

RMA HEARINGS PANEL REPORT



To: RMA Hearings Panel Commissioners

From: Neda Bolouri, Consultant Planner; Beca Ltd on behalf of Waipā District Council

Subject: **Addendum #2 (Final Recommendation) to Section 42A Hearing Report on Proposed Plan Change 17 Hautapu Industrial Zone**

Hearing Date: 14th June 2023

Report Date: 26th June 2023

EXECUTIVE SUMMARY

This Addendum #2 to the Section 42A Report (s42A Report) has been prepared to address changes required to Plan Change 17 Hautapu Industrial Zone (PC17) in response to matters raised during the hearing.

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1. INTRODUCTION

- 1.1.1. This Addendum #2 to the Section 42A Report PC17 Hautapu Industrial Zone (s42A Report) has been prepared following the hearing of PC17 and to address additional changes to the landscaping plan, rule framework, transportation and mapping changes.
- 1.1.2. These changes are reflected in Appendix A of this report. It is noted that these changes are in addition to those changes already reflected in the original recommendations in the Section 42A report (filed 27 February 2023) and following Addendum (filed 19 May 2023).

2. ADDITIONAL CHANGES

- 2.1.1. Following the hearing for PC17 which took place on 14 June 2023, a number of changes are proposed as set out below.

2.2. LANDSCAPING

- 2.2.1. Some submitters raised concerns regarding the Perimeter and Boundary Treatment of Appendix B of S5 Hautapu Industrial Structure Plan, Urban Design and Landscape Guidelines. These concerns related to matters outside of the scope of this plan change, that some sites are not adhering to this landscaping and planting requirement. While this is mainly a monitoring and enforcement matter, this will be noted for Waipā District Council staff to be aware of and follow up on. Some concerns regarding the nature of landscaping were raised. The Hautapu Structure Plan contains a Perimeter Boundary Treatment and a list of recommended species. This provides plan users flexibility to choose the right type of plants for their boundary treatments which is considered appropriate for this setting.
- 2.2.2. One of the concerns raised by a number of submitters is that the 30m minimum spacing between trees on the western boundary of the Industrial Zone, at its interface with the Rural Zone is not adequate. Some submitters state that Area 6 currently has an established shelter belt on the western boundary, and anything less than that is detrimentally affecting amenity. While the change in the landscape is not in itself considered an effect, the amenity effects of an industrial zone across the road from a rural zone needs to be considered. The Perimeter Boundary Treatment currently requires a 15m building setback from Peak Road, with 5m landscaping and earth mounding and minimum 30m spaced amenity trees.
- 2.2.3. The 15m building setback and landscaping is considered appropriate in this context and is in keeping with other industrial nodes with this level of anticipated activity. The question is then raised whether the 30m minimum spacing of amenity trees is appropriate. The purpose of this requirement is not to provide a buffer, to visually block out the industrial area from the rural and vice versa, but rather to soften the frontage and add a level of amenity. To reduce the spacing between the trees might contribute towards the concerns of the submitters without being overly onerous on landowners and operators. Instead of a maximum of 30m spacing between street trees, this is proposed to be reduced to 12m maximum spacing. This will still allow space for mature tree canopies but will add additional street trees to soften the boundary.
- 2.2.4. The proposed change:

S5 Hautapu Industrial Structure Plan, Urban Design and Landscape Guidelines

Appendix A: Perimeter Boundary Treatment

Amenity Street Tree Planting - ~~30m~~ 12m Maximum Spacing

S5.7.1.2 Design Guidelines

Street tree planting

(d) Amenity street tree planting at ~~30m~~ 12m maximum spacings should be provided along Peake Road, Hautapu Road and along parts of Hannon Road and Victoria Road (refer to Attachment A).

2.3. RULE FRAMEWORK

- 2.3.1. Mark Chrisp on behalf of Fonterra (Submitter #20) recommended a change to Rule 7.4.1.3f) Restricted Discretionary Activities. This rule is applicable to activities in the Bardowie Industrial Precinct Structure Plan Area which relates to activities requiring a resource consent for discharge to air from Waikato Regional Council, to be a restricted discretionary activity and also require a consent from Waipā District Council. The purpose of this is solely to assess the effects of the air discharge consent on food safety from contaminants discharged to air.
- 2.3.2. The recommendation is accepted as it will provide a further level of protection to the Hautapu Fonterra Manufacturing site, which is noted as a site of regional significance.
- 2.3.3. The proposed change to the rule (also reflected in Section 21: Assessment Criteria 21.1.7.16):

Rule 7.4.1.3(f) Any activities within the Bardowie Industrial Precinct Structure Plan Area and the Hautapu Industrial Structure Plan Area that requires an air discharge permit from the Waikato Regional Council.

Assessment will be restricted to the following matters:

- *Adverse effect on the Hautapu Dairy Manufacturing Site due to the discharge of contaminants to air.*

These matters will be considered in accordance with the assessment criteria in Section 21.

Advice Note: This rule addresses the potential effects on the food safety implications of discharges to air associated with the ongoing operation of the Hautapu Dairy Manufacturing Site.

2.4. TRANSPORTATION

- 2.4.1. Two main transportation related matters were raised at the hearing, one relating to the extent of Road 4 on the Structure Plan maps and the other relating to the triggers for the signalisation of Allwill Drive/Hautapu Road intersection.
- 2.4.2. In agreement with Council's Transportation expert Ms Rhulani Mothelesi, Road 4 will be shown as extending to the northern boundary of Area 6. This is to show the intent of its future connection to provide access to the HLG site.

- 2.4.3. There are no changes proposed to the agreed wording recorded in the Joint Witness Statement for the signalisation of Allwill Drive/Hautapu Road intersection.
- 2.4.4. Some submitters raised concern of access onto Peake Road causing additional transportation effects. The Structure Plan map already shows that access onto Peake Road is not permitted. Therefore no further changes are proposed for Peake Road.
- 2.4.5. The proposed change:

S5.9 Hautapu Industrial Structure Plan

(Show Road 4 as extending to the northern boundary of Area 6)

2.5. MAPPING CHANGES

- 2.5.1. The extent of mapping changes required to accommodate the Deferred Industrial zoning of the HLG site has been listed in Appendix A of the Addendum to the s42A Report. An additional change is required to give full effect to the deferred industrial status and that is to show the HLG site as “Area 7” in the Structure Plan maps. This follows the northern boundary of Area 6, the eastern boundary with the Fonterra site, the southern boundary of the Mangaone Stream and the western boundary of Peake Road. No other detail will be shown such as location of required infrastructure, as this will be covered in a subsequent plan change or variation to enable the live zoning of Area 7.

3. OTHER MATTERS RAISED AT THE HEARING

- 3.1.1. A number of other matters were raised at the hearing by submitters that will not elicit changes to PC17. For some statements made at the hearing, the s42a Report already addresses, and other matters are elaborated on below.
- 3.1.2. Mr Murray Osmond (on behalf of Mr and Mrs Hannon) raised a number of points at the hearing. One of these being a desire to change the layout of the road, presumably Road 1, to provide more space on either side for development. The roading layout in the Structure Plan is indicative and will be finalised during subdivision and detailed design phases. Should the land be sold, and a developer seeks a different roading layout, while still achieving the desired accessibility, this can be accomplished at the time of detailed design. At this time no change is proposed as it provides adequate space for industrial development on either side. It also does not preclude other access roads being formed once development plans are formulated.
- 3.1.3. Basin 3’s location change sought by the Hannons is based on financial compensation of basins and associated infrastructure such as reserves and pump stations, stating that they should be located either on three properties, or in the Rural Zone. Once a stormwater basin’s location is confirmed through detailed design, the land will be purchased by Council, therefore changing its location to cover three separate properties is not a viable option. Locating it on Rural Zoned land, in this situation, does not work as the location of basins is very much prescribed by the expert advice given to date of contours and water flow. It is important to note that each basin is not an isolated catchment, with the overflows of each basin head to Area 6. If one basin were to change its location, there is no guarantee this overflow arrangement would work, and no technical

information to support this relief was provided by the submitter, that would prove the overflow function would still work in a different location. Additionally, changing the location to include other properties that haven't been given the opportunity to contest this change at this point in the plan change process leaves room for legal challenge. No change is proposed.

- 3.1.4. Mr Michael Briggs requested that the lighting rule proposed by PC17 in Area 6 be extended to the entirety of the Hautapu Structure Plan Area. This has already been addressed in the s42a report, that enforcing the lighting rule to all properties in an industrial area is considered excessive and it was added to Area 6 to minimise effects on the properties to the north and no changes are proposed.

4. CONCLUSION AND RECOMMENDATION

4.1. CONCLUSION

- 4.1.1. That the additional information contained in this Addendum #2 to the Section 42A Hearing Report be taken as an update to the original s42A Report filed 27 February 2023 and Addendum to the s42A Report filed 19 May 2023 prepared for PC17 on behalf of the Waipā District Council.
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4.2. RECOMMENDATION

- 4.2.1. Having considered the evidence presented at the hearing (dated 14 June 2023), I recommend that PC17 should be amended as set out in Appendix A of this Addendum #2 and that these additional changes noted satisfy the requirements of S32AA of the Resource Management Act.

Report prepared by:



Neda Bolouri
Consultant Planner (Beca)

on behalf of Waipā District Council

Report reviewed and approved by:



Wayne Allan
**Group Manager – District Growth and
Regulatory Service**

Appendix A - Recommended Tracked Changes to Waipā District Plan

4.2.2. Change S5 Hautapu Industrial Structure Plan, Urban Design and Landscape Guidelines

Appendix A: Perimeter Boundary Treatment

Amenity Street Tree Planting - ~~30m~~ 12m Maximum Spacing

S5.7.1.2 Design Guidelines

Street tree planting

(d) Amenity street tree planting at ~~30m~~ 12m maximum spacings should be provided along Peake

Road, Hautapu Road and along parts of Hannon Road and Victoria Road (refer to Attachment A).

4.2.3. Change Rule 7.4.1.3(f) as follows:

Rule 7.4.1.3(f)

Any activities within the Bardowie Industrial Precinct Structure Plan Area [and the Hautapu Industrial Structure Plan Area](#) that requires an air discharge permit from the Waikato Regional Council.

Assessment will be restricted to the following matters:

- *Adverse effect on the Hautapu Dairy Manufacturing Site due to the discharge of contaminants to air.*

These matters will be considered in accordance with the assessment criteria in Section 21.

Advice Note: This rule addresses the potential effects on the food safety implications of discharges to air associated with the ongoing operation of the Hautapu Dairy Manufacturing Site.

4.2.4. Change to Section 21: Assessment Criteria

Industrial Zone

21.1.7.16 Activities in the Bardowie Industrial Precinct Structure Plan Area [and the Hautapu Industrial Structure Plan Area](#) requiring an air discharge permit from the Waikato Regional Council.

4.2.5. Changes to S5.9 Hautapu Industrial Structure Plan

(Show Road 4 as extending to the northern boundary of Area 6)

WAIPĀ DISTRICT PLAN: PROPOSED PLAN CHANGE 17– HAUTAPU INDUSTRIAL ZONE

(Show the HLG site as “Area 7”).