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15 November 2018

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Hearings Panel – Private Plan Change 11
Waipa District Council
Private Bag 2402
TE AWAMUTU 3840

waikatoregion.govt.nz
0800 800 401

Dear Sir/Madam

Re: Private Plan Change 11 – Waikato Regional Council Submission (7)

The purpose of this letter is to advise that I have read the Section 42A Hearing Report (Hearing Report) prepared for Private Plan Change 11 – Bardowie Industrial Precinct (PPC11), and considered it in relation to Waikato Regional Council's (WRC's) submission on PPC11. The applicant Bardowie Investments Ltd (BIL) has subsequently prepared a memorandum outlining further amendments, which will be presented at the hearing on 19 November. I am satisfied that Waikato Regional Council's submission points have been addressed through the recommendations in the Hearing Report, and as subsequently amended in the attached memorandum to WRC and Hamilton City Council dated 14 November 2018 (the Memo), and I seek no further changes to PPC11's provisions.

As discussed in the Hearing Report, WRC's submission included the following point in support:

- Support in principle for industrial development on the PPC11 location, satisfactorily addressed by paragraph 5.3.26 of the Hearing Report;

WRC's submission also sought the following amendments:

- Amendments to the provisions so that permitted activity stormwater ponds and facilities are required to be designed in accordance with an appropriate technical report or by a suitably qualified professional. This has been addressed by paragraph 6.4.8 of the Hearing Report; and
- Amendments to the provisions so that the proposed 'Campus Hub' is scaled to an appropriate size to support the PPC11 area, while avoiding any adverse effects on other commercial centres. This has been addressed through a number of amendments proposed by the Hearing Report and as further amended in the Memo, as discussed in the following paragraphs.

WRC's considerations regarding the Campus Hub

Waikato Regional Policy Statement (WRPS) Policy 6.16 seeks to manage the built environment in the Future Proof area to provide for varying levels of commercial development to meet the wider community's social and economic needs, primarily through the encouragement and consolidation of such activities in existing commercial centres. Clause f) specifically seeks to manage commercial development by maintaining '*...industrially zoned land for industrial activities unless it is ancillary to those industrial activities, while also recognising that specific types of commercial development may be appropriately located in the industrially zoned land.*' Also relevant is clause g) which states that '*New centres will avoid adverse effects, both individually and cumulatively on i) the distribution, function and infrastructure associated with those centres identified in Table 6-4 (section 6D).*' Cambridge Town Centre is listed in this

table under the type 'Town Centres', which have the function description of '*Retail, administration, office and civic centres providing most commercial and servicing needs, together with non-retail economic and social activity, to their urban and rural hinterland.*'

For the Campus Hub I consider that Policy 6.16 of the WRPS raises two main considerations. The first is whether the scale and scope of activities in the Campus Hub will cause adverse effects on other centres identified in Table 6-4, the most relevant in this case being Cambridge town centre. The second consideration is whether the scope of non-industrial activities is appropriate for the site, based on Policy 6.16 f), noting that an argument for alternative land release to that identified in the WRPS Future Proof tables is that there is insufficient industrially zoned land.

Expert assessment has not been provided on the actual requirements for the Campus Hub to serve the needs of employees in the PPC11 area, or to assess the impacts of the scope of activities on the commercial centres hierarchy. However, in the absence of this assessment I am satisfied that appropriate limits have been applied to the policy and rule framework for the Campus Hub as amended by the Hearing Report and Memo, noting in particular Policy 7.3.4.2A, the thresholds and limits for permitted activities (in particular regarding retail) and controlled activities (limiting to one visitor accommodation facility and one conference facility), and making non-ancillary offices a restricted discretionary activity.

I request that this letter is tabled at the hearing on 19 November 2018 for consideration by the Hearings Panel.

Yours faithfully



Andrew Tester
Senior Policy Advisor

Attachment: Memorandum to Waikato Regional Council and Hamilton City Council dated 14 November 2018

Memorandum

To: Waikato Regional Council, Hamilton City Council

From: Mark Chrisp, Abbie Fowler

Cc: Matt Smith, Todd Whittaker, Wayne Allan

Date: 14 November 2018

Re: Proposed Plan Change 11 – Residual Submitter Issues

INTRODUCTION

The Waikato Regional Council, Hamilton City Council and Future Proof (the “**submitters**”) all submitted on Proposed Plan Change 11 to the Waipa District Council to rezone 57.6 hectares of land at Hautapu from a combination of Deferred Industrial Zone / Rural Zone to Industrial Zone.

Bardowie Investments Limited (“**BIL**”), the proponent of Proposed Plan Change 11, has been working with the submitters to resolve issues raised in their respective submissions. Future Proof has confirmed that they are comfortable with the Plan Change, with the Waikato Regional Council and Hamilton City Council having residual concerns with the following matters:

- Offices within the Campus Hub;
- Retail activities within the Campus Hub;
- Conference facility and visitor accommodation; and
- Innovation and advance technology activities.

This memorandum sets out how BIL is proposing to amend Proposed Plan Change 11 (following the release of the s42A report) to address these issues. The Waipa District Council has indicated that they are supportive of the amendments set out below.

OFFICE ACTIVITIES

Initially, Proposed Plan Change 11 was promulgated with offices within the Campus Hub being identified as Permitted Activities. Both Hamilton City Council and the Waikato Regional Council have raised concerns with the effects of this on the commercial hierarchy of Cambridge (and consistency with Policy 6.16 of the Waikato Regional Policy Statement). To address this issue, BIL is proposing that offices within the Campus Hub of the Bardowie Industrial Precinct (additional to ancillary offices permitted by way of Rule 7.4.1.1 (l)) become a Restricted Discretionary Activity via a new rule, as follows:

(g)	<p>Offices within the Campus Hub of the Bardowie Industrial Precinct not permitted under Rule 7.4.1.1 (l).</p> <p><u>Assessment will be restricted to the following matters:</u></p> <ul style="list-style-type: none"> • <u>Effects on the Cambridge Central Business District.</u> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21.</u></p> <p><i>Advice Note: Offices outside of the Campus Hub and not permitted under Rule 7.4.1.1 (l) are subject to Rule 7.4.1.5(g)</i></p>
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Following additional conversations with Hamilton City Council, BIL has also proposed to include a new assessment criterion in Section 21 of the Waipa District Plan to address the matter of discretion proposed, as follows:

21.1.7.16A	<p><u>Offices within the Campus Hub of the Bardowie Industrial Precinct</u></p>	<p>(a) <u>The extent to which the proposed office activity, in conjunction with other established or consented office activity:</u></p> <ul style="list-style-type: none"> i) <u>Avoids adverse effects on the vitality, function and amenity of the Cambridge CBD;</u> ii) <u>Avoids the inefficient use of existing physical resources and promotes a compact urban form; and</u> iii) <u>Promotes the efficient use of existing and planned public and private investment in infrastructure.</u> <p>(b) <u>The extent to which similar office facilities are available within the Cambridge CBD.</u></p>
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RETAIL ACTIVITIES

While BIL’s amendments proposed in its primary submission has resolved the majority of concerns in relation to the extent of retail activities (additional to that which is permitted by way of Rule 7.4 1.1 (e)) in the Campus Hub, to address a matter raised by Hamilton City Council, we are proposing the follow amendment to remove the reference to “ground floor” from the permitted activity rule:

(v)	<p>In addition to 7.4.1.1 (a) – (u), the following activities are permitted activities within the Campus Hub of the Bardowie Industrial Precinct (Appendix S19):</p> <ul style="list-style-type: none"> (i) Child care and preschool facilities (ii) Wellness centre (as defined in the Bardowie Industrial Precinct Structure Plan) (iii) Innovation centre (as defined in the Bardowie Industrial Precinct Structure Plan) (iv) Offices with a ground floor GFA of less than 200m² (except as provided for by Rule 7.4.1.1(f)); (v) <u>Other retail activities not otherwise provided for in Rule 7.34.1.1 with a maximum combined ground floor GFA of no more than 400m² within the Campus Hub; and</u> (vi) A licenced premise with a ground floor GFA of no more than 350 m²; and (vii) Education facilities.
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VISITOR ACCOMODATION AND CONFERENCE FACILITIES

BIL understands that the Hamilton City Council and Waikato Regional Council concerns regarding visitor accommodation and conference facilities are primarily related to the open-ended nature of the rule in that it could be read as allowing 5.5 hectares of several visitor accommodation and conference facilities. In that regard, BIL has proposed the following amendment so that it is explicit that it is only one of each activity that is permitted:

(c)	<p>The One of each of the following activities are controlled activities within the Campus Hub of the Bardowie Industrial Precinct:</p> <p>(i) Visitor Accommodation Facility Facilities</p> <p>(ii) Conference facilities Facility</p> <p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> ▪ Parking. ▪ Consistency with the site layout in the Structure Plan. ▪ Consistency with the Urban Design and Landscape Guidelines of the Bardowie Industrial Precinct Structure Plan. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
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INNOVATION AND TECHNOLOGY ACTIVITIES

With respect to the “Innovation and Advanced Technology Activities”, while an argument could be made that the type of activities could be within the ambit of the definition of “laboratories, research establishments” (permitted in the Industrial Zone by way of Rule 7.4.1.1 (h)), BIL considers that a definition is required to provide certainty that these activities are permitted in the Bardowie Industrial Precinct. Given the significant focus on technology in the APL part of the precinct (Node 1A and Node 2), providing for these activities across the Bardowie Industrial Precinct is inherently compatible with the type of activities envisioned for the precinct.

BIL based the definition from that of the Hamilton City District Plan in relation to “Research and Innovation Activities” which are permitted in the Knowledge Zone. As the Waipa District does not have the equivalent zoning, that fact that laboratories, research establishments are permitted in the Industrial Zone, and the focus on technology development and use within the APL part of the precinct, BIL considers that this is appropriate. BIL has amended the definition to remove reference to agricultural, biotechnological and chemical process activities as these would not be compatible with the precinct and may have inappropriate offsite effects.

BIL has, however, proposed a number of amendments post the release of the s42A report in relation to Innovation and Advanced Technology Activities. Firstly, to avoid any district wide implications BIL is proposing to remove the definition from the Definitions Section of the Waipa District Plan and insert the definition into the Bardowie Industrial Precinct Structure Plan. Secondly, BIL has amended the definition as follows to resolve the concerns raised by Hamilton City Council and the Waikato Regional

Council in relation to activities that service the Innovation and Advanced Technology Activities being permitted (note that this is now within the Structure Plan):

S19.2.4 As a modern industrial precinct, there will be opportunities for advanced technology industries to locate and develop within the area. In that regard, in the context of the Bardowie Industrial Precinct (and the District Plan permitted activity rules), “Innovation and Advanced Technology Activities” means all activities involved in the research, development, manufacture and commercial application of advanced technology including, but not limited to, information technology, energy technology, manufacturing technology, materials technology, software development, telecommunications, data storage, data management and processing, infrastructure systems and management”, ~~and activities required to serve those activities.~~

Any ancillary activities to the Innovation and Advanced Technology Activities would be subject to the existing Rules and Performance Standards in the Industrial Zone. For example, ancillary retail provided for by way of Rule 7.4.1.1 (d) and ancillary buildings and offices provided for by way of Rules 7.4.1.1 (k) and 7.4.1.1 (l).

CONCLUSION

We trust this memorandum adequately resolves the residual issues of interest to the Waikato Regional Council and Hamilton City Council. All of these amendments will be introduced via evidence at the Proposed Plan Change 11 hearing and have been discussed with the Waipa District Council.

Please contact us if you have any remaining concerns. Otherwise, we would be grateful if you could confirm if the issues raised in your respective submissions have been resolved via letter to be tabled to the Hearings Panel.

We look forward to hearing from you.



Mark Chrisp / Abbie Fowler
Mitchell Daysh Limited