

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of appeals under Clause 14 of the First Schedule to the Act

**BETWEEN**

**NORTHGATE DEVELOPMENTS LIMITED**

ENV-2007-AKL-000029

**PERRY GROUP LIMITED**

ENV-2007-AKL-000032

Appellants

**AND**

**WAIKATO DISTRICT COUNCIL**

Respondent

**BEFORE THE ENVIRONMENT COURT**

Environment Judge R G Whiting sitting alone under section 279 of the Act.

**IN CHAMBERS** at Auckland

**CONSENT ORDER**

**Introduction**

1. The Court has read and considered the appeals by Northgate Developments Limited (as successor to Riverlea Sands Limited) and Perry Group Limited and the memorandum of the parties dated 16 March 2011.
2. Fonterra Co-Operative Limited, Hamilton City Council, Paul Majurey, C Majurey, New Zealand Transport Agency and Simon Rusbridge have given notice of an intention to become interested parties to these matters under section 274, and have signed the memorandum of the parties setting out the relief sought.
3. The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits of pursuant to section 297. The Court understands for present purposes that:



- (a) All parties to the proceedings have executed the memorandum requesting this order.
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

**Order**

- 4. The Court orders, by consent, that the Proposed Waikato District Plan is amended as follows:
  - (a) A new schedule "Schedule 24B – Horotiu Industrial Park" be added to Chapter 24 of the Plan containing the new provisions for the Horotiu Industrial Area.
  - (b) New figures, entitled "Figure 24B(A) – Horotiu Industrial Park" and "Figure 24B(B) – Horotiu Industrial Park Bunding" and "Fig 24B(C) – Proposed Horotiu Road Intersection" be added to Chapter 24 of the Plan.
- 5. Appeal ENV-2007-AKL-000029 Northgate Developments Limited v Waikato District Council is resolved by this Consent Order.
- 6. Appeal ENV-2007-AKL-000032 remains extant.
- 7. There is no order for costs in relation to this order.

**DATED** at Auckland this

4<sup>th</sup>

day of

April

2011



R G Whiting  
Environment Judge



## **SCHEDULE 24B - Horotiu Industrial Park**

### **24B.1 Application of the Schedule**

In this schedule:

- “Horotiu Industrial Park” means the land shown on the Planning Maps and in Figure 24B(A).
- “Bunding Area” means the Horotiu Industrial Park Bunding as shown in Figure 24B(B).
- “Substage” means Stages 3A, 3B and 3C as shown on the Planning Maps and in Figure 24B(A).
- “Stage” means Stages 1, 2 and 3 as shown on the Planning Maps and in Figure 24B(A).
- “Proposed Horotiu Road Intersection” means the proposed road intersection shown on Figure 24B(C).

### **24B.2 General Rules**

1. The rules in the schedule apply only to areas identified for industrial purposes in the Horotiu Industrial Park.
2. Rules 24.15, 24.18, 24.19, 24.42, 24.45, 24.48A and 24.70 do not apply to the Horotiu Industrial Park. All other Rules in Chapter 24: Industrial Zone and other parts of the District Plan apply to the Horotiu Industrial Park except where they are inconsistent with a rule in this Schedule in which case the rule in this Schedule takes precedence.
3. All Rural Zone provisions (excluding the Rural Subdivision Rules) will apply to development or use of land within the Horotiu Industrial Park prior to that land being subdivided or developed for industrial purposes in accordance with Rule 24B.2.1 above. Rural Zone provisions will not apply to any land within the Horotiu Industrial Park after the land is subdivided or developed for industrial purposes.

The following Issue, Objective, Policies, and Reasons and Explanations are in addition to, and should be read in conjunction with, the Issues, Objectives, Policies, and Reasons and Explanations in Chapter 8 Land Transport Network.

### **24B.3 ISSUE - Industrial Development in the Horotiu area**

Industrial development in the Horotiu Industrial Park, in the absence of appropriate infrastructure, can cause adverse effects on the environment.

<b>OBJECTIVE</b>	<b>POLICIES</b>
<b>24B.4</b> Industrial development is consistent with the long-term land use pattern for Horotiu and occurs in an	<b>24B.5</b> Industrial development in the Horotiu Industrial Park should be encouraged in a manner that aligns with the capacity improvements to the infrastructure, including roading.





integrated and coordinated manner.	<p><b>24B.6</b> Industrial development, prior to the required infrastructure capacity improvements being completed, should be managed in order to avoid, remedy or mitigate adverse effects on the existing and future planned road network, connections to that network, and on other infrastructure.</p> <p><b>24B.7</b> Traffic and transportation effects should be managed through land use planning, peak traffic generation controls and integrated, multi modal transport approaches to ensure industrial development at the Horotiu Industrial Park does not adversely affect the safety and efficiency of the wider roading network.</p>
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## **24B.8 Reasons and Explanations**

Horotiu contains an established industrial area. Future Proof, the growth strategy developed specific to the Waikato Sub-Region incorporating the Waikato District, Hamilton City, and Waipa District, has identified that unplanned and uncoordinated land use development within the Future Proof Strategy area is causing adverse environmental effects and affecting the ability of people and communities in the area to provide for their social, economic and cultural wellbeing. Therefore the development of the built environment in the future needs to be managed in a way that ensures the pattern of land use is integrated, planned, and sustainable in the long term. To this end, Future Proof has developed a land use pattern for unified and sustainable growth of the urban and rural areas of the region. The land use pattern is defined to meet the requirements of the projected population growth for the next 50 years. Future Proof has identified Horotiu as a suitable area for a staged release of land in conjunction with staged improvements to the transport network and other infrastructure.

The Horotiu Industrial Park has a number of strategic strengths that support its development for industrial purposes. These strengths include its proximity to the Waikato Expressway, the existing State Highway 1 and the North Island Main Trunk Railway and its relative separation from sensitive residential activities. The Waikato Expressway provides an appropriate boundary to the south of the area and services can be provided to the industrial areas by upgrading existing Council infrastructure.

The boundary of the Horotiu Industrial Park is not affected by changes to the Waikato District / Hamilton City boundary, which are proposed to result in the Waikato Expressway forming the boundary between the two local authorities. The area is well suited to a mix of light and heavy industrial activities, provided environmental mitigation measures are included to protect the amenity of the adjacent Living and Rural zones.

However, development of Horotiu Industrial Park also needs to be designed and undertaken recognising capacity constraints within the State highway and District roading networks. An integrated approach to transport on the State highways and the local roads through walkways, cycle routes and public passenger transport is especially important in the Horotiu Industrial Park area in order to avoid or mitigate traffic effects on the wider roading network.





The objective and policies for the Horotiu Industrial Park are therefore designed to establish a staging regime for industrial development based upon development being undertaken in conjunction with appropriate infrastructure. An Indicative Development Plan for each stage or sub-stage is required to be approved by the Council in advance of any subdivision or development in order to ensure that development occurs in an integrated manner and thus does not rely on 'lot by lot' development.

The Indicative Development Plans for Horotiu Industrial Park are intended to provide the guidance for the integrated and coordinated development of this land resource. The aim of the Indicative Development Plan is to set the parameters for the establishment of activities so that sustainable and integrated industrial development is achieved. Subdivision and land use proposals will be assessed in the context of their conformity with an approved Indicative Development Plan. Proposals which are in conformity with an Indicative Development Plan will be encouraged through a permissive planning regime, whereas those not in conformity will be discouraged through more restrictive tools, such as a discretionary activity status.

The Indicative Development Plan requires a range of information to be submitted and approved by Council, including an Integrated Traffic Assessment which will address how development in each stage will manage its peak hour demands and other traffic and transportation effects. The rules of this Schedule outline the matters to be addressed in the Indicative Development Plan and the Integrated Traffic Assessment.

#### **24B.9            Methods of Implementation**

A staged release of land for industrial development in accordance with the provision of appropriate infrastructure, including roading, has been developed. Staging will ensure that the effects of development can be properly managed. Accordingly, the land for developing Stages 1 and 2 will be released prior to January 1, 2021 and Stage 3 (A, B, and C) will be released after January 1, 2021 or when the roading infrastructure projects as identified in the rules are constructed (if earlier).

Rules to control bulk, height, and setbacks of buildings, landscaping, traffic and transportation and environmental protection are included to mitigate effects on the environment. The focus of the environmental mitigation is particularly relevant to the Living Zone section of Horotiu Road, and the Rural zoned areas across Horotiu Bridge Road, around Horotiu Primary School, and the eastern side boundary of Stage 3C. The rules also require plans of each stage to be approved prior to subdivision and development to ensure a consistent integrated approach between stages and within stages and to ensure mitigation of effects of development on the roading and other infrastructure networks.



## Rule Table for Horotiu Industrial Park

### Indicative Development Plan Rule - Subdivision and Land Use

ITEM	PERMITTED	RESOURCE CONSENT
24B.10 Land Use and Development	24B.10.1 Any activity that is consistent with an Indicative Development Plan is a permitted activity, if it: (i) complies with the rules in this Schedule.	24B.10.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity
ITEM	CONTROLLED	RESOURCE CONSENT
24B.11 Subdivision	24B.11.1 Subdivision consistent with an Indicative Development Plan is a controlled activity.  Control reserved over: ▪ Amenity values	24B.11.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity
ITEM	CONTROLLED	RESOURCE CONSENT
24B.12 Indicative Development Plan • All Stages	24B.12.1 An Indicative Development Plan is a controlled activity, if: (a) It is prepared and approved for each stage or stages prior to any subdivision or development occurring in that stage or stages, and; (b) It includes as a minimum the following matters: (i) Overall indicative site layout (ii) Indicative location of proposed building/s where known and complying with Rule 24B.23 except that a setback of not less than 10m from the designated boundary of the Waikato Expressway may be provided if the following information is included: ▪ Record of consultation with the New Zealand Transport Agency outlining any agreed outcomes; ▪ Information as to the rationale and appropriateness of reducing the setback requirements; and ▪ Any mitigation measures	24B.12.2 An Indicative Development Plan that does not comply with a condition for a controlled activity is a discretionary activity.  Where a traffic survey undertaken under Rule 24B.17 shows that the trip generation for a particular stage is being exceeded then the Indicative Development Plan for the next subsequent stage shall be a discretionary activity.  Discretionary activity criteria shall include but not limited to the extent to which the Indicative Development Plan is designed to achieve an overall trip generation not exceeding 15.4 trips/ha gross for the total combined Stages 1, 2, and 3.





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|  | <p>relating to amenity; and</p> <p>(iii) Indicative internal road layout including consistency with the road layout shown on Figures 24B(A) and 24B(C) and connectivity with other stages and with any adjacent industrial zoned areas; and</p> <p>(iv) Provision for alternative transport modes including public transport, pedestrians and cycle linkages within and between stages and with adjacent land; and</p> <p>(v) Proposed landscaping and screen planting including landscaping buffers where the land adjoins Rural or Living Zone land and consistency of landscape approach across all stages and, where the land adjoins the designated boundary of the Waikato Expressway:</p> <ul style="list-style-type: none"> <li>▪ Record of consultation with the New Zealand Transport Agency outlining any agreed landscaping outcomes;</li> <li>▪ Information explaining the rationale and appropriateness of providing any landscaping that does not comply with Rule 24B.28.1(b); and</li> </ul> <p>(vi) Indicative accesses from the arterial and State highway networks to the stage (which must also be compliant with Appendix A (Traffic)); and</p> <p>(vii) For Stage 2, design of the access road (indicative) and its intersection with Horotiu Road as shown on Figure 24B(A) and Figure 24B(C) 'Proposed Horotiu Road Intersection', including whether this intersection is more appropriately constructed as part of Stage 2 or Stage 3; and</p> <p>(viii) Anticipated traffic generation into and out of each stage</p> |  |
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based on the activities provided for and having regard to traffic generation from previous stages (including by reference to any applicable traffic generation survey prepared in accordance with Rule 24B.17); and

- (ix) An Integrated Transport Assessment in accordance with Appendix 5C of NZ Transport Agency Planning Policy Manual SP/M/001 dated 1 August 2007 including:
- record of consultation with the NZ Transport Agency outlining any agreed outcomes; and
  - proposals to implement the mitigation measures relating to traffic volume and generation and other recommendations in the Integrated Traffic Assessment; and
- (x) Any existing indigenous vegetation and areas of ecological value including recognition of existing gully systems and proposals for their management; and
- (xi) Evidence of consultation with all landowners within the Stage; and
- (xii) Proposed implementation of Low Impact Design initiatives including but not limited to those matters contained in section 4.3.7 and sections 4.3.9 to 4.3.13 of NZS 4404:2010 Land Development and Subdivision Infrastructure.

Control reserved over:

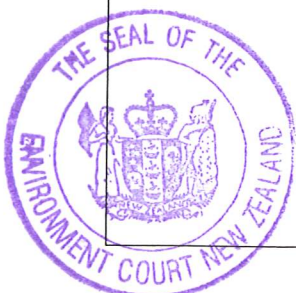
- Safety and efficiency of the road network, including the design of the access road (indicative) and its intersection with Horotiu Road shown on Figure 24B(A) and Figure 24B(C) to determine whether construction should commence as



	<p>part of Stage 2 or Stage 3.</p> <ul style="list-style-type: none"> <li>▪ The findings of any traffic generation survey prepared in accordance with Rule 24B.17 and undertaking such a survey at 60% capacity;</li> <li>▪ Provision for public transport, pedestrian and cycle linkages;</li> <li>▪ Maintenance of amenity and streetscape;</li> <li>▪ Management of storm water and wastewater; and</li> <li>▪ Proposed planting adjoining the designation boundary of the Waikato Expressway taking into account any information provided under Rule 24B.12.1(b)(v).</li> </ul>	
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### Land Use Staging

ITEM	PERMITTED	RESOURCE CONSENT
24B.13 Stage 1	<p>24B.13.1 Any activity is a permitted activity, if:</p> <ul style="list-style-type: none"> <li>(a) It complies with an approved Indicative Development Plan in accordance with Rule 24B.10.1 and 24B.12; and</li> <li>(b) the area does not exceed 26ha; and</li> <li>(c) the construction of the Horotiu Access to State Highway 1 is completed; and</li> <li>(d) all access to State Highway 1 is from the Horotiu Access; and</li> <li>(e) water supply infrastructure (including supply, storage, connection, and capacity for fire fighting) is available at the site boundary; and</li> <li>(f) wastewater disposal infrastructure (including sufficient downstream capacity, treatment facilities and connections) is available at the site boundary.</li> </ul>	<p>24B.13.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p> <p>Discretionary criteria shall include, in addition to any other criteria in the plan, the following:</p> <ul style="list-style-type: none"> <li>▪ The extent to which compliance is achieved with the approved Indicative Development Plan for Stage 1.</li> <li>▪ The extent to which the proposal is consistent with the sequential and coherent development of the Horotiu Industrial Park.</li> <li>▪ The availability of interim facilities or measures to enable the subdivision or development to proceed in advance of the indicated sequence of development and the time before permanent facilities will be in place.</li> <li>▪ The availability and capacity</li> </ul>



		<p>of bulk infrastructure and arterial roads to service the developments.</p> <ul style="list-style-type: none"> <li>▪ Whether interim or alternative measures would adequately service the development without increasing the cost of eventual bulk infrastructure and arterial roading.</li> <li>▪ Matters referred to in Appendix A (Traffic) and Appendix B (Engineering Standards).</li> <li>▪ The extent to which the proposal is consistent with mitigation measures relating to the traffic volume and generation prescribed for the stage in the Integrated Traffic Assessment prepared and approved as part of the Indicative Development Plan.</li> </ul>
24B.14 Stage 2	<p>24B.14.1 Any activity is a permitted activity, if:</p> <ul style="list-style-type: none"> <li>(a) It complies with an approved Indicative Development Plan in accordance with Rule 24B.10.1 and 24B.12; and</li> <li>(b) the area does not exceed 30ha, and</li> <li>(c) the construction of the Horotiu Access to State Highway 1 is completed; and</li> <li>(d) the construction of Horotiu Industrial Link Road and the construction of the Horotiu Industrial Link Road to Onion Road are completed; and</li> <li>(e) Section 224 Certificates have been issued for at least 80% of the industrial sites subdivided in Stage 1; and</li> <li>(f) water supply infrastructure (including supply, storage, connection, and capacity for fire fighting) is available at the stage boundary; and</li> </ul>	<p>24B.14.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p> <p>Discretionary criteria shall include, in addition to any other criteria in the plan, the following:</p> <ul style="list-style-type: none"> <li>▪ The availability of interim facilities or measures to enable the subdivision or development to proceed in advance of the indicated sequence of development and the time before permanent facilities will be in place.</li> <li>▪ The availability and capacity of bulk infrastructure and arterial roads to service the developments.</li> <li>▪ The extent to which the proposal is consistent with the sequential and coherent development of Stage 1 of</li> </ul>





	<p>(g) wastewater disposal infrastructure (including sufficient downstream capacity, treatment facilities and connections) is available at the stage boundary.</p>	<p>the Horotiu area.</p> <ul style="list-style-type: none"> <li>▪ Whether interim or alternative measures would adequately service the development without increasing the cost of eventual bulk infrastructure and arterial roading.</li> <li>▪ Matters referred to in Appendix A (Traffic) and Appendix B (Engineering Standards).</li> <li>▪ The extent to which the proposal is consistent with the mitigation measures relating to traffic volume and generation prescribed for the stage in the Integrated Traffic Assessment prepared and approved as part of the Indicative Development Plan for the Stage.</li> <li>▪ The extent to which the roading network as shown in the Indicative Development Plan for Stages 1, 2, 3A, and 3B is completed.</li> <li>▪ The extent to which the proposal is consistent with the Indicative Development Plan approved for the stage.</li> </ul>
<p>24B.15 Stage 3 (Substages 3A, 3B and 3C)</p>	<p>24B.15.1 Any activity is a permitted activity after 1 January 2021, if:</p> <ul style="list-style-type: none"> <li>(a) It complies with an approved Indicative Development Plan in accordance with Rule 24B.10.1 and 24B.12; and</li> <li>(b) the area does not exceed 84ha; and</li> <li>(c) The Te Rapa section of the Waikato Expressway is open for public use, and for Stage 3C only the Ngaruawahia section of the Waikato Expressway is open for public use; and</li> <li>(d) Section 224 certificates have been issued for at least 80%</li> </ul>	<p>24B.15.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity</p> <p>Discretionary criteria shall include, in addition to any other criteria in the plan, the following:</p> <ul style="list-style-type: none"> <li>▪ The availability of interim facilities or measures to enable the subdivision or development to proceed in advance of the indicated sequence of development and the programming for permanent facilities to be</li> </ul>



	<p>of the industrial sites subdivided in Stage 2; and</p> <p>(e) water supply infrastructure (including supply, storage, connection, and capacity for fire fighting) is available at the substage boundary; and</p> <p>(f) wastewater disposal infrastructure (including sufficient downstream capacity, treatment facilities and connections) is available at the substage boundary.</p>	<p>put in place.</p> <ul style="list-style-type: none"> <li>▪ The availability and capacity of bulk infrastructure and arterial roads to service the developments.</li> <li>▪ The extent to which the proposal is consistent with the sequential and coherent development of Stage 1, Stage 2 and any substage of Stage 3 of the Horotiu Industrial Park.</li> <li>▪ Whether interim or alternative measures would adequately service the development without increasing the cost of eventual bulk infrastructure and arterial roading.</li> <li>▪ Matters referred to in Appendix A (Traffic) and Appendix B (Engineering Standards).</li> <li>▪ The extent to which the proposal is consistent with the traffic volume and generation prescribed for the stage.</li> <li>▪ The extent to which the roading network as shown in the Indicative Development Plan for Stages 1, 2, 3A, and 3B is completed.</li> <li>▪ The extent to which the proposal is consistent with the Indicative Development Plan approved for the stage.</li> </ul>
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### Land Use – Effects

ITEM	PERMITTED	RESOURCE CONSENT
<p>24B.16 Traffic (All Stages)</p> <p>• Trip Generation • Access and Parking</p>	<p>24B.16.1 Any activity is a permitted activity if:</p> <p>(a) Trip generation shall not exceed 15.4trips/ha gross land area/peak hour; and</p> <p>(b) Access(es) from internal roads, entrances, parking, loading and manoeuvring shall be in accordance with</p>	<p>24B.16.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

	<p>Appendix A (Traffic); and</p> <p>(c) Access to the arterial and/or State highway networks are generally in accordance with the indicative roading pattern shown in the approved Indicative Development Plan for the relevant stage.</p>	
<p><b>24B.17</b> Traffic Survey</p> <ul style="list-style-type: none"> <li>▪ All Stages</li> </ul>	<p><b>24B.17.1</b> Any activity is a permitted activity if:</p> <p>(a) When 60% of the industrial lots in a stage are occupied, a traffic survey shall be prepared by a suitably qualified person and submitted to the Council confirming that the traffic movements from all occupied industrial lots are in compliance with the trip generation standards set out in Rule 24B.16.1.</p>	<p><b>24B.17.2</b> If the traffic generation survey demonstrates that the trip generation standards in Rule 24B.16.1 are being exceeded, then the Indicative Development Plan required by Rule 24B.12 for the next subsequent stage shall be a discretionary activity.</p> <p>Discretionary criteria shall include, in addition to any other criteria in the plan, the following:</p> <ul style="list-style-type: none"> <li>▪ Subdivision and land use design in order to achieve an overall trip generation not exceeding 15.4 trips/ha gross land area/peak hour for the total combined Stage 1, 2 and 3 (A, B, &amp; C) areas.</li> </ul>
<p><b>24B.18</b> Servicing and operation hours</p> <p>Activities within</p> <ul style="list-style-type: none"> <li>▪ 50m of the Horotiu Road boundary</li> <li>▪ 50m of the Stage 3C boundaries (excluding land abutting the Ngaruawahia Section of the Waikato Expressway and State Highway 1)</li> </ul>	<p><b>24B.18.1</b> Any activity is a permitted activity, if:</p> <p>(a) The activity does not load or unload vehicles or receive customers or deliveries before 7.30am or after 6.30pm.</p>	<p><b>24B.18.2</b> 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>





<p>24B.19 Noise</p>	<p>24B.19.1 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"> <li>(a) does not exceed 75dBA (L10) at any time; and</li> <li>(b) in another zone (except the Living Zone) does not exceed               <ul style="list-style-type: none"> <li>(i) 55dBA (L10), 7am to 10pm</li> <li>(ii) 45dBA (L10) and 70dBA (Lmax), 10pm to 7am the following day; and</li> </ul> </li> <li>(c) in the Living Zone does not exceed               <ul style="list-style-type: none"> <li>(i) 55dBA (L10), 7am to 10pm</li> <li>(ii) 40dBA (L10) and 70dBA (Lmax), 10pm to 7am the following day.</li> </ul> </li> </ul> <p>Despite the above, construction noise and emergency sirens are not subject to this rule.</p>	<p>24B.19.2 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>
<p>24B.20 Landscaping</p>	<p>24B.20.1 Any activity is a permitted activity if land within:</p> <ul style="list-style-type: none"> <li>(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 Living Zone; and</li> <li>(b) 5m along the boundary abutting the Horotiu Primary School of Stage 3C is planted and maintained with a 5m wide buffer strip of indigenous species that will achieve a height of at least 3m within 5 years and sufficient density to visually screen the activity from the Horotiu Primary School.</li> </ul>	<p>24B.20.2 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, and the Horotiu Primary School are maintained.</p>
<p>24B.21 Stage 3A</p>	<p>24B.21.1 Any activity is a permitted</p>	<p>24B.21.2 Any activity that does not</p>



Bunding Area (Figure 24B(B))	<p>activity if:</p> <p>(a) Prior to any subdivision or development of the Stage 3A area, an earth bund is constructed generally in the location and of the form and height shown on Figure 24B(B); and</p> <p>(b) The earth bund is excluded from industrial development; and</p> <p>(c) The earth bund is planted and maintained with indigenous species that will achieve an average height of 3m within 5 years and sufficient density to visually screen the activity from the rural residential lots in the Farm Park described as Lots 1 – 17 DPS89684.</p>	<p>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 amenities of the rural residential lots in the Farm Park described as Lots 1 – 17 DPS89684 are maintained.</p>
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#### Land Use – Building

ITEM	PERMITTED	RESOURCE CONSENT
24B.22 Building Height	<p>24B.22.1</p> <p>Construction or alteration of a building or structure is a permitted activity, if:</p> <p>a) It is located in Stage 1, Stage 2, Stage 3A or Stage 3B, and it is</p> <p>(i) more than 400m from Horotiu Road; and</p> <p>(ii) height does not exceed 25m; and</p> <p>(iii) height does not exceed 15m over 90% of the site; and/or</p> <p>b) Height does not exceed</p> <p>(i) 15m; and</p> <p>(ii) 10m within 50m of Horotiu Road boundary; and</p> <p>(iii) 10m within 50m of Stage 3C boundaries (excluding land abutting the Ngaruawahia Section of the Waikato Expressway and State Highway 1)</p>	<p>24B.22.2</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 and the Horotiu Primary School are maintained.</p>



<p><b>24B.23</b> Building setbacks</p>	<p><b>24B.23.1</b> Construction or alteration of a building is a permitted activity if the building is set back at least:</p> <ul style="list-style-type: none"> <li>(a) 7.5m from the road boundary; and</li> <li>(b) 7.5m from any zone boundary; and</li> <li>(c) 10m from Te Rapa Road; and</li> <li>(d) 15m from the designated boundary of the Waikato Expressway provided that this setback may be reduced if it has been authorised by an Indicative Development Plan approved under Rule 24B.12;</li> <li>(e) 50m from any dwelling that existed on 3 February 2011 other than a dwelling on land within the Horotiu Industrial Park area that existed prior to that date; and</li> <li>(f) 5m from the Bunding Area (Fig 24B(B)).</li> </ul>	<p><b>24B.23.2</b> 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 Horotiu Primary School; existing dwellings; and the Waikato Expressway are maintained.</p>
<p><b>24B.24</b> Aerials</p> <p><i>For rules for Telecommunication Facilities see the National Environmental Standards in Appendix Od Regulation 7.</i></p>	<p><b>24B.24.1</b> Despite rules 24B.22 and 24.43 construction or alteration of an aerial and its support structures is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) The height of the aerial or support structures do not exceed: <ul style="list-style-type: none"> <li>(i) 15m; or</li> <li>(ii) 10m within 50m of the Horotiu Road boundary; or</li> <li>(iii) 5m more than the height of a building the aerial is mounted on, where that building is higher than 20m; and</li> </ul> </li> <li>(b) No dish antennae exceeds 5m diameter, and no panel antennae exceeds 2.5m in any dimension.</li> </ul>	<p><b>24B.24.2</b> Any aerial or support structure that does not comply with a condition for a permitted activity is a discretionary activity.</p>





## Subdivision

ITEM	CONTROLLED	RESOURCE CONSENT
<b>24B.25</b> Indicative Development Plan <ul style="list-style-type: none"> <li>All Stages</li> </ul>	<b>24B.25.1</b> Subdivision is a controlled activity if it is in accordance with the Indicative Development Plan for the stage approved under Rule 24B.12.	<b>24B.25.2</b> Subdivision that is not in accordance with an approved Indicative Development Plan is a discretionary activity.
<b>24B.26</b> Allotment size	<b>24B.26.1</b> Subdivision is a controlled activity, if: <ul style="list-style-type: none"> <li>(a) Every allotment in Horotiu Industrial Park area has a net site area of at least 500m<sup>2</sup>, excluding access allotments or utility allotments.</li> </ul> Control reserved over: <ul style="list-style-type: none"> <li>Amenity values</li> </ul>	<b>24B.26.2</b> Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.
<b>24B.27</b> Stage 3A Bunding Area (Figure 24B(B))	<b>24B.27.1</b> Subdivision is a controlled activity, if: <ul style="list-style-type: none"> <li>(a) Prior to any subdivision or development of the Stage 3A area an earth bund is constructed generally in the location and of the form and height shown on Figure 24B(B).</li> </ul> Control reserved over: <ul style="list-style-type: none"> <li>Construction and maintenance of bund area</li> <li>Planting and maintenance of bund area</li> </ul>	<b>24B.27.2</b> Any activity that does not comply with a condition for a controlled activity is a discretionary activity. <p>Discretionary Activity criteria shall include, in addition to any other criteria in the plan, the extent to which amenities of the rural residential lots in the Farm Park described as Lots 1 – 17 DPS89684 are maintained.</p>
<b>24B.28</b> Landscaping	<b>24B.28.1</b> Subdivision is a controlled activity if: <ul style="list-style-type: none"> <li>(a) Any subdivision of land adjoining Horotiu Road includes a minimum 5m wide landscaping strip adjoining Horotiu Road (excluding access) to be planted and maintained with indigenous species that will achieve a height of at least 5m within 5 years and sufficient density to</li> </ul>	<b>24B.28.2</b> Any activity that does not comply with a condition for a controlled activity is a discretionary activity.



	<p>visually screen the land from the Living Zone.</p> <p>(b) Any subdivision of land adjoining the designated boundary of the Waikato Expressway includes landscape planting and maintenance of indigenous species that will achieve an average height of 3m within 5 years and of sufficient density to visually screen the industrial activity from the Expressway in combination with any existing or proposed landscaping within the Expressway designation, unless the landscaping has been otherwise approved as part of an Indicative Development Plan under Rule 24B.12.</p>	
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Add the following paragraph to Chapter 29 of the Proposed District Plan after the reference to Schedule 27A;

**Schedule 24B – Horotiu Industrial Park**

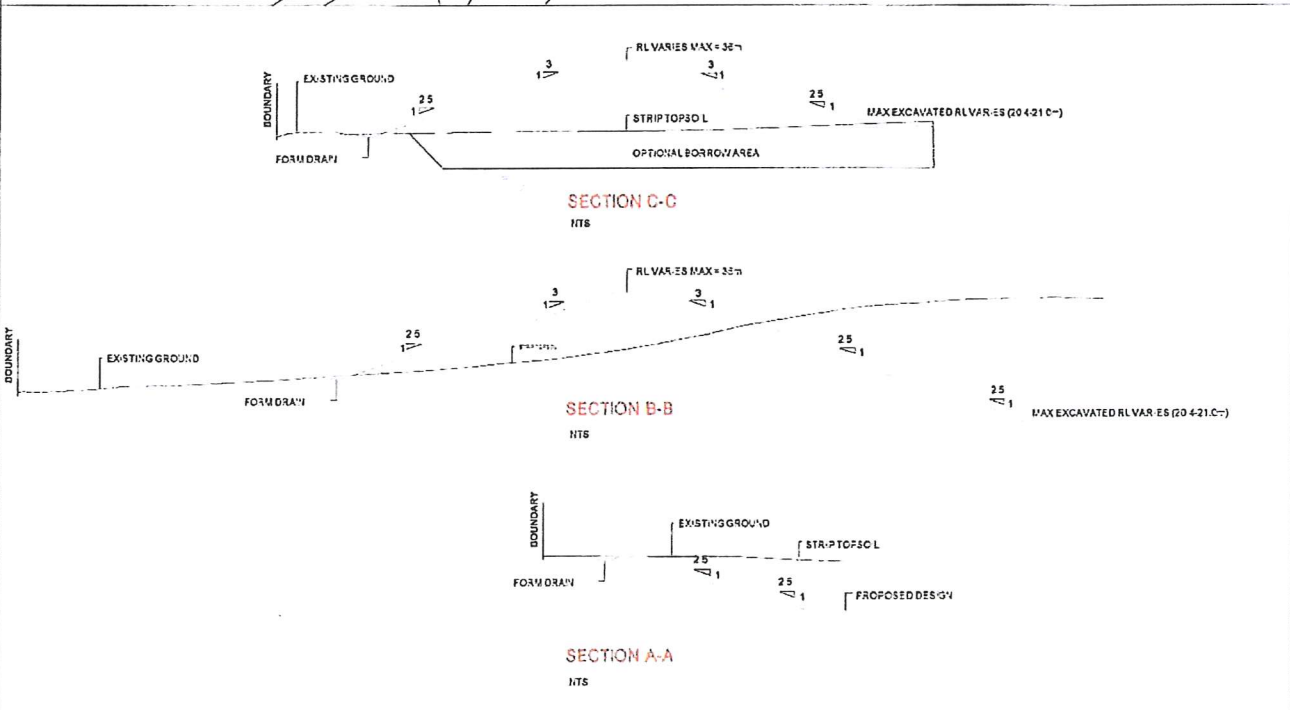
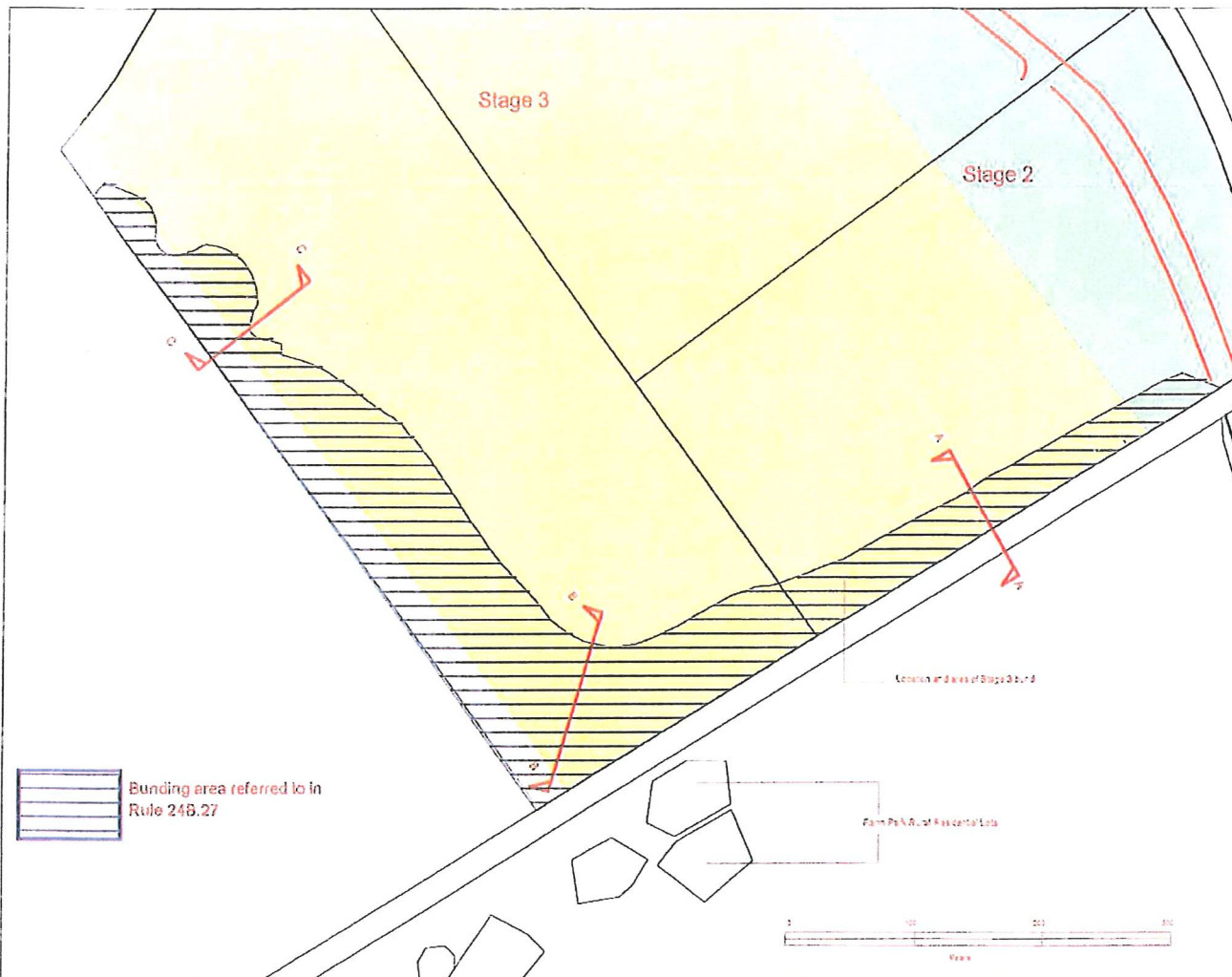
Schedule 24B sets out a stand-alone set of provisions to provide for industrial development in the area. The schedule provides for the land to be subdivided and developed in accordance with an approved Indicative Development Plan for each stage or sub-stage. The Indicative Development Plan sets the parameters for the establishment of activities so that sustainable and integrated industrial development is achieved and ensures that the potential adverse effects of development on the roading and infrastructure networks are addressed. Similarly, the potential adverse effects of development on the adjacent Living and Rural zone activities are also appropriately remedied or mitigated.

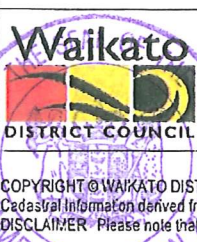
C:\Documents and Settings\bkt.TWAKE2000\Local Settings\Temporary Internet Files\Content.Outlook\7DQBRXZL\Schedule 24B - Final for Execution (2).doc









 <p><b>Waikato</b> DISTRICT COUNCIL</p>	<p><b>Figure 24B (B) Horotiu Industrial Park Bunding</b> (Rule 24B.27)</p>	<p>GIS Department Date Created: 20/12/2010 Projection: NZTM Datum: GD 2000 Reference: HB 5034</p>	<p>North A4 As Shown</p>
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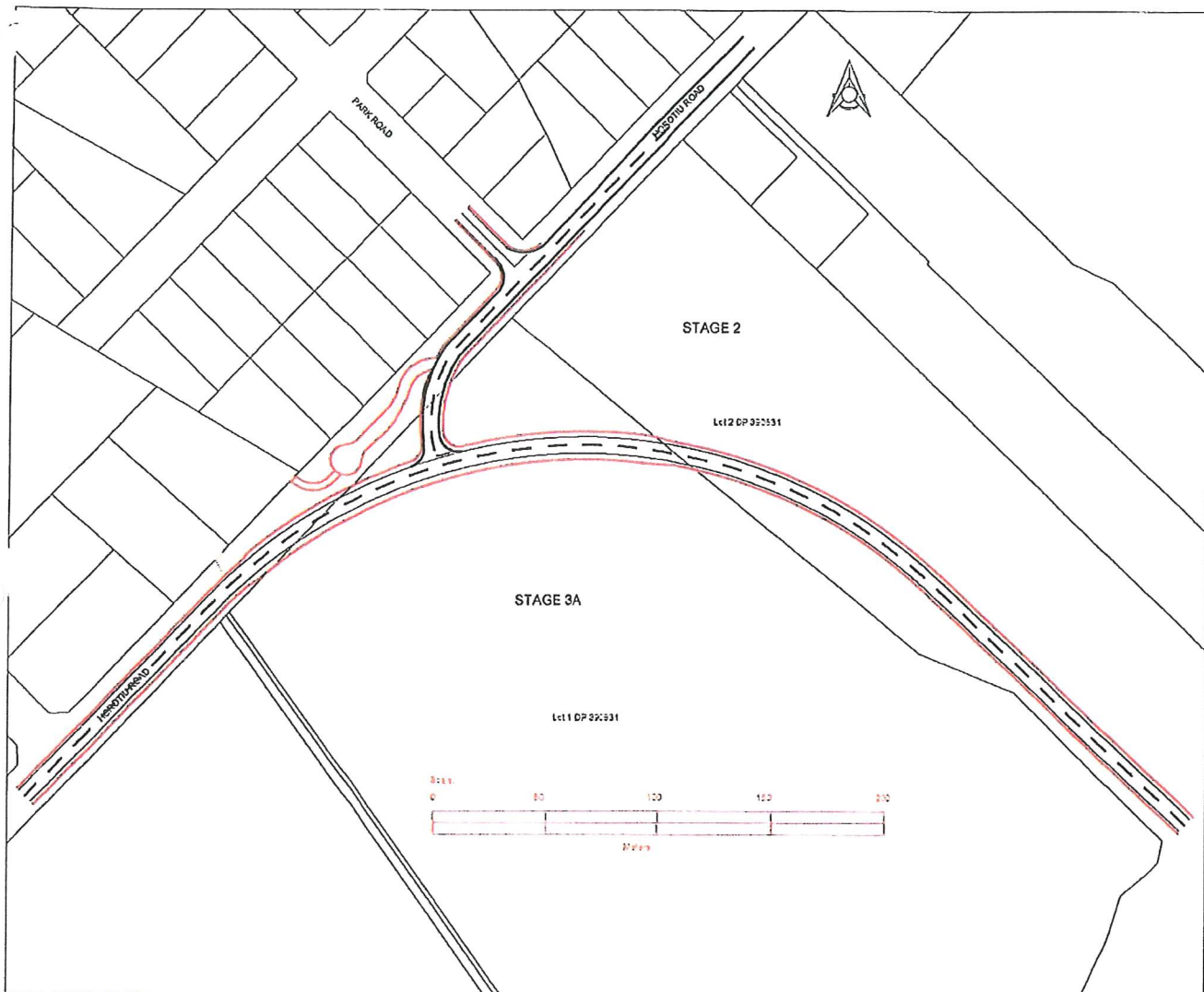
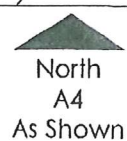


Figure 24B (C) Proposed Horotiu Road Intersection  
(Rule 24B. 12.1(b) (vii))

GIS Department  
Date Created: 8/12/2010  
Projection: NZTM  
Datum: GD 2000  
Reference: HB 5034



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