

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

**STATEMENT OF EVIDENCE OF MARK NICHOLAS ARBUTHNOT FOR
PORTS OF AUCKLAND LIMITED IN RELATION TO HEARING 7 –
INDUSTRIAL AND HEAVY INDUSTRIAL ZONE**

9 DECEMBER 2019

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EXECUTIVE SUMMARY

- A. This statement of evidence addresses the further submissions made by Ports of Auckland Limited ("**POAL**") in relation to 'Hearing 7: Industrial and Heavy Industrial' of the Proposed Waikato District Plan ("**Proposed Plan**").
- B. POAL's submissions and further submissions are concerned with the manner in which industrial activities are provided for within the Horotiu Industrial Park. The submissions raise concern that the provisions of 'Schedule 24B' of the Operative Waikato District Plan ("**Operative Plan**") has not been incorporated into the Proposed Plan.
- C. POAL has sought the retention of a 'bespoke' set of provisions for the Horotiu Industrial Park that recognise the importance of the Horotiu Industrial Node to the economic and social wellbeing of the Waikato region.
- D. A broad level of agreement has been reached in respect of POAL's submission points. Those matters which are not agreed relate to:
- a. the objectives and policies for signage (which require a further minor amendment to clarify their intended purpose);
 - b. recognition at the policy level that inland freight hub at the Horotiu Industrial Park is a regionally significant industry;
 - c. the activity status for accommodation for caretakers, security personnel and workers within the Horotiu Industrial Park;
 - d. the activity status and extent of riparian landscaping that is required to be undertaken within the Horotiu Industrial Park;
 - e. the permitted noise levels from activities in the Horotiu Industrial Park when measured within a Residential or Rural zone;
 - f. the permitted standards for freestanding signs; and

- g. the permitted standards for building setbacks adjacent to waterbodies and the associated activity status when compliance is not achieved with the standards.
- E. My evidence sets out the changes that I consider are necessary to the provisions of the Industrial Zone to address the concerns that have been raised within the submissions and further submissions of POAL.
- F. I have also identified a few consequential changes to the Specific Area provisions of the Horotiu Industrial Park to ensure consistency with the underlying Industrial Zone provisions and to ensure that the Proposed Plan will be administered in a workable and efficient manner.

1. INTRODUCTION

- 1.1 My full name is Mark Nicholas Arbuthnot. I am a Director at Bentley & Co. Limited ("**Bentley & Co.**"), an independent planning consultancy practice based in Auckland.

Qualifications and experience

- 1.2 My qualifications and experience are set out within my statement of evidence dated 16 September 2019 (Hearing 1 – Chapter 1 Introduction).

Code of conduct

- 1.3 I confirm I have read the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. SCOPE OF EVIDENCE

- 2.1 Hearing 7 addresses the submissions and further submissions that have been made on the Industrial and Heavy Industrial provisions of the Proposed Plan.
- 2.2 My evidence relates to POAL's primary submission points¹ and further submission points² that have been allocated to Hearing 7 of the Proposed Plan.

¹ 578.1, 578.2, 578.5, 578.6, 578.7, 578.8, 578.9, 578.10, 578.11, 578.12, 578.13, 578.14, 578.15, 578.16, 578.17, 578.18, 578.19, 578.20, 578.21, 578.22, 578.23, 578.26, 578.57, 578.58, 578.59, 578.60, 578.61, 578.62, 578.63, 578.64, 578.65, 578.66, 578.67, 578.68, 578.69, 578.71, 578.70, 578.71, 578.72, 578.73, 578.74.

² FS1087.15, FS1087.19, FS1087.31 FS1087.34.

- 2.3 POAL's submissions and further submissions are concerned with the manner in which industrial activities are provided for within the Horotiu Industrial Park. The submissions raise concern that the provisions of 'Schedule 24B' of the Operative Waikato District Plan ("**Operative Plan**") has not been incorporated into the Proposed Plan.
- 2.4 POAL has sought the retention of a 'bespoke' set of provisions for the Horotiu Industrial Park that recognise the importance of the Horotiu Industrial Node to the economic and social wellbeing of the Waikato region.
- 2.5 The submissions of POAL go on to identify that without the retention of a 'bespoke' set of provisions for the Horotiu Industrial Park, the operation of industrial activities from this regionally significant industrial node will be constrained without a corresponding benefit to the environment.
- 2.6 This is of concern to POAL as elements of its inland freight hub activity is reliant on the permitted activity standards of the Operative District Plan. As the inland freight hub will not be fully operational before the Proposed Plan becomes operative, aspects of the inland freight hub will not benefit from existing use rights and may require additional resource consents under the new provisions contained within Proposed Plan.
- 2.7 POAL has therefore requested a suite of amendments to Chapter 20 of the Proposed Plan to provide for a 'bespoke' set of provisions for the Horotiu Industrial Park (either by way of amendments to Chapter 20 or by way of a standalone set of provisions) to ensure that its inland freight hub operations are appropriately provided for.

3. **STATUTORY FRAMEWORK**

- 3.1 The provisions that are the subject of this hearing are district plan provisions. The purpose of a district plan is set out in section 72 of the RMA. It is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA.

3.2 Section 75(1) of the RMA requires that a district plan must state:

- (a) the objectives for the district; and
- (b) the policies to implement the objectives; and
- (c) the rules (if any) to implement the policies.

3.3 Additionally, section 75(3) of the RMA requires that a district plan must give effect to:

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (ba) a national planning standard;
- (c) any regional policy statement.

3.4 For the purposes of carrying out its functions under the RMA and achieving the objectives and policies of the plan, section 76(1) of the RMA enables a territorial authority to include rules in a district plan.

3.5 In preparing this evidence, I have had regard to:

- (a) POAL's primary and further submissions, and the primary and further submissions made by other parties;
- (b) the statement of primary evidence prepared by Mr Kirk, dated 9 December 2019;
- (c) the statement of primary evidence prepared by Mr Day, dated 9 December 2019;
- (d) the section 32 reports, dated July 2018; and
- (e) the section 42A report prepared by Ms Macartney, dated November 2019.

3.6 I have had regard to section 32 of the RMA, which requires an evaluation of the objectives and policies and rules of the Proposed Plan that are relevant to POAL's further submissions. I have also had regard to section 32AA of the RMA, which requires a further evaluation for any

changes that have been proposed since the original evaluation report under section 32 of the RMA was completed.

4. MATTERS THAT ARE ACCEPTED BY POAL

Primary submissions of POAL (578.1, 578.2, 578.7, 578.10, 578.11, 578.12, 578.13, 578.14, 578.15, 578.20, 578.21, 578.22, 578.23, 578.26, 578.57, 578.59, 578.62, 578.63, 578.64, 578.65, 578.66, 578.67, 578.68, 578.69 578.70, 578.71, 578.72)

4.1 I can confirm that POAL accepts the recommendations of the section 42A report in respect of its submission points on the following matters:

- (a) Section 4.6 Objectives and Policies.
- (b) Rule 20.2.1 "Servicing and hours of operation".
- (c) Rule 20.2.3.2 "Noise – Construction".
- (d) Rule 20.2.4 "Glare and artificial light spill".
- (e) Rule 20.2.5.1 "Earthworks – General".
- (f) Rule 20.2.8 "Outdoor storage of goods or materials".
- (g) Rule 20.3.1 "Building height".
- (h) Rule 20.3.3 "Daylight admission".
- (i) Rule 20.3.4.1 "Building setbacks".
- (j) Rule 20.4.1 "Subdivision – General".
- (k) Rule 20.4.2 "Subdivision – Boundaries for records of title".
- (l) Rule 20.4.4 "Subdivision – Esplanade reserves and esplanade strips".
- (m) Request for staging rules and specific activities for the Horotiu Industrial Park.

- 4.2 However, POAL does not wish to withdraw these submission points at this stage. This is to ensure POAL has scope should any changes be pursued by other submitters and/or recommended by the Panel which might adversely affect POAL's interests. Should any further changes be sought in the evidence of other submitters, POAL will address those changes in its rebuttal evidence, if necessary.

5. GENERAL SECTION 4.6 OBJECTIVES AND POLICIES – INDUSTRIAL ZONES

- 5.1 While outside of the scope of POAL's submissions and further submissions, I note that in response to the primary submission of the 'Oil Companies' (785.58) the section 42A report (at paragraph 55) recommends that the following additional objective and policy be included to support the provision of signage within the Industrial and Heavy Industrial zones:

4.6.9A Objective – Adverse effects of land use and development

- (a) The health and well-being of people, communities and the environment are protected from the adverse effects of land use and development.

4.6.9A Policy – Signage

- (a) In the Industrial Zone and Heavy Industrial Zone, provide for:

- (i) The establishment of signs where they are associated with the activity carried out on the site on which they are located;
- (ii) Public information and health and safety signs that are of benefit to community well-being;
- (iii) Establishment of signage commensurate with the lower amenity and industrial function of these zones with controls on the size, location, appearance and number of signs to ensure they do not detract from the visual amenity of the surrounding environment.

- 5.2 Policy 4.6.9A implements Objective 4.6.9A. While I support Policy 4.6.9A (and agree that it is necessary to support the provision of signage within the Industrial and Heavy Industrial zones), I am of the opinion that the wording of Objective 4.6.9A requires clarification that it relates to the adverse effects of signage, as opposed to the adverse

effects of industrial land use and development *per se* (the management of adverse effects of industrial activities is addressed through Objective 4.6.6 and Policy 4.6.7).

- 5.3 Therefore, I recommend that Objective 4.6.9A is amended to read as follows:

4.6.9A Objective – Adverse effects of ~~land use and development signage~~

(a) The health and well-being of people, communities and the environment are protected from the adverse effects of ~~land use and development signage~~.

- 5.4 Alternatively, Objective 4.6.9A could be deleted and Policy 4.6.9A could be relocated to implement Objective 4.6.6 of the Proposed Plan.

6. SECTION 4.6 OBJECTIVES AND POLICIES FOR HOROTIU INDUSTRIAL PARK

Primary submission of POAL (578.73)

- 6.1 The primary submission of POAL (578.73) sought the inclusion of a suite of objectives and policies that recognises the importance of the Horotiu Industrial Node to the economic and social wellbeing of the Waikato Region.

- 6.2 The submission of POAL identified that:

- (a) The provisions need to make a clear distinction between the Horotiu Industrial Park and the wider industrial-zoned land in the District, and facilitate the efficient development of the Industrial Park, without restricting the day-to-day practicalities of the working industrial environment.
- (b) In order to properly give effect to the RPS, it is necessary to provide greater recognition of the regional significance of this industrial node, and to set the framework under which any residential growth within the Horotiu area is to be enabled.

- (c) A key feature of the Horotiu Industrial Park is its connections with the State Highway road network and the North Island Main Trunk railway line. These connections are of strategic significance to the industrial node and need to be recognised as such within the objectives and policies for the zone.

6.3 The section 42A report recommends (at paragraph 1020) that the submission of POAL is accepted in part and has proposed a suite of objectives and policies that:

- (a) recognise the importance of the Horotiu Industrial Park as a strategic industrial node;
- (b) supports the development of the Horotiu Industrial Park for industrial purposes;
- (c) protects the Horotiu Industrial Park from reverse sensitivity;
- (d) protects activities that are sensitive to noise from the effects of the Horotiu Industrial Park; and
- (e) encourage the efficient use of road and rail connections.

6.4 I can confirm that POAL accepts the recommendations of the section 42A report in respect of the objectives and policies for the Horotiu Industrial Park.

6.5 I note that the section 42A report (at paragraph 1017) acknowledges that the WRPS definition of “regionally significant industry” applies to POAL’s inland freight operations. I agree with the section 42A report in this regard, and I consider that POAL’s operations are consistent with the explanation to Policy 4.4 of the WRPS (regionally significant industry), which states that: [emphasis added]

Policy 4.4 recognises the important role that regionally significant industry and primary production plays in contributing to the economic, social and cultural wellbeing of people and communities. Activities such as dairying, forestry and horticulture also have a direct relationship with the management and continued viability of rural activities. **Some regionally significant industries also provide an anchor to support**

other industries and communities within rural and urban settings. The economic benefits contribute significantly to the vitality of settlements ranging in size from rural villages to Hamilton City. The policy will provide for an integrated approach to the management of resources such as water, energy and infrastructure which are essential to regionally significant industry and primary production activities. The policy also recognises that there is also the potential for regionally significant industry and primary production to generate adverse effects which need to be managed.

6.6 In my opinion, and having regard to the evidence of Mr Kirk, POAL's inland freight hub will anchor and support other industrial activities through the provisions of its "end to end" freight services, and will contribute significantly to the vitality of Horotiu and the surrounding area, both in terms of employment opportunities, but also through the agglomeration of other freight and logistic companies that will seek to locate proximate to the freight hub.

6.7 Having regard to the above, I am of the opinion that it is appropriate to add a policy that expressly recognises the inland freight hub as "regionally significant industry":

Policy 4.6.11A Policy – Support of regionally significant industry

The inland freight hub at Horotiu Industrial Park is recognised as a regionally significant industry.

7. RULE 20.1 LAND USE – ACTIVITIES

Workers' accommodation and rail operations

Primary submission of POAL (578.4)

7.1 In its primary submission (578.4), POAL sought that workers' accommodation and rail operations be provided for as a permitted activity, as follows:

Activity		Activity specific conditions
P1	Industrial activity	Nil
P2	Trade and industry training activity	Nil
P3	Truck stop for refuelling	Nil
P4	Office ancillary to an industrial activity	Less than 100m ² gfa; or does not exceed 30% of all buildings on the site.

P5	Food outlet	Less than 200m ² gfa.
P6	Ancillary retail	Does not exceed 10% of all buildings on the site.
<u>P7</u>	<u>Worker's accommodation</u>	<u>1 unit per site</u>
<u>P8</u>	<u>Rail operations including associated sidings, structures, and earthworks within the Horotiu Industrial Park</u>	<u>Nil</u>

7.2 The stated reasons for POAL's submission were as follows:

...

In addition to the permitted activities identified, POAL considers it necessary to also provide for worker's accommodation for people whose duties require them to live on site. Such activities are necessary from time to time to facilitate the 24-hour operation of industrial activities, as well as to provide safety and security in a manner that does not result in reverse sensitivity effects on established and future industrial activities.

Specific reference is also required to rail operations including the associated siding, structures and earthworks within the Horotiu Industrial Park. This is necessary to provide sufficient certainty to owners of the Horotiu Industrial Park that rail connections within the NIMT are anticipated and provided for at this location, and will enable the efficient use of the industrial land resource with the corresponding benefit of reducing heavy vehicle movement within the receiving transport network.

7.3 The section 42A report acknowledges that:

[227] ...there may be a situation when it is necessary to provide for live-in accommodation for a caretaker or security personnel. This type of residential activity in the Industrial Zone is currently permitted in the operative Waikato Section...

[228] It is considered appropriate to carry over this type of operative provision into the PWDP, but as a restricted discretionary activity rather than a permitted activity. This would enable Council to exercise discretion in deciding whether the particular site is suitable for this type of residential use and enable conditions to be imposed and monitored so that occupancy is limited to caretakers/security personnel, who should expect a lower level of surrounding amenity compared to residential zones.

[229] It is also considered appropriate to impose a gross floor area limit to ensure that industrial land is used primarily for industrial activities. In this regard, alignment is recommended with the maximum 70m² gross floor area stipulated for a minor dwelling in the Rural Zone. A new restricted discretionary rule is therefore recommended, shown as Rule 20.1.1A in Attachment 3.

- 7.4 I agree that it is reasonable to provide for accommodation for caretakers and security personnel within the Industrial Zone. However, I disagree with the recommended restricted discretionary activity status. Such persons are engaged with the activity occurring on the site and are familiar with (and not sensitive to) the effects of the activity to which it supports.
- 7.5 I acknowledge Council's desire to impose conditions to ensure that occupancy of such accommodation can be limited and monitored, however I disagree with the discretionary element in terms of determining whether the site is suitable for this type of residential use.
- 7.6 In my opinion, it is a reasonable proposition that industrial activities should be provided with certainty that they can establish on-site accommodation for caretakers, security personnel and workers. To introduce a discretionary element to the resource consent process has the potential to compromise the safety and security of the industrial activity and/or its staff.
- 7.7 While I consider that the occupancy of caretakers, security personnel and workers' accommodation can be appropriately limited and monitored through permitted activity standards, I also accept that a controlled activity status would provide certainty to all parties. To this end, I would support a controlled activity status in respect of this matter for the Horotiu Industrial Precinct, as follows:

20.6.2.1A Controlled Activity

<u>C1</u>	<p><u>(a) Residential unit for caretaker or security personnel, including workers' accommodation, that meets the following condition:</u></p> <p>(i) <u>Does not exceed 70m2 gross floor area</u></p> <p><u>(b) Council's control is reserved over the following matters:</u></p> <p>(i) <u>Reverse sensitivity effects including noise, odour, dust, glare and light spill</u></p>
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- 7.8 For completeness, I can confirm that provision for rail operations has been adequately achieved through the inclusion of “ancillary activity” as a permitted activity within the Industrial Zone.

Supermarkets

Further submission of POAL (FS1087.15) in opposition to the primary submission of Woolworths NZ Limited (588.25)

- 7.9 POAL made a further submission (FS1087.15) in opposition to the primary submission of Woolworths NZ Limited (588.25), which sought a restricted discretionary activity status for supermarkets within the Industrial Zone, with Council’s discretion limited to the following matters:

- (a) reverse sensitivity effects on industrial uses; and
- (b) effects on vitality and amenity of nearby Business Town Centre zones.

- 7.10 The relief of Woolworths is recommended to be rejected by the section 42A report (paragraph 242) on the basis that the scope of matters that are required to be considered are wider than the matters that are identified in the submission, and include the supply of industrial land, vehicular and pedestrian traffic, and character and amenity.

- 7.11 I agree with the conclusions of the section 42A report that the notified discretionary activity status for supermarkets within the Industrial Zone is a more appropriate outcome than the restricted discretionary activity status that is sought by Woolworths NZ Limited.

8. RULE 20.1.3 NON-COMPLYING ACTIVITIES

Primary submission of POAL (578.58)

- 8.1 The primary submission of POAL (578.58) sought:

- (a) that activities not otherwise provided for within the Industry Zone are provided for as a discretionary activity (as opposed to a non-complying activity status); and
- (b) that certain activities (retail not otherwise provided for, offices not otherwise provided for, commercial services, community activities, noise sensitive activities, places of assembly and sensitive land uses) require resource consent as a non-complying activity.

8.2 The relief of POAL is recommended (at paragraph 281 of the section 42A report) to be accepted through the provisions for the Horotiu Industrial Park, such that:

- (a) activities that are not listed as a permitted or restricted discretionary activity fall to be considered a discretionary activity (Rule 20.6.2.3); and
- (b) “noise sensitive activity” and “sensitive land use” require resource consent as a non-complying activity (Rule 20.6.2.4).

8.3 I agree with the recommendations of the section 42A report. The “default” discretionary activity status of activities that are not specifically provided for within a plan is consistent with section 87B of the RMA and will enable the plan to respond to future activities and innovations not currently incorporated in the Proposed Plan. A “default” non-complying activity status has the potential to act as a bar to innovation and development, may prevent industrial operators from responding to changes in a competitive market, and may prevent positive effects which may flow from a more flexible plan.

8.4 Subject to the amendments the definitions discussed in my statement of evidence at Hearing 5, I also agree that a non-complying activity status is appropriate for “noise sensitive activities” and “sensitive land uses” within the Industrial Zone.

9. RULE 20.2.2 LANDSCAPE PLANTING

Primary submission of POAL (578.60)

9.1 The primary submission of POAL sought the deletion of the Rule 20.2.2 C1(b) of the Proposed Plans, which requires imposes a controlled activity consent requirement to implement an 8m wide landscaping strip to be provided from the top edge of the closest bank of an intermittent stream.

9.2 The reasons for POAL's submission were as follows:

POAL is opposed to Rule 20.2.2, which applies a controlled activity status to all activities on land that contains or is adjacent to a river or permanent or intermittent stream, and requires an 8-metre-wide landscaped strip to be provided.

POAL's 33-hectare land holding, and many other sites within the Horotiu Industrial Park share a boundary with a permanent or intermittent stream. The requirement for all activities to obtain a controlled activity resource consent for matters pertaining to landscaping is unnecessarily onerous, and will result in an inefficient and costly resource consent process.

Such an outcome runs contrary to supporting the economic growth of the district's industry and does not provide for the efficient development of the industrial land resource.

No justification has been provided within the Section 32 analysis that supports the industrial provisions as to why the 8m landscape strip is required and correspondingly there has been no assessment of the benefits and costs of the environmental and economic effects that are anticipated from the implementation of the rule.

POAL considers that the rule will constrain economic growth and reduce employment opportunities within the district and seeks that Rule 20.2.2C1(b) be deleted in its entirety.

To ensure consistency with the provisions of the Operative District Plan for the Horotiu Business Park, an amendment is required to Rule 20.2.2C1 to require activities within 5m of Horotiu Road to provide a 5m wide buffer strip of planting to screen the activity from the adjacent Residential Zone. This is necessary to ensure that the effects of the development of the Horotiu Industrial Park on the adjacent Residential Zone are appropriately managed.

9.3 POAL therefore sought a replacement Rule that is similar to Rule 24B.20 of the Operative District Plan either as an amendment to the Industrial Zone provisions or as part of a "standalone" chapter for the Horotiu Industrial Park.

(b) Any activity located in the Horotiu Industrial Park within 5m of the Horotiu Road boundary shall be planted and maintained with a 5m wide buffer strip of indigenous species that will achieve a height of at least 5m within 5 years and sufficient density to visually screen the activity from the Residential Zone.

or

20.6.10 Landscaping

<u>P1</u>	Any activity is a permitted activity if land within: (a) <u>5m of the Horotiu Road boundary is planted and maintained with a 5m wide buffer strip of indigenous species that will achieve a height of at least 5m within 5 years and sufficient density to visually screen the activity from the Residential Zone.</u>
<u>RD1</u>	(a) <u>Any activity that does not comply with Rule 20.6.10 P1.</u> (b) <u>Council's discretion is restricted to the following matters:</u> (i) <u>the extent to which the amenities of the Residential Zone are maintained</u>

9.4 The relief sought by POAL is recommended to be rejected by the section 42A report (at paragraphs 310 to 312) for the following reasons:

[310] Ports of Auckland Limited [578] requests that clause (b) in Rule 20.2.2 C1 be deleted and replaced with a clause that is similar to Rule 24B.20 in Schedule 24B in the operative Waikato Section of the WDP. However, this request does not address the potential impact of development within Horotiu Industrial Park on the tributary of the Te Rapa Stream and what justifies an approach that is more liberal than other industrial developments.

[311] A controlled activity status is not onerous and activities that comply with the landscaping requirement must be granted consent. In addition, noting that the Horotiu Industrial Park is located within the Waikato River catchment, planting alongside watercourses would contribute towards the objective of the Vision and Strategy which is to restore and protect the health and wellbeing of the Waikato River.

[312] It would be helpful for the submitter to outline its development plans at the hearing and comment on what landscaping width (if any) they consider to be appropriate for their site. In any case, any proposal that does not comply with the controlled activity standards would fall to be a restricted discretionary activity, thus enabling the merits to be considered.

9.5 In the first instance, the submission of POAL essentially seeks to retain the *status quo* for their property with reference to the provisions of the Operative District Plan as opposed to seeking a "more liberal regime".

- 9.6 It is for Council to undertake an assessment of the proposed changes to the rules against section 32 of the RMA. This analysis has not been undertaken, and Council has not provided any evidence to demonstrate why such a change in the consenting regime (to requiring a controlled activity consent and an 8 metre landscaping depth) is necessary for the Horotiu Industrial Park. Correspondingly, there has been no assessment of the benefits and costs of the environmental and economic effects that are anticipated from the implementation of this rule.
- 9.7 The landscaping of the riparian margins of the unnamed tributary of the Te Rapa stream is a requirement of the consents that are held for the Horotiu Industrial Park. Specifically:
- (a) the stormwater discharge consent that was obtained by Northgate (ref. 122874) requires the implementation of a significant length of planting of native riparian vegetation (approximately 1.5km) along the margins of the unnamed tributary stream (a copy of the consented area of planting is appended as **Attachment 1**); and
 - (b) the resource consent that was obtained by POAL for the inland freight hub requires the planting a restoration area of 6.72ha along the riparian zone of the unnamed tributary stream (a copy of the planting plan is appended as **Attachment 2**).
- 9.8 The above landscaping is to be provided to a minimum depth of 5 metres along the margins of the stream (and in some locations at a greater depth). The development of the Horotiu Industrial Park therefore already includes a substantial amount of landscape planting within the riparian margins of the unnamed tributary of the Te Rapa stream. This will ensure that:
- (a) the amenity values and habitat quality and extent of the riparian areas of the Horotiu Industrial Park are maintained and enhanced in a manner that is consistent with Objective 3.16 of the WRPS;

- (b) the effects of activities within the Horotiu Industrial Park on the freshwater values of the stream will be appropriately managed through the protection and enhancement of the riparian habitat in a manner that is consistent with Policy 8.3 of the WRPS; and
- (c) positive indigenous biodiversity outcomes are achieved through the planting in a manner that is consistent with Policy 11.1 of the WRPS.

9.9 The landscaping of the riparian margins of the unnamed tributary of the Te Rapa stream in this manner also ensures that:

- (a) the ecosystem values of the stream are protected from significant adverse effects of industrial activities in a manner that is consistent with Objective 4.6.6 of the Proposed Plan; and
- (b) the adverse effects of from industrial activities on the stream will be appropriately managed in a manner that is consistent with Policy 4.6.7 of the Proposed Plan.

9.10 As much of the development of the Horotiu Industrial Park (including the hardstand and building elements of the inland freight hub) can be undertaken as a permitted activity under the provisions of the Operative District Plan, I am concerned that the introduction of the proposed landscaping requirement (as a controlled activity) has the potential to implicate the future development potential of the land and relitigate the previously agreed landscaping and site layout arrangements for POAL's property (the inland freight hub is in the process of being established and does not yet benefit from existing use rights in respect of this matter). I do not consider this to be an efficient outcome and will serve only to increase the overall cost and complexity of the development of the strategic industrial node.

9.11 The section 42A report (at paragraph 1014) recognises that the Horotiu Industrial Park is identified as a strategic industrial node under the provisions of the WRPS and being of regional significance. A "bespoke"

set of objectives, policies and rules are recommended by the section 42A report in recognition of this matter.

9.12 In my opinion, the regional significance of the Horotiu Industrial Park is such that the retention of the permitted landscaping requirements of the Operative District Plan is an appropriate outcome, and consistent with the landscaping that is proposed to be implemented as part of the development of the final stages of the Industrial Park.

9.13 I therefore of the opinion that it is appropriate to exclude the Horotiu Industrial Park from being subject to Rule 20.2.2 of the Proposed Plan, and to incorporate the following rule into the recommended provisions of Chapter 20.6 for the Horotiu Industrial Park:

20.2.2 Landscape planting

C1	<p>(a) Any activity on a lot that has a side and/or rear boundary adjoining any Residential, Village, Country Living or Reserve Zone shall provide a 3m wide landscaped strip running parallel with the side and/or rear boundary; and</p> <p>(b) Any activity on a lot <u>not located in the Horotiu Industrial Park</u> that contains, or is adjacent to, a river or a permanent or intermittent stream shall provide an 8m wide landscaped strip measured from the top edge of the closest bank and extending across the entire length of the watercourse.</p> <p>(c) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> (i) the adequacy of the width of landscaping strip; (ii) type, density and height of plantings conducive to the location; (iii) maintenance measures; (iv) amenity values; and (v) natural character and cultural values of a river or stream.
RD1	<p>(a) Any activity that does not comply with Rule 20.2.2 C1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) adequacy of the width of landscaped strip; (ii) type, density and height of plantings conducive to the location; (iii) maintenance measures; (iv) amenity values; and (v) natural character and cultural values of a river or stream.

...

20.6.3.2 Landscaping – Horotiu Road

<u>P1</u>	Any activity is a permitted activity if land within: (a) <u>5m of the Horotiu Road boundary is planted and maintained with a 5m wide buffer strip of indigenous species that will achieve a height of at least 5m within 5 years and sufficient density to visually screen the activity from the Residential Zone.</u>
<u>RD1</u>	(a) <u>Any activity that does not comply with Rule 20.6.10 P1.</u> (b) <u>Council's discretion is restricted to the following matters:</u> (ii) <u>the extent to which the amenities of the Residential Zone are maintained</u>

9.14 Such a permitted activity standard will, in my opinion:

- (a) support and strengthen the economic growth of the district's industry (Objective 4.6.1);
- (b) maintain a sufficient supply of industrial within the Horotiu strategic industrial node to meet the foreseeable future demands of the activities that are planned to locate there (Policy 4.6.3); and
- (c) enable the efficient location and functioning of industrial activities within the Horotiu Industrial Park (Objective 4.6.10).

9.15 With reference to section 32AA of the RMA, I am of the opinion that the proposed permitted landscaping standard:

- (a) is the most appropriate way to give effect to Objective 3.16, Policy 8.3 and Policy 11.1 of the WRPS in respect of riparian areas, freshwater values, and indigenous biodiversity outcomes;
- (b) appropriately implements Objective 4.6.6 and Policy 4.6.7 of the Proposed Plan in respect of ecosystem values and other adverse effects on the intermittent stream environment;
- (c) appropriately implements Objective 4.6.1, Policy 4.6.3 and Objective 4.6.10 of the Proposed Plan in respect of the

economic growth of industry, the supply of industrial land and the efficient location and functioning of industrial activities within the Horotiu strategic industrial node; and

- (d) will better enable opportunities for economic growth and employment.

10. **RULE 20.2.3.1 NOISE – GENERAL**

Primary submission of POAL (578.61)

- 10.1 In its primary submission (578.61), POAL sought the following specific noise limits for the Horotiu Industrial Park:
 - (a) 75 dBA (L_{Aeq}) within any other industrially-zoned site in the Industrial Park; and
 - (b) 55 dBA (L_{Aeq}) (7am to 10pm) and 45 dBA (L_{Aeq}) (10pm to 7am the following day) measured within the notional boundary of any site zoned Residential or Rural from an activity within the Horotiu Industrial Park.
- 10.2 POAL also sought that an infringement to the permitted noise standards of the Proposed Plan be provided for as a restricted discretionary activity, as opposed to a discretionary activity.
- 10.3 The reasons for POAL's submissions can be summarised as follows:
 - (a) The Proposed Plan seeks to impose a new night time noise constraint of 55dB (L_{Aeq}) between the hours of 10pm to 7am internally to the Industrial Zone.
 - (b) The rezoning of certain Horotiu properties from Country Living to Residential results in compliance being required to be achieved with more stringent night time noise limits at certain locations.

- (c) The proposed noise limits have the potential constrain the efficient and effective operation of this strategically important industrial node to the detriment of the economy of the district and the region.
- (d) The proposed noise limits have the potential to undermine the ability of POAL to deliver and operate the freight hub, which necessarily involves a 24-hour operation to enable capacity in the rail and State Highway networks to be used efficiently and outside of commuter peaks.

10.4 The relief sought by POAL is recommended to be accepted in part by the section 42A report (paragraph 334), which seeks to *“essentially roll over the standards in the operative Schedule 24B for the Horotiu Industrial Park”* within a “standalone” chapter as follows:

20.6.3.1 Noise – General

<u>P1</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> <p><u>(i) 75dBA (LAeq) at any time measured within any other site at any time</u></p> <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> <p><u>(i) 55dBA (LAeq) 7am to 10pm</u></p> <p><u>(ii) 40dBA (LAeq) and 70dBA (LAmax) 10pm to 7am the following day</u></p> <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 Zone (except the Residential Zone):</u></p> <p><u>(i) 55dBA (LAeq) 7am to 10pm</u></p> <p><u>(ii) 45dBA (LAeq) and 70dBA (LAmax) 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>RD1</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><u>(i) effects on amenity values</u></p> <p><u>(ii) hours of operation</u></p>

	<u>(iii) Location of noise sources in relation to boundaries</u> <u>(iv) Frequency or other special characteristics of noise</u> <u>(v) Noise levels and duration</u> <u>(vi) Mitigation measures</u>
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- 10.5 With the exception of the night time noise limits for the Residential Zone (P2(b)(ii)) and the manner in which noise is required to be measured within any other zone outside of the Horotiu Industrial Park and Residential Zone (P2(c)) I agree with the recommendations of the section 42A report.

Night-time noise limit for the Residential Zone

- 10.6 While POAL's inland freight hub operations will achieve compliance with the 40dBA (L_{Aeq}) night time noise standard when measured at the Residential-zoned properties that are located to the west of Horotiu Road, the rezoning of that part of Horotiu from 'Country Living' to 'Residential' to the north of the Horotiu Industrial Park has the effect of resulting in a more onerous night time limit being imposed (it reduces from 45 dB (L_{10}) to 40dBA (L_{Aeq})).
- 10.7 The evidence of Mr Day sets out that in order to establish the potential effects of a night time noise limit of 45 dB (L_{Aeq}) on the environment, it is first necessary to understand the existing noise environment and concludes that (at paragraph 4.13) the background noise level (L_{A90}) during the critical night time period varies from 35 dB to 42 dB, while the ambient noise level varies from 41 dB to 57 dB L_{Aeq} .
- 10.8 Given the existing elevated noise levels within the vicinity of the subject site, Mr Day has applied the "background plus" approach of NZS 6802:19917 to determine an appropriate night time noise limit for the inland freight hub activity. For the reasons discussed within his evidence, Mr Day has determined that a night-time noise limit of 45 dB (L_{Aeq}) is acceptable under such a scenario.
- 10.9 Having regard to the existing elevated background noise levels, and the guidance contained within NZS 6802:2008, Mr Day has determined that

an upper night-time noise limit of 45 dB (L_{Aeq}) will maintain a reasonable level of acoustic amenity for the Residential zoned properties that are located at Horotiu.

Measurement of noise outside of the Horotiu Industrial Park (except the Residential Zone)

- 10.10 Rule 20.6.3.1 that has been recommended by the section 42A report requires noise levels from the Horotiu Industrial Park to be measured at the zone boundary. This has the effect of requiring a night time noise limit of 45 dBA (L_{Aeq}) to be achieved on the boundary of the adjacent Rural Zone to the south of the Horotiu Industrial Park, despite there being no activities sensitive to night time noise at this location.
- 10.11 In other District Plans, noise limits in rural zones are normally applied at the “notional boundary”. In the Auckland Unitary Plan for example, the notional boundary is defined as *“a line 20m from any side of a building containing an activity sensitive to noise, or the legal boundary where this is closer to the building”*. This approach ensures the noise limits relate to the effects received at noise sensitive receiver locations and avoids unnecessarily protecting non-noise-sensitive areas of land such as farmland that people only visit intermittently.
- 10.12 The submission of POAL seeks to apply the “notional boundary” when measuring noise on land that is located outside of the “Industrial” and “Residential” zones. The evidence of Mr Day is supportive of this approach.
- 10.13 Therefore, and with reference to the evidence of Mr Day, I am of the opinion that Rule 20.6.3.1 should be amended as follows:

20.6.3.1 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
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P2	<p>(a) Noise from an activity in the Horotiu Industrial Park must not exceed:</p> <p>(i) <u>75dBA (LAeq) at any time measured within any other site at any time</u></p> <p>(b) Noise from an activity in the Horotiu Industrial Park must not exceed the following limits when measured within a Residential Zone:</p> <p>(i) <u>55dBA (LAeq) 7am to 10pm</u></p> <p>(ii) <u>40-45 dBA (LAeq) and 70dBA (LAmax) 10pm to 7am the following day</u></p> <p>(c) Noise from an activity in the Horotiu Industrial Park must not exceed the following limits when measured <u>at the notional boundary of any building containing a noise sensitive activity existing at the [date when the Plan will become operative]</u> within any zone outside of the Horotiu Industrial Park and Heavy Industrial Zone (except the Residential Zone):</p> <p>(i) <u>55dBA (LAeq) 7am to 10pm</u></p> <p>(ii) <u>45dBA (LAeq) and 70dBA (LAmax) 10pm to 7am the following day</u></p> <p>(d) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics - Measurement of Environmental Sound"</p> <p>(e) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustics- Environmental noise".</p>
RD1	<p>(a) Noise generated by any activity that does not comply with Rule 20.6.3.1 P2.</p> <p>(b) Council's discretion is restricted to the following matters:</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>

10.14 With reference to section 32AA of the RMA, I am of the opinion that the changes to Rule 20.6.3.1:

- (a) will appropriately implement Objective 4.6.6 and Policy 4.6.7 of the Proposed Plan, which seek to ensure that the amenity values of sensitive activities outside of industrial zones are protected from the significant adverse effects of industrial activities, including noise; and
- (b) appropriately implements Objective 4.6.1, Policy 4.6.3 and Objective 4.6.10 of the Proposed Plan in respect of the economic growth of industry, the supply of industrial land and

the efficient location and functioning of industrial activities within the Horotiu strategic industrial node; and

- (c) will better enable opportunities for economic growth and employment.

11. RULE 20.2.7.1 SIGNS – GENERAL

Primary submissions of POAL (578.5 and 578.6)

- 11.1 The primary submissions of POAL (578.5 and 578.6) sought an increase in the maximum permitted area for freestanding signs within the Industrial Zone (from 3m² to 15m² and 2m² for any other freestanding sign), together with the retention of the restricted discretionary activity status for an infringement to the permitted standards of this rule.

- 11.2 The stated reasons for POAL's submission were:

POAL supports Rule 20.2.7.1 as notified. However, it does not agree with the maximum area for freestanding signs. In the context of the Industrial Zone, where large buildings are provided for as a permitted activity, the receiving environment has the ability to accommodate larger freestanding signs than 3m². In POAL's opinion, a 15m² (10m high) freestanding sign can be accommodated within the Industrial Zone as a permitted activity.

- 11.3 The section 42A report (at paragraphs 1045 to 1047) recommends that the relief of POAL be rejected for the following reasons:

- (a) the requested five-fold increase in sign area to 15m² is not appropriate for all sites in the Industrial Zone;
- (b) there would be potential for cumulative adverse visual effects that are not acceptable;
- (c) it remains important to manage the visual effects of signage, particularly where industrial sites adjoin residential zones, including the Horotiu Industrial Park; and

- (d) the merits of such a sized sign are better addressed through the (restricted discretionary activity) resource consent process.

- 11.4 I disagree with the recommendations of the section 42A report. In my opinion, a freestanding sign with an area of 15m² is not large in the context of an Industrial Zone. My experience with freestanding signage is that typically they have a width of between 1.5 and 2 metres, which would result in a height of between 7.5 and 10 metres. In the context of a zone that permits buildings with heights of 15 metres (and above), such a freestanding sign would not appear out context with the balance of development on the site and will still appropriately manage the visual impact of development at the interface with the Residential Zone.
- 11.5 Given that only one freestanding sign per site can be established as a permitted activity, and that the minimum lot size for the Industrial Zone is 500m² for the Horotiu Industrial Park and 1,000m² (with an average of 2,000m²) within the balance of the Industrial Zone, I am of the opinion that the potential for cumulative adverse visual effects to occur will be minimal.
- 11.6 For these reasons, I agree with the relief that has been sought by POAL in respect of this matter, and consider that Rule 20.2.7.1(P2)(c)(i) should be amended as follows:

20.2.7.1 Signs – General

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>
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	<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 <u>15.3</u>m² for one sign per site, and <u>2.4</u>m² 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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11.7 With reference to section 32AA of the RMA, I am of the opinion that the above amendment appropriately implements Objective 4.6.6 and Policy 4.6.7 of the Proposed Plan.

12. BUILDING SETBACKS (NEW RULES)

Further submission of POAL (FS1087.34) in opposition to the primary submission of KiwiRail Holdings Limited (986.59)

12.1 POAL made a further submission (FS1087.34) in opposition to the primary submission of KiwiRail Holdings Limited (986.59) (“**KiwiRail**”), which sought the imposition of a 5-metre building setback control from any designated railway corridor boundary.

12.2 The stated reasons for KiwiRail’s submission include:

- (a) to ensure that all new structures in all zones are set back from the rail corridor to allow access and maintenance to occur

without the landowner or occupier needing to gain access to the rail corridor – potentially compromising their own safety;

- (b) that the construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards; and
- (c) a 5-metre setback allows for vehicular access to the backs of buildings and would also allow scaffolding to be erected safely, which in turn provides for visual amenity as lineside properties can be regularly maintained.

12.3 The section 42A report (at paragraph 505) recommends that the relief of KiwiRail is rejected for the following reasons:

[505] In my view, it is not appropriate or necessary to introduce this new rule for any zone. The need for any person or organisation to access KiwiRail land for the purposes of carrying out works on their own land is considered a private matter that does not require Council input. As an example, this is no different to two private landowners negotiating an access arrangement when no legal right of way exists.

- 12.4 I agree with the section 42A report in respect of this matter. POAL have a designated railway line abutting the northern boundary of its site and are opposed to the submission of KiwiRail on the basis that it would have major implications on the use and development of its property.
- 12.5 In my opinion, the imposition of a 5-metre setback requirement is not the most appropriate way to address the perceived issues that have been raised by KiwiRail. No information has been provided by KiwiRail to demonstrate why such a blanket setback is required.
- 12.6 Given the implications that the proposed setback would have on POAL's rights to develop its property regardless as to whether the setback is actually required to meet KiwiRail's concerns, I am of the opinion that it would be more appropriate to increase the width of the existing rail designations where this has been assessed as being necessary.

- 12.7 The submission of KiwiRail has not undertaken an assessment with reference to section 32 of the RMA in respect of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the additional building setback rule, including the opportunities for:
- (a) economic growth that is anticipated to be provided or reduced; and
 - (b) employment that is anticipated to be provided or reduced.
- 12.8 Similarly, the submission of KiwiRail has not examined whether the new building setback rule is the most appropriate way to achieve the objectives of the Proposed Plan.
- 12.9 In my opinion, the effect of KiwiRail's submission is to place the costs of the operation of the rail corridor directly on landowners, and I do not consider that the new building setback rule proposed by KiwiRail is appropriate.

13. RULE 20.3.4.2 BUILDING SETBACKS – WATERBODIES

Primary submissions of POAL (578.16, 578.17 and 578.18)

- 13.1 In its primary submissions (578.16, 578.17 and 578.18), POAL sought amendments to Rule 20.3.4.2 (Building setbacks – waterbodies) that would have the effect of:
- (a) qualifying the type of riverbank where a 30-metre building setback is required under Rule 20.3.4.2(P1) (being one whose bed has an average width of 3 metres or more);
 - (b) qualifying the type of bank of a perennial or intermittent stream where a 10-metre building setback is required under Rule 20.3.4.2(P3) (being one whose bed has an average width of 3 metres or more); and

- (c) providing for an infringement to the building setback – waterbodies rule as a restricted discretionary activity (as opposed to a discretionary activity).

13.2 The stated reasons for POAL's submission are as follows:

POAL's inland freight hub site is bound to its southern boundary by an unnamed tributary of the Te Rapa Stream. The Proposed District Plan has removed the 3 metre (average) qualifying bed width of the Operative Plan, beyond which a building setback must be provided.

POAL does not support Rule 20.3.4.2 in its current format as it has the potential to constrain the future developments of the land for an inland freight hub. The Horotiu Industrial Park is identified within the Waikato Regional Plan as a regionally significant industrial node, and the imposition of the building setback requirements has the potential to constrain the efficient developments of this regionally significant land resource.

As a minimum, POAL seeks that the Operative District Plan's qualifying standard is applied to this rule.

Finally, for reasons previously discussed, POAL is opposed to the discretionary activity status and seeks that infringements to this rule are provided for as a restricted discretionary activity.

13.3 The equivalent rule of the Operative District Plan is Rule 24.46.1 which provides:

PERMITTED

24.46.1

Construction or alteration of a building is a permitted activity if:

- (a) the building is set back at least 30m from
 - (i) the margin of any lake with a bed area of 8ha or more, and
 - (ii) the bank of any river whose bed has an average width of 3m or more, and

...

13.4 The submission of POAL is therefore essentially seeking to retain the *status quo* in respect of the type of river where a setback is required to be provided. The section 42A report (at paragraph 1065) recommends that the relief of POAL is rejected for the following reasons:

[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 also note 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 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 the rejection of POAL's submission points.

- 13.5 The effects of development of the Horotiu Industrial Park on water quality are addressed through the stormwater discharge consent that is held for the Horotiu Industrial Park. In this regard, POAL have constructed the first stormwater treatment pond under this consent and will be constructing further stormwater ponds as the site is progressively developed. I also understand that further stormwater infrastructure will be established by Northgate through the subdivision of their remaining undeveloped landholding adjacent to the inland freight hub. As a result, stormwater discharges from buildings will be directed to the stormwater treatment ponds prior to discharging to the stream.
- 13.6 As discussed at paragraph 9.7, both the stormwater discharge consent and the resource consent that is held for the inland freight hub include substantial planting of the riparian margins of the unnamed tributary of the Te Rapa stream which will positively enhance the aesthetic values of the stream.
- 13.7 Therefore, and with reference to the concerns that have been raised within the section 42A report, I am of the opinion that the manner in which the Horotiu Industrial Park has been comprehensively planned in respect of stormwater management and the revegetation of its riparian margins is such that it is appropriate to retain the Operative District Plan's qualification as to the type of stream that requires a building setback.
- 13.8 In relation to the activity status for an infringement to the permitted standards of Rule 20.3.4.2, I am of the opinion that a restricted discretionary activity status is appropriate as it will enable applicants to undertake a more focused analysis of the effects generated by the

infringement to the rule, thereby reducing the scale, complexity and cost of the resource consent application process.

- 13.9 As a separate matter, I do not consider the relationship between Rule 20.3.4.2(P1) and (P3) to be as clear as it could be. The RMA definition of a “river” includes a continually or intermittently flowing body of fresh water. While it appears that Rule P3 is intended to apply only to perennial or intermittent streams, and that Rule P1 applies to all other streams that are not perennial or intermittent streams, it is not explicit (and has the potential to be interpreted as requiring both a 30 metre and a 10 metre building setback to perennial or intermittent streams).
- 13.10 Having regard to the above matters, I consider the following changes to Rule 20.3.4.2 are necessary to address this matter:

20.3.4.2 Building setback – water bodies

P1	(a) A building must be set back a minimum of 30m from: (i) the margin of any: A. lake; B. wetland; and C. river bank <u>whose bed has an average width of 3m or more</u> , other than the Waikato River and Waipa River <u>or a perennial or intermittent stream</u> .
P2	A building must be set back at least 50m from a bank of the Waikato River and Waipa River.
P3	A building must be set back a minimum of 10m from the bank of a perennial or intermittent stream <u>whose bed has an average width of 3m or more</u> .
P4	A public amenity of up to 25m ² , or a pump shed within any building setback identified in Rule 20.3.4.2 P1, P2 or P3.
<u>RD1</u>	A building that does not comply with Rule 20.3.4.2 P1, P2, P3 or P4. <u>Council's discretion shall be restricted to the following matters:</u>

	<p>(a) <u>effects of the location, intensity, scale and form of subdivision, use and development in relation to natural character;</u></p> <p>(b) <u>the extent of indigenous vegetation clearance and modification (including earthworks, disturbance and structures);</u></p> <p>(c) <u>cumulative effects on natural character and landscape values.</u></p>
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13.11 I acknowledge that there may be other parts of the Light Industry Zone (that do not form part of the Horotiu Industrial Park) where rule as notified may be a reasonable proposition. Therefore, if the Panel is of the opinion that the relief sought by POAL is not appropriate in terms of its wider implications, I would support the inclusion of a specific rule for the Horotiu Industrial Park within the provisions of Chapter 20.6.

14. CONSEQUENTIAL CHANGES TO CHAPTER 20.6 HOROTIU INDUSTRIAL PARK

14.1 In preparing this statement of evidence, I have identified the following consequential changes to the provisions of Chapter 20.6 as they relate to the Horotiu Industrial Park.

Application of rules in Horotiu Industrial Park

14.2 Rule 20.6.1(a) (Application of rules) states that the rules in Chapter 20 for the Industrial Zone apply to the Horotiu Industrial Park, except for the land use activities listed as Rules 20.1.1, 20.1.2 and 20.1.3. Rule 20.6.1(b) goes on to state that the rules in Specific Area 20.6 “*take precedence where there is any inconsistency with the rules in Chapter 20*”.

14.3 The rules that are contained within Specific Area 20.6 are intended to replace the equivalent rules in Chapter 20 for the Industrial Zone. I am unclear as to what the term “*takes precedence where there is any inconsistency*” means in this context as it could be interpreted to mean that both sets of provisions technically apply either in whole or in part.

- 14.4 I consider that further clarification is required in respect of the structure of the Specific Area provisions, and recommend the following amendments:

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 unless otherwise specified below, except for all land use activity rules listed as Rules 20.1.1, 20.1.2 and 20.1.3).

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

- 14.5 By creating the above exception within Rule 20.6.1(a), it is clear to the reader that the rules in Chapter 20 for the Industrial Zone apply unless there is an equivalent rule contained within Specific Area 20.6, and Rule 20.6.1(b) can therefore be deleted as it is no longer required.

Construction or demolition of, or alteration or addition to, a building

- 14.6 In response to other submissions, the section 42A report (at paragraph 208) recommends that the 'construction or demolition of, or alteration or addition to, a building' is expressly provided for as a permitted activity within the Industrial Zone.
- 14.7 While I agree with the recommendations of the section 42A report in this regard, the equivalent activity status is also required to be incorporated into the Specific Area provisions for the Horotiu Industrial Park (otherwise there will be a "gap" in the plan, and the 'construction or demolition of, or alteration or addition to, a building' would technically fall to be considered as a discretionary activity; being not otherwise provided for within the Specific Area provisions).
- 14.8 I therefore consider the following change is required to Rule 20.6.2.1 of the Proposed Plan:

20.6.2.1 Permitted Activities

<u>Activities</u>		<u>Activity-specific conditions</u>
<u>P1</u>	<u>Industrial activity</u>	<u>Nil</u>
<u>P2</u>	<u>Ancillary activity</u>	<u>Nil</u>

<u>P3</u>	<u>Trade and industry training activity</u>	<u>Nil</u>
<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>
<u>P8</u>	<u>Construction or demolition of, or alteration or addition to, a building</u>	<u>Nil</u>

Cascade of provisions

- 14.9 I note that Rule 20.6.5.1 (Subdivision – General) does not contain an activity status in the event that the restricted discretionary activity conditions are not met in respect of lot sizes. In order to address this matter, I recommend the following changes to Rule 20.6.5.1:

20.6.5.1 Subdivision - General

<u>RD1</u>	<u>(a) Subdivision must comply with all of the following conditions:</u> <u>(i) proposed lots (excluding access allotments and utility allotments) must have a minimum net site area of 500m²</u> <u>(ii) proposed lots for a network utility must have a minimum net site area of 100m²</u> <u>(b) Council's discretion is restricted to the following matter:</u> <u>the extent to which a range of future industrial activities can be accommodated</u>
<u>RD2</u>	<u>(a) Subdivision not in accordance with RD1.</u> <u>(b) Council's discretion is restricted to the following matter:</u> <u>(i) the extent to which a range of future industrial activities can be accommodated</u> <u>(ii) effects on the supply of industrial land within Horotiu Industrial Park</u> <u>(iii) function of the Horotiu Industrial Park as a regionally significant industrial node</u>

- 14.10 There may be other controlled or restricted discretionary activity rules in the Industrial Zone that require similar amendments.

Ports of Auckland Limited
Submission number 578
Further Submission number FS1087

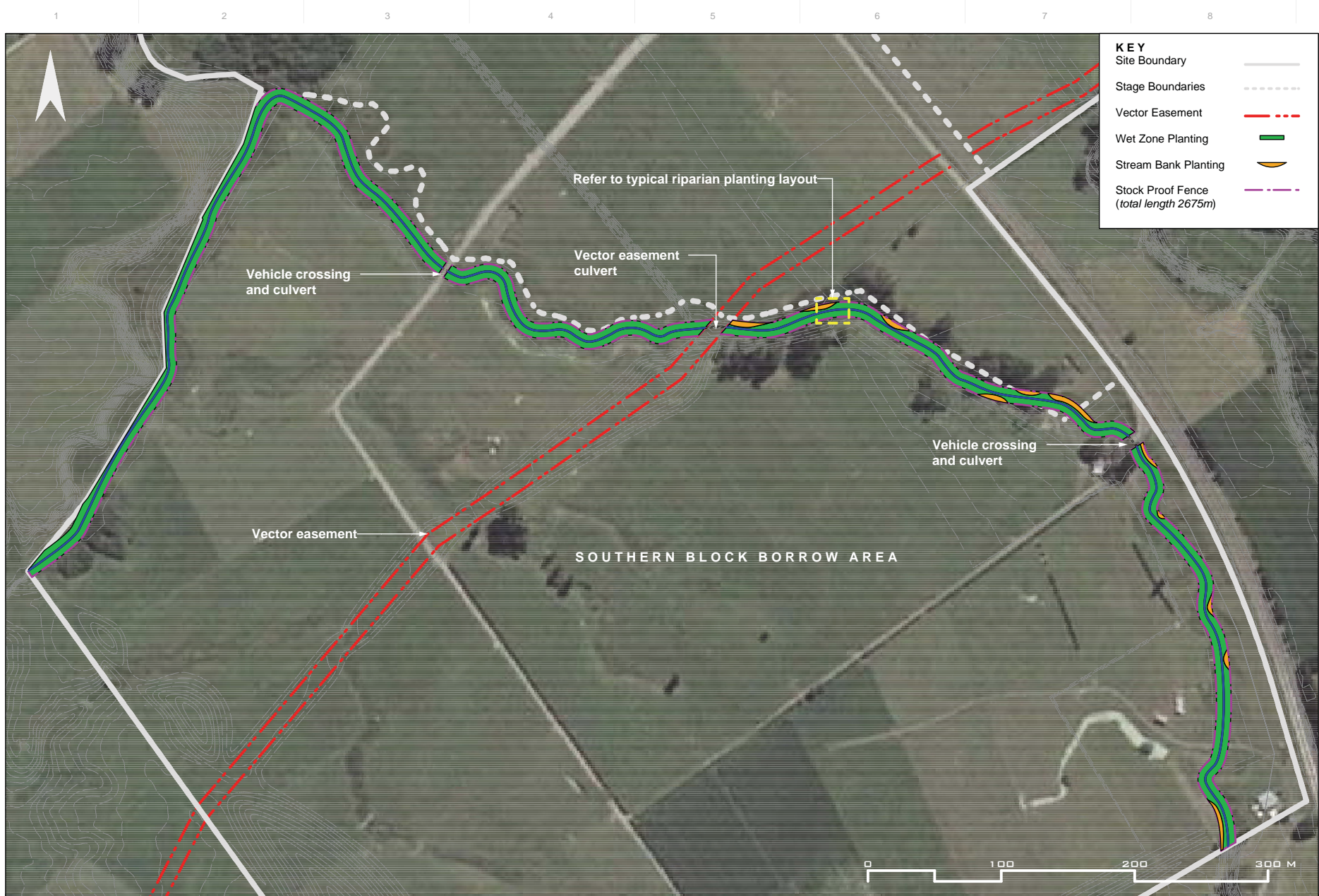
Proposed Waikato District Plan
Primary evidence - Mark Arbuthnot

Mark Nicholas Arbuthnot

9 December 2019

Attachment 1

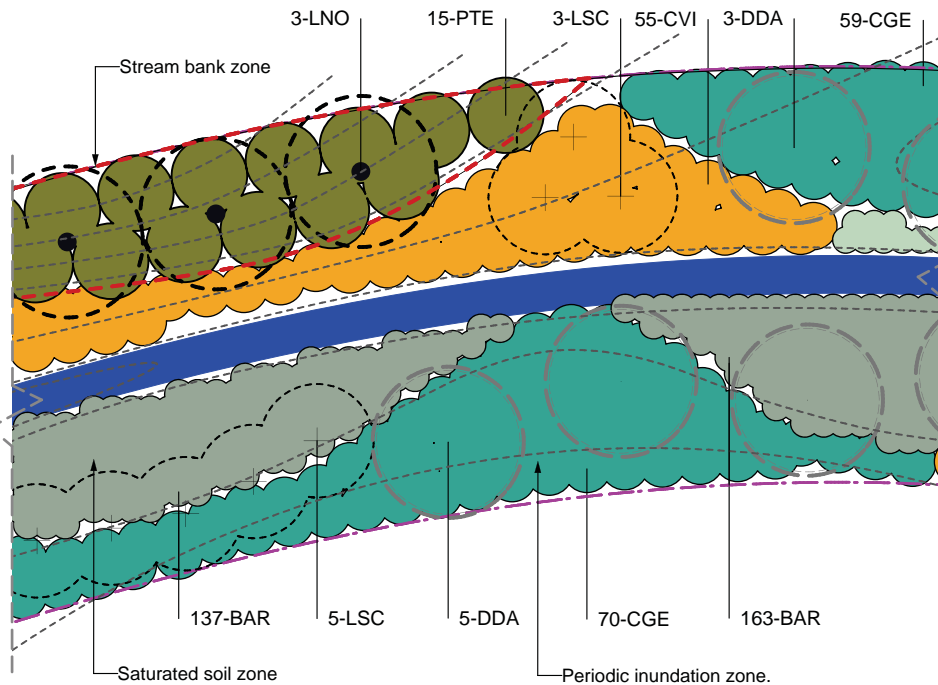
Stormwater discharge consent -
consented planting plan



Plant Schedule							
Stream Bank Planting							
ID	Common Name	Botanical Name	% Mix	Spacing (m)	Grade	Mature Height	Quantity
Large Trees							
LNO	Pukatea	<i>Laurelia novae-zelandiae</i>	N/A	4	Pb 2.3	30 - 35m	30
PTO	Totara	<i>Podocarpus totara</i>	N/A	5	Pb 3-5	20 - 25m	20
Small Trees							
CAU	Cabbage tree, ti kouka	<i>Cordyline australis</i>	8	2	Pb 3-5	8 - 10m	27
KER	Kanuka	<i>Kunzea ericoides</i>	5	2	Pb 2.3	6 - 8m	20
LSC	Manuka	<i>Leptospermum scoparium</i> [^]	5	2	Pb 2.3	3 - 4m	20
SMI	Kowhai	<i>Sophora microphylla</i>	5	2	Pb 3-5	6 - 9m	20
Shrubs							
CRO	Karamu	<i>Coprosma robusta</i>	8	1.5	Pb 2.3	2 - 4m	27
CROT	Round-leaved coprosma	<i>Coprosma rotundifolia</i>	8	1.5	Pb 2.3	2 - 3m	27
HST	Koromiko	<i>Hebe stricta</i>	8	1.5	Pb 2.3	1 - 2m	27
MEX	Kawakawa	<i>Macropiper excelsum</i>	8	1.5	Pb 2.3	2 - 3m	27
Flaxes & Grasses							
CFU	Toetoe	<i>Cortaderia fulvida</i>	15	1.5	Pb 2.3	1.5 - 2m	54
DNI	New Zealand blueberry	<i>Dianella nigra</i>	15	0.5	Pb 2.3	0.5m	54
PTE	Harakeke/flax	<i>Phormium tenax</i> [^]	15	2	Pb 2.BR	2m	54
Wet Zone Planting							
ID	Common Name	Botanical Name	% Mix	Spacing (m)	Grade	Mature Height	Quantity
Large Trees							
DDA	Kahikatea	<i>Dacrycarpus dacrydioides</i> [^]	N/A	5	Pb 3-5	35 - 40m	240
LNO	Pukatea	<i>Laurelia novae-zelandiae</i> [^]	N/A	4	Pb 2.3	30 - 35m	300
Small Trees							
CPR	Mingaminga	<i>Coprosma propinqua</i> [^]	4	2	Pb 3-5	4m	243
CME	Ponga	<i>Cyathea medullaris</i> [^]	4	2	Pb 3-5	8m	243
LSC	Manuka	<i>Leptospermum scoparium</i> [^]	6	2	Pb 3-5	4m	364
SMA	Swamp maire	<i>Syzygium maire</i> [*]	4	2	Pb 3-5	8 - 10m	243
Shrubs							
CTE	Swamp coprosma	<i>Coprosma tenuicaulis</i> [*]	4	1.5	Pb 2.3	2 - 3m	243
Flaxes & Grasses							
AGR	Swamp astelia	<i>Astelia grandis</i> [*]	6	1	Pb 2.3	1 - 2m	364
BAR	Sedge	<i>Baumea articulata</i> [*]	6	0.5	Pb 2.3	1 - 2m	364
BRU	Sedge	<i>Baumea rubiginosa</i> [*]	6	0.5	Pb 2.3	1 - 2m	364
CGE	Sedge	<i>Carex geminata</i> [^]	10	1.5	RT,Pb 2.BR	1m	606
CSE	Swamp sedge	<i>Carex secta</i> [^]	15	1.5	RT,Pb 2.BR	1 - 1.5m	909
CVI	Swamp sedge	<i>Carex virgata</i> [^]	15	1	RT,Pb 2.BR	1m	909
EAC	Spike rush	<i>Eleocharis acuta</i> [*]	5	1	Pb 2.3	1m	303
PTE	Harakeke/flax	<i>Phormium tenax</i> [^]	15	2	Pb 2.BR	2m	909
						Total	7011

* Species tolerant of saturated soils
^ Species tolerant of periodic inundation

Note: Plant numbers based on averaging Lidar data.



Typical Riparian Planting Layout. Scale 1:100 at A1

Planting Strategy

The objective of this planting strategy is to enhance the riparian strips along the Te Rapa Stream and its tributaries. The plant list is based on Indigenous Vegetation Types of the Ecological District (Clarkson, Clarkson and Downs, 2001) and the Hamilton City Council Restoration Guide (Clarkson and Wall, 2006) and incorporates preferred species of the Turangawaiwai Board of Trustees. A 5m band of planting will be established either side of the stream within the Southern Block of the site. Appropriate plant mixes are identified for 'Wet Zone' areas (flatter areas prone to periodic inundation and containing saturated soils) and 'Stream Bank' areas (on the steeper parts of the stream channel) to ensure planting is suited to the site conditions.

Site Preparation Notes

- Care shall be taken to ensure the continuous protection and maintenance of any existing services affected by the works.
- All exotic trees shall be felled and removed from areas to be planted prior to planting. Trunks shall be cut 50mm above ground level and painted with glyphosphate (2 litres + 10ml penetrant (e.g. *Pulse*) per 10 litres of water) or *Vigilant* herbicide gel.
- Spot spraying (1m² areas) with *Samuri* (produced by Zelam and recommended for use near waterways) at manufacturers recommended rates shall be carried out two weeks prior to planting to remove grasses and weeds from all planting areas. Complete die off shall have occurred before planting commences. Care shall be taken to ensure no weed spray enters any watercourse. Spraying shall not occur in wet areas and unused spray shall not be disposed of into nearby drains or watercourses.

Implementation Notes

- Planting shall occur in the areas shown on this plan. All plants shall conform to the species, measurements and requirements indicated in the Plant Schedule.
- Areas of saturated soils within the Wet Zone shall be planted with species tolerant of these conditions (identified in the plant schedule).
- Plants shall be eco-sourced indigenous species, where possible.
- All plants shall be of best nursery stock, healthy specimens with well developed root systems, free of pest and disease, well branched and symmetrical, and of typical normal habit for that particular species. Root bound specimens shall be rejected.
- Planting shall be carried out between late April and early September. All trees and shrubs shall be planted in a quincunx layout in groups of odd numbers (3,5,7) rather than in pairs of even numbers. All flaxes and grasses shall be planted in large swathes as shown in the typical planting layout detail.
- Ensure that protection is given to all plants and their root systems during transportation and storage, and that plants do not become dehydrated. Bare rooted specimens shall be planted on the day of delivery.
- Plant holes shall be square and twice the diameter of the root ball. Plants shall be planted to same depth as they are growing in their planter bags. Roots shall be spread radially and the hole, backfilled with soil and firmed in.
- Fertilise all trees and shrubs at time of planting with Taupo Native Nursery Controlled Release Fertiliser Tablets, or similar, at the recommended manufactured rates.
- All plants shall be well watered in immediately following planting. Planting shall not be carried out during heavy rain or on excessively hot/cold and/or windy days.
- Planting shall not be undertaken in the stream or within the Vector Easement.

Fencing

Stock shall be excluded from all planted areas using suitable permanent stock proof fences.

- Supply and install a five wire post and batten fence where indicated on this plan. The minimum standard for all fencing shall be:
 - High tensile steel fencing wire of minimum 2.5mm diameter;
 - Fence posts of no less than 130mm diameter (5");
 - No more than 8m between posts;
 - Minimum of four battens evenly spaced between posts;
 - Strainer posts of no less than 200mm diameter.
- Strain all fencing wire in accordance with standard rural fencing practice.

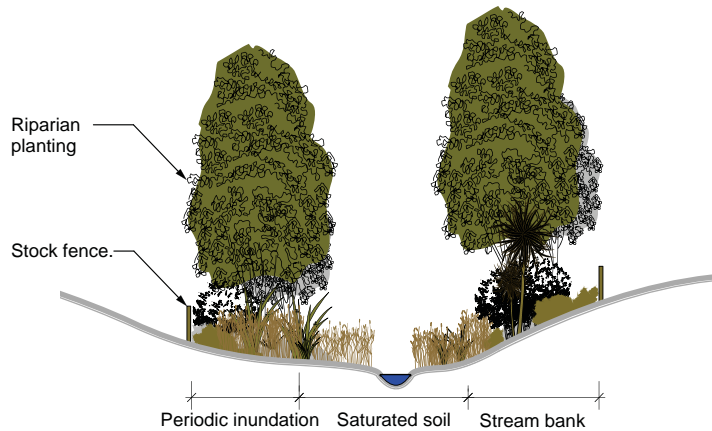
Maintenance and Monitoring Programme

The monitoring and maintenance programme shall include all softworks identified on this plan for a period of 1 year after establishment. Maintenance shall include weed control, pest and disease control and replacement of dead or damaged plants. During the establishment phase planting shall be inspected on a 3 monthly basis.

Inspection regime:

- Release spray with *Samuri* (Zelam Ltd) at manufacturers recommended rates around all planting twice a year or as required. Care shall be taken to prevent spray drift and spray contact with trees, shrubs, climbers and ground covers. Do not dispose of unused spray into nearby drains. Where mechanical trimmers and weed eaters are used for weed control ensure that ringbarking of trees and plants does not occur.
- Replace dead or dying plants with healthy specimens of the same species and varieties as indicated on the drawings.
- Ensure that adequate hydration is provided to all plants and to ensure no water stress is experienced by plants during their establishment and long term.
- Monitor plants for signs of damage from pests such as rabbits or possums. If signs occur, take appropriate pest control action in order to minimise plant damage and replace all dead or dying plants.

Note: Following the establishment phase, on-going maintenance will be the responsibility of the landowner. The inspection regime should continue to be implemented on a six monthly basis for 3 years.



Typical Riparian Planting Cross Section. Scale 1:100 at A1



Consultants:

The purpose of this plan is to show the general intent of the design and may not be complete in every detail. This plan shall be read in conjunction with all other contract documents. Should quantities differ between the plan and specifications or clarification is required, contact the designated project manager before proceeding. The contractor shall confirm all dimensions and quantities on site before commencing work.

Drawn By: LM

Checked: DM

Revision No: R0

Amendments:

Project:

Te Rapa Stream Riparian Planting

Client:

Northgate
Developments Ltd

Plan Name:

Riparian Planting Plan

A3 Scale: 1:2000

A1 Scale: 1:1000

Date: 17-11-2010

Project No: 2010-075

Issue: Consent

Plan Number:

P1

Attachment 2

Port of Auckland Waikato Development Planting Plan

The objective of this planting plan is to enhance and restore the riparian margins along the section of the Te Rapa Stream that surrounds the Ports of Auckland (POAL) Waikato Development site. The ecology of the area proposed to be developed by POAL has been highly modified by a history of sand quarrying and intensive farming. The site sits within a highly modified landscape, and the last 150 years have seen the loss of 98% of the lowland forest (Harding 1997), semiswamp forest and wetland systems of the Hamilton Basin as a result of urban expansion, agricultural development and other land use. Vegetation at the POAL site is dominated by pasture and exotic trees, including stands of radiata pines. A small area of planted indigenous vegetation is present along a section of the stream bank. A wide range of exotic pest plants (weeds) is present throughout the property.

The plant list developed for this site has been guided by edge of Indigenous Vegetation Types of the Ecological District (Clackson, Clarkson and Downs, 2001) and the Hamilton City Council Restoration Guide (Clarkson and Wall, 2006), and incorporates preferred species of the Turangawaiwai Board of Trustees. Planting is to take place on the POAL owned side of the stream. Appropriate plant mixes are presented for two zones: wet areas adjacent to the stream ('Wet Zone', flatter areas prone to periodic inundation and featuring saturated soils), and drier more elevated areas ('Stream Bank Zone', on the steeper parts of the stream channel). This will ensure that plant species are chosen that are suitable to the environmental conditions of each zone.

RESTORATION OBJECTIVE

To restore indigenous vegetation zones on one side of the stream, in order to protect and enhance aquatic and riparian habitat, and to create a corridor and refuge for indigenous fauna species.

Planting:

- Plants should be sourced from the Hamilton Ecological District. Plant material grown from natural populations in neighbouring districts is preferred to non-ecosourced material. This helps to retain the genetic integrity of local plant populations as well as ensuring plants are suited to the local conditions.
- All plants are to be true to name and grade.
- Planting is best done in autumn when there is sufficient soil moisture and soil temperatures are still high enough to promote root growth. Planting at this time allows plants to put on significant root growth while the soil is still warm so that when the spring flush starts they are already well established. Planting can be done right through winter and into spring but spring-planted trees may struggle if the following summer is particularly dry.

Pre-Planting Weed Control:

- Vegetation that may compete with planted indigenous species for resources will need to be removed prior to planting. Only herbicides certified for use over water should be used along the stream; these include Garlon 360® for brush weeds and some glyphosate formulations for general use. Any pest plants within planting sites should be controlled well in advance of planting. Spot-spraying for control of weed and grass growth within the planting areas should be carried out with a contact herbicide (i.e. Roundup G2 with 'Pulse') about 14 days prior to planting. This reduces competition and reduces the amount of maintenance required in the first few months. Care should be taken with the application of herbicide around waterways, ensuring no pesticides enter them.

Planting Layout:

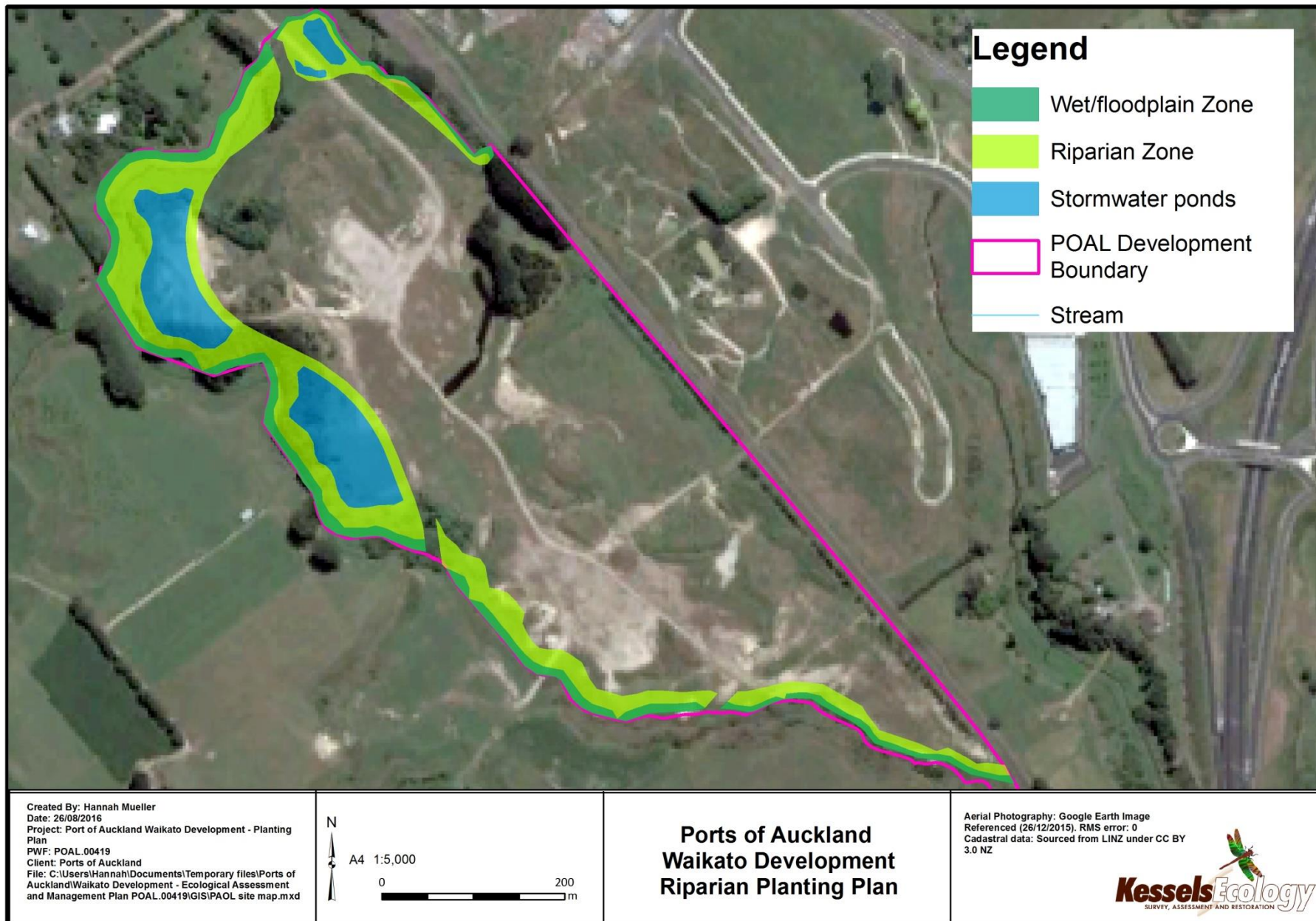
- Plants should be spaced at an average density of 0.5 m centres in the Wet/Floodplain Zone in wetter areas close to the stream channel that may at times of flood be inundated for shorter periods of time, and 1.5 m in the Riparian Zone covering the banks of the stream and drier areas.
- Trees and shrubs planted in riparian areas should be planted about 1 to 1.5 m apart on average. This equates to 4,500 plants per hectare or 45 plants per 100 m². Grasses and sedges can be planted more closely and if you are planning a planting with shrubs and grasses an average of 0.5 m could be used to calculate the number of plants required. For wetlands where plants are generally smaller an average spacing of no more than 1 m should be used.
- Sedges and rushes are to be planted at 0.5 metre centres in a random mix as would occur naturally.
- Shrubs are generally to be planted at 1.5 metre centres in groups of 3, 5 or 7. Small trees (e.g. cabbage trees) are to be planted at 2-3 m centres in groups of 5 or 7. Larger trees (e.g. totara, rimu and tawa) are to be planted as single trees at 4-5 m centres.
- Trees are to be staked with one stake per tree on the drier slopes. Stakes are to be 1.8 m x 50 mm x 50 mm, untreated pine or hardwood and placed vertical to 1 m height. Trees do not need to be tied to the stakes as this may cause damage to the trees.
- A slow release, general purpose fertiliser is to be applied in the bottom of the planting hole prior to planting – this is for tree specimens in dry areas only. Application is to be in accordance with the manufacturer's instructions.
- 50 x 50 cm old carpet or weed-mat squares could be laid around all planted tree specimens to reduce growth of smothering weeds and grasses.



Open areas along the stream will be planted along one side of the stream (true right bank). Enhancement plantings will add value to the degraded stream, and restore aspects of terrestrial and freshwater habitat.



Present at risk species such as inanga will benefit from the partial restoration of this stream section.



Planting Techniques:

It is important that planting is done correctly so that plants have the best chance of survival. Good contractors will be well versed in good planting method but if plantings are to be carried out by the landowners or unskilled labourers it is important to ensure that it is done correctly. Once removed from the pot the roots can be gently loosened by running the tips of your fingers down the side of the root ball several times. It is best not to disturb the root ball too much as some species such as manuka are very sensitive to root disturbance. The planting hole should be one and a half times the width of the root ball and just a bit deeper. The bottom of the hole can be loosened if the soil is dense. The plant should then be placed so that the top of the root ball is level with the ground surface and back-filled with loose soil. The plant can then be 'heeled in' by lightly stamping on the soil around it. In order to deal with the presence of rabbits or hares plastic sleeves should be placed on the bottom 25 cm of new plantings to prevent rabbits to ring-bark and destroy young saplings.

Maintenance:

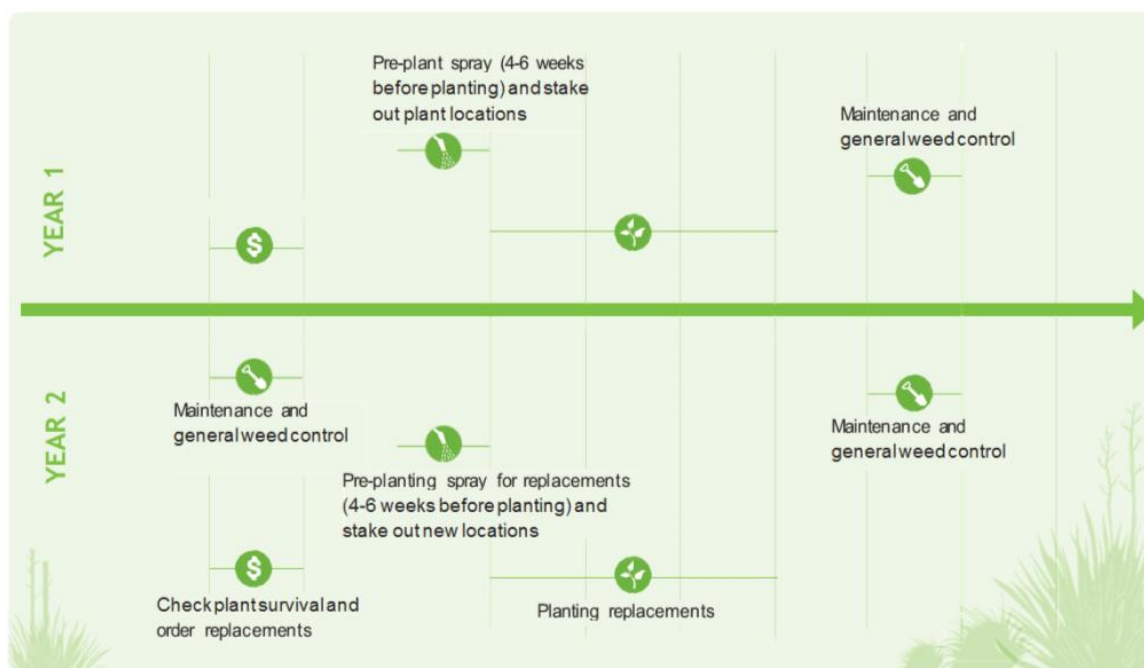
Weed control and releasing of plants should be carried out four times per year for at least three years following completion of planting, or in non-wetland areas until 80% canopy cover of planted species is achieved. This involves removing weeds and competing vegetation from around each plant (releasing) by either spraying or mechanical means (brush cutter). Grasses can be quickly cleared by hand if preferred. Regular releasing is very important and promotes fast growth, which minimises time to canopy closure. The plantings should be inspected three months after planting and any dead or dying plants removed and replaced with the same species.

Maintenance will be required in all planted areas of indigenous vegetation for up to five years post-planting or until neighbouring plants meet to form a canopy. Most plantings will require maintenance up to four times during the first year and at least twice a year over the next four years. Any pest plants such as blackberry within planting areas should be sprayed or pulled out. Take care not to use residual herbicides such as Brushkiller (e.g. Tordon® or Grazon®) or metsulfuron (e.g. Escort®) around planted seedlings as these can be absorbed through the roots and kill the plants. Glyphosate is the best herbicide to use in these situations but take care not to overspray, and not to spray too close to waterways to avoid herbicide entering the stream. Once plants have over-topped the surrounding weeds only periodic maintenance will be required to ensure that pest plants do not re-establish.

A generalised planting and maintenance work schedule is shown in the **Error! Reference source not found.**below.

Maintenance methods that can be used include:

- Hand weeding or even just trampling the grass and weeds from around the plant.
- Chipping the grass and weeds away with a spade or shovel.
- Use of a weed eater – taking care not to hit the newly planted trees.
- Spraying – it is suggested that only glyphosate is used and extreme care is taken to ensure desired plants are not sprayed. Spraying is by far the most effective method for large plantings.



Riparian and wetland planting calendar – two year plan

Table 1: Plant schedule for Wet/Floodplain and Riparian Zones

Wet/Floodplain Zone				
Area (ha)	1.49	Total Plants	6,728	
Species	Common name	Proportion of the mix	Number required	Spacing
<i>Machaerina articulata</i>	jointed twig rush	8%	538	0.5m
<i>Eleocharis sphacelata</i>	bamboo spike rush	8%	538	0.5m
<i>Carex secta</i>	purei	10%	673	0.5m
<i>Carex virgata</i>	pukio	10%	673	0.5m
<i>Leptospermum scoparium</i>	manuka	10%	673	0.5m
<i>Cyperus ustulatus</i>	giant umbrella sedge	8%	538	0.5m
<i>Phormium tenax</i>	flax	13%	875	1.5m
<i>Carpodetus serratus</i>	putaputaweta	8%	538	1.5m
<i>Hebe stricta</i>	koromiko	7%	471	1.5m
<i>Dacrycarpus dacrydioides</i>	kahikatea	3%	202	1m
<i>Cordyline australis</i>	ti kouka	15%	1,009	1.5m
		100%	6,728	

Riparian Zone				
Area (ha)	4.24	Total Plants	6,790	
Species	Common name	Proportion of the mix	Number required	Spacing
<i>Dacrycarpus dacrydioides</i>	kahikatea	5%	339	4.5m
<i>Kunzea ericoides</i>	kanuka	12%	815	1.5m
<i>Coprosma robusta</i>	karamu	10%	679	1.5m
<i>Dysoxylum spectabile</i>	kohekohe	3%	204	4.5m
<i>Hebe stricta</i> & <i>H. Macrocarpa</i>	koromiko	10%	679	1.5m
<i>Sophora microphylla</i>	kowhai	7%	475	1.5m
<i>Pseudopanax crassifolius</i>	lancewood	3%	204	1.5m
<i>Aristotelia serrata</i>	makomako	7%	475	1.5m
<i>Leptospermum scoparium</i>	manuka	9%	611	1.5m
<i>Prumnopitys taxifolia</i>	matai	4%	272	4.5m
<i>Laurelia novae-zelandiae</i>	pukatea	3%	204	4.5m
<i>Cordyline australis</i>	ti kouka	9%	611	1.5m
<i>Podocarpus totara</i> var. <i>totara</i>	totara	13%	883	4.5m
		100%	6,790	

Weed Control

Pest plants (weeds) have the potential to affect the long-term survival of indigenous plants and plant communities by smothering, shading or otherwise competing with indigenous plants. Weeds will reinvade any area left 'empty' and ungrazed or unmowed. To prevent reinfestation of weeds, the targeted areas will have to be monitored and weed control carried out as necessary. Generally, weed control should take place over the spring and summer months when plants are actively growing.

A range of weed species are present on the property invasion of planted areas with weeds will need to be controlled. Weeds that have the potential to alter or disturb natural processes in established native vegetation or prevent establishment of native vegetation should be the priority. Priorities for weed control are included in 2.

While digging or pulling out may deal with small patches of pest plants, larger infestations may be easier dealt with by applying herbicides to the affected area. It is important to appropriately dispose of any waste containing weeds to lower the risk of transferring plant material to other areas. Refuse

transfer stations and certain green-waste facilities may be able to handle garden waste containing weeds appropriately.

Blackberry is difficult to control and may require multiple sprays over the course of spring and summer. Weed re-growth should be regularly monitored and follow-up spraying should be done as required. It is much easier to maintain weeds at low levels permanently than to control them if they are allowed to re-grow. However, care should be taken to protect new plantings from herbicides by either covering, foaming agent to reduce drift, adding a marker dye to see where an area has been sprayed, as well as only spraying during calm fine weather to minimise undesired spread or runoff of herbicide.

While herbicide application is an effective method to clear weedy plants from larger areas it also opens up the ground for re-invasion by the same or different suit of pest plants. Therefore, new plantings should be established in cleared areas as soon as feasible after the applied herbicide has broken down enough for young plants to survive. Mulching may also be used to cover cleared areas prior to planting.

Blackberry should be removed thoroughly as it can quickly re-invade a restoration area following initial control measures. Spraying is the most practical control method for this site and should be undertaken during periods of active growth, which is generally from late November through to April. Marker dyes should be used to help indicate the level of coverage as it is important that good coverage is achieved. Only herbicides certified for use over water should be used along the riparian margins; these include Garlon 360® for brush weeds and some glyphosate formulations for general use.

When working with herbicides always follow manufacturer's instructions regarding mixing and application, as well as ensure that any additives are compatible with the herbicide used. Always apply herbicides correctly and safely to prevent any health hazards. For the use of certain herbicides a current approved handler certificate may be required.

Large patches of blackberry can be sprayed (summer - autumn) with metsulfuron-methyl (7.5 g/15 L) or triclopyr (60 ml/15 L). Be aware that spraying is only effective before leaves become brittle. Spray at least six months before planting to allow adequate time for the residual herbicide to break down.

Small patches can be removed by digging out root crowns and rhizomes (year round), or cut stems and apply glyphosate (400 ml/L) to stumps. Dispose of plant material appropriately.

The herbicide, metsulfuron-methyl has residual effects and may damage new plantings via uptake through the root system. Therefore, it is best to avoid using residual herbicides near areas of restoration planting, or allow for an adequate amount of time (this may be six months to a year depending on soil conditions and herbicide application) between application and planting. Where only residual herbicides are able to kill a patch of weedy plant species a two-stage approach may be required. Hereby an initial application of a residual herbicide may be used to kill a certain pest plant species, while a follow up application of a non-residual herbicide closer to the planting time may be used to prepare the area.

Additional weed control methods can be found at www.weedbusters.org.nz.

Table 2: Weed control priorities for riparian areas.

Common name	Botanical name	RPMP Designation	Location & notes	Control priority for biodiversity purposes
Blackberry	<i>Rubus fruticosus</i> agg.	None	Blackberry is widespread, including along the stream margins. Follow-up control will likely be required and may be on-going in open areas until native vegetation re-establishes.	Medium
Gorse	<i>Ulex europaeus</i>	Sustained Control pest plant: must be controlled within 20 m of a boundary if adjacent landowner complains.	Gorse is present throughout in patches. Careful control of gorse in this area will allow natives to regenerate.	Low
Japanese honeysuckle	<i>Lonicera japonica</i>	An 'unwanted organism' as defined in the Biosecurity Act 1993.	Japanese honeysuckle is found in patches along the riparian areas. This species can form dense patches if left un-controlled.	High
Pampas	<i>Cortaderia jubata</i>	Progressive containment	Pampas is common through large parts of the site. Pampas should be eradicated to prevent further spread.	High

Pest Animal Control

Several pest animal species are likely to be present on the property. Rabbits were observed during the site visits. Possums, rats, mice, mustelids (stoats, ferrets & weasels), cats, and hedgehogs are also likely to be present. All of these pests have some impact on vegetation or fauna and can impact ecological processes such as regeneration. Possums, rodents and mustelids are likely to have the biggest impact on the indigenous values of the site and should be controlled. It is recommended that possum and rat control is set up using regularly-filled bait-stations but kill-traps could be used as an alternative. Mustelid control is relatively cheap and easy to set up. It is important to remember that control efforts restricted to localised areas such as this will have no impact on the wider population and re-invasion by pests will be on-going. However, ongoing pest control will improve canopy health and regeneration of indigenous plants, and increase the breeding success and survival of the birds that inhabit the site.

Possums

To effectively control possums (*Trichosurus vulpecula*) either poison or a kill trap needs to be placed within each possum's territory. Spacing kill traps or bait stations at 100 - 150m apart is sufficient for possums but if rats are to be targeted simultaneously the spacing should be reduced to 75m. The control of possums using poison is by far less labour intensive because once it is placed in the bait stations it can go on killing pests for weeks without needing to be checked. All kill traps apart from the self-resetting Good Nature traps can only kill one pest before needing to be re-set. This means that they need to be checked much more regularly than bait stations. However, kill traps are safer to use and there is no risk of poison entering the ecosystem. Self-resetting traps could be considered for the project although possum numbers may not be high enough to warrant the extra expense. Poisons which could be used include brodifacoum (Pestoff®), cholecalciferol or cyanide although cyanide does require a Controlled Substances Licence (CSL) to buy or use. Both brodifacoum and cholecalciferol can also be used to target rats.

If using poison, bait stations should be kept full for at least two weeks after which any remaining bait should be removed and discarded sensibly. Similar two-week pulses of poison should be put out four or five times per year to keep possum and rat numbers down. If only a small amount of bait is taken reduce the amount used in each station and reduce the number of times per year that

stations are filled. This pulsing method, rather than keeping bait stations filled year-round, reduces the chance of pests becoming bait-shy. Bait should always be put out at the end of winter when possums and rats are hungriest which ensures a better kill rate. Reducing pest numbers at this time means there are lower pest numbers over the bird breeding season.

Bait stations should be nailed to the inside of fences or attached to trees and kept at least 20 m from the streams if possible or where there is no chance of any spilled toxin entering the waterway. Bait stations are most effective if installed about 20 cm off the ground but if dogs are likely to have access to the site they should be installed higher. A stick or log leant firmly against the mouth of the bait station will ensure rats and possums can still gain access.

Rodents

Ship rats (*Rattus rattus*), Norway rats (*Rattus norvegicus*) and mice (*Mus musculus*) may all be present in the area. Rodents feed on fruit and seeds from shrubs and grasses, invertebrates, fish eggs, and birds and their eggs. Control methods which could be used include poisoning using bait stations or trapping with kill traps. The self-resetting A24 traps from Goodnature are a good option if the regular checking required with standard kill traps will be an issue. There are bait stations and poisons specifically designed for rodents but if poisons are chosen it is recommended that a bait station and poison combination that can control possums and rats together is used, as discussed above. Rats generally have a much smaller home range than possums so traps or bait stations need to be spaced between 50m and 75m apart to achieve good results.


Mustelids

Mustelids pose a serious threat to native fauna, especially birds. Stoats (*Mustela erminea*), ferrets (*Mustela furo*), and weasels (*Mustela nivalis vulgari*) are all likely to visit the property on a regular basis. Mustelids eat adult birds, chicks and eggs as well as predating lizards and invertebrates. Mustelids also eat rodents and if rodent numbers are reduced they may predate birds more heavily. The control of mustelids involves using traps baited with eggs or meat and is reasonably labour intensive. An excellent method for mustelid control utilises DOC 200 traps set in specially designed tunnels that exclude non-target species. The use of the slightly larger DOC 250 trap will also enable control of ferrets. Information about these traps and their use can be found at www.predatortraps.com and they can also be bought via the website. Mustelids tend to travel along easy routes like bush edges, fences, streams, or tracks and this should be considered when placing traps. Traps should be placed approximately 200 - 250 m apart and should be moved from time to time.

Fencing

Fences will be required to ensure stock do not have access to the restoration area at any time. Suitable permanent stock proof fences shall be used. A seven wire post and batten fence should be sufficient to exclude stock. The fencelines will need to be checked and maintained as required. Annual checks should be sufficient in general, but further checks should be undertaken within a few days following a major storm event, where breakage of large branches or toppling trees, as well as high water levels may have caused damage to the fenceline. Any damage to the fence should be recorded and repaired as soon as possible.

Prepared by: Hannah Mueller



Reviewed by: Gerry Kessels



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Attachment 3

Recommended changes to
Chapter 20

Changes recommended by Section 42A report are shown in ~~strike through~~ and underline
Changes sought by POAL are shown in ~~strike through~~ and underline

4.6 Industrial and Heavy Industrial Zones

4.6.1 Objective – Economic growth of industry

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

4.6.2 Policy – Provide Industrial Zones with different functions

- (a) Recognise and provide for a variety of industrial activities within two industrial zones that have different functions depending on their purpose and effects as follows:
 - (i) Industrial Zone
 - A. Recognise and provide for a range of industrial and other compatible activities that can operate in close proximity to more sensitive zones due to the nature and relatively limited effects of these activities, including visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and traffic, subject to appropriate separation distances.
 - (ii) Heavy Industrial Zone
 - A. Recognise and provide for a range of industrial and other compatible activities that generate potentially significant effects on more sensitive zones, including relatively high levels of visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and heavy traffic, subject to appropriate separation distances.

4.6.3 Policy – Maintain a sufficient supply of industrial land

- (a) Maintain a sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial zones.

4.6.4 Policy – Maintain industrial land for industrial purposes

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

4.6.5 Policy – Recognition of industrial activities outside of urban areas

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

4.6.6 Objective – Manage adverse effects

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

4.6.7 Policy – Management of adverse effects within industrial zones

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

4.6.8 Policy – Specific activities within Nau Mai Business Park

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

Changes recommended by Section 42A report are shown in ~~strikethrough~~ and underline
Changes sought by POAL are shown in ~~strikethrough~~ and underline

4.6.9 Policy - Management of adverse effects within Nau Mai Business Park

- (a) Activities within Nau Mai Business Park are to be established and operated so that adverse effects generated by them are managed within Nau Mai Business Park and not ~~on~~ within neighbouring zones. [697.553]

4.6.9A Objective – Adverse effects of ~~land-use and development signage~~ [785.58, *FS1110.20, FS1202.56, FS1322.41, FS1345.65*]

- (a) The health and well-being of people, communities and the environment are protected from the adverse effects of ~~land-use and development signage~~.

4.6.9A Policy - Signage

- (a) In the Industrial Zone and Heavy Industrial Zone, provide for:
 - (i) The establishment of signs where they are associated with the activity carried out on the site on which they are located;
 - (ii) Public information and health and safety signs that are of benefit to community well-being;
 - (iii) Establishment of signage commensurate with the lower amenity and industrial function of these zones with controls on the size, location, appearance and number of signs to ensure they do not detract from the visual amenity of the surrounding environment.

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

- (a) 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

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

4.6.11A Policy – Support of regionally significant industry

- (a) The inland freight hub at Horotiu Industrial Park is recognised as a regionally significant industry.

4.6.12 Objective – Protection of Horotiu Industrial Park from reverse sensitivity

- (a) 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

- (a) 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

- (a) 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

- (a) 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. [578.73]

Changes recommended by Section 42A report are shown in ~~strikethrough~~ and underline

Changes sought by POAL are shown in ~~strikethrough~~ and underline

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

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

4.6.17 Policy – Emergency services facilities and activities

- (a) Enable the development, operation and maintenance of emergency services training and management activities within the industrial zones. [378.59]

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Changes sought by POAL are shown in ~~strikethrough~~ and underline

Chapter 20: Industrial Zone – Rules [697.605]

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20.2 Land Use - Effects

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20.2.2 Landscape planting

CI	<p>(a) Any activity on a lot that has a side and/or rear boundary adjoining any Residential, Village, Country Living or Reserve Zone shall provide a 3m wide landscaped strip running parallel with the side and/or rear boundary; and</p> <p>(b) Any activity on a lot not located in the Horotiu Industrial Park that contains, or is adjacent to, a river or a permanent or intermittent stream shall provide an 8m wide landscaped strip measured from the top edge of the closest bank and extending across the entire length of the watercourse.</p> <p>(c) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none">(i) the adequacy of the width of landscaping strip;(ii) type, density and height of plantings conducive to the location;(iii) maintenance measures;(iv) amenity values; and(v) natural character and cultural values of a river or stream.
RDI	<p>(a) Any activity that does not comply with Rule 20.2.2 CI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none">(i) adequacy of the width of landscaped strip;(ii) type, density and height of plantings conducive to the location;(iii) maintenance measures;(iv) amenity values; and(v) natural character and cultural values of a river or stream.

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20.2.7 Signs

- (1) Rule 20.2.7.1 Signs – General provides permitted standards for any sign, including a real estate sign, across the entire Industrial Zone.
- (2) Rule 20.2.7.2 Signs – Effects on traffic applies to specific standards for a sign directed at road users.

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20.2.7.1 Signs – General [697.630, 697.631, 785.65, 742.203]

PI	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign height does not exceed 10m; (ii) The sign is wholly contained on the site; (iii) <p>An illuminated sign must:</p> <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 15 3m² for one sign per site, and <u>2 4</u>m² for any other-one-additional freestanding sign on the site; and (ii) be set back at least 5m from the boundary of any site a Residential, Village or Country Living Zone; <u>(iii) be set back at least 15m from a state highway or the Waikato Expressway</u> <p>(d) The sign is not attached to a heritage item listed in Schedule 30.1(Heritage Items), except for the purpose of identification and interpretation;</p> <p>(e) The sign is for the purpose of identification and interpretation of not attached to a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation;</p> <p>(f) The sign relates to:</p> <ul style="list-style-type: none"> (i) goods or services available on the site; or (ii) a property name sign.
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20.3 Land Use - Building

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20.3.4 Building setbacks

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20.3.4.2 Building setback – water bodies

P1	(a) A building must be set back a minimum of 30m from: (i) the margin of any: A. lake; B. wetland; and C. river bank <u>whose bed has an average width of 3m or more</u> , other than the Waikato River and Waipa River <u>or a perennial or intermittent stream</u> .
P2	A building must be set back at least 50m from a bank of the Waikato River and Waipa River.
P3	A building must be set back a minimum of 10m from the bank of a perennial or intermittent stream <u>whose bed has an average width of 3m or more</u> .
P4	A public amenity of up to 25m ² , or a pump shed within any building setback identified in Rule 20.3.4.2 P1, P2 or P3.
<u>RDI</u>	A building that does not comply with Rule 20.3.4.2 P1, P2, P3 or P4. <u>Council's discretion shall be restricted to the following matters:</u> (a) <u>effects of the location, intensity, scale and form of subdivision, use and development in relation to natural character;</u> (b) <u>the extent of indigenous vegetation clearance and modification (including earthworks, disturbance and structures);</u> (c) <u>cumulative effects on natural character and landscape values.</u>

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20.6 Horotiu Industrial Park

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 ~~unless otherwise specified below~~, except for all land use activity rules listed as Rules 20.1.1, 20.1.2 and 20.1.3).

~~(b) The rules in Specific 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

<u>Activities</u>		<u>Activity-specific conditions</u>
<u>P1</u>	<u>Industrial activity</u>	<u>Nil</u>
<u>P2</u>	<u>Ancillary activity</u>	<u>Nil</u>
<u>P3</u>	<u>Trade and industry training activity</u>	<u>Nil</u>
<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>
<u>P8</u>	<u>Construction or demolition of, or alteration or addition to, a building</u>	<u>Nil</u>

20.6.2.1A Controlled Activity

<u>C1</u>	<p>(a) Residential unit for caretaker or security personnel, including workers' accommodation, that meets the following condition:</p> <p style="text-align: center;">(i) Does not exceed 70m² gross floor area</p> <p>(b) Council's control is reserved over the following matters:</p> <p style="text-align: center;">(i) Reverse sensitivity effects including noise, odour, dust, glare and light spill</p>
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20.6.2.2 Restricted Discretionary Activity

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

20.6.2.3 Discretionary Activities

DI	<u>Any activity that is not listed in Rule 20.6.1.1 or Rule 20.6.2</u>
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20.6.2.4 Non-complying Activities

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

20.6.3 Land Use Effects

20.6.3.1 Noise – General

P1	<u>Noise generated by emergency generators and emergency sirens.</u>
P2	<p>(a) <u>Noise from an activity in the Horotiu Industrial Park must not exceed:</u></p> <ul style="list-style-type: none"> (i) <u>75dBA (LAeq) at any time measured within any other site at any time</u> <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> <ul style="list-style-type: none"> (i) <u>55dBA (LAeq) 7am to 10pm</u> (ii) 40-45 <u>45</u> dBA (LAeq) and 70dBA (LAmax) 10pm to 7am the following day <p>(c) <u>Noise from an activity in the Horotiu Industrial Park must not exceed the following limits when measured at the notional boundary of any building containing a noise sensitive activity existing at the [date when the Plan will become operative] within any zone outside of the Horotiu Industrial Park and Heavy Industrial Zone (except the Residential Zone):</u></p> <ul style="list-style-type: none"> (i) <u>55dBA (LAeq) 7am to 10pm</u> (ii) <u>45dBA (LAeq) and 70dBA (LAmax) 10pm to 7am the following day</u> <p>(d) <u>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>(e) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustics- Environmental noise".</u></p>
RD1	<p>(a) <u>Noise generated by any activity that does not comply with Rule 20.6.3.1 P2.</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>effects on amenity values</u> (ii) <u>hours of operation</u> (iii) <u>Location of noise sources in relation to boundaries</u> (iv) <u>Frequency or other special characteristics of noise</u> (v) <u>Noise levels and duration</u> (vi) <u>Mitigation measures</u>

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20.6.3.2 Landscape planting – Horotiu Road

CI	(a)Any land use, building or subdivision activity on land that fronts Horotiu Road that meets the following condition: (i)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 (b)Council's control shall be reserved over the following matters: (iii) type and density of indigenous species to be planted (iv) maintenance measures (v) the extent to which amenity of the Residential Zone on Horotiu Road is maintained
<u>P1</u>	<u>Any activity is a permitted activity if land within:</u> <u>(a) 5m of the Horotiu Road boundary is planted and maintained with a 5m wide buffer strip of indigenous species that will achieve a height of at least 5m within 5 years and sufficient density to visually screen the activity from the Residential Zone.</u>
<u>RD1</u>	<u>(a) Any activity that does not comply with Rule 20.6.10 P1.</u> <u>(b) Council's discretion is restricted to the following matters:</u> <u>(i) the extent to which the amenities of the Residential Zone are maintained</u>

20.6.3.3 Planting of Earth Bund – Horotiu Road

<u>CI</u>	<u>(a)Any land use, building or subdivision activity on land that fronts Onion Road that meets the following condition:</u> <u>(i)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> <u>(b)Council's control shall be reserved over the following matters:</u> <u>(i) type and density of indigenous species to be planted</u> <u>(ii) maintenance measures</u> <u>(iii) the extent to which amenity of the rural residential lots on Onion Road and Ridge Park Drive (DPS 89684) is maintained</u>
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20.6.4 Land Use – building

20.6.4.1 Building height

<u>PI</u>	<u>(a) A building or structure that is more than 400 metres from Horotiu Road and does not exceed:</u> <u>(i)a height of 25 metres; and</u> <u>(ii)a height of 15 metres over 90% of the site</u> <u>(b)A building or structure than is 50 metres of Horotiu Road and does not exceed a height of 10 metres</u>
<u>RDI</u>	<u>(a) A building or structure that does not comply with Rule 20.6.X PI</u> <u>(b) Council's discretion is restricted to the following matter:</u> <u>(i) the extent to which visual amenity in the Residential Zone is maintained</u>

20.6.4.2 Aerials, Antennae and Lighting Masts

<u>PI</u>	<u>(a)An aerial and support structure that does not exceed a height of:</u> <u>(i) 15 metres; or</u>
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(Notified version)

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 Changes sought by POAL are shown in ~~strikethrough~~ and underline

	(ii) 10 metres if located within 50 metres of Horotiu Road; or (iii) 5 metres above the building on which the aerial is mounted, where that building exceeds a height of 20 metres
P2	<u>(a) A dish antenna that does not exceed a 5 metre diameter</u> <u>(b) A panel antenna that does not exceed 2.5 metres in any dimension</u>
P3	<u>Lighting masts located at least 400 metres from Horotiu Road and not exceeding a height of 25 metres.</u>
RD1	<u>(a) Any aerial, antenna or lighting mast that does not comply with Rule 20.6.X P1, P2 or P3</u> <u>(b) Council's discretion is restricted to the following matter:</u> <u>(i) the extent to which visual amenity in the Residential Zone is maintained</u>

20.6.5 Subdivision

20.6.5.1 Subdivision - General

RD1	<u>(a) Subdivision must comply with all of the following conditions:</u> <u>(i) proposed lots (excluding access allotments and utility allotments) must have a minimum net site area of 500m²</u> <u>(ii) proposed lots for a network utility must have a minimum net site area of 100m²</u> <u>(b) Council's discretion is restricted to the following matter:</u> <u>(i) the extent to which a range of future industrial activities can be accommodated</u>
RD2	(a) Subdivision not in accordance with RD1. (b) Council's discretion is restricted to the following matter: (i) the extent to which a range of future industrial activities can be accommodated (ii) effects on the supply of industrial land within Horotiu Industrial Park (iii) function of the Horotiu Industrial Park as a regionally significant industrial node