

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan - Stage I

Hearing 7: Industrial Zone & Heavy Industrial Zone

Part B

Industrial Zone Rules



Contents

18	Chapter 20 Industrial Zone.....	12
18.1	Introduction.....	12
18.2	Scope of this report.....	12
18.3	Structure of the report.....	12
19	General Chapter 20 Matters.....	12
19.1.1	Introduction.....	12
19.1.2	Submissions.....	12
19.1.3	Analysis	14
19.1.4	Recommendation	16
19.1.5	Section 32AA evaluation	16
20	Rule 20.1 Land Use – Activities.....	16
20.1.1	Introduction.....	16
20.2	New activities – Gas Transmission lines.....	16
20.2.1	Submissions.....	17
20.2.2	Analysis	17
20.2.3	Recommendation	18
20.2.4	Section 32AA evaluation	19
20.3	New permitted activities	19
20.3.1	Submissions.....	19
20.3.2	Analysis	25
20.3.3	Recommendation	30
20.3.4	Recommended Amendments	31
20.3.5	Section 32AA evaluation	32
20.4	Rule 20.1.1 Permitted Activities	33
20.4.1	Submissions.....	33
20.4.2	Analysis	35
20.4.3	Recommendation	36
20.4.4	Recommended Amendments	37
20.4.5	Section 32AA evaluation	37
20.5	Rule 20.1.2 Discretionary Activities	37
20.5.1	Submissions.....	37
20.5.2	Analysis	38
20.5.3	Recommendation	39
20.5.4	Section 32AA evaluation	40
20.6	Rule 20.1.3 Non-Complying Activities	40
20.6.1	Submissions.....	40

20.6.2	Analysis	41
20.6.3	Recommendation	41
20.6.4	Section 32AA evaluation	42
21	Rule 20.2.1 Servicing and hours of operation	42
21.1.1	Submissions.....	42
21.1.2	Analysis	43
21.1.3	Recommendation	44
21.1.4	4.4 Section 32AA evaluation	44
22	Rule 20.2.2 Landscape planting.....	45
22.1.1	Introduction.....	45
22.1.2	Submissions.....	45
22.1.3	Analysis	48
22.1.4	Recommendation	49
22.1.5	Section 32AA evaluation	50
23	Rule 20.2.3 Noise.....	50
23.1.1	Introduction.....	50
23.2	Rule 20.2.3 Noise - General	50
23.2.1	Submissions.....	50
23.2.2	Analysis	52
23.2.3	Recommendation	53
23.3	Rule 20.2.3.1 Noise-General	54
23.3.1	Submissions.....	54
23.3.2	Analysis	57
23.3.3	Recommendations.....	58
23.3.4	Recommended Amendments	58
23.3.5	Section 32AA evaluation	59
23.4	Rule 20.2.3.2 Noise – Construction	59
23.4.1	Submissions.....	59
23.4.2	Analysis	59
23.4.3	Recommendation	60
23.4.4	Recommended Amendments	60
23.4.5	Section 32AA evaluation	61
24	Rule 20.2.4 Glare and Artificial Light Spill.....	61
24.1.1	Introduction.....	61
24.1.2	Submissions.....	61
24.1.3	Analysis	63
24.1.4	Recommendation	63

24.1.5	Recommended Amendments	63
24.1.6	Section 32AA evaluation	64
25	Rule 20.2.5 Earthworks	64
25.1.1	Introduction.....	64
25.2	General earthworks rules	64
25.2.1	Submissions.....	64
25.2.2	Analysis	66
25.2.3	Recommendation	66
25.2.4	Recommended Amendments	67
25.2.5	Section 32AA evaluation	67
25.3	Rule 20.2.5.1 Earthworks - General.....	67
25.3.1	Submissions.....	67
25.3.2	Analysis	74
25.3.3	Recommendation	76
25.3.4	Recommended Amendments	77
25.3.5	Section 32AA evaluation	78
26	Signs.....	78
26.1.1	Introduction.....	79
26.2	Rule 20.2.7.1 Signs – General	79
26.2.1	Submissions.....	79
26.2.2	Analysis	86
26.2.3	Recommendations.....	89
26.2.4	Recommended Amendments	90
26.2.5	Section 32AA evaluation	90
26.3	Rule 20.2.7.2 Signs – Effects on traffic.....	91
26.3.1	Submissions.....	91
26.3.2	Analysis	93
26.3.3	Recommendation	94
26.3.4	Recommended Amendments	95
26.3.5	Section 32AA evaluation	95
27	Rule 20.2.8 Outdoor storage of goods or materials.....	95
27.1.1	Introduction.....	95
27.1.2	Submissions.....	95
27.1.3	Analysis	97
27.1.4	Recommendation	98
27.1.5	Recommended Amendments	98
28	Building height and bulk.....	98

28.1.1	Introduction.....	99
28.2	Rule 20.3.1 Building height.....	99
28.2.1	Submissions.....	99
28.2.2	Analysis	100
28.2.3	Recommendation	101
28.2.4	Section 32AA evaluation	101
29	Rule 20.3.3 Buildings, structures and vegetation within an airport obstacle limitation surface 101	
29.1.1	Introduction.....	101
29.1.2	Submissions.....	101
29.1.3	Analysis	103
29.1.4	Recommendation	103
29.1.5	Recommended Amendment.....	103
29.1.6	Section 32AA evaluation	103
30	Rule 20.3.3 Daylight Admission	104
30.1.1	Introduction.....	104
30.1.2	Submissions.....	104
30.1.3	Analysis	105
30.1.4	Recommendations.....	107
30.1.5	Section 32AA evaluation	107
31	Building setbacks	108
31.1.1	Introduction.....	108
31.2	New rules.....	108
31.2.1	Submissions.....	108
31.2.2	Analysis	111
31.2.3	Recommendation	111
31.2.4	Section 32AA evaluation	112
31.3	Rule 20.3.4.1 Building setbacks	112
31.3.1	Submissions.....	112
31.3.2	Analysis	114
31.3.3	Recommendation	115
31.3.4	Recommended Amendments	115
31.3.5	Section 32AA evaluation	116
31.4	Rule 20.3.4.2 Building setbacks- Waterbodies	116
31.4.1	Submissions.....	116
31.4.2	Analysis	118
31.4.3	Recommendation	121

31.4.4	Section 32AA evaluation	121
32	Rule 20.4 Subdivision	121
32.1.1	Introduction.....	121
32.2	New Rules- Subdivision	122
32.2.1	Submissions.....	122
32.2.2	Analysis	123
32.2.3	Recommendations.....	123
32.2.4	Recommended Amendments	124
32.2.5	Section 32AA evaluation	124
33	Rule 20.4 Subdivision	124
33.1.1	Introduction.....	124
33.2	General subdivision.....	124
33.2.1	Submissions.....	124
33.2.2	Analysis	125
33.2.3	Recommendation	125
33.2.4	Recommended Amendments	125
33.2.5	Section 32AA evaluation	125
33.3	Rule 20.4.1 Subdivision - General.....	125
33.3.1	Submissions.....	125
33.3.2	Analysis	129
33.3.3	Recommendation	131
33.3.4	Recommended Amendments	132
33.3.5	Section 32AA evaluation	133
33.5	Rule 20.4.2 Subdivision – Boundaries for Records of Title.....	133
33.5.1	Submissions.....	133
33.5.2	Analysis	134
33.5.3	Recommendation	134
33.5.4	Section 32AA evaluation	134
33.6	Rule 20.4.3 Road frontage.....	135
33.6.1	Submissions.....	135
33.6.2	Analysis	135
33.6.3	Recommendation	136
33.6.4	Section 32AA evaluation	136
33.7	Rule 20.4.4 Subdivision- Esplanade Reserves and Esplanade Strips.....	136
33.7.1	Submissions.....	136
33.7.2	Analysis	138
33.7.3	Recommendation	138

33.7.4	Recommended Amendments	138
33.7.5	Section 32AA evaluation	139
34	Specific Area 20.5: Nau Mai Business Park	140
34.1.1	Introduction.....	140
34.1.2	Submissions.....	140
34.1.3	Analysis	141
34.1.4	Recommendation	142
34.2	Land use activities.....	142
34.2.1	Submissions.....	142
34.2.2	Analysis	143
34.2.3	Recommendations.....	144
34.2.4	Section 32AA evaluation	145
34.3	Land-use effects	145
34.3.1	Submissions.....	145
34.3.2	Analysis	145
34.3.3	Recommendation	146
34.3.4	Recommended Amendments	146
34.3.5	Section 32AA evaluation	147

List of submitters and further submitters addressed in this report

Submitter	Submission number
Blue Wallace Surveyors Ltd	662
Buckland Marine Ltd	465
Counties Power Limited	405
Department of Corrections	496
EnviroWaste New Zealand Limited	302
Fellrock Developments Limited and TTT Products	543
Fire and Emergency NZ	378
First Gas Limited	945
Gabrielle Parson	831
Greig Metcalfe	602
Hamilton City Council	535
Heritage New Zealand Lower Northern Office	559
Holcim (NZ) Ltd	766
Housing New Zealand Corporation	749
John Baillie	157
Karl Crook	155
Kathleen Reid	130
Kim Crook	138

Further Submitter	Submission number
<i>Genesis Energy Ltd</i>	<i>FSI 345</i>
<i>Colette Brown</i>	<i>FSI 039</i>
<i>Bootleg Brewery</i>	<i>FSI 264</i>
<i>Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'</i>	<i>FSI 089</i>
<i>Counties Power Limited</i>	<i>FSI 134</i>
<i>Holcim (New Zealand) Ltd</i>	<i>FSI 326</i>
<i>Chorus New Zealand Limited</i>	<i>FSI 031</i>
<i>Waikato Regional Airport Limited</i>	<i>FSI 253</i>
<i>Van Den Brink Group</i>	<i>FSI 193</i>
<i>2SEN and Tuakau Estates Ltd</i>	<i>FSI 117</i>
<i>Heritage New Zealand Pouhere Taonga</i>	<i>FSI 323</i>
<i>Vodafone New Zealand Limited</i>	<i>FSI 032</i>
<i>Spark New Zealand Trading Limited</i>	<i>FSI 033</i>
<i>Watercare Services Limited</i>	<i>FSI 176</i>
<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>FSI 276</i>
<i>Tasman Lands Limited</i>	<i>FSI 321</i>
<i>Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson.</i>	<i>FSI 178</i>
<i>Mercury Energy Limited</i>	<i>FSI 223</i>

Kim Willetts	717
Kiwirail Holdings Limited	986
Linda Silvester	830
McCracken Surveys Limited	943
Mercer Residents and Ratepayers Committee	367
Ministry of Education	781
Michele Gamble	137
Mowbray Group	404
New Zealand Transport Agency	742
NZTE Operations Limited	823
'Oil Companies' – Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	785
Ports of Auckland Ltd	578
Roger Heaslip	167
Simon Gibson	133
Trevor Reid	128
Tuakau Business Park Limited	498
Tuakau Proteins Limited	402
Van Den Brink Group	633
Waikato District Council	697
Waikato District Health Board	923

	FSI 386 FSI 387 FSI 388
<i>Turangawaewae Trust Board</i>	FSI 139
<i>New Zealand Transport Agency</i>	FSI 202
<i>Greig Developments No 2 Limited</i>	FSI 187
<i>Ports of Auckland Ltd</i>	FSI 087
<i>Dorothy Derecourt and David McKeown</i>	FSI 094
<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	FSI 108
<i>Transpower NZ Ltd</i>	FSI 350
<i>Tuakau Proteins Ltd</i>	FSI 353
<i>Van Den Brink Group</i>	FSI 193
<i>Pareoranga te Kata</i>	FSI 035
<i>Ian Joseph Robson and Sandra Joan Robson</i>	FSI 096
<i>Gregory Philip and Barbara Wiechern</i>	FSI 099
<i>Margaret Lindsay Mitchell</i>	FSI 100
<i>Christine McNeill</i>	FSI 101
<i>Eric and Vickie Finlay</i>	FSI 102
<i>Kevin Desmond Mattson</i>	FSI 103
<i>Greg and Natalie Kelly</i>	FSI 104
<i>Raewyn Williams</i>	FSI 105
<i>Greg and Shirley Weller</i>	FSI 106
<i>Mowbray Group</i>	FSI 289

Waikato Regional Council	81
Whenua Holdings Waikato Limited	829
Woolworths NZ Ltd	588

<i>Andrew Mowbray</i>	<i>FS1305</i>

Please refer to Attachment 1 to see where each submission point is addressed within this report.

18 Chapter 20 Industrial Zone

18.1 Introduction

172. Chapter 20 sets out the rules for the Industrial Zone. These rules manage land use activities, effects from those activities, building and subdivision. The proposed Industrial Zone applies to sites that are already zoned Industrial in the operative Waikato Section and some sites in the Franklin Section that are currently zoned Light Industrial (such as in Pokeno), Business (such as Tuakau Proteins Limited and those sites within the Whangarata Business Park Structure Plan Area).

18.2 Scope of this report

173. The objectives and policies have already been addressed in Part A of this report. These provide the context within which these Chapter 20 rules sit.
174. Some submissions lodged on the Chapter 20 will be addressed in other hearings because of their district-wide nature. Examples include rules that relate to heritage and Maaori Sites and Areas of Significance.

18.3 Structure of the report

175. I have structured Part B of this report to address the submissions in the order of the rules as they appear in the notified Chapter 20.

19 General Chapter 20 Matters

19.1.1 Introduction

176. Seven submissions have been received that are of a general nature. In summary, these submissions:
- request amendments to the chapter heading to make it clear that the provisions that follow are rules
 - request reference to the rules in Chapters 14 and 15 to make it clear that these are relevant to subdivision in the Industrial Zone
 - support the general structure and approach of Chapter 20
 - request that Chapter 20 contains provisions that deal with policies and rules that deal with energy efficiency
 - request a statement of purpose and outcome for the Industrial Zone, including a link to health and wellbeing considerations.

19.1.2 Submissions

Submission Point	Submitter	Summary of Submission
697.605 Amend	Waikato District Council	Amend the Chapter 20 hearing to clarify that all the provisions that follow are rules.

FS1387.621	Mercury NZ Limited	Oppose
697.606 Amend	Waikato District Council	Amend Chapter 20(2) to clarify that the rules in Chapter 14 Infrastructure and Energy and Chapter 15 Natural Hazards and Climate Change apply to subdivision as well as land use activities.
FS1223.129	Mercury NZ Limited	Oppose
830.12	Linda Silvester	Add new provisions to Chapter 20 Industrial Zone to include energy efficiency policies and rules (see submission for wording).
FS1276.177	Whaingaroa Environmental Defence Inc. Society	Support
FS1387.1344	Mercury NZ Limited	Oppose
923.117	Waikato District Health Board	Amend Chapter 20: Industrial Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.
829.3	Whenua Holdings Waikato Limited	Retain the proposed structure and approach of Chapter 20 Industrial Zone; AND Amend the Proposed District Plan to make any consequential amendments to address the matters raised in the submission.
FS1094.2	Dorothy Derecourt and David McKeown	Oppose
FS1096.2	Ian Joseph Robson and Sandra Joan Robson	Oppose
FS1099.2	Gregory Philip and Barbara Wiechern	Oppose
FS1100.2	Margaret Lindsay Mitchell	Oppose
FS1101.1	Christine McNeill	Support
FS1102.2	Eric and Vickie Finlay	Oppose
FS1103.1	Kevin Desmond Mattson	Oppose
FS1104.1	Greg and Natalie Kelly	Oppose
FS1105.1	Raewyn Williams	Oppose
FS1106.1	Greg and Shirley Weller	Oppose
FS1387.1334	Mercury NZ Limited	Oppose

302.50	EnviroWaste New Zealand Limited	<p>Amend the Land Use provisions in Chapter 20 Industrial Zone to reflect the intentions of Policy 4.6.2 Provide Industrial Zones with different functions, Policy 4.6.4 Maintain industrial land for industrial purposes and Policy 4.6.5 Recognition of industrial activities outside of urban areas.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.</p>
766.56	Holcim (New Zealand) Limited	<p>No specific decision sought, but the submission expresses the following concerns with the Industrial Zone:</p> <ul style="list-style-type: none"> • The use of outdated Waikato Section controls in the former Franklin Section, and these are more conservative and less enabling than the provisions of the current Franklin Section. • The proposed Industrial Zone is significantly more restrictive than the Light Industrial Zone being applied by Auckland Council in Pukekohe, Waiuku and Drury South. • The proposed Industrial Zone is less enabling than the existing Operative Industrial Zones are applied at Tuakau and Pokeno. • Rules are outdated and less effective and efficient when compared with Industrial Zones applying to the current Franklin Section and other Districts where industrial activities are enabled.

19.1.3 Analysis

177. Waikato District Council [697.605] requests that the Chapter 20 heading be amended to clarify that all the provisions that follow are rules. While I consider this to be a clerical amendment that is not reliant on a submission, it is recommended that this submission point be accepted as it provides more certainty to plan users.
178. Waikato District Council [697.606] requests amendment to Rule 20(2) under the main heading to make clear that the relevant rules in Chapter 14 (Infrastructure and Energy) and the placeholder Chapter 15 (Natural Hazards and Climate Change) apply to subdivision in the Industrial Zone.
179. In my view, this amendment is not needed because Rule 20(3) already provides this instruction with its general reference to ‘activities’ which captures land use and subdivision. The request would result in an unnecessary duplication.
180. Linda Silvester [830] requests amendments to Chapter 20 to include energy efficiency policies and rules. The submitter states that any commitment to increased use of solar and

wind energy is gone and that there are restrictions on small scale energy generations. It is noted that the submitter has replicated these concerns for multiple zones. Given that this matter is addressed in the provisions for Infrastructure and energy, it is considered appropriate that analysis of the submitter's concerns be deferred to the hearing for Chapter 14 (Infrastructure and Energy) and Stage 2.

- a. Waikato District Health Board [923] requests a statement of purpose and description for the Industrial Zone. It is noted that this submitter has made an identical request for all zones in the PWDP.
- b. This matter was considered in Hearing 2 (Plan Structure, All of Plan). The following paragraphs from the s42A report are relevant here:

'219. Section 10.1 of the first set of National Planning Standards states that issues and anticipated environmental results are not required to be included in zone chapters but can be at the discretion of the local authority. In addition, a purpose of each zone or chapter is not envisaged in a District Plan under the same section of the National Planning Standards.

220. Section 8 of the National Planning Standards refers to the 13 zones and zone descriptions that are required to be used by all districts where appropriate to ensure a consistent approach to land zoning throughout the country (excluding any special purpose zones). It is therefore likely that, when the operative District Plan that arises from the current process is reviewed to implement the planning standards, a number of the zones currently used in the PWDP will be updated to align with the planning standards. It is my understanding that using standardised zones will negate the need for a 'zone purpose'.

221. Overall, a zone introduction/purpose is not required by the National Planning Standards and adding these to the PWDP now will be inefficient and create unnecessary rework.'

- c. It is recommended that submission point 923.117 be rejected for the same reasons.
- d. Whenua Holdings Waikato Limited [829] supports the activity provisions in the Industrial Zone. Christine McNeil [FS1101.1] is noted above as supporting submission point 829.3. However, it is clear from her further submission document that the Whenua Holdings Waikato Limited's request to apply an Industrial Zone to various properties at Ngaruawahia is opposed. All other further submitters noted above also oppose this request. This rezoning matter will be addressed at the later Hearing 25 in 2020.
- e. EnviroWaste Limited [302.50] and Holcim (New Zealand) Limited [766.56] raises a general concern that the proposed Industrial Zone provisions are less enabling than the provisions contained in the operative Franklin Section and the Auckland Unitary Plan. It would be helpful for both submitters to outline their concerns at the hearing to understand how the proposed provisions (and the recommended changes to the activity and development rules as part of this Hearing 7 report) might adversely affect any of their sites located within Waikato District. This would include that part of the Bombay Quarry which falls within the jurisdiction of both Auckland Council and Waikato District Council, and where the part that is within Waikato District is proposed to be rezoned from Rural to Industrial.
- f. At this point in time, it is recommended that the submission points from EnviroWaste Limited and Holcim be rejected, pending supporting evidence being provided by these submitters and specific detail on decisions sought.

19.1.4 Recommendation

181. For the reason given above, it is recommended that the hearings panel:

- a. **Accepts** the submission from Waikato District Council [697.605] and amends the heading for Chapter 20 as shown in Attachment 3.
- b. **Rejects** the further submission from *Mercury NZ Limited* [FS1387.621].
- c. **Rejects** the submission from Waikato District Council [697.606]
- d. **Accepts the** further submission from *Mercury NZ Limited* [FS1223.129]
- e. **Defer consideration** of the submission from Linda Silvester [830.12], *Whaingaroa Environmental Defence Inc. Society* [FS1276.177] and *Mercury NZ Limited* [FS1387.1344] until the hearings for Chapter 14 (Infrastructure and Energy) and Stage 2.
- f. **Reject** the submission from the Waikato District Health Board [923.117].
- g. **Accept** the submission from Whenua Holdings Waikato Limited [829.3]
- h. **Reject** the further submission from *Mercury NZ Limited* [FS1387.1334].
- i. **Defer consideration** of the further submissions from *Dorothy Derecourt and David McKeown* [FS1094.2], *Ian Joseph Robson and Sandra Joan Robson* [FS1096.2], *Gregory Philip and Barbara Wiechern* [FS1099.2], *Margaret Lindsay Mitchell* [FS1100.2], *Christine McNeill* [FS1101.1], *Eric and Vickie Finlay* [FS1102.2], *Kevin Desmond Mattson* [FS1103.1], *Greg and Natalie Kelly* [FS1104.1], *Raewyn Williams* [FS1105.1], and *Greg and Shirley Weller* [FS1106.1] until the rezoning hearings in 2020
- j. **Reject** the submission from EnviroWaste New Zealand Limited [302.4]
- k. **Reject** the submission from Holcim (New Zealand) Limited [766.56]

19.1.5 Section 32AA evaluation

182. The recommended amendments provide clarification to assist with the understanding of how Chapter 20 is to be implemented and a full s32AA evaluation is not considered necessary in this instance.

20 Rule 20.1 Land Use – Activities

20.1.1 Introduction

183. Multiple submissions have been received in respect to the activity rules. Overall, the submitters request flexibility in the type of permitted activities to reflect the intention of the objectives and policies for the Industrial Zone.

20.2 New activities – Gas Transmission lines

20.2.1 Submissions

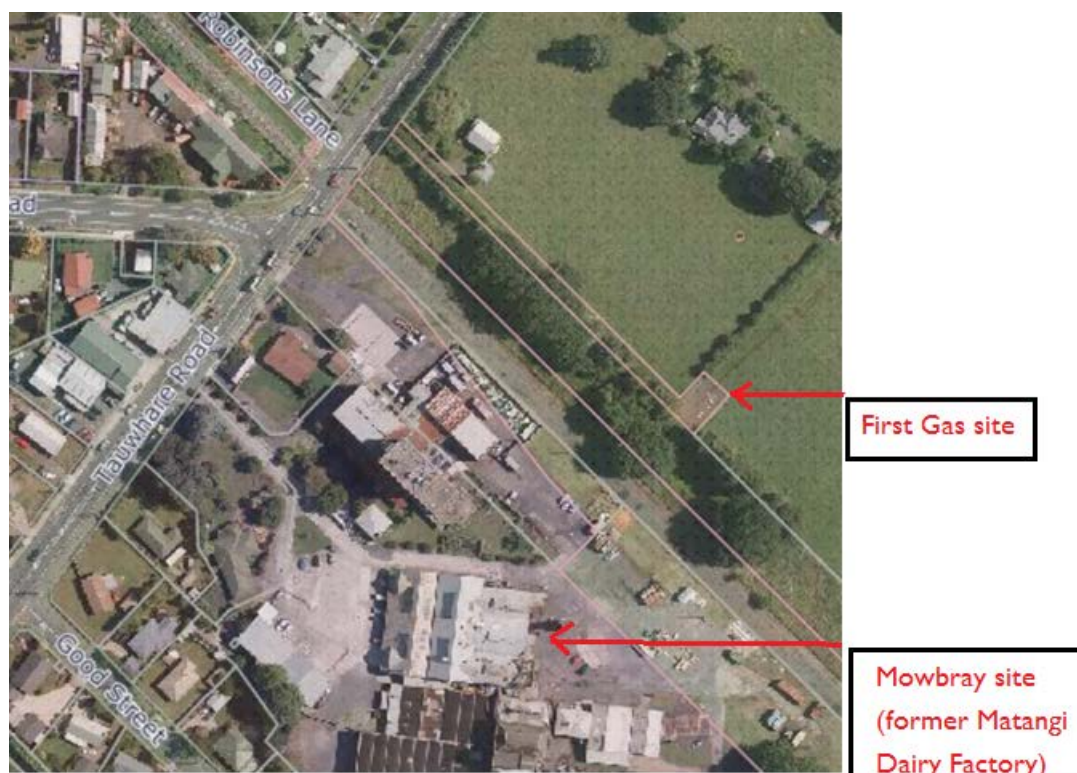
184. One submission from First Gas Limited requests a new restricted discretionary rule requiring activities to observe particular setbacks to protect their existing gas facilities.

Submission Point	Submitter	Decision Requested
945.10	First Gas Limited	<p>Add a new Restricted Discretionary Activity to Rule 20.1 Land Use Activities as follows: <u>Establishment of a residential activity or use within 20m of a gas transmission pipeline.</u></p> <p><u>Establishment of a residential activity or use within 60m of the gas network (other than a gas transmission pipeline).</u></p> <p><u>Establishment of a sensitive land use (excluding residential activities) within 60m of the gas network.</u></p> <p>AND</p> <p>Add a new matter of discretion to Rule 20.1 Land use - Activities as follows:</p> <p><u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure.</u></p> <p>AND</p> <p>Any consequential amendments and other relief to give effect to the matters raised in the submission.</p>
FSI087.31	Ports of Auckland Limited	Oppose
FSI134.70	Counties Power Limited	Support in part
FSI134.87	Counties Power Limited	Support
FSI289.5	Mowbray Group	Oppose
FSI305.18	Andrew Mowbray	Oppose

20.2.2 Analysis

185. First Gas Limited [945] requests that a new restricted discretionary activity rule be introduced that controls activities in close proximity to the gas transmission pipeline, and associated assessment criteria.
186. Counties Power Limited [FSI134] supports this request and considers that discretion should be limited to addressing potential reverse sensitivity effects on existing infrastructure.
187. Ports of Auckland Limited [FSI087.31] oppose this request. While agreeing that the gas network requires protection from sensitive land uses, they do not consider it necessary to control other forms of activity that are not 'sensitive' (such as industrial land uses).
188. Mowbray Group [FSI289.5] and Andrew Mowbray [FSI305.18] oppose the request, as they consider that the creation of a '60m exclusion zone' from the First Gas facility in Matangi would compromise their request to rezone and develop the former Matangi Dairy Factory

site, which they now own, for residential use. These sites are indicated in the aerial photograph below.



189. In my view, it is not necessary to introduce these rules into the Industrial Zone, primarily because any residential or sensitive land use would be classed as a non-complying activity. The only exception that I have recommended for Chapter 20 is a restricted discretionary activity for a caretaker or security personnel. This recommended activity status does not guarantee consent to this type of residential activity as each case would need to be considered on its merits.
190. Otherwise, for a non-complying activity, actual or potential adverse effects on the existing environment (including reverse sensitivity effects on First Gas facilities) would need to be considered in terms of the statutory gateway test in section 104D(1) of the RMA when resource consent applications are made. I acknowledge that the Mowbrays' submission primary seeks to rezone land for residential purposes. However if this request were to be successful, the site would no longer be zoned Industrial. The submitter will need to address reverse sensitivity effects, this being a matter to be considered at a later hearing in 2020 for zone extents.
191. I therefore recommend rejection of the submission from First Gas Limited because the existing framework of objectives, policies and rules already require reverse sensitivity to be considered in a test of either a restricted discretionary or non-complying activity.

20.2.3 Recommendation

192. For the reasons given above, it is recommended that the hearings panel:
- a. **Reject** the submission from First Gas Limited [945.10] and further submissions from Counties Power Limited [FS1134.70 and FS1134.87] and Mercury NZ Limited [FS1387.622].

- b. **Accept** the further submissions from *Ports of Auckland Limited* [FSI087.31], *Mowbray Group* [FSI289.5] and *Andrew Mowbray* [FSI305.18].

20.2.4 Section 32AA evaluation

193. Because I recommend rejection of the request from First Gas to introduce a new restricted discretionary rule, a section 32AA evaluation is not considered necessary in this instance.

20.3 New permitted activities

20.3.1 Submissions

194. Multiple submissions have been received in respect to the activity rules. Overall, the submitters request flexibility in the type of permitted activities to reflect the intention of the objectives and policies for the Industrial Zone.

Submission Point	Submitter	Decision Requested
302.4	EnviroWaste New Zealand Limited	<p>Add to Rule 20.1.1 Industrial Zone – Permitted Activities the following activities as permitted (as a minimum):</p> <ul style="list-style-type: none"> • Hire Centres • Wholesale • Trade Supply outlet • Transport Depot • Garden Centres • Retailing of agricultural and industrial motor vehicles and machinery • Processing, storage, distribution and sale (wholesale or retail) of aggregates. <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.</p>
FSI386.339	Mercury NZ Limited	Oppose
633.51	Van Den Brink Group	<p>Add the following to include the following permitted activities as a minimum to Rule 20.1.1 Permitted Activities:</p> <p><u>(a) Hire Centres</u></p> <p><u>(b) Wholesale</u></p> <p><u>(c) Trade Supply outlet</u></p> <p><u>(d) Transport depot</u></p>

		<u>(e) Garden Centres</u> <u>(f) Retailing of agricultural and industrial motor vehicles and machinery</u> <u>(g) Processing, storage, distribution and sale (wholesale or retail) of aggregates</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI387.51	Mercury NZ Limited	Oppose
766.11	Holcim (New Zealand) Limited	Add the following activities as a minimum to Rule 20.1.1 Permitted Activities: (a) Hire Centres (b) Wholesale (c) Trade Supply Outlet (d) Transport depot (e) Garden Centres (f) Retailing of agricultural and industrial motor vehicles and machinery (g) Processing, storage, distribution and sale (wholesale or retail) of aggregates AND Any additional or consequential relief to give effect to the matters raised in the submission.
FSI387.1145	Mercury NZ Limited	Oppose
302.6	EnviroWaste New Zealand Limited	Add a permitted activity for the construction of a building for any permitted activity (which complies with the development controls) to Rule 20.1.1 Permitted Activities. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.
FSI386.341	Mercury NZ Limited	Oppose
378.102	Fire and Emergency New Zealand	Add new activities to Rule 20.1.1 Permitted Activities, as follows: <u>(x) Emergency services training and management activities</u>

		<p><u>(x) Emergency service facilities.</u></p> <p>AND</p> <p>Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</p>
FSI035.209	Pareoranga Te Kata	Support
FSI388.68	Mercury NZ Limited	Oppose
402.5	Tuakau Proteins Limited	<p>Amend the definition of "Industrial Activity" in Chapter 13 Definitions to specifically include "rural industry activities" (or words to similar effect).</p> <p>OR</p> <p>Add "Rural Industry" to Rule 20.1.1 Permitted Activities as a permitted activity in the Industrial Zone (or words to similar effect).</p> <p>AND</p> <p>Any consequential amendments and/or additional relief to give effect to the concerns raised in the submission.</p>
FSI193.13	Van Den Brink Group	Support
FSI326.13	Holcim (New Zealand) Limited	Support
FSI388.139	Mercury NZ Limited	Oppose
465.1	Buckland Marine Limited	<p>Add the following activities to Rule 20.1.1 Permitted Activities:</p> <p><u>P7 Mechanical workshop</u></p> <p><u>P8 Ancillary yard</u></p> <p><u>P9 New buildings</u></p> <p><u>Include activity specific conditions specifying that building must be related to industrial activity.</u></p> <p><u>P10 Additions and Alterations to buildings</u></p> <p><u>P11 Demolition of buildings</u></p> <p>AND</p> <p>Add the following terms to Chapter 13 Definitions:</p> <p>Mechanical workshop - to include Marine outboard servicing centre</p> <p>Ancillary yard</p>
FSI193.14	Van Den Brink Group	Support

FSI326.14	Holcim (New Zealand) Limited	Support
FSI388.393	Mercury NZ Limited	Oppose
496.8	Department of Corrections	<p>Add to Rule 20.1.1 Permitted Activities a new activity:</p> <p><u>P7 Community corrections activity – Activity specific conditions:</u></p> <p><u>Nil</u></p> <p>AND</p> <p>Any other consequential amendments required to give effect to this relief.</p>
FSI388.495	Mercury NZ Limited	Oppose
498.5	Tuakau Business Park Limited	<p>Add a new activity to Rule 20.1.1 Permitted Activities, as follows:</p> <p><u>Living quarters above warehousing/manufacturing.</u></p>
FSI388.502	Mercury NZ Limited	Oppose
578.74	Ports of Auckland Limited	<p>Add additional permitted activities in Rule 20.1.1, as follows:</p> <p><u>P7 Workers accommodation</u></p> <p>Activity Specific conditions: <u>1 unit per site</u></p> <p><u>P8 Rail operations including associated sidings, structures, and earthworks within the Horotiu Industrial Park</u></p> <p>Activity specific conditions: <u>Nil</u></p> <p>OR</p> <p>Add a new Section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see schedule 2 of the submission for specific provisions).</p> <p>AND</p> <p>Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>
FSI388.865	Mercury NZ Limited	Oppose
633.53	Van Den Brink Group	<p>Add the construction of a building for any permitted activity as a permitted activity (which complies with the development controls) to Rule 20.1.1 Permitted Activities.</p>

		<p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
FSI387.53	Mercury NZ Limited	Oppose
766.13	Holcim (New Zealand) Limited	<p>Add a new permitted activity to Rule 20.1.1 Permitted Activities as follows:</p> <p><u>The construction of a building for any permitted activity (which complies with the development controls).</u></p> <p>AND</p> <p>Any additional or consequential relief to give effect to the matters raised in the submission.</p>
FSI387.1147	Mercury NZ Limited	Oppose
781.24	Ministry of Education	<p>Amend Rule 20.1.1 P2 Permitted Activities as follows:</p> <p>P2 Trade and industry training activity</p> <p><u>Any education facility which is not incidental to a trade and industry training activity is a restricted discretionary activity.</u></p> <p>AND</p> <p>Add a new restricted discretionary activity rule for educational facilities in the Industrial Zone as follows:</p> <p><u>20.1.2 Restricted Discretionary Activities</u></p> <p><u>(1) The activities listed below are restricted discretionary activities.</u></p> <p><u>(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.</u></p> <p><u>Activity.</u></p> <p><u>RDI Education Facilities</u></p> <p><u>Matters of discretion</u></p> <p><u>a. The extent to which it is necessary to locate the activity within the Industrial Zone.</u></p> <p><u>b. Reverse sensitivity effects of adjacent activities.</u></p> <p><u>c. The extent to which the activity may adversely impact on the transport network.</u></p> <p><u>d. The extent to which the activity may adversely impact on the streetscape.</u></p>

		<p><i>e. The extent to which the activity may adversely impact on the noise environment.</i></p> <p>AND</p> <p>Amend Rule 20.1.3 Non-Complying Activities as follows:</p> <p><i>NCI Any activity that is not listed as a permitted, <u>restricted discretionary</u> or discretionary activity.</i></p>
FSI345.130	Genesis Energy Limited	Oppose
FSI387.1223	Mercury NZ Limited	Oppose
785.40	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – ‘Oil Companies’	<p>Add a new activity to Rule 20.1.1 Permitted Activities, as follows:</p> <p><i><u>Service Station activity</u></i></p> <p><i>Activity Specific Conditions: <u>Nil</u></i></p> <p>OR</p> <p>Retain commercial and retail activities as permitted activities in Rule 20.1.1 Permitted Activities, with service stations being clearly defined as one or both activities.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>
588.25	Woolworths NZ Limited	<p>Add a rule within Section 20.1 Land Use - Activities as follows:</p> <p><i><u>20.1 [x] Restricted Discretionary Activities</u></i></p> <p><i><u>RDI</u></i></p> <p><i><u>(a) Supermarkets</u></i></p> <p><i><u>(b) The Council's discretion shall be limited to the following matters:</u></i></p> <p><i><u>i. Reverse sensitivity effects on industrial areas</u></i></p> <p><i><u>ii. Effects on vitality and amenity of nearby Business Town Centre zones.</u></i></p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.</p>
FSI087.15	Ports of Auckland Limited	Oppose
FSI388.978	Mercury NZ Limited	Oppose
697.612	Waikato District Council	Add a new rule numbered 20.1.2A for

		<p>“caretaker accommodation” as a restricted discretionary activity, as follows:</p> <p><u>20.1.2A Restricted Discretionary Activities</u></p> <p><u>RDI Caretaker accommodation</u></p> <p>(a) <u>Council’s discretion is restricted to the following matters:</u></p> <p>(i) <u>Purpose of the caretaker accommodation;</u></p> <p>(ii) <u>Health and safety of the occupants;</u></p> <p>(iii) <u>Noise;</u></p> <p>(iv) <u>Amenity.</u></p> <p>AND</p> <p>Consequential amendment to Rule 20.1.3 NCI, as follows:</p> <p><u>NCI</u></p> <p><u>Any activity that is not listed as a permitted, restricted discretionary or discretionary activity.</u></p>
FS1387.626	Mercury NZ Limited	Oppose

20.3.2 Analysis

195. EnviroWaste considers that the list of activities P1-P6 is too constrained and that the Industrial Zone should permit activities that are more land intensive and of a lower amenity value than those enabled by the Business Zone. The submissions from Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] make a similar request for specific activities to be added as permitted activities.
196. It is noted that all of these requested activities are currently permitted in Pokeno’s Light Industrial Zone, with the exception of processing, storage, distribution and sale (wholesale or retail) of aggregates. This is a permitted activity in Pokeno’s Industrial 2 Zone.
197. In considering the submitters’ request, I looked at these definitions of ‘industrial activity’ and ‘ancillary activity’ in the National Planning Standards.

industrial activity

means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

ancillary activity

means an activity that supports and is subsidiary to a primary activity.

198. The activities listed in the submission points do not appear to be fully accommodated in the definition. Only the processing, storage, distribution and sale (wholesale or retail) of aggregates would be captured by the definition of industrial activity. It is noted that a recommendation in the s42A report for Hearing 5 (Definitions) is to add the definitions for ‘industrial activity’ and ‘ancillary activity’ from the National Planning Standards to Chapter 13 in the PWDP. I support the use of these terms as far as the industrial zones are concerned.
199. I consider that the request has merit. It is appropriate that these types of space-dependent activities be enabled in the Industrial Zone, rather than in main retail areas where properties tend to be much smaller, and where there is a heavy reliance on pedestrian traffic. From my

observations, space-dependent business activities are typical of industrial locations throughout New Zealand, and it would be inappropriate to require them to obtain resource consent unless there was good reason.

200. I therefore recommend that the submission be accepted and that all of the requested list of permitted activities be added as P7-P13 in Rule 20.1.1.
201. Another solution could be to provide a permitted activity rule for an ancillary (or accessory) activity, subject to this term being defined. As a guide, the following three definitions are quoted from the Auckland Unitary Plan, Hamilton City District Plan and Tauranga City District Plan respectively:
- ‘Accessory activities – activities located on the same site as the primary activity, where the activity is incidental, and serves a supportive function of the primary activity’* (Auckland Unitary Plan (AUP))
- ‘Ancillary – means an activity or structure which is subordinate or subsidiary to the principal activity on the site.’* (Hamilton City District Plan)
- ‘accessory building, structure or activity – a building, structure or activity which is detached from, and the use/operation of which is incidental to, that of any principal building or activity that may be established as a permitted activity on the same site, and in relation to a site on which no principal building has been erected, is incidental to the activities which may be established as a permitted activity on the site. This term does not include a secondary independent dwelling unit or ancillary retail and offices, or a caravan or other mobile forms of accommodation.’* (Tauranga City District Plan)
202. Alternatively, a far more practical solution to satisfy the submitters’ relief would be a decision to introduce the National Planning Standard’s definition of ‘ancillary activity’ as a permitted activity in the industrial zones.
203. The introduction of ‘ancillary activity’ into Rule 20.1.1 may require consequential deletion of P4 (office ancillary to an industrial activity) and P6 (ancillary retail).
204. It is noted that EnviroWaste considers their list of permitted activities to be a minimum to satisfy their relief. They are invited to provide further detail at the hearing as to how this rule could be further amended, while remaining within the scope of their submission.
205. EnviroWaste New Zealand [302] requests a new permitted activity rule to enable a building to be constructed for any permitted activity. They consider that the activity status of buildings is unclear. This concern is similarly raised by Buckland Marine Limited [465], Holcim (New Zealand) Limited [766] and Van Den Brink Group [633].
206. Section 20.3 sets out the development standards for any building in the Industrial Zone. However, the submitters may be querying whether, as a starting point, any building is permitted. This may be because Rule 20.1.1 sets out permitted activities, as opposed to permitted buildings.
207. I consider that these submitters do raise a valid point in that the activity rule section does not explicitly permit buildings that accommodate permitted land use activities. This appears to be the result of the provisions being structured so that there is a clear divide between the rules for activities and buildings.
208. A potential solution which I have recommended is to add a new category (shown as P15) in Rule 20.1 that reads:

'construction or demolition of, or alteration or addition to, a building'.

I have recommended the same provision shown as P9 in Rule 21.1 for the Heavy Industrial Zone.

209. Fire and Emergency New Zealand [378] request that provision be made in Rule 20.1.1 for emergency services training and management activities, or emergency service facilities. It would appear that the PWDP has inadvertently not provided for these types of activities/services in any part of the district.
210. This matter is linked to the framework of provisions sought by this submitter for a number of zones, including Hearing 6 (Village Zone). I consider it entirely appropriate for this type of activity to be permitted in both the Industrial Zone and Heavy Industrial Zone. This is because the effects of all activities undertaken by Fire and Emergency New Zealand, particularly noise from sirens, fire trucks and vehicles used by employees or volunteers, are experienced infrequently and I consider that these effects can be accommodated in the Industrial Zone where amenity levels are less than other zones, particularly residential zones.
211. I note the recommended definition of 'emergency services training and management activities' is considered in the earlier Hearing 5 (Definitions) and accordingly, this is reflected in a new permitted activity rule shown as P13 in Rule 20.1.1 below and in Attachment 3.
212. Tuakau Proteins Limited [402] operates a meat waste by-product rendering operation on Lapwood Road in Tuakau. Their submission expresses concern that this operation might not be captured by the PWDP definition of 'industrial activity'. Van Den Brink Group [FS1 193.13] and Holcim (New Zealand) Limited both support the submitter's concerns.
213. I note that Tuakau Proteins Limited has requested amendments to the definitions of 'industrial activity' and 'rural industry' in order to explicitly provide for their by-product rendering operation. These requests were considered as part of Hearing 5 (Definitions).
214. However, it is my view that Tuakau Proteins' operation does fit the PWDP's definition of 'industrial activity', in that it involves the bulk production (including the manufacture) of materials or products. The term 'manufacture' is not defined in the PWDP, although with the default to the Oxford Dictionary (3rd edition), this means 'the business or industry of producing goods in large quantities in factories', etc.
215. It is also my view that Tuakau Proteins' operation fits the following definition of 'industrial activity' in the National Planning Standards:

industrial activity

means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

216. Therefore, given that the operation fits within the definition of industrial activity (and industrial activity is a permitted activity in the Industrial Zone), I consider no amendments are necessary.
217. Buckland Marine Limited [465] considers that Rule 20.1.1 does not provide for their mechanical workshop in the Industrial Zone. Van Den Brink Group [FS1 193.14] and Holcim (New Zealand) Limited [FS1 326.14] both support in part the submitter's position insofar as it gives effect to their primary relief.

218. In my view, the submitter's existing activity is sufficiently captured within the term 'industrial activity' as defined in both the PWDP and the National Planning Standards, as they refer to the repair of goods.
219. Buckland Marine's request for provisions that deal with buildings is similar to the concern raised by EnviroWaste, Holcim and Van Den Brink.
220. The Department of Corrections [496] considers that the Industrial Zone should provide for community correctional facilities. The PWDP defines a 'correctional facility' as
- '... a facility where people are detained in the justice system. It includes a prison, detention centre, youth detention centre and secure unit.'*
221. It is noted that the PWDP provides for correctional facilities in the Rural Zone as a discretionary activity, although prisons are more typically managed through a designation process.
222. In my view, it is important to retain industrial land for industrial purposes unless there are compelling reasons. A default to a non-complying activity is therefore appropriate. However, it may be that the submitter's relief is already satisfied through Rule 20.1.1 P2 which permits trade and industry training activities. The submitter is invited to comment on this at the hearing.
223. Tuakau Business Park Limited [498] requests that Rule 20.1.1 permit living quarters above warehousing/manufacturing activities. No reasons have been provided for these requested amendments. The submitter is invited to provide this detail at the hearing.
224. The submitter may, however, find partial relief through my recommendation to provide accommodation for a caretaker or security personnel as a new restricted discretionary activity in the Industrial Zone.
225. Ports of Auckland Limited [578] requests that the list of permitted activities in Rule 20.1.1 be expanded to provide for worker's accommodation and rail operations, including associated sidings, structures, and earthworks within the Horotiu Industrial Park. Similarly Waikato District Council [697] requests that caretaker accommodation be provided as a restricted discretionary activity in the Industrial Zone.
226. The request for worker's accommodation is not accepted because there would be no managed limit and arguably other zones already provide for residential use by workers employed in industry where reverse sensitivity are not experienced between incompatible activities.
227. However, I acknowledge that there may be a situation when it is necessary to provide live-in accommodation for a caretaker or security personnel. This type of residential activity in the Industrial Zone is currently permitted in the operative Waikato Section. The operative Franklin Section permits more general residential accommodation in the Business Zone to cater for a work/live arrangement, provided that the residential component is located above ground level. However it must be acknowledged that the Business Zone encompasses both retail and industrial land uses.
228. It is considered appropriate to carry over this type of operative provision into the PWDP, but as a restricted discretionary activity rather than a permitted activity. This would enable Council to exercise discretion in deciding whether the particular site is suitable for this type of residential use and enable conditions to be imposed and monitored so that occupancy is

limited to caretakers/security personnel, who should expect a lower level of surrounding amenity compared to residential zones.

229. It is also considered appropriate to impose a gross floor area limit to ensure that industrial land is used primarily for industrial activities. In this regard, alignment is recommended with the maximum 70m² gross floor area stipulated for a minor dwelling in the Rural Zone. A new restricted discretionary rule is therefore recommended, shown as Rule 20.1.1A in Attachment 3.
230. The submitter's other requests concerning the introduction of a new Specific Area 20.6 for Horotiu Industrial Park are addressed in Part D of this report.
231. The Ministry of Education [781] requests that education facilities be provided for as a restricted discretionary activity in the Industrial Zone, rather than the PWDP's default to a non-complying activity.
232. Genesis Energy Limited [FS1345.130] opposes this request, as it considers that a discretionary activity status is more appropriate for these types of sensitive activities within a lower amenity environment such as the industrial zone.
233. In my view, it is important to retain industrial land for industrial activities unless there is a compelling reason not to. It is particularly important to manage the location of all sensitive activities, otherwise providing for them as either a restricted discretionary activity or discretionary activity would send a signal that industrial activities and the management of reverse sensitivity effects within the Industrial Zone (particularly noise, odour and dust) are not prioritised. It is therefore considered appropriate to retain a non-complying activity status for education facilities in the Industrial Zone.
234. This same concern with non-compatible activities was noted during the hearing for Hearing 3 (Strategic Objectives), where the Ministry of Education outlined their request for specific objectives and policies that provide for education facilities as a restricted discretionary activity for all zones.
235. The 'Oil Companies' [785] request that service stations be permitted in the Industrial Zone. It would appear that the PWDP classifies this type of land use as a non-complying activity.
236. In my view, neither activity status is appropriate. Service stations need to be strategically located, as they typically seek relatively large, highly visible (often corner) sites with high levels of passing vehicles. They can offer ancillary retail and sometimes contain car-wash facilities and mechanical repair workshops. I consider that a service station is different from a truckstop in that they typically provide a wider range of goods and services.
237. I consider that a restricted discretionary activity status is more appropriate. This provides a greater level of certainty for service stations but also enables Council to assess the suitability of the site, having particular regard to reverse sensitivity effects, especially if the site is in close proximity to a more sensitive zone or land use.
238. While any industrial activity must manage reverse sensitivity effects, this matter could be relevant for some industrial-zoned sites outside of urban areas which have been spot-zoned only because they used to, or still do, accommodate a specific industry. A resource consent application could also allow consideration of the nature and scale of the service station activity and whether there would be any significant adverse effect on the supply of industrial land in that particular location.

239. Woolworths NZ Limited [588.25] requests a new restricted discretionary activity for supermarkets in the Industrial Zone, whereby Council's discretion is limited to reverse sensitivity effects on industrial areas and effects on the vitality and amenity of nearby Business Town Centre zones. The PWDP provides for a 'retail activity' (defined as the sale or hire of goods or services or equipment directly to the public) as a discretionary activity in the Industrial Zone. It is considered that a supermarket would fit within this definition.
240. Ports of Auckland Limited [FS1087.15] oppose the submitter's request and also draw on the reason that the use of industrial-zoned land for supermarkets has the potential to undermine the supply of industrial land in Waikato district.
241. Hamilton City Council [535] opposes the provision of offices and retail activities as a discretionary activity in the Industrial Zone and requests that these be non-complying activities.
242. In my view, supermarkets should remain a discretionary activity in the Industrial Zone. This is because the scope of matters to be considered should be wider than being limited to just reverse sensitivity effects and impact on town centres. For example, the supply of industrial land, and vehicular and pedestrian traffic, and the character and amenity are also relevant considerations.

20.3.3 Recommendation

243. For the reasons given above, it is recommended that the hearings panel:
- a. **Accept** the submission from EnviroWaste New Zealand Limited [302.50] and amend Rule 20.1.1 as shown below and in Attachment 3
 - b. **Reject** the further submission from *Mercury NZ Limited* [FS1386.339]
 - c. **Accept** the submission from Van Den Brink Group [633.51]
 - d. **Reject** the further submission from *Mercury NZ Limited* [FS1387.51]
 - e. **Accept** the submission from Holcim (New Zealand) Limited [766.11] and amend Rule 20.1.1 as shown in Attachment 3
 - f. **Reject** the further submission from *Mercury NZ Limited* [FS1387.1145]
 - g. **Accept** the submission from EnviroWaste New Zealand Limited [302.6]
 - h. **Reject** the further submission from *Mercury NZ Limited* [FS1386.341]
 - i. **Accept** the submission from Fire Emergency New Zealand [378.102] and the further submission from *Pareoranga Te Kata* [FS1035.209]
 - j. **Reject** the further submission from *Mercury NZ Limited* [1388.68].
 - k. **Reject** the submission from Tuakau Proteins Limited [402.5] and the further submissions from *Van Den Brink Group* [FS1193.13], *Holcim (New Zealand) Limited* [FS1326.13]
 - l. **Accept** the further submission from *Mercury NZ Limited* [FS1388.139].
 - m. **Accept** the submission from Buckland Marine Limited [465.1] and further submissions from *Van Den Brink Group* [FS1193.14], *Holcim (New Zealand) Limited* [FS1326.14]

- n. **Reject** the further submission from *Mercury NZ Limited* [FS1388.393.]
- o. **Reject** the submission from the Department of Corrections [496.8]
- p. **Accept** the further submission from *Mercury NZ Limited* [FS1388.495].
- q. **Reject** the submission from Tuakau Business Park Limited [498.5]
- r. **Accept** the further submission from *Mercury NZ Limited* [FS1388.502].
- s. **Accept in part** the submission from Ports of Auckland Limited [578.74] to the extent that a new restricted discretionary activity rule is added shown as Rule 20.1.1A in Attachment 3.
- t. **Reject** the further submission from *Mercury NZ Limited* [FS1388.865].
- u. **Accept** the submission from Van Den Brink Group [633.53]
- v. **Reject** the further submission from *Mercury NZ Limited* [FS1387.53]
- w. **Reject** the submission from Holcim (New Zealand) Limited [766.13] and further submission from *Mercury NZ Limited* [FS1387.1147]
- x. **Reject** the submission from the Ministry of Education [788.24]
- y. **Accept** the further submissions from *Genesis Energy Limited* [1345.130] and *Mercury NZ Limited* [FS1387.1223]
- z. **Reject in part** the submission from the 'Oil Companies' [785.40] to the extent that a new restricted discretionary activity rule shown as RD2 is added to new Rule 20.1.1A shown in Attachment 3
- aa. **Reject** the submission from Woolworths NZ Limited [588.25]
- bb. **Accept** the further submissions from *Mercury NZ Limited* [FS1388.978] and *Ports of Auckland* [FS1087.15]
- cc. **Accept in part** the submission from Waikato District Council [697.612] and introduce new Rule 20.1.1A as shown in Attachment 3
- dd. **Reject** the further submission from *Mercury NZ Limited* [FS1387.626]

20.3.4 Recommended Amendments

Activity		Activity-specific conditions
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 ² gfa gross floor area ; or Does not exceed 30% of all buildings on the site.
P5	Food outlet	Less than 200m ² gfa [697.610]

P6	Ancillary retail	Does not exceed 10% <u>gross floor area</u> of all buildings on the site.
<u>P7</u>	<u>Hire centres</u>	<u>Nil</u>
<u>P8</u>	<u>Wholesale</u>	<u>Nil</u>
<u>P9</u>	<u>Trade supply outlet</u>	<u>Nil</u>
<u>P10</u>	<u>Transport depot</u>	<u>Nil</u>
<u>P11</u>	<u>Garden centres</u>	<u>Nil</u>
<u>P12</u>	<u>Retailing of agricultural and industrial motor vehicles and machinery</u>	<u>Nil</u>
<u>P13</u>	<u>Emergency services training management activities</u>	<u>Nil</u>
<u>P14</u>	<u>Ancillary activity</u>	<u>Nil</u>
<u>P15</u>	<u>Construction or demolition of, or alteration or addition to, a building</u>	<u>Nil</u>

20.3.5 Section 32AA evaluation

Effectiveness and efficiency

244. I consider that the new permitted activities are an effective and efficient method to implement the policies and objectives set out in Section 4.6. I consider that it would not be reasonable to apply a resource consent process for these activities that I would expect to be located within an Industrial Zone. Without these permitted activities, it is my view that the economic growth of industry in the district would be compromised.

Costs and benefits

245. The amendments would remove potential resource consent applications for the activities listed as P7 to P15 and associated time and monetary costs. The benefits relate to economic growth of industry in the district and providing for the health and safety of the community which is a necessary consideration in section 5(2) of the RMA.

Risk of acting or not acting

246. I consider that not acting and leaving Rule 20.1.1 unchanged, would risk unacceptable costs being borne by the community with having to obtain resource consents for activities that I consider appropriate for the Industrial Zone.

Decision about most appropriate option

247. It is my opinion that the recommended amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified version, in that they permit activities that I consider appropriate in the Industrial Zone.

20.4 Rule 20.1.1 Permitted Activities

20.4.1 Submissions

248. Nine submissions have been received in respect to notified Rule 20.1.1. These request amendments that:

- a. Clarify the rules
- b. Remove gross area limits in the conditions.

Submission Point	Submitter	Decision Requested
697.607	Waikato District Council	<p>Amend Rule 20.1.1 (1) Permitted Activities, as follows:</p> <p><u>(a) Activity-specific conditions:</u></p> <p>(a)(b) Land Use – Effects rules in Rule 22.2 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);</p> <p>(b)(c) Land Use – Building rules in Rule 22.3 (unless the activity <u>specific</u> rule and/or activity-specific conditions identify a condition(s) that does not apply);</p> <p>(c) Activity-specific conditions.</p>
FSI 264.15	Bootleg Brewery	Oppose
FSI 387.622	Mercury NZ Limited	Oppose
302.5	EnviroWaste New Zealand Limited	<p>Delete from Rule 20.1.1 Permitted Activities any restriction on gross floor area</p> <p>AND</p> <p>Amend Rule 20.1.1 Permitted activities to allow for any office that is ancillary to a permitted activity.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.</p>
FSI 386.340	Mercury NZ Limited	Oppose
633.52	Van Den Brink Group	<p>Delete any restrictions on gross floor area from Rule 20.1.1 Permitted Activities.</p> <p>AND</p> <p>Amend Rule 20.1.1 Permitted Activities to allow for any office which is ancillary to a permitted activity.</p> <p>AND</p>

		Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI387.52	Mercury NZ Limited	Oppose
498.2	Tuakau Business Park Limited	Amend Rule 20.1.1 P6 Permitted Activities, as follows: <i>Ancillary Retail - Does not exceed +0% <u>30%</u> of all buildings on the site.</i>
FSI388.499	Mercury NZ Limited	Oppose
543.3	Fellrock Developments Limited and TTT Products	Retain ancillary retail (P6) and offices ancillary to an industrial activity (P4) being permitted activities (Rule 20.1.1); AND Amend Rule 20.1.1 P4 and P6 Permitted Activities, as follows: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Activity ... Office ancillary to an industrial activity</p> <p>P4</p> <p>... Ancillary retail</p> <p>P6</p> </div> <div style="width: 45%;"> <p><i>Activity-specific conditions</i> Less than 100m² gfa; or Does not exceed 30% of all buildings on the site.<u>Nil</u> Does not exceed 10% of all buildings on the site.<u>Nil</u></p> </div> </div>
FSI388.752	Mercury NZ Limited	Oppose
697.609	Waikato District Council	Amend Rule 20.1.1 P4(a) Office ancillary to an industrial activity, as follows: (a) Less than 100m ² <u>gross floor area</u> gfa ; or
FSI264.16	Bootleg Brewery	Oppose
FSI387.624	Mercury NZ Limited	Oppose
697.610	Waikato District Council	Amend Rule 20.1.1 P5(a) Food outlet, as follows: (a) Less than 200m ² <u>gross floor area</u> gfa .
697.611	Waikato District Council	Amend Rule 20.1.1 P6(a) Ancillary retail, as follows: (a) Does not exceed 10% <u>gross floor area</u> of all buildings on the site.
FSI264.17	Bootleg Brewery	Oppose
FSI387.625	Mercury NZ Limited	Oppose
766.12	Holcim (New Zealand)	Delete any restriction on gross floor area in Rule

	Limited	20.1.1- Permitted Activities. AND Amend Rule 20.1.1 Permitted Activities to allow for any office which is ancillary to a permitted activity. AND Any additional or consequential relief to give effect to the matters raised in the submission
FS1387.1146	Mercury NZ Limited	Oppose

20.4.2 Analysis

249. Waikato District Council [697] requests that the ‘navigation’ paragraphs for permitted activities in Rule 20.1.1 be amended to re-order the requirements.
250. Bootleg Brewery [FS1264] opposes the submitter’s request on the basis that the rules unnecessarily restrict or result in additional cost to operators. They support a framework which provides for the permissive operation of a brewery on the site containing the former Matangi Dairy Factory, and consider that these rules should not apply to them
251. A reordering of paragraphs is considered a clerical issue, rather than needing to rely on a submission. However, the intended amendments are shown below and in Attachment 3.
252. EnviroWaste New Zealand Limited [302] requests that the 100m² gross floor area restriction for offices in the Industrial Zone (Rule 20.1.1 P4 (a)) be deleted. It considers that there is no reason to arbitrarily restrict offices where they support the efficient and effective operation of a permitted activity. Van Den Brink Group [633] seek similar relief as does Holcim (New Zealand) Limited [766].
253. In my view, it is necessary to permit offices that are ancillary to an industrial activity. However, it is equally important to manage the amount of land covered by office buildings so the prime objective of using industrial zones for industrial activities is not undermined.
254. Because the definition of ‘ancillary activity’ in the National Planning Standards does not refer to any building area calculation, there is some risk (albeit small) that the administrative component could dominate the industrial activity component simply by covering most of the site in office buildings, thus compromising the effective and efficient use of industrial land. In turn, this could undermine the integrity of Objective 4.6.1 (Economic growth of industry) and Policy 4.6.4 (Maintain industrial land for industrial purposes).
255. I consider it necessary to provide certainty to what is meant by the word ‘ancillary’ by retaining the gross floor area limit for offices. I note that the Auckland Unitary Plan has adopted a similar approach. There may be circumstances when it is unreasonable to comply with the activity-specific conditions in Rule 20.1.1 P4, however the merits can be considered in an application for resource consent.
256. Tuakau Business Park Limited [498] requests that the percentage for ancillary retail be increased to 30%. No reasons have been provided for these requested amendments. The submitter is invited to provide this detail at the hearing.

257. Fellrock Developments Limited and TTT Products [543] support Rule 20.1.1 P4 which permits the provision of offices that are ancillary to an industrial activity and Rule 20.1.1 P6 which permits ancillary retail activities in an Industrial Zone. However, they seek the deletion of the activity-specific conditions that restrict the amount of building area. I consider it is necessary to permit offices and retail activities that are ancillary to an industrial activity. However, it is equally important to manage building development so that the prime objective of using industrial zones for industrial activities is not undermined.
258. The reasons for rejecting these requests are the same as my response to EnviroWaste New Zealand Limited [302.5]. The absence of any control on buildings for offices or ancillary retail risks these becoming the dominant land use, thus compromising the effective and efficient use of industrial land. In turn, this could undermine the integrity of Objective 4.6.1 (Economic growth of industry) and Policy 4.6.4 (Maintain industrial land for industrial purposes).
259. It is therefore considered necessary to provide certainty as to what the word 'ancillary' means by retaining the gross floor area limits. There may be circumstances when it is unreasonable to comply with the activity-specific conditions in Rules 20.1.1 P4 and P6, however the merits can be considered in an application for resource consent.
260. Waikato District Council [697] requests that the abbreviation 'gfa' in the activity-specific condition for Rule 20.1.1 P4 and P5 be deleted in favour of 'gross floor area' so that this term is clear. I agree with this request, as it provides clarity for the district plan user and enables a direct electronic link to the definition of this term in Chapter 13.
261. Bootleg Brewery [FS1264] opposes submission point [697.609]. However, it would appear that their main request is for their Matangi site to be exempt from the standard rules and instead, be addressed through a bespoke set of provisions. The removal of the abbreviation 'gfa' is not relevant to their position. For this reason, it is recommended that this specific further submission point be rejected as far as Rule 20.1.1 P4 is concerned.
262. Waikato District Council [697] requests amendment to the activity-specific condition for Rule 20.1.1 P6 so that it is clear that the 10% measurement relates to gross floor area. This request is consistent with other gross floor area restrictions in this rule. The request provides clarity for the district plan user and enables a direct electronic link to the definition of this term in Chapter 13.

20.4.3 Recommendation

263. For the reasons given above, it is recommended that the hearings panel:
- a. **Accept** the submission from Waikato District Council [697.607] to the extent of the amendments to Rule 20.1.1 shown in Attachment 3
 - b. **Reject** the further submission from *Bootleg Brewery* [FS1264.15] and *Mercury NZ Limited* [FS1387.622]
 - c. **Reject** the submission from EnviroWaste New Zealand Limited [302.5]
 - d. **Accept** the further submission from *Mercury NZ Limited* [FS1386.340].
 - e. **Reject** the submission from Van Den Brink Group [633.52]
 - f. **Accept** the further submission from *Mercury NZ Limited* [FS1387.52].
 - g. **Reject** the submission from Tuakau Business Park Limited [498.2]

- h. **Accept** the further submission from *Mercury NZ Limited* [FS1388.499].
- i. **Reject** the submission from Fellrock Developments Limited and TTT Products [543.3]
- j. **Accept** the further submission from *Mercury NZ Limited* [FS1388.752].
- k. **Accept** the submission from Waikato District Council [697.609] and amendments the activity-specific condition in Rule 20.1.1 P4 as shown in Attachment 3
- l. **Reject** the further submissions from *Bootleg Brewery* [FS1264.16] and *Mercury NZ Limited* [FS1387.624]
- m. **Accept** the submission from Waikato District Council [697.610] and amend Rule 20.1.1 P5 as shown in Attachment 3
- n. **Accept** the submission from Waikato District Council [697.611] and amend Rule 20.1.1 P6 as shown in Attachment 3
- o. **Reject** the further submissions from *Bootleg Brewery* [FS1264.17] and *Mercury NZ Limited* [FS1387.625]
- p. **Reject** the submission from Holcim (New Zealand) Limited [766.12]
- q. **Accept** the further submission from *Mercury NZ Limited* [FS1387.1146]

20.4.4 Recommended Amendments

20.1.1 Permitted Activities

(a) The following activities are permitted activities if they meet all the following:

(a) Activity specific conditions;

(b) Land Use – Effects rules in **Rule 20.2** (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);

(c) Land Use – Building rules in **Rule 20.3** (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);

20.4.5 Section 32AA evaluation

264. The above changes I have recommended for Rule 20.1.1 are clerical and I consider that a detailed section 32AA evaluation is not necessary in this instance.

20.5 Rule 20.1.2 Discretionary Activities

20.5.1 Submissions

265. Four submissions have been received in respect to Rule 20.1.2 which request:

- a. amendments to clarify when a discretionary activity test applies
- b. a permitted activity status for a resource recovery and recovery operation
- c. a non-complying activity status for offices, rather than a discretionary activity.

Submission Point	Submitter	Decision Requested
697.613	Waikato District Council	Amend Rule 20.1.2 DI Discretionary Activities, to read as follows: <i>Any permitted activity that does not comply with <u>one or more of the</u> an activity specific conditions in Rule</i>

		20.1.1.
FSI387.627	Mercury NZ Limited	Oppose
697.614	Waikato District Council	Delete Rule 20.1.2 D2 Discretionary Activities.
FSI387.628	Mercury NZ Limited	Oppose
498.3	Tuakau Business Park Limited	Delete resource recovery centres and recovery operations from Rule 20.1.2 D3 Discretionary Activities AND Add "resource recovery centres and recovery operation" to Rule 20.1.1 Permitted Activities
FSI388.500	Mercury NZ Limited	Oppose
535.68	Hamilton City Council	Delete 20.1.2 'D6 An office' and 'D7 A retail activity' from the list of discretionary activities. AND Add an office and a retailing activity to Rule 20.1.3 Non-Complying Activities, so that they are instead considered as non-complying activities. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI089.10	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Support in part
FSI388.707	Mercury NZ Limited	Oppose

20.5.2 Analysis

266. Waikato District Council [697.613] requests amendments to Rule 20.1.2 D1 to make it clear that this rule applies to all activities that do not comply with one or more activity conditions. While I recommend this submission point be accepted, the hearing panel may wish to consider an alternative where the word 'an' is replaced with 'any', which might remove possible ambiguity - i.e. does D1 apply when there is a breach of only one activity-specific condition, or does it apply when there is a breach of two or more activity-specific conditions?
267. Waikato District Council [697] requests deletion of D2 in Rule 20.1.2 which is a catch-all rule designed to capture any activities that are not otherwise listed. The reason given is that a different activity status may be specified within Rule 20.2 (Effects) or Rule 20.3 (Building) if a development does not comply with either of these two rules.
268. The intention of this amendment is unclear because it would result in an inconsistency with the list of discretionary activities in other chapters. A further inconsistency is noted, in that

the notified wording of D1 is missing the word 'permitted'. I consider that this submission point needs to be rejected.

269. Tuakau Business Park [498] opposes the discretionary activity status for resource recovery centres and recovery operations and seeks that this instead be a Permitted activity. No reasons are provided. While this is not a specific activity in the Industrial Zone, these types of activities are included in the PWDP's definition of 'waste management facility' which is activity D3.
270. Hamilton City Council [535] seeks deletion of an office (D6) and a retail activity (D7) from the list of discretionary activities, with these instead being non-complying activities.
271. The 'Oil Companies' [FS1089.10] state that they are not directly opposed to the discretionary activity status, but are concerned that, with no definition of 'service station', the retail component of such activity could be inadvertently captured under the general definition for 'retail activity'. It is noted that Rule 20.1.1 P6 permits ancillary retail activities, although this submitter may find additional relief in the recommendation to provide for service stations as a restricted discretionary activity in the Industrial Zone which I have addressed elsewhere in this report.
272. In my view, it is appropriate that offices and retail activities have a discretionary activity status. This is because the nature and scale of retail activities can vary considerably. For example, 'big box retail' such as The Warehouse, Harvey Norman and Bunnings, require large sites outside of urban centres. Some office developments may also not be mutually dependent on urban centres.
273. A discretionary activity status is still onerous and a developer would still need to demonstrate that the site is suitable for that particular activity, and whether there would be any significant adverse effect on the supply of industrial land in that particular location, as well as considering how such a proposal would meet the objectives and policies.
274. Policy 4.6.2 recognises that a range of industrial and other compatible activities are appropriate in the industrial Zone. A discretionary activity would allow a proposal to be assessed against this specific policy and other objectives and policies. I consider a discretionary activity is more appropriate for offices and retail than non-complying, especially given that these land uses can establish as a permitted activity anyway if they are 'ancillary'.

20.5.3 Recommendation

275. For the reasons given above, I recommend that the hearings panel:
 - a. **Accept** the submission from Waikato District Council [697.613]
 - b. **Reject** the further submission from *Mercury NZ Limited* [FS1387.627]
 - c. **Reject** the submission from Waikato District Council [697.614]
 - d. **Accept** the further submission from *Mercury NZ Limited* [FS1387.628]
 - e. **Reject** the submission from Tuakau Business Park Limited [498.3]
 - f. **Accept** the further submission from *Mercury NZ Limited* [FS1388.500]
 - g. **Reject** the submission from Hamilton City Council [535.68] and further submissions from the 'Oil Companies' [FS1089.10]
 - h. **Accept** the further submission from *Mercury NZ Limited* [FS1388.707]

20.5.4 Section 32AA evaluation

276. No changes are recommended for Rule 20.1.2 and therefore no section 32AA evaluation is necessary.

20.6 Rule 20.1.3 Non-Complying Activities

20.6.1 Submissions

277. Two submissions have been received on Rule 20.1.3. The 'Oil Companies' supports this rule. Ports of Auckland Limited requests that various activities be listed as non-complying.

Submission Point	Submitter	Decision Requested
785.74	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – 'Oil Companies'	Retain the non-complying activity status for residential activities in the Industrial Zone (Rule 20.1.3 NCI Non-Complying Activities).
578.58	Ports of Auckland Limited	<p>Amend Rule 20.1.3 Non-complying Activities, as follows:</p> <p>NC1 Any activity that is not listed as a permitted or discretionary activity.</p> <p><u>NC1A Retail not otherwise provided for</u></p> <p><u>NC2 Offices not otherwise provided for</u></p> <p><u>NC3 Commercial services</u></p> <p><u>NC4 Community activities</u></p> <p><u>N5 Noise sensitive activities</u></p> <p><u>N6 Places of assembly</u></p> <p><u>N7 Sensitive land uses</u></p> <p>AND</p> <p>Amend Rule 20.1.2-Discretionary Activities as a consequential amendment, as follows:</p> <p>D1 Any permitted activity that does not comply with an activity specific condition in Rule 20.1.1.</p> <p>D2 Any activity that does not comply with Land Use Effects Rule 20.2 or Land Use Building Rule 20.3 unless the activity status is specified as controlled, restricted discretionary or noncomplying.</p> <p>D3 A waste management facility</p> <p>D4 Hazardous waste storage, processing or disposal</p> <p>D5 An extractive industry</p> <p>D6 An office <u>Ancillary offices not provided for as a</u></p>

		<p><u>permitted activity</u></p> <p><u>D7 Any activity that is not listed as a permitted, discretionary or non-complying activity.</u></p> <p>OR</p> <p>Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see schedule 2 of the submission for specific reasons).</p> <p>AND</p> <p>Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>
FSI 193.15	Van Den Brink Group	Support
FSI 326.15	Holcim (New Zealand) Limited	Support
FSI 388.859	Mercury NZ Limited	Oppose

20.6.2 Analysis

278. The 'Oil Companies' [785] support Rule 20.1.3 NCI, which assigns a non-complying activity status to residential activities in the Industrial Zone. I agree with this status, but note my recommendation to provide a new restricted discretionary activity rule for caretakers/security personnel in the Industrial Zone. I consider this status to be appropriate to enable each proposal to be considered on its merits.
279. Ports of Auckland Limited [578] considers that activities not specifically provided for in the Industrial Zone should default to a discretionary activity to be consistent with section 87B of the RMA, rather than considered as a non-complying.
280. Van Den Brink Group [FSI 193] and Holcim (New Zealand) Limited [FSI 326] both support the submitter's requests.
281. I consider that there are some instances where a non-complying activity status is necessary to clearly signal that certain activities are not anticipated and need to be discouraged from locating in an Industrial Zone. Examples would include residential housing (which is most appropriate in residential zones) and sensitive land uses (such as schools), where it would be clearly undesirable to co-locate incompatible land uses. However, I consider that the requests by this submitter can be adequately dealt with by providing for a new Development Area 20.6 which is discussed in Part D of this report.

20.6.3 Recommendation

282. For the reasons given above, I recommend that the hearings panel:
- Accept** the submission from the 'Oil Companies' [785.74].
 - Accept in part** the submission from Ports of Auckland Limited [578.58] and further submissions from Van Den Brink Group [FSI 193.15] and Holcim (New Zealand) Limited

[FS/326.15] and introduce a new Development Area 20.6 for Horotiu Industrial Park shown in Attachment D.

20.6.4 Section 32AA evaluation

283. The section 32AA evaluation for the recommended new Development Area 20.6 is located in Attachment D.

20.2 Land Use – Effects

284. Rule 20.2 addresses a wide range of environmental effects that are the result of land use activities. They seek to manage adverse effects from industrial activities within the Industrial Zone and on more sensitive environments outside of this zone.

21 Rule 20.2.1 Servicing and hours of operation

21.1.1 Submissions

285. Eight submissions have been received in respect to Rule 20.2.1. In summary these submissions seek:
- amendment to this rule so that the requirement is more definitive by replacing the word ‘may’ with ‘must’
 - a shift in the time frame for when servicing and operation of an industrial activity can occur when it adjoins a residential zone
 - retaining the rule as notified
 - deletion of this rule
 - application of this rule where there is an adjoining residential activity, and not just a residential zone

Submission Point	Submitter	Decision Requested
697.615	Waikato District Council	Amend Rule 20.2.1 PI Servicing and hours of operation, to read as follows: <i>Servicing and operation of an industrial activity adjoining any Residential, Village or Country Living Zone may <u>must</u> load or unload vehicles or receive customers or deliveries between 7.30am <u>6.00am</u> and 6.30pm <u>8.00pm</u>.</i>
302.7	EnviroWaste New Zealand Limited	Delete Rule 20.2.1 Servicing and hours of operation. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the

		submission.
543.4	Fellrock Developments Limited and TTT Products Limited	Delete Rule 20.2.1 Servicing and hours of operation.
633.54	Van Den Brink Group	Delete Rule 20.2.1 Servicing and hours of operation in its entirety. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
<i>FSI 187.19</i>	<i>Greig Developments No 2 Limited</i>	<i>Oppose</i>
749.148	Housing New Zealand Corporation	Amend Rule 20.2.1 PI Servicing and hours of operation as follows: <i>PI</i> <i>Servicing and operation of an industrial activity adjoining any <u>residential activity</u> and/or Residential, Village or Country Living Zone may load...</i> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
766.14	Holcim (New Zealand) Limited	Delete Rule 20.2.1 Servicing and hours. AND Any additional or consequential relief to give effect to the matters raised in the submission.
465.2	Buckland Marine Limited	Retain Rule 20.2.1 PI Servicing and hours of operation, as notified.
578.59	Ports of Auckland Limited	Retain Rule 20.2.1 Servicing and hours of operation, as notified.

21.1.2 Analysis

286. Four submitters seek to delete Rule 20.2.1 Servicing and hours of operation in its entirety. These are EnviroWaste New Zealand [302], Fellrock Developments Limited and TTT Products Limited [543], Holcim (New Zealand) Limited and Van Den Brink Group [633]. They consider that the rule is an unreasonable constraint on industrial activity.
287. I support deleting Rule 20.2.1 entirely. The primary effects generated from servicing and operation of an industrial activity appear to be limited to noise, glare and light spill, these

being effects that are already addressed by Rule 20.2.3 and Rule 20.2.4. There are many instances where industries operate 24/7 and it is therefore not necessary to further limit operations beyond rules that already manage these types of reverse sensitivity effects. It is considered that Rule 20.2.1 does not achieve Objective 4.6.1 (Economic growth of industry).

288. Greig Developments No 2 Limited [FS1187] opposes Van Den Brink Group's submission for the reason that the notified rule is highly appropriate to reduce reverse sensitivity effects between two quite different zones. This further submitter is invited to provide further detail at the hearing, but it is assumed they are referring to Van Den Brink's poultry abattoir located on Ryders Road in Tuakau which is currently located in an operative Business Zone. Greig Developments Limited owns adjacent land which is currently zoned Rural Residential and proposed for rezoning to Village.
289. In addition to other proposed rules that deal with adverse effects at an interface between an industrial and residential zone (such as noise and glare), existing resource consent conditions also manage effects from this poultry abattoir. I consider that the combination of rules elsewhere in the Plan and resource consent conditions appropriately address any adverse effects associated with hours of operation.
290. Housing New Zealand Corporation [749] requests amendment to Rule 20.2.1 PI so that it refers to any residential activity in addition to adjoining residential zone.
291. Waikato District Council requests that Rule 20.2.1 Servicing and hours of operation be extended.
292. Buckland Marine Limited [465] supports Rule 20.2.1 Servicing and hours of operation.
293. Ports of Auckland Limited [578] supports Rule 20.2.1.
294. As I have recommended deletion of Rule 20.2.1, I therefore reject these submissions that seek that this rule be retained or amended.

21.1.3 Recommendation

295. For the reasons given above, it is recommended that the hearing panel:
 - a. **Reject** the submission from Waikato District Council [697.615]
 - b. **Accept** the submission from EnviroWaste New Zealand Limited [302.7]
 - c. **Accept** the submission from Fellrock Developments Limited and TTT Products Limited [543.4]
 - d. **Accept** the submission from Van Den Brink Group [633.54].
 - e. **Reject** the further submission from *Greig Developments No 2 Limited* [FS1187.19]
 - f. **Reject** the submission from Housing New Zealand Corporation [749.148]
 - g. **Accept** the submission from Holcim (New Zealand) Limited [766.14]
 - h. **Reject** the submission from Buckland Marine Limited [465.2]
 - i. **Reject** the submission from Ports of Auckland Limited [578.59]

21.1.4 4.4 Section 32AA evaluation

296. As I am recommending that Rule 20.2.1 be deleted, I do not consider it necessary to carry out a full section 32AA evaluation.

22 Rule 20.2.2 Landscape planting

22.1.1 Introduction

297. Submissions on Rule 20.2.2 seek various amendments that:

- a. Change the activity status for landscaping from a controlled activity to a permitted activity
- b. Add rules to limit the height of amenity planting in the front yard to prevent interference with overhead lines.

22.1.2 Submissions

Submission Point	Submitter	Decision Requested
697.608	Waikato District Council	<p>Delete the word "Nil" from Rule 20.1.1 PI Industrial activity the activity specific conditions wording;</p> <p>AND</p> <p>Add to Rule 20.1.1 PI Industrial activity activity specific conditions, as follows:</p> <p><u>(a) where the industrial activity adjoins a Residential, Village, Reserve or Country Living Zone on the side or rear boundary of the site, a 3m wide landscaped strip must be provided running parallel with the side and/or rear boundary.</u></p> <p><u>(b) where the industrial site contains, or is adjacent to a river or a permanent or intermittent stream, an 8m wide landscaped strip must be provided, measured from the top edge of the closest bank and extending across the entire length of the watercourse.</u></p>
FSI193.16	Van Den Brink Group	Oppose
FSI326.16	Holcim (New Zealand) Limited	Oppose
FSI345.76	Genesis Energy Limited	Oppose
FSI387.623	Mercury NZ Limited	Oppose
302.9	EnviroWaste New Zealand Limited	<p>Delete Rule 20.2.2 CI (b) Landscape planting.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.</p>

FS1353.16	Tuakau Proteins Limited	Support
302.8	EnviroWaste New Zealand Limited	<p>Amend Rule 20.2.2 CI Landscape planting for landscape planting to change from a controlled activity to a permitted activity.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.</p>
465.3	Buckland Marine Limited	Delete Rule 20.2.2 CI Landscape planting, and impose buffer strips between zones at the time of rezoning and/or during subdivision.
543.5	Fellrock Developments Limited and TTT Products Limited	<p>Amend Rule 20.2.2 CI Landscape planting, as follows:</p> <p>(a) Any <u>new 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 1m wide landscaped strip running parallel with the side and/or rear boundary; and</u></p> <p>(b) Any <u>new activity on a lot that contains, or is adjacent to, a river or a permanent or intermittent stream shall provide an 8m wide landscaped strip measured from the top edge of the closes bank and extending across the entire length of the watercourse.</u></p>
FS1353.8	Tuakau Proteins Limited	Support
FS1353.18	Tuakau Proteins Limited	Support
578.60	Ports of Auckland Limited	<p>Amend Rule 20.2.2 CI (b) Landscape planting, as follows:</p> <p>CI</p> <p>(a)...</p> <p>(b) Any activity on a lot that contains, or is adjacent to a river or a permanent or intermittent stream shall provide an 8m wide landscaped strip measured from the top edge of the closest bank and extending across the entire length of the watercourse.</p> <p><u>(b) Any activity located in the Horotiu Industrial Park within 5m of the Horotiu Road boundary shall be planted and maintained with a 5m wide buffer strip of indigenous species that will achieve a height of at least 5m within 5 years and sufficient density to visually screen the activity from the Residential Zone.</u></p> <p>...</p>

		<p>OR</p> <p>Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions).</p> <p>AND</p> <p>Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>
633.55	Van Den Brink Group	<p>Amend Rule 20.2.2 CI Landscape Planting from a Controlled Activity, to become a Permitted Activity instead.</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
633.56	Van Den Brink Group	<p>Delete Rule 20.2.2 CI(b) in its entirety.</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
697.616	Waikato District Council	<p>Delete Rule 20.2.2 Landscape planting.</p>
766.15	Holcim (New Zealand) Limited	<p>Amend Rule 20.2.2 Landscape planting by modifying the Controlled Activity requirement for landscape planting to be a Permitted Activity instead.</p> <p>AND</p> <p>Any additional or consequential relief to give effect to the matters raised in the submission.</p>
766.16	Holcim (New Zealand) Limited	<p>Delete Rule 20.2.2 CI(b) in its entirety.</p> <p>AND</p> <p>Any additional or consequential relief to give effect to the matters raised in the submission.</p>
367.25	Mercer Residents and Ratepayers Committee	<p>Retain Rule 20.2.2 Landscape planting.</p>
405.88	Counties Power Limited	<p>Add rules to limit the height of amenity planting in the front yard in Rural and Industrial zones to prevent potential interference with installation of overhead lines.</p>

22.1.3 Analysis

298. Waikato District Council [697] requests that landscape planting in Rule 20.2.2 be addressed as a standard for a permitted industrial activity in Rule 20.1.1 PI rather than a controlled activity.
299. EnviroWaste New Zealand Limited [302], Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] seek a permitted activity status for landscaping as well. It would appear that the further submitters raise general concerns in respect to Rule 20.2.1, rather than Rule 20.2.2 specifically.
300. In my view, it is appropriate to require resource consent to manage the effects of industrial activity on the natural character of rivers and streams. It is not uncommon for district plans to require riparian yards in Industrial Zones. Examples include the Auckland Unitary Plan, which restricts the amount of impervious cover within a riparian yard, and the operative Franklin Section of the Waikato District Plan, which requires variable planted widths within riparian yards. Therefore, I consider that a precedent already exists for this type of environmental management.
301. A controlled activity status is not onerous and activities that comply with the landscaping requirement must be granted consent. A consent process would also enable Council to impose conditions in terms of section 108 RMA (noting the matters of reserved control listed in clause (c)) and regularly monitor those. In addition, planting alongside watercourses would contribute towards the objective of the Vision and Strategy, which is to restore and protect the health and wellbeing of the Waikato River.
302. EnviroWaste New Zealand Limited [302], Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] oppose clause (b) in Rule 20.2.2 Landscape planting. They consider that a permitted, rather than controlled, activity should apply.
303. It is unclear how Holcim's suggested scenario of a carparking shortfall would compromise the ability to meet the landscaping standard. They may wish to further comment on this at the hearing. However, activities that do not comply with the controlled activity standards would fall to be a restricted discretionary activity, thus enabling the merits to be considered.
304. Buckland Marine Limited [465] opposes the landscaping requirements in Rule 20.2.2 on the basis that this matter is better addressed at the rezoning or subdivision stage.
305. This rule only applies if an industrial-zoned site is located immediately adjacent a more sensitive zone, or if it contains a watercourse. It is important to support industrial development, but it is equally important to manage their effects, particularly visual impact, on sensitive receiving environments. This is important in the context of Objective 4.6.6 and Policy 4.6.7. It is also noted that the type, density and height of plantings conducive to the location are matters over which Council reserves its control. This means that there is scope to consider different landscaping outcomes, depending on the particular nature of the industrial activity.
306. Fellrock Developments Limited and TTT Products Limited [543] request that Rule 20.2.2 CI be amended so that landscaping requirements only apply to new industrial development. They request a reduction in the width of the landscaping strip from 3 metres to one metre within side and rear yards that adjoin a sensitive zone. They also consider that the landscaping provision should only apply to permanent rather than intermittent streams. Tuakau Proteins Limited [FSI 353] supports this submitter.
307. There is no ability to retrospectively apply new rules to existing developments that have been legally established under previous district plan rules. It is therefore not necessary for Rule 20.2.2 CI to refer to 'new' developments.

308. The submitter's request for a one metre wide landscaped strip is not considered sufficient to mitigate adverse visual and nuisance effects on adjoining sensitive zones. It is considered that a 3 metre wide strip is more effective in implementing Policy 4.6.7 (Management of adverse effects within industrial zones) and it is noted that this is consistent with the approach taken by the Auckland Unitary Plan in respect to its General Business Zone, Light Industry Zone and Heavy Industry Zone.
309. It is also my view that intermittent streams are no less important than permanent streams as they also have amenity value. Furthermore, planting alongside any watercourse would contribute towards the objective of the Vision and Strategy which is to restore and protect the health and wellbeing of the Waikato River.
310. Ports of Auckland Limited [578] requests that clause (b) in Rule 20.2.2 CI be deleted and replaced with a clause that is similar to Rule 24B.20 in Schedule 24B in the operative Waikato Section of the WDP. However, this request does not address the potential impact of development within Horotiu Industrial Park on the tributary of the Te Rapa Stream and what justifies an approach that is more liberal than other industrial developments.
311. A controlled activity status is not onerous and activities that comply with the landscaping requirement must be granted consent. In addition, noting that the Horotiu Industrial Park is located within the Waikato River catchment, planting alongside watercourses would contribute towards the objective of the Vision and Strategy which is to restore and protect the health and wellbeing of the Waikato River.
312. It would be helpful for the submitter to outline its development plans at the hearing and comment on what landscaping width (if any) they consider to be appropriate for their site. In any case, any proposal that does not comply with the controlled activity standards would fall to be a restricted discretionary activity, thus enabling the merits to be considered.
313. Mercer Residents and Ratepayers Committee [367] support Rule 20.2.2 although no reasons are provided. I consider the value of this rule is that it is an effective mechanism to manage the impact of industrial development on watercourses and sensitive environments.
314. Counties Power Limited [405] requests new rules to limit the height of amenity planting in industrial (and Rural) zones. Plantings near power lines must comply with the Electricity (Hazards from Trees) Regulations 2003, which help to promote safety and maintain electricity supply. These regulations apply irrespective of any district plan control.
315. In my view, it is not necessary to introduce a new rule that essentially duplicates these regulations. However, I would expect a resource consent applicant to provide details of the type and maximum height of trees that may be near power lines, if that landscaping work is required as a consent condition.

22.1.4 Recommendation

316. For the reasons given above, I recommend that the hearings panel:
- Reject** the submission from Waikato District Council [697.532]
 - Accept** the further submissions from *Van Den Brink Group* [FS1193.16], *Holcim (New Zealand) Limited* [FS1326.16], *Genesis Energy Limited* [FS1345.76] and *Mercury NZ Limited* [FS1387.623]
 - Reject** the submission from *EnviroWaste New Zealand Limited* [302.9] and further submission from *Tuakau Proteins Limited* [FS1353.16]
 - Reject** the submission from *EnviroWaste New Zealand Limited* [302.8]
 - Reject** the submission from *Buckland Marine Limited* [465.3]

- f. **Reject** the submission from Fellrock Developments Limited and TTT Products Limited [543.5] and further submissions from *Tuakau Proteins Limited* [FS1353.8 and 1353.18]
- g. **Reject** the submission from Ports of Auckland Limited [578.60]
- h. **Reject** the submission from Van Den Brink Group [633.55 and 633.56]
- i. **Reject** the submission from Waikato District Council [697.616]
- j. **Reject** the submission from Holcim (New Zealand) Limited [766.15 and 766.16]
- k. **Accept** the submission from Mercer Residents and Ratepayers Committee [367.25]
- l. **Reject** the submission from Counties Power Limited [405.88]

22.1.5 Section 32AA evaluation

317. I have not recommended any changes to Rule 20.2.2 as a result of the submissions discussed above and therefore consider that a detailed section 32AA evaluation is not necessary in this instance.

23 Rule 20.2.3 Noise

23.1.1 Introduction

318. Rule 20.2.3 contains a suite of rules that manage adverse effects of noise generated within the Industrial Zone. They manage noise effects within this zone as well as receiver sites in more sensitive environments including rural and residential areas outside of the Industrial Zone.

23.2 Rule 20.2.3 Noise - General

23.2.1 Submissions

Submission Point	Submitter	Decision Requested
130.2	Kathleen Reid	Amend the noise limits to match the Operative District Plan for the Industrial Zone.
<i>FS1039.4</i>	<i>Colette Brown</i>	<i>Support</i>
<i>FS1353.11</i>	<i>Tuakau Proteins Limited</i>	<i>Oppose</i>
133.2	Simon Gibson	Ensure that the Industrial Zone noise limits are not increased.
<i>FS1039.14</i>	<i>Colette Brown</i>	<i>Support</i>
137.2	Michele Gamble	Amend the noise limits to match the Operative District Plan for the Industrial Zone.
<i>FS1039.18</i>	<i>Colette Brown</i>	<i>Support</i>
138.2	Kim Crook	Amend the noise limits to match the Operative District Plan for the Industrial Zone.

FS1039.2	Colette Brown	Support
155.2	Karl Crook	Amend Rule 20.2.3 Noise, to not increase the noise limits for the Industrial Zone.
FS1039.16	Colette Brown	Support
FS1353.13	Tuakau Proteins Limited	Oppose
157.2	John Baillie	Amend Rule 20.2.3 Noise, to not increase the noise limits for the Industrial Zone.
FS1353.14	Tuakau Proteins Limited	Oppose
167.2	Roger Heaslip	Amend the Proposed District Plan to not increase the noise limits for the Industrial Zone.
FS1353.15	Tuakau Proteins Limited	Oppose
402.6	Tuakau Proteins Limited	<p>Retain the permitted noise levels in Rule 20.2.3 Noise, except for the amendments sought below</p> <p>AND</p> <p>Add new noise level standards to Rule 20.2.3.1 P2 - General, as follows (or words to similar effect):</p> <p>P2</p> <p>(a) Noise measured within any other site:</p> <p>(i) In an Industrial Zone must not exceed:</p> <p>A. 75dBA (LAeq) 7am to 10pm; and</p> <p>B. 55dB (LAeq) and 85dB (LAmax) 10pm to 7am the following day.</p> <p>(ii) <u>At the Rural Zone interface, noise levels must not exceed the below noise levels when measured within the notional boundary of property in a rural zone:</u></p> <p><u>A. 55dB (LAeq) 7am to 10pm; and</u></p> <p><u>B. 45dB (LAeq) and 75dB (LAmax) 10pm to 7am the following day.</u></p> <p>AND</p> <p>Add new noise level standards to Rule 20.2.3.1 P3 Noise General as follows (or words to similar effect):</p> <p>P3</p> <p>(a) Noise measured within any site in any zone other, than the Industrial Zone and the Heavy Industrial Zone, must meet the permitted noise levels for that zone, <u>with the exception of the interface with the Rural Zone.</u></p>

		AND Any consequential amendments and/or additional relief to give effect to the concerns raised in the submission.
FSI193.1	Van Den Brink Group	Support
FSI326.1	Holcim (New Zealand) Limited	Support
302.10	EnviroWaste New Zealand Limited	Retain Rule 20.2.3 Noise as notified
633.57	Van Den Brink Group	Retain the noise standards in Rule 20.2.3 Noise.
766.17	Holcim (New Zealand) Limited	Retain Rule 20.2.3 Noise as notified.

23.2.2 Analysis

319. Kathleen Reid [130], Michele Gamble [137] and Kim Crook [138] request that there be no increase in noise limits for the Industrial Zone meaning that Rule 20.2.3 should be amended to match the limits set out in the operative rules for Industrial Zone. Simon Gibson [133], Karl Crook [155], John Baillie [157] and Roger Heaslip [167] request that there be no increase in noise limits for the Industrial Zone.
320. The noise rules in the PWDP have been developed with input from an acoustic expert, Mr Nevil Hegley, who considers these standards appropriate. I am unable to provide detail about the comparison between the proposed rules and the operative rules, but my understanding is that the proposed rules retain the status quo without involving any increase in the noise levels generated by activities in industrial zones.
321. Tuakau Proteins Limited [FSI353] opposes these submissions because they consider it necessary for Council to include 'interface' noise levels in the Industrial Zone. They make reference to this type of rule in other district plans. It would be helpful for this submitter to provide further detail at the hearing.
322. While I note that Auckland Unitary Plan is one example, it is unclear whether the approach used in that document can be fairly applied to industrial zones in the Waikato district and furthermore, acoustic matters are outside my field of expertise. In the interim, it is considered necessary to reject their further submission pending supporting evidence to be provided at the hearing.
323. Tuakau Proteins Limited [402] requests amendment to P2 and P3 in Rule 20.2.2 Noise. Van Den Brink Group [FSI193] and Holcim (New Zealand) Limited [FSI326] support this request.
324. Tuakau Proteins Limited (formerly Waikato By-products) has been established for a considerable period of time. Their Business-zoned site on Lapwood Road, beside the Waikato River, is surrounded by a Rural Zone. Unless existing use rights or resource consents have been issued in the past, noise from their currently Business-zoned site must comply with Rule 29.6.1 in the operative Franklin Section of the OWDP which is set out

below:

29.6.1 Noise

A. No activity within the zone shall cause the following sound levels to be exceeded, for the stated times, at or within the boundary of any other SITE, where that other SITE is:

I. **NOT ZONED** BUSINESS ZONE:

Time/hours	"L10" (defined)	"Lmax" (defined)
0700 to 1900	50 dBA	75 dBA
1900 to 2200	45 dBA	75 dBA
All other times	40 dBA	65 dBA

325. The submitter refers to other district plans that deal with noise at an Industrial Zone-Rural Zone interface. It is noted that the submitter's requested time periods and noise limits are similar (but not identical) to the 'interface rules' in the Auckland Unitary Plan I (AUP) for the Rural Zone.
326. However, it is not apparent that the AUP (as an example) specifically manages noise when measured at the interface of an Industrial Zone and Rural Zone. It would therefore be helpful for the submitter to provide further detail, including examples of this approach from other district plans, at the hearing.
327. Without this detail, it is difficult to determine whether the request has merit. Furthermore, any acoustic matters are outside my field of expertise.
328. EnviroWaste New Zealand Limited [302], Van Den Brink Group [533] and Holcim [766] support Rule 20.2.3 Noise. I agree that a general noise rule is required in order to manage the adverse effect of noise within the zone as well as on receiver environments. This method is appropriate to implement Policy 4.6.7 which in turn achieves Objective 4.6.6.

23.2.3 Recommendation

329. For the reasons given above, it is recommended that the hearings panel:
- Accept** the submission from Kathleen Reid [130.2] and further submission from *Collette Brown* [FS1039.4]
 - Reject** the further submission from *Tuakau Proteins Limited* [FS1353.11]
 - Accept** the submission from Simon Gibson [133.2] and further submission from *Collette Brown* [FS1039.4]
 - Accept** the submission from Michele Gamble [137.2] and further submission from *Collette Brown* [FS1039.18]
 - Accept** the submission from Kim Crook [138.2] and further submission from *Collette Brown* [FS1039.2]
 - Accept** the submission from Karl Crook [155.2] and further submission from *Collette Brown* [FS1039.16]
 - Reject** the further submission from *Tuakau Proteins Limited* [FS1353.13]
 - Accept** the submission from John Baillie [157.2]
 - Reject** the further submission from *Tuakau Proteins Limited* [FS1353.14]
 - Accept** the submission from Roger Heaslip [167.2]
 - Reject** the further submission from *Tuakau Proteins Limited* [FS1353.15]

¹ Table E25.6.15.1 pp 14-15, Section E25 Noise and Vibration – Auckland Unitary Plan

- l. **Reject** the submission from Tuakau Proteins Limited [402.6] and further submissions from Van Den Brink Group [FSI 193.1] and Holcim (New Zealand) Limited [FSI 326.1]
- m. **Accept** the submission from EnviroWaste New Zealand Limited [302.10]
- n. **Accept** the submission from Van Den Brink Group [633.57]
- o. **Accept** the submission from Holcim (New Zealand) Limited [766.17]

23.3 Rule 20.2.3.1 Noise-General

23.3.1 Submissions

Submission Point	Submitter	Decision Requested
128.4	Trevor Reid	Retain Rule 20.2.3.1 P3 Noise - General.
<i>FSI039.11</i>	<i>Colette Brown</i>	<i>Support</i>
<i>FSI353.10</i>	<i>Tuakau Proteins Limited</i>	<i>Oppose</i>
130.6	Kathleen Reid	Retain Rule 20.2.3.1 P3 Noise - General.
<i>FSI039.7</i>	<i>Colette Brown</i>	<i>Support</i>
<i>FSI353.12</i>	<i>Tuakau Proteins Limited</i>	<i>Oppose</i>
378.103	Fire and Emergency New Zealand	Retain Rule 20.2.3.1 Noise - General.
<i>FSI035.210</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
578.61	Ports of Auckland Limited	<p>Amend Rule 20.2.3.1 Noise – General, as follows:</p> <p><i>P1 Noise generated by emergency generators and emergency sirens.</i></p> <p><i>P2 (a) Noise measured within any other site:</i></p> <p style="padding-left: 40px;"><i>(i) <u>In the Horotiu Industrial Park must not exceed:</u></i></p> <p style="padding-left: 80px;"><i>A. 75 dBA (LAeq) at any time.</i></p> <p style="padding-left: 40px;"><i><u>Despite the above, construction noise and emergency sirens are not subject to this rule.</u></i></p> <p style="padding-left: 40px;"><i>(i) In any <u>other</u> Industrial Zone must not exceed:</i></p> <p style="padding-left: 80px;"><i>A. 75dB (LAeq) 7am to 10pm; and</i></p> <p style="padding-left: 80px;"><i>B. 55dB (LAeq) and 85dB (LAmax) 10pm to 7am the following day.</i></p> <p><i>P3 (a) Noise measured within the notional boundary of any site zoned Residential or Rural from an activity</i></p>

		<p><u>within the Horotiu Industrial Park must not exceed:</u></p> <p><u>(i) 55 dBA(LAeq), 7am to 10pm</u></p> <p><u>(ii) 45 dBA (LAeq) and 70 dBA(Lmax), 10pm to 7am the following day.</u></p> <p><u>Despite the above, construction noise and emergency sirens are not subject to this rule.</u></p> <p><u>(a) Noise measured within any site in any zone other, than the Industrial Zone and the Heavy Industrial Zone, must meet the permitted noise levels for that zone.</u></p> <p><u>P4 (a) Noise levels must be measured in accordance with the requirements of NZS 680:2008 Acoustics – Measurement of Environmental Sound</u></p> <p><u>(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 “Acoustics Environmental noise”.</u></p> <p><u>RD2 (a) Noise that does not comply with Rule 20.2.3.1 P2, P3 or P4.</u></p> <p><u>(a) Council’s discretion is restricted to the following matters:</u></p> <p><u>(i) effects on amenity values</u></p> <p><u>(ii) hours of operation</u></p> <p><u>(iii) location of noise sources in relation to boundaries</u></p> <p><u>(iv) frequency or other special characteristics of noise;</u></p> <p><u>(v) mitigation measures</u></p> <p><u>(vi) noise levels and duration</u></p> <p>OR</p> <p>Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions).</p> <p>AND</p> <p>Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>
697.617	Waikato District Council	<p>Amend Rule 20.2.3.1 P2 Noise – General, as follows:</p> <p><u>(a) Noise measured within any other site:</u></p>

		<p>(i) In an Industrial Zone must not exceed:</p> <p>A. 75dB (LAeq) 7am to 10pm; and</p> <p>B. 55dB (LAeq) and 85dB (LAmx) 10pm to 7am the following day.</p> <p><u>(b) Noise measured within any site in any other zone, other than the Industrial Zone and the Heavy Industrial Zone, must meet the permitted noise levels for that zone.</u></p> <p><u>(c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound".</u></p> <p><u>(d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics- Environmental noise".</u></p>
FS1117.1	2SEN and Tuakau Estates Ltd	Support
FS1264.22	Bootleg Brewery	Oppose
697.618	Waikato District Council	<p>Delete Rule 20.2.3.1 P3 Noise – General;</p> <p>AND</p> <p>Make consequential amendments to Rule 20.2.3.1 D1 Noise – General to delete reference to P3 and P4, as follows:</p> <p><i>D12</i></p> <p>Noise that does not comply with Rule 20.2.3.1 P2.P3 or P4.</p>
717.1	Kim Willetts	Retain Rule 20.2.3.1 P3 Noise - General.
923.153	Waikato District Health Board	<p>Amend Rule 20.2.3.1 P2, P3, P4 and D2- Noise General as follows:</p> <p><i>P2</i></p> <p>Sound measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 must not exceed:</p> <p>(a) Noise measured The following noise limits at any point within any other site:</p> <p>(i) In an the Industrial Zone must not exceed:</p> <p>(i)(iii) A. 75dB LAeq(15min) dB (LAeq), 7am to 10pm; and</p> <p>(ii)(iii) B. 55dB LAeq(15min) dB (LAeq) and 85dB (LAmx), 10pm to 7am the following day;</p> <p>(iii)(iv) 85 dB LAFmax, 10pm to 7am the following day;</p> <p><u>(b) The permitted activity noise limits for the zone of</u></p>

		<p><u>any other site where sound is received.</u></p> <p>(i) In the Residential or Village Zone must not exceed:</p> <p>A. 55 dB (LAeq), 7am to 7pm;</p> <p>B. 50 dB (LAeq), 7pm to 10pm;</p> <p>C. 45 dB (LAeq) and 75 dB (L_{Amax}), 10pm to 7am the following day.</p> <p>P3</p> <p>(a) Noise measured within any site in any zone other than the Industrial Zone and the Heavy Industrial Zone, must meet the permitted noise levels for that zone.</p> <p>P4</p> <p>(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics Measurement of Environmental Sound."</p> <p>(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic Environmental Noise."</p> <p>D2.1</p> <p>(a) Sound that is outside the scope of NZS 6802:2008 or a permitted activity standard; and</p> <p>(b) Sound Noise that does not comply with Rule 20.2.3.1 P1 or P2, P3 or P4.</p>
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23.3.2 Analysis

330. Trevor Reid [128], Kathleen Reid [130] and Kim Willetts [717] support Rule 20.2.3.1 P3 Noise.
331. While Colette Brown [FS1039] supports the Reid submissions, Tuakau Proteins Limited [FS1353] opposes them as they seek that this rule be amended to include a noise limit for the Industrial Zone-Rural Zone interface.
332. Fire and Emergency New Zealand [378] supports Rule 20.2.3.1 as it permits noise from emergency sirens. Pareoranga Te Kata [FS1035] supports this submitter.
333. Ports of Auckland Limited [578] considers that the proposed noise limits will undermine their regionally significant industrial operations and requests that the operative noise limits be retained.
334. I understand that POAL's concern is two-pronged. They oppose rezoning proposals and new provisions that enable the development and intensification of residential uses in close proximity to their site. Rezoning proposals will be addressed later in hearings scheduled towards the end of 2020. However, POAL may find partial relief in the noise rule that is recommended for a new Development Area 20.6. This noise rule essentially rolls over the standards in the operative Schedule 24B for Horotiu Industrial Park. I understand that POAL will be engaging their acoustic consultant to provide evidence at the hearing that supports an increase in night-time noise for the Residential Zone.
335. Waikato District Council [697] requests amendments to Rule 20.2.3.1 Noise – General, so that the text in P3 and P4 is shifted into P2. Consequential amendments are then requested to D1. The reason given is that P3 and P4 are conditions.

336. 2SEN and Tuakau Estates Limited [FS1117.1] supports the submitter because it increases clarity in the application of the noise provisions. Bootleg Brewery [FS1264.22] also supports the submitter.
337. In my view, P3 is not a condition because it sets out what is a permitted noise effect for receiver sites that are not in the Heavy Industrial Zone or Industrial Zone. The style of the permitted rules P2 and P3 are basically the same. P2. P4 sets out the methods for how noise is measured and assessed in respect to all receiver sites. I recommend an alternative and simplified rule format shown below and in Attachment 3.
338. The Waikato District Health Board [923] requests various amendments to Rule 20.2.3. Any change to acoustic levels and measurements is outside my area of expertise, but note here that the National Planning Standards contain definitions for noise levels expressed as LA90, LAeq and LAF(max). As noted above, these notified noise standards were developed with advice from Nevil Hegley.
339. It would be appreciated if the Waikato District Health Board tabled technical evidence to support their revised acoustic standards, so that these can then be reviewed by Council's technical advisor. Without this detail, I recommend rejection of the submitter's requests.

23.3.3 Recommendations

- a. **Accept** the submission from Trevor Reid [128.4] and further submission from *Colette Brown* [FS1039.11]
- b. **Reject** the further submission from *Tuakau Proteins Limited* [FS1353.10]
- c. **Accept** the submission from Kathleen Reid [130.6] and further submission from *Colette Brown* [FS1039.7]
- d. **Reject** the further submission from *Tuakau Proteins Limited* [FS1353.12]
- e. **Accept** the submission from Fire and Emergency New Zealand [378.103] and further submission from *Pareoranga Te Kata* [FS1035.210]
- f. **Accept in part** the submission from Ports of Auckland Limited [578.36]
- g. **Accept in part** the submissions from Waikato District Council [697.617 and 697.618] to the extent of the amendments to Rule 20.2.3.1 shown below and in Attachment 3.
- h. **Accept in part** the further submissions from *2SEN and Tuakau Estates Limited* [FS1117.1] and *Bootleg Brewery* [FS1264.22]
- i. **Accept** the submission from Kim Willetts [717.1]
- j. **Reject** the submission from the Waikato District Health Board [923.153]

23.3.4 Recommended Amendments

20.2.3.1 Noise – General

PI	Noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any other site: (i) In an Industrial Zone must not exceed: A. 75dB (L _{Aeq}) 7am to 10pm; and B. 55dB (L _{Aeq}) and 85dB (L _{Amax}) 10pm to 7am the following day. 1. 2.

	<p>(b) <u>Noise measured within any site in any zone, other than the Industrial Zone and Heavy Industrial Zone, must not exceed the permitted noise levels for that zone.</u></p> <p>(c) <u>Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics Measurements of Environmental Sound"</u></p> <p>(d) <u>Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics Environmental Noise"</u></p>
P3	(a) Noise measured within any site in any zone other, than the Industrial Zone and the Heavy Industrial Zone, must meet the permitted noise levels for that zone.
P4	<p>(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics Measurement of Environmental Sound".</p> <p>(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics Environmental noise".</p>
D2	Noise that does not comply with Rule 20.2.3.1 P2, P3 or P4. <u>P1 or P2</u>

23.3.5 Section 32AA evaluation

340. I consider that a reordering of the text within Rule 20.2.3.1 does not require a detailed s32AA evaluation in this instance.

23.4 Rule 20.2.3.2 Noise – Construction

23.4.1 Submissions

Submission Point	Submitter	Decision Requested
697.619	Waikato District Council	<p>Amend Rule 20.2.3.2 P1(a) Noise – Construction, as follows:</p> <p><i>(a) Construction noise must <u>not exceed</u> meet the limits in NZS 6803:1999 (Acoustics – Construction Noise);</i></p>
578.62	Ports of Auckland Limited	Retain Rule 20.2.3.2 Noise - Construction, as notified.
785.27	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – 'Oil Companies'	Retain Rule 20.2.3.2 Noise – Construction as notified.

23.4.2 Analysis

341. Waikato District Council [697] requests amendment to Rule 20.2.3.2 Noise – Construction, to make it clear that noise must not exceed the stated limit, rather than requiring noise to meet the limit.

342. While I am not an expert in acoustics, this requested amendment may not reflect the flexibility that appears to be offered in this NZ Standard. For example, a 2016 report prepared by Marshall Day Acoustics for NZTA in respect to the Northern Corridor Improvements² noted that 'NZ6803:1999 anticipates that at times construction noise cannot be

² Northern Corridor Improvements – Assessment of Construction Noise and Vibration Effects; 2 December 2016, Document Ref: page 20

made to comply with the recommended criteria. Statements such as “construction noise from any site should not generally exceed the numerical noise limits” suggest that intermittent exceedances are not unreasonable, as long as the BPO has been applied to the management and mitigation of that construction noise.’

343. I have considered two examples of alternative wording for construction noise rules from the Hamilton City Council and Proposed New Plymouth District Plan respectively:
- All construction noise shall comply with the relevant noise levels stated in NZS6803:1999, section 7.2 ‘Recommended numerical limits for construction noise’ and shall be measured and assessed in accordance with NZS 6803:1999 ‘Acoustics – Construction Noise’³⁴
 - The noise from any construction, maintenance, and demolition activity must be measured, assessed, managed and controlled in accordance with the requirements of NZS 6803:1999 Acoustics Construction Noise⁵
344. Ports of Auckland Limited [578] and the ‘Oil Companies’ [785] supports Rule 20.2.3.2 Noise – Construction.
345. Overall, I consider that there is merit in adopting an approach that is similar to the example that I have suggested from the Proposed New Plymouth District Plan. This wording would appear to reflect the degree of flexibility given in NZS 6803:1999 concerning maximum noise levels in that it allows for some noise level exceedances subject to best practicable options being employed.

23.4.3 Recommendation

346. For the reason given above, it is recommended that the hearings panel:
- Reject** the submission from Waikato District Council [697.619] and amends Rule 20.2.3.2 as shown below and in Attachment 3.

Noise from any construction, maintenance, and demolition activity must be measured, assessed, managed and controlled in accordance with the requirements of NZS 6803:1999 Acoustics Construction Noise
 - Reject** the submission from Ports of Auckland Limited [578.62]
 - Reject** the submission from the ‘Oil Companies’ [785.27]

23.4.4 Recommended Amendments

20.2.3.2 Noise – Construction

PI	<p>(a) Construction noise must meet the limits in NZS 6803:1999 (Acoustics—Construction Noise).</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 ‘Acoustics—Construction Noise’.</p> <p><u>Noise from any construction, maintenance, and demolition activity must be measured, assessed, managed and controlled in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise.</u></p>
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³ Proposed New Plymouth District Plan
Hamilton City District Plan – 25.8.3.2 Construction Noise

⁵ Proposed New Plymouth District Plan Part 2 District-wide Matters Noise – S2

RDI	<p>(a) Construction noise that does not comply with Rule 21.2.3.3 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) hours and days of construction; (iii) noise levels; (iv) timing and duration; and (v) methods of construction.
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23.4.5 Section 32AA evaluation

Effectiveness and efficiency

347. I consider that the amended Rule 20.2.3.2 is an effective and efficient method to implement Policy 4.6.7 and therefore achieve Objective 4.6.6. It is typical for district plans to rely on the noise management techniques within NZS 6803:1999 Acoustics – Construction Noise, as these have already been tried and tested on a nationwide basis.

Costs and benefits

348. NZS 6803:1999 Acoustics – Construction Noise, sets limits for construction noise but provides some flexibility in allowing some noise exceedances where best practicable options are employed. The costs and benefits of these best practicable options are taken into account when determining compliance with this standard.

Risk of acting or not acting

349. I consider that there is a small risk in retaining the notified version of Rule 20.2.3.2 in that it does not appear to reflect the flexibility provided by this NZ Standard to occasionally allow construction noise to exceed the specified noise limits. I consider that the recommended amendment better reflects the requirements of NZS 6803:1999 Acoustics – Construction Noise.

Decision about most appropriate option

350. In my opinion, the recommended rule is the most appropriate in achieving the purpose of the RMA as it manages the adverse effect of construction noise by relying on the noise limits specified in NZS 6803:1999 and techniques for managing noise exceedances which sometimes need to occur.

24 Rule 20.2.4 Glare and Artificial Light Spill

24.1.1 Introduction

351. Rule 20.2.4 manages adverse effects from glare and light spill generated from activities in the Industrial Zone.

24.1.2 Submissions

352. Six submissions have been received on Rule 20.2.4. Of these, three support the rule as notified. The remaining submissions seek that this rule be amended to make it clear that the

rule applies to any receiver site in the Residential, Village or Country Living Zone, rather than as an intra-zone control.

Submission Point	Submitter	Decision Requested
302.11	EnviroWaste New Zealand Limited	Add an exclusion to Rule 20.2.4 Glare and Artificial Light Spill so that it does not apply between sites in the Industrial Zones. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.
633.58	Van Den Brink Group	Add an exclusion to Rule 20.2.4 Glare and Artificial Light spill to ensure that it does not apply between sites in the industrial zones. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
697.620	Waikato District Council	Amend Rule 20.2.4 PI Glare and Artificial Light Spill, to read as follows: <i><u>Illumination from Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site zoned Residential, Village or Country Living.</u></i>
742.201	New Zealand Transport Agency	Retain Rule 20.2.4 PI as notified. AND Retain Rule 20.4.2 RD1 as notified.
766.18	Holcim (New Zealand) Limited	Amend Rule 20.2.4 Glare and Artificial Light Spill to insert an exclusion so that the rule does not apply between sites in the Industrial Zones. AND Any additional or consequential relief to give effect to the matters raised in the submission.
785.31	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – ‘Oil Companies’	Retain Rule 20.2.4 Glare and artificial light spill as notified.

24.1.3 Analysis

353. EnviroWaste New Zealand Limited [302], Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] requests amendment to Rule 20.2.4 so that the rule does not apply between sites in industrial zones. In a similar vein, Waikato District Council [697] requests amendment to Rule 20.2.4 so that reference is made to other sites in Residential, Village or Country Living Zones, where it is most important to control light spill.
354. I agree that there is no need to manage light spill between sites in the Industrial Zone, or even between the Industrial and Heavy Industrial Zones. However, light spill from an Industrial Zone could also potentially impact existing sensitive activities in adjoining zones, other than those requested to be added by the submitter, such as the Rural Zone. For this reason, I consider it more appropriate that this lux control applies to all sites outside of an Industrial Zone or Heavy Industrial Zone. The amendment shown in Attachment 3 is consistent with the equivalent rule in the Heavy Industrial Zone.
355. The New Zealand Transport Agency [742] and the 'Oil Companies' [785] supports Rule 20.2.4 as notified. I partly accept this submission, given my recommended amendments in response to other submissions on this rule.

24.1.4 Recommendation

356. For the reasons given above, it is recommended that the hearings panel:
- Accept** the submission from EnviroWaste New Zealand Limited [302.11] and amend Rule 20.2.4 as shown below and in Attachment 3
 - Accept** the submission from Van Den Brink Group [633.58]
 - Accept in part** the submission from Waikato District Council [697.620] to the extent of the amendment to Rule 20.2.4
 - Accept in part** the submission from the New Zealand Transport Agency [742.201] to the extent of the amendment to Rule 20.2.4
 - Accept** the submission from Holcim (New Zealand) Limited [766.18] to the extent of the amendment to Rule 20.2.4
 - Accept in part** the submission from the 'Oil Companies' [785.31]

24.1.5 Recommended Amendments

20.2.4 Glare and Artificial Light Spill

PI	Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site <u>not located in the Heavy Industrial Zone or Industrial Zone.</u>
RDI	<p>(a) Illumination that does not comply with Rule 20.2.4 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> effects on amenity values; light spill levels on another site; road safety; duration and frequency; location and orientation of the light source; and mitigation measures.

24.1.6 Section 32AA evaluation

357. I consider that the recommended amendment to Rule 20.2.4 has only minor ramifications for industrial activities within the Heavy Industrial Zone and a full section 32AA evaluation is not considered necessary in this instance.

25 Rule 20.2.5 Earthworks

25.1.1 Introduction

358. Rule 20.2.5 addresses adverse effects resulting from earthworks that include visual impact, geotechnical instability and sediment runoff.

25.2 General earthworks rules

25.2.1 Submissions

Submission Point	Submitter	Decision Requested
697.625	Waikato District Council	<p>Amend Rule 20.2.5 Earthworks (2), as follows:</p> <p>There are specific standards for earthworks within rules:</p> <p><u>(a) Rule 20.2.5.1A – Earthworks within the National Grid Yard</u></p> <p>(a b) Rule 20.2.5.2 Earthworks – Within Significant Natural Areas;</p> <p>(b c) Rule 20.2.5.3 Earthworks – Within Landscape and Natural Character Areas.</p> <p>AND</p> <p>Add new rule after Rule 20.2.5.1 Earthworks-General as follows:</p> <p><u>20.2.5.1A Earthworks within the National Grid Yard</u></p> <p><u>PI</u></p> <p><u>(a) The following earthworks within the National Grid Yard:</u></p> <p><u>(i) Earthworks undertaken as part of domestic cultivation; or repair, sealing or resealing of a road, footpath or driveway;</u></p> <p><u>(ii) Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of the pole support structure or stay wire.</u></p> <p><u>(iii) Earthworks for which a dispensation has been granted by Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001</u></p>

		<p><u>ISSN 0114-0663.</u></p> <p><u>P2</u></p> <p><u>(a) Earthworks activities within the National Grid Yard near National Grid support poles or any stay wires must comply with the following conditions:</u></p> <p><u>(i) Do not exceed a depth of 300mm within 2.2m of the pole or stay wire; and</u></p> <p><u>(ii) Do not exceed a depth of 750mm between 2.2m and 5m of the pole or stay wire.</u></p> <p><u>P3</u></p> <p><u>(a) Earthworks within the National Grid Yard near National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) must comply with all of the following conditions:</u></p> <p><u>(i) Do not exceed 300mm depth within 6m of the outer edge of the visible foundation of the tower;</u></p> <p><u>(ii) Do not exceed 3m between 6m and 12m of the outer edge of the visible foundation of the tower;</u></p> <p><u>(iii) Do not compromise the stability of a National Grid support structure;</u></p> <p><u>(iv) Do not result in the loss of access to any National Grid support structure; and</u></p> <p><u>(v) Must be less than the minimum ground to conductor clearance distances in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>RD1</u></p> <p><u>(a) Earthworks within the National Grid Yard that do not comply with one or more of the conditions of Rules 20.2.5.1A P1, P2 or P3.</u></p> <p><u>(b) Discretion is restricted to:</u></p> <p><u>(i) Impacts on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii) The risk to the structural integrity of the affected National Grid support structure(s);</u></p> <p><u>(iii) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid;</u></p> <p><u>(iv) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></p>
FSI350.96	Transpower New Zealand Limited	Oppose

697.621	Waikato District Council	Amend Rule 20.2.5 Earthworks (1), as follows: <i>(1) Rule 20.2.5 – Earthworks General, provides the permitted rules for earthworks activities for the Industrial Zone. This rule does not apply in those areas specified in Rule 20.2.5.1A, 20.2.5.2 and 20.2.5.3</i>
FS1350.95	Transpower New Zealand Limited	Oppose

25.2.2 Analysis

359. Waikato District Council [697] requests that the Chapter 14 rules for earthworks relating to the National Grid be replicated in Chapter 20 for the Industrial Zone.
360. In my view, this duplication is unnecessary and it counters the main purpose of Chapter 14 which is to provide a one-stop set of district-wide rules. I am mindful of Council's concerns that these rules can be overlooked as the rules sit in Chapter 14 Infrastructure and Energy. Landowners may not think that there are any rules in that chapter which concern them. The National Planning Standards require district plans to be e-plans, which enable hyper-links. An alternative solution to avoiding duplication but ensuring rules regarding earthworks in the National Grid Yard are not overlooked is to provide a cross reference to the National Grid rules under Rule 20.2.5 with a hyper-link to the National Grid rules.
361. Transpower New Zealand Limited [FS1350] opposes this request for reasons set out in its original submission where they request a duplication of the earthworks rules within each chapter insofar as the National Grid is concerned, or a new standalone section that contains these provisions.
362. Waikato District Council [697] requests that Rule 20.2.5(1) be amended to make it clear that this rule does not apply to Significant Natural Areas, or Landscape and Natural Character Areas, as these are addressed by Rule 21.2.5.2 and Rule 21.2.5.3 respectively. I agree with this request, subject to minor grammatical amendments (with the exception of the reference to 20.2.5.1A (which is the new rule that Council seeks relating to earthworks in the National Grid)).

25.2.3 Recommendation

363. For the reason given above, it is recommended that the hearing panel:
- Reject** the submission from Waikato District Council [697.625]
 - Accept** the further submission from Transpower New Zealand Limited [FS1350.96]
 - Accept in part** the submission from Waikato District Council [697.621] and amends Rule 20.2.5(1) as shown below and in Attachment 3.
 - Accept** the further submission from Transpower New Zealand Limited [FS1350.95].

25.2.4 Recommended Amendments

20.2.5 Earthworks

- (1) Rule 20.2.5.1 Earthworks - General provides the permitted rules for earthwork activities in the Industrial Zone. This rule does not apply to areas specified in Rule 20.2.5(2).
- (2) There are specific standards for earthworks within rules:
 - (a) Rule 20.2.5.2 Earthworks – Within Significant Natural Areas
 - (b) Rule 20.2.5.3 Earthworks – Within Landscape and Natural Character Areas

25.2.5 Section 32AA evaluation

364. I consider that the amendment to Rule 20.2.5 as shown provides clear guidance as to when certain rules do or do not apply and that a detailed section 32AA evaluation is not necessary in this instance.

25.3 Rule 20.2.5.1 Earthworks - General

25.3.1 Submissions

365. Various submissions have been received in respect to Rule 20.2.5 that either support the rule as notified or request amendments that:
- a. apply a 1.5 metre setback to any infrastructure
 - b. increase area, volume and depth thresholds
 - c. remove the 1.5 metre boundary setback
 - d. remove references to residential use
 - e. enable a choice of stabilisation through hardstand surfaces, rather than limiting to re-vegetation.

Submission Point	Submitter	Decision Requested
986.97	KiwiRail Holdings Limited	<p>Amend Rule 20.2.5.1 P1(a) Earthworks-General as follows (or similar amendments to achieve the requested relief):</p> <p><i>(i) Be located more than 1.5 m horizontally from any <u>infrastructure</u>, including a waterway, open drain or overland flow path;</i></p> <p>AND</p> <p>Any consequential amendments to link and/or accommodate the requested changes.</p>
FS1176.310	Watercare Services Limited	Support in part
302.12	EnviroWaste New Zealand Limited	Retain Rule 20.2.5.1 Earthworks – General as notified.

465.13	Buckland Marine Limited	Amend Rule 20.2.5.1 P1(vii), as follows: <i>(vii) areas exposed by earthworks are re-vegetated stabilised through vegetation or another suitable mechanism to achieve 80% ground cover.</i>
465.4	Buckland Marine Limited	Delete Rule 20.2.5.1 P1(vi) Earthworks.
FS1193.3	Van Den Brink Group	Support
FS1326.3	Holcim (New Zealand) Limited	Support
578.2	Ports of Auckland Limited	Retain Rule 20.2.5.1 RDI Earthworks - General as notified, in that it is a restricted discretionary activity for earthworks that do not comply with Rule P1, P2, P3.
FS1388.833	Mercury NZ Limited	Oppose
578.65	Ports of Auckland Limited	Amend Rule 20.2.5.1 P2 Earthworks - General, as follows: <i>(a) Earthworks for the purpose of creating a building platform for residential industrial purposes with a site using imported fill material must meet the following condition:</i> <i>(i) be carried out in accordance with NZS 4431: 1989 Code of Practice for Earth Fill for Residential Development.</i> OR Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions). AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
633.59	Van Den Brink Group	Retain the earthworks standards in Rule 20.2.5.1 Earthworks - General.
766.19	Holcim (New Zealand) Limited	Retain the Earthworks standards in Rule 20.2.5.1 Earthworks - General as notified.
697.622	Waikato District Council	Amend Rule 20.2.5.1 P1(a) Earthworks – General, as follows: <i>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following</i>

		<p>conditions:</p> <p>(i) be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;</p> <p>(ii) not exceed a volume of more than 250500m³ <u>and an area of more than 10,000m² over any single consecutive 12 month period;</u></p> <p>(iii) not exceed an area of more than 1000 10,000m² over any single consecutive 12 month period;</p> <p>(iv) the total depth of any excavation or filling does not exceed 1.5m above or below ground level;</p> <p>(v) the slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</p> <p>(vi) earthworks are set back <u>at least</u> 1.5m from all boundaries:</p> <p>(vii) areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(viii) sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and</p> <p>(ix) do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
FS1193.5	Van Den Brink Group	Support
FS1326.5	Holcim (New Zealand) Limited	Support
697.623	Waikato District Council	<p>Amend Rule 20.2.5.1 P2 Earthworks – General, as follows:</p> <p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material. must meet the following condition:</p> <p>(i) be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</p>
FS1193.6	Van Den Brink Group	Support
FS1326.6	Holcim (New Zealand) Limited	Support

697.624	Waikato District Council	<p>Amend Rule 20.2.5.1 P3 Earthworks – General, as follows:</p> <p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material (excluding cleanfill) must meet all of the following conditions:</p> <p>(i) not exceed a total volume of 500m³;</p> <p>(ii) not exceed a depth of 1 m;</p> <p>(iii) the slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) fill material is setback <u>at least</u> 1.5m from all boundaries;</p> <p>(v) areas exposed by filling are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(vi) sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; and</p> <p>(iii) do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
FS1193.7	Van Den Brink Group	Support
FS1326.7	Holcim (New Zealand) Limited	Support
543.6	Fellrock Development and TTT Products Limited	<p>Retain Rule 20.2.5.1 Earthworks, except for the amendments outlined below;</p> <p>AND</p> <p>Amend Rule 20.2.5.1 P1(a) Earthworks - General, as follows:</p> <p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <p>(i) be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;</p> <p>(ii) not exceed a volume of more than 250m³ <u>2000m³</u>;</p> <p>(iii) not exceed an area of more than 4000m² <u>10,000m²</u> over any consecutive 12 month period;</p> <p>(iv) the total depth of any excavation or filling does</p>

		not exceed 1.5m above or below ground level;
697.623	Waikato District Council	<p>Amend Rule 20.2.5.1 P2 Earthworks – General, as follows:</p> <p><i>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material. must meet the following condition:</i></p> <p>(i) be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</p>
FS1193.6	Van Den Brink Group	Support
FS1326.6	Holcim (New Zealand) Limited	Support
697.624	Waikato District Council	<p>Amend Rule 20.2.5.1 P3 Earthworks – General, as follows:</p> <p><i>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material (excluding cleanfill) must meet all of the following conditions:</i></p> <p><i>(i) not exceed a total volume of 500m³;</i></p> <p><i>(ii) not exceed a depth of 1 m;</i></p> <p><i>(iii) the slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</i></p> <p><i>(iv) fill material is setback <u>at least</u> 1.5m from all boundaries;</i></p> <p><i>(v) areas exposed by filling are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</i></p> <p><i>(vi) sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; and</i></p> <p><i>(iii) do not divert or change the nature of natural water flows, water bodies or established drainage paths.</i></p>
FS1193.7	Van Den Brink Group	Support
FS1326.7	Holcim (New Zealand) Limited	Support
986.110	KiwiRail Holdings Limited	<p>Amend Rule 20.2.5.1 P1(a)(vii) Earthworks general as follows (or similar amendments to achieve the requested relief):</p>

		<p>(vii) Areas exposed by the earthworks are <u>stabilized</u> to avoid runoff within 1 month of the cessation re-vegetated to achieve 80% ground cover 6 months of the commencement of the earthworks</p> <p>AND</p> <p>Any consequential amendments to link and/or accommodate the requested changes.</p>
785.17	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – ‘Oil Companies’	<p>Retain Rule 20.2.5.1 PI Earthworks - General, except for the amendments sought below;</p> <p>AND</p> <p>Amend Rule 20.2.5.1.PI – Earthworks – General, as follows:</p> <p><i>PI</i></p> <p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <p>....</p> <p>(vi) earthworks are set back 1.5m from all boundaries:</p> <p>(vii) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement, <u>or stabilised as soon as practicable at the completion</u> of the earthworks;</p> <p>(viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and</p> <p>(ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p> <p>AND</p> <p>Any consequential amendments or additional relief to give effect to the submission.</p>
785.21	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – ‘Oil Companies’	<p>Retain Rule 20.2.5.1 P3 Earthworks - General, except for the amendments sought below;</p> <p>AND</p> <p>Amend Rule 20.2.5.1 P3 Earthworks – General, as follows:</p> <p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material (excluding cleanfill) must meet all of the following conditions:</p>

		<p>(i) not exceed a total volume of 500m³;</p> <p>(ii) not exceed a depth of 1.5m;</p> <p>(iii) the slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) fill material is setback 1.5m from all boundaries;</p> <p>(v) areas exposed by filling are re-vegetated to achieve 80% ground cover within 6 months of the commencement, <u>or stabilised as soon as practicable at the completion of the earthworks</u>;</p> <p>(vi) sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; and</p> <p>Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p> <p>AND</p> <p>Any consequential amendments or additional relief to give effect to the submission.</p>
785.19	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – ‘Oil Companies’	<p>Delete Rule 20.2.5.1 P2 – Earthworks - General.</p> <p>AND</p> <p>Any consequential amendments or additional relief to give effect to the submission.</p>
785.23	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – ‘Oil Companies’	<p>Retain Rule 20.2.5.1 RDI Earthworks – General as notified.</p>
945.11	First Gas Limited	<p>Add an additional condition to Rule 20.2.5.1 P1 Earthworks-General as follows:</p> <p><u>(a) (x) Earthworks to a depth of greater than 200mm must be located a minimum of 12m from the centre line of a gas pipeline.</u></p> <p>AND</p> <p>Any consequential amendments and other relief to give effect to the matters raised in the submission.</p>
FS1289.1	Mowbray Group	Oppose
FS1305.21	Andrew Mowbray	Oppose
945.12	First Gas Limited	<p>Add a new matter of discretion to Rule 20.2.5.1 RDI(b) as follows:</p>

		<p><u>(b) (viii) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u></p> <p>AND</p> <p>Any consequential amendments and other relief to give effect to the matters raised in the submission.</p>
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25.3.2 Analysis

366. KiwiRail [986] requests amendment to Rule 20.2.5 P1(a)(i) Earthworks – General to require earthworks to be set back from infrastructure. Watercare Services Limited [FS1176] supports this request in principle, but seeks additional changes to protect existing infrastructure.
367. In my view, KiwiRail's request is problematic. For example, this would trigger resource consent for any earthworks carried out within 1.5 metres of any private service line, including water, wastewater and telecommunication. It is also unclear how this setback would maintain the integrity of the railway track because it is presumed that the designated width already accounts for this.
368. EnviroWaste New Zealand Limited [302], Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] supports Rule 20.2.5 as notified. As I have recommended various amendments to this rule in response to other submissions, I recommend accepting these submissions in part.
369. Buckland Marine Limited [465] requests that Rule 20.2.5 be amended to provide flexibility for hardstand surfacing instead of re-vegetation. I consider that this is a common sense alternative given the nature of industrial sites. Hardstand surfacing is an acceptable alternative to re-vegetation, as on-site carparking areas need to be developed for an industrial development to be permitted, and engineering standards apply which address stability and stormwater management. The purpose of the standard is to ensure the ground is stabilised and will not erode, and hardstand will effectively provide this outcome.
370. Buckland Marine Limited [465] also requests that the 1.5 metre setback for earthworks in an Industrial Zone be deleted. Van Den Brink Group [FS1193] and Holcim (New Zealand) also Limited [FS1326] support the submitter for the same reasons.
371. In my view, it is not reasonable to permit industrial buildings and associated parking areas to be constructed up to a boundary, but then require resource consent for earthworks necessary to construct them. In addition, no section 32 justification has been provided for this 1.5 metre setback. I also consider that the 1.5 metre setback is superfluous given that the slope control (1:2) has not been challenged. Most land that is zoned industrial is easy in contour and is chosen for development where there is little geotechnical risk. I have already recommended that clause P1(a)(vi) be deleted in response to other submissions that challenge this clause.
372. Ports of Auckland Limited [578] supports the restricted discretionary activity rule (RDI) in Rule 20.2.5.2. They also requests that P2 and P3 in Rule 20.2.5.1 be amended to delete reference to 'residential purposes'. Waikato District Council [697] made a similar request, as did the Oil Companies [785]. This would appear to be an inadvertent error as industrial land is not anticipated for residential use. I agree that references to "residential" needs to be deleted from the earthworks rule in the Industrial Zone.

373. Waikato District Council [697] requests various amendments to P1 in Rule 20.2.5.1 Earthworks General as it states that the notified volume and area thresholds are errors. It considers that a volume threshold of 500m³ (increased from 250m³) and an area threshold of 10,000m² (increased from 1,000m²) over any 12 month period are more appropriate for a Heavy Industrial Zone. This submitter also requests an amendment clause (a)(vi) to make it clear that the rule requires earthworks to be set back at least 1.5m from boundaries. For the reason given above, I consider that the 1.5 metre setback in P1(a) and P3(a)(iv) should be deleted entirely.
374. Van Den Brink Group [FS1193] and Holcim (New Zealand) Limited [FS1326] support WDC's requested amendments.
375. In my view, these increased thresholds are more appropriate than those notified. Minor grammatical amendments are also recommended. However, I note here that I have recommended that, as a result of the submission from Ports of Auckland Limited (point 587.64 which I have addressed in Part D of this report), these thresholds be increased even further (to 2500m³ and 10,000m²).
376. Fellrock Development and TTT Products Limited [543] consider that the thresholds in Rule 20.2.5.1 are too low for industrial development. I consider that the amendments made in response to the Ports of Auckland will accommodate Fellrock's request.
377. Waikato District Council [697] requests amendment to P2 in Rule 20.2.5.1 to delete reference to 'residential purposes' and NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. Van Den Brink Group [FS1193] and Holcim (New Zealand) Limited [FS1326] support this request.
378. This amendment is appropriate given that residential development is not anticipated in industrial zones.
379. Waikato District Council also requests that the words 'at least' be added to P3(a)(iv) in respect to the 1.5 metre boundary setback. This is unnecessary as my recommendation is to delete clause (a)(iv) entirely.
380. KiwiRail Holdings Limited [986] requests amendments to Rule 20.2.5.1 P1(a)(vii) requiring the areas to be stabilised. In my view, the use of the word 'avoid' is definitive and essentially means that no stormwater runoff would be permitted within the site itself or onto adjoining properties. The period of 6 months is considered reasonable to enable the option of re-vegetation to be substantially completed during drier seasons. However I agree that hardstand surfacing is appropriate in industrial zones and therefore recommend that the rule be amended to provide for this option.
381. The 'Oil Companies' [785] request various amendments to Rule 20.2.5.1 to:
- Remove the requirement for earthworks to be set back 1.5m from any boundary
 - Require all earthworked areas to be stabilised as soon as practicable
 - Permit a 1.5m depth of imported fill material (for consistency with this measurement in P1(a)(i) as opposed to 1m)
382. For reasons noted above, my recommendation is to delete the 1.5 metre setback from this rule. Hardstand surfacing is an acceptable alternative to re-vegetation, as on-site carparking areas need to be developed for an industrial development to be permitted and engineering standards apply which address stability and stormwater management.
383. There does not appear to be any reason for the inconsistency between P1(a)(ii) and P3(a)(ii).
384. For concerns raised regarding fencing works, I note the definition of 'earthworks' in the National Planning Standards exempts these works. This matter was addressed in the earlier

Hearing 5 (Definitions). Therefore, subject to the hearing panel's decision to adopt that definition, resource consent for fencing works would not be triggered.

- 385. All requested amendments are considered reasonable. These requests also raise a consistency issue that needs to be addressed across the whole of the district plan.
- 386. The Oil Companies seek deletion of Rule 20.2.5.1 P2 Earthworks - General. I agree that it is appropriate to remove references to 'residential purposes' in this rule.
- 387. The 'Oil Companies' [785] support the restricted discretionary activity status (RD1) in Rule 20.2.5.1. I consider restricted discretionary to be the most appropriate activity status for non-compliance as it enables a proposal to be considered on its merits in the context of the list of discretions.
- 388. First Gas Limited [945] requests that a condition be added to P1 in Rule 20.2.5.1 Earthworks to control earthworks close to a gas pipeline. Mowbray Group [FS1289] and Andrew Mowbray [1305] oppose this request for reasons that relate to their future development plans for the former dairy factory at Matangi.
- 389. It is my understanding that land disturbance that occurs in close proximity to a gas pipeline is managed through protective legal instruments such as a designation or easement registered against land titles.
- 390. The submitter is invited to comment on this at the hearing. However, it is considered inappropriate that Council be engaged as a third party to manage this activity and enforce the terms of any legal instrument that may already exist.

25.3.3 Recommendation

- 391. For the reasons given above, it is recommended that the hearings panel:
 - a. **Reject** the submission from KiwiRail Holdings Limited [986.97] and further submission from *Watercare Services Limited* [FS1176.310]
 - b. **Accept in part** the submission from EnviroWaste New Zealand Limited [302.12] to the extent of the amendments to Rule 20.2.5 shown in Attachment 3.
 - c. **Accept** the submission from Buckland Marine Limited [465.13] and amends Rule 20.2.5 as shown in Attachment 3.
 - d. **Accept** the submission from Buckland Marine Limited [465.4] and further submissions from Van Den Brink Group [FS1193.3] and Holcim (New Zealand) Limited [FS1326] and amends Rule 20.2.5 as shown in Attachment 3.
 - e. **Accept** the submission from Ports of Auckland [578.2]
 - f. **Reject** the further submission from *Mercury NZ Limited* [FS1388.833]
 - g. **Accept** the submission from Ports of Auckland Limited [578.65]
 - h. **Accept** the submissions from Van Den Brink Group [633.59] and Holcim (New Zealand) Limited [766.19]
 - i. **Accept in part** the submissions from Waikato District Council [697.622, 697.623 and 697.624] and amends P1, P2 and P3 in Rule 20.2.5.1 as shown in Attachment 3.
 - j. **Accept** the further submissions from *Van Den Brink Group* [FS1193.5, FS1193.6 and FS1193.7] and *Holcim (New Zealand) Limited* [FS1326.5, FS1326.6 and FS1326.7]
 - k. **Accept** the submission from Fellrock Development and TTT Products Limited [543.6] and amend Rule 20.2.5.1 as shown in Attachment 3.

- l. **Accept** the submission from Waikato District Council [697.623] and further submissions from *Van Den Brink Group* [FS1193.6] and *Holcim (New Zealand) Limited* [FS1326.6] and amends P2 in Rule 20.2.5.1 as shown in Attachment 3.
- m. **Reject** the submission from Waikato District Council [697.624] and further submission from *Van Den Brink Group* [FS1193.7]
- n. **Accept in part** the submission from KiwiRail Holdings Limited [986.110] to the extent of the amendment to Rule 20.2.5.1 shown in Attachment 3.
- o. **Accept** the submission from the 'Oil Companies' [785.17] and amends Rule 20.2.5.1 as shown in Attachment 3.
- p. **Accept** the submission from the 'Oil Companies' [785.19] and amends Rule 20.2.5.1 as shown in Attachment 3.
- q. **Accept** the submission from the 'Oil Companies' [785.23].
- r. **Reject** the submission from First Gas Limited [945.11].
- s. **Accept** the further submissions from *Mowbray Group* [FS1289.1] and *Andrew Mowbray* [FS1305.21].
- t. **Reject** the submission from First Gas Limited [945.12].

25.3.4 Recommended Amendments

20.2.5.1 Earthworks – General

<u>Pla</u>	<u>Earthworks within a site, that may or may not involve the importation of clean fill material, for the purpose of creating a building platform and/or ancillary hardstand area.</u>
PI	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) be located more than 1.5 m horizontally from any waterway, open drain or overland flow path; (ii) not exceed a volume of more than 250m³; 2500m³ (iii) not exceed an area of more than 1000m² 10,000m² over any consecutive <u>within a</u> 12 month period; (iv) the total depth of any excavation or filling does not exceed 1.5m above or below ground level; (v) the slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (vi) earthworks are set back 1.5m from all boundaries; (vii) areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks, <u>or finished with a hardstand surface;</u> (viii) sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and (ix) do not divert or change the nature of natural water flows, or water bodies or established drainage paths.
P2	<p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material. must meet the following condition:</p> <ul style="list-style-type: none"> (i) be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.

P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material (excluding cleanfill) must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) must not exceed a total volume of 500m³; (ii) must not exceed a depth of 1m; (iii) the slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) fill material is setback 1.5m from all boundaries; (v) areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks, or finished with a hardstand surface; (vi) sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; and (vii) do not divert or change the nature of natural water flows, water bodies or established drainage paths.
RDI	<p>(a) Earthworks that do not comply with Rule 20.2.5.1 P1, P2 or P3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) amenity values and landscape effects; (ii) volume, extent and depth of earthworks; (iii) nature of fill material; (iv) contamination of fill material; (v) location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) compaction of the fill material; (vii) volume and depth of fill material; (viii) protection of the Hauraki Gulf Catchment Area; (ix) geotechnical stability; (x) flood risk, including natural water flows and established drainage paths; and (xi) land instability, erosion and sedimentation.

25.3.5 Section 32AA evaluation

Effectiveness and efficiency

392. I consider that the amended Rule 20.2.5.1 is an effective and efficient method to implement Policy 4.6.7 and therefore achieve Objective 4.6.6.

Costs and benefits

393. The recommended amendments to this rule would reduce the need for resource consents to be obtained, thus saving time and costs. In turn, this provides economic benefits in industrial operators.

Risk of acting or not acting

394. I consider that there is a risk in retaining the notified version of this rule in that some outcomes sought are unclear and unjustified. The amendments provide greater clarity and flexibility for industrial development while still appropriately managing adverse effects.

Decision about most appropriate option

395. In my opinion, the recommended rule is the most appropriate in achieving the purpose of the RMA as it provides flexibility for industrial development while managing the adverse effects associated with earthworks.

26 Signs

26.1.1 Introduction

396. Rules for signs in the Industrial Zone provide functional benefits to industrial operators and customers. The rules also address the number, appearance, scale and location of signs primarily to manage visual impact and ensure safety for traffic users and pedestrians.

26.2 Rule 20.2.7.1 Signs – General

26.2.1 Submissions

Submission Point	Submitter	Decision Requested
302.13	EnviroWaste New Zealand Limited	Add clarification to Rule 20.2.7.1 P2 (a) Signs – General that it applies to freestanding signs only. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.
<i>FS/323.85</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Oppose</i>
633.60	Van Den Brink Group	Add clarification that Rule 20.2.7.1 P2(a) Signs applies to free standing signs only.
766.20	Holcim (New Zealand) Limited	Amend Rule 20.2.7.1 P2(a) Signs- General by inserting clarification that (a) applies to free standing signs only. AND Any additional or consequential relief to give effect to the matters raised in the submission.
302.14	EnviroWaste New Zealand Limited	Amend Rule 20.2.7.1 P2 Signs – General to increase rules to 10m ² per site as a minimum. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.
<i>FS/323.86</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Oppose</i>
633.61	Van Den Brink Group	Amend Rule 20.2.7.1 P2 Signs to increase the area to at least 10m ² . AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.

766.21	Holcim (New Zealand) Limited	<p>Amend Rule 20.2.7.1 P2 Signs- General by increasing the signage rules to allow for at least 10m² per site.</p> <p>AND</p> <p>Any additional or consequential relief to give effect to the matters raised in the submission.</p>
543.8	Fellrock Developments Limited and TTT Products Limited	<p>Retain notified Rule 20.2.7.1 Signs - General.</p>
559.83	Heritage New Zealand Lower Northern Office	<p>Amend Rule 20.2.7.1 P2 Signs - general to exclude any type of signage on Heritage Items and Maaori Sites of Significance.</p> <p>AND</p> <p>Amend Rule 20.2.7.1 RDI Signs - general to include signage on Heritage items and Maaori Sites of Significance.</p> <p>AND</p> <p>Add an advice note under this new rule to advise of the other heritage building related rules within the Chapter.</p> <p>AND</p> <p>Provide for any consequential amendments as required.</p>
578.6	Ports of Auckland Limited	<p>Retain Rule 20.2.7.1 RDI Signs - General, as notified.</p>
588.26	Woolworths NZ Limited	<p>Amend Rule 20.2.7.1 Signs - General as follows:</p> <p>P2</p> <p>...</p> <p>(c) where the sign is a freestanding sign, it must:</p> <p>A. Not exceed an area of 203m² for one sign face and 1m² for any other freestanding sign on the site;</p> <p>B. <u>Must not exceed one sign per site; and</u></p> <p>C. <u>Be set back at least 5m from the boundary of any site a Residential, Village or Country Living Zone.</u></p> <p>...</p> <p>RDI</p>

		<p>...</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>...</p> <p><u>(ix) extent to which the signage is consistent with corporate branding and represents a cohesive visual appearance with the commercial activity on-site.</u></p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.</p>
FS/323.84	Heritage New Zealand Pouhere Taonga	Oppose
602.50	Greig Metcalfe	<p>Amend Rule 20.2.7.1. P3 (a) Signs - general, as follows:</p> <p>(a) Any real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</p> <p>(i) <u>There is no more than 1 sign per agency measuring 600mm x 900mm per road frontage of the site to which the sign relates;</u></p> <p>(ii) <u>There is no more than 1 sign measuring 1800mm x 1200mm per site to which the sign relates;</u></p> <p>(iii) <u>There is no more than 1 real estate header sign measuring 1800mm x 1200mm on one other site;</u></p> <p>(iv) (iv) <u>The sign is not illuminated;</u></p> <p>(v) (v) <u>The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</u></p> <p>(vi) (vi) <u>The sign does not project into or over road reserve.</u></p> <p><u>(vii) Any real estate sign shall be removed from display within 60 days of sale/lease or upon settlement, whichever is the earliest.</u></p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
633.62	Van Den Brink Group	Amend Rule 20.2.7.1 (Signs) to exclude signs from the yard setbacks;

		<p>AND</p> <p>If the above relief is not accepted, amend Rule 20.3.3 Daylight Admission to exclude signs;</p> <p>OR</p> <p>Amend the definition of "buildings" in Chapter 13 Definitions to exclude free-standing signs;</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
766.22	Holcim (New Zealand) Limited	<p>Amend Rule 20.2.7.1 Signs- General so that Signs are excluded from yard setbacks.</p> <p>AND</p> <p>Amend Rule 20.3.3 Daylight admission to exclude signs, if the amendments sought on Daylight Admission are not granted.</p> <p>OR</p> <p>Amend the definition of "Building" in Chapter 13 Definitions to exclude free-standing signs.</p> <p>AND</p> <p>Any additional or consequential relief to give effect to the matters raised in the submission.</p>
697.630	Waikato District Council	<p>Amend Rule 20.2.7.1 P2 Signs – General, as follows:</p> <p><i>(a) A sign must comply with all of the following conditions:</i></p> <p><i>(i) The sign height does not exceed 10m;</i></p> <p><i>(ii) The sign is wholly contained on the site;</i></p> <p><i>(iii) An illuminated sign must:</i></p> <p><i>A. not have a light source that flashes or moves; and</i></p> <p><i>B. not contain moving parts or reflective materials; and</i></p> <p><i>C. be set back at least 15m from a state highway or the Waikato Expressway;</i></p> <p><i>(b) Where the sign is attached to a building, it must:</i></p> <p><i>(i) not extend more than 300mm from the building wall; and</i></p> <p><i>(ii) not exceed the height of the building;</i></p>

		<p>(c) Where the sign is a freestanding sign, it must:</p> <p>(i) not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; and</p> <p>(ii) be set back at least 5m from the boundary of any site <u>within</u> a Residential, Village or Country Living Zone;</p> <p>(d) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation;</p> <p>(e) The sign is <u>for the purpose of identification and interpretation</u> not attached to of 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> <p>(i) goods or services available on the site; or</p> <p>(ii) a property name sign.</p>
697.631	Waikato District Council	<p>Amend Rule 20.2.7.1 P3 Signs – General, as follows:</p> <p>(a) A real estate 'for sale' or 'for rent' sign <u>relating to the site on which it is located</u> must comply with all of the following conditions:</p> <p>(i) The sign relates to the sale of the site on which it is located;</p> <p>(ii) There is no more than + 3 signs per <u>site</u> agency;</p> <p>(iii) The sign is not illuminated;</p> <p>(iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(v) The sign does not project into or over road reserve.</p>
FS1264.24	Bootleg Brewery	Oppose
742.202	New Zealand Transport Agency	<p>Retain Rule 20.2.7.1 PI Signs - General as notified.</p> <p>AND</p> <p>Retain Rule 20.2.7.1 RDI Signs - General as notified.</p>
742.203	New Zealand Transport Agency	Retain Rule 20.2.7.1 Signs- General, except for the amendments sought below

		<p>AND</p> <p>Amend Rule 20.2.7.1 P2(c) Signs - General, as follows:</p> <p>Where the sign is a freestanding sign, it must:</p> <p>(i) Not exceed an area of 3m² for one sign <u>per site</u> and 1m² for any other <u>one additional</u> freestanding sign on the site; and</p> <p>.....</p> <p>(iii) <u>Be set back at least 15m from the boundary of a state highway.</u></p> <p>AND</p> <p>Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
FS1089.17	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose
785.61	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – 'Oil Companies'	<p>Retain Rule 20.2.7.1 P2 Signs - General, except for the amendments sought below;</p> <p>AND</p> <p>Amend Rule 20.2.7.1.P2 – Signs – General, as follows:</p> <p>P2</p> <p>(a) A sign must comply with all of the following conditions:</p> <p>(i) The sign height does not exceed 150m;</p> <p>...</p> <p>(c) Where the sign is a freestanding sign, it must:</p> <p>(i) not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; and</p> <p>(ii) be set back at least 5m from the boundary of any site a Residential, Village or Country Living Zone; <u>and</u></p> <p>(iii) <u>In addition to (A) above, one free standing sign not exceeding 15m² per service station.</u></p> <p>...</p> <p>AND</p> <p>Any consequential amendments or additional relief to give effect to the submission.</p>
785.65	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – 'Oil	Retain Rule 20.2.7.1 Signs – General, except for the amendments sought below.

	Companies'	<p>AND</p> <p>Amend Rule 20.2.7.1 RDI Signs – General to be consistent with the equivalent rules in Chapter 17, 18 and 21 as follows:</p> <p><u>RDI</u></p> <p><u>(a) A sign that does not comply with Rule XXX PX or PX.</u></p> <p><u>(b) Council's discretion shall be restricted to the following matters:</u></p> <p><u>(i) Amenity values;</u></p> <p><u>(ii) Character of the locality;</u></p> <p><u>(iii) Effects on traffic safety;</u></p> <p><u>(iv) Glare and artificial light spill;</u></p> <p><u>(v) Effects on a notable tree;</u></p> <p><u>(vi) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</u></p> <p><u>(vii) Effects on cultural values of any Maaori Site of Significance; and</u></p> <p><u>(viii) Effects on notable architectural features of a building.</u></p> <p>AND</p> <p>Any consequential amendments or additional relief to give effect to the submission.</p>
785.53	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – 'Oil Companies'	<p>Add a new Permitted Activity Rule to Chapter 20 – Industrial Zone as follows:</p> <p><u>PX</u></p> <p><u>Any Health and Safety signage required by legislation.</u></p> <p>AND</p> <p>Add an additional definition (if necessary) of 'health and safety' sign as follows:</p> <p><u>Health and Safety sign means any sign necessary to meet other legislative requirements (e.g. HSNO/Work-safe).</u></p> <p>AND</p> <p>Any consequential amendments or additional relief to give effect to the submission.</p>

26.2.2 Analysis

397. EnviroWaste New Zealand Limited [302], Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] seek to amend Rule 20.2.7.1 P2(a) to clarify that the rule applies to freestanding signs only.
398. Heritage New Zealand Pouhere Taonga [FSI323] opposes the submission from EnviroWaste on the basis that the permitted activity rules apply to heritage items and Maaori Sites and Areas of Significance. They consider that the submitter's request has the potential to cause adverse effects on these items.
399. P2(a) applies to all signs, regardless of whether they are attached to a building or are freestanding. P2(b) and (c) set out additional controls for signs that are attached to a building or are freestanding respectively. It would be helpful for the submitters to clarify their concern at the hearing and indicate how the notified rules would be problematic for their sites. I note that there are very few controls on signs attached to buildings. In terms of dimensions, the sign height must not exceed 10m (P2(a)(i)), must not exceed the height of the building (P2(b)(ii)) and not extend more than 300mm from the building wall (P2(b)(i)). I consider these to be appropriate parameters to which a sign attached to a building must comply.
400. EnviroWaste New Zealand [302], Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] consider that the limit of one freestanding sign (up to 3m²) and one additional freestanding sign (up to 1m²) is unnecessarily restrictive, and P2 should be increased to 10m² as a minimum.
401. Woolworths NZ Limited [588] raised similar concerns and considers that the signage requirements in Rule 20.2.7 are too restrictive. Woolworths NZ Limited and seeks an increase in the size of freestanding signs.
402. Heritage New Zealand Pouhere Taonga [FSI323] opposes both requests because of the potential to cause adverse effects on heritage items and Maaori Sites and Areas of Significance. As noted above, it would be helpful for the submitter to identify which items in Schedule 30.1 and 30.3 on industrial-zoned land could be adversely affected by any signage proposal. Their further submission point is rejected, pending further detail to be provided by them.
403. Supermarkets are not permitted in the Industrial Zone and require resource consent to a discretionary activity. The effects of associated signage would therefore be addressed at that time.
404. I consider a single 3m² sign is considered sufficient to enable multiple activities to be advertised. The allowance of one additional freestanding sign also provides for sites that contain multiple industrial developments while managing visual impact which is still relevant in industrial zones. I consider it appropriate to consider any breach of the permitted activity standards via a resource consent process, and that the default to a restricted discretionary activity will allow any effects to be considered and is not considered onerous.
405. It would be helpful for the submitters to provide further detail as to how the notified rule for freestanding signs would be problematic for their sites.
406. In response to the request by Woolworths NZ Limited, I consider it is appropriate to restrict the number and size of signs in the Industrial Zone. This is because it is important to manage visual impact of signs within industrial zones, even though a lower level of amenity is expected than a more sensitive zone, such as a residential zone. It is also an important to manage visual impact for receiver sites where there is a zone interface between industrial zones and more sensitive zones

407. Fellrock Developments Limited and TTT Products Limited [543] support Rule 20.2.7.1 as notified, as they consider that it is workable. I agree subject to the amendments sought in response to other submissions.
408. Heritage New Zealand Pouhere Taonga [559] opposes Rule 20.2.7.1 because the permitted standards have the potential to adversely affect heritage items and Maaori sites of significance.
409. I accept that there is a risk (albeit small) that signage complying with P2(a) and (b) has potential to adversely affect these particular heritage items. However, in order for any recommendation to be informed, it would be helpful for the submitter to identify which items in Schedule 30.1 and 30.3 on industrial-zoned land could be adversely affected. In the interim, I consider it appropriate to reject this submission, pending further supporting evidence from the submitter.
410. On a similar matter, Waikato District Council [697] requests that P2(e) in Rule 20.2.7.1 be amended so that the only sign on a Maaori site of significance is for the purpose of identification or interpretation.
411. In my view, this amendment is problematic. This is because it would require every permitted sign to be for the purpose of identification and interpretation. It would appear that this is not the intention of the amendment. It may be necessary, therefore, to develop a standalone rule dealing with signage relating to Maaori sites of significance.
412. Ports of Auckland Limited [578] supports RDI in Rule 20.2.7.1 as notified. I agree that a restricted discretionary activity default is appropriate in order for proposals that breach the standards to be considered on their merits in the context of the list of discretions.
413. Greig Metcalfe [602] opposes P3 in Rule 20.2.7.1 Signs – General, for the reason that it is too restrictive for real estate signs in the Heavy Industrial Zone. It is noted that the submitter has requested that real estate signs be permitted across all zones, subject to these conditions:
- a. No more than 1 sign per agency measuring 600mm x 900mm per road frontage of the site to which the sign relates
 - b. There is no more than 1 sign measuring 1800mm x 1200mm per site to which the sign relates
 - c. There is no more than 1 real estate header sign measuring 1800mm x 1200mm on one other site
 - d. Any real estate sign shall be removed from display within 60 days of sale/lease or upon settlement, whichever is the earliest.
414. Waikato District Council [697] requests amendments to P3 in Rule 20.2.7.1 Signs – General, by adding reference to ‘for rent’ signs and allowing three such signs (rather than one) on a site.
415. In my view, notified P3 is rather permissive, in that it does not specify any size limit for real estate signs in the Industrial Zone. Council has also submitted to increase the number of signs to 3 signs per site, which is considered commensurate with the larger size of properties in the Industrial Zone, compared to a residential zone for example, and a level of amenity which is lower than other zones. The request for signage ‘on one other site’ is not clear and risks adverse effects being generated in other zones.
416. In my view, there is no need to distinguish between the types of real estate sign. Furthermore, while most people would associate the term ‘real estate signs’ with an agency, this rule would also apply to a private landowner wanting to sell, lease or rent their property. Given the lower level of amenity that is characteristic of the Industrial Zone, it is considered that a total of three real estate signs per site is appropriate.

417. Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] request that signs be excluded from the yard setbacks. The submissions sought alternative relief to amend Rule 20.3.2 Daylight admission or the definition of 'building' to exclude signs.
418. In my view, these exclusions for signs are not appropriate. If a sign is large enough to constitute a 'building', then the visual impact of signage in an Industrial Zone and the effects on traffic users remain relevant issues. For any breach of the permitted activity standards, it is appropriate to consider the merits of a particular sign proposal through a resource consent process.
419. Given that Rule 20.3.4.1 requires a 5m setback from a road boundary and 7.5m from any other boundary where the site adjoins another zone, other than the Heavy Industrial Zone, it would be helpful for the submitters to outline how these setbacks would be problematic for future developments.
420. The New Zealand Transport Agency [742] supports P1 in Rule 20.2.7.1 as notified, as it permits their signage.
421. The New Zealand Transport Agency [742] requests that P2 in Rule 20.2.7.1 Signs – General, be amended to make it clear that there is a limit of two freestanding signs on a site. The words 'any other' in the notified rule mean that no limit is set. This amendment is considered appropriate and necessary.
422. The New Zealand Transport Agency [742] also requests that freestanding signs be located at least 15m from a state highway. It would appear that the notified rule only requires this setback if the sign is illuminated. In order to address this apparent anomaly an amendment is recommended to this rule as shown below and in Attachment 3.
423. The 'Oil Companies' [FS1089] oppose NZTA's request on the basis that signs visible from a state highway do not necessarily cause an adverse effect on the transport network.
424. The 'Oil Companies' [785] request that P2 in Rule 20.2.7.1 be amended to permit a sign height of 15 metres (rather than the notified limit of 10 metres).
425. In my view, it is appropriate that signage does not become a dominant visual feature over a permitted building in the Industrial Zone. However, it would appear that the submitter's primary request is that the 10 metre height limit would be problematic for their 'brand signs' associated with any service station development.
426. It would be helpful for the 'Oil Companies' to confirm the maximum height of their brand signs. However, because a service station development would require resource consent to a discretionary activity in an Industrial Zone, the impact of any associated signage would be considered at that time.
427. The 'Oil Companies' [785] support a restricted discretionary activity status in Rule 21.2.7.1, but seek to amend the matters of discretion and make these consistent across Chapters 17, 18 and 2. In my view, this is just one example of needing consistency across the district plan. However, insofar as the industrial zones are concerned, I do not consider it appropriate to address character of an industrial location or the effects on the architectural features of a building, as I consider these to be more relevant to business zones.
428. The 'Oil Companies' [785] request a new permitted activity rule for health and safety signage in the Industrial Zone.
429. In my view, it is considered appropriate that health and safety signage continues to be managed by legislation outside of the district plan. Examples of such legislation include the Hazardous Substances and New Organisms Act 1996 (HSNO), which directs the location of signs and what information needs to be visible, and the Health and Safety at Work Act 2005.
430. Rule 14.3.1 P11 in Chapter 14 applies to all zones and permits signage associated with infrastructure required for health and safety or asset identification purposes and/or required

by legislation. Therefore, it is not necessary to duplicate this type of permitted activity rule in the Industrial Zone.

26.2.3 Recommendations

431. For the reasons given above, it is recommended that the hearings panel:

- a. **Reject** the submission from EnviroWaste New Zealand Limited [302.13]
- b. **Accept** the further submission from *Heritage New Zealand Pouhere Taonga* [FS1323.85]
- c. **Reject** the submissions from Van Den Brink Group [633.60] and Holcim (New Zealand) Limited [766.20]
- d. **Reject** the submissions from EnviroWaste New Zealand Limited [302.14], Van Den Brink Group [633.61] and Holcim (New Zealand) Limited [766.20]
- e. **Accept** the further submission from *Heritage New Zealand Pouhere Taonga* [FS1323.86]
- f. **Accept** the submission from Fellrock Developments Limited and TTT Products Limited [543.8]
- g. **Reject** the submission from Heritage New Zealand Pouhere Taonga [559.83]
- h. **Accept** the submission from Ports of Auckland Limited [578.6]
- i. **Reject** the submission from Woolworths NZ Limited [588.26] and further submission from *Heritage New Zealand Pouhere Taonga* [FS1323.84].
- j. **Reject** the submission from Greig Metcalfe [602.50].
- k. **Reject** the submissions from Van Den Brink Group [633.62] and Holcim (New Zealand) Limited [766.22].
- l. **Reject** the submission from Waikato District Council [697.630].
- m. **Accept in part** the submission from Waikato District Council [697.631] and amend P3 in Rule 20.2.7.1 as shown in Attachment 3.
- n. **Reject** the further submission from *Bootleg Brewery* [FS1264.24].
- o. **Accept** the submission from the New Zealand Transport Agency [742.202].
- p. **Accept** the submission from the New Zealand Transport Agency [742.203], to the extent of the amendments to Rule 20.2.7.1 shown in Attachment 3
- q. **Reject** the further submission from the 'Oil Companies' [FS1089.17].
- r. **Reject** the submission from the 'Oil Companies' [785.61].
- s. **Accept in part** the submission from the 'Oil Companies' [785.65] to the extent of the amendments to RDI in Rule 20.2.7.1 as shown in Attachment 3.
- t. **Reject** the submission from the 'Oil Companies' [785.53]

26.2.4 Recommended Amendments

20.2.7.1 Signs – General

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign height does not exceed 10m; (ii) The sign is wholly contained on the site; (iii) An illuminated sign must: <ul style="list-style-type: none"> A. not have a light source that flashes or moves; and B. not contain moving parts or reflective materials; and C. be set back at least 15m from a state highway or the Waikato Expressway; <p>(b) Where the sign is attached to a building, it must:</p> <ul style="list-style-type: none"> (i) not extend more than 300mm from the building wall; and (ii) not exceed the height of the building; <p>(c) Where the sign is a freestanding sign, it must:</p> <ul style="list-style-type: none"> (i) not exceed an area of 3m² for one sign per site, and 1m² for any other one additional freestanding sign on the site; and (ii) be set back at least 5m from the boundary of any site a Residential, Village or Country Living Zone; (iii) <u>be set back at least 15m from a state highway or the Waikato Expressway</u> <p>(d) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation;</p> <p>(e) The sign is for the purpose of identification and interpretation of 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"> (i) goods or services available on the site; or (ii) a property name sign.
P3	<p>(a) A real estate 'for sale' sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign relates to the sale of the site on which it is located; (ii) There is no more than <u>+ 3 signs</u> per <u>site agency</u>; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (v) The sign does not project into or over road reserve.
RDI	<p>(a) A sign that does not comply with Rules 20.2.7.1 P2 or P3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) visual amenity; (ii) character of the locality; (iii) effects on traffic safety; (iv) glare and artificial light spill; and (v) content, colour and location of the sign. (vi) effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (vii) effects on cultural values of any Maaori Site of Significance; (viii) effects on notable architectural features of a heritage building.

26.2.5 Section 32AA evaluation

Effectiveness and efficiency

432. I consider that the amended Rule 20.2.7.1 is an effective and efficient method to implement Policy 4.6.7 and therefore achieve Objective 4.6.6.

Costs and benefits

433. The recommended amendments to this rule would reduce the need for resource consents to be obtained, thus saving time and costs. In turn, this provides economic benefits in industrial operators.

Risk of acting or not acting

434. I consider that there is a risk in retaining the notified version of this rule in that some outcomes sought are unclear and unjustified. The amendments provide greater clarity and flexibility for signage in the Industrial Zone while still appropriately managing adverse effects.

Decision about most appropriate option

435. In my opinion, the recommended rule is the most appropriate in achieving the purpose of the RMA as it provides flexibility for industrial development while managing the adverse effects associated with signage.

26.3 Rule 20.2.7.2 Signs – Effects on traffic

26.3.1 Submissions

Submission Point	Submitter	Decision Requested
302.15	EnviroWaste New Zealand Limited	<p>Amend Rule 20.2.7.2 Signs – Effects on traffic to specify that it does not apply to site identification signs.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.</p>
633.63	Van Den Brink Group	<p>Amend Rule 20.2.7.2 Signs – Effects on traffic to specify that this rule does not apply to site identification signs.</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
766.23	Holcim (New Zealand) Limited	<p>Amend Rule 20.2.7.2 Signs-Effects on traffic to specify that the Rule does not apply to site identification signs.</p> <p>AND</p> <p>Any additional or consequential relief to give</p>

		effect to the matters raised in the submission.
986.119	KiwiRail Holdings Limited	<p>Amend Rule 20.2.7.2 PI Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief):</p> <p><i>(a) Any sign directed at road <u>land transport users</u> must:</i></p> <p>...</p> <p><i>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections <u>or at a level crossing</u>;</i></p> <p>AND</p> <p>Any consequential amendments to link and/or accommodate the requested changes.</p>
697.632	Waikato District Council	<p>Amend Rule 20.2.7.2 PI (a) Permitted Activities, as follows:</p> <p><i>(a) Any sign directed at road users must <u>meet the following conditions</u>:</i></p>
FSI 264.25	Bootleg Brewery	<i>Oppose</i>
742.204	New Zealand Transport Agency	<p>Retain Rule 20.2.7.2 PI Signs- Effects on traffic, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 20.2.7.2 PI (iv) Signs - Effects on traffic as follows:</p> <p><i>Contain no more than 40 characters and no more than 6 <u>words, symbols or graphics</u>;</i></p> <p>AND</p> <p>Consequently amend other provisions as necessary to satisfy the relief sought.</p> <p>AND</p> <p>Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
742.205	New Zealand Transport Agency	Retain Rule 20.2.7.2 DI Signs - Effects on traffic as notified.
785.69	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – ‘Oil Companies’	<p>Amend Rule 20.2.7.2 Signs – Effects on Traffic to be consistent with the equivalent rule in Chapters 17, 18 and 21 as follows:</p> <p><u>PI</u></p> <p><i>(a) Any sign directed at road users must:</i></p> <p><i>(i) Not imitate the content, colour or appearance of</i></p>

		<p><u>any traffic control sign:</u></p> <p><u>(ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections;</u></p> <p><u>(iii) Contain no more than 40 characters and no more than 6 symbols;</u></p> <p><u>(iv) Have lettering that is at least 150mm high;</u></p> <p><u>DI</u></p> <p><u>Any sign that does not comply with Rule XXXX PI.</u></p> <p>AND</p> <p>Any consequential amendments or additional relief to give effect to the submission.</p>
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26.3.2 Analysis

436. EnviroWaste New Zealand Limited [302], Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] all request that Rule 20.2.7.2 be amended so that it does not apply to site identification signs.
437. Rule 20.2.7.1 provides for general site development, whereas Rule 20.2.7.2 controls the content of signs so that road users are not distracted and traffic safety is maintained. It would be helpful for these submitters to clarify their concerns at the hearing. In the absence of any supporting information, recommend rejection of the submission points.
438. KiwiRail Holdings Limited [986] requests broadening the rule to land transport and requirements not to obstruct lines of site as a level crossing. In my view, these amendments are appropriate to address safety for drivers when approaching level railway crossings.
439. While not a defined term in the PWDP, the Land Transport Act 1998 defines 'land transport' as follows:
- Land transport** means transport on land by any means and the infrastructure facilitating such transport; and includes rail, surface-effect vehicles, and harbour ferries
440. For clarity, it is recommended that the requirement refer to a 'level railway crossing' rather than 'level crossing', which is ambiguous.
441. Waikato District Council [697] requests that PI(a) in Rule 20.2.7.2 be amended for clarity. In my view, this request does not change the requirement of this rule whatsoever. While it is recommended that this submission point be accepted, this is a consistency matter.
442. The New Zealand Transport Agency [742] requests amendment to Rule 20.2.7.2 PI as follows to limit the number of words and graphics as well as symbols. This same request has been noted in the earlier Hearing 6 (Village Zone). The following excerpts have been taken from the s42A report for that hearing:

With respect to the amendments sought by submission point [742.149], I have searched through the Traffic control devices manual ⁶ and can find no reference or requirement to restrict the number of graphics or words on a sign. As I am not a traffic safety expert; have limited experience from a consenting perspective and as of the time of writing of this report, have been unable to obtain expert comments, I invite the submitter to elaborate as to why these amendments are required.

⁶ TCD manual, published December 2008, NZTA

I note that these amendments sought would be consistent with the information contained within the brochure produced by NZTA⁷ but it is unclear from the brochure as to the reasoning for this restriction and how it would also be applicable to the likes of local roads, when compared to state highways.

443. NZTA requests the same amendment for all zones, which then raises the issue of consistency for how this particular signage rule applies across the whole of the district plan. Unless the submitter has provided sufficient detail at Hearing 6 to support their request, it is recommended that the notified Rule 20.2.7.2 remain unchanged.
444. The New Zealand Transport Agency [742] supports DI in Rule 20.2.7.2, which provides Council with full discretion to consider signage proposals that do not comply with the permitted standards.
445. While I consider that a default to a restricted discretionary activity would be more appropriate than a discretionary activity, it is recommended that this submission point be accepted, as there is not specific scope provided by a submission to make such an amendment.
446. The 'Oil Companies' [785] appear to request amendment to Rule 20.2.7.2 Signs – Effects on traffic to be consistent with Chapters 17, 18 and 21 as follows:
- PI (a) Any sign directed at road users must:*
- (i) not imitate the content, colour or appearance of any traffic control sign;*
 - ~~*(ii) be located at least 60m from controlled intersections, pedestrian crossings and another advertising sign;*~~
 - (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections;*
 - (iv) Contain no more than 40 characters and no more than 6 symbols;*
 - (v) Have lettering that is at least 150mm high; and*
 - ~~*(vi) be at least 130m from a site entrance, where the sign directs traffic to the entrance.*~~
447. It is expected that service stations would not comply with notified clauses PI(a)(ii) and (iv), particularly for corner site developments. However, a service station on a site in the Industrial Zone requires resource consent to a discretionary activity. Traffic safety matters and the overall merits of such development would be assessed at that time.

26.3.3 Recommendation

448. For the reasons stated above, it is recommended that the hearings panel:
- a. **Reject** the submissions from EnviroWaste New Zealand Limited [302.15], Van Den Brink Group [633.63] and Holcim (New Zealand) Limited [766.23]
 - b. **Accept** the submission from KiwiRail Holdings Limited [986.119] and amend Rule 20.2.7.2 as shown below and in Attachment 3
 - c. **Accept** the further submission from Waikato District Council [697.632] and amends Rule 20.2.7.2 as shown in Attachment 3
 - d. **Reject** the further submission from Bootleg Brewery [FS1264.25]
 - e. **Reject** the submission from the New Zealand Transport Agency [742.204]
 - f. **Accept** the submission from the New Zealand Transport Agency [742.205]
 - g. **Reject** the submission from the 'Oil Companies' [785.69]

⁷ Advertising signs on State Highways', dated Sept 2014, Ref 14-215, NZTA

26.3.4 Recommended Amendments

20.2.7.2 Signs - effects on traffic [986.119]

PI	(a) Any sign directed at road users must <u>meet the following conditions:</u> (i) not imitate the content, colour or appearance of any traffic control sign; (ii) be located at least 60m from controlled intersections, pedestrian crossings and another advertising sign; (iii) not obstruct sight lines of drivers turning into or out of a site entrance and intersections <u>or at a level railway crossing;</u> (iv) contains no more than 40 characters and no more than 6 symbols; (v) have lettering that is at least 150mm high; and (vi) be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI	Any sign that does not comply with Rule 21.2.7.2 PI.

26.3.5 Section 32AA evaluation

Effectiveness and efficiency

449. I consider that the amended Rule 20.2.7.2 is an effective and efficient method to implement new Objective 4.6.7A and Policy 4.6.7A which are recommended to be added in Section 4.6.

Costs and benefits

450. The recommended amendments to this rule would reduce the need for resource consents to be obtained, thus saving time and costs. In turn, this provides economic benefits in industrial operators.

Risk of acting or not acting

451. I consider that there is a risk in retaining the notified version of this rule in that some outcomes sought are unclear and unjustified. The amendments provide greater clarity and flexibility for signage in the Industrial Zone while still appropriately managing adverse effects.

Decision about most appropriate option

452. In my opinion, the recommended rule is the most appropriate in achieving the purpose of the RMA as it provides flexibility for industrial development while managing the adverse effects associated with signage.

27 Rule 20.2.8 Outdoor storage of goods or materials

27.1.1 Introduction

453. Rule 21.2.8 manages the height and location of materials located outside of built areas in the Industrial Zone primarily to address visual impact on surrounding zones and public places.

27.1.2 Submissions

Submission Point	Submitter	Decision Requested
302.16	EnviroWaste New Zealand Limited	Delete Rule 20.2.8(iv) Outdoor storage of goods or materials. AND

		Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.
<i>FSI 134.71</i>	<i>Counties Power Limited</i>	<i>Support</i>
<i>FSI 1353.17</i>	<i>Tuakau Proteins Limited</i>	<i>Support</i>
633.64	Van Den Brink Group	Delete Rule 20.2.8 PI (iv) Outdoor Storage of goods for material. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
<i>FSI 134.73</i>	<i>Counties Power Limited</i>	<i>Support</i>
766.24	Holcim (New Zealand) Limited	Delete Rule 20.2.8 PI (a)(iv) Outdoor storage of goods or materials. AND Any additional or consequential relief to give effect to the matters raised in the submission.
<i>FSI 134.74</i>	<i>Counties Power Limited</i>	<i>Support</i>
543.9	Fellrock Developments Limited and TTT Products Limited	Amend Rule 20.2.8 PI Outdoor storage of goods or materials, as follows: <i>PI (a) Outdoor storage of goods or materials must comply with all the following conditions:</i> ... <i>(iv) not exceed 30% site coverage;</i> ... <i>(v) be set back at least 3m 1.5m from the boundary of any:</i> ...
<i>FSI 134.72</i>	<i>Counties Power Limited</i>	<i>Support</i>
697.633	Waikato District Council	Amend Rule 20.2.8 PI (a)(vi) Outdoor storage of goods or materials, as follows: <i>(vi) be screened from any public road, public reserve and adjoining site in another zone, other than the Heavy Industrial Zone, by either of the following:</i> <i>A. a landscaped strip consisting of plant species that achieve a minimum height of 1.8m at maturity; or</i> <i>B. a close-boarded or solid fence or wall to a height of</i>

		1.8m. AND Add new condition as P1(a)(vii) Outdoor storage of goods or materials as follows; (vii) <u>complies with rule 20.3.3 (daylight admission)</u>
697.634	Waikato District Council	Amend Rules 20.2.8(a)(vi) Outdoor storage of goods or materials A and B, to ensure the condition is enforceable and satisfies a section 32 evaluation.
FSI193.17	Van Den Brink Group	Support in part
FSI326.17	Holcim (New Zealand) Limited	Support in part

27.1.3 Analysis

454. EnviroWaste New Zealand Limited [302], Van Den Brink Group [633], Holcim (New Zealand) Limited [766] and Fellrock Developments Limited and TTT Products Limited [543] requests the deletion of clause P1(a)(iv) in Rule 20.2.8, which sets a maximum 30% of site area used for the outdoor storage of goods or materials.
455. Counties Power Limited [FSI134] and Tuakau Proteins Limited [FSI353] support this request.
456. I accept that visual effects from stored materials are already sufficiently addressed in other rules that manage height, boundary setbacks and screening.
457. Fellrock Developments Limited and TTT Products Limited [543] also seek a reduction in the setback from the boundary to 1.5m (from 3m).
458. Waikato District Council [697] requests that Rule 20.2.8 be amended by adding a clause that refers to Rule 21.3.3 Daylight admission. In my view, the cross-reference to the daylight admission requirement in Rule 21.3.3 results in an unnecessary duplication. That rule addresses a building, structure, sign, or any stack or stockpile of goods or materials
459. Minor grammatical amendments are also sought, although the requested words 'either of' are unnecessary because of the use of the word 'or' that separates (vi) A. and (vi) B.
460. Council also expresses its more general concern in submission point [697.634] that this rule does not achieve good planning outcomes, given the difficulties of enforcing the equivalent rule in the OWDP, and therefore considers that other amendments are necessary.
461. Van Den Brink Group [FSI193] and Holcim (New Zealand) Limited [FSI326] agree that there could be issues with enforceability (particularly regarding planting heights), but need to consider their position if further amendments are made.
462. Overall, I question the effectiveness of Rule 20.2.8. Outdoor storage of goods or materials is necessary for many industrial activities. If the intent of the rule is to manage visual impact, I consider that this matter is already addressed by rules that control height, boundary setbacks and screening.
463. I therefore consider that Rule 20.2.8 should be deleted entirely. In my view there is jurisdiction to do so because of the general concerns raised by WDC in regards to the practicality of this rule and the difficulties that have been experienced in the past with

respect to monitoring and enforcement of this type of rule in the operative Waikato Section of the OWDP.

27.1.4 Recommendation

464. For the reasons stated above, it is recommended that the hearings panel:

- a. **Accept** the submissions from EnviroWaste New Zealand Limited [302.16], Van Den Brink Group [633.64] and further submissions from *Counties Power Limited* [FSI 134.71 and FSI 134.73] and *Tuakau Proteins Limited* [FSI 353.17] and delete Rule 20.2.8 as shown below and in Attachment 3.
- b. **Accept** the submission from Fellrock Developments Limited and TTT Products Limited [543.9] and further submission from *Counties Power Limited* [FSI 134.72] and delete Rule 20.2.8
- c. **Reject** the submissions from Waikato District Council [697.633 and 697.634]
- d. **Accept in part** the further submission from *Van Den Brink Group* [FSI 193.17] and *Holcim (New Zealand) Limited* [FSI 326.17] to the extent that Rule 20.2.8 be deleted entirely as shown below and in Attachment 3.

27.1.5 Recommended Amendments

20.2.8 Outdoor storage of goods or materials

PI	<p>(a) Outdoor storage of goods or materials must comply with all the following conditions:</p> <p>(i) be associated with the activity operating from the site;</p> <p>(ii) not encroach on required parking or loading areas;</p> <p>(iii) not exceed a height of 9m;</p> <p>(iv) not exceed 30% site coverage;</p> <p>(v) be set back at least 3m from the boundary of any:</p> <p>A. public road;</p> <p>B. Reserve Zone;</p> <p>C. Residential Zone;</p> <p>D. Village Zone;</p> <p>E. Country Living Zone;</p> <p>F. Business Town Centre Zone; and</p> <p>(vi) be screened from any public road, public reserve and adjoining site in another zone, other than the Heavy Industrial Zone, by the following:</p> <p>A. a landscaped strip consisting of plant species that achieve a minimum height of 1.8m at maturity; or</p> <p>B. a close boarded or solid fence or wall to a height of 1.8m.</p>
RDI	<p>(a) Outdoor storage of goods or materials that does not comply with Rule 20.2.8 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) visual amenity; and</p> <p>(ii) traffic safety.</p>

20.3 Land Use- Building

28 Building height and bulk

28.1.1 Introduction

465. Rule 20.3.1 specifies the height limit of any building in the Industrial Zone to manage visual impact.

28.2 Rule 20.3.1 Building height

28.2.1 Submissions

Submission Point	Submitter	Decision Requested
302.17	EnviroWaste New Zealand Limited	Retain the 15m maximum height in Rule 20.3.1 Building height OR Amend Rule 20.3.1 Building height to increase the maximum height of 15m. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.
378.105	Fire and Emergency New Zealand	Retain Rule 20.3.1 Building height.
<i>FS1035.212</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
404.4	Mowbray Group	Amend Rule 20.3.1 Building height to provide dispensation for existing buildings located at 452B Tauwhare Road, Matangi (Matangi Dairy Factory) to ensure the boiler house (22m), dryer tower (26m) and boiler flues (33m) remain at these heights when a change of use occurs.
<i>FS1264.5</i>	<i>Bootleg Brewery</i>	<i>Support</i>
<i>FS1305.14</i>	<i>Andrew Mowbray</i>	<i>Support</i>
<i>FS1323.184</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Oppose</i>
766.25	Holcim (New Zealand) Limited	Retain 15m as the maximum height or greater in Rule 20.3.1 Building height.
543.14	Fellrock Developments Limited and TTT Products Limited	Amend Rule 20.3.1 PI(a)(i) Building height, as follows: <i>PI (a) The maximum height of a building must not exceed:</i> <i>(i) 15m 20m; or</i>
633.65	Van Den Brink Group	Amend Rule 20.3.1 PI (a) Building Height to

		increase the maximum height to 18m or greater. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
697.640	Waikato District Council	Amend Rule 20.3.1 Building height heading, as follows: <i>Height – Building General height</i>
697.641	Waikato District Council	Amend Rule 20.3.1 PI(a) Building height, as follows: (i) 15 <u>20</u> m; or

28.2.2 Analysis

466. Fire and Emergency New Zealand [378] supports Rule 20.3.1, as the maximum building height of 15 metres will accommodate fire stations and hose drying towers.
467. However all the other submissions seek an increase in the maximum height. Mowbray Group [404] seeks dispensation for existing buildings located at 452B Tauwhare Road, Matangi (Matangi Dairy Factory) to ensure the boiler house (22m), dryer tower (26m) and boiler flues (33m) remain at these heights when a change of use occurs. In my opinion, these existing structures are historic and are protected through existing use rights (section 10 of the RMA).
468. This former factory building at 452 Tauwhare Road is proposed to have an ‘A’ ranking in Schedule 30.1 of the PWDP. Rule 20.3.5.3 permits this building to be altered or added to, provided that these works are not visible from a public place, and no significant feature of interest is removed, destroyed or damaged. Resource consent to a restricted discretionary activity is otherwise required.
469. It is noted that Heritage New Zealand has requested amendments to Rule 20.3.5.3 [559.109] so that location, scale and the effects on the setting of the heritage item are also considered for a restricted discretionary activity. That submission point will be addressed later in 2020 in Hearing 18 (Historic Heritage). Any proposal to significantly alter this former factory building would require resource consent under either the OWDP or PWDP. Because it is not possible to confirm the details of any height breach at this point in time, it is necessary to reject this further submission.
470. EnviroWaste New Zealand Limited [302], Holcim (New Zealand) Limited [766], Fellrock Developments Limited and TTT Products Limited [543], Van Den Brink Group [633], Holcim [766] and Waikato District Council [697] seek an increase in the maximum height. These submissions range between greater than 15m to 20m.
471. Without supporting evidence, I do not consider it is appropriate to support the submissions requesting an increase in height. While I accept that many sites within the Industrial Zone are large enough to absorb the visual impact of most building development, it is considered that the merits of building in excess of 15 metres should be assessed through a resource consent application. This process would enable Council to determine whether an increased building height would be discernible, or result in more than minor adverse visual effects, for the particular surroundings.

472. Waikato District Council [697] requests that the heading for this rule be amended to make it clear that the rule relates to height of buildings. In my view, this amendment is not necessary because all rules in section 21.3 relate to building effects. An alternative that may be preferred by the hearings panel is for Rule 20.3.1 to be headed 'Building Height' which achieves the same clarity sought by the submitter but is more grammatically correct.

28.2.3 Recommendation

473. For the reasons given above, it is recommended that the hearings panel:
- Accept in part** the submission from EnviroWaste New Zealand Limited [302.17]
 - Accept** the submission from Fire and Emergency New Zealand [378.105] and further submission from *Pareoranga Te Kata* [FS1035.212]
 - Reject** the submission from Mowbray Group [404.4] and further submissions from *Bootleg Brewery* [FS1264] and *Andrew Mowbray* [FS1305]
 - Accept** the further submission from *Heritage New Zealand Pouhere Taonga* [FS1323.184]
 - Reject** the submission from Holcim (New Zealand) Limited [766.25]
 - Reject** the submission from Fellrock Developments Limited and TTT Products Limited [543.14]
 - Reject** the submission from Van Den Brink Group [633.65]
 - Accept in part** the submission from Waikato District Council [697.640] to the extent that the heading for Rule 21.3.1 Height – General be amended to read as follows:

20.3.1 Building ~~Height~~ –General
 - Reject** the submissions from Waikato District Council [697.641]

28.2.4 Section 32AA evaluation

474. The nature of the recommended amendments is to provide clarity rather than changing the content of any provisions. As such, a full section 32AA evaluation is not considered necessary.

29 Rule 20.3.3 Buildings, structures and vegetation within an airport obstacle limitation surface

29.1.1 Introduction

475. This rule manages the height of buildings, structures and vegetation within an airport obstacle limitation surface (AOLS) shown on the planning maps. This AOLS is required to ensure that the Waikato Regional Airport's activities are not compromised.

29.1.2 Submissions

Submission Point	Submitter	Decision Requested
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697.452	Waikato District Council	Amend Rule 20.3.3 Buildings, structures and vegetation within an airport obstacle limitation surface, to include a calculation to determine the permitted height with the airport obstacle limitation surface.
FS1253.13	Waikato Regional Airport Limited	Oppose
697.642	Waikato District Council	Amend Rule 20.3.3 PI Height - Buildings, structures and vegetation within an airport obstacle limitation surface, as follows: <i>Any building, structure or vegetation must not protrude through an the airport obstacle limitation surface as shown identified on the planning maps and defined in Section E Designation N - Waikato Regional Airport.</i>
FS1253.14	Waikato Regional Airport Limited	Support
823.9	NZTE Operations Limited	Amend Rule 20.3.3 – Height - Buildings, structures and vegetation within an airport obstacle limitation surface as follows: <i>PI</i> <i>Any building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through an airport obstacle limitation surface as shown on the planning maps.</i> <i>NCI</i> <i>Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 20.3.3. PI</i> AND Amend the Proposed District Plan for any consequential relief required to give effect to this submission.
FS1178.9	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson.	Oppose
FS1253.16	Waikato Regional Airport Ltd	Support

29.1.3 Analysis

476. Waikato District Council [697] requests that Rule 20.3.3 be amended by including a calculation to determine the permitted height in respect to the airport obstacle limitation surface (AOLS).
477. Waikato Regional Airport Limited [FSI253] opposes this request because the calculation sought is provided for already in Appendix N of the PWDP. They also state that it is important that people are discouraged from undertaking activities that will result in a building, structure or other object from protruding above the AOLS, to ensure the continued safe operation of the airport. This submitter also notes that the default activity status in all other zones is discretionary and that it is appropriate to have consistency across zones.
478. I note that further detail was requested from the Waikato Regional Airport for the earlier Hearing 6 (Village Zone) to assist Council staff in determining whether any building complies with the AOLS. In this instance, however, I recommend that Rule 20.3.3 be deleted, only because no Industrial Zone is affected by the AOLS (or the corresponding Waikato Regional Airport's designation). Although there is no specific scope on this rule to make this change, I consider that Waikato District Council's broad submission point provides jurisdiction to delete this rule.

29.1.4 Recommendation

479. For the reasons given above, it is recommended that the hearings panel:
- Reject** the submission from Waikato District Council [697.452] and delete Rule 20.3.3
 - Accept** the further submission from *Waikato Regional Airport Limited* [FSI253.13]
 - Reject** the submission from Waikato District Council [697.642] and further submission from *Waikato Regional Airport Limited* [FSI253.14]
 - Reject** the submission from Waikato Regional Airport Limited [823.9]
 - Accept** the further submission from *Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson* [FSI178.9]
 - Reject** the further submission from *Waikato Regional Airport Limited* [FSI253.16]

29.1.5 Recommended Amendment

~~**20.3.3 Height – Buildings, structures and vegetation within an airport obstacle limitation surface [697.452, FSI253.13]**~~

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

29.1.6 Section 32AA evaluation

480. This recommended deletion is necessary as the AOLS does not apply in the Industrial Zone and no section 32AA evaluation is necessary in this instance.

30 Rule 20.3.3 Daylight Admission

30.1.1 Introduction

481. Rule 20.3.3 seeks to manage the effects of shade from development in the Industrial Zone on more sensitive environments, such as a residential zone.

30.1.2 Submissions

Submission Point	Submitter	Decision Requested
697.643	Waikato District Council	Amend Rule 20.3.3 NCI Daylight Admission, to be changed to DI as follows: NCI DI <i>Any building, structure or vegetation that does not comply with Rule 20.3.3. PI</i>
302.18	EnviroWaste New Zealand Limited	Amend Rule 20.3.3 Daylight admission to increase height from 2.5m to 3m. AND Amend Rule 20.3.3 Daylight Admission to specifically exclude roads from any daylight admission plane. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.
543.16	Fellrock Developments Limited and TTT Products Limited	Retain Rule 20.3.3 Daylight admission, except for the amendments outlined below; AND Amend Rule 20.3.3 Daylight Admission to exclude boundaries with the Heavy Industrial Zone.
578.14	Ports of Auckland Limited	Retain Rule 20.3.3 Daylight admission, as notified.
633.66	Van Den Brink Group	Amend Rule 20.3.3 PI Daylight Admission to increase height from 2.5m to 3m. AND Amend Rule 20.3.3 Daylight Admission to specifically exclude roads from any daylight admission plane. AND Any consequential amendments and/or additional relief required to address the matters raised in

		the submission.
697.644	Waikato District Council	<p>Amend Rule 20.3.3 Daylight admission to be Rule 20.3.4;</p> <p>AND</p> <p>Undertake consequential renumbering of subsequent rules within the Industrial Zone Chapter.</p>
697.645	Waikato District Council	<p>Amend Rule 20.3.3 PI(a)(i) Daylight Admission, as follows:</p> <p><i>(i) 45 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Industrial Zone with any other Residential, Village, Reserve, Business or Country Living Zone;</i></p>
697.646	Waikato District Council	<p>Amend Rule 20.3.3 PI(a)(ii) Daylight Admission, as follows:</p> <p><i>(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 <u>of goods or materials</u>.</i></p>
766.26	Holcim (New Zealand) Limited	<p>Amend Rule 20.3.3 Daylight Admission to increase the height from 2.5m to 3m.</p> <p>AND</p> <p>Amend Rule 20.3.3 Daylight Admission to specifically exclude roads from any daylight admission plane.</p> <p>AND</p> <p>Any additional or consequential relief to give effect to the matters raised in the submission.</p>

30.1.3 Analysis

482. Waikato District Council [697] requests that the default to a non-complying activity be amended to a discretionary activity.
483. EnviroWaste New Zealand Limited [302], Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] request amendments to Rule 20.3.3 so that the commencement height is 3m rather than 2.5m. The reason given is that the requirements are more stringent in the Proposed District Plan than the equivalent rule in the operative Franklin Section. They also consider that this rule should not apply to roads in the Industrial Zone.
484. Given the requirement for buildings to be at least 5 metres from a road boundary and to be no higher than 15 metres, I consider it highly unlikely that any breach would occur with notified Rule 20.3.3. This is because the point for measuring the daylight admission is the Industrial Zone boundaries, rather than the boundaries of each site within this zone.

485. I have recommended that this daylight admission rule be amended in response to other submissions, in order for the height-to-boundary formula to be more easily understood and applied. This is not expected to be an issue for the submitter, because the reference to 'sites' within the recommended rule does not include roads. The submitter is invited to comment on whether this new rule would satisfy their relief.
486. Fellrock Developments Limited and TTT Products Limited [543] state support for this rule as notified but seek amendments so that the daylight admission standards do not apply to a boundary with the Heavy Industrial Zone.
487. I have recommended that this rule (to be renumbered 20.3.4) be amended, as a consequence of amending the equivalent rule in the Heavy Industrial Zone.
488. Ports of Auckland Limited [578] supports Rule 20.3.3 Daylight admission, as notified. I have recommended that this rule (to be renumbered 20.3.4) be amended in response to other submissions so therefore recommend accepting this submission in part.
489. Waikato District Council [697] requests an amendment so that the rule for daylight admission is numbered 20.3.4 (not 20.3.3). This is a clerical correction that is not reliant on a submission. All notified building rules that follow will also need to be renumbered.
490. Council has also requested amendment to PI(a)(ii) so that it clarifies which zone boundaries the rule applies to (Residential, Village, Reserve, Business or Country Living). In my view, these additional words are not necessary. However, as a result of my response to other submissions, I recommend that the daylight admission rule for the Industrial Zone be amended completely as set out below and in Attachment 3.
491. In my view, Rule 20.3.3 is not easily understood. However, it remains important that a rule manages the effects of shading received by more sensitive sites that are not located in an industrial zone, in order to implement Policy 4.6.7 and therefore achieve Objective 4.6.6. The Daylight admission rules have the effect of managing bulk and dominance of buildings as well as ensuring appropriate access to sunlight.
492. I have considered similar rules in the Auckland Unitary Plan and the existing Industrial 2 Zone in the operative Franklin Section:
- Auckland Unitary Plan – buildings must not project beyond a 35 degree recession plane measured from a point 6m vertically above ground level along the boundary of the residential zones, open spaces, Special Purpose – Maori Purpose Zone or Special Purpose – School Zone.*
- Industrial 2 Zone – no part of any building or sign shall exceed a height of 3 metres plus the shortest horizontal distance between that part of the building and the nearest boundary of any site zoned Rural, Recreation, Residential, Residential 2, Rural Residential or Village.*
493. Because Rule 20.3.1 sets a maximum 15 metre building height and Rule 20.3.4.1 requires buildings to be set back at least 7.5 metres where a site in the Industrial Zone adjoins another zone other than the Heavy Industrial Zone, it may mean that the daylight admission rule becomes redundant. However, I consider there is a small risk in losing the management of shade effects if this rule were to be deleted.
494. On balance, I consider it most appropriate to adopt an approach similar to the district plan examples noted above, and that the daylight admission rule for the Industrial Zone should be amended as shown in Attachment 3.
495. I also do not consider it necessary to amend this rule to by including the words 'or goods or materials at the end of PI(a)(ii). This is because the word 'stockpile' already encompasses these items as per WDC's request. I also note that a restricted discretionary activity is the default in this notified rule. Therefore, I recommend rejection of WDC's request to change the activity status from non-complying to discretionary.

30.1.4 Recommendations

496. For the reasons given above, it is recommended that the hearings panel:
- Reject** the submission from Waikato District Council [697.643]
 - Accept** the submission from EnviroWaste New Zealand [302.18].
 - Accept** the submission from Fellrock Developments Limited and TTT Products Limited [543.16]
 - Reject** the submission from Ports of Auckland Limited [578.14]
 - Accept** the submission from Waikato District Council [697.644]
 - Reject** the submission from Waikato District Council [697.646]
 - Accept** the submission from Van Den Brink Group [633.66]
 - Accept** in part the submission from Waikato District Council [697.645]
 - Accept** the submission from Holcim (New Zealand) Limited [766.26]

20.3.3 20.3.4 Daylight Admission [697.644]

PI	<p>(a) A building, structure, sign, or any stack or stockpile of goods or materials must not protrude through a height control plane rising at an angle of:</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> <p><u>(a) A building must not project beyond a 45 degree height control plane measured from a point 3 metres above natural ground level along the boundary of a site located outside of an Industrial Zone or Heavy Industrial Zone.</u></p>
RDI	<p>(a) A building, structure, sign, or any stack or stockpile of goods or materials that does not comply with Rule 20.3.3 20.3.4 PI.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) effect on amenity.</p>

30.1.5 Section 32AA evaluation

497. I consider that the replacement rule is easier to interpret and apply than the notified rule. I do not consider it necessary to carry out a detailed section 32AA evaluation in this instance.

31 Building setbacks

31.1.1 Introduction

498. Rule 20.3.4 specifies setbacks from a road boundary and from any other boundary where the site adjoins another zone, other than the Industrial Zone. These setbacks primarily manage visual impact.

31.2 New rules

31.2.1 Submissions

Submission Point	Submitter	Decision Requested
697.647	Waikato District Council	<p>Add to Rule 20.3.4 Building setbacks by new clause (3), as follows:</p> <p><u>(3) Rule 20.3.4.3 Buildings and structures within the National Grid Yard</u></p> <p>AND</p> <p>Add the following rule into Chapter 20, after Rule 20.3.4.2:</p> <p><u>20.3.4.3 Buildings and structures within the National Grid Yard</u></p> <p><u>P1</u></p> <p><u>(a) Within the National Grid yard, building alterations and additions to an existing building or structure must comply with the following conditions:</u></p> <p><u>(i) Not involve an increase in the building height or footprint;</u></p> <p><u>(ii) 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.</u></p> <p><u>P2</u></p> <p><u>(a) Within the National Grid yard, the maximum height of fences are 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</u></p> <p><u>P3</u></p> <p><u>Within the National Grid yard, new buildings and structures that are not for a sensitive land use must comply with the following conditions:</u></p> <p><u>(i) 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><u>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire.</u></p>

		<p><u>unless it is:</u></p> <p><u>A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>NC1</u></p> <p><u>Any building alterations or additions within the National Grid Yard that does not comply with Rule 20.3.4.3 P1.</u></p> <p><u>NC2</u></p> <p><u>Any new buildings or structures within the National Grid Yard that does not comply with Rule 20.3.4.3 P2 or P3.</u></p>
697.648	Waikato District Council	<p>Add to Rule 20.3.4 Building setbacks a new clause (4), as follows:</p> <p><u>(4) Rule 20.3.4.4 Building setback – Sensitive land uses</u></p> <p>AND</p> <p>Add the following rule into Chapter 20 after new Rule 20.3.4.4:</p> <p><u>20.3.4.4 Building setback - Sensitive land uses</u></p> <p><u>P1</u></p> <p><u>(a) Any building for a sensitive land use must be set back a minimum of:</u></p> <p><u>(i) 10m from the centre line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV;</u></p> <p><u>(ii) 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> <p><u>P2</u></p> <p><u>(a) Within the National Grid yard, alterations or additions to a building used for an existing sensitive land use must comply with all the following conditions:</u></p> <p><u>(i) Not increase the building height or footprint; and</u></p> <p><u>(ii) 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><u>(iii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>D1</u></p>

		<p><u>Any building for a sensitive land use that does not comply with Rule 20.3.4.4 P1.</u></p> <p><u>NC1</u></p> <p><u>Any activity within the National Grid Yard that does not comply with Rule 20.3.4.4 P2.</u></p> <p><u>NC2</u></p> <p><u>Any new building for a sensitive land use within the National Grid Yard.</u></p> <p><u>NC3</u></p> <p><u>Any change of use of an existing building to a sensitive land use within the National Grid Yard.</u></p> <p><u>NC4</u></p> <p><u>The establishment of any new sensitive land use within the National Grid Yard.</u></p>
986.59	KiwiRail Holdings Limited	<p>Add a new rule to Rule 20.3.4 Building setbacks as follows (or similar amendments to achieve the requested relief):</p> <p><u>Building setback - railway corridor</u></p> <p><u>(a) any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary</u></p> <p>AND</p> <p>Any consequential amendments to link and/or accommodate the requested changes.</p>
FS1031.12	Chorus New Zealand Limited	Oppose in part
FS1032.12	Vodafone New Zealand Limited	Oppose in part
FS1033.12	Spark New Zealand Trading Limited	Oppose in part
FS1087.34	Ports of Auckland Limited	Oppose
986.65	KiwiRail Holdings Limited	<p>Add new matters of discretion relating to non-compliance with the 5m Building setback - railway corridor (sought elsewhere in other submission points) in Rule 20.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):</p> <p><u>1. The size, nature and location of the buildings on the site.</u></p> <p><u>2. The extent to which the safety and efficiency of rail and road operations will be adversely affected.</u></p> <p><u>3. The outcome of any consultation with KiwiRail.</u></p> <p><u>4. Any characteristics of the proposed use that will make</u></p>

		<u>compliance unnecessary.</u> AND Any consequential amendments to link and/or accommodate the requested changes.
FS1087.35	Ports of Auckland Limited	Oppose
FS1193.32	Van Den Brink Group	Oppose

31.2.2 Analysis

499. I appreciate WDC's concerns that these types of rules regarding earthworks, buildings, sensitive land uses and subdivision in close proximity to the National Grid could be overlooked. However in my view, this duplication is unnecessary and it counters the main purpose of Chapter 14 which is to provide a one-stop set of district-wide rules. My recommendation therefore aligns with the recommendation made on this same issue in Part A of the Hearing 6 (Village Zone).
500. I agree that an e-plan format would allow hyperlinks to the National Grid rules in Chapter 14 and this could be a solution to address both Council's and Transpower's issues.
501. KiwiRail Holdings Limited [986] requests a new setback rule requiring all buildings to be set back at least 5 metres from their designated rail corridor.
502. The telecommunication submitters (Spark New Zealand Trading Limited [FS1033], Chorus New Zealand Limited [FS1031] and Vodafone New Zealand [FS1032]) oppose in part this request. They state that their opposition to KiwiRail's submission provides them with the ability to then work with KiwiRail to reach an agreed position regarding appropriate exclusions for telecommunication equipment.
503. Ports of Auckland Limited [FS1087] opposes KiwiRail's request, as it would not enable the efficient development of the industrial land resource and also considers that the requested matters of discretion are unnecessarily onerous.
504. As a consequence of requesting this new setback rule, KiwiRail requests new restricted discretionary activity matters. It is noted that KiwiRail has requested the same provision for all zones. This matter was addressed at the earlier Hearing 6 (Village Zone).
505. In my view, it is not appropriate or necessary to introduce this new rule for any zone. The need for any person or organisation to access KiwiRail land for the purpose of carrying out works on their own land is considered a private matter which does not require Council input. As an example, this is no different to two private landowners negotiating an access agreement when no legal right of way exists.

31.2.3 Recommendation

506. For the reasons given above, it is recommended that the hearings panel:
- Reject** the submissions from Waikato District Council [697.647 and 697.648]
 - Reject** the submissions from KiwiRail Holdings Limited [986.59 and 986.65]
 - Accept** the further submissions from *Spark New Zealand Trading Limited [FS1033.12]*, *Chorus New Zealand Limited [FS1031.12]*, *Vodafone New Zealand Limited [FS1032.12]*, *Ports of Auckland Limited [FS1087.34 and FS1087.35]* and *Van Den Brink Group [FS1193.32]*

31.2.4 Section 32AA evaluation

507. As I am not recommending any significant changes to Rule 20.3.4.1, a section 32AA evaluation is not necessary.

31.3 Rule 20.3.4.1 Building setbacks

31.3.1 Submissions

Submission Point	Submitter	Decision Requested
302.20	EnviroWaste New Zealand Limited	<p>Amend Rule 20.3.4.1 (a)(ii) Building setbacks to not apply to boundaries of other industrial zone sites</p> <p>AND</p> <p>Amend Rule 20.3.4.1(a)(ii) Building setbacks to reduce setback between sites with other zones from 7.5m to 3m.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.</p>
543.17	Fellrock Developments and TTT Products Limited	Retain Rule 20.3.4.1 Building setbacks.
578.15	Ports of Auckland Limited	Retain Rule 20.3.4.1 Building setbacks, as notified.
588.27	Woolworths NZ Limited	<p>Amend Rule 20.3.4.1 Building setbacks as follows:</p> <p><i>PI</i></p> <p>(a) A building must be set back at least:</p> <p>(i) 5m from a road boundary;</p> <p>(ii) 7.53m from any other boundary where the site adjoins another zone, other than the Heavy Industrial Zone;...</p> <p><i>RD I</i></p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) effects on amenity values;</p> <p>(ii) (ii) effects on streetscape;</p> <p>(iii) (iii) traffic and road safety; and</p> <p>(iii) (iv) effects on the earth bund located on Lot 17 DP 494347 (53 Holmes Road, Horotiu).</p>
<i>FSI 134.76</i>	Counties Power Limited	<i>Support</i>
633.67	Van Den Brink Group	Retain Rule 20.3.4.1 PI (i) Building setback in relation to the maximum front yard setback of

		<p>5m.</p> <p>OR</p> <p>Amend Rule 20.3.4.1 PI(i) Building Setback to have a reduced front yard setback,</p> <p>AND</p> <p>Retain Rule 20.3.4.1 PI (ii) Building setback so that the rule does not apply to boundaries of other industrial zoned sites.</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
<i>FSI 134.77</i>	<i>Counties Power Limited</i>	<i>Support</i>
633.68	Van Den Brink Group	<p>Amend Rule 20.3.4.1 PI (ii) Building setbacks to reduce the setback between sites with other zones to 3m.</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission</p>
<i>FSI 187.20</i>	<i>Greig Developments No 2 Limited</i>	<i>Oppose</i>
697.649	Waikato District Council	<p>Amend Rule 20.3.4.1 Building setbacks heading, as follows:</p> <p><i>(i) Building setbacks – All boundaries</i></p>
742.206	New Zealand Transport Agency	Retain Rule 20.3.4.1 Building setbacks as notified.
742.207	New Zealand Transport Agency	<p>Retain Rule 20.3.4.1 RDI Building setbacks, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 20.3.4.1 RDI(b)(ii) Building setbacks as follows:</p> <p>Traffic and road safety <u>transport network safety and efficiency.</u></p> <p>AND</p> <p>Amend Rule 20.3.4.1 RDI(b) Building setback, to correct numbering errors.</p> <p>AND</p> <p>Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
766.27	Holcim (New Zealand) Limited	<p>Retain Rule 20.3.4.1 PI(a)(i) Building setbacks, which should not be increased.</p> <p>OR</p>

		Amend Rule 20.3.4.1 PI(a)(i) Building setbacks to be less than 5m. AND Any additional or consequential relief to give effect to the matters raised in the submission.
<i>FSI 134.78</i>	<i>Counties Power Limited</i>	<i>Support</i>
302.19	EnviroWaste New Zealand Limited	Retain Rule 20.3.4.1 Building setback which requires a maximum front yard setback of 5m (which should not be increased).
766.28	Holcim (New Zealand) Limited	Retain Rule 20.3.4.1 PI(a)(ii) Building setbacks so that the setback requirement does not apply to boundaries of other Industrial Zone sites.
766.29	Holcim (New Zealand) Limited	Amend Rule 20.3.4.1 PI(a)(ii) Building setbacks to reduce the setback between sites with other zones to 3m. AND Any additional or consequential relief to give effect to the matters raised in the submission.

31.3.2 Analysis

508. EnviroWaste requests that Rule 20.3.4.1 be amended so that setbacks do not apply if the adjoining site is also zoned Industrial. This amendment is not considered necessary because the 7.5 metre setback in PI(a)(ii) only applies where the site 'adjoins another zone', other than the Heavy Industrial Zone.
509. Fellrock Developments and TTT Products Limited [543], Ports of Auckland Limited [578] and New Zealand Transport Agency [742] support Rule 20.3.4.1 as notified.
510. Woolworths NZ Limited [588.27] requests that the notified 7.5 metre setback be reduced to 3 metres. I consider that the 7.5 metre setback should remain unchanged as it is important to mitigate the visual impact of typically large buildings on more sensitive zones, including a supermarket building which is obviously this submitter's interest. Because resource consent is required to establish a supermarket in the Industrial Zone, any proposal to locate this type of building within the 7.5 metre setback can be assessed on its merits at that time.
511. Holcim (New Zealand) Limited [766] and EnviroWaste New Zealand Limited [302] support the 5m front yard requirement in Rule 20.3.4.1, or alternatively reduced. Without supporting evidence to justify a front yard that is less than 5 metres, I recommend that the rule remain unchanged.
512. Waikato District Council [697] requests that the heading of this rule be amended to acknowledge that the rules apply to all boundaries. While I consider this to be a clerical amendment that is not reliant on a submission, it is recommended that this submission be accepted. This is a format matter that needs to be addressed across the whole of the district plan.
513. The New Zealand Transport Agency [742] requests an amendment to the matter of discretion around traffic and road safety. While the safety component of the request is clear, I am uncertain as to how buildings being located closer to a boundary would impact on the

efficiency of the transport network. They may be meaning ‘effectiveness’ of the transport network instead. I invite NZTA to clarify at the hearing how setbacks would affect the efficiency of their highway assets.

31.3.3 Recommendation

514. For the reasons given above, it is recommended that the hearings panel:
- a. **Reject** the submission from EnviroWaste New Zealand Limited [304.20]
 - b. **Reject** the submission from Woolworths NZ Limited [588.27]
 - c. **Reject** the further submission from *Counties Power Limited* [FS1 134.76]
 - d. **Accept in part** the submission from Van Den Brink Group [633.67]
 - e. **Reject** the further submission from *Counties Power Limited* [FS1 134.77]
 - f. **Reject** the submission from Van Den Brink Group [633.68]
 - g. **Accept** the further submission from *Greig Developments No 2 Limited* [FS1 187.20]
 - h. **Accept** the submission from Holcim (New Zealand) Limited [766.28]
 - i. **Reject** the submission from Holcim (New Zealand) Limited [766.29]
 - j. **Accept** the submission from Fellrock Developments and TTT Products Limited [543.17]
 - k. **Accept** the submission from Ports of Auckland Limited [578.15]
 - l. **Accept** the submission from Waikato District Council [697.649]
 - m. **Accept** the submission from the New Zealand Transport Agency [742.206]
 - n. **Accept in part** the submission from the New Zealand Transport Agency [742.207]
 - o. **Accept in part** the submission from Holcim (New Zealand) Limited [766.27] and further submission from *Counties Power Limited* [FS1 134.78]
 - p. **Accept** the submission from EnviroWaste New Zealand Limited [302.19]
 - q. **Accept** the submission from Holcim (New Zealand) Limited [766.28]
 - r. **Reject** the submission from Holcim (New Zealand) Limited [766.28]
 - s. **Reject** the submission from Holcim (New Zealand) Limited [766.29]

31.3.4 Recommended Amendments

20.3.4.1 Building setbacks – All boundaries

PI	<p>(a) A building must be set back at least:</p> <ol style="list-style-type: none"> (i) 5m from a road boundary; (ii) 7.5m from any other boundary where the site adjoins another zone, other than the Heavy Industrial Zone; and (iii) 5m from the toe of the earth bund located on Lot 17 DP 494347 (53 Holmes Road, Horotiu).
RDI	<p>(a) A building that does not comply with Rule 20.3.4.1 PI.</p> <p>(b) Council’s discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (i) effects on amenity values; (i) effects on streetscape; (ii) <u>(iii)</u> traffic and road safety; and (iii) <u>(iv)</u> effects on the earth bund located on lot 17 DP 494347 (53 Holmes Road, Horotiu).

31.3.5 Section 32AA evaluation

515. As a result of the minor amendments recommended for Rule 20.3.4.1, I consider that a detailed section 32AA evaluation is not considered necessary in this instance.

31.4 Rule 20.3.4.2 Building setbacks- Waterbodies

31.4.1 Submissions

Submission Point	Submitter	Decision Requested
378.106	Fire and Emergency New Zealand	Retain Rule 20.3.4.2 Building setbacks - Waterbodies.
<i>FS1035.213</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
<i>FS1388.70</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
543.10	Fellrock Developments Limited and TTT Products Limited	<p>Amend Rule 20.3.4.2 P1(a)(i)(B) Building setback - water bodies, as follows:</p> <p><i>P1 (a) A building must be set back a minimum of 30m from:</i></p> <p><i>(i) the margin of any:</i></p> <p><i>A. lake;</i></p> <p><i>B. wetland <u>identified as a Significant Natural Area of the planning maps</u>; and</i></p> <p>...</p>
578.18	Ports of Auckland Limited	<p>Amend Rule 20.3.4.2 D1 from a discretionary activity rule to a restricted discretionary activity rule and as follows:</p> <p><u>RD1</u></p> <p><i>A building that does not comply with Rule 20.3.4.2 P1, P2, P3 or P4.</i></p> <p><u><i>Council's discretion shall be restricted to the following matters:</i></u></p> <p><u><i>(a) effects of the location, intensity, scale and form of subdivision, use and development in relation to natural character;</i></u></p> <p><u><i>(b) the extent of indigenous vegetation clearance and modification (including earthworks, disturbance and structures);</i></u></p> <p><u><i>(c) cumulative effects on natural character and landscapes.</i></u></p> <p>OR</p> <p>Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions).</p> <p>AND</p>

		Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
FSI193.8	Van Den Brink Group	Support
FSI326.8	Holcim (New Zealand) Limited	Support
FSI388.841	Mercury NZ Limited	Oppose
662.52	Blue Wallace Surveyors Ltd	<p>Amend Rule 20.3.4.2 P1(a) Building setback - Waterbodies as follows:</p> <p>(a) Any building must be setback a minimum of: 30 from:</p> <p>(i) the margin of any:</p> <p>A. Lake <u>over 4ha</u>; and</p> <p>B. Wetland; and</p> <p>C. River bank, other than the Waikato River and Waipa River</p> <p>...</p> <p>AND</p> <p>Amend Rule 20.3.4.2 Building setback to require the following setback for managed wetlands to match the amendments sought for other zones:</p> <p><u>10m from a managed wetland</u></p> <p>AND</p> <p>Any consequential amendments.</p>
FSI387.125	Mercury NZ Limited	Oppose
697.465	Waikato District Council	Amend Rule 20.3.4.2 Building setback Waterbodies, to be consistent in terms of the terminology of structures across all zone chapters.
FSI108.14	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI139.13	Turangawaewae Trust Board	Oppose
FSI387.570	Mercury NZ Limited	Oppose
697.650	Waikato District Council	Delete Rule 20.3.4.2 P3 Building setback – water bodies.
697.651	Waikato District Council	<p>Amend Rule 20.3.4.2 P4 Building setback – water bodies, to read as follows:</p> <p>A public amenity of up to 25m², or a pump shed</p>

		<i>(public or private), within any building setback identified in Rule 20.3.4.2 P1, P2 or P3.</i>
FS1387.632	Mercury NZ Limited	Oppose
FS1387.633	Mercury NZ Limited	Oppose
697.652	Waikato District Council	<p>Amend Rule 20.3.4.2 Building setback – water bodies, as follows:</p> <p><i>P1</i></p> <p><i>(a) A building must be set back a minimum of 30 <u>27.5m</u> from:</i></p> <p><i>(i) the margin of any:</i></p> <p><i>A. lake;</i></p> <p><i>B. wetland; and</i></p> <p><i>C. river bank, other than the Waikato River and Waipa River.</i></p> <p><i>P2</i></p> <p><i>A building must be set back at least 50 <u>32.5m</u> from a bank of the Waikato River and Waipa River.</i></p>
FS1108.21	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FS1139.20	Turangawaewae Trust Board	Oppose
FS1387.634	Mercury NZ Limited	Oppose

31.4.2 Analysis

516. Fire and Emergency New Zealand [378] supports Rule 20.3.4.2. The purpose of Rule 20.3.4.2 is to primarily manage adverse amenity impacts on water bodies and future proof opportunities for the future vesting of esplanade reserves. I recommend that their position be accepted, despite their reasons for support appearing to be at odds with the purpose of this rule.
517. Fellrock Developments Limited and TTT Products Limited [543] request amendments to Rule 21.2.4, so that the 30 metre setback does not apply to a man-made wetland.
518. I accept that it is unclear whether the objective of the building setbacks is to maintain the functionality of any stormwater system in addition to managing aesthetic impact on any waterbody.
519. This is a matter that needs to be addressed consistently across zones and was raised in the earlier Hearing 6 (Village Zone). In that hearing, Blue Wallace Surveyors Limited [662] were invited to further comment, so that the s42A report author could make an informed recommendation.
520. I have considered the Auckland Unitary Plan's requirement for a 10 metre riparian yard which applies to permanent and intermittent streams in the Light Industrial Zone and Heavy Industrial Zone. A corresponding objective and policy read as follows:

H17.2. Objective (3) Adverse effects on amenity values and the natural environment, both within the zone and on adjacent areas, are managed.

H17.3 Policy (8) Restrict maximum impervious area within the riparian yard in order to ensure that adverse effects on water quality, water quantity and amenity values are avoided or mitigated.

H17.6.4 Yards

Purpose:

...

Ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality, amenity, provide protection from natural hazards, and potential access to the coast.

521. I may be in a position to provide a more informed recommendation at Hearing 7.
522. Ports of Auckland Limited [578] opposes DI in Rule 20.2.4.2 and requests that it be replaced with a default to a restricted discretionary activity. The submission requests a number of matters of discretion to accompany the restricted discretionary activity status.
523. An alternative relief requested by the submitter is for development within Horotiu Industrial Park to be managed through a bespoke set of provisions a new Development Area 20.6 which I have recommended in Part D.
524. In my view, a replacement restricted discretionary activity and the matters to be considered will depend on what is decided for the permitted activity rule. However, the above-mentioned list of matters would appear to be managed by other rules concerning lot size, activities, indigenous vegetation clearance and earthworks.
525. If the objective of the building setback is to maintain water quality and amenity, then I consider those should be the matters of restricted discretion.
526. Blue Wallace Surveyors Limited [662] opposes Rule 20.3.4.2.
527. Waikato District Council [697] requests amendment to Rule 20.3.4.2. This submitter may have intended to state that the wording of this rule needs to be consistent with how this rule is expressed in other chapters. This consistency matter is a general one which needs to be addressed across the whole of the plan. However, without any detail as to what amendments are being sought for the Industrial Zone, I consider that there is no basis to accept this specific submission point.
528. Turangawaewae Trust Board [FSI139] and Te Whakatikenga o Waikato Incorporated (Waikato-Tainui) [FSI108] oppose the submitter's request as it is unclear what amendments are sought. I agree with the opposing position of these further submitters.
529. Waikato District Council [697] requests that P3 in Rule 20.3.4.2 (which addresses setbacks from perennial or intermittent streams) be deleted, as the required setback is adequately covered by the other rules.
530. I disagree. This is because P1 and P2 deal with waterbodies that are more substantial than a perennial or intermittent stream, therefore requiring a greater setback of either 30 metres or 50 metres. It is appropriate for P3, which specifies a 10 metre setback, to remain.
531. The submitter also requests amendment to Rule 20.3.4.2 to make clear that a public or private pump is permitted. In my view, this amendment is not needed, as the notified wording does not distinguish between private and public use.
532. Waikato District Council [697] makes two requests. Firstly, that P1 (a) be amended so that the setback is reduced from 30 metres to 27.5 metres. Secondly, that P2 be amended to require a 32.5 (rather than 50 metre) setback from the bank of the Waikato River and Waipa River.

533. The earlier Hearing 6 (Village Zone) addressed the district-wide matter of future-proofing for esplanade reserves by requiring certain building setbacks from all water bodies.
534. The author of the s42A report for Hearing 6 stated that:

444. *It would appear from the s32 report on Landscape and Natural Character, that it is intended that the natural character of the coastal environment, wetlands and lakes and rivers and their margins be protected. This is reaffirmed by the notified Objective 3.5.1 (b):*

(b) The natural character of wetlands, and lakes and rivers and their margins are protected from inappropriate subdivision, use and development.

445. *And associated policies 3.5.2-3.5.4. Policy 3.5.4 (a)(iv) state:*

requiring appropriate setbacks of activities from wetlands, lakes and rivers.

446. *As such, the setbacks from rivers, wetlands and lakes go beyond that necessary to accommodate esplanade reserves, but also go towards protecting the natural character of wetlands, lakes and rivers and their margins. There is potential that if sizes were specified in the rule, a situation could arise where incrementally the natural character of lesser areas of wetlands, lakes and rivers are permanently changed.*

447. *The s32 report on Landscape and Natural Character assessed the scenario[1] where the status quo would be applied and that table stated:*

The existing provisions do not address the protection of natural character specifically enough. Areas that are identified in the existing provisions have been identified based on broader landscape values rather than specifically addressing the state of natural character. Would not map areas of high (or above) natural character.

This option would not be consistent with the RPS direction to identify, protect and avoid adverse effects on high and outstanding natural character areas. The areas currently identified, were identified using methodologies inconsistent with current best practice and the RPS in regards to addressing natural character and landscape matters specifically and separately.

The use of existing provisions may have a degree of community acceptance because these are known to Plan users. However, other community sectors may oppose them as they are not based on current best practice, or consistent with the approaches of other district councils in the region. Generally it is expected that retaining the existing provisions will be perceived to provide inadequate recognition and protection of the District's natural character.

448. *From my consenting experience, I acknowledge the broadness of the RMA definitions of Lake, Wetland and River that can be applied, even more so with the definition of Wetland and its application to moist/damp areas (i.e. 'wet areas' or 'wet conditions'). At the time of writing I have been unable to receive expert advice on what may be an appropriate size restriction (if any) for wetlands/rivers and lakes if a size limit were to be utilised, and as such, I invite the submitters to expand on their positions by providing evidence with particular regard to the natural character that the setback rule is also aimed at protecting. Alternatively, this may be dealt with as a part of another zone chapter, given that there are other submission points requesting the same relief (such as [943.19] for the Rural Zone) or it may be dealt with as a part of the Natural Environments topic.*

449. *With respect to the second part of the amendment sought by Blue Wallace Surveyors Ltd [662.31], being the new clause D, I generally agree with the submitter's reasons on this matter, and from my consenting experience I have seen consents granted that reduced*

setbacks to 10m. The 'managed wetlands' in my experience exhibit a high degree of artificialness, in particular with their shape, presence of stormwater devices and associated safety barriers (if required). As per my comments above however, this needs to be verified with relevant expert comments and advice.

Without having sufficient evidence or reasoning (at the time of writing of this report), I recommend that submission points Horotiu Properties Limited [397.13], Greig Metcalfe [602.3] and Blue Wallace Surveyors Ltd [662.31] be rejected.

535. In my opinion, it is appropriate to follow suit with the recommendations in Hearing 6 on this matter. Because natural character is outside my field of expertise, unless expert evidence is provided to justify the amendments sought, I recommend that the submission points be rejected.

31.4.3 Recommendation

536. It is recommended that the hearings panel:

- a. **Accept** the submission from Fire and Emergency New Zealand [378.106] and further submission from Pareoranga Te Kata [FSI035.213]
- b. **Reject** the further submission from Mercury NZ Limited [FSI388.70]
- c. **Reject** the submission from Fellrock Developments Limited and TTT Products Limited [543.10]
- d. **Reject** the submission from Ports of Auckland Limited [578.10] and further submissions from Van Den Brink Group [FSI193.8] and Holcim (New Zealand) Limited [FSI326.8]
- e. **Accept** the further submission from Mercury NZ Limited [FSI388.841]
- f. **Reject** the submission from Blue Wallace Surveyors Limited [662.52]
- g. **Accept** the further submission from Mercury NZ Limited [FSI387.125]
- h. **Reject** the submission from Waikato District Council [697.465]
- i. **Accept** the further submission from Mercury NZ Limited [FSI387.570]
- j. **Accept** the further submissions from Turangawaewae Trust Board [FSI139.13] and Te Whakatikenga o Waikato Incorporated (Waikato-Tainui) [FSI108.14]
- k. **Reject** the submissions from Waikato District Council [697.650 and 697.651]
- l. **Accept** the further submissions from Mercury NZ Limited [FSI387.632 and FSI387.633]
- m. **Reject** the submission from Waikato District Council [697.652]
- n. **Accept** the further submissions from Te Whakatikenga o Waikato Incorporated (Waikato-Tainui) [FSI108.21], Turangawaewae Trust Board [FSI139.20] and Mercury NZ Limited [FSI387.634].

31.4.4 Section 32AA evaluation

537. As at the date of preparing this s42A hearing report, I am recommending no change to Rule 20.3.4.2 and therefore no section 32AA evaluation is considered necessary.

32 Rule 20.4 Subdivision

32.1.1 Introduction

538. Section 20.4 provides a suite of provisions that address lot size and configuration, road frontage and Significant Natural Areas.

32.2 New Rules- Subdivision

32.2.1 Submissions

Submission Point	Submitter	Decision Requested
697.659	Waikato District Council	<p>Add to Rule 20.4 Subdivision (2) clause (f), as follows:</p> <p>(f) Rule 20.4.6 – Subdivision of land containing a Significant Natural Area Subdivision of land within the National Grid Corridor</p> <p>And consequential renumbering</p> <p>AND</p> <p>Add new rule after Rule 20.4.6:</p> <p>20.4.6 Subdivision - within the National Grid Corridor</p> <p><u>RDI</u></p> <p><u>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <p><u>(i) All allotments intended to contain a sensitive land use must provide 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><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><u>(b) Council's discretion is restricted to the following matters:</u></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>NCI</u></p> <p><u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of</u></p>

		<i>the conditions of Rule 20.4.6 RDI.</i>
FSI350.126	Transpower New Zealand Limited	Oppose
FSI387.637	Mercury NZ Limited	Oppose
945.13	First Gas Limited	<p>Add a new rule to Chapter 20.4: Subdivision as follows:</p> <p><u>Subdivision - Site containing a gas transmission pipeline:</u></p> <p><u>(a) The subdivision of land containing a gas transmission pipeline is a restricted discretionary activity.</u></p> <p><u>(b) Council's discretion shall be restricted to the following matters:</u></p> <p><u>(i) The extent to which the subdivision design avoids or mitigates conflict with the gas infrastructure and activities.</u></p> <p><u>(ii) The ability for maintenance and inspection of pipelines including ensuring access to the pipelines.</u></p> <p><u>(iii) Consent notices on titles to ensure on-going compliance with AS2885 Pipelines-Gas and Liquid Petroleum-Parts 1 to 3.</u></p> <p><u>(iv) The outcome of any consultation with First Gas Limited.</u></p> <p>AND</p> <p>Any consequential amendments and other relief to give effect to the matters raised in the submission.</p>

32.2.2 Analysis

539. Waikato District Council [697.759] requests that the subdivision rule in Chapter 14 that addresses the National Grid Corridor be duplicated in Chapter 20. In my view, this duplication is unnecessary and it counters the main purpose of Chapter 14, which is to provide a one-stop set of district-wide rules.
540. First Gas Limited [945] requests a new subdivision rule that manages the subdivision of land containing a gas transmission pipeline and associated matters of discretion. This request is similar to submission point [405.65] made by Counties Power Limited in respect to the Heavy Industrial Zone. It is considered that the recommendation on that point would satisfy the relief sought by First Gas Limited.

32.2.3 Recommendations

541. It is recommended that the hearings panel:
- Reject** the submission from Waikato District Council [697.659]
 - Accept** the further submissions from Transpower New Zealand Limited [FSI350.126] and Mercury NZ Limited [FSI387.637]

- c. **Accept in part** the submission from First Gas Limited [945.13] and amends Rule 20.4.1 as shown below and in Attachment 3.

32.2.4 Recommended Amendments

20.4.1 Subdivision - General

RD1	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) proposed lots must have a minimum net site area of 1000m²; (ii) proposed lots must have an average area of at least 2000m²; <u>and</u> (iii) no more than 20% rear lots are created; (iv) <u>proposed lots must be connected to public-reticulated water supply and wastewater</u> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) the extent to which a range of future industrial activities can be accommodated; (ii) amenity values; and (i) <u>provision of infrastructure and</u> (v) <u>the extent to which the subdivision design impacts on the operation, maintenance, upgrade and development of existing infrastructure.</u>
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32.2.5 Section 32AA evaluation

542. The recommended amendments to Rule 20.4.1 are a consequence of amendments that have been recommended for the equivalent subdivision rule in the Heavy Industrial Zone. It is considered important that there is consistency in application of this type of rule in both zones. I do not consider it necessary to undertake a full section 32AA evaluation in this instance.

33 Rule 20.4 Subdivision

33.1.1 Introduction

543. Rules at the beginning of Section 20.4 help the user to navigate what provisions do and do not apply to particular locations.

33.2 General subdivision

33.2.1 Submissions

Submission Point	Submitter	Decision Requested
697.657	Waikato District Council	Amend Rule 20.4 Subdivision, as follows: <u>20.4 Subdivision Rules</u>
<i>FS1387.635</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.658	Waikato District Council	Amend Rule 20.4 Subdivision (1) and (2) as follows: <i>(1) Rule 20.4.1 – General provides for subdivision density <u>within the Industrial Zone.</u></i> <i>(2) Other subdivision provisions are contained in Rule 20.4.1 is also subject to compliance with the</i>

		<u>following rules:</u> (a) ... (e)...
FSI387.636	Mercury NZ Limited	Oppose

33.2.2 Analysis

544. Waikato District Council [697] requests that the word 'Rules' be added to the heading for subdivision in Industrial Zone, as shown above. This submitter also requests that the heading for Chapter 20 be amended to make clear that the provisions that follow are rules for the Industrial Zone.
545. I consider these are all clerical amendments which do not rely on a submission. They also raise a consistency matter that needs to be addressed for how provisions are set out across the whole of the district plan. Despite this opinion, I recommend that these submissions are accepted.

33.2.3 Recommendation

546. For the reason given above, it is recommended that the hearings panel:
- Accept** the submission from Waikato District Council [697.657]
 - Reject** the further submission from *Mercury NZ Limited* [FSI387.635].
 - Accept** the submission from Waikato District Council [697.658] and amend Chapter 20 as shown below and in Attachment 3.
 - Reject** the further submission from *Mercury NZ Limited* [FSI387.636]

33.2.4 Recommended Amendments

20.4 Subdivision

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

33.2.5 Section 32AA evaluation

547. The amendments are considered to be clerical and I consider that a section 32AA evaluation is not necessary in this instance.

33.3 Rule 20.4.1 Subdivision - General

33.3.1 Submissions

Submission Point	Submitter	Decision Requested
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302.21	EnviroWaste New Zealand Limited	Retain in Rule 20.4.1(a) Subdivision – General the minimum lot size of 1000m ² and average of 2000m ² .
<i>FS1386.342</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
633.69	Van Den Brink Group	Retain Rule 20.4.1 RD1(a) General Subdivision in relation to a minimum lot size of 1,000m ² and average of 2,000m ² . OR Amend Rule 20.4.1 RD1(a) General subdivision to reduce the minimum lot size and average lot size. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
<i>FS1387.54</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
766.30	Holcim (New Zealand) Limited	Retain Rule 20.4.1 RD1(a)(i) General subdivision requiring new lots to have a minimum net site area of 1000m ² OR Amend Rule 20.4.1 RD1(a)(i) General subdivision to have a minimum net site area of less than 1000m ² AND Any additional or consequential relief to give effect to the matters raised in the submission.
766.31	Holcim (New Zealand) Limited	Retain Rule 20.4.1 RD1(a)(ii) general subdivision requiring new lots to have an average area of at least 2000m ² OR Amend Rule 20.4.1 RD1(a)(ii) General subdivision to have an average lot size of less than 2000m ² . AND Any additional or consequential relief to give effect to the matters raised in the submission.
<i>FS1387.1148</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
302.22	EnviroWaste New Zealand Limited	Delete Rule 20.4.1 RD1(a)(iii) Subdivision – General. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in

		the submission.
FS1386.343	Mercury NZ Limited	Oppose
633.70	Van Den Brink Group	<p>Delete Rule 20.4.1 RDI(a)(iii) General Subdivision in relation to the 20% restriction on rear lots.</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
766.50	Holcim (New Zealand) Limited	<p>Delete Rule 20.4.1 RDI(a)(iii) General subdivision requiring no more than 20% rear lots to be created.</p> <p>AND</p> <p>Any additional or consequential relief to give effect to the matters raised in the submission.</p>
378.107	Fire and Emergency New Zealand	<p>Retain Rule 20.4.1 Subdivision general, as subdivision of land is a restricted discretionary activity.</p> <p>AND</p> <p>Amend Rule 20.4.1 Subdivision- General as follows:</p> <p><i>(a) Subdivision must comply with all of the following conditions:</i></p> <p><i>(i) Proposed lots must have a minimum net site area of 1000m²;</i></p> <p><i>(ii) Proposed lots must have an average area of at least 2000m²; and</i></p> <p><i>(iii) No more than 20% rear lots are created.</i></p> <p><i><u>(iv) Proposed lots must be connected to public-reticulated water supply or water supply sufficient for firefighting purposes.</u></i></p> <p><i>(b) Council's discretion is restricted to the following matters:</i></p> <p><i>(i) The extent to which a range of future individual activities can be accommodated; and</i></p> <p><i>(ii) Amenity values.</i></p> <p><i><u>(iii) Provision of infrastructure, including water supply for firefighting purposes.</u></i></p> <p>AND</p> <p>Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</p>
FS1035.214	Pareoranga Te Kata	Support

FSI 134.79	Counties Power Limited	Support
FSI 388.71	Mercury NZ Limited	Oppose
405.64	Counties Power Limited	Add a matter of discretion to Rule 20.4.1 RDI(b) Subdivision - General as follows: <i>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets;</i>
465.11	Buckland Marine Limited	Amend Rule 20.4.1 RDI Subdivision – General, to allow for the creation of smaller industrial lot sizes to cater for smaller industrial operations.
FSI 388.397	Mercury NZ Limited	Oppose
986.94	KiwiRail Holdings Limited	Add a new matter of discretion to Rule 20.4.1 Subdivision - general as follows (or similar amendments to achieve the requested relief): <i>Reverse sensitivity effects, including on land transport networks</i> AND Any consequential amendments to link and/or accommodate the requested changes.
498.4	Tuakau Business Park Limited	Amend Rule 20.4.1 (a) Subdivision General, as follows: (a) Subdivision must comply with all of the following conditions: (i) Proposed lots must have a minimum net site area of 1000m² 700m ² (ii) Proposed lots must have an average area of at least 2000m² 1200m ² (iii) No more than 20% <u>30%</u> rear lots are created.
FSI 388.501	Mercury NZ Limited	Oppose
543.11	Fellrock Developments Limited and TTT Products Limited	Retain Rule 20.4.1 Subdivision General, except for the amendments outlined below; AND Delete Rule 20.4.1 RDI(a)(iii) Subdivision - General; AND Amend Rule 20.4.1 RDI (b) Subdivision-General to add additional matters of discretion related to the design, layout and number of rear lots (or include this as a requirement where more than 5 lots are being created). AND

		Add a new Controlled Activity to Rule 20.4.1 Subdivision General for subdivision around an existing development with the matters of control being limited to design, layout, access and servicing.
<i>FS1388.755</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.660	Waikato District Council	<p>Amend Rule 20.4.1 (RDI) Subdivision - General, as follows:</p> <p>(a) Subdivision must comply with all of the following conditions:</p> <p>(i) proposed lots <u>The record of title to be subdivided must have a minimum net site area of 1 000m²;</u></p> <p>(ii) <u>all proposed lots must have an average net site area of at least 2000m²; and</u></p> <p>(iii) <u>the number of rear lots created by the subdivision does not exceed no more than 20% rear lots are created.</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) the extent to which a range of future industrial activities can be accommodated; and</p> <p>(ii) amenity values.</p>
697.661	Waikato District Council	<p>Add new Discretionary Activities Rule DI to 20.4.1 Subdivision - General, as follows:</p> <p><u>DI</u></p> <p><u>Subdivision that does not comply with Rule 20.4.1 RDI.</u></p>
<i>FS1387.638</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

33.3.2 Analysis

548. EnviroWaste New Zealand Limited [302], Van Den Brink Group [633] and Holcim (New Zealand) Limited [766] support Rule 20.4.1, which requires a minimum net site area of 1,000m² and minimum average area of 2,000m², as they consider that this involves an efficient use of industrial land.
549. Some submitters seek a decrease in the minimum lot size and/or a decrease in the average lot size. These submitters include Van Den Brink Group [633], Holcim (New Zealand) Limited [766], Buckland Marine Limited [465] and Tuakau Business Park Limited [498]. These submitters seek a range of sizes with some not specifying a lot size, but instead requesting a reduced minimum lot size and average lot size. I consider that Rule 20.4.1 already provides flexibility to consider various lot sizes with the starting point of a restricted discretionary activity and the listed matters of discretion.
550. The other matter which attracted multiple submissions concerns PI(a)(iii) which sets a maximum of 20% rear lots. This clause is opposed by EnviroWaste New Zealand Limited [302], Van Den Brink Group [633], Holcim (New Zealand) Limited [766], Tuakau Business Park Limited [498] and Fellrock Developments Limited and TTT Products Limited [543].

551. In my view, there is no rationale for this percentage restriction. I accept that there should be a limit of rear lots in a residential subdivision for good urban design, but this is not a critical element in an industrial context. If the concern is to manage access standards, then the infrastructure provisions in Chapter 14 deal with this matter.
552. In any case, the usability of rear lots is already determined through the minimum area requirements, and the starting point with any subdivision in industrial zones is a restricted discretionary activity. This requires Council to consider the range of industrial activities that can be accommodated within each lot. I consider that amenity values are addressed through the activity and building rules and that this matter of discretion should not be included for subdivision rules.
553. It would appear that the Auckland Unitary Plan and Hamilton City District Plan do not have an equivalent rule that limits the number of rear lots.
554. I therefore consider that clause RD1(a)(iii) and clause (b)(ii) should be deleted from Rule 20.4.1. For consistency, I recommend that same amendments to the equivalent rule in the Heavy Industrial Zone.
555. Fire and Emergency New Zealand [378] requests additional clauses in RD1 and RD2 in Rule 20.4.1 Subdivision – General, to require newly created lots to connect to public-reticulated water supply or water supply sufficient for firefighting purposes, and an associated matter of discretion addressing the provision of infrastructure, including water supply for firefighting purposes.
556. Pareoranga Te Kata [FS1035] and Counties Power Limited [1134] support this request.
557. It appears that a rule requiring new lots in the Industrial Zone to be designed with the ability to connect to a public-reticulated water supply and wastewater has been inadvertently missed. This type of rule appears in other zone chapters involving urban development, such as the Residential Zone and Business Zone. There should be no difference for the Industrial Zone (or Heavy Industrial Zone).
558. However, the submitter's request does differ somewhat from subdivision rules in these other urban chapters, including the district-wide Rule 14.3.1.8 P12 in Chapter 14, which sets out the service connection conditions for all subdivision (except for utility, access or reserve allotments). This is because the notified subdivision rules require these lots to have the ability to connect, rather than requiring immediate connection, thus providing flexibility for connections to be made at a later date following the issue of title. This flexibility is particularly important for large vacant industrial lots which may contain multiple potential building sites, and connection points are best addressed at the development stage.
559. While I am mindful of the need for consistency across the Plan, I recommend Rule 20.4.1 should be amended as per the recommendation.
560. Counties Power Limited [405] requests a new matter of discretion focused on the impact on the operation, maintenance, upgrading and development of existing infrastructure assets. In my view, this request has merit. It is important that the design of lots does not result in adverse effects that would compromise any existing infrastructure. This matter should not be limited to industrial zones, as it is relevant to all zones across the district.
561. Various subdivision rules in the PWDP address the provision of infrastructure for new lots in Chapter 14. However, with the exception of subdivision within the National Grid for Transpower assets, the effects of subdivision activity on any existing infrastructure does not appear to be addressed.
562. While I am mindful that this matter may need to be addressed across the District, I consider it appropriate to accommodate the submitter's request for the industrial zones.
563. KiwiRail Holdings [986] requests that this new matter of discretion around reverse sensitivity effects, including on land transport networks. In my view, this amendment is not

necessary, given that the Industrial Zone does not provide for sensitive land uses without resource consent. It would be necessary to address reverse sensitivity through that resource consent process.

564. It is unclear why KiwiRail is concerned about the impact that buildings containing non-sensitive land uses would have on their existing and planned infrastructure, and it would be helpful for further detail to be provided at the hearing. I therefore recommend that the submission be rejected.
565. Fellrock Developments Limited and TTT Products Limited [543] seek additional matters of discretion relating to the design, layout and number of rear lots (possibly if more than 5 rear lots are created). The submitter also requests a new controlled activity rule to provide for subdivision around an existing development, with the matters of control being limited to design, layout, access and servicing. The submitter considers that most small-scale subdivision creating 1-3 additional lots could not satisfy Rule 20.4.1, and would therefore default to a non-complying activity.
566. In my view, Rule 20.4.1 already provides flexibility to consider various lot sizes with the starting point of a restricted discretionary activity and the listed matters of discretion. Rule 20.4.2 – Boundaries for Records of Title, already addresses the placement of boundaries relative to existing buildings, and requires Council to consider whether any breach with the development standards would result. This rule also has a starting point of a restricted discretionary activity. I therefore consider that it is not necessary to introduce a new controlled activity to address the matters of control suggested by the submitter.
567. Waikato District Council [697.730] requests deletion of RD2 in Rule 20.4.1 and for RD1 to be amended for clarity. Council also seek the inclusion of additional matters of discretion including the extent to which a range of future activities can be accommodated; and amenity values
568. In my view, the requested change to clause (a)(i) is problematic and changes the intent of the rule. The requirement is for all new lots being created to have a minimum net site area of 1000m². It does not require the existing record of title to have this minimum area, otherwise it would be impossible to comply with the average lot size requirements in Rule P1 (a)(ii).
569. I also consider the amendments to (a)(ii) and (iii) to be unnecessary, as they do not provide additional clarity.
570. The requested deletion of RD2 and the shift of the assessment matters into RD1 is a formatting issue that needs to be consistently addressed across the whole of the district plan. In the interim however, it is recommended that this request be rejected, only because it does not change which restricted discretionary matters are to be considered.
571. Waikato District Council [697] requests that DI be added to Rule 20.4.1 to form a complete rule cascade.
572. In my view, this is not necessary because the starting point of a restricted discretionary activity already requires consideration of the extent to which non-compliance would affect the accommodation of a range of future activities and amenity values. Council has the ability to grant or decline consent to a restricted discretionary activity, and is not reliant on a discretionary activity status to do so.
573. This appears to be a consistency matter that needs to be addressed across the whole of the district plan. It is considered that a discretionary activity is best applied when the scope of adverse effects is wide or uncertain.

33.3.3 Recommendation

574. For the reason given above, it is recommended that the hearings panel:
 - a. **Accept** the submission from EnviroWaste New Zealand Limited [302.21]

- b. **Reject** the further submissions from Mercury NZ Limited [FSI386.342]
- c. **Accept in part** the submission from Van Den Brink Group [633.61] and the further submission from Mercury NZ Limited [FSI386.54]
- d. **Accept in part** the submission from Holcim (New Zealand) Limited [766.30].
- e. **Accept in part** the submission from Holcim (New Zealand) Limited [766.31] and the further submission from Mercury NZ Limited [FSI386.1148]
- a. **Accept** the submission from EnviroWaste New Zealand Limited [302.22]
- f. **Reject** the further submission from Mercury NZ Limited [FSI386.343]
- a. **Accept** the submission from Van Den Brink Group [633.70]
- g. **Accept** the submission from Holcim (New Zealand) Limited [766.50]
- a. **Accept** the submission from Fire and Emergency New Zealand [378.107] and further submissions from *Counties Power Limited* [FSI134.79] and *Pareoranga Te Kata* [FSI035.214] and amend Rule 20.4.1 as shown in Appendix B.
- b. **Reject** the further submission from Mercury NZ Limited [FSI388.71]
- c. **Accept** the submission from Counties Power Limited [405.64] and amend Rule 20.4.1 as shown in Attachment 3.
- d. **Reject** the submission from Buckland Marine Limited [465.11]
- e. **Accept** the further submission from Mercury NZ Limited [FSI388.397].
- f. **Reject** the submission from KiwiRail Holdings Limited [986.94]
- g. **Accept in part** the submission from Tuakau Business Park Limited [498.4] and the further submission from Mercury NZ Limited [FSI388.501].
- h. **Accept in part** the submission from Fellrock Developments Limited and TTT Products Limited [543.11] and the further submission from Mercury NZ Limited [FSI388.755]
- i. **Reject** the submission from Waikato District Council [697.660].
- j. **Accept** the submission from Waikato District Council [697.661]
- k. **Reject** the further submission from Mercury NZ Limited [FSI387.638]

33.3.4 Recommended Amendments

20.4.1 Subdivision - General

RDI	<p>(c) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (vi) proposed lots must have a minimum net site area of 1000m²; (vii) proposed lots must have an average area of at least 2000m²; <u>and</u> (viii) no more than 20% rear lots are created; (ix) <u>proposed lots must be connected to public-reticulated water supply and wastewater</u> <p>(d) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (iii) the extent to which a range of future industrial activities can be accommodated; (iv) amenity values; and (ii) <u>provision of infrastructure and</u> (x) <u>the extent to which the subdivision design impacts on the operation, maintenance, upgrade and development of existing infrastructure.</u>
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33.3.5 Section 32AA evaluation

575. The recommended amendments to Rule 20.4.1 are a consequence of amendments that have been recommended for the equivalent subdivision rule in the Heavy Industrial Zone. It is considered important that there is consistency in application of this type of rule in both zones. I do not consider it necessary to undertake a full section 32AA evaluation in this instance.

33.5 Rule 20.4.2 Subdivision – Boundaries for Records of Title

33.5.1 Submissions

Submission Point	Submitter	Decision Requested
543.12	Fellrock Developments Limited and TTT Products Limited	Retain Rule 20.4.2 Subdivision - Boundaries for Records of Title.
578.21	Ports of Auckland Limited	Retain Rule 20.4.2 Subdivision - Boundaries for Records of Title, as notified.
697.662	Waikato District Council	Amend Rule 20.4.2 Subdivision - Boundaries for Record of Title heading, as follows: <i>20.4.2 Subdivision – <u>Existing buildings</u> Boundaries for Records of Title</i>
697.663	Waikato District Council	Amend Rule 20.4.2 RDI(a) Subdivision – Boundaries for Records of Title, as follows: <i>(a) Any boundary of a proposed lot must be located so that:</i> <i>(i) existing buildings comply with the permitted activity rules relating to setbacks (rule 20.3.4.1) and daylight admission (rule 20.3.3), except to the extent of any non-compliance that existed lawfully prior to the subdivision; and</i> <i>(ii) no contaminated land, heritage item, archaeological site, or wetland is divided between any proposed lot.</i> <i>(b) Council's discretion is restricted to:</i> <i>(i) Amenity values;</i> <i>(ii) effects on contaminated land;</i> <i>(iii) effects on any heritage item;</i> <i>(iv) effects on any wetland;</i> <i>(v) effects on any archaeological site; and</i> <i>(vi) (ii) the extent to which a range of future industrial activities can be accommodated.</i>
697.664	Waikato District Council	Add to Rule 20.4.2 Subdivision - Boundaries for Records of Title, as follows: <u>D1</u> <i>Subdivision that does not comply with Rule 20.4.2</i>

		<u>RD1.</u>
831.35	Gabrielle Parson	Retain and strengthen Rule 20.4.2 RD1 Subdivision - Boundaries for Records of Title, to celebrate and protect archaeological sites.

33.5.2 Analysis

576. Fellrock Developments Limited and TTT Products Limited [543] and Ports of Auckland Limited [578] support Rule 20.4.2, for the reason stated.
577. Waikato District Council [697] seeks an amendment to the title of the rule to focus on existing buildings.
578. Waikato District Council also requests that Rule 20.4.2 be amended to delete reference to contaminated sites, wetlands, and archaeological sites. The reason given is that the rule (and therefore the heading) must relate to existing buildings.
579. In my view, the objective of Rule 20.4.2 is to control the placement of new title boundaries so that any of the features listed are contained wholly within a single lot so that they can be effectively and efficiently managed by one landowner, rather than multiple landowners.
580. This approach is common to various district plans, one example being the operative Franklin Section subdivision rules, which discourage the placement of legal boundaries through a significant feature, such as a covenanted bush area.
581. Waikato District Council requests that a discretionary activity be added to Rule 20.4.2 to form a complete rule cascade. In my view this is not necessary, because the existing starting point for a restricted discretionary activity requires consideration of the extent to which non-compliance would affect amenity, contaminated land, any wetland, archaeological site and the accommodation of a range of range of future activities. Council has the ability to grant or decline consent to a restricted discretionary activity and is not reliant on a discretionary activity status to do so.
582. This appears to be a consistency matter that needs to be addressed across the whole of the district plan. It is considered that a discretionary activity is best applied when the scope of adverse effects is wide or uncertain.
583. Gabrielle Parson [831] supports Rule 20.4.2, for the reason stated. However, it would appear that this support is more relevant to the heritage provisions which are addressed elsewhere in the district plan.

33.5.3 Recommendation

584. For the reason given above, it is recommended that the hearings panel:
- Accept** the submission from Fellrock Developments Limited and TTT Products Limited [543.12]
 - Accept** the submission from Ports of Auckland Limited [578.21]
 - Reject** the submissions from Waikato District Council [697.662, 697.633 and 697.664].
 - Accept** the submission from Gabrielle Parson [831.35]

33.5.4 Section 32AA evaluation

585. No changes are recommended to Rule 20.4.2 and therefore I consider that a detailed section 32AA evaluation is not necessary.

33.6 Rule 20.4.3 Road frontage

33.6.1 Submissions

Submission Point	Submitter	Decision Requested
465.12	Buckland Marine Limited	Amend Rule 20.4.3 RDI (a) Road Frontage, to reduce the road frontage requirements from 15m to 10m.
FSI193.9	Van Den Brink Group	Support
FSI326.9	Holcim (New Zealand) Limited	Support
697.665	Waikato District Council	Add to Rule 20.4.3 Subdivision - Road Frontage, as follows: <u>DI</u> <u>Subdivision that does not comply with Rule 20.4.3 RDI</u>
697.666	Waikato District Council	Amend Rule 20.4.3 RDI (a) Subdivision - Road Frontage, as follows: <u>(a) Any-Every proposed lot with a road boundary, other than any access or utility allotment, right of way or access leg, must have a width along the road frontage boundary of at least 15m.</u> <u>(b) Rule 20.4.3 (a) does not apply to any proposed rear lot or to a proposed access allotment. Council's discretion is restricted to the following matters:</u> <u>(i) traffic effects; safety and efficiency of vehicle access and road network; and</u> <u>(ii) amenity and streetscape.</u>
FSI193.10	Van Den Brink Group	Support
FSI326.10	Holcim (New Zealand) Limited	Support
742.208	New Zealand Transport Agency	Retain Rule 20.4.3 RDI Subdivision - Road frontage as notified.
FSI134.80	Counties Power Limited	Support

33.6.2 Analysis

586. Buckland Marine Limited [465] requests that the road frontage requirement be reduced from 15 metres to 10 metres. No details have been provided to support a 10 metre road frontage.
587. In my view, it is difficult to accept the alternative of 10 metres without supporting evidence. However, because any subdivision in the Industrial Zone has a starting point of a restricted discretionary activity, it is considered that there is already flexibility within Rule 20.4.3 to consider alternative road frontages based the merits of a particular subdivision proposal.

Council must consider traffic effects, and amenity and landscape with any subdivision proposal.

588. Waikato District Council [697] requests that DI be added to complete the rule cascade. In my view, this is not necessary because the existing starting point of a restricted discretionary activity requires consideration of traffic effects, and amenity and streetscape. Council has the ability to grant or decline consent to a restricted discretionary activity and is not reliant on a discretionary activity status to do so. This appears to be a consistency matter that needs to be addressed across the whole of the district plan. It is considered that a discretionary activity is best applied when the scope of adverse effects is wide or uncertain.
589. Waikato District Council also requests amendments to Rule 20.4.3 to exclude access or utility allotment, right of way or access leg, or rear site from needing to comply with the 15m width requirement. The submitter seeks to replace the matter of discretion regarding traffic effects to be replaced with the safety and efficiency of vehicle access and road network. This submission is supported by the further submissions from Van Den Brink Group [FSI 193.10] and Holcim (New Zealand) Limited [FSI 326.10].
590. In my view, it is not necessary to accept these amendments, because they do not change the requirements of this rule whatsoever, and they do not provide clarity.
591. The New Zealand Transport Agency [742] supports Rule 20.4.3 as notified. Counties Power Limited [FSI 134] supports this submitter.

33.6.3 Recommendation

592. For the reasons given above, it is recommended that the hearings panel:
- Reject** the submission from Buckland Marine Group [465.12] and further submissions from Van Den Brink Group [FSI 193.9] and Holcim (New Zealand) Limited [FSI 326.9]
 - Reject** the submission from Waikato District Council [697.665]
 - Reject** the submission from Waikato District Council [697.666] and further submissions from Van Den Brink Group [FSI 193.10] and Holcim (New Zealand) Limited [FSI 326.10]
 - Accept** the submission from the New Zealand Transport Agency [742.208] and further submission from Counties Power Limited [FSI 134.80]

33.6.4 Section 32AA evaluation

593. No changes are recommended for Rule 20.4.3 and I therefore consider that a detailed section 32AA evaluation is not required in this instance.

33.7 Rule 20.4.4 Subdivision- Esplanade Reserves and Esplanade Strips

33.7.1 Submissions

Submission Point	Submitter	Decision Requested
578.22	Ports of Auckland Limited	<p>Amend Rule 20.4.4 RDI Subdivision - Esplanade Reserves and Esplanade Strips, as follows:</p> <p>(a) Subdivision must create an esplanade reserve or strip 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) from every proposed lot:</p> <p>(i) less than 4ha and within 20m of any:</p> <p>A. mean high water springs;</p>

		<p><i>B. bank of any river whose bed has an average width of 3m or more <u>and is not a perennial or intermittent stream</u>; or</i></p> <p><i>C. lane whose bed ..."</i></p> <p>OR</p> <p>Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions).</p> <p>AND</p> <p>Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>
697.667	Waikato District Council	<p>Amend Rule 20.4.4 RD I Subdivision - Esplanade Reserves and Esplanade Strips, as follows:</p> <p><i>(a) Subdivision must create a An esplanade reserve or esplanade strip 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) <u>is required to be created and vested in Council from every subdivision where the land being subdivided is proposed lot</u></i></p> <p><i>(i) less than 4ha and within 20m of any:</i></p> <p><i>A. mean high water springs;</i></p> <p><i>B. bank of any river whose bed has an average width of 3m or more; or</i></p> <p><i>C. <u>a</u> lake whose bed has an area of 8ha or more; or</i></p> <p><i>(ii) 4ha or more and <u>located</u> within 20m of any:</i></p> <p><i>A. mean high water springs; or</i></p> <p><i>B. a water body identified in Appendix 4 (Esplanade Priority Areas).</i></p> <p><i>(b) Council's discretion <u>shall be</u> is restricted to the following matters:</i></p>
697.668	Waikato District Council	<p>Delete Rule 20.4.4(b) (vi) Subdivision - Esplanade Reserves and Esplanade Strips;</p> <p>AND</p> <p>Consequential amendment to Rule 20.4.4 RD I (b)(v) Subdivision - Esplanade Reserves and Esplanade Strips as follows:</p> <p>(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</p>

33.7.2 Analysis

594. Ports of Auckland Limited [578] requests an amendment to Rule 20.4.4 so that the requirement to create an esplanade reserve or esplanade strip does not apply to a perennial or intermittent stream. They suggest alternative relief involving a bespoke set of provisions in a new Specific Area 20.6 for the Horotiu Industrial Park.
595. In my view, this rule reflects the mandatory requirement set out in section 230 of the RMA 1991. The term 'river' is defined in the RMA as follows:
- 'river means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)'*
596. It would therefore appear that this section of the RMA would apply, irrespective of a district plan rule. Rule 20.4.4 serves as a check for a subdivision applicant and Council's processing staff to ensure that esplanade reserves and esplanade strips are created in terms of section 230, and for any 'esplanade priority areas' identified in Appendix 4 of the PWDP.
597. Having also considered section 77 of the RMA, I note that there is no rule in the PWDP that provides Council with the ability to waive application of section 230, or change the mandatory width requirement for esplanade reserves and esplanade strips. Even if such rule did exist, I do not consider that the stream on the boundary of the submitter's property has any characteristics that make it different from any other perennial or intermittent stream that is in the district. I have addressed this matter further in Part D where I recommend that a new Development Area 20.6 applies to Horotiu Industrial Park.
598. Waikato District Council [697] requests various amendments to Rule 20.4.4 which have already been addressed in the earlier Hearing 6 (Village Zone). With the exception of the Reserve Zone, this rule appears across all zones.
599. I consider that the hearings panel's decision on the equivalent rule in the Village Zone should also apply to Rule 20.4.4, but record my view here that 'costs and benefits of acquiring the land' (stated in clause (vi)) do not necessarily involve a monetary analysis. For example, not requiring an esplanade reserve to be created could be a lost opportunity (i.e. a cost) for public to gain access to a waterway. Costs and benefits need to be addressed with any section 32 analysis to support any objective, policy and rule, and the impact of those provisions on the environment is relevant.

33.7.3 Recommendation

600. For the reasons given above, it is recommended that the hearings panel:
- Reject** the submission from Ports of Auckland Limited [578.22]
 - Accept in part** the submissions from Waikato District Council [697.667 and 697.668] to the extent of the amendments to Rule 20.4.4 shown below and in Attachment 3.

33.7.4 Recommended Amendments

20.4.4 Subdivision - Esplanade Reserves and Esplanade Strips

RDI	<p>(i) Subdivision must create an esplanade reserve or strip 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) <u>that is required to be created</u> from every proposed lot: <u>shall vest in Council where any of the following situations apply:</u></p> <p>(ii) less than 4ha and within 20m of any:</p> <p>(iii) mean high water springs;</p> <p>(iv) the bank of any river whose bed has an average width of 3m or more; or</p>
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	<p>(v) a lake whose bed has an area of 8ha or more; or (vi) 4ha or more and within 20m of mean high water springs; or a water body identified in Appendix 4 (Esplanade Priority Areas).</p> <p>(vii) Council's discretion is restricted to the following matters:</p> <p>(viii) the type of esplanade provided - reserve or strip;</p> <p>(ix) width of the esplanade reserve or strip;</p> <p>(x) provision of legal access to the esplanade reserve or strip;</p> <p>(xi) matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(xii) works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris; and <u>layout and design in regard to the effects on the operation, maintenance, upgrading and development of existing infrastructure assets;</u> <u>Topography, the location of existing buildings, or alternative methods of securing ecological protection, that would justify a reduction in width or not requiring esplanade reserves or strips to be taken.</u></p> <p>(xiii) costs and benefits of acquiring the land.</p>
DI	Subdivision that does not comply with Rule 20.4.4 RDI.

33.7.5 Section 32AA evaluation

601. The following points evaluate the recommended changes under section 32AA of the RMA.

Effectiveness and efficiency

602. The additional matter of discretion is effective in enabling consideration of the site-specific circumstances of the subdivisions to be taken into account when assessing the width of the reserve or the need for the reserve at all. The additional matter is considered to be efficient as a matter that can be considered through the resource consent process as part of wider consideration of lot size, shape, and layout that is required in any event through the general subdivision provisions.

603. The additional matter of discretion ensuring effects on the operation, maintenance, upgrading and development of existing infrastructure assets are assessed, is an effective way of achieving Objective 6.1.1.

Costs and benefits

604. The amendments provide direction that there may be site-specific reasons for taking a small or no reserve where there would be limited or no value to recreation or conservation values. As such, the amendment helps to avoid the costs associated with taking unnecessary reserves, and likewise provides benefits to landowners where land of limited conservation or access value will be able to be retained in private ownership rather than vested in Council.

605. The additional assessment matters enable consideration of the presence of existing infrastructure and the benefits to the community of ensuring that the ongoing operation and maintenance of this infrastructure is not jeopardised by proposed subdivision layouts.

Risk of acting or not acting

606. There are limited risks in either acting or not acting. All subdivision requires consent, with matters of discretion enabling consideration of lot layout and the vesting of reserves. The proposed amendments assist in providing further guidance as to circumstances where taking

reserves may not be necessary. The risk of not acting is that the rule provides less guidance than it might, therefore esplanade reserves may be taken where they are not needed.

Decision about most appropriate option

607. It is my opinion that the recommended amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified version, in that they provide further direction and will assist in ensuring that esplanade reserves and strips are taken where public access and conservation benefits can be realised, and conversely will provide direction as to the circumstances where such reserves would be of little benefit.

34 Specific Area 20.5: Nau Mai Business Park

34.1.1 Introduction

608. The rules in this Specific Area 20.5 apply to Nau Mai Business Park which is located on State Highway 23 and outside of the town of Raglan. These proposed rules essentially carry over the provision contained in Schedule 24F in the Waikato Section of the OWDP. They also reflect previous resource consents and an Environment Court consent order issued on 17 June 2011. These land use consent conditions and consent order are included in Attachment 3.

34.1.2 Submissions

Submission Point	Submitter	Decision Requested
943.32	McCracken Surveys Limited	<p>Delete Section 20.5 – Nau Mai Business Park and consolidate the Nau Mai Business Park Area rules within Chapter 20 – Industrial Zone.</p> <p>AND</p> <p>In the event that the submission point above is successful, the following amendments apply for the business park area only:</p> <p>Amend Rule 20.5.7 P2 (a) (iv) – Signs General to delete references to Lot 1 DP454300 and to recognise the sign is located within Area BB DP 517948 secured by an existing easement that will endure if the parent Lot 1 DP 517948 is further subdivided.</p> <p>AND</p> <p>Add a prohibited rule to Chapter 20 – Industrial Zone to prevent the storage or use of fireworks as per the Operative District Plan.</p> <p>AND</p> <p>Amend Chapter 20 – Industrial Zone to consider including the rule ‘no incineration of rubbish, waster or recreational fires’.</p> <p>AND</p> <p>Retain Rule 20.5.12 Gross Floor Area, except for</p>

		<p>the amendment outlined below.</p> <p>AND</p> <p>Add a new clause to Rule 20.5.12 – Gross Floor Area as follows;</p> <p><u>the reduction of fire risk.</u></p> <p>AND</p> <p>Add specific rules to Chapter 20 - Industrial Zone, to retain "effective platform areas" and existing landscape areas which are interlinked to ensure development is contained and the local environment is maintained.</p> <p>AND</p> <p>Amend Chapter 20 – Industrial Zone, to protect the existing and extensive landscaping and batters by adding a permitted earthworks activity rule to limit earthworks to repair and maintenance of the batters and replacement of planting.</p> <p>AND</p> <p>Add a new rule to Chapter 20 – Industrial Zone as follows;</p> <p><u>Any onsite liquid trade waste tanks are to installed, operated and maintained in accordance with manufacturer instructions.</u></p> <p>AND</p> <p>Amend the planning maps to provide hatching for the Nau Mai effective area overlays for clarity.</p>
FS1321.1	Tasman Lands Limited	<p>Support</p> <p>Seek that the whole of 943.32 be allowed. The original intent of the comprehensive resource consent has been lost in the detail of progressive rezoning.</p>
81.158	Waikato Regional Council	<p>Add to Section 20.5 rules addressing the management of stormwater in the Nau Mai Business Park.</p>

34.1.3 Analysis

609. McCracken Surveyors Limited [943] requests the wholesale deletion of Specific Area 20.5 because they consider that the standard Industrial Zone rules in Chapter 20 should apply to this location. Tasman Lands Limited [FS1321] supports this request.
610. It is my understanding that the Schedule 24F provisions for Nau Mai Business Park in the operative Waikato Section of the OWDP reflect historic resource consents. The submitter's reasons for deleting Specific Area 20.5, including fire safety and landscape matters, are unclear.
611. Given the absence of clear justification and reasoning from the submission, I recommend rejecting the submitters' requests, pending their detailed background on the existing resource consent and the provision of supporting evidence at the hearing.

612. Waikato Regional Council [81] is concerned that there appears to be no rules that deal with stormwater from development in the Nau Mai Business Park. I note that Section 14.11 in Chapter 14 (Infrastructure and Energy) contains provisions that manage stormwater management across the district. Paragraph (3) under the heading for Chapter 20 (Industrial Zone) makes reference to Chapter 14.

34.1.4 Recommendation

613. For the reasons given above, it is recommended that the hearings panel:
- Reject** the submission from McCracken Surveyors Limited [943.32] and further submission from *Tasman Lands Limited* [FS1321.1].
 - Reject** the submission from Waikato Regional Council [81.158]

34.2 Land use activities

34.2.1 Submissions

Submission Point	Submitter	Decision Requested
697.674	Waikato District Council	Delete Rule 20.5.3 D2 Discretionary Activities.
742.213	New Zealand Transport Agency	Retain Rule 20.5.14 P1 as notified.
697.671	Waikato District Council	Amend Rule 20.5.2 P5 Permitted Activities, as follows: <i>A retail activity that is ancillary to any permitted activity.</i>
<i>FS1264.20</i>	<i>Bootleg Brewery</i>	<i>Oppose</i>
697.672	Waikato District Council	Amend Rule 20.5.2 P6 One dwelling per lot for a caretaker or security personnel, as follows: <i>Caretaker accommodation One dwelling per lot for a caretaker or security personnel</i>
697.673	Waikato District Council	Amend Rule 20.5.2 Permitted Activities Rule P8, as follows: Nil <i>(a) contained in a building or outdoor enclosure</i>
781.25	Ministry of Education	Amend Rule 20.5.2 P10 Permitted Activities as follows: Activity <i>P10 An Education facilities</i> Activity-specific conditions <i>For no more than 10 students</i> <i><u>Any education facility which exceeds this number of staff or students is a restricted discretionary activity</u></i> AND Add a new restricted discretionary activity rule to provide for educational facilities in the Nau Mai

		<p><i>Business Park as follows:</i></p> <p><u>20.5.3 Restricted Discretionary Activities</u></p> <p><u>(1) The activities listed below are restricted discretionary activities.</u></p> <p><u>(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.</u></p> <p><u>Activity</u></p> <p><u>RDI Education facilities</u></p> <p><u>Matters of discretion</u></p> <p><u>a. The extent to which it is necessary to locate the activity within the Nau Mai Business Park Specific Area.</u></p> <p><u>b. Reverse sensitivity effects of adjacent activities.</u></p> <p><u>c. The extent to which the activity may adversely impact on the transport network.</u></p> <p><u>d. The extent to which the activity may adversely impact on the streetscape.</u></p> <p><u>e. The extent to which the activity may adversely impact on the noise environment.</u></p> <p>AND</p> <p>Amend Rule 20.5.4 Non-Complying Activities as follows:</p> <p><i>NCI Any activity that is not listed as a permitted activity Rule 20.5.2 or <u>restricted discretionary</u>.</i></p>
FS1202.84	New Zealand Transport Agency	Support

34.2.2 Analysis

614. Waikato District Council [697] requests deletion of D2 in Rule 20.5.3. This is because a different activity status may be specified within Rule 20.2 (Effects) or Rule 20.3 (Building) if a development does not comply with either of these two rules.
615. However, it would appear that deleting D2 would make it less clear that a discretionary activity status applies, unless Rule 20.2 or Rule 20.2 specifies a different activity status. It would also result in an inconsistency with Rule 20.1.2 D2 which applies to the Industrial Zone outside of Nau Mai Business Park.
616. The New Zealand Transport Agency [742] supports Rule 20.5.14 Acoustic insulation for dwelling, because of their involvement in previous resource consents and their desire to manage reverse sensitivity effects.
617. Waikato District Council [697] requests that Rule 20.5.2 P5 be amended delete references to ancillary activities. This submitter considers this deletion necessary because activity-specific conditions (a) and (b) already manage the scale and nature of retail activity.

618. In my view, it is appropriate to retain the wording as notified, to make clear that ancillary retailing, rather than general retailing, is permitted. The activity-specific conditions give further certainty as to what is meant by the word ‘ancillary’. The notified wording for P5 is also consistent with P12 (An office that is ancillary to any permitted activity) as well as Rule 20.1.1 P6 which lists ‘ancillary retail’ in the general Industrial Zone. I therefore recommend rejecting this submission and retaining the rule as notified.
619. Waikato District Council [697] requests that Rule 20.5.2 P6 be amended to refer to “caretaker accommodation” rather than “one dwelling per lot for a caretaker or security personnel”. No reasons have been provided, and the statement ‘definition amended to include one residential unit’ does not clearly link with the amendment sought.
620. I do not agree with this amendment requested for P6 because it removes the limit on the number of dwellings permitted per site for either a caretaker or security personnel. I have also considered the term ‘residential unit’, which was recommended in the earlier Hearing 5 (Definitions), and have used this to replace the term ‘dwelling’ in the notified rule. I therefore recommend retaining the reference to caretaker or security personnel but have replaced “dwelling” with “residential unit”.
621. Waikato District Council [697] requests deletion of the activity-specific condition in Rule 20.5.2 P8 for boarding, breeding or animal training establishment so that there are no requirements for these activities to be contained in a building or outdoor enclosure. However, the notified P8 already reflects this amendment and therefore no changes are necessary.
622. The Ministry of Education [781] requests that education facilities at Nau Mai Business Park involving more than 10 students be provided as a restricted discretionary activity. Rule 20.5.3 in the PWDP provides a default to a discretionary activity if this type of activity involves more than 10 students.
623. The New Zealand Transport Agency [FS1202] supports the Ministry’s request to the extent that a restricted discretionary activity would enable impact on the transport network to be considered.
624. It would be helpful for the Ministry of Education to provide further detail at the hearing as to what type of larger-scale education facilities would seek to locate within Nau Mai Business Park. However, it is considered that a discretionary activity status is an appropriate default to signal the importance of managing the nature and scale of specific permitted activities at this particular industrial location.
625. It is noted that an education facility proposed for a site in the Industrial Zone, outside of the Nau Mai Business Park, is a non-complying activity. A discretionary activity test that applies within Nau Mai Business Park is therefore less onerous, but the merits of a larger-scaled education facility would still need to be considered.

34.2.3 Recommendations

626. For the reasons given above, it is recommended that the hearings panel:
- Reject** the submission from Waikato District Council [697.674]
 - Accept** the submission from the New Zealand Transport Agency [742.213]
 - Reject** the submission from Waikato District Council [697.671]
 - Accept** the further submission from *Bootleg Brewery* [FS1264.20]
 - Reject** the submission from Waikato District Council [697.672]
 - Reject** the submission from Waikato District Council [697.673]
 - Reject** the submission from the Ministry of Education [781.25]

- h. **Reject** the further submission from the New Zealand Transport Agency [FSI202.84]

34.2.4 Section 32AA evaluation

627. Apart from a minor amendment to P6 so that it refers to a 'residential unit' rather than a dwelling, no significant changes are recommended to the land use activity rule and therefore no section 32AA evaluation is considered necessary in this instance.

34.3 Land-use effects

34.3.1 Submissions

Submission Point	Submitter	Decision Requested
742.211	New Zealand Transport Agency	Retain Rule 20.5.5 PI Landscape planting as notified AND Retain Rule 20.5.5 RDI Landscape planting as notified.
697.675	Waikato District Council	Amend Rule 20.5.6 P2(a)(i) Noise – General, as follows: (i) 65dB (LA10eq) at all times within any other site in the Industrial Zone; and
697.676	Waikato District Council	Delete Rule 20.5.7 PI (a) (vii) Signs – General.
697.677	Waikato District Council	Delete from Rule 20.5.7 PI (a) Signs - General conditions (ii) and (vii).
FSI387.639	Mercury NZ Limited	<i>Oppose</i>
742.209	New Zealand Transport Agency	Retain Rule 20.5.7 P2 Signs - General as notified. AND Retain Rule 20.5.7 RDI Signs - General, as notified.
742.210	New Zealand Transport Agency	Retain Rule 20.5.8 PI Outdoor storage of goods or materials, as notified. AND Retain Rule 20.5.8 RDI Outdoor storage of goods or materials, as notified.
742.212	New Zealand Transport Agency	Retain Rule 20.5.13 PI Building setbacks, as notified; AND Retain Rule 20.5.13 RDI Building setbacks as notified.

34.3.2 Analysis

628. The New Zealand Transport Agency [742] supports Rule 20.5.5 Landscape planting.

629. Waikato District Council [697] states that P2 (a)(i) in Rule 20.5.6 Noise – General, needs to be amended to refer to LAeq. While any change to acoustic levels and measurements is outside my area of expertise, I note here that the National Planning Standards contain definitions for noise levels expressed as LA90, LAeq and LAF(max). Furthermore, the amendment requested is consistent with the approach for noise management throughout the district and I therefore recommend that this be accepted.
630. Waikato District Council [697] requests that condition P1(a)(vii) in Rule 20.5.7 Signs – General, be deleted which relates to protruding over a road. The submitter states that the PWDP cannot control signs within a road reserve. Any construction within road reserve is managed by a Council bylaw and considered by roading staff. For consistency, condition P2(a)(ii) in Rule 20.5.7 also needs to be deleted.
631. The New Zealand Transport Agency [742] supports Rule 20.5.7 Signs – General, Rule 20.5.8 Outdoor storage of goods or materials and Rule 20.5.13 Building setbacks.

34.3.3 Recommendation

632. For the above reasons, it is recommended that the hearings panel:
- Accept** the submission from the New Zealand Transport Agency [742.211]
 - Accept** the submission from Waikato District Council [697.675] and amend Rule 20.5.6 as shown below and in Attachment 3.
 - Accept** the submission from Waikato District Council [697.676 and 697.677] and amend Rule 20.5.7 as shown below and in Attachment 3.
 - Accept in part** the submission from the New Zealand Transport Agency [742.209] to the extent of the amendments to Rule 20.5.7 shown below and in Attachment 3.
 - Accept** the submission from the New Zealand Transport Agency [742.210]
 - Accept** the submission from the New Zealand Transport Agency [742.212]

34.3.4 Recommended Amendments

20.5.6 Noise – General

PI	Noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise must not exceed the following:</p> <ol style="list-style-type: none"> 65dB (LA¹⁰) (LA_{eq}) at all times within any other site in the Industrial Zone; and at the notional boundary of any adjoining site in the Rural Zone: <ol style="list-style-type: none"> 55dB (LA_{eq}) 7am to 10pm; 40 dB (LA_{eq}) 10pm to 7am the following day; and 70dB (LA_{max}) 10pm to 7am the following day. <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

PI	<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> <ol style="list-style-type: none"> it does not exceed a height of 10m;
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	<ul style="list-style-type: none"> (ii) it does not have a light source that flashes or moves; (iii) it does not imitate the content, colour or appearance of any traffic control sign; (iv) it does not obscure sight lines of drivers turning into or out of a site entrance; (v) it does not exceed an area of 3m²; (vi) it is set back at least 5m from the boundary of any site in the Rural Zone; and (vii) it does not project onto or over a road reserve.
P2	<ul style="list-style-type: none"> (a) Any free-standing advertising sign adjacent to State Highway 23 must comply with all of the following conditions: <ul style="list-style-type: none"> (i) it does not exceed a height of 6m; (ii) it is not located on or above road reserve; (iii) it does not exceed an area of 8m²; (iv) it is located within the eastern corner of Lot 1 DP 454300 (and any subsequent subdivision thereof); (v) it does not have a light source that flashes or moves; (vi) it does not imitate the content, colour or appearance of any traffic control sign; (vii) it can be viewed by drivers for a minimum of 250m; (viii) it has lettering that is at least 120mm high; (ix) it does not obscure sight lines of drivers turning into or out of a site entrance; and (x) it only relates to goods or services available on the site or is a property name sign.
RDI	<ul style="list-style-type: none"> (a) Any sign that does not comply with Rule 20.5.7 P1 or P2. (b) Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (i) effects on amenity values; (ii) traffic safety.

34.3.5 Section 32AA evaluation

633. I do not consider that a detailed section 32AA is required in this instance. The recommended amendment to the noise rule provides consistency with how noise standards are expressed through the district plan and the National Planning Standards. The deletion of the rules regarding signage extent over the road reserve is appropriate as this matter is addressed by a Council bylaw and does not need to be addressed with the district plan.