

BEFORE THE WAIPĀ DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 20 – Airport Northern
Precinct Extension to the Operative Waipā
District Plan

**CLOSING SUBMISSIONS ON BEHALF OF TITANIUM PARK LIMITED AND
RUKUHIA PROPERTIES LIMITED**

5 April 2023

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INTRODUCTION AND PRINCIPAL SUBMISSIONS

1. When we opened the case for Titanium Park Limited (“TPL”) and Rukuhia Properties Limited (“RPL”) (together the “Applicants”), we submitted that the combined evidence on behalf of the Applicants and the Council should give the Panel a very high degree of confidence that there are no impediments to approving PC20, and that it represented the most appropriate planning framework for the PC20 site.
2. The PC20 proposal will bring meaningful benefits for the district and the region, facilitating much-needed business land in a strategic location by way of quality, coordinated development. Further, the suite of proposed effects management measures is comprehensive and robust.
3. Nothing that transpired during the hearing changed or detracted from those submissions. Indeed, at the conclusion of the hearing, Mr Williamson confirmed he had no changes to his recommendations or recommended PC20 provisions.
4. We also submitted to you the following:
 - (a) PC20’s proposed objectives and policies appropriately give effect to all applicable higher order planning instruments. There has been no real and serious challenge to that submission. While the Director-General of Conservation (“DoC”) has challenged some policy aspects and suggested that more compensation for bats would be necessary (at the consenting stage), we addressed that extensively in opening submissions and the Applicants’ witnesses have provided comprehensive and carefully reasoned responses. In our submission, when the Panel interrogates the evidence and submissions, DoC’s case, founded on a misinterpretation of the applicable planning framework, simply does not stack up. For example, even if further compensation is required compared to the preliminary estimates outlined by the Applicants’ expert team to achieve the Regional Policy Statement (“RPS”) direction of no net loss (which is also embodied in PC20), then there is nothing in the policy and rules framework in PC20 that would frustrate that being required at the resource consent stage.
 - (b) We submitted that the proposed rules appropriately implement the proposed policies. No party has seriously challenged the fundamentals of the proposed rules, although some parties have sought detailed changes:

- (i) Hamilton City Council (“HCC”) has sought a range of changes aimed at further prescription and proscriptioin, which the Applicants say is unnecessary, inappropriate, and unjustified.
 - (ii) DoC appears largely satisfied with the PC20 rules and related provisions. Its concerns about the proposed Structure Plan and the quantum of compensation are not only based on an incorrect interpretation of the policy framework, but are also unworkable, unjustified, and/or ineffective in themselves. For example, 130ha of compensation land is neither efficient, practicable, or reasonable, particularly given most of the PC20 site consists of homogeneous and inferior open grassland.
- (c) We submitted that in terms of s32 of the RMA:
- (i) The proposed objectives are the most appropriate means of achieving the purpose of the RMA; and
 - (ii) The proposed provisions are the most appropriate way to achieve the objectives of the District Plan and the RPS.
- (d) We submitted that PC20 will promote the sustainable management purpose of the RMA, including because:
- (i) Any potential adverse effects can be appropriately managed through the proposed framework;
 - (ii) The proposed development of the PC20 site:
 - Is an efficient use and development of natural and physical resources; and
 - Can be achieved in a manner that maintains or enhances the quality of the environment and amenity values.
- (e) We submitted that the proposed provisions are entirely appropriate for the site. They strike an appropriate balance between the desirability of stimulating business activity through quality development of business land and the need to ensure that development appropriately responds – through design and management of effects – to the immediate site and surrounds and the district and region as a whole.

- (f) We submitted that the proposal would achieve an outcome which will have significant positive benefits. It will supply highly sought-after business land, introduce jobs, and stimulate local investment and spending.
- 5. Again, nothing during the hearing has detracted from the above submissions.
- 6. As the Panel is aware, there were only 26 submissions received with a number (ten) in support, support in part, or silent as to the ultimate decision sought on PC20. Fewer submitters have elected to present evidence to you and of those that have, as the Panel observed, it is not confronted by parties seeking the wholesale decline of PC20.
- 7. That being so, we submit the critical question for the Panel is what final form the PC20 provisions should take. Our opening submissions gave you a fulsome pathway for confirming the plan change on the basis put to you by the Applicants. Put simply, the evidence of the Applicants is such that it is our strong submission that it is entirely appropriate to simply grant the Plan Change in the form sought in **Annexure A** of these submissions. Potential effects have been appropriately addressed with respect to the scale and degree of effects and in accordance with the higher order policy framework.
- 8. The evidence provided by the Applicants has been fulsome, but that was necessary to respond to the many layers of applicable policy documents (including national policy statements), and the issues raised by other parties. Our submissions and the Applicants' evidence has provided the Commissioners with the pathways to navigate the complexities – Mr Grala and Mr Inger's evidence in particular steps the Panel through the various relevant considerations and should provide the Panel the confidence that following those steps, the plan change should not only be confirmed, but approved on the basis sought by TPL/RPL.
- 9. It is also worth not losing sight of the fact that the rationale for PC20, and the actual development proposed to be facilitated by PC20, is very simple. The crux of PC20 is that it provides for quality business development to meet demand, while appropriately managing adverse effects.
- 10. Once you distil the outstanding matters in contention, the Panel is largely left with the following key issues:
 - (a) HCC: HCC essentially seeks to reduce the extent of the retail provided for in the Northern Precinct. The Applicants' evidence has demonstrated that HCC's position should not be of concern to you from a policy or effects perspective. A limited – but sufficient – retail offering for non-ancillary retail is a critical part of

delivering not only the day-to-day needs of the workers and visitors to the Airport Business Zone but also providing amenity to attract quality businesses to the locality.

- (b) DoC: the actual relief sought by DoC at the hearing remains unclear, although Ms Hooper noted in her submissions that *“the Director-General seeks a careful integrated catchment approach to the design of the overall effects management approach to achieve a no net loss outcome”*.¹ That outcome is provided for within PC20 and we return to this in further detail below.

11. In summary, we submit that the significant opportunity represented by PC20 and major benefits it will bring should not be lost or compromised due to concerns about adverse effects which will be appropriately managed by the PC20 provisions.
12. By way of update we note that TPL has since the adjournment gone unconditional on the sale and purchase agreement for the compensation site.
13. We set out below a response to discreet issues raised by submitters, with a particular focus on matters that arose during the hearing. Responses to the primary evidence of the witnesses for the submitters is largely addressed in our opening submissions and/or statements of rebuttal on behalf of the Applicants and is not repeated below.

RESPONSE TO DOC

Wildlife Act 1953

14. Counsel for DoC addressed the Panel on the Wildlife Act 1953 in the context of commenting on the removal of shelterbelts on the TPL land several years ago.² The reason for the submissions (i.e. the relevance to PC20) was not readily apparent. To avoid any potential for confusion, TPL was cognisant of the Wildlife Act 1953 when it had to remove the shelterbelt for health and safety concerns. As explained by Mr Morgan in his evidence,³ prior to the shelterbelt removal TPL engaged a bat ecological specialist who bio-acoustically monitored the shelterbelt for bats and in particular potential roost activity. The specialist ecologist inspected the shelterbelt for the presence of roosts prior to and post the felling. These measures ensured that no bats were harmed. The comprehensive approach taken by TPL should have been commended by DoC.

¹ Paragraph 33 of Legal Submissions on Behalf of the Director General dated 16 March 2023.

² Paragraph 13 of Legal Submissions on Behalf of the Director General dated 16 March 2023.

³ Paragraph 47, EIC Morgan.

Biodiversity Compensation Model (“BCM”)

15. The evidence and our opening legal submissions addressed the BCM in detail. We reaffirm our submission that the Panel would be on safe ground accepting the utility of the BCM in its limited role (as explained in opening submissions and evidence). We reiterate that the same arguments regarding the BCM were addressed in detail in the recent Commissioners’ decision on HCC Plan Change 5 (“PC5”),⁴ where the Commissioners decided:⁵

While we accept that, necessarily, all models have their limitations, and there will always be technical arguments around the margins, we find that the criticisms of the BCM model... were satisfactorily addressed in the evidence

16. Notwithstanding, it is necessary to briefly address submissions of Ms Hooper for DoC on the BCM:

- (a) First, Ms Hooper referred to “comments” made by Environment Court judges during recent hearings. Without reference to transcript excerpts or other evidence, Ms Hooper stated that *“the presiding judges appear to have reservations about relying on a mathematical and scientific model that lacks transparency and where final figures cannot be verified.”*⁶ Clearly, such oral observations or comments of judges during a hearing are not binding or persuasive authority. Self-evidently, in themselves they do not form part of any (future) Environment Court decision. The Panel would be well advised to disregard Ms Hooper’s submissions on this point and/or give such attributed judicial comments little weight.
- (b) Ms Hooper⁷ noted that the Director-General is currently involved in two Environment Court hearings where the use of the BCM has been strongly challenged by the appellants. The fact that appellants are challenging the BCM is of little relevance.
- (c) The fact that Ms Hooper refers to resource consent hearings is also apt. This is a plan change, and PC20 does not lock in use of the BCM or any other model. The PC20 provisions require no net loss for more than minor residual effects on bat habitat values, but they do not mandate use of the BCM. PC20 does not “rely

⁴ Paras 179-186.

⁵ Para 184.

⁶ Ms Hooper legal submissions, para 29.

⁷ At para 29

on” the BCM. As explained in opening submissions, the BCM has been used by Mr Markham as a “sense check” only on the preliminary compensation actions investigated, in the context of the requirements of the proposed PC20 provisions. Therefore, to adopt Ms Hooper’s turn of phrase, we submit that DoC’s criticism of the BCM at this juncture is a “red herring”. The approach to assessing residual effects and compensation requirements is ultimately a matter for future resource consents. Notwithstanding, the Applicants’ preliminary assessment using the BCM and the Applicants’ purchase of the proposed compensation site should provide the Panel with plenty of comfort that appropriate compensation can be achieved.

- (d) Neither DoC nor the Royal Forest and Bird Protection Society of New Zealand Inc (“Forest and Bird”) provided any credible expert evidence on alternatives to the BCM. When invited to do so, Ms Thurley declined, noting she was not a compensation modelling expert. Ultimately, no party has presented an alternative approach as to how the quantum of compensation should be determined at the time of assessing a resource consent application with any sense of scientific rigour, repeatability, or transparency.⁸
- (e) The Applicants do not claim the BCM is some sort of a panacea, and Mr Markham acknowledged the following in answering a question from Commissioner Coffin:⁹

Any model has its weaknesses and models are only there to test scenarios or thinking to get to a point, [...] the weakness of this model is probably based on the information you use like any model. That information has to be validated [...] you put together a justification table, and that justification table walks through every parameter you put into the model and supplies justification to it in terms of literature or reference to where that data has come from so that the reviewer on the other side can navigate through it and go to those cited papers or cited material that you use and understand the thought process and have confidence in the information that is used. [...] so I am saying on one hand sometimes the inputs to the model is a weakness but that weakness can be overcome by providing that justification table.

- (f) At this stage, the BCM is a useful sense check and an appropriate approach (which was also used for HCC PC5). Expert judgements that are required to input into the model can be checked through technical review to apply rigour to the

⁸ Evidence was presented to the same effect in PC5. See para 186 of the Commissioners’ decision.

⁹ See Day 2 at 1:07

process. This will occur at resource consent stage. Mr Markham explained this verification process.

- (g) Ms Hooper submitted that *“the hearing panel should base its decision on the opinions of experts not the BCM”*.¹⁰ We agree that the expert evidence should be the basis of the Panel’s decision. The Applicants’ expert evidence has been informed – or “sense checked” – by reference to the BCM. This is entirely appropriate.
- (h) Both Ms Hooper and Mr Jennings asserted a breach of the Code of Conduct in respect of Mr Markham’s evidence as he had not outlined sensitivity and uncertainty analyses for the BCM. The purpose of Mr Markham’s evidence was two-fold:
 - (i) To address ecological values and effects across the PC20 site (excluding bats which were addressed by Ms Cummings); and
 - (ii) To address residual effects.

As part of Mr Markham’s assessment of residual effects, he addressed the requirement under rule 10.4.2.14B for the development of an Ecological Management Plan and noted that one of the matters to be addressed at that time are details on offsetting or compensation measures to contribute to a no net loss outcome where there will be more than minor residual effects on bat habitat values. At paragraph 54 of his evidence in chief, Mr Markham stated:

The remainder of this section is to provide confidence that the residual effects management approach is feasible and within the limits that offsetting, or compensation can be applied. It is important to note that the final compensation assessment will be required to be undertaken as part of the preparation of the EMP at the resource consent stage and that this preliminary assessment should not be viewed as the final offset/compensation package.

Mr Markham then proceeded to outline what level of compensation would be required based on his preliminary assessment and noted specifically that he modelled a 10% net gain threshold to account for *“false positives (i.e. modelled*

¹⁰ Para 31.

outcomes not being fully [realised]".¹¹ This is an important point that accounts for any uncertainties at this stage.

As noted above, Mr Markham confirmed to the Panel that the BCM at the resource consent stage should be accompanied by a justification table allowing technical reviewers to move through all the calculations and view justifications in terms of best practice, data, and peer reviewed journal articles. He noted the justification table also serves as a sensitivity analysis allowing reviewers to explore possible sensitivity of values used. Therefore, it is rejected that Mr Markham has breached the Code of Conduct. I submit the assertions by Ms Hooper and Mr Jennings in this regard are incorrect and unfair in the context in which the BCM was addressed in Mr Markham's evidence (as outlined). Neither DoC or Forest and Bird called any compensation expert evidence.

DoC's "unified" approach

17. In legal submissions, Ms Hooper states that DoC's case is that there is a "*need for a unified catchment approach to bat habitat and protection*". Notwithstanding the lack of clarity and detail provided in terms of how DoC sees this practically translating to the PC20 provisions, the Applicants say that PC20 is a meaningful part of that catchment-wide approach. For example:
 - (a) Ms Cummings addressed how the Bat Habitat Areas ("BHA"s) and proposed compensation site are an excellent opportunity to instigate habitat protection and enhancement, and expand connective linkages across the wider landscape. The compensation site can effectively be expanded under a multi-agency, landscape/catchment approach.
 - (b) In addition, the Bat Management Plan provisions under rule 10.4.2.14B(a)(vi) and (viii) require:
 - (i) consideration to be given to connectivity with features in the wider landscape and potential opportunities for co-ordination with other habitat enhancement initiatives; and

¹¹ Markham EIC at [60].

- (ii) consideration of how monitoring for bats could be co-ordinated with other monitoring occurring within the known home range of the local bat population.
- (iii) Mr Muldowney addressed the PC20 bat provisions in his oral legal submissions for HCC and noted:¹²

I commend the plan change proponents on the evolving bat management provisions contained within plan change 20. The provisions which have emerged from expert conferencing are excellent and they are well aligned with the provisions that are contained within PC5 which is the Peacocke plan change, and so I simply want to signal our support for those updated provisions that relate to bat management and bat habitat and compensation.

Mr Muldowney's observations of alignment with PC5 is a demonstration of PC20 achieving Ms Hooper's "careful integrated catchment approach to the design of the overall effects management approach...".¹³

18. In our submission, based on the evidence, PC20 represents the most "bat-friendly" package of provisions in the district. But PC20 is not, nor cannot be, the unified catchment approach sought by DoC. It is not for PC20 to provide a solution to the management of bats across their entire home range. As outlined in opening submissions, PC20 is one tool in a multi-faceted, multi-policy, and multi-party response (with DoC being a key member of the Waikato Bat Alliance).¹⁴ PC20 can only be – and is – a part of that. The RPS reinforces that a collaborative approach is needed (see for example ECO-P3 which Mr Inger's evidence in chief addressed).¹⁵ We therefore disagree, from a legal and practical perspective, with Ms Hooper's assertion that "[t]he Director-General submits the District Plan is **the only way** to slow or prevent habitat loss for the pekapeka".¹⁶

19. Finally:

- (a) It was disappointing to hear DoC's counsel describe that the Waikato Bat Alliance has turned out to be quite toothless. However, a lack of action or progress by

¹² Day 3 recording at 3:15.

¹³ Ms Hooper legal submissions, para 11.

¹⁴ Paras 8.58-8.59.

¹⁵ At paragraph 53 and 61. ECO-P3 (Collaborative management) in the RPS and its suite of supporting methods make it clear that maintaining and enhancing indigenous biodiversity includes landowners, resource managers, tangata whenua, and other stakeholders.

¹⁶ Ms Hooper legal submissions, para 32 (emphasis added).

DoC and other members of the Waikato Bat Alliance is not an issue for PC20 to resolve.

- (b) Despite an integrated catchment-wide approach being advocated by DoC, it was ironic that DoC's case did not acknowledge or address the opportunities pertaining to the large Crown land holdings in the immediate area containing significant bat habitat. Ms Cummings did address those habitats and they informed her consideration of how the PC20 site integrates within the wider landscape, including through the provision of BHAs and the proposed compensation site to connect these areas.

The *Weston Lea* decision

- 20. Ms Hooper referred the Panel to the Environment Court's decision of *Weston Lea Limited v Hamilton City Council*.¹⁷ This was a decision we addressed in opening submissions and which related to appeals in respect of the Amberfield Development where resource consent conditions dealing with bats were central.
- 21. It is important to bear in mind, as it was not evident in Ms Hooper's submissions, that ultimately the Court in that case allowed development of the majority of the Amberfield site. The Court identified Bat Priority Areas ("BPA"s) which were to be protected – in much the same way as the Applicants have proposed BHAs. The BPAs in the *Weston Lea* case were identified along the Waikato River margin, a gully and a shelterbelt, and an adjoining grouping of trees.
- 22. It was accepted that there would be loss of pasture and vegetation outside of the BPAs where residential development would occur. The width of the corridor for the East-West Shelterbelt BPA was a key consideration for the Court and it ultimately determined that a width of 35m together with a 5m building setback would be appropriate having considered evidence from experts for DoC and others seeking a wider corridor. PC20's 50m BHA corridor together with a 5m building setback therefore compares favourably.
- 23. The Court concluded that "*the conditions when refined will as we have concluded achieve sustainable management in developing an important residential resource while safeguarding the ecosystem essential for the New Zealand Long Tail Bat*".¹⁸

¹⁷ [2020] NZEnvC 189.

¹⁸ At para [123].

24. The *Weston Lea* decision (along with PC5 which followed it) has helped inform the provisions of PC20, including the development of BHAs, the Bat Management Plan provisions, setbacks and strict lighting and other controls.

DoC's criticism of the s32 analysis

25. Having referenced the incorporation of the pekapeka into the Hamilton Airport terminal re-design, Ms Hooper critiqued the s32 analysis on the basis that it failed to adequately account for economic benefits and costs associated with the pekapeka. That submission was curious and misplaced. The s32 and s32AA reports are comprehensive and in accordance with the requirements of the Act and dealt with the provisions as they relate to the pekapeka in sufficient detail. Extending that analysis to an economic value which could be attributed to the use of the pekapeka motif to one of the Applicant's parent entity would be a fraught and ultimately futile exercise (if that was her intention).

Effects management hierarchy

26. We comprehensively addressed the relevant effects management hierarchy in our opening submissions and do not intend to repeat those submissions. Mr Inger also methodically worked the Panel through the relevant provisions of the RPS and the correct application of the directions contained within it on the effects management hierarchy.
27. Ms Hooper has wrongly characterised a central task of the Panel – determination and application of the applicable effects management hierarchy to PC20 – as a “red herring”, and stated that DoC simply seeks “good practice” be followed when applying the effects management hierarchy. Such good practice in Ms Hooper's submission can be found in the National Policy Statement for Freshwater Management (“NPS-FM”) (which is not pertinent here) and the draft National Policy Statement for Indigenous Biodiversity (“Draft NPS-IB”) (which remains in draft). Ms Hooper also suggests that the Panel “*look beyond the words themselves [in the RPS] and consider what was intended at the time the [RPS] was passed*”. This “intention” Ms Hooper advocates, without any evidential basis, is that “*good practice would be applied when implementing the effects management hierarchy*”. The suggestion for the Panel to look beyond the plain words and direction of the RPS and instead apply a different effects management hierarchy contained in the NPS-FM and/or the draft NPS-IB is frankly the complete antithesis of good resource management practice. It goes against the clear provisions of the RMA¹⁹

¹⁹ S75(3) requires district plans to give effect to any national policy statement (where relevant) and regional policy statement. It does not require district plans to give effect to draft national policy statements.

and the accepted methods of statutory interpretation.²⁰ With respect, Ms Hooper's submissions on this point are entirely without merit.

28. The approach in PC20 has been systematic in following the applicable effects management hierarchy. Offsetting has not been skipped but, as Mr Markham opined, is not appropriate.²¹ Therefore compensation has been considered. The sequential movement through the cascade of the effects management hierarchy represents good practice by the Applicants' expert team.
29. However, the Panel should note Ms Hooper's confirmation that compensation is available in the effects management hierarchy for PC20. Ms Thurley noted she supports the proposed compensation site and that it is in an appropriate location.

Significance of the PC20 site

30. The "significance" of the PC20 site with respect to the RPS was thoroughly addressed in the evidence of Ms Cummings and Mr Inger. In our submission, and for the reasons hashed out in detail at the hearing, the evidence of Ms Cummings and Mr Inger should be preferred. The Panel will need to determine which evidence it prefers, but ultimately even if the Panel finds that the PC20 site is significant (a finding that would mean much of Hamilton and the Waikato is also significant), then that is not fatal to PC20 as the effects-management provisions still accord with the RPS provisions applying to significant areas (as outlined in detail in opening submissions).
31. Both Ms Hooper and Mr Jennings sought to rely on the AEE ecological assessment prepared by Mr Markham to support a finding of the PC20 sites' significance. There is some irony in those submissions given the criticism of the original assessment by Forest and Bird in its primary submission. However, since the assessment was completed, the Applicants engaged Ms Cummings, a bat specialist, who undertook additional acoustic monitoring, and assessed the values of the wider ecological landscape. The original assessment did not take a landscape scale approach and did not look at the habitats available on the site versus the habitats in the surrounding area, and did not use the research available from the wider landscape (e.g. radio tracking reports such as Davidson-Watts Ecology Ltd. (2019)) which identifies core habitats across the Hamilton City, Waipa and Waikato Districts.

²⁰ Refer to the Legislation Act 2019, s10(1). See *Auckland Council v Teddy and Friends Ltd* [2022] NZEnvC 128.

²¹ Markham EIC at [56].

32. It is for those reasons the approach to bats was fundamentally ‘overhauled’ by the Applicants. Furthermore, Mr Markham did not make any representation that he is a bat specialist, and rather his evidence deferred to Ms Cummings’ assessment of bat habitat.²²
33. Ms Cummings has applied her professional judgement to the issue and has explained to the Panel where similar approaches have been adopted. This, it is submitted, is to be preferred to the ‘absolutism’ of Ms Thurley’s opinion.
34. I also submit that Ms Thurley’s corrections to her evidence, changing references from “*preferred*” to “*used*” habitat was a significant change. As outlined in the evidence for the Applicants, the comparatively high use of pasture by bats relative to other habitat types is a result of it being more prevalent in the landscape rather than it being preferred habitat for bats. As a consequence, the conclusions and opinions of Ms Thurley need to be read having regard to that and her corrections to her evidence.

Relevance of future development

35. Ms Thurley expressed concern about cumulative effects from development of land in the surrounding area, including land which has been identified for *potential* urban development in future, including SL1 and SL2. These areas do not yet have an urban zoning, nor has a plan change been made for these areas to be urbanised, nor have these areas been identified in any plans which have statutory effect. As such they represent a future opportunity for urban development that may, or may not occur, and if they do occur they would be subject to any national and/or regional policy direction applying at the time. Mr Inger addressed this issue in his rebuttal statement where he considered that areas which have not been identified within plans that have statutory effect are not relevant to decision-making for PC20.²³ Ms Thurley’s statement²⁴ that 16ha is not adequate when so much development is planned in the surrounding area should be treated with caution. The effects of other potential future development in the surrounding area is not a matter for PC20 to address.
36. Ms Thurley also referred to 43% less habitat on the western side of the river if the developments proceed. As noted above, the area of development assessed by Ms Thurley includes areas that have been identified for *potential* future growth (but not planned in the sense of statutory documents). Additionally, there is little relevance to the

²² Markham EIC at [50].

²³ Inger, Rebuttal at [21]

²⁴ Thurley Summary at 3.12.

Waikato River being a reference point given it is not a barrier to movement of bats within the home range.

Summary

37. Overall, the outstanding issues between DoC versus the Applicants and Council are both:
- (a) narrower than may have been apparent from DoC's evidence; and
 - (b) simply expressed.
38. With respect to (a), Mr Gooding for DoC highlighted in evidence that there is limited disagreement between the planners regarding the PC20 provisions themselves.²⁵ Ms Hooper also confirmed that DoC was not pursuing several important matters, the foundations for which appeared to have been laid in evidence, for example identification of SNAs on non-PC20 land (among other matters).²⁶ It is noted that Ms Hooper indicated that Mr Gooding would comment on the specific relief sought by DoC, however Mr Gooding did not explain the specific relief sought in his evidence and was unable to provide any further clarity under questioning from the Panel. It remains unclear what further changes DoC seeks.
39. With respect to (b), in essence DoC says that more PC20 land should be set aside as BHA; that additional effects management requirements should be imposed; and that more offsite environmental compensation should be provided.²⁷ That is stock standard DoC mantra. Despite these claims, unhelpfully DoC has not produced alternative detailed proposals. The Applicants and the Council officers say that PC20, as proposed, is appropriate in all these regards. The Applicants have produced detailed and comprehensive PC20 provisions that implement the recommendations of the expert witnesses, and which are supported by them.
40. As we identified in opening submissions, ultimately the Panel will need to decide which evidence it prefers, and whether the PC20 wording relating to bats that is proposed by the Applicants and endorsed by the Council is appropriate.

²⁵ Summary statement, Para 8.1.

²⁶ For example, Ms Hooper confirmed that DoC was not arguing that compensation was not available (para 2); and also did not seriously challenge the effects management hierarchy addressed in detail in our opening legal submissions (which responded to the evidence on behalf of DoC).

²⁷ Mr Gooding summary statement, para 9.4. In legal submissions Ms Hooper states that "the Director-General seeks a careful integrated catchment approach to the design of the overall effects management approach to achieve a no net loss outcome." and that "[t]he relief sought by the Director-General will be more specifically explained by the Director-General's expert planner Mr Gooding." (para 33).

FOREST AND BIRD

41. We addressed several aspects of Mr Jennings' legal submissions above where they are related to matters advanced by DoC. Mr Jennings "cherry-picked" selective quotes from the evidence and on at least one occasion selectively omitted important qualifiers in Ms Cummings' evidence which altered its meaning.²⁸ Despite not calling any expert evidence, Mr Jennings submitted "*whilst commendable the proposed compensation package does not adequately address the residual adverse effects on long tail (sic) bats*". As noted above, Ms Thurley confirmed that she was not a compensation expert, so it is unclear upon what evidential basis Mr Jennings' (and Ms Hooper's) submission is founded.

WAIKATO BAT 'STRATEGY'

42. Although parties have referred to the Waikato Bat 'Strategy' it should be noted that the document is in fact a discussion document entitled "*Framing A Bat Strategy For The Waikato Region: Themes, outcomes and engaging stakeholders*". Mr Inger addressed the discussion document at paragraphs 140 – 145 of his evidence in chief and noted that it is not a policy document that regard must be had to or that decisions need to give effect to. Mr Inger rightly opined that little weight can be placed on the discussion document in the context of PC20. Having said that, Mr Inger outlined how PC20 aligns with the collaborative approach to landscape connectivity which is encouraged within the discussion document. The discussion document is a 'strategy' to assist cross-agency collaboration and identify key areas to focus bat habitat protection and restoration. PC20 aligns with that 'strategy' well in that respect.
43. Ms Andrews suggests that it is up to councils, including through PC20 to "give teeth" to the Waikato Bat Alliance and the discussion document. That is wrong and fundamentally misrepresents what the discussion document is. As Mr Inger noted in his evidence in chief, the discussion document is not a strategy prepared under another Act of the kind referenced in s74(2)(b)(i) of the RMA. Furthermore, it is naïve to suggest that PC20 "give teeth" to a discussion document that would require actions by third parties and non-statutory actions. The discussion document is not a legal mechanism to direct developers (or any other agency) to undertake a certain quantum of "bat mitigation".

²⁸ For example, at paragraph 47 of Mr Jennings' legal submissions, Mr Jennings recorded Ms Cummings' opinion as "*Ms Cummings is of the opinion that if moderate to low value long-tail bat habitat is removed that this will result in a very high level of effect on long-tail bat*". However Mr Jennings omitted to record that at paragraph 16 of Ms Cummings' EIC (which he quotes from) Ms Cummings' full statement contained the important qualifier of "*if not appropriately managed*", thus changing its meaning.

HAMILTON CITY COUNCIL

44. By the time of the presentation of its case, HCC had limited its relief sought to that contained in Appendix A to Mr Muldowney's submissions:
- (a) Inserting a new policy (10.3.1.2A) in respect of connecting to reticulated public water and wastewater services;
 - (b) Amending Rule 10.4.1 Activity Status Table by excluding a number of permitted activities within the Northern Precinct and creating a new definition of "Northern Precinct Industrial Activities";
 - (c) Reducing from 5,000m² to 1,000m² the GFA of non-ancillary retail provided for in Rule 10.4.2.11A;
 - (d) Inserting a new non-complying activity rule (10.4.1.5(d)(vi)) for ancillary retail more than 10% of the total building GFA or more than 100m²;
 - (e) Amending Rule 10.4.2.13A as it relates to the construction of a new walking and cycling shared path connecting Peacocke Road to the Northern Precinct by deleting "*via Middle Road and Faiping Road or a suitable alternative*".
45. We have focussed in these submissions on the above residual issues rather than commenting on the HCC evidence where it relates to issues no longer being pursued by HCC. (Our opening submissions and the evidence of the Applicants provided a detailed rebuttal to those matters).
46. Notwithstanding the residual concerns, Mr Muldowney confirmed that "*Hamilton City is very supportive of the plan change*".²⁹

New Policy 10.3.1.2A

47. Mr Muldowney did not address HCC's proposed new Policy 10.3.1.2A in his written or oral submissions. Mr Govender did not comment specifically on the policy in his evidence in chief but did opine commitments to connect the Northern Precinct to the Southern Wastewater Treatment Plant (SWWTP) needed to be strengthened.³⁰ Mr Govender did not comment at all on reticulated water supply in his evidence. Other than the briefest of references to staging development to, *inter alia*, water supply, the HCC

²⁹ Day 3 recording at 2:47 (YouTube).

³⁰ Govender EIC [75].

submission does not address water supply. No witness for HCC provided the Panel with a s32AA evaluation on the new policy.

48. Mr Muldowney confirmed that the SWWTP is not designated nor “*is it locked in as the chosen site*”.³¹ Resource consents are not held to authorise any discharges from the SWWTP and the Panel did not receive any evidence on the design the SWWTP.
49. The Applicants are supportive of the SWWTP and have through evidence confirmed their intention to connect to the SWWTP. Mr King for the Applicants confirmed, given the preliminary stage of the SWWTP, that it represents a longer-term wastewater solution. In the interim, Mr King demonstrated the short- and medium-term solutions which are readily available. Ms Scrimgeour did not raise any fundamental issues with the Applicants’ proposals in her technical review.
50. Mr King addressed in some detail the proposal to connect to potable water supply. There was no technical evidence from HCC challenging Mr King’s evidence. Mr King and Ms Scrimgeour for WDC were largely in alignment.
51. It was not readily apparent why HCC maintained an interest with the potable water supply and what effect it is intending to address with its proposed new policy that could not otherwise be appropriately considered at the subdivision/land use consent stage or through a development agreement with WDC.
52. In terms of wastewater, the Applicants’ view is that HCC’s proposed new policy 10.3.1.2A is inappropriately directive in its language and, put simply, when HCC has not even committed to the site, the policy is getting ahead of itself. The Applicants do not consider that the proposed policy is necessary or appropriate and note that it is a “hanging” policy with no set of rules proposed to implement it (not that such rules are necessary or warranted). However, if the Panel disagrees, then the Applicants seek alternative wording to the policy to better reflect where the SWWTP is in terms of its development, especially where there may be alternative locations for the SWWTP. Alternative drafting is:

To ~~ensure that the~~ encourage the development of the Northern Precinct to connects to reticulated public water and wastewater services when these become available and where connection is practicable.

³¹ Muldowney, HCC submissions at [41].

Reducing the permitted activities provided for in the Northern Precinct – Rule 10.4.1

53. We agree with Mr Muldowney that industrial land surrounding the Hamilton Airport is a highly strategic regional economic land resource. The evidence of Messrs Morgan, Colegrave and Grala expressed similar opinions. The area's value as a strategic resource is reflected in a number of provisions in the Airport Business Zone, including Provision 10.1.3, Resource Management Issue 10.2.1 and Policy 10.3.1.1.
54. We also agree with Mr Muldowney that careful management of the nature and scale of Northern Precinct activities is warranted to maximise the Airport's, and Titanium Park's, potential. That is why a three-year master-planning process was undertaken. Without the benefit of a master planning process, HCC seek to carve out a large number of activities from the Northern Precinct which are permitted elsewhere in the Airport Business Zone (apart from the Southern Precinct).
55. We submit that HCC has failed to provide sufficient, or at least a compelling, evidential basis for excluding the wide range of permitted activities within the Northern Precinct. Again, no s32AA evaluation has been provided demonstrating how the HCC provisions would be the most appropriate way to achieve the objectives, or assessing any benefits or costs of implementing the provision. It is not for the Applicants or the Panel to do that assessment. The consequence for any activity 'carved-out' is that it would be considered as a non-complying activity under rule 10.4.1.5(c). We comment below on some of the specific carve outs proposed by HCC.

"Industrial Activities" vs "Northern Precinct Industrial Activities"

56. Curiously, for the Northern Precinct HCC seeks to replace the definition of *Industrial Activities* in Activity Status Table 10.4.1 with a new definition of "*Northern Precinct Industrial Activities*", which reflects the definition of *Industrial Activities* in the District Plan other than the deletion of activities which "*extract, process or convert natural resources, excluding farming activities and mineral extraction activities*". *Industrial Activities* would be provided for in all other Airport Business Zone Precincts but not permitted in the Northern Precinct (including the 41ha of "live" zoned land).
57. While extraction of natural resources within the Northern Precinct is most unlikely (and noting that mineral extraction is outside the scope of *Industrial Activities*), the processing and/converting of natural resources may be anticipated to occur. On the face of it, the activities undertaken by Genetic Technologies on the RPL land would be excluded.

58. It is unclear why such activities locating within a strategic industrial node may be inappropriate from a land use perspective. HCC did not assist in that regard and provided no examples of what activities which process or convert natural resources it contends are inappropriate. Mr Muldowney simply suggested that “*HCC would encourage the Panel to carefully consider the current definition of ‘industrial activities’ and whether a more focussed set of industrial activities should be permitted in the Northern Precinct in order to sustainably manage the strategic land resource*”.³²
59. It is unclear how excluding activities which process or convert natural resources achieves that aim – and it seems that the most likely outcome is that businesses that convert or process natural resources will argue that they produce or manufacture goods (albeit it from a natural resource) in order to maintain a permitted activity status. Such an outcome is highly inefficient, and we submit that the amendment proposed by HCC is entirely unnecessary.

Excluding other permitted activities from the Northern Precinct

60. HCC seek the additional exclusion of a wide range of other activities including:
- (a) Vehicle rental and valet services, vehicle parking and storage;
 - (b) Visitor accommodation;
 - (c) Places of assembly (which includes a gym);
 - (d) Conference facilities;
 - (e) Hire facilities and building supply outlets; and
 - (f) Education facilities.
61. HCC offered no evidence on unacceptable effects on the environment generated by the above activities. Instead, Mr Muldowney submitted that the definition of industrial activities “*leaves the door wide open for a range of industrial activities to occupy the Northern Precinct, potentially at the expense of more strategically aligned land uses.*”³³ No further explanation was provided by Mr Muldowney including what more strategically aligned land uses are or why the various activities cannot co-locate within the 130ha area of the Northern Precinct. It was similarly unclear why the above activities are

³² Muldowney submissions at [10].

³³ Ibid.

appropriate in the other parts of the Airport Business Zone but not within the Northern Precinct.

62. It seems that HCC has largely just added the Northern Precinct to the list of activities not provided for in the Southern Precinct. If that is the case, then this demonstrates a fundamental lack of understanding of the Airport Business Zone. The Southern Precinct has direct access to State Highway 21, and as a result has its own particular provisions applying to its development. PC20 will preclude industrial activities from gaining direct access to the state highway network and so any comparison is inaccurate.
63. Objective 10.3.3 provides “*to enable the development of the Southern Precinct while maintaining the safety and efficiency of State Highway 21*”. Policy 10.3.3.1 reads “*to restrict the types of activities located in the Southern Precinct to ensure the safe and efficient operation of the access to State Highway 21*”. Implementing those directions is the reason that Table 10.4.1 excludes a number of permitted activities in the Southern Precinct. Those same policy directions and transport effects are not relevant to the Northern Precinct, in part due to the comprehensive transport mitigation provisions provided for in PC20.
64. We submit Table 10.4.1 should be confirmed in accordance with final set of provisions at **Annexure A** to these submissions (which includes the typographical error picked up by HCC in 10.4.1.1 u with the corrected reference to rule 10.4.2.11A but is otherwise unchanged).

Retail provisions - general

65. HCC challenges the PC20 retail provisions, seeking to decrease:
 - (a) non-ancillary retail from the 5,000m² GFA sought in PC20 to a mere 1,000m²; and
 - (b) ancillary retail from a maximum of 50% of the building’s GFA as currently provided for in the Airport Business Zone to 10% of the building’s GFA and 100m².
66. The Applicants strongly oppose both retail reductions sought.
67. As we noted in our opening submissions, s74(3) of the RMA provides that in changing a district plan a territorial authority must not have regard to trade competition or the effects of trade competition. Where effects go beyond trade competition and become effects on people, communities, and their wellbeing (i.e. “retail distribution effects”) they must be “significant” to be regarded as beyond the effects ordinarily associated with

trade competition. In our submission, HCC's concerns fall within the effects of trade competition. HCC's concerns with existing and proposed centres have been somewhat of a "moving target" but have included effects on Glenview, Tamahere, the proposed Peacocke centre and Melville. Despite a "scatter-gun" approach, none of those centres are relevant in the context of the RPS direction which we discuss below – a fact that HCC witnesses showed no appreciation of in their evidence. Nor is there a sufficient evidential basis to conclude that there will be significant retail distribution effects on those centres.

68. The participants to the economics and retailing conference recorded in their 9 February 2023 JWS that "*the level of Retail within the Northern Precinct should not undermine the vitality and viability of existing commercial centres' as directed by the WRPS*". Unfortunately, the witnesses for HCC did not keep that in mind when preparing their evidence.
69. Mr Grala stepped the Panel through RPS Policy UFD-P13 and Table 37 on Day 2 of the hearing. UFD-P13 reads:³⁴

*Management of the built environment in the Future Proof area shall 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, and predominantly in those centres identified in Table 37 (APP12)**. Commercial development is to be managed to:*

1. support and sustain the vitality and viability of existing commercial centres identified in Table 37 (APP12)

70. Relevant existing centres in Table 37 as it relates to PC20 are limited to Hamilton CBD, Cambridge, and Te Awamutu. This was acknowledged orally by Mr Muldowney who stated:³⁵

I want to address the Regional Policy Statement and the centres hierarchy and the provisions that relate to the centres hierarchy and the subregion. I readily acknowledge that in terms of the relevant policy dealing with centres in the Regional Policy Statement, the critical centres you need to be concerned about in terms of maintaining viability and vitality are the Hamilton CBD, and the centres in Cambridge and Te Awamutu. So that doesn't leave you with a direct connection, if you like, to proposed centres within Peacocke and the existing centres in Glenview for example. But I think it is important to recognise also that the Regional Policy Statement encourages integrated decision making across

³⁴ Our emphasis.

³⁵ Day 3 recording commencing at 3:00 (YouTube).

these sorts of territorial boundaries. And for example Objective IM-O3 suggests that resource management decision making is holistic and consistent and subpoint 2 takes an integrated approach to managing resources that cross regional and functional boundaries. So the point I want to make there is that if you look just at the centres hierarchy provisions in the Regional Policy Statement that it would suggest that you shouldn't be concerned with centres outside of the Hamilton CBD and Cambridge and Te Awamutu, but I would encourage you to think about the objective in the Regional Policy Statement to take that integrated approach.

71. In response to questioning from Commissioner Coffin, Mr Muldowney confirmed:³⁶

To be very clear on this point, the regional policy that relates to the directive to avoid impacts, adverse impacts on the vitality and viability of centres as you have identified it, is relating to the Hamilton CBD and the centres in Cambridge and Te Awamutu. So there is no question about that. There are no other centres that you necessarily need to be thinking about in the context that policy, absolutely.

72. Mr Muldowney proceeded to submit at [19]:

If the oversupply of retail GFA is ultimately filled, and if it is to trade profitably, it can only do so by serving a retail catchment well beyond the confines of the Northern Precinct. The likely catchment will include the Peacocke growth cell and Glenview area in Hamilton City. This outcome has the potential to undermine the viability and vitality of the commercial centres in those areas.

73. Mr Muldowney noted that to avoid that outcome, HCC seeks to limit the non-ancillary cap to 1,000m². However as even Mr Muldowney himself acknowledged in his oral submissions, the viability and vitality of the proposed Peacocke or Glenview centres are not provided for in RPS and Messrs Akehurst and Govender's evidence fell well short of providing you an evidential basis for concluding that such significant effects will arise.

74. In terms of Mr Muldowney's suggestion that, despite the clear direction provided in UFD-P13, the Panel should factor in some sort of "integrated decision making" that can respond to cross functional and regional boundaries, it was left unexplained how the Panel would go about that task. In our submission, doing so would be contrary to the clear direction provided in the RPS which relates to the named existing centres in Table 37 and to manage commercial development to support the vitality and viability of those existing centres.

³⁶ Day 3 recording commencing at 3:18 (YouTube).

75. Mr Muldowney did not provide the Panel with the wording of IM-O3, however in our submission it provides the Panel with no meaningful assistance on the issue of commercial development within the Northern Precinct.³⁷ In any event, Mr Colegrave's rebuttal statement should provide the Panel with significant comfort through the additional modelling of the likely trade impacts and the potential for any adverse retail distribution to occur. He confirmed that the potential effects were well below the threshold of significant retail distribution effects. It is submitted that the evidence of the Applicants should be preferred.

Non-ancillary retail

76. As noted in our opening submissions, PC20 includes provision for a limited level of non-ancillary retail within the Hub and a small defined retail area on the RPL land. The total non-ancillary retail offering is capped at 5,000m² GFA.³⁸ Other standard retail tenancy controls in the District Plan, including on maximum tenancy size, will continue to apply.³⁹

77. All planners and economists attending conferencing agreed:

- (a) it is appropriate for some retail to be enabled within the PC20 land to meet the needs of those working within and proximate to the area;⁴⁰ and
- (b) the level of retail within PC20 should not undermine *“the vitality and viability of existing commercial centres”* as directed by the RPS.⁴¹ (As noted above, Mr

³⁷ **IM-O3 – Decision making**

Resource management decision making is holistic and consistent and:

1. *is aligned across legislation and national and regional strategies;*
2. *takes an integrated approach to managing resources that cross regional and functional boundaries;*
3. *adopts an appropriate planning timeframe;*
4. *adopts a precautionary approach, including the use of adaptive management, where appropriate, towards any proposed activity whose effects may be significant or irreversible but are as yet uncertain, unknown or little understood;*
5. *is transparent;*
6. *has regard to the potential for cumulative effects from activities;*
7. *is based on the best available information, including mātauranga Māori;*
8. *allows for flexible solutions for local variations;*
9. *recognises that time may be needed for change to occur;*
10. *includes working with tangata whenua;*
11. *includes working with key stakeholders;*
12. *considers a mix of methods to achieve objectives; and*
13. *results in solutions which include processes to minimise conflicts*

³⁸ Proposed rule 10.4.2.11A Rule 10.4.1.5(d)(ii) makes any retail outside these two areas a non-complying activity. Exceeding the retail cap would change the activity status from permitted under Rule 10.4.1.1(u) to non-complying.

³⁹ For example Rule 10.4.2.12 which applies a maximum GFA tenancy size of 450m², except that one tenancy across the Airport Business Zone can exceed 450m² provided it does not exceed 1,000m² and that the tenancy primarily sells pre-prepared fresh food/groceries and beverages, together with other non-food goods in an ancillary capacity.

⁴⁰ Economics JWS, page 2, para 2.

⁴¹ Economics JWS, page 2, para 3.

Muldowney accepted that these existing centres were limited to the Hamilton CBD, Cambridge and Te Awamutu).

78. The question that requires resolution through the decision is the level at which non-ancillary retail supply within PC20 should be capped.
79. Providing an appropriate level of retail is not only required to avoid unnecessary vehicle travel to meet the daily needs of the Airport Business Zone workers and visitors but also, as Mr Richards discussed with the Panel, retail provides for the amenity of the working environment. While amenity has always been important to working environments, post-Covid and the rise of working from home, employers are increasingly seeking to make workplaces a compelling place to be and providing sufficient options of onsite retail, food and beverage, commercial and household services is an important part of that strategy/imperative. Providing sufficient retail offerings within Northern Precinct is therefore an important part of attracting high value businesses to the Precinct.
80. Mr Muldowney submitted⁴² that the policy intent is clear and *“that Policy 10.3.2.2 establishes that within the Northern Precinct, the role and function of retail activity is limited to supporting the needs of the precinct and the Airport Business Zone”*. We agree. However, Mr Muldowney then proceeded to submit that *“having established this policy setting, the provisions controlling retailing need to carefully balance the intended role of retail to support the workforce of the industrial developments within the precinct, while ensuring that it does not perform a role and function wider than intended”*.⁴³ That is a narrowing of the policy setting Mr Muldowney had just set out. To avoid any of confusion we note:
- (a) Objective 10.3.2 requires provision for industrial and business activities, including offices and limited retail activities in an integrated mixed use business park within a defined area.
 - (b) Policy 10.3.2.1 requires provision for limited retail activity within the Airport Business Zone as a means of providing a service to:
 - (i) The Airport and business park users; and
 - (ii) The immediate neighbourhood.

⁴² Muldowney Submissions at [14].

⁴³ Muldowney Submissions at [15].

(c) Policy 10.3.2.2 requires the enablement of the development of the Northern Precinct of the Airport Business Zone, including ancillary commercial and ancillary retail activities as well as limited retail activities that support the needs of the precinct and Airport Business Zone.

81. The policy setting is therefore wider than just the workforce of the Northern Precinct as suggested by Mr Muldowney – it includes all of the Airport Business Zone workforce, visitors and businesses within the entire Airport Business Zone.
82. Beyond that, some real-world analysis is required when considering the HCC relief. Commissioner Coffin put to Mr Akehurst that 1,000m² represented a small superette which would effectively account for the total retail offering within PC20 and that it seemed to be an “extraordinary restriction”.⁴⁴ Mr Akehurst’s response was unconvincing, focussing on the split of spend on dairies, convenience retail goods and primarily food and beverage services. He retreated to a theoretical exercise of determining demand supported by the workforce by estimating the size of the workforce multiplied by average daily expenditure of that workforce whilst they are at work, and then dividing that by a retail productivity to generate an estimated GFA that is supported by the workforce. The exchange with Commissioner Coffin demonstrated Mr Akehurst’s lack of real-world application to PC20, but tellingly he also observed any retail above his proposed 1,000m² cap would result in “pulling trade from the outside”.⁴⁵ If that is what has driven Mr Akehurst’s concerns then, with respect, he is simply wrong as those concerns represent nothing more than trade competition effects which are not a relevant consideration for the Panel.
83. Mr Colegrave’s rebuttal statement provided a fulsome reply to Mr Akehurst’s opinion on the need for a “bottom-up” analysis. As Mr Colegrave noted in the JWS *“there are inherent difficulties in predicting the retail demands of the businesses in the Northern Precinct themselves, and that such analyses depend on and are highly sensitive to numerous unsubstantiated assumptions. Accordingly, such an analysis does not provide a definitive answer on the appropriateness (or otherwise) of the proposed Retail GFA cap”*. This was, it is submitted, substantiated by Mr Akehurst’s theoretical and convoluted answers to the Panel’s questions.
84. Mr Akehurst’s difficulty in explaining his methodology during questioning highlighted the complexity of his approach, and illustrated just how arbitrary and ultimately unhelpful his

⁴⁴ Day 3 recording 3:43 (YouTube).

⁴⁵ Ibid at 3:48.

approach is – for example it does not assess the potential impact on the vitality and viability of the centres specified in the RPS.

85. As the Panel will recall, given the size of the Northern Precinct, the Structure Plan and provisions provide for both the Hub retail area and also another retail site on the RPL site. Mr Akehurst wrongly approached his assessment on the basis that the Hub was the only retail area. Mr Grala explained the reasons for the PC20 approach to retail provision and the desirability of maintaining walkability to retail within the Northern Precinct. As a result, there may be several of the same retail offerings within the PC20 area for example a bakery or takeaways. Mr Akehurst did not appear to consider that possibility when supporting a 1,000m² cap.
86. In an effort to provide some real-world context, the following provides a non-exhaustive list of non-fanciful possible retail within the Northern Precinct at full build out:
- (a) Safety Gear store: 400m²
 - (b) Trade electrical (for example JA Russell): 400m²
 - (c) Trade plumbing (pipes / hydraulics): 400m²
 - (d) SuperValue / Four Square small superette: 800m²
 - (e) Service station (the actual building): 250m²
 - (f) Cafés: 200m² - 500m²
 - (g) Takeaways/bakeries: 100m² - 200m² each
 - (h) Restaurant: 500m² - 800m²
 - (i) Hairdresser: 100m² – 150m².
87. We submit that the relief sought by HCC should be rejected – it raises little more than trade competition issues and failed to appreciate that the direction provided by the RPS on vitality and viability does not apply to the centres of concern to it. Further, Mr Akehurst failed to demonstrate any real-world appreciation of how the Northern Precinct would function.
88. If the Panel has any residual concerns then it is open to it to decide on an alternative GFA cap, but in doing so it should adopt a principled approach and one that is grounded in the direction provided in the RPS. This is not an issue that one should “split the

difference” on. On that basis, the Applicants are of a view that any reduction in GFA should be limited to 4,500m² and its final set of provisions provide for that.

Ancillary retail

89. The Applicants propose that the existing ancillary retail provisions that apply to the Airport Business Zone also apply to the Northern Precinct. The Panel received no evidence that the existing provisions in the Airport Business Zone have resulted in significant retail distribution effects or have had an impact on the vitality and viability of the Hamilton CBD, Cambridge or Te Awamutu (being the only relevant RPS direction).
90. The Applicants therefore are strongly opposed to the imposition of HCC’s proposed rule 10.4.1.5(d)(iv) which would significantly curtail ancillary retail to 10% of the total building GFA and 100m². Such a limit is significantly less than that permitted in the Hamilton Industrial Zone and the other parts of the Airport Business Zone and is not appropriate, efficient, or justified. Mr Muldowney submitted there was a misconception that HCC is seeking something vastly different from its own planning framework as the 50% of the GFA of the principal activity on the site (in the Hamilton City Plan) relates to both office and ancillary retail. Rule 9.5.1 to the Hamilton City Plan does not specify an allocation between retail and office space. It is specious to suggest that the relief sought by HCC is not very different to HCC’s own planning framework.
91. As requested by Commissioner Coffin, Mr Grala has prepared a table which sets out various ancillary retail restrictions contained in a number of other district plans elsewhere in the country. No analysis has been undertaken as to why the provisions have been imposed in each circumstance or the regional policy statement directions provided to each of the territorial authorities. As such, the table has limited relevance to the consideration of the provisions of PC20. Nevertheless, it is attached as **Annexure B**.
92. While the Applicants consider there is no compelling effects or policy reason to require a reduction of the ancillary retail from that which currently applies to the Airport Business Zone, they are prepared in an effort to respond to HCC to provide for a material reduction in the ancillary retail GFA from **50%** to **20%** of the building’s GFA, provided that no arbitrary absolute area cap is also imposed. An arbitrary cap is not accepted. The final set of provisions reflects this significant and material concession.

The shared cycleway – Rule 10.4.2.13A(7)

93. Much of HCC’s case related to amending rule 10.4.2.13A(7) and the deletion of reference to the shared path “*via Middle Road and Faiping Road or a suitable*

alternative". It is important for the certainty of the Applicants and stakeholders that the obligation to construct the shared path is clear and certain. HCC's proposed wording does not achieve that.

94. The Applicants' evidence (Messrs Inder and Grala) set out the basis for the identification of Faiping Road as the preferred shared path route, including the fact it is a legal road, and that the alternative proposed by HCC is an inferior option and relies on securing third party land (which the Applicants have no certainty in achieving). The wording as set out in the Grala Rebuttal PC20 version represents that which was agreed to at the transport and planning conference, including by HCC's own experts.
95. Mr Muldowney argues that integrated management requires the protection of the SWWPT as a strategic resource.⁴⁶ But as Mr Muldowney himself acknowledged, the site is not designated, nor is it locked in as the chosen site. At present, the site is simply a large parcel of land with a legal road running through it, on which sometime in the future the SWWPT may be located.
96. We submit that if HCC proceeds with the SWWPT and Faiping Road is closed under the Local Government Act 1974, then Rule 10.4.2.13A(7) as proposed by the Applicants provides for an alternative connection.
97. A terminus of the shared path should be clear and HCC's relief does not assist in that regard. If the Panel is minded to adopt different wording to that agreed in the Transport and Planning JWS then alternative wording to Rule 10.4.2.13A.7 that is acceptable to the Applicants is:

Construction of a new walking and cycling share path that connects the Northern Precinct with the intersection of Faiping Road and Peacocke Road.

WAIKATO REGIONAL COUNCIL

98. There are a few matters requiring a response regarding the additional supplementary evidence provided on behalf of Waikato Regional Council.

National Policy Statement for Highly Productive Land ("NPS-HPL")

99. Ms Andrews encouraged the Panel to read in full the decision of the Independent Hearings Panel considering Auckland Council Plan Change 73 ("PC73") which related to rezoning 32.5ha of rural land to residential – mixed housing in Waiuku, South

⁴⁶ Muldowney Submissions at [41].

Auckland. We do not agree that the decision is of any particular relevance to PC20 – legally or factually.

100. While the Panel in PC73 addressed the NPS-HPL, the particular factual circumstances in PC73 mean its findings do not assist the PC20 Panel in any meaningful way. For example, in PC73 the Panel accepted Auckland Council's evidence that there is sufficient existing and planned development capacity to meet demand for housing land to give effect to the NPS-UD.⁴⁷ That is very different to the evidence for PC20 because it is (a) residential; and (b) residential capacity can be achieved through intensifying existing residential areas that in Auckland's case, was about to occur given the mandatory introduction of the Medium Density Residential Standards and the upzoning of almost all residential areas.
101. Ms Andrews maintains that further evidence is required to complete a robust assessment. She did not articulate what further evidence was actually needed. The Applicants engaged Mr Hunt of AgFirst and Handmore Land Management (soil pedologists) to map the LUC of the PC20 site, and Messrs Hunt, Colegrave and Grala assessed in detail the provisions of the NPS-HPL. Five alternative options were assessed by the Applicants' expert team as part of the comprehensive evidenced adduced. We also presented detailed legal submissions on the NPS-HPL.
102. We reject Ms Andrews' criticism that further (but unspecified) evidence is required – the Panel has sufficient evidence before it to make a finding on the NPS-HPL.

Out of sequence and unanticipated

103. At paragraph 24 of her summary evidence, Ms Andrews noted the relevance of Proposed RPS Change 1 to PC20 as relating to "*out-of-sequence and unanticipated developments*". In response to questioning of the Chair⁴⁸ Ms Andrews confirmed that reference to out-of-sequence and unanticipated developments comes from the Future Proof Strategy,⁴⁹ and she confirmed that she considers PC20 constitutes an out-of-sequence and unanticipated development because "*it is seeking to bring forward allocation to a sooner time period than is identified in the Future Proof Strategy and Proposed Change 1 which makes it out of sequence*". Following further questioning from the Chair Ms Andrews noted it was "*largely a timing issue because the Future Proof Strategy is a 30-year strategy and is identified this staging and this [PC20] is aiming to*

⁴⁷ PC 73 Decision at [280] <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc-73-decision.pdf>.

⁴⁸ Day 3 recording at 2:19 (YouTube).

⁴⁹ The language also appears in the NPS-UD. See Policy 8 and clause 3.8.

bring forward some of that allocation". Ms Andrews did note that she did not have the information to hand in respect of unanticipated development. Commissioner Coffin followed up questioning with Ms Andrews noting the evidence received identified a number of strategic documents which identified the development of PC20 land and that her reference to out of sequence only related to timing rather than the activity. Ms Andrews accepted Commissioner Coffin's proposition but again noted that without the numbers in front of her she was unsure of the quantum of the land.

104. The suggestion that PC20 is unanticipated is incorrect as it is an identified strategic industrial node. We addressed Future Proof and Proposed Change 1 in some detail in our opening submissions, as did Mr Grala in his evidence in chief. For example, at paragraph 25 Mr Grala listed the extensive list of strategic documents which identify the Northern Precinct as a strategic and important industrial location (including Proposed Change 1 and Future Proof), and at paragraphs 58-60 Mr Grala commented on the Addendum filed by the Applicants addressing Proposed Change 1. Mr Grala noted that Proposed Change 1 adopts the Updated Future Proof Industrial land allocation which includes the Hamilton Airport as a Strategic Node and allocates 94ha of industrial land between 2020-2030 and a further 46ha between 2031-2050, combining for a total allocation of 140ha. This, Mr Grala notes, means PC20 is seeking to bring forward 36ha from the 2031-2050 period. The hearing of the Applicants' submission on Proposed Change 1 is yet to occur.

105. The sequencing described above is shown below in the table taken from Proposed Change 1:

Strategic Industrial Nodes (based on gross developable area) ¹	Industrial Land allocation and staging (ha)		Total Allocation to 2050 (ha)
	2020 to 2030	2031 to 2050	
Pōkeno	5	23	53
Tuakau	26	77	103
Huntly/Rotowaro/Ohinewai	77	-	77
Horotiu/Te Rapa North/Rotokauri	189	50	239
Ruakura/Ruakura East	172	245	417
Hamilton Airport/Southern Links	94	46	140
Hautapu	67	160	227
TOTALS	630	626	1,286

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 2031 period is subject to completion of the Waikato Expressway.

106. Attached as **Annexure C** is a copy of the Future Proof Deliberation Outcomes in respect of submissions on the Northern Precinct dated 16 June 2022 which notes *"in terms of the Northern Precinct land, it is considered that the suitability and timing of this land should be assessed through the Plan Change process and that it would be prudent to*

await the outcome of this. The Plan Change will provide the technical and evidential basis for rezoning.” Future Proof has not therefore rejected the rezoning of the Northern Precinct but has instead adopted a ‘leave it to the plan change process’ approach.

107. In summary, PC20 is not unanticipated because it is within a strategic industrial node that anticipates a further 140ha. PC20 does however bring forward some of the total allocation to the first time period. Mr Colegrave demonstrated why bringing some of the PC20 land forward is necessary under the NPS-UD. The important point is that the quantum of land and type of activity are all anticipated.

Resource Management Amendment Act 2020

108. I set out in our opening submissions the fact that RMA s74(2)(d) and (e) that relate to emissions reduction plans and national adaption plans do not apply as PC20 was notified prior to those sections coming into force. Ms Hansen argues⁵⁰ that it is good practice to consider the Emissions Reduction Plan given the strong policy direction in “recent national and regional documents”. Ms Hansen’s evidence does not reflect the clear statutory direction in the 12th Schedule to the RMA (as discussed in our opening submissions). Her suggestion is contrary to the clear statutory requirements.

Dated this 5th day of April 2023



J R Welsh

Counsel for Titanium Park Limited and Rukuhia Properties Limited

⁵⁰ Hansen EIC at 23.

ANNEXURE A: FINAL PC20 TEXT SOUGHT BY THE APPLICANTS

Amended Version 4th April 2023.

Notified changes shown in red text, post-notification ecology changes shown in blue text and transport changes shown in green text. Post conferencing changes shown in purple text. Post-hearing changes shown in brown text.

Section 10 - Airport Business Zone ~~(Titanium Park)~~

(Additions in underline, deletions in strikethrough)

10.1 Introduction

The Hamilton ~~International~~ Airport (the Airport) is a regionally significant transport hub, a facility of economic and social importance to the Waikato Region. The Airport Business Zone associated with it (Titanium Park) has been established to leverage off the advantages of locating industrial and business activities adjacent to an Airport. The business land around the Airport has been gradually developed into one of the region's strategic industrial nodes, catering for a wide range of industrial, business and supporting retail activity.

10.1.1 The area is identified on the Planning Maps, and is ~~confined to areas west of Airport Road, and bounded~~ bound by State Highway 3 / Ohaupo Road to the south and west, ~~and~~ Raynes Road and Narrows Road to the north and State Highway 21 to the west.

10.1.2 A structure plan guides development within the zone and has been incorporated into this Plan (referred to as the 'Airport Business Zone Structure Plan' incorporated as Appendix S10). The Structure Plan has been underpinned by a masterplanning process and is intended to guide the development of the zone towards achieving a well functioning urban environment. It contains controls on the release of land, and states the infrastructure requirements that are to be in place prior to development occurring. The main infrastructure requirements relate to roading infrastructure on Airport Road and State Highway 3.

10.1.3 The Airport and the Airport Business zone generates significant economic benefits to the Waikato Region. The Airport area is identified as a strategic industrial node in the Waikato Regional Policy Statement, recognising that land in this location is a scarce and valuable resource. Land immediately adjacent to the operational area is called 'airside' land and is an essential location for businesses such as air freight or aircraft manufacturing that required direct access to the runways. The land included within this zone beyond the airside land is also an unusual and scarce resource, because it is part of the interface between the land transport network and the air transport network, and is needed to provide services and support to the Airport and its users. This unique combination of factors leads to a need to efficiently and effectively use the land resource around the Airport, while also creating an opportunity to establish a wider range of business activities including those that provide some local services and make use of infrastructure. One of the keys to successful development of this land is the efficient integration of land use, air transport and various land transport modes. As the Northern Precinct ~~most of the~~ land adjacent to the Airport is undeveloped, there is an opportunity to implement the principles of good urban design in the development.

~~10.1.4 Titanium Park - Northern Precinct is subject to a comprehensive development plan approval~~

~~process to ensure that traffic effects and other infrastructure matters are addressed.~~

10.2 Resource Management Issues

- 10.2.1 The Airport is a regionally significant physical resource and an identified strategic industrial node. Industrial and business activities have the potential to support the continued operation and development of the resource.
- 10.2.2 High noise levels are received within the zone from aircraft and are generated from the zone by activities such as aircraft engine testing.
- 10.2.3 Development of ~~land~~ the Airport Business Zone that is not co-ordinated with infrastructure provision has the potential to result in adverse effects on the environment. By way of example relatively high levels of traffic generation are anticipated and need to be managed through purpose built controlled intersections.

10.2.3A Development within the Northern Precinct of the Airport Business Zone has the potential to adversely affect habitat of the threatened, nationally critical long-tailed bat. The provisions for development of the Northern Precinct must recognise and provide for protection of identified areas of bat habitat.

Health and well-being of the Waikato and Waipā Rivers

- 10.2.4 Development within the Airport Business Zone has the potential to adversely affect the health and well-being of the Waikato River. Careful consideration should be given to the following; (but not limited to) potential impacts of increased earthworks, impervious surfaces, and the provision of infrastructure.

10.3 Objectives and Policies

Please also refer to the objectives and policies of Parts C, Part E and Part F, as relevant.

Objective - Strategic physical resource

- 10.3.1 To support the economic and social well-being of the Waikato Region through providing for the integrated future development of the Airport and its surrounding land as a transport hub and business location, taking advantage of its strategic location and infrastructure while managing adverse effects on Airport operations.

Policy - Integrated development: Titanium Park

- 10.3.1.1 To enable development of a strategically important business park around the Airport, including integration of development with the Airport's operational requirements, integration with the State Highway network, provision for public transport and other alternative transport modes such as walking and cycling, and provision for safe and sustainable road access from the road network.

10.3.1.2 To ensure that the development of the Northern Precinct is co-ordinated with suitable transport infrastructure.

~~Policy - Infrastructure - Comprehensive Development Plan Area: Titanium Park - Northern~~

Precinct

~~10.3.1.2 To ensure that water, wastewater, stormwater and roading infrastructure is available to service the Titanium Park – Northern Precinct.~~

Policy - Infrastructure costs

10.3.1.3 To ensure that the cost of any infrastructural services or upgrades needed to avoid, remedy or mitigate adverse effects on the environment arising from activities in the Airport Business Zone are met by those parties that create the need for such services or upgrades and that a development agreement is in place prior to development of the Northern Precinct.

Policy - Managing effects on Airport operations

10.3.1.4 To ensure that activities within the Airport Business Zone are located and developed in a manner that manages adverse effects on the Airport and its operations.

Objective - Provide for business park

10.3.2 To provide for industrial and business activities, including offices and limited retail activities in an integrated mixed use business park within a defined area.

Policy - Limited retail activities

10.3.2.1 To provide for limited retail activity within the Airport Business Zone as a means of providing a service to the Airport and business park users, and the immediate neighbourhood.

Policy - Northern Precinct

10.3.2.2 To ~~provide for Titanium Park to expand into~~ enable the development of the Northern Precinct of the Airport Business Zone, including ancillary commercial and ancillary retail activities as well as limited retail activities that support the needs of the precinct and Airport Business zone. ~~but in a modified form to generally exclude retail and commercial activities in that area.~~

10.3.2.2A To maintain or enhance significant long-tailed bat habitat values by:
(a) providing Bat Habitat Areas for long-tailed bats within the Northern Precinct;
(b) controlling the location of buildings adjacent to Bat Habitat Areas;
(c) minimising light spill into Bat Habitat Areas;
(d) requiring the preparation and implementation of an Ecological Management Plan as part of development to:
i. avoid more than minor adverse effects on long-tailed bat habitat values within Bat Habitat Areas; and
where practicable, support the maintenance or enhancement of long tailed bat habitat and connectivity between habitats;
ii. avoid or mitigate any more than minor loss of long-tailed bat habitat and adverse effects on long-tailed bat ecological habitat values outside of Bat Habitat Areas; and
iii. where any effects on long-tailed bats habitat values are unable to be avoided or mitigated, ensure that any more than minor residual effects are offset or compensated to achieve no net

loss.

(Note Policy 10.3.2.2A implements Objective 24.3.1 within Section 24 – Indigenous Biodiversity)

Policy - Distinctive edge

- 10.3.2.3 To ensure that development in the Airport Business Zone is contained by creating a visually defined edge where the zone adjoins State Highway 3, State Highway 21, Raynes Road, other roads and other zones.

Policy - Relocated buildings

- 10.3.2.4 Relocated buildings shall not detract from the amenity of the area they are located within by ensuring that exterior maintenance and painting is undertaken.

Objective - Development within the Southern Precinct

- 10.3.3 To enable the development of the Southern Precinct while maintaining the safety and efficiency of State Highway 21.

Policy - Types of activities

- 10.3.3.1 To restrict the types of activities located in the Southern Precinct to ensure the safe and efficient operation of the access to State Highway 21.

10.4 Rules

The rules that apply to activities are contained in:

- (a) The activity status tables and the performance standards in this zone; and*
- (b) The activity status tables and the performance standards in Parts E District Wide Provisions and Part F District*

10.4.1 Activity Status Tables

10.4.1.1	Permitted activities The following activities must comply with the performance standards of this zone
(a)	General and commercial aviation activities and buildings.
(b)	Industrial activities.
(c)	Transport and freight depots, and bus depots.
(d)	Vehicle rental and valet services, vehicle parking and storage (excluding Southern Precinct)
(e)	Emergency service facilities.
(f)	Helicopter pads and facilities for their servicing and management. <i>Note: Civil Aviation Authority requirements 10.also apply.</i>
(g)	Utility services and utility structures, including navigational aids and control towers.
(h)	Storage and sale of aircraft fuel and lubricants.
(i)	Service stations and commercial garages (excluding Southern Precinct).
(j)	Cafes, restaurants, takeaway food outlets and licensed premises (excluding Southern Precinct).
(k)	Visitor accommodation (excluding Southern Precinct).
(l)	Places of assembly (excluding Southern Precinct).
(m)	Conference facilities (excluding Southern Precinct).
(n)	Offices (excluding Titanium Park Southern and Northern Precinct).
(o)	Ancillary Office Titanium Park Southern and Northern Precinct offices ancillary to any permitted activity.
(p)	Laboratories and research establishments (excluding Southern Precinct).
(q)	Hire facilities and building supply outlets (excluding Southern Precinct).
(r)	Storage warehouses.
(s)	Education facilities (excluding aviation educational training and excluding the Southern Precinct) between the outer control boundary Ldn 55 and the air noise boundary Ldn 65.
(t)	Aviation education training.
(u)	Retail activities and wholesale shops, subject to Rules 10.4.2.11, 10.4.2.11A and 10.4.2.12 (excluding Southern Precinct and retail activities specified in Rule 10.4.1.5(d)(ii)).
(ua)	Ancillary Retail
(v)	Earthworks
(w)	Temporary construction buildings.
(x)	Signs
(y)	Demolition and removal of buildings and structures, except those listed in Appendix N1 Heritage Items.
(z)	Relocated buildings, except for those listed in Appendix N1.
(za)	Trimming or pruning of vegetation or trees within the Northern Precinct outside a Bat Habitat Area.
(zb)	Removal of vegetation or trees within the Northern Precinct outside a Bat Habitat Area, subject to Rule 10.4.2.14C.
(zc)	Trimming, pruning or removal of vegetation or trees within the Northern Precinct inside a Bat Habitat Area, subject to Rule 10.4.2.14D.
(zd)	Electric vehicle supply equipment (including any device or object that supplies energy for the recharging of electric vehicles, e-bikes, e-scooters or electrified micro-mobility)

10.4.1.2	Controlled activities The following activities must comply with the performance standards of this zone
(a)	Any permitted activity within the Titanium Park — Northern Precinct, except for those specified in Rule 10.4.1.5(d), provided that a comprehensive development plan has been approved. Matters over which Council reserves its control are: <ul style="list-style-type: none"> ▪ Compliance with the approved comprehensive development plan. These matters will be considered in accordance with the assessment criteria in Section 21.

10.4.1.3	Restricted discretionary activities The following activities shall comply with the performance standards of this zone
(a)	Any permitted activity or controlled activity that does not comply with the performance standards in 10.4.2, except for those specified in Rule 10.4.1.4 and Rule 10.4.1.5.
(b)	The following activities between the Outer Control Boundary (Ldn55) and the Air Noise Boundary (Ldn65): (i) Childcare facilities; and (ii) Health care facilities. Assessment will be restricted to the following matters: <ul style="list-style-type: none"> ▪ Noise; and ▪ Reverse sensitivity. These matters will be considered in accordance with the assessment criteria in Section 21.

10.4.1.3	Restricted discretionary activities The following activities shall comply with the performance standards of this zone
(c)	Any activity which is otherwise a permitted activity or controlled activity within the Runway Protection Area as shown on the Planning Maps and which is not listed as a prohibited activity in Rule 10.4.1.6. Assessment will be restricted to the following matters: <ul style="list-style-type: none"> ▪ Effects on the operational safety and performance of the Hamilton International Airport; and its associated lighting and navigational aids; and ▪ The risk of exposure to aircraft related accidents; and ▪ Reverse sensitivity. These matters will be considered in accordance with the assessment criteria in Section 21. Advice Note: The Operator of Hamilton International Airport shall be considered an affected party for any resource consent assessed under these criteria.
(d)	Scheduled engine testing that exceeds the standard in Rule 10.4.2.16 by up to 5dBA is a restricted discretionary activity. Assessment will be restricted to the following matters: <ul style="list-style-type: none"> ▪ Appropriate mitigation of the adverse night time acoustic effects inside affected dwellings (for example, sleep disturbance) of unscheduled engine testing. No other assessment criteria will be applied for resource consents for a restricted discretionary activity in accordance with this rule.

10.4.1.4	Discretionary activities
(a)	Any permitted, controlled or restricted discretionary activity that fails to comply with: <ul style="list-style-type: none"> (i) Rule - 10.4.2.10 Special provisions relating to vehicle access to State Highways, <u>Middle Road</u> and Raynes Road (ii) Rule - 10.4.2.15 Noise (iii) Rules - 10.4.2.19 to 10.4.2.23 Noise Mitigation within the OCB, ANB and SEL (iv) Rule - 10.4.2.28 Earthworks
(b)	Caretakers accommodation ancillary to any other activity.
(c)	The following activities within the Air Noise Boundary (Ldn65): <ul style="list-style-type: none"> (i) Childcare Facilities; and (ii) Healthcare Facilities.
(d)	Earthworks in excess of 1,000m³ <u>2,500m³</u> in a single activity or cumulative activities in any one year.
(e)	Any activity not provided for as a Permitted or Restricted Discretionary Activity in the Airport Business Zone that is <u>provided for as</u> a Permitted Activity in the Industrial Zone.
(f)	The following activities within the Titanium Park – Northern Precinct: <ul style="list-style-type: none"> (i) Service stations and commercial garages; and (ii) Places of assembly.

10.4.1.5	Non-complying activities
(a)	Failure to comply with Rules 10.4.2.11, <u>10.4.2.11A</u> , and 10.4.2.12, - Maximum floor space for retail activities, <u>Rule 10.4.2.12A – Ancillary Retail</u> and Rules 10.4.2.16 to 10.4.2.18 - Noise: aircraft and engine testing.
(b)	Residential activities between the Outer Control Boundary (Ldn55) and the Air Noise Boundary (Ldn65).
(c)	All other activities not listed in activity status table Rules 10.4.1.1 to 10.4.1.4.
(d)	The following activities within the Titanium Park – Northern Precinct: <ul style="list-style-type: none"> (i) Offices (excluding ancillary offices – refer to Rule 10.4.1.1(n)) (ii) Retail activities and wholesale shops <u>not located within the Hub or Retail area identified within the Airport Business Zone Structure Plan in Appendix S10</u> (iii) Visitor Accommodation <u>not located within the Hub area identified within the Airport Business Zone Structure Plan in Appendix S10</u> (iv) Healthcare facilities (v) Education facilities (excluding aviation education training)
(e)	Scheduled engine testing that exceeds the standard in Rule 10.4.2.16 by more than 5dBA.
(f)	The following activities in the Titanium Park – Southern Precinct: <ul style="list-style-type: none"> (i) Vehicle rental and valet services, vehicle parking and storage; (ii) Service stations and commercial garages; (iii) Cafes, restaurants, takeaway food outlets and licensed premises (iv) Visitor accommodation; (v) Places of assembly; (vi) Conference facilities; (vii) Offices (excluding ancillary offices – refer to Rule 10.4.1.1(n)); (viii) Laboratories and research establishments; (ix) Hire facilities and building supply outlets; (x) Education facilities; and (xi) Retail activities and wholesale shops, subject to Rules 10.4.2.11 and 10.4.2.12

10.4.1.6	Prohibited activities The following activities are prohibited and no resource consent will be approved
(a)	The following activities within the Air Noise Boundary (Ldn65): (i) Residential activities; and (ii) Visitor accommodation; and (iii) Education facilities (except aviation educational training).
(b)	The following activities within the Runway Protection Area shown on the Planning Maps: (i) Places of assembly; and (ii) Service stations; and (iii) Residential activities; and (iv) Visitor accommodation; and (v) Hospitals; and (vi) Camping grounds; and (vii) Educational activities.
(c)	Fortified sites.

10.4.2 Performance Standards

The following rules apply to activities listed as permitted, controlled or restricted discretionary.

Where rules are not complied with resource consent will be required in accordance with the rules in the activity status table or as identified in the performance standards, and will be assessed against the relevant objectives and policies. In the case of controlled and restricted discretionary activities, the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

Rule - Minimum building setback from road boundaries

10.4.2.1 The minimum building setback from road boundaries shall be as follows:

- | | | |
|-----|---|-----|
| (a) | From internal road boundaries not adjacent to a landscaped drainage swale | 3m |
| (b) | For sites adjacent to a landscaped swale (refer road cross section Airport Business Zone Structure Plan, Appendix S10) | 0m |
| (c) | For road boundaries fronting a State Highway, except as indicated on the Airport Business Structure Plan in Appendix S10 | 5m |
| (d) | For all other sites <u>subject to the Building Setback control as indicated on the Airport Business Structure Plan in Appendix S10 fronting Raynes Road or a State Highway</u> | 15m |

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Characteristics of the site; and
- Landscaping.

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

Rules - Minimum building setback from internal site boundaries

10.4.2.2 Buildings may be built up to internal site boundaries except for sites where one of the activities, either existing or proposed, on the sites, is visitor accommodation, conference facilities, healthcare facilities, childcare facilities or places of assembly, in which case the minimum setback is 1.2m, and except as set out in Rule 10.4.2.3 below.

10.4.2.3 For any site adjoining the properties within the Special Amenity Area shown on the Planning Maps, buildings shall be setback a minimum of 5m.

Activities that fail to comply with Rules 10.4.2.2 and 10.4.2.3 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Characteristics of the site; and
- Landscaping; and
- Effects on adjoining dwellings.

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

Rule – Minimum building setback from Bat Habitat Area

10.4.2.3A Buildings shall be setback a minimum of 5m from the boundary of a Bat Habitat Area.

Activities that fail to comply with Rules 10.4.2.3A will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Ecology (Northern Precinct)

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

Rule - Height

10.4.2.4 No building shall exceed 20m in height, provided that the following additional height requirements shall apply:

- (a) No object including any part of a building, structure, tree or other object or plant growth, shall penetrate any of the approach surfaces, transitional surfaces, horizontal surface, conical surface as delineated on the Planning Maps for Hamilton Airport and also in Appendix O9 of the District Plan; and
- (b) No object including any part of a building, structure, tree or other object or plant growth (other than wire fences less than 1.2m high) are permitted within 200m of the centre of the VOR facility shown on Planning Map 52; and
- (c) Outside of a 200m radius from the VOR facility, no object including any part of a building, structure, tree or other object or plant growth may be erected which will be above a conical surface centres at the centre of the VOR facility originating at a level of 55.4m above Moturiki datum and rising at an angle of 3.5° above the horizontal.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects; and
- Overshadowing; and
- Airport operations.

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

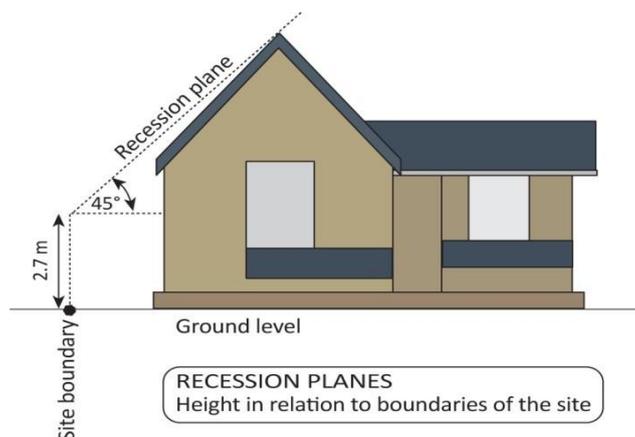
Rule - Daylight controls

10.4.2.5 No building shall penetrate a recession plane at right angles to a boundary, inclined inwards and upwards at an angle of 45°. The recession plane shall commence at a lowest applicable height of:

- (a) 10m above ground level of the front, side or rear boundaries of a site; or
- (b) 7m above ground level at each point along the road boundary which adjoins State Highway 3, State Highway 21, Middle Road, Narrows Road and Raynes Road; or
- (c) 2.7m above ground level on any side or rear boundary which adjoins any rural zoned

property; or

- (d) 2.7m above ground level on any side or rear boundary which adjoins any residential properties within the Special Amenity Area shown on the Planning Maps and the Airport Business Zone Structure Plan in ~~structure plan attached as~~ Appendix S10.



Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects; and
- Overshadowing; and
- Airport operations.

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

Rules - Landscaping

- 10.4.2.6 Site boundaries subject to the Landscaping control as indicated on the Airport Business Structure Plan in Appendix S10; adjacent to either a Rural Zone, State Highway 3, State Highway 21, Raynes Road, or adjacent to dwellings within the Special Amenity Area shown on the Planning Maps; shall be landscaped to a minimum depth of 5m, except for any required access or egress points.

10.4.2.6A For any landscaping required under Rule 10.4.2.6 that is within the Northern Precinct:

- (a) The landscaping shall consist of specimen trees that are capable of reaching a minimum height of 4m that are also underplanted with species that are capable of reaching a height of 1.2m; and
- (b) The location and spacing of specimen trees shall be such that at least 50% of a boundary extent shall be screened.

10.4.2.6B Site boundaries subject to the Rural Landscaping control as indicated on the Airport Business Structure Plan in Appendix S10 shall be landscaped at a minimum depth of 2m ~~5m~~ and incorporate species that are planted to achieve a hedge that is capable of reaching (and thereafter kept at) a minimum height of 5m high ~~and 2m deep~~.

- 10.4.2.7 Road boundaries on internal roads must be landscaped to a minimum depth of 2m except for required access or egress, and expect where the site is adjacent to a landscaped drainage swale

within the road.

Activities that fail to comply with Rules 10.4.2.6, [10.4.2.6A](#), [10.4.2.6B](#) and 10.4.2.7 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects; and
- Amenity values.

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

Rule - Security fencing

- 10.4.2.8 Security fences over 2m high must be set back a minimum of 2m from road boundaries and the road boundary shall be landscaped so that the landscaping screens the security fence.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Amenity effects; and
- Visual effects.

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

Rule - Outdoor storage

- 10.4.2.9 Outdoor storage areas visible from any site within the Rural Zone, road, or public place shall be screened by landscaping; and stored materials shall not exceed 3m in height.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Amenity effects; and
- Visual effects.

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

Rule - Special provisions relating to vehicle access to State Highways, [Middle Road](#) and Raynes Road

- 10.4.2.10 There shall be no direct access [from lots or activities](#) to a State Highway, ~~or to~~ [Narrows Road and Raynes Road](#) [or to any section of Middle Road that does not have the Airport Business zone located on both sides of the road](#), except as shown on the Airport Business Zone Structure Plan in Appendix S10, and for residential activities properties east of State Highway 3 that are located within the Special Amenity Area on Planning Map 17.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Maximum floor space for retail activities

- 10.4.2.11 The total floor area of all [non-ancillary](#) retail activities located in the Airport Business Zone, excluding activities in the Hamilton International Airport Terminal building [and the Northern Precinct](#), shall not exceed 5,300m² GFA.

10.4.2.11A The total floor area of all non-ancillary retail activities located in the Northern Precinct of the Airport Business Zone shall not exceed 5,000m² 4,500m² GFA.

For the avoidance of doubt, non-ancillary retail activities include (but are not limited to) service stations, cafes, restaurants, takeaway food outlets, licensed premises and building supply outlets that are provided for as a Permitted activity within Rule 10.4.1.1.

10.4.2.12 Retail shops shall have a floor area less than 450m² GFA each, except that one retail shop may have a floor area of more than 450m² GFA and less than 1,000m² GFA, provided that the retail shop shall primarily sell pre-prepared fresh food/groceries and beverages, together with other non-food goods in an ancillary capacity.

Activities that fail to comply with Rules 10.4.2.11, 10.4.2.11A and 10.4.2.12 will require a resource consent for a non-complying activity.

Rules – Ancillary Retail

10.4.2.12A Ancillary Retail shall not exceed 20% of the GFA all buildings on the site.

Rules - Firefighting

10.4.2.12AB All buildings (excluding accessory buildings and utility structures up to 50m² in GFA) within the Northern Precinct must be designed in accordance with NZ Fire Service Firefighting Water Supply Code of Practice (SNZ PAS 4509:2008).

Rules – Roading Transport

10.4.2.13 All roads within the Airport Business Zone shall be constructed in general accordance with ~~the road cross-sections contained in the Appendix S10 - Airport Business Zone Structure Plan attached as Appendix S10.~~

10.4.2.13A The following transport upgrades are required to enable the full development of the Northern Precinct. These upgrades, along with when they will be required, are set out below:

	<u>Transport upgrade</u>	<u>Implementation requirement</u>
<u>1.</u>	<p><u>Upgrading of SH21 / Raynes Road intersection to a 3-arm roundabout.</u></p> <p>The construction of the section of the shared walking and cycling path between the Northern Precinct and Ingram Road as shown on the Airport Business Zone Structure Plan.</p>	<p>To be completed prior to:</p> <ul style="list-style-type: none"> • <u>Any section 224c certificate for subdivision under the RMA being issued for the completion of any subdivision within Northern Precinct; or</u> • <u>Any industrial / commercial activity being able to generate traffic.</u>
<u>2.</u>	<p><u>Capacity Increase at SH21 / Raynes Road roundabout to double circulating lanes and dual approach lanes.</u></p>	<p>To be completed prior to</p> <ul style="list-style-type: none"> • <u>Any industrial / commercial activity being able to generate traffic that gains access off Raynes Road; or</u> • <u>When the cumulative total consented land area in Northern Precinct with sole access to SH3 roundabout exceeds 70 ha (net gross)</u>
<u>3.</u>	<p><u>3-arm roundabout at SH3 / Raynes Road intersection.</u></p>	<p>To be completed prior to:</p> <ul style="list-style-type: none"> • <u>Any section 224c certificate for subdivision under the RMA being issued for the completion of any subdivision within Northern Precinct; or</u> • <u>Any industrial / commercial activity being able to generate traffic.</u>
<u>4.</u>	<p><u>3-arm roundabout on SH3 for access to Northern Precinct, including provision for bus stops near the roundabout.</u></p>	<p>To be completed prior to</p> <ul style="list-style-type: none"> • <u>Any industrial / commercial activity being able to generate traffic that gains access off SH3; or</u> • <u>When the cumulative total consented land area in Northern Precinct with sole access to Raynes Road exceeds 40 ha (net gross)</u>
<u>5.</u>	<p><u>SH3 / Raynes Road - additional northbound approach and circulating lane on the roundabout.</u></p>	<p>To be completed prior to:</p> <ul style="list-style-type: none"> • <u>Any 224c being issued for any subdivision in Northern Precinct that takes the cumulative developed area with sole access to SH3 roundabout over 65 ha (net); or</u> • <u>When the cumulative total consented land area in Northern Precinct with sole access to SH3 roundabout exceeds 65 ha (net)</u>

6.	<p><u>Restricted movement intersection access from Northern Precinct to Raynes Road</u> The intersection should be designed to physically and legally prevent all vehicles leaving the Northern Precinct from turning left onto Raynes Road, and right turn into Northern Precinct from Raynes Road.</p> <p>The construction of the section of the shared walking and cycling path between the Northern Precinct and Sharp Road as shown on the Airport Business Zone Structure Plan.</p>	<p><u>To be completed prior to</u></p> <ul style="list-style-type: none"> • <u>Any industrial / commercial activity being able to generate traffic that gains access off Raynes Road; or</u> • <u>When the cumulative total consented land area in Northern Precinct with sole access to SH3 exceeds 70 65ha (net) 70 ha (gross)</u>
7.	<p><u>Construction of new walking and cycling shared path connecting Peacocke Road to the Northern Precinct via Middle Road and Faiping Road or a suitable alternative</u></p>	<p><u>To be completed prior to:</u></p> <ul style="list-style-type: none"> • <u>Any section 224c certificate for subdivision under the RMA being issued for the completion of any subdivision within Northern Precinct; or</u> • <u>Any industrial / commercial activity being able to generate traffic.</u>

10.4.2.14 All roads within the Airport Business Zone shall be constructed so as to avoid any disturbance or obstruction to any swale drain.

Activities that fail to comply with Rules 10.4.2.13, **Rule 10.4.2.13A** and 10.4.2.14 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Amenity effects; and
- Road design and connectivity; and
- **Safety, capacity and efficiency of the transport network; and**
- The design and sequencing of upgrades to the transport network; and
- Provision of cycling and pedestrian networks; and
- Enabling of public transport; and
- The ability to adequately manage ~~dispose of~~ stormwater.

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

Rules – Lighting

10.4.2.14A In addition to Rule 20.4.2.2 – Lighting and Glare, the following lighting standards shall apply in the Northern Precinct:

- (a) Added illuminance from fixed artificial lighting (indoor and outdoor) shall not exceed 0.3 lux (horizontal and vertical) at any height at the external boundary of the Bat Habitat Area.
- (b) Where it is within 100m of a Bat Habitat Area, fixed artificial outdoor lighting must:
 - i. Emit zero direct upward light.

- ii. Be installed with the light emitting surface facing directly down and be mounted as low as practical.
- iii. Be white LED with a maximum colour temperature of 2700K.
- iv. In the case of exterior security lighting, be controlled by a motion sensor with a short duration timer (5 minutes).
- (d) Fixed artificial lighting shall not be located within a Bat Habitat Area except where it is for the express purpose of providing lighting for emergency works related to infrastructure operated by an entity that is defined as a lifeline utility under the Civil Defence Emergency Act 2002. The lighting must be white LED with a maximum colour temperature of 2700K, installed with the light emitting surface facing directly down, emit zero direct upward light and be mounted as low as practical.
- (e) The standards in Rule 10.4.2.14A do not apply to vehicle headlights or to lighting associated with aviation requirements for Hamilton Airport.

Activities that fail to comply with Rules 10.4.2.14A will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Ecology (Northern Precinct)

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

Rules - Ecology

10.4.2.14AB An Ecological Management Plan is required to be developed as part of the The earlier of the first landuse consent application or the first subdivision consent application (excluding boundary adjustments) for the Northern Precinct must be accompanied by an. The Ecological Management Plan should must be for the entire Northern Precinct and which must contain:

- (a) A Bat Management Plan prepared by a suitably experienced bat ecologist that:
 - i. Includes planting specifications, drawings and an implementation programme for habitat enhancement within Bat Habitat Areas, including a 50m wide bat corridor in general accordance with Figures 1 and 2 in Appendix S10. The implementation programme shall ensure that habitat enhancement occurs as early as practicable;
 - ii. Provides details of how planting and light spill will be managed where transport corridors are proposed to cross Bat Habitat Areas;
 - iii. Identifies all confirmed or potential bat roost trees within the Northern Precinct based on presence of roosting features and any other relevant information which is available;
 - iv. Provides an assessment of whether retention of any tree or trees which are confirmed or potential bat roost trees is practicable and appropriate, having regard to:
 - A. The assessed values, including whether the tree is a confirmed bat roost tree, and whether it is known to be a solitary or communal roost; and
 - B. Whether the tree is in close proximity to any Bat Habitat Area and could continue to be used as a bat roost within an otherwise urban context; and
 - C. Any earthworks that will be required to enable urban development;
 - v. Proposed tree removal methodology and timing, with regard to the Department of Conservation 'Protocols for Minimising the Risk of Felling Bat Roosts' (Version 2:

October 2021);

Specifies best practice tree removal protocols and mitigation for any potential roost trees that have been identified as needing to be removed, and methods to mitigate associated ecological effects. Where any ecological effects are unable to be mitigated, the Bat Management Plan shall set out methods to ensure that any more than minor residual ecological effects are offset to achieve a no net loss outcome.

- vi. Where more than minor adverse effects are unable to be avoided or mitigated such that there will be more than minor residual effects on long-tailed bat habitat values (including any roosting, commuting and foraging), the Bat Management Plan shall include details of proposed offset or compensation measures (which may include habitat enhancement and/or pest control) to contribute to a no net loss outcome. Where off-site measures are proposed they shall preferentially be within the known home range of the local long-tailed bat population. Connectivity with features in the wider landscape and potential opportunities for co-ordination with other habitat enhancement initiatives shall be considered;
 - vii. The legal mechanisms proposed for protection of Bat Habitat Areas and any other long-tailed bat habitat which is proposed to be created or retained;
 - viii. Details pre and post-development monitoring for long-tailed bats, including how the monitoring could be co-ordinated with other monitoring occurring within the known home range of the local long-tailed bat population;
 - ix. Identifies procedures for reviewing and amending (if necessary) the Bat Management Plan.
- (b) Measures to avoid, remedy, mitigate, offset or compensate for any adverse effects which are more than minor on habitats of indigenous fauna including birds and lizards.
- (a) ~~A Lighting Management Plan that will apply to on lot development within a 20m corridor applied from identified external boundary extents of the precinct and within the Hub, as denoted on the Airport Business Zone Structure Plan as the 'Lighting Management Plan Area'. The Lighting Management Plan shall establish a dark zone within this area for the purpose of contributing to the long-tailed bat flyway network, and provide lighting outcomes (which could include, but are not limited to, specifying low light levels / directional lighting) that any lots within these dark areas must comply with.~~
- (c) ~~Ecological recommendations for landscape planting to be implemented throughout the precinct, including specimen, sizing and design requirements to encourage long-tailed bat foraging and/or commuting.~~

All subsequent land use and/or subdivision consent applications shall be consistent with the Ecological Management Plan that was approved as part of the first land use or subdivision resource consent, or any variation thereof approved by way of a subsequent resource consent.

Activities that require and provide an Ecological Management Plan which addresses the requirements in Rule 10.4.2.14B will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Ecology (Northern Precinct)

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

Activities that fail to comply with this rule will require a resource consent as a Discretionary activity.

10.4.2.14C The removal of any tree or vegetation within the Northern Precinct outside a Bat Habitat Area is

a permitted activity where:

- (a) It has a diameter less than 150mm measured at 1.4m in height above ground level; or
- (b) It has a diameter of 150mm or more measured at 1.4m in height above ground level and:
 - i. A report is provided by a suitably experienced bat ecologist demonstrating that, following an assessment of the tree, the tree is not a confirmed or potential bat roost tree. Identification of potential bat roost trees shall be in accordance with the Department of Conservation 'Protocols for Minimising the Risk of Felling Bat Roosts' (Version 2: October 2021); and
 - ii. The above report is provided to Waipa District Council at least 5 working days prior to the removal of the tree(s); or
- (c) The vegetation removal is authorised by an existing subdivision or land use resource consent.

Activities that fail to comply with Rules 10.4.2.14C will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Ecology (Northern Precinct)

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

10.4.2.14D The trimming, pruning or removal of any tree or vegetation within the Northern Precinct inside a Bat Habitat Area is a permitted activity where:

- (d) It has a diameter less than 150mm measured at 1.4m in height above ground level; or
- (e) The vegetation removal is authorised by an existing subdivision or land use resource consent.

Activities that fail to comply with Rules 10.4.2.14D will require a resource consent as a discretionary activity.

Rule - Noise

10.4.2.15 All activities within the Airport Business Zone, excluding engine testing and noise generated by aircraft in flight taxiing or pre-flight checks, shall be conducted and buildings located, designed and used to ensure the noise levels do not exceed the following limits when measured in accordance with the requirements of NZS 6801:1999 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound:

- (a) Within the boundary or notional boundary of any site zoned Rural, and within the boundary of any of the residential properties east of State Highway 3 and identified 'Special Amenity Area' on the Planning Maps and the structure plan at Appendix S10:
 - (i) Monday to Saturday 7.00am to 10.00pm 55dBA (L10)
 - (ii) At all other times, including public holidays 45dBA (L10)
- (b) Within the boundary of any site zoned Airport Business 60dBA (L10)
(except Lot 1 DPS 60613) at all times

Provided that no single event noise level Lmax shall exceed 70dBA at night time 10.00pm

to 7.00am.

- (c) Within the notional boundary of Lot 1 DPS 60613 (being 141 Middle Road):
- | | | |
|-------|--|-------------------------------|
| (i) | <u>Monday to Saturday 7.00am to 10.00pm</u> | <u>55dBA (L₁₀)</u> |
| (ii) | <u>At all other times, including public holidays</u> | <u>45dBA (L₁₀)</u> |
| (iii) | <u>Night-time – single noise event</u> | <u>70 dB LA_{max}</u> |

Except that Rules 10.4.2.15(c) shall not apply if Lot 1 DPS 60613 if is owned by Titanium Park Limited or its nominee.

Prior to any activity being established or building consent being applied for, evidence that these standards will be met may be required by Council.

Advice Note: For some common activities it will be sufficient to simply indicate the intended use (e.g. Warehousing); for others, evidence from a suitably qualified person will be required.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Noise: aircraft and engine testing

- 10.4.2.16 Noise from the maintenance and testing of aircraft shall not exceed the following noise limits when measured in accordance with the requirements of NZS 6801:1999 Measurement of Sound:

Within the boundary or notional boundary of any site zoned Rural:

- | | | |
|-----|------|-------|
| (a) | Leqn | 45dBA |
| (b) | Lmax | 75dBA |

Within the boundary of any of the residential properties within the Special Amenity Area shown on the Planning Maps and the structure plan at Appendix S10:

- | | | |
|-----|------|-------|
| (c) | Leqn | 50dBA |
| (d) | Lmax | 80dBA |

Leqn is defined as the logarithmic average of the hourly Leqn values from 10.00pm to 7.00am the following day, calculated as a rolling average over the last seven nights. Noise from night time engine testing shall be monitored by the operator to determine the total noise dose from engine testing that has been generated over the last seven days. A summary of these results shall be provided to Council once a year and be available to Council for inspection at any reasonable time and upon reasonable notice.

Advice Note: The monitoring requirement specified in the above rule will be fully satisfied by the provision of monitoring data provided by the operators of the Hamilton Airport in accordance with Rules 4.4.2.31 to 4.4.2.34.

- 10.4.2.17 Exemptions to undertake engine testing that does not comply with Rule 10.4.2.16 are permitted where:

- There is a requirement to undertake essential unscheduled engine testing between the hours of 10.00pm and 7.00am; and
- The aircraft had a scheduled passenger and/or freight landing at Hamilton Airport within 18 hours of the engine testing taking place; and
- The engine testing is necessary to return the aircraft to scheduled services, as soon as

practically possible; and

- (d) The engine testing cannot be completed outside the hours of 10.00pm and 7.00am without disruption to flying schedules.

10.4.2.18 Exemptions from Rule 10.4.2.16 are subject to the following conditions:

- (a) The essential unscheduled engine testing must be notified to the operator of Hamilton International Airport and Waipa District Council (WDC) by the aircraft testing operator as soon as the need for it is known; and
- (b) As soon as practically possible after the essential unscheduled engine testing is completed the aircraft testing operator shall send to the operator of Hamilton International Airport and WDC a report which shall include details of the date, time, location, duration, type of aircraft, engine power setting, the reasons for it being an exemption, and proof the aircraft was on a scheduled flight to Hamilton International Airport; and
- (c) The operator of Hamilton International Airport is to maintain a register of any exemptions under this rule, and the register is to be made publicly available; and
- (d) The noise shall not exceed L_{max} 85dBA within the boundary or notional boundary of any dwelling; and
- (e) The cumulative duration of engine running time shall not exceed 30 minutes with a maximum cumulative duration of five minutes at high power settings; and
- (f) The total time from first engine on to last engine off, including any engine off time between run-ups, shall not exceed 90 minutes; and
- (g) The essential unscheduled engine testing must be undertaken in the following locations:
 - (i) The ATR72 aircraft and any others able to be accommodated within the Eagle Air enclosure should be positioned in that run-up noise enclosure; and
 - (ii) All other aircraft are to be positioned on the main runway facing north at the intersection with runway 07-25 (unless weather conditions require the aircraft to be south facing); and
- (h) For any aircraft to be able to rely on this exemption it must be either:
 - (i) One of the following aircraft types: Beechcraft 1900D, ATR-72, Boeing 737-300, Boeing 737-800; or
 - (ii) Be of a type certified by an acoustic consultant as being able to undertake engine testing in the location referred to in (g) above and still meet the L_{max} limit in (d) above.

Activities that fail to comply with Rules 10.4.2.16 to 10.4.2.18 will require a resource consent for a non-complying activity, except for scheduled engine testing that exceeds Rule 10.4.2.16 by up to 5dBA which is a restricted discretionary activity, refer to Rule 10.4.1.3(d).

Rules - Noise mitigation within the OCB, ANB and SEL

10.4.2.19 The following noise sensitive activities located within the OCB, ANB and SEL shall incorporate appropriate acoustic treatment to ensure that a noise level not exceeding 45dBA (L_{dn}) is achieved inside the building, except that in all habitable rooms of new residential activities and visitor accommodation, including extensions and additions to existing residential activities and

visitor accommodation, a noise level not exceeding 40dBA shall be achieved:

Noise Sensitive Activities
Residential activities.
Visitor accommodation.
Education facilities including aviation education training.
Caretakers accommodation ancillary to any other activity.
Childcare facilities.
Healthcare facilities.
Conference facilities.
Places of Assembly.
Offices
Laboratories and research establishments.

10.4.2.20 The internal noise level shall be calculated in accordance with the predicted external level at the subject site shown on the plan at Appendix O10 and in accordance with the following adjustments to the dBA level to establish an unweighted external source spectrum for aircraft noise:

External aircraft noise octave band adjustments for sound insulation design (adjustments derived from ASTM E 1332-90 (2003))						
63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
6	5	0	-3	-6	-8	-11

10.4.2.21 Prior to a building consent being issued for any building to which Rules 10.4.2.19 and 10.4.2.20 applies, compliance shall be demonstrated by:

- (a) For visitor accommodation, by production of a design certificate from an appropriately qualified and experienced acoustic engineer, certifying that an internal noise level not exceeding 40dBA Ldn will be achieved in habitable rooms by construction in accordance with the proposed design; and
- (b) For other activities, by production of design certificate from an appropriately qualified and experienced acoustic engineer, certifying that an internal noise level not exceeding 45dBA Ldn will be achieved in habitable rooms.
- (c) Where it is necessary to have doors and windows closed to achieve the acoustic standard an alternative ventilation system shall be provided as follows (ac/hr means air changes per hour):
 - (i) Main living rooms: low setting 1-2 ac/hr and on high setting 15 ac/hr as a minimum.
 - (ii) Other habitable rooms: low setting 1-2 ac/hr and on high setting 5 ac/hr as a minimum.
 - (iii) Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of three stages.
 - (iv) Each system providing the low setting flow rates is to be provided with a heating system which is able to provide the incoming air with a 12°C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of two equal heating stages.
 - (v) If air conditioning is provided to any space then the high setting ventilation

requirement for that space is not required.

(vi) Noise from ventilation systems shall not exceed the following noise limits:

Room type	Noise level measured at least 1m from the Diffuser (Leq dBA)	
	Low setting	High setting
Main living rooms	35	40
Other habitable rooms	30	35

10.4.2.22 Visitor accommodation inside the SEL 95 boundary shown on the Planning Maps and Appendix O10 shall incorporate appropriate acoustical treatment to ensure that indoor sound levels stated below are not exceeded:

- (a) The Internal Sound Exposure Level (SEL) from aircraft noise shall not exceed 65dBA in all sleeping areas of new visitor accommodation and extensions or additions to existing visitor accommodation; and
- (b) The internal noise level shall be calculated in accordance with the predicted external level at the subject site as shown on the plan of SEL contours in Appendix O10 with the following adjustments to the dBA level to establish an unweighted external source spectrum for aircraft noise as follows:

External aircraft noise octave band adjustments for sound insulation design						
63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
6	5	0	-3	-6	-8	-11

Note: Adjustments derived from ASTM E 1332-90 (2003) Table 1

10.4.2.23 Prior to issuing a building consent for any building to which Rule 10.4.2.22 applies, compliance with the rule shall be demonstrated by production of a design certificate from an appropriately qualified and experienced acoustic engineer certifying that the above internal noise level will be achieved by construction in accordance with the proposed design, provided that:

- (a) Where it is necessary to have doors and windows closed to achieve the acoustic standard an alternative ventilation system shall be provided for sleeping areas at 1-2 a/c per hour on low setting and a minimum of 5 a/c per hour on high setting, where a/c per hour means air changes per hour; and
- (b) Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of three stages; and
- (c) Each system providing the low setting flow rates is to be provided with a heating system which is able to provide the incoming air with a 12°C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of two equal heating stages; and
- (d) If air conditioning is provided to any space then the high setting ventilation requirement

for that space is not required.

(e) Noise from ventilation systems shall not exceed the following noise limits:

Room type	Noise level measured at least 1m from the Diffuser (Leq dBA)	
	Low setting	High setting
Sleeping areas	30	35

Activities that fail to comply with Rules 10.4.2.19 to 10.4.2.23 will require a resource consent for a discretionary activity.

Rule - Vibration

10.4.2.24 Vibration emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 4403:1996 Code of Practice for Storage, Handling, and Use of Explosives.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Safety; and
- Time and duration of effect; and
- Effects on buildings and structures, either on site or on surrounding properties.

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

Rule - Construction noise

10.4.2.25 Construction noise emanating from a site where construction is ancillary to the principal use shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Time and duration of effect; and
- Effects on surrounding buildings and properties.

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

Rules - Signs

10.4.2.26 The following signs are permitted:

- (a) A sign giving information such as the name or street number of premises, the business carried on, names of people occupying premises, and hours of operation; but containing no reference to particular products. No such sign shall exceed 3m² and the total area of permanent signs on one site shall not exceed 5m².
- (b) One free standing sign with a maximum height of 7.5m and maximum width of 2m at each road entrance to the Airport Business Zone.
- (c) Signs advertising that the land or premises are for sale or lease. The maximum size of each sign must be no more than 2m² and no more than four signs are permitted on a site at any one time.
- (d) A sign erected on a construction site giving details of the project. The maximum total area of the sign must be no more than 2m² and no more than one sign is permitted on a site at

any one time.

- (e) Any sign erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.
- (f) Health and Safety at Work Act 2015 related signs.

Provided that in all cases:

- (i) All signs other than temporary signs shall relate to activities authorised under the Plan and shall be located on the site to which they relate.
- (ii) No sign shall be internally illuminated, flashing, incorporate fluorescent or incorporate moving materials such as flags or be painted in colours that are used on traffic signals.
- (iii) All signs must be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall.
- (iv) No sign shall be placed above a verandah.
- (v) With the exception of signs permitted by Rule 10.4.2.26(b) a freestanding sign must be placed so that no part is more than 4m above ground level.
- (vi) Signs must be placed so that they do not block sight distances at entranceways and must be no closer than 20m to a road intersection.
- (vii) Signs shall be oriented towards the road from which the site obtains its vehicular access.
- (viii) Signs must be removed where the goods, services or events to which the sign relates are no longer available, or no longer relevant to that site or building.

10.4.2.27 Signs giving information on forthcoming events, elections, cultural, religious, educational or sporting events and displayed not more than 90 days before and three days after the event or such lesser time as may be prescribed by legislation; as long as signs shall not exceed a combined total of 3m² visible in all directions and shall be setback at least 15m from any strategic road.

Provided that in all cases:

- (a) No signs shall be internally illuminated, flashing, incorporate fluorescent materials, or be painted in colours that are used on traffic signals.
- (b) All signs must be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall.
- (c) A freestanding sign must be placed so that no part is more than 4m above ground level.
- (d) Signs must be placed so that they do not block sight distances at entranceways and must be no closer than 20m to a road intersection.
- (e) Signs shall be oriented towards the road from which the site obtains its vehicular access.
- (f) Signs shall be removed within three days of the conclusion of the event.

Provided that relevant the zone based or district wide rules apply where they are more restrictive. Refer to Section 22 - Heritage and Archaeology and Section 25 - Landscapes and

Viewshafts.

Activities that fail to comply with Rules 10.4.2.26 and 10.4.2.27 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects; and
- Traffic and adjoining State Highway network.

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

Rule - Earthworks

- 10.4.2.28 Earthworks shall not exceed a total volume of ~~1,000m³~~ 2,500m³ in a single activity or in cumulative activities in any one calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent.

Advice Notes:

1. In the event that any artefacts, human remains or evidence of historic human activity are discovered, there remains a procedure under the Heritage New Zealand Pouhere Taonga Act 2014 that must be followed.
2. Earthworks complying with permitted activity standards or subject to resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, are exempt from additional resource consent requirements.
3. Earthworks within 23m of lakes or water bodies require resource consent. Refer Section 26 - Lakes and Water bodies.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Temporary construction buildings

- 10.4.2.29 Temporary construction buildings must only be used in conjunction with, and for the duration of, a construction project located on or adjacent to the same site as the construction project. For the avoidance of doubt, temporary construction buildings must not be used as an accessory building for the day to day storage needs of domestic goods, or for the storage of home occupation equipment.
- 10.4.2.30 Temporary construction buildings are only permitted for one calendar year and must comply with the minimum setback requirements for the Airport Business Zone.

Activities that fail to comply with Rules 10.4.2.29 and 10.4.2.30 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects.

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

Rules - Temporary events

- 10.4.2.31 All temporary buildings and other works shall be removed and the site returned to its original condition five working days after the temporary event has ceased.
- 10.4.2.32 All buildings and any required works must be set back from the boundary in accordance with the relevant zone setback requirements.
- 10.4.2.33 Any temporary event that is likely to attract more than 200 vehicles will require a Traffic Management Plan. The Traffic Management Plan is required to be submitted to and approved

by the relevant road controlling authority no less than one month prior to the event.

10.4.2.34 Temporary events must not:

- (a) Occur more than two times per calendar year cumulatively on any site; and
- (b) Exceed two days duration (excluding preparation time); and
- (c) Occur outside of the hours of Monday to Saturday 7.00am to 10.00pm and 7.30am to 6.00pm Sunday and public holidays.

Activities that fail to comply with Rules 10.4.2.31 to 10.4.2.34 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects; and
- Noise; and
- Traffic.

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

Rule - Compliance with the Airport Business Zone Structure Plan

10.4.2.35 All activities and development and subdivision in the Airport Business Zone shall be in general accordance with the Structure Plan (including requirements) contained within Appendix S10 comply with Rules 15.4.2.87 to 15.4.2.90 of this Plan.

Activities that fail to comply with this rule will require a resource consent for a Discretionary activity.

Rule - Relocated buildings

10.4.2.36 A relocated building more than 40m² shall meet the following requirements:

- (a) A Building Relocation Inspection Report shall accompany an application for a building consent. The Building Relocation Inspection Report shall be prepared by one of the following suitably qualified and experienced people:
 - (i) A Waipa District Council Building Compliance Officer (or equivalent); or
 - (ii) A member of the New Zealand Institute of Building Surveyors; or
 - (iii) A licensed building practitioner (carpenter or design category); or
 - (iv) A building inspector from the local authority where the building is being relocated from; and
- (b) If the Building Relocation Inspection Report has been prepared by a person other than a Waipa District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipa District Council Building Compliance Officer (or equivalent position) by undertaking an on-site inspection of the relocated building once it has been relocated; and should the Waipa District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:
 - (i) The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the

Building Relocation Inspection Report.

- (c) All required repairs and maintenance identified in the Building Relocation Inspection Report to reinstate the exterior of the relocated building, including painting, if required, shall be completed within 6 months of the relocated building being delivered to the site; and
- (d) The owner of site to which the building is to be relocated must supply a signed declaration to Council that the reinstatement work required by the Building Relocation Inspection Report will be completed within 6 months of the relocated building being delivered to the site.

Provided that this rule shall not apply to new buildings which are designed for or intended to be used on a site which are erected off the site either in whole or in parts and transported to the site.

Advice Notes:

1. Relocated buildings less than 40m² are not required to comply with this rule but are required to comply with the relevant rules in 10.4.2.
2. Information requirements for a Building Relocation Inspection Report are detailed in Section 21.2.27.
3. The onsite inspection by a Waipa District Council Building Compliance Officer (or equivalent position) shall occur at the time of foundation inspection for the Building Consent process, and will not incur additional costs.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Condition of the exterior of the building; and
- Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and
- Reinstatement works; and
- Timing for completing any required works.

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

Rule – Electric vehicle supply equipment

10.4.2.37 Any Electric vehicle supply equipment shall:

- (a) Be installed in an existing, permitted or consented vehicle parking space, vehicle depot or garage structure; and
- (b) Not exceed a height of 2.1m and an area of 3m²

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Adverse effects on the safe, efficient and effective operation of the transport system
- Adverse effects of non-compliance on the streetscape, pedestrian safety and the amenity of the area

10.5 Assessment Criteria

10.5.2 Controlled activities and Restricted Discretionary activities

For controlled and restricted discretionary activities the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. Resource consent conditions can only be imposed over the matters which control or discretion has been reserved. The relevant assessment criteria are contained in Section 21.

10.5.3 Discretionary activities

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

Amended Version 10th March 2023.

Notified changes shown in red text, post-notification ecology changes shown in blue text and transport changes shown in green text.

Section 15 - Infrastructure, Hazards, Development and Subdivision

(Additions in red underline, deletions in red strikethrough)

15.1 Introduction

- 15.1.1 How and where development and subdivision occurs is critical to the sustainable management of the District's natural and physical resources. This section of the Plan focuses on how development and subdivision will occur. The Strategic Growth section of the Plan provides direction on the location of growth. It must be remembered that every decision made on development and subdivision applications is crucial as it affects the efficient use of land and the efficient management of infrastructure required to service the development.
- 15.1.2 Planned and integrated development and subdivision will make the best use of the land resource. This Plan anticipates this outcome will be achieved by development occurring in planned locations and in an integrated manner. In key locations, this is to be achieved through the use of structure plans and comprehensive development plans. Each activity will need to occur on a site that is suitable for the intended use, taking account of hazards, flooding, climate change, servicing requirements, location of existing infrastructure and the need for a sustainable design and layout. The positive benefits arising from integrated well planned development and subdivision in urban locations will include; co-ordination with infrastructure provision, minimal alterations and impacts on the natural environment, improved energy efficiency for future occupants by improving access to solar energy, reduced travel distances through well connected street layouts to community facilities, improved safety in communities through CPTED, and tree lined streets. In rural locations, the positive benefits include development continuing to support rural productivity and retaining the versatile soil resource through an increased lot size requirement of 40ha. In all areas, development and subdivision will be required to ensure that the values of landscape areas, significant natural areas, and cultural landscapes are maintained. Development and subdivision should also lead to the restoration and protection of the health and well-being of the Waikato River.
- 15.1.3 The Plan provides transferable development rights as a subdivision option. In general these provisions require the transfer of entitlements from sensitive locations to less sensitive locations. Provision has also been made for benefit lots or additional subdivision opportunities as an incentive to facilitate protection of the District's natural environment. There will be an ongoing need to balance and monitor the rate that these opportunities are taken up in order to achieve the outcomes in the District Growth Strategy.
- 15.1.4 The Regional Infrastructure Technical Specifications contains guidance on the design and construction standards for development and subdivision in the District. The Technical Specifications, as updated from time to time will provide guidance for all relevant aspects of development and subdivision at the consenting stage.
- 15.1.5 Comprehensive development plans provide for the development of ~~Titanium Park – Northern Precinct~~ and the Industrial Zone at Raynes Road which form part of the Hamilton Airport Strategic Node. Given its proximity to the Airport and interrelated infrastructure issues, the Agri-Activities Overlay of the Mystery Creek Events Zone has ~~also~~ been identified as a Comprehensive

Development Plan Area. The comprehensive development plan process recognises the need for an integrated and coordinated approach to development and infrastructure.

15.2 Resource Management Issues

Please also refer to the Resource Management Issues of Part C, Part D, Part E and Part F, as relevant.

Need for integrated development

15.2.1 In order to make the most effective use of the land resource there is a need to ensure that all elements of integrated development are considered including:

- (a) *Site suitability - Hazards and flooding:* Development and subdivision needs to occur on land that is suitable for the intended use. In some areas of the Waipā District, this is more difficult due to physical constraints including soil types that hinder stormwater soakage, and hazards such as flooding and filled, unstable or contaminated land.
- (b) *Ad-hoc, residential cluster, and ribbon development:* In the Rural Zone ad-hoc, residential cluster and ribbon development along rural roads have created adverse traffic, visual, and other environmental effects. It has also resulted in undue pressure on roading, and infrastructure services, where these are provided.
- (c) *Infrastructure provision:* The co-ordination between development, subdivision and infrastructure provision is critical. In nearly every instance it is expected that the developer will fund infrastructure. Previously, some development has not given regard to the timing and implementation of infrastructure, or that the density of the development must be of a sufficient level to support infrastructure provision. Regulatory instruments such as structure plans and comprehensive development plans provide an opportunity to ensure that future development is adequately serviced with infrastructure. In some areas of the Waipā District, there are capacity constraints and Waikato Regional Council consent requirements, which mean that connections cannot be made to existing infrastructure.
- (d) *The erosion of character and amenity:* The erosion of character and amenity in the existing urban areas is occurring where some new subdivisions do not provide for the key elements of public space, the maintenance of character such as road designs and layouts that provide continuity and connectivity between existing and new areas, the management of traffic, and the maintenance of amenity.

On-site infrastructure

15.2.2 Inadequate or unsuitable on-site infrastructure at the time of, and subsequent to subdivision in un-serviced areas can expose future residents to risks associated with natural hazards and other threats, affecting their health and safety.

Revising and refining our design systems

15.2.3 Some development and subdivision within the District has not demonstrated appropriate urban design, utilised low impact design methodologies, or incorporated energy efficiency design elements.

Maintaining the integrity of future growth areas

15.2.4 The strategic growth aspirations outlined in this Plan will support the requirements for urban consolidation of the District to 2050. To ensure alignment with the District Growth Strategy, certain types of development within Deferred Zones will be constrained by this Plan.

Comprehensive Development Plan Areas

- 15.2.5 If undertaken in a planned and integrated manner the activities within the Comprehensive Development Plan Areas have the potential to support the operation and development of Hamilton Airport and the Mystery Creek Events Zone both of which are identified as regionally important sites in this Plan.
- 15.2.6 Development of land within the Comprehensive Development Plan Areas that is not coordinated with infrastructure, including the transportation network, has the potential to result in adverse effects on the efficient use and development of infrastructure as well as on the efficient development of the Hamilton Airport Strategic Node and the Mystery Creek Agri-Activities Overlay Area.
- 15.2.7 The Agri-activities Overlay is a defined area of land over part of the Mystery Creek Events Zone and located adjacent to the Hamilton Airport Strategic Node. This area has the potential to be developed for a limited range of activities that support events within the Mystery Creek Events Zone relating to agricultural or farming research, innovation, education and training.

Rural fragmentation

- 15.2.8 Subdivision establishes one or more additional parcels of land that can be used, developed and disposed of independently. It is important that unsustainable patterns of land use are not created. In the Rural Zone, this is particularly important to ensure that large lots are retained for a wide range of rural productive uses.
- 15.2.9 Some rural-residential and other non-rural activity represent an inefficient use of rural land, as it results in the loss of productive soils, which are a limited resource, from farming uses.
- 15.2.10 Subdivision can establish a land use and development pattern that gives rise to reverse sensitivity effects.
- 15.2.11 More intensive rural development and subdivision can establish a rural land use pattern that gives rise to an unsustainable demand for urban infrastructure services, e.g. water supply, wastewater disposal and urban roading features such as footpaths, curb and channel, and street lighting.
- 15.2.12 The protection of identified environmental features can be encouraged through incentives such as additional subdivision rights. However, this must be balanced with the potential for the additional subdivision rights to undermine the settlement pattern proposed in this Plan and the District Growth Strategy, and create adverse effects on the environment through rural fragmentation.
- 15.2.13 In some instances subdivision is inappropriate, due to the sensitive nature of the location. Landowners will be able to realise their development right, through a subdivision consent process, to transfer their development right to a less sensitive location.

Protecting the District's vegetation, natural and cultural landscapes, and heritage items

- 15.2.14 The District has a range of landscapes of natural and cultural significance that contribute to the amenity, character, cultural and historical values of the District. These values can be adversely affected by inappropriate development.
- 15.2.15 Some heritage items, cultural and archaeological sites of the District have been damaged by development.

15.2.16 In limited circumstances, the protection or acquisition of areas with environmental or other significant public values can be achieved through the use of protection and incentive measures. For example, the Te Awa Cycleway, peat lakes, and biodiversity (indigenous forest) corridors as denoted on the Planning Maps. Other instances are outlined in Section 1 - Strategic Policy Framework.

Continuing need to provide suitable land for public reserves

15.2.17 There have been concerns that in some instances marginal and inappropriate land has been identified as proposed reserves in subdivisions. This can result in some reserves being poorly located, unsafe, and having unsuitable topography. There is a need to provide suitable reserve land to serve the active and passive recreational needs of the community.

Continuing to provide for esplanade reserves, esplanade strips, and access strips

15.2.18 There is a continuing need to provide access to the rivers, lakes, and streams of the District.

Continuing to facilitate subdivision processes

15.2.19 The formal processes of subdivision are required for the use and development of all land, subject to the constraints of this Plan.

15.2.20 There is a continuing need to provide for subdivisions such as boundary adjustments and amalgamations, in order to provide for efficient property management.

Health and well-being of the Waikato and Waipā Rivers

15.2.21 The health and well-being of the Waikato and Waipā Rivers is vulnerable to the potential adverse effects created by development, subdivision, the existence of hazards and the provision of infrastructure.

Community connections with the Waikato and Waipā Rivers

15.2.22 The creation of subdivisions, development and the provision of infrastructure has the potential to separate communities from the Waikato and Waipā Rivers, through distance, physical barriers and perceptions of safety.

National Grid transmission lines for the conveyance of electricity

15.2.23 National Grid transmission lines for the conveyance of electricity are considered to be a resource of national and regional significance that requires protection. The location of activities within National Grid Corridors have the potential to result in adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and future development of the National Grid network and result in sensitive activities locating where they are most vulnerable to the effects, including risks, associated with the line.

Subdivision within the National Grid Corridor

15.2.24 If subdivision is inadequately considered and controlled it could lead to subdivision patterns that inappropriately limit where buildings can be sited on sections, and it has the potential to generate amenity and reverse sensitivity issues due to the relationship between the National Grid lines, and subsequent development/land use. Lots located within the National Grid Yard

have the potential to result in adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and development of the National Grid network.

15.3 Objectives and Policies

Please also refer to the objectives and policies of Parts C, Part D and Part F, as relevant.

Objective - Integrated development: site design and layout

15.3.1 To achieve integrated development within the District, that contributes to creating sustainable communities and enhances key elements of character and amenity.

Policy - Understanding the constraints and opportunities of a site by undertaking a site and surrounding area analysis

15.3.1.1 Development and subdivision should integrate with and acknowledge the constraints and opportunities of the site and surrounding area.

Policy - Sustainable design and layout development principles

15.3.1.2 Development and subdivision within the urban limits and the Large Lot Residential Zones, should occur in accordance with the principles of sustainable design, and enable energy efficiency.

Policy - Low impact design

15.3.1.3 The design and layout of development and subdivision, should recognise the landform and processes of the natural environment of the site and surrounding land, and avoid or minimise alterations to the landform and ecosystems.

Policy - All zones: ensuring boundary adjustments and boundary relocations do not compromise amenity

15.3.1.4 Boundary adjustments and boundary relocations shall not create or increase any non compliance with rules for new lots in the zone within which the subdivision is taking place.

Objective - Integrated development: natural hazards and site suitability

15.3.2 To ensure that sites proposed as part of a development or subdivision will be capable of accommodating activities anticipated within the applicable zone.

Policy - Land to be suitable for use

15.3.2.1 Land to be developed or subdivided must be physically suitable to accommodate the permitted land use activities for that zone in accordance with the rules of this Plan.

Policy - Consideration of natural hazards

15.3.2.2 Development and subdivision design should avoid natural hazards, or provide for the mitigation of the hazard within the development or subdivision design.

Policy - Consideration of climate change

- 15.3.2.3 Development and subdivision design should avoid areas that may be subject to the known effects of climate change, or provide for the mitigation of the effects of climate change within the development or subdivision design.

Policy - Consideration of reverse sensitivity

- 15.3.2.4 Development and subdivision design should not result in reverse sensitivity effects on adjacent sites, adjacent activities, or the wider receiving environment.

Policy - Dairy manufacturing sites

- 15.3.2.5 To ensure that the potential reverse sensitivity issues of locating new development in the vicinity of the Hautapu and Te Awamutu Dairy Manufacturing sites are taken into account.

Policy - Proximity to poultry farming activities

- 15.3.2.6 To ensure that the potential reverse sensitivity issues of locating new dwellings in the vicinity of a poultry farming activity are taken into account.

Objective - Integrated development: efficient servicing

- 15.3.3 Achieving the efficient and cost effective servicing of land by ensuring that servicing is provided to areas proposed to be developed.

Policy - Servicing requirements

- 15.3.3.1 All proposed urban development and subdivision shall be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone. Servicing requirements shall include:

- (a) Reserves for community, active and passive recreation; and
- (b) Pedestrian and cycle connections; and
- (c) Roads; and
- (d) Public transport infrastructure, e.g. bus stops; and
- (e) Telecommunications; and
- (f) Electricity; and
- (g) Stormwater collection, treatment and disposal; and
- (h) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
- (i) Anticipating and providing for connections to identified adjacent future growth areas.

Advice Note: There are significant servicing constraints in some areas of the District. Early discussion on the serviceability of a site is recommended.

Policy - Co-ordination between servicing and development and subdivision

- 15.3.3.2 Development and subdivisions shall:
- (a) Be located in areas where infrastructural capacity has been planned and funded; and

- (b) In areas subject to an approved structure plan, provide sufficient infrastructural capacity to meet the demand identified in the structure plan; and
- (c) Achieve the lot yield anticipated in an approved structure plan; and
- (d) Include infrastructure provision for both the strategic infrastructure network and local infrastructure connections.

Policies - Roading infrastructure

- 15.3.3.3 The design, location, alignment, and dimensions of new roads shall ensure that safe vehicle, pedestrian, and cycling access and manoeuvring can be provided to every site/lot.
- 15.3.3.4 The roading pattern shall ensure connectivity to adjacent land identified as Deferred Zones or future growth areas, and the provision of public transport infrastructure, such as bus stops.

Policy - Standard of infrastructure

- 15.3.3.5 Infrastructure services shall be provided to a standard that will allow the service to be extended to Deferred Zones or future growth areas.

Objective - Urban consolidation

- 15.3.4 To ensure urban consolidation will be achieved within the District, while also contributing to character and amenity outcomes.

Policy - Achieving density, design and character

- 15.3.4.1 The minimum and maximum lot size and dimension of lots have been established so that they achieve the character and density outcomes of each zone.

Policy - Achieving sufficient development density to support the provision of infrastructure services

- 15.3.4.2 Within the urban limits, where there is no structure plan, the maximum lot size for the zone shall be achieved in order provide a development yield to support infrastructure provision. For some developments where there are proven geotechnical constraints the maximum net lot area may be exceeded.

Policy - Avoiding subdivision of land containing a secondary dwelling

- 15.3.4.3 The subdivision of land containing secondary dwellings shall be avoided to ensure that:
 - (a) These dwellings remain ancillary to the principal dwelling in recognition that their purpose is to provide an opportunity for the economic and social benefit of the property owner, whilst retaining a built character and scale that is consistent with the surrounding suburban or rural residential environment; and
 - (b) The fragmentation of residential or rural lots, that would not otherwise comply with the density requirements of the underlying zone, does not result in fragmented and small scale infill development that has the potential to cumulatively adversely affect surrounding residential or rural character and amenity.

Policy - Subdivision of land containing a surplus dwelling

- 15.3.4.4 To only provide for the subdivision of land containing a surplus dwelling where:

- (a) The surplus dwelling is demonstrably no longer required; and
- (b) The surplus dwelling does not create a demand for public infrastructure; and
- (c) The surplus dwelling does not result in reverse sensitivity effects on adjacent rural activities; and
- (d) The layout of the lot does not reduce the productivity of the land.

Advice Note: See also Objective 15.3.5 and associated policies Integrated Development: reduce the fragmentation of rural land and retain rural land for production, and Policy 15.3.4.3 Subdivision of land containing a secondary dwelling.

Policy - Large Lot Residential Zone: intensification limitations

- 15.3.4.5 In order to achieve the character outcomes for the Large Lot Residential Zone, at the density levels prescribed in this Plan, development within the Large Lot Residential Zones, shall be considered as the final development form. Large lot residential development is not a precursor to further intensified urban format residential development.

Policy - Rural Zones: ensuring the productive potential of rural land

- 15.3.4.6 The minimum rural lot size requirement has been established to ensure the productive potential of rural land is retained for a range of farming activities.

Policy - Rural Zones: maintaining amenity and rural character

- 15.3.4.7 To ensure that development does not compromise the predominant character and amenity of the Rural Zone, subdivision design and layout shall:
- (a) Avoid de facto settlements such as ribbon, or residential cluster development; and
 - (b) Maintain the visual and environmental values of the area, including but not limited to, maintaining the integrity of landscape areas and viewshafts; and
 - (c) Not compromise the ecological functioning of significant natural areas, e.g. peat lakes and biodiversity (indigenous forest) corridors, as defined on the Planning Maps; and other areas of biodiversity value.

Policy - Rural Zones: infrastructure

- 15.3.4.8 To ensure that development does not give rise to demand or potential demand for the uneconomical and unplanned expansion of infrastructure services, or the upgrade of existing infrastructure, by avoiding residential cluster, ad hoc and ribbon development.

Policy - Commercial and Industrial Zones

- 15.3.4.9 To enable development that supports the maintenance or enhancement of commercial and industrial activities within the Commercial and Industrial Zones, while having regard to the opportunities and strategies in the Town Concept Plans 2010.

Policy - Commercial Zone: pedestrian frontage areas

- 15.3.4.10 To enable lot design, layout and sizes, within the identified pedestrian frontages, that encourage active floor frontages and enhance streetscape amenity.

Policy - Avoiding reverse sensitivity on adjacent zones and infrastructure

- 15.3.4.11 Development and subdivision shall not compromise the function of adjacent zones, existing

nationally or regionally significant infrastructure, or the provision of infrastructure and services.

Objective - Integrated development: reduce the fragmentation of rural land and retain rural land for production

15.3.5 To ensure that the primary productive potential of the rural land resource is retained and enhanced.

Policy - Maintaining productive potential of the rural land

15.3.5.1 To ensure the productive potential of the Rural Zone is retained by:

- (a) Maintaining a minimum rural lot size of 40ha; and
- (b) Limiting and controlling the location of smaller lots.

Policy - Ensuring boundary relocations and amalgamations maximise the productive potential of the zone and do not fragment rural land

15.3.5.2 Boundary relocations and amalgamations, shall not:

- (a) Increase the number of dwellings (excluding farmer workers dwellings) on the holding beyond one dwelling per 40ha; and
- (b) Create a lot layout that reduces the productivity of the land; and
- (c) Create ad-hoc, ribbon or residential cluster development; and
- (d) Create a demand for public infrastructure; and
- (e) Result in reverse sensitivity effects on adjacent rural activities.

Policy - High class soils

15.3.5.3 To protect high class soils from fragmentation by:

- (a) Ensuring that rural lot sizes can accommodate a range of farming activities; and
- (b) Allowing limited adjustment or relocation of title boundaries within a holding or between holdings, that result in more efficient use of high class soils; and
- (c) Ensuring that subdivision rights transfer to non-sensitive locations as specified in this Plan; and
- (d) Restricting the use of high class soils for activities other than primary production; and
- (e) Restricting the level of impermeable surfaces on high class soils; and
- (f) Facilitating and encouraging the amalgamation of small titles.

Policy - Peat soils

15.3.5.4 To protect peat soils by:

- (a) Recognising that peat soils may limit the location of development; and
- (b) Recognising the productive capacity of peat soils; and
- (c) Encouraging the sustainable management and where possible, the enhancement of peat soils.

Objective - Subdivision in areas that are not serviced

15.3.6 Avoid significant adverse effects on people, property, infrastructure and the environment arising from any subdivision in areas that are not serviced by Council infrastructure.

Policy - Health and safety on rural properties

15.3.6.1 Health and safety for residents in areas that are not serviced by Council infrastructure should be provided through appropriate design and mitigation measures.

Objective - Integrated development: environmental enhancement

15.3.7 Maintain and enhance the District's natural environment, including the natural functioning of the environment, natural features and landscapes, and significant natural areas.

Policy - Minimise impacts on the natural environment: low impact design methods

15.3.7.1 To maintain and enhance the natural environment, the existing land forms, vegetation, and water bodies, through the use of low impact design methods at the time of development and subdivision.

Policy - Minimising adverse effects on the landscapes, protected trees, and natural areas identified in this Plan, at time of development and subdivision

15.3.7.2 To maintain and enhance the landscape values stated in this Plan, for the identified landscapes on the Planning Maps, by avoiding development and subdivision patterns that would lead to the inappropriate siting of buildings, associated infrastructure, or driveways in identified landscape areas, viewshafts, significant natural areas, or other areas of biodiversity or ecological value.

15.3.7.3 To protect trees which have been identified in this Plan as having high historic, botanic, or amenity value by avoiding development and subdivision patterns that would lead to the inappropriate siting of buildings and lot boundaries within the Root Protection Zone of a Protected Tree.

Policies - Achieving the permanent protection of the natural environment

15.3.7.4 To achieve the permanent protection of identified significant natural areas, Maungatautari Ecological Island, ecological features, lakes and water bodies, the Te Awa Cycleway route and any Incentivised Cycleway, through the incentive of an environmental benefit lot.

15.3.7.5 Incentivised Cycleways may be created by Council resolution once Council is satisfied that granting environmental benefit lot eligibility for that cycleway is consistent with the District Plan, Regional Policy Statement and any Council, regional, or sub-regional, growth strategy.

Policy - Managing the future effects of development and subdivision on lakes and water bodies

15.3.7.6 To ensure that the layout and design of subdivision and subsequent development and any development on a site acknowledges and avoids adverse effects on the sensitive environment of the water bodies.

Policy - Identification of sensitive locations

15.3.7.7 Subdivision entitlement that creates an additional lot in identified sensitive locations shall be directed to less sensitive locations as specified in this Plan.

Policy - Additional subdivision opportunities in limited circumstances to permanently protect important areas of biodiversity value

- 15.3.7.8 Consider additional subdivision opportunities where significant biodiversity gains can be achieved in the following priority areas or locations:
- (a) Peat lakes and rivers: by permanently providing significant buffer areas around peat lakes and rivers; or
 - (b) Wetlands, kahikatea stands, riparian margins and bush stands on the low lands, by providing permanent protection; or
 - (c) Significant natural areas on the forested lower slopes of the western hills of Pirongia, the Kapamahunga Range, Maungatautari, Kakepuku, Maungakawa, Te Miro, and Te Tapui being permanently protected; or
 - (d) Significant natural areas being aggregated to form one large more ecologically sustainable area and being permanently protected; or
 - (e) Biodiversity corridors: by the permanent protection of significant areas of indigenous forest within biodiversity (indigenous forest) corridors; or
 - (f) Biodiversity corridors: by permanently protecting significant riparian or wetland areas within the identified biodiversity (river or stream) corridors.

Objective - Maintaining cultural landscapes

- 15.3.8 To maintain the District's cultural landscapes, identified in this Plan.

Policy - Manage adverse effects on the values of the cultural landscape

- 15.3.8.1 To maintain the values of the cultural landscapes identified in this Plan, the layout and design of development and subdivision should not result in buildings, earthworks and wastewater systems adversely affecting the cultural values of the landscape.

Objective - Protection of cultural sites, and archaeological sites

- 15.3.9 To protect the District's cultural sites identified in this Plan and to manage the effects of development and subdivision on archaeological sites.

Policy - Avoid disturbance of cultural sites

- 15.3.9.1 To manage the actual and potential effects on cultural sites by assessing the layout and design of development and subdivision including buildings, earthworks, infrastructure and driveways within 20m of the boundary of an identified cultural site(s) to ensure that sites are not disturbed.

Policy - Management of effects on archaeological sites

- 15.3.9.2 To manage effects on the archaeological resource of the District at the time of development and subdivision.

Policy - Management of cultural sites and archaeological sites at the time of subdivision

- 15.3.9.3 To retain cultural and archaeological sites within one lot, where practicable or possible.

Objective - Protection of heritage items

- 15.3.10 To protect the District's heritage items identified in this Plan.

Policies - Avoid adverse effects on heritage items

- 15.3.10.1 To enable the protection of the heritage items identified in this Plan, development and subdivision layout and design should not result in the location of buildings adversely affecting the heritage item and their surroundings.
- 15.3.10.2 To retain heritage items and their surroundings within one lot.

Objective - Provision of reserves

- 15.3.11 To ensure the ongoing provision of reserves through the subdivision process, including opportunities to add land to existing reserves or land owned by Council, to enhance or provide for public recreation, conservation and amenity needs. Local purpose reserves may also need to be provided at the time of subdivision.

Policy - Ensuring each greenfield subdivision provides reserve areas

- 15.3.11.1 To ensure that subdivision processes to create new lots, contribute to the provision of reserves within the District.

Policies - Reserve location and design

- 15.3.11.2 All urban neighbourhood and sports reserves shall be designed and located to ensure that they are of shape, size, and contour to provide for the anticipated recreational demands of the community and District, and can be accessed by both pedestrians and vehicles.
- 15.3.11.3 All conservation reserves shall recognise an existing natural feature, or contribute to the protection or access to the natural feature.
- 15.3.11.4 In the instances where a reserve serves a dual function, for example a local purpose reserve, this shall be recognised within the layout and design of the subdivision.

Policy - Securing land adjoining or adjacent to existing reserves

- 15.3.11.5 Subdivisions in an area that either adjoin or are adjacent to an identified significant recreation or conservation reserve as identified in Appendix O5, shall contribute to the improved functioning and use of that reserve, including access to the reserve, ecological enhancement within the reserve, or improved passive surveillance through the addition of residential activity adjoining the reserve.

Objective - Provision of esplanade reserves

- 15.3.12 To ensure that subdivision of properties adjoining lakes and rivers provide for public access, and associated riparian benefits, where required.

Policy - Esplanade reserves, esplanade strips, and access strips

- 15.3.12.1 To ensure esplanade reserves, esplanade strips, and access strips are provided at the time of subdivision, where relevant, along the margins of lakes and rivers.

Advice Note: See the Act for other instances where esplanade reserves, and access strips are required.

Policy - Enhanced public access to the District's lakes and rivers

- 15.3.12.2 Enhancing public access to the District's lakes and rivers by requiring esplanade reserves, strips, or access strips.

Policy - Contribute to natural functioning adjoining lakes and rivers

- 15.3.12.3 Contribute to the maintenance and enhancement of natural functioning, water quality and habitats adjoining lakes and rivers by requiring esplanade reserves, esplanade strips or access strips.

Objective - Giving effect to the Waikato River Vision and Strategy

- 15.3.13 To ensure that the Waikato River Vision and Strategy is given effect to by all development and subdivision.

Policy - Maintaining the health and well-being of land and water bodies

- 15.3.13.1 To give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā River Accord, by ensuring that all development and subdivision shall include the following elements:

- (a) Low impact design for stormwater, drainage and earthworks; and
- (b) Building setbacks from lakes and water bodies; and
- (c) Access to water bodies where appropriate; and
- (d) Provision for the Te Awa Cycleway, where relevant; and
- (e) Minimal indigenous vegetation removal and requirements for restoration and enhancement of indigenous vegetation and natural character; and
- (f) Restricting locations of earthworks, building and wastewater systems within cultural landscapes.

Objective - Existing consent notices, bonds and other legal instruments

- 15.3.14 To ensure the integrity of existing consent notices that regulate further subdivision and that are registered on the certificates of titles of land within the District.

Policy - Maintaining existing consents notices, bonds and other legal instruments

- 15.3.14.1 To avoid fragmentation of the land resource by ensuring that subdivision processes continue to enforce historic restrictions that have been placed on certificates of titles.

Objective - National Grid transmission networks

- 15.3.15 To recognise and provide for the ongoing operation, maintenance and development of the National Grid electricity transmission network.

Policies - Management of activities within National Grid Corridors

- 15.3.15.1 To recognise the importance of the National Grid network in enabling communities to provide for their economic and social well-being and to provide for the ongoing operation, maintenance and development of the Grid through the management of activities within identified setbacks and corridors.

- 15.3.15.2 To ensure safe and efficient use and development of the National Grid and to protect the National Grid from the adverse effects of activities adjacent to it.

- 15.3.15.3 To avoid inappropriate land use and development within the National Grid Yard to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised and to minimise the potential for nuisance effects.
- 15.3.15.4 To avoid the establishment of new sensitive activities within the National Grid Yard in order to minimise adverse effects on and from the National Grid, including adverse effects on health and safety, amenity and nuisance effects, and reverse sensitivity effects.
- 15.3.15.5 To not foreclose operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.
- 15.3.15.6 To manage subdivision layout and design within National Grid Corridors to achieve the outcomes in Policies 15.3.15.1 to 15.3.15.5 above, and to facilitate good amenity and urban design outcomes.

Objective - Structure planning

- 15.3.16 To achieve integrated development within structure plan areas.

Policy - Structure planning

- 15.3.16.1 To enable development and subdivision within approved structure plan areas where the development and subdivision is integrated with the development pattern and infrastructure requirements specified in an approved structure plan.

Objective – Subdivision and Development within Deferred Zones [PC13]

- 15.3.(new) To ensure the future intended land use within the Deferred Zones are protected from inappropriate development and subdivision.

Policies – Subdivision and Development within Deferred Zones [PC13]

- 15.3.(new) To enable boundary adjustments and boundary relocation subdivisions within the Deferred Zones where the future use of the site is not compromised.
- 15.3.(new) To avoid development and subdivision of land within Deferred Zones where it may compromise the future intended use of the land.

Objective - Comprehensive development plans

- 15.3.17 To achieve integrated development of land surrounding Hamilton ~~International~~ Airport through the requirement for comprehensive development plans (excluding the Airport Business zone).

Policies - Comprehensive development plans

- 15.3.17.1 To enable the approval of comprehensive development plans in the identified areas where they can achieve the specific objectives and policies for the zone and the relevant district wide sections of the Plan.
- 15.3.17.2 To ensure that landuse and subdivision consents within areas subject to approved comprehensive development plans are consistent with the approved development pattern and infrastructure requirements.

- 15.3.17.3 To ensure that within areas identified as requiring comprehensive development plans, subdivision or development does not occur in advance of the approval of such plans.

Objective - Comprehensive development plans: integrated development

- 15.3.18 To achieve the efficient and cost effective infrastructure for land within the comprehensive development plan areas located in the ~~Hamilton Airport Strategic Node and the~~ Agri-activities Overlay of the Mystery Creek Events Zone by ensuring that the servicing provided is appropriate to the land use and future development.

Policy - Comprehensive development plan areas: infrastructure requirements

- 15.3.18.1 All proposed development and subdivision shall be serviced to a level that will provide for the anticipated activities approved in the comprehensive development plan. Infrastructure shall provide sufficient capacity to meet the demand identified in the comprehensive development plan and include, where appropriate to the proposed land use and locality:

- (a) Reserves for community, active and passive recreation; and
- (b) Pedestrian and cycle connections; and
- (c) Roads; and
- (d) Public transport infrastructure, e.g. bus stops; and
- (e) Telecommunications; and
- (f) Electricity; and
- (g) Stormwater collection, treatment and disposal; and
- (h) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
- (i) Infrastructure provision for both the strategic infrastructure network and local infrastructure connections; and
- (j) Connections anticipating and providing for identified adjacent future growth areas.

Policy - Comprehensive development plans

- 15.3.18.2 To ensure that comprehensive development plans are approved prior to development and subdivision in a manner that:

- (a) Mitigates adverse effects on the transport network; and
- (b) Details the timing, funding and provision for infrastructure and servicing; and
- (c) Addresses appropriate landscape treatment of zone boundaries.

Objective – Integrated Transport within the Northern Precinct of the Airport Business zone

- 15.3.19 To enable the integrated development of the Airport and its surrounding land as a transport hub and business location, taking advantage of its strategic location and infrastructure.

Policy – Integrated Transport

- 15.3.20 Require subdivisions within the Northern Precinct of the Airport Business zone to be consistent with the transport principles and requirements that are contained within Section 10 – Airport Business Zone and Appendix S10 - Airport Business Zone Structure Plan, including but not limited to the upgrades and timing that are specified by Rule 10.4.2.13A .

15.4 Rules

The rules that apply to activities are contained in:

- (a) The activity status tables and the performance standards of this section; and
 (b) The activity status tables and the performance standards in Part D Zone Provisions, Part E District Wide Provisions, and Part F District Wide Natural and Cultural Heritage of the Plan.

15.4.1 Activity Status Table

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	<p>This table includes rules that apply to all zones and zones specific activity status rules, both of which may be applicable to an activity.</p> <p>For all the activities listed in this table the performance standard Rules 15.4.2 will apply. The activity status for activities which fail to comply with the performance standards is identified under each rule. For the avoidance of doubt where activities fail to comply with this table and have no associated rule, resource consent for a non-complying activity is required.</p>							
	All Zones							
(a)	Amendments to Flats Plan, Boundary Adjustments.	C	C	C	C	C	C	C
	<p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> ▪ Efficient use of site; and ▪ Effects on archaeological or cultural sites; and ▪ Effects on adjacent sites, adjacent activities, or the wider receiving environment; and ▪ Compliance controls of original consent. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>							
(b)	Boundary Relocations and Amalgamations.	D	D	D	D	D	D	NC
(c)	Boundary relocation of a benefit lot or a surplus dwelling lot.	NC	NC	NC	NC	NC	NC	NC
(d)	Subdivision of a lot subject to a consent notice, bond, or other legal instrument registered on a certificate of title in favour of Waipa District Council which restricts further subdivision under a previous Waipa District Plan.	NC	NC	NC	NC	NC	NC	NC
(e)	Subdivision that meets all the performance rules in Part A OR; Part A and Part C for 7 or more lots. (Part A: Development and subdivision Part C: Development and	RD	RD	RD Industrial Zone NA Airport Business Zone	RD	RD	RD	NC

subdivision of 7 or more
lots in any zone.)

Assessment will be restricted to the following matters:

(For Houchens Road Large Lot Residential Structure Plan Area refer to the matters in (o) below instead):

- Infrastructure servicing; and
- Site suitability; and
- Access and manoeuvring; and
- The potential for reverse sensitivity effects; and

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	<ul style="list-style-type: none"> ▪ Proximity to the dairy manufacturing sites; and ▪ Low impact design; and ▪ Archaeology; and ▪ Connectivity; and ▪ Integration with the productive use of the land; and ▪ Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, Large Lot Residential Zone and Reserves Zone. ▪ In the Character Cluster Areas and Character Precinct Areas, the extent to which the Design Guidelines (Appendix DG1 – DG6) have been applied. ▪ In areas subject to an approved structure plan or development plan, development in general accordance with that structure plan or development plan. ▪ For Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas, assessment of the overall concept plan for staged subdivision layout, including distribution of residential densities. ▪ Alignment with any relevant Urban Design Guidelines approved by Council. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>							
(f)	Subdivision to create lots for Network Utilities, except for roads, in accordance with Rule 15.4.2.31.	RD	RD	RD	RD	RD	RD	NC
	<p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ The extent to which the lot is of a configuration to accommodate the intended activity; and ▪ The location of the network utility; and ▪ The extent to which the balance lot complies with the relevant standards for the zone. <p>These matters will be considered in accordance with the assessment criteria in Section 21. Note: Only Rule 15.4.2.31 applies to new allotments created in accordance with this rule.</p>							
(g)	Subdivision that utilises Transferable Development Rights.	NA	NA	NA	NA	D	D NC In other zones	NC
(h)	Subdivision to create all types of environmental benefit lots	D	D	D	D	D	D	D
(i)	Subdivision to create additions to Significant Recreation Reserves as identified in Appendix O5.	NA	NA	NA	NA	NA	D	NA
(j)	Subdivision within Outstanding Landscapes excluding the Maungatautari Ecological Island Lots as identified in Appendix O2.	NA	NA	NA	NC	NA	NC	NC
(k)	Subdivision in any area of High Value Amenity, Significant or Other Landscapes or within a Significant Natural Area,	RD	RD	RD	RD	RD	RD	RD

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	identified within the Planning Maps.							
<p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ The extent to which the subdivision complies with the performance standards in Section 15; and ▪ Effects of the subdivision layout, and consequential features of the subdivision, on identified significant natural areas and landscapes; and ▪ Visual and amenity effects; and ▪ Ecology and biodiversity effects; and ▪ Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, Large Lot Residential Zone and Reserves Zone. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>								
Residential Zone - Specific activity status rules								
(l)	Subdivision of existing dwellings, constructed prior to 31 May 2012.	RD	NA	NA	NA	NA	NA	NA
<p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ☐ Infrastructure servicing; and ☐ Access and manoeuvring; and ☐ Effects on the National Grid electricity transmission network. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>								
(m)	In the C1 and C2/C3 structure plan areas, subdivision for a compact housing development in conjunction with a compact housing land use resource consent application in accordance with Rule 2.4.2.43	RD	NA	NA	NA	NA	NA	NA
<p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Infrastructure servicing; and ▪ Access and manoeuvring; and ▪ Development in general accordance with the C1 and C2/C3 Structure Plans; and ▪ Alignment with any relevant Urban Design Guidelines approved by Council. <p>These matters will be considered in accordance with the assessment criteria in Section 21. Performance Standards 15.4.2.3 to 15.4.2.14 shall not apply to subdivision in accordance with this rule.</p>								
(n)	Subdivision to create three to six lots for infill housing between 350m ² to 500m ² in conjunction with a land use consent for the development, provided that Rule 15.4.1.1(o) applies in the Cambridge Residential Character Area.	RD (refer to 2.4.1.3(f))	NA	NA	NA	NA	NA	NA

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	<p>Activities that fail to comply with this rule are non-complying. Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Low impact design, including the disposal of stormwater; and ▪ Infrastructure servicing; and ▪ Site suitability; and ▪ Lot size shape and configuration; and ▪ The extent to which the subdivision complies with the performance standards in Section 15; and ▪ Heritage and Archaeology; and ▪ Access and manoeuvring; and ▪ Solar access; and ▪ Outdoor living; and ▪ Location, form, and materials of the proposed buildings and their relationship to existing buildings in the neighbourhood; and ▪ Visual effects from adjoining properties and the road; and ▪ Landscaping; and ▪ CPTED; and ▪ Reverse sensitivity effects. <p>These matters will be considered in accordance with the assessment criteria in Section 21. Refer to the matters listed in Section 2 Residential.</p>							
(o)	In the Cambridge Residential Character Area subdivision to create lots for infill housing between 400m ² -500m ² in conjunction with a land use consent.	D	NA	NA	NA	NA	NA	NA
Large Lot Residential Zone - Specific activity status rules								
(p)	Subdivision within the Houchens Road Large Lot Residential Structure Plan Area.	NA	NA	NA	NA	RD	NA	NA
	<p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Lot size and dimensions; and ▪ Roading layout, traffic and roading effects; and ▪ Hydrological effects and the storm water management system; and ▪ Landscape Development Plan; and ▪ Infrastructure servicing; and ▪ Site suitability and geotechnical constraints; and ▪ Access and manoeuvring; and ▪ Low impact design methods and techniques; and ▪ The potential for reverse sensitivity effects; and ▪ Archaeology; and ▪ Connectivity; and ▪ Development in general accordance with the Houchens Road Large Lot Residential Structure Plan in Appendix S13. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>							
Rural Zone - Specific activity status rules								
(q)	Subdivision to create a lot to accommodate	NA	NA	NA	NA	NA	D	NC

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	activities specified in Rule 15.4.2.41 for which a land use consent has been granted and given effect to, and which has been operating for a period of no less than 2 years.						(Rural Zone only)	
(r)	Subdivision to create a lot within 500m of a poultry farming activity.	NA	NA	NA	NA	NA	D (Rural Zone only)	NC
(s)	Surplus Dwellings. (refer to 4.4.2.80(e))	NA	NA	NA	NA	NA	D (Rural Zone only)	NC
(t)	Subdivision of farm workers dwellings constructed after 1 April 2015 as a Surplus Dwelling.	NA	NA	NA	NA	NA	NC (Rural Zone only)	NC
Airport Business Zone - Specific activity status rules								
(u)	Subdivision where only front lots are created <u>and where the subdivision is in accordance with Appendix S10 - Airport Business Zone Structure Plan.</u>	NA	NA	C	NA	NA	NA	NA
<p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> <u>Compliance Consistency with to the standards in the Appendix S10 - Airport Business Zone Structure Plan.</u> <p>These matters will be considered in accordance with the assessment criteria in section 21.</p>								
(v)	Subdivision where rear lots are created or where subdivision is not in accordance with the structure Plan <u>Appendix S10 - Airport Business Zone Structure Plan.</u>	NA	NA	D	NA	NA	NA	NA
Deferred Zones - Specific activity status rules								
(w)	Any subdivision that is not a boundary adjustment or boundary relocation.	NA	NA	NA	NA	NA	NA	NC
Comprehensive Development Plan Areas – Specific activity status rules								

(x)	Comprehensive development plan for: (i) Titanium Park Northern Precinct; or (ii) Industrial Zone (Raynes Road); or	NA	NA	RD	NA	NA	RD	NA
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15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	(iii) Mystery Creek Agri-Activities Overlay Area.							
(y)	<p>Development and subdivision in accordance with an approved comprehensive development plan for:</p> <p>(i) Titanium Park Northern Precinct; or</p> <p>(ii) Industrial Zone (Raynes Road); or</p> <p>(iii) Mystery Creek Agri-Activities Overlay area.</p>	NA	NA	C	NA	NA	C	NA
(z)	<p>Development and subdivision prior to the approval of a comprehensive development plan for:</p> <p>(i) Titanium Park Northern Precinct; or</p> <p>(ii) Industrial Zone (Raynes Road); or</p> <p>(iii) Mystery Creek Agri-Activities Overlay area.</p>	NA	NA	NC	NA	NA	NC	NA
	<p><i>In this table: P = permitted activity; C = controlled activity; RD = restricted discretionary activity; D = discretionary activity; NC = non-complying activity; PR = prohibited activity; NA = not applicable</i></p>							

15.4.2 Performance Standards

The following rules apply to activities listed as permitted, controlled and restricted discretionary and discretionary activities. The rules that apply to any subdivision or development are divided into the following parts:

- (a) Part A: Rules that apply to all development and subdivision, regardless of the location or size of the development and/or subdivision within the District.*
- (b) Part B: Rules that apply to development and subdivision for specific activities.*
- (c) Part C: Additional rules that apply to development and subdivision of 7 or more lots in any zone.*
- (d) Part D: Subdivision and development in any structure plan area.*

Where rules are not complied with resource consent will be required in accordance with the rules in the activity status table or as identified in the performance standards, and will be assessed against the relevant objectives and policies.

In the case of controlled and restricted discretionary activities, the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21 For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

Part A: All development and subdivision

Advice Note: The performance standards listed below apply to all development and subdivision in the District.

Design & Layout

Net lot area rules

15.4.2.1 All new lots shall comply with the following net lot areas:

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
(a)	Residential Zone (sewered) exclusive of Compact Housing and Infill Housing	500m ² , (except for subdivision around dwellings existing as of 31 May 2012, where the minimum net site area containing the existing dwelling is 400m ²).	≥600m ² for 3 or more lots	1000m ² provided that for sites listed within Appendix N1, or sites within character clusters, or sites within the Cambridge Residential Character Area there shall be no maximum net lot area.
(b)	Residential Zone Compact Housing		Refer to Rule 2.4.2.43	
(c)	Residential Zone Infill Housing		Refer to Rule 2.4.1.3(f) and Rule 2.4.1.4(c)	
(d)	Residential (unsewered)	2000m ²	NA	NA
(e)	St Kilda Residential Area	1,000m ²	NA	285 lots
(f)	Kihikihi Residential area bound by Dick Street, Oliver Street, Grey Street and Arapuni Road in Kihikihi	1,000m ²	NA	NA
(g)	Cambridge Park Structure Plan Area	550m ²	750m ²	NA
(h)	Cambridge Park (Character Area 4 – with or without a dwelling and supporting premises having a gross floor area not exceeding 150m ² from which food and beverages and convenience good are sold and including a café)	550m ²	NA	NA
(i)	Picquet Hill Structure Plan Area	600m ²	≥700m ²	NA

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
(j)	Large Lot Residential Zones of Rukuhia (Planning Map 16), Ngahinapouri (Planning Map 34), Ohaupo (Planning Map 35), St Leger (Planning Map 40) Leamington (Planning Maps 26 and 27)	2,500m ²	(i) ≥3,500m ² , for 3 or more lots; or (ii) 2500m ² provided that each additional lot created in excess of the number allowed by 15.4.2.1(j)(i) must be created using a Transferable Development Right.	5,000m ²
(k)	Large Lot Residential Zone of Lamb Street, Leamington (Planning Map 27)	2,500m ²	NA	5,000m ²
(l)	Large Lot Residential Zone – Pirongia	2,000m ²	≥2,500m ² , for 3 or more lots	5,000m ²
(m)	St Kilda Large Lot Residential Area	2,500m ²	3,500m ²	6,000m ²
(n)	Large Lot Residential Zones at all other locations excluding Houchens Road Large Lot Residential Structure Plan Area (Refer to (z) and (aa) below) and the Karāpiro Large Lot Residential Structure Plan Area	2500m ²	(i) 5000m ² provided that for every lot under 5000m ² there is a corresponding lot over 5000m ² ; or (ii) 4000m ² provided that for every lot under 4000m ² there is a corresponding lot over 4000m ² AND that each additional lot created in excess of the number allowed by 15.4.2.1(n)(i) must be created using a Transferable Development Right.	NA

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
(o)	Rural, including the area outside the Core Campus Area of St Peters School Zone (excluding boundary relocations, and specified sites in Appendix 05)	40ha	NA	NA
(p)	Rural – Environmental benefit lots remaining on the parent title: Maungatautari Ecological Island, Te Awa Cycleway and an Incentivised Cycleway	2,500m ²	NA	5,000m ²
(q)	Rural – Transferable development right on lots sized between 5000m ² and 1ha located within 1km of any Large Lot Residential Zone, Deferred Large Lot Residential Zone, the Te Awamutu, Kihikihi or Cambridge urban limits	2,500m ²	NA	5,000m ²
(r)	Rural - land use consent lots – proposed and balance	2,500m ²	NA	NA
(s)	Boundary relocations in the Rural Zone	5,000m ²	NA	NA
(t)	Commercial	No minimum	NA	NA
(u)	St Kilda Commercial Hub Overlay	No minimum	NA	NA
(v)	Reserve	No minimum	NA	NA
(w)	Industrial	1000m ² serviced sites 2,500m ² unserviced sites	NA	NA
(x)	Transferable development right recipient site in Rural Zone before subdivision	1ha	NA	NA

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
(y)	Transferable Development Right Lot; Rural Zone after subdivision	5,000m ²	NA	1ha
(z)	Houchens Road Large Lot Residential Structure Plan Area For all lots southwest of the main stormwater drain on the Houchens Road Large Lot Residential Structure Plan Area (see Appendix S13 for the Houchens Road Large Lot Residential Area Structure Plan)	1ha on peat areas over 2.5m depths.	Not less than 2ha	The maximum number of lots in the Houchens Road Large Lot Residential Structure Plan Area subject to Rules 15.4.2.1(z) and 15.4.2.1(aa) is 199 lots.
(aa)	Houchens Road Large Lot Residential Area Structure Plan Area. For all lots northeast of the main stormwater drain on the Houchens Road Large Lot Residential Structure Plan Area (see appendix S13 for the Houchens Road Large Lot Residential Area, Structure Plan Area)	2,500m ² except for lots within the area identified as 'preferred location for 2,000m ² sites' on the Structure Plan in Appendix S13, which must have a minimum Net Lot Area of 2,000m ² .	NA	The maximum number of lots in the Houchens Road Large Lot Residential Structure Plan Area subject to Rules 15.4.2.1(z) and 15.4.2.1(aa) is 199 lots, of which the maximum number of lots within Lot 1 DPS 84715, Lot 1 DPS 29779 and Lot 4 DPS 59241 (as at 1 October 2016) is 179 lots, and the maximum number of lots within any other land in the Houchens Road Large Lot Residential Structure Plan Area is 20 lots.
(ab)	Airport Business Zone	500m ²	NA	NA
(ac)	Residential subdivision in the C1 and C2/C3 structure plan areas.	500m ² , (except for subdivision around dwellings existing as of 31 August 2018, where no maximum net site area shall apply to the lot surrounding	< 800m ² (i.e. 12.5 dwellings per hectare minimum, over the extent of the subdivision)	1,000m ²

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
		the existing dwelling; any such dwelling will be exempt from the average net lot area calculation).		
(ad)	Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1(e) and Rule 15.4.2.62.	400m ² , (except for subdivision around dwellings existing as of 31 August 2018, where no maximum net site area shall apply to the lot surrounding the existing dwelling; any such dwelling will be exempt from the average net lot area calculation; and except for subdivision in relation to compact housing where the provisions of Rule 2.4.2.43 apply).	Average between 500m ² (20 dwellings per hectare) and 800m ² (12.5 dwellings per hectare) over the extent of the Comprehensive Residential Subdivision area. Compact residential densities are excluded from the above calculations.	1,500m ²

Advice Note: Unsewered lots in any zone may be required to comply with specific requirements or larger minimum lot areas to satisfy the requirements of the Waikato Regional Council for the disposal of stormwater and wastewater.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity, provided that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule (excluding the maximum number of lots of 199) will require resource consent for a discretionary activity. Any more than 199 lots in the Houchens Road Large Lot Residential Structure Plan Area will require a resource consent for a non-complying activity.

Rule - Existing consent notices, bonds, and other legal instruments

15.4.2.2 All existing consent notices, bonds, and other legal instruments registered on a certificate of title in favour of the Waipa District Council which either restrict further subdivision or require ongoing performance of a matter relating to that certificate of title under the provisions of any previous planning regime must continue to be binding against that certificate of title.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Lot frontage, lot shape factor and vehicle crossings

Advice Note: Refer to Section 16 - Transportation for the location and formation of vehicle crossings.

15.4.2.3 All lots shall comply with the following:

Zone	Lot frontage (excluding rear lots)	Lot shape factor	Vehicle Crossing minimum to maximum
Residential, except front lots on entrance corridors	20m	13m diameter circle	3m to 5.5m
Residential front lots on entrance corridors	25m	16m diameter circle	3m to 5.5m
Commercial	No minimum	No shape factor required	5m to 7.5m
Industrial	20m	No shape factor required	5m to 7.5m
Reserve	No minimum	30m diameter circle	No minimum/maximum
Large Lot Residential	20m	30m diameter circle except that for any lot within the Houchens Road Large Lot Residential Structure Plan Area which is less than 2,500m ² , a 20m minimum diameter circle is required.	3m minimum, and no maximum
Rural	20m	30m diameter circle	4m to 4.5m
Airport Business	20m	25m minimum depth	5m to 7.5m
All other zones	20m	30m diameter circle	4m to 4.5m

Advice Note: For the avoidance of doubt an 'entrance corridor' in this rule means any main access to a greenfield subdivision with more than 7 lots; and any new collector road which connects to the existing road network.

Rule - Minimum width of vehicle access to rear lots

15.4.2.4 Access to rear lots shall comply with the following minimum widths:

Zone	Minimum width of access to rear lots
Residential	Up to 3 lots - 4m 4-6 lots - 6m 7 lots or more – a public or private road may be required
Commercial/Industrial	Up to 3 lots - 7m 4-6 lots - 9m 7 lots or more – a public or private road may be required
Reserve	No minimum
Large Lot Residential/Rural	Up to 3 lots - 6m 4-6 lots - 9m 7 lots or more – a public or private road may be required
All other zones	4m

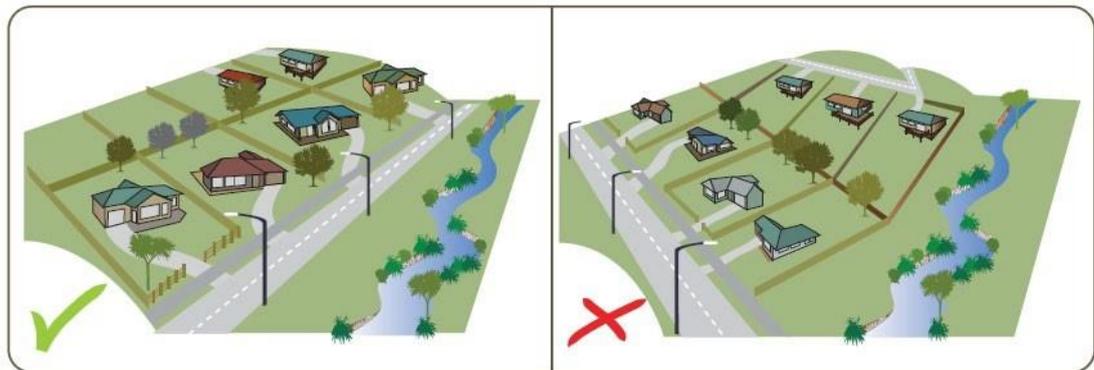
Rules - Lot design

- 15.4.2.5 Each new lot created shall be able to incorporate the lot shape factor in a position which does not encroach on any building setback or easement requirement.
- 15.4.2.6 Subdivision within the urban limits, and any Large Lot Residential Zone shall not create more than two rear lots, unless provided for by Rule 15.4.2.64.
- 15.4.2.7 New residential and large lot residential lots, other than corner lots, shall have frontage to only one road or street.
- 15.4.2.8 In any zone where lots are to be prevented from obtaining direct access to an adjacent road an access denial or segregation strip shall be vested in Council. The performance standards for development and subdivision in the underlying zone do not apply to lots created for the purpose of access denial or segregation.
- 15.4.2.9 Any new Lot created must be able to accommodate all buildings outside of the Root Protection Zone of a protected tree whether the protected tree is on the new lot or on an adjacent site.
- 15.4.2.10 The Root Protection Zone of any protected tree must be contained entirely within any new allotment.

Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.10 will require a resource consent for a discretionary activity.

Rule - Design and layout of development and subdivision adjoining water bodies and reserves

- 15.4.2.11 Within the urban limits and the Large Lot Residential Zone, the design and layout of subdivisions shall ensure that water bodies and reserves are fronted by either roads or the front or side boundary of a lot.



Development should front natural features such as water bodies and reserves.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity except that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule will require resource consent for a restricted discretionary activity with the discretion being restricted over:

- The extent to which the development and subdivision layout and design provides for passive surveillance of reserve(s).

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

Rule - Lots within areas of high value amenity landscapes, viewshafts, river and lake environs, significant natural features and landscapes and visually sensitive hill country

15.4.2.12 Where new lots are to be created within high amenity landscapes, viewshafts, river and lake environs, significant natural features, and visually sensitive hill country, as identified on the Planning Maps, then the following shall apply:

- (a) Power and telephone services shall be provided underground; and
- (b) The subdivision plan shall define the building platform and associated access alignment on each lot. The building platform shall be located so that at the time of building construction no part of any complying building will extend above the ridgeline nearest to the building platform, when viewed from a public place; and
- (c) The building platform, roads, and accessways shall minimize intrusion into the landscape, or viewshaft; and
- (d) Access to the building site must follow the contour of the land.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Site Suitability & Hazards

Rule - Site suitability: General

15.4.2.13 Subdivision and development shall have a defined building platform in a complying location that is capable of being serviced to the requirements of the zone.

Advice Notes:

- 1. For lots with multiple building platforms at least one suitable building site must be identified on each new lot to demonstrate compliance with this rule. Where there are site specific reasons why any future building must be built on that identified site, Council will impose a Section 221 consent notice to that effect.
- 2. For lots within a high amenity landscapes, viewshafts, river and lake environs, significant natural landscapes, and visually sensitive hill country, refer to Rule 15.4.2.12.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Site suitability: within or adjoining a Flood Hazard Area

15.4.2.14 Subdivision and Development within or adjoining a Flood Hazard Area identified on the Planning Maps, or as shown on the Houchens Road Large Lot Residential Structure Plan at Appendix S13, shall have building platforms in a complying location that can achieve a minimum free-board level 500mm above the 1% AEP (100 year flood level).

Advice Note: The flood areas on the District Plan Maps are derived from: Te Awamutu Flood Management Plan, Waikato Regional Council, Technical Publication 93/10, and the Pukekura Drain Hydraulic Assessment Stage 4, Opus, January 2011, and the Waipā River Flood Hazard Study, Waikato Regional Council.

15.4.2.15 No subdivision and development shall occur within a High Risk Flood Zone.

Advice Note: The 'High Risk Flood Zone' is defined in Part B of the District Plan and relates to the 1% AEP (100 year flood level).

Activities that fail to comply with Rules 15.4.2.14 and 15.4.2.15 will require a resource consent for a non-complying activity.

Infrastructure & Services

Rule - Infrastructure servicing in all zones

15.4.2.16 All lots in a subdivision and any sites in a development shall be connected to the following infrastructure services:

- (a) Formed public road or new road; and
- (b) Electricity; and
- (c) Telecommunications; and
- (d) Fibre optic cable.

Advice Notes:

1. Telecommunications: Where a development or subdivision is located within an area where fixed cable is available a connection to this network must be provided. Where it is impracticable (due to topographical or financial constraints) to connect to fixed cabling, alternative connections may be considered through a resource consent process, and a consent notice must be registered on the certificate of title for each site.
2. Fibre optic cable: Where a development or subdivision is located in an area where fibre optic cable has not yet been installed, appropriate ducting must be installed to provide for fibre optic cable in the future.
3. Water Supply: Refer to Rules 15.4.2.18 and 15.4.2.22 for the requirements for water supply.
4. Pukerimu Water Supply Area: Where a development or subdivision is located within a fully allocated reticulated water supply and the water volume is allocated on the basis of area to that property, the development or subdivision's share shall also be determined by area and shall be not exceed the volume previously allocated to the land containing the development. All water take from fully allocated reticulated water supply shall be metered.
5. Wastewater disposal: Refer to Rules 15.4.2.18, 15.4.2.21 and 15.4.2.24 for the requirements for wastewater.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Design, location and maintenance of services in infill development

15.4.2.17 Where more than one serviced building (excluding accessory buildings) is erected on a site, all services shall be provided to each building as if the site was being subdivided to create separate titles for each serviced building.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Additional infrastructure servicing for the Residential, Commercial and Industrial Zones within the urban limits

15.4.2.18 All lots in a subdivision and any sites in a development in the Residential, Commercial and Industrial Zones within the urban limits shall be connected to the following Council infrastructure services:

- (a) Wastewater reticulation and treatment; and
- (b) Water supply for domestic, or industrial, or commercial activity; and
- (c) Water supply for fire fighting purposes.

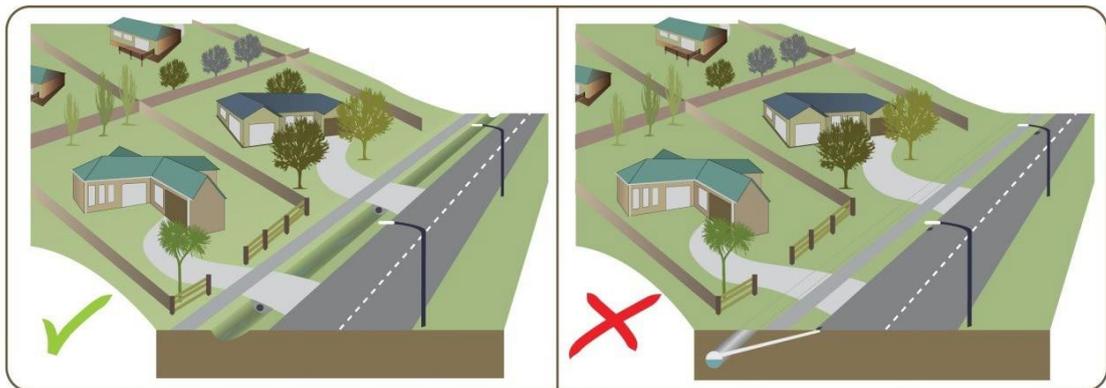
Advice Note: SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice sets out a number of options to provide water for the New Zealand Fire Service's operational requirements, and shall be used as a guide when designing fire fighting water protection.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

- 15.4.2.19 Any proposed connection to the mains water supply shall be located in the berm adjacent to the building it is supplying and not require crossing under road carriageways.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

- 15.4.2.20 Within the urban limits, all lots in a subdivision and any sites in a development in the Residential, Commercial and Industrial Zones shall:
- (a) Dispose of stormwater generated from within roads, reserves, and any lot to be vested in Council, into Council's reticulation system at pre development levels; and
 - (b) Dispose of all stormwater generated from lots not to be vested in Council within the boundaries of the lot itself.
 - (c) Except that (a) and (b) above shall not apply to the C1 and C2/C3 growth cells where regional and/or district resource consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.



Swales can provide a sustainable option to traditional kerb and channel drainage, and can contribute to both the ecological diversity and aesthetic values of the neighbourhood.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - When infrastructure services are not provided by Council

- 15.4.2.21 Where wastewater treatment and disposal services are **not** provided by Council:
- (a) Every Lot shall be of sufficient size to contain within the lot boundaries the treatment and disposal of wastewater resulting from any future permitted development; and
 - (b) The wastewater treatment and disposal services shall be set back 23m from any water body.
- 15.4.2.22 Where water is **not** supplied by Council each lot shall provide an independent potable water supply sufficient for activities permitted on the site.

- 15.4.2.23 Where water is not supplied by Council or a private community supply, or water is supplied by Council but is a restricted flow supply, each lot shall provide access to water supply for firefighting purposes that is or will be:
- (a) Accessible to firefighting equipment; and
 - (b) Between 6 and 90 metres from a dwelling on the site; and
 - (c) On the same site as a dwelling (except where the specified volume or flow of water is in a pond, dam or river that is within the required distances); and
 - (d) Either:
 - (i) Stores at least 45,000 litres, in addition to the independent potable water supply required by Rule 15.4.2.21; or
 - (ii) Provides at least 25 litres per second for 30 minutes.

This rule does not apply to lots created for the purpose of enabling a conservation block, a network utility, access to a lot or lots having no legal frontage, or a lot solely for a rural purpose and which does not require a building.

Advice Note: Further advice and information about managing fire risk and storage of water for firefighting purposes can be obtained from Fire and Emergency New Zealand and SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

Activities that fail to comply with Rules 15.4.2.21 to 15.4.2.23 will require a resource consent for a non-complying activity.

Rule - Wastewater disposal

- 15.4.2.24 The design (including design life) and construction of wastewater treatment and disposal facilities shall ensure adequate provision is made to meet public health standards, eliminate the ingress of stormwater and groundwater, and avoid the occurrence of system surcharging or overflow.

Advice Note: The Waikato Regional Council needs to be consulted regarding the requirements for wastewater discharge consents.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Stormwater

- 15.4.2.25 All lots or sites shall be of sufficient size to enable on site detention and disposal of stormwater resulting from any future development permitted in the zone, provided that this rule does not apply to stormwater disposal in the
- (a) Houchens Road Large Lot Residential Structure Plan Area.
 - (b) The C1 and C2/C3 Structure Plan areas, where regional and/or resource district consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.

Advice Notes:

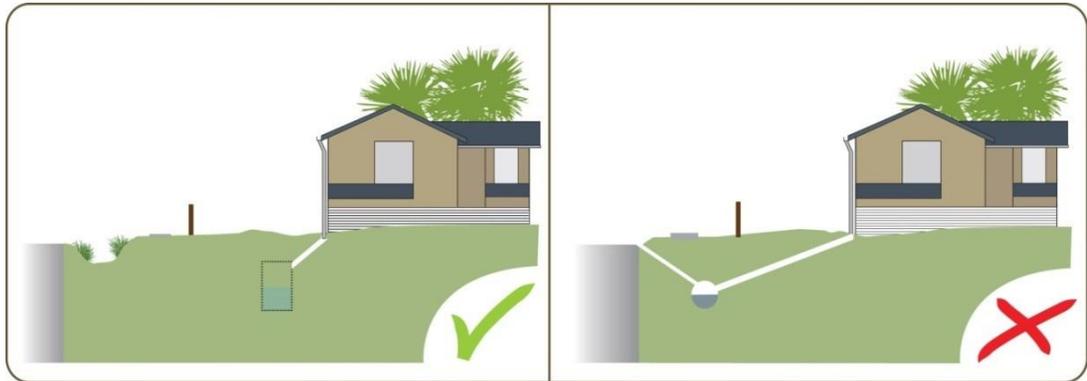
1. For lots within the Residential, Commercial and Industrial Zones within the urban limits refer also to Rule 15.4.2.20.

2. For lots within the Houchens Road Large Lot Residential Structure Plan Area refer to Rules 15.4.2.83 to 15.4.2.86.
3. A Stormwater Discharge Consent may also be required from the Waikato Regional Council.

15.4.2.26 Development shall not obstruct overland and secondary flow paths.

Advice Note: A secondary flow path refers to the path taken by runoff in excess of the primary design flow and is to be capable of producing protection to the surrounding buildings for a once in 50 years return period rain event.

Activities that fail to comply with Rules 15.4.2.25 and 15.4.2.26 will require a resource consent for a non-complying activity.



On site detention systems shall ensure that stormwater runoff from the site remains at pre development levels.

Rules - Tree Planting on Roads: Residential and Large Lot Residential Zones

15.4.2.27 Where any subdivision in the residential or large lot residential zone includes the creation of new roads; the design, layout, construction and formation of the new road, except for service lanes, must provide for the planting of street trees.

15.4.2.28 Planting of street trees must be at an equivalent rate of one tree per residential property road frontage using an appropriate species for the location. Council may approve groups of trees where the kerb line and location of services and the area available are sufficient to accommodate the group of trees in the long term.

Advice Note: Council's Tree Policy as updated from time to time provides guidance on the appropriate species of tree to be planted, along with standards for tree planting, protection of underground services and tree maintenance.

Activities that fail to comply with Rules 15.4.2.27 to 15.4.2.28 will require a resource consent for a non-complying activity.

Rule - National Grid Yard

15.4.2.29 All lots shall identify a building platform for the principal dwelling, and any proposed secondary dwelling, outside of the National Grid Yard.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Proximity to poultry farming activities

- 15.4.2.30 In the Rural Zone, any new lot created within 500m of a poultry farming activity shall identify a building platform for the principal dwelling and any proposed secondary dwelling, that is no less than 250m from a building forming part of a poultry farming activity.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Part B: Development and subdivision for specific activities

Rule - Lots for network utilities

- 15.4.2.31 Land that is to be subdivided for a network utility service, except for roads, shall be configured to accommodate the intended activity, and the balance area of the subdivision shall comply with the relevant subdivision standards for the zone in which it is located. Provided that lots for network utilities shall comply with this rule only.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Amendments to flats plans cross lease, company lease or unit title

- 15.4.2.32 Where a proposed subdivision is intended solely to amend any cross lease, company lease or unit title plan to accommodate alterations to buildings or the erection of an accessory building which has a Code of Compliance Certificate (CCC) issued pursuant to the Building Act 2004, then the following shall apply:
- (a) The building works shall comply with the provisions of this District Plan; and
 - (b) There shall be no material change to the unit site area or to the overall extent and configuration of the individual occupancy.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Boundary relocations

- 15.4.2.33 The number of certificates of title involved in the subdivision will be the same or less after the subdivision has been undertaken.
- 15.4.2.34 New lots created by way of boundary relocation must comply with the rules for the zone within which the subdivision is taking place, provided that titles shall not be considered as titles for the purpose of this rule if they are incapable of accommodating a dwelling for the zone within which the title is located because:
- (a) The site area cannot comply with the minimum site area under Rule 15.4.2.1; and
 - (b) The site cannot contain a complying lot shape factor under Rules 15.4.2.3 and 15.4.2.5; and
 - (c) The site cannot comply with the minimum setback standards of the zone within which the title is located; and
 - (d) The site is not considered suitable for building under Rule 15.4.2.13; and
 - (e) The site cannot contain within its boundaries a wastewater treatment and disposal system suitable for the site; and
 - (f) The site cannot be provided with a complying vehicular access under Rule 16.4.2.4.

Activities that fail to comply with Rules 15.4.2.33 and 15.4.2.34 will require a resource consent for a non-complying activity.

Rules - Subdivision of a surplus dwelling in the Rural Zone

- 15.4.2.35 The maximum net lot area for the subdivision of land containing a surplus dwelling shall not exceed 5000m², shall be suitable for subdivision and shall comply with all rules for the zone including rules for access, and servicing. The minimum net area of the lot to be created shall be 2,500m².
- 15.4.2.36 All existing dwellings shall have been located on the holding for a period of not less than 10 years at the date of the application for subdivision consent and shall have a useful life expectancy without substantial repairs and/or reconstruction of at least 25 years.
- 15.4.2.37 There shall be an existing dwelling, on the lot comprising the balance land provided that the dwelling has a floor area greater than 70m² exclusive of garaging and decking, and is not a bonded dwelling for removal and/or that has been erected for a dependent relative.
- 15.4.2.38 A surplus dwelling shall not include any dwelling with a floor area of less than 70m² exclusive of garaging and decking or any bonded dwelling for removal.
- 15.4.2.39 A surplus dwelling shall not be a secondary dwelling.
- 15.4.2.40 That as a result of the use of this rule, Council shall restrict the further subdivision of the balance lot, restricting the further use of this rule. This being a condition to be complied with on a continuing basis and shall be subject to a Section 221 Consent Notice or other legal instrument being registered on the title in perpetuity.

Advice Note: Also see Rule 4.4.2.80(e) in the Rural Zone.

Activities which fail to comply with Rules 15.4.2.35 to 15.4.2.40 will require a resource consent for a non-complying activity.

Rule - Activities with land use consents

- 15.4.2.41 In the Rural Zone, where land use consent has been granted and given effect to for a period of no less than 2 years, a lot can be created around the following non farming activities:
- (a) Industry.
 - (b) Packing sheds involving produce grown off the site.
 - (c) Restaurants or cafes.
 - (d) Retreat or conference or education facilities.
 - (e) Garden centres or nurseries.
 - (f) Commercial garages.
 - (g) Service stations.
 - (h) Health care facilities.
 - (i) Travellers accommodation – excluding bed and breakfast or similar home based accommodation.
 - (j) Places of assembly.

For the avoidance of doubt the following activities are not eligible under this rule:

- (i) Wood splitting and drying associated with the sale of firewood.
- (ii) Seasonal activities.

- (iii) Fortified sites.
- (iv) Green houses.
- (v) Operations involving the hire or lease of goods.
- (vi) Distribution of goods not manufactured.

Advice Note: The provision of this rule for the activities listed above does not mean these activities may be granted a land use consent in the Rural Zone, nor that they are appropriate within all parts of the Rural Zone.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Transferable Development Rights

- 15.4.2.42 Within the identified sensitive locations, applications that create an additional lot through meeting the minimum net lot area rules can either be assessed against the relevant rules in 15.4.2 or transferred out using the transferrable development right process. Applications for environmental benefit lots under Rules 15.4.2.51 to 15.4.2.55 may be undertaken on site or transferred out in accordance with the relevant rules. The Transferable Development Right provisions shall not apply to subdivision for a surplus dwelling.
- 15.4.2.43 To be eligible for a Transferable Development Right, the owner of the donor holding and the owner of the recipient holding must make a joint application.

Activities which fail to comply with Rules 15.4.2.42 and 15.4.2.43 will require a resource consent for a non-complying activity.

Rules - Transferable Development Rights: location of holdings and recipient sites

- 15.4.2.44 The donor holding must have provided land for the Te Awa cycleway identified in Appendix O4 or an Incentivised Cycleway, or be in the Rural Zone and located in whole or in part in a sensitive location identified below:
- (a) Within an identified outstanding landscape or viewshaft as identified on the Planning Maps; or
 - (b) Within the air noise boundary of the Hamilton International Airport excluding the Airport Business Zone; or
 - (c) Within or immediately adjacent to the Maungatautari Ecological Island and listed in the Maungatautari Ecological Island lot entitlements as listed in Appendix O2; or
 - (d) Within areas of high class soils; or
 - (e) Within a significant natural area as identified on the Planning Maps; or
 - (f) Within a Quarry Buffer Area identified on the Planning Maps; or
 - (g) Adjoining a State Highway as identified on the Planning Maps; or
 - (h) Within 500m measured in a straight line of an Industrial Zone; or
 - (i) Within 1km from the Hamilton City Council Limits; or
 - (j) Within sites adjacent to significant recreation reserves, as listed in Appendix O5.

15.4.2.45 The recipient sites must be located in the areas identified below:

- (a) Wholly within the Large Lot Residential Zones, excluding the Houchens Road Large Lot Residential Structure Plan Area; or
- (b) In the Rural Zone provided that:
 - (i) The site is not located, in whole or in part within the areas identified in Rule 15.4.2.44; and
 - (ii) The site is not within the outer control boundary as identified on the Planning Maps; and
 - (iii) The site is not within a Deferred Zone as identified on the Planning Maps or future growth areas identified in Appendix S1; and
 - (iv) The site is not located in whole or part in the Houchens Road Large Lot Residential Structure Plan Area.

Provided that one lot can be located on the donor holding in the Maungatautari Ecological Island, the Te Awa Cycleway and for an Incentivised Cycleway in accordance with Rules 15.4.2.51 and 15.4.2.53.

- (c) In the Rural Zone on lots sized between 5000m² and 1 hectare located within 1km of any Large Lot Residential Zone, Deferred Large Lot Residential Zone, the Te Awamutu, Kihikihi or Cambridge urban limits provided that:
 - (i) The site is not located, in whole or in part within the areas identified in Rule 15.4.2.44 with the exception that the site can be located on high class soils; and
 - (ii) The site is not within the outer control boundary as identified on the Planning Maps; and
 - (iii) The site is not within a Deferred Zone as identified on the Planning Maps or future growth areas identified in Appendix S1.

Activities which fail to comply with Rules 15.4.2.44 and 15.4.2.45 will require a resource consent for a non-complying activity.

Rules - Transferable Development Rights: donor holding rules

15.4.2.46 The donor holding must be able to be subdivided into at least one additional lot pursuant to the rules for the zone.

OR

Have an entitlement to an environmental benefit lot and undertake to protect the land/ feature from which the benefit lot entitlement was derived, in perpetuity.

OR

Must amalgamate land held in two or more existing titles into a reduced number of titles.

15.4.2.47 A condition that no further subdivision in respect of the rule that the entitlement was acquired under (or restricted rights of subdivision as the case may be) shall apply to the donor holding. The owner will be required to enter into a bond, or other legal instrument with Council which will be registered on the title(s) against the donor holding to that effect and run with the land in perpetuity.

Advice Note: Where multiple entitlements are allowed, then a bond or other legal instrument will be registered on the donor holding title(s), and will be subsequently amended as each entitlement is taken up on the donor holding

(to show the entitlements used, and the entitlements still available). When all entitlements have been used, the final amendment to the bond or other legal instrument will record that no further subdivision shall take place on the donor holding title(s) pursuant to the rule(s) on which the entitlements were created.

Activities which fail to comply with Rules 15.4.2.46 and 15.4.2.47 will require a resource consent for a non-complying activity.

Rules - Transferable Development Rights: recipient site rules

- 15.4.2.48 The recipient site, shall be suitable for subdivision and shall comply with all rules for the zone including rules for access, and servicing.
- 15.4.2.49 A recipient site may only receive one Transferable Development Right, provided that recipient sites in the Large Lot Residential Zone are exempt from this rule.
- 15.4.2.50 That as a result of the use of the Transferable Development Right, Council shall restrict the further subdivision of the recipient site, restricting the further use of this rule on the new lot and the balance area. This being a condition to be complied with on a continuing basis and shall be subject to a Section 221 Consent Notice or other legal instrument being registered on the title. Provided that recipient sites in the Large Lot Residential Zone are exempt from this rule.

Activities that fail to comply with Rules 15.4.2.48 to 15.4.2.50 will require a resource consent for a non-complying activity.

Rules - Environmental benefit lots: Maungatautari Ecological Island

- 15.4.2.51 Properties identified in Appendix 02 may be eligible for an environmental benefit lot(s) provided that these lots have not previously been used or surrendered. Provided that:
- (a) The holding must not have been subdivided previously pursuant to the provisions of Rule 15.4.2.52 (environmental benefit lot provisions relating to protection of significant natural areas or features) in connection with the establishment of pest proof fencing or the covenanting of bush now contained within the Maungatautari Ecological Island.
 - (b) Only one environmental benefit lot per holding may be established on the parent title within the holding. Any additional environmental benefit lot(s) shall be transferred from the holding pursuant to Transferable Development Right provisions in Rules 15.4.2.42 to 15.4.2.50.
 - (c) The environmental benefit lot established on the parent title within the holding, shall be suitable for subdivision and shall comply with all rules for the zone including rules for access, and servicing. The maximum area of the lot to be created shall be 5,000m² and the minimum area of the lot to be created shall be 2,500m² exclusive of the area being protected, and the balance of the land being subdivided shall be no less than 5,000m².

Protection of the Maungatautari Ecological Island Lots

- (d) That protection in perpetuity must be by way of reserve status, a memorandum of encumbrance, consent notice, or covenant that will identify the nature of the protection required and will be registered on the certificate of title and run with the land in perpetuity. Creation as a reserve or a covenant or a Kawanata Agreement¹ will be preferred.

¹ Kawanata Agreement – agreement associated with the Nga Whenua Rahui fund administered by DOC. It is typically applied to multiple-owned Māori land.

- (e) Protection by way of Council approved covenant (or similar legal instrument) shall identify the nature of the protection required and be registered on the certificate of title and run with the land in perpetuity.
- (f) If the land is to be vested in Council as reserve, Council will determine the appropriate reserve classification of private land to be vested as reserve.

Easements

- (g) The necessity for, and the alignment of public access easements, shall be agreed by Council in consultation with affected landowners.
- (h) Easement considerations include the extent to which legalised public access will assist in the monitoring and management of the ecological island, or the extent to which a proposed easement will legitimise an existing historic access arrangement.

Activities which fail to comply with Rules 15.4.2.51(a) and 15.4.2.51(b) will require a resource consent for a non-complying activity.

Activities which fail to comply with Rules 15.4.2.51(c) to 15.4.2.51(h) will require a resource consent for a discretionary activity.

Rules - Environmental benefit lots: significant natural areas or features

15.4.2.52 Significant natural areas and significant natural features identified on the Planning Maps or established using the Criteria for Determining Significance of Indigenous Biodiversity, Section 11A in the Regional Policy Statement, may be eligible for environmental benefit lots where the area or feature is protected in perpetuity by a legal mechanism provided that:

- (a) Lots created through this mechanism that are located in a sensitive area as identified in Rule 15.4.2.44, must utilise the Transferable Development Right provisions of Rules 15.4.2.42 to 15.4.2.50.
- (b) Holdings that have one feature, located over two titles that are located within significant natural areas shall only qualify for a Transferable Development Right if the titles are amalgamated so that the identified feature is held in one title following the subdivision.

The areas or features that may qualify for one environmental benefit lot are:

- (c) Significant natural areas in identified Biodiversity (Indigenous Forest) Corridors on Planning Map 49 with a minimum area of 5,000m² which are permanently protected and supported by a specialist ecologist report accepted by Council.
- (d) Significant natural features being wetlands and/or kahikatea stands which are permanently protected and supported by a specialist ecologist report accepted by Council that demonstrates that the site is a self sustaining ecosystem.
- (e) Land within a Peat Lake Catchment identified as a significant natural area that provides a Whole Farm Management Plan at the time of subdivision which demonstrates that the new land uses can enhance or improve the peat lake significant natural area.

Advice Note: Additional lots may be considered if permanent protection is being achieved for the priority areas or features for protection, listed in Policy 15.3.7.6.

Activities which fail to comply with Rule 15.4.2.52(a) will require a resource consent for a non-complying activity.

Activities that fail to comply with Rules 15.4.2.52(b) to 15.4.2.52(e) will require a resource consent for a discretionary activity.

Rule - Environmental benefit lots: Te Awa Cycleway in the Rural Zone

15.4.2.53 Sites adjoining the Te Awa Cycleway identified in Appendix O4 or an Incentivised Cycleway may be eligible for an environmental benefit lot(s) when land is provided for the cycleway and protected in perpetuity by a legal mechanism. Provided that:

- (a) Only one environmental benefit lot may be established on the parent title. Any additional environmental benefit lots shall be transferred from the holding pursuant to Transferable Development Right provisions in Rules 15.4.2.42 to 15.4.2.50.
- (b) The maximum area of the lot to be created shall be 5,000m² and the minimum area of the lot to be created shall be 2,500m² exclusive of the area being protected, and the balance of the land being subdivided shall be no less than 5,000m².

The area of land that may qualify for an environmental benefit lot is:

- (c) One environmental benefit lot can be obtained for a minimum of 2000m² of land protected by the legal mechanism and one additional environmental benefit lot can be obtained for each additional 5000m² of land protected.

Activities which fail to comply this rule will require a resource consent for a discretionary activity.

Rule - Environmental benefit lots: biodiversity (river or stream) corridor

15.4.2.54 Sites adjoining the biodiversity (river or stream) corridor identified on the Planning Maps, may be eligible for an environmental benefit lot when land is provided for the biodiversity (river or stream) corridor and protected in perpetuity by a legal mechanism. Provided that:

- (a) Lots created through this mechanism that are located in a sensitive area as identified in Rule 15.4.2.44, must utilise the Transferable Development Right provisions of Rules 15.4.2.42 to 15.4.2.50.
- (b) This rule only applies to properties less than 80ha that are held in one title.

The minimum width and length of land that may qualify for one environmental benefit lot is:

- (c) A minimum width of 20m which are for a public purpose and shall be vested in Council as reserve for the purpose(s) indicated on the Planning Maps.

Activities which fail to comply with Rule 15.4.2.54(a) will require a resource consent for a non-complying activity.

Activities which fail to comply with Rules 15.4.2.54(b) to 15.4.2.54(c) will require a resource consent for a discretionary activity.

Rule - Environmental benefit lots: additions to significant reserves

15.4.2.55 Sites adjoining a reserve, as identified in Appendix O5, may be eligible for an environmental benefit lot(s) where the land is protected (in perpetuity) by a legal mechanism, provided that:

- (a) The additions of land to significant reserves are for public purpose and shall be vested in Council as reserve for the purpose(s) indicated in Appendix O5; and
- (b) The minimum area of the benefit lot to be created shall be 2,500m² and shall be suitable for subdivision and shall comply with all rules for the zone including rules for access, and servicing. The balance of the land being subdivided shall be no less than 5,000m².

Advice Notes:

1. Lots created through this mechanism are not required to utilise the Transferable Development Right provisions of Rules 15.4.2.42 to 15.4.2.50.
2. There is no minimum or maximum number of benefit lots. The number of benefit lots will be assessed as part of the resource consent application.

Activities that fail to comply with 15.4.2.55(a) of this rule will require a resource consent for a non-complying activity.

Activities that fail to comply with 15.4.2.55(b) of this rule will require a resource consent for a discretionary activity.

Rules - Esplanade reserves, esplanade strips, and access strips

Advice Note: In determining any application for a resource consent, Council may reduce, increase or waive the requirements of Rules 15.4.2.55 to 15.4.2.61.

20m esplanade reserves from lots less than four hectares

- 15.4.2.56 Subject to Rules 15.4.2.57 to 15.4.2.61, where any land adjoins the banks of any river or lake as defined in Section 230(4) of the Resource Management Act 1991 and where any lots of less than 4ha is created when the land is subdivided, an esplanade reserve 20m in width shall be set aside from that lot along the bank of any river or along the margin of any lake, as the case may be and shall vest in accordance with Section 231 of the Resource Management Act 1991 and where a reserve or road of less than 20m width already exists along that bank of a river or along that margin of a lake, then additional land shall be vested to increase the width to a minimum of 20m.

Provided that Council may require the creation of an esplanade strip under Section 232 of the Resource Management Act 1991 instead of an esplanade reserve.

Advice Note: The creation of an esplanade strip will be assessed at the time of resource consent application.

Esplanade strips by certain rivers

- 15.4.2.57 In the Rural Zone, on the following rivers instead of an esplanade reserve there shall be an esplanade strip of 10m under Section 232 of the Resource Management Act 1991:
- (a) Kāniwhaniwha Stream - above Limeworks Loop Road; and
 - (b) Mangakara Stream (near Pirongia); and
 - (c) Mangapiko Stream - Pirongia Township Large Lot Residential Zone.

20m esplanade reserves by certain lakes from lots more than four hectares

- 15.4.2.58 The provisions of Rule 15.4.2.56 shall also apply to any lots of 4ha or more which are created when land is subdivided adjoining the following lakes:
- (a) Lake Kareatohi (Cameron)
 - (b) Lake Koromatua
 - (c) Lake Mangahia
 - (d) Lake Mangakaware
 - (e) Lake Maratoto
 - (f) Lake Ngārotoiti

- (g) Lake Ngāroto
- (h) Lake Rotomānuka
- (i) Lake Rotopataka
- (j) Lake Ruatuna
- (k) Lake Rotopiko (Serpentine)

Provided that:

- (i) Council may require an esplanade reserve of a greater width than 20m to be determined for each lake depending on an assessment of the local peat/water level conditions.

Activities that fail to comply with Rules 15.4.2.56 to 15.4.2.58 will require a resource consent for a discretionary activity.

Rule - Easements by access strip for access only from lots more than four hectares

15.4.2.59 In determining any application for a resource consent for a subdivision of land in order to create lots of 4ha or more along the bank of the following rivers as shown on the Planning Maps, Council, as a condition of consent, must require that pursuant to Section 220(1)(f) of the Resource Management Act 1991, an easement be granted over the land as an easement in gross in favour of Council for the purposes of public access only and that such easement shall contain such matters (or such of them as are relevant and required in the particular circumstances of each easement) as are set out in the Tenth Schedule to the Resource Management Act 1991 and in considering which of such matters to provide for Council and registered proprietors must consider the various matters that are referred to in Section 237B(4) of the Resource Management Act 1991:

- (a) Pūniu River
- (b) Ōwairaka River
- (c) Waipā River
- (d) Waikato River
- (e) And the upper reaches of the Mangaōhoi Stream

Such easements shall also contain a provision to control littering (where appropriate by the erection of signs) and for fencing requirements for the control of access and for the provision of stiles or gates (where necessary) to be at the cost of Council.

Provided that this rule will not prevent Council and any registered proprietor of land in the District from implementing the creation of an esplanade strip by agreement pursuant to Section 235 of the Resource Management Act 1991 or an access strip by agreement pursuant to Section 237B of the Resource Management Act 1991.

Advice Note: If any such easement in gross in favour of Council is granted, the subdividing owner will not be required to pay any financial contribution for reserves pursuant to financial contribution for reserves or development contributions for reserves under the Local Government Act 2002.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Esplanade strips

- 15.4.2.60 Where land adjoins a river or lake which is not listed in Rules 15.4.2.57 and 15.4.2.58, Council may require as a condition of consent, that an esplanade strip under Section 232 of the Resource Management Act 1991 be created.

Advice Note: The creation of an esplanade strip will be assessed at the time of resource consent application.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Stopped roads to be esplanade reserves or access strips

- 15.4.2.61 The provisions of Section 345(3) of the Local Government Act 1974 will apply where any road which is stopped pursuant to the provisions of the Local Government Act 1974 or the Public Works Act 1981 is located within a Large Lot Residential Zone or within any other zone or
- (a) Adjoining a stream, river or lake identified in Rules 15.4.2.57 to 15.4.2.59; or
 - (b) Shown on the Planning Maps as requiring an esplanade reserve, esplanade strip or access strip; or
 - (c) Stopped road that adjoins any existing marginal strip or esplanade reserve or esplanade strip or land used for public purposes.

And

Rule 15.4.2.56 will apply.

For the avoidance of doubt Section 345(3) of the Local Government Act 1974 shall not apply to any road which is stopped pursuant to the provision of the Local Government Act 1974 or the Public Works Act 1981 when:

- (i) The road adjoins a stream, river or lake not identified in the rules or shown on the Planning Maps as requiring an esplanade reserve, esplanade strip or access strip to be set aside; and
- (ii) Is within the Rural Zone.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

~~Rule – Development within a Deferred Zone [PC13]~~

- 15.4.2.61 ~~No development or subdivisions shall occur unless a structure plan for the comprehensive and integrated development of the zone has been approved by Council and incorporated into the District Plan by way of a plan change or approved by way of a resource consent.~~

~~Activities that fail to comply with this rule will require a resource consent for a discretionary activity.~~

Rule - Comprehensive Development Subdivision within the C1 and C2/C3 Structure Plan areas

- 15.4.2.62 Any Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas (as described within the relevant Structure Plan) shall comply with the following standards (in addition to the relevant performance standards):

- (a) Be applied to an area of land within the overall structure plan area within common ownership and/or control of the applicants.
- (b) Through an appropriate concept plan for the entire Comprehensive Residential Subdivision development area identified, demonstrate how development will achieve a minimum density of 12.5 dwelling per hectare net as set out in the Structure Plan over the course of a staged development in accordance with Rule 15.4.2.1(ad).
- (c) Provide a minimum 2.5% net residential land area or 2,000m² (whichever is larger) of the overall comprehensive residential development area as 'compact housing'.

For avoidance of doubt, all other relevant performance standards within Part A, C and D of this section shall continue to apply.

Advice Note: the 'net residential land area' is total residential land area excluding roads and, in addition, land not suitable or available for residential development including open spaces, areas constrained by topography, commercial areas, schools and land required for environmental buffers and stormwater infrastructure (including any buffer areas or setbacks from the stormwater infrastructure).

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Part C: Development and subdivision of 7 or more lots in any zone

Advice Note: These performance standards are additional to Rules 15.4.2.1 to 15.4.2.62 which must also be complied with.

Rule - Greenfield lot design

- 15.4.2.63 No more than 15% of lots in a greenfield subdivision or within the Houchens Road Large Lot Residential Structure Plan Area at Appendix S13 shall be rear lots.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Provided that activities subject to a Structure Plan approved and included within the Proposed District Plan as at 31 May 2012 and the Houchens Road Large Lot Residential Structure Plan at Appendix S13 that have:

- 15-20% of rear lots will require a resource consent for a discretionary activity, and
- More than 20% of rear lots will require a resource consent for a non-complying activity.

Advice Note: Structure Plans approved by Council prior to 31 May 2012 were considered under a policy framework which excluded urban design provisions therefore are exempt from this rule to acknowledge the differing policy framework in place at the time of approval.

Rule - Design and location of infrastructure services

Advice Note: The Regional Infrastructure Technical Specifications as updated from time to time will provide guidance in relation to the design of infrastructure services at the resource consenting stage.

- 15.4.2.64 Within the urban limits and the Large Lot Residential Zone, all new subdivision and development of 7 or more lots shall provide a utilities corridor in the road reserve free of tree plantings (Refer to Appendix T3 and T4).

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Roads

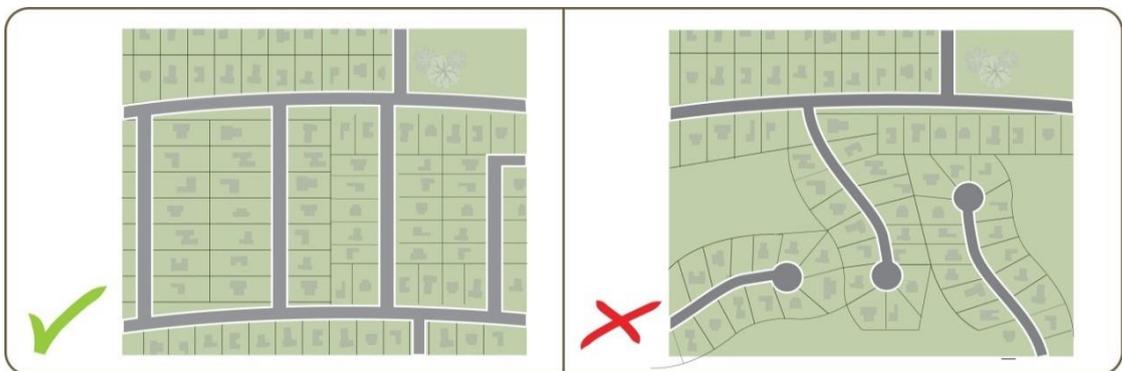
- 15.4.2.65 In any zone, unless an approved structure plan provides otherwise, the design and layout, and construction and formation, of a new road and its streetscape shall meet the requirements of Appendix T3, and Appendix T4 - Criteria for Public and Private Roads. Provided that, in the Residential Zone a new road must also provide a footpath of a minimum width of 1.5m, to increase in size to a minimum width of 2m within 400m of a school, community facilities, and commercial areas including pedestrian frontage areas.

- 15.4.2.66 Within the urban limits and the Large Lot Residential Zone the layout and design of subdivision and development that incorporates roads to vest in Council, shall create a grid layout that:
- (a) Has blocks elongated north west to southeast and lots oriented east/west to ensure provision for solar access; and
 - (b) Provides for connectivity to adjoining land that is able to be developed or subdivided in the future or is identified in Appendix S1.

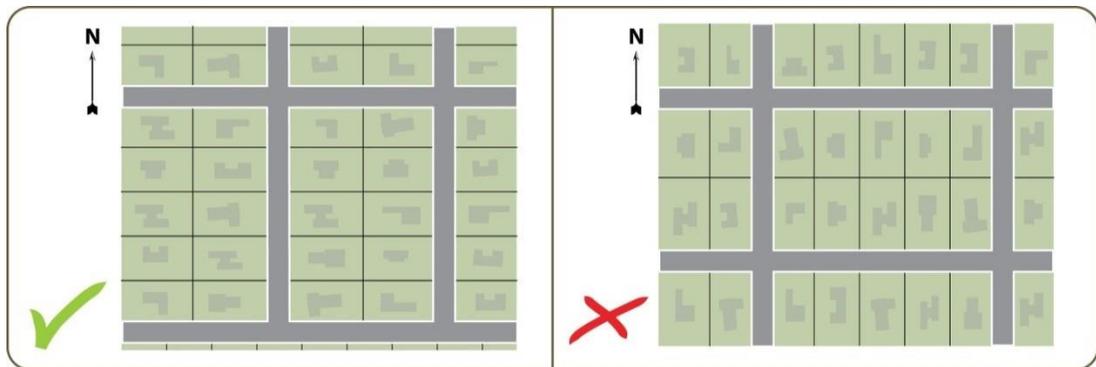
Provided that in the Houchens Road Large Lot Residential Structure Plan Area and in a Structure Plan that was approved and included in the Proposed District Plan as at 31 May 2012 a grid layout is not required.

Advice Note: The following depths and widths are considered to be an appropriate grid layout and should be used as a guide:

- (a) Within the Residential Zone:
 - (i) has an average depth of 100m; and
 - (ii) has a minimum width of 250m.
- (b) Within the Large Lot Residential Zone:
 - (i) for lot sizes of 2,500m² or less, has an average depth of 200m and a minimum width of 200m; or
 - (ii) for lot sizes of between 2,501m² and 3,501m² has an average depth of 200m and a minimum width of 250m; or
 - (iii) for lot sizes between 3,502m² and 5000m², has an average depth of 250m and a minimum width of 300m.



Streets should create a grid layout which allows for the extension of that grid layout in the future.



Streets should be oriented north/south to maximise east/west facing lots. This will provide the potential for more north facing outdoor space.

15.4.2.67 Where any subdivision includes the creation of new roads, the location and design of the roads shall ensure the continuation of vistas as identified on the Planning Maps.

Activities that fail to comply with Rules 15.4.2.65 to 15.4.2.67 will require a resource consent for a discretionary activity.

Rule - Location and design of reserves

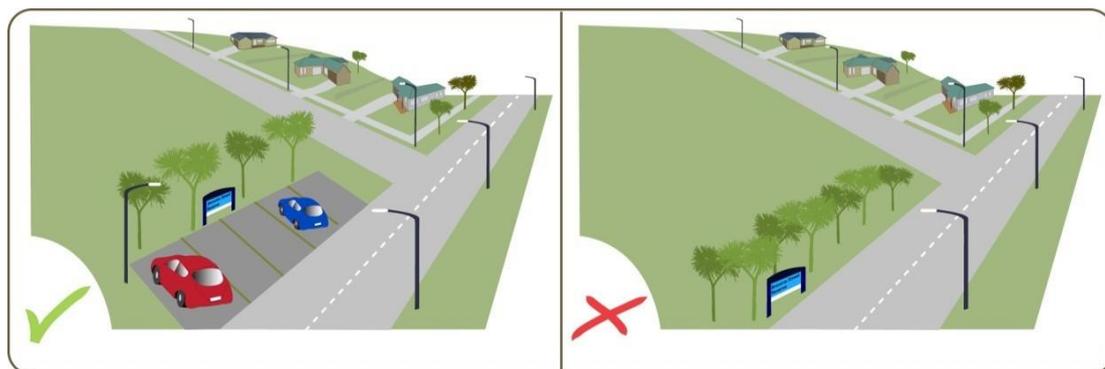
Advice Note: It is anticipated that if the development requires a reserve that the type and location of the reserve, and the suitability or otherwise of the reserve to contribute to stormwater management systems, will be discussed with Council's reserves staff prior to the lodgement of any consent application.

15.4.2.68 In all zones, the location, layout and design of reserves shall demonstrate:

- (a) That the reserve is directly linked to footpaths from the surrounding development; and
- (b) That the reserve is fronted on two sides by roads; and
- (c) That on street parking is provided adjacent to the reserve.



Reserves should have at least two sides fronted by roads.



On street parking should be provided adjacent to reserves to maximise accessibility and surveillance.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity except that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule will require resource consent for a restricted discretionary activity with the discretion being restricted over:

- (a) The overall provision for walking and cycling access to and within the reserve(s); and
- (b) The layout of the reserve(s); and
- (c) The extent to which the provision of the reserve(s) is in general accordance with the Houchens Road Large Lot Residential Structure Plan; and
- (d) Car parking.

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

Part D: Development and subdivision in a Structure Plan Area

Advice Note: These performance standards are additional to Rules 15.4.2.1 to 15.4.2.68 which must also be complied with.

Rule - All development and subdivision in areas subject to a Structure Plan, Development Plan or Concept Plan

15.4.2.69 All development and subdivision within an area subject to an approved structure plan, development plan or concept plan shall be designed in general accordance with the requirements of that structure plan, concept plan or development plan. For the avoidance of doubt, the following areas are subject to concept plans, development plans and/or structure plans:

- | | | |
|----------------|---|------------------------|
| (a) | Cambridge North Structure Plan and Design Guidelines | Appendix S2 |
| (b) | Cambridge Park Structure Plans and Design Guidelines | Appendix S3 |
| (c) | St Kilda Structure Plan | Appendix S4 |
| (d) | Hautapu Industrial Structure Plan and Landscape Guidelines | Appendix S5 |
| (e) | Te Awamutu Large Format Retail Site Plan | Appendix S6 |
| (f) | Karāpiro Large Lot Residential Structure Plan Area | Appendix S7 |
| (g) | Ohaupo South Structure Plan
[PC13] | Appendix S8 |
| (h) | Bruntwood Large Lot Residential Area Concept Plan
[PC13] | Appendix S9 |
| (i) | Airport Business Zone Structure Plan | Appendix S10 |

Advice Note: Refer to Rules 15.4.2.87 to 15.4.2.90 for all subdivision and development in the Airport Business Zone Structure Plan.

- | | | |
|-----|---|--------------|
| (j) | Piquet Hill Structure Plan | Appendix S11 |
| (k) | Bond Road North Industrial Area | Appendix S12 |
| (l) | Houchens Road Large Lot Residential Structure Plan Area | Appendix S13 |

Advice Note: Refer to Rules 15.4.2.70 to 15.4.2.86 for all subdivision and development in the Houchens Road Large Lot Residential Structure Plan Area.

- | | | |
|----------------|---|-------------------------|
| (m) | Te Awamutu South Structure Plan and design guidelines
[PC13] | Appendix S14 |
| (n) | Cambridge North Neighbourhood Centre Concept Plan | Appendix S15 |
| (o) | Narrows Concept Plan | Appendix S16 |
| (p) | Te Awamutu T1 Growth Cell Structure Plan | Appendix S17 |
| (q) | Leamington Large Lot Residential Zone Structure Plan | Appendix S18 |
| (r) | Cambridge C1, and C2 / C3 Structure Plans | Appendix S19 |
| (s) | Bardowie Industrial Precinct Structure Plan | Appendix S20 |
| (t) | Ngahinapouri Structure Plan | Appendix S21 |
| (u) | T8 Structure Plan | Appendix S22 |
| (v) | T2 Growth Cell Structure Plan | Appendix S23 |

(new) T6 Structure Plan Appendix S (NEW)
[PC13]

(new) T11 Structure Plan Appendix S (NEW)
[PC13]

(new) C4 Structure Plan Appendix S (NEW)
[PC13]

(t#w) Deferred Zones, for the intended future zones identified on the Planning Maps (Subject to resource consent or plan change).

Advice Note: From time to time structure plans or development plans may be approved by way of resource consent under the provisions of Section 14 – Deferred Zones. A copy of these Plans are available at Council offices or on Council's website.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity, except where these structure plans indicate that non-compliance with the rules of the structure plan, development plan or concept plan will result in the activity being a non-complying activity.

Houchens Road Large Lot Residential Structure Plan Area

15.4.2.70 The subdivision and development of the Houchens Road Large Lot Residential area shall be generally in accordance with the Houchens Road Large Lot Residential Structure Plan Area and shall be undertaken in a manner that does not frustrate the future development of any part of the Large Lot Residential area.

15.4.2.71 In the Houchens Road Large Lot Residential Structure Plan Area, the following requirements shall apply:

- (a) The lots shall comply with any larger site area requirement of the Waikato Regional Council in relation to size of the site or any appropriate legal instrument for the disposal of stormwater; and
- (b) Council is satisfied that there is sufficient area on each allotment to adequately dispose of stormwater and sewage effluent within the boundaries and provide a duplication of the disposal systems; and
- (c) As part of any subdivision application for lots less than 2500m² Net Lot Area sufficient information shall be provided by a suitably qualified person to demonstrate that the lots will be capable of achieving the environmental standards of Rule 3.5.7.6 of the Waikato Regional Plan.

Advice Note: Lots less than 2500m² Net Lot Area will require either compliance with Waikato Regional Plan permitted activity Rule 3.5.7.6 or a discharge permit. The purpose of (c) is to confirm the overall suitability of multiple lots to be serviced by Improved On-Site Domestic Sewage Treatment and Disposal Systems.

Activities that fail to comply with Rules 15.4.2.70 to 15.4.2.71 will require a resource consent for a discretionary activity.

Rules - Traffic and roading: Houchens Road Large Lot Residential Structure Plan Area

15.4.2.72 The subdivision and development of the area within or to the south of the potential Southern links alignments on the Houchens Road Large Lot Residential Structure Plan Area shall be deferred until such time as the New Zealand Transport Agency and Hamilton City Council determines the future alignment of the Proposed Southern links project OR two years, whichever time is the earlier.

- 15.4.2.73 The carriageway of Houchens Road shall be widened as a condition of subdivision consent from near the Hamilton City/Waipā District Boundary to the main access road to the subdivision as depicted on the Houchens Road Large Lot Residential Area Structure Plan. Carriageway widths and engineering design shall be in accordance with the Regional Infrastructure Technical Specifications.
- 15.4.2.74 At least one priority “T” intersection on Houchens Road to access the Houchens Road Large Lot Residential Structure Plan Area shall be provided as a condition of subdivision consent. The location of the access road shall meet the Regional Infrastructure Technical Specifications Safe Stopping Distance design criteria.
- 15.4.2.75 A concrete (or similar approved all weather surface material) footpath extending from the existing footpath on Houchens Road to a safe crossing location, and then extending to the proposed intersection of the main access road to the Houchens Road Large Lot Residential Structure Plan Area shall be provided as a condition of subdivision consent.
- 15.4.2.76 Up to 50 lots may be created within the 102.492 ha of land contained within Lot 1 DPS 84715, Lot 1 DPS 29779 and Lot 4 DPS 59241 (as at 1 October 2016) without the need to comply with Rule 15.4.2.78, provided any necessary subdivision consent contains a condition requiring that the consent(s) shall lapse if not given effect to (through the lodging of a section 224(c) certificate for each lot) by 1 December 2021.

Prior to the issue of a section 224(c) certificate for each lot approved under this Rule, the consent holder shall make a financial contribution for each lot towards the costs of future improvements to the intersection of State Highway 3 / Houchens Road. The value of the contribution shall be no more than a 1/199 share (per lot) of a fair and reasonable effects-based contribution towards the costs of those improvements. That fair and reasonable effects - based contribution will be determined based on the adverse safety and efficiency effects of the traffic generated by 199 lots within the Houchens Road Large Lot Structure Plan Area on the performance of the State Highway 3 / Houchens Road intersection (in its existing layout, and alongside the adverse safety and efficiency effects of other traffic passing through that intersection), as compared to performance under a base scenario comprising no development in the Houchens Road Large Lot Structure Plan Area under this Rule.

Advice Note: The nature and form of any required future improvements, and the responsibility of the relevant road controlling authorities and the developer(s) to arrange implementation (including funding) of the improvements, will need to be agreed between the developer(s), Waipa District Council and the relevant road controlling authorities, as parties with an interest in the upgrade of the SH3 / Houchens Road intersection. The funding of any future improvements by the developer will be determined in the manner described above (including how the level of financial contribution will be assessed).

- 15.4.2.77 Where an application for resource consent for subdivision or development is lodged:
- (a) That would result in any more than 50 Lots being established within the Houchens Road Large Lot Residential Structure Plan area, in addition to those lots existing at the date this Rule becomes operative; or
 - (b) For any activity other than a subdivision of, or residential dwellings on Lot 1 DPS 84715, Lot 1 DPS 29779 and/or Lot 4 DPS 59241 (as at 1 October 2016); or
 - (c) The application for subdivision or development is lodged after 1 December 2021;
- then the requirements of Rule 15.4.2.78 apply.
- 15.4.2.78 An Integrated Transport Assessment ('ITA') prepared by a suitably qualified expert shall be submitted with any application for subdivision or development to which Rule 15.4.2.77 applies. This Rule replaces the assessment criteria in Rule 21.1.16.5 and replaces the exemption for the

preparation of an ITA contained in Rule 16.4.2.22(a)(v). An ITA must be submitted as part of any subdivision application that is subject to this Rule, in order for the subdivision to maintain restricted discretionary activity status.

The purposes of the ITA shall be to:

- (a) Identify the anticipated traffic generation and distribution from the entire Houchens Road Large Lot Structure Plan Area (including traffic generated by any subdivision or development approved and/or implemented in accordance with Rule 15.4.2.76 above, between the date this plan becomes operative and the date the ITA is prepared);
- (b) Assess the transportation effects arising from the subdivision and development on the safety and efficiency of the SH3 / Houchens Road Intersection;
- (c) Assess whether any mitigation works are necessary at the SH3 / Houchens Road intersection to ensure that the transportation effects are no more than minor; and
- (d) If mitigation works are necessary, identify their form.

The ITA shall address the following assessment criteria:

- (i) The extent to which the traffic generation and transportation effects of the subdivision and development will affect the safety and efficiency of the SH3 / Houchens Road intersection, its approaches and departures.
- (ii) The extent to which the proposed mitigation will provide for all relevant land transport modes.
- (iii) The extent to which the proposed mitigation will address matters relating to the safety and efficiency of the existing and confirmed future transport network, including those matters identified from consultation with the relevant road controlling authorities.
- (iv) The extent to which the proposed staging, timing, design proposals, costs and funding arrangements of the mitigation will address the adverse effects.

Prior to the issue of a section 224(c) certificate for each lot approved under this Rule, the consent holder shall make a financial contribution for each lot towards the costs of future improvements to the intersection of State Highway 3 / Houchens Road. The value of the contribution (per lot) shall represent that lot's share of a fair and reasonable effects-based contribution towards the costs of those improvements. That fair and reasonable effects-based contribution will be determined based on the adverse safety and efficiency effects of the traffic generated by the proposed lots on the performance of the State Highway 3 / Houchens Road intersection (in its existing layout, and alongside the adverse safety and efficiency effects of other traffic passing through that intersection), as compared to the performance under a base scenario comprising no development in the Houchens Road Large Lot Structure Plan Area under Rule 15.4.2.76 or this Rule, and accounting for any contribution(s) previously made under Rule 15.4.2.76 or this Rule.

Nothing in this Rule restricts Council's discretion under Rules 21.1.1.6 (to the extent applicable), 21.1.15.11(b) or 15.4.1.1(o) to impose conditions of consent relating to traffic and roading effects arising from the subdivision or development and any mitigation measures to be employed, including as may require that section 224 (c) certificate(s) will not be issued until improvements have been made to the SH3 / Houchens Road intersection.

Advice Note: The nature and form of any required mitigation under this Rule, and the responsibilities of the relevant road controlling authorities and the developer(s) to arrange implementation (including funding) of the mitigation, will need to be agreed between the developer(s), Waipa District Council and the relevant road controlling authorities, as parties with an interest in the future improvements to the SH3 / Houchens Road intersection. The level of any financial contribution required will be determined in the manner described above.

- 15.4.2.79 Where an application for subdivision consent is made under Rules 15.4.2.72 to 15.4.2.78, this application shall be considered on a limited notified basis and the New Zealand Transport Agency and Hamilton City Council shall be considered by the Waipa District Council as affected persons under the Resource Management Act 1991 in respect of the matters relevant to this rule.
- 15.4.2.80 Any residential dwelling or any building otherwise intended for noise sensitive activities (such as accommodation or educational facilities, or offices) on lots located within 80m (measured from the nearest painted edge of the carriageway) of State Highway 3/Ohaupo Road or land that is subject to a notice of requirement or designation for State Highway 3/Ohaupo Road shall be subject to covenants/consent notices on the titles of any private lots advising of the requirements of Rule 3.4.2.27 of the Large Lot Residential Zone.
- 15.4.2.81 The internal roads of the Houchens Road Large Lot Residential Structure Plan Area shall be located generally in accordance with the Houchens Road Large Lot Residential Structure Plan and shall enable non – State Highway access to land in all existing certificates of title within the Houchens Road Large Lot Residential Structure Plan Area.

Activities that fail to comply with Rules 15.4.2.72 to 15.4.2.81 will require a resource consent for a discretionary activity.

Rule - Site suitability: Geotechnical constraints - Houchens Road Large Lot Residential Structure Plan Area

- 15.4.2.82 The subdivision and development of any land within the Houchens Road Large Lot Residential Structure Plan Area, which contains peat soils as shown on the Houchens Road Large Lot Residential Structure Plan Area shall be subject to detailed investigations by a suitably qualified geotechnical engineer.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Stormwater: Houchens Road Large Lot Residential Structure Plan Area

- 15.4.2.83 In the Houchens Road Large Lot Residential Structure Plan Area the following shall apply for stormwater disposal:
- (a) The stormwater detention ponds and related systems (including the connections between the two ponds, the inlet to Pond A and outlets from Pond A and Pond B) and reserves are to be transferred to Waipa District Council at valuation. The timing of the transfer and the precise land areas are to be determined in accordance with the Houchens Road Large Lot Residential Structure Plan at Appendix S13 at the time of subdivision.

Advice Note: The ponds and structures and any upgrade and any discharge consents shall be set out in a management plan for the vested assets prepared by the Waipa District Council in consultation with the landowner.

- (b) The stormwater management system for any subdivision and development shall be designed and constructed to ensure that there is no more than minor adverse effects caused to the Hamilton City stormwater management system.

Advice Note: It is expected that Hamilton City Council will be an affected person in relation to subdivision consent applications.

- 15.4.2.84 No activity or use of any land including within or adjoining the Houchens Road Large lot Residential Structure Plan Area that has more than a minor adverse effect on the performance of the flood detention system, including stormwater detention ponds and Indicative Flood

Hazard Area as shown on the Houchens Road Large lot Residential Structure Plan Area shall be undertaken. Hamilton City Council shall be consulted as an affected party on any resource consent application.

15.4.2.85 A Landscape Development Plan shall be prepared and implemented as a condition of subdivision consent for the Houchens Road Large Lot Residential Structure Plan Area. The Landscape Development Plan shall be generally in accordance with the Houchens Road Large Lot Residential Structure Plan Area; Landscape Concept plan and shall show the following:

- (a) Size and species of existing vegetation to be maintained; and
- (b) Areas to be subject to the management and eradication of plant pest species; and
- (c) Areas to be planted as part of the wetland/reserve enhancement; and
- (d) Names and details of proposed species for planting; and
- (e) Details of proposed maintenance.

15.4.2.86 The subdivision and development of any land within the Houchens Road Large Lot Residential Structure Plan Area shall be subject to covenants/consent notices on the titles of any private lots (as consent notices pursuant to section 221 of the RMA or similar) within or close to the Indicative Flood Hazard Area as generally depicted on the Houchens Road Large Lot Residential Structure Plan Area. The intent of the proposed covenants is to maintain the planting undertaken pursuant to the Structure Plan and to protect the water bodies, stormwater detention area and wetland margins from inappropriate plant species and development.

Activities that fail to comply with Rules 15.4.2.83 to 15.4.2.86 will require a resource consent for a discretionary activity.

Airport Business Zone

15.4.2.87 All development and subdivision in the Airport Business Zone shall comply with:

- a) the Airport Business Zone Structure Plan in Appendix S10 of this Plan ~~including;~~
- b) the transport upgrades that are required to enable the full development of the Northern Precinct as set out within Rule 10.4.2.13A;
- c) the general location and form of access points to State Highway 3, State Highway 21, Middle Road and Raynes Road; ~~noting provided~~ that strict compliance in terms of the internal road locations s is not required; as the roads are indicative only; and
- d) the ecology requirements for the Northern Precinct set out within Rule 10.4.2.14AB.

Activities that fail to comply with ~~this rules~~ 15.4.2.87(a) – (c) will require a resource consent for a restricted discretionary activity, except as provided in Rule 15.4.2.88 and 15.4.2.89 below, with the discretion being restricted over:

- Road design and connectivity; and
- Safety, capacity and efficiency of the transport network; and
- The design and sequencing of upgrades to the transport network; and
- Provision of cycling and pedestrian networks; and
- Enabling of public transport; and
- The ability to adequately manage stormwater.

Activities that fail to comply with rule 15.4.2.87(d) will require resource consent for a discretionary activity.

Development ~~within the Central Precinct accessed via State Highway 21~~

15.4.2.88 Notwithstanding Rule 15.4.2.87 prior to the construction and completion of the new Airport and State Highway 21 intersection, and any necessary intersection upgrade at State Highway 3/State Highway 21, an initial gross area of land of no more than 8ha within the Central Precinct, excluding road reserve as identified on the Airport Business Zone Structure Plan in Appendix S10 as Stage 1 Development, may be subdivided and developed (but not for retail purposes) in accordance with these rules, provided that access is obtained from the existing Airport terminal access from State Highway 21 or the new Airport/State Highway 21 intersection, if constructed.

Activities that fail to comply with this rule will be a restricted discretionary activity with the discretion being restricted over:

- Effects on the State Highway network.

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

- 15.4.2.89 Any development or subdivision within the Central Precinct beyond the Stage 1 Development Area identified in the Airport Business Zone Structure Plan in Appendix S10, up to a total of 36.6ha including road reserve, of the land area within the Airport Business Zone accessed from State Highway 21, will require the closure of the existing terminal access and a new Airport/State Highway 21 intersection to be constructed, in accordance with the Structure Plan attached in Appendix S10.

Activities that fail to comply with this rule will be a restricted discretionary activity with the discretion being restricted over:

- Effects on the State Highway network.

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

Development accessed via State Highway 3

- 15.4.2.90 Subdivision or development of land up to a total of 12ha of land excluding road reserve accessed from Ingram Rd is provided for. For any subdivision or development of land in excess of 12ha alternative access via the SH3/21 roundabout and/or the designated partial grade separated intersection (D50) in accordance with the Airport Business Zone Structure Plan shall be provided and the following works shall be completed:

- (a) Closure of No Exit Road, and private accesses to SH3 within the Airport Business Zone except for those residential properties within the Special Amenity Area on Planning Map 19, and the Structure Plan included in Appendix S10.

Activities that fail to comply with this rule will be a restricted discretionary activity with the discretion being restricted over:

- Effects on the State Highway network.

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

T2 Growth Cell Structure Plan Area

- 15.4.2.91 In the T2 Growth Cell Structure Plan Area a landscaping plan shall be prepared at the time of subdivision application. The landscaping plan shall be in general accordance with the T2 Growth Cell Structure Plan and shall as a minimum include the following;

- (a) Overall design approach.
- (b) A planting area of a minimum of 2m wide adjoining the western boundary adjoining Rural zoned land shall be planted in a mix of nativeshrubs and trees with a minimum mature height of 1.5m, including specimen trees within the 2m wide area generally located near side boundaries. For the avoidance of doubt, Rule 15.4.2.91(b) shall not apply to retirement village accommodation and associated care facilities.
- (c) A plan of landscaping treatment along the Frontier Road boundary and the Pirongia Road boundary, including specimen trees. Any hedges are to be no higher than 1.2m.
- (d) Details of proposed street tree planting in accordance with Rules 15.4.2.27 and 15.2.28.
- (e) Details of wetland and reserve planting.
- (f) Landscape design for proposed neighbourhood playground.
- (g) Design and landscape treatment of cycleway and pedestrian network.
- (h) Entrance and lighting features for the retirement village accommodation and associated care facilities.
- (i) Landscape treatment of communal recreational areas which are part of the retirement

village accommodation and associated care facilities.

(j) Provision for maintenance of the landscaping.

Activities which fail to comply with this rule will require a resource consent for a discretionary activity.

Advice Note: These rules apply in addition to the rules of the Residential and Deferred Residential Zone.

Part E: Comprehensive Development Plan Areas

Advice Note: The activity status tables and the performance standards in Part D Zone Provisions, Part E District Wide Provisions, and Part F District Wide Natural and Cultural Heritage Provisions apply to comprehensive development plan areas.

Rule - Development and subdivision within Comprehensive Development Plan Areas

15.4.2.92 All development and subdivision within an area subject to an approved comprehensive development plan shall be designed in general accordance with the requirements of that comprehensive development plan. For the avoidance of doubt, the following areas are subject to requirements for the approval of comprehensive development plans:

- ~~(a) — Titanium Park — Northern Precinct.~~
- (b) Industrial Zone (Raynes Road).
- (c) Mystery Creek Agri-Activities Overlay Area.

Advice Notes:

1. Following approval, a copy of these comprehensive development plans will be available at Council offices or on Council's website.
2. Refer to the relevant zone provisions for activities following the approval of a comprehensive development plan.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

~~**Rule — Titanium Park — Northern Precinct: Comprehensive Development Plan**~~

15.4.2.93 The Comprehensive Development Plan shall include:

- ~~(a) — Broad Integrated Transport Assessment (ITA) to assess traffic effects on Raynes Road and the State Highway network between the State Highway 1/State Highway 21 Intersection and the State Highway 3/Normandy Avenue Intersection as shown in Appendix O12. The ITA should identify:
 - ~~(i) — Anticipated traffic generation within the Hamilton Airport Strategic Node; and~~
 - ~~(ii) — Anticipated effects on the road corridors and intersections with particular reference to the SH3/Raynes Road Intersection, the SH21/Raynes Road Intersection, the SH3/Collins Road Intersection, the SH3/21 Intersection and the SH3/Normandy Avenue Intersection taking into account existing zoned and consented development; and~~
 - ~~(iii) — Proposals to mitigate effects on the network including design proposals, costs, timing and funding arrangements, having regard to the long term function and configuration of the road network.~~~~
- ~~(b) — Provision for all development and subdivision to obtain access to the arterial transportation network in accordance with the Airport Business Zone Structure Plan.~~
- ~~(c) — Provision for the provision of a comprehensive wastewater treatment system that will provide effective treatment.~~
- ~~(d) — Provision to ensure the availability of a suitable potable and fire-fighting water supply.~~
- ~~(e) — Provision for the management of stormwater.~~
- ~~(f) — A maximum land area of 40ha and any proposed staging of the development.~~

- ~~(g) An appropriate internal road layout that provides for connectivity with adjacent land, provision for alternative modes of transport including public transport, and possible pedestrian and cycle linkages within Titanium Park Northern Precinct.~~
- ~~(h) Provision for landscaping and screen planting to create a visually defined edge to the zone.~~
- ~~(i) Provision to ensure consistency with District Plan provisions relating to the operational requirements of Hamilton Airport and its associated infrastructure.~~

~~Activities that fail to comply with this rule will require a resource consent for a non-complying activity.~~

Rule - Industrial Zone (Raynes Road): Comprehensive Development Plan

15.4.2.94 The Comprehensive Development Plan shall include:

- (a) A Broad Integrated Transport Assessment (ITA) to assess traffic effects on Raynes Road and the State Highway network between the State Highway 1/State Highway 21 Intersection and the State Highway 3/Normandy Avenue Intersection as shown in Appendix O12. The ITA should identify:
 - (i) Anticipated traffic generation within the Hamilton Airport Strategic Node; and
 - (ii) Anticipated effects on the road corridors and intersections with particular reference to the SH3/Raynes Road intersection, the SH21/Raynes Road Intersection, the SH3/Collins Road Intersection, the SH3/21 Intersection and the SH3/Normandy Avenue Intersection taking into account existing zoned and consented development; and
 - (iii) Proposals to mitigate effects on the network including design proposals, costs, timing and funding arrangements, having regard to the long term function and configuration of the road network.
- (b) Provision for all development and subdivision to obtain access from internal roads to control access to Raynes Road and Airport Road.
- (c) Proposals for the provision of a single comprehensive wastewater management system that will provide effective treatment for the entirety of the area.
- (d) Proposals to ensure the availability of a suitable potable and fire-fighting water supply to service the entirety of the area.
- (e) Proposals for the management of stormwater for the entirety of the area.
- (f) Proposals to ensure consistency with District Plan provisions relating to the operational requirements of Hamilton Airport and its associated infrastructure.
- (g) Proposals for landscaping to Raynes Road and Airport Road.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Mystery Creek Agri-Activities Overlay Area: Comprehensive Development Plan

15.4.2.95 The Comprehensive Development Plan shall include:

- (a) A Broad Integrated Transport Assessment (ITA) to assess traffic effects on the transportation network, including:
 - (i) Anticipated traffic generation; and

- (ii) Anticipated effects on the road corridor and intersections taking into account existing zoned and consented development; and
 - (iii) Temporary traffic effects associated with major events only if direct access to SH21 is proposed; and
 - (iv) Proposals to mitigate effects on the transportation network including design proposals, costs, timing and funding arrangements, having regard to the long term function and configuration of the road network.
- (b) Proposals for the provision of a comprehensive wastewater management system/methodology that will provide effective treatment for the entirety of the area.
 - (c) Proposals to ensure the availability of a suitable potable and fire-fighting water supply to service the entirety of the area.
 - (d) Proposals for the management of stormwater for the entirety of the area.
 - (e) Detail of site size, site coverage, setbacks, separation between buildings, height of buildings, landscaping and boundary treatment to create a precinct which results in low density of development with large areas of open space.
 - (f) Proposals to ensure consistency with District Plan provisions relating to the operational requirements of Hamilton Airport and its associated infrastructure.

Advice Note: Proposals for wastewater disposal, storm water management and water supply shall be considered as an integrated whole, where this may involve a series of individual systems being constructed to service development. Assets may remain in private ownership, or be vested in Council.

Activities that fail to comply with this rule will require resource consent for a non-complying activity.

15.5 Assessment Criteria

15.5.1 Controlled activities and Restricted Discretionary activities

For controlled and restricted discretionary activities the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. Resource consent conditions can only be imposed over the matters which control or discretion has been reserved. The assessment criteria is contained within Section 21.

15.5.2 Discretionary activities

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

Amended Version 10th March 2023.

Notified changes shown in red text, post-notification ecology changes shown in blue text and transport changes shown in green text.

Post conferencing changes shown in purple text.

Section 21 - Assessment Criteria and Information Requirements

(Additions in underline, deletions in strikethrough)

Guide to using this Section

- This section contains both assessment criteria and information requirements.
- If the activity is a controlled activity or restricted discretionary criteria - refer to the assessment criteria under the relevant zone or district wide section. The assessment criteria have been listed in Section order, for example 21.1.2 contains the assessment criteria for Section 2 – Residential Zone. Controlled or restricted discretionary assessment criteria are limited to those matters that control or discretion has been reserved within the relevant section of the Plan.
- If the activity is a discretionary activity – refer to 21.1.1 Assessment criteria for ALL discretionary activities as well as the relevant assessment criteria under the relevant zone or district wide provisions. For discretionary activities the assessment criteria are a guide to the matters that Council will consider and shall not restrict Council’s discretionary powers.
- Information requirements – Council has standard information sheets that specify the information requirements for all resource consent applications. Section 21.2 contains additional information requirements. The information requirements listed in Section 21.2 will need to be submitted with the relevant resource consent application.

21.1 Assessment Criteria

...

21.1.4 Airport Business Zone ~~(Titanium Park)~~

Airport Business Zone (Titanium Park) Assessment Criteria		
Controlled Activities		
21.1.10.1	Any permitted activity within the Titanium Park – Northern Precinct, except for those specified in Rule 10.4.1.5(d), provided that a comprehensive development plan has been approved	(a) The extent to which the activity complies with the provisions of the approved comprehensive development plan.
Restricted Discretionary Activities		
21.1.10.2	Childcare facilities and healthcare facilities between the Outer Control Boundary (Ldn55) and the Air Noise Boundary (Ldn65)	(a) The extent to which noise adversely affects the amenity of the surrounding environment including cumulative effects. (b) The extent to which the design of the buildings and or layout of the site mitigates the effects of noise through any alternative methods. (c) Whether the potential for the activity to give rise to reverse sensitivity effects is addressed.

Airport Business Zone (Titanium Park) Assessment Criteria		
21.1.10.3	Relocated buildings	<ul style="list-style-type: none"> (a) The overall condition of the exterior of the building, and the extent to which proposed works will avoid, remedy or mitigate any effects. (b) The extent to which the repairs and works identified for action in Council approved or certified Building Relocation Inspection Report will be carried out. (c) The timing, nature and extent of reinstatement works that are required to the exterior of the building after it has been moved to the new site. (d) The timeliness of the works taking into account the extent and nature of the proposed works.
21.1.10.4	Any activity which is otherwise a permitted activity or controlled activity within the Runway Protection Area and which is not listed as a prohibited activity in Rule 10.4.1.6	<ul style="list-style-type: none"> (a) The effects on the operational safety and performance of Hamilton International Airport and its associated lighting and navigational aids and the public's and properties risk of exposure to aircraft related accidents. In assessing the effects of an activity, particular regard will be given to the following: <ul style="list-style-type: none"> (i) Avoidance of the release of substances that might impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam; and (ii) The extent to which the use and concentration of dangerous substances that might pose a risk of explosion or fire is avoided; and (iii) The extent to which light beams or reflective glare which could interfere with pilot vision are avoided; and (iv) The extent to which production of radio or electrical interference which could affect aircraft communications or navigation equipment is avoided; and (v) The design of landscaping or other activities so as to avoid attracting significant bird numbers; and (vi) The extent to which large numbers of people on any site are avoided. (b) Whether the potential for the activity to give rise to reverse sensitivity effects is addressed.
21.1.10.5	Minimum building setback from road boundaries	<ul style="list-style-type: none"> (a) Whether any non-compliance results from the characteristics of the site. (b) The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.
21.1.10.6	Minimum building setback from internal site boundaries	<ul style="list-style-type: none"> (a) Whether any non-compliance results from the characteristics of the site. (b) The degree to which there is a loss of privacy, daylight, sunlight or outlook in adjacent dwellings. (c) The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.
21.1.10.7	Height	<ul style="list-style-type: none"> (a) The potential visual impact of buildings exceeding the normal height limits. (b) The degree to which there is an overshadowing effect and loss of sunlight or amenity on adjacent or adjoining sites.

Airport Business Zone (Titanium Park) Assessment Criteria		
		(c) The extent to which any building exceeding the normal height limits affects airport operations.
21.1.10.8	Daylight controls	(a) The visual impact of the building on the surrounding environment. (b) The degree to which there is a loss of privacy, sunlight, amenity or outlook on adjacent or adjoining sites. (c) Whether the building will adversely affect airport operations.
21.1.10.9	Landscaping	(a) Whether the landscaping adequately mitigates visual effects and maintains the amenity of the site, and adjoining roads and sites.
21.1.10.10	Security fencing	(a) The extent to which the security fencing does not detract from the amenity of the area. (b) Whether landscaping or alternative mitigation is proposed that maintains the amenity of the area.
21.1.10.11	Outdoor storage	(a) The extent to the outdoor storage area does not detract from the amenity of the area. (b) Whether appropriate mitigation is proposed that maintains the amenity of the area.
21.1.10.12	<u>Roading Transport</u>	(a) The impact of roading on the amenity of the area. (b) Whether the road design and layout is consistent with the <u>Appendix S10 - Airport Business Zone Structure Plan</u> . (c) The extent to which roading within the zone can be constructed to adequately dispose of <u>manage</u> of stormwater (d) <u>Whether the proposed upgrades subdivision or development will are sufficient to enable the safe and efficient operation of the surrounding road network.</u> (e) <u>Where subdivision or development does not provide the transport upgrades specified for the Northern Precinct (by Rule 10.4.2.13A), it is supported by an Integrated Transport Assessment that:</u> <u>(i) Identifies the reasons why the upgrades set out within Rule 10.4.2.13A are not required, deferred or varied; and</u> <u>(ii) Includes an assessment of the transport effects of the proposal (including all modes of transport) that would support the land uses proposed or be enabled under the Airport Business zone; and</u> <u>(iii) Outlines the extent of any consultation undertaken with Waka Kotahi and Waipa District Council (as the relevant road controlling authorities) in relation to the proposed design of the transport network and upgrades.</u> (e) <u>Whether the proposed subdivision or development will enable the provision of public transport within the Northern Precinct.</u>

21.1.10.13	Vibration	<ul style="list-style-type: none"> (a) The time and frequency that the activity occurs. (b) The duration of vibration continuance. (c) Any adverse effects on buildings either on-site or on surrounding properties, any special characteristics of the vibration, and subsequent effects on health and safety and on the amenity values of the surrounding environment.
21.1.10.14	Construction noise	<ul style="list-style-type: none"> (a) The time, frequency and duration that the activity occurs. (b) Any adverse effects on buildings either on-site or on surrounding properties and subsequent effects on health and safety and amenity values of the surrounding environment.
21.1.10.15	Signs	<ul style="list-style-type: none"> (a) The extent to which the location, size, type and content of the sign has adverse effects on the locality by contributing to visual clutter or detracting from the existing character of an area. (b) The extent to which the proposed sign visually integrates into the surrounding environment taking into account the materials used, the colour and design of the sign, associated support structures and the scale and nature of landscaping. (c) The extent to which the location, size, type and content of the sign or signs would create a potential traffic hazard and adversely compromise traffic safety by distracting drivers. (d) The extent to which the new sign results in a number of other existing signs being removed from the site.
21.1.10.16	Temporary construction buildings	<ul style="list-style-type: none"> (a) The visibility of temporary buildings from the street and adjoining or adjacent sites.

Airport Business Zone (Titanium Park) Assessment Criteria		
21.1.10.17	Temporary events	<p>(a) Mitigation measure proposed to address the potential visual effects of the activity, and their likelihood of success.</p> <p>(b) Duration, frequency and scale of event proposed and the potential noise effects on adjacent properties and their use.</p> <p>(c) Mitigation measures proposed to address the potential traffic effects of the activity, and their likelihood of success.</p>
21.1.10.18	Scheduled engine testing that exceeds the standard in Rule 10.4.2.16 by up to 5dBA	<p>(a) The extent to which the adverse night time acoustic effects inside affected dwellings (for example, sleep disturbance) of unscheduled engine testing are appropriately mitigated.</p>
21.1.10.18A	Ecology (Northern Precinct)	<p>(a) The extent to which the proposal avoids, remedies or mitigates the effects of development on Bat Habitat Areas and other habitat values within the Northern Precinct. This may include legal protection and enhancement of Bat Habitat Areas, protection of confirmed or potential bat roost trees outside Bat Habitat Areas (subject to the recommendations in the assessment required by Rule 10.4.2.14B(a)(iii)), pest control and measures to minimise light spill into Bat Habitat Areas.</p> <p>(b) The extent to which transport corridors are located and designed to avoid or minimise effects of roadside lights and vehicle headlights on nearby Bat Habitat Areas and the bat population within those areas. Where transport corridors are proposed to cross Bat Habitat Areas they should take the shortest route practicable (provided that is the route most likely to minimise impacts), be aligned and designed to minimise the number of existing trees that are required to be removed, ensure lighting is designed to maintain the role and function of the Bat Habitat Area and be designed to enable bats to continue to access the remaining Bat Habitat Areas.</p> <p>(c) The extent to which the proposal addresses more than minor residual adverse effects to achieve no net loss for long-tailed bat habitat values through off-site measures. This may include legal protection of bat habitat, provision of new and enhanced bat habitat, pest control and the provision of a monetary payment or land to be used for measures such as habitat enhancement or pest control.</p>
21.1.10.19	Electric vehicle supply equipment	<p>(a) The effect of the non-compliance on the safe, efficient and effective operation of the transport system.</p> <p>(b) The effect of the non-compliance on the streetscape, character and amenity of the area.</p>
<p>Discretionary Activities Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</p>		
21.1.10.19	Noise sensitive activities	<p>(a) For any activity listed in Rule 10.4.2.19:</p> <p>(i) The potential for reverse sensitivity effects to arise from the proposed activity in relation to airport activities, given the size, scale and location of the proposed activity and having regard to any cumulative effects; and</p> <p>(ii) Any proposed remedial measures to avoid, remedy or mitigate potential conflict with the safe and efficient operation of the Airport; and</p> <p>(iii) The outcomes of any consultation with the operators and any users of the Airport.</p>

21.1.10.20	Vehicle access to sites	<p>(a) Consent to the provision of a vehicle crossing less than 6m wide but no less than 3.6m wide excluding splays and the kerb may be granted where it is impractical to provide a wider crossing, where crossings are for one-way traffic or where the number of vehicle movements through the crossing is likely to be no more than 20 per day.</p> <p>(b) Consent may be granted for a site which has frontage to a road for one crossing additional to the crossing or crossings permitted by Rule 10.4.2.10 providing this would not compromise traffic safety or the functioning of the roading system.</p> <p>(c) Where a site is at an intersection, consent may be granted for two vehicle crossings on one frontage where the length of frontage is not less than 50m provided there shall be no crossing on the other frontage.</p> <p>(d) Consent may be granted for crossings with the nearest part of the crossing between 8m and 15m from an intersection where this would not compromise traffic safety or the function of Primary Roads.</p> <p>(e) Consent may be granted for service stations and other 'drive-in' activities for a vehicle crossing or a crossing greater than 7.5m wide excluding splays and the kerb where this would not compromise traffic safety or the functioning of roads.</p>
21.1.10.21	Trimming, pruning or removal of trees or vegetation inside Bat Habitat Areas	<p>(a) The extent to which the removal of the tree(s):</p> <ol style="list-style-type: none"> i. Will avoid serious damage to structures, property and infrastructure; and/or ii. Is necessary for saving or protecting human life or health. <p>(b) Whether alternatives which would avoid the need to remove the tree(s) have been adequately considered, including trimming or pruning.</p> <p>(c) The ecological values of the tree(s) which are proposed to be removed and the associated effects.</p> <p>(d) Whether the trimming, pruning or removal of the tree(s) is proposed to be undertaken in accordance with best practice methods.</p> <p>(e) The suitability of any proposed replacement planting.</p>

Amended Version 10th March 2023.

Notified changes shown in red text, post-notification ecology changes shown in blue text, post-notification other changes shown in green text.

Appendix S10 - Airport Business Zone Structure Plan

(Additions in underline, deletions in strikethrough)

S10.1 General

S10.1.1 The Airport Business Zone Structure Plan covers an area of some 250ha ~~157ha~~ surrounding the airport operational area. ~~It contains some existing industrial and service activities on the west side of the airport but the majority of the land is undeveloped. Much of the zone has already been developed, except for the Northern Precinct. The Northern Precinct comprises of 130ha of land, which~~ This provides the opportunity to apply quality urban design principles to the development.

S10.1.2 A master planning approach has been applied to underpin this structure plan which, in turn, is intended to assist in achieving a functional high quality business park which recognises the constraints imposed by an expanding airport and a rural surrounding. This approach is possible because the majority of the land is in one ownership.

S10.2 Northern Precinct ~~land~~

S10.2.1 A ~~40ha~~ 130ha area of land to the northwest of the airport adjacent to the main runway known as the Northern Precinct has been identified for expansion of the business park. ~~A master planning approach has also been applied to this land so the principles in S10.3 (where relevant) will apply to it.~~

S10.2.2 There will be no direct vehicle access from lots or activities within the Northern Precinct land to Narrows Road, Raynes Road, or any section of Middle Road that does not have Airport Business zoned land on both sides ~~and vehicle access will be by way of an internal road connection to the Western Precinct.~~

S10.2.3 Access will be achieved through intersections onto State Highway 3 (SH3) and Raynes Road while protecting the ability to establish a direct connection to the future Southern Links Central interchange when it is constructed.

S10.2.4 Several transport upgrades will be required to enable the full development of the Northern Precinct. These upgrades, along with when they will be required, are set out within Rule 10.4.2.13A within Section 10.

S10.2.5 Development of the Northern Precinct will occur in a way that protects identified Bat Habitat Areas and maintains or enhances long-tailed bat habitat values.

S10.2.7.3.2 Development of the Northern Precinct land is also subject to ~~approval of a Comprehensive Development Plan in accordance with~~ the rules in Section 10 – Airport Business Zone (Titanium Park) and Section 15 – Infrastructure, Hazards, Development and Subdivision.

S10.3 Principles

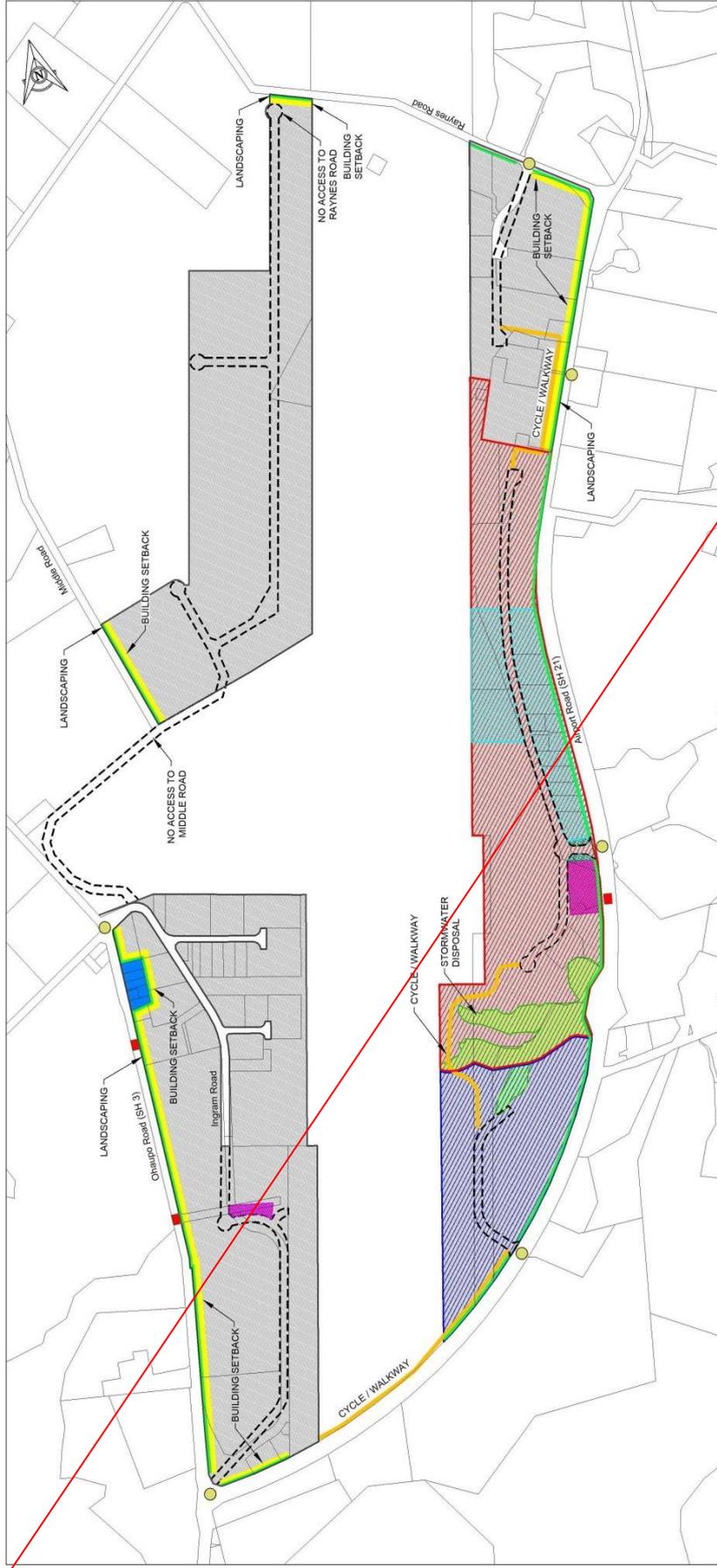
- S10.3.1 Clearly identifiable passenger vehicle access to and from State Highway 21 and the existing passenger terminal, ensuring it creates a sense of a 'gateway' to the District and Region.
- S10.3.2 Separation of car and truck movements, wherever possible.
- S10.3.3 Rationalisation of the design and location of the site access points from the two adjacent State Highways.
- S10.3.4 Direct access (wherever possible) for goods from "landside" buildings to "airside" freight transport areas.
- S10.3.5 An internal road design strategy which deals with vehicle size ranges, limited on-street parking, precinct accessibility, potential for passenger transport and passenger amenities, stormwater swales and visual character.
- S10.3.6 A high quality visual outcome, including visual containment within defined edges and landscaping within the road reserves.
- S10.3.7 Direct convenient access for public transport at State Highway 3, State Highway 21 and Raynes Road. A continuous cycle/walkway connection from all three access points in accordance with the structure plan.
- S10.3.8 Provision for public transport infrastructure including bus stops and terminals.
- S10.3.9 On the west side, the available land for development is relatively small and, therefore, the likely development patterns are very much a product of maximised airside/landside access for small scale future buildings and a road profile which accommodates a reasonable mix of car and truck access demands.
- S10.3.10 The eastside strategy is more complex and the proposed pattern of precincts is largely determined by the need to relocate the access point from State Highway 21 just to the north of its existing location and the need to develop an internal roading network from this new access point to the existing terminal, its expanded car parking and service areas and to the areas identified for development.
- S10.3.11 For the Central Precinct, the access configuration leads to a linear form of business park centred on a spine road. An important objective was to ensure a strong visual and functional link from the new vehicle arrival point, at State Highway 21, to the existing terminal area.
- S10.3.12 For the Southern Precinct, the access configuration leads to direct access to the State Highway for vehicles which are more likely to be heavy and service vehicles, and avoids conflict between those vehicles and terminal traffic. *[DR10]*
- S10.3.13 For the Northern Precinct, the areas which are identified as Bat Habitat Areas are to be protected and enhanced as bat habitat. Enhancement of the corridor which forms part of the Bat Habitat Areas will occur in general accordance with Figures 1 and 2. Multi-functional use of the Bat Habitat Areas involving stormwater networks is anticipated and provided for to enable efficient use of the land where the activities do not adversely affect use of the areas by long-tailed bats to a more than minor extent.

S10.4 Circulation and access

- S10.4.1 On the east side, a key constraint is to maintain ease of circulation for passenger vehicles to and from the terminal zone.
- S10.4.2 The new entry to the Terminal and Central Precinct shall be designed to prioritise terminal traffic and generally separate Airport terminal traffic from heavy vehicles.
- S10.4.3 Road designs to be applied throughout the park will reflect these traffic management concepts and the carriageways, drainage swales, truck turning and kerb-side street parking requirements for each precinct are reflected in the road profiles proposed.
- S10.4.4 Areas of landscaped open space have been integrated into strategic points within the development to take advantage of viewing areas of runways from proposed public roads on both the east and west side, as well as parks to maximise the quality of the entrance boulevard from the new entrance point from State Highway 21.
- S10.4.5 Intersection design for the access from State Highway 21 is intended to safely accommodate turning traffic by initially developing a limited stage 1 area with access through the existing Airport Terminal intersection. A roundabout intersection will be developed to the north of the existing access once the initial stage 1 area is exceeded and at that time the existing Airport Terminal intersection would be closed.
- S10.4.6 Access for the Southern Precinct development area is to utilise a new intersection with SH21.
- S10.4.7 Pedestrian and cycle movement between the Central Precinct and Southern Precinct is provided for via off-road shared paths, with no vehicle connection.

S10.5 Southern Links

- S10.5.1 The Southern Links arterial roading project involves the realignment of State Highway 3 and construction of a grade separated interchange at the State Highway 3/21 intersection. The project will affect the access to the west side of Titanium Park. In order to efficiently accommodate Southern Links the structure plan for the west side shows the following arrangements:
- (a) An access point at the State Highway 3/21 intersection that will be in the form of a roundabout with an access leg into Titanium Park ~~to be completed in 2017~~ and which will eventually form part of the grade separated SH3/21 interchange.
 - (b) Retaining the designated partial grade separated intersection (D50) so that it is able to be built if demand requires.
 - (c) Retaining the Ingram Rd/SH3 intersection which is to be upgraded to provide a right turn bay and widening. It may be limited to left-in, left-out movements in the future when demand requires.



LEGEND:

	Road/Access Stopped		Special Amenity Area
	Access Point/Gateway		Stormwater Disposal
	Landscaping		Landscaped Open Space
	Building Setback		Retail Area
	Cycleway/Walkway Connection		Stage 1 Development
	Indicative Road		
	Airport Business Zone		
	Central Precinct		
	Southern Precinct		

Airport Business Zone Structure Plan
Appendix S10

Waipa
DISTRICT COUNCIL

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 REFERENCE P141 CH1
 19 APRIL 2018

BAT HABITAT AREAS (CORRIDOR)

FIG 1 Bat Habitat Areas (Corridor) -
Typical Cross Section @ 1:500
- A4

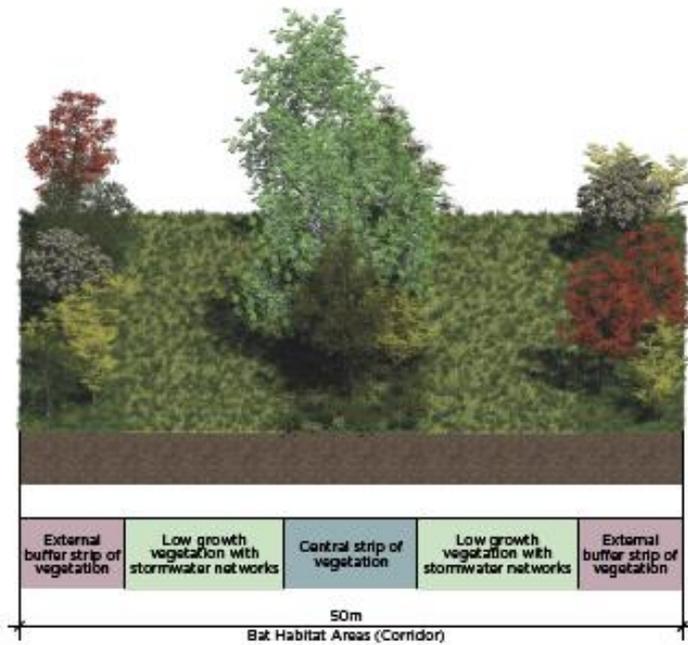
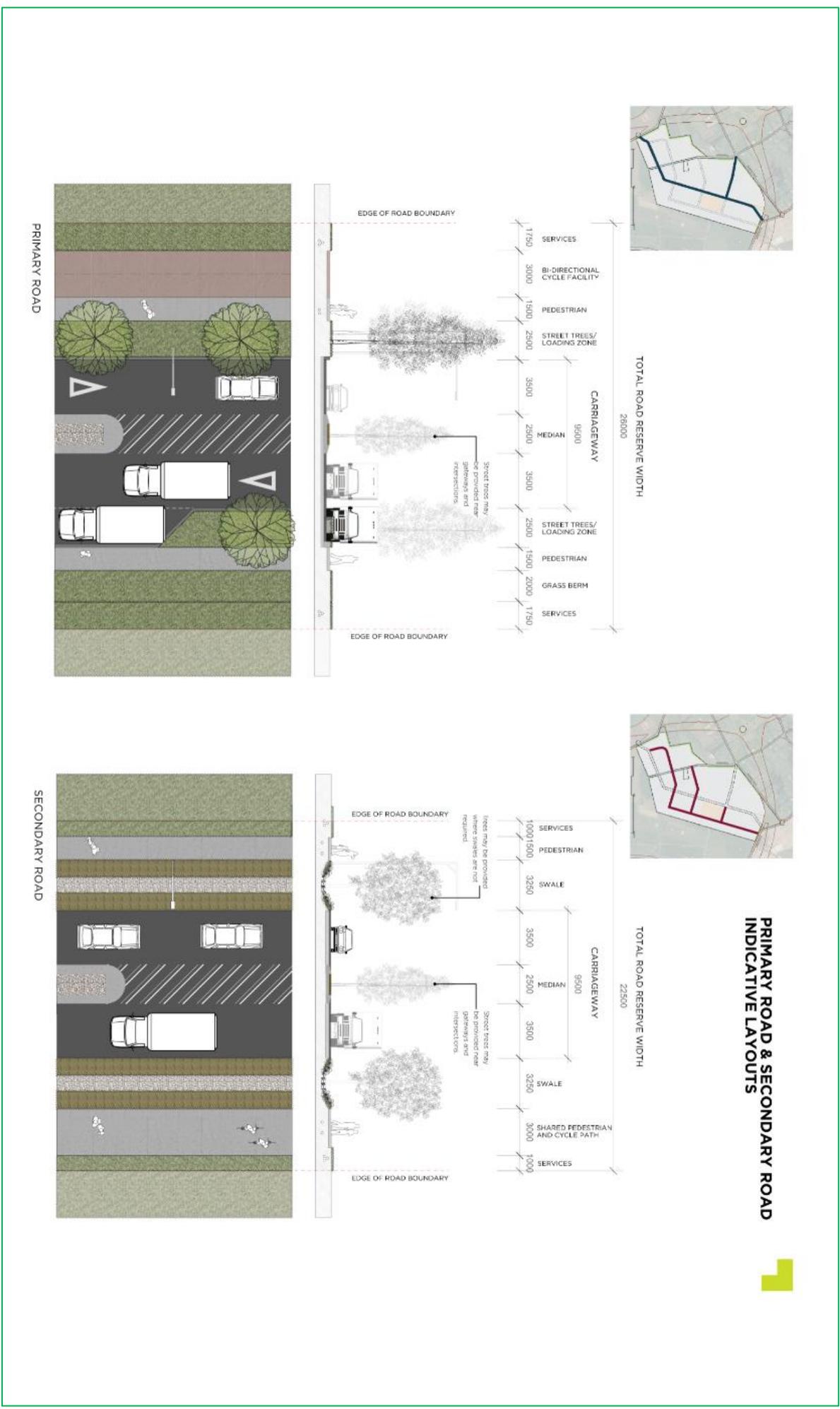
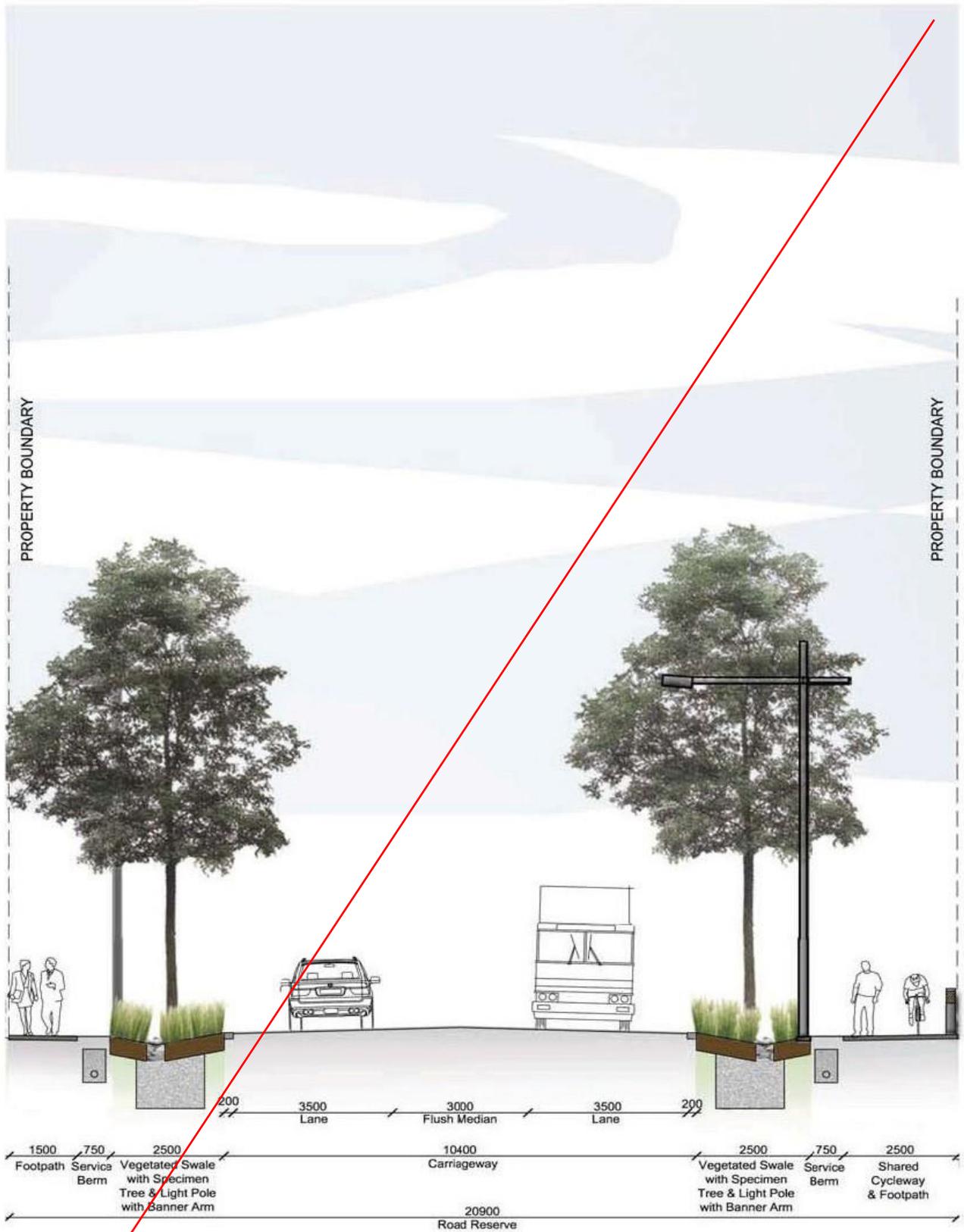


FIG 2 Bat Habitat Areas (Corridor) -
Typical Plan Layout @ 1:500
- A4



PRIMARY ROAD & SECONDARY ROAD INDICATIVE LAYOUTS





**TYPICAL ROAD
CROSS SECTION**

DATE: 29.08.08
SCALE: 1:150 @ A3

ANNEXURE B: ANCILLARY RETAIL COMPARISON TABLE

Technical Memo

PPC20 – NORTHERN PRECINCT



Ancillary Retail Limits around New Zealand TPL and RPL

TO: Jason Welsh
FROM: Sam Benson and Nick Grala

HG PROJECT NO : A2000079
DATE: 30 March 2023

1.0 INTRODUCTION

In response to the Commissioners’ request at the PPC20 hearing, we have prepared a table that outlines the restrictions that District Plans in New Zealand impose on ancillary retail within Industrial areas / Business Parks.

2.0 ANCILLARY RETAIL RESTRICTIONS

The Ancillary Retail restrictions / consenting requirements are outlined in Table 1 below:

TABLE 1: ANCILLARY RETAIL PROVISIONS	
ZONE / PRECINCT	STANDARD
Auckland Unitary Plan: Operative in Part	
Light Industrial Zone	Retail accessory to an industrial activity on the site, where the goods sold are manufactured on site and the retail gross floor area does not exceed 10% of all buildings on the site
Heavy Industrial Zone	Retail accessory to an industrial activity on the site, where the goods sold are manufactured on site and the retail gross floor area does not exceed 10% of all buildings on the site
Highbrook Business Park (Pukewairiki Precinct)	The Highbrook Business Park is zoned Light or Heavy Industrial and subject to the Pukewairiki Precinct. The precinct does not have any bearing on the level of ancillary retail. As such, the above zoning provisions apply.
Business Park Zone (Pacific Rise)	All retail is a Discretionary activity
Mangere Gateway Precinct	Retail accessory to an industrial activity on the site where goods are manufactured on site and the retail gross floor area does not exceed 25% of all buildings on the site or 250m² , whichever is the lesser
Auckland Airport Gateway	Retail (where the goods being sold have been manufactured within the tenancy) in Gateway Sub-precinct area C and D must not exceed the lesser of 25% of the gross floor area set aside for manufacturing or 250m² .
Hamilton City Operative District Plan	
Industrial Zone	When combined, the total area of ancillary office and ancillary retail activity shall not occupy more than the equivalent of 50% of the gross floor area of the principal activity on the site.
Ruakura Industrial Park Zone	Ancillary retail activity shall not occupy more than 10% of the floor space of the principal industrial activity on the site.
Tauranga City Plan	
Industry Zone	Ancillary Retail shall be limited to 25% of the gross lease-able floor area of that building or ancillary or a maximum of 250m² (whichever is the lesser).

TABLE 1: ANCILLARY RETAIL PROVISIONS

ZONE / PRECINCT	STANDARD
Tauriko Industry Zone	Ancillary Retail shall be limited to 25% of the gross lease-able floor area of that building or ancillary or a maximum of 100m² (whichever is the lesser)
Wellington District Plan	
Business 2 Zone	<p>Ancillary Retail - Permitted Means a retail activity that is ancillary to the principal activity within the building or site, and comprises less than 10% of the gross floor area of the building or site, whichever is the lesser</p> <p>Trade supply retail – Permitted means a business engaged in sales to businesses, and may also include sales to the general public, and wholly consists of suppliers of goods in one or more of the following:</p> <ul style="list-style-type: none"> • automotive and marine supplies; • building supplies; • farming and agricultural supplies; • garden and landscaping supplies; • hire services (excluding hire of books, DVD and video); • office furniture, equipment and systems supplies. <p>Wholesale Retail is Permitted</p> <p>Service Retail is Permitted means the sale of served food and/or beverages, and/or services such as, but not limited to video and DVD hire, dry cleaners, takeaway food outlets, cafés, pubs, bars, hairdressers and beauticians and banks.</p>
Christchurch District Plan	
Industrial Park Zone	<p>Ancillary Retail is Permitted Any ancillary retail activity shall:</p> <ol style="list-style-type: none"> 1. occupy no more than 250m² or 25% of the GFA of all buildings on the same site, whichever is the lesser; and 2. have visually transparent glazing on the ground floor elevation facing the road for a minimum of 20% of that elevation where goods are displayed for sale within the building and the retail activity fronts the road. 3. be limited to the display and sale of goods produced, processed or stored on the site.
Industrial General Zone	<p>Ancillary Retail is Permitted Any ancillary retail activity shall:</p> <ol style="list-style-type: none"> 4. occupy no more than 250m² or 25% of the GFA of all buildings on the same site, whichever is the lesser; and 5. have visually transparent glazing on the ground floor elevation facing the road for a minimum of 20% of that elevation where goods are displayed for sale within the building and the retail activity fronts the road. <p>be limited to the display and sale of goods produced, processed or stored on the site.</p>
Dunedin	
Industrial Zone	The GFA used for retail ancillary to industry activity must not exceed 10% of the gross floor area of the premises.
Waipa District Plan	
Industrial Zone	<p>Ancillary retail no greater than 60m² is a permitted activity. The definition of Ancillary Retail is: <i>“a retail activity that is subordinate and incidental to the principal building or activity conducted on a site, where the items being sold have been manufactured, repaired, produced, processed or grown on the same site.”</i></p>

TABLE 1: ANCILLARY RETAIL PROVISIONS

ZONE / PRECINCT	STANDARD
Airport Business Zone	<p>Retail activities and wholesale shops are permitted, subject to:</p> <p>10.4.2.11 – The total area of all retail activities located in the Airport Business Zone, excluding activities in the Hamilton International Airport Terminal Building, shall not exceed 5,300m² GFA.</p> <p>10.4.2.12 – Retail shops shall have a floor area less than 450m² GFA each, except that one retail shop may have a floor area of more than 450m² GFA and less than 1,000m² GFA, provided that the retail shop shall primarily sell pre-prepared fresh food/groceries and beverages, together with other non-food goods in an ancillary capacity.</p> <p>Ancillary retail is not provided separately in the Airport Business Zone so would automatically be captured under the definition of retail and contribute towards the zone-wide cap.</p>

ANNEXURE C: FUTURE PROOF DELIBERATION OUTCOMES



Future Proof
Te Tau Titoki

16 June 2022

Waikato Regional Airport Ltd and Titanium Park
mark@hamiltonairport.co.nz

Dear Mark

Deliberation Outcomes – Future Proof Draft Strategy

The Future Proof Implementation Committee met on 16th June 2022 to receive and adopt the proposed changes from the Future Proof Hearings Panel Deliberations.

The Future Proof Strategy will now be forwarded to the local authority partners for their endorsement.

Please find attached the outcomes in relation to your submission.

I would like to acknowledge that this process has taken a considerable amount of time since submissions were presented and the Hearings were undertaken in December 2021.

In responding to submissions, the Hearings Panel sought and took advice on the impact of a number of matters that have arisen since the Draft Strategy was notified including the proposed Waikato District Plan decisions; enactment of the Resource Management (Enabling Housing Supply and Other Matters) Act and the consequential Medium Density Residential Standards; and the recent Board of Inquiry decision in regard to the Watercare application for water take and related consents and its interpretation of Te Ture Whaimana.

The National Policy Statement on Urban Development requires a Future Development Strategy (FDS) to be prepared with a completion date of 2024. Work on the FDS will commence immediately and will follow a special consultative process. The FDS will build on the current Strategy adopted by the Future Proof Implementation Committee (16 June 2022) and will include further work on infrastructure which will be informed by business cases currently underway to identify transformational three waters and transport infrastructure and service requirements.

On behalf of the Future Proof partners, I would like to thank you for submitting on the Draft Strategy and for your patience whilst we worked through the process to produce a Strategy that we believe, provides the best outcomes for the Future Proof sub-region.

Kind regards

Bill Wasley
Independent Chair
Future Proof Implementation Committee

Submitter Group/Individual	Point no.	1.4 Context	Submission point	FPIC decision	FPIC reasons
Waikato Regional Airport Limited and Titanium Park	30.1	A Background and Context	<p>The submitter supports the identification of the Airport (being the Airport Business zone including the Northern Precinct) being identified as a Strategic Industrial Node, but requests that:</p> <ul style="list-style-type: none"> • All the Northern Precinct (130ha) is denoted as an Urban Enablement Area • The Southern Links designation corridor is shown. <p>A markup demonstrating this relief is attached as Appendix 1 to the submission. The reasons for the aforementioned changes sought are set out in Theme 1, Theme 2 and Theme 3 of the submission. Please refer to submission text.</p>	Noted, no change.	<p>A full assessment of the proposal against the out-of-sequence/unanticipated development criteria is not possible due to the limited information provided with the submission.</p> <p>The submitter notes that they have commissioned the development of a Masterplan, Structure Plan and all the necessary supporting reports and that this documentation will inform a private plan change request. A private plan change request has been lodged with Waipa DC. https://www.waipadc.govt.nz/our-council/waipaa-district-plan/wpdc-variations/current-plan-changes/proposed-plan-change-20-airport-northern-precinct-extension</p> <p>In terms of the Northern Precinct land, it is considered that the suitability and timing of this land should be assessed through the Plan Change process and that it would be prudent to await the outcome of this. The Plan Change will provide the technical and evidential basis for rezoning.</p> <p>In terms of the longer-term land beyond the Northern Precinct, there is insufficient information available to allow a full assessment to be undertaken. There is no demand information available to suggest that this land should be identified at this time for industrial use. Impacts on other industrial nodes are unknown and has not been addressed. The site contains LUC 1 soils. Wastewater servicing solution is currently not known.</p> <p>Given the limited information provided, the fact that the site contains LUC1 land, and that the results of the Southern Links form and function review will be an important input, the land is not included in the Strategy at this time as further investigations would be needed. In relation to other submissions, Map 8 has been deleted to remove confusion as to the status of proposals shown on this Map, and FPIC has made a resolution to address future work required to assist the development of the Future Development Strategy.</p>
	30.2	1.2 Vision	The submitter generally supports the vision for the Strategy.	Noted, no change	Submitter is supportive. No change has been requested.
	30.3	1.3 Guiding Principles	<p>The submitter seeks the following relief:</p> <ul style="list-style-type: none"> • Within section 2 - recognition and emphasis is needed for the corridor between southern Hamilton and the Airport (referred to as the Southern Metro Corridor) given the significant growth that has occurred in this area over the past 5-10 years, and which is planned to occur over the short, medium and long term. • Within section 2 - greater emphasis is placed on the role the Airport surrounding Airport Business zone plays in economic growth and transport within the Waikato Region and Waipa District. <p>The reasons for the aforementioned changes sought are set out in Theme 1, Theme 2 and Theme 3 of the submission. Please refer to submission text.</p>	No change	<p>The Strategy identifies that there is a clear 'metropolitan economic corridor' in the region where there is a higher concentration of economic activity, including manufacturing, knowledge-intensive industries and logistics. The corridor is clearly defined within the Metro-Spatial Plan and within the Strategy.</p> <p>The Airport and surrounding area is not contiguous with this corridor. The Airport may be a logical extension to this corridor in the future, but presently it is important to acknowledge and support the concentration of economic activity in the existing corridor. The importance of the Airport is acknowledged throughout the Strategy, and it forms part of a Strategic Industrial Node (p. 75).</p>
	30.4	1.4 Context	<p>The submitter seeks the following relief:</p> <ul style="list-style-type: none"> -That the text in Figure 6 be updated to reference the importance of the Airport in the region, sub-region and Southern Metro Corridor to ensure that it does not read as a Hamilton – Auckland corridor summary. -That the text in Figure 6 should briefly describe the growth that is planned within the Southern Metro Corridor within the short, medium and long term. - That the sub-regional context section (page 24) for Waipa District identifies the importance of the Airport, surrounding industrial areas and Mystery Creek Events zone for the district. <p>The reasons for the aforementioned changes sought are set out in Theme 1 and Theme 2 of the submission. Please refer to submission text.</p>	Noted, change made.	<p>Refer to response to submission point 30.3 with regards to the inclusion of the Airport in the 'metropolitan economic corridor'. No change has been made.</p> <p>With respect to the last submission point, it is considered appropriate that the importance of the Airport and surrounding area be acknowledged in the subregional context. The following addition has been made (shown bold and underlined):</p> <p>The district is a base for international high-performance sport with equestrian facilities at Kihikihi, a track cycling velodrome in Cambridge, and an international rowing and kayaking course at Lake Karapiro. The Airport, Mystery Creek Events Centre and surrounding industrial area are also important land uses in the District.</p>
	30.5	2.1 Overview	<p>The submitter requests the following changes:</p> <ul style="list-style-type: none"> - A radical transport shift (page 36) also needs to include improved connections and mode choice to the Airport and surrounding Strategic Industrial Node as well as the Mystery Creek Events zone (operated by the New Zealand National Fieldays Society 	No change	<ul style="list-style-type: none"> - The importance of public transport choice to the airport is acknowledged in the Strategy. Specifically, the airport is identified as a 'Key Frequent PT Enabled Growth Node' on the Frequent Network (Map 5 – now Map 4). No changes are proposed to this transformational move. - This transformational move relates specifically to the 'metropolitan economic corridor'. Section 8 of the Strategy

			<p>Inc).</p> <p>-A strong and productive economic corridor (page 37) needs balancing to also include the growth corridor south of Hamilton including Airport and Strategic Industrial Node</p> <p>-Waipa District (page 38) includes recognition of the importance of the Strategic Industrial Node at the Airport in providing employment opportunities close to a large residential growth cell (Peacocke and potential Future Urban zone between Peacocke and the Airport) and economic growth.</p> <p>-Waipa District (page 38) – recognises the importance of the Airport to the district.</p> <p>The reasons for the aforementioned changes sought are set out in Theme 1, Theme 2 and Theme 3 of the submission. Please refer to submission text.</p>		<p>sets out the importance of Strategic Industrial Nodes and enabling growth in these nodes as a priority above other industrial areas. No changes are proposed to the transformational move.</p> <p>- Section 1 Overview primarily focuses on the growth opportunities and challenges in the districts. Additional reference to the Airport has been made in the subregional context section of the strategy - refer response to submission point 30.4.</p>
	30.6	2.3 Waahi Toituu and Waahi Toiora	<p>The submitter requests the following changes:</p> <p>-Additional detail is provided to enable the reader to understand what the mapped Waahi Toiora and Waahi Toituu is based on.</p> <p>-The Growth management directives require the avoidance and protection of waahi toituu areas, which includes most of the Airport, the Strategic Industrial Node and Urban enablement area. The directive should exclude either operative zoned urban land or future growth cells so that it does not conflict with other sections of the strategy that enable urban development in these areas.</p> <p>The reasons for the aforementioned changes sought are set out in Theme 1 of the submission. Please refer to submission text.</p>	Partially accepted.	<p>Additional information has been added to the waahi toituu/toiora map, so it is clear what this is based on. Changes have also been made to the out-of-sequence/unanticipated development criteria to clarify the application of these criteria in waahi toituu/toiora areas. Further detail is outlined in the response to the Horticulture NZ submission points.</p>
	30.7	2.4 Responding to Climate Change	<p>The submitter requests the following changes to Section 4:</p> <p>-Regional & district responses (page 48) - explores the opportunity for Southern Links to respond to climate change by ensuring it can facilitate modal choice for transport connections (including pedestrian and cycleway, bus lanes to enable public transport) to the Airport and surrounding Strategic Industrial Node (as an employment area).</p> <p>-Incorporating the role that Southern Links can play in enabling the efficient movement of freight, which will reduce carbon emissions and energy use.</p> <p>-Future Proof growth management approach (Page 49 first bullet point) – as well as a compact urban form it is also important to achieve a balanced settlement pattern whereby residential growth areas (Peacocke and the Future Urban zones to north of Southern Links) are supported by employment areas (being the Strategic Industrial Node at the Airport including Northern Precinct) to reduce commuter distance and encourage alternative transport choice (such as walking, cycling or public transport) for short distances. This was first identified as important within a Waikato Context in the 'Airport and Adjacent Lands Study 2013' prepared by the Future Proof Partners and remains applicable today.</p> <p>The reasons for the aforementioned changes sought are set out in Theme 1, Theme 2 and Theme 3 of the submission. Please refer to submission text.</p>	No change	<p>Since 2014, there have been significant changes to central government policy and strategic transport priorities which mean it is appropriate to re-evaluate the strategic alignment and purpose of the Southern Links project as originally conceived. In particular, the increased focus on mode shift to public and active transport modes as well as the recognition of the urgent need to reduce transport emissions. The focus of the upcoming "form and function" review is to ensure the currently proposed form and function of Southern Links aligns with and delivers on current priorities and supports the New Zealand and Waikato Region's strategic priorities. It is against this wider policy and transport planning backdrop that the Southern Links project is to be considered. As such, no changes are proposed to Regional and District responses on p.48.</p> <p>Future Proof has a strong focus on achieving a compact and concentrated urban form. Notwithstanding this, opportunities for growing 'out' are identified in the Strategy, provided that these greenfield areas are well-supported by transportation, access to employment and recreational space (refer p. 59 growth management approach). It is considered that this approach achieves a balanced settlement pattern for the sub-region.</p>
	30.8	2.6 Transport	<p>The submitter seeks the following amendments to Section 6 Transport:</p> <p>-Background (page 53) - should talk about the option of Southern Links enabling pedestrian, cycle and public transport connections to the Airport and Strategic Industrial Node from both Hamilton City and southern residential growth areas (being Peacocke and Future Urban areas to the north of Southern Links).</p> <p>-Background (page 53) - should talk about the Airport as a key transport hub (not just rail and highways)</p> <p>-Future Proof Growth management approach (page 53) – should also include reference to the Airport and Strategic Industrial Node.</p> <p>- Page 55 - first paragraph - Reliable access for the sub regions economic activity hubs - the Southern Links reference needs to be strengthened by removing the term 'potentially' as its designated and important for the well-functioning environment for the region as well as unlocking the economic growth potential of the Airport and Strategic Industrial Node.</p> <p>- Page 55 - second paragraph - Reliable access for the sub regions economic activity hub - should include a reference to the Airport and Strategic Industrial Node.</p>	No change	<p>As above, the form and function of Southern Links will be reviewed in response to changing government policy and the need for emission reduction. This work is started in February 2022. It is not considered appropriate to pre-empt the outcome of this work. As such, no changes are proposed to the Strategy and maps with respect to Southern Links.</p> <p>The airport is identified as a Key Frequent PT Enabled Growth Node. It is considered that reference adequately acknowledges the importance of the airport in the transport future of the subregion. The text focuses on general geographic locations rather than identifying specific land uses. No further changes are proposed to the text of this section.</p> <p>The commentary text on Map 6 (Strategic transport corridors – now Map 5) does not reference any specific land uses. It is noted that the airport is shown on Map 6 (now Map 5). As such, no changes have been made to this map in response to this submission.</p>

			<ul style="list-style-type: none"> - Growth Management directives (page 55) – 4th bullet point should include Airport and employment locations / Strategic Industrial Nodes - Map 5: Metro public transport schematics – Should be amended to include Southern Links and a Rapid Transport Network to Airport. The submitter has enclosed a markup demonstrating this relief in Appendix 2 of the submission. - Map 6: Strategic transport corridors – amend the map so that the Airport is referenced in the commentary note. <p>The reasons for the aforementioned changes/retentions sought are set out in Theme 1, Theme 2 and Theme 3 of the submission. Please refer to submission text.</p>		
30.9	2.7 Current and Future Growth Areas	<p>The submitter seeks the following amendments to the text under Section 2.7:</p> <ul style="list-style-type: none"> - Future Proof growth management approach (page 59) – retain the statement about employment areas being focused on corridors that can be easily accessed by people and freight movements. -Urban enablement areas and village enablement areas (page 60) retain the approach of including future urban areas (including Northern Precinct expansion area) because it improves the effective and efficient long-term planning for infrastructure and provides greater certainty to the community of growth areas in the long term (avoiding NIMBISM when it comes time to develop them and therefore making urbanisation more effective and efficient and less sporadic). It also strengthens the need to protect medium – long term infrastructure such as Southern Links and connections to the Airport. -Map 7: Current and future urban areas – Amended to include all of Northern Precinct within the Urban Enablement Area extent and the Northern Precinct expansion areas as a Beyond 30-year development or long-term development area. A markup demonstrating this relief is included in Appendix 3 of the submission -Urban Form (page 63) – include the Airport within the first bullet point, and retain the 5th bullet point under this heading -Responsive planning (page 65) - retain the inclusion of Northern Precinct expansion area as a growth area but also show this on Map 7 to ensure consistency within the strategy document. -Map 8: Possible future urban enablement areas for further investigation – include Northern Precinct as urban enablement area and the Northern Precinct expansion area as a Future Urban enablement area. A markup demonstrating this relief is attached as Appendix 4 to the submission. <p>The reasons for the aforementioned changes sought are set out in Theme 1, Theme 2 and Theme 3 of the submission. Please refer to submission text.</p>	Noted, no change.	<p>Submission point partially relates to out of sequence on the Hamilton periphery. This part of the submission is not accepted for the reasons set out in response to submission point 30.1 above. The rest of this submission point is addressed as follows:</p> <p>The submitter seeks to retain text on page 59 and 60 of the Strategy. No changes are proposed to this text.</p> <p>Changes are sought to the first bullet point on page 63. This bullet point does not single out a specific land use within the sub-region, but rather takes a subregional approach, and therefore reference to the Airport is not considered necessary. The 5th bullet point under subheading is being retained.</p>	
30.10	2.8 Growing a Prosperous Economy	<p>The submitter seeks the following amendments/retentions to the text under Section 2.8:</p> <ul style="list-style-type: none"> -Metro economic corridor (page 68) – Amend to include the Airport and surrounding Strategic Industrial Growth node as well as the Mystery Creek Events Zone. -Industry (page 68/69) – Amend to include the benefit of locating industrial nodes within relative proximity to residential growth areas to reduce commuter distance and travel times (which also has benefits in responding to climate change). -Industry (page 72) - Retain the concept of Strategic Industrial Node and Airport / Northern Precinct being included as one. -Industry (page 72) - Retain the enablement of wet industry by proactively planning for infrastructure to service it (enabled through the Metro Water & Wastewater concept) -Table 2: Strategic Industrial Nodes (page 74) - Amend the allocation areas to correctly reference Northern Precinct and Northern Precinct expansion area. This would specify 130ha for 2020-2030 (being the Northern Precinct) & 60ha for 2031-2050 (being the Northern Precinct expansion area) as illustrated within Figure 2 in the submission. Total allocation would then be approximately 180ha. -Growth management directives (page 74) – Retain bullet points 11-15 under this heading -Map 9: Growing a prosperous economy – retain reference to the Airport as a Strategic Industrial Node and Southern Links. 	Noted, partially accepted.	<p>Submission point partially relates to out of sequence on the Hamilton periphery. This part of the submission is not accepted for the reasons set out in response to submission point 30.1 above. No changes to the amount of land shown in Table 2 "Strategic Industrial Nodes" has been made, but a small clarification in the footnote has been made in order to be clear about the land that is included in the table. The rest of this submission point is addressed as follows:</p> <p>The Strategy identifies that there is a clear 'metropolitan economic corridor' in the region where there is a higher concentration of economic activity, including manufacturing, knowledge-intensive industries and logistics. The corridor is clearly defined within the Metro-Spatial Plan and within the Strategy.</p> <p>The Airport and surrounding area is not contiguous with this corridor. The Airport may be a logical extension to this corridor in the future, but presently it is important to acknowledge and support the concentration of economic activity in the existing corridor.</p> <p>The Strategy acknowledges the importance of good transport connections to employment areas to reduce commuting distance (p.69) but considers that this has to be balanced with avoiding any reverse sensitivity issues and ensuring an efficient use of infrastructure. No changes are proposed to Section 8 of the Strategy.</p>	

			The reasons for the aforementioned changes/retentions sought are set out in Theme 1, Theme 2 and Theme 3 of the submission. Please refer to submission text.		
	30.11	2.9 Rural Areas	The submitter requests that the Growth Management Directives on page 76 should exclude either operative zoned urban land or future growth cells so that it does not conflict with other sections of the strategy that enable urban development in greenfield environments that may also be defined as being highly productive. The reasons for the aforementioned change sought is set out in Theme 1 of the submission. Please refer to submission text.		
	30.12	2.11 Three Waters and Other Infrastructure	The submitter seeks the following relief: -Three waters capacity and future growth (page 80) – retain the approach to Three waters that will enable the metro scheme and wet industry within Strategic Industrial Nodes (including the Northern Precinct) Growth management directives (page 82) - Retain the final bullet point that that the Hamilton Airport is regional significant infrastructure and should be protected from reverse sensitivity effects. Also retain the identification that public transport linkages to the Airport needs to be improved. The reasons for the aforementioned change sought is set out in Theme 2, 3 and 4 of the submission. Please refer to submission text.	Noted, no change	Submitter is supportive. No change is being requested.
	30.13	4.1 Implementing the Strategy and Settlement Pattern	The submitter seeks that Map 12 Priority Development Areas (p. 99) retains the identification of the Airport (including Northern Precinct) as a "Priority Development Area". The reasons for this submission point is set out in Theme 1, Theme 2 and Theme 3 of the submission. Please refer to submission text.	Noted, no change	Submitter is supportive. No change is being requested.
	30.14	4.2 Priority Development Areas	The submitter seeks that the inclusion of the Airport as a Priority Development Area within the Southern Metro Corridor be retained under the heading Priority Development Areas (p. 100). The reasons for this submission point is set out in Theme 1, Theme 2 and Theme 3 of the submission. Please refer to submission text.	Noted, change made.	The PDAs represent those areas where immediate or priority initiatives have been identified. In response to other submissions (14, 37, 42 and 53), the Strategy has been amended to be clearer about the purpose of PDAs, and references to specific areas have been removed given that these are subject to change during the life of the Strategy. As such, whilst specific reference to the Airport as a Priority Development Area have been removed in the Strategy itself, its status as a PDA will not be affected by this change.
	30.15	4.3 Actions	The submitter seeks the following amendments/retentions to the Action Table: Page 104 - Retain the inclusion of the Airport / Northern Precinct line in the table Page 104 - Amend the timing for the completion of the Northern Precinct Structure Plan to be either immediate or short. Page 105 – Retain the development of a business case that will consider Southern Links and rail to the Airport. Page 105 – Amend the last line of the table to also include the Airport for the delivery of public transport and mode choice options. Page 106 – Retain the proactive planning for wet industry The reasons for the aforementioned changes/retentions sought are set out in Theme 1, Theme 2, Theme 3 and Theme 4 of the submission. Please refer to submission text.	Noted, change made.	In relation to the Action Table, the actions related to the Priority Development Areas, including the Airport and the Northern Precinct, have been deleted in response to other submissions relating to PDAs (see submissions 14, 37, 42 and 53), and instead a new action has been added to continue to develop and implement actions associated with the PDAs as identified in the H2A and MSP. In relation to the business case considering Southern Links and rail to the Airport, this action is unchanged. In relation to the action relating to wet industry, this action is unchanged.