones does not depart significantly from the notified policy framework in the PDP. We have evaluated the revised objective in accordance with section 32AA of the RMA, and consider it is the most appropriate way to achieve the purpose of the RMA. We have also turned our minds as to whether the policies are the most appropriate way of achieving the objectives and concluded that they are the most effective and efficient options.

#### **Activities within the Industrial Zones**

- 5.17 We support Ms Macartney's recommendation to include electricity generation on the Huntly Power Station site as a permitted activity. Genesis Energy also sought that stockpiling of coal be included in the permitted activity rule. We agree with Ms Macartney that an explicit reference to coal stockpiling activities is unnecessary and that this would be captured by the term 'ancillary activity', which we have also included as a permitted activity in both the General and Heavy Industrial Zones.
- 5.18 We have considered the status of accommodation for workers whose duties require them to live on-site and agree with Mr Arbuthnot for POAL that this activity is compatible with the functioning of Industrial Zones. Such persons are engaged with the activity occurring on the site and are not likely to be sensitive to the effects of the activity. This reasoning does not only apply in Horotiu Industrial Park, but throughout the Industrial Zones. Rather than the controlled activity status suggested by Mr Arbuthnot, we also see no reason why caretaker and security personnel accommodation should not be permitted (as sought by the original POAL submission)<sup>10</sup> if it is located within an industrial building and is also of a small scale. In that regard, a 70-square-metre gross floor area limit has been agreed as appropriate between Mr Arbuthnot and Ms Macartney. We have therefore included 'Caretaker's or security person's residential unit' as a permitted activity within both the General and Heavy Industrial Zones, provided it is for one or two people, is located within an industrial building and does not exceed 70

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<sup>10</sup> POAL primary submission point 578.4.

square metres in gross floor area. Should a proposal not comply with these conditions, then it would be a discretionary activity.

- 5.19 FENZ sought in addition to ‘emergency services training and management activities’, that ‘emergency services facilities’ also have a permitted status in both Industrial Zones to ensure that buildings such as fire stations are permitted. Ms Macartney agreed that the emergency services activities should be permitted and suggested that her revised recommended rules that would permit construction of buildings in the Industrial Zones may address that issue.<sup>11</sup> We concur with adding the construction of buildings and emergency services activities and facilities as a permitted activity in both Industrial Zones.
- 5.20 Hamilton City Council was concerned about applying a discretionary activity status for large format retail and offices in the General Industrial Zone and sought a non-complying status instead. We agree with Ms Macartney’s assessment that there are situations where these activities may be appropriate in the General Industrial Zone, and so they should be assessed on their merits under a discretionary status, rather than being actively discouraged through a non-complying activity status.<sup>12</sup> However, we support a non-complying status for large format retail and offices in the Heavy Industrial Zone.
- 5.21 In relation to the amended activity status for educational activities in the Industrial Zones sought by Mr Frenz for Ministry of Education, we agree with Mr Matthews and Ms Macartney that a non-complying status is appropriate. This signals that it would generally be challenging to demonstrate that these activities (other than Trade and Industry Training, which are provided for) are compatible with the outcomes sought for the Industrial Zones. Mr Frenz also sought amendments to the rules for educational facilities in the NMBP. For the NMBP, we have deemed that the General Industrial rules should apply in addition to the land use consent conditions, and that no bespoke rules are required – including in relation to educational activities (further discussed later in this decision).
- 5.22 We agree with Ms Macartney’s recommendation to permit service stations in both Industrial Zones, noting that this is consistent with providing for truck refuelling stops as permitted activities. We also accept Mr Allott’s evidence that community corrections activities should be permitted in the General Industrial Zone, as these are fundamentally industrial in nature.
- 5.23 In response to various submissions,<sup>13</sup> we agree that it is appropriate to specify the following activities as permitted in the General Industrial Zone: hire centre; wholesale; trade supply outlet; transport depot; garden centre; and retailing of agricultural and industrial motor vehicles and machinery. We have also amended the classification of activities that are not otherwise specified in either of the zones to default to discretionary

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<sup>11</sup> Attachments 3 and 4 to Section 42A Report Hearing 7: Industrial Zone and Heavy Industrial Zone, dated November 2019.

<sup>12</sup> Concluding Hearing Report: Hearing 7 by Jane Macartney, Paragraphs 51-53, dated 8 May 2020.

<sup>13</sup> See submissions from EnviroWaste 302.4; Van Den Brink 633.51; Holcim 766.11.

rather than non-complying status, as we consider that a non-complying status may well have unintended consequences in serving to discourage activities that would otherwise be considered to be appropriate.

### **Landscape planting rules**

5.24 Revised permitted activity rules for landscaping were developed by Ms Macartney in collaboration with POAL, Northgate and Van Den Brink, in response to those (as well as other) submitters' concerns about resource consents being required for landscape planting. At the time of the hearing, the wording was not yet settled, but the revised rules were included within the closing statement version of provisions.<sup>14</sup> We consider these to be an appropriate solution and we agree that the provision of landscaping within accepted parameters should have a permitted activity status.

5.25 However, we consider that the rationale for requiring only indigenous vegetation planting, in order to be permitted, is unclear. In our view it is unjustified to specify only indigenous species in relation to the mitigation of landscape and visual effects, and we note that exotic vegetation may often be able to provide screening more quickly than natives would. We also note that this requirement was not included in the notified PDP and have therefore removed the reference to 'indigenous' vegetation from the lot boundary planting rule.

5.26 We also do not consider that 4-metre-wide planting should be required on either side intermittent streams within the Industrial Zones.

### **Noise rules**

5.27 Ms Macartney has generally proposed to carry-over the operative noise rules for the Industrial Zones and specific industrial sites into the PDP. We agree with Ms Macartney that there are good reasons to carry over noise rules where they relate to legacy developments, in circumstances where they are tried and tested, and work well.<sup>15</sup> We support the use of site-specific noise rules, including a date stamp approach for noise from activities for the Horotiu Industrial Park and Huntly Power Station. We note that Tuakau Proteins also sought a site-specific noise rule for its site on Lapwood Road. No acoustic evidence was provided at the Industrial Zones hearing to support this submission and Mr Malcolm Hunt, providing acoustic advice to Council, remained concerned with the requested approach and the potential increase in night-time noise in rural areas that may result.<sup>16</sup> While Tuakau Proteins indicated that acoustic evidence would be provided at the Rural Zone hearing (Hearing 18), this was not provided. We therefore decline to introduce a site-specific noise rule for the Tuakau Proteins facility.

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<sup>14</sup> Provisions 20.2.1, 20.5.3.2, 21.2.1 attached to Concluding Hearing Report: Hearing 7 by Jane Macartney, dated 8 May 2020.

<sup>15</sup> Concluding Hearing Report: Hearing 7 by Jane Macartney, Paragraph 4, dated 8 May 2020.

<sup>16</sup> Section 42A Opening statement: Hearing 7 by Jane Macartney, Paragraphs 37-39, dated 21 January 2020.

- 5.28 We heard from PVHL and HVL who supported maintaining the operative plan's approach to noise generation in Pōkeno. We agree with Ms Macartney's revised assessment<sup>17</sup> and consider that revised rules she proposed, and that maintain the status quo situation, provide a more appropriate outcome for Pōkeno than the notified provisions of the PDP.
- 5.29 We note that Ms Macartney's revised provisions for the Heavy Industrial Zone include a night-time noise limit that is to be achieved at sites within the General Industrial Zone. No such night-time limit was included in the provisions for the General Industrial Zone. We agree with the acoustic evidence on night-time limits provided by Mr Styles<sup>18</sup> and are satisfied that no night time noise limits are required between Industrial Zones.

### **Signage rules**

- 5.30 The signage rules are now to be addressed in a new discrete chapter of the PDP, however we include our decisions in relation to signage in the Industrial Zones in this decision as they were canvassed at Hearing 7.
- 5.31 We are satisfied that the signage provisions included in Ms Macartney's closing statement are appropriate. While the planning witnesses for Northgate and POAL disagree with the provisions relating to freestanding signs, we are satisfied that permitted activity rules allowing one sign with an area of 3 square metres, and 1 square metre for an additional sign, are appropriate. We are also satisfied that those rules adequately respond to Mr Houlbrooke's concerns in relation to real estate signs, Waka Kotahi's issues with respect to signs viewed from State Highways, and the controls over signs attached to heritage items sought by NZHPT (noting that there is only one heritage item identified within the General Industrial Zone).
- 5.32 The Oil Companies' submission sought a height limit of 15 metres for signs in the General Industrial Zone but provided no evidence in support of that limit. Absent such evidence, we consider the notified 10-metre height limit to be appropriate.
- 5.33 We are also satisfied that health and safety signage associated with infrastructure is adequately covered for all zones by Rule 14.3.1 P11 in Chapter 14, and that health and safety signage continues to be managed by legislation outside of the PDP.

### **Land use – Building Controls**

- 5.34 Regarding the building height rule for the Huntly Power Station site, we agree with Mr Matthews that the existing scale of buildings should continue to be provided for and have included a site-specific building height rule which accommodates the existing building envelope (including building vents), also preserving the potential for possible future site development. We have also included a specific building height rule for the Whangarata Business Park, reflecting the existing limit in the Operative District Plan which was set

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<sup>17</sup> Attachment 2 to Concluding Hearing Report: Hearing 7 by Jane Macartney, dated 8 May 2020.

<sup>18</sup> Summary statement of evidence of Jon Styles for Havelock Village Limited, dated 21 January 2020.

- through Plan Change 22 to the Franklin District Plan – Whangarata Business Park (operative in 2010), thereby maintaining the existing development potential of the site.
- 5.35 We agree with Ms Macartney that the Height in Relation to Boundary rules should apply to sites in the Industrial Zones that abut a site located in other zones, due to potential amenity effects such as shading on those non-industrial sites. Ms Rykers for Synlait was concerned that this rule should not apply to adjoining rural zones. While we accept that amenity effects on rural land may not necessarily be an issue in all cases, we are not persuaded by Ms Ryker’s evidence.
- 5.36 KiwiRail sought that buildings and earthworks be required to be set back 5 metres from the railway corridor. Ms Macartney considered that a 5-metre setback would adversely impact landowners in the Industrial Zones. The evidence has not convinced us that a 5-metre building setback is required.
- 5.37 As recommended by Ms Macartney, we are reducing the building setback required where a site adjoins another zone (other than Industrial Zones), from 7.5 metres as notified to 3 metres in the PDP.
- 5.38 We consider that a 1.5-metre setback for earthworks from any infrastructure, as sought by KiwiRail, would be problematic and have not included that requirement in the provisions. We consider that the onus is on KiwiRail to ensure that the designated width of the railway corridor includes sufficient land to ensure that the integrity of the corridor can be maintained. We also note that there are permitted activity controls and matters for discretion relating to land stability that apply to earthworks in the Industrial Zones.
- 5.39 We now turn to consider the building setback rules for water bodies. Ms Macartney’s closing statement version proposes a 30-metre building setback from a lake margin, a wetland that is identified on the planning maps, and the bank of a river (other than the Waikato and Waipa Rivers) whose bed has an average width of 3 metres or more. She included a 50-metre setback from the Waikato and Waipa Rivers as per the notified PDP. For other perennial and intermittent streams and wetlands, a 10-metre building setback was proposed.
- 5.40 POAL’s submission sought the status quo approach from the Operative District Plan is applied, which contains the same 30-metre setback from 3-metre-wide rivers but does not require any setback from perennial or intermittent streams whose average width is less than 3 metres.<sup>19</sup> Council’s submission requested the setback from the Waikato and Waipa Rivers be reduced to 32.5 metres.<sup>20</sup>
- 5.41 We consider that the notified setbacks from waterbodies are excessive and require revision. We have included a setback of 37 metres from the Waikato River, consistent with the extent of the Outstanding Natural Landscape Overlay (as per Decision Report

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<sup>19</sup> POAL submission point 578.18, and POAL feedback in Attachment 10 to Concluding Hearing Report: Hearing 7 by Jane Macartney, dated 8 May 2020.

<sup>20</sup> Waikato District Council 697.652.

10). For all other rivers and perennial or intermittent streams, we consider a 10-metre setback to be sufficient and appropriate.

5.42 Finally, we agree with Ms Whitney for Transpower that a standalone set of provisions for the National Grid are appropriate in the Infrastructure Chapter and no provisions should be added into the Industrial Zones chapters.

### **Subdivision**

5.43 Mr Sharman for FENZ sought a requirement for newly created lots to connect to water supply sufficient for firefighting purposes, which would not necessarily be public-reticulated. We agree that adequate water supply for firefighting is an important consideration for subdivision applications, which as a minimum have a restricted discretionary status. We consider that the addition of a matter of discretion on water supply for firefighting, as proposed by Ms Macartney,<sup>21</sup> allows for the appropriate consideration of this matter.

### **Horotiu Industrial Park**

5.44 Ms Macartney has recommended a new Section 20.5 be included in the General Industrial Zone chapter that specifically relates to Horotiu Industrial Park, where POAL's inland freight hub is located. We largely agree with the contents of this new section and have included a new 'Precinct' applying to this site on the planning maps (see Figure 2 below) as well as a 'specific control' mapping the location of the earth bund. However, as mentioned above, we do not support the inclusion of specific Horotiu objectives and policies in Chapter 4. Instead, we consider that the objectives and policies for the General Industrial Zone are sufficient.

5.45 We consider that the plan needs to state explicitly which rules from the General Industrial Zone apply to the Horotiu Industrial Park. While we acknowledge that Council has agreed wording with POAL and Northgate representatives, we are concerned that the wording is still not sufficiently clear in circumstances where the new Section 20.5 is silent on a matter addressed elsewhere in Section 20. We have therefore revised the wording of this clause.

5.46 We are satisfied that there is no compelling reason for having bespoke signage provisions for the Horotiu Industrial Park and agree with Ms Macartney that the provisions for the General Industrial Zone should apply.

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<sup>21</sup> Rule 20.4.1(RD1)(b)(iii) and Rule 21.4.1(RD1)(b)(iii), in Attachments 3 and 4 to Section 42A rebuttal evidence Hearing 7: Industrial Zone and Heavy Industrial Zone, dated 13 January 2020.

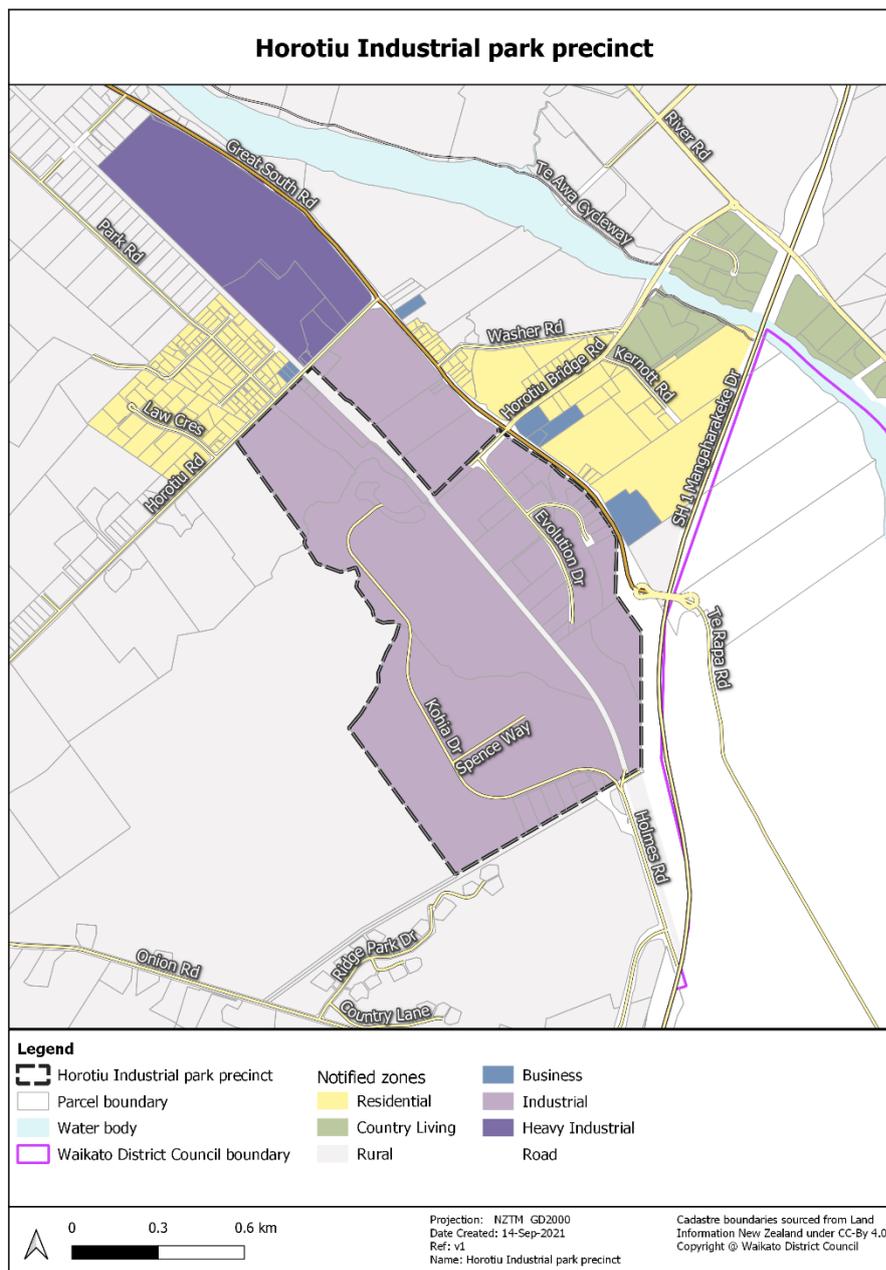


Figure 2: Horotiu Industrial Park precinct

### Pōkeno Gateway Industrial Park

5.47 The decision on incorporating the Pōkeno Structure Plan activities into the PDP is covered under Decision Report 281 relating to Hearing 25.

### Nau Mai Business Park

5.48 Ms Macartney and Mr Barrett are agreed that the General Industrial Zone provisions should apply to the Nau Mai Business Park and the notified site specific provisions removed from the District Plan. We agree.

5.49 We also agree with Ms Macartney's assessment that other matters relating to signage, the storage of fireworks, landscaping, mapping of 'effective building areas' and on-site tanks for liquid trade waste in the NMBP are addressed in the land use consent for the Nau Mai Business Park and the consent notices registered on the individual titles.<sup>22</sup>

### Other matters

5.50 We agree with the following recommendations made by Ms Macartney and have amended the plan provisions accordingly:

- a. Deletion of servicing and hours of operation and outdoor storage of goods or materials rules in both Industrial Zones;
- b. Minor amendments to the glare and artificial light spill rules for both Industrial zones so that they do not apply to other sites in the Heavy Industrial Zone and General Industrial Zone;
- c. Minor amendments to the earthworks rules for both Industrial Zones, including increased permitted limits of 10,000m<sup>3</sup> volume and 10,000m<sup>2</sup> area; and
- d. For both Industrial Zones, removal of the rear lot restriction on subdivision, adjustments to esplanade reserve and esplanade strip rules, and the insertion of additional matters of discretion for subdivision.

5.51 We also have made a number of minor amendments to improve the clarity and application of the General Industrial Zone and Heavy Industrial Zone provisions. We have also deleted reference to those overlays that are not present within the zone in question.

## 6 Conclusion

- 6.1 We accept and / or reject the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this Decision.
- 6.2 The final set of provisions for the General Industrial Zone and Heavy Industrial Zone are set out as **Attachment 1**.
- 6.3 Overall, we are satisfied that the General Industrial Zone and Heavy Industrial Zone provisions as amended will provide a suitable framework for managing land use, subdivision and development within these zones.

### For the Hearings Panel

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<sup>22</sup> Concluding Hearing Report: Hearing 7 by Jane Macartney, Paragraphs 113-117, dated 8 May 2020.



**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**

## Attachment I

### Chapter 4: Urban Environment

#### 4.6 General Industrial and Heavy Industrial Zones

##### 4.6.1 **Objective – Economic growth of industry**

- (a) The existing and future economic growth of the district's industry is supported and strengthened ~~in industrial zones.~~

##### 4.6.2 **Policy – Provide Industrial Zones with different functions**

- (a) ~~Recognise and p~~Provide for the operation and growth of a variety of industrial activities in within two industrial zones ~~that have different functions depending on their purpose and effects as follows:~~

~~(i) Industrial Zone~~

~~A. Recognise and provide for a range of industrial and other compatible activities that can operate in close proximity to more sensitive zones due to the nature and relatively limited effects of these activities, including visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and traffic, subject to appropriate separation distances.~~

~~(i) Heavy Industrial Zone~~

~~A. Recognise and provide for a range of A Heavy Industrial Zone that caters for those industrial and other compatible activities that generate potentially may have significant adverse effects beyond the boundary of the zone, and where adverse effects of those activities is avoided, remedied or mitigated, on more sensitive zones, including relatively high levels of visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and heavy traffic, subject to appropriate separation distances.~~

~~(ii) General Industrial Zone~~

~~A. Recognise and provide for a range of A General Industrial Zone that caters for those industrial and other compatible activities, where the significant adverse effects of those activities are confined to locations within the zone, and where the adverse effects of those activities are avoided, remedied or mitigated, that can operate in close proximity to more sensitive zones due to the nature and relatively limited effects of these activities, including visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and traffic, subject to appropriate separation distances.~~

##### 4.6.3 **Policy – Maintain a sufficient supply of industrial land**

- (a) Maintain a sufficient supply of industrially zoned land ~~within strategic industrial nodes to meet reasonably foreseeable future demands, for industrial land having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial zones.~~
- (b) Utilise industrial land primarily for industrial purposes so as to preserve the functionality of industrially zoned land.
- (c) Protect industrial activities, and in particular heavy industrial activities, from reverse sensitivity effects associated with activities in non-industrial zones.

##### 4.6.4 **Policy – Maintain industrial land for industrial purposes**

- (a) ~~Maintain industrial zones for industrial activities unless a development is ancillary to an on-site industrial activity and does not undermine the integrity of those zones.~~

#### **~~4.6.5 Policy – Recognition of industrial activities outside of urban areas~~**

- ~~(a) Manage activities within specific sites containing lawfully established industrial activities that are not immediately adjacent to towns or villages.~~

#### **~~4.6.6 Objective – Manage adverse effects~~**

- ~~(a) The amenity values of sensitive activities and ecosystem values outside of industrial zones are protected from the significant adverse effects of industrial activities.~~

#### **~~4.6.7 Policy – Management of adverse effects within industrial zones~~**

- ~~(a) Manage adverse effects including visual impact from buildings, parking, loading spaces and outdoor storage, lighting, noise, odour and traffic by managing the location of industrial uses, bulk and form of buildings, landscaping and screening at the interface with roads and environmentally sensitive areas.~~

#### **4.6.4 Policy – Management of environmental effects in the Heavy Industrial Zone**

(a) Avoid, remedy or mitigate the environmental effects of activities in the Heavy Industrial Zone to the extent necessary to:

- (i) maintain the functionality of the Heavy Industrial Zone; and
- (ii) maintain the functionality of adjacent zones.

#### **4.6.5 Policy – Management of environmental effects in the General Industrial Zone**

(a) Avoid **significant** adverse effects of activities in the General Industrial Zones on the environment of other immediately adjacent zones.

(b) Avoid, remedy or mitigate **other** environmental effects of activities in the General Industrial Zones to the extent necessary to:

- (i) maintain the functionality of the General Industrial Zone; and
- (ii) maintain the functionality of adjacent zones.

#### **Policy 4.6.6 – Support of regionally significant industry**

- (a) Support the operation and growth of the district's regionally significant industries.

#### **~~4.6.8 Policy – Specific activities within Nau Mai Business Park~~**

- ~~(a) Nau Mai Business Park is developed with specific types activities given its location outside of the district's strategic industrial nodes.~~

#### **~~4.6.9 Policy – Management of adverse effects within Nau Mai Business Park~~**

- ~~(a) Activities within Nau Mai Business Park are to be established and operated so that adverse effects generated by them are managed within Park and not on neighbouring zones.~~

#### **4.6.7 Objective – Recognise the essential support role of emergency services training and management activities within industrial zones**

(a) Recognise the essential support role of emergency services training and management activities and their important contribution to the health, safety and wellbeing of people.

#### **4.6.8 Policy – Emergency services facilities and activities**

(a) Enable the development, operation and maintenance of emergency services training and management facilities and activities within the industrial zones.

## 4.7 Urban Subdivision and development

### 4.7.11 Policy – Reverse sensitivity

- (a) Other than in the General and Heavy Industrial Zones, Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and
- (b) Avoid potential reverse sensitivity effects of locating new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity.

## Chapter 20: General Industrial Zone

### Zone Description

The General Industrial Zone contains areas used predominantly for a range of industrial activities, other than Heavy Industrial Activities, but also other compatible activities.

### Introduction

- (1) The rules that apply to activities in the General Industrial Zone are contained in **Rule 20.1** Land Use – Activities, **Rule 20.2** Land Use – Effects and **Rule 20.3** Land Use – Building.
- (2) The rules that apply to subdivision in the General Industrial Zone are contained in **Rule 20.4**.
- (3) The activity status tables and standards in the following chapters also apply to activities in the General Industrial Zone:
  - 14 Infrastructure and Energy;
  - 15 Natural Hazards and Climate Change (**Placeholder**).
- (4) The following symbols are used in the tables:
  - (a) PR Prohibited activity
  - (b) P Permitted activity
  - (c) C Controlled activity
  - (d) RD Restricted discretionary activity
  - (e) D Discretionary activity
  - (f) NC Non-complying activity
- (5) The General Industrial Zone contains a Precinct that is Horotiu Industrial Park Specific Area that is Nau-Mai Business Park. **Rule 20.5** manages all land use, building and subdivision in this location. **Rule 20.5.1** sets out how to apply rules to Nau-Mai Business Horotiu Industrial Park that are either different from, or are in addition to, other rules that apply to the rest of the General Industrial Zone.

## 20.1 Land Use – Activities

### 20.1.1 Permitted Activities

- (a) The following activities are permitted activities if they meet all the following:
  - (a) Activity specific standards
  - (b) Land Use – Effects rules in **Rule 20.2** (unless the activity rule and/or activity specific conditions standards identify a condition standard(s) that does not apply);
  - (c) Land Use – Building rules in **Rule 20.3** (unless the activity rule and/or activity specific conditions standards identify a condition standard(s) that does not apply);
  - ~~(d) Activity specific conditions.~~

Activity		Activity specific <del>conditions standards</del>
P1	Industrial activity	Nil
P2	Trade and industry training activity	Nil
P3	Truck stop for refuelling	Nil
P4	Office ancillary to an industrial activity	(a) Less than 100m <sup>2</sup> gross floor area; or (b) Does not exceed 30% gross floor area of all buildings on the site.

P5	Food outlet	(a) Less than 200m <sup>2</sup> gross floor area <sup>gfa</sup> .
P6	Ancillary retail	Does not exceed 10% gross floor area of all buildings on the site.
P7	Hire centre	Nil
P8	Wholesale	Nil
P9	Trade supply outlet	Nil
P10	Transport depot	Nil
P11	Garden centre	Nil
P12	Retailing of agricultural and industrial motor vehicles and machinery	Nil
P13	Emergency services training and management activities	Nil
P14	Additions and alterations to an existing emergency service facility	Nil
P15	Construction of emergency service facilities	Nil
P16	Ancillary activity	Nil
P17	Construction or demolition of, or alteration or addition to, a building or structure	Nil
P18	Community corrections activity	Nil
P19	Service station	Nil
P20	Caretaker's or security person's residential unit	Is located within an industrial building Does not exceed 70m <sup>2</sup> gross floor area Accommodates no more than two people
P21	Buildings, structures and sensitive land use within the National Grid Yard as of 18 July 2018	<p>(a) Within National Grid Yard:</p> <ul style="list-style-type: none"> <li>(i) Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or</li> <li>(ii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or</li> <li>(iii) Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or</li> <li>(iv) Non-habitable horticultural buildings; or</li> <li>(v) Artificial crop protection and support structures (excluding commercial greenhouses and <i>Pseudomonas syringae</i> pv. <i>Actinidiae</i> (Psa) disease control structures);</li> <li>(vi) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and</li> <li>(vii) Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</li> </ul> <p>(b) All buildings or structures permitted by Rule 20.1.1 P21 must:</p> <ul style="list-style-type: none"> <li>(i) Comply with the New Zealand Electrical Code of</li> </ul>

		<p><u>Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p>(ii) <u>Locate a minimum 12m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is:</u></p> <p>(1) <u>A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or</u></p> <p>(2) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or</u></p> <p>(3) <u>Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</u></p> <p>(iii) <u>Not permanently physically impede existing vehicular access to a National Grid support structure;</u></p> <p>(c) <u>Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that:</u></p> <p>(i) <u>Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for separation distances from the conductor;</u></p> <p>(ii) <u>Are no higher than 2.5m;</u></p> <p>(iii) <u>Are removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;</u></p> <p>(iv) <u>Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.</u></p>
P22	<p><u>Construction or alteration of a building for a sensitive land use</u></p>	<p>(a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u></p> <p>(i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u></p> <p>(ii) <u>It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p>

### **20.1.1A Restricted Discretionary Activities**

(a) The activities listed below are restricted discretionary activities.

RD1	<p><u>Construction or alteration of a building for a sensitive land use that does not comply with 20.1.1 P22</u></p>	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>a. <u>Effects on the amenity values of the site;</u></p> <p>b. <u>The risk of electrical hazards</u></p>
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		<p>affecting the safety of people;</p> <p>c. <u>The risk of damage to property; and</u></p> <p>d. <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></p>
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## 20.1.2 Discretionary Activities

(b) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with an activity specific <del>condition</del> <u>standard</u> in <u>Rule 20.1.1</u> .
D2	Any activity that does not comply with Land Use - <u>Effects Rule 20.2</u> or Land Use - Building <u>Rule 20.3</u> unless the activity status is specified as controlled, restricted <u>discretionary</u> , discretionary or non-complying.
D3	A <u>waste management facility</u>
D4	<u>Hazardous waste storage</u> , processing or disposal
D5	An <u>extractive industry</u>
D6	An <u>office</u> not provided for by <u>Rule 20.1.1 P4</u>
D7	A <u>retail activity</u> not provided for by <u>Rule 20.1.1 P6</u>
D8	<u>Caretaker's or security person's residential unit</u> not provided for by <u>Rule 20.1.1 P20</u>
D9	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity.

## 20.1.3 Non-Complying Activities

(a) The activities listed below are non-complying activities.

NC1	Any activity that is not listed as a permitted or discretionary activity.
NC1	A noise-sensitive activity, except as provided for by <u>Rule 20.1.1 P18</u> and <u>Rule 20.1.2 D8</u>
NC2	A sensitive land use, except as provided for by <u>Rule 20.1.1 P18</u> and <u>Rule 20.1.2 D8</u>
NC3	Buildings, structures and sensitive land use within the National Grid Yard as of 18 July 2018 that do not comply with <u>20.1.1 P21</u>
NC4	Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard
NC5	Any change of use of an existing building to a sensitive land use within the National Grid Yard
NC6	The establishment of any new sensitive land use within the National Grid Yard
NC7	Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, <u>Pseudomonas syringae pv. Actinidiae (Psa) disease control structures</u> , or buildings for intensive farming within the National Grid Yard

## 20.2 Land Use - Effects

### 20.2.1 Servicing and hours of operation

PI	Servicing and operation of an <u>industrial activity</u> adjoining any Residential, Village or Country Living Zone may load or unload vehicles or receive customers or deliveries between 7.30am and 6.30pm.
RD+	<p>(a) <u>Servicing and operation of an industrial activity</u> that does not comply with <u>Rule 20.2.1 PI</u>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) <u>effects on amenity values;</u></p>

	<p>(ii) <del>distance to the nearest residential activity;</del>          (iii) <del>nature and frequency of the after hours activity;</del>          (iv) <del>noise, lighting and glare; and</del>          (v) <del>type of vehicles involved.</del></p>
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### 20.2.21 Landscape planting

PI	<p>(a) Any <b>building</b> or land use activity on a <b>record of title</b> that has a side and/or rear <b>boundary</b> adjoining any Residential, Settlement, Rural Lifestyle or Open Space Zone that is landscaped to the following minimum standards:</p> <p>(i) <b>a 3 metre depth measured from the side and/or rear boundary; and</b>          (ii) <b>comprises a mixture of shrubs and trees planted a maximum of 1.5m metres apart.</b></p>
RD1	<p>(a) <u>Any building or land use activity that does not comply with Rule 20.2.1 PI.</u>          (b) <u>Council's discretion is restricted to the following matters:</u>          (i) <u>type, density and scale of landscape plantings; and</u>          (ii) <u>the extent to which the amenity of the adjoining Residential, Settlement, Rural Lifestyle or Open Space Zone is maintained.</u></p>
<del>CI P2</del>	<p><del>(a) Any activity on a lot that has a side and/or rear boundary adjoining any Residential, Village, Country Living or Reserve Zone shall provide a 3m wide landscaped strip running parallel with the side and/or rear boundary; and</del>          (a) Any <b>building or land use activity</b> on a <b>lot record of title</b> that contains, or <b>adjoins</b>, is adjacent to, a river or a permanent <del>or intermittent</del> stream that is landscaped to the following minimum standards:          (i) <b>shall provide an 8m wide landscaped strip a 4 metre depth measured from the top edge of the closest bank and extending across the entire length of the water body; and</b> <del>course</del>          (ii) <b>comprises mixed indigenous vegetation planted a maximum of 1.5 metres apart.</b>  <del>(b) Council's control is reserved over the following matters:</del>  <del>(i) the adequacy of the width of landscaping strip;</del>  <del>(ii) type, density and height of plantings conducive to the location;</del>  <del>(iii) maintenance measures;</del>  <del>(iv) amenity values; and</del>  <del>(v) natural character and cultural values of a river or stream.</del></p>
RD+2	<p>(a) Any <b>building or land use activity</b> that does not comply with <b>Rule 20.2.21 P2 CI.</b>          (b) Council's discretion is restricted to the following matters:  <del>(i) adequacy of the width of landscaped strip;</del>          (i) <b>type, density and height scale of indigenous vegetation plantings conducive to the location; and</b>          (ii) <b>the extent to which the natural character and cultural values of a river or stream are maintained.</b>  <del>(iii) maintenance measures;</del>  <del>(iv) amenity values; and</del></p>

### 20.2.32 Noise

- (1) **Rule 20.2.32.1 Noise – General** provides permitted noise levels in the General Industrial Zone.
- (2) **Rule 20.2.2.1A Noise – Pokeno** provides permitted noise limits in the General Industrial Zone in Pokeno.
- (3) **Rule 20.2.32.2 Noise – Construction** provides the noise limits for construction activities.

#### 20.2.32.1 Noise – General

PI	<b>Noise</b> generated by <b>emergency generator</b> s and emergency sirens.
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P2	<p>(a) <b>Noise</b> measured within any other <b>site</b>:</p> <p>(i) In an <del>an</del> <b>General Industrial Zone</b> or <b>Heavy Industrial Zone</b> <del>must that does not</del> exceed 75dB (L<sub>Aeq</sub>) at any time. <del>7am to 10pm; and</del> 55dB (L<sub>Aeq</sub>) and 85dB (L<sub>Amax</sub>) 10pm to 7am the following day.</p> <p>(b) <b>Noise measured within any site in any zone, other than the General Industrial Zone and the Heavy Industrial Zone, that does not exceed the permitted noise levels for that zone.</b></p> <p>(c) <b>Noise levels that are measured in accordance with the requirements of NZS 6801:2008 "Acoustics Measurement of Environmental Sound".</b></p> <p>(d) <b>Noise levels that are assessed in accordance with the requirements of NZS 6802:2008 "Acoustics Environmental noise".</b></p>
P3	(a) <b>Noise</b> measured within any <b>site</b> in any zone other, than the Industrial Zone and the Heavy Industrial Zone, must meet the permitted <b>noise levels</b> for that zone.
P4	<p>(a) <b>Noise</b> levels must be measured in accordance with the requirements of <del>NZS 6801:2008 "Acoustics Measurement of Environmental Sound".</del></p> <p>(b) <b>Noise</b> levels must be assessed in accordance with the requirements of <del>NZS 6802:2008 "Acoustics Environmental noise".</del></p>
D2 RD1	<p>(a) <b>Noise</b> that does not comply with <b>Rule 20.2.32.1 P1 or P2, P3 or P4.</b></p> <p>(b) <b>Council's discretion is restricted to the following matters:</b></p> <p>(i) <b>effects on amenity values</b></p> <p>(ii) <b>hours and days of operation</b></p> <p>(iii) <b>location of noise sources in relation to any <b>boundary</b></b></p> <p>(iv) <b>frequency or other special characteristics of noise</b></p> <p>(v) <b>mitigation measures</b></p> <p>(vi) <b>noise levels and duration.</b></p>

### 20.2.2.1A Noise in Pokeno

P1	<b>Noise</b> generated by <b>emergency generator</b> s and emergency sirens.
P2	<p>(a) <b>Noise</b> measured within any other <b>site</b>:</p> <p>(i) <b>In the Heavy Industrial Zone in Pokeno that does not exceed:</b></p> <p>A. 70dB (L<sub>Aeq</sub>) at any time</p> <p>(ii) <b>In the General Industrial Zone in Pokeno that does not exceed:</b></p> <p>A. 65dB (L<sub>Aeq</sub>) at any time.</p> <p>(b) <b>Noise measured within any site in any zone, other than the General Industrial Zone and Heavy Industrial Zone, that does not exceed the permitted noise limits for that zone.</b></p> <p>(c) <b>Noise levels that are measured in accordance with the requirements of NZS 6801:2008 "Acoustics Measurements of Environmental Sound".</b></p> <p>(d) <b>Noise levels that are assessed in accordance with the requirements of NZS 6802:2008 "Acoustics Environmental Noise".</b></p>
RD1	<p>(a) <b>Noise</b> that does not comply with <b>Rule 20.2.2.1A P1 or P2.</b></p> <p>(b) <b>Council's discretion is restricted to the following matters:</b></p> <p>(i) <b>effects on amenity values;</b></p> <p>(ii) <b>hours and days of operation;</b></p> <p>(iii) <b>location of noise sources in relation to any <b>boundary</b>;</b></p> <p>(iv) <b>frequency or other special characteristics of noise;</b></p>

	(v) <u>mitigation measures; and</u> (vi) <u>noise levels and duration.</u>
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### 20.2.32.2 Noise – Construction

PI	(a) <del>Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise);</del> (b) <del>Construction noise must be Noise from any construction, maintenance, or demolition activity that is measured, and assessed and managed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</del>
RDI	(a) <u>Construction noise</u> that does not comply with <u>Rule 20.2.32.2 PI.</u>  (b) Council's discretion is restricted to the following matters: (i) effects on amenity values; (ii) hours and days of construction; (iii) <u>noise levels;</u> (iv) timing and duration; and (v) methods of construction.

### 20.2.43 Glare and Artificial Light Spill

PI	Glare and artificial light spill <del>must</del> <u>that does not</u> exceed 10 <u>lux</u> measured horizontally and vertically within any other <u>site</u> not located in the General Industrial Zone or Heavy Industrial Zone.
RDI	(a) Illumination that does not comply with <u>Rule 20.2.43 PI.</u>  (b) Council's discretion is restricted to the following matters: (i) effects on amenity values; (ii) light spill levels on another <u>site;</u> (iii) <u>road</u> safety; (iv) duration and frequency; (v) location and orientation of the light source; and (vi) mitigation measures.

### 20.2.54 Earthworks

- (1) Rule 20.2.54.1 Earthworks - General provides sets out the standards for permitted ~~rules for~~ earthwork activities in the General Industrial Zone. This rule does not apply to areas specified in Rule 20.2.4(2).
- (2) There are specific standards for earthworks within these two rules:  
(a) Rule 20.2.54.2 Earthworks – Within Significant Natural Areas; and  
(b) Rule 20.2.54.3 Earthworks – Within Landscape and Natural Character Areas.

#### 20.2.54.1 Earthworks – General

PI	(a) <u>Earthworks</u> (excluding the importation of <u>fill material</u> ) within a <u>site</u> <del>that:</del> <u>must meet all of the following conditions:</u> (i) <del>be are</del> <u>located more than at least</u> 1.5 m <u>horizontally</u> from any <u>waterway body</u> , open drain or overland flow path; (ii) <u>do not</u> exceed a volume of <u>more than 250 10,000m<sup>3</sup>;</u> (iii) <u>do not</u> exceed an area of more than 10,000m <sup>2</sup> <del>over any consecutive</del> <u>within a</u> 12 month period; (iv) <del>the total depth of any excavation or filling does not exceed</del> <u>1.5m above or below</u> <u>ground level;</u>
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	<ul style="list-style-type: none"> <li>(iv) the slope of the resulting cut, filled areas or fill batter face in <b>stable ground</b>, does not exceed a maximum <del>do not exceed a slope in stable ground of</del> 1:2 (1 metre vertical to 2 metre horizontal);</li> <li><del>(v) earthworks are set back 1.5m from all boundaries;</del></li> <li>(v) <del>result in areas</del> exposed by <b>earthworks</b> are <del>areas being</del> re-vegetated to achieve 80% ground cover within 6 months of the commencement of the <b>earthworks</b>, or finished with a <b>hardstand surface</b>;</li> <li>(vi) <del>result in sediment resulting from the earthworks is being</del> retained on the <b>site</b> through implementation and maintenance of erosion and sediment controls; and</li> <li>(vii) do not <del>result in any divert or change the nature of to</del> natural water flows, <del>any</del> water bodies or established drainage paths.</li> </ul>
P2	<ul style="list-style-type: none"> <li>(a) <b>Earthworks</b> within a site that may, or may not, involve imported cleanfill material, for the purpose of creating a <b>building platform</b> and/or <b>ancillary hardstand area</b>, for residential purposes within a <b>site</b>, using imported <del>fill material</del> must meet the following condition: <ul style="list-style-type: none"> <li>(i) <del>be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development;</del></li> </ul> </li> </ul>
P3	<ul style="list-style-type: none"> <li>(a) <b>Earthworks</b> involving imported <b>fill material</b> (excluding <b>cleanfill material</b>) for purposes other than creating a <b>building platform</b> for residential purposes within a <b>site</b>, <del>that: using imported fill material (excluding cleanfill)</del> must meet all of the following conditions: <ul style="list-style-type: none"> <li>(i) Are located at least 1.5 metres from any <b>water body</b>, open drain or <b>overland flow path</b>;</li> <li>(ii) <del>do not exceed a total volume of 10,000 500m<sup>3</sup>;</del></li> <li>(iii) <del>not exceed a depth of 1m;</del></li> <li>(iii) <del>do not exceed a slope in stable ground the slope of the resulting filled area in stable ground must not exceed a maximum slope of</del> 1:2 (1 metre vertical to 2 metre horizontal);</li> <li><del>(iv) fill material is setback 1.5m from all boundaries;</del></li> <li>(iv) <del>result in exposed areas exposed by filling are being</del> revegetated to achieve 80% ground cover within 6 months of the commencement of the <b>earthworks</b>, or finished with a <b>hardstand surface</b>;</li> <li>(v) <del>result in sediment resulting from the filling is being</del> retained on the <b>site</b> through implementation and maintenance of erosion and sediment controls; and</li> <li>(vi) do not <del>result in any divert or change the nature of to</del> natural water flows, <del>any</del> water bodies or established drainage paths.</li> </ul> </li> </ul>
RDI	<ul style="list-style-type: none"> <li>(a) <b>Earthworks</b> that do not comply with <b>Rule 20.2.54.1 P1, P2 or P3</b>.</li> <li>(b) Council's discretion shall be <del>is</del> restricted to the following matters: <ul style="list-style-type: none"> <li>(i) amenity values and landscape effects;</li> <li>(ii) volume, extent and depth of <b>earthworks</b>;</li> <li>(iii) nature of <b>fill material</b>;</li> <li>(iv) contamination of <b>fill material</b>;</li> <li>(v) location of the <b>earthworks</b> in relation to waterways, significant <b>indigenous vegetation</b> and habitat;</li> <li>(vi) compaction of the <b>fill material</b>;</li> <li>(vii) volume and depth of <b>fill material</b>;</li> <li>(viii) protection of the Hauraki Gulf Catchment Area;</li> <li>(ix) geotechnical stability;</li> <li>(x) flood risk, including natural water flows and established drainage paths; and</li> <li>(xi) land instability, erosion and sedimentation.</li> </ul> </li> </ul>

### 20.2.54.2 Earthworks – within Significant Natural Areas

The provisions notified under this heading are addressed in Decision Report 9: Significant Natural Areas

### 20.2.54.3 Earthworks - Landscape and Natural Character Areas

The provisions notified under this heading are addressed in Decision Report 10: Landscapes

## **20.2.56 Hazardous Substances**

The provisions notified under this heading are addressed in Decision Report 11: Hazardous Substances and Contaminated Land

## **20.2.76 Signs**

- (1) **Rule 20.2.76.1 Signs – General** ~~states standards for a~~ provides permitted standards for any sign, including a real estate sign, ~~across the entire~~ within the General Industrial Zone.
- (2) **Rule 20.2.76.2 Signs – Effects on traffic** ~~applies to specific standards~~ states standards for a sign directed at road users.

## 20.2.76.1 Signs – General

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign that must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The sign height does not exceed a sign height of 10 metres;</li> <li>(ii) The sign is wholly contained on within the site;</li> <li>(iii) relates to goods and services available on the site or the property name;</li> <li>(iv) is set back at least 15 metres from a state highway or Waikato Expressway</li> <li>(v) An if illuminated sign must: <ul style="list-style-type: none"> <li>A. does not have a light source that flashes or moves; and</li> <li>B. does not contain moving parts or reflective materials; and</li> <li>C. be set back at least 15m from a state highway or the Waikato Expressway;</li> </ul> </li> </ul> <p>(b) Where the A sign is attached to a building that, it must:</p> <ul style="list-style-type: none"> <li>(i) does not extend more than 300mm from the building wall; and</li> <li>(ii) does not exceed the height of the building.</li> </ul> <p>(c) Where the sign is a freestanding signs that, it must:</p> <ul style="list-style-type: none"> <li>(i) do not exceed an area of 3m<sup>2</sup> for one sign per site, and 1m<sup>2</sup> for any other freestanding sign on the site;</li> <li>(ii) be are set back at least 5m from the boundary of any site in a General Residential, Medium Density Residential, Large Lot Residential, Settlement or Rural Lifestyle Village or Country Living Zone; and</li> <li>(iii) are set back at least 15 metres from a state highway or Waikato Expressway.</li> </ul> <p>(d) The sign is not A sign attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the express purpose of identification and interpretation.</p> <p>(e) The sign is not attached to a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation;</p> <p>(f) The sign relates to:</p> <ul style="list-style-type: none"> <li>(i) goods or services available on the site; or</li> <li>(ii) a property name sign.</li> </ul>
P3	<p>(a) A real estate 'for sale' sign that must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The sign relates to the sale of the site on which it is located;</li> <li>(ii) There is no more than 1 sign per agency; does not result in more than 3 signs per site;</li> <li>(iii) The sign is not illuminated;</li> <li>(iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(v) The sign does not project into or over road reserve. exceed dimensions of 1800mm x 1200mm.</li> </ul>
P4	Official sign
P5	Signs that are located within a building or that are not visible from a road or adjoining site.
RD1	<p>(a) A sign that does not comply with Rules 20.2.76.1 P2 or P3.</p> <p>(b) Council's discretion shall be is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) visual amenity;</li> <li>(ii) character of the locality;</li> <li>(ii) effects on traffic safety;</li> <li>(iii) glare and artificial light spill; and</li> <li>(iv) content, colour and location of the sign;</li> <li>(v) effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; and</li> <li>(vi) effects on cultural values of any Maaori Site of Significance;</li> <li>(vi) effects on notable architectural features of a heritage item building.</li> </ul>

### 20.2.76.2 Signs – effects on traffic

PI	<p>(a) Any <b>sign</b> directed at <b>road</b> users <del>must</del> that:</p> <ul style="list-style-type: none"> <li>(i) <del>does n</del>ot imitate the content, colour or appearance of any traffic control sign; and</li> <li>(ii) <del>Be is</del> located at least 60 metres from controlled intersections, pedestrian crossings and another advertising <b>sign</b>; and</li> <li>(iii) <del>does n</del>ot obstruct sight lines of drivers turning into or out of a <b>site</b> entrance and intersections; and</li> <li>(iv) <del>does not c</del>ontain <del>no</del> more than 40 characters <del>and no</del> or more than 6 symbols; and</li> <li>(v) <del>has</del> Have lettering that is at least 150mm high; and</li> <li>(vi) <del>Be is</del> at least 130 metres from a <b>site</b> entrance, where the <b>sign</b> directs traffic to the entrance.</li> </ul>
RDI	<p>Any <b>sign</b> that does not comply with <b>Rule 20.2.76.2 PI</b>.</p> <p>(a) <u>Council's discretion is restricted to the following matter:</u></p> <ul style="list-style-type: none"> <li>(i) <u>the extent to which the safety of road users is maintained.</u></li> </ul>

### 20.2.8 Outdoor storage of goods or materials

PI	<p><del>(a) Outdoor storage of goods or materials must comply with all the following conditions:</del></p> <ul style="list-style-type: none"> <li><del>(i) be associated with the activity operating from the <b>site</b>;</del></li> <li><del>(ii) not encroach on required parking or loading areas;</del></li> <li><del>(iii) not exceed a <b>height</b> of 9m;</del></li> <li><del>(iv) not exceed 30% <b>site</b> coverage;</del></li> <li><del>(v) be set back at least 3m from the <b>boundary</b> of any:</del> <ul style="list-style-type: none"> <li><del>A. <b>public road</b>;</del></li> <li><del>B. Reserve Zone;</del></li> <li><del>C. Residential Zone;</del></li> <li><del>D. Village Zone;</del></li> <li><del>E. Country Living Zone;</del></li> <li><del>F. Business Town Centre Zone; and</del></li> </ul> </li> <li><del>(vi) be screened from any <b>public road</b>, <b>public reserve</b> and <b>adjoining site</b> in another zone, other than the <b>Heavy Industrial Zone</b>, by the following:</del> <ul style="list-style-type: none"> <li><del>A. a landscaped strip consisting of plant species that achieve a minimum <b>height</b> of 1.8m at maturity; or</del></li> <li><del>B. a close boarded or solid fence or wall to a <b>height</b> of 1.8m.</del></li> </ul> </li> </ul>
RDI	<p><del>(a) Outdoor storage of goods or materials that does not comply with <b>Rule 20.2.8 PI</b>.</del></p> <p><del>(b) Council's discretion is restricted to the following matters:</del></p> <ul style="list-style-type: none"> <li><del>(i) visual amenity; and</del></li> <li><del>(ii) traffic safety.</del></li> </ul>

### 20.2.79 Indigenous vegetation clearance inside a Significant Natural Area

The provisions notified under this heading are addressed in Decision 9: Significant Natural Areas

## 20.3 Land Use - Building

- (1) **Rule 20.3.1** provides permitted heights for buildings.
- (2) **Rule 20.3.2** provides permitted heights for a building in an Outstanding Natural Feature, Outstanding Natural Landscape or Significant Amenity Landscape.

- (3) ~~Rule 20.3.3 Height~~ – Buildings, structures and vegetation within an airport obstacle limitation surface provides height limits for specific activities within this area.

### 20.3.1 Building height

PI	<p>(a) <del>The maximum height of a building must not exceed: A building measured from the natural ground level immediately below that part of the structure that does not exceed a height of:</del></p> <ul style="list-style-type: none"> <li>(i) 15 metres; or</li> <li>(ii) 18 metres if located on Whangarata and Bollard Road in Tuakau; or</li> <li>(iii) 10 metres if located on Tregoweth Lane and within 50 metres of the <u>General Residential Zone</u> in Huntly.</li> </ul> <p>(b) <del>Chimneys not exceeding 1m in width and finials measured from the natural ground level immediately below the structure shall not exceed that do not exceed a height of</del></p> <ul style="list-style-type: none"> <li>(i) 17m; or</li> <li>(ii) 20m if located on Whangarata and Bollard Road in Tuakau; or</li> <li>(iii) 12m if located on Tregoweth Lane and within 50m of the GRZ – General residential zone in Huntly.</li> </ul>
RDI	<p>(a) Any building that does not comply with <b>Rule 20.3.1 PI</b>.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <ul style="list-style-type: none"> <li>(i) effects on <u>the amenity of neighbouring properties</u>.</li> </ul>

### 20.3.2 Building height in an Outstanding Natural Feature, Outstanding Natural Landscape or Significant Amenity Landscape

PI	<p>(a) A building <u>measured from the natural ground level immediately below that part of the structure</u> must not exceed a height of:</p> <ul style="list-style-type: none"> <li>(i) 5m in an Outstanding Natural Feature or Outstanding Natural Landscape; and</li> <li>(ii) 7.5m in a Significant Amenity Landscape.</li> </ul>
DA RDI	<p>A building that does not comply with Rule 20.3.2 PI.</p> <p>(a) Council's discretion is restricted to the following matter:</p> <ul style="list-style-type: none"> <li>(i) <u>The extent to which the aesthetic value of the identified feature or landscape is maintained.</u></li> </ul>

### ~~20.3.3 Height – Buildings, structures and vegetation within an airport obstacle limitation surface~~

PI	<del>A building, structure or vegetation must not protrude through an airport obstacle limitation surface as shown on the planning maps.</del>
NCI	<del>A building, structure or vegetation that does not comply with <b>Rule 20.3.3. PI</b></del>

### 20.3.3 Daylight Admission Height in relation to boundary

PI	<p>(a) A building, structure, sign, or any stack or stockpile of goods or materials must not protrude through <u>that does not project beyond a 45 degree height control plane rising at an angle of:</u> measured from a point 3 metres above natural ground level along the <u>boundary of a site</u> located outside of a General Industrial Zone or Heavy Industrial Zone.</p> <ul style="list-style-type: none"> <li>(i) <del>45 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Industrial Zone with any other zone;</del></li> <li>(ii) <del>37 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Industrial Zone with any other zone between south-east or south-west of the building or stockpile.</del></li> </ul>
RDI	(a) A building, structure, sign, or any stack or stockpile of goods or materials that does not

	<p>comply with <b>Rule 20.3.3 PI.</b></p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) effect on <u>the amenity of neighbouring properties.</u></p>
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## 20.3.4 Building setbacks

- (1) **Rule 20.3.4.1** provides the permitted building setbacks from boundaries. ~~and the earth bund located at 53 Holmes Road, Horotiu.~~
- (2) **Rule 20.3.4.2** provides the permitted building setbacks from water bodies.

### 20.3.4.1 Building setbacks

PI	<p>(a) A <b>building</b> <del>must be that is</del> set back at least:</p> <p>(i) 5 metres from a <b>road boundary</b>; and</p> <p>(ii) <del>7.5m</del> <b>3 metres</b> from any other <b>boundary</b> where the <b>site</b> adjoins another zone, other than the Heavy Industrial Zone; <del>and</del></p> <p><del>(iii) 5m from the toe of the earth bund located on Lot 17 DP 494347 (53 Holmes Road, Horotiu).</del></p> <p><b>PI does not apply to a structure which is not a building.</b></p>
RDI	<p>(a) A <b>building</b> that does not comply with <b>Rule 20.3.4.1 PI.</b></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) effects on amenity values;</p> <p>(ii) effects on streetscape; and</p> <p>(iii) traffic and <b>road</b> safety; <del>and</del>  <del>effects on the earth bund located on lot 17 DP 494347 (53 Holmes Road, Horotiu).</del></p>

### 20.3.4.2 Building setback – water bodies

PI	<p>(a) A <b>building</b> <del>must be that is</del> set back a minimum of 30 metres from:</p> <p><del>(i) a lake the margin; and of any:</del>  <del>A. lake;</del></p> <p><del>(ii) a wetland that is identified on the planning maps; and</del></p> <p><del>(iii) river bank, other than the Waikato River and Waipa River.</del></p> <p><b>PI does not apply to a structure which is not a building.</b></p>
P2	<p>A <b>building</b> <del>must be that is</del> set back at least 50m a minimum of <b>37 metres</b> from a <b>bank</b> of the Waikato River. <del>And Waipa River.</del></p> <p><b>P2 does not apply to a structure which is not a building.</b></p>
P3	<p>A <b>building</b> <del>must be that is</del> set back a minimum of 10 metres from:</p> <p>(i) the bank of a river, other than the Waikato River;</p> <p>(ii) the <b>bank</b> of a perennial or intermittent stream; and</p> <p>(iv) a wetland that is not identified on the planning maps.</p> <p><b>P3 does not apply to a structure which is not a building.</b></p>
P4	<p>A <b>pump shed</b>, or a <b>public amenity</b> of up to not exceeding an area of 25m<sup>2</sup>, <del>or a pump shed that is located within any the</del> <b>building setbacks</b> identified in <b>Rule 20.3.4.2 PI, P2 or and P3.</b></p>
RDI	<p>(a) A <b>building</b> that does not comply with <b>Rule 20.3.4.2 PI, P2, P3 or P4.</b></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p><del>(i) effects on natural character values.</del></p>

## 20.3.5 Historic Heritage

### 20.3.5.1 Group A heritage item - demolition, removal or relocation

### 20.3.5.2 Group B heritage item - demolition, removal or relocation

### 20.3.5.3 All heritage items – alteration or addition

### 20.3.5.4 All heritage items – maintenance or repair

### 20.3.5.5 All heritage items – all site development

The provisions notified under these headings are addressed in Decision Report 8: Historic Heritage

## 20.4 Subdivision

- (1) **Rule 20.4.1 – General** provides for subdivision density within the General Industrial Zone.
- (2) ~~Other subdivision provisions are contained in:~~ **Rule 20.4.1** is also subject to compliance with the following rules:
  - (a) **Rule 20.4.2** – Boundaries for Records of Title
  - (b) **Rule 20.4.3** – Road Frontage
  - (c) **Rule 20.4.4** – Esplanade Reserves and Esplanade Strips
  - (d) **Rule 20.4.5** - Subdivision of land containing a heritage item
  - (e) **Rule 20.4.6** – Subdivision of land containing a Significant Natural Area

### 20.4.1 Subdivision - General

RDI	<p>(a) <del>Subdivision must comply with all of the following conditions:</del> Proposed lots in a subdivision must:</p> <ol style="list-style-type: none"> <li>(i) <del>proposed lots must</del> have a minimum net site area of 1000m<sup>2</sup>;</li> <li>(ii) <del>proposed lots must</del> have an average net site area of at least 2000m<sup>2</sup>; and</li> <li>(iii) <del>no more than 20% rear lots are created.</del> <u>be connected to public-reticulated water supply and wastewater.</u></li> </ol> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>(i) <del>the extent to which a range of future industrial activities can be accommodated; and</del> amenity values:</li> <li>(ii) <u>provision of infrastructure;</u></li> <li>(iii) <u>provision of water supply for firefighting where practicable; and</u></li> <li>(iv) <u>the extent to which the subdivision design impacts on the operation, maintenance, upgrade and development of existing infrastructure.</u></li> </ol>
DI	<u>Subdivision that does not comply with Rule 20.4.1 RDI.</u>

### 20.4.2 Subdivision – Boundaries for Records of Title

RDI	<p>(a) Any boundary of a proposed lot must be located so that:</p> <ol style="list-style-type: none"> <li>(i) <del>any existing buildings comply</del> with the permitted activity rules relating to setbacks and <del>daylight admission height in relation to boundary,</del> except to the extent of any non-compliance that existed lawfully prior to the subdivision; and</li> <li>(ii) no contaminated land, <del>heritage item,</del> archaeological site, or wetland is divided between any proposed lot.</li> </ol> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>(i) amenity;</li> <li>(ii) effects on contaminated land;</li> </ol>
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	<ul style="list-style-type: none"> <li>(iii) effects on any heritage item;</li> <li>(iv) effects on any wetland;</li> <li>(v) effects on any archaeological site; and</li> <li>(vi) the extent to which a range of future industrial activities can be accommodated.</li> </ul>
DI	Subdivision that does not comply with Rule 20.4.2 RDI.

### 20.4.3 Subdivision - Road Frontage

RD1	<ul style="list-style-type: none"> <li>(a) Any proposed lot must have a road frontage of least 15 metres.</li> <li>(b) Rule 20.4.3 (a) does not apply to any proposed rear lot or to a proposed access allotment.</li> <li>(c) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) traffic effects; and</li> <li>(ii) effects of vehicle accessways on pedestrian amenity and streetscape.</li> </ul> </li> </ul>
DI	Subdivision that does not comply with Rule 20.4.3 RDI.

### 20.4.4 Subdivision - Esplanade Reserves and Esplanade Strips

RD1	<ul style="list-style-type: none"> <li><del>(iii) Subdivision must create an esplanade reserve or strip 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) from every proposed lot.</del></li> <li>(a) A 20 metre wide esplanade reserve or esplanade strip (or other width stated in Appendix 4 Esplanade Priority Areas) must be created and vested in Council where the land being subdivided is within 20 metres of: <ul style="list-style-type: none"> <li><del>(iv) less than 4ha and within 20m of any:</del> <ul style="list-style-type: none"> <li>a. mean high water springs;</li> <li>b. the bank of any river whose bed has an average width of 3 metres or more; or</li> <li>c. a lake whose bed has an area of 8 hectares or more; or</li> </ul> </li> <li><del>(v) 4ha or more and within 20m of mean high water springs; or a water body identified in Appendix 4 (Esplanade Priority Areas).</del></li> </ul> </li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) the type of esplanade provided - reserve or strip;</li> <li>(ii) width of the esplanade reserve or esplanade strip;</li> <li>(iii) provision of legal access to the esplanade reserve or strip;</li> <li>(iv) matters provided for in an instrument creating an esplanade strip or access strip;</li> <li>(v) works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris; and costs and benefits of acquiring the land.</li> <li>(vi) layout and design in regard to the effects on the operation, maintenance, upgrading and development of existing infrastructure assets; and</li> <li>(vii) topography, the location of any existing building, or alternative methods of securing ecological protection, that would justify a reduction in width or not requiring esplanade reserves or esplanade strips to be taken.</li> </ul> </li> </ul>
DI	Subdivision that does not comply with Rule 20.4.4 RDI.

### 20.4.5 Subdivision of land containing a heritage item

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

### 20.4.6 Subdivision - Significant Natural Areas

RD1	<ul style="list-style-type: none"> <li><del>(a) Subdivision of a site containing that does not involve division of a Significant Natural Area, must not divide the Significant Natural Area.</del></li> <li>(b) Council's discretion is restricted to the following matter: <ul style="list-style-type: none"> <li>(i) effects on protection and management of the Significant Natural Area.</li> </ul> </li> </ul>
NCI	Subdivision that does not comply with Rule 20.4.6 RDI.

#### 20.4.7 Subdivision of land within the National Grid Corridor

RDI	<p>(a) <u>The subdivision of land within the National Grid Corridor that complies with all of the following standards:</u></p> <p>(i) <u>All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u></p> <p>(ii) <u>The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p>(ii) <u>The ability to provide a complying building platform outside of the National Grid Yard;</u></p> <p>(iii) <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></p> <p>(iv) <u>The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u></p> <p>(v) <u>The risk to the structural integrity of the National Grid;</u></p> <p><u>The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.</u></p>
NCI	<p><u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule 20.4.7 RDI.</u></p>

## 20.5 Nau Mai Business Park

### 20.5.1 Application of rules

- (a) The activity rules in ~~20.1.1~~ (Permitted Activities), ~~20.1.2~~ (Discretionary Activities) and ~~20.1.3~~ (Non-complying Activities) do not apply within the Nau Mai Business Park Specific Area and Rules ~~20.5.2~~, ~~20.5.3~~ and ~~20.5.4~~ apply instead.
- (b) The rules that apply to a permitted activity in ~~Rule 20.5.2 P1-P13~~ within the Nau Mai Business Park Specific Area as identified on the planning maps are as follows:
- (i) ~~Rule 20.2~~ (Land Use – Effects), except:
    - A. ~~Rule 20.2.2~~ (Landscape Planting) does not apply and ~~Rule 20.5.5~~ applies instead;
    - B. ~~Rule 20.2.3.1~~ (Noise – General) does not apply and ~~Rule 20.5.6~~ applies instead;
    - C. ~~Rule 20.2.7.1~~ (Signs – General) does not apply and ~~Rule 20.5.7~~ applies instead;
    - D. ~~Rule 20.2.8~~ (Outdoor storage of goods and material) does not apply and ~~Rule 20.5.8~~ applies instead.
  - (ii) ~~Rule 20.3~~ (Land Use – Building), except:
    - A. ~~Rule 20.3.1~~ (Building Height) does not apply and ~~Rule 20.5.9~~ applies instead.
  - (iii) ~~Rule 20.5.10~~ (Construction Materials);
  - (iv) ~~Rule 20.5.11~~ (Building Coverage); and
  - (v) ~~Rule 20.5.12~~ (Gross Floor Area);
  - (vi) ~~Rule 20.5.13~~ (Building Location and Setbacks); and
  - (vii) ~~Rule 20.5.14~~ (Acoustic Insulation for Dwelling)
- (c) ~~Rule 20.4~~ (Subdivision) applies for subdivision within the Nau Mai Business Park Specific Area.

### 20.5.2 Permitted Activities

- (1) The following activities are permitted activities if they meet all the:
- (a) activity specific conditions in ~~Rule 20.5.2~~; and
  - (b) Rules ~~20.5.5~~ to ~~20.5.14~~ (inclusive).

Activities		Activity-specific conditions
P1	<del>Timber and hardware merchant</del>	Nil
P2	<del>Farming supplies merchant</del>	Nil
P3	<del>Plant nursery</del>	Nil
P4	<del>Landscape supplies</del>	Nil
P5	<del>A retail activity that is ancillary to any permitted activity.</del>	(a) <del>does not exceed 20% of the gross floor area of the industrial building;</del> (b) <del>involves the sale of goods manufactured and stored within the site, except for the activities listed P1-P4 above.</del>
P6	<del>One dwelling per lot for a caretaker or security personnel</del>	(a) <del>gross floor area of 70m<sup>2</sup> (excluding a garage, carport or decking)</del>
P7	<del>Veterinary practice</del>	Nil
P8	<del>Boarding, breeding or animal training establishment contained in a building or outdoor enclosure</del>	Nil
P9	<del>Research and technology</del>	Nil
P10	<del>An education facility</del>	<del>for no more than 10 students</del>

P11	A food outlet	less than 200m <sup>2</sup> gross floor area
P12	An office that is ancillary to any permitted activity	Nil
P13	Plant and equipment hire	Nil

### 20.5.3 Discretionary Activity

(1) The activities listed below are discretionary activities.

D1	Any activity that does not comply with an 'Activity Specific Condition' in Rule 20.5.2.
D2	Any permitted activity that does not comply with Effects Rule 20.2 or Building Rules 20.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.

### 20.5.4 Non-Complying Activities

(1) The activities listed below are non-complying activities.

NC1	Any activity that is not listed as permitted activity Rule 20.5.2.
NC2	A residential activity, except for one which is ancillary to the on-site industrial activity for caretakers and security personnel and complies with Rule 20.5.2 P6.

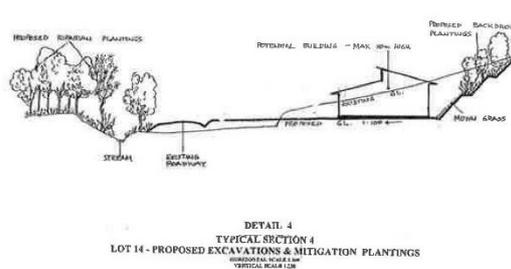
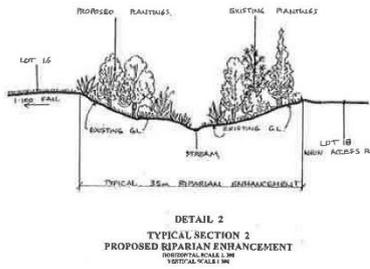
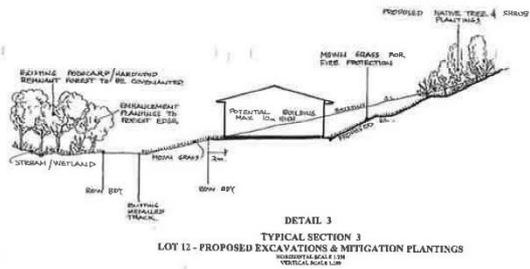
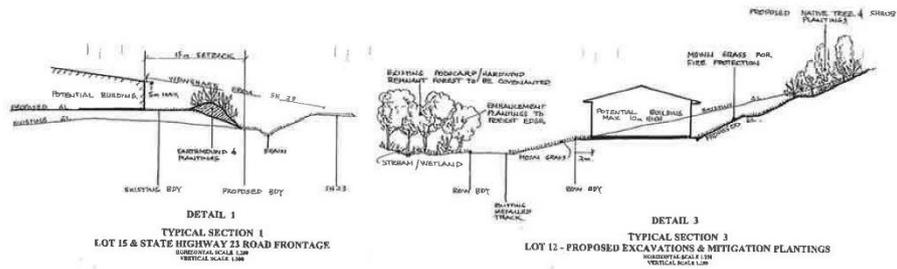
### 20.5.5 Landscape planting

P1	Any activity that has its associated parking areas and storage areas adjacent to a road shall be separated from that road by a 2m wide landscaped strip which is established and maintained in accordance with the landscape mitigation details and the plan prepared by Bernard Brown Associates titled 'Nau Mai Business Park - 4005, SH23, Okete, Raglan Proposed Overall Landscape Mitigation Concept' dated March 2009.
RD1	<p>(a) Any activity that does not comply with Rule 20.5.5 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) amenity values;</li> <li>(ii) the extent to which landscaping departs from the specified landscape mitigation details and landscape plan; and</li> <li>(iii) traffic safety.</li> </ul>

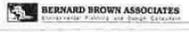
The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

6/8/2018

Content Editor - WDCPlanningXchange Software



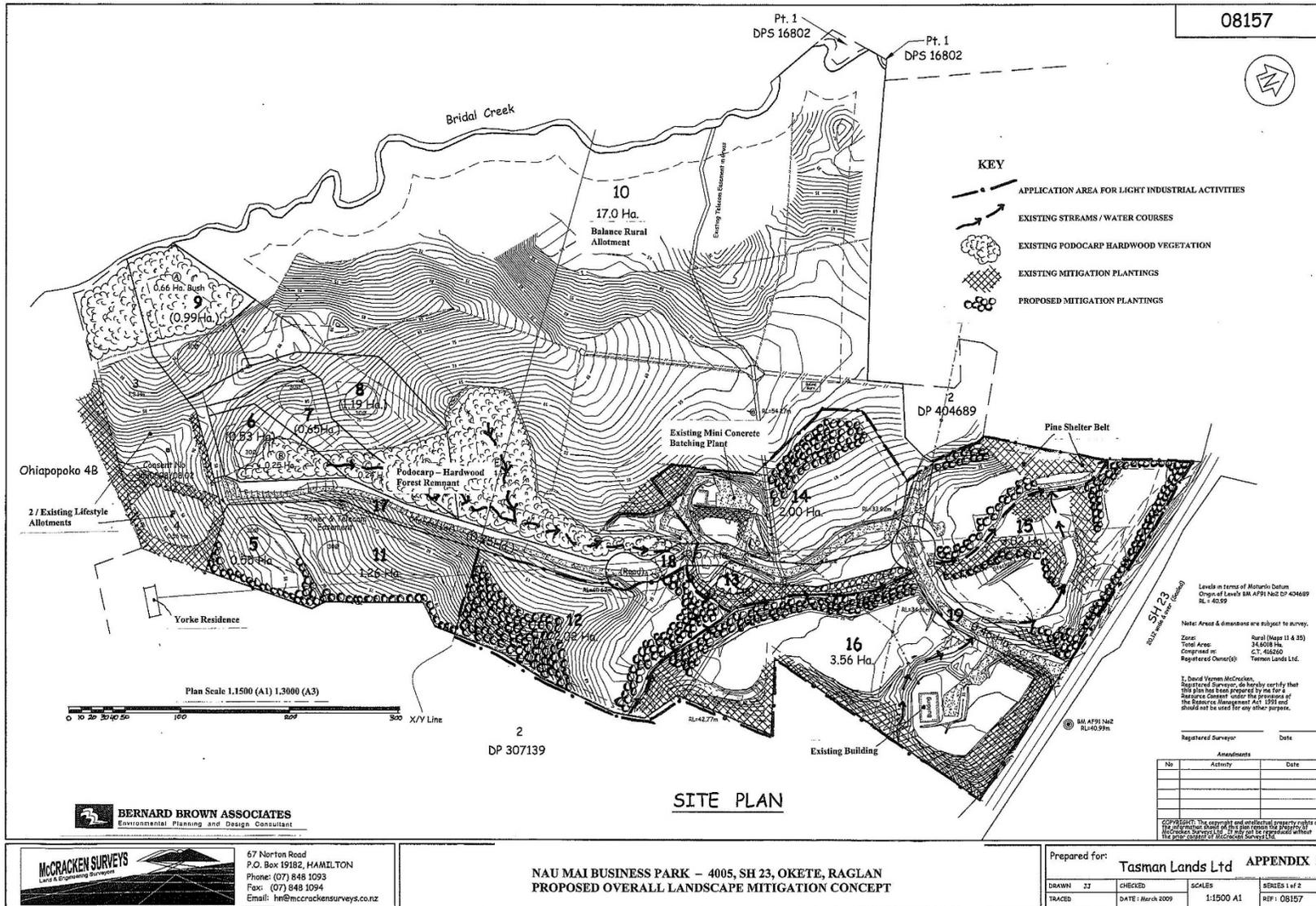
FOR SECTION LOCATIONS SEE APPENDIX 3 (b)



NAU MAI BUSINESS PARK - 4005, SH 23, OKETE, RAGLAN  
PROPOSED SECTIONS - LANDSCAPE MITIGATION DETAILS 1-4

APPENDIX 3(c)

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.



### 20.5.6 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise must not exceed the following:</p> <ul style="list-style-type: none"> <li>(i) 65dB (LA<sup>10</sup>) at all times within any other site in the Industrial Zone; and</li> <li>(ii) at the notional boundary of any adjoining site in the Rural Zone: <ul style="list-style-type: none"> <li>A. 55dB (LA<sub>eq</sub>) 7am to 10pm;</li> <li>B. 40 dB (LA<sub>eq</sub>) 10pm to 7am the following day; and</li> <li>C. 70dB (LA<sub>max</sub>) 10pm to 7am the following day.</li> </ul> </li> </ul> <p>(b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound"</p> <p>(c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustics – Environmental noise".</p>
D2	Noise generated by any activity that does not comply with Rule 20.5.6 P2.

### 20.5.7 Signs – General

P1	<p>(a) Any freestanding sign or sign attached to a building that is visible from a public place, other than State Highway 23, must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) it does not exceed a height of 10m;</li> <li>(ii) it does not have a light source that flashes or moves;</li> <li>(iii) it does not imitate the content, colour or appearance of any traffic control sign;</li> <li>(iv) it does not obscure sight lines of drivers turning into or out of a site entrance;</li> <li>(v) it does not exceed an area of 3m<sup>2</sup>;</li> <li>(vi) it is set back at least 5m from the boundary of any site in the Rural Zone; and</li> <li>(vii) it does not project onto or over a road reserve.</li> </ul>
P2	<p>(a) Any free standing advertising sign adjacent to State Highway 23 must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) it does not exceed a height of 6m;</li> <li>(ii) it is not located on or above road reserve;</li> <li>(iii) it does not exceed an area of 8m<sup>2</sup>;</li> <li>(iv) it is located within the eastern corner of Lot 1 DP 454300 (and any subsequent subdivision thereof);</li> <li>(v) it does not have a light source that flashes or moves;</li> <li>(vi) it does not imitate the content, colour or appearance of any traffic control sign;</li> <li>(vii) it can be viewed by drivers for a minimum of 250m;</li> <li>(viii) it has lettering that is at least 120mm high;</li> <li>(ix) it does not obscure sight lines of drivers turning into or out of a site entrance; and</li> <li>(x) it only relates to goods or services available on the site or is a property name sign.</li> </ul>
RD1	<p>(a) Any sign that does not comply with Rule 20.5.7 P1 or P2.</p> <p>(b) Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li>(ii) traffic safety.</li> </ul>

### 20.5.8 Outdoor storage of goods or materials

P1	<p>(a) Outdoor storage of goods or materials must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) not exceed a height of 9m;</li> <li>(ii) not exceed 30% building coverage; and</li> <li>(iii) be screened from State Highway 23.</li> </ul>
RD1	<p>(a) Outdoor storage of goods or materials that does not comply with Rule 20.5.8 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>A. visual amenity; and</li> </ul>

	<del>B. traffic safety.</del>
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### 20.5.9 Building height

PI	(a) A building that does not exceed a height of: (i) 10m; or (ii) 5m at a setback of 15m from State Highway 23 if it is located on Lot 1 DP 454300 (and any subsequent subdivision thereof).
RD+	(a) A building that does not comply with Rule 20.5.9 PI. (b) Council's discretion is restricted to the following matter: (i) visual amenity

### 20.5.10 Construction materials

PI	(a) A building that: (i) has a roof in recessive colours; and (ii) does not use unpainted galvanised iron for roofing, cladding or fencing.
RD+	(a) A building that does not comply with Rule 20.5.10 PI. (b) Council's discretion is restricted to the following matter: (i) visual amenity

### 20.5.11 Building coverage

PI	A building must not cover more than 50% of each Effective Building Area identified on the planning maps.
RD+	(a) A building that does not comply with Rule 20.5.11 PI. (b) Council's discretion is restricted to the following matters: (i) amenity values; and (ii) stormwater management.

### 20.5.12 Gross floor area

PI	A building must not exceed a gross floor area of 800m <sup>2</sup> .
RD+	(a) Any building that does not comply with Rule 20.5.12 PI. (b) Council's discretion is restricted to the following matter: (i) effect on amenity values.

### 20.5.13 Building location and setbacks

PI	(a) A building that is located: (i) within an Effective Building Area identified on the planning maps; (ii) at least 7.5m from a road boundary; and (iii) at least 15m from State Highway 23.
RD+	(a) A building that does not comply with Rule 20.5.13 PI. (b) Council's discretion is restricted to the following matters: (i) effect on amenity values; and (ii) effect road safety.

### 20.5.14 Acoustic insulation for dwelling

PI	(a) A dwelling for a caretaker or security personnel must be designed and constructed to meet the following conditions: (i) Noise does not exceed 35dB (LA <sub>eq</sub> ) within any bedroom; (ii) Noise does not exceed 40dB (LA <sub>eq</sub> ) within any other habitable room; and (iii) Ventilation that is necessary to achieve the above noise limits shall comply with the
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	requirements of Clause G4 of the New Zealand Building Code.
D+	A dwelling that does not comply with Rule 20.5.14 PI.

## 20.5 Horotiu Industrial Park precinct

### 20.5.1 Application of rules

This section applies to the Horotiu Industrial Park precinct identified on the planning maps.

(a) The land use – activities rules in section 20.1 do not apply and are replaced by the land use – activities rules in section 20.5.2.

(b) Rule 20.2.1 Landscape planting, Rule 20.2.2.1 Noise General and 20.2.2.1A Noise in Pokeno are replaced by the land use – effects rules in section 20.5.3. All other land use – effects rules in section 20.2 apply.

(c) Rule 20.3.1 and Rule 20.3.2 on building heights are replaced by the land use – building rules in section 20.5.4 below. All other land use – building rules in section 20.3 apply.

(d) Rule 20.4.1 is replaced by Rule 20.5.5 below. All other subdivision rules in section 20.4 apply.

### 20.5.2 Land Use – Activities

#### 20.5.2.1 Permitted Activities

Activities	Activity-specific standards	
P1	Industrial activity	Nil
P2	Ancillary activity	Nil
P3	Trade and industry training activity	Nil
P4	Truck stop for refuelling	Nil
P5	Service station	Nil
P6	An office that is ancillary to a permitted activity	Does not exceed 100m <sup>2</sup> or 30% gross floor area of all buildings on the site
P7	A retail activity that is ancillary to a permitted activity	Does not exceed 10% gross floor area of all buildings on the site
P8	Food outlet	Does not exceed 200m <sup>2</sup> gross floor area
P9	Construction or demolition of, or alteration or addition to, a building	Nil
P10	Construction or alteration of a building for a sensitive land use	<p>(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</p> <p>(i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</p> <p>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p>

#### 20.5.2.2 Restricted Discretionary Activities

RD1	(a) A permitted activity listed in Rule 20.5.2.1 that does not comply with any activity-specific
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	<p><u>standard.</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) <u>effects on the supply of industrial land within Horotiu Industrial Park; and</u></p> <p>(ii) <u>function of the Horotiu Industrial Park as a regionally significant industrial node.</u></p>
RD2	<p>a) <u>Construction or alteration of a building for a sensitive land use that does not comply with 20.5.2.1 P10</u></p> <p>b) Council's discretion is restricted to the following matters:</p> <p>(i) <u>Effects on the amenity values of the site;</u></p> <p>(ii) <u>The risk of electrical hazards affecting the safety of people;</u></p> <p>(iii) <u>The risk of damage to property; and</u></p> <p>(iv) <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></p>

### 20.5.2.3 Discretionary Activities

DI	Any activity that is not listed in <a href="#">Rule 20.5.2.1</a> , <a href="#">Rule 20.5.2.2</a> or <a href="#">Rule 20.5.2.4</a> .
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### 20.5.2.4 Non-complying Activities

NC1	A noise-sensitive activity, except as provided for by <a href="#">Rule 20.1.1 P18</a> and <a href="#">Rule 20.1.2 D8</a> .
NC2	A sensitive land use, except as provided for by <a href="#">Rule 20.1.1 P18</a> and <a href="#">Rule 20.1.2 D8</a> .

## 20.5.3 Land Use Effects

### 20.5.3.1 Noise – General

P1	Noise generated by <b>emergency generators</b> and emergency sirens.
P2	<p>(a) Noise from an activity in the Horotiu Industrial Park that does not exceed:</p> <p>(i) <u>75dBA (LA<sub>eq</sub>) at any time measured within any other <b>site</b>.</u></p> <p>(b) Noise from an activity in the Horotiu Industrial Park that does not exceed the following limits when measured within a General Residential Zone:</p> <p>(i) <u>55dBA (LA<sub>eq</sub>) 7am to 10pm; or</u></p> <p>(ii) <u>45dBA (LA<sub>eq</sub>) and 70dBA (LA<sub>max</sub>) 10pm to 7am the following day.</u></p> <p>(c) Noise from an activity in the Horotiu Industrial Park that does not exceed the following limits when measured within the <b>notional boundary</b> of any <b>building</b> containing a <b>noise-sensitive activity</b> existing at 17 January 2022 within any zone outside of the Horotiu Industrial Park and Heavy Industrial Zone (except the General Residential Zone):</p> <p>(i) <u>55dBA (LA<sub>eq</sub>) 7am to 10pm;</u></p> <p>(ii) <u>45dBA (LA<sub>eq</sub>) and 70dBA (LA<sub>max</sub>) 10pm to 7am the following day.</u></p> <p>(d) <u>Noise levels that is measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics - Measurement of Environmental Sound".</u></p> <p>(e) <u>Noise levels that is assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustics- Environmental noise".</u></p>
RD1	<p>(a) Noise generated by any activity that does not comply with <a href="#">Rule 20.5.3.1 P2</a>.</p> <p>(b) Council's discretion is restricted to the following matters:</p>

	<ul style="list-style-type: none"> <li>(i) <u>effects on amenity values;</u></li> <li>(ii) <u>hours of operation;</u></li> <li>(iii) <u>location of noise sources in relation to boundaries;</u></li> <li>(iv) <u>frequency or other special characteristics of noise;</u></li> <li>(v) <u>noise levels and duration; and</u></li> <li>(vi) <u>mitigation measures.</u></li> </ul>
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### 20.5.3.2 Landscape planting

P1	<p>(a) Any <b>building</b> or land use activity on a <b>record of title</b> that fronts Horotiu Road that is landscaped along the full frontage of that road, except for access and egress points, to the following minimum standards:</p> <ul style="list-style-type: none"> <li>(i) a 5 metre depth measured from the road <b>boundary</b>; and</li> <li>(ii) comprises mixed <b>vegetation</b> planted a maximum of 1.5 metres apart that achieve a 5 metre <b>height</b> within 5 years.</li> </ul>
RD1	<p>(a) Any <b>building</b> or land use activity that does not comply with <b>Rule 20.5.3.2 P1</b>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <u>type, density and scale of landscape plantings; and</u></li> <li>(ii) <u>the extent to which the amenity of the General Residential Zone on Horotiu Road is maintained.</u></li> </ul>
P2	<p>(a) Any <b>building</b> or land use activity on a <b>record of title</b> that contains, or adjoins, a <b>river</b> or a permanent stream, that is landscaped to the following minimum standards:</p> <ul style="list-style-type: none"> <li>(i) a 4 metre depth measured from the <b>bank</b>, and extending across the full length, of the <b>water body</b>; and</li> <li>(ii) comprises mixed <b>indigenous vegetation</b> planted a maximum of 1.5 metres apart.</li> </ul>
RD2	<p>(a) Any building or land use activity that does not comply with <b>Rule 20.5.3.2 P2</b></p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <u>type, density and scale of <b>indigenous vegetation</b>; and</u></li> <li>(ii) <u>the extent to which the natural character and cultural values of a <b>river</b> or stream are maintained.</u></li> </ul>

### 20.5.4 Land use – building

#### 20.5.4.1 Building height

P1	<p>(a) A <b>building</b> or <b>structure</b> that is within 50 metres of Horotiu Road and does not exceed a <b>height</b> of 10 metres measured from the natural ground level immediately below that part of the structure.</p>
P2	<p>(a) A <b>building</b> or <b>structure</b> that is 50 to 400 metres from Horotiu Road and does not exceed a height of 15 metres measured from the natural ground level immediately below that part of the structure.</p>
P3	<p>(a) A <b>building</b> or <b>structure</b> that is more than 400 metres from Horotiu Road and does not exceed a <b>height</b> of:</p> <ul style="list-style-type: none"> <li>(i) 25 metres; and</li> <li>(ii) 15 metres over 90% of the <b>site</b> measured from the natural ground level immediately below that part of the structure.</li> </ul>
RD1	<p>(a) A <b>building</b> or <b>structure</b> that does not comply with Rule <b>20.5.4.1 P1, P2</b> or <b>P3</b>.</p> <p>(b) Council's discretion is restricted to the following matter:</p>

	(i) the extent to which visual amenity in the General Residential Zone is maintained.
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#### **20.5.4.2 Building setback from earth bund**

PI	Any <b>building</b> on land that contains the Horotiu Industrial Park earth bund, as shown on the planning maps, that is set back 5 metres from the toe of the bund.
RDI	(a) Any <b>building</b> that does not comply with <b>Rule 20.5.4.2 PI</b> . (b) Council's discretion is restricted to the following matter: (i) effects on the Horotiu Industrial Park earth bund.

#### **20.5.4.3 Aerials, antennae and lighting masts**

PI	(a) An <b>aerial</b> and support structure that does not exceed a <b>height</b> , measured from the natural ground level immediately below that part of the structure, of: (i) 15 metres; or (ii) 10 metres if located within 50 metres of Horotiu Road; or (iii) 5 metres above the <b>building</b> on which the <b>aerial</b> is mounted, where that <b>building</b> exceeds a <b>height</b> of 20 metres.
P2	(a) A dish antenna that does not exceed a 5 metre diameter. (b) A panel antenna that does not exceed 2.5 metres in any dimension.
P3	Lighting masts that are located at least 400 metres from Horotiu Road and not exceeding a <b>height</b> of 25 metres, measured from the natural ground level immediately below that part of the structure.
RDI	(a) Any <b>aerial</b> , antenna or lighting mast that does not comply with <b>Rule 20.5.4.3 PI, P2 or P3</b> . (b) Council's discretion is restricted to the following matter: (i) the extent to which visual amenity in the General Residential Zone is maintained.

#### **20.5.5 Subdivision - General**

RDI	(a) <b>Subdivision</b> must comply with the following standards: (i) proposed <b>lots</b> (excluding <b>access allotments</b> and <b>utility allotments</b> ) must have a minimum <b>net site area</b> of 500m <sup>2</sup> ; and (ii) proposed network <b>utility allotments</b> must have a minimum <b>net site area</b> (excluding access legs) of 100m <sup>2</sup> . (b) Council's discretion is restricted to the following matter: (i) the extent to which a range of future industrial activities can be accommodated.
DI	<b>Subdivision</b> that does not comply with <b>Rule 20.5.5 RDI</b> .

## Chapter 21: Heavy Industrial Zone Heavy

### Zone Description

The Heavy Industrial Zone contains areas used predominantly for industrial activities that generate potentially significant adverse effects, but also other compatible activities.

### Introduction

- (1) The rules that apply to activities in the Heavy Industrial Zone are contained in **Rule 21.1** Land Use – Activities, **Rule 21.2** Land Use – Effects and **Rule 21.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Heavy Industrial Zone Heavy are contained in **Rule 21.4**.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Heavy Industrial Zone:
  - 14 Infrastructure and Energy
  - 15 Natural Hazards and Climate Change (~~Placeholder~~).
- (4) The following symbols are used in the tables:
  - (a) PR Prohibited activity
  - (b) P Permitted activity
  - (c) C Controlled activity
  - (d) RD Restricted discretionary activity
  - (e) D Discretionary activity
  - (f) NC Non-complying activity

### 21.1 Land Use – Activities

#### 21.1.1 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
  - (a) Activity-specific standards;
  - (b) Land Use – Effects rules in **Rule 21.2** (unless the activity rule and/or activity specific ~~conditions standards~~ identify a ~~condition standard~~(s) that does not apply); and
  - (c) Land Use – Building rules in **Rule 21.3** (unless the activity rule and/or activity specific ~~conditions standards~~ identify a ~~condition standard~~(s) that does not apply).

Activity	Activity specific <del>conditions standards</del>
P1	<b>Industrial Activity</b>
P2	Trade and industry training activity
P3	Truck stop for refuelling
P4	<b>Office</b> ancillary to an <b>industrial activity</b>
P5	Food outlet
P6	Ancillary retail

P7	<u>Emergency services training and management activities</u>	Nil
P8	<u>Additions and alterations to an existing emergency service facility</u>	Nil
P9	<u>Construction of emergency service facilities</u>	Nil
P10	<u>Ancillary activity</u>	Nil
P11	<u>Construction or demolition of, or alteration or addition to, a building or structure</u>	Nil
P12	<u>Electricity generation on the Huntly Power Station site</u>	Nil
P13	<u>Service station</u>	Nil
P14	<u>Caretaker's or security person's residential unit</u>	<u>Is located within an industrial building.</u> <u>Does not exceed 70m<sup>2</sup> gross floor area.</u> <u>Accommodates no more than two people.</u>
P15	<u>Buildings, structures and sensitive land use within the National Grid Yard as of 18 July 2018</u>	<p>(a) <u>Within National Grid Yard:</u></p> <p>(i) <u>Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or</u></p> <p>(ii) <u>Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or</u></p> <p>(iii) <u>Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or</u></p> <p>(iv) <u>Non-habitable horticultural buildings; or</u></p> <p>(v) <u>Artificial crop protection and support structures (excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures);</u></p> <p>(vi) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and</u></p> <p>(vii) <u>Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</u></p> <p>(b) <u>All buildings or structures permitted by Rule 21.1.1 P15 must:</u></p> <p>(i) <u>Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p>(ii) <u>Locate a minimum 12m from the outer visible foundation of any National Grid</u></p>

		<p><u>support structure foundation and associated stay wire, unless it is:</u></p> <p>(1) <u>A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or</u></p> <p>(2) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or</u></p> <p>(3) <u>Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</u></p> <p>(iii) <u>Not permanently physically impede existing vehicular access to a National Grid support structure;</u></p> <p>(c) <u>Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that:</u></p> <p>(i) <u>Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for separation distances from the conductor;</u></p> <p>(ii) <u>Are no higher than 2.5m;</u></p> <p>(iii) <u>Are removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;</u></p> <p>(iv) <u>Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.</u></p>
PI6	<u>Construction or alteration of a building for a sensitive land use</u>	<p>(a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u></p> <p>(i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u></p> <p>(ii) <u>It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p>

### **21.1.1A Restricted Discretionary Activities**

(a) The activities listed below are restricted discretionary activities.

<u>RDI</u>	<u>Construction or alteration of a building for a sensitive land use that does not comply with 21.1.1 PI6</u>	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p><u>a. Effects on the amenity values of the site;</u></p>
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		<p>b. <u>The risk of electrical hazards affecting the safety of people:</u></p> <p>c. <u>The risk of damage to property; and</u></p> <p>d. <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></p>
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### 21.1.2 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with an activity-specific standard in <a href="#">Rule 21.1.1</a> .
<del>D1</del> D2	Any activity that does not comply with the Land Use – Effects <a href="#">Rule 21.1.2</a> or Land Use – Building <a href="#">Rule 21.3</a> unless the activity is specified as a controlled, restricted discretionary or non-complying activity.
<del>D2</del> D3	A <b>waste management facility</b> .
<del>D3</del> D4	<b>Storage</b> , processing or disposal of <b>hazardous waste</b> .
D4 D5	An <b>extractive industry</b> .
D5	An office
D6	A <b>retail activity</b> . Caretaker's or security person's residential unit not provided for by <a href="#">Rule 21.1.1 P14</a> .
D7	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity.

### 21.1.3 Non-complying Activities

(1) The activities listed below are non-complying activities.

NC1	<del>Any activity that is not listed as a permitted or discretionary activity. A noise-sensitive activity, except as provided for by <a href="#">Rule 21.1.1 P12</a> and <a href="#">Rule 21.1.2 D6</a>.</del>
NC2	A sensitive land use, except as provided for by <a href="#">Rule 21.1.1 P12</a> and <a href="#">Rule 21.1.2 D6</a> .
NC3	An office not provided for by <a href="#">Rule 21.1.1 P4</a> .
NC4	A retail activity not provided for by <a href="#">Rule 21.1.1 P6</a> .
NC5	Buildings, structures and sensitive land use within the National Grid Yard as of 18 July 2018 that do not comply with <a href="#">21.1.1 P15</a>
NC6	Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard
NC7	Any change of use of an existing building to a sensitive land use within the National Grid Yard
NC8	The establishment of any new sensitive land use within the National Grid Yard
NC9	Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, <i>Pseudomonas syringae</i> pv. <i>Actinidiae</i> (Psa) disease control structures, or buildings for intensive farming within the National Grid Yard

## 21.2 Land Use Effects

### 21.2.1 Servicing and hours of operation

PI	<p>Service and operation of any <b>industrial activity</b> adjoining any Residential, Village or Country Living Zone may load or unload vehicles, or receive customers or deliveries between 7.30am and 6.30pm.</p>
RD1	<p>(a) Service and operation of any <b>industrial activity</b> which does not comply with <b>Rule 21.2.1 PI</b>;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li>(ii) distance to nearest <b>dwelling</b>;</li> <li>(iii) hours and days of operation;</li> <li>(iv) nature and frequency of the after hours activity;</li> <li>(v) <b>noise</b>, lighting and glare; and</li> <li>(vi) type of vehicles involved.</li> </ul>

### 21.2.2 Landscape planting

PI	<p>(a) Any <b>building</b> or land use activity on a <b>record of title</b> that has a side and/or rear <b>boundary</b> adjoining any Residential, Settlement, Rural Lifestyle or Open Space Zone that is landscaped to the following minimum standards:</p> <ul style="list-style-type: none"> <li>(i) a 3 metre depth measured from the side and/or rear <b>boundary</b>; and</li> <li>(ii) comprises a mixture of shrubs and trees planted a maximum of 1.5m metres apart.</li> </ul>
RD1	<p>(a) Any building or land use activity that does not comply with Rule 21.2.1 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) type, density and scale of landscape plantings;</li> <li>(ii) the extent to which the amenity of the adjoining Residential, Settlement, Rural Lifestyle or Open Space Zone is maintained.</li> </ul>
CI P2	<p>(a) Any activity on a <b>lot</b> that has a side and/or rear <b>boundary</b> adjoining any Residential, Village, Country Living or Reserve Zone shall provide a 3m wide landscaped strip running parallel with the side and/or rear <b>boundary</b>; and</p> <p>(a) Any <b>building</b> or land use activity on a <b>lot</b> record of title that contains, or adjoins, is adjacent to, a river or a permanent or intermittent stream that is landscaped to the following minimum standards:</p> <ul style="list-style-type: none"> <li>(i) shall provide an 8m wide landscaped strip a 4 metre depth measured from the top edge of the closest <b>bank</b> and extending across the entire length of the water <b>body</b> course; and</li> <li>(ii) comprises mixed indigenous vegetation planted a maximum of 1.5 metres apart.</li> </ul> <p>(a) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> <li>(i) the adequacy of the width of landscaping strip;</li> <li>(ii) type, density and height of plantings conducive to the location;</li> <li>(iii) maintenance measures;</li> <li>(iv) amenity values; and</li> <li>(v) natural character and cultural values of a river or stream.</li> </ul>
RD+2	<p>(a) Any <b>building</b> or land use activity that does not comply with <b>Rule 21.2.21 P2 CI</b>;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) adequacy of the width of landscaped strip;</li> <li>(i) type, density and height scale of indigenous vegetation plantings conducive to the location; and</li> <li>(ii) maintenance measures;</li> <li>(iii) amenity values; and</li> <li>(ii) the extent to which the natural character and cultural values of a river or stream are maintained.</li> </ul>

## 21.2.32 Noise

- (1) **Rule 21.2.32.1** Noise – General provides permitted noise levels in the Heavy Industrial Zone.
- (2) **Rule 21.2.2.1A** Noise – Pokeno provides permitted noise limits for the Heavy Industrial Zone in Pokeno.
- (3) **Rule 21.2.32.2** Noise – Huntly Power Station provides permitted noise levels for activities occurring on the Huntly Power Station site.
- (4) **Rule 21.2.32.3** Noise – Construction provides the permitted noise limits for construction activities.

### 21.2.32.1 Noise – General

P1	Noise generated by <b>emergency generator</b> s and emergency sirens.
P2	<p>(a) Noise measured within any other <b>site</b>:</p> <ol style="list-style-type: none"> <li>(i) In the Heavy Industrial Zone <u>or General Industrial Zone must that does not exceed 75dB (LA<sub>eq</sub>) at any time.</u></li> <li><del>(ii) In the Industrial Zone must not exceed:</del> <ol style="list-style-type: none"> <li>A. 75dB (LA<sub>eq</sub>); 7am to 10pm; and</li> <li>B. 55dB (LA<sub>eq</sub>) and 85dB (LA<sub>max</sub>) 10pm to 7am the following day.</li> </ol> </li> </ol> <p>(b) <u>Noise measured within a <b>site</b> in any zone, other than the Heavy Industrial Zone and the General Industrial Zone, that does not exceed the permitted noise levels for that zone.</u></p> <p>(c) <u>Noise levels that are measured in accordance with the requirements of NZS 6801:2008 "Acoustics Measurement of Environmental Sound".</u></p> <p>(d) <u>Noise levels that are assessed in accordance with the requirements of NZS 6802:2008 "Acoustics Environmental Noise".</u></p>
P3	<del>(a) Noise measured within any <b>site</b> in any zone, other than the Heavy Industrial Zone, must meet the permitted noise levels for that zone.</del>
P4	<p><del>(a) Noise levels must be measured in accordance with the requirements of <b>NZS 6801:2008 "Acoustics Measurement of Environmental Sound"</b>.</del></p> <p><del>(b) Noise levels must be assessed in accordance with the requirements of <b>NZS 6802:2008 "Acoustics Environmental Noise"</b>.</del></p>
RDI	<p>(a) Noise that does not comply with <b>Rule 21.2.32.1 P1 or P2, P3 or P4.</b></p> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li>(ii) hours and days of operation;</li> <li>(iii) location of noise sources in relation to any <b>boundary</b>;</li> <li>(iv) frequency or other special characteristics of noise;</li> <li>(v) mitigation measures; and</li> <li>(vi) noise levels and duration.</li> </ol>

### 21.2.2.1A Noise – Pokeno

P1	Noise generated by <b>emergency generators</b> and emergency sirens.
P2	<p>(a) <u>Noise measured within any other <b>site</b>:</u></p> <p>(i) <u>In the Heavy Industrial Zone in Pokeno that does not exceed 70dB (LA<sub>eq</sub>) at any time;</u> <u>or</u></p> <p>(ii) <u>In the General Industrial Zone in Pokeno that does not exceed 65dB (LA<sub>eq</sub>) at any time.</u></p> <p>(b) <u>Noise measured within a <b>site</b> in any zone, other than the Heavy Industrial Zone in Pokeno and the General Industrial Zone in Pokeno, that does not exceed the permitted noise limits for that zone.</u></p> <p>(c) <u>Noise levels that are measured in accordance with the requirements of NZ 6801:2008 “Acoustics Measurements of Environmental Sound”.</u></p> <p>(d) <u>Noise levels that are assessed in accordance with the requirements of NZS 6802:2008 “Acoustics Environmental Noise”.</u></p>
RD1	<p>(a) <u>Noise that does not comply with <b>Rule 21.2.2.1A</b> P1 or P2.</u></p> <p>(b) <u>Council’s discretion is restricted to the following matters:</u></p> <p>(i) <u>effects on amenity values;</u></p> <p>(ii) <u>hours of operation;</u></p> <p>(iii) <u>location of noise sources in relation to any <b>boundary</b>;</u></p> <p>(iv) <u>frequency or other special characteristics of noise;</u></p> <p>(v) <u>mitigation measures; and</u></p> <p>(vi) <u>noise levels and duration.</u></p>

### 21.2.32.2 Noise – Huntly Power Station

P1	Noise generated by <b>emergency generator</b> s and emergency sirens.
P2	<p>(a) <u>Noise measured at <del>within</del> the <b>notional boundary</b> of any <b>residential unit</b> that has existed since 25 September 2004 in the General Rural Zone that does <del>within any site</del> in the Rural Zone must not exceed:</u></p> <p>(i) <u>55dB (LA<sub>eq</sub>) 7am to 10pm; and</u></p> <p>(ii) <u>45dB (LA<sub>eq</sub>) and 75dB (LA<sub>max</sub>) 10pm to 7am the following day.</u></p> <p>(b) <u>Noise measured within any site in the General Residential or Medium Density Residential Zone, where a <b>residential unit</b> has existed since 25 September 2004, that does not exceed:</u></p> <p>(i) <u>50dB (LA<sub>eq</sub>) 7am to 7pm;</u></p> <p>(ii) <u>45dB (LA<sub>eq</sub>) 7pm to 10pm; and</u></p> <p>(iii) <u>40 dB (LA<sub>eq</sub>) and 65 dB (LA<sub>max</sub>) 10pm to 7am the following day.</u></p> <p>(c) <u>Noise levels that are measured in accordance with the requirements of NZS 6801:2008 “Acoustics Measurement of Environmental Sound”.</u></p> <p>(d) <u>Noise levels that are assessed in accordance with the requirements of NZS 6802: 2008 “Acoustics Environmental Noise”.</u></p>
P3	<del>(a) Noise measured within any <b>site</b> in the Residential Zone must meet the permitted noise levels for that zone.</del>
P4	<p><del>(a) Noise levels must be measured in accordance with the requirements of <b>NZS 6801:2008 “Acoustics Measurement of Environmental Sound”.</b></del></p> <p><del>(b) Noise levels must be assessed in accordance with the requirements of <b>NZS 6802:2008 “Acoustics Environmental Noise”.</b></del></p>
RD1	<p>(a) <u>Noise that does not comply with <b>Rule 21.2.32.2</b> P1 <del>or, P2, P3 or P4.</del></u></p> <p>(b) <u>Council’s discretion is restricted to the following matters:</u></p> <p>(i) <u>effects on amenity values;</u></p> <p>(ii) <u>hours and days of operation;</u></p>

	<ul style="list-style-type: none"> <li>(iii) location of noise sources in relation to any <b>boundary</b>;</li> <li>(iv) frequency or other special characteristics of noise;</li> <li>(v) mitigation measures; and</li> <li>(vi) noise levels and duration.</li> </ul>
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### 21.2.32.3 Noise – Construction

PI	<p><del>(a) Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise);</del>  <b>Construction noise must be Noise from any construction, maintenance, or demolition activity that is measured, and assessed and managed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise</b>;</p>
RD1	<ul style="list-style-type: none"> <li>(a) <b>Construction noise</b> that does not comply with <b>Rule 21.2.32.3 PI</b>.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li>(ii) hours and days of construction;</li> <li>(iii) noise levels;</li> <li>(iv) timing and duration; and</li> <li>(v) methods of construction.</li> </ul> </li> </ul>

### 21.2.43 Glare and Artificial Light Spill

PI	<p>Glare and artificial light spill <del>must that does not</del> exceed 10 <b>lux</b> measured horizontally and vertically within any other <b>site</b> not located in the Heavy Industrial Zone or General Industrial Zone.</p>
RD1	<ul style="list-style-type: none"> <li>(a) Illumination that does not comply with <b>Rule 21.2.43 PI</b>.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li>(ii) light spill levels on another <b>site</b>;</li> <li>(iii) road safety;</li> <li>(iv) duration and frequency;</li> <li>(v) location and orientation of the light source; and</li> <li>(vi) mitigation measures.</li> </ul> </li> </ul>

### 21.2.54 Earthworks

- (1) **Rules 21.2.54.1** Earthworks - General ~~provides sets out~~ the standards for permitted rules for earthwork activities in the Heavy Industrial Zone. This rule does not apply to areas specified in Rule 21.2.4 (2).
- (2) There are specific standards for earthworks within these two rules:
  - (a) **Rule 21.2.54.2** Earthworks – Significant Natural Areas;
  - (b) **Rule 21.2.54.3** Earthworks – Landscape and Natural Character Areas.

#### 21.2.54.1 Earthworks – General

PI	<ul style="list-style-type: none"> <li>(a) <b>Earthworks</b> (excluding the importation of <b>fill material</b>) within a <b>site</b> <del>that: must meet all of the following conditions:</del> <ul style="list-style-type: none"> <li>(i) <del>be are</del> located <del>more than at least</del> 1.5 m horizontally from any <u>waterway body</u>, open drain or overland flow path;</li> <li>(ii) <del>do not</del> exceed a volume of <del>more than</del> 250,000m<sup>3</sup>;</li> <li>(iii) <del>do not</del> exceed an area of more than 10,000m<sup>2</sup> <del>over any consecutive within a</del> 12 month period;</li> <li>(iv) <del>the total depth of any excavation or filling does not exceed</del> 1.5m above or below <b>ground level</b>;</li> </ul> </li> </ul>
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	<p>(iv) <del>the slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum</del> <u>do not exceed a slope in stable ground of 1:2 (1 metre vertical to 2 metre horizontal);</u></p> <p>(v) <del>earthworks</del> <u>are set back 1.5m from all boundaries;</u></p> <p>(v) <del>result in areas exposed by earthworks</del> <u>are areas being re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks, or finished with a hardstand surface;</u></p> <p>(vi) <del>result in sediment resulting from the earthworks</del> <u>is being retained on the site through implementation and maintenance of erosion and sediment controls; and</u></p> <p>(vii) <del>do not result in any divert or change the nature of to</del> <u>natural water flows, any water bodies or established drainage paths.</u></p>
P2	<p>(a) <u>Earthworks</u> within a site that may, or may not, involve imported cleanfill material, for the purpose of creating a <u>building platform</u> and/or ancillary hardstand area, for residential purposes within a site, using imported <del>fill material</del> <u>must meet the following condition:</u>  <del>be carried out in accordance with NZS 4431:1989 Code of Practice for Earth-Fill for Residential Development.</del></p>
P3	<p>(a) <u>Earthworks</u> involving imported <u>fill material</u> (excluding <u>cleanfill material</u>) for purposes other than creating a <u>building platform</u> for residential purposes within a site, <del>that, using imported fill material (excluding cleanfill)</del> <u>must meet all of the following conditions:</u></p> <p>(i) <u>are located at least 1.5 metres from any water body, open drain or overland flow path</u></p> <p>(ii) <u>do not exceed a total volume of 10,000 500m<sup>3</sup>;</u></p> <p>(iii) <del>not exceed a depth of 1m;</del></p> <p>(iii) <u>do not exceed a slope in stable ground the slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 metre vertical to 2 metre horizontal);</u></p> <p>(iv) <del>fill material</del> <u>is setback 1.5m from all boundaries;</u></p> <p>(iv) <del>result in exposed areas exposed by filling</del> <u>are being revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks, or finished with a hardstand surface;</u></p> <p>(v) <del>result in sediment resulting from the filling</del> <u>is being retained on the site through implementation and maintenance of erosion and sediment controls; and</u></p> <p>(vi) <del>do not result in any divert or change the nature of to</del> <u>natural water flows, any water bodies or established drainage paths.</u></p>
RDI	<p>(a) <u>Earthworks</u> that do not comply with <u>Rule 21.2.54.1 P1, P2 or P3.</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) amenity values and landscape effects;</p> <p>(ii) volume, extent and depth of <u>earthworks</u>;</p> <p>(iii) <u>nature of fill material;</u></p> <p>(iv) <u>contamination of fill material;</u></p> <p>(v) location of the <u>earthworks</u> to waterways, significant <u>indigenous vegetation</u> and habitat;</p> <p>(vi) compaction of the <u>fill material</u>;</p> <p>(vii) volume and depth of <u>fill material</u>;</p> <p>(viii) protection of the Hauraki Gulf Catchment Area;</p> <p>(ix) geotechnical stability;</p> <p>(x) flood risk, including natural water flows and established drainage paths; and</p> <p>(xi) land instability, erosion and sedimentation.</p>

### 21.2.54.2 Earthworks - Significant Natural Areas

The provisions notified under this heading are addressed in Decision Report 9: Significant Natural Areas

### 21.2.54.3 Earthworks - Landscape and Natural Character Areas

The provisions notified under this heading are addressed in Decision Report 10: Landscapes

## **21.2.56 Hazardous substances**

The provisions notified under this heading are addressed in Decision Report 11: Hazardous Substances and Contaminated Land

### **21.2.76 Signs**

- (1) **Rule 21.2.76.1 Signs – General** ~~states standards for any~~ provides permitted standards for any sign, including a real estate sign, ~~across the entire~~ within the Heavy Industrial Zone.
- (2) **Rule 21.2.76.2 Signs – Effects on traffic** ~~apply specific standards~~ states standards for signs that are directed at road users.

## 21.2.76.1 Signs – General

P1	A public information <b>sign</b> erected by a government agency.
P2	<p>(a) A <b>sign</b> <del>that must comply with all of the following conditions:</del></p> <ul style="list-style-type: none"> <li>(i) <del>The <b>sign height</b> does not exceed a sign height of 15 metres;</del></li> <li>(ii) <del>is wholly contained within the <b>site</b>;</del></li> <li>(iii) <del>relates to goods and services available on the site or a property name;</del></li> <li>(iv) <del>is set back at least 15 metres from a state highway or Waikato Expressway; and</del></li> <li>(v) <del>An illuminated <b>sign</b> must:</del> <ul style="list-style-type: none"> <li>A. <del>does not have a light source that flashes or moves; and</del></li> <li>B. <del>does not contain moving parts or reflective materials. and</del></li> <li>C. <del>be set back at least 15m from a state highway or the Waikato Expressway;</del></li> </ul> </li> </ul> <p>(b) <del>Where the <b>A sign</b> is attached to a <b>building</b> that, it must:</del></p> <ul style="list-style-type: none"> <li>(i) <del>does not extend more than 300 millimetres from the <b>building</b> wall; and</del></li> <li>(ii) <del>does not exceed the <b>height</b> of the <b>building</b>.</del></li> </ul> <p>(c) <del>Where the <b>sign</b> is a freestanding <b>signs</b> that, it must:</del></p> <ul style="list-style-type: none"> <li>(i) <del>do not exceed an area of 3m<sup>2</sup> for one <b>sign</b> per <b>site</b>, and 1m<sup>2</sup> for any other freestanding <b>sign</b> on the <b>site</b>;</del></li> <li>(ii) <del>be set back at least 5 metres from the <b>boundary</b> of any <b>site</b> in any Residential, Settlement or Rural Lifestyle Village or Country Living Zone; and</del></li> <li>(iii) <del>are set back at least 15 metres from a state highway or Waikato Expressway.</del></li> </ul> <p>(d) <del>The <b>sign</b> is not A sign attached to a <b>heritage item</b> listed in <b>Schedule 30.1 (Heritage Items)</b>, except for the express purpose of identification and interpretation.</del></p> <p>(e) <del>The <b>sign</b> is not attached to a <b>Maaori site of significance</b> listed in <b>Schedule 30.3 (Maaori Sites of Significance)</b>, except for the purpose of identification and interpretation;</del></p> <p>(f) <del>The <b>sign</b> relates to:</del></p> <ul style="list-style-type: none"> <li>(i) <del>goods or services available on the <b>site</b>; or</del></li> <li>(ii) <del>a property name <b>sign</b>.</del></li> </ul>
P3	<p>(a) A real estate 'for sale' <b>sign</b> <del>that must comply with all of the following conditions:</del></p> <ul style="list-style-type: none"> <li>(i) <del>the <b>sign</b> relates to the sale of the <b>site</b> on which it is located;</del></li> <li>(ii) <del>there is no more than 1 <b>sign</b> per agency; does not result in more than 3 signs per <b>site</b></del></li> <li>(iii) <del>the <b>sign</b> is not illuminated;</del></li> <li>(iv) <del>the <b>sign</b> does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; and</del></li> <li>(v) <del>does not exceed dimensions of 1800mm x 1200mm.</del></li> </ul>
P4	<u>Official sign</u>
P5	<u>Signs that are located within a building or that are not visible from a road or adjoining site.</u>
RD1	<p>(a) A <b>sign</b> that does not comply with <b>Rule 21.2.76.1 P2 or P3</b>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <del>visual amenity;</del></li> <li>(ii) <del>character of the locality;</del></li> <li>(ii) effects on traffic safety;</li> <li>(iii) glare and artificial light spill;</li> <li>(iv) content, colour and location of the <b>sign</b>; and</li> <li>(v) effects on the heritage values of any <b>heritage item</b> due to the size, location, design and appearance of the <b>sign</b>.</li> <li>(vi) <del>effects on cultural values of any <b>Maaori Site of Significance</b>;</del></li> <li>(vii) <del>effects on notable architectural features of the <b>building</b>.</del></li> </ul>

### 21.2.76.2 Signs - effects on traffic

PI	<p>(a) Any <b>sign</b> directed at <b>road</b> users <del>must that</del>:</p> <ul style="list-style-type: none"> <li>(i) <del>does n</del>ot imitate the content, colour or appearance of any traffic control sign; and</li> <li>(ii) <del>Be is</del> located at least 60 metres from controlled intersections, pedestrian crossings and another advertising <b>sign</b>; and</li> <li>(iii) <del>does n</del>ot obstruct sight lines of drivers turning into or out of a <b>site</b> entrance and intersections; and</li> <li>(iv) <del>does not c</del>ontain <del>no</del> more than 40 characters <del>and no</del> or more than 6 symbols; and</li> <li>(v) <del>has</del> Have lettering that is at least 150 millimetres high; and</li> <li>(vi) <del>Be is</del> at least 130 metres from a <b>site</b> entrance, where the <b>sign</b> directs traffic to the entrance.</li> </ul>
RDI	<p>(a) Any <b>sign</b> that does not comply with <b>Rule 21.2.76.2 PI</b>.</p> <p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <ul style="list-style-type: none"> <li>(i) <u>the extent to which the safety of road users is maintained.</u></li> </ul>

### 21.2.8 Outdoor storage of goods or materials

PI	<p><del>(a) Outdoor storage of goods or materials must comply with all of the following conditions:</del></p> <ul style="list-style-type: none"> <li><del>(i) be associated with the <b>industrial activity</b> operating from the <b>site</b>;</del></li> <li><del>(ii) not encroach on required parking or loading areas;</del></li> <li><del>(iii) not exceed a <b>height</b> of 9m;</del></li> <li><del>(iv) not exceed 30% <b>site</b> coverage;</del></li> <li><del>(v) be set back at least 3m from the <b>boundary</b> of any:</del> <ul style="list-style-type: none"> <li><del>A. <b>public road</b>;</del></li> <li><del>B. Reserve Zone;</del></li> <li><del>C. Residential Zone;</del></li> <li><del>D. Village Zone;</del></li> <li><del>E. Country Living Zone;</del></li> <li><del>F. Business Town Centre Zone; and</del></li> </ul> </li> <li><del>(vi) be screened from any <b>public road</b>, <b>public reserve</b> and <b>adjoining site</b> in another zone, other than the Industrial Zone, by the following:</del> <ul style="list-style-type: none"> <li><del>A. a landscaped strip consisting of plant species that achieve a minimum <b>height</b> of 1.8m at maturity; or</del></li> <li><del>B. a close boarded or solid fence or wall to a <b>height</b> of 1.8m.</del></li> </ul> </li> </ul>
RDI	<p><del>(a) Outdoor storage of goods or materials that does not comply with <b>Rule 21.2.8 PI</b>.</del></p> <p><del>(b) Council's discretion is restricted to the following matters:</del></p> <ul style="list-style-type: none"> <li><del>(i) visual amenity; and</del></li> <li><del>(ii) traffic and pedestrian safety.</del></li> </ul>

### 21.2.79 Indigenous vegetation clearance inside a Significant Natural Area

The provisions notified under this heading are addressed in Decision Report 9: Significant Natural Areas

## 21.3 Land Use - Building

### 21.3.1 Building Height –General

PI	<p><del>(a) The maximum <b>height</b> of any <b>building</b> may be up to: A <b>building</b> measured from the natural</del></p>
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	<p>ground level immediately below that part of the structure that does not exceed a height of:</p> <p>(i) 35 metres for 2% of the net site area; and</p> <p>(ii) 20 metres over the balance of the net site area.</p>
P2	<p>(a) A building or structure on the Huntly Power Station site measured from the natural ground level immediately below that part of the structure that does not exceed a height of:</p> <p>(i) 60 metres; and</p> <p>(ii) 35 metres over 90% of the site.</p>
RD1	<p>(a) A building that does not comply with Rule 21.3.1 P1.</p> <p>(b) A building or structure that does not comply with Rule 21.3.1 P2.</p> <p>(c) Council's discretion is restricted to the following matter:</p> <p>(i) effects on the amenity of neighbouring properties.</p>

### 21.3.2 Building, structure or vegetation within battlefield viewshafts

PI	<p>(a) A building, structure or vegetation within a battlefield viewshaft identified on the planning maps that does not obscure views of:</p> <p>(i) the Waikato River; or</p> <p>(ii) the Whangamarino Redoubt from Meremere Paa/Redoubt.</p>
RD1	<p>(a) A building or structure that does not comply with Rule 21.3.2 P1.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) the extent to which views within the battlefield viewshaft are maintained.</p>

### 21.3.23 Building height in an Outstanding Natural Feature or Significant Amenity Landscape

PI	The maximum height of a building measured from the natural ground level immediately below that part of the structure must not exceed 5m in an Outstanding Natural Feature.
P2	The maximum height of a building must not exceed 7.5m in a Significant Amenity Landscape.
RD1	<p>A building that does not comply with Rule 21.3.2 P1 or P2.</p> <p>(a) Council's discretion is restricted to the following matter:</p> <p>(i) The extent to which the aesthetic value of the identified feature or landscape is maintained.</p>

### 21.3.34 Daylight admission Height in relation to boundary

PI	<p>(a) A building, structure, sign, or any stack or stockpile of goods or materials must not protrude through that does not project beyond a 45 degree height control plane rising at an angle of: measured from a point 3 metres above natural ground level along the boundary of a site located outside of a Heavy Industrial Zone or General Industrial Zone.</p> <p>(i) 45 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Industrial Zone with any other zone;</p> <p>(ii) 37 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Industrial Zone with any other zone between south-east or south-west of the building or stockpile.</p>
RD1	<p>(a) A building, structure, sign, or any stack or stockpile of goods or materials that does not comply with Rule 21.3.34 P1.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) effect on the amenity of neighbouring properties.</p>

## 21.3.45 Building setbacks

- (1) Rule 21.3.45.1 provides the permitted building setbacks from all boundaries.
- (2) Rule 21.3.45.2 provides the permitted building setbacks from water bodies.

### 21.3.45.1 Building setbacks – all boundaries

PI	<p>(a) A building must be that is set back at least:</p> <ol style="list-style-type: none"> <li>(i) 5 metres from a road boundary; and</li> <li>(ii) 7.5m 3 metres from any other boundary where the site adjoins another zone, other than the General Industrial Zone.</li> </ol> <p>PI does not apply to a structure which is not a building.</p>
RD1	<p>(a) A building that does not comply with Rule 21.3.45.1 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li><del>(ii) effects on streetscape; and</del></li> <li>(ii) traffic and road safety.</li> </ol>

### 21.3.45.2 Building setback – water bodies

PI	<p>(a) Any building must be that is set back a minimum of 30 metres from:</p> <ol style="list-style-type: none"> <li><del>(i) a lake the margin of any:</del> A. lake;</li> <li>(ii) a wetland that is identified on the planning maps; and</li> <li><del>(iii) river bank, other than the Waikato River and Waipa River.</del></li> </ol> <p>PI does not apply to a structure which is not a building.</p>
P2	<p>Any building must be that is set back at least 50m a minimum of 37 metres from the bank of the Waikato River and Waipa River.</p> <p>P2 does not apply to a structure which is not a building.</p>
P3	<p>Any building must be that is set back a minimum of 10m from:</p> <ol style="list-style-type: none"> <li>(i) the bank of a river, other than the Waikato River</li> <li>(ii) the bank of a perennial or intermittent stream;</li> <li><del>(iii) a wetland that is not identified on the planning maps.</del></li> </ol> <p>P3 does not apply to a structure which is not a building.</p>
P4	<p>A pump shed, or a public amenity of up to not exceeding an area of 25m<sup>2</sup>, or a pump shed that is located within any the building setbacks identified in Rule 21.3.45.2 PI, P2 <del>or</del> and P3.</p>
RD1	<p>(a) Any building that does not comply with Rules 21.3.45.2 PI, P2, P3 or P4.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li><del>(i) effects on natural character values</del></li> </ol>

### 21.3.5 Building, structure or vegetation within battlefield Viewshafts

PI	<p><del>(b) A building, structure or vegetation within a battlefield viewshaft identified on the planning maps must not obscure views of:</del></p> <ol style="list-style-type: none"> <li><del>(iii) the Waikato River; or</del></li> <li><del>(iv) the Whangamarino Redoubt from Meremere Paa/Redoubt.</del></li> </ol>
DI	<p>A building or structure that does not comply with Rule 21.3.5 P1</p>

## 21.4 Subdivision

- (1) **Rules 21.4.1** Subdivision - General provides for subdivision density within the Heavy Industrial Zone.
- (2) ~~Other subdivision provisions are contained in:~~ **Rule 21.4.1** is also subject to compliance with the following rules:
- Rule 21.4.2** Subdivision – Boundaries for Records of Title
  - Rule 21.4.3** Subdivision – Road Frontage
  - Rule 21.4.4** Subdivision - Esplanade Reserves and Esplanade Strips
  - Rule 21.4.5** Subdivision – Significant Natural Areas

### 21.4.1 Subdivision - General

RD1	<p>(a) <b>Subdivision</b> must comply with all of the following conditions: Proposed <b>lots</b> in a <b>subdivision</b> must:</p> <ol style="list-style-type: none"> <li><del>proposed lots must</del> have a minimum <b>net site area</b> of 1000m<sup>2</sup>;</li> <li><del>proposed lots must</del> have an average <b>net site area</b> of at least 2000m<sup>2</sup>; and</li> <li><del>no more than 20% rear lots are created.</del> <u>be connected to public-reticulated water supply and wastewater.</u></li> </ol> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>the extent to which a range of future <b>industrial activities</b> can be accommodated; <del>and amenity values.</del></li> <li><u>provision of <b>infrastructure</b>;</u></li> <li><u>provision of water supply for firefighting where practicable; and</u></li> <li><u>the extent to which the <b>subdivision</b> design impacts on the operation, maintenance, upgrade and development of existing <b>infrastructure</b>.</u></li> </ol>
RD2 D1	<p><del>(a) Council's discretion is restricted to the following matters:</del></p> <ol style="list-style-type: none"> <li><del>the extent to which a range of future activities can be accommodated; and</del></li> <li><del>amenity values.</del></li> </ol> <p><b>Subdivision</b> that does not comply with <b>Rule 21.4.1 RDI</b>.</p>

### 21.4.2 Subdivision – Boundaries for Records of Title

RD1	<p>(a) Any <b>boundary</b> of a proposed <b>lot</b> must be located so that:</p> <ol style="list-style-type: none"> <li>Any existing <b>building</b> complies with the permitted activity rules relating to setbacks and <del>daylight admission</del> <b>height in relation to boundary</b>, except to the extent of any non-compliance that existed lawfully prior to the <b>subdivision</b>; and</li> <li>no <b>contaminated land</b>, archaeological site, or wetland is divided between any proposed <b>lots</b>.</li> </ol> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>amenity;</li> <li>effects on <b>contaminated land</b>;</li> <li>effects on any wetland;</li> <li>effects on any archaeological site; and</li> <li>the extent to which a range of future activities can be accommodated.</li> </ol>
D1	<p><b>Subdivision</b> that does not comply with <b>Rule 21.4.2 RDI</b>.</p>

### 21.4.3 Subdivision - Road frontage

RDI	<p>(a) Any proposed <b>lot</b> must have a <b>road</b> frontage of least 15 metres.</p> <p>(b) Rule RDI(a) does not apply to a proposed rear lot or to a proposed <b>access allotment</b>.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) traffic effects; and</li> <li>(ii) <u>effects of vehicle accessways on pedestrian amenity and streetscape.</u></li> </ul>
DI	<b>Subdivision</b> that does not comply with <b>Rule 21.4.3 RDI</b> .

### 21.4.4 Subdivision - Esplanade Reserves and Esplanade Strips

RDI	<p><del>(a) <b>Subdivision</b> must create an esplanade reserve or strip 20m wide (or other width stated in <b>Appendix 4 (Esplanade Priority Areas)</b> from every proposed <b>lot</b>:</del></p> <p><u>(a) A 20 metre wide esplanade reserve or esplanade strip (or other width stated in <b>Appendix 4 Esplanade Priority Areas</b>) must be created and vested in Council where the land being subdivided is within 20 metres of:</u></p> <ul style="list-style-type: none"> <li><del>(i) less than 4ha and within 20m of any:</del> <ul style="list-style-type: none"> <li><b>A. mean high water springs;</b></li> <li>B. <u>the bank</u> of any river whose <b>bed</b> has an average width of 3 metres or more; or</li> <li>C. <u>a lake whose bed</u> has an area of 8 hectares or more.;<del>or</del></li> </ul> </li> <li><del>(ii) 4ha or more and within 20m of mean high water springs; or a water body identified in <b>Appendix 4 (Esplanade Priority Areas)</b>.</del></li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) the type of esplanade provided - reserve or strip;</li> <li>(ii) width of the esplanade reserve or <u>esplanade strip</u>;</li> <li>(iii) provision of legal access to the esplanade reserve or <u>esplanade strip</u>;</li> <li>(iv) matters provided for in an instrument creating an esplanade strip or access strip;</li> <li>(v) works required prior to vesting any reserve in the Council, including pest plant control, <b>boundary</b> fencing and the removal of <u>any structures and debris</u>; and</li> <li><del>(i) costs and benefits of acquiring the land.</del></li> <li>(vi) <u>layout and design in regard to the effects on the operation, maintenance, upgrading and development of existing <b>infrastructure</b> assets; and</u></li> <li>(vii) <u>topography, the location of any existing <b>building</b>, or alternative methods of securing ecological protection, that would justify a reduction in width or not requiring esplanade reserves or esplanade strips to be taken.</u></li> </ul>
DI	<b>Subdivision</b> that does not comply with <b>Rule 21.4.4 RDI</b> .

### 21.4.5 Subdivision - Significant Natural Areas

RDI	<p>(a) <b>Subdivision</b> of a <b>site</b> containing a <b>Significant Natural Area</b>, must not divide the <b>Significant Natural Area</b>.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <ul style="list-style-type: none"> <li>(i) effects on <u>protection and management of the <b>Significant Natural Area</b></u></li> </ul>
NCDI	<b>Subdivision</b> that does not comply with <b>Rule 21.4.5 RDI</b> .

### 21.4.6 Subdivision of land within the National Grid Corridor

RDI	<p><u>(a) The subdivision of land within the National Grid Corridor that complies with all of the following standards:</u></p> <ul style="list-style-type: none"> <li><u>(i) All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the</u></li> </ul>
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	<p><u>allotments are for roads, access ways or infrastructure; and</u></p> <p><u>(ii)The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u></p> <p><b>(b)Council’s discretion is restricted to the following matters:</b></p> <p><u>(i)The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii)The ability to provide a complying building platform outside of the National Grid Yard;</u></p> <p><u>(iii)The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></p> <p><u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u></p> <p><u>(v) The risk to the structural integrity of the National Grid;</u></p> <p><u>(vi) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.</u></p>
<p><u>NCI</u></p>	<p><u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule 21.4.6 RDI.</u></p>