

Decision of Commissioners following the hearing of a Private Plan Change (PPC22 – Builtsmart) to the Waikato District Plan – Waikato Section under the Resource Management Act 1991

Proposal: A Private Plan Change request by Builtsmart Property Partnership to alter the zoning of 2.45 hectares of land in Huntly South from Living Zone (Residential) to Light Industrial Zone under the Operative Waikato District Plan, affecting the following properties:

- 492 Great South Road (Lot 10 DP 875 and Lot 1 SP South Auckland 39041);
- 486 Great South Road (Lot 9 DP 875);
- 4 Jackson Road (Lot 1 Deposited Plan 33424);
- 478 Great South Road (Lot 7-8 Deposited Plan 875); and
- 2B Great South Road / Jackson Road (Section 1 Survey Office Plan 53946).

Private Plan Change PPC22 is APPROVED as amended by us. The reasons are set out below.

Plan Change number:	Private Plan Change 22
Site address:	<ul style="list-style-type: none"> • 492 Great South Road (Lot 10 DP 875 and Lot 1 SP South Auckland 39041); • 486 Great South Road (Lot 9 DP 875); • 4 Jackson Road (Lot 1 Deposited Plan 33424); • 478 Great South Road (Lot 7-8 Deposited Plan 875); and • 2B Great South Road / Jackson Road (Section 1 Survey Office Plan 53946).
Applicant:	Builtsmart Property Partnership
PPC Lodged:	9 September 2019
PPC22 Accepted:	7 October 2019
PPC22 Notified:	23 October 2019
Submissions closed:	21 November 2019
Submissions summary:	4 December 2019
Further submissions:	18 December 2019
Hearing commenced:	5 March 2020
Hearing panel:	David Hill (Chairperson) Shane Solomon
Appearances:	<u>For Builtsmart Property Partnership (Applicant):</u> Tom Atkins – Counsel Phillip Leather – MD, Builtsmart Ltd, Applicant Michael Chapman – Flood / Stormwater Engineer

	<p>Naomi McMinn – Transportation Engineer Abbie Fowler – Planner</p> <p><u>For the Submitters:</u> David Whyte – Huntly Community Board Megan Ryder – 5 Jackson Road.</p> <p><u>For Council:</u> Chris Dawson – s42A Report Author - Consultant Planner Betty Connolly – Senior Policy Planner Wade Hill – Consents Team Leader – Central Constantinos Fokianos – Consultant Drainage Engineer Kathy Tao - Consultant Traffic Engineer Fletcher Bell – Planning Assistant</p>
Commissioners’ site visit	5 March 2020
Hearing adjourned	5 March 2020
Hearing Closed:	18 March 2020

INTRODUCTION

1. This decision is made on behalf of the Waikato District Council (“the Council”) by Independent Hearing Commissioners David Hill (Chair) and Shane Solomon appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“the RMA”).
2. The Commissioners have been given delegated authority by the Council to consider, hear, deliberate and decide on all submissions and further submissions received on Private Plan Change 22 (“PPC 22”) to the Operative Waikato District Plan – Waikato Section (“the Plan”).
3. PPC 22 is a private plan change by Builtsmart Property Partnership (BPP) that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as now enabled under the RMA).
4. The plan change was publicly notified on 23 October 2019 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1 RMA.
5. The submission period closed 21 November 2019. A summary of submissions was notified for further submissions on 4 December 2019. A total of 5 submissions and no further or late submissions were made on the plan change.
6. A comprehensive s42A RMA report was prepared by Mr Chris Dawson (Consultant Planner to the Council). The report was prepared with the assistance of technical reviews as follows:

- Water Impact Assessment Technical Peer Review, Constantinos Fokianos and Eugene Vodjansky, Drainage Engineers, Bloxam Burnett & Olliver (BBO) Ltd.
- Traffic Assessment Technical Peer Review, Kathy Tao, Traffic Engineer, BBO.

7. In his s42A report, Mr Dawson concluded¹ that:

... the proposed plan change is the most appropriate method of achieving the objective. The proposal is located within the Huntly urban area on a site that is well serviced for three waters infrastructure along with frontage to Great South Road. Importantly, the proposal sets out the manner in which the flood ponding requirements of the site will be maintained so as not to affect the other properties located within the Huntly South Assessment Area.

8. On that basis Mr Dawson recommended that PPC22 should be approved and submissions accepted or rejected accordingly.

SUMMARY OF PLAN CHANGE

9. The purpose of the proposed plan change is relatively simple. It is to change the zoning of a number of residential properties now owned by the applicant to the immediate north of its existing industrial production facility at 494 Great South Road, Huntly, from Living Zone to Light Industrial Zone. This would enable it to expand its existing prefabricated, transportable house construction capacity from the present 60 per year to c.400 per year.

10. Under the present Living Zone rules of the Plan, industrial activity is a prohibited activity.

11. In addition, PPC22, as notified, seeks to modify two rules and add a definition as follows:

(a) Noise rule 24.18 to add a clause:

c) Notwithstanding clause b) of this rule, any activity within the Builtsmart expansion area is a permitted activity if it is designed and conducted so that noise from the activity as measured in the Living Zone² does not exceed:

- i) 55 dB LA10 7am to 10pm; and
- ii) 40 dB LA10 10pm to 7am the following day; and
- iii) 70 dB LAmax 10pm to 7am the following day.

(b) Building setbacks rule 24.45 to add a clause:

d) Notwithstanding clause b) of this rule, buildings in the Builtsmart expansion area must be setback at least 25 metres from the boundary where the site adjoins the Living Zone.

(c) Add a definition to Appendix P: Meaning of Words:

“Builtsmart expansion area” means the land contained in Lot 10 DP 875, Lot 1 SP South Auckland 39041, Lot 9 DP 875, Lot 1 Deposited Plan 33424, Lot 7-8 Deposited Plan 875, and Section 1 Survey Office Plan 53946 (or any future legal description). The Builtsmart expansion area is also shown in the following figure.

¹ S42A report, section 5 page 27

² This clause was modified subsequently during the hearing as noted below.



12. The purpose of both of those additional rules was to provide additional protection to the remaining residentially zoned area on Jackson and Great South Road. This is achieved by adopting the *proposed* Waikato District Plan's zone interface noise rules and providing a reasonable internal separation buffer for residential dwellings from the proposed expanded industrial activity (both measured from the zone boundary, as was clarified for the noise standard at the hearing).
13. Otherwise, the full suite of Light Industrial zone (and general Plan) provisions will apply unaltered.
14. BPP noted in its AEE that it was in the process of amalgamating the properties into a single title, which would necessitate a change to the proposed definition once finalised. That had not been achieved at the time of the hearing.
15. We note that PPC22 provides the avenue for BPP's intentions. Subsequently, as was confirmed by Mr Atkins, resource consent applications will need to be made to realise those intentions.

HEARING PROCESS

16. Council issued a s41B RMA direction on 11 February 2020 regarding the provision and pre-circulation of expert evidence. The applicant's expert evidence was pre-circulated as directed. No expert submitter evidence was filed.
17. Prior to the hearing the Commissioners (separately) visited the general location of the plan change and the surrounding areas.
18. The hearing took place in Huntly, the applicant's reply heard, and was then adjourned for the respective planning consultants to consider matters arising in terms of a final draft set of provisions.
19. Following receipt of that information (Memorandum of Counsel dated 16 March 2020) Commissioners determined that the hearing was complete, and it was formally closed on 18 March 2020.

PROCEDURAL MATTERS

Submission withdrawn

20. As BPP has subsequently purchased submitter Carol Trevelyan's property at 6 Jackson Road, Huntly, that submission is withdrawn.

Appearance withdrawn

21. Both Waikato Regional Council (WRC) and the New Zealand Transport Authority (NZTA) withdrew their notices of intent to appear as their respective issues had either been satisfied or would be subject to resource consent processes subsequently.

Private Plan Change versus Proposed Waikato District Plan (PWDP)

22. Mr Atkins and Ms Fowler clarified the thinking behind promoting PPC22 rather than (or, in fact, in addition to) pursuing the rezoning through the PWDP, which is currently at first instance hearing stage, no decisions yet released. As notified, the presently proposed industrial activity in the Residential Zone would be a non-complying activity under the PWDP³.
23. Mr Atkins noted that decisions on the PWDP are not expected until at least 2021⁴ and further appeal timelines are uncertain (we also understand that hearings on zoning matters are currently scheduled for October 2020 at the earliest). While BPP has made submissions to similar effect through that process, the applicant reasons that awaiting that outcome would restrict BPP's ability to service the current and growing demand for affordable housing. Seeking the zoning through PPC22 will assist in that regard.
24. Council produced no statement by submission opposing this approach.

³ Fowler, Statement of evidence, para7.2

⁴ Atkins, legal submissions, para 3.3

RELEVANT STATUTORY PROVISIONS CONSIDERED

25. The s75 RMA (and settled caselaw) requirements for the formulation of plans and changes to them are now well known and are not in dispute (and are summarised in section 3.3 of the s42A report and outlined in Mr Atkins' submissions). Therefore, we see little need to rehearse those in this decision. We confirm that we have taken careful consideration of those requirements and the companion caselaw in making our determinations.
26. Clause 10 of Schedule 1 RMA requires that this decision must include the reasons for accepting or rejecting submissions. The decision must also include a further evaluation of any proposed changes to the plan change arising from submissions, with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA RMA, we note that the only change made by us from that notified was inserting a clarification to the wording of proposed Noise Rule 24.18(c) to specify the point at which the rule applies – i.e. at the boundary of any property zoned Living Zone. That clarification requires no further specific s32AA assessment, being an administrative clarification.
27. We note that section B chapter 2 of the application request s32 RMA report, section 6 of Ms Fowler's evidence, and section 3.6 of the s42A report, comprehensively review the relevant statutory planning documents and their provisions. It was common ground that PPC22 satisfies, gives effect to, or is consistent with (as appropriate and required) those documents, which were identified as follows:
 - National Policy Statement on Urban Development Capacity 2016;
 - National Policy Statement for Freshwater Management 2014 and 2017;
 - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
 - Waikato Regional Policy Statement 2016;
 - Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River 2010;
 - Future Proof Strategy 2015 update;
 - Waikato Regional Plan 2012 reprint;
 - Waikato District Plan 2013; and
 - Tai Tumu Tai Pari Tai Ao Tainui Environmental Plan 2013.
28. As there was no dispute regarding these matters, and having considered the evidence and submissions made, we accept and adopt those conclusions for present purposes.

EVIDENCE HEARD / READ

29. In accordance with the Commissioners' s41B RMA Direction, issued on 25 September 2019, the Council planning officer's s42A report and the applicant's expert evidence was circulated prior to the hearing.
30. Legal submission and reply were made by Mr Atkins for BPP in support of the plan change.
31. Expert evidence was received from the applicant as follows:
 - Michael Chapman – Flood / Stormwater Engineer.
 - Naomi McMinn – Transportation Engineer.
 - Abbie Fowler – Planner.

SUBMISSION POINTS

32. The key matters raised through submissions, and which therefore need to be determined by us, were summarised in the s42A report as follows:
 - Support for the plan change provided transport issues are appropriately addressed;
 - Support for the plan change as it ensures lower residual risk from natural hazards;
 - Positive economic benefits and addresses negative effects on neighbours;
 - Potential for dust nuisance;
 - Access for operational traffic; and
 - Property values adversely affected
33. With respect to the transport issues, we note that NZTA had decided it did not need to appear at the hearing and had noted in its submission of 20 November 2019 that it was not opposed to the proposal. Discussions with NZTA had resolved issues of access/egress and potential stormwater effects on Great South Road / SH1 (albeit those are matters more appropriately dealt with at resource consent stage and, furthermore, with the opening of the Huntly bypass, as confirmed at the hearing, this road would subsequently become a local arterial road with Council becoming the road controlling authority). Council had no further transport issues of concern at this stage.
34. With respect to stormwater and flood-related natural hazard matters, we note that WRC had indicated that it was satisfied at the level of detail provided for PPC22 – which was effectively further strengthened by the revised flood / stormwater attenuation design presented at the hearing by Mr Chapman, taking into account some additional land area provided through the recently purchased property at 6 Jackson Road (which is to be used solely for stormwater management purposes⁵). That information, an updated stormwater report by Te Miro Water Consultants Ltd dated February 2020, concerned an earthworks land use consent application currently before

⁵ Fowler, Statement of evidence, para 5.2.

the councils⁶, and had involved “significant collaboration” with WRC and Council. As this land lies within the Huntly South Assessment 1 overlay area of the Plan, a planning layer designed to safeguard flood capacity during high rainfall events, resolving this matter was fundamental. At the time of hearing that earthworks consent had not been determined – but neither council indicated that the matter was fatal for PPC22.

35. To shorten this narrative, on the evidence we received from Ms McMinn and Mr Chapman, we are satisfied that those two matters are well in hand and do not constitute grounds for declining PPC22. Indeed, one outcome of PPC22 is to improve both matters. We received no evidence to the contrary.
36. Furthermore, most of the matters raised by the peer reviewers related to issues that are properly the domain of subsequent resource consent applications and proceedings, not this plan change – as noted by both Ms McMinn and Mr Chapman and, we might add, Mr Atkins and Mr Dawson.
37. We discuss the other submission points below.

PRINCIPAL ISSUES IN CONTENTION

38. As noted, the s42A report identified a number of issues arising from submissions. Having discussed the transportation and noise effects above, the ones remain relate to:
 - Positive economic benefits;
 - Potential for dust nuisance; and
 - Property values adversely affected.
39. In addition, we needed to be satisfied that changing the zoning, which removes a quantum of residentially zoned land from the area, has no untoward downstream adverse effect, and that Light Industrial is an appropriate zone in this location. We address that matter first.

FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

The proposed Zoning

40. PPC22 proposes to extend an existing area of Light Industrial Zone toward Jackson Road leaving 4 residential properties in the Living Zone south of Jackson Road (one of which, 6 Jackson Road, has now been purchased by BPP). Access from Jackson Road to Great South Road is closed and is not proposed to be opened.
41. North of Jackson Road are 11 residential properties in the Living Zone, which then changes again to Light Industrial Zone to the north.

⁶ Joint land use (earthworks) consent and discharge permit application to Council and WRC lodged November 2019.

42. Directly opposite the land proposed to be rezoned on Great South Road is a large area of Heavy Industrial zoned land, being the existing quarry, with further Light Industrial zoned land to the north.
43. In effect, then, this part of Huntly is predominantly industrial with an historic, small remaining enclave of residential dwellings. It seems highly likely (although not, we understand, currently proposed in the PWDP) that in time this entire area will become industrial. In itself that is not a justification for rezoning the subject land, but it is clearly the planning context.
44. In response to questioning as to whether there was a shortage of residentially zoned land in the general area, we were told by Council that this is not the case and that the “loss” of this portion of Living Zone was not significant.

Findings:

45. We are satisfied that the change of land use zone to Light Industrial is appropriate in that the immediate surrounding context is predominantly industrial, and the removal of 5 parcels of Living zoned land is not significant in terms of the extent of available Living zoned land.

Dust Nuisance

46. Mr Whyte clarified that the dust nuisance raised in the Huntly Community Board (HCB) submission related to industrial dust created by the prefabrication processes used at the existing Builtsmart operation which, if subsequently entrained in stormwater would discharge as a contaminant to the Waikato River.
47. Mr Whyte accepted that this was a resource consent rather than plan change matter but wished to raise the concern in any event.
48. It was clear that the HCB supported the plan change.
49. Ms Ryder had also raised this in her submission but saw no need to take the matter further.
50. For the record we note that we see no need to make a finding on this matter, and are satisfied that it can and will, if necessary, be addressed subsequently at resource consent stage.

Loss of Property Value

51. Ms Trevelyan had raised this concern in her submission but, as noted, BPP has purchased that property and the submission is withdrawn. Indeed the relief sought, purchase of her property, has been given effect.
52. For the record we note settled caselaw that this matter is not strictly an RMA concern, rather that it is the effects that might give rise to this circumstance that are to be addressed – and that is principally a resource consent matter.
53. Again, we see no need to make a finding on this matter.

Jackson Road

54. One last matter of concern was raised by Ms Ryder, being the use of Jackson Road by industrial traffic and the prospect of opening up access to Great South Road from Jackson Road.
55. Neither of those is intended by PPC22 and Mr Leather assured us that he had no intention, subsequently, of seeking access via Jackson Road. We record that for the record.
56. We do, however, note that those are matters (should anyone wish to pursue them) that would involve a resource consent process. Neither are matters relevant to our determination of PPC22.
57. Again, we see no need to make a finding on this matter.

CONCLUSIONS

58. Section 32 RMA clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. We are satisfied that the s32 RMA report and these proceedings have achieved that requirement.
59. Having considered the evidence and relevant background documents, we are satisfied, overall, that PPC22 has been developed in accordance with the relevant statutory and planning policy requirements and will clearly assist the Council in its effective administration of the OWDP.
60. The single modification we have made is to clarify that the point at which the noise rule is to be measured is “at the boundary of any property zoned Living Zone” rather than “in the Living Zone”. We are of the opinion that the notified wording could be a source of confusion and dispute in the event that enforcement is engaged, and that specifying a finite measuring point better serves that purpose. That was accepted by both applicant and Council.

SUBMISSIONS

61. In effect all relevant submissions were either in full or qualified support seeking the confirmation of the plan change with, at most, concerns about matters that will be managed through subsequently required resource consent processes.
62. For the record we note that we have accepted the recommendations on submissions made in the s42A report – reflected in the summary table, Appendix 5.

Appendices

63. Attached and integral to this decision are 5 Appendices as follows:
 - Appendix 1 = PPC22 Builtsmart Provisions (Clean text);
 - Appendix 2 = PPC22 Builtsmart Provisions (Text Track Changes);

- Appendix 3 = PPC22 Builtsmart Zoning Map;
- Appendix 4 = OWDP Planning Map Replaced / Deleted; and
- Appendix 5 = Summary of Decisions on Submission Points.

DECISION

64. Pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Private Plan Change 22 to the Operative Waikato District Plan - Waikato Section is approved, subject to the modification as set out in this decision and the provisions attached as Appendix 1⁷ and the plans attached as Appendix 3.
65. Submissions on the plan change are accepted or rejected in accordance with this decision as indicated in the Summary Table attached as Appendix 5. In general, these decisions follow the recommendations set out in the Council's section 42A report, except as identified above.
66. The reasons for the decision are that Private Plan Change 22 - Builtsmart:
- (a) will assist the Council in achieving the purpose of the RMA;
 - (b) gives effect to the Waikato Regional Policy Statement and is consistent with the general provisions of the Waikato Regional Plan;
 - (c) accords with the purpose and principles of Part 2 of the RMA;
 - (d) is supported by necessary evaluations in accordance with section 32 RMA;
 - (e) is consistent with the general and Industrial zone provisions of the Operative Waikato District Plan - Waikato Section; and
 - (f) will assist Council with the effective implementation of that Plan.



David Hill
Chairperson
& for Commissioner Shane Solomon

Date: 30 March 2020

⁷ Appendix 2 shows the track changed version from the notified version.

Appendix 1 – PPC22 Builtsmart Provisions (Clean text)

The Operative Waikato District Plan - Waikato Section text is amended as follows:

Table 1. Noise Rules - Industrial Zone.

Item	Permitted	Resource Consent
24.18 Noise • Light Industrial Zone	24.18.1 Any activity in the Light Industrial Zone is a permitted activity if it is designed and conducted so that noise from the activity measured at any other site: a) in the Light Industrial Zone, does not exceed i) 75dBA (L10), 7am to 10pm ii) 45dBA (L10), 10pm to 7am the following day iii) 75dBA (Lmax), 10pm to 7am the following day b) In another zone (except the Heavy Industrial Zone), does not exceed i) 55dBa (L10), 7am to 10pm ii) 40dBa (L10), 10 pm to 7am the following day iii) 70dBA (Lmax), 10pm to 7am the following day. c) Notwithstanding clause b) of this rule, any activity within the Builtsmart expansion area is a permitted activity if it is designed and conducted so that noise from the activity as measured at the boundary of any property zoned Living Zone does not exceed: i) 55 dB LA10 7am to 10pm; and ii) 40 dB LA10 10pm to 7am the following day; and iii) 70 dB LAmax 10pm to 7am the following day. Despite the above, construction noise and emergency sirens are not subject to this rule.	24.18.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion restricted to: <ul style="list-style-type: none"> • effects on amenity values • hours of operation • location of noise sources in relation to boundaries • frequency or other special characteristics of noise • mitigation measures • noise levels and duration

Item	Permitted	Resource Consent
<p>24.45 Building setbacks</p>	<p>24.45.1 Construction or alteration of a building is a permitted activity if the building is:</p> <p>a) in the Heavy Industrial Zone, and is set back at least</p> <p>i) 10m from all road boundaries, and</p> <p>ii) 10m from all zone boundaries, other than the boundary between a Light Industrial Zone and a Heavy Industrial Zone, and</p> <p>(aa) in the Heavy Industrial Zone at Horotiu, is set back at least 50m from any dwelling that existed on 25 September 2004, other than a dwelling in the industrial zone prior to that date, and</p> <p>b) in the Light Industrial Zone, and</p> <p>i) is set back at least 7.5m from the road boundary, and</p> <p>ii) is set back at least 7.5m from any other boundary where the site adjoins another zone, and</p> <p>c) set back at least 10m from a national route or regional arterial road boundary, and</p> <p>(ca) setback at least 25m from the designated boundary of the Waikato Expressway.</p> <p>d) Notwithstanding clause b) of this rule, buildings in the Builtsmart expansion area must be setback at least 25 metres from the boundary where the site adjoins the Living Zone.</p>	<p>24.45.2 Construction or alteration of a building that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on land in other zones • effects on amenity values • effects on streetscape • road safety.

Appendix P: Meaning of Words

“Builtsmart expansion area” means the land contained in Lot 10 DP 875, Lot 1 SP South Auckland 39041, Lot 9 DP 875, Lot 1 Deposited Plan 33424, Lot 7-8 Deposited Plan 875, and Section 1 Survey Office Plan 53946 (or any future legal description). The Builtsmart expansion area is also shown in the following figure.



Figure of the Builtsmart Expansion Area (or similar) to be Inserted into the Waikato District Plan.

Appendix 2 – PPC22 Builtsmart Provisions (Text Track Changes)

In the following, deletions from the underlined notified version text (Operative Waikato District Plan – Waikato Section) are shown as ~~strikethrough~~ and amendments made through this decision are shown double underlined.

Table 1. Noise Rules - Industrial Zone.

Item	Permitted	Resource Consent
<p>24.18 Noise • Light Industrial Zone</p>	<p>24.18.1</p> <p>Any activity in the Light Industrial Zone is a permitted activity if it is designed and conducted so that noise from the activity measured at any other site:</p> <p>a) in the Light Industrial Zone, does not exceed</p> <p>i) 75dBA (L10), 7am to 10pm</p> <p>ii) 45dBA (L10), 10pm to 7am the following day</p> <p>iii) 75dBA (Lmax), 10pm to 7am the following day</p> <p>b) In another zone (except the Heavy Industrial Zone), does not exceed</p> <p>i) 55dBa (L10), 7am to 10pm</p> <p>ii) 40dBa (L10), 10 pm to 7am the following day</p> <p>iii) 70dBA (Lmax), 10pm to 7am the following day.</p> <p><u>c) Notwithstanding clause b) of this rule, any activity within the Builtsmart expansion area is a permitted activity if it is designed and conducted so that noise from the activity as measured in at the boundary of any property zoned Living Zone does not exceed:</u></p> <p><u>i) 55 dB LA10 7am to 10pm; and</u></p> <p><u>ii) 40 dB LA10 10pm to 7am the following day; and</u></p> <p><u>iii) 70 dB LAmax 10pm to 7am the following day.</u></p> <p>Despite the above, construction noise and emergency sirens are not subject to this rule.</p>	<p>24.18.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values • hours of operation • location of noise sources in relation to boundaries • frequency or other special characteristics of noise • mitigation measures • noise levels and duration

Item	Permitted	Resource Consent
<p>24.45 Building setbacks</p>	<p>24.45.1 Construction or alteration of a building is a permitted activity if the building is:</p> <p>a) in the Heavy Industrial Zone, and is set back at least</p> <p>i) 10m from all road boundaries, and</p> <p>ii) 10m from all zone boundaries, other than the boundary between a Light Industrial Zone and a Heavy Industrial Zone, and</p> <p>(aa) in the Heavy Industrial Zone at Horotiu, is set back at least 50m from any dwelling that existed on 25 September 2004, other than a dwelling in the industrial zone prior to that date, and</p> <p>b) in the Light Industrial Zone, and</p> <p>i) is set back at least 7.5m from the road boundary, and</p> <p>ii) is set back at least 7.5m from any other boundary where the site adjoins another zone, and</p> <p>c) set back at least 10m from a national route or regional arterial road boundary, and</p> <p>(ca) setback at least 25m from the designated boundary of the Waikato Expressway.</p> <p><u>d) Notwithstanding clause b) of this rule, buildings in the Builtsmart expansion area must be setback at least 25 metres from the boundary where the site adjoins the Living Zone.</u></p>	<p>24.45.2 Construction or alteration of a building that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on land in other zones • effects on amenity values • effects on streetscape • road safety.

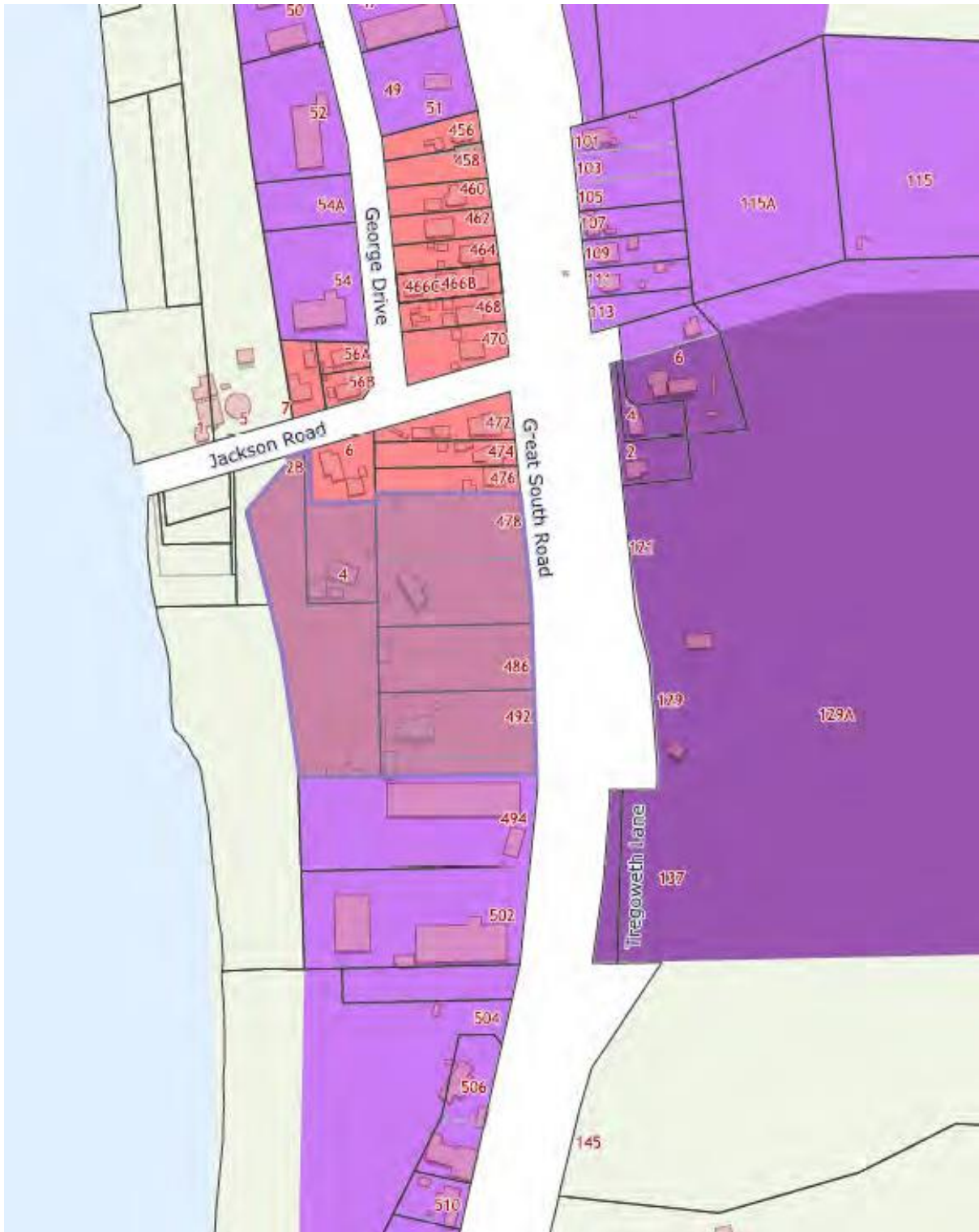
Appendix P: Meaning of Words

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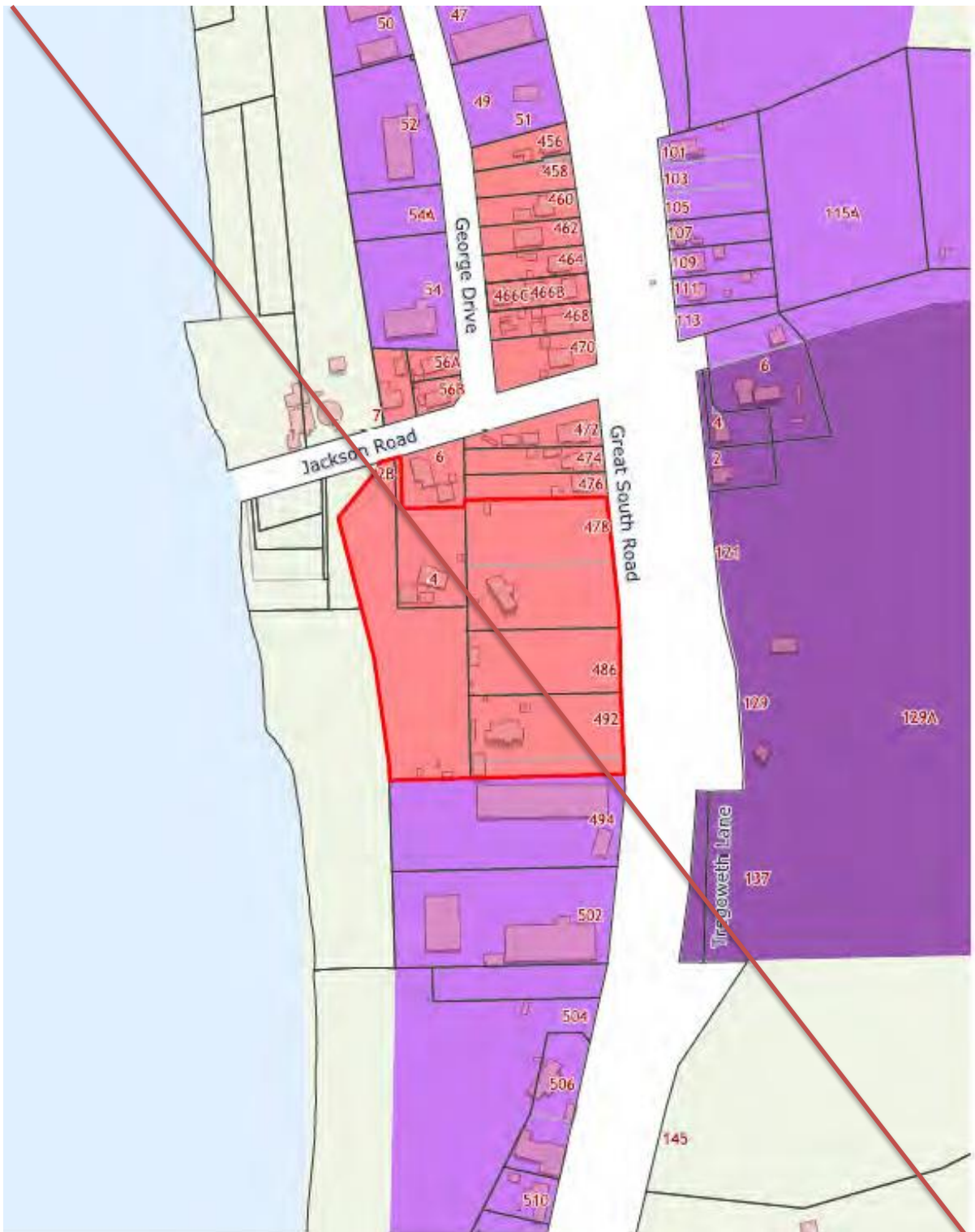
Figure of the Builtsmart Expansion Area (or similar) to be Inserted into the Waikato District Plan.

Appendix 3 – PPC22 Builtsmart Zoning Map



New Planning Map –Plan Change 22.

Appendix 4 – OWDP Planning Map Replaced / Deleted



Existing Planning Map – Being Replaced by Plan Change 22.

Appendix 5 – Summary of Decisions on Submission Points

Note: in the following table, “Accept in part” means that the broad support for the plan change is accepted but that the relief sought relating to conditions (which properly are resource consent matters) is not.

Sub No	Submitter	S/O	Submission Summary	Recommendation
1	NZ Transport Agency	Support with conditions	The proposed plan change is supported provided a number of specific conditions relating to entrances closing, new entrance standards, and construction and stormwater management are met.	Accept in part.
2	Waikato Regional Council	Support with conditions	The submitter considers the plan change appropriate because it will reduce the level of residual risk from natural hazards through a change to a less sensitive landuse. It is also consistent with the Waikato Regional Policy Statement that requires that industrial development locate within a Strategic Industrial Node. In addition, maintenance access to the Waikato River stopbank will be maintained. The submitter also notes that the assumption that the stormwater discharge from the site will be authorised under the WDC Comprehensive Stormwater Discharge consent for Huntly may not be correct. This matter should be discussed further with the submitter at the time of seeking resource consent.	Accept
3	Huntly Community Board (David Whyte)	Support with conditions	3.1 The submitter considers that the economic benefits flowing from the proposed plan change will be significant but notes that potential adverse effects on adjacent members of the community need to be considered in the process.	Accept.
		Support with conditions	3.2 The submitter considers that the proposed plan change has been well thought through and incorporates changes made in consultation with local residents. These changes include the following: a) Zone change only applies to land that is to be occupied by Builtsmart;	Accept.

			<p>b) There will be no construction traffic on local roads;</p> <p>c) The self-imposed setback of 25 metres between the activity and the nearest residential neighbours to the north will assist in reducing adverse effects;</p> <p>d) The applicant has taken a careful approach to the management of stormwater and localised ponding issues.</p>	
		Support with conditions	<p>3.3 Submitter is concerned that dust arising from the on-site activities of house construction could build up over time in the river close to where the Huntly water supply intake is located. Submitter seeks the following conditions to be applied to any activity on site:</p> <p>a) Active dust extraction to minimize dust;</p> <p>b) Dust producing activities to be undercover;</p> <p>c) Any work carried out that is not undercover is to include the prompt removal of dust to avoid it getting into the stormwater system.</p>	Accept in part.
4	Megan and William Rhyder	Support with conditions	<p>4.1 Submitter is concerned with the potential for dust from demolition and building activity on site and wants to ensure that adequate dust mitigation is in place.</p>	Accept in part.
		Support with conditions	<p>4.2 Submitter wishes to ensure that Jackson Road will not be opened to Great South Road and that no operational traffic associated with the activity utilises Jackson Road.</p>	Accept in part.