

**IN THE MATTER**

of the Resource Management Act 1991 ("**RMA**")

**AND**

**IN THE MATTER**

of Proposed Plan Change 22 to the Operative Waikato  
District Plan

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**MEMORANDUM OF COUNSEL ON BEHALF OF  
BUILTSMART PROPERTY PARTNERSHIP**

**16 MARCH 2020**

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**TO THE INDEPENDENT HEARING COMMISSIONERS:**

1. This memorandum is filed on behalf of Builtsmart Property Partnership ("**Builtsmart**") in relation to the Proposed Plan Change 22 to the Operative Waikato District Plan ("**PC22**") hearing held before Independent Hearing Commissioners on 5 March 2020.
2. We refer to the direction by the Commissioners for the planning experts engaged by Builtsmart and Waikato District Council ("**Council**") to meet and discuss potential refinements to the site-specific rules proposed by Builtsmart.
3. Ms Fowler, for Builtsmart, and Mr Dawson, for the Council, met to discuss the site-specific rules on 11 March 2020. As a result of that meeting, Ms Fowler and Mr Dawson have agreed to the following amendment to the site-specific noise rule (amendments shown in underline and ~~strike through~~):

[...]

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

- i) 55 dB LA10 7am to 10pm; and
  - ii) 40 dB LA10 10pm to 7am the following day; and
  - iii) 70 dB LAmax 10pm to 7am the following day.
4. Both Ms Fowler and Mr Dawson consider that the proposed change will improve the clarity and workability of the site-specific noise rule proposed through PC22.
5. Ms Fowler and Mr Dawson have agreed that no changes are required to the proposed requirement for all buildings on the site to be set back at least 25 metres from the boundary adjoining the Living Zone.
6. Counsel respectfully requests that the Commissioners, in making their decision on PC22, rely on the revised wording of the site-specific noise rule, in the place of the wording proposed when PC22 was first lodged.

**Dated** 16 March 2020



**Daniel Minhinnick | Tom Atkins**  
Counsel for Fonterra Limited