

Part D – Development Area 20.6 Horotiu Industrial Park

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan – Stage 1

Hearing 7: Industrial Zone and Heavy Industrial Zone

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25 November 2019

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List of submitters and further submitters addressed in this report

Submitter	Submission number
Ports of Auckland	578
Northgate Developments Limited & Northgate Industrial Park Limited	790

Further Submitter	Submission number
<i>Genesis Energy Ltd</i>	<i>FSI 345</i>
<i>Watercare Services Limited</i>	<i>FSI 176</i>
<i>Mercury Energy Limited</i>	<i>FSI 387</i> <i>FSI 388</i>
<i>New Zealand Transport Agency</i>	<i>FSI 202</i>
<i>Van Den Brink Group</i>	<i>FSI 193</i>
<i>Auckland Transport</i>	<i>FSI 273</i>
<i>Holcim (New Zealand) Limited</i>	<i>FSI 326</i>

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

73 Introduction

1002. Part D of this report addresses all submissions from Ports of Auckland Limited [578] (POAL) and Northgate Developments Limited & Northgate Industrial Park Limited [790] (Northgate). These two parties own significant landholdings within the Horotiu Industrial Park and their submissions addressed the management of this land in the Proposed District Plan.
1003. Development and subdivision within the Horotiu Industrial Park is currently managed through the Schedule 24B provisions in the Waikato Section of the OWDP. I understand that these operative provisions are the result of a 2011 Environment Court consent order which resolved an appeal on the previous district plan review. These Schedule 24B provisions are set out in Attachment D.
1004. Submissions from POAL and Northgate generally oppose application of the Chapter 20 rules to the Horotiu Industrial Park. Their primary reason is that the absence of specific objectives, policies and rules fail to recognise the importance of Horotiu Industrial Park which is identified as a strategic industrial node in the WRPS. Both submitters request that the PWDP adopts an approach similar to Schedule 24B in the OWDP.
1005. Rather than separating my Section 32AA evaluation into different parts of my reports, Zones, I have included by evaluation for the complete framework of objectives, policies and rules for Development Area 20.6 at the end of this Part D.
1006. Many of the POAL and Northgate submissions seek amendments to the 'standard' provisions for the Industrial Zone because they consider that the Horotiu Industrial Zone needs to be addressed differently. For completeness, I have replicated my analysis of the objectives and policies (sought by POAL) here which are set out in Part A of my report. I have also replicated here my analysis on their submissions relating to the Chapter 20 rules (in Part B).

74 POAL Submissions

74.1 Section 4.6 Objectives and Policies

1007. The following tables set out the decisions sought by POAL, in respect to new objectives and policies for Section 4.6, and the corresponding further submissions.
1008. In summary, POAL seeks objectives and policies that:
- a. refer to Horotiu Industrial Park as a regionally significant industrial node;
 - b. clearly signal that any development in this location needs to support the function of this regionally significant industrial node;
 - c. require development within this industrial node to be integrated with the provision of infrastructure; and
 - d. protect this industrial node from reverse sensitivity effects, particularly noise received by sensitive activities outside of this industrial node.

Submission Point	Submitter	Summary of Submission
578.73	Ports of Auckland	<p>Add new objectives and policies to Section 4.6 Industrial and Heavy Industrial Zones, that acknowledge the Horotiu Industrial Park, as follows:</p> <p><u>Objectives</u></p> <p><u>4.6.8</u> <u>Industrial development is consistent with the long-term land use pattern for Horotiu and occurs in an integrated and coordinated manner.</u></p> <p><u>4.6.9</u> <u>The Horotiu Industrial Park is developed as a strategic industrial node in a manner which enables industrial activities to locate and function efficiently within the zone.</u></p> <p><u>4.6.10</u> <u>The Horotiu Industrial Park is protected from reverse sensitivity effects from activities sensitive to noise.</u></p> <p><u>4.6.11</u> <u>The Horotiu Industrial Park is serviced by efficient road and rail network connections.</u></p> <p><u>Policies</u></p> <p><u>4.6.12</u> <u>Industrial development in the Horotiu Industrial Park is enabled in a manner that aligns with the capacity improvements to the infrastructure, including roading.</u></p> <p><u>4.6.13</u> <u>Industrial development in the Horotiu Industrial Park is encouraged to make use of both road and rail network connections to enable the efficient use of the industrial land resource.</u></p> <p><u>4.6.14</u> <u>Industrial development, prior to the require infrastructure capacity improvements being completed, should be managed in order to avoid, remedy or mitigate adverse effects on the existing and future planned road network, connections to that network, and on other infrastructure.</u></p> <p><u>4.6.15</u> <u>Traffic and transportation effects should be managed through land use planning, peak traffic generation controls and integrated, multi-modal transport approaches to ensure industrial development at the Horotiu Industrial Park does not adversely affect the safety and efficiency of the wider roading network.</u></p> <p><u>4.6.16</u> <u>Activities within the Horotiu Industrial Park that do not support the primary function of the zone are to</u></p>

		<p><u>be avoided.</u></p> <p><u>4.6.17</u></p> <p><u>Activities that are sensitive to noise are required to protect themselves from noise arising from the operation of the Horotiu Industrial Park.</u></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 202.54	New Zealand Transport Agency	Support
FSI 272.6	KiwiRail Holdings Limited	Support
FSI 388.864	Mercury Energy Limited	Oppose

1009. POAL supports Objective 4.6.1 and associated Policies 4.6.2-4.6.7 on the basis that they give effect to the Waikato Regional Policy Statement (WRPS). However, they also request an additional bespoke set of objectives and policies that recognise the difference between the Horotiu Industrial Park and other industrial areas.
1010. The WRPS identifies 150 hectares of gross developable area within the Horotiu Industrial Park, as a 'strategic industrial node'¹ located in the Central Future Proof Area. This gross developable area was available when the Proposed WRPS was notified in November 2010 and various industrial developments have established since then. The first stage development of POAL's inland freight hub on its 33 hectare site was consented in May 2017 and operation is expected to soon commence.
1011. The WRPS notes that this gross developable area includes land for building footprint, parking, landscaping, open space, bulk and location requirements and land for infrastructure including roads, stormwater and wastewater facilities for the period between 2010 and 2061. The WRPS also notes that the staging and timing of land associated with Horotiu is consistent with the rules contained within the Operative Waikato District Plan (2011).
1012. A key feature of the Horotiu Industrial Park is that it has strategically important connections with the state highway network and the North Island Main Trunk Railway. For this reason, POAL requests additional objectives and policies to recognise the regional significance of this industrial node and set the framework under which any industrial growth within the Horotiu area is to be enabled.
1013. Unlike the OWDP, the notified PWDP does not contain any specific objectives, policies or rules for the Horotiu Industrial Park.
1014. In my opinion, there is merit in introducing a suite of new objectives and policies that specifically recognise the regional significance of the Horotiu Industrial Park afforded by the WRPS and the fact that it has already started to be developed as an inland freight hub. This is considered prudent in that Policies 4.6.3 and 4.6.8 in the PWDP both refer to strategic industrial nodes, yet they are not explicitly identified.

¹ Table 6-2: Future Proof industrial land allocation, page 6-33

1015. A specific suite of objectives and policies for Horotiu Industrial Park would provide clear alignment with Policy 6.1 in the WRPS (Planned and coordinated subdivision, use and development) and, in particular, general development principles d), e), h) and o) in section 6A² which state that new development should:

d) not compromise the safe, efficient and effective and operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;

e) connect well with existing and planned development and infrastructure;

*h) be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, **regionally significant industry**, high class soils, and primary production activities on those high class soils;*

o) not result in incompatible land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure'

1016. It is relevant to note here that the term '**regionally significant industry**' in the WRPS is defined as:

*'means an economic activity based on the use of **natural and physical resources** in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.'*³

1017. I consider that this term applies to POAL given the nature and scale of their operations that contribute to the regional and national economies.

1018. In addition, it is my view that a specific suite of objectives and policies that supports all industries within Horotiu Industrial Park, is an appropriate response to Implementation Method 6.1.2 (Reverse sensitivity)⁴ in the WRPS. This method states that local authorities should have particular regard to the potential for reverse sensitivity when reviewing district plans (amongst other statutory processes), such that new sensitive activities are discouraged from locating near existing and planned land uses or activities that could be subject to effects such as noise and light spill. These effects are likely to be the most relevant to activities within this industrial node, particularly as there are areas surrounding the Horotiu Industrial Park which are zoned for rural and residential purposes.

1019. Initial development within Horotiu Industrial Park occurred before major transport infrastructure was in place (such as the Waikato Expressway and the signalled intersection on Great South Road). Now that this infrastructure work is complete, I consider that the majority of the Schedule 24B provisions are now redundant. I have therefore formed the view that not all objectives and policies requested by POAL are necessary because they reflect an historic situation. I consider my recommended provisions are shown below and in Section 4.6 are more appropriate than those requested by POAL as they reflect the current environment and they more clearly guide future development based on what infrastructure now exists.

74.2 Recommendation

1020. For the above reasons, it is recommended that the hearings panel:

² Waikato Regional Policy Statement Page 6-27

³ Waikato Regional Policy Statement Page G-9

⁴ Waikato Regional Policy Statement Page 6-1

- a. **Accept in part** the submission from Ports of Auckland Limited [578.73] and further submissions from the *New Zealand Transport Agency* [FS1202.54] and *KiwiRail Holdings Limited* [FS1272.6] and introduces new objectives and policies in Section 4.6 shown below and in Attachment D.
- b. **Reject** the further submission from *Mercury Energy Limited* [FS1388.864]

74.3 Recommended amendments:

4.6.10 Objective – Development of Horotiu Industrial Park as a strategic industrial node

The Horotiu Industrial Park is developed as a strategic industrial node in a manner which enables industrial activities to locate and function efficiently.

4.6.11 Policy – Support of primary function of Horotiu Industrial Park

Provide for activities within the Horotiu Industrial Park that support the primary function of this strategic industrial node.

4.6.12 Objective – Protection of Horotiu Industrial Park from reverse sensitivity

The Horotiu Industrial Park is protected from reverse sensitivity effects from activities sensitive to noise.

4.6.13 Policy – Protection of activities sensitive to noise from Horotiu Industrial Park

Activities that are sensitive to noise are required to protect themselves from noise arising from the operation of the Horotiu Industrial Park.

4.6.14 Objective – Servicing of Horotiu Industrial Park by road and rail

The Horotiu Industrial Park is serviced by efficient road and rail network connections.

4.6.15 Policy – Use of road and rail network connections in Horotiu Industrial Park

Industrial development in the Horotiu Industrial Park is encouraged to make use of both road and rail network connections to enable the efficient use of the industrial land resource.

74.4 Chapter 20 Industrial Zone – Rules

74.4.1 Introduction

1021. In response to the submissions outlined above, I have recommended a new Development Area 20.6 for the Horotiu Industrial Park which still largely relies on most of the Chapter 20 rules. I have recommended that where there is any consistency between the standard Chapter 20 provisions and the specific provisions for Horotiu Industrial Park in Part D, the specific provisions prevail. I have used the term ‘Development Area’ to reflect the structure contained in the National Planning Standards.
1022. The analyses below therefore relate to submissions received from POAL and Northgate on the ‘standard’ Industrial Zone rules for lighting, earthworks, signage, outdoor storage, daylight admission, building height and building setbacks from waterbodies which I consider should apply to the Horotiu Industrial Park.

74.5 Rule 20.2.4 Glare and Artificial Light Spill

74.5.1 Submissions

1023. The following tables set out the submission points and decisions sought by POAL, in respect to the Chapter 20 rules, and the corresponding further submissions.

Submission Point	Submitter	Summary of Submission
578.63	Ports of Auckland Limited	<p>Amend Rule 20.2.4 PI Glare and Artificial Light Spill, as follows:</p> <p><i>Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site <u>beyond the boundary of the Industrial Zone and the Heavy Industrial Zone. Lighting associated with plant and machinery is excluded from this Rule.</u></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 in the submission.</p>
FS1345.2	Genesis Energy Limited	Support

74.5.2 Analysis

1024. POAL requests that Rule 20.2.4 be amended to make it clear that this rule only applies to land outside the Industrial Zone and Heavy Industrial Zone.
1025. I agree that it is more appropriate to manage the effects of glare and light spill from industrial activities for receiver sites that are outside, as opposed to within, industrial zones. If this rule were to apply to all sites within an industrial zone, this would likely trigger resource consent applications for activities that typically generate levels of light spill and glare that are expected and tolerated by workers within the zone. I consider that an ‘intra-zone’ control on lighting would not be reasonable or appropriate.
1026. I also understand that the effects of glare and light spill were a relevant matter in POAL’s resource consent issued in May 2017 (refer to this in Attachment D), and that modifications were made to shroud lights on masts and plant and machinery so that the effects of glare and light spill would be more contained within POAL’s site. It would be helpful for POAL to confirm that detail at the hearing. I also invite POAL to comment on the amendment recommended for Rule 20.2.4 shown below and in Attachment 5.
1027. Because Rule 20.2.4 applies to all sites in the Industrial Zone, and not just POAL’s site, I consider that their request to exclude plant and machinery is problematic. Other sites within the Industrial Zone might be developed where lighting from their plant and machinery could potentially affect sensitive receivers outside of this zone. This is particularly relevant to the sites in the nearby Residential Zone which is located on the northern side of Horotiu Road as well as on the eastern side of Great South Road.

1028. Overall, I recommend that POAL's submission be accepted in part.

74.5.3 Recommendation

1029. For the reasons given above, it is recommended that the hearings panel:

- a. **Accepts in part** the submission from Ports of Auckland Limited [578.63] and further submission from Genesis Energy Limited [FS1345.2].

74.5.4 Recommended Amendments

1030. Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site not located in the Industrial Zone or Heavy Industrial Zone.

74.5.5 Section 32AA evaluation

1031. I consider that the amendment makes it clear that this rule only applies to receiver sites that are outside the Industrial Zone and Heavy Industrial Zone and a detailed section 32AA evaluation is not considered necessary in this instance.

74.6 Rule 20.2.5.1 Earthworks – General

74.6.1 Submissions

Submission Point	Submitter	Summary of Submission
578.64	Ports of Auckland Limited	<p>Amend Rule 20.2.5.1 PI Earthworks – General, as follows:</p> <p>(a) <i>Earthworks within a site must meet the following conditions:</i></p> <ol style="list-style-type: none"> (i) <i>Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe;</i> (ii) <i>Not exceed a volume of more than 250m³ 2500m³ and an area of more than 1,000m² 2500m² within a site;</i> (iii) <i>the height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal);</i> (iv) <i>areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</i> (v) <i>sediment result from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</i> (vi) <i>Do not divert or change the nature of natural water flows, water bodies or established drainage paths;</i>

		<p>(vii) <u>Within overland flow paths, the earthworks must maintain the same entry and exit point at the boundaries of the site and not result in any adverse changes in flood hazards beyond the site.</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>
578.1	Ports of Auckland Limited	<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-industrial 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 2,500m³;</p> <p>(ii) not exceed a depth of 1m</p> <p>(iii) the slope of 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 revegetated 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>(vii) do not divert or change the nature of natural water flows, water bodies or established drainage paths;</p> <p><u>(viii) within overland flow paths, the extent of earthworks must maintain the same entry and exit point at the boundaries of the site and not result in any adverse changes in flood hazards beyond the site.</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</p>

		necessary to address the matters raised in the submission.
FS1176.161	Watercare Services Ltd	Support
FS1193.4	Van Den Brink Group	Support
FS1273.18	Auckland Transport	Support
FS1326.4	Holcim (New Zealand) Limited	Support
FS1388.832	Mercury NZ Limited	Oppose

74.6.2 Analysis

1032. In respect to their submission point [578.64], POAL considers that the proposed thresholds of 250m³ and 1000m² set out in P1 in Rule 20.2.5.1 are insufficient to provide for the establishment of a permitted industrial activity, particularly given the PWDP's average lot size requirement of 2000m². Instead, they seek increases to 2500m³ and 2500m².
1033. WDC has submitted on this provision stating that that these notified thresholds are errors and that they were intended to be 500m³ and 10,000m² within a 12 month period. If the hearings panel were to accept WDC's submission, the resulting area threshold of 10,000m² would accommodate POAL's request. However, a volume threshold of 500m³ would not accommodate POAL's request.
1034. In my view, there appears to be little rationale for controlling the amount of earthworks on an industrial site. This is because earthworks for industrial development are normally confined to the construction of accessways, building platforms, on-site parking and ancillary works such as stormwater ponds. Other than earthworks for required landscaping (which are exempt from the definition in the National Planning Standards), it would be highly unusual for earthworks to be required for any other purpose. In the absence of any specific scope to delete the thresholds wholesale (which would be my preference), I am therefore left with a recommendation to accept the area and volume thresholds requested by POAL.
1035. POAL requests deletion of the clause which specifies a maximum 1.5 metre depth or height of a cut, fill or batter face. They consider that this control is onerous and unnecessary for industrial development. I agree that this clause is superfluous, particularly if 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 therefore consider it appropriate to delete this requirement.
1036. POAL requests amendments to delete reference to 'established drainage paths' in this rule and add a new clause that manages earthworks within overland flow paths. In my view, there is no certainty as to what is meant by 'established drainage paths' or 'overland flow paths'. While I accept that 'established drainage paths' should be deleted as it removes the uncertainty in this standard, I do not agree that controls should be added with respect to 'overland flow paths' because this is not a defined or universally understood term.
1037. In respect to their submission point [578.1], POAL requests that references to 'residential purposes' in P3 be removed as this is not an activity that is intended for industrial zones. It would appear that this reference has been inadvertently carried over from the equivalent rule in residential zones. I agree that this reference needs to be deleted.

1038. I consider that that the one metre depth limit in clause (a)(ii) and the 1.5 metre setback in clause (a)(iv) in P3 are superfluous particularly if the slope control (1:2) has not been challenged. As per my comments above, most land that is zoned industrial is easy in contour and is chosen for its suitability for industrial development where there is little geotechnical risk. I reiterate my comments here also in respect to 'established drainage paths' and 'overland flow paths' for the changes sought by POAL in relation to P3.

74.6.3 Recommendation

1039. For the reasons given above, it is recommended that the hearings panel:

- a. **Accept in part** the submission from Ports of Auckland Limited [578.64] and amends Rule 20.2.5.1 shown below and in Attachment 5.
- b. **Accept in part** the submission from Ports of Auckland Limited [578.1] and the further submissions from *Watercare Services Ltd* [FS1176.161], *Van Den Brink Group* [FS1193.4], *Auckland Transport* [FS1273.18], *Holcim (New Zealand) Limited* [FS1326.4]
- c. **Accept in part** the further submission from *Mercury NZ Limited* [FS1388.832]

1040. Recommended amendments, which also reflect my changes recommended in response to other submitters:

Rule 20.2.5.1 Earthworks – General

P1	<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>
P1	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ol 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 within a 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> <ol 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, <u>or finished with a hardstand surface;</u> (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.
RD1	<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.

74.6.4 Section 32AA evaluation

Effectiveness and efficiency

1041. 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

1042. 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

1043. 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

1044. 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.

74.7 Rule 20.2.7 Signs – General

74.7.1 Submissions

Submission Point	Submitter	Summary of Submission
578.5	Ports of Auckland Limited	<p>Amend Rule 20.2.7.1 P2(c) Signs – General, as follows:</p> <p>(b) <i>Where the sign is a freestanding sign, it must:</i></p> <p>(i) <i>Not exceed an area of <u>15m²</u> 3m² for one sign per site, and 2m² 1m² for any other freestanding sign on the site; and</i></p> <p>(ii) <i>Be set back at least 5m from the boundary of any site in a Residential, Village or Country Living Zone</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>

74.7.2 Analysis

1045. POAL requests amendments to Rule 20.2.7.1 because it opposes the maximum area of 3m² for a freestanding sign. Their reason is that where large buildings are permitted in an industrial zone, the receiving environment has the ability to accommodate a freestanding sign that is 10 metres high and 3m² in area, plus one additional freestanding sign of 2m².

1046. While I accept that industrial sites are typically larger than sites in other zones and can therefore better absorb the visual impact of signage, the requested five-fold increase in sign area to 15m² is not appropriate for all sites in the Industrial Zone. In my view, this would create potential for cumulative adverse visual effects that are not acceptable. It remains important to manage visual impact from signage, particularly where industrial sites adjoin more sensitive residential zones. This zone interface situation does apply to Horotiu Industrial Park given the nearby sites in the Residential Zone on the northern side of Horotiu Road as well as east of Great South Road.

1047. If POAL is seeking to establish a 10 metre high sign with an area of 15m², I consider that the merits should be assessed through the default of a restricted discretionary activity where visual amenity, character of the locality and sign content are included in the listed matters of discretion. For this reason, I recommend rejection of this submission point.

74.7.3 Recommendation

1048. For the reasons given above, it is recommended that the hearings panel:

- a. **Reject** the submission from Ports of Auckland Limited [578.5]

74.7.4 Recommended amendments

1049. The amendments to Rule 20.2.7 shown below reflect my changes recommended in response to other submitters.

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> <p>(i) The sign height does not exceed 10m;</p> <p>(ii) The sign is wholly contained on the site;</p> <p>(iii) An illuminated sign must:</p> <p style="padding-left: 40px;">A. not have a light source that flashes or moves; and</p> <p style="padding-left: 40px;">B. not contain moving parts or reflective materials; and</p> <p style="padding-left: 40px;">C. be set back at least 15m from a state highway or the Waikato Expressway;</p> <p>(b) Where the sign is attached to a building, it must:</p> <p>(i) not extend more than 300mm from the building wall; and</p> <p>(ii) not exceed the height of the building;</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 one additional 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;</p> <p style="padding-left: 40px;">(iii) be set back at least 15m from a state highway or the Waikato Expressway</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 style="padding-left: 40px;">(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> <p>(i) goods or services available on the site; or</p> <p>(ii) a property name sign.</p>
P3	<p>(a) A real estate 'for sale' sign 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 1 3 signs per site 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 style="padding-left: 40px;">(v) The sign does not project into or over road reserve.</p>

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.
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74.7.5 Section 32AA evaluation

Effectiveness and efficiency

1050. 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

1051. 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

1052. 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

1053. 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.

74.8 Rule 20.2.8 Outdoor storage of goods or materials

74.8.1 Submissions

Submission Point	Submitter	Summary of Submission
578.7	Ports of Auckland Limited	<p>Amend Rule 20.2.8 PI Outdoor storage of goods or materials, to read:</p> <p><i>(a) Outdoor storage of goods or materials must comply with all the following conditions:</i></p> <ul style="list-style-type: none"> <i>(i) be associated with the activity operating from the site;</i> <i>(ii) not encroach on required parking or loading areas;</i> <i>(iii) not exceed a height of 9m unless located within</i>

		<p><u>the Horotiu Industrial Park where it must not exceed a height of 21m;</u></p> <p>(iv) not exceed 30% site coverage;</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>
FS1388.836	Mercury NZ Limited	Oppose
578.8	Ports of Auckland Limited	Retain Rule 20.2.8 RDI Outdoor storage of goods or materials, as notified.
FS1388.837	Mercury NZ Limited	Oppose

74.8.2 Analysis

1054. POAL requests an amendment to Rule 20.2.8 to enable the outdoor storage of goods or materials on sites within the Horotiu Industrial Park provided that these do not exceed a height of 21 metres. This requested height limit presumably relates to their stacked containers.
1055. As per my analysis in Part B which considered the other submissions that challenge notified Rule 20.2.8, I consider that the visual effects from stored materials are already sufficiently addressed in other rules that manage height, boundary setbacks and screening. I therefore recommend that Rule 20.2.8 be deleted. I consider that there is scope to delete this rule on the basis of the submission received from Van Den Brink Group [633.64] which requests wholesale deletion of the rule.

74.8.3 Recommendation

1056. For the reasons given above, it is recommended that the hearings panel:
- Accept in part** the submissions from Ports of Auckland Limited [578.7 and 578.8] and deletes Rule 20.2.8 as shown in Attachment 5.
 - Reject** the further submissions from Mercury NZ Limited [FS1388.836 and FS1388.837]

74.8.4 Recommended amendments

1057. The deletion of Rule 20.2.8 also reflect my changes recommended in response to other submitters:

~~20.2.8 Outdoor storage of goods or materials~~

Pl	<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>
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	<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>
RD+	<p>(a) Outdoor storage of goods or materials that does not comply with Rule 20.2.8 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) visual amenity; and</p> <p>(ii) traffic safety.</p>

74.9 Rule 20.3.1 Building height

74.9.1 Submissions

Submission Point	Submitter	Summary of Submission
578.10	Ports of Auckland Limited	<p>Add a new permitted activity rule in Rule 20.3.1 Building height, to specifically address building height within the Horotiu Industrial Park as follows:</p> <p><i>(a) Despite Rule 20.3.3 Daylight Admission, within the Horotiu Industrial Park the construction or alteration of an aerial and its support structures is a permitted activity if:</i></p> <p><i>(i) the height of the aerial or support structures do not exceed:</i></p> <p><i>A. 15m; or</i></p> <p><i>B. 10m within 50m of the Horotiu Road boundary; or</i></p> <p><i>C. 5m more than the height of a building the aerial is mounted on, where that building is higher than 20m; and</i></p> <p><i>(b) no dish antennae exceed 5m diameter, and no panel antennae exceeds 2.5m in any dimension.</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>

578.11	Ports of Auckland Limited	<p>Add a new permitted activity Rule in rule 20.3.1 Building height, to specifically provide for lighting masts within the Horotiu Industrial Park as follows:</p> <p><u>Despite Rule 20.3.3 Daylight Admission, the construction or alteration of lighting masts is a permitted activity if:</u></p> <p><u>(a) the height of the lighting masts:</u></p> <p><u>(i) located more than 400m from Horotiu Road; and</u></p> <p><u>(ii) do not exceed 25m in height.</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>
FS1388.838	Mercury NZ Limited	Oppose
578.12	Ports of Auckland Limited	Retain Rule 20.3.1 RDI Building height, as notified.

74.9.2 Analysis

1058. In respect to POAL's submission points [578.10 and 578.11], I have recommended specific rules for building height, aeriels, antennae and lighting masts in a new Development Area 20.6 to enable the nature and scale of building development that are expected within Horotiu Industrial Park. I consider this is a more efficient and effective approach and is consistent with the function of this regionally significant industrial node. These specific rules (Rule 20.6.9 and 20.6.10) shown below and in Attachment D and override equivalent provisions in Chapter 20 and provide for the effective development within this node.
1059. POAL supports notified Rule 20.3.1 RDI, although for development within the Horotiu Industrial Park, I have recommended a new restricted discretionary activity rule (RDI in Rule 20.6.9) to deal with any breach of the new building height rule. Therefore Rule 20.3.1 can remain without change for sites in the Industrial Zone that are outside the Horotiu Industrial Park.

74.9.3 Recommendation

1060. For the reasons given above, it is recommended that the hearings panel:
- a. **Accept in part** the submissions from Ports of Auckland Limited [578.10 and 578.11] and introduces new Rules 20.6.9 and 20.6.10 shown below and in Attachment D.
 - b. **Reject** the further submission from Mercury NZ Limited [FS1388.838]
 - c. **Accept** the submission from Ports of Auckland Limited [578.12]
1061. My recommended amendments are outlined below:

20.6.4.1 Building height

<u>PI</u>	<p>(a) <u>A building or structure that is more than 400 metres from Horotiu Road and does not exceed:</u></p> <p><u>(i) a height of 25 metres; and</u></p> <p><u>(ii) a height of 15 metres over 90% of the site</u></p> <p><u>(b) A building or structure than is 50 metres of Horotiu Road and does not exceed a height of 10 metres</u></p>
<u>RDI</u>	<p>(a) <u>A building or structure that does not comply with Rule 20.6.9 PI</u></p> <p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <p><u>(i) the extent to which visual amenity in the Residential Zone is maintained</u></p>

20.6.4.2 Aerials, Antennae and Lighting Masts

<u>PI</u>	<p>(a) <u>An aerial and support structure that does not exceed a height of:</u></p> <p><u>(i) 15 metres; or</u></p> <p><u>(ii) 10 metres if located within 50 metres of Horotiu Road; or</u></p> <p><u>(iii) 5 metres above the building on which the aerial is mounted, where that building exceeds a height of 20 metres</u></p>
<u>P2</u>	<p>(a) <u>A dish antenna that does not exceed a 5 metre diameter</u></p> <p>(b) <u>A panel antenna that does not exceed 2.5 metres in any dimension</u></p>
<u>P3</u>	<u>Lighting masts located at least 400 metres from Horotiu Road and not exceeding a height of 25 metres.</u>
<u>RDI</u>	<p>(a) <u>Any aerial, antenna or lighting mast that does not comply with Rule 20.6.10 P1, P2 or P3</u></p> <p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <p><u>(i) the extent to which visual amenity in the Residential Zone is maintained</u></p>

74.10 Rule 20.3.4.2 Building setback – waterbodies

74.10.1 Submissions

Submission Point	Submitter	Summary of Submission
578.17	Ports of Auckland Limited	Amend Rule 20.3.4.2 P3 Building setback - water bodies, as follows: <i>A building must be setback a minimum of 10m from the bank of a perennial or intermittent stream whose bed has an average width of 3m or</i>

		<p><i>more.</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>
FS1388.840	Mercury NZ Limited	Oppose
578.16	Ports of Auckland Limited	<p>Amend Rule 20.3.4.2 PI Building setback - waterbodies, as follows:</p> <p>(a) A building must be set back a minimum of 30m from:</p> <p style="padding-left: 40px;">(i) the margin of any:</p> <p style="padding-left: 80px;">A. lake;</p> <p style="padding-left: 80px;">B. wetland; and</p> <p style="padding-left: 80px;">C. river bank <u>whose bed has an average width of 3m or more, other than the Waikato River and Waipa River.</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>

74.10.2 Analysis

1062. POAL's site is bordered by an unnamed tributary of the Te Rapa Stream. POAL states in their submission that the PWDP has not carried over the operative rule which requires a building to be set back from streams which have an average qualifying bed width of 3 metres. Their reason is that Rule 20.3.4.2 of the PWDP has the potential to constrain future developments of their land as an inland freight hub. POAL therefore seeks reinstatement of the operative rule.
1063. It is unclear what operative rule in Schedule 24B is being referred to. It may be that POAL's reference to an average bed width of 3 metres is more to do with the vesting of an esplanade reserve which is mandatory in terms of section 230(4) of the RMA if subdivision were to occur. I invite the submitter to clarify this matter at the hearing.
1064. POAL has provided concept plans (included in Attachment D) showing the existing building now occupied by Open Country Dairy and a potential layout of buildings that have yet to be

developed. From these plans, it would appear that the footprints for the future buildings roughly align with this existing building. It would be helpful for POAL to confirm what setback is already observed between this existing building and the bank of the tributary to better understand what implications there may be for future developments. I also note that any future building would need to be set back 7.5 metres from a portion of POAL's boundary that adjoins the Rural Zone immediately to the west to comply with Rule 20.3.4.1.

1065. In my view however, it is important to manage the effects of building in close proximity to any stream, irrespective of stream bed width. This is because building location can potentially affect the aesthetic and ecological values associated with any stream. I note also that POAL's site is located within the Waikato River catchment and therefore the Vision and Strategy is relevant. Building setbacks are one method of giving effect to the Vision and Strategy because they reduce the amount of stormwater runoff from buildings directly entering watercourses within this catchment and thus assist achieving the health and wellbeing of the Waikato River. For these combined reasons, I recommend rejection of POAL's submission points.

74.10.3 Recommendation

1066. For the reasons given above, it is recommended that the hearings panel:

- a. **Reject** the submissions from Ports of Auckland Limited [578.17 and 578.16]
- b. **Accept** the further submission from *Mercury NZ Limited* [FS1388.840]

74.11 Request for staging rules and specific activities for Horotiu Industrial Park

74.11.1 Submissions

Submission Point	Submitter	Summary of Submission
578.23	Ports of Auckland Limited	Add the staging plans for Horotiu Industrial Park, that reflect the resource consents that have been approved and granted to Ports of Auckland Limited. Refer to the staging plans, bunding map and proposed Horotiu Road intersection in the submission AND Add a new rule 20.2.10 Land Use Staging in Chapter 20 Industrial Zone, to provide for the staged release of the land within Horotiu Industrial Park (see submission for details of the new rule) AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
<i>FS1388.843</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
578.26	Ports of Auckland Limited	Add a new Section 20.6 to Chapter 20 Industrial Zone that contains a set of standalone provisions for the Horotiu Industrial Park, as an alternative relief to amending the notified provisions for the Industrial Zone.

		Refer to Schedule 2 of the submission for the requested provisions. AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission
<i>FSI388.846</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
578.57	Ports of Auckland Limited	Amend Rule 20.1.2 Discretionary Activities, to provide for activities that do not comply with Land Use – Effects Rule 20.2 or Land Use – Building Rule 20.3, as follows: <u>20.1.2A Restricted Discretionary Activities</u> <u>(a) The activities listed below are restricted discretionary activities.</u> <u>RD1 Any permitted activity that does not comply with an activity specific condition in Rule 20.1.1.</u> <u>RD2 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, discretionary or non-complying.</u> 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.
<i>FSI388.858</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

74.11.2 Analysis

1067. POAL requests that the staging provisions in the OWDP be carried over to the PWDP. As discussed earlier, I consider this is not appropriate because of the existing infrastructure that already has capacity to accommodate development within the Horotiu Industrial Park.
1068. However, because I have recommended a bespoke set of provisions within Development Area 20.6 to accommodate POAL's request in their submission points [578.26 and 578.57], I also recommend that these submission points be accepted in part.

74.11.3 Recommendation

1069. For the reasons given above, it is recommended that the hearings panel:
- a. **Accept in part** the submissions from Ports of Auckland Limited [578.23 and 578.26] and introduce a new Development Area 20.6 for Horotiu Industrial Park shown in Attachment D.

- b. **Accept in part** the further submissions from Mercury NZ Limited [FSI 388.843, FSI 388.846 and FSI 388.858]

75 Northgate Submissions

1070. The following tables set out the decisions sought by Northgate, and the corresponding further submissions.

75.1 Rule 20.2.3.1 Noise – General

75.1.1 Submissions

Submission Point	Submitter	Summary of Submission
790.3	Northgate Developments Limited & Northgate Industrial Park Limited	<p>Amend Rule 20.2.3.1 P2 Noise General, to revert back to Rule 24B.19 of the Operative Waikato District Plan for the Industrial Zone at Horotiu (Horotiu Industrial Park) comprising the following titles:</p> <ul style="list-style-type: none"> Lot 1 DP 390831 (364687), Lot 18 DP 494347 (723133), Lot 1 DPS 61620 (SA50B/598), Lot 2 DPS 61260 (SA50B/599), Lot 3 DPS 61260 (SA50B/600), Lot 16 DP 494347 (723131), Lot 17 494347 (723132), Lot 1 DP 499692 (742155) and Lot 2 DP 499692 (822899); and The certificates of title that have frontage to Gateway Drive, Evolution Drive and Innovation Way <p>OR</p> <p>Any further amendments as necessary to support the submission.</p>
790.4	Northgate Developments Limited & Northgate Industrial Park Limited	<p>Amend Rule 20.2.3.1 P3 Noise General, to revert back to Rule 24B.19 of the Operative District Plan for the Industrial Zone at Horotiu (Horotiu Industrial Park) comprising the following titles:</p> <ul style="list-style-type: none"> Lot 1 DP 390831 (364687), Lot 18 DP 494347 (723133), Lot 1 DPS 61620 (SA50B/598), Lot 2 DPS 61260 (SA50B/599), Lot 3 DPS 61260 (SA50B/600), Lot 16 DP 494347 (723131), Lot 17 494347 (723132), Lot 1 DP 499692 (742155) and Lot 2 DP 499692 (822899); and The certificates of title that have frontage to Gateway Drive, Evolution Drive and Innovation Way <p>OR</p> <p>Any further amendments as necessary to</p>

		support the submission.
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75.1.2 Analysis

1071. Northgate requests that the noise rules in Schedule 24B of the OWDP be carried over to the PWDP. Their reason is that the operative rule (that is the result of the 2011 Environment Court consent order) permits noise from industry within the Horotiu Industrial Park up to 75dBA and 24 hours a day, and requires lower noise levels at receiver sites in other zones, including the operative Living Zone.
1072. Northgate states that the PWDP does not technically affect day time noise levels for industrial zoning at Horotiu because the maximum 75dBA level still applies. However, their concern is the difference prescribed for night time noise in that Rule 20.2.3.1 requires the decibel level to reduce to 55dBA between 10pm and 7am.
1073. Northgate considers that this change may curtail industrial activities that are already established or investment in properties that have already been bought on the basis of the operative rule. They consider that there is no section 32 analysis to justify noise controls for Horotiu Industrial Park which are more stringent than the operative noise rule for this location.
1074. I agree that it is appropriate in this instance to carry over the operative noise rule for Horotiu Industrial Park with some modifications to the structure of the rule and replacement of the Living Zone term with Residential Zone. The draft noise Rule 20.6.8 is shown below and in Attachment D.
1075. I note that Policy 4.1.6 (a)(vi) states that Horotiu is developed to ensure “*the strategic industrial node is protected by having an acoustic overlay on neighbouring sensitive land uses.*” In my opinion, the recommended Rule 20.6.3.1 complements this policy.

75.1.3 Recommendation

1076. For the reasons given above, it is recommended that the hearings panel:
- a. **Accept in part** the submissions from Northgate Developments Limited & Northgate Industrial Park Limited [790.3 and 790.4] and introduces new Rule 20.6.8 shown below and in Attachment D.

75.1.4 Recommended amendments

20.6.3.1 Noise – General

<u>P1</u>	<u>Noise generated by emergency generators and emergency sirens.</u>
<u>P2</u>	<p>(a) <u>Noise from an activity in the Horotiu Industrial Park must not exceed:</u></p> <p style="padding-left: 20px;">(i) <u>75dBA (L_{Aeq}) at any time measured within any other site at any time</u></p> <p>(b) <u>Noise from an activity in the Horotiu Industrial Park must not exceed the following limits when measured within a Residential Zone:</u></p> <p style="padding-left: 20px;">(i) <u>55dBA (L_{Aeq}) 7am to 10pm</u></p> <p style="padding-left: 20px;">(ii) <u>40dBA (L_{Aeq}) and 70dBA (L_{Amax}) 10pm to 7am the following day</u></p> <p>(c) <u>Noise from an activity in the Horotiu Industrial Park must not exceed the following</u></p>

	<p><u>limits when measured within any zone outside of the Horotiu Industrial Park and Heavy Industrial Zone (except the Residential Zone):</u></p> <p>(i) <u>55dBA (LA_{eq}) 7am to 10pm</u></p> <p>(ii) <u>45dBA (LA_{eq}) and 70dBA (LA_{max}) 10pm to 7am the following day</u></p> <p><u>(d) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”</u></p> <p><u>(e) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustics- Environmental noise”.</u></p>
<u>RDI</u>	<p><u>(a) Noise generated by any activity that does not comply with Rule 20.6.X P2.</u></p> <p><u>(b) 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) Noise levels and duration</u></p> <p><u>(vi) Mitigation measures</u></p>

75.2 Rule 20.2.5.1 Earthworks

75.2.1 Submissions

Submission Point	Submitter	Summary of Submission
790.5	Northgate Developments Limited & Northgate Industrial Park Limited	Delete Rule 20.2.5.1 P1(a)(vi) Earthworks – General, or any further amendments OR Any relief as necessary to support the submission.
790.6	Northgate Developments Limited & Northgate Industrial Park Limited	Delete reference to “residential purposes’ in Rule 20.2.5.1 P3 Earthworks – General OR Any further amendments or relief as necessary to support the submission.

75.2.2 Analysis

1077. Northgate requests deletion of Rule 20.2.5.1 P1(a)(vi) regarding the requirement for earthworks to be set back 1.5 metres from any boundary. They state that it is likely that earthworks would need to occur within this setback to achieve a suitable finished profile across the whole of the site and that buildings are permitted to be built on the boundary. They consider that it is unclear what environmental effect is being addressed with this

setback, particularly when clause PI(a)(v) already addresses stability issues for adjoining properties. They are concerned that this 1.5 metre setback requirement would result in time and cost disadvantages in having to obtain resource consent applications.

1078. While Rule 20.2.5.1 already permits earthworks for building platforms, I agree that it is not reasonable to require resource consent for earthworks associated with parking areas and other ancillary developments that extend up to any boundary. In addition, no section 32 justification has been provided for this 1.5 metre setback.

1079. 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 PI(a)(vi) be deleted in response to other submissions that challenge this clause.

1080. I agree with Northgate's request to delete references to 'residential purposes' in Rule 20.2.5.1. This would appear to be an inadvertent error as industrial land is not anticipated for residential use.

75.2.3 Recommendation

1081. For the reasons given above, it is recommended that the hearings panel:

- a. **Accept** the submissions from Northgate Developments Limited & Northgate Industrial Park Limited [790.5 and 790.6] and amends Rule 20.2.5.1 as shown below and in Attachment 5.

75.2.4 Recommended amendments

20.2.5.1 Earthworks – General

PI	<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>(b) 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; 500m³ (iii) not exceed an area of more than 10,000m² over any consecutive within a 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, or finished with a hardstand surface; (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, water bodies or established drainage paths.

P2	<p>(b) 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>
P3	<p>(b) 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) must not exceed a total volume of 500m³;</p> <p>(ii) must not exceed a depth of 1m;</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 revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks, or finished with a hardstand surface;</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>(vii) do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
RD1	<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> <p>(i) amenity values and landscape effects;</p> <p>(ii) volume, extent and depth of earthworks;</p> <p>(iii) nature of fill material;</p> <p>(iv) contamination of fill material;</p> <p>(v) location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</p> <p>(vi) compaction of the fill material;</p> <p>(vii) volume and depth of fill material;</p> <p>(viii) protection of the Hauraki Gulf Catchment Area;</p> <p>(ix) geotechnical stability;</p> <p>(x) flood risk, including natural water flows and established drainage paths; and</p> <p>(xi) land instability, erosion and sedimentation.</p>

75.2.5 Section 32AA evaluation

Effectiveness and efficiency

1082. 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

1083. 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

1084. 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

1085. 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.

75.3 Rule 20.2.7.1 Signs – General

75.3.1 Submissions

Submission Point	Submitter	Summary of Submission
790.7	Northgate Development Limited & Northgate Industrial Park	Amend Rule 20.2.7.1 P2(c)(i) Signs – General, to permit larger signage as site size increases OR Any further amendments or relief as necessary to support the submission.

75.3.2 Analysis

1086. Northgate requests amendments to Rule 20.2.7.1 to permit larger signage as the site size increases. They state that the reason for the submission point is that the rule “imposes a one size fits all rule for all sites.” They consider that if an industrial site was twice the minimum lot size of 1000m² (i.e. 2000m²), then a “non-fanciful permitted baseline could be that up to 6m² of signage could be suitable on a site of that size.” They state that this would not be an unreasonable adverse effect when “the baseline is technically 3m² per 1000m²” and that incremental increases in sign size should be permitted in line with increases in site area.

1087. I do not agree with Northgate’s logic. If their metrics were to apply, using their 45 hectare title as an example, this would permit a 135m² sign. While this would be a highly unlikely situation, a rule that allows sign area to increase on a pro rata basis risks unacceptable adverse effects and uncertainty of outcome, particularly for more sensitive environments. This situation does apply to the Horotiu Industrial Park given the nearby Residential Zone to the north of Horotiu Road and east of Great South Road.

1088. In my opinion, it is more appropriate for any breach of the sign rule to be considered on its merits as a restricted discretionary activity where visual amenity, character of the locality and sign content are included in the listed matters of discretion. For this reason, I recommend rejection of this submission point.

75.3.3 Recommendation

1089. For the reasons given above, it is recommended that the hearings panel:

- a. **Reject** the submission from Northgate Developments Ltd & Northgate Industrial Park Ltd [790.7]

75.4 Rule 20.4.1 Subdivision

75.4.1 Subdivision

Submission Point	Submitter	Summary of Submission
790.9	Northgate Developments Ltd & Northgate Industrial Park Ltd	Delete Rule 20.4.1 RDI (a)(ii) Subdivision – General OR Any further relief or amendments as necessary to support the submission.
<i>FS1387.1241</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

75.4.2 Analysis

1090. Northgate requests deletion of the requirement in Rule 20.4.1 that proposed lots have a minimum average area of 2000m². They consider that the intent of this requirement is unclear given that the minimum lot size is 1000m². They state that if the issue that this rule is addressing concerns the need to provide for future land uses, they suggest an alternative approach that involves minimum shape requirements.
1091. Northgate further considers that lot size is based on market demand and that any purchase is made on an area rate (m²) given particular needs in order to be cost effective. They commend that the subdivision of land generally follows a sale and purchase agreement. In their view, the notified average lot size will lead to the inefficient use of industrial land.
1092. I agree with these reasons. As an alternative approach to address Northgate's concern, I recommend the operative requirement be carried over into the PWDP in the form of the new Rule 20.6.7 in Attachment D which would apply only to Horotiu. . While it would appear that existing titles within the Horotiu Industrial Park are generally no smaller than one hectare, the ability to create lots with a minimum net area of 500m will continue to provide considerable flexibility for subdivision within the Horotiu Industrial Park. In turn, this provides generous choice for site size will support investment and encourage growth of this regionally significant industrial node. I therefore recommend a rule that essentially rolls over the equivalent rule in the OWDP.

75.4.3 Recommendation

1093. For the reasons given above, it is recommended that the hearings panel:
- Accept in part** the submission from Northgate Developments Ltd & Northgate Industrial Park Ltd [790.9] **and introduces new Rule 20.6.7 shown below and in Attachment D**
 - Reject** the further submission from *Mercury NZ Limited [FS1387.1241]*
1094. My recommended amendments are:

20.6.5.1 Subdivision - General

RDI	<p><u>(a)Subdivision must comply with all of the following conditions:</u></p> <p><u>(i) proposed lots (excluding access allotments and utility allotments) must have a minimum net site area of 500m²</u></p>
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	<p><u>(ii) proposed lots for a network utility must have a minimum net site area of 100m²</u></p> <p><u>(b) Council's discretion is restricted to the following matter:</u></p> <p>(i) <u>the extent to which a range of future industrial activities can be accommodated</u></p>
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75.5 Rule 20.3.1 Building height

75.5.1 Submissions

Submission Point	Submitter	Summary of Submission
790.8	Northgate Developments Ltd & Northgate Industrial Park Ltd	<p>Add a clause to Rule 20.3.1 - PI Building height that enables building height within Horotiu Industrial Park to be consistent with that provided for in Rule 24B.22 of the Operative District Plan. Horotiu Industrial Park comprises the following titles:</p> <ul style="list-style-type: none"> Lot 1 DP 390831 (364687), Lot 18 DP 494347 (723133), Lot 1 DPS 61620 (SA50B/598), Lot 2 DPS 61260 (SA50B/599), Lot 3 DPS 61260 (SA50B/600), Lot 16 DP 494347 (723131), Lot 17 494347 (723132), Lot 1 DP 499692 (742155) and Lot 2 DP 499692 (822899). <p>OR</p> <p>Any further amendments or relief as necessary to support the submission.</p>

75.5.2 Analysis

1095. Northgate requests that Rule 20.3.1 be amended so that the operative provision in Schedule 24B that addresses building height in the Horotiu Industrial Park be carried over to the PWDP.

1096. I have recommended specific rules for building height, aeriels, antennae and lighting masts in a new Development Area 20.6 to enable the nature and scale of building development within Horotiu Industrial Park, consistent with the function of this regionally significant industrial node. These specific rules (Rule 20.6.9 and 20.6.10) shown below and in Attachment D override equivalent provisions in Chapter 20 and provide for the effective development within this node.

75.5.3 Recommendation

1097. For the reasons given above, it is recommended that the hearings panel:

- a. **Accept in part** the submission from Northgate Developments Ltd & Northgate Industrial Park Ltd [790.8] and introduce new Rule 20.6.9 shown below and in Attachment D.

75.5.4 Recommended amendments

20.6.4.1 Building height

<u>PI</u>	<p>(a) <u>A building or structure that is more than 400 metres from Horotiu Road and does not exceed:</u></p> <p style="padding-left: 40px;">(i) <u>a height of 25 metres; and</u></p> <p style="padding-left: 40px;">(ii) <u>a height of 15 metres over 90% of the site</u></p> <p>(b) <u>A building or structure than is within 50 metres of Horotiu Road and does not exceed a height of 10 metres</u></p>
<u>RDI</u>	<p>(a) <u>A building or structure that does not comply with Rule 20.6.9 PI</u></p> <p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <p style="padding-left: 40px;">(i) <u>the extent to which visual amenity in the Residential Zone is maintained</u></p>

76 Background to development of draft provisions for the Horotiu Industrial Park

1098. The following sections provide background to the development of my draft provisions for the Horotiu Industrial Park.

76.1 POAL's consented and future development plans

1099. Prior to finalising this section 42A hearing report, I met POAL representatives on-site to fully understand what development had already been established and their future plans and they have helpfully provided the following summary:

Completed works as at November 2019

- a. Earthworks to level the site
- b. Rail overbridge to the site
- c. Approximately 50% of the roading
- d. Services to the site
- e. First warehouse established and leased to Open Country Dairy
- f. 60% completion of required stormwater ponds

Future development expected to be completed in next 10 years

- a. an annual throughput capacity of approximately 3000,000 teu (equivalent container units)
- b. a rail siding and spur to provide the site with direct north and south bound rail services for trains up to a length of 700 metres
- c. approximately 15 hectares of hardstand pavement and associated lighting to store and handle containers, to create an efficient link between the activities occurring on the site and the rail siding
- d. multiple 25 metre high lighting columns to illuminate the hardstand pavement area
- e. container stacking to a height of 21 metres across the entire hardstand pavement area

- f. approximately 10 hectares of warehousing and distribution activities to be occupied by third parties to receive containerised products from rail and road networks. This would also involve unpacking and consolidating the products into containers within the cross-dock facilities for distribution across the North Island by rail and road networks.
1200. To further assist the hearings panel understand POAL's consented development and future plans, I have included in Attachment D:
- POAL's resource consent granted 15 May 2017
 - Photographs of the typical plant and machinery to be used on the site (reach stackers to load and unload containers from trains or trucks. Larger gantry cranes would be used as volumes build)
 - Photographs of the nearly completed South Auckland Freight Hub at Wiri in South Auckland. This site is far smaller than POAL's Horotiu site, but these photographs indicate the intended type of activities that include container storage, cold storage, warehouse and rail sidings.

76.2 Draft Rules for Horotiu Industrial Park (as at November 2019)

1201. In response to the submissions from POAL and Northgate, I have drafted new rules for 20.6 that are specific to the Horotiu Industrial Park. Some of these draft rules are more liberal than the standard Industrial Zone provisions to allow a type and scale of development within this industrial node already provided for in the OWDP. These rules are considered the most appropriate to implement the recommended objectives and policies for the Horotiu Industrial Park.
1202. Prior to finalising this section 42A hearing report, I provided POAL and Northgate with a draft set of rule provisions (on a without prejudice basis) and invited their feedback.
1203. I have developed the following set of draft rules as a result of feedback from POAL and Northgate. However, I record that full agreement has not yet been reached.

Draft Provisions for Development Area 20.6: Horotiu Industrial Park

20.6.1 Application of rules

(a) The rules in Chapter 20 for the Industrial Zone and Development Area 20.6 apply to the Horotiu Industrial Park identified on the planning maps, except for all land use activity rules listed as Rules 20.1.1, 20.1.2 and 20.1.3).

(b) The rules in Development Area 20.6 take precedence where there is any inconsistency with the rules in Chapter 20.

20.6.2 Land Use – Activities

20.6.2.1 Permitted Activities

Activities		Activity-specific conditions
P1	Industrial activity	Nil
P2	Ancillary activity	Nil
P3	Trade and industry training activity	Nil

<u>P4</u>	<u>Truck stop for refuelling</u>	<u>Nil</u>
<u>P5</u>	<u>An office that is ancillary to a permitted activity</u>	<u>Does not exceed 100m² or 30% gross floor area of all buildings on the site.</u>
<u>P6</u>	<u>A retail activity that is ancillary to a permitted activity.</u>	<u>Does not exceed 10% gross floor area of all buildings on the site.</u>
<u>P7</u>	<u>Food outlet</u>	<u>Does not exceed 200m² gross floor area.</u>

20.6.2.2 Restricted Discretionary Activity

<u>RD1</u>	<p><u>(a) A permitted activity in Rule 20.6.1 that does not comply with any activity-specific condition.</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>(i) effects on the supply of industrial land within Horotiu Industrial Park</u> <u>(ii) function of the Horotiu Industrial Park as a regionally significant industrial node</u>
<u>RD2</u>	<p><u>(a) Residential unit for a caretaker or security personnel that meets the following condition:</u></p> <ul style="list-style-type: none"> <u>(i) Does not exceed 70m² gross floor area</u> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>(vi) Reverse sensitivity effects including noise, odour, dust, glare and light spill</u>

20.6.2.3 Discretionary Activities

<u>DI</u>	<u>Any activity that is not listed in Rule 20.6.2.1 or Rule 20.6.2.2</u>
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20.6.2.4 Non-complying Activities

<u>NC1</u>	<u>A noise sensitive activity</u>
<u>NC2</u>	<u>A sensitive land use</u>

20.6.3 Land Use Effects

20.6.3.1 Noise – General

<u>PI</u>	<u>Noise generated by emergency generators and emergency sirens.</u>
<u>P2</u>	<p><u>(a) Noise from an activity in the Horotiu Industrial Park must not exceed:</u></p> <ul style="list-style-type: none"> <u>(i) 75dBA (L_{Aeq}) at any time measured within any other site at any time</u> <p><u>(b) Noise from an activity in the Horotiu Industrial Park must not exceed the following limits when measured within a Residential Zone:</u></p> <ul style="list-style-type: none"> <u>(i) 55dBA (L_{Aeq}) 7am to 10pm</u> <u>(ii) 40dBA (L_{Aeq}) and 70dBA (L_{Amax}) 10pm to 7am the following day</u> <p><u>(c) Noise from an activity in the Horotiu Industrial Park must not exceed the following limits when measured within any zone outside of the Horotiu Industrial Park and Heavy Industrial</u></p>

	<p><u>Zone (except the Residential Zone):</u></p> <p>(i) <u>55dBA (LA_{eq}) 7am to 10pm</u></p> <p>(ii) <u>45dBA (LA_{eq}) and 70dBA (LA_{max}) 10pm to 7am the following day</u></p> <p><u>(d) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”</u></p> <p><u>(e) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustics- Environmental noise”.</u></p>
<u>RDI</u>	<p><u>(a) Noise generated by any activity that does not comply with Rule 20.6.3.1 P2.</u></p> <p><u>(b) Council’s discretion is restricted to the following matters:</u></p> <p>(i) <u>effects on amenity values</u></p> <p>(ii) <u>hours of operation</u></p> <p>(iii) <u>Location of noise sources in relation to boundaries</u></p> <p>(iv) <u>Frequency or other special characteristics of noise</u></p> <p>(v) <u>Noise levels and duration</u></p> <p>(vi) <u>Mitigation measures</u></p>

20.6.3.2 Landscape planting – Horotiu Road

<u>CI</u>	<p><u>(a) Any land use or building activity on land that fronts Horotiu Road that meets the following condition:</u></p> <p>(i) <u>Provision of a 5 metre deep landscaped buffer immediately inside that road frontage (excluding required vehicle entrances and accessways) comprising indigenous species that will achieve a height of at least 5 metres within 5 years</u></p> <p><u>(b) Council’s control shall be reserved over the following matters:</u></p> <p>(i) <u>type and density of indigenous species to be planted</u></p> <p>(ii) <u>maintenance measures</u></p> <p>(iii) <u>the extent to which amenity of the Residential Zone on Horotiu Road is maintained</u></p>
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20.6.3.3 Planting of Earth Bund

<u>CI</u>	<p><u>(a) Any land use or building on land that contains the Horotiu Industrial Park earth bund that meets the following condition:</u></p> <p>(i) <u>Landscaping of the existing earth bund with indigenous species that will achieve an average height of at least 3 metres above the top of the earth bund within 5 years</u></p> <p><u>(b) Council’s control shall be reserved over the following matters:</u></p> <p>(i) <u>type and density of indigenous species to be planted</u></p> <p>(ii) <u>maintenance measures</u></p> <p>(iii) <u>the extent to which amenity of the rural residential lots on Onion Road and Ridge Park Drive (DPS 89684) is maintained</u></p>
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20.6.4 Land use – building

20.6.4.1 Building height

<u>PI</u>	<p>(a) <u>A building or structure that is more than 400 metres from Horotiu Road and does not exceed:</u></p> <p style="padding-left: 40px;">(i) <u>a height of 25 metres; and</u></p> <p style="padding-left: 40px;">(ii) <u>a height of 15 metres over 90% of the site</u></p> <p>(b) <u>A building or structure than is within 50 metres of Horotiu Road and does not exceed a height of 10 metres</u></p>
<u>RDI</u>	<p>(a) <u>A building or structure that does not comply with Rule 20.6.4.1 P1</u></p> <p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <p style="padding-left: 40px;">(i) <u>the extent to which visual amenity in the Residential Zone is maintained</u></p>

20.6.4.2 Aerials, Antennae and Lighting Masts

<u>PI</u>	<p>(a) <u>An aerial and support structure that does not exceed a height of:</u></p> <p style="padding-left: 40px;">(i) <u>15 metres; or</u></p> <p style="padding-left: 40px;">(ii) <u>10 metres if located within 50 metres of Horotiu Road; or</u></p> <p style="padding-left: 40px;">(iii) <u>5 metres above the building on which the aerial is mounted, where that building exceeds a height of 20 metres</u></p>
<u>P2</u>	<p>(a) <u>A dish antenna that does not exceed a 5 metre diameter</u></p> <p>(b) <u>A panel antenna that does not exceed 2.5 metres in any dimension</u></p>
<u>P3</u>	<u>Lighting masts located at least 400 metres from Horotiu Road and not exceeding a height of 25 metres.</u>
<u>RDI</u>	<p>(a) <u>Any aerial, antenna or lighting mast that does not comply with Rule 20.6.4.2 P1, P2 or P3</u></p> <p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <p style="padding-left: 40px;">(i) <u>the extent to which visual amenity in the Residential Zone is maintained</u></p>

20.6.5 Subdivision

20.6.5.1 Subdivision - General

<u>RDI</u>	<p>(a) <u>Subdivision must comply with all of the following conditions:</u></p> <p style="padding-left: 40px;">(i) <u>proposed lots (excluding access allotments and utility allotments) must have a minimum net site area of 500m²</u></p> <p style="padding-left: 40px;">(ii) <u>proposed lots for a network utility must have a minimum net site area of 100m²</u></p> <p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <p style="padding-left: 40px;">(i) <u>the extent to which a range of future industrial activities can be accommodated</u></p>
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76.3 Summary of POAL and Northgate feedback to draft rules

76.3.1 POAL feedback

1204. The following records POAL feedback (without prejudice).

1205. POAL agrees with:

- a. Rule 20.6.1 Application of rules
- b. Rule 20.6.2.1 Permitted Activities - considers that this rule would involve consequential amendments to the definitions of "sensitive land use" and "noise-sensitive activity" to

clarify that a trade and industry training activity (which is a subset of “education facility”) is not a non-complying activity with reference to NCI and NC2.

- c. Rule 20.6.2.2 RDI
 - d. Rule 20.6.2.3 Discretionary Activities
 - e. Rule 20.6.2.4 NCI and NC2 - provided that the definition of “noise-sensitive activity” and sensitive land use” is amended to exclude workers’ accommodation and “trade and industry training activity”
 - f. Rule 20.6.3.2 Landscape Planting - Horotiu Road
 - g. Rule 20.6.3.3 Planting of Earth Bund
 - h. Rule 20.6.5.1 Subdivision – General
 - i. Rule 20.6.4.1 Building height
 - j. Rule 20.6.4.2 Aerials, Antennae and Lighting Masts.
- I206. POAL also agrees that the operative rule in Schedule 24B concerning traffic generation should not be carried over to the PWDP.
- I207. POAL does not agree with:
- a. Rule 20.6.2.2 RD2 (residential unit for caretaker or security personnel) - requests that workers’ accommodation be a permitted activity instead. They advise that POAL’s activities involve a 24-hour operation and therefore shift workers who require adequate facilities for sleeping, washing and cooking. They state that such forms of accommodation are for the use of people who are engaged in the activity occurring on the site and who are familiar with (and not sensitive to) the effects of the activity to which is supports.
- I208. I note here that POAL’s submission requests ‘worker’s accommodation’ which could mean one residential unit on a site, whereas their feedback on the draft refers to ‘workers’ accommodation’ which means multiple residential units on a site. I consider it helpful for POAL to clarify their request.
- I209. POAL requests amendments to:
- a. Rule 20.6.3.1 Noise – General – POAL advises that Marshall Day is to be engaged to confirm the appropriateness of their requested 45dBA limit (rather than 40dBA) for noise received in the Residential Zone

76.3.2 Northgate feedback (without prejudice)

- I210. Northgate requests that:
- a. Horotiu Industrial Park be identified on the planning maps
 - b. Rule 20.6.1 is formatted similar to Specific Area 20.5 (Nau Mai Business Park)
 - c. The provision for ‘ancillary activities’ be reconsidered if this is already included in the definition of ‘industrial activity’
 - d. The provision for a ‘truck stop for refuelling’ is clarified and queries whether this would include a service station. They note that Hamilton City Council permits service stations in industrial zones
 - e. Reasons be given for the maximum gross floor limits for an office and a retail activity that are ancillary to a permitted activity

- f. The provision for a 'food outlet' be clarified as that is not a defined term in the PWDP
 - g. The 70m² gross floor area limit for a residential unit for a caretaker be clarification and queries whether the exclusions for the Industrial Zone should apply
 - h. The term 'noise-sensitive activity' be clarified as this is not a defined term in the PWDP
 - i. A permitted activity status applies for planting of the existing earth bund (as per the operative rule) rather than a controlled activity
 - j. Rule 20.6.3.1 Noise is restructured similar to the operative rule to reflect the zones that surround the Horotiu Industrial Park. They query the adjustment from the L₁₀ acoustic measurement in the OWDP to L_{Aeq} and suggest that a 40dBA noise limit could apply to the Residential and Rural Zone.
 - k. References NZS 6801:2008 and NZS 6802:2008 are explained and queries how development would be affected if these standards were to change in the future
1211. Northgate agrees that the operative rule in Schedule 24B concerning traffic generation should not be carried over to the PWDP now that the bypasses and infrastructure are complete.

77 Section 32 Evaluation

1212. The recommended changes to the PWDP as a result of submissions from POAL and Northgate indicate my support to carry over certain provisions from the OWDP into the PWDP, subject to amendments.
1213. I consider that my recommended changes to the PWDP generally maintain the status quo in that more liberal provisions should continue to apply to development within the Horotiu Industrial Park.
1214. I agree with POAL and Northgate that there is a clear statutory basis for applying more liberal provisions for this industrial location, compared to the provisions in the standard Industrial Zone.
1215. The previous history of the Environment Court's consent order, the regional significance of the Horotiu Industrial Park and the nature of the existing and consented activities are compelling reasons, in my view, why a bespoke approach is more appropriate than sole reliance on the standard Industrial Zone provisions.
1216. This is particularly important when current development is proceeding on the basis of the OWDP provisions. I do not consider that it is appropriate to remove the existing bespoke approach for Horotiu Industrial Park on the basis that the PWDP seeks to apply a standard approach for all industry within the Waikato District. While I consider that most PWDP provisions for the Industrial Zone should also apply to the Horotiu Industrial Park, bespoke provisions that afford greater flexibility for development in this location are considered better at achieving the desired economic and environmental outcomes that are expected for this location.
1217. The recommended objectives and policies are considered to give effect to the WRPS. The objectives address specific issues and opportunities relevant to the Horotiu Industrial Park. They provide specific directions for development of this regionally significant industrial node that are effective in supporting the outcomes sought. Having this specific direction can greatly assist landowners who seek to establish and invest in their particular type of industries because this provides certainty.

1218. The benefits of the recommended bespoke approach include:
- a. Enabling development of the Horotiu Industrial Park as an inland freight hub. This has social and economic benefits to the community in terms of access to transport, logistics and employment opportunities
 - b. Management of freight activities associated with State Highway 1 and the rail network, therefore using this regionally significant infrastructure in an efficient and effective manner
 - c. Certainty in the outcome of planning and consent processes for landowners and neighbouring activities
1219. Few costs are identified. However, where they do apply, these are directly associated with land within Horotiu Industrial Park and these form part of the currently operative provisions that are the result of an agreement between parties by consent order. These costs relate to landowners within this industrial node having to maintain the amenity of neighbouring properties and the environment.
1220. I do not doubt that the Horotiu Industrial Park could be developed based on the PWDP provisions. However, the main issue is that resource consents would be required. For every resource consent application needing to be made, this would require reference to the WRPS, the objectives and policies of the PWDP and the available discretions given the nature of the infringements. In my view, this creates uncertainty for all parties as it unravels the certainty that is the result of the consent order. It also constitutes an inefficient approach.
1221. Consequently, I consider that the bespoke framework of objectives, policies and rules involves fewer risks than the notified version of PWDP and clear guidance for future resource consent applications. Conversely, retaining the notified version of the PWDP would increase risks and uncertainty for the management of effects and leveraging economic development. This is a more efficient and effective approach to enabling the development of the Horotiu industrial Park and recognition of it as a strategic industrial node.

78 Conclusion

1222. My recommendations for the Horotiu Industrial Park provisions have been developed on the basis of information available to me as at the date of preparing this s42A hearing report. I invite POAL and Northgate to provide further evidence which may or may not change my recommendations through the course of my evidence rebuttal and the hearing.