

Proposed Waikato District Plan

Submission form



ECM Project: DPRPh5-03

ECM #

Submission #

Customer # 33719 + 61633

Property # 1/9 + 69332

To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

Closing date for submissions: 5pm on Tuesday 9 October 2018



Submitter details: (please note that the (*) are required fields and must be completed)


First name*: Kathryn	Last name*: Drew
Organisation: Bloxam Burnett & Olliver	
On behalf of: Northgate Developments Ltd & Northgate Industrial Park Ltd	
Postal address*: PO Box 9041	
Suburb:	Town/City*: Hamilton
Country: New Zealand	Postal code*: 3240
Daytime phone: 07 834 8513	Mobile: 027 251 0009
Email address*: kdrew@bbo.co.nz	
Please tick your preferred method of contact*	
<input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	
Correspondence to*	
<input type="checkbox"/> Submitter <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Both	
Trade competition and adverse effects:*	
<input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not	
gain an advantage in trade competition through this submission.	
Note:	
If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991.	
Would you like to present your submission in person at a hearing?	
<input checked="" type="checkbox"/> Yes	
<input type="checkbox"/> I do NOT wish to speak in support of my submission and ask that this submission be fully considered.	
If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case).	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Please complete the following for every submission point: See attached sheet	
Provision number (e.g. 22.4.1.2 P2(a)): Various - See attached document	
Physical address of the property concerned (if relevant to your submission): Horotiu Industrial Zone and 139 Onion Road - see attached document	
Do you:	
<input checked="" type="checkbox"/> Support	<input checked="" type="checkbox"/> Oppose <input type="checkbox"/> Neutral Support and Oppose as per attached document

The decision I would like is:
See attached document

My reasons for the above are:
See attached document

Please return this form **no later than 5pm on 9 October 2018** to:
 Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: districtplan@waidc.govt.nz

Signed:  Date: 9 October 2018
 (A signature is not required if you make your submission by electronic means)

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.

Provision Number: Planning Map 26.1

Physical address of property: All the land within the current Horotiu Industrial Park¹ at Horotiu.

Do you:

Support/~~Oppose~~/~~Neutral~~

The decision I would like is:

- That the Industrial zoning across the land known as the Horotiu Industrial Park is retained. The Horotiu Industrial Park is the land:
 - legally described as Lot 1 DP 390831 (364687); Lot 18 DP 494347 (723133); Lot 1 DPS 61620 (SA50B/598); Lot 2 DPS 61260 (SA50B/599); Lot 3 DPS 61260 (SA50B/600); Lot 16 DP 494347 (723131); Lot 17 DP 494347 (723132); Lot 1 DP 499692 (742155) and Lot 2 DP 499692 (822899); and
 - The certificates of titles that have frontage to Gateway Drive, Evolution Drive and Innovation Way.

The reasons for the above are:

1. Northgate Developments Ltd and Northgate Industrial Park (Northgate) owns a significant portion of the land² contained within the Horotiu Industrial Park, that is located directly west of Great South Road and south of Horotiu Road at Horotiu. They were also the developer of the Northgate Business Park land that has vehicle access via Gateway Drive, Evolution Drive and Innovation Way.
2. This land is proposed to retain an Industrial zoning in the Proposed District Plan (PDP).
3. The existing zoning of the Horotiu Industrial Park and associated rule framework was established as a result of an appeal to the previous Proposed Waikato District Plan to amend the zoning of the land from Rural to Industrial. In April 2011, the Environment Court granted approval to the appeal via a consent order agreement. The area was subsequently rezoned Industrial and was thereafter referred to as the Horotiu Industrial Park in the Operative Waikato District Plan (ODP). The relevant provisions for the Horotiu Industrial Park are set out in Chapter 24B of the ODP. These provisions enabled the staged development of the Horotiu Industrial Park. To date development has progressed in the areas known as Stage 1 and Stage 2. An Indicative Development Plan consent for land within Stage 3A has also recently been lodged with Council which will release the land within Lot 17 DP 494347 for industrial development.
4. The PDP seeks to retain an Industrial zoning across the land known as the Horotiu Industrial Park. This outcome is supported as it aligns with the sites current zoning and activities being developed on the land as a consequence.

¹ Means the land shown on the Planning Maps and in Figure 24B(A) of the Operative Waikato District Plan.

² Over 57ha of industrial land made up of the following titles: Lot 14 DP 526264 (844405), Lot 17 DP 526564 (844406), Lot 22 DP 522786 (830149), Lot 17 DP 494347 (723132) and Lot 18 DP 494347 (723133).

Provision Number: Planning Map 26.1

Physical address of property: 139 Onion Road, Horotiu

Do you:

~~Support/Oppose/Neutral~~

The decision I would like is:

- That approximately 48ha of land within the property is rezoned from Rural to Industrial in the location demonstrated on the Existing and Potential Future Zoning Plan contained in **Attachment A**. The land is legally described as Lot 3 DPS 76353 (SA60D/2).

The reasons for the above are:

1. Northgate Developments Ltd and Northgate Industrial Park (Northgate) owns a significant portion of the land³ contained within the Horotiu Industrial Park⁴. Northgate have been progressing the development of the Horotiu Industrial Park since 2011 when the site was rezoned Industrial and was provided with a set of rules that provided for the staged development of the Horotiu Industrial Park (Schedule 24B of the Operative District Plan).
2. The development of the Horotiu Industrial Park is also provided for in the Regional Policy Statement (RPS) as one of seven strategic industrial nodes in the Waikato Region. Specifically, Table 6-2 of the RPS provides for up to 150ha of growth at Horotiu from 2010 to 2061. Table 6-2 is replicated on the following page.
3. The more specific policy direction for Horotiu, as a strategic industrial node under the Future Proof growth strategy, is found in Policy 6.14, '*Adopting Future Proof land use pattern*'. The specific aspects of that policy that is most relevant is:
 - c) *New industrial development should predominantly be located in the strategic industrial nodes in Table 6-2 (section 6D) and in accordance with the indicative timings in that table except where alternative land release and timing is demonstrated to meet the criteria in Method 6.14.3.*
4. Methods 6.14.1 and 6.14.2 of the RPS require District Plans to zone land and prepare structure plans to give effect to the industrial allocations provided in Table 6-2. It is therefore the District Plan provisions that define the land use zones, with the principles in Table 6-2 only specifying the broad strategic location to which the land allocation applies. The land allocations and staging are based on the principles contained in the RPS of:
 - Ensuring land development does not outstrip infrastructure provisions;
 - Ensuring industrial development locations fit with strategic infrastructure; and
 - Ensuring a reasonable match of land supply and demand.

³ Over 57ha of industrial land made up of the following titles: Lot 1 4 DP 526264 (844405), Lot 17 DP 526564 (844406), Lot 22 DP 522786 (830149), Lot 17 DP 494347 (723132) and Lot 18 DP 494347 (723133).

⁴ Means the land shown on the Planning Maps and in Figure 24B(A) of the Operative Waikato District Plan.

Table 6-2: Future Proof industrial land allocation

Strategic Industrial Nodes located in Central Future Proof area (based on gross developable area) ¹	Industrial land allocation and staging (ha)			Total Allocation	
	2010 to 2021	2021 to 2041	2041 to 2061	2010 to 2061 (ha)	
Rotokauri	85	90	90	265	
Ruakura	80	115 ²	210 ²	405	
Te Rapa North	14	46	25	85	
Horotiu	56	84	10	150	
Hamilton Airport	74	50	0	124	
Huntly and Rotowaro	8	8	7	23	
Hautapu	20	30	46	96	
TOTAL HA	337	423	388	1148	

¹ Gross Developable Area includes land for building footprint, parking, landscaping, open space, bulk and location requirements and land for infrastructure including roads, stormwater and wastewater facilities.

² Development beyond the 2021 period is subject to completion of the Waikato Expressway.

5. The Operative Waikato District Plan (ODP) has taken the land allocations in Table 6-2 of the RPS and established land use zones based on them. The land use zones and related provisions in the Waikato District Plan have several purposes:
 - To identify Horotiu as a strategic industrial node;
 - To enable up to 56ha of development up until 2021; and
 - To enable another 94ha of development after 2021.
6. The ODP achieves this by establishing several layers of rules. Firstly, it zones land at Horotiu as the Horotiu Industrial Zone and priorities the land into stages, being Stage 1, 2 and 3. It then applies a development yield from each stage and sets the timing for the development of that stage so that it aligns with the timing in Table 6-2. Stages 1 and 2 therefore provide for development of the 56ha up to 2021 with Stage 3 being the land earmarked for development post January 2021. Such provisions are set out in Schedule 24B of the ODP.
7. The land areas in the ODP originally closely matched the 56ha (2010 to 2021), the 84ha (2021 to 2041) and 10ha (2041 to 2061) contained in Table 6-2 of the RPS. In this way, the ODP has given effect to the RPS. However, in 2017 Council rezoned approximately 14ha of the industrial land within Stage 3C as part of Plan Change 17, reducing the combined Stage 3 zoning from 94ha to 77ha. This change results in a shortfall of 14ha of industrial land from that enabled by the RPS.
8. The other change that affects the wider industrial land use allocation is a change occurring within the Te Rapa North strategic industrial node. This node is located on the Hamilton City Council side of the Waikato Expressway and includes land owned by both Fonterra and Perry's. Table 6-2 of the RPS, and the supporting rule framework in the Hamilton City Council District Plan, enables development of the Perry's and Fonterra land in a similar staged progression. For example, the provisions enable 7ha at both sites (i.e. total of 14ha) to be developed up to 2021, with a further 23ha at both sites (i.e. total of 46ha) between 2021 and 2041.

9. The specific change is that Perry's are seeking is that their industrial zoning and associated allocation be amended to enable for commercial and residential development across their whole site. Within Table 6-2 of the RPS the Perry's site accounted for 30ha of the allocated 85ha.
10. Whilst the Perry's site is currently zoned Industrial under the Hamilton City Council District Plan, Hamilton City Council have agreed that the site can be developed for residential and commercial purposes as a Special Housing Area. This approach is also supported by Future Proof. This change means that the industrial land allocated at that site will not be consumed.
11. As a result of those two changes in development intent there may be a short fall of around 44ha of industrial land from the Table 6-2 industrial land allocation table.
12. Northgate has been working with their adjacent neighbour (Dixon) to identify whether any of their land would be suitable for industrial land uses. The high-level evaluation undertaken to date has identified that approximately 48ha of land could be suitable for future industrial development. This land is considered to be suitable for industrial development for the following reasons:
 - a) The land is directly adjacent to the existing Horotiu Industrial Park and would enable a contiguous industrial zoning to be established that adjoins land owned by Ports of Auckland and Northgate Developments Ltd;
 - b) It is the most logical extension of the Horotiu Industrial zone due to its location and the fact that it is owned by one landowner;
 - c) Infrastructure and roading connections be extended into the site from the Horotiu Industrial Park;
 - d) The topography of the land is relatively flat compared to the balance of the site; and
 - e) The land is generally located away from any sensitive receivers
13. The extent of this land, its contours and its location relative to the remainder of the Horotiu Industrial Park is provided in the two plans attached in **Attachment A**.
14. For the above reasons, it is requested that the land shown on the attached plans within 139 Onion Road (Lot 3 DPS 76353 – CT SA60D/2) is rezoned Industrial.
15. Alternatively, Northgate would accept such further relief and/or amendments to the PDP that may be necessary to support the Northgate position, as set out in this submission.

Attachment A

Plans to Support Submission to Rezone a Portion of Lot 3 DPS 76353



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BLOXAM BURNETT OLIVER

Phone +64 7 838 0544, Fax +64 7 838 0533

NORTHGATE DEVELOPMENTS LIMITED

PROPOSED WAIKATO DISTRICT PLAN SUBMISSION

CONTOUR PLAN

STATUS	PRELIMINARY
DATE	09.10.2018
DRAWING NUMBER	139470_13_0111
REVISION	A

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Provision Number: 20.2.3.1 – P2

Physical address of property: All the land within the current Horotiu Industrial Park⁵ at Horotiu that is:

- legally described as Lot 1 DP 390831 (364687); Lot 18 DP 494347 (723133); Lot 1 DPS 61620 (SA50B/598); Lot 2 DPS 61260 (SA50B/599); Lot 3 DPS 61260 (SA50B/600); Lot 16 DP 494347 (723131); Lot 17 DP 494347 (723132); Lot 1 DP 499692 (742155) and Lot 2 DP 499692 (822899); and
- The certificates of titles that have frontage to Gateway Drive, Evolution Drive and Innovation Way.

Do you:

~~Support~~/~~Oppose~~/~~Neutral~~

The decision I would like is:

- That the noise standards for the Industrial Zone at Horotiu are amended so that they revert to that provided for in the Rule 24B.19 of the Operative Waikato District Plan.

The reasons for the above are:

1. Northgate Developments Ltd and Northgate Industrial Park (Northgate) owns a significant portion of the land⁶ contained within the Horotiu Industrial Park⁷, that is located directly west of Great South Road and south of Horotiu Road at Horotiu. They were also the developer of the Northgate Business Park land that has access via Gateway Drive, Evolution Drive and Innovation Way.
2. This land is proposed to retain an Industrial zoning in the Proposed District Plan (PDP).
3. The zoning of the Horotiu Industrial Park and associated rule framework was established as a result of an appeal to the previous Proposed Waikato District Plan to amend the zoning of the land from Rural to Industrial. In April 2011, the Environment Court granted approval to the appeal via a consent order agreement. The area was subsequently rezoned Industrial and was thereafter referred to as the Horotiu Industrial Park in the Operative Waikato District Plan (ODP). The relevant provisions for the Horotiu Industrial Park are set out in Chapter 24B of ODP.
4. Those provisions provide for industrial development as a permitted activity provided that it complies with various performance standards that govern the timing of land release, the scale of activities and management of potential external effects (i.e. noise, bulk, height, setbacks, landscaping, and traffic).
5. This submission point relates to the noise provision 20.2.3.1 – P2.
6. The current noise standard for sites within the Horotiu Industrial Park (Rule 24B.19) enables sites to create up to 75dBA, on their sites, and up to 24 hours of day.

⁵ Means the land shown on the Planning Maps and in Figure 24B(A) of the Operative Waikato District Plan.

⁶ Over 57ha of industrial land made up of the following titles: Lot 1 4 DP 526264 (844405), Lot 17 DP 526564 (844406), Lot 22 DP 522786 (830149), Lot 17 DP 494347 (723132) and Lot 18 DP 494347 (723133).

⁷ Means the land shown on the Planning Maps and in Figure 24B(A) of the Operative Waikato District Plan.

7. The rule however also requires the noise levels to be less when they are received at any other zone (Rule 24B.19.1(b)) or the Living Zone (Rule 24B.19.1(c)). This clause means that the day time level received at those adjoining properties is less than that within the Horotiu Industrial Park and the level reduces after 10pm to 7am. The full wording for the provision is provided below.

24B.19 Noise

ITEM	PERMITTED	RESOURCE CONSENT
24B.19 Noise	<p>24B.19.1</p> <p>Any activity is a permitted activity if it is designed and conducted so that noise from the activity measured at any other site:</p> <ul style="list-style-type: none"> (a) does not exceed 75dBA (L10) at any time; and (b) in another zone (except the Living Zone) does not exceed <ul style="list-style-type: none"> (i) 55dBA (L10), 7am to 10pm (ii) 45dBA (L10) and 70dBA (Lmax), 10pm to 7am the following day; and (c) in the Living Zone does not exceed <ul style="list-style-type: none"> (i) 55dBA (L10), 7am to 10pm (ii) 40dBA (L10) and 70dBA (Lmax), 10pm to 7am the following day. <p>Despite the above, construction noise and emergency sirens are not subject to this rule.</p>	<p>24B.19.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p> <p>Discretionary activity criteria shall include, in addition to any other criteria in the plan, the extent to which the amenities of the Living Zone; the Rural Zoned areas across Horotiu Bridge Road; Horotiu Primary School; and the land adjoining the eastern boundary of Stage 3C are maintained.</p>

8. As currently provided for, the rule framework means that activities within the Industrial Zone that are near to another zone boundary need to constrain their activities to achieve compliance with this more stringent noise standard. Industrial activities that are however more centralised within the Horotiu Industrial Park may be able to make higher levels of noise on their sites, and over a full 24 hour period.
9. The PDP provision (Rule 20.2.3.1 – P2) seeks to include both a daytime and nighttime (i.e. 10pm to 7am) noise level for all sites within all Industrial Zones. The change proposed does not technically affect day time noise levels for industrial zoning at Horotiu, as the standard is still 75dB. The difference however relates to night time noise where the rule requires the level to drop to 55dB between 10pm and 7am.
10. This change may have the effect of curtailing industrial activities that have already established in the industrial zoning at Horotiu, or to be established and have been bought in this location because of the 24 hour noise standard. All current landowners have bought into the industrial zoning knowing the noise thresholds and that noise levels are likely to be higher than other

industrial environments, on a 24 hour basis. This is therefore consistent with their expected amenity values for the area.

11. Whilst it is recognised that the Council is seeking to consolidate a number of existing Industrial Zones into one through the PDP process, there is no justification in the s32A analysis as to why more stringent noise constraints are to apply to the industrial zoning at Horotiu than that enabled today.
12. It is not considered that the change to 75dB over a 24 hour period will give rise to external effects either on the basis that those activities nearer or adjoining other zones, including the Living Zone, still need to comply with Rule 20.2.3.1 – P3 which requires compliance with the zone noise standard within which the noise is received.
13. On this basis it is requested that the Horotiu Industrial Park be defined in the District Plan and that the noise standard in Rule 24B.19 is carried through into the PDP so that the noise levels are consistent with that which can occur today and were reasonably expected to be in place in the future.
14. Alternatively, Northgate would accept such further relief and/or amendments to the PDP that may be necessary to support the Northgate position, as set out in this submission.

Provision Number: 20.2.3.1 – P3

Physical address of property: All the land within the current Horotiu Industrial Park⁸ at Horotiu that is:

- legally described as Lot 1 DP 390831 (364687); Lot 18 DP 494347 (723133); Lot 1 DPS 61620 (SA50B/598); Lot 2 DPS 61260 (SA50B/599); Lot 3 DPS 61260 (SA50B/600); Lot 16 DP 494347 (723131); Lot 17 DP 494347 (723132); Lot 1 DP 499692 (742155) and Lot 2 DP 499692 (822899); and
- The certificates of titles that have frontage to Gateway Drive, Evolution Drive and Innovation Way.

Do you:

~~Support~~/Oppose/~~Neutral~~

The decision I would like is:

- That the noise standards for the Industrial Zone at Horotiu are amended so that they revert to that provided for in the Rule 24B.19 of the Operative Waikato District Plan.

The reasons for the above are:

1. Northgate Developments Ltd and Northgate Industrial Park (Northgate) owns a significant portion of the land⁹ contained within the Horotiu Industrial Park¹⁰, that is located directly west of Great South Road and south of Horotiu Road at Horotiu. They were also the developer Northgate Business Park land that has access via Gateway Drive, Evolution Drive and Innovation Way.
2. This land is proposed to retain an Industrial zoning in the Proposed District Plan (PDP).
3. The zoning of the Horotiu Industrial Park and associated rule framework was established as a result of an appeal to the previous Proposed Waikato District Plan to amend the zoning of the land from Rural to Industrial. In April 2011, the Environment Court granted approval to the appeal via a consent order agreement. The area was subsequently rezoned Industrial and was thereafter referred to as the Horotiu Industrial Park in the ODP. The relevant provisions for the Horotiu Industrial Park are set out in Chapter 24B of ODP.
4. Those provisions provide for industrial development as a permitted activity provided that it complies with various performance standards that govern the timing of land release, the scale of activities and management of potential external effects (i.e. noise, bulk, height, setbacks, landscaping, and traffic).
5. This submission point relates to the noise provision 20.2.3.1 – P3.
6. Provision 20.2.3.1 – P3 requires noise received in any zone, other than the Industrial Zone to meet the permitted noise levels for that zone. This approach is generally consistent with the current rule for the Horotiu Industrial Park, being Rule 24.19.1(b) and (c). These clauses are duplicated below.

⁸ Means the land shown on the Planning Maps and in Figure 24B(A) of the Operative Waikato District Plan.

⁹ Over 57ha of industrial land made up of the following titles: Lot 1 4 DP 526264 (844405), Lot 17 DP 526564 (844406), Lot 22 DP 522786 (830149), Lot 17 DP 494347 (723132) and Lot 18 DP 494347 (723133).

¹⁰ Means the land shown on the Planning Maps and in Figure 24B(A) of the Operative Waikato District Plan.

24.19.1(b)

In any zone (except the Living Zone) does not exceed

- (i) 55dBA (L10), 7am to 10pm
- (ii) 45dBA (L10) and 70dBA (Lmax), 10pm to 7am the following day; and

24.19.1(c)

In the Living zone does not exceed

- (i) 55dBA (L10), 7am to 10pm
- (ii) 40dBA (L10) and 70dBA (Lmax), 10pm to 7am the following day; and

7. The land within the Horotiu Industrial Park is proposed to adjoin land that is zoned either Rural or Residential. The relevant noise provisions to apply is Rule 22.2.1.1 - P2 from the Rural Zone and Rule 16.2.1.1 – P2 for the Residential Zone. Those rules are duplicated below.

<i>Rule 22.2.1.1 - P2</i>	<i>Rule 16.2.1.1 – P2</i>
<i>Noise measured at the notional boundary on any other site in the Rural Zone must not exceed:</i> <ul style="list-style-type: none">(i) 50dB (LAeq), 7am to 7pm every day;(ii) 45dB (LAeq), 7pm to 10pm every day;(iii) 40dB (LAeq) and 65dB (LAmix), 10pm to 7am the following day	<i>Noise measured within any other site in the Residential Zone must not exceed:</i> <ul style="list-style-type: none">(i) 50dB (LAeq), 7am to 7pm, every day;(ii) 45dB (LAeq), 7pm to 10pm, every day; and(iii) 40dB (LAeq) and 65dB (LAmix), 10pm to 7am the following day.

8. The key differences between the new PDP standards and the existing noise standard are as follows:
- The introduction of a new noise level between 7pm to 10pm, whereas the Operative District Plan has a continuous noise standard for 7am to 10pm, which drops after 7pm.
 - A reduction in the day time noise level from 55dBA (L10) and to 50dB (LAeq).
 - Introduction of a 40dB (LAeq) noise level for activities between 10pm and 7am.
9. This change may have the effect of curtailing industrial activities that have already established in the Horotiu Industrial Park, or to be established and have been bought in this location because of the noise levels able to be made at adjoining zones.
10. On this basis it is requested that the Horotiu Industrial Park be defined in the District Plan and that the noise standard applicable for the adjoining zones be consistent with that specified in Rule 24B.19, clauses (b) and (c).
11. Alternatively, Northgate would accept such further relief and/or amendments to the PDP that may be necessary to support the Northgate position, as set out in this submission.

Provision Number: 20.25.1 – P1

Physical address of property: All the land within an Industrial Zone

Do you:

~~Support/Oppose/Neutral~~

The decision I would like is:

- That clause (a)(vi) is removed from Rule 20.2.5.1 – P1
- Alternatively, Northgate would accept such further relief and/or amendments to the Proposed District Plan that may be necessary to support the Northgate position, as set out in this submission.

The reasons for the above are:

1. Rule 20.25.1 – P1 provides the permitted activity standards for earthworks within an Industrial Zone. One of those, clause (a)(vi), states that to retain a permitted activity status all earthworks must be setback from all boundaries by 1.5m.
2. It is more likely than not that when earthworks are being undertaken on a site they will be undertaken within 1.5m of a site boundary so as to achieve a suitable finished profile across the whole site. Furthermore, in the Industrial Zone buildings can be built up to the boundary. The indirect consequent of this rule is that earthworks associated with those building works would require a resource consent even if the volume and area met clauses (a)(ii) and (iii).
3. It is unclear what environmental effect is proposed to be controlled for requiring a 1.5m setback for all earthworks, particularly since clause (a)(v) seeks to ensure that appropriate fall is achieved (i.e. 1 vertical to 2 horizontal). That clause addresses stability issues for adjoining properties.
4. The inclusion of this provision will have the consequence of consents being required at both a time and cost disadvantage to landowners/developers.

Provision Number: 20.2.5.1 – P1

Physical address of property: All the land within the Industrial Zone

Do you:

~~Support~~/~~Oppose~~/~~Neutral~~

The decision I would like is:

- Remove reference to residential purposes in Rule 20.2.5.1 – P3
- Alternatively, Northgate would accept such further relief and/or amendments to the Proposed District Plan that may be necessary to support the Northgate position, as set out in this submission.

The reasons for the above are:

1. Clause (a) of Rule 20.2.5.1 – P3 states that “earthworks for purposes other than creating a building platform for residential purposes within the site...”
2. No residential purposes are proposed for in an Industrial Zone. As such reference to such in an Industrial Zone rule is not considered to be appropriate and should be amended to refer to either “development” or “industrial land uses”.

Provision Number: 20.2.7.1 – P2

Physical address of property: All the land within the Industrial Zone

Do you:

~~Support~~/Oppose/~~Neutral~~

The decision I would like is:

- Amend clause (c)(i) of Rule 20.2.7.1 - P2 so that as the size of the site increases the permitted signage also increases.
- Alternatively, Northgate would accept such further relief and/or amendments to the Proposed District Plan that may be necessary to support the Northgate position, as set out in this submission.

The reasons for the above are:

1. Clause (c)(i) of Rule 20.2.7.1 – P2 imposes a maximum signage size per site, being 3m² for one sign per site and 1m² for any other freestanding sign on the site.
2. This provision does not however take into consideration site size and imposes a one size fits all rule for all sites.
3. It is acknowledged that the premise of the signage provision is to avoid proliferation of signage and thus maintain suitable visual, streetscape and amenity effects. That being said, the provision should also enable an increased level of signage as a permitted activity as the size of the site increases.
4. Rule 20.4.1 sets out the subdivision standards for the Industrial Zone, being a minimum net site area of 1,000m². It would then follow that if a size was twice as large as the minimum (i.e. 2,000m²) that a non-fanciful permitted baseline could be that up to 6m² of signage could be suitable on a site of that size. This would not result in an unreasonable adverse effect when the baseline is technically 3m² per 1,000m².
5. It is requested that the provision be amended to incrementally increase the allowable signage on a site as the size of the site increases. This would enable larger sites that accommodate larger buildings to have signage that reflects the size of their activities.

Provision Number: 20.3.1 – P1

Physical address of property: All the land within the Horotiu Industrial Park at Horotiu that is:

- legally described as Lot 1 DP 390831 (364687); Lot 18 DP 494347 (723133); Lot 1 DPS 61620 (SA50B/598); Lot 2 DPS 61260 (SA50B/599); Lot 3 DPS 61260 (SA50B/600); Lot 16 DP 494347 (723131); Lot 17 DP 494347 (723132); Lot 1 DP 499692 (742155) and Lot 2 DP 499692 (822899); and
- The certificates of titles that have frontage to Gateway Drive, Evolution Drive and Innovation Way.

Do you:

~~Support~~/~~Oppose~~/~~Neutral~~

The decision I would like is:

- Add a clause to Rule 20.3.1 – P1 that enables building height within the Horotiu Industrial Park to be consistent with that provided for in Rule 24B.22 of the Operative District Plan.

The reasons for the above are:

1. Northgate Developments Ltd and Northgate Industrial Park (Northgate) owns a significant portion of the land¹¹ contained within the Horotiu Industrial Park¹², that is located directly west of Great South Road and south of Horotiu Road at Horotiu. They were also the developer of the Northgate Business Park land that has access via Gateway Drive, Evolution Drive and Innovation Way.
2. This land is proposed to retain an Industrial zoning in the Proposed District Plan (PDP).
3. The zoning of the Horotiu Industrial Park and associated rule framework was established as a result of an appeal to the previous Proposed Waikato District Plan to amend the zoning of the land from Rural to Industrial. In April 2011, the Environment Court granted approval to the appeal via a consent order agreement. The area was subsequently rezoned Industrial and was thereafter referred to as the Horotiu Industrial Park in the ODP. The relevant provisions for the Horotiu Industrial Park are set out in Chapter 24B of ODP.
4. Those provisions provide for industrial development as a permitted activity provided that it complies with various performance standards that govern the timing of land release, the scale of activities and management of potential external effects (i.e. noise, bulk, height, setbacks, landscaping, and traffic).
5. This submission point relates noise provision 20.3.1 – P3 which specifies that the maximum height of a building within the Industrial Zone must not exceed 15m.
6. This provision differs from that for development within the Horotiu Industrial Park, as provided for in Rule 24B.22 which enables and/or restricts development to the following:
 - Up to 25m, when located over 400m from Horotiu Road, and provided the maximum level is 15m for up to 15% of the site For Stages 1, 2 and Stages 3A and 3B (Rule 24B.22.1(a)); and

¹¹ Over 57ha of industrial land made up of the following titles: Lot 1 4 DP 526264 (844405), Lot 17 DP 526564 (844406), Lot 22 DP 522786 (830149), Lot 17 DP 494347 (723132) and Lot 18 DP 494347 (723133).

¹² Means the land shown on the Planning Maps and in Figure 24B(A) of the Operative Waikato District Plan.

- Up to 15m or up to 10m when located within 50m of Horotiu Road or within 50m of the Stage 3C boundaries (24B.22.1(a));
7. These provisions demonstrate that the closer to the external boundaries of the Horotiu Industrial Park the development is the more stringent the height level is. They also demonstrate that there is an acceptance that buildings between 15m to 25m can be accommodated within the Horotiu Industrial Park.
 8. This change may have the effect of curtailing industrial activities that are to establish in the Horotiu Industrial Park and have bought in this location because of the higher height limits.
 9. All current landowners have bought into the site knowing the height requirements. This is therefore consistent with their expected amenity values for the area.
 10. On this basis it is requested that the Horotiu Industrial Park be defined in the District Plan and that the height standards for development within the zone be consistent with that provided for in Rule 24B.22 of the ODP.
 11. Alternatively, Northgate would accept such further relief and/or amendments to the Proposed District Plan that may be necessary to support the Northgate position, as set out in this submission.

Provision Number: 20.4.1 – RD1

Physical address of property: All the land within the Industrial Zone

Do you:

~~Support~~/~~Oppose~~/~~Neutral~~

The decision I would like is:

- Remove clause (a)(ii) of Rule 20.4.1 – RD1.
- Alternatively, Northgate would accept such further relief and/or amendments to the Proposed District Plan that may be necessary to support the Northgate position, as set out in this submission.

The reasons for the above are:

1. Clause (a)(ii) of Rule 20.4.1 – PD1 imposes an averaging requirement for the subdivision of land within the Industrial Zone. This averaging requirement is 2,000m², being twice the size of the minimum net site area enabled by clause (a)(i). The averaging requirement means that for a site that is 5,000m² only 2 lots will be able to be created, as opposed to the 5 lots that could be created through compliance with the minimum lot size.
2. It is unclear what effect the averaging standard is trying to achieve when the minimum lot size enables sites as small as 1,000m². If the issue was around suitable lot sizes and shapes to accommodate future land uses then an alternative approach would be to have minimum shape factor requirements.
3. What we know with industrial development too is that the lot size required for industrial land uses will be based on market demand, as purchasers buy at a per m² rate. Purchasers set the required lot size based on what they need and not any more as this not cost effective for them. Subdivision of industrial land thus generally follows the entering into of sale and purchase agreements.
4. If subdivision standards require double the minimum lot size as an average, this will lead to inefficient use of industrial land.