

BEFORE an Independent Hearing Panel

IN THE MATTER of the Resource Management Act 1991 (“RMA”)

AND

IN THE MATTER of hearing submissions and further submissions
in respect of Chapter 20 (Industrial Zone) of the
Waikato District Proposed District Plan (“WPDP”)

STATEMENT OF EVIDENCE
BY KATHRYN ANNE DREW
ON BEHALF OF NORTHGATE DEVELOPMENTS LTD AND NORTHGATE INDUSTRIAL PARK LTD

INTRODUCTION

1. My full name is Kathryn Anne Drew.
2. I am a senior planner at Bloxam Burnett & Olliver Ltd (“BBO”), a firm of consulting engineers, planners and surveyors, based in Hamilton.
3. I have been employed in resource management and planning related position in local government and the private sector for 16 years, with the last 11 of those being at BBO.
4. My qualifications are a Bachelor of Resource and Environmental Planning (Hons) from Massey University. I am also a full member of the New Zealand Planning Institute.
5. My planning experience has included the preparation and processing consent applications for both Council’s and private clients. I have also prepared and processed Plan Changes, made submissions on Plan Changes and on District Plan reviews.
6. In relation to this hearing I am authorised to give evidence on behalf of Northgate Developments Ltd and Northgate Industrial Park (“Northgate”). I am the author of the submissions prepared on behalf of Northgate in relation to the Waikato Proposed District Plan (“WPDP”) industrial zone provisions. As set out below, Northgate is the developer and a major landowner in the Horotiu Industrial Park. I have been providing planning assistance to Northgate for the last 11 years. I consequently have an extensive working knowledge about the Horotiu site, the planning provisions that currently apply to it and the planning challenges associated with meeting those existing provisions. Statements I make in this evidence fall back on that knowledge.
7. I have read the Environment Court’s ‘Code of Conduct for Expert Witnesses’ as contained in the Environment Court’s Consolidated Practice Note 2014 and agree to comply with it. I have complied with it when preparing my written statement of evidence.

EVIDENCE STRUCTURE

8. This evidence provides a planning assessment of the provisions on which Northgate submitted on and are addressed in the s42A report provided by Waikato District Council (“WDC”) in relation to Chapter 20 – Industrial Zone and specifically the Horotiu Industrial Park.
9. As the submission by Northgate is specific to the Horotiu Industrial Park the author of the s42A report has addressed them separately in Part D of the s42A report. The Northgate submissions points are addressed, in that s42A analysis, alongside the submissions made by Ports of Auckland Ltd (POAL), on the basis that the two entities are the two majority landowners in the Horotiu Industrial Park.
10. Topics covered in this evidence includes:

- Simplified background to the Horotiu Industrial Park’s existing provisions;
- Council’s amended approach for the Horotiu Industrial Park and the associated rules proposed in the new Chapter 20.6 – Horotiu Industrial Park;
- Commentary the following specific rules as provided of in Chapter 20 – Industrial Zone:
 - Building setbacks
 - Earthworks
 - Signage
 - Building height

SIMPLIFIED BACKGROUND FOR THE HOROTIU INDUSTRIAL PARK

11. Northgate still owns a significant portion of the land¹ contained within the Horotiu Industrial Park, that is located directly west of Great South Road and south of Horotiu Road at Horotiu. The extent of the Horotiu Industrial Park is shown, as the light purple overlay, in Figure 1.

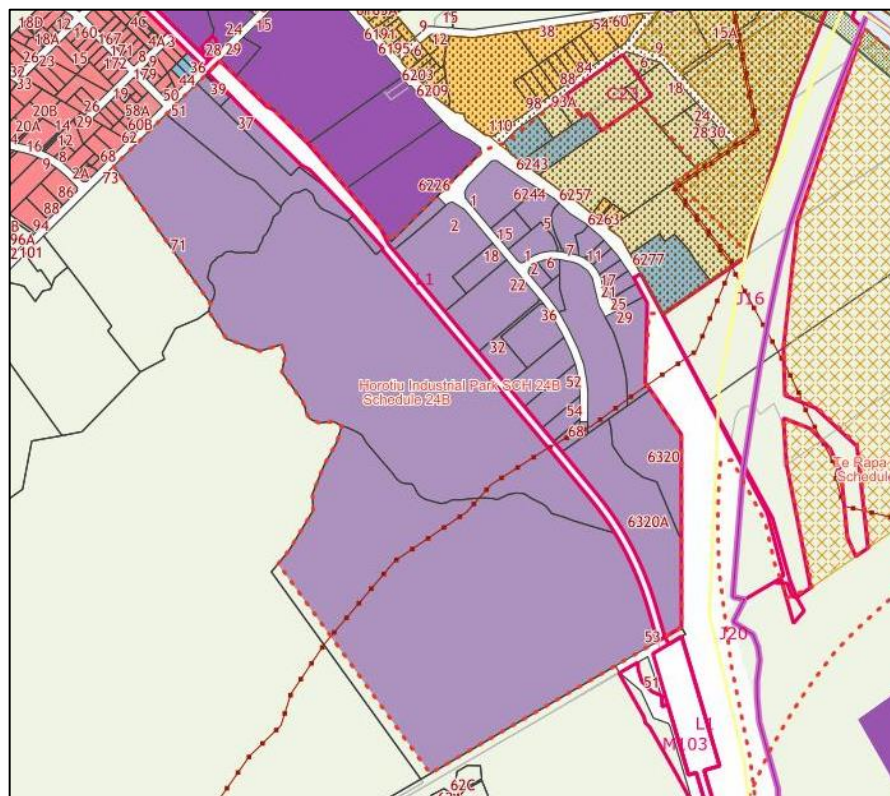


Figure 1: The Current Horotiu Industrial Park

12. The existing zoning of the Horotiu Industrial Park and associated rule framework was established as a result of an appeal to the previous Proposed Waikato District Plan to amend the zoning of the land from Rural to Industrial. In April 2011, the Environment Court granted approval to the appeal via a consent order agreement. The area was subsequently rezoned Industrial and was thereafter referred to as the Horotiu Industrial Park in the Operative Waikato

¹ Over 52ha of industrial land made up of the following titles: Lot 23 DP 538228 (897550), Lot 22 DP 522786 (830149), Lot 17 DP 494347 (723132) and Lot 18 DP 494347 (723133).

District Plan (“ODP”). The relevant provisions for the Horotiu Industrial Park are currently provided for in Chapter 24B of the ODP.

13. These provisions enable the staged development of the Horotiu Industrial Park in a manner and timeframe that aligns with the Regional Policy Statement (“RPS”) industrial land allocations. The Horotiu Industrial Park is one of seven strategic industrial nodes in the Waikato Region, as identified in the RPS. Specifically, Table 6-2 of the RPS provides for up to 150ha of growth at Horotiu from 2010 to 2061.
14. The current provisions thereafter require an Indicative Development Plan (“IDP”) to be approved, as a land use consent, prior to that Stage being developed.
15. To date development has progressed in the areas known as Stage 1 (developed by Northgate to the north of the North Island Main Trunk Railway line) and Stage 2 (being developed by POAL). Both these areas are being development in accordance with approved IDPs. Northgate in January 2019 obtained an IDP consent for 45ha of land within Stage 3². Bulk earthworks to give effect to that consent commenced in October 2019. That IDP consent brought forward the timing for Stage 3, which was previously proposed to be after January 2021³. Once the bulk earthworks in Stage 3 are completed, that land within Stage 3 will be available for subdivision and development. The only land that is not subject to an IDP approval, at present, is the land between the Horotiu Road and the POAL site.
16. Once an IDP has been approved and sites are being developed, that development is also required to comply with the various site-specific provisions in Chapter 24B. These provisions are duplicated in Attachment 8 of the s42A report. Those provisions cover matters such as trip generation, noise, landscaping, bunding, setbacks, building height and the subdivision of the site. Some of these provisions are very site specific as they relate to mitigation matters that were negotiated back in 2011 to provide for the rezoning.

SPECIFIC HOROTIU INDUSTRIAL PARK PROVISIONS

17. The PWDP, as notified, sought to retain an Industrial zoning across the land known as the Horotiu Industrial Park. This outcome is supported as it aligns with the sites current zoning and activities that have been or are being developed on the land.
18. The zoning was however proposed to be tied up with the general Industrial Zone provisions, which meant that some of the specific Horotiu Industrial Park provisions were proposed to be lost and in some case replaced with more onerous provisions. Northgate’s submission was that there were specific Horotiu Industrial Park provisions that should be retained in the PWDP.
19. In light of the Northgate’s and POALs submissions Council now is proposing to establish a specific set of Horotiu Industrial Park provisions, being Section 20.6 Horotiu Industrial Park. I

² Being Lot 17 DP 494347 (723132)

³ See Rule 24B.15 of the ODP.

support this approach as it addresses the concerned raised in the original submission that a ‘one size fits all’ approach may not be applicable to the Horotiu Industrial Park.

20. As noted in the s42A report⁴, I provided some feedback on the draft Horotiu Industrial Park rules on behalf of Northgate, prior to the release of the s42A report. I would like to thank Council for that opportunity.
21. As part of that input some amendments were made to the proposed provisions, however, it is my opinion that some further changes and/or clarification is still required. Those are set out in the following commentary. For ease of reference I have provided the following table that summarises my stance and reasoning in relation to each of the proposed provisions, as provided for in section 76.2 of the s42A report.

Proposed Provision	Commentary
20.6.1 Application of rules (a) The rules in Chapter 20 for the Industrial Zone and Specific Area 20.6 apply to the Horotiu Industrial Park identified on the planning maps, <u>except for all land use activity rules listed as Rules 20.1.1, 20.1.2 and 20.1.3).</u>	It is my opinion that to make these rules specific to a certain pocket of land, the land to which the Horotiu Industrial Park provisions applies to needs to be identified in some shape or form, i.e. on the planning maps. Whilst it is stated in this sentence that this is to occur, no maps have been prepared showing this change, so there is no certainty, at present, as to which land these provisions apply. Clarification is required from Council staff as to how the Horotiu Industrial Park land is to be identified on the planning maps. Will it be an overlay on the planning maps?
(b) The rules in Specific Area 20.6 take precedence where there is any inconsistency with the rules in Chapter 20.	Chapter 20.5, which is specific provisions for the Nai Mau Business Park, as notified, is more specific about what does and does not apply. See Rule 20.5.1. It is my opinion that Council should adopt the same approach here, as it removes the ambiguity away from the lay public and consent officers and to which rule has precedence.
20.6.2.1 Permitted Activities	No concerns with the activities listed as being permitted.
20.6.2.2 Restricted Discretionary Activity	No concerns.
20.6.2.3 Discretionary Activities	No concerns.
20.6.2.4 Non-complying activities	No concerns.
20.6.3 Noise	The inclusion of a specific noise rule for the Horotiu Industrial Park is supported as it addresses our original submissions ⁵ that identified that the adoption of the standard industrial zone provision would curtail industrial activities that were already established or

⁴ Section 76.3 of the s42A report, Part D

⁵Submission Points 790.3 and 790.4

	<p>may effect properties that have already been bought on the basis of the operative noise rule, because the new rule is more onerous.</p> <p>Whilst this submission point has been accepted, ‘in part’, the rule as proposed is still more onerous than currently provided for in the ODP, in relation to the night time levels.</p> <p>I understand that POAL are going to be providing expert acoustic evidence on this matter. I therefore defer to their evidence on this matter.</p>
<p>Rule 206.3.2 Landscape Planting – Horotiu Road</p>	<p>This rule mirrors that set out in Chapter 24B, as Rule 24B.20. The difference is however that the ODP rule enables development to be a permitted activity. The approach adopted here is that it’s a controlled activity. It is unclear what Council’s rationale is for adopting a controlled activity status when the baseline is permitted.</p> <p>In my opinion the controlled activity status is an overzealous approach to managing compliance with this provision and whilst the inclusion of the rule as drafted is supported, the activity status is not supported. This is because, the rule includes the width of the planting, where it needs to be provided for, what the species needs to be and by what time it needs to be a certain height. What more information is one to gain from requiring developers to go through a controlled activity consent for this matter? It’s not like you are controlling the type of industrial development that can occur, it’s just potential visibility, which is managed through the criteria that one must meet in the rule.</p> <p>It is my submission that this rule should be retained as a permitted activity, with non-compliance defaulting it to a controlled activity.</p>
<p>Rule 20.6.3.3 Planting of Earth Bund</p>	<p>The same commentary above is relevant to this provision too in relation to the activity status. Again the rule specifies what is required, where and what its properties should be so there is no need for it to be a controlled activity.</p> <p>The rule is also, in my opinion, superfluous. Northgate has built the bund and has already undertaken planting on it as required by previous resource consent approvals. The recent IDP consent for the Stage 3 land, which is the land that contains the earth bund, also has specific conditions around planting design and implementation of that planting. A copy of</p>

	<p>this decision is attached as Attachment A of this evidence. Condition 2 of that consent requires a planting plan to be developed for the bund area, whereby condition 3 requires that planting plan to be implemented prior to the construction of any building on the land within Stage 3. Consequently, there is limited risk on Council in removing this rule as it already forms part of a consent requirement. It is also highly unlikely that the consent will be surrendered as it provides for bulk infrastructure to be installed prior to subdivision and it has already been given effect to.</p> <p>It is therefore my opinion that this provision should be deleted.</p>
Rule 20.6.4.1 Building height	No concerns. What is proposed is consistent with that provided for in Rule 24B.22 of the ODP and is therefore supported.
Rule 20.6.4.2 Aerials, Antennae and Lighting Masts	No concerns.
Rule 20.6.5.1 Subdivision - General	Support the submissions rules that have been developed as they align with what has already been for in the Horotiu Industrial Park to date.

22. Overall, I support the inclusion of Chapter 20.6 into the PWDP, subject to the adoption of my proposed changes set out in the above table, and those summarised below.

OTHER RULES THAT EFFECT THE HOROTIU INDUSTRIAL PARK

Building Setback from Earth Bund

23. In my review of Part B of the s42A report, I have also notice that there is a specific Horotiu Industrial Park provision that is hidden in Rule 20.3.4.1 relating to building setbacks. Specifically, Rule states:

20.3.4.1 Building setbacks – All boundaries

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

24. It is my opinion that, that clause (iii) highlighted above should be a provision that is removed from this rule and included in its own rule within proposed Chapter 20.6. As currently drafted, it is my opinion that the rule will be lost/potentially not complied with, particular after the base lot, Lot 17 DP 494347 is subdivided into industrial lots and people lose connection with the LT reference listed in the rule. My recommended suggestion is that a new rule is added to the Horotiu Industrial Park provisions as follows:

20.6.3.x Building Setback from Earth Bund

P1	(a) And building on land that contains the Horotiu Industrial Park earth bund shall be setback 5m from the toe of the bund.
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25. There may also be value in defining the bund on the planning maps for the ease of interpretation of this rule. This can be easily done by overlaying the IDP plans that show the bund, into the District Plan, as an overlay.

Earthworks

26. On behalf of Northgate, I submitted on the earthwork’s provisions for the Industrial Zone⁶ seeking the deletion of a clause that required earthworks to be setback 1.5m from any boundary of a site and for references to the residential zone in this rule be removed. These changes have been supported in the s42A report⁷. I also support the changes that have been adopted and agree with Ms Macartney’s assessment of these matters.

Signage

27. On behalf of Northgate, I submitted on the signage provisions for the Industrial Zone⁸ seeking that Rule 20.2.7.1 be amended to permit a larger volume of signage as the site sizes incrementally increases. As currently drafted the rule enables one free standing sign, no more than 3m² and one further free standing sign at 1m². I made this submission because I am constantly frustrated with having to spend time and money getting consents for signage when the threshold for signage within the an industrially zoned site is relatively low and when the that threshold does not reflect the underlying site size.
28. I acknowledged that the premise of the signage provision is to avoid proliferation of signage and thus maintain suitable visual, streetscape and amenity effects. That being said, the provision could be higher, or could be able to be increase as a permitted activity as the size of the site increases. As currently provided for, a 10ha site is required to comply with the same requirement as a 500m² site. Surely there can be some flexibility here, even if its flexibility up to a certain point and without the need for a consent.

⁶ Submission point 790.5 and 790.6

⁷ Section 75.2 of the s42A report – Part D.

⁸ Submission Point 790.7

29. If we looked at the baseline to start with, Rule 20.6.5, as proposed to be amended, sets out the subdivision standards for the Industrial Zone, being a minimum net site area of 500m². It would then follow that if a size was twice as large as the minimum (i.e. 1,000m²) that a non-fanciful permitted baseline for signage could be that up to 3m² of signage could be suitable on a site of that size. In my opinion, this would not result in an unreasonable adverse effect when the baseline is technically 3m² per 500m².
30. On second look at this rule, it appears that the rule does not actually restrict the total size of signage on a building, just the size of freestanding signs.
31. Regardless of that fact, it is my opinion that the permitted free standing signage for a site could correspond to the size of the site without creating unacceptable adverse effects, particularly internally within the Horotiu Industrial Park. This could be achieved one of two ways. Firstly, it could be directly related to site size, as stated in the submission, or secondly it could relate to the length of frontage that the site has, in a similar manner to what Hamilton City Council adopts for their Industrial Zone⁹. In the Hamilton City Council example, they enable 1m² of signage for every metre of site frontage, up to a maximum of 10m². This approach reflects the fact that as your site size increases the site has the ability to absorb more signage. Similarly, it adopts a maximum to provide certainty. Its my opinion that Rule 20.2.7.1 could be amended so that it adopts the Hamilton City approach. Such an approach would read as follows.

P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign height does not exceed 10m; (ii) The sign is wholly contained on the site; (iii) An illuminated sign must: <ul style="list-style-type: none"> A. not have a light source that flashes or moves; and B. not contain moving parts or reflective materials; and C. be set back at least 15m from a state highway or the Waikato Expressway; <p>(b) Where the sign is attached to a building, it must:</p> <ul style="list-style-type: none"> (i) not extend more than 300mm from the building wall; and (ii) not exceed the height of the building; <p>(c) Where the sign is a freestanding sign, it must:</p> <ul style="list-style-type: none"> (i) not exceed an area of 3 1m² for every metre of site frontage to maximum of 10m² for one sign per site, and 1m² for any other freestanding sign on the site; and (ii) be set back at least 5m from the boundary of any site a Residential, Village or Country Living Zone; <p>(d) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation;</p> <p>(e) The sign is not attached to a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation;</p> <p>(f) The sign relates to:</p> <ul style="list-style-type: none"> (i) goods or services available on the site; or (ii) a property name sign.
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⁹ Rule 25.10.5.7 of the Operative Hamilton City Council District Plan.

32. If Council considers that the above approach is not suitable for all industrial zones, this is a provision that could be just adopted for the Horotiu Industrial Park in Chapter 20.6 as a specific provision.

Building Height

33. On behalf of Northgate, I submitted on the building height provisions for the Horotiu Industrial Park¹⁰, seeking that the maximum height revert back to that provided for in the ODP¹¹. This request has been adopted by Ms Macartney, with Rule 20.6.4.1 Building height, added to the Horotiu Industrial Park provisions. I support this approach.

CONCLUSION

34. In principle I support the inclusion of a specific chapter of the District Plan for the Horotiu Industrial Park. This approach is supported because it recognises that the Horotiu Industrial Park is a strategic industrial node that has differing characteristics to other industrial zones within the Waikato District. It also enables Council to provide a rule framework for the land consistent with that provided for in the ODP and which has previously been determined as being approach for the site and its receiving environment.
35. Whilst the approach is supported in principle, I still have some reservations about the need for some of the rules, and the activity status applicable. In this respect, I request the following:
- That the Horotiu Industrial Park is identified on the planning maps, and if necessary, the bund is also defined;
 - That the noise rule is amended as it relates to night time noise levels to be 45dBA;
 - That the provision for landscaping planting for lots along Horotiu Road be applied as a permitted activity;
 - That the rule relating to the planting of the earth bund is removed;
 - That the industrial building setback rule is amended, so that the provision relating to Horotiu is contained within Chapter 20.6;
 - That the changes proposed by Council to the earthwork's provisions are adopted by the Commissioners; and
 - That the signage provision for the Horotiu Industrial Zone, is amended, so that there is not a one size fits all approach, but that the volume of free-standing signage permitted relates to the site size or frontage.

Dated: 9 November 2019



Kathryn Drew

¹⁰ Submission point 790.8

¹¹ Rule 24B.22 of the Operative Waikato District Plan.

ATTACHMENT A:
Indicative Development Plan Approval for
Northgate – Stage 3

Your Ref

In reply please quote
LUC0105/19

If calling, please ask for
Cameron Aplin

18 January 2019

Postal Address
Private Bag 544, Ngaruawahia 3742
New Zealand

0800 492 452
www.waikatodistrict.govt.nz

Kathryn Drew
Bloxam Burnett & Olliver Limited
PO Box 9041
Hamilton 3240

Email: kdrew@bbo.co.nz

Digitally Delivered

Dear Madam

DECISION ON APPLICATION FOR RESOURCE CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991

Application number(s):	LUC0105/19
Applicant	Northgate Developments Limited
Address:	53 Holmes Road HOROTIU
Legal Description	LOT 17 DP 494347
Proposal:	To authorise an Indicative Development Plan for Stage 3A of the Horotiu Industrial Park and the physical works associated with constructing the internal roads and reticulated services within this portion of stage 3A, including bulk earthworks.

I wish to advise you of Council's decision to **grant** your application for resource consent under the Resource Management Act 1991 (RMA). Please see below for the details of the decision and conditions of consent.

The following information provides you with some guidance on your rights and what to do next. It is recommended that you seek independent advice if you are in any doubt as to the processes to be followed:

Objections

If you disagree with any part of this decision or any conditions of this consent, you may lodge an objection in writing to Council within **15 working days** of the receipt of this letter. Your objection must be in accordance with section 357 of the RMA and must include the reasons for your objection.

If you decide to lodge an objection to this consent, please note that you cannot lodge a section 223/224 application for subdivision.

Compliance with conditions

Your resource consent permits the land use to be established at the site as long as the activity complies with the stated conditions on an ongoing basis. It is important that you fully understand and comply with all the conditions of your consent.

Please notify Council's monitoring team prior to the commencement of activities associated with this consent. The role of Council's monitoring team is to monitor compliance with the conditions of consent and may involve site visits.

Council's monitoring team can be contacted at monitoring@waidc.govt.nz or 07 824 8633. Please reference the consent number and address of the property when emailing or calling.

Lapsing of Consent/s

This resource consent lapses 5 years after the commencement of the consent, unless the consent is given effect to by the end of that period.

The commencement date of a resource consent is determined by section 116 of the Resource Management Act 1991.

Yours faithfully

A handwritten signature in blue ink that reads "B. McCauley". The signature is written in a cursive style with a large, looped 'M'.

Beryl McCauley
CONSENTS ADMINISTRATION

Cc: Graeme Lee
Northgate Developments Limited
Email: Graeme.lee@xtra.co.nz

Resource Consent

(Resource Management Act 1991)



www.waikatodistrict.govt.nz

DECISION ON APPLICATION: LUC0105/19

Pursuant to Sections 34A(1), Section 104, 104B, and 108 of the Resource Management Act 1991, the Waikato District Council, under delegated authority, grants land use consent for a Discretionary activity to:

Activity: To authorise an Indicative Development Plan for Stage 3A of the Horotiu Industrial Park and the physical works associated with constructing the internal roads and reticulated services within this portion of stage 3A, including bulk earthworks.

Applicant: Northgate Developments Limited

Location Address: 53 Holmes Road HOROTIU

Legal Description: LOT 17 DP 494347 comprised in Record of Title 723132

This consent is subject to the conditions detailed in the attached Schedule 1 and 2

The reasons for this decision are detailed in the attached Schedule 3.

A handwritten signature in blue ink, appearing to read "Elly Malin", written over a horizontal line.

CONSENTS TEAM LEADER

Dated: 18/01/2019

Conditions of Consent

Resource Consent No: LUC0105/19

1. Indicative Development Plan

The Indicative Development Plan for the subject site is approved and consists of the following:

- (a) the application for this resource consent which is made up of document entitled "Stage 3 IDP AEE FINAL" prepared by Bloxam Burnett & Olliver, dated September 2018 and appendices 1-10, and;
- (b) Further information provided to Council on 21 November 2018 and 12 December 2018, 21 December 2018 and 15 January 2019.

2. Landscaping Plan

Prior to construction of any building on the land within the subject site (within Stage 3A of the Horotiu Industrial Park), a detailed Landscape Mitigation Plan shall be prepared by a suitably qualified landscape architect shall be submitted for approval by the Waikato District Council.

Matters addressed by the landscape treatment plan shall include, but will not be limited to, the following:

- (a) Details of the planting of the bund as identified on the approved Indicative Development Plan;
- (b) Details of the riparian planting which is to extend along the full length of the unnamed tributary of the Waikato River that runs along the boundary of the subject site as shown on approved plan for this consent.
- (c) Details of the plant sizes at the time of planting and intended species and their likely heights on maturity;
- (d) Details of proposed fencing to be installed along the edges of the riparian planting as a mechanism to ensure protection of these features.
- (e) An implementation and maintenance programme; and
- (f) Identification of what plants will and can be eco-sourced.

3. Implementation of Landscaping

Prior to construction of any building on the land within the subject site (within Stage 3A of the Horotiu Industrial Park), the approved Landscape Mitigation Plan as required by this consent shall be implemented and maintained to the satisfaction of Waikato District Council.

4. Maintenance of Landscaping

The planting undertaken in accordance with the Landscape Mitigation Plan as required by this consent shall be maintained to the satisfaction of Waikato District Council.

Schedule 2 - Physical Works Conditions

Conditions of Consent

Resource Consent No: LUC0105/19

General Conditions

- 1 The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0105/19 and officially received by Council on 12 September 2018 and further information received 21 November 2018, 12 December 2018, 21 December 2018 and 15 January 2019 except as amended by the conditions below. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.
- 2 The proposal and all works and mitigation measures for Stage 3A of the Horotiu Industrial Park shall be in accordance with the approved Indicative Development Plan for the subject site.
- 3 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 4 Compliance with conditions of this consent relating to the gas transmission pipeline is not required in the event the pipeline is relocated and the consent holder provides written correspondence from First Gas that compliance with those conditions are no longer required.

Prior to Works

- 5 The Consent Holder shall notify the Waikato District Council Monitoring Department at least 10 working days prior to the commencement of activities associated with this consent.

Advice note

To notify Waikato District Council Monitoring Department, email monitoring@waidc.govt.nz with the consent number, address of property and date for when the works will commence.

- 6 Prior to the commencement of engineering design or construction works, the Consent Holder shall appoint a developer's representative who shall supervise and provide certification of the engineering works.

- 7 Prior to commencing work, **Design Plans** shall be submitted for Engineering Plan Approval. The design plans shall cover earthworks cut and fill, public water/stormwater/wastewater main/extension/outfall/roading infrastructure (including street lighting, signage and planting) and shall be in general accordance with the Waikato District Plan (Waikato Section) and the Regional Infrastructure Technical Specifications to the satisfaction of the Land Development Engineer, Waikato District Council.

Advice Note

In industrial zoned land, stormwater infrastructure associated with any stormwater detention pond(s) is considered to include any and all underground stormwater infrastructure required to service that industrial land. Long term maintenance schedule for all proposed / designed stormwater infrastructure assets is required to be provided along with the plans for approvals. It is advised to consider the conditions 17 – 25 of existing land use consent LUC0040/10.02 during stormwater design for the proposal so that the design ensures that no downstream adverse effects are created.

- 8 The Consent Holder shall submit a **Construction Management Plan (CMP)** to the Waikato District Council's Team Leader Monitoring a minimum of 10 working days prior to the commencement of activities associated with this consent. The CMP shall include, but not be limited to, the following:
- (a) The staging of works planned and the description of works including site plans;
 - (b) An Erosion & Sediment Control Plan;
 - (c) Detailed management procedures for fill placement, treatment and/or stockpiling;
 - (d) Dust control plan;
 - (e) Machinery to be used on site;
 - (f) Communications Plan;
 - (g) Clarification of number of persons to be engaged in site works;
 - (h) Health and Safety Plan that identifies the pipeline corridor in the site hazard identification health and safety procedures.

Gas Transmission Pipeline Conditions

- 9 Prior to the commencement of works authorised by this consent, the consent holder shall locate the First Gas gas transmission pipeline and leave a 12 metre corridor, (6 metres either side of the pipe), of undisturbed ground around it.
- 10 Prior to works, the consent holder shall erect a fence along the 12 metre pipeline corridor boundary. The fence shall delineate an exclusion zone from the proposed earthworks.

- 11 Prior to works, the consent holder shall ensure that all persons working in the vicinity of the pipeline undergo pipeline awareness training provided by First Gas.
- 12 The consent holder shall ensure that all required work permits from First Gas are obtained prior to commencing works within and immediately adjacent to the pipeline corridor.

Noise Management Plan

- 13 Prior to commencing work, the consent holder shall engage a suitably qualified and experienced acoustic engineer to prepare and submit to the Waikato District Council, a **Noise Management Plan** for approval by the Council, which shall include:
 - (a) A detailed works program including the works to be undertaken, locations and extent of works areas and timetables for the works in each area;
 - (b) A full list of proposed plant and equipment identifying the models and numbers of units to be employed;
 - (c) An assessment of noise effects evaluating the effects of noise from all associated activities and identifying the mitigation measures that will be put in place to achieve compliance with the established noise limits - in the event that any works activity cannot achieve full compliance the best practicable option by which noise can be reduced to a reasonable level shall be established;
 - (d) A noise monitoring program setting out timetables for compliance testing and reporting, procedures to be adopted in the event of a non-compliance being identified and the identities of the suitably qualified and experienced acousticians that will undertake the monitoring; and
 - (e) An appropriate complaint response protocol; and
 - (f) A procedure acceptable to Council for regularly informing residents at Ridge Park Drive farm park and Savvanganh, details of the forthcoming activities. This shall include details of any noisy activities and their location and shall be provided to residents at least one week before commencements of the activity so that residents have the opportunity of arranging their affairs accordingly.

Advice Note:

If it is to be fully effective, the noise management plan should be considered as a living document and updated as necessary over the duration of the works.

Dust Management and Monitoring Plan

- 14 The consent holder shall provide the Waikato District Council with a **Dust Management and Monitoring Plan**, which details the measures and procedures of each stage in the development, that will be put into place during earthwork, that will result in compliance with the dust management conditions of this consent and to minimise the potential for dust nuisance and adverse effects arising from the operation of this activity. The Plan shall be lodged for review and approval with the Waikato District Council acting in a technical certification capacity at least one month prior to the commencement of earthworks activities on the site. The Plan shall be reviewed and updated by the consent holder when required, in consultation with the Waikato District Council. The Plan shall address but not be limited to, the following:
- (a) Specific management procedures for the use of the water cart and other dust suppression methods for control of dust from access roads and working areas.
 - (b) Specific management procedures for the control of dust from open areas and cleanfill deposition areas.
 - (c) Other actions necessary to comply with the requirements of this resource consent.
 - (d) Proposed monitoring measures and reporting procedures.
 - (e) The recommended measures and conditions outlined in the Graham Environmental Consulting Ltd report, prepared by Dr Bruce Graham dated June 2010.

Prior to and During Earthworks

Erosion and Sediment Controls

- 15 Prior to undertaking any earthworks activities on the site; erosion and sediment control measures shall be installed in accordance with the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009 and maintained in accordance with these guidelines to the satisfaction of a Monitoring Officer from the Waikato District Council.

During Works

- 16 Hours of operation for the proposed works will be limited to Monday to Saturday 7.30am to 6.00 pm with no works on public holidays or Sundays. Activities such as staff meetings and dust mitigation can occur outside of these hours as required.
- 17 The activities associated with this consent shall be undertaken in accordance with the CMP approved under this consent. In the case of inconsistency between the approved CMP and the condition of this consent, the conditions of consent shall prevail.
- 18 The Consent Holder shall undertake construction works in general accordance with the approved engineering designs/plans or as otherwise approved in writing to the satisfaction of the Waikato District Council

- 19 Prior to any subdivision or development within the Stage 3A area, the earth bund as indicated on the approved plans shall be completed to the requirements outlined in the Waikato District Plan.
- 20 The Horotiu Industrial Link Road shall be constructed in accordance with the recommendations of the Integrated Transport Assessment provided with the application, dated May 2018 prepared by Bloxam Burnett Olliver.
- 21 All cut and fill / site retaining works / removal of non-engineered fill shall be carried out under the supervision of a suitable person experienced in geotechnical engineering, in general accordance with the approved Earthwork plans, approved by the Land Development Engineer, Waikato District Council.

Dust

- 22 There shall be no discharge of particulate matter as a result of the activities authorised by this resource consent that causes an objectionable or offensive effect beyond the boundary of the work site.

For the purpose of this condition, the Waikato District Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council deems it so after having regard to:

- (i) The frequency, intensity, duration, amount, effect and location of the suspended or particulate matter; and/or
- (ii) Receipt of complaints from neighbours or the public: or
- (iii) Relevant written advice or a report from an Environmental Health Officer of a territorial authority or health authority.

Noise

- 23 All site activities shall be designed and conducted to comply with the approved Noise Management Plan required by this consent, and comply with NZS 6803:1999 "Acoustics-Construction Noise".

Archaeological

- 24 In the event of any archaeological site, iwi, or Waahi tapu being discovered while undertaking works to give effect to the conditions of this consent, the works in the area of the discovery shall cease immediately and ensure the discovered material remains undisturbed. Iwi and the Waikato District Council shall be notified within 48 hours of the discovery, and works may not recommence until consultation has occurred with Iwi who have an interest in this site, Heritage New Zealand and any other relevant parties, and any necessary authorisations have been obtained.

Gas Transmission Pipeline Conditions

- 25 The consent holder shall ensure that a cut face batter of 1 metre vertical to 3 metres horizontal shall be maintained along the edge of the pipeline corridor. This cut-face is to be maintained and stabilised throughout the life time of the cut-face. Any exposed earth surfaces along the cut-face shall be re-established with grass vegetation within three months of becoming exposed.

- 26 One dedicated vehicle crossing point across the pipeline shall be established subject to First Gas approved design for vehicles not exceeding 100T Gross weight. Gates shall be constructed at the crossing point across the pipeline corridor to restrict access along the pipeline corridor.
- 27 The planting of any shrubs or trees within the pipeline corridor shall be subject to First Gas approval.
- 28 If, as a result of the activities being carried out under this resource consent, an unforeseen risk to the integrity of the pipeline corridor develops, works in the vicinity of the pipeline shall cease and the consent holder shall notify First Gas and the Waikato District Council as soon as practicable. Remedial works shall be agreed upon with First Gas

At Completion of Works

- 29 All areas of earthworks (excluding any area covered by buildings, roads and retaining walls) shall be revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced to the satisfaction of a Monitoring Officer of the Waikato District Council.
- 30 At completion of earthworks, installed erosion and sediment control measures shall not be removed until approval is obtained from a Monitoring Officer of the Waikato District Council.
- 31 After completion of the earthworks within the subject site, the consent holder shall provide a Geotechnical Completion Report from a suitably qualified geotechnical engineer, to the satisfaction of Waikato District Council, in accordance with the Regional Infrastructure Technical Specifications and the requirements and recommendations of the Geotechnical Investigation Report approved by the Land Development Engineer, Waikato District Council.
- 32 A "Certificate of Completion of Development Works" prepared and signed by the Developers Representative, shall be provided to confirm that all consented works have been carried out in accordance with the approved plans, these consent conditions, appropriate standards and all relevant reports to the satisfaction of Waikato District Council

Advice Note:

An acceptable format for a "Certificate of Completion of Development Works" can be found in NZS 4404-2010 Schedule 1C (Certification upon completion of land development/subdivision).

Advisory Notes

I Lapse Date

This Resource Consent for land use lapses five years after the commencement of the consent, unless:

- (a) the Consent is given effect to prior to that date.
or
- (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

2 Other consents/permits may be required

To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Hamilton City Council Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

3 Enforcement Action

Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part 12 of the Resource Management Act (1991).

Schedule 3 – Reasons for Decision



Reasons for Decision

Resource Consent No: LUC0105/19

- 1 The proposal achieves the aim of the Indicative Development Plan by setting parameters for the establishment of activities so that sustainable and integrated industrial development can be achieved.
- 2 Consenting to the physical works associated with constructing the infrastructure, including roading, at this stage, gives Council confidence that the layout and standard of the infrastructure associated with the Industrial Park will be in accordance with the District Plan provisions.
- 3 The effects related to the physical works associated with constructing the infrastructure are deemed to be acceptable for the following reasons:
 - The proposed internal roading layout for Stage 3A provides for connectivity between the Stages 1 & 2;
 - The proposal has demonstrated that the subject site can be adequately serviced therefore no adverse infrastructure effects are expected to occur on properties 2 – 7.
 - Hours of operation for the proposed works will be limited to Monday to Saturday 7.30am to 6.00 pm with no works on public holidays or Sundays except for activities such as staff meetings and dust mitigation which may occur outside of these hours as required.
 - A condition of consent has been imposed that require that a Erosion and Sediment Control Plan be provided to Council for approval and that erosion and sediment controls are installed for the physical works and are maintained in accordance with this approved plan.
 - A condition of consent has been imposed that require that a Dust Management and Monitoring Plan is provided to Council for approval and dust is managed in accordance with this plan. This plan will be required to address but not be limited to, the following:
 - (i) Specific management procedures for the use of the water cart and other dust suppression methods for control of dust from access roads and working areas.
 - (ii) Specific management procedures for the control of dust from open areas and cleanfill deposition areas.
 - (iii) Other actions necessary to comply with the requirements of this resource consent.

- (iv) Proposed monitoring measures and reporting procedures.
- (v) The recommended measures and conditions outlined in the Graham Environmental Consulting Ltd report, prepared by Dr Bruce Graham dated June 2010.

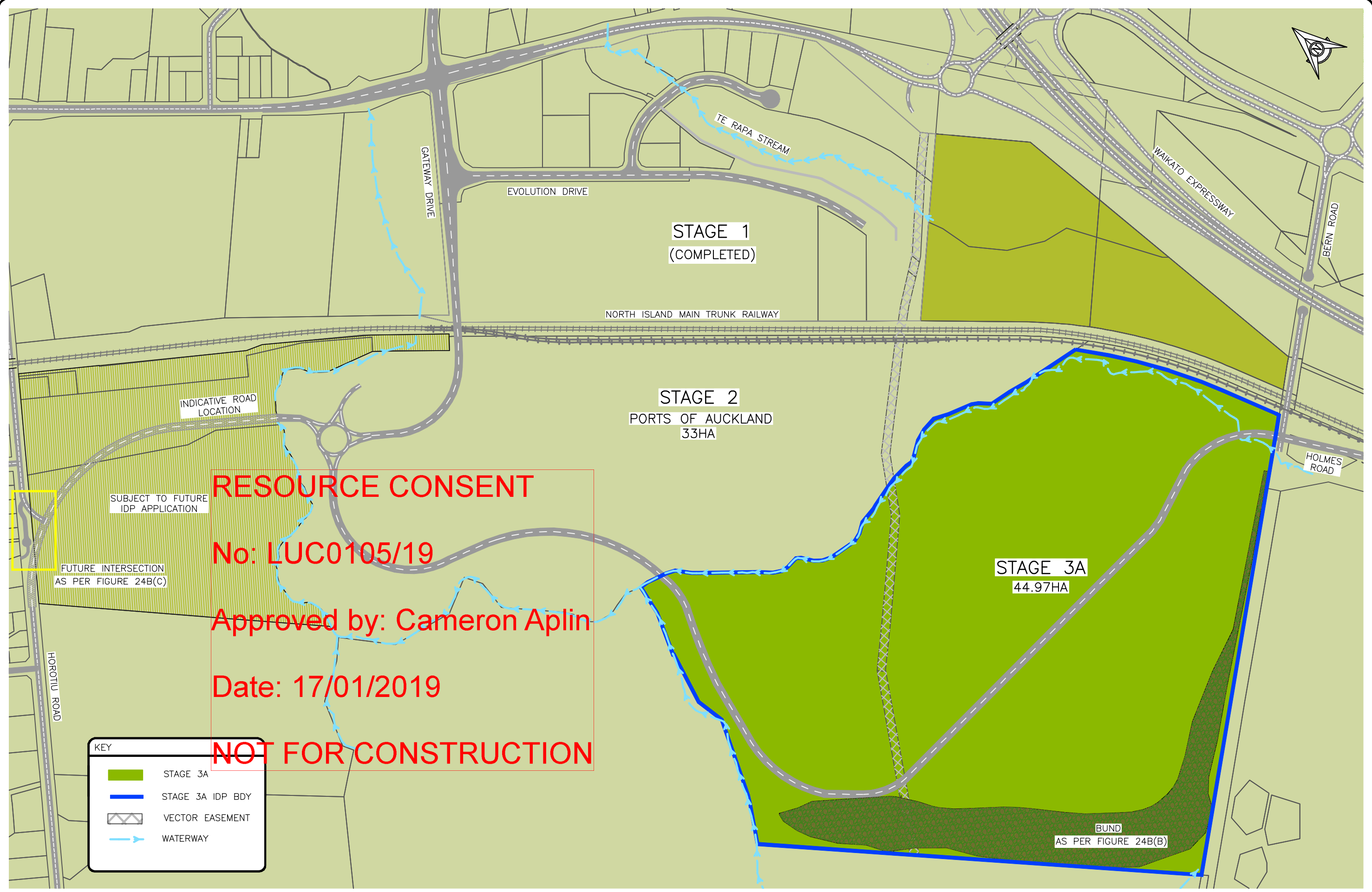
- A condition of consent (if granted) has been imposed that require that a Noise Management Plan be provided to Council for approval and that construction noise is managed in accordance with this plan to mitigate construction noise effects to an acceptable level.
- A condition of consent has been imposed that require that Construction Management Plan provided to Council for approval and that construction of the physical works is managed in accordance with this plan.
- Any adverse amenity and visual effects of the proposal will be mitigated by the bund that exists on the southern and eastern boundary. The purpose of the bund is to mitigate amenity/visual on the nearby rural-residential land uses. It will also mitigate dust and noise effects.
- A condition of consent has been imposed that requires that within 12 months of earthworks being completed; the land subject to the earthworks will be revegetated to achieve 80% ground cover.
- Despite the proposal seeking to developing industrial land within Stage 3A prior to 1st January 2021; I consider the proposal is consistent with the relevant objectives and policies of Chapter 24B (Horotiu Industrial Park) as assessed in the application. This is because previous stages of industrial land has been purchased and is in the process of being developed which means there is demand for more industrial land in Horotiu. This combined with infrastructure being available means that industrial development is occurring in an integrated and coordinated manner. Lastly; the application has demonstrated that traffic effects can be managed without adversely affecting the safety and efficiency of the wider roading network.

- 4 The proposal is consistent with the objectives and policies of both the operative and proposed District Planning documents.
- 5 The proposal is consistent with the operative Waikato Regional Policy Statement, Future Proof Strategy 2017 and all other relevant matters.
- 6 Overall the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991.

100mm
SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY

0

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RESOURCE CONSENT
No: LUC0105/19
Approved by: Cameron Aplin
Date: 17/01/2019
NOT FOR CONSTRUCTION

KEY	
	STAGE 3A
	STAGE 3A IDP BDY
	VECTOR EASEMENT
	WATERWAY

Date	Issue/revision detail	By	Chk	Appr
30.08.2017	GENERAL UPDATES	HW	KD	
05.07.2017	AREAS ADDED	HW	KD	
26.01.17	INITIAL ISSUE	JD	BJM	

Designed	Checked
BJM	BJM
Drawn	Approved
JD	



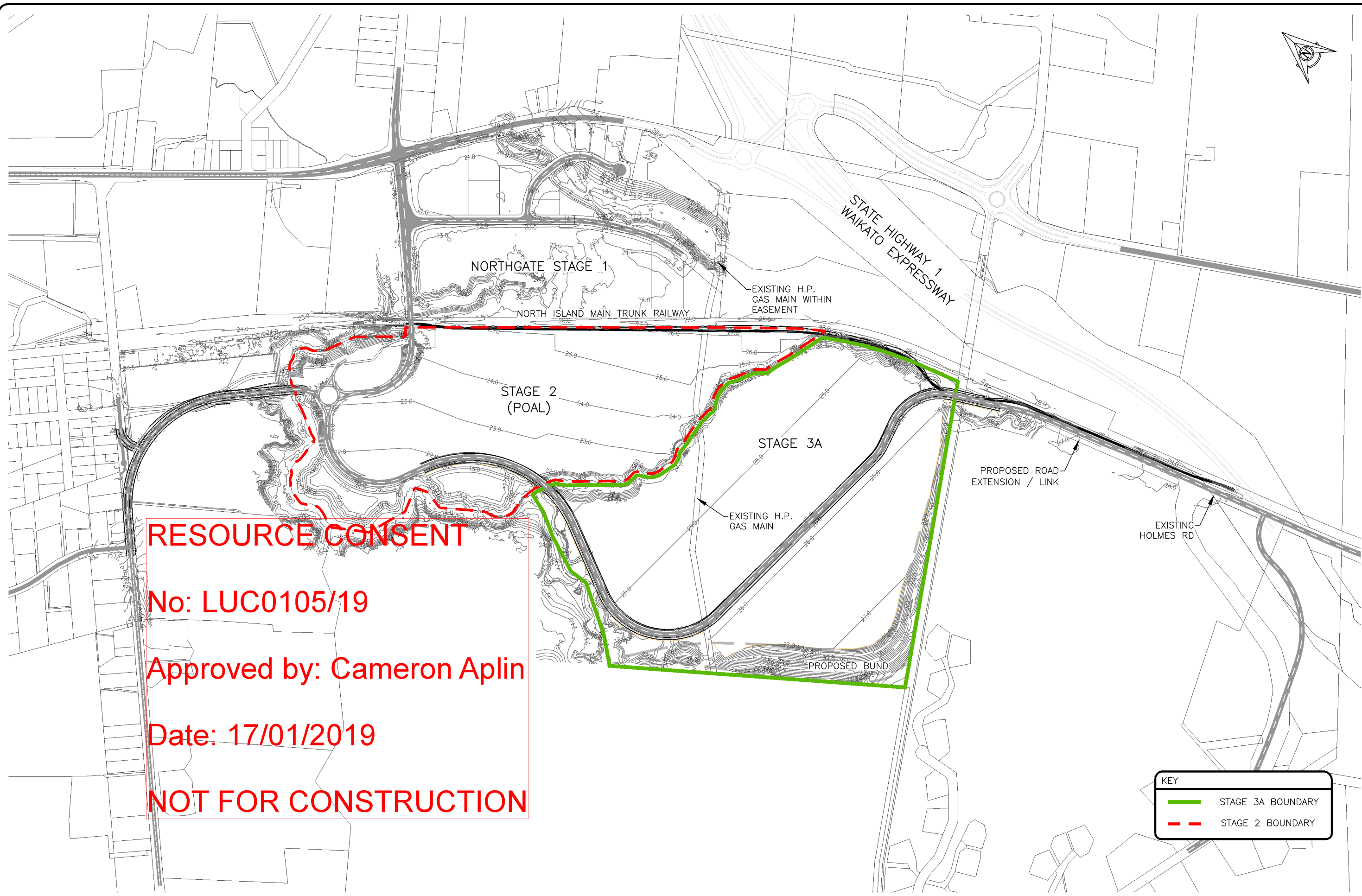
Client
NORTHGATE DEVELOPMENTS LTD

Project
STAGE 3A (LOT 17 DP 494347)

Drawing
INDICATIVE DEVELOPMENT PLAN

Status	
PRELIMINARY	
Date	Scale (Original Size A3)
30.08.2017	1:5000
Drawing Number	Revision
139470/11 /P /0151	C

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60m
50m
40m
30m
20m
10m
1:750 (A3) 0m
1:7500(A3) 0m



RESOURCE CONSENT
No: LUC0105/19
Approved by: Cameron Aplin
Date: 17/01/2019
NOT FOR CONSTRUCTION

KEY	
	STAGE 3A BOUNDARY
	STAGE 2 BOUNDARY

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 Version 2.04 - October 2013

Designed	Checked	Drawn	TM	mx model version:
	BM		Approved	
B 08.02.2018	UPDATED CLIENT NAME	HW	KD	
A 05.10.2017	INITIAL ISSUE	HW	BM	
Date	Issue/revision detail	By	Chk	Appr



Phone 64-7-838 0144, Fax 64-7-839 0431

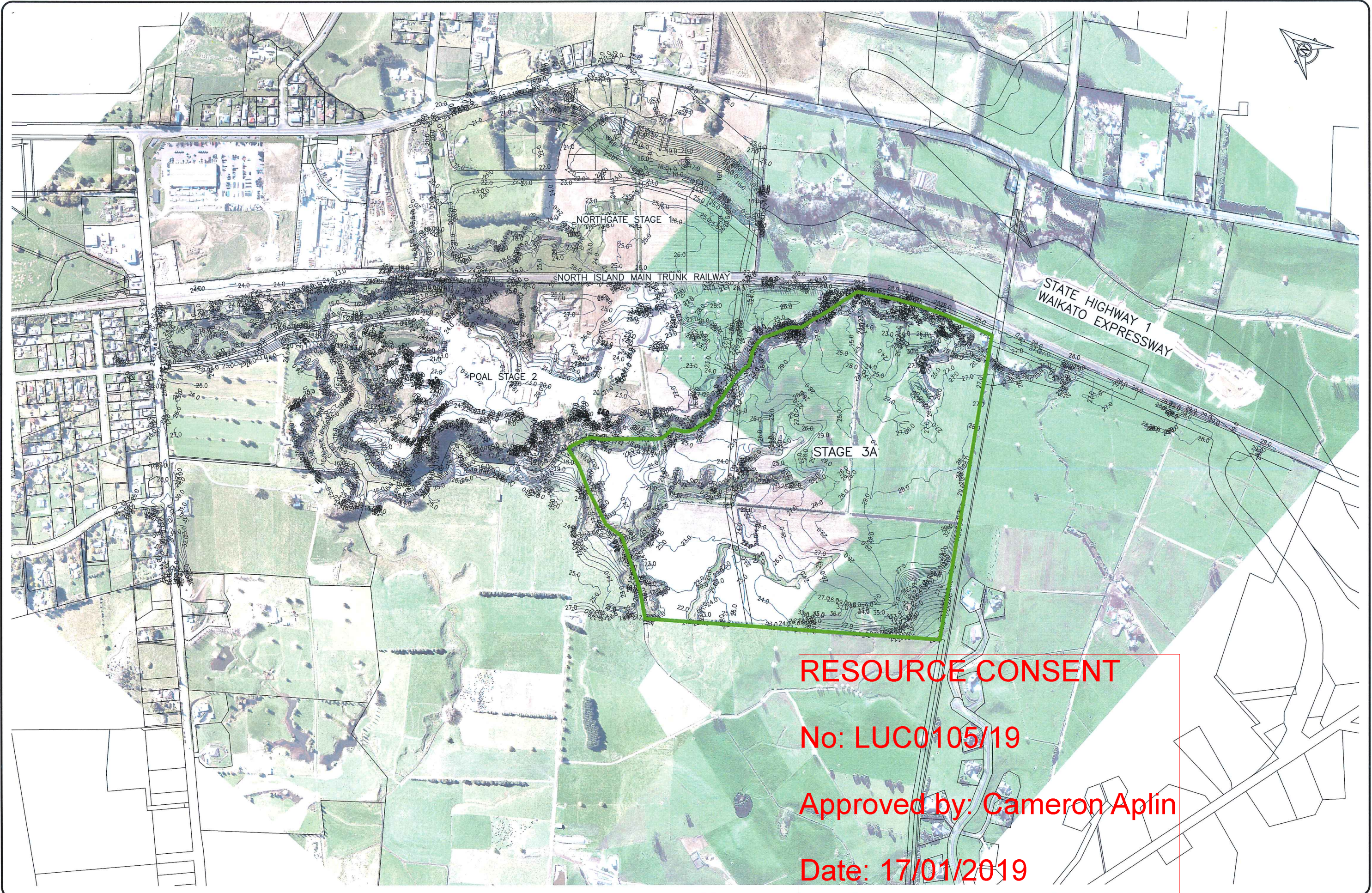
Client
NORTHGATE DEVELOPMENTS LTD

Project
STAGE 3A IDP

Drawing
INDICATIVE LAYOUT PLAN

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Date	08.02.2018	Scale (Original Size A3) 1:7500
Drawing Number	139470/07 / P/0101	Revision B

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 20m 200m
 30m 300m
 40m 400m
 50m 500m
 60m 600m
 70m 700m



RESOURCE CONSENT
 No: LUC0105/19
 Approved by: Cameron Aplin
 Date: 17/01/2019

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 Version 2.04 - October 2013

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TM		
mx model version:		
Date	Issue/revision detail	
By	Chk	Appr
HW	KD	
HW	BM	

Client	NORTHGATE DEVELOPMENTS LTD
Project	STAGE 3A IDP
Drawing	ORIGINAL CONTOURS PLAN WITH AERIAL

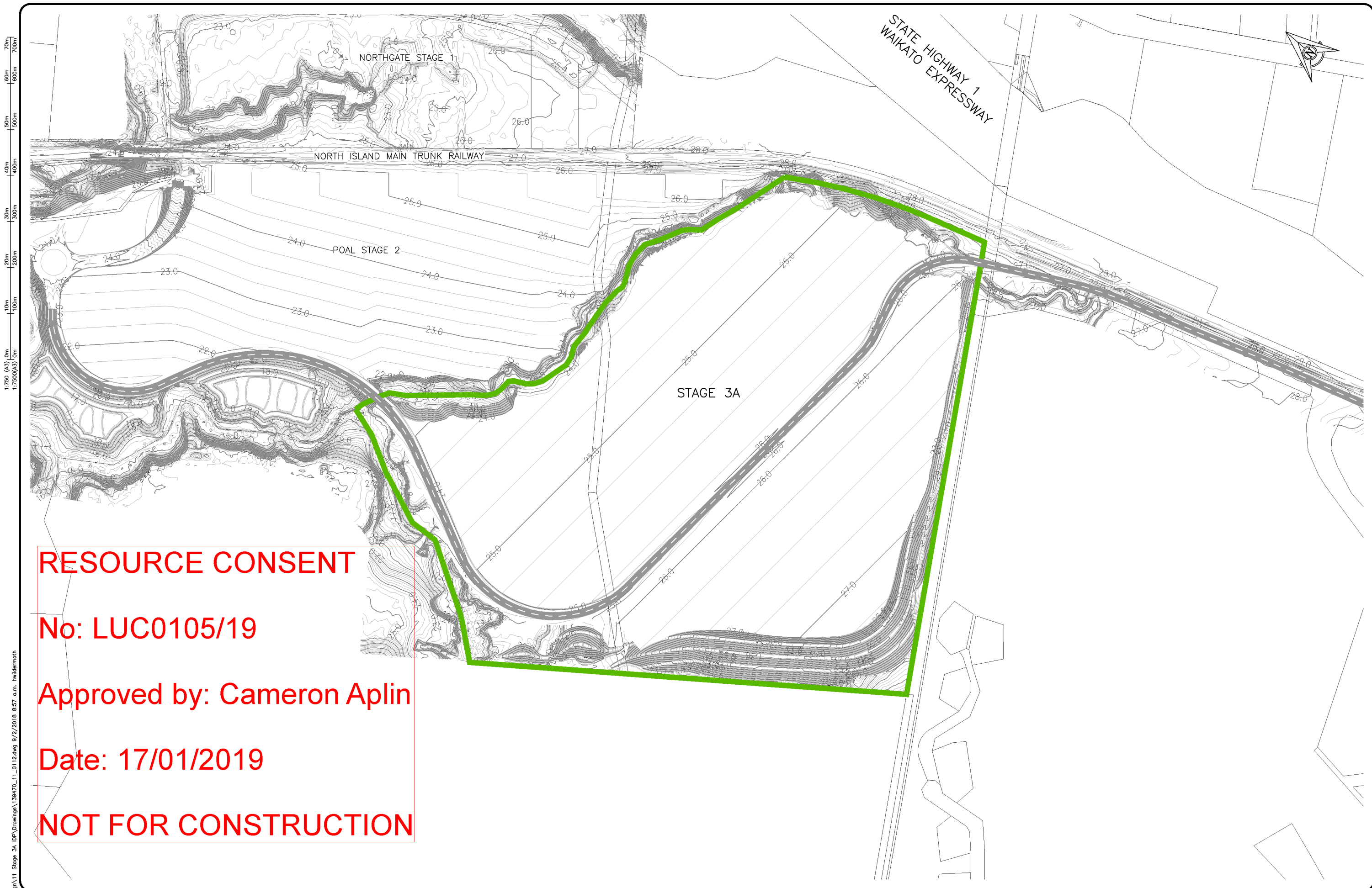
BLOXAM & BURNETT OLLIVER
 Phone 64-7-838 0144, Fax 64-7-839 0431

Status	PRELIMINARY
Date	08.02.2018
Scale (Original Size A3)	1:7500
Drawing Number	139470/11/P/0111
Revision	B

NOT FOR CONSTRUCTION

Client	NORTHGATE DEVELOPMENTS LTD
Project	STAGE 3A IDP
Drawing	ORIGINAL CONTOURS PLAN WITH AERIAL

Status	PRELIMINARY
Date	08.02.2018
Scale (Original Size A3)	1:7500
Drawing Number	139470/11/P/0111
Revision	B



RESOURCE CONSENT
No: LUC0105/19
Approved by: Cameron Aplin
Date: 17/01/2019
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		HW	BM
Date	Issue/revision detail	By	Chk
08.02.2018	UPDATED CLIENT NAME		
05.10.2017	INITIAL ISSUE		

**BLOXAM
BURNETT
OLLIVER**

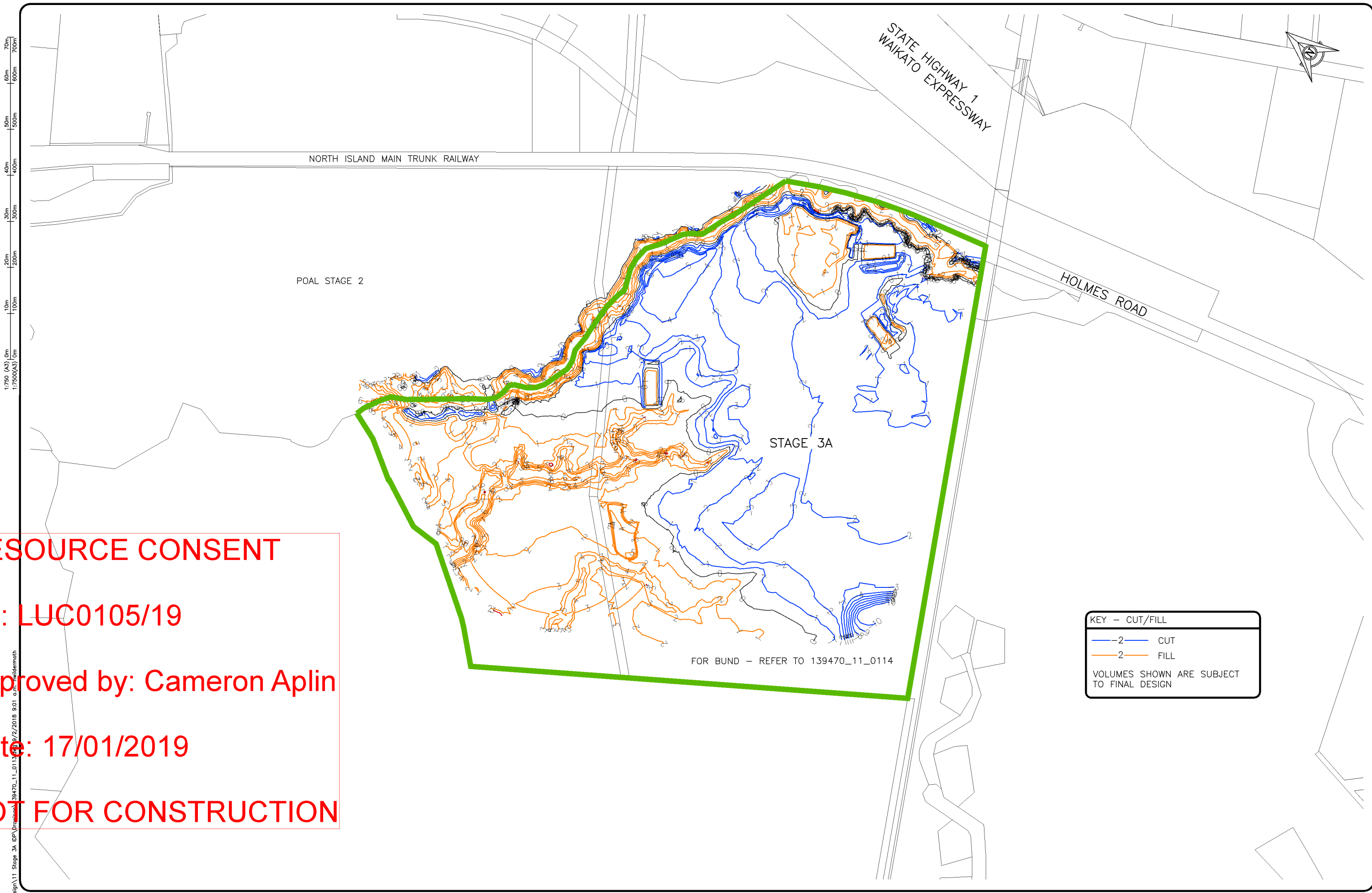
Phone 64-7-838 0144, Fax 64-7-839 0431

Client
**NORTHGATE
DEVELOPMENTS
LTD**

Project
STAGE 3A IDP

Drawing
PROPOSED DESIGN LEVELS

Status	PRELIMINARY	
Date	08.02.2018	Scale (Original Size A3) 1:5000
Drawing Number	139470/11/P/0112	Revision B



KEY - CUT/FILL

— 2 — CUT

— 2 — FILL

VOLUMES SHOWN ARE SUBJECT TO FINAL DESIGN

RESOURCE CONSENT

No: LUC0105/19

Approved by: Cameron Aplin

Date: 17/01/2019

NOT FOR CONSTRUCTION

FOR BUND - REFER TO 139470_11_0114

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Date	Issue/revision detail	HW	BM												
By	Chk	Appr													

RESOURCE CONSENT

No: LUC0105/19

Approved by: Cameron Aplin

Date: 17/01/2019

NOT FOR CONSTRUCTION

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60m
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Version 2.04 - October 2013



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