

**HAMILTON CITY COUNCIL PROPOSED DISTRICT PLAN
(OCTOBER APPEALS VERSION) 2015**

**PROPOSED VARIATION 1:
RUAKURA**

TABLE OF CONTENTS

1.0 Background.....	1
2.0 Purpose of the Variation.....	2
3.0 The Variation (Proposed Changes).....	3
Chapter 1 Plan Overview.....	4
Chapter 2 Strategic Framework.....	5
Chapter 3.7 Structure Plans - Ruakura.....	5
Chapter 4 Residential Zones.....	30
Chapter 8 Knowledge Zone.....	42
Chapter 10 Ruakura Logistics Zone.....	62
Chapter 11 Ruakura Industrial Park Zone.....	74
Chapter 15 Open Space Zones.....	83
Chapter 23 Subdivision.....	94
Chapter 25 City-wide.....	97
Chapter 25.4 Hazardous Facilities.....	97
Chapter 25.5 Landscape Screening.....	97
Chapter 25.7 Network Utilities and the Electricity National Grid Corridor..	98
Chapter 25.8 Noise and Vibration.....	100
Chapter 25.10 Signs.....	103
Appendix 1 District Plan Administration.....	105
1.1.2 Definitions used in the Plan.....	105
1.2 Information Requirements.....	108
Appendix 2 Structure Plans.....	127
Appendix 3 Residential Zones.....	139
Appendix 14 Noise and Vibration.....	140
Appendix 17 Planning Maps.....	140

1.0 Background

As part of a boundary adjustment in 2011, land along the eastern side of Hamilton was transferred into Hamilton City from Waikato District, with this area referred to as the R1 growth cell. The R1 growth cell that is included within the Ruakura Variation area covers approximately 822ha of land along the eastern boundary of Hamilton City. This land was initially managed by continuing to utilise the zonings and rules which had previously been applicable from the Waikato District Plan.

A Board of Inquiry (BOI) was set up to consider a private plan change request for part of Ruakura as a matter of national significance by the Minister for the Environment during 2013. At this time, Hamilton City Council had also notified the Proposed District plan (PDP) and subsequently, to avoid unnecessary duplication with running parallel processes at

similar times, resolved to suspend all hearings and decisions on matters relating to Ruakura until such time as the BOI had made its final decision on the plan change.

The BOI released its decision on the plan change in September 2014, which was subsequently incorporated into the Operative District Plan 2012 as a plan change referred to as Schedule 25H Ruakura. Following a Council resolution in December 2014, Council staff commenced the drafting of a variation to the PDP to align the PDP with the decision of the BOI and to incorporate provisions for the rest of the Ruakura area which had been deferred as part of the PDP hearings process during 2015.

Ongoing consultation has occurred with key stakeholders throughout the drafting of the variation, including a request for feedback in relation to the draft variation from landowners, key stakeholders and previous submitters to the PDP on Ruakura during August 2015.

2.0 Purpose of the Variation

The primary purpose of the variation is to rezone approximately 822ha of land within the area of land transferred to Hamilton City from Waikato District in 2011, to a variety of urban zones and including the Ruakura Inland Port approved by the BOI decision in 2014.

Variation 1 is made up of the following key features:

- Three new zones, including the Knowledge Zone, Ruakura Logistics Zone and Ruakura Industrial Park Zone. The Knowledge Zone includes the University of Waikato, AgResearch and Waikato Innovation Park, all known education and research facilities. The provisions for the Logistics and Industrial Park Zones provide for a major new employment node at Ruakura based around an inland port (Logistics Zone) to capitalise on the area's location adjacent to the Waikato Expressway, Eastern Arterial and the East Coast Main Trunk railway.
- A specific Open Space Zone for the Ruakura area which reflects the intended unique multi-functional nature of the open space in this area. This extensive open space includes a greenway to run in a north-south direction alongside the variation area, with specific provisions to recognise the importance of issues such as native fish and lizard populations.
- A Large Lot Residential area alongside the Logistics and Industrial Park Zones with specific provisions to take consideration of this.
- Medium Density Residential and General Residential Zoned land at the northern end of the Variation area.
- Integration of a Land Development Plan (LDP) approach to development to ensure adequately serviced and structured growth at Ruakura. The Ruakura area is divided into a number of Land Development Plan areas, where consent for the urbanisation of land involving the following activities must be obtained for the entire or staged sections of these areas prior to land use, subdivision or development:
 - Preparation of land for development purposes including earthworks and vegetation removal;
 - Construction of roads, pedestrian paths and cycle routes;
 - Installation of Three Waters infrastructure (including linear wetlands and storage basins);
 - Works related to the establishment of open space networks;
 - Screen planting associated with the Inland Port (Sub Area A).

A LDP must include:

- Exact boundaries of the LDP with adjoining LDPs and of any open space zone within the LDP;
- A Concept Layout Plan;
- A Landscape Concept and Ecological Enhancement Plan;
- A Water Impact Assessment;
- An Integrated Transport Assessment;
- Mitigation of adverse land development effects on habitats;
- Details of any Medium Density Residential Zone, showing compliance with dwelling yields and specific location details of the Integrated Retail Development;
- Provision of open space and alignment with the purpose of different open space areas.
- Details on Ruakura Strategic Infrastructure

3.0 The Variation (Proposed Changes)

The following sections of the PDP have been amended:

- Chapter 1 Plan Overview
- Chapter 2 Strategic Framework
- Chapter 3.7 Structure Plans
- Chapter 4 Residential Zones
- Chapter 8 Knowledge Zone
- Chapter 10 Ruakura Logistics Zone
- Chapter 11 Ruakura Industrial Park Zone
- Chapter 15 Open Space Zones
- Chapter 23 Subdivision
- Chapter 25 City Wide (25.7, 25.8 and 25.10)
- Appendix 1.1.2 Definitions
- Appendix 1.2 Information Requirements (1.2.2.20 – 1.2.2.27)
- Appendix 1.3 Assessment Criteria (1.3.2F and 1.3.3N)
- Appendix 2 Structure Plans
- Appendix 3 Residential Zones
- Appendix 17 Planning Maps
 - Update Planning Maps – Zoning and Features Legend
 - Planning Map 20A and B, 21A and B, 29A and B, 30A and B, 31A and B, 38A and B, 39A and B, 40A and B, 47A and B, 48A and B and 49A and B

The following sections of this document illustrate the changes proposed by Variation 1 to the Proposed District Plan.

To reflect the above assessments, the text in the variation itself is presented:

In Chapters 8, 10 and 11, standard black text is derived from the BOI Decision, red track changed text (with additions shown underlined, and deletions shown struck through) illustrate the text as originally notified in the PDP, and red track changed italics show new text which was not previously identified in the BOI Decision or the Notified PDP.

In the remaining chapters (excluding 8, 10 and 11), standard black text is derived from the PDP Appeals Version October 2015, red track changed text is derived from the BOI Decision, and red track changed italics is new text not identified in the BOI Decision or the PDP Appeals Version.

Chapter 1 Plan Overview

Insert new provision 1.1.2.2c) after 1.1.2.2b), and consequential numbering to follow:

c) Ruakura Development Plan: Board of Inquiry Decision

In September 2014 a Board of Inquiry confirmed planning provisions for the Ruakura Schedule Area that forms part of the R1 Area transferred to Hamilton City during 2011. The provisions were included in the Hamilton City Operative District Plan: Waikato Section. However, a separate planning process is necessary to incorporate these provisions into the current District Plan. These provisions provide for a major new employment node at Ruakura based around an inland port to capitalise on the area's location adjacent to the Waikato Expressway, Eastern Arterial and the East Coast Rail Line.

e)d) Future Proof

.....

e)e) Waikato Regional Policy Statement

.....

e)f) Waikato Regional Plans

.....

f)g) Waikato Region Strategies and Plans

.....

g)h) Iwi Planning Documents

.....

Hamilton City Council Plans and Documents

h)i) City Strategies

.....

h)j) The Long Term Plan

.....

h)k) Annual Plan

-
- ~~k)l)~~ **Asset Management Plans**
.....
- ~~h)m)~~ **Development and Financial Contributions Policy**
.....
- ~~m)n)~~ **Hamilton City Infrastructure Technical Specifications**
.....
- ~~n)o)~~ **Vista – Hamilton City Design Guide**

Amend the first box under “Resource Management Act 1991” in Figure 1a by adding a 3rd bullet point:

- National Policy Statements
- National Environmental Standards
- Ruakura Development Plan Change – Board of Inquiry Decision

Amend provision 1.1.9:

The following flowchart is used to determine the notification, limited notification, or non-notification of a resource consent application, except where identified specifically in a chapter.

Amend the second box in the flowchart under “START” in Figure 1.1.9a:

Is the Activity:

- marked with an asterisk (*) in Rules 4.10a), 5.6a), 6.6a), 7.7a), 8.8a), 9.6a), 9.7a), 10.76a), 11.76a), 12.7a), 14.7a), 15.7a), 16.6a), 18.7a), 19.5a), 20.5a), 23.3, 23.8a), 25.10.6a), 25.13.5a), or 25.14.6a); or
- a Show home in the Residential Intensification Zone

Chapter 2 Strategic Framework

Insert new Policy 2.2.4a)iv after policy 2.2.4a)iii with subsequent renumbering, as below:

- iv. Ruakura Retail Centre, to serve the Ruakura Structure Plan area and adjacent catchment
- iv. Neighbourhood centres, to contain retailing and service activities to serve immediate residential catchments.

Chapter 3.7 Structure Plans – Ruakura

Insert new introductory text before provision 3.7a):

The Ruakura Structure Plan area is approximately 822 hectares, and was subject to a boundary adjustment on 1 July 2011 transferring the area into Hamilton City.

Amend provision 3.7a)iii.:

- iii. Create opportunities for the ongoing development of research, learning and innovation activities; and in doing so recognising the importance of the University of Waikato, the AgResearch Campus and the Waikato Innovation Park to the City and the Region.

Amend 3.7a)v.:

- v. Configure land uses around a comprehensive network of well-connected open spaces that will perform a range of functions including stormwater and ecological management, providing pedestrian and cycle routesways, and enabling passive and informal recreation.

Amend provision 3.7c):

- c) The Ruakura Structure Plan provides for an eventual population of approximately 1800 households. It also includes the development of the Ruakura Retail Centre which will have unique characteristics and functions to warrant its own classification within the business hierarchy for the City. Located within the Knowledge Zone the centre~~neighbourhood centre; which will also support the zone's perform~~ a role as the principal focal point for research and innovation activities, provide retail services to these activities and to adjacent suburbs and will anchor; and provides for a future passenger transport interchange at its northern end.

Amend provision 3.7e) as follows:

- e) The Structure Plan sets out the development concept for the long-term growth of Ruakura over the period to 2061. The area's progressive development will be triggered by the co-ordinated provision of Ruakura Strategic key-i infrastructure including transport corridors, and extensions to Three Waters supply. Ruakura Strategic Key-i infrastructure which is to be provided in advance of certain development includes:
 - i. A wastewater drainage network.
 - ii. Water storage and supply network infrastructure.
 - iii. Stormwater management network features.
 - iv. Transport corridor, pedestrian and cycleway connections.

Insert new provisions 3.7f), 3.7g) and 3.7h) below 3.7e), and subsequent numbering:

- f) The relevant Ruakura Structure Plan Figures in Appendix 2 indicate the eventual pattern of development within Ruakura and include:
 - i. Figure 2-14 Ruakura Structure Plan – which shows the land use zoning and open space areas

- ii. Figures 2-15 A and B Ruakura Strategic Infrastructure;
 - A. Which shows the strategic infrastructure for the transport network within the Ruakura Structure Plan
 - B. Which shows the strategic three waters network within the Ruakura Structure Plan
- iii. Figure 2-16 Ruakura Land Development Plan Areas – which shows the different areas for staged development within the Ruakura Structure Plan
- iv. Figure 2-17 Inland Port Building Setbacks and Landscape Controls – which shows the setbacks and controls for the Inland Port; and
- v. Figure 2-18 Cyclist and Pedestrian Network Plan – which shows the connectivity of the proposed and existing cycle and pedestrian network within the Ruakura Structure Plan and to surrounding areas.
- g) The Land Development Plan (3.7.3.2) is the key tool to aid the staged process for urbanisation in the Ruakura Structure Plan. All land use, subdivision and development for urban purposes will require resource consent first, being the provision of below ground or at ground infrastructure and services before built development will be considered.
- h) In addition Staging and Traffic Requirements (3.7.3.3) are provided that aligns with the strategic land allocation for industrial development in the Waikato Regional Policy Statement. This is to ensure that the arterial network has capacity and the safety, efficiency and functioning of the transport network is maintained through the progressive release of land for development.
- i) Land use in the Ruakura Logistics Zone.....

Below the table in provision 3.7i) (new numbering), delete i., amend ii. to become i. with the following amendment, and add new note ii.:

- ~~i. The allocation of industrial land shown above may be amended in accordance with Implementation Methods 6.13.2 Land Release and 6.13.3 Criteria for Alternative Land Release as contained in the Regional Policy Statement.~~
- ii. The three stages of land use and development in the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan Area are provided for in Rule 3.7.3.34 of this District Plan.
- ii. The 405ha identified above comprises the Ruakura Inland Port and logistics zone (approximately 195ha) and general industrial land (approximately 210 ha). The staging and timing identified provides for Stage 1 of the Inland Port and logistics zone (shown as A on Figure 2-16 Ruakura Land Development Plan Areas) and up to 30 hectares of general industrial development to 2021. The Ruakura Structure Plan is linked to the development of Hamilton section of the Waikato Expressway. Further development beyond the initial 80ha identified for the 2010-2021 period should not occur until the Hamilton section of the Waikato Expressway is completed and connected to the Ruakura land in a manner that does not undermine the efficient functioning and safety of the transport network, or another infrastructure solution has been demonstrated to satisfy the relevant criteria for alternative land release in Method 6.13.3 of the Proposed Waikato Regional Policy Statement.

Amend the first paragraph of provision 3.7j) (new numbering):

- gj) Land use in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area will roll out in two stages, in accordance with the provision of available existing and strategic transport network infrastructure.

The two stages of land use and development in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area are provided for in Rule 3.7.3.5 of this District Plan.

Amend the first paragraph of provision 3.7h) and delete the second paragraph:

- hk) Land use in Precinct C~~the Innovation Park Precinct~~ of the Knowledge Zone in the Ruakura Structure Plan Area will roll out in two stages, in order to avoid reverse sensitivity issues otherwise potentially affecting the development of land and establishment of land use in the Ruakura Logistics Zone accordance with the provision of Ruakura Strategic Infrastructure and associated network connections.

~~The two stages of land use and development in the Innovation Park Precinct of the Knowledge Zone in the Ruakura Structure Plan Area are provided for in Rule 3.7.3.6 of this District Plan.~~

Delete provision 3.7i) (old numbering):

- ~~i) The Ruakura Structure Plan map identified as Volume 2, Appendix 2, Figure 2-14 indicates the eventual pattern of development within Ruakura. There are also maps in Volume 2, Appendix 2, Figures 2-15 to 2-18 indicating the nature and extent of the proposed transportation hierarchy, and walkways and cycleways, and the Three Waters infrastructure.~~

Amend note below provision 3.7i) to become new 3.7l):

- l) The boundaries of zones for the proposed land uses within the Ruakura Structure Plan are defined by the planning maps. The Ruakura Open Space Zone is fixed on Figure 2-14. Future Neighbourhood Reserves are indicative. However, some boundaries of the Neighbourhood Open Space Zone shown on the planning maps are indicative only. The final location of the ecological link and neighbourhood reserves within the Ruakura Medium Density Residential Zone and General Residential Zone will be addressed as part of a Land Development Plan application. ~~because the extent of the zone is linked to the vesting of proposed transport corridors (refer Rule 15.4 in the Chapter 15: Open Space Zones).~~

Amend provision 3.7.1.1c):

- c) A full diamond interchange from the Waikato Expressway will ~~Negotiation on the most appropriate interchange to~~ service the road-based freight traffic associated with the inland port. is on-going. In the initial phase, it is envisaged that the inland port will consist of primarily road-based freight until the rail infrastructure is developed.

Amend 3.7.1.4b):

- b) The Knowledge Zone is strategically important. ~~While as-although~~ the existing Waikato Innovation Park, University and AgResearch Campus are all located within reasonably close proximity, they lack strong connectivity and a common focal area. There are significant opportunities to create an environment which supports the existing primary economic base of the region, along with the potential for new research and innovation activities related to the inland port and logistics hub, in a manner which does not compromise the Central City.

Amend the heading for 3.7.1.5 and amend 3.7.1.5a):

3.7.1.5 Ruakura Retail Neighbourhood-Centre

- a) The development of the Knowledge Zone provides the opportunity to create further complementary activities in a form that can enhance connectivity and encourage better interaction between existing land uses. The key to achieving these outcomes is the creation of a new north-south link between the University and AgResearch Campus. This area will jointly link the existing activity as well as providing services and ancillary activities. Within this area, it is also proposed to make provision for a retail centre to serve Ruakura and adjacent areas while not undermining the primacy, function and vitality of the Central City ~~locally-based retail activity~~, centred upon a 'main street' and public plaza, incorporating a potential passenger transport hub to the Central City.

Amend 3.7.1.6 a) and b):

- a) The Ruakura residential area provides for a mixture of development that ~~aligns~~accords with the densities proposed for General Residential, Medium-Density Residential and Large Lot Residential Zones. The intention is to provide an area with various housing choices, including site size and housing typologies, including an emphasis on affordable housing. Residential development in the General Residential and Medium-Density Residential Zones is positioned to maximise existing connectivity from Fairview Downs and the Hamilton Ring Road. One Integrated Retail Development is provided for within the Ruakura Medium Density Residential Zone to serve the surrounding catchment (see Figure 2-16 in Appendix 2).
- b) The area bounded by Percival and Ryburn Roads and the Waikato Expressway is identified on the structure plan for logistics, to ensure the utilisation of existing and future planned infrastructure. There are a number of existing dwellings within this area, and as the staging identifies that development ~~will not~~not be required until at least 2021 a Large Lot Residential Zone has been put in place to retain amenity provisions within this area until such time as a future plan change rezones the land for logistics purposes. Mitigation measures ~~controls~~controls apply to the Inland Port and the Logistics Zone to also assist in retaining the amenity of this area in the interim. ~~Any further fragmentation of the land is discouraged.~~

Delete paragraphs a) and b) of 3.7.1.7, and replace with new paragraphs a)-h):

- a) ~~The Waikato Expressway forms the eastern boundary of the Structure Plan area. Possible interchanges to this Expressway are located in the Structure Plan area. The objective of those interchanges is to provide connectivity with the City's strategic transport network and access to the inland port and industrial areas.~~
- b) ~~Adjacent to the spine road corridor is an open space corridor of a similar width which incorporates a range of functions, including stormwater reserve, walkways and cycleways.~~

The transport network to service the Structure Plan area comprises of the following hierarchy, which describes the form and function of the various routes:

- a) The **Waikato Expressway** forms the eastern boundary of the Structure Plan area. There are two interchanges to the Waikato Expressway connecting to major arterials within the City's network at the Greenhill Link Road interchange in the north, and the re-aligned Ruakura Road interchange in the south.
- b) **Greenhill Link Road** will initially be two-lane with provision for a four-lane major arterial City Gateway route connecting the Waikato Expressway to the City's Ring Road at Wairere Drive/Crosby Road roundabout. Access is provided via the Spine Road intersection. Strategic water and wastewater infrastructure will co-locate in this corridor.
- c) The **Spine Road North** is a minor arterial to the north of Greenhill Link Road and provides strategic connectivity to the future residential development in the north. This will be a two-lane minor arterial road, with direct property access on the western side and intersection only access on the eastern side of the Spine Road. The corridor will provide for public transport, on-street parking, a shared walking and cycle path and swales for stormwater management. Strategic wastewater and water infrastructure will co-locate within the corridor, coupled with the underground 110kv Transpower transmission line.
- d) The **Spine Road (central)** will be a two-lane minor arterial road south of Greenhill Link Road to the Fifth Avenue extension. The form and function of this road is to primarily service residential and industrial development through intersection access. The corridor provides for public transport, parking, shared footpath and cycle path and a swale area for stormwater management. Strategic wastewater and water infrastructure will co-locate within this corridor, coupled with the underground 110kv Transpower transmission line.
- e) **Fifth Avenue Extension** will initially be two-lane with provision for a four-lane major arterial road extending the Cross City Connector arterial network from Wairere Drive to the Spine Road. The corridor provides for public transport, a shared walking and cycle path and a swale area for stormwater management.
- f) The **Spine Road (south)** will initially be two-lane with provision for a four-lane major arterial road from Fifth Avenue south to Ruakura Road West. This extends the Cross City Connector arterial to the Ruakura Industrial Park area. This section includes a four-lane road bridge over the East Coast Main Trunk Railway. At ground level, the corridor provides for public transport, shared footpath and cycleway and a swale area for stormwater management. Strategic wastewater and water infrastructure will co-locate within in the corridor.

- g) Ruakura Road (urban) will continue to function as a two-lane minor arterial road between the Wairere Drive Ring Road and the Spine Road. The corridor provides for public transport and shared footpath and cycle path.
- h) Ruakura Road West will initially be a two-lane minor arterial road with provision for a four-lane major arterial City Gateway route, connecting the Spine Road major arterial to the Waikato Expressway. A series of signalised intersections will provide access to the Inland Port and Ruakura Logistics Zone north. A signalised intersection also provides access to the Ruakura Logistics and Ruakura Industrial Park Zones and the proposed service centre to the south. The corridor provides for public transport, shared footpath and cycle path and swale area for stormwater management.

The Collector road network below the arterial network shows indicative connections but will be assessed at each Land Development Plan stage to ensure transport connectivity between development areas and the greater structure plan.

Delete paragraphs a) and b) of 3.7.1.8, and replace with new introductory paragraph and paragraphs a) - e):

Figure 2-14 shows the Ruakura open space network. This is intended to accommodate and provide for a range of functions including stormwater and ecological management, a well-connected pedestrian and cycleway network linking open space land, neighbourhood reserves for passive and informal recreation, and amenity strips between different activity zones. The following are key components of the open space network;

- a) Greenway – the green corridor that runs from the north west along the link road and down adjacent to the Spine Road to link to open space along Silverdale Road and the Mangaonua gully to the south. The greenway includes linear wetlands and vegetated margins, storage basins, low-flow channels, indigenous vegetation plantings, and buffer and interface amenity planting. The greenway will also provide for other functions including pedestrian and cyclist paths, and passive recreation such as seating areas
 - b) Gullies – at the northern end (Kirikiriroa Stream headwaters) and southern end (Mangaonua gully) of the structure plan area are gullies which will be protected in the same manner as those across the rest of the City in accordance with Chapter 21 Waikato River and Gully Systems.
 - c) Visual amenity and buffer between incompatible activities – open space areas and planting shall provide an effective/suitable buffer, between different types of land uses.
 - d) Neighbourhood reserves - these provide a range of informal recreation facilities including children’s play areas, kick around area, and spaces for passive recreation.
 - e) Connectivity – open space at Ruakura is intended to contribute to a well-connected network for pedestrians and cyclists.
- a) — At the northern and southern ends of the Structure Plan area are gullies which will be protected in the same manner as those across the rest of the City. The layout of the residential area has been designed to provide opportunities for the restoration and enhancement of the northern gully.

- ~~b) — The primary open space network is the open space corridor adjoining the spine road corridor being the major arterial transport corridor running north to south. A number of smaller connected open spaces are provided to serve the needs of the local communities. The residential area still has over 15ha proposed to become open space — representing some 10% of the residential area. Existing facilities in the wider area means there is no need for a large active recreation sports park. The open space network within the Structure Plan aims to enhance the local recreation needs of the area’s working and residential communities.~~

Delete paragraphs a) and b) of 3.7.1.9 and replace with new paragraphs a)-c):

- ~~a) — The Structure Plan shows indicative locations for centralised key stormwater management facilities. Many will be located along the open space corridor next to the spine road or underneath the national grid transmission lines where other land uses are limited. The precise location of these stormwater facilities will be finalised through detailed catchment management planning and modelling. Opportunities for public access and enhanced recreational opportunities will be created where possible.~~
- ~~b) — Stormwater management must provide for the management of all stormwater within the land being developed, together with drainage from the entire catchment upstream of the proposed system.~~
- ~~a) The structure plan sits across four hydrological catchments, being the Kirikiriroa, Komakorau, Hamilton East and Mangaonua catchments. Due to the flat topography, most public stormwater devices will be provided for within the swale/linear wetland network adjacent to the transport network or underneath the national grid transmission lines where opportunities for other land uses are limited. In addition to these linear wetlands and swales, on-site stormwater management devices will also be required to mitigate effects of development. The precise nature and location of these stormwater facilities will be finalised through detailed catchment management planning and modelling, and undertaken as part of preparing Land Development Plans for the growth cell or arising from an approved Integrated Catchment Management Plan.~~
- ~~b) Stormwater must be managed in an integrated manner across all catchments with individual developments contributing towards wider network and catchment outcomes.~~
- ~~c) Figure 2-15B shows the recommended stormwater discharge points to the existing two catchments (excluding Komakorau and Hamilton East). Discharge consents will be required from the Waikato Regional Council prior the discharge of any stormwater into these catchments from the Structure Plan area.~~

Delete paragraphs a) and b) of 3.7.1.10 and replace with new paragraphs a) – e):

- ~~a) — Analysis has been undertaken around the existing network in regards to the potable water network and the system design required. This concluded that a boosted single reservoir network would meet demand and level of service requirements for the development of the Structure Plan.~~
- ~~b) — Analysis has been undertaken for wastewater in relation to the Structure Plan. A sewer main with sufficient capacity for the land uses proposed for the site, as well as providing enough capacity for future possible connections from other external~~

~~developments and growth areas, must be provided. It is proposed to position the sewer trunk main along the main spine road with adjacent laterals from sub catchments and external sites feeding into the system along its length. The sewer trunk main extends from the southern end to the northwest corner of the Structure Plan Area, where it will connect into the existing reticulation in Wairere Drive.~~

- ~~a) A single reservoir is proposed to meet the demand and level of service requirements for the entire development of the structure plan. The single reservoir will also need to support the wider existing and future City needs. Figure 2-15B Ruakura Strategic Infrastructure shows an indicative location for a reservoir, at the highest point of the structure plan area within the existing AgResearch site, and indicative bulk mains connecting to the City network at Wairere Drive and Peachgrove Road. The development of the strategic infrastructure and the supporting bulk and trunk network will be secured through Land Development Plans. It is expected the bulk and trunk network will be located within the vested transport road corridor.~~
- ~~b) Any Land Development Plan application will need to be supported by an assessment of options taking account of the whole of life costs for any proposed public infrastructure.~~
- ~~c) The strategic wastewater solution at Wairere Drive/Crosby Road has been developed to service future development needs for both the Ruakura Structure Plan and Peacocke Structure Plan areas. This wastewater interceptor is to be extended east and then south along the Spine Road and to Ruakura Road. Beyond the Ruakura Structure Plan the wastewater interceptor will continue to service planned intensification areas for the City.~~
- ~~d) Provision shall be made to extend the wastewater interceptor across the Waikato River and into the Peacocke Structure Plan area in a manner envisaged by Council's Wastewater Master Plan.~~
- ~~e) It is Council's expectation that the entire structure plan area will be serviced in a manner that seeks to avoid the need for any vested pumping stations.~~

Insert provision 3.7.1.11 a) and b) including the new heading for 3.7.1.11:

3.7.1.11 Indicative Infrastructure Development Programme

- ~~a) Figures 2-15A and B illustrate the Ruakura Strategic Infrastructure necessary to support the growth cell. Rules 3.7.3.3 and 3.7.3.4 detail the nature and staging of transportation and three waters infrastructure requirements. Land Development Plans are expected to further refine these transportation and three waters infrastructure needs. It is expected that the provision of the planned strategic three waters infrastructure network would be integrated, constructed and vested concurrent with the development of the transport network (in particular the incremental development of the Spine Road).~~
- ~~b) Where strategic infrastructure is developed on land not held by Council, easements in gross in favour of Hamilton City Council will be required to secure access to any public infrastructure. It is Council's expectation that all Ruakura Strategic Infrastructure will be vested in Council.~~

Insert provisions 3.7.1.12 a) – c) including the new heading for 3.7.1.12:

3.7.1.12 Connections to Ruakura Strategic Infrastructure

- a) The Structure Plan sets the overarching structure and pattern of development, which is supported by strategic infrastructure. While the concepts are flexible in their application to some extent, the pattern of development shall be sequenced in a manner that reflects the Ruakura Strategic Infrastructure as shown on Figures 2-15A and B. There are critical elements of strategic infrastructure that must be provided for within defined corridors and localities (see Figures 2-15A and B).
- b) Prior to the operation of the Ruakura Reservoir, water supply is available for up to 1250 residential lots in the north of the growth cell. There is no interim water capacity for the remainder of the Ruakura Structure Plan. Once the reservoir is operational, existing and subsequent development within the Structure Plan will be required to connect to the distribution network from the reservoir which will be serviced from both the existing main connections at Wairere Drive and Peachgrove Road.
- c) There is no interim wastewater capacity within the City's existing wastewater network to accommodate growth in the Ruakura Structure Plan area. All wastewater is to be disposed via a wastewater service which will be extended south along the Spine Road corridor through Land Development Plan applications. All Land Development Plan applications shall demonstrate how they provide for immediate and or future connections to the Ruakura Strategic Infrastructure.

Amend Objective 3.7.2.1:

Land within the Ruakura Structure Plan Area will be developed in general accordance with the vision for the Ruakura Structure Plan set out in 3.7 and 3.7.1.

Amend Policy 3.7.2.1e:

Configure land uses around a comprehensive network of well-connected open spaces that will perform a range of functions including recreation, stormwater management, cycle ways and walkways, ecological and amenityrecreation.

Insert new Objective 3.7.2.2 and Policies 3.7.2.2a-g:

<p><u>3.7.2.2</u> <u>Development and land use activities in the Ruakura Structure Plan are designed, developed and implemented in a manner which protects the amenity values of surrounding communities and facilities, while providing for urbanisation.</u></p>	<p><u>3.7.2.2a</u> <u>Development and land use will:</u></p> <ul style="list-style-type: none"> <u>i. Ensure an appropriate level of urban residential amenity in relation to existing and future residential activities; and</u> <u>ii. Ensure an appropriate level of amenity in relation to existing and future facilities in the University of Waikato, Waikato Innovation Park and AgResearch.</u> <p><u>This will be achieved by:</u></p> <ul style="list-style-type: none"> <u>i. Mitigating the adverse effects of noise, vibration, lighting, glare, odour, dust, and air emissions; and</u> <u>ii. Ensuring attractively designed buildings and landscaped frontages to key public frontages; and</u> <u>iii. Screening and landscaping adjoining sensitive activities.</u>
	<p><u>3.7.2.2b</u> <u>Land use, subdivision and development of the Ruakura Structure Plan will be undertaken in accordance with Figures 2-14, 2-15A and B, 2-16, 2-17 and 2-18 outlined in Appendix 2 Structure Plans.</u></p>
	<p><u>3.7.2.2c</u> <u>Interim land use and development in the Ruakura Structure Plan will not compromise the integrity and viability of the land use pattern of the Ruakura Structure Plan.</u></p>
	<p><u>3.7.2.2d</u> <u>The positive effects of logistics, industry, knowledge, residential and open space activities on economic, cultural, social and environmental wellbeing will be encouraged and promoted by providing for these activities.</u></p>
	<p><u>3.7.2.2e</u> <u>Logistics, industry, knowledge, residential and open space activities and development will use land allocated and serviced for these purposes in accordance Figures 2-14, 2-15A and B, 2-16 and 2-17 outlined in Appendix 2 Structure Plans.</u></p>

	<p><u>3.7.2.2f</u> <u>Logistics, industry, knowledge, residential and open space land identified on Figure 2-14 will be safeguarded for these purposes.</u></p>
	<p><u>3.7.2.2g</u> <u>Industrial land will be released in a staged manner together with the development of the Inland Port to ensure that co-location and agglomeration benefits of the Inland Port are able to be realised.</u></p>

Insert new Objective 3.7.2.3 and Policies 3.7.2.3a-e:

<p><u>3.7.2.3</u> <u>New urban development within the Ruakura Structure Plan is serviced and integrated with the existing and future infrastructure network (including roads and Three Waters) to manage impacts on the network and manage the impacts of infrastructure on new urban development.</u></p>	<p><u>3.7.2.3a</u> <u>Land within the Ruakura Structure Plan will not be developed until adequate infrastructure is provided and a commitment to the development of the Ruakura Strategic Infrastructure by an appropriate legal mechanism.</u></p>
	<p><u>3.7.2.3b</u> <u>Staging and sequencing will ensure the capacity of roading and Three Waters infrastructure is not exceeded.</u></p>
	<p><u>3.7.2.3c</u> <u>The use and development of land for urban development is inappropriate unless a Land Development Plan has been approved by the Council and is supported by the development of Ruakura Strategic Infrastructure.</u></p>
	<p><u>3.7.2.3d</u> <u>Development will not compromise the safe, efficient and effective operation and use of existing or planned infrastructure.</u></p>
	<p><u>3.7.2.3e</u> <u>Development will not result in incompatible adjacent land uses with respect to existing or planned infrastructure.</u></p>

Insert new Objective 3.7.2.4 and Policies 3.7.2.4a-e:

<p><u>3.7.2.4</u> <u>An integrated and efficient pattern of land use and transportation so as to sustainably manage the impact of development on existing and planned transport infrastructure including Ruakura Strategic Infrastructure.</u></p>	<p><u>3.7.2.4a</u> <u>Integrated Transport Assessments will be undertaken for each Land Development Plan area, and for high traffic generating activities, to manage impacts on existing and planned transport infrastructure.</u></p>
	<p><u>3.7.2.4b</u> <u>The transport network supports efficient passenger transport and walking and cycling, including grade separate facilities on arterial routes.</u></p>
	<p><u>3.7.2.4c</u> <u>The extent to which any staged development extends the construction of the Spine Road and provides ongoing connectivity to the existing and future transport network.</u></p>
	<p><u>3.7.2.4d</u> <u>Road stopping procedures for parts of Ruakura Road and Percival Road will be required under the Local Government Act to enable the expansion of the Inland Port. The principles to be adhered to, for any alternative access proposal, include (to the extent possible):</u></p> <ul style="list-style-type: none"> <u>i. A route which provides for travel in the general direction of Hillcrest and Silverdale without significant detours in terms of distance, travel times or connectivity;</u> <u>ii. A route which enables use of alternative modes of transport (particularly walking and cycling); and</u> <u>iii. A route which avoids severance effects for the Percival / Ryburn Road community.</u>
	<p><u>3.7.2.4e</u> <u>Opportunities for improved safety, accessibility, connectivity and efficiency within the transportation network are provided including grade separated facilities on arterial routes.</u></p>

Insert new Objective 3.7.2.5 and Policies 3.7.2.5a-f:

<p><u>3.7.2.5</u> <u>Development maintains or enhances indigenous biodiversity values and mitigates adverse effects on indigenous biodiversity.</u></p>	<p><u>3.7.2.5a</u> <u>Development will avoid adverse effects on significant indigenous biodiversity in the first instance, and where effects cannot be avoided, they should be remedied, mitigated or offset in order to maintain indigenous biodiversity values.</u></p>
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	<p><u>3.7.2.5b</u> <u>Protect, and where appropriate enhance, the water quality of adjacent streams and gully systems in order to maintain or enhance indigenous biodiversity values.</u></p>
	<p><u>3.7.2.5c</u> <u>Improved indigenous biodiversity outcomes through restoration and enhancement will be encouraged.</u></p>
	<p><u>3.7.2.5d</u> <u>Create a greenway which provides opportunities for improved habitat and ecological benefits in the Ruakura Structure Plan and in the downstream receiving environment. The greenway in the Ruakura Open Space Zones, Ruakura Open Space Area and road reserves shall include linear wetlands, their vegetated margins, storage basins, low flow channels, indigenous vegetation planting and amenity planting.</u></p>
	<p><u>3.7.2.5e</u> <u>Retain and re-establish viable populations of the black mudfish, longfin eel, shortfin eel, and indigenous lizards within the Ruakura Structure Plan, by the establishment and management of linear wetlands and riparian vegetation.</u></p>
	<p><u>3.7.2.5f</u> <u>The Land Development Plan will include methods to ensure maintenance or enhancement of indigenous biodiversity values and mitigation of adverse effects on indigenous biodiversity.</u></p>

Insert new Objective 3.7.2.6 and Policy 3.7.2.6a, and delete PDP Objective 3.7.2.2 and Policy 3.7.2.2a, and the subsequent numbering of the following objectives and policies in this chapter:

<p><u>3.7.2.6</u> <u>Land use and development in the Ruakura Structure Plan occurs in a manner which does not compromise the vitality, functions and amenity of the central city and maintains a hierarchy of business centres in Hamilton.</u></p>	<p><u>3.7.2.6a</u> <u>The distribution, type, scale and intensity of commercial development in the Ruakura Structure Plan will not undermine the vitality, functions, and amenity of the central city.</u></p>
<p><u>3.7.2.2</u> <u>Land use and development within the Ruakura Structure</u></p>	<p><u>3.7.2.2a</u> <u>The distribution, type, scale and intensity of development within the Ruakura Structure Plan</u></p>

<p>Plan area will occur in a manner which does not compromise the function, viability or vibrancy of the Central City.</p>	<p>area shall not undermine the viability, vitality and vibrancy of the Central City.</p>
<p>3.7.2.73 The creation of a regionally significant logistics hub in Hamilton.</p>	<p>3.7.2.73a Logistics, freight handling services and supportive activities and infrastructure shall be provided for in the Ruakura Logistics Zone.</p>
	<p>3.7.2.73b The positive environmental economic and social effects of logistics and freight handling activities and infrastructure shall be recognised and supported.</p>
<p>3.7.2.84 The continued development of a research, education, innovation and technological activity precinct in a manner which does not compromise the Central City.</p>	<p>3.7.2.84a Research, education, innovation and technological activities and supporting activities and infrastructure shall be supported and co-located within the Ruakura Innovation Zone.</p>
	<p>3.7.2.84b The manufacture and development of prototype goods, where such activities will complement the primary role of research, education and innovation, shall be provided for.</p>
	<p>3.7.2.84c Activities ancillary to and which support the primary purpose of the zone, such as retail and community activities, shall be recognised and provided for.</p>
	<p>3.7.2.84d The shared use of infrastructure, including car parking and buildings to maximise efficiencies of use, shall be encouraged.</p>
<p>3.7.2.95 The creation of a high quality Industrial Park in Ruakura.</p>	<p>3.7.2.95a Industrial development shall be well designed and of high quality in the Ruakura Industrial Park Zone.</p>
	<p>3.7.2.95b No provision is made for noxious or offensive industrial activities within the Ruakura Industrial Park Zone.</p>
<p>3.7.2.106 An integrated, well-planned residential environment.</p>	<p>3.7.2.106a Residential areas shall be comprehensively planned and developed in co-ordination with transport network connections.</p>

	<p>3.7.2.106b Residential areas shall be integrated with and connected to Fairview Downs.</p>
	<p>3.7.2.106c A range of housing choice and affordability shall be provided.</p>
<p>3.7.2.117 A centre for locally based retail facilities capable of meeting the day to day needs of the immediate surrounding neighbourhoods.</p>	<p>3.7.2.117a Activities within the neighbourhood centre shall principally serve the immediate neighbourhood.</p>
	<p>3.7.2.117b The scale and nature of activities within the neighbourhood centre shall not generate significant adverse amenity effects on the surrounding residential area and transport network.</p>

Amend Rule 3.7.3.1:

3.7.3.1 Ruakura Structure Plan Area

All land use and development within the Ruakura Structure Plan ~~Area~~ shall be in general accordance with:

- a) The Ruakura Structure Plan as set out in section 3.7 of this Chapter, and
- b) Ruakura Structure Plan ~~Figures Maps~~ in Volume 2, Appendix 2, Figures 2-14 to 2-1~~89~~.
- ~~c) Land Development 3.7.3.2~~
- ~~d) Staging and Traffic Requirements 3.7.3.3~~
- ~~e) Ruakura Strategic Infrastructure Requirements 3.7.3.4~~
- ~~f) General Matters 3.7.3.5~~

Delete Rule 3.7.3.2 and replace with new Rule 3.7.3.2, including Rules 3.7.3.2.1 – 3.7.3.2.3:

~~3.7.3.2 Integrated Catchment Management Plan~~

- ~~a) An Integrated Catchment Management Plan which is consistent with the requirements of Chapter 4: Residential Zones, Chapter 8: Knowledge Zone, Chapter 10: Ruakura Logistics Zone and Chapter 11: Ruakura Industrial Park Zone, and complies with the requirements of Volume 2, Appendix 1.5.5 is a pre-requisite to all land use and development within the Ruakura Structure Plan Area.~~

3.7.3.2 Land Development Plan

3.7.3.2.1 Consent for Land Development

- a) A resource consent for a restricted discretionary activity is required for the following activities associated with the urbanisation of land in the Ruakura Structure Plan:
 - i. Preparation of land for development purposes including earthworks and vegetation removal.

- ii. Construction of roads, pedestrian paths and cycle routes.
 - iii. Installation of Three Waters infrastructure (including linear wetlands and storage basins).
 - iv. Works related to the establishment of open space networks.
 - v. Screen planting associated with the Inland Port (Sub Area A (Inland Port)).
- b) The Ruakura Structure Plan is divided into a number of Land Development Plan Areas (as shown in Figure 2-16 in Appendix 2 Structure Plans).
- ~~a) Consent for the urbanisation of land involving the activities listed in Rule 3.7.3.2.1 shall be obtained for the entire or staged section of these areas prior to land use, subdivision and development under any other rule of the Ruakura Structure Plan.~~
- c) Land development and new buildings in the absence of a Land Development Plan is Non Complying.
- d) The boundaries of the Land Development Plan areas may be altered to a minor extent as part of detailed design work for the Land Development application, but not to exclude the Spine Road from the area. For the purpose of the administration of this provision, a boundary alteration will be considered 'minor' if the land use in the extended area and the effects arising from that land use are, or are likely to be of the same or similar scale, character and intensity as the original Land Development Plan area.
- e) A Land Development Plan shall provide the following information as detailed in Appendix 1.2.2.25 Information Requirements – Land Development Plans:
 - i. General Requirements;
 - ii. Concept Layout Plan;
 - iii. Landscape Concept and Enhancement Plan (including a Native Fish Management Plan and Native Lizard Management Plan as required);
 - iv. Water Impact Assessment;
 - v. Integrated Transport Assessment;
 - vi. Mitigation of Adverse Land Development Effects on Habitats;
 - vii. Medium Density Residential Zone (where relevant); and
 - viii. Open Space Provisions
 - ix. Ruakura Strategic Infrastructure (as shown on Figures 2-15A and B)
- f) Where staged development of any Land Development Area is sought then the following indicative information for the balance area shall be provided:
 - i. The location and width of proposed roads and carriageways and their integration with the existing and future transport network;
 - ii. The location of proposed Ruakura Strategic Infrastructure to ensure connectivity across the entire structure plan and adjacent Land Development Plan areas.
 - iii. The National Grid electricity transmission network;

- iv. Where the Land Development Plan contains any part of the Inland Port (Sub Area A (Inland Port)) indicative layout plan showing internal roads, hardstand and impermeable areas, crossing points under transmission lines, indicative building locations, future rail sidings and connections to the East Coast Main Trunk railway and clearances between finished surface levels of the Inland Port and the National Grid electricity transmission network;
- v. The location and size of storm water treatment and control measures; and
- vi. The location, size and purpose of open spaces.
- g) Land Development Plans will be assessed in accordance with the functions of the Hamilton City Council prescribed in Section 31 of the Resource Management Act. Consents may also be required from Waikato Regional Council under the Waikato Regional Plan e.g. for stormwater discharge.

3.7.3.2.2 Water Impact Assessment

- (a) A Water Impact Assessment based on anticipated development in the Land Development Plan that includes the following:
 - i. How the proposal is consistent with, or otherwise complies with, the recommendations, measures and targets of any approved Integrated Catchment Management Plan.
 - ii. Where there is no approved Integrated Catchment Management Plan, how the proposal is consistent with the development of and gives effect to Ruakura Strategic Infrastructure including as shown on Figures 2-15A and B in Appendix 2 for the entire structure plan area.
 - iii. How the Land Development Plan provides for the eventual diversion of any temporary connections to strategic infrastructure, including timing or triggers for such diversions.
 - iv. An assessment of any potential effects (including cumulative effects) of the development in relation to its catchment. In particular, the assessment should include consideration of potential construction effects and the potential effects of new stormwater devices on adjacent private property.
 - v. Details of what water-sensitive techniques are proposed and methods of implementation.
 - vi. Details of the expected water efficiency benefits arising from the proposed water-sensitive techniques compared to the same development without using those water-sensitive techniques.
 - vii. Details of how the water-sensitive techniques will be operated and maintained to ensure ongoing water efficiency benefits.
 - viii. Confirmation of available Three Waters infrastructure and capacity, existing and proposed, to appropriately service anticipated development in the Land Development Plan area and the wider structure plan area.
 - ix. Details of the water demand (flow and pressure) and water sources.

- x. An assessment of the effect that any staged or interim development and infrastructure has on the strategic network described in Figures 2-15A and B including an assessment of when any diversion to that strategic network is required to restore the city wide network capacity that was being used on an interim basis.

3.7.3.2.3 Notification Rule

(a) Except as provided for by sections 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in section 4.5.4 of Residential Zones, 8.3.2, 8.3.3 and 8.9 of Knowledge Zone, 10.3, 10.6 or 10.7 of Ruakura Logistics Zone or 11.3, 11.6 or 11.7 of Ruakura Industrial Park Zone shall be considered without notification or the need to obtain approval from affected persons except that applications for activities generating 1500 or more vehicle movements per day shall be limited notified to the following unless they have given their affected party approval:

- New Zealand Transport Agency, Waikato Regional Council and Waikato District Council.

Further to clause (a), all activities within the Inland Port (Sub Area A (Inland Port)) classified as a Restricted Discretionary Activity by Rule 25.8.3.14a) shall be considered without notification or the need to obtain approval from affected persons.

Insert Rule 3.7.3.3, including Rules 3.7.3.3.1 – 3.7.3.3.7:

3.7.3.3 Staging and Traffic Requirements

- a) The staging conditions relate to the provisions of the PRPS and in particular Table 6-2 which sets out the strategic industrial land allocation for the Waikato Region. Ruakura is identified for the staged release of land to provide for up to 405ha of industrial land by 2061. The rules are aimed at ensuring compliance with this land release but still picking up key triggers and levels of tolerance where network upgrades and other constraints lie.
- b) Due to the size of the site and the development timescale the roll out of, and specific mix of Ruakura Logistics to Ruakura Industrial Park land uses, is not yet understood. Ruakura Logistics activities are expected to have a significantly lower level of traffic generation than Industrial Park Activities. As such a sliding scale of impacts and a range of development options have been encapsulated in the rules while the location and final layout of these activities are fixed, the take up of the land will depend on the market demand and, as such, some staging flexibility is appropriate.
- c) It is noted that the Industrial Stage 2 development and the Precinct C development within the Knowledge Zone are subject to the Waikato Expressway (Hamilton section) being completed and connected to the Ruakura Structure Plan or suitable arterial network capacity being demonstrated or established in a manner that maintains the efficiency,

safety and functioning of the transport network. It is considered that where construction is underway and a completion date is available some flexibility on further land release may be appropriate to ensure benefits are obtained from infrastructure at the earliest possible date and development to cater for market demand is not unduly delayed.

d) Spine Road construction trigger

The Spine Road (central) shall be extended south from Greenhill Link Road as LDP applications are lodged for Areas I, L, M and K to the boundary of the Medium Density Residential Zone. The full extent of the Spine Road within each LDP area will be constructed as part of the LDP application.

The Spine Road (central) shall be extended south as LDP applications are lodged for Areas T and S. The full extent of the Spine Road within each LDP area will be constructed as part of the LDP application.

- Development shall not commence in LDP Area G until the Spine Road is constructed along the full extent of LDP Area T.
- Development shall not commence in LDP Area R until the Spine Road is constructed along the full extent of LDP Area S.

The Spine Road (south) shall be extended south from the general residential zone boundary to Ruakura Road West and be subject to the following sequencing constraints:

- Development shall not commence in LDP Areas D, F or P until such time as the Spine Road (south) is constructed.

3.7.3.3.1 Industrial Land Stage 1 Rule (PRPS 2021 Allocation)

(a) Up to 80 hectares of land within the Ruakura Structure Plan may be developed before 1 January 2021, with general industrial not exceeding 30 hectares. This can be made up with a combination of the following land allocations:

Ruakura Logistics Zone

- i. up to 20 ha of Ruakura Logistics Zone; or
- ii. up to 40 ha of land in Ruakura Logistics Zone subject to:
 - a. Signalisation of the existing intersection of Ruakura Road/Knighton Road; and
 - b. Signalisation of the intersection of Ruakura Road/Silverdale Road; and
 - c. Total weekday average peak hour generation for the area for each morning and evening peak periods based on a minimum two week continuous traffic count is less than 180 vph.
- iii. up to 80 ha of Ruakura Logistics Zone subject to:
 - a. Signalisation of the existing intersection of Ruakura Road/Knighton Road; and
 - b. Signalisation of the intersection of Ruakura Road/Silverdale Road; and
 - c. Ruakura Road being realigned and connected from the existing Ruakura Road (east of Silverdale Road) to the existing Ruakura Road (north of Vaile Road), and open to traffic; and

- d. Formation of a priority controlled intersection where the realigned Ruakura Road meets the old Ruakura Road in the block between Holland Road and Vaile Road; and
- e. Total weekday average peak hour generation for the Ruakura Logistics Zone for each morning and evening peak periods based on a minimum two week continuous traffic count is less than 180 vph.

Ruakura Industrial Park Zone

and/or

iv). Up to 16 ha of Ruakura Industrial Park Zone to the north of AgResearch, provided the overall level of development within the Industrial Land Stage 1 shall not exceed 80 ha; or

v). Up to 30 ha of land within the Ruakura Industrial Park Zone to the north of AgResearch, provided the overall level of development within the Industrial Land Stage 1 shall not exceed 80 ha; and

- a) Total weekday average peak hour generation for the Zone for each morning and evening peak periods based on a minimum two week continuous traffic count is less than 15 vph per gross developed hectare; and
- b) An approved Land Development Plan for Land Development Plan Area A being stage 1 of the Inland Port, south of the East Coast Main Trunk railway and west of Percival Road, and associated logistics activities; and
- c) Commencement of development within Land Development Plan Area A (being Stage 1 of the Inland Port (Sub Area A (Inland Port))) and associated logistics activities). For the purpose of this rule commencement of development will be as a minimum, water, and wastewater connections, stormwater solutions and transportation access to the Inland Port consistent with the approved Land Development Plan for the Inland Port, and consistent with any staging and interim infrastructure solution provided for in the Land Development Plan. These connections will be identified on the Land Development Plan.

3.7.3.3.2 Industrial Land Stage 2 Rule (PRPS 2021 - 2041 Allocation)

(a) An additional 115ha of land within the Ruakura Logistics Zone and Ruakura Industrial Park Zone may be developed post 1 January 2021 subject to:

- i. The Waikato Expressway (Hamilton section) having been completed and directly connected to the Ruakura Structure Plan, via an interchange at a realignment of Ruakura Road and the direct connection between Greenhill Interchange and Wairere Drive.
- ii. Weekday average peak hour traffic volume, including the traffic generated by the proposed development, not exceeding 1,200 vehicles per hour (vph) (one way) on Ruakura Road (east of Wairere Drive) and 1,400 vph (one-way) on Wairere Drive (south of Ruakura Road). Where the volume is in excess of either of these thresholds this area can be developed only when the Spine Road is connected and open to traffic from Ruakura Road to Fifth Avenue Extension.
- iii. The traffic generation and network performance for Stage 1 Activities is in

accordance with Rule 3.7.3.3.1.

3.7.3.3.3 The Knowledge Zone Precinct C (including the Ruakura Retail Centre, but excluding Precincts A, B and D) Staging Rule

(a) Up to 16 ha of land within Precinct C (including the Ruakura Retail Centre) may be developed subject to the following criteria.

i. A connection being formed between Precinct C and Ruakura Retail Centre and the signalised intersection of Ruakura/Knighton Roads.

ii. Weekday average peak hour traffic volume, including the traffic generated by the proposed development, not exceeding 1,200 vehicles per hour (vph) (one way) on Ruakura Road (east of Wairere Drive) and 1,400 vph (one-way) on Wairere Drive (south of Ruakura Road). Where the volume is in excess of either of these thresholds this area can only be developed when the Spine Road is connected and open to traffic from Ruakura Road to Fifth Avenue Extension.

Or

iii. Suitable arterial network capacity can be demonstrated or established in a manner that maintains the efficiency, safety and functioning of the transport network.

Provided that:

iv. No more than 5ha can be developed unless the Spine Road is connected and open to traffic from Ruakura Road to Fifth Avenue Extension.

3.7.3.3.4 Medium Density Residential Staging Rule

(a) Except as provided for in (c) below up to 150 dwellings can be constructed in the Medium Density Residential Zone.

(b) Development in excess of 150 dwellings can occur in the northern Medium Density Residential Zone subject to a transport connection being established to the E1 Arterial Road at the Wairere/Crosby/Gordonton Road roundabout.

(c) There is no staging for the Medium Density Residential Zone adjoining Silverdale Road.

3.7.3.3.5 General Residential Staging

(a) There is no staging for the General Residential Zone.

3.7.3.3.6 Staging Activity Status

(a) Any application for resource consent not in accordance with Rules 3.7.3.3.1 – 3.7.3.3.5 is a discretionary activity.

The Council's discretion shall include, but not be limited to, the following matters:

i. Demonstration that any development is consistent with the Industrial Land Allocation or alternative land release criteria specified in any

operative or proposed Regional Policy Statement including any approved alternative land release provided for.

- ii. Appropriate provision being made for mitigation works to ensure that development does not result in long term adverse effects on the efficiency, safety and functioning of the transport network. The timing of any other planned local network upgrades that would contribute to the offset of the effects of traffic generation.
- iii. Whether there is certainty of timing over the construction of the Hamilton section of the Waikato Expressway and the extent to which this enables a departure from the provisions of Rule 3.7.3.3.1.
- iv. The ITA matters for discretion set out in Appendix 1.3.3 N) Ruakura.
- v. For industrial development in excess of 16ha in the Industrial Park Zone north of AgResearch or for any industrial development outside of this area: whether a Land Development Plan for Area A (being Stage 1 of the Inland Port (Sub Area A (Inland Port)) and associated logistics activities) has been approved and the necessary infrastructure connections for the Inland Port are in place.

(b) Except as provided for by Section 95A (2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act, an application under this rule shall be considered without notification or the need to obtain approval from affected persons except that the application shall be limited notified to the following unless the persons have given their affected party approval:

- New Zealand Transport Agency, Waikato Regional Council and Waikato District Council.

3.7.3.3.7 Traffic Generation

Traffic Generation Consent Requirements

- (a) Any activity triggering trip generation thresholds of 1500 vehicles per day (vpd) requires resource consent as a restricted discretionary activity.
- (b) This rule does not apply to events and temporary activities where a temporary traffic management plan has been approved by the relevant road controlling authority.

Amend existing Rule 3.7.3.3, renumbering it to 3.7.3.4, and amending the rules, including 3.7.3.4.1 – 3.7.3.4.4 as follows:

3.7.3.4.3 Ruakura Strategic Infrastructure

All land use and development within the Ruakura Structure Plan shall be subject to the following:

3.7.3.4.1 Potable Water Supply

- a) All development within the Structure Plan shall be connected to the Ruakura water reservoir via a new distribution network in a manner consistent with the Ruakura Strategic Infrastructure, with the following exception:

- Prior to the operation of the Ruakura reservoir, up to 1250 residential lots may be serviced from the existing Greenhill Link / Wairere Drive water connection. Once the Ruakura water reservoir is operational, all existing and proposed residential development within the structure plan area shall be connected to the reservoir via a new distribution network.

3.7.3.4.2 Wastewater Network

a) All development within the structure plan area shall discharge to the Ruakura Strategic Infrastructure wastewater network.

3.7.3.4.3 Stormwater Network

a) All stormwater management infrastructure shall be in accordance with an approved ICMP where available.

b) In absence of an approved ICMP, stormwater management infrastructure shall be subject to specific catchment management planning and reflect the preferred stormwater discharge points on Figure 2-15B.

3.7.3.4.4 General Matters

All land use and development within the Ruakura Structure Plan Area shall be subject to all infrastructure requirements identified as part of the assessment criteria set out in the relevant rules of:

- a) Chapter 4: Residential Zones
- b) Chapter 8: Knowledge Zone
- c) Chapter 10: Ruakura Logistics Zone
- d) Chapter 11: Ruakura Industrial Park Zone
- e) Chapter 15: Open Space Zones
- ef) Volume 2, Appendix 1.3.32 Restricted Discretionary Activity – Matters for Discretion and Assessment Criteria

Delete existing Rules 3.7.3.4 -3.7.3.6, and delete Figure 3.7.3a: Knowledge Zone Precincts:

~~3.7.3.4 Staging Rules for Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan Area~~

~~a) Stage 1 Rule~~

~~All land use and development within the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan Area shall be subject to all of the following criteria:~~

- ~~i. A total of no more than 80 hectares of land is to be developed before 1 January 2021.~~
- ~~ii. Up to 80 hectares of land may be developed for port and logistics land use.~~
- ~~iii. Up to 20 hectares of land may be developed for industrial land use provided that the ratio between allocated industrial land use and port and logistics land use is no more than 1:4.~~
- ~~iv. Port and logistics land use shall be located in the Ruakura Logistics Zone in the area south of the east coast main trunk railway line.~~

- ~~v. Industrial land use shall be located in the Ruakura Industrial Park Zone south of the east coast main trunk railway line or the industrial park area immediately north of the Knowledge Zone (i.e. west of the north-south spine road).~~

~~**b) Stage 2 Rule**~~

~~All land use and development within the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan Area in Stage 2 shall be subject to all of the following criteria.~~

- ~~i. All connections between the City's transport network in the Ruakura Structure Plan Area and the completed Hamilton section of the Waikato Expressway being complete and operational.~~
- ~~ii. A transport connection must be established during Stage 2 between the Ruakura Industrial Park Zone and the Ruakura Logistics Zone with the transport connection to be established between the Wairere/Crosby/Gordonton Road roundabout and the southern boundary of the General Residential Zone within the Ruakura Structure Plan Area.~~
- ~~iii. No more than 115 hectares of land is to be developed between 2 January 2021 and 1 January 2041.~~

~~**c) Stage 3 Rule**~~

~~All land use and development within the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan area in Stage 3 shall be subject to the following criteria.~~

- ~~i. No more than 210 hectares of land is to be developed between 2 January 2041 and 1 January 2061.~~

~~**3.7.3.5 Staging Rules for General Residential Zone and Medium Density Residential Zone in the Ruakura Structure Plan Area (refer Volume 2, Appendix 2, Figure 2-19)**~~

~~**a) Stage 1A Rule**~~

~~Development of land in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area shall be subject to satisfaction of all of the following criteria:~~

- ~~i. Between 1 and 200 residential units can be constructed in Stage 1A.~~
- ~~ii. No more than 100 residential units can be constructed in Stage 1A in the main area of land zoned General Residential and Medium Density Residential Zones in the Ruakura Structure Plan Area.~~
- ~~iii. No more than 200 residential units are to be constructed in Stage 1A before a transport connection must be established and operating between Stage 1 and the Wairere Eastern Arterial at the Wairere/Crosby/Gordonton Road roundabout.~~

~~**b) Stage 1B Rule**~~

~~Development of land in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area shall be subject to satisfaction of all of the following criteria:~~

- ~~i. Up to 175 residential units can be constructed in Stage 1B, provided that a transport connection has already been established and is operating between Stage 1 and the Wairere Eastern Arterial at the Wairere/Crosby/Gordonton Road roundabout.~~
- ~~ii. No more than 175 residential units can be constructed in Stage 1B before a transport connection must be established and operating between the~~

~~Wairere/Crosby/Gordonton Road roundabout and the southern boundary of the General Residential Zone within the Ruakura Structure Plan Area. See Appendix 2: Structure Plans, Figure 2-6: Ruakura Residential Staging for identification of the Southern boundary of the General Residential Zone.~~

~~c) — Stage 2 Rule~~

~~Development of land in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area shall be subject to satisfaction of the following criteria:~~

- ~~i.— Up to 1,426 residential units can be constructed in Stage 2, provided that a transport connection has already been established and is operating between the Wairere/Crosby/Gordonton Road roundabout and the southern boundary of the General Residential Zone within the Ruakura Structure Plan Area.~~

~~3.7.3.6 — Staging Rule for the Innovation Park Precinct of the Knowledge Zone in the Ruakura Structure Plan Area~~

~~a) — Staging Rule~~

~~Development of land in the Innovation Park Precinct of the Knowledge Zone in the Ruakura Structure Plan Area shall be subject to satisfaction of all of the following criteria:~~

- ~~i.— Development of land in sub-precinct A, B and D shown in Figure 3.7.3a may occur at any time.~~
- ~~ii.— Development of land in sub-precinct C shown in Figure 3.7.3a shall not occur before 2041.~~

Chapter 4 Residential Zones

Insert 4.1 f) after 4.1 e):

- f) A Land Development Plan prepared in accordance with Rule 3.7.3.2 must be approved by Hamilton City Council before development can occur in the Ruakura Medium Density Residential Zone.

Amend 4.1.3 b):

- b) A Comprehensive Development Plan or Land Development Plan for Ruakura must be approved before development in this zone. These plans need to be in general accordance with the relevant Structure Plan and Urban Design Guide.

Amend 4.1.4a)ii:

- ii. Ruakura Structure Plan (Percival/Ryburn Roads)
- The area bounded by Percival, Ryburn Roads and the designation for the Waikato Expressway, the East Coast Main Trunk railway (ECMT) and the approved inland port (Logistics Zone, Sub-Area A), is characterised by a range of large lot

residential uses and some rural activities. This area is not serviced and is not intended to be serviced.

There are approximately twenty-three existing houses and a number of subdivided but undeveloped properties in the enclave. The houses and outdoor living areas tend to be oriented to the north and north-east and away from the western leg of Percival Road, and to the north-west and north in relation to the northern leg of Percival Road. Typically the houses are more than 30 metres from the zone boundary. Percival Road has the character of a quiet country road being a cul de sac. It joins to Ruakura Road to provide the sole link to the wider City network and the community facilities in the eastern suburbs.

A feature of the area is a more-or-less continuous row of plane trees adjacent to the western leg of Percival Road and a more limited and shorter row of plane trees on the northern leg of Percival Road.

This area is also planned in the Ruakura Structure Plan to transition to the Ruakura Logistics Zone in future district plans. ~~Future subdivision of this area into further large lot residential lots, therefore, is not encouraged.~~ However, to protect amenity a buffer will be necessary at the interface between the land intended to support the expansion of the inland port and future development in the Industrial Park Zone and the residential area. Interface design control measures are therefore adopted in 10.5.4 and 11.5.3 to mitigate the potential and actual effects on residential amenity resulting from the development of the inland port and related activities adjacent to the enclave. Establishment of the buffer is a pre-condition to future development of the inland port in this area and is a requirement of the relevant Land Development Plan.

The conversion of the rural residential area to Logistics zoning will require a change or variation to be made to the District Plan when there is sufficient information and certainty about the timing and need for the 'new' zoning. This is consistent with the staged industrial land allocation provided in the Regional Policy Statement.

Insert new Objective 4.2.10, Policies 4.2.10a-e and its explanation after Objective 4.2.9:

<u>Objective</u>	<u>Policies</u>
<p><u>4.2.10</u></p> <p><u>Protect the amenity values of the Percival – Ryburn Road Large Lot Residential enclave, while providing for the urbanisation of the balance area consistent with the vision for the Ruakura Structure Plan Area.</u></p>	<p><u>4.2.10a</u></p> <p><u>Maintain the low density living environment by limiting the subdivision of land for further residential purposes.</u></p>
	<p><u>4.2.10b</u></p> <p><u>Minimise future adverse amenity effects on the surrounding environment associated with the development of the inland port and its facilities.</u></p>
	<p><u>4.2.10c</u></p> <p><u>Maintain efficient on-site management or collectively operated services for wastewater and stormwater treatment and disposal, and water</u></p>

	<p><u>supply to protect the environment.</u></p> <p>4.2.10d</p> <p><u>Establish and maintain a buffer of effective screen planting along the full length of the boundary of Percival Road capable of screening most of the building bulk of development associated with activities in any Logistics (Sub-Area B) Zone and the Industrial Park Zone (see Rules 10.5.4 and 11.5.3).</u></p> <p>4.2.10e</p> <p><u>Incorporate the rows of plane trees and any replacement trees as an integral part of the landscaped buffer as a mature element able to intercept sight lines of the upper portions of buildings associated with activities in any Logistics (Sub-Area B) Zone and Industrial Park Zone.</u></p>
<p>Explanation</p> <p><u>This objective recognises that the area is an established rural residential enclave but that there is a need to manage the intensity of future residential land uses given the area's central location as part of an inland port which once completed will be of a scale that will make it a regionally significant facility.</u></p>	

Insert new Objective 4.2.11, Policy 4.2.11a and its explanation:

<u>Objective</u>	<u>Policies</u>
<p>4.2.11</p> <p><u>Further development within the Large Lot Residential Enclave does not compromise any long-term future employment zoning of that land.</u></p>	<p>4.2.11a</p> <p><u>Manage the conversion of the established large lot residential enclave to a Logistics zoning to meet the expansion plans of the inland port by requiring a variation or change to the District Plan when there is sufficient information and certainty about the timing and need for this zoning.</u></p>
<p>Explanation</p> <p><u>The large lot residential zoning for the Percival-Ryburn Road area will change in the future to adopt a zoning consistent with the zoning of the adjoining land that serves the operations of the inland port. This will occur as part of a publicly notified planning process.</u></p>	

Insert Objective 4.2.12, Policy 4.2.12a-c and its explanation:

<u>Objective</u>	<u>Policies</u>
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<p><u>4.2.12</u></p> <p><u>The Medium Density Residential Zone includes an Integrated Retail Development providing services and community facilities capable of meeting the day to day needs of the immediate neighbourhood.</u></p>	<p><u>4.2.12a</u></p> <p><u>An Integrated Retail Development limited in size shall be provided for in a location central to the Medium Density Residential Development</u></p>
	<p><u>4.2.12b</u></p> <p><u>Activities within the Integrated Retail Development shall principally serve their immediate neighbourhood.</u></p>
	<p><u>4.2.12c</u></p> <p><u>The scale and nature of activities within the Integrated Retail Development shall not generate significant adverse amenity effects on surrounding residential areas and transport networks</u></p>
<p><u>Explanation</u></p>	
<p><u>The Integrated Retail Development Centre will provide a limited range of everyday goods and services and essentially serve a walk-in population. Being situated in a planned residential area it is essential that the range and scale of activities is compatible with neighbouring residential activity and local amenity values.</u></p> <p><u>The Integrated Retail Development Centre is small in land area and shop sizes are typically between 100-400m² gfa.</u></p>	

Amend Rule 4.3.2 a):

- a) Activities listed in 4.3 Rules – Activity Status Table – 4.3.1 General Residential Zone and Residential Intensification Zone which are undertaken in the Ruakura Structure Plan Area shall comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5, 3.7.3.6 and 3.7.4, 3.7.3.5 and 3.7.3.7 in Chapter 3: Structure Plans.

Amend Rule 4.4.1a)i. – Large Lot Residential Zone for single dwellings:

Activity	Net site area (minimums unless otherwise stated)		
	General Residential Zone	Large Lot Residential Zone	Residential Intensification Zone
i. Single dwellings (per residential unit)	400m ² per residential unit 1000m ² per residential unit for lots adjoining Waikato Expressway (Designation 90)	2500m ² (SH26) Ruakura Structure Plan 5000 m² 2ha (Percival/ Ryburn Roads) Ruakura Structure Plan	350m ² maximum per residential unit

Amend Rule 4.5.1a):

- a) The Medium-Density Residential Zone is divided into a number of Comprehensive Development Plan Areas (as shown in Appendix 3). *This excludes the Ruakura Structure Plan where Figure 2-16 identifies Land Development Plan Areas which are subject to Rules within 3.7.3.2.*

Insert Rule 4.5.2d) after 4.5.2c):

- d) *See Chapter 3.7.3.2 for Land Development Plan process in Ruakura. The activity statuses for Land Development Plans are identified in the relevant chapter for Medium Density Residential Zone.*

Amend the heading of Rule 4.5.3:

4.5.3 Activity Status Table – Medium-Density Residential Zone (excluding Ruakura)

Insert Rule 4.5.4 after Rule 4.5.3:

4.5.4 Activity Status Table – Ruakura Medium-Density Residential Zone

<u>Activities</u>	<u>Activity Status</u>
<u>Land Development Activities (refer Rule 3.7.3.2)</u>	<u>RD*</u>
<u>Residential Activities and Structures</u>	
<u>a) Residential buildings on sites 400m2 or greater</u>	<u>P</u>
<u>b) Residential buildings on sites 399m2 or less</u>	<u>RD*</u>
<u>c) Semi-detached, duplex and terrace housing</u>	<u>RD*</u>
<u>e) Maintenance, repair, minor alterations and additions to existing buildings</u>	<u>P</u>
<u>f) Managed care facilities</u>	<u>D</u>
<u>g) Papakainga</u>	<u>D</u>
<u>h) Residential activities</u>	<u>P</u>
<u>i) Residential centre</u>	<u>D</u>
<u>j) Rest home</u>	<u>D</u>
<u>Commercial Activities and Structures</u>	
<u>l) Childcare facility for up to five children</u>	<u>C</u>
<u>m) Childcare facility for six or more children</u>	<u>D</u>
<u>n) Dairy</u>	<u>C</u>

<u>Activities</u>	<u>Activity Status</u>
<u>o) Tertiary education and specialised training facility</u>	<u>D</u>
<u>p) Health care services</u>	<u>D</u>
<u>q) Home-based business</u>	<u>P</u>
<u>r) Homestay accommodation</u>	<u>P</u>
<u>s) Places of assembly</u>	<u>D</u>
<u>t) Show homes</u>	<u>P</u>
<u>u) Visitor accommodation</u>	<u>D</u>
<u>v) One Integrated Retail Development in accordance with the general location identified on Figure 2.14 in Appendix 2</u>	<u>RD*</u>
<u>w) One Service Station (fronting the Wairere Drive Expressway link road)</u>	<u>D</u>
<u>x) Community centre</u>	<u>C</u>
<u>y) General recreation</u>	<u>D</u>
<u>z) Informal recreation and ancillary buildings</u>	<u>P</u>
<u>aa) Marae</u>	<u>D</u>
<u>bb) Places of worship</u>	<u>D</u>
<u>cc) School</u>	<u>D</u>
<u>dd) Demolition or removal of existing buildings (except heritage buildings)</u>	<u>P</u>
<u>ee) Relocated buildings</u>	<u>C</u>
<u>ff) Emergency service facilities</u>	<u>D</u>
<u>gg) Temporary activities</u>	<u>P</u>

Update the numbering of the existing Rule 4.5.4 to become 4.5.5, and amend as follows:

4.5.54 Rule – Ruakura Structure Plan Area – Staging

- a) Notwithstanding Rule 4.5.1 and 4.5.2, activities listed in ~~4.5.34.5.4~~ Rules – Activity Status Table – Medium-Density Residential Zone which are undertaken in the Ruakura Structure Plan Area shall comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.~~45~~, ~~3.7.3.5~~, ~~3.7.3.6~~ and ~~3.7.43.7.3.7~~ in Chapter 3: Structure Plans.

Delete the yields for Ruakura in the Table of Rule 4.6.2a):

Location	Comprehensive Development Area	Residential Yield – Units per Comprehensive Development Area (+ or - 10%)
Rototuna	A	84

Location	Comprehensive Development Area	Residential Yield – Units per Comprehensive Development Area (+ or - 10%)
	B	28
	C	28
	D	90
	E	95
	F	200
Rotokauri	A	162
	B	143
	C	78
	D	185
	E	44
Ruakura	A	275
	B	350
	C	300
	D	250
	E	124

Amend the Table in Rule 4.6.5:

	Medium Density Zone
Permeability across the entire site	Minimum 20%
<u>Front Sites only in the Ruakura Medium Density Residential Zone: Permeability forward of the building line of the dwelling planted in grass, shrubs and trees.</u>	<u>Minimum 50%</u>

Insert Rules 4.6.6 and 4.6.7 after Rule 4.6.5:

4.6.6 Site Coverage

The maximum site coverage within the Ruakura Medium Density Residential Zone is 50%.

4.6.7 Building Height

The maximum height of a building or structure in the Ruakura Medium Density Residential Zone is 10m.

Update the numbering of existing Rule 4.6.6 (now Rule 4.6.8):

4.6.86 Provisions in Other Chapters

Amend the heading of Rule 4.8:

4.8 Rules – Specific Standards – Ruakura Medium-Density Residential Zone

Delete Rule 4.8.1:

~~4.8.1 Integrated Retail Development (Ruakura CDP Area A only)~~

~~a) Activities shall be integrated with residential development and only consist of:~~

- ~~• Retail~~
- ~~• Cafes~~
- ~~• Offices~~
- ~~• Healthcare services~~

i. Combined gross floor area of all tenancies	Maximum of 1500m²
ii. Gross floor area per tenancy	Maximum of one up to 300m² (excluding offices) Maximum 250m² for offices
iii. Minimum per tenancy	150m²

~~b) Only one integrated retail development shall be provided within the CDP Area A.~~

Insert new Rules 4.8.1 – 4.8.6:

4.8.1 One Integrated Retail Development (see Figure 2-14 in Appendix 2)

(a) Activities shall only consist of:

- Retail
- Cafes/Restaurants
- Offices
- Healthcare services
- Community facilities
- Childcare facilities

<u>Combined gross floor area of all tenancies</u>	<u>Maximum of 3500m²</u>
<u>Gross floor area per tenancy (excluding offices)</u>	<u>Maximum 399m²</u>
<u>Gross floor area for office tenancies</u>	<u>Maximum 250m²</u>

(b) Only one integrated retail development shall be provided within the Medium Density Residential Zone.

- (c) Maximum Building Height: 10 metres
- (d) Where any boundary adjoins a residential boundary, no part of any building shall penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m above the boundary. Elements such as flues, flagpoles, open balustrades shall be exempt.
- (e) Building setbacks
Front Boundary: 5 metres when fronting an arterial road.
Side and Rear Boundaries: 1.5 metres where the boundary adjoins a residential boundary or Open Space Zone.
- (f) A maximum building intensity (floor area Ratio) of 1:1 shall apply.
- (g) Service Areas
Any building shall provide service areas as follows:
 - i. At least one service area of not less than 10m² or 1% of the gross floor area of the building, whichever is the greater.
 - ii. Any additional service areas shall not:
 - Be less than 5m²
 - Have a minimum dimension of less than 2.5m
 - iii. Any outdoor service area shall be maintained with an all-weather, dust free surface.
 - iv. A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
 - v. Any services area shall not encroach on to areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).
- (h) Outdoor storage
Any outdoor storage area used for storage of goods and materials shall:
 - i. Be laid out and used in a manner that does not conflict with vehicle access.
 - ii. Be maintained with an all-weather, dust free surface.
 - iii. Be located away from public view or otherwise screened by fencing and landscaping.
 - iv. Not encroach on areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).
- (i) No roller doors, or similar, which may obscure windows or entranceways may be installed on the front of any building fronting a public space.

4.8.2 Building Setbacks

<u>a) Transport corridor boundary – local and collector roads</u>	<u>3m</u>
<u>b) Transport corridor boundary – arterial roads</u>	<u>5m</u>

c) <u>Boundary of a Land Development Area or Area Boundary</u>	<u>1.5m</u>
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4.8.3 Interface between Public and Private

- (a) The front wall of all accessory buildings that are detached, including carports and garages, should be no further forward of the front building line of the dwelling than 0.5m.
- (b) The front wall of accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door faces the street, be located no further forward of the front building line of the dwelling than 0.5m.
- (c) Any wall, except the wall containing the garage door, of an accessory building facing the street must consist of at least 20% of glazed materials.
- (d) Front yard landscaping and planting shall allow visibility between the dwelling and public space.
- (e) For front sites, the primary entrance on the ground floor shall face the street.
- (f) At least one principal room shall have a clear-glazed window facing the street. For corner sites and sites with two transport corridor frontages, this is required only on the transport corridor frontage from which vehicular access is provided.
- (g) Fences shall be a maximum height of 1.2m for the following circumstances:
 - i Front and side boundary fences or walls located forward of the front building line of the dwelling.
 - ii For sites adjoining an Open Space Area, fences or walls located between the dwelling and the Area boundary.
 - iii All other boundary fences shall have a maximum height of 1.8m.

4.8.4 Residential Buildings – Separation and Privacy

- (a) Residential buildings shall be set back at least 3m from the nearest part of any other residential building, except:
 - i. No separation is required between buildings that are attached.
 - ii. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings, separation distance shall be a minimum of 1.5m.

4.8.5 Outdoor Living Area

- (a) Each residential unit shall be provided with an outdoor living area that is:
 - i. For the exclusive use of each residential unit.
 - ii. Readily accessible from a living area inside the residential unit.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Located on a side of the residential unit which faces north of east or west.

- (b) Outdoor living areas for residential units shall be a minimum of 40m² capable of containing a 6m-diameter circle and for ancillary residential units shall be 12m² capable of containing a 2.5m-diameter circle.
- (c) The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.

Note

- 1. Any communal open space is optional and is additional to the above provisions.

4.8.6 Service Areas

<u>Description</u>	<u>Minimum Requirements</u>
<u>a) Detached dwellings, duplex dwellings and dwellings in comprehensive residential developments</u>	<u>20m²</u> <u>Minimum dimension 3m</u>
<u>b) Service area for ancillary residential unit</u>	<u>Additional 10m²</u> <u>Minimum dimension 2.5m</u>
<u>c) All service areas</u>	<u>Readily accessible from each residential unit, not visible from a public place</u>

Insert new Rule 4.10 and subsequent numbering:

4.10 Controlled Activities: Matters of Control

- a) In determining any application for resource consent for a controlled activity, the Council shall reserve its control over the following matters.

<u>Activity</u>	<u>Matter of Control</u> <u>(Refer to Volume 2, Appendix 1.3.2)</u>
<u>i. Childcare facility for up to five children</u>	<u>• F – Ruakura</u>
<u>ii. Dairy</u>	<u>• F – Ruakura</u>
<u>iii. Community centre</u>	<u>• F – Ruakura</u>
<u>iv. Relocated buildings</u>	<u>• F – Ruakura</u>

Amend numbering of existing 4.10 (now 4.11) and insert new parts xiii

4.110**Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria**

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. Duplex dwellings*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
ii. Apartment buildings	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
iii. Childcare facility for 6 or more children	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
iv. Community centre	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
v. Dairy	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
vi. Tertiary education and specialised training facility	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
vii. Papakainga*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
viii. Places of worship	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
ix. Rest home*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity

x. New building for the purpose of Health Care Services identified in 4.3.1z)	<ul style="list-style-type: none"> • B – Design and Layout
xi. Second and subsequent single dwellings per site*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
xii. Visitor accommodation	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
xiii. Emergency service facilities	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
<u>Ruakura Medium Density Residential Zone</u>	
<u>xiv. Land Development Plan</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
<u>xv. Residential buildings on sites 399m² or less</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>
<u>xvi. Semi-detached, duplex and terrace housing</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>
<u>xvii. One Integrated Retail Development in accordance with the general location identified on Figure 2-14 Appendix 2</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>H – Function, Vitality, Viability and Amenity of Centres</u> • <u>N – Ruakura</u>

Chapter 8 Knowledge Zone

Insert new Chapter 8 Knowledge Zone – to replace withdrawn Chapter 8 Knowledge Zone as notified in the PDP, as follows:

8 Knowledge ZoneArea

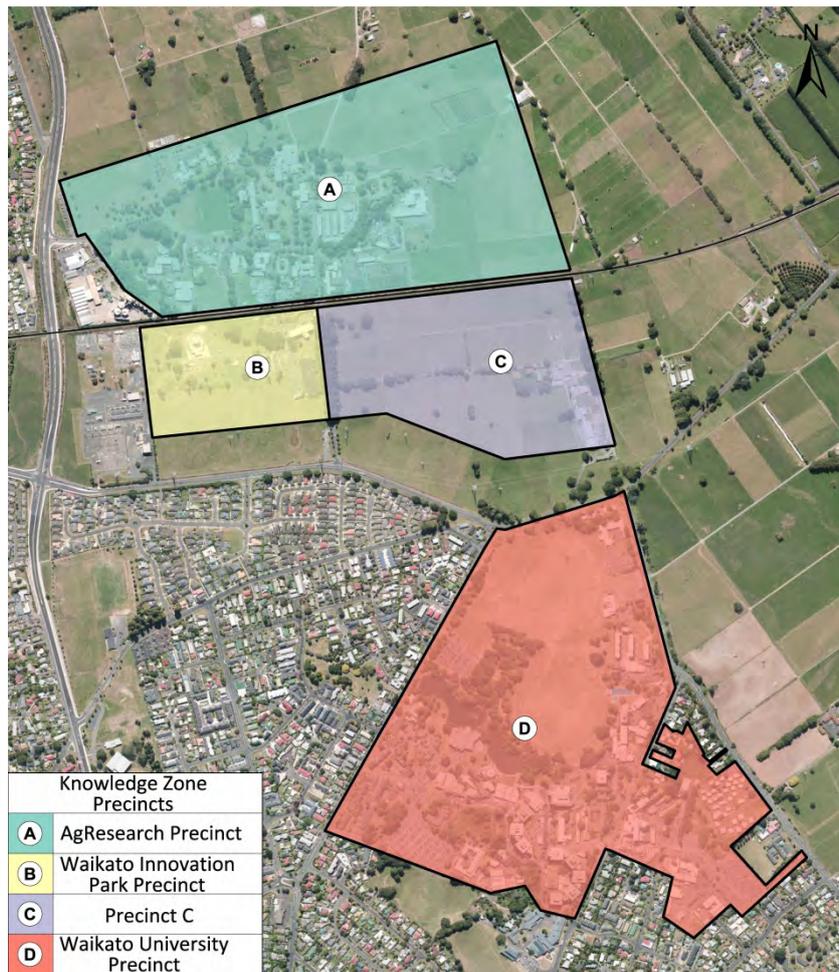
8.1 Purpose

- The Knowledge Zone encompasses existing land-use activities which provide significant opportunities for tertiary education, innovation and research; including the University of Waikato, Waikato Innovation Park and the AgResearch Centre campus. The zone reflects the importance of these existing physical resources by providing further opportunities for a wide range of education, research and development activities with supporting retail and mixed-use activities.
- The University of Waikato comprises a 65 hectare campus site and is a major employer in education and research as well as serving a student population of approximately

12,000. The campus is characterized by extensive planting and green spaces interspersed with learning and accommodation facilities set in an undulating landscape.

- c) The neighbouring Waikato Innovation Park facilitates the commercialisation and economic development of leading primary sector science, technology and research conducted in the region. It does this by providing business infrastructure ready to support and incubate new business, encouraging collaboration and innovation between research, entrepreneurs and business groups.
- d) The neighbouring AgResearch campus is a Crown Research Institute. The campus comprises 56 hectares. Its focus is to create sustainable wealth in the pastoral and biotechnology sectors.
- e) The extent of the Knowledge ~~Area~~ Zone is strategically important. It assists in enabling the City and wider catchment to meet its social, cultural and economic needs and provides an opportunity through development to achieve connectivity between all three existing land uses.
- f) Future development within the zone will strengthen the economic base of the region, generating positive economic and social outcomes. The potential for new research and innovation activities related to the operation of activities within the Ruakura Logistics ~~Zone~~ Area represents further opportunities for the City.
- g) The ongoing development of the zone provides the opportunity to create a wider range of activities that complement its research and innovation functions. It is recognised that the enduring success of such activities rely increasingly upon being able to provide research facilities near related commercial activities, which will increase the end value of innovation and research.
- h) The Knowledge ~~Zone~~ Area also ~~needs to~~ provides supporting retail and commercial activities which act as a focal point and increase the attractiveness for innovation and research activities to establish ~~here.~~ A Ruakura Retail Centre is provided for which The zone is centred on a 'main street' precinct with a large public plaza. This area makes provision for a passenger transport hub to provide connectivity to the Central City.
- i) Development concepts for activities within the ~~zone~~ area were developed as part of the Ruakura Structure Plan. This identifies the area as being appropriate for a retail, commercial and community centre which is referred to as the Ruakura Retail Centre. Activities within the Ruakura Retail Centre will be developed at a scale that will serve the Ruakura ~~Schedule Area~~ Structure Plan and adjacent area. The scale and nature of the activities in the Ruakura Retail Centre shall not generate significant adverse amenity effects on surrounding residential areas and transport networks or adversely affect the primacy, function, vitality and amenity of the Central City.
- e)j) The four precincts of the Knowledge Zone are identified on Figure 8.1 below.

Figure 8.1 Knowledge Zone Precincts



8.2 Objectives and Policies: Knowledge ZoneArea

Objective	Policies
<p>8.2.1 Support the continued development and expansion of a research, education, innovation and technological activity precincts <u>at the University of Waikato, Waikato Innovation Park, AgResearch and Precinct C that comprise the Knowledge Zone at Ruakura.</u></p>	<p>8.2.1a Research, education, innovation and technological activities and their supporting infrastructure and ancillary activities shall be encouraged within the Knowledge <u>ZoneArea</u>.</p>
	<p>8.2.1b Co-location of activities and the shared use of infrastructure shall be encouraged to maximise the efficient use of land.</p>
	<p>8.2.1c Activities involving the commercialisation, manufacture and development of prototype goods <u>are provided for to should only occur where they will</u> complement the primary role of research, education and innovation.</p>
	<p>8.2.1d</p>

	<p>Activities that support the primary purpose of the Knowledge <u>ZoneArea</u> shall be provided for, which includes offices relating to a research and innovation function.</p>
	<p>8.2.1e Establishing activities in the Knowledge <u>ZoneArea</u> that would compromise the vitality, functions and amenity of the Central City shall be avoided.</p>
	<p>8.2.1f <u>Development within the Knowledge Zone is in general accordance with an approved Concept Plan (Precincts A, B and D) or Land Development Plan for Precinct C.</u></p>
<p><u>Explanation</u></p>	
<p><u>The existing Waikato Innovation Park and AgResearch centre are important economic anchors for the City, and serve the wider Waikato Region and upper North Island. Collectively these facilities represent a significant physical resource. It is important they are recognised and provided for in the zone. The immediately adjoining University of Waikato also has a strong education and research function. The significant opportunities for collaboration are enabled through these provisions.</u></p> <p><u>New development should be of a similar activity type to encourage the shared use of infrastructure, and maximise opportunities for interaction both within and outside the zone. Similarly, the provision of appropriate commercial, retail and other ancillary activities that leverage off, and are related to, innovation and research activities, as provided for in Precinct C, will enhance the outcomes sought for the zone. Precinct C includes the Ruakura Retail Centre and the wider research, education, innovation and technological activities provided for in the Knowledge Zone.</u></p> <p><u>A Concept Plan (Precincts A, B and D) or Land Development Plan for Precinct C is required to provide detailed consideration of the scale, while including innovative and attractive designs to achieve a higher amenity environment.</u></p>	
<p>Objective</p>	<p>Policies</p>
<p>8.2.2 Maximise opportunities for increased accessibility, connectivity and efficiency for all modes of transport within the Knowledge <u>ZoneArea</u>.</p>	<p>8.2.2a The development of at-grade pedestrian and cycling connections from the Knowledge <u>ZoneArea</u> into the University of Waikato campus shall be provided for.</p>
	<p>8.2.2b Provide for the establishment of <u>an</u> integrated passenger transport hub that can include both road and rail networks to service the Knowledge <u>ZoneArea</u> and surrounding catchment upon the demand arising.</p>
	<p>8.2.2c</p>

	<p><u>An integrated passenger transport hub that can include both road and rail networks shall be provided for to service the zone and surrounding catchment upon the demand arising.</u></p>
<p><u>Explanation</u></p>	
<p><u>The zone aims to achieve comprehensively designed precincts tied to a legible network of cycleways, reserves, walkways and connections to the balance of the Ruakura Structure Plan area. The proximity to the East Coast Main Trunk railway is also a significant opportunity to realise rail as a potential mode of passenger transport infrastructure. Planning for new development within the zone must ensure that opportunities to provide such infrastructure are not compromised.</u></p>	
<p>Objective</p>	<p>Policies</p>
<p>8.2.3 To mMaximise the long-term positive, environmental, economic, cultural and social benefits of the Knowledge <u>ZoneArea</u>.</p>	<p>8.2.3a A range of development in a form and at a scale shall be enabled to provide for:</p> <ul style="list-style-type: none"> i. The configuration of activities, buildings and infrastructure within the Knowledge <u>ZoneArea</u> to maximise its appeal as a place to work and socialise. ii. A distinctive identity and a high level of amenity and function. iii. A hierarchy of connected open spaces through the Knowledge <u>ZoneArea</u> and connections to other <u>A</u>areas within the Ruakura <u>Structure Plan</u><u>chedule</u> Area. iv. Limited residential and accommodation activity where it complements the primary innovation and research function. v. The clustering of appropriate activities around a future passenger transport hub and plaza to maximise the use and efficiency of these elements.
<p><u>Explanation</u></p>	
<p><u>The spatial and landscape character of the existing development is a defining quality of the zone. New development should be provided for through a Concept Plan or Land Development Plan (for Precinct C) process that will build upon such qualities, for example, the character of the existing development pattern and the maintenance of open space areas. However, the range and configuration of activities is recognised as an important factor in maximising the efficiency of the zone, and to draw activities from the nearby university campus into the zone. The incorporation of a ‘main street’, public plaza and future passenger transport interchange introduces the opportunity to create high-quality precincts that complement other development within the zone and creates a focal point for workers and visitors.</u></p>	

Objective	Policies
<p>8.2.4 <u>To manage the potential adverse effects of activities within the Knowledge Zone.</u></p>	<p>8.2.4a <u>Activities within the zone shall be located where potential adverse effects on security and safety will be avoided.</u></p>
	<p>8.2.4b <u>Activities shall be located within the zone to minimise potential reverse-sensitivity effects on one another.</u></p>
	<p>8.2.4c <u>Activities sensitive to potential adverse effects shall not establish in locations within the zone where effects from activities outside the zone will be more than minor.</u></p>
<p>Explanation</p>	
<p><u>The range of existing activities within the zone is large and includes outdoor research activities in the AqResearch Campus. Some existing activities will be sensitive to new development so care is required when considering how each new activity could impact upon the other. Security and safety issues may be an important consideration depending on the nature of the activities being introduced. A Concept Plan or Land Development Plan (for Precinct C) will minimise the potential for such effects arising.</u></p>	

Ruakura Retail Centre

Objective	Policies
<p>8.2.5 The Ruakura Retail Centre serves other activities within and adjoining the Ruakura Structure Plan area Schedule Area while not undermining the primacy, function, vitality and amenity of the Central City and the function of other centres.</p>	<p>8.2.5a The Ruakura Retail Centre is to provide a mixed use environment that meets the day-to-day retail, commercial and community needs of the Ruakura Structure Plan Schedule Area and adjoining residential catchment.</p>
	<p>8.2.5b The scale and nature of activities and the rate of development are managed to avoid adverse effects on the primacy, function, vitality and amenity of the Central City and the function of other centres.</p>
	<p>8.2.5c A range of activities is provided for so that the Ruakura Retail Centre acts as a focal point for local community development through the control of size, scale, built form and diversity of activity.</p>

	<p>8.2.5d</p> <p>A comprehensive, urban design-led approach, including integration with transport networks, is used to determine the form of the Ruakura Retail Centre.</p>
Explanation	
<p><i>The Ruakura Retail Centre is to provide an attractive, landscaped environment within the Knowledge Zone. This will include a mainstreet and a large public plaza. The scale and nature of the activities are not to generate significant adverse amenity effects on the surrounding residential areas and transport networks or to adversely affect the primacy, function, vitality and amenity of the central city. A Land Development Plan for Precinct C is required to be approved as the basis for managing the overall framework for urban developments.</i></p>	

University of Waikato Precinct

Objective	Policies
<p>8.2.6</p> <p><u>The University of Waikato develops and operates successfully and contributes to the economic, social and cultural wellbeing of the City.</u></p>	<p>8.2.6a</p> <p><u>A mixture of activities shall be enabled to be carried out while retaining the principal purpose.</u></p>
	<p>8.2.6b</p> <p><u>The positive effects of use and development shall be recognised.</u></p>
	<p>8.2.6c</p> <p><u>Adverse effects on neighbourhood amenity values shall be minimised.</u></p>
	<p>8.2.6d</p> <p><u>Development should enable the scale and configuration of buildings and open space to contribute positively to the visual amenity values of the City.</u></p>
	<p>8.2.6e</p> <p><u>Quality urban design, particularly at their interface with public areas, shall be encouraged.</u></p>
	<p>8.2.6f</p> <p><u>Enable the University to develop and implement a Concept Plan which can assist with the long term planning, use and integration of buildings, facilities and open space areas.</u></p>
Explanation	
<p><i>The University of Waikato is a large-scale educational complex with a range of activities. Therefore the flexibility to develop and adapt is important. However, its size and complexity can make it difficult to accommodate under normal District Plan</i></p>	

provisions and zones.

The intention of the policies is to support the continued functioning and growth of its education services.

The effect of the University on the wider environment and its neighbours must be managed effectively to maintain the ongoing activities of the campus. Co-existence with the neighbouring residential areas is an important element that will contribute to its long-term success.

The development of the University provides opportunities for innovative and attractive design of buildings and facilities based on an approved Concept Plan will help maintain positive effects on the locality.

Waikato Innovation Park and AgResearch Precincts

<u>Objective</u>	<u>Policies</u>
<p>8.2.7 <u>Development within these two adjoining precincts (A and B) is integrated and enables the scale and configuration of buildings and open spaces to contribute positively to the visual amenity values of the wider Ruakura area.</u></p>	<p>8.2.7a <u>Continued development of the Waikato Innovation Park and AgResearch Campus is to be in general accordance with separate approved Concept Plans.</u></p>
<p><u>Explanation</u></p> <p><u>The Waikato Innovation Park and AgResearch Campus are significant existing establishments within the Knowledge Zone. A Concept Plan approach to future development within their respective precincts will provide flexibility to the current uses enabled, while recognising the role and function of the zone. The opportunity to leverage off the nearby University of Waikato, the Ruakura Logistics and Industrial Park Zones will provide growth opportunities for the existing facilities.</u></p>	

8.3 Rules – Activity Status

8.3.1 Rules – Activity Status for Precincts A, B and D

<u>Activity</u>	<u>Class</u>
<u>Precincts A, B and D</u>	
a) <u>A Concept Plan or an update to a Concept Plan</u>	<u>RD</u>
<u>AgResearch (Precinct A) and Waikato Innovation Park (Precinct B) Only</u>	

<u>Activity</u>	<u>Class</u>
<u>b) New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan</u>	<u>P</u>
<u>c) Farming, pastoral grazing, horticulture and farm management activities associated with research establishments, including worker and staff accommodation</u>	<u>P</u>
<u>d) Internal alterations</u>	<u>P</u>
<u>e) Alterations and additions to existing buildings (no greater than 250m² gross floor area) without an approved Concept Plan</u>	<u>P</u>
<u>f) Alterations and additions to existing buildings (greater than 250m² gross floor area) without an approved Concept Plan</u>	<u>RD</u>
<u>g) Any new buildings without or not in accordance with an approved Concept Plan</u>	<u>RD</u>
<u>h) Existing research and innovation activities within the Waikato Innovation Park and new activities where those are part of a previously approved Concept Plan administered by the Waikato District Plan and in existence at the time of notification of this District Plan</u>	<u>P</u>
<u>i) All other research, and innovation activities including testing, evaluation, office⁴ and laboratory activities</u>	<u>P</u>
<u>j) Tertiary education and specialised training facilities</u>	<u>P</u>
<u>k) Ancillary offices to permitted research, innovation, education and laboratory activities</u>	<u>P</u>
<u>l) Commercialisation of activity ancillary to research, innovation, food production, education and laboratory activities</u>	<u>P</u>
<u>m) Support/ancillary services (including manufacturing) to research and innovation activities including workshops, plant and vehicle depots, heating and power generators, laundries, telecommunications and data facilities</u>	<u>P</u>
<u>n) Passenger transport facilities and transport depots (passengers)</u>	<u>P</u>
<u>o) Ancillary residential units (e.g. for research and innovation employees, including caretakers and maintenance workers)</u>	<u>P</u>
<u>p) Informal recreation, park maintenance buildings and yards, seating, sculptures and art installations</u>	<u>P</u>
<u>q) Places of assembly</u>	<u>RD</u>
<u>r) Community centres, libraries and childcare centres</u>	<u>P</u>
<u>s) Parking buildings</u>	<u>RD</u>
<u>t) Parking lots</u>	<u>P</u>
<u>u) Visitor accommodation</u>	<u>RD</u>
<u>v) Healthcare services</u>	<u>RD</u>
<u>w) Any noxious or offensive activity</u>	<u>NC</u>
<u>x) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>P</u>
<u>y) Maintenance or repair of buildings</u>	<u>P</u>
<u>z) Field days and open days relating to research and innovation activities</u>	<u>P</u>

Activity	Class
University of Waikato Campus Only (Precinct D)	
<u>aa) Accessory buildings</u>	<u>P</u>
<u>bb) New buildings, alterations or additions where there is no approved Concept Plan and which are not located within the Interface Area</u>	<u>P</u>
<u>cc) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>P</u>
<u>dd) Maintenance or repair of buildings</u>	<u>P</u>
<u>ee) New buildings, alterations or additions to buildings with an external footprint of 50m² or greater and which are located within the Interface Area which are not part of an approved Concept Plan and which can be viewed directly from the closest adjoining road boundary where the activity:</u> <ul style="list-style-type: none"> • <u>Complies with relevant standards in Rules 8.6 to 8.7, and</u> • <u>Generates less than 100 vehicle movements per day</u> 	<u>C</u>
<u>ff) New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan and within the Interface Area</u>	<u>C</u>
<u>gg) New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan</u>	<u>P</u>
<u>hh) Residential centres, managed care facilities, rest homes, apartments, detached dwellings and visitor accommodation</u>	<u>P</u>
<u>ii) Organised recreation, informal recreation and indoor recreation</u>	<u>P</u>
<u>jj) Licensed premises</u>	<u>P</u>
<u>kk) Parking lots and parking buildings</u>	<u>P</u>
<u>ll) Restaurants</u>	<u>P</u>
<u>mm) Support services, including workshops, plant and vehicle depots, heating and power generators, laundries, printing and publishing, telecommunications and broadcasting</u>	<u>P</u>
<u>nn) Community centres</u>	<u>P</u>
<u>oo) Tertiary education and specialised training facilities</u>	<u>P</u>
<u>pp) Childcare facilities</u>	<u>P</u>
<u>qq) Healthcare services</u>	<u>P</u>
<u>rr) Libraries</u>	<u>P</u>
<u>ss) Marae</u>	<u>P</u>
<u>tt) Places of assembly</u>	<u>P</u>
<u>uu) Places of worship</u>	<u>P</u>
<u>vv) Research and innovation (excluding any noxious or offensive activity)</u>	<u>P</u>
<u>ww) Any activity identified in Rule 8.3(ff) that is not in accordance with an approved Concept Plan</u>	<u>RD</u>

Note

1. For activities and buildings in the Electricity Transmission Corridors see Chapter 25.7: City-wide – Network Utilities and Electricity Transmission Corridors.

2. Explanation of Rule 8.3.1(h) above:

As a result of the boundary reorganisation scheme which came into effect on 1 July 2011, the land within which the existing Waikato Innovation Park is situated was transferred from Waikato District Council to Hamilton City Council. Schedule 25B of the Waikato District Plan contains an approved Concept Plan for the Innovation Park. The development of that area in general accordance with the Concept Plan in Schedule 25B can continue as a Permitted Activity. The framework of that previously approved Concept Plan is now integrated into the Ruakura Structure Plan. If there are significant departures from the Structure Plan as the Knowledge Zone evolves, such changes can be considered as a resource consent (Restricted Discretionary) so the effects arising from any change can be considered.

3. Table 15-3c of Volume 2, Appendix 15-3 contains guidance for converting vehicles per day into other units of measures.

4. 'Office' includes space used for desk based research and innovation, associated meeting and administration, conferencing and similar activities and excludes commercial offices and professional offices not associated with research and innovation activities.

8.3.2 Rules – Activity Status for Precinct C (Except Ruakura Retail Centre)

Activity	Class
Precinct C Only	
a) Land Development Plan (refer Rule 3.7.3.2)	RD*
b) Farming, pastoral grazing, horticulture and farm management activities associated with research establishments, including worker and staff accommodation	P
c) Minor works	P
d) Alterations and additions to existing buildings (other than minor works)	RD*
e) Any new buildings	RD*
f) All other research, and innovation activities including (but not limited to) testing, evaluation, office and laboratory activities	P
g) Tertiary education and other education and specialised training facilities	P
h) Ancillary offices to permitted research, innovation, education and laboratory activities	P
i) Commercialisation of activity ancillary to research, innovation, education and laboratory activities	P
j) Support/ancillary services to research and innovation activities including (but not limited to) workshops, plant and vehicle depots, heating and power generators, laundries, telecommunications and data facilities	P
k) Passenger transport facilities and transport depots (passengers)	P
l) Ancillary residential units (e.g. for research and innovation employees, including caretakers and maintenance workers)	P
m) Informal recreation, park maintenance buildings and yards, seating, sculptures and art installations	P
n) Places of assembly	RD
o) Community centres, libraries and childcare centres	P

Activity	Class
p) Parking lots	P
q) Visitor accommodation	RD
r) Healthcare services	RD
s) Any permitted or restricted discretionary activity listed above generating 1500 or more vehicle movements per day	RD*
t) Any noxious or offensive activity	NC
u) Activities not provided for	NC

1 'Office' includes space used for desk based research and innovation, associated meeting and administration, conferencing and similar activities and excludes commercial offices and professional offices.

8.3.3 Rules – Activity Status for Precinct C - Ruakura Retail Centre only

Activity	Class
Ruakura Retail Centre Only	
a) Land Development Plan (refer Rule 3.7.3.2)	RD*
b) New buildings	RD*
c) Alterations and additions to existing buildings (excluding minor works)	RD*
d) Minor works	P
e) Accessory Buildings	RD*
f) Demolition, removal, maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
g) Any industrial activity except light or service industry	NC
h) Light Industry	D
i) Service Industry	D
j) Transport Depot	D
k) Emergency service facility	RD*
l) Noxious or offensive activities	NC
m) Research and Innovation Activities	P
n) Ancillary Office	P
o) Office less than 250m ² gross floor area per tenancy	P

Activity	Class
p) Office 250m ² -500m ² gross floor area per tenancy	RD*
q) Office greater than 500m ² gross floor area per tenancy	NC
r) Ancillary retail	P
s) Retail less than 400m ² gross floor area per tenancy	P
t) Retail 400m ² gross floor area per tenancy or greater except where provided for in activity category u) in this table	RD*
u) One Supermarket or Building Improvement Centre 1,000m ² gross floor area or greater within the Ruakura Retail Centre	P
v) Banks	P
w) Yard based retail less than 400m ² gross floor area per tenancy	D
x) Yard based retail 400m ² gross floor area or greater per tenancy	NC
y) Cafes, Restaurants and Licensed Premises	P
z) Commercial places of assembly	P
aa) Parking lots and parking buildings	P
bb) Passenger Transport Facility	P
cc) Health Care Services above ground floor	P
dd) Health care services less than 1000m ² at ground floor	P
ee) Health care services over 1000m ² at ground floor level	RD
ff) Childcare facility	P
gg) Community centres	P
hh) Tertiary education and specialised training facilities less than 250m ² gross floor area per tenancy	P
ii) Tertiary education and specialised training facilities 250m ² – 999m ² gross floor area per tenancy	D
jj) Tertiary education and specialised training facilities greater than 1000m ² gross floor area per tenancy	NC
kk) Total floorspace in the Ruakura Retail Centre of up to 9,000m ² gross floor area comprised of: <ul style="list-style-type: none"> • no more than 7,000m² gross floor area in the activity categories s) to u) • no more than 3,000m² gross floor area for any other permitted activities in Rule 8.3.3 	P

Activity	Class
ll) Total floorspace in the Ruakura Retail Centre that exceeds: <ul style="list-style-type: none"> • 7,000m² gross floor area in the activity categories s) to u); or • 3,000m² gross floor area for any other permitted activities in Rule 8.3.3 	RD
mm) Total floorspace in the Ruakura Retail Centre between 9,000m ² and 15,000m ² gross floor area	RD
nn) Total floorspace in the Ruakura Retail Centre that exceeds 15,000m ² gross floor area	NC
oo) Public Art	P
pp) Ancillary residential units	RD*
qq) Visitor accommodation	D
rr) Any permitted or restricted discretionary activity listed above generating 1500 or more vehicle movements per day	RD*

8.4 Rules – General Standards

- a) The general standards in Rule 8.4.2 – 8.4.8 do not apply to activities listed in Rule 8.3.1 in the University of Waikato Campus (Precinct D). See Rule 8.6 for specific standards relating to the University of Waikato Campus (Precinct D).
- b) The general standards in Rule 8.4 do apply to activities listed in Rule 8.3.1 in the AgResearch Centre (Precinct A) and Waikato Innovation Park (Precinct B), which are located in the Knowledge Zone.
- c) With the exception of activities in Precinct A, Precinct B and Precinct D, land use and development in the Knowledge Zone, which is undertaken in the Ruakura Structure Plan Area, shall comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5, 3.7.3.7 and 3.7.4 in Chapter 3: Structure Plans.
- d) The general standards in Rule 8.4 do apply to activities listed in 8.3.2 Precinct C and 8.3.3 Precinct C (Ruakura Retail Centre).

8.4.1 Provision of Concept Plans for the Waikato Innovation Park, AgResearch and University of Waikato Precincts

- a) New buildings shall be a permitted activity on the Waikato Innovation Park, AgResearch or University of Waikato Campus when a Concept Plan application has been granted by Council.
- b) Activities that are permitted prior to the approval of a Concept Plan are detailed in the relevant sections of Rule 8.3.1.
- c) An application for resource consent for a Concept Plan must be for the whole site; however development of the site may proceed in stages.

- d) The Concept Plan application is classified as restricted discretionary, unless an activity that forms part of the application is non-complying, in which case the concept plan application is a non-complying activity.
- e) Concept Plans must be prepared in accordance with the standards in this chapter and the Information Requirements in Appendix 1.2.2.27
- f) A Concept Plan can include a Concept Plan granted under the previous District Plan.
- g) The development of a Concept Plan does not preclude the requirement to comply with the relevant standards not addressed in the Concept Plan.
- h) Where any development or activity is not in accordance with the provisions of the Concept Plan then separate resource consent will be required for that development or activity.

8.4.2 Location of Buildings and Activities

a) <u>Building location</u>	<u>No building footprint shall be closer than 10m from any indicative local or collector transport corridor identified on the Ruakura Structure Plan</u>
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8.4.32 Site Coverage

- a) Maximum site coverage 50%.

8.4.43 Permeable Surfaces

a) Net site permeability	Minimum 20% of the net site area
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8.4.54 Access from Ruakura Road

- a) No access to service an activity shall be provided directly to Ruakura Road unless consistent with the connection point locations identified on Figure 2-15A in Appendix 225H(2)XXX.

8.4.65 Building Setbacks

- a) Buildings shall have minimum set backs from boundaries as follows:

i. Any boundary adjoining the railway designation (Designation F1)	10m
ii. Transport corridor boundary (except in the Ruakura Retail Centre) – local and collector roads <u>transport corridors</u>	5m
iii. Transport corridor boundary in Ruakura Retail Centre	0m
iv. Transport corridor boundary – arterial roads <u>transport corridors</u>	15m
v. Any boundary adjoining any Residential, Special Character or Open Space <u>ZonesAreas</u>	8m
vi. All other boundaries	0m

8.4.76 Height in Relation to Boundary

- a) No part of any building or structure may penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m at the boundary of any adjoining zonearea.

8.4.87 Maximum Height

- a) The maximum height of a building or structure is 15m, except that 20% of the footprint of the building may be between 15m and 20m high.

8.4.8 Building Design

a) Building design	No building shall present a blank, plain or unfeatured facade to any boundary with a public space or Recreation/Open Space Area
Building frontage in all other areas	Buildings shall have a minimum facade width of 20m, or 75% of the street front boundary; whichever is the greater

8.5 Rules – Specific Standards for AgResearch and Waikato Innovation Park Precincts

8.5.1 Location of Buildings and Activities

Location	
a) Proximity to Ruakura Logistics <u>ZoneArea</u> : Noise control	No visitor accommodation shall be situated closer than 40m to the boundary of the Ruakura Logistics <u>ZoneArea</u> unless the building within which the activity is located can achieve compliance with the relevant noise controls specified in Rule 25.8.4.4(f), (g) and (h)

8.5.2 Parking Building Design

a) Parking buildings and lots	Parking buildings shall incorporate screening and facade detailing treatments affixed to the face of the building so that 50% of any facade visible from any public space is treated
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8.6 Rules – Specific Standards for University of Waikato Precinct

8.6.1 Building Setbacks

Building setback from	Minimum
a) <u>Residential Zone or Special Character Zone boundary</u>	5m
b) <u>Transport corridor boundary – arterial transport corridor</u>	5m

8.6.2 Building Standards

a) <u>Site coverage</u>	Maximum 45%
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<p><u>b) Height control plane</u> <u>Note: No maximum height control</u></p>	<p><u>i. Angle: 45 degrees</u> <u>ii. Starting point above boundaries of campus site:</u></p> <ul style="list-style-type: none"> • <u>20m above a boundary along Hillcrest Road</u> • <u>3m above a boundary adjoining a site in the Residential Zone, Special Character Zone and Community Facilities Zone</u> • <u>10m above all other boundaries</u> <p><u>iii. All internal boundaries of the campus site are excluded</u></p>
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8.6.3 Permeable Surfaces

<p><u>a) Net site permeability</u></p>	<p><u>Minimum 20% of the net site area. The area required by Rule 8.6.2(b) is to be included in this percentage</u></p>
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8.7 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant.

- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gully Systems
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

8.8 Controlled Activities: Matters of Control

a) In determining any application for resource consent for a controlled activity in addition to the relevant standards within Rules 8.4 to 8.6 the Council shall have control over the following matters referenced below:

<u>Activity Specific</u>	<u>Matter of Control Reference Number (refer to Volume 2, Appendix 1.1)</u>
<p><u>i. New buildings, alterations or additions to buildings with an external footprint of 50m² or greater and which are located within the Interface Area which are not part of an approved Concept Plan and which can be viewed directly from the closest adjoining road boundary where the activity:</u></p> <ul style="list-style-type: none"> • <u>Complies with relevant standards in Rules 8.6 to 8.7, and</u> • <u>Generates less than 100 vehicle movements per day</u> 	<p><u>C – Knowledge Zone and Major Facilities Zone</u></p>

<u>Activity Specific</u>	<u>Matter of Control Reference Number (refer to Volume 2, Appendix 1.1)</u>
ii. <u>New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan and within the Interface Area</u>	<u>C – Knowledge Zone and Major Facilities Zone</u>

8.9 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion.

<u>Activity Specific</u>	<u>Matter of Discretion (Refer to Volume 2, Appendix 1.3.3)</u>
<u>Precincts A and B Knowledge Zone</u>	
i. <u>A Concept Plan or an update to a Concept Plan</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>N – Ruakura</u>
ii. <u>Alterations and additions to existing buildings (greater than 250m² gross floor area)</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u>
iii. <u>Any new buildings</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u>
iv. <u>Commercialisation of activity ancillary to research, innovation, food production, education and laboratory activities</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
v. <u>Places of assembly</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
vi. <u>Parking buildings</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>G - Transportation</u>

vii.	<u>Visitor accommodation</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
viii.	<u>Healthcare services</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
<u>Precinct C Knowledge Zone</u>		
ix.	<u>Any new buildings*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>
x.	<u>Alterations and additions to existing buildings</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>
xi.	<u>Places of assembly*</u>	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u>
xii.	<u>Visitor accommodation*</u>	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u>
xiii.	<u>Healthcare services*</u>	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u>
xiv.	<u>Activities which require resource consent under Rules 8.3.3 p), t), ll) and mm)</u>	<ul style="list-style-type: none"> • <u>H – Functionality, Vitality, Viability and Amenity of Centres</u>
xv.	<u>Any activity generating 1500 or more vehicle movements per day</u>	<ul style="list-style-type: none"> • <u>G – Transportation</u>
xvi.	<u>Land Development Plan</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
<u>Ruakura Retail Centre – Precinct C – Knowledge Zone</u>		
xvii.	<u>Any new buildings*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>
xviii.	<u>Alterations and additions to existing buildings</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>
xix.	<u>Land Development Plan</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xx.	<u>Emergency Service Facility</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxi.	<u>Accessory Building</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxii.	<u>Office 250m²-500m² gross floor area per tenancy</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxiii.	<u>Retail 400m² gross floor area per tenancy or greater except where provided for in activity category u) in this table</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>

xxiv.	<u>Health care services over 1000m² at ground floor level</u>	• <u>N – Ruakura</u>
xxv.	<u>Total floorspace in the Ruakura Retail Centre that exceeds:</u> <ul style="list-style-type: none"> • <u>7,000m² gross floor area in the activity categories s) to u); or</u> • <u>3,000m² gross floor area for any other permitted activities in 8.3.3</u> 	• <u>N – Ruakura</u>
xxvi.	<u>Total floorspace in the Ruakura Retail Centre between 9,000m² and 15,000m² gross floor area</u>	• <u>N – Ruakura</u>
xxvii.	<u>Ancillary residential units</u>	• <u>N – Ruakura</u>
xxviii.	<u>Any permitted or restricted discretionary activity listed above generating 1500 or more vehicle movements per day</u>	• <u>G – Transportation</u>
<u>University of Waikato – Precinct D – Knowledge Zone</u>		
xxix.	<u>Any activity identified in Rule 8.3.1qq) that is not in accordance with an approved concept plan</u>	• <u>N - Ruakura</u>

8.10 Notification Rule

- a) Except as provided for by Section 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk(*) in the table above will be considered without notification or the need to obtain approval from affected persons.

8.11 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification Defaults
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- [Controlled Activities – Matters of Control](#)
- [Restricted Discretionary Activities – Matters for Discretion and Assessment Criteria](#)
- [Discretionary Activity Assessment Criteria](#)
- [Design Guides and Design Assessment Criteria](#)
- [Information Requirements](#)
- [Acronyms Used in the District Plan](#)
- [Definitions Used in the District Plan](#)
- [Other Methods of Implementation](#)

Chapter 10 Ruakura Logistics Zone

Insert new Chapter 10 Ruakura Logistics Zone - to replace withdrawn Chapter 10 Ruakura Logistics Zone as notified in the PDP, as follows:

10 Ruakura Logistics **ZoneArea**

10.1 Purpose

- a) Ruakura is strategically located and is of an appropriate scale to satisfy growing national demand for enhanced freight-handling infrastructure. It is ideally placed to process containers originating at the Ports of Tauranga and Auckland, and as such has the ability to realise significant agglomeration benefits. It is therefore the preferred location in Hamilton City to establish an inland port.
- b) The Ruakura Logistics **ZoneArea** provides land for the establishment of the Inland Port (Sub Area A of the Logistics **ZoneArea**) and an adjoining logistics area (Sub Area B of the Logistics **ZoneArea**) as shown on Figures *2-14 and 2-17 in Appendix 225H(1)*. *Sub Area A is to provide for the core activities of freight handling infrastructure, whereas Sub Area B is a distribution precinct to provide for logistics and support activities.*
- c) Agglomeration benefits arise from the fact that production costs fall as related businesses cluster together, share infrastructure, provide economies of scale and reduce the cost of handling and moving freight between Auckland, Bay of Plenty and Waikato regions. A key component to realising these agglomeration benefits will be the development and release of industrial land and the Inland Port in a staged and coordinated manner. With a direct connection to the Waikato Expressway, environmental benefits, including reduced carbon emissions and a reduction in congestion, can also be realised.
- d) The Inland Port will be developed adjacent to the existing rail infrastructure (East Coast Main **Trunk railwayLine**) and the Waikato Expressway. The location of both road and rail infrastructure allows the proposed port to be intermodal, so freight can be transferred between rail and road transport. Railway sidings will be required off the main line and other critical infrastructure includes the development of; container hardstand areas, lighting masts, security infrastructure, Closed Circuit Television (CCTV), communications and data management, as well as fire and hazardous substance response facilities. The development of a comprehensive stormwater

management and treatment network *will be identified through the Land Development Plan process under 3.7.3.2 and* will also need to be planned for at the outset of development.

- e) Due to the costs involved in developing an Inland Port, and the nature of the infrastructure (such as security and Biosecurity/Customs facilities), it is important that the freight and logistics area is occupied by businesses which use the port’s facilities, rather than more general industrial or employment activities. A critical mass of such businesses is required for the Inland Port to be economically successful.
- f) The Ruakura Logistics ZoneArea will generally comprise large warehouses and large areas of hardstand. Logistics and freight-handling activities include container storage, container unloading/loading, Biosecurity/Customs procedures, warehousing, distribution/consignment activities, utilities and all ancillary activities including container, equipment and fleet maintenance and administration activities.

10.2 Objectives and Policies: Ruakura Logistics ZoneArea

Objective	Policies
<p>10.2.1 Logistics and Inland Port land uses establish and operate in an efficient and effective manner.</p>	<p>10.2.1a Logistics, freight-handling services and supportive activities and infrastructure shall be provided for subject to the land allocation set out in <u>Chapter 3.7f)Table 25H(1)</u>, and the provision of required infrastructure, including roading and Three Waters.</p>
<p><u>Explanation</u></p>	
<p><i><u>The strategic location of the Ruakura Logistics Zone within the City and region has the potential to deliver significant positive economic, environmental and social benefits.</u></i></p> <p><i><u>The timing and release of land at Ruakura (including the Logistics Zone) is set out in the Regional Policy Statement and restated in Chapter 3.7f). The land allocations are intended as a high level set of control, to provide certainty for the planning of infrastructure where required and ensure a release of land consistent with the Regional Policy Statement.</u></i></p>	
Objective	Policies
<p>10.2.2 Optimise the long-term positive, environmental, economic and social benefits of the Ruakura Logistics <u>ZoneArea</u>.</p>	<p>10.2.2a The development of the Ruakura Logistics <u>ZoneArea</u> shall proceed in a manner in which agglomeration benefits and operational efficiency are supported.</p>
	<p>10.2.2b Logistics and freight-handling activities and infrastructure shall be integrated into Hamilton’s pattern of development.</p>

	<p>10.2.2c Freight-handling and supporting activities and infrastructure shall be provided for in Sub Area A of the Ruakura Logistics <u>ZoneArea</u>. Logistics and supporting activities and infrastructure shall be provided for in Sub Area B of the Ruakura Logistics <u>ZoneArea</u>. Activities that do not support the freight-handling function of Sub Area A and the logistics function of Sub Area B shall be avoided.</p> <p>10.2.2d Activities sensitive to the adverse effects of logistics activities, freight-handling and supportive activities shall be avoided within the Ruakura Logistics <u>ZoneArea</u>.</p>
<p>Explanation</p>	
<p><i><u>The opportunity for the efficient use of land can be achieved through the creation of a specific zone to anchor the establishment and operation of a regionally significant inland port. Within the Logistics Zone, Sub Area A is to provide for the core activities of freight handling infrastructure, whereas Sub Area B is a distribution precinct to provide for logistics and support activities. This is a key component to realising the agglomeration benefits. Activities that do not support or strengthen the purpose of the zone shall be avoided.</u></i></p>	
<p>Objective</p>	<p>Policies</p>
<p>10.2.3 Adverse effects of logistics and freight-handling activities and infrastructure are avoided or mitigated.</p>	<p>10.2.3a The adverse effects of logistics and freight-handling activities and associated structures and infrastructure shall be avoided or mitigated by;</p> <ul style="list-style-type: none"> i. Ensuring an appropriate location and type of development in accordance with Figure <u>2-14 in Appendix 2.25H(1)</u>. ii. Separating logistics and freight-handling services and supportive activities and infrastructure from sensitive activities. iii. Ensuring that development visible from key transport corridors and open spaces meets appropriate bulk, location and design standards. iv. Imposing amenity controls to ensure that the adverse effects of logistics and Inland Port activities are avoided or mitigated when assessed from adjoining facilities or existing residential dwellings and <u>Large Lot Residential Country Living</u> zoned areas. v. Through the preparation, approval and implementation of a Noise <u>and Vibration</u>

	<p>Management Plan that manages all noise generating activities in the Inland Port.</p> <p><i><u>vi Providing for the establishment of a Community Liaison Committee to enable the discussion and seek resolution of matters of potential concern to neighbouring residents and the owners and operators of the Inland Port.</u></i></p>
<p>Explanation</p>	
<p><i><u>Activities, structures and infrastructure associated with logistics and freight-handling have the potential to create adverse environmental effects that will need to be carefully managed. While primarily a greenfields site there are sensitive land uses such as residential dwellings in the surrounding areas. The protection of amenity for those properties within the Percival/Ryburn Road locality has been provided for through measures to manage effects at the boundary through planting, screening and bulk and location controls. The establishment of a Community Liaison Committee is one means to promote the constructive discussion of these matters.</u></i></p> <p><i><u>Any adverse effects of logistics and freight handling activities and infrastructure extending to the Knowledge Zone, including AqResearch, Waikato Innovation Park and the University of Waikato which require protection through mitigation measures outlined in the logistics provisions, should be considered in combination with other city-wide rules that address issues such as noise and odour.</u></i></p>	

10.3 Rules – Activity Status Table

Activity	Class
<p>Sub Area A (Inland Port)</p>	

Activity	Class
a) Land Development Activities (refer Rule 3.7.3.225H.11)	RD*
b) Freight-handling activities	RD*
c) Temporary Logistics activities	C
d) Logistics and freight-handling infrastructure	RD*
e) New buildings, accessory buildings and alterations and additions to existing buildings (outside the Interface Design Control Area)	P
f) New buildings and associated development (within an Interface Design Control Area)	C
g) Alterations and additions to existing buildings within the Interface Design Control Area (other than minor works)	C
h) Minor Works to an existing building	P
i) Demolition/removal of existing buildings	P
j) Maintenance and repair to existing buildings	P
k) Any permitted, controlled or restricted discretionary activity listed above generating 1500 or more vehicle movements per day	RD*
l) Products transported in bulk	NC
m) Activities not otherwise provided for	NC
Sub Area B (Logistics)	
n) Land Development Activities (refer Rule 3.7.3.225H.11)	RD*
o) Logistics activities	P
p) Logistics and freight-handling infrastructure (excluding rail sidings in Sub Area B)	P
q) Rail sidings in Sub Area B (Logistics)	RD
r) New buildings, accessory buildings and alterations and additions to existing buildings (outside the Interface Design Control Area)	P
s) New buildings and associated development (within an Interface Design Control Area)	C
t) Alterations and additions to existing buildings within the Interface Design Control Area (other than minor works)	C
u) Minor works to an existing building	P
v) Food and beverage outlets and dairies not exceeding 100m ² gross floor area	P
w) Demolition/removal of existing buildings	P
x) Maintenance and repair to existing buildings	P
y) Short-stay worker accommodation	RD*
z) Ancillary residential units	RD*

Activity	Class
<u>aa)</u> Any permitted, controlled or restricted discretionary activity listed above generating 1500 or more vehicle movements per day <u>(except Logistics Sub Area B west of Percival Road)</u>	RD*
aa) Activities not otherwise provided for	NC

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and Electricity National Grid Corridor.

10.4 Rules – General Standards

10.4.1 Permitted Activities

Permitted activities listed in Table 10.3 shall:

- a) Comply with the general standards in Rule 10.4 and the specific standards in 10.5, and
- b) Comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5 and Rule 3.7.4 in Chapter 3 Structure Plans

10.4.2 All Other Activities

All activities listed in Table 10.3, other than permitted activities, shall:

- a) Comply with the general standards in Rule 10.4,
- b) Comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5 and Rule 3.7.4 in Chapter 3 Structure Plans, and
- c) Be assessed against the assessment criteria in Rule 10.6 and 10.7 and Section 1.3.3 of Volume 2, Appendix 1: District Plan Administration – Assessment Matters and Criteria.

10.4.3 Site Coverage

a) Site coverage	Maximum site coverage 80%
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10.4.4 Permeable Surfaces

a) Permeability <u>across the entire site</u>	Minimum 20%
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10.4.5 Building Height

a) Height of buildings(including loading ramps, link spans, machinery rooms and cranes and other lifting or stacking equipment outside Sub Area A (Inland Port).	Maximum 20m
b) Height of loading ramps, link spans, machinery rooms and cranes and other lifting or stacking equipment within Sub Area A (Inland Port).	Maximum 35m
c) Height of container stacking within the Sub Area A (Inland Port), except as identified in (d) below.	Maximum 25m

d) Height of container stacking and buildings within 100m of the northern boundary of Sub Area A (Inland Port), or within 100m of the Spine Road as identified on Figure 2-17 in Appendix 2.25H(3) .	Maximum 12m
e) Height of container stacking outside Sub Area A (Inland Port).	Maximum 12m
f) Height of lighting towers, poles, aerials and flagpoles.	Maximum 35m

10.4.6 Building Setbacks

Building setbacks from	Minimum distance
i. Any transport corridor boundary.	10m
ii. Any boundary adjoining the Waikato Expressway (Designation E90 and E90a).	<i>40m from the edge of the expressway carriageway for protected premises and facilities</i> <i>15m from designation boundary for other buildings</i>
iii. Internal boundaries within the Ruakura Logistics ZoneArea (excluding as provided for by i-ii above).	0m

10.4.78 Interface Standards

- a) No storage, stacking, loading or unloading of containers shall take place forward of the front building line of any building fronting a transport corridor or the Waikato Expressway designation.

10.4.8 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant.

- [Chapter 3: Structure Plans](#)
- [Chapter 19: Historic Heritage](#)
- [Chapter 20: Natural Environments](#)
- [Chapter 21: Waikato River Corridor and Gullies](#)
- [Chapter 22: Natural Hazards](#)
- [Chapter 23: Subdivision](#)
- [Chapter 24: Financial Contributions](#)
- [Chapter 25: City-wide](#)

10.5 Rules – Specific Standards

10.5.1 Inland Port Community Liaison Committee

- (a) A Community Liaison Committee (CLC) shall be established by the Inland Port Owner at least three months prior to the application under Rule [3.7.3.225H.11](#) Land Development for the first stage of the Inland Port (Sub Area A (Inland Port)) [and Sub Area B \(Logistics\) to the north of the East Coast Main Trunk railway](#). The first meeting shall take place at

least two months prior to an application being made and a minimum of two meetings shall be held prior to an application being made.

- (b) Once the Inland Port (Sub Area A (Inland Port)) *and Sub Area B (Logistics) to the north of the East Coast Main Trunk railway are* operational, the Inland Port Operator shall maintain and participate in the CLC, and the Inland Port Land Owner shall have no further obligations in respect to the CLC, except as set out in Rule ~~10.5.1f)25H.5.7.1(f)~~, although is entitled to participate.
- (c) The purpose of the CLC shall be to provide a forum of ongoing consultation between the Inland Port Land Owner/Port Operator and owners and occupiers of properties on Ryburn Road, Percival Road and Brighton Grove concerning all staged development in the Inland Port (Sub Area A) *and Logistics (Sub Area B) north of East Coast Main Trunk railway* as defined in Figure ~~2-1425H(1)~~, and to consider the following matters:
- i. Landscape planting plans required under Rule ~~10.5.425H.5.7~~ and as submitted with any application under Rule ~~3.7.3.225H.11~~ Land Development.
 - ii. The matters included in the Noise and Vibration Management Plan under Rule ~~10.5.225H.5.4.5~~.
 - iii. Inland Port operational matters.
 - iv. The timing of, and proposals for, Inland Port staging, future road closures and alternative access.
- (d) The CLC shall operate in accordance with the requirements set out in (i) to (iv) below:
- i. The CLC shall comprise of but is not limited to, the following members:
 - **Inland Port Land Owner** (up to 2 members) (prior to the commencement of the Inland Port operation).
 - **The Inland Port Operator** (up to 2 members) (following the commencement of the Inland Port operation).
 - **Hamilton City Council** (up to 1 member).
 - **Owners and occupiers of properties on Ryburn Road, Percival Road and Brighton Grove** (up to 2 members).
 - ii. The Inland Port Land Owner (and following the establishment of the Inland Port, the Inland Port Operator) shall be responsible for convening the meetings of the CLC and shall cover the direct and reasonable costs of running those meetings.
 - iii. Meetings of the CLC shall be convened at least three times during a calendar year, unless a lesser number is otherwise agreed by the CLC.
 - iv. Neither the Inland Port Land Owner nor the Port Operator shall be in breach of Rule ~~10.5.125H.5.7.1~~ if the meeting has been convened but any one or more of the named members of the CLC above either do not wish to participate in the CLC or do not attend particular meetings, or if a quorum comprising 3 members has not been reached.
- (e) The Inland Port Owner or Inland Port Operator shall:
- i. Nominate a representative to act as a liaison person for the CLC.

- ii. Establish meeting protocols by agreement with other members of the CLC.
 - iii. Provide a meeting agenda and sufficient information to CLC members at least one week in advance of each CLC meeting to allow meaningful discussion on matters on the agenda. The Inland Port Owner or Inland Port Operator shall include any relevant matter that other members of the CLC request be included, subject to notice being given at least two weeks prior to the meeting.
 - iv. Keep minutes of each meeting and circulate a copy to the members of the CLC no later than one week after the meeting.
 - v. Provide the results of all noise monitoring undertaken since the last meeting, the details of any exceedances of the noise limits, and the details of any complaints received.
- (f) In the event of disputes arising between the owners and occupiers of properties on Ryburn Road, Percival Road and Brighton Grove and/or the Hamilton City Council and the Inland Port Operator, the Inland Port Owner shall attend a CLC meeting upon the reasonable request of any member of the CLC to seek to resolve the dispute.
- (g) The CLC may be discontinued if a minimum 75% majority of the CLC vote that it is no longer necessary. For clarity, this percentage shall be based on either the Inland Port Owner or the Inland Port Operator being a member of the CLC, not both.
- (h) In the event that, based on complaints received and/or monitoring undertaken, Hamilton City Council has reasonable grounds to show that the night-noise limits set out in Rule ~~25.8.3.1325H.13.1~~ are being exceeded in other residential areas than the Percival/Ryburn Road enclave, they may require the Inland Port Owner to invite up to two representatives of such areas to join the CLC.

10.5.2 Noise Management

- (a) Noise shall be managed in accordance with an approved Noise and Vibration Management Plan.

10.5.3 Container Repair Activities

- (a) No container repair activities that generate sudden loud noises shall be carried out between 1800 and 0700 hours.

10.5.4 Landscape Screening

10.5.4.1 Stage One (West of Percival Road)

- a) Prior to the operation of the first stage of the Inland Port (Sub Area A (Inland Port)) to the west of Percival Road, a 5m wide band of screen planting, shown as Interim Landscape Planting on Figure ~~2-1725H(4)~~, shall be planted on the site along the boundary of Percival Road with suitable quick growing species that can be maintained thereafter to the planting heights shown on Figure ~~2-1725H(4)~~. This planting may be removed upon closure of Percival Road for the expansion of the Inland Port (Sub Area A (Inland Port)); and
- b) Prior to the operation of the first stage of the Inland Port (Sub Area A (Inland Port)), a 5m wide landscape buffer area as shown on Figure ~~2-1725H(4)~~ shall be planted along

the northern boundary west of Percival Road and along that part of the northern boundary east of Percival Road (Lot 9, DPS 66853). The Landscape Buffer Area shall be planted with suitable quick growing tree species that can be maintained thereafter to the planting heights shown on Figure 2-1725H(4) and shall provide screening of the Inland Port (Sub Area A (Inland Port)) from Ryburn Road (including screening any required noise barrier). Where the required planting heights over the 1m or 3m sections of Landscape Buffer Areas cannot be met due to the requirements of the Electricity (Hazards from Trees) Regulations 2003, alternative screen planting that achieves a height of 4m shall be provided on 111 Percival Road (Lot 2, DPS 77458) either:

- i. Along its southern boundary adjacent to and at an equivalent length; or
- ii. Along its eastern boundary northwards from Percival Road to a point at the intersection of Brighton Grove.

Provided that, in either case, a sufficient gap for access shall be ensured through that land.

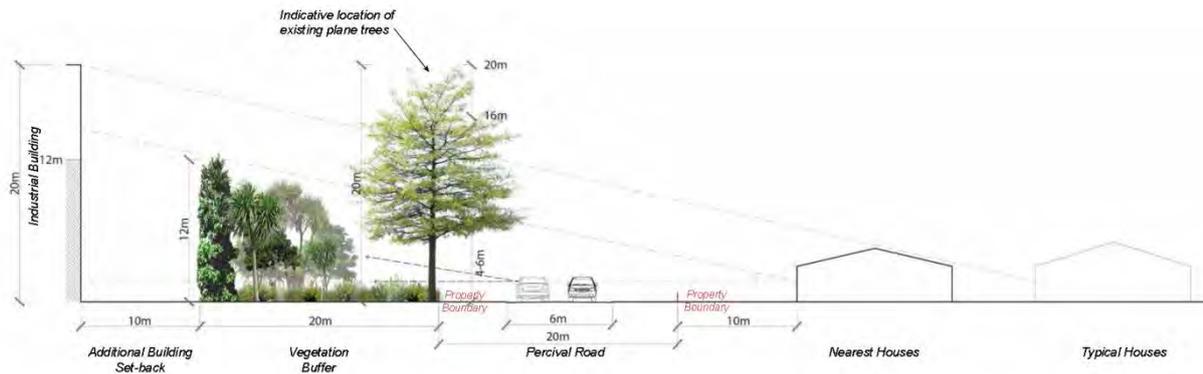
10.5.4.2 Stage Two (Following Closure of Ruakura Road and Percival Road)

- a) Prior to the development of any land within the Inland Port (Sub Area A (Inland Port)) following the closure of Ruakura Road and Percival Road, the Landscape Buffer Area shall be extended along the full length of the northern boundary at widths of 5m to 20m as shown on Figure 2-1725H(4) and shall be planted with quick growing tree species that can be maintained at a height of no less than 12m for the full length of the boundary.

10.5.4.3 Stage Three (north of east coast main trunk railway)

- a) Prior to the development of any land within the Ruakura Logistics Zone Sub Area B (north of east coast main trunk railway) the Landscape Buffer Area outlined in Appendix 2 Figure 2-14 and Appendix 17 Planning Maps shall be established.
- b) Landscape Buffer Area (as indicated in Figure 10.5.4.3a below) to include;
 - i. Retention of the existing plane trees (and planting of additional trees to fill the gaps) and replacement planting where necessary;
 - ii. On the boundary of landscape buffer area (i.e. the furthest from Percival Road) a dense evergreen hedge to no less than 12m in height;
 - iii. A 20m setback consisting of an informal band of indigenous vegetation to provide understory planting between the hedge and the road boundary;
 - iv. A 10m building setback within the relevant Ruakura Logistics Zone from the edge of the 20m indigenous vegetation outlined in 10.5.4.3b) iii above;
 - v. A 30m setback from Percival Road consisting of 10.5.4.3b) i., ii., iii. and iv.

Figure 10.5.4.3a: Landscape Buffer Area



10.6 Controlled Activities: Matters of Control

- a) In determining any application for resource consent for a controlled activity, the Council shall reserve its control over the following matters.

Activity	Matter of Control (Refer to Volume 2, Appendix 1.3.2)
i. New buildings and associated development within an Interface Design Control Area*	<ul style="list-style-type: none"> • B – Industrial Zone • F – Ruakura
ii. Alterations and additions to existing buildings within the Interface Design Control Area*	<ul style="list-style-type: none"> • B – Industrial Zone • F – Ruakura
iii. Temporary logistics activities in Sub Area A	<ul style="list-style-type: none"> • F – Ruakura

10.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion.

Activity	Matter of Discretion (Refer to Volume 2, Appendix 1.3.3)
i. Ancillary residential units*	<ul style="list-style-type: none"> • C – Character and Amenity • N – Ruakura

Activity	Matter of Discretion (Refer to Volume 2, Appendix 1.3.32)
ii. Short-stay worker accommodation	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>N – Ruakura</u>
iii. Freight-handling activities, Logistics activities and Logistics and freight-handling infrastructure	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
<i>iv. <u>Rail sidings in Land Development Plan Area P (see Figure 2-16 in Appendix 2)</u></i>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
iv. Any activity generating 1500 or more vehicle movements per day	<ul style="list-style-type: none"> • <u>G – Transportation</u>

10.8 Notification Rule

- a) Except as provided for by Section 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in the table above will be considered without notification or the need to obtain approval from affected persons.

10.9 Discretionary and Non-complying Activities

- a) In determining any application for a discretionary activity or a non-complying activity, Council shall have regard to all matters identified in Volume 2, Appendix 1.3: District Plan Administration – Discretionary Activity Assessment Criteria.

10.10 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- [How to Use this District Plan](#)
- [Explanation of Activity Status](#)
- [Activity Status Defaults](#)
- [Notification Defaults](#)
- [Rules Having Early or Delayed Effect](#)

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- [Controlled Activities – Matters of Control](#)
- [Restricted Discretionary Activities – Matters for Discretion and Assessment Criteria](#)
- [Discretionary Activity Assessment Criteria](#)
- [Design Guides and Design Assessment Criteria](#)
- [Information Requirements](#)
- [Acronyms Used in the District Plan](#)
- [Definitions Used in the District Plan](#)
- [Other Methods of Implementation](#)

Chapter 11 Ruakura Industrial Park Zone

Chapter 11 Ruakura Industrial Park Zone – to replace withdrawn Chapter 11 Ruakura Industrial Park Zone as notified in the PDP, as follows:

11 Ruakura Industrial Park ZoneArea

11.1 Purpose

- a) The Ruakura Industrial Park ZoneArea is an important component of the overall development concept for Ruakura. Ruakura is strategically located and is of an appropriate scale to enable the development of a large, structure planned urban extension. The core to the development concept is the creation of an Inland Port (Sub Area A (Inland Port)) and a logistics hub (Sub Area B (Logistics)).
- b) Key attributes of the three areas for the Ruakura Industrial Park ZoneArea include its location adjoining strategic infrastructure, including the expressway, the Spine Road, the Inland Port, and key educational, research and innovation facilities and the co-locational benefits for businesses that are derived from these facilities. Its location means it also has an important role as a gateway into Hamilton.
- bc) There are three industrial park areas. One fronts onto Wairere Drive and the proposed Fifth Avenue extension (Fifth Avenue Industrial Park). The second is in the vicinity of the Silverdale area, south of the Waikato Expressway connection (Silverdale Industrial Park). The third is north of the Large Lot Residential Zone (Percival and Ryburn Roads) and bounded by the Waikato Expressway on the eastern side and will have access off the Spine Road.
- ed) The industrial park concept will be achieved by requiring a high standard of design for all buildings, landscaping and buffer areas and restricting certain types of industrial activities. This includes requiring setbacks from sensitive land uses including a 40m setback from existing residential development to the south-east of the Structure Plan area.
- de) The provisions also seek to ensure that the Ruakura Industrial Park ZoneArea is not occupied by land uses that are non-industrial, unless they are either ancillary to industrial use, support industrial uses, or are more appropriately located within an industrial environment than a business centre. This will reduce the potential for industrial land to be diluted by non-industrial uses, resulting in pressure for new industrial land to be zoned elsewhere, and for existing industrial land to be rezoned to commercial use.

11.2 Objectives and Policies: Ruakura Industrial Park Zone

Objective	Policies
<p>11.2.1 Industrial land uses, appropriate to the Industrial Park and surrounding environment, are able to establish and operate in an efficient and effective manner.</p>	<p>11.2.1a Industrial activities and supportive activities and infrastructure shall be provided for, subject to the land allocation set out in FigureTable 2-1425H(1), and the provision of required infrastructure, including roading and Three Waters.</p>
	<p>11.2.1b Noxious or offensive activities shall be avoided.</p>
	<p>11.2.1c Non-industrial uses shall establish and operate only where they are ancillary and supportive to industrial activities.</p>
	<p>11.2.1d Non-industrial uses shall not adversely affect the industrial use of the Ruakura Industrial Park ZoneArea and shall avoid adverse effects on function, vitality and amenity of the central city and other centres.</p>
<p>Explanation</p>	
<p><i><u>The area has excellent accessibility to other areas of Hamilton and to infrastructure including the Waikato Expressway, the national rail network and the inland port. The key to success will be maximising the strategic and co-locational benefits of the land.</u></i></p> <p><i><u>Some industrial activities are to be excluded from the Ruakura Industrial Park Zone. Activities to be excluded are heavy industries or noxious and offensive activities which would be more suited to a less sensitive industrial environment.</u></i></p> <p><i><u>Within the Ruakura Industrial Park Zone activities that are non-industrial and that are provided for in other parts of the City should in general not be carried out within the zone. The District Plan sets as the key principle in this regard that industrial land should be preserved for industrial activities, but also includes provision for a range of non-industrial activities considered to be ancillary to industrial activity, that support industrial activities, or specific forms of commercial activity that are acceptable within industrial environments, and/or due to their characteristics are better located within an industrial environment.</u></i></p>	
Objective	Policies
<p>11.2.2 The creation of a high amenity industrial environment.</p>	<p>11.2.2a High amenity levels within the Ruakura Industrial Park ZoneArea shall be developed through well designed buildings in the Interface Design Control Area, front yard requirements, setbacks from major roads, Open Space ZonesAreas and residential areas, and through landscaping and screening.</p>

<u>Explanation</u>	
<u>The industrial park concept will be achieved by requiring a high standard of design for all buildings, landscaping and buffer areas and restricting certain types of industrial activities.</u>	
<u>The Industrial Park Zone will enable a high amenity employment area. The purpose of this is to create a gateway to the City, a functional and attractive employment area, maintain an appropriate relationship with surrounding land uses and to contribute to raising amenity levels within the City generally.</u>	
Objective	Policies
<p>11.2.3 Adverse effects of industrial activities are avoided or mitigated.</p>	<p>11.2.3a The adverse effects of industrial activities shall be avoided or mitigated by;</p> <ul style="list-style-type: none"> i. Ensuring an appropriate location and type of development in accordance with Figure 2-14 25H(1). ii. Ensuring that development visible from key transport corridors and open spaces meets appropriate bulk and location and design standards. iii. Imposing amenity controls to ensure that the adverse effects of industrial activities on adjoining facilities or existing residential areas are avoided or mitigated.
<u>Explanation</u>	
<u>Industrial activities can generate adverse amenity effects beyond the boundaries of the zone. These can have an impact on residential and open space areas where expectations for amenity are far higher.</u>	

11.3 Rules – Activity Status Table

Activity	Class
a) Land Development Activities (refer Rule- 3.7.3.225H.11)	RD*
b) New buildings and development	P
c) New buildings and associated development (within an Interface Design Control Area)	C
d) Industrial activities excluding activities (gf) to (kj) below	P
e) Any activity requiring an air discharge consent under the Waikato Regional Plan within 100m of residential activities	RD
f) Logistics and freight-handling activities	P
g) Any noxious or offensive activity	NC
h) Motor vehicle dismantling and repair	NC
i) Recycling plants including the associated storage of metals, plastics, glass,	NC

Activity	Class
electronic components or batteries prior to processing	
j) Processes involving the flaring or incineration of trade wastes or refuse	NC
k) The manufacture or blending of bulk products of fertiliser, animal feed, roading materials, gardening materials, concrete and aggregate	NC
l) Offices	NC
m) Ancillary offices	P
n) Retail	NC
o) Wholesale retail and trade supplies	RD*
p) Transportation service centre	RD*
q) Drive-through services	RD*
r) Commercial motor vehicle sales and servicing	RD*
s) Yard-based retail other than as provided for as a permitted activity	NC
t) Food and beverage outlets and dairies not exceeding 250m² gross floor area	P
u) Ancillary retail	P
v) Emergency service facilities	RD*
w) Passenger transport facilities	P
x) Transport depot	RD*
y) Parking lots and parking buildings	P
z) Accessory buildings	P
aa) Minor works to an existing building	P
bb) Alterations and additions to existing buildings (other than minor works) outside the Interface Design Control Area	P
cc) Alterations and additions to existing buildings (other than minor works) within an Interface Design Control Area	C
dd) Ancillary residential unit	RD*
ee) Childcare facilities	RD*
ff) Permitted activities which fail to meet the criteria Specific Standards in Rule 11.425H.6.57	D
gg) Any activity not complying with the Transportation Service Centre access standard in Rule 11.5.225H.46.6.2	D
hh) Any permitted, controlled or restricted discretionary activity listed above generating 1500 or more vehicle movements per day <i>and is within the Fifth Avenue or Silverdale Industrial Parks (see provision 11.1c)</i>	RD*
ii) Activities not provided for	NC

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide - Network Utilities and the Electricity National Grid Corridor.

11.4 Rules – General Standards

11.4.1 Permitted Activities

Permitted activities listed in Table 11.3 shall:

- a) Comply with the general standards in Rule 11.4 and, where relevant, the specific standard in Rule 11.5.1, and
- b) Comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4 and Rule 3.7.4 in Chapter 3: Structure Plans

11.4.2 All Other Activities

All activities listed in Table 11.3, other than permitted activities, shall:

- a) Comply with the general standards in Rule 11.4 and, where relevant, the specific standards in Rule 11.5,
- b) Comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5 and Rule 3.7.4 in Chapter 3: Structure Plans, and
- c) Be assessed against the assessment criteria in Rule 11.6 and 11.7 and Section 1.3.3 of Volume 2, Appendix 1: District Plan Administration – Assessment Matters and Criteria.

11.4.3 Building Setbacks

Building setback from	Minimum distance
a) Transport corridor boundary – local and collector transport corridors roads	5m
b) Transport corridor boundary – major and minor arterial roads arterial transport corridors	15m
c) Waikato Expressway (Designation <u>90</u>)	<u>40m from the edge of the expressway carriageway for protected premises and facilities</u> 15m from designation boundary for other buildings
d) Any boundary adjoining any Open Space Zone Areas	8m
e) Other boundaries	0m
f) Any boundary adjoining a Residential Zone Area	40m

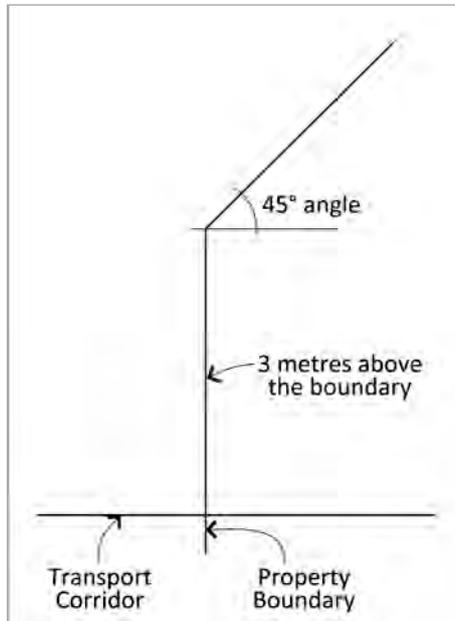
11.4.4 Building Height

a) Maximum building height	20m
b) Maximum container stacking height	6m

11.4.5 Height in Relation to Boundary

- a) No part of a building may penetrate a height control plane rising at an angle of 45 degrees (except for the southern boundary where it is measured at 28 degrees) starting at an elevation of 3m above the boundary of any adjacent Residential, Special Character or Open Space Zones (refer to Figure 11.4.5b).

Figure 11.4.5b: Height control plane for boundaries adjacent to any Residential, Special Character or Open Space Zones



11.4.6 Site Coverage

Maximum 75%.

11.4.7 Site Landscaping

- (a) In addition to the requirements for planting and buffer strips, 20% of the site area shall be landscaped. This requirement may be reduced to 10% of each site where:
- i. The reduction in landscaping is used for car parking purposes.
 - ii. Such car parking is designed in such a way as to be substantially hidden from view from the road and adjoining properties by either:
 1. Excavation
 2. Mounding
 3. Landscape planting or
 4. A combination of one or more of the foregoing, so as to be visually integrated into the remaining landscaped area.
 - iii. Except that landscaping shall always be provided for in required yards adjoining public open space reserve vested in Council and stormwater treatment and control areas.

- iv. Front yard fences (other than fencing of side yards to the street front) shall be located at or behind the façade of the building facing the street.

11.4.8 Site Layout

- (a) No more than 50% of the area between a building on the site (where that building is within 15m of the front boundary) and the front boundary of the site shall be used for car parking and/or vehicle manoeuvring. Rear sites are excluded from this requirement.
- (b) No plant or machinery (including air-conditioning units) relating to the activity shall be placed within any building setback.
- (c) Front yards shall not be used for Industrial operational activities (other than access and carparking) or storage areas.
- (d) Offices ancillary to industrial buildings shall be located at the front of building and facing the road. On corner sites, offices are only required to face one road.

11.4.9 Interface Standards

- a) No storage, loading or unloading of containers shall take place forward of the front building line of any building fronting a transport corridor or the Waikato Expressway.

11.4.10 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant.

- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

11.5 Rules – Specific Standards

11.5.1 Ancillary Retail

- a) Ancillary retail activity shall not occupy more than 10% of the floor space of the principal industrial activity on the site.

11.5.2 Transportation Service Centres

- a) Transportation Service Centres shall be provided with access directly from a State Highway or shall have frontage to an arterial road.

11.5.3 Landscape Screening

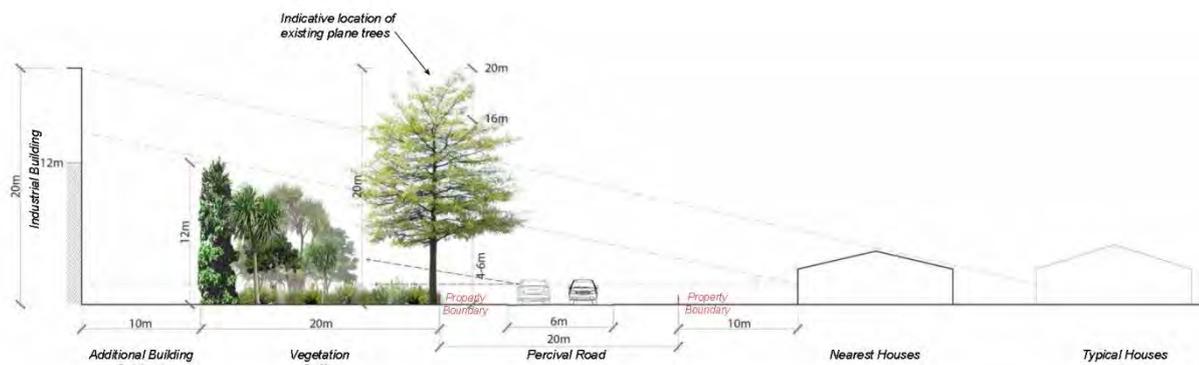
North of east coast main trunk railway

c) Prior to the development of any land within the Ruakura Industrial Park Zone (north of Percival Road) the following applies within the Landscape Buffer Area outlined in Appendix 2 Figure 2-14 and Appendix 17 Planning Maps shall be established.

d) Landscape Buffer Area (as indicated in Figure 11.5.3a below) to include;

- i. Retention of the existing plane trees (and planting of additional trees to fill the gaps) and replacement planting where necessary;
- ii. On the boundary of Landscape Buffer Area (i.e. the furthest from Percival Road) a dense evergreen hedge to no less than 12m in height;
- iii. Informal band of indigenous vegetation to provide understory planting between the hedge and the road boundary;
- iv. A 10m building setback within the relevant Ruakura Industrial Park Zone from the edge of the 20m indigenous vegetation outlined in 11.5.3c) above;
- v. A 30m setback from Percival Road consisting of 11.5.3a), b), c) and d).

Figure 11.5.3a: Landscape Buffer Area



11.6 Controlled Matters: Matters of Control

a) In determining any application for resource consent for a controlled activity, the Council shall reserve its control over the following matters.

Activity	Matter of Control (Refer to Volume 2, Appendix 1.3.2)
i. New buildings and associated development within an Interface Design Control Area*	<ul style="list-style-type: none"> • <u>B – Industrial</u> • <u>F – Ruakura</u>
ii. Alterations and additions to existing buildings within the Interface Design Control Area*	<ul style="list-style-type: none"> • <u>B – Industrial</u> • <u>F – Ruakura</u>

11.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion.

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3.32)
iv. Any activity requiring an air discharge permit under the Waikato Regional Plan within 100m of residential	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
vi. Wholesale retail and trade supplies*	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
vii. Transportation service centre*	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
viii. Drive-through services*	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u> • <u>G – Transportation</u>
ix. Commercial motor vehicle sales and servicing*	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
x. Transport depot	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
xiii. Ancillary residential units*	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
xiv. Childcare facilities*	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
xv. Emergency services facilities*	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
xv. Any activity generating 1500 or more vehicle movements per day <u>and is within the Board of Inquiry Plan Change Area</u>	<ul style="list-style-type: none"> • <u>G – Transportation</u>

11.8 Notification Rule

- a) Except as provided for by sections 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in the table above will be considered without notification or the need to obtain approval from affected persons.

11.9 Discretionary and Non-complying Activities

- a) In determining any application for a discretionary or a non-complying activity, Council shall have regard to all matters identified in Volume 2, Appendix 1.3: District Plan Administration – Discretionary Activity Assessment Criteria.

11.10 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification Defaults
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- Controlled Activities – Matters of Control
- Restricted Discretionary Activities – Matters for Discretion and Assessment Criteria
- Discretionary Activity Assessment Criteria
- Design Guides and Design Assessment Criteria
- Information Requirements
- Acronyms Used in the District Plan
- Definitions Used in the District Plan
- Other Methods of Implementation

Chapter 15 Open Space Zones

Amend Purpose text in 15.1 c), including inserting a new part iii:

- c) ~~Five~~^{our} Open Space Zones are provided in this District Plan.
- i. Natural.
 - ii. Neighbourhood.
 - ~~iii.~~ Ruakura
 - ~~iv.~~ Sport and Recreation.
 - v. Destination.

Insert new Purpose text at 15.1 f), and subsequent renumbering of 15.1:

- f) The Ruakura Open Space Zone is intended to accommodate and provide for a range of functions including stormwater and ecological management, a well-connected pedestrian and cycleway network linking open space land, space for passive and informal recreation, and amenity areas/spaces between different activity zones.
- gf) The Sport and Recreation Open Space Zone includes sports fields (grassed and artificial), courts, greens, athletic tracks, their surrounds and other facilities used predominantly for organised, competitive sports or active recreation. Spectator

stands, clubrooms, toilets, changing rooms, car parks and lighting are often associated with this type of open space.

- hg) The Destination Open Space Zone includes open spaces that cater for a City-wide or regional catchment and are often large areas with a combination of functions and values. A higher level of use and development of these areas is anticipated. These areas include Hamilton Gardens, Hamilton Lake Domain, Claudelands Park, Civic Square and Garden Place.
- ih) Any open space may have additional functions or features such as stormwater management and walkway or cycleway networks, significant natural areas, cultural sites, archaeological sites and historic buildings. This is appropriate provided the predominant function and values of the open space are not compromised.

Amend the Explanation below Objective 15.2.1:

Explanation

There are ~~five~~ Open Space Zones which reflect the values and functions relevant to each category of open space. The provisions of these zones ensure the level of activity and development is appropriate to the type of open space. In addition to District Plan controls, Reserves Act Management Plans give further certainty through providing information on the day-to-day management of open space. Where an activity does not fit with the provisions of a particular Open Space Zone, it may be relevant to look at the applicable Reserves Act Management Plan for guidance on what is anticipated in that particular open space.

Amend the Explanation below Objective 15.2.9:

Explanation

The ~~five~~ Open Space Zones accommodate community needs for both active and passive open space, including protection of natural areas, and cater for City-wide functions and values. The effects of activities will be controlled in relation to the intensity of use, and the sensitivity and amenity of the surrounding environment, having regard to the overall purpose of the particular open space. Note that this is supplemented by the scheduling of archaeological and cultural sites and significant natural areas.

Below the explanation for Objective 15.2.9, insert new heading, Objective 15.2.10, Policies 15.2.10a-h and explanation, as follows:

Ruakura Open Space Zone

<u>Objective</u>	<u>Policies</u>
<u>15.2.10</u> <u>The Open Space Zone at Ruakura shall be provided for and developed as a</u>	<u>15.2.10a</u> <u>The location, size and connectivity of the Open Space Zone shall be provided in accordance with that shown on Figure 2-14 in Appendix 2.</u>

<p><u>connected network to achieve a range of functions including passive recreation, active recreation, connectivity, enhancement of amenity, stormwater management and enhancement of ecological values.</u></p>	<p><u>15.2.10b</u> <u>A range of activities shall be provided for within the Open Space Zone.</u></p>
	<p><u>15.2.10c</u> <u>The Open Space Zone shall be developed in a staged and comprehensive manner in accordance with a Land Development Plan.</u></p>
	<p><u>15.2.10d</u> <u>A network of public access, walkways and cycleways shall be established within the Open Space Zone providing connections to the road network and the Kirikiriroa Stream and Mangaonua Stream gully systems.</u></p>
	<p><u>15.2.10e</u> <u>The Open Space Zone shall assist stormwater management and function as a corridor for network utilities including transmission lines.</u></p>
	<p><u>15.2.10f</u> <u>The Open Space Zone shall provide for habitats for indigenous flora and fauna including black mudfish, eels, bats and lizards to enhance long-term ecological resilience.</u></p>
	<p><u>15.2.10g</u> <u>Planting undertaken in the Open Space Zone shall include indigenous plant species which are eco-sourced from within the Waikato region, reflect natural plant assemblages and include trees that have capacity to develop cavities to provide habitats for bats.</u></p>
	<p><u>15.2.10h</u> <u>The Open Space Zone shall provide for a greenway with a suitable form to enhance long term ecological function, including:</u></p> <ul style="list-style-type: none"> <u>i. All of the natural stormwater treatment infrastructure.</u> <u>ii. Stepping stone patches of indigenous trees and shrubs.</u> <u>i. Bio-physical and natural features that maximise habitat opportunities for indigenous flora and fauna.</u> <u>ii. Indigenous plants characteristic of natural plant assemblages eco-sourced from the Waikato Region.</u> <u>iii. Linear wetlands to support viable populations of</u>

<u>black mudfish and eels.</u>
<u>Explanation</u>
<p><u>The addition of a specific Ruakura Open Space Zone recognises the unique and multifunctional role of the open space area. This is evident through the inclusion of special provisions for habitats for indigenous flora and fauna, including black mudfish, eels, bats and lizards are provided to enhance long term ecological resilience at Ruakura.</u></p> <p><u>The open space also provides for active and passive recreation along with public access throughout.</u></p> <p><u>The provision for a key linkage between the Kirikiriroa and Mangaonua Gully Systems and for the management of stormwater and a corridor for network utilities is provided.</u></p> <p><u>The open space also acts as a buffer between any incompatible activities within the Ruakura area. The Land Development Plan process identifies the relationship of the open space and function of this zone within the particular area. The approach to open space at Ruakura is comprehensive and integrated.</u></p>

Insert new column in Rule Table 15.3 for Ruakura to the right of Destination, inserting new activity statuses for each activity in the table; insert new activity a) for Land Development at the start of the table with subsequent renumbering of each activity in the table; and insert new activities ii), jj) and kk) at the end of the table:

15.3 Rules – Activity Status Table

Activity	Open Space Zones				
	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
<u>Land Development</u>					
a) <u>Land Development Activities (refer Rule 3.7.3.2)</u>	=	=	=	=	<u>RD*</u>
Buildings					
b) New buildings, alterations and additions to buildings (other than park maintenance buildings and public toilets) associated with a permitted activity*	D	D	RD	RD	<u>RD*</u>
c b) Demolition of existing buildings and structures	P	P	P	P	<u>P</u>
d e) Demolition or removal of, or alterations or additions to, any building or structure on Lot 288 DP S929	-	D	-	-	=
e d) Park maintenance buildings	P	P	P	P	<u>P</u>

Activity	Open Space Zones				
	Natural	Neighbourhood	Sport and Recreation	Destination	Ruakura
fe) Public toilet	P	P	P	P	<u>P</u>
gf) Maintenance and repair	P	P	P	P	<u>P</u>
Activities					
hg) Ancillary office	D	D	P	P	-
ih) Changing rooms	D	D	P	P	<u>D</u>
ji) Clubrooms	D	D	P	P	<u>D</u>
kj) Commercial activities on the surface of water	RD	-	-	-	-
lk) Community garden	D	P	P	P	<u>P</u>
ml) Community centre	D	D	P	P	<u>D</u>
nm) Conference facilities	D	D	P	P	-
oa) Customary activities	P	P	P	P	<u>P</u>
pe) Floodlights	D	D	P	P	<u>D</u>
qp) Indoor recreation	D	D	P	P	<u>D</u>
rq) Informal recreation	P	P	P	P	<u>P</u>
sf) Maintenance of existing features, including buildings, structures and grounds	P	P	P	P	<u>P</u>
ts) Motorised commercial activities on land	D	D	D	D	-
ut) Organised recreation	P	P	P	P	<u>P</u>
vu) Park furniture	P	P	P	P	<u>P</u>
wv) Pest control	P	P	P	P	<u>P</u>
xw) Pontoon/jetty	RD	RD	RD	RD	<u>D</u>
yx) Private recreation on the surface of water (excluding Lakes Waiwhakareke and Rotokaeo)	P	-	-	-	-
zy) Private recreation on the surface of Lakes Waiwhakareke and Rotokaeo	D	-	-	-	-
aa z) Public art	P	P	P	P	<u>P</u>
bb aa) Retail	D	D	P	P	-
cc ab) Restaurant	D	D	D	P	-
dd ae) Spectator facility	D	D	P	P	<u>D</u>
ee ad) Removal of vegetation or trees*	RD	P	P	P	<u>P</u>
ff ae) Planting, pruning, and maintenance of vegetation or trees	P	P	P	P	<u>P</u>

Activity	Open Space Zones				
	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
<u>ggaf</u>) Walkways and cycleways	P	P	P	P	<u>P</u>
<u>hhag</u>) Subdivision	Refer to Chapter 23: Subdivision and Chapter 24: Financial Contributions				
<u>ii</u>) Stormwater treatment devices (including ponds and swales)	=	=	=	=	<u>P</u>
<u>ji</u>) Stormwater treatment ponds and wetlands (excluding swales) in the Ruakura Open Space Zone adjacent to the northern boundary of properties on Sheridan Street and Nevada Road, except where approved as part of a Land Development Plan	=	=	=	=	<u>RD</u>
<u>kk</u>) Parking lot (Lot 3 DPS 66853)	=	=	=	=	<u>RD</u>

Delete Rule 15.4 and Figure 15.4a and replace with new text for Rule 15.4:

15.4 Rules – Interpretation of Ruakura Open Space Zone

- a) The Ruakura Structure Plan identifies specific open space widths in Figure 2-14 in Appendix 2. Where a width is specified the open space area is considered fixed. Only minor amendments are envisaged in relation to alignment with the Spine Road. Modification or reduction to widths identified could only occur through a Land Development Plan process. For open Space identified as an indicative Ecological Link or Indicative Neighbourhood Reserve on Figure 2-14 this will be confirmed as part of a Land Development Plan process.

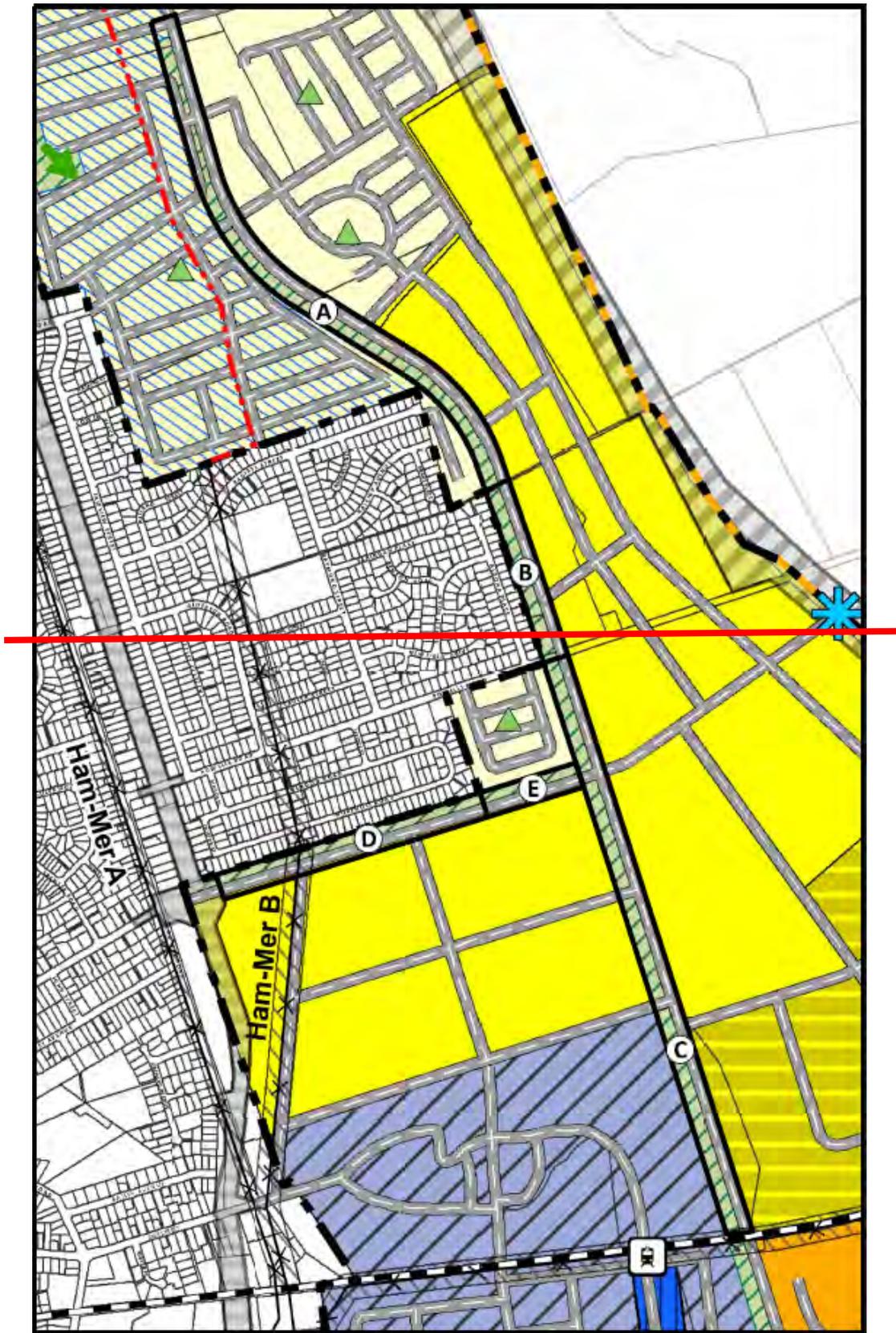
~~15.4 Rules – Definition of the Neighbourhood Open Space Zone in the Ruakura Structure Plan Area~~

~~The extent of some boundaries of the Neighbourhood Open Space Zone as shown on the planning maps are indicative only. The boundaries will be defined in relation to final location of proposed transport corridors. The boundaries affected and relevant proposed transport corridors are identified below.~~

Parts of the zone affected—refer to Figure 15.4a	Aspects of the zone boundary to be defined when proposed transport corridors are vested in Council
A	Northern Extent: Boundary with proposed east-west transport corridor connection from Tramway Road to the proposed north-south spine transport corridor. Eastern Extent: Boundary with proposed north-south spine transport

	<p>corridor.</p> <p>Western Extent: Extends 50m from the boundary with the proposed north-south spine transport corridor.</p>
B	<p>Eastern Extent: Boundary with proposed north-south spine transport corridor.</p>
C	<p>Eastern Extent: Boundary with proposed north-south spine transport corridor.</p> <p>Western Extent: Extends 50m from the boundary with the proposed north-south spine transport corridor.</p>
D	<p>Southern Extent: Boundary with the proposed east-west transport corridor connection from Tramway Road to the proposed north-south spine transport corridor.</p>
E	<p>Northern Extent: Extends 50m from the boundary with the proposed east-west transport corridor connection from Tramway Road to the proposed north-south spine transport corridor.</p> <p>Southern Extent: Boundary with the proposed east-west transport corridor connection from Tramway Road to the proposed north-south spine transport corridor.</p>

Figure 15.4a: Parts of the Zone affected by Rule 15.4



Note

1. The above figure is part of the Ruakura Structure Plan.

Amend Rule Tables 15.5.1, 15.5.2, 15.5.4 and 15.5.5 to include a column for Ruakura:

15.5.1 Site Coverage

Open Space Zone	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
Maximum site coverage	50m ²	50m ²	2% or 250m ² gross floor area whichever is the greater	2% or 250m ² gross floor area whichever is the greater	<u>50m²</u> (Applicable in respect of buildings only, not pathways or cycleways)

15.5.2 Gross Floor Area

Open Space Zone	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
Maximum gross floor area for park maintenance buildings or public toilets (per building)	50m ²	50m ²	100m ²	100m ²	<u>50m²</u> (Excluding park maintenance buildings)

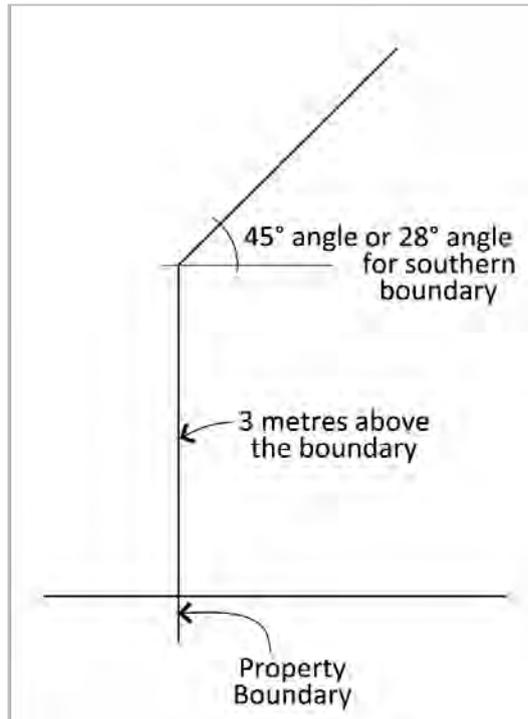
15.5.3 Number of Buildings

- a) The maximum number of buildings permitted on a park in the Neighbourhood or Natural Open Space Zone shall be one.

15.5.4 Building Height

Open Space Zone	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
Maximum height of					
a) Buildings	5m	5m	8m	12m	<u>5m</u>
b) Floodlights	-	-	15m	15m	-
c) Height control plane	Starting point: 3m above the site boundary Angle: 28° between northeast (45°) and northwest (315°) 45° in all other directions (see Figure 15.5.4d)				

Figure 15.5.4d: Height control plane



15.5.5 Building Setbacks

Open Space Zone	Natural	Neighbourhood	Sport and Recreation	Destination	Ruakura
Minimum building setback from any boundary adjoining a Residential, Special Character or Future Urban Zone	5m	5m	8m	8m	5m

Note

1. See 22.5.6 for setback from the Waikato Riverbank and Gully Hazard Area.

Under Rule 15.5.8, insert a new second bullet point:

15.5.8 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant.

- [Chapter 2: Strategic Framework](#)
- [Chapter 3: Structure Plans](#)
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gully Systems
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contribution

- Chapter 25: City-wide

Amend heading for Rule 15.6.3:

15.6.3 Organised Recreation in the Natural, ~~and~~ Neighbourhood and Ruakura Open Space Zones

After Rule 15.6.5, insert Rule 15.6.6 and 15.6.7 as follows:

15.6.6 Ruakura Open Space Minimum Width

- a) A 40 metre width of open space shall be provided between the carriageway of the Spine Road and the eastern boundary of the AgResearch site at 113B Ruakura Lane, legally described as Lot 3 DPS 78549.

15.6.7 Parking Lot in Ruakura Open Space Zone (Lot 3 DPS 66853)

- a) A minimum 30 metre setback from Ruakura Road
b) No parking lot is to be used for commercial purposes.

Insert new rows v., vi. and vii. to the table in Rule 15.7a):

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. New buildings and alterations to buildings*	<ul style="list-style-type: none"> • B – Design and Layout • D – Natural Character and Open Space
ii. Removal of vegetation or trees*	<ul style="list-style-type: none"> • D – Natural Character and Open Space • F – Hazards and Safety
iii. Commercial activities on the surface of water	<ul style="list-style-type: none"> • D – Natural Character and Open Space • F – Hazards and Safety
iv. Pontoon/jetty	<ul style="list-style-type: none"> • D – Natural Character and Open Space • F – Hazards and Safety
<u>v. Stormwater treatment ponds and wetlands (excluding swales) in the Ruakura Open Space Zone adjacent to the northern boundary of properties on Sheridan Street and Nevada Road, except where approved as part of a Land Development Plan</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
<u>vi. Land Development Plan</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>

<p><u>vii. Parking Lot (Lot 3 DPS 66853)</u></p>	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u> • <u>G – Transportation</u>
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Chapter 23 Subdivision

Amend Policy 23.2.3a and the Explanation below:

Objective	Policies
<p>23.2.3 Medium-Density Residential Zone and Rototuna Town Centre Zone areas are developed comprehensively.</p>	<p>23.2.3a Subdivision that creates additional allotments in the Medium-Density Residential Zone or the Rototuna Town Centre Zone does not occur without an approved Comprehensive Development Plan <u>or Land Development Plan for Ruakura.</u></p>
<p>Explanation</p>	
<p><i>Comprehensive Development Plans are a useful tool to ensure a comprehensive approach to the layout and design of medium-density development. <u>The Board of Inquiry Decision for Ruakura included a Land Development Plan process to ensure a comprehensive approach to layout and design within the medium density development occurs.</u></i></p>	

Amend the Explanation below Objective 23.2.4:

Explanation
<p><i>Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Infrastructure Technical Specifications. The Ruakura Structure Plan includes two areas of Large Lot Residential Zones which is are not anticipated to be serviced with Three Waters infrastructure, and should accommodate on-site servicing. Parts of the Future Urban Zone, where rural uses are to predominate, will also contain on-site servicing.</i></p>

In Table 23.3b under Rule 23.3, insert new columns for Ruakura Medium Density Residential Zone after the first columns for Medium-Density Residential and Rototuna Town Centre, and populate the columns as follows:

Activity	Medium- Density Residential and Rototuna Town Centre Zones		<i><u>Ruakura Medium Density Residential Zone</u></i>		Te Rapa North Industrial Zone				
	Without an approved CDP	As part of or after a CDP has been approved	<i><u>Without an approved LDP</u></i>	<i><u>With an approved LDP</u></i>	Deferred Industrial outside of Stages 1A & 1B	Within Stages 1A & 1B without a CDP	Within Stages 1A & 1B after a CDP	Dairy Factory	
	For General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 to 6, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park, Future Urban, all Open Space, Major Facilities, Community Facilities and Transport Corridor Zones, and all Hazard Areas see Table 23.3a above. For Special Character Zones see Table 23.3c below.								
i. Boundary adjustments	P	P	<i><u>P</u></i>	<i><u>P</u></i>	P	P	P	P	
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings	P	P	<i><u>P</u></i>	<i><u>P</u></i>	P	P	P	P	
iii. Conversion of cross-lease titles into fee simple titles	P	P	<i><u>P</u></i>	<i><u>P</u></i>	P	P	P	P	
iv. Subdivision to accommodate a network utility service or transport corridor	RD	RD	<i><u>RD</u></i>	<i><u>RD</u></i>	RD	D	RD	RD	
v. Fee simple subdivision*	NC	D	<i><u>NC</u></i>	<i><u>RD</u></i>	NC	D	RD	RD	
vi. Cross-lease subdivision*	NC	NC	<i><u>NC</u></i>	<i><u>NC</u></i>	NC	NC	NC	NC	
vii. Company-lease subdivision	NC	RD	<i><u>NC</u></i>	<i><u>RD</u></i>	NC	D	RD	RD	
viii. Unit-title Subdivision*	NC	RD	<i><u>NC</u></i>	<i><u>RD</u></i>	NC	D	RD	RD	
ix. Leasehold Subdivision	NC	RD	<i><u>NC</u></i>	<i><u>RD</u></i>	NC	D	RD	RD	
x. Subdivision involving any allotment within the Electricity National Grid Corridor	NC	RD	<i><u>NC</u></i>	<i><u>RD</u></i>	RD	D	RD	RD	
xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedules 8A and 8B	NC	D	<i><u>NC</u></i>	<i><u>D</u></i>	NC	D	D	D	

xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C ¹	NC	D	<u>NC</u>	<u>D</u>	NC	D	RD	RD
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Amend Rule 23.6.1 a) and b):

- a) Any subdivision which creates new allotments in the Ruakura Structure Plan Area cannot initiate land use or development which is contrary to Rules 3.7.3.1 to 3.7.3.76 and Rule 3.7.4 of Chapter 3: Structure Plans, except as provided for within the Large Lot Residential Zone.
- b) A consent notice may be registered against the title of any new allotment to ensure compliance with the Ruakura Structure Plan Area rules in Rules 3.7.3.1 to 3.7.3.76 and Rule 3.7.4 of Chapter 3: Structure Plans.

Amend Rule 23.6.8 a) and d):

- a) Subdivision shall only take place in conjunction with a Comprehensive Development Plan or Land Development Plan for Ruakura application or after a Comprehensive Development Plan or Land Development Plan for Ruakura application has been granted.
- b) ...
- c) ...
- d) The standards in Rule 23.6.7 a) to eb) do not apply to subdivision to accommodate a network utility service or transport corridor.

Amend Rule Table 23.7.1 g) and u):

g) Large Lot Residential – Percival/Ryburn Rd, Ruakura Structure Plan	<u>5000m²2ha</u>	-	-	Rule 23.7.1(w) applies
u) Ruakura Logistics Zone and Ruakura Industrial Park Zone	<u>35000m²</u>	-	-	Rule 23.7.1(x) applies

Amend Rule 23.8a)ii.:

ii. Subdivision involving any allotment within the Electricity National Grid Corridor	<ul style="list-style-type: none"> • <u>I</u> – Network Utilities and Transmission • <u>N - Ruakura</u>
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Chapter 25 City-wide

25.4 Hazardous Facilities

Deferred Rules 25.4.5.1t), v), w) and z) retained as notified.

Zone/Overlay	Activity Status/Consent Status Indices	
	Permitted	Discretionary
t) Knowledge Zone (University of Waikato only)	≤0.6	>0.6
	Exception	
	Within 100m of any zone specified in a) to q) of this table, when the thresholds shall be:	
	≤0.3	>0.3
v) Ruakura Logistics Zone w) Ruakura Industrial Park Zone z) Knowledge Zone (excluding University of Waikato)	≤1.0	>1.0
	Exceptions	
	Within 30m of any zone specified in a) to e) of this table, when the thresholds shall be:	
	≤0.2	>0.2
	Between 30m and 100m of any zone specified in a) to e) of this table, when the thresholds shall be:	
	≤0.75	>0.75
Within 100m of any zone specified in f) to t) of this table, when the thresholds shall be:		
	≤0.75	>0.75

25.5 Landscape Screening

Deferred Rules 25.5.3.1v. and xiii retained as notified.

Where required	Standard	Reason
	<i>Planting and buffer strips, internal planting, and planting areas are minimums</i>	
	<i>Fence and wall heights are maximums</i>	

<p>v. Activities in the Ruakura Industrial Park Zone</p>	<p>A 1.8m high close-boarded or similar solid fence or wall, and a 2m wide buffer strip shall be required along any side or rear boundary with a Residential or the Knowledge Zone</p> <p>And</p> <ul style="list-style-type: none"> • A 2m wide planting strip, or • A 1.2m or 1.8m permeable fence and 2m wide planting strip <p>shall be required along any boundary adjoining an Open Space Zone or transport corridor</p>	<p>Screening and amenity</p>
<p>xiii. Activities in the Ruakura Logistics Zone</p>	<p>Where fencing is required to meet specialised security needs (e.g. Ministry of Agricultural quarantine specifications) a 6m high permeable fence may be used, provided that a 10m planting or buffer strip shall be provided along boundaries with any transport corridor or Open Space Zone.</p> <ul style="list-style-type: none"> • A 2m wide planting strip, or • A 1.2m or 1.8m permeable fence and 2m wide planting strip <p>shall be required along any boundary adjoining an Open Space Zone or transport corridor</p>	<p>Screening</p>

Deferred Rule 25.5.3.3iv. retained as notified.

Design requirements	When the height of the fence or wall is:
iv. Materials with 50% or more see-through visibility	6m (Ruakura Logistics Zone only, see Rule 25.5.3.1(a)xiii)

25.7 Network Utilities and the Electricity National Grid Corridor

Amend Rule 25.7.4 g), h) and i), insert new i) – l) and subsequent renumbering of the last row (new provision m)) as follows:

g) Any building within 12m of the outer visible edge of a <u>National Grid transmission</u> -support structure-	NC	NC	NC	NC
h) Any new building less than 2.5m high and 10m ² in area <u>(excluding i) below)</u>	P	P	P	P

i) <u>Within the Ruakura Structure Plan area any new building less than 2.5m high and 10m² in area and any fencing up to 2.5 metres high, lighting up to 2.5 metres high, and traffic management structures up to 2.5 metres high (including as required to manage activities under the lines), subject to compliance with NZECP 34:2001 and no closer than 12 metres clearance from the outer visible edge of a National Grid support structure</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
i) <u>In the Ruakura Logistics Zone, unloading and loading of containers, stacking containers, container stacks, operation of mobile plant associated with these activities (outside of approved crossings under k) below) in the National Grid Yard.</u>	<u>NC</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
j) <u>In the Ruakura Logistics Zone, unloading and loading of containers, stacking containers, container stacks, operation of mobile plant associated with these activities in the National Grid Corridor</u>	<u>N/A</u>	<u>RD</u>	<u>N/A</u>	<u>N/A</u>
k) <u>In the Ruakura Logistics Zone, crossings for Mobile Plant as defined in NZECP 34:2001 (does not apply to the movement of containers on trucks or trains) in the National Grid Yard.</u>	<u>RD</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
l) <u>In the Ruakura Logistics Zone, light towers, walls and fences greater than 2.5 metres high in the National Grid Yard and National Grid Corridor.</u>	<u>RD</u>	<u>RD</u>	<u>N/A</u>	<u>N/A</u>
m) <u>Any activity not complying with Rule 25.7.6.1 National Grid Buildings and Structures</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
⌘ Network utilities	Refer to Rule 25.7.3 above			

Amend heading of the right column of Rule Table 25.7.7a), and insert new rows xiii – xv to the bottom of the table:

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3.3)
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<p><u>xiii. In the Logistics Zone, unloading and loading of containers, stacking containers, container stacks, operation of mobile plant associated with these activities in the National Grid Corridor</u></p>	<ul style="list-style-type: none"> • <u>I – Network Utilities and Transmission</u> • <u>N - Ruakura</u>
<p><u>xiv. In the Logistics Zone, crossings for Mobile Plant as defined in NZECP 34:2001 (does not apply to the movement of containers on trucks or trains) in the National Grid Yard.</u></p>	<ul style="list-style-type: none"> • <u>I – Network Utilities and Transmission</u> • <u>N - Ruakura</u>
<p><u>xv. In the Logistics Zone, light towers, walls and fences greater than 2.5 metres high in the National Grid Yard and National Grid Corridor.</u></p>	<ul style="list-style-type: none"> • <u>I – Network Utilities and Transmission</u> • <u>N - Ruakura</u>

25.8 Noise and Vibration

Amend Rule 25.8.3.7 heading and Rule 25.8.3.7a) and c) as follows:
Delete 25.8.3.7a)iii.

25.8.3.7 Noise Performance Standards for Activities in all Zones Except Major Facilities, Knowledge, ~~and~~ Open Space ~~Zones~~, Ruakura Logistics and Ruakura Industrial Park Zones

a) Activities in all Zones except Major Facilities, Knowledge, ~~and~~ Open Space, Ruakura Logistics and Ruakura Industrial Park Zones, shall not exceed the following noise levels at any point within the boundary of any other site in the:

- i. Residential Zone.
- ii. Special Character Zone.

~~Or, any point within the:~~

~~iii. Notional boundary of any residential unit on any other site within the Ruakura Logistics Zone at the time of notification of this Plan (as identified in Volume 2, 14-1 Residential Units in the Ruakura Logistics Zone).~~

Time of day	Noise level measured in L_{Aeq} [15 min]	Noise level measured in L_{AFmax}
iii iv. 0600 – 0700 hours	45 dB	75 dB
iv. 0700 – 2000 hours	50 dB	-
vi. 2000 – 2300 hours	45 dB	-
vi ii. 2300 – 0600 hours	40 dB	75 dB

b) ...

- c) Any activity within the Industrial, ~~and~~ Te Rapa North Industrial, ~~Ruakura Logistics and Ruakura Industrial Park~~ zones shall not exceed a noise level of 65dBA (LAeq [15 min]) at any point within the boundary of any other site within that zone. This standard does not apply to sites held in common ownership with the site containing the activity generating the noise. This standard applies to Stages 1A and 1B of the Te Rapa North Industrial Zone, but does not apply to the remainder of the Te Rapa North Industrial Zone until such time as the Deferred Industrial Zone overlay is removed.
- d) ...

Insert new part vii. below the table in Rule 25.8.3.9a):

vii. Rule 25.8.3.9(a)vi. shall not apply to Precinct C in the Knowledge Zone and the Ruakura Open Space Zone (excluding Lot 3 DPS 66853)

Insert new Rule 25.8.3.11 following 25.8.3.10, and subsequent renumbering of the existing 25.8.3.11 to 25.8.3.12:

25.8.3.11 Noise-sensitive Activities – Ruakura Logistics Zone, Ruakura Industrial Park Zone and Precinct C of Knowledge Zone

- a) Buildings to be used for noise-sensitive activities shall not be constructed with any part of the building within 40m of the designation for the Waikato Expressway. This requirement shall not apply to the feeder roads serving the Greenhill and Ruakura interchanges.
- b) The following standards in this rule shall apply to the construction of new and altered buildings to be used for noise-sensitive activities within:
- i. The Ruakura Logistics Zone, the Ruakura Industrial Park Zone and Precinct C of the Knowledge Zone.
 - ii. All sites, near existing and proposed transport corridors that carry high traffic volumes, as defined in Rule 25.8.3.11-(c) and (d) below.
 - iii. All sites, near a railway line, as defined in Rule 25.8.3.11(e) below.
- c) “Near existing and proposed transport corridors that carry high traffic volumes” applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the nearest edge of the carriageway of:
- i. All existing transport corridors, and
 - ii. Designated transport corridors (where the designation defines the location of the carriageway), that are predicted to carry an annual average daily traffic level (AADT) at the design year of at least:
 - 5,000 AADT where the posted speed limit is ≤50km/hr.
 - 2,000 AADT where the posted speed limit is >50km/hr.
- d) “Near existing and proposed transport corridors that carry high traffic volumes” also applies to noise-sensitive activities where the building line of the building containing the activity is within 100m of the boundary with the Waikato Expressway designation.

(e) “Near a railway line” applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the boundary of a designation for Railway Purposes.

(f) Where this standard applies, either:

- Any room in a building shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the minimum performance standard of $D_{2m,nT,w} + C_{tr} > 30$ dB, or
- Where only Rule 25.8.3.11(b)ii and iii apply, an acoustic design certificate signed by a suitably qualified acoustic engineer shall state the outdoor noise levels will not exceed 55 dB $L_{Aeq(1h)}$ for rail noise or 57 dB $L_{Aeq(24h)}$ for road-traffic noise at the building facade.

(g) Where Rule 25.8.3.11(f) applies, a supplementary source of air shall be provided to achieve a minimum ventilation as specified in Section G4 Ventilation of the New Zealand Building Code 2011 and provide cooling. The ventilation system shall generate less than 35dB L_{Aeq} measured at 1 metre from the internal grill/diffuser.

25.8.3.12~~1~~ Operational Vibration from Rail Lines – Activities in All Zones

Insert new part b) to 25.8.3.12 (amended number) below part a):

b) Where Rule 25.8.3.12(a) applies a design report prepared by an acoustics engineer, demonstrating compliance with the vibration criteria, shall be submitted to the Council prior to construction of the building

Insert new Rules 25.8.3.13 and 25.8.3.14 as follows:

25.8.3.13 Noise Performance Standards for Activities in the Ruakura Logistics and Ruakura Industrial Park Zones

a) Activities shall not exceed the following noise limits within the boundary of any other site in the:

- i. Notional boundary of any residential unit on any other site within the Ruakura Logistics Zone or within the Ryburn Road and Percival Road Large Lot Residential Zone (as identified in Appendix 14-1).
- ii. Residential Zone or Knowledge Zone University Precinct (D)

<u>Time of day</u>	<u>Noise levels measured in $L_{Aeq} [15 \text{ min}]$</u>	<u>Noise levels measured in $L_{A_{Fmax}}$</u>
<u>0700 – 2000 hours</u>	<u>55 dB</u>	<u>=</u>
<u>2000 – 2300 hours</u>	<u>50 dB</u>	<u>=</u>
<u>2300 – 0700 hours</u>	<u>40 dB</u>	<u>75 dB</u>

b) Any activity within the Ruakura Logistics and Ruakura Industrial Park Zones shall not exceed a noise limit of 70dB ($L_{Aeq} [15 \text{ min}]$) within the boundary of any other site within

that Zone. This standard does not apply to sites held in common ownership with the site containing the activity generating the noise.

c) Application of this standard.

- i. This standard does not apply to temporary activities
- ii. This standard does not apply to noise from helicopters at helicopter landing areas, road noise, or construction.
- iii. This standard does not apply to residential activities, the use of garden equipment (such as lawnmowers, chainsaws or wood chippers) ancillary to residential activities. Short duration use at reasonable times will be acceptable.
- iv. This standard applies to all other activities, including home-based businesses, pool pumps, air conditioning units and site based wind turbines.
- v. Assessment of the standard shall be in accordance with NZS6801:2008 and NZS6802:2008 including a reference time interval (t) of 15 minutes.

d) A noise barrier shall be provided to ensure that the noise limits in Rule 25.8.3.13(a) are met and in accordance with the following:

- i. The barrier shall be constructed at, or to the north of, the northern-most limit of the Inland Port operations area (Sub Area A (Inland Port)) and in any other locations necessary to ensure the noise limits in Rule 25.8.3.13(a) will be met.
- ii. The barrier may be constructed in stages to suit staged development of the Inland Port (Sub Area A (Inland Port)).
- iii. The barrier shall be designed and constructed in accordance with best practice and certified by a suitably qualified expert.
- iv. The barrier shall be designed to avoid or minimise the reflection of noise from passing trains onto residential properties on Ryburn Road.
- v. The noise barrier shall form part of the Noise Management Plan for each stage of development of the Inland Port (Sub Area A (Inland Port)).

25.8.3.14 Non-Conformity with Standards in the Ruakura Logistics Zone

- a) Any activity in the Inland Port (Sub Area A (Inland Port)) which is between 40 dBLAeq(15 min) and 45 dBLAeq(15 min) when measured at the boundary between 2300 and 0700 hours is a restricted discretionary activity. This shall be considered without notification or the need to obtain approval from affected persons, except as provided for by sections 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act.
- b) Any activity in the Inland Port (Sub Area A (Inland Port)) which exceeds 45 dBLAeq(15 min) between 2300 and 0700 hours when measured at the boundary is a non-complying activity.

25.10 Signs

Amend 25.10.3h) as follows:

Activity	Class
h) Any electronic sign in the Central City, Business 1-6 Zones, and Industrial Zone, <u>Ruakura Logistics Zone and Ruakura Industrial Park Zone</u> which complies with Rule 25.10.4 and Rule 25.10.5	RD

Retain the notified PDP provision 25.10.5.8 as follows:

25.10.5.8 Knowledge Zone

a) Signs in the Knowledge Zone shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum sign height (from ground level)
i. Two signs affixed to the face of the tenancy or department building	10m ² per tenancy/ department	A maximum sign height equal to the building height of the zone provided that it does not project beyond the top of the façade of the building
ii. Any directional signage	2m ² per tenancy/ department	2m
iii. One double-sided sign at each entrance to the site	3.4m ² per face of the sign	3m

b) University of Waikato – the rules 25.10.5.8(b)i and ii below are in addition to Rule 25.10.5.8(a):

- i. No standards shall apply to signs located in the site that have been approved as part of a concept plan.
- ii. No standards shall apply to signs located in the site that are located outside the Interface Area.

Retain the notified PDP provision 25.10.5.9 as follows.

25.10.5.9 Ruakura Logistics and Ruakura Industrial Park Zones

a) Signs in the Ruakura Logistics and Ruakura Industrial Park Zones shall comply with the following standards.

Maximum number of signs per entrance	Maximum sign area	Maximum dimension (height or width)	Maximum sign height (from ground level)
i. Free-standing signs: One double-sided sign for each road frontage	24m ²	6m	16m

ii. One sign attached to the face of a building	24m ²	6m	A maximum sign height equal to the building height of the relevant zone provided that it does not exceed the height of the parapet or facade of the building
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b) Security and directional signage shall be excluded.

Within the table for Rule 25.10.5.12a), amend rows ii. and iii. as follows:

ii. Business 1-6, Central City, and Industrial, <u>Ruakura Logistics</u> , <u>Ruakura Industrial Park and Knowledge (Precinct C only)</u> zones	Two signs per site, or two signs per frontage in the case of a corner site	3m ²	6m ²
iii. Open Space, and Major Facilities <u>and Knowledge (excluding Precinct C)</u> zones	Two signs per site, or two signs per frontage in the case of a corner site	6m ²	-

Amend the table within Rule 25.10.6a) as follows:

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3.3)
i. Signs on scheduled historic heritage buildings and archaeological and cultural sites identified in Volume 2, Appendix 8, Schedule 8A or 8B*	<ul style="list-style-type: none"> E – Heritage Values and Special Character
ii. Any electronic sign in the Central City Zone, Business 1-6 Zones, Industrial Zone, <u>Ruakura Logistics Zone and Ruakura Industrial Park Zone</u> which complies with Rule 25.10.4 and Rule 25.10.5	<ul style="list-style-type: none"> B – Design and Layout E – Heritage Values and Special Character

Appendix 1 District Plan Administration

1.1.2 Definitions used in the Plan

Insert definition for “Buffer Strip” below BOD₅ as follows:

Buffer Strip: Means a planting strip of a permeable nature with planting consisting of shrubs which can grow to a mature growth height of at least 2 metres, planted at a maximum of 1.5 metres apart, and including at least 1 tree for every 10m of boundary length.

Insert definition for “Commercialisation of research and innovation activities (Precincts A and B – Knowledge Zone)” below “Commercial activities on the surface of water” as follows:

Commercialisation of research and innovation activities (Precincts A and B – Knowledge Zone): Means activities directly related to permitted research and innovation activity including prototype development and maintenance, initial run product development, manufacturing method development and logistics method development.

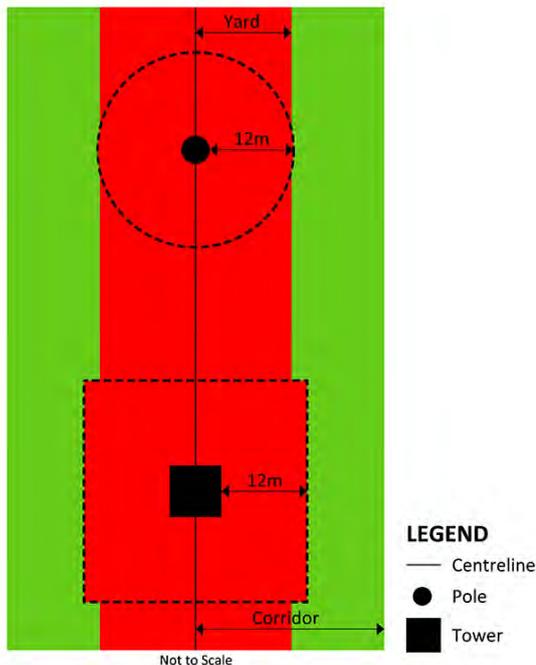
Amend the definition of Interface area as follows:

Interface area: Means land within the Major Facility Zone *or Knowledge Zone Precincts A, B or D* that is within 30m of any public space external to the zone. This excludes any land within the Major Facilities Zone *or Knowledge Zone Precincts A, B or D* that is positioned behind an existing building or landscaping so as to be screened from the adjoining public space.

Amend the definition for National Grid Corridor and National Grid Yard, as follows:

National Grid Corridor and National Grid Yard: Means a buffer area around the national grid high voltage electricity transmission lines identified on the Planning Maps. The purpose of this yard and corridor is to manage activities and structures in close proximity to the National Grid transmission lines and is required by the National Policy Statement for Electricity Transmission. The corridor seeks to ensure that subdivision is designed so that future buildings will avoid the yard. The Corridors within Urban Areas and Greenfield Areas are differentiated on the Planning Maps.

Diagrammatically, the Yard and Corridor are as follows.



National Grid Yard (shown in red)

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 10 metres either side of the centreline of any above ground 110kV National Grid line on single poles (HAM-MER A, ARI-HAM A); or
- the area located 12 metres either side of the centreline of any above ground National Grid line on towers (HAM-MER B, HAM-WHU A, ARI-HAM B, HAM-KPO A, HAM DEV A).

National Grid Corridor

means the area measured either side of the centreline of any above ground electricity transmission line as follows:

- 14m for the 110kV National Grid lines on single poles (HAM-MER A, ARI-HAM A)
- 16m for the 110kV National Grid lines on pi poles
- 32m for 110kV National Grid lines on towers (HAM-MER B, HAM-WHU A, ARI-HAM B, HAM-KPO A)
- 37m for the 220kV transmission lines (HAM DEV A)

Note

The National Grid Corridor and National Grid Yard do not apply to underground cables or any transmission lines (or sections of line) that are designated.

Amend the definition for Offices by adding new part e) below d):

Offices: Means premises used for administration, consultation, or management of and shall include:

- Administrative offices for the purposes of managing the affairs of an organisation, whether or not trading is conducted.
- Commercial offices such as banks, insurance agents, or real estate agents where trade (other than for the immediate exchange of money for goods) is transacted.
- Professional offices such as the offices of accountants, solicitors, architects, engineers, surveyors, stockbrokers, and consultants where a professional service is available and carried out.
- Non-custodial premises used by Corrections staff for administration and delivery of community-based activities, including, inter alia, Probation Centres and bases for Community Work activities.

e) Within Chapter 8 Knowledge Zone 'office' shall include space used for desk based research and innovation, associated meeting and administration, conferencing and similar activities and excludes commercial offices and professional offices

In this context “**office**” shall exclude activities meeting the definition and performance standards for a “**home-based business**”.

Insert definition for Planting Strip:

Planting Strip: Means an area of planting of a permeable nature consisting of a combination of groundcovers, shrubs and trees, which is designed in such a manner so as not to obscure visibility for road users.

Insert definition for Products Transported in Bulk:

Products Transported in Bulk: includes cement, clinker, coal, cotton seed meal, palm kernel, fertilizers, sand, gravel, scoria, loose logs, wood chips, salt, soy flour, and goods of a like nature. For clarity, this definition excludes any product stored or moved in a unitised or packaged form including in a container and storage associated with the unloading or loading of containers.

Amend definition for Ruakura Structure Plan Area:

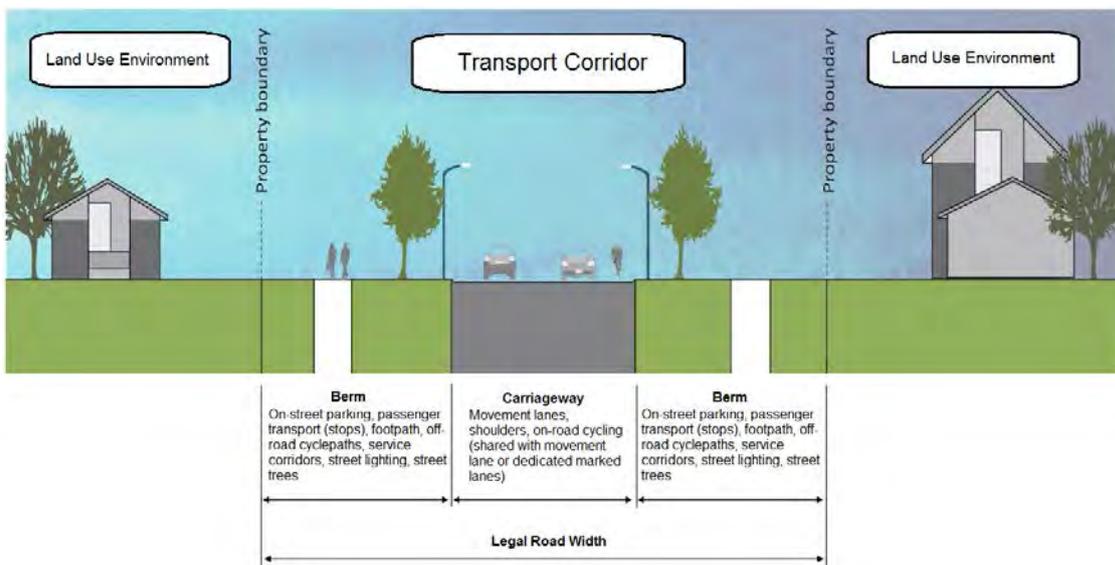
Ruakura Structure Plan Area: Means all of the area contained in the Ruakura Structure Plan boundary as shown in Appendix 2, Figures 2-14 to 2-189.

Insert definition for Temporary logistics activities:

Temporary logistics activities: Logistics activities provided for in the Logistics Area (Sub Area A) as a controlled activity in Rule 10.3c and excluding freight handling activities.

Amend definition for Transport corridor:

Transport corridor: Means the whole corridor that provides for carriageway, berms and any adjoining pedestrian or cycle paths, landscaping and lighting, and includes roads, but excludes private roads in the Ruakura Logistics Zone.



1.2 Information Requirements

Replace 1.2.2.20 with new 1.2.2.20 Ruakura Logistics Zone requirements:

1.2.2.20 Ruakura Structure Plan (Noise – Inland Port)

a) — The Operator of the Inland Port shall implement and maintain a Noise Management Plan (NMP). The NMP shall set out the measures to be used by the Operator to manage noise effects of port operations. The NMP shall include but not be limited to the following matters:

i. — The identification of noise sources and the nature of noise emissions.

- ~~ii. The applicable noise performance standards.~~
- ~~iii. Identification of likely affected persons.~~
- ~~iv. Community consultation and notification of affected persons.~~
- ~~v. Noise mitigation measures proposed to meet the applicable noise performance standards.~~
- ~~vi. Procedures for monitoring noise levels to ensure compliance with the stated noise levels.~~
- ~~vii. Management of noise emissions at night, with particular emphasis on the methods to effectively manage the noise effects on noise sensitive activities.~~
- ~~viii. Procedures for receiving and addressing noise complaints.~~
- ~~ix. Contact details of key personnel.~~
- ~~x. Reporting of monitoring results to Council.~~

1.2.2.20 Ruakura Logistics Zone

(a) Applications for Freight-handling activities and Logistics and Freight-handling infrastructure within the Inland Port (Sub Area A (Inland Port)), see Figure 2-14, shall be accompanied by a Noise and Vibration Management Plan for the relevant stage of the Inland Port which shall include the following:

- i. The result of any noise monitoring undertaken to demonstrate that earlier stages of Inland Port development and logistics activities, if any, meet noise performance standards, with an analysis of compliance as necessary.
- ii. A recalibrated model based on the results of the above monitoring.
- iii. The identification of construction and operational noise and vibration sources and the noise emissions associated with each stage of the development of the Inland Port (Sub Area A (Inland Port)), including refrigerated containers.
- iv. The applicable noise performance standards to be achieved at different times of the day.
- v. The applicable vibration performance standards.
- vi. Operational strategies and configurations adopted for each stage based on modelling which achieve compliance with the noise and vibration performance standards set out in Rule 25.8.
- vii. Plans and diagrams sufficient to illustrate the location, scale and dimensions of the noise barrier designed to achieve compliance with the noise performance standards set out in Rule 25.8.
- viii. Strategies and configurations to be adopted during construction which achieve compliance with the noise and vibration performance standards set out in Rule 25.8.
- ix. A signed statement by its author stating that the measures identified will enable the activity to comply with the noise and vibration performance standards set out in Rule 25.8.

- x. A subsequent signed statement by the designer of the noise barrier that it has been constructed in a way that makes it fit for purpose.
 - xi. Identification of persons potentially affected by noise and vibration from the operation and construction of the Inland Port (Sub Area A (Inland Port)) (including but not limited to members of the Inland Port Community Liaison Committee required under Rule 10.5.1, a record of meetings held and consultation undertaken with such potentially affected persons, and responses to matters raised in consultation.
 - xii. Procedures for monitoring noise levels to ensure compliance with the noise performance standards in Rule 25.8.
 - xiii. Management of noise emissions at night, with particular emphasis on the methods to effectively manage the noise effects on noise sensitive activities and which avoid or minimise sudden and/or loud noises at night.
 - xiv. Procedures for receiving and addressing noise complaints.
 - xv. Methods for updating the Noise and Vibration Management Plan as appropriate to respond to changing requirements.
 - xvi. Contact details of key personnel, including the name of the person with overall responsibility for ensuring noise limits are met.
 - xvii. An independent peer review report prepared by a suitably qualified and experienced expert acceptable to the Council that considers all aspects of the Noise and Vibration Management Plan, in particular the accuracy of modelling, the matters of discretion listed in *Appendix 1.3.3 (N2) Ruakura* and compliance with noise and vibration performance standards.
- (b) Applications for activities generating 1500 or more vehicle movements per day shall be accompanied by an Integrated Transport Assessment in accordance with Rule 3.7.3.3.7.

Insert new 1.2.2.21 - 1.2.2.27:

1.2.2.21 Ruakura Industrial Park Zone

- (a) Applications for activities generating 1500 or more vehicle movements per day shall be accompanied by an Integrated Transport Assessment in accordance with *Appendix 1.2.2.14*.

1.2.2.22 Knowledge Zone Precinct C

- a) Applications for activities generating 1500 or more vehicle movements per day shall be accompanied by an Integrated Transport Assessment in accordance with *Appendix 1.2.2.14*.

1.2.2.22.1 Centre Assessment Report

- a) Purpose

To address the potential effects associated with a proposal for retail, office and other activities in terms of the specified restricted discretionary activity criteria set out in Appendix 1.3.3 N Ruakura.

The content and detail of the Centre Assessment Report shall correspond with the scale, nature and potential adverse effects of the proposal. A detailed assessment may not be required if the applicant can clearly demonstrate that the proposed development is unlikely to have any significant effects in relation to the matters referred to above.

b) Information requirements

The assessment shall include the following information:

- i. A summary of the methodology and data sources used to prepare the assessment.
- ii. The following comparative indicators on the current vitality, functions and amenity of the Central City and sub-regional centres for the activity and a summary analysis of discernible trends:
 - Retail expenditure patterns
 - Floorspace and activity mix
 - Employment by type
 - Pedestrian environment and flows
 - Parking and public transport services and connections
 - Retail and office demand and supply, including vacancy levels.
- iii. The existing and consented development located outside of the Central City and/or subregional centres, which has been taken into account when assessing the potential adverse effects of the development.
- iv. Any external non-development factors such as macroeconomic trends or site specific factors that could influence the above indicators.
- v. Information should be included to demonstrate the appropriateness of the timeframes used to demonstrate trends and future predictions.

1.2.2.23 Medium Density Residential Zone

- a) Applications for activities generating 1500 or more vehicle movements per day shall be accompanied by an Integrated Transport Assessment in accordance with Appendix 1.2.2.14.

1.2.2.24 Ruakura Open Space Zone

- a) Applications for activities generating 1500 or more vehicle movements per day shall be accompanied by an Integrated Transport Assessment in accordance with Appendix 1.2.2.14.

1.2.2.25 Land Development Plans

Land Development Plan

An application under Rule 3.7.3.2.1 shall be accompanied by a Land Development Plan including the following information:

General

- (a) The exact boundaries between the Land Development Plan and adjoining Land Development Plan Areas.
- (b) The exact boundaries of any Open Space Zone included in the Land Development Plan.

Concept Layout Plan

- (c) The location, width and design of proposed roads and carriageways (including lighting, street furniture and signs) and the integration of roads with the existing and future transport network and the National Grid electricity transmission network.
- (d) The location of proposed Ruakura Strategic Infrastructure to ensure connectivity across the entire structure plan and adjacent land development plan areas.
- (e) Within the Inland Port (Sub Area A (Inland Port)) – an indicative layout plan showing internal roads, hardstand and impermeable areas, crossing points under transmission lines, indicative building locations, future rail sidings and connections to the East Coast Main Trunk Railway and clearances between finished surface levels of the Inland Port and the National Grid electricity transmission network.
- (f) The location and design of storm water treatment and control measures.
- (g) The location and dimension of open spaces, and the total area provided for each open space purpose consistent with the purpose of the Ruakura Open Space Zone and Ruakura Structure Plan.
- (h) The location and dimension of pedestrian and cycle ways.
- (i) Existing and proposed Three Waters infrastructure necessary to service the Land Development Area.
- (j) Existing and proposed ground levels and associated earthworks (Note: consent for earthworks within a National Grid Yard may also be required under Rule 25.2.3 or 25.7.4.
- (k) Methods to provide public access to and use of the Open Space, except as may need to be limited for safety reasons.
- (l) Consistency with the overall strategic infrastructure network for the structure plan as shown on Figures 2-15A and B.
- (m) Where staged development of any Land Development Area is sought then the following indicative information for the balance area shall be provided:
 - i. The location and width of proposed roads and carriageways and their integration with the existing and future transport network;
 - ii. The location of proposed Ruakura Strategic Infrastructure to ensure connectivity across the entire structure plan and adjacent land development plan areas.

Landscape Concept and Ecological Enhancement Plan

- (n) A Landscape Concept and Ecological Enhancement Plan that includes the following:

- i. A landscape concept for the area of open space included in the Land Development Plan, consistent with the purpose of the Ruakura Open Space Zone and Ruakura Structure Plan.
- ii. Details of landscape treatment of streets, footpaths and cycleways.
- iii. Details of landscape treatment of storage basins, swales and linear wetlands, which show at a minimum the following:
 - a) 100% cover of indigenous wetland vegetation in linear wetlands associated with arterial, collector roads and local roads in Industrial Park Zone; and
 - b) 80% cover of indigenous wetland vegetation in linear wetlands associated with the main greenway corridor, including the Silverdale Road to Mangaonua greenway and the corridor adjoining the expressway in the Logistics and Industrial Park Zones.
- iv. Details of the Landscape Buffer Areas in the Inland Port (Sub Area A (Inland Port)) required in Rule 10.5 and as shown on Figure 2-17 in Appendix 2. These details shall include:
 - a) Measures to ensure that filled ground provides optimum growing conditions such as avoiding the placement of compacted fill and installing topsoil that has been stripped and stockpiled according to sound practice.
 - b) Plant types and species, sizes at time of planting and spacing sufficient to achieve the screening purpose of the buffer areas.
 - c) The selection of quick growing trees that are capable of achieving the planting heights (other than understory and edge planting) specified on Figure 2-17 in Appendix 2 according to the following growth rates:
 - Year 1 = 2m
 - Year 5 = 6m-8m
 - Year 8 = 8m-10m
 - Year 10 = 10m-12m
 - d) Details of ongoing maintenance to ensure the planting achieves the best possible growth rates.
- v. Measures to ensure the implementation and ongoing maintenance of the Landscape and Ecological Concept Plan. In particular, the Landscape and Ecological Concept Plan shall detail the proposed timeframes for the implementation of the planting in the Landscape Buffer Areas in the Inland Port (Sub Area A (Inland Port)) relative to the proposed development and operation of logistics and freight-handling activities and infrastructure.
- vi. A design statement, and details of plant species¹ and materials including indigenous trees and shrubs bordering the linear wetland to improve the ecological function without hindering their treatment functions.

¹ Note: On the basis of the soil type within the storage basin to be planted, shrubland and forest species shall be selected from Clarkson B D, Clarkson B R and Downs T M, 2005: Indigenous Vegetation Types of Hamilton Ecological District, CBER Contract Report 58. The

percentage vegetation cover of the storage basins shall be consistent with Hamilton City Council Infrastructure Technical Specifications October 2013 or its replacement.

vii. Methods in the design and layout of Open Space to provide for the amenity of adjoining and adjacent activities.

viii. The design of the linear wetlands to support black mudfish, shortfin eels and longfin eels, including a range of vegetation suitable to support these fish species without hindering the treatment functions of the linear wetland. The design shall take account of risk factors for black mudfish including competition from pest fish, lack of suitable peat soils, drying out, lack of cavities for mudfish to aestivate (sleep over summer) and inappropriate pH of water due to lack of peat. This may necessitate retention or incorporation of peat soils in the construction of the linear wetlands.

ix. Methods to ensure implementation of a Native Fish Management Plan for the Land Development Plan Area consistent with the requirements of a Schedule Area-wide Native Fish Management Plan.

x. Methods to ensure implementation of a Native Lizard Management Plan for the Land Development Plan Area consistent with the requirements of a Schedule Area-wide Native Lizard Management Plan.

xi. The Native Fish Management Plan and Native Lizard Management Plan prepared by suitably qualified and experienced ecologist and shall include:

a) containment and translocation methods for at risk species;

b) methods to ensure adequate separation between black mudfish and longfin eels;

c) adaptive management, monitoring and response process to determine the success or otherwise and to implement a contingency plan if necessary; and

d) an analysis of risk relating to timing of collection, containment and translocation.

Water Impact Assessment

(o) A Water Impact Assessment based on anticipated development in the Land Development Plan that includes the following:

i. How the proposal is consistent with, or otherwise complies with, the recommendations, measures and targets of any approved Integrated Catchment Management Plan.

ii. Where there is no approved Integrated Catchment Management Plan, how the proposal is consistent with the development of and gives effect to Ruakura Strategic Infrastructure including as shown on Figures 2-15A and B in Appendix 2 for the entire structure plan area.

iii. How the Land Development Plan provides for the eventual diversion of any temporary connections to strategic infrastructure, including timing or triggers for such diversions.

iv. An assessment of any potential effects (including cumulative effects) of the development in relation to its catchment. In particular, the assessment should include consideration of potential construction effects and the potential effects of new stormwater devices on adjacent private property.

~~An assessment of any potential effects (including cumulative effects) of the development in relation to its catchment. In particular, the assessment should include consideration of potential construction effects and the potential effects of new ponds and wetlands on adjacent private property.~~

v. Details of what water-sensitive techniques are proposed and methods of implementation.

vi. Details of the expected water efficiency benefits arising from the proposed water-sensitive techniques compared to the same development without using those water-sensitive techniques.

vii. Details of how the water-sensitive techniques will be operated and maintained to ensure ongoing water efficiency benefits.

viii. Confirmation of available Three Waters infrastructure and capacity, existing and proposed, to appropriately service anticipated development in the Land Development Plan area and the wider structure plan area.

ix. Details of the water demand (flow and pressure) and water sources.

x. An assessment of the effect that any staged or interim development and infrastructure has on the strategic network described in Figures 2-15 A and B in Appendix 2 including an assessment of when any diversion to that strategic network is required to restore the city wide network capacity that was being used on an interim basis.

Note: Consent from the Regional Council for an increased water take may be required where a development proposal is to take in excess of 15m³ of water per day.

Integrated Transport Assessment

(p) An Integrated Transport Assessment (ITA) for anticipated development within the Land Development Plan area, prepared in accordance with the requirements of Appendix 1.2.2.14 and confirming that the anticipated levels of development will comply with Rule 3.7.3.3 Staging and Traffic Requirements. Prior to approving an ITA or Land Development Plan for the first stage of the Inland Port (Sub Area A (Inland Port)), the upgrading requirements of Ruakura Road from, and including, the Silverdale Road intersection to Wairere Drive shall be reviewed. Any upgrading required shall be agreed with the Hamilton City Council, and be completed in accordance with the agreement before operation of the Inland Port (Sub Area A (Inland Port)) or other development commences.

(q) Details of how the Land Development Plan has been designed to align with the Cyclist and Pedestrian Network Plan in Figure 2-18 in Appendix 2, including the grade separation of facilities on arterial routes.

- (r) Details of any proposed crossing of the East Coast Main Trunk Railway by the Spine Road, which show how it will be grade-separated.

Mitigation of Adverse Land Development Effects on Habitats

- (s) Details of how land development avoids, remedies or mitigates adverse effects on, or where possible enhances, any significant habitats of indigenous fauna.

Medium Density Residential Zone

- (a)(t) The layout of roads, public spaces and lots, showing how compliance with a minimum net density of 16 dwellings per hectare will be achieved.
- (u) The specific location and extent of the Integrated Retail Development consistent with that shown on Figure 2-14 in Appendix 2.

Open Space Provisions

The following components of the open space network are to be considered when developing a Land Development Plan to ensure the various functions are not compromised. The Land Development Plan shall demonstrate the maintenance and development of;

- v) Greenway - In addition to the stormwater management function, the greenway shall create opportunities for improved habitat and ecological benefits in the Ruakura Structure Plan area and in downstream receiving environments.
- w) Gullies - Layout of the residential area is to be designed to provide opportunities for the restoration and enhancement of the Kirikiriroa Stream headwaters).
- x) Visual amenity and buffer between incompatible activities – in particular the following open space areas identified on the Ruakura Structure Plan are intended to provide a buffer function:
- The greenway;
 - The area to the north of the proposed Ruakura Industrial Park Zone that adjoins the General Residential Zone;
 - The transmission corridor between Ruakura Road and the Knowledge Zone
 - The area between the realigned Ruakura Road and Silverdale Road, and between the Ruakura Industrial Park Zone and the existing General Residential Zone to the south;
 - The area between the logistics and industrial activities, and the residential neighbourhoods in Silverdale and the University of Waikato.
- y) Neighbourhood reserves – these will be required as part of the subdivision process and the establishment of residential neighbourhoods. As such the location of the neighbourhood reserves on Figure 2-14 within Appendix 2 is indicative only. Each neighbourhood reserve shall be an area of approximately 0.5ha and serve a catchment area of approximately 500m radius. Neighbourhood reserves complement the range of facilities provided by the Ruakura Open Space Zone and provide a focal point for, and contribute to the visual amenity of the local community.
- z) Connectivity – a concept layout plan at Land Development Plan stage will show the location and dimension of pedestrian and cycle ways in accordance with the Cyclist and

Pedestrian Network Plan in Figure 2-18 in Appendix 2 as well as the landscape treatment of streets, footpaths and cycleways.

1.2.2.26 Staging and Traffic Requirements

- (a) The application shall be accompanied by an Integrated Transport Assessment (ITA) prepared in accordance with Appendix 1.2.2.14.
- (b) All ITAs required shall be prepared by suitably qualified professionals and should generally follow the approach and guidelines of New Zealand Transport Agency's "Research Report 422: Integrated Transport Assessment Guidelines, November 2010", or its replacement.

1.2.2.27 Concept Plan for Knowledge Zone (excluding Precinct C)

Any application for a Concept Plan for Precinct A, B or D in the Knowledge Zone shall show the total expected development of the facility (even if the development in that area is to proceed in stages) through plans and explanatory text which may include the following information (as relevant).

- a) How the proposal is in general accordance with the urban design approach objectives and policies in Volume 1, Chapter 25.15: City-wide – Urban Design.
- b) Demonstrate how the objectives, policies and rules in Volume 1, Chapter 8: Knowledge Zone have been met.
- c) Demonstrate how the relevant assessment criteria have been met.
- d) Details of any consultation undertaken.
- e) A Concept Plan shall show diagrammatically, in the form of precincts:
 - i. The general distribution of activities, buildings, open space and parking facilities.
 - ii. Provision for access to and movement within the site for vehicles.
 - iii. Pedestrian and cycle links. Show the position of existing and proposed walkway and cycleway links within the site and to adjacent sites.
 - iv. The interrelationships with the surrounding locality, including buffer areas, links to local centres and access to passenger transport.
 - v. Future development areas, major landscaping areas and protected natural heritage and cultural features.
 - vi. The parameters to which development in different areas will be subject, in terms of the general configuration and bulk of existing and proposed buildings.
 - vii. Development Staging. Explain if development of the precinct is to be staged, the manner and proposed timeframes for the staging (if known) and the means of managing any vacant land during the staging process.
 - viii. How Interface Areas on site are being appropriately planned for in the development of Concept Plans.
- f) Any other information that may be needed to assess the application.
- g) New Concept Plans shall include a Broad ITA in accordance with Appendix 1.2.2.14.

Insert new 1.3.2 F (parts a) to d)) Ruakura after section E (Historic Heritage) for the Controlled Assessment Criteria:

F	Ruakura
a)	Interface Design Control Area
	Landscaping
i.	<u>Ruakura Logistics Zone - Subject to biosecurity requirements, landscaping should be incorporated within the site layout to reduce the bulk of new development and mitigate adverse visual effects. This is particularly important in relation to setbacks from the front boundary and those parts of the site visible from public spaces and interfaces along state highways, arterial transport corridors, and the Ruakura Open Space Zone and City gateways.</u>
ii.	<u>In relation to the Waikato Expressway, whether landscaping along the boundary with the Expressway Designation is of appropriate scale and density so as to soften views from the Expressway of industrial development.</u>
iii.	<u>Ruakura Industrial Park Zone – Landscaping and screening should be incorporated within the site layout to reduce the bulk of new buildings and associated development, and to mitigate adverse visual effects - particularly from storage, loading and operational areas likely to be visible from residential areas. This is also important in relation to setbacks from the front boundary and those parts of the site visible from public spaces and interfaces along state highways, arterial transport corridors, and the Ruakura Open Space Zone and city gateways.</u>
iv	<u>Ruakura Industrial Park Zone – In relation to buildings and associated development on sites that adjoin the Ruakura Open Space Zone and abutting the northern boundary of properties on Sheridan Street and Nevada Road or are adjacent to Silverdale Road, proposed landscaping and screening is subject to specific assessment and the standards in Rule 25.5.3.1 are to be used as a guide only.</u>
b)	Crime Prevention Through Environmental Design
i.	<u>Buildings and the site layout shall be designed to:</u> <u>a) Provide surveillance from offices over main access, car parks and the adjacent street.</u> <u>b) Ensure a clear distinction between visitor areas and operational areas.</u> <u>c) Provide direct, legible and well lit visitor routes.</u> <u>a)d)Avoid opportunities for concealment.</u>
c)	Temporary Logistics Activities in Sub Area A
i.	<u>Conditions shall be imposed to ensure that the location of buildings associated with logistics is temporary, the future rail spur corridor is not compromised and that buildings and activities do not preclude the future full development of the Inland Port.</u>
d)	Medium Density Residential Zone
i.	<u>Impact of building design, external appearance and configuration on the public realm particularly when viewed from the Ruakura Open Space Zone and arterial corridor.</u>
ii.	<u>Site layout</u>

	iii.	<u>Landscaping</u>
	iv.	<u>The extent to which the amenity and safety of future occupiers will be protected</u>

Insert new 1.3.3 N (N1-N12) after section K (Major Facility Concept Plan Consistency) for the Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria:

<u>N</u>	<u>Ruakura</u>	
<u>N1</u>	<u>Land Development Plans</u>	
	<u>In determining the application for resource consent for a restricted discretionary activity, Council shall reserve its discretion to the following matters, where relevant.</u>	
	<u>a)</u>	<u>Integration with and effects on transport and Three Waters infrastructure</u>
	<u>b)</u>	<u>Consistency with any approved Integrated Catchment Management Plan or regional discharge consent</u>
	<u>c)</u>	<u>Effects on significant habitats of indigenous fauna and habitat values of natural water courses</u>
	<u>d)</u>	<u>Open Space and road reserve design, layout and use</u>
	<u>e)</u>	<u>Consistency with the Ruakura Strategic Infrastructure network for the structure plan as shown on Figures 2-15A and B</u>
	<u>f)</u>	<u>Where staged developed of any Land Development Area is sought then the following indicative information for the balance area shall be provided:</u> <u>i. The location and width of proposed roads and carriageways and their integration with the existing and future transport network;</u> <u>ii. The location of proposed Ruakura Strategic Infrastructure to ensure connectivity across the entire structure plan and adjacent Land Development Plan Areas.</u>
	<u>g)</u>	<u>Construction effects</u>
	<u>h)</u>	<u>Effects of new stormwater ponds and wetlands (excluding swales) on private property</u>
	<u>In determining the application, the Council shall consider the following assessment criteria:</u>	
	<u>i)</u>	<u>Whether there is appropriate Three Waters infrastructure and capacity, existing and proposed, to appropriately service anticipated development in the Land Development Plan area. For new stormwater ponds and wetlands, the extent to which the following adverse effects of the works on adjacent private property are avoided:</u> <u>i. Flooding and adverse effects on ground water levels; and</u> <u>ii. Creating habitat for mosquitoes and other undesirable insects</u>
	<u>j)</u>	<u>Whether the proposal is consistent with, or otherwise complies with, the recommendations, measures and targets of any approved Integrated Catchment Management Plan</u>
	<u>k)</u>	<u>How the Whether the Land Development Plan provides for the eventual diversion of interim connections to Ruakura Strategic Infrastructure including as shown on Figures 2-15A and B and any approved Integrated Catchment</u>

		<u>Management Plan including timing and triggers for such diversions.</u>
	<u>l)</u>	<u>Whether anticipated development in the Land Development Plan area integrates with, and minimises adverse effects on the safe and efficient functioning of the transport network and transport infrastructure, having regard to the cumulative traffic effects of other approved Land Development Plans. The extent to which the Land Development Plan provides for the sequential extension of the Spine Road.</u>
	<u>m)</u>	<u>Whether the Land Development Plan is consistent with the Cyclist and Pedestrian Network Plan in Figure 2-18</u>
	<u>n)</u>	<u>The ITA matters for assessment set out in Appendix 1.3.3 G3</u>
	<u>o)</u>	<u>Whether the Land Development Plan considers and responds to the recommendations and proposed conditions of the Integrated Transport Assessment and Water Impact Assessment prepared to accompany the application</u>
	<u>p)</u>	<u>The potential for cumulative construction noise effects to adversely affect individual residential properties, and the mitigation methods proposed to minimise such effects</u>
	<u>q)</u>	<u>Whether the Land Development Plan considers and responds to issues and outcomes arising from consultation with relevant road controlling agencies, the New Zealand Transport Agency and, where relevant, KiwiRail</u>
	<u>r)</u>	<u>Whether appropriate consideration has been given to electrical hazards associated with the installation of underground Infrastructure within 12 metres of a National Grid support structure</u>
	<u>s)</u>	<u>Where land development will cause loss of significant habitats of indigenous fauna (including but not limited to, black mudfish, shortfin eels and longfin eels), require that unavoidable adverse effects on such habitat are remedied or mitigated through:</u> <ul style="list-style-type: none"> <u>i. Replacing significant habitat; or</u> <u>ii. Creating new habitat; or</u> <u>iii. Enhancing areas of alternative habitat supporting similar ecological values and/or significance; and</u> <u>iv. Legal and physical protection</u>
	<u>t)</u>	<u>Whether land development will adversely affect the flooding, water quality and habitat values of adjoining natural water courses</u>
	<u>u)</u>	<u>Whether the Landscape Concept and Ecological Enhancement Plan provides for a comprehensive and connected section of Open Space and road reserves, which incorporates, as necessary:</u> <ul style="list-style-type: none"> <u>i. connectivity of open space and streets;</u> <u>ii. passive and active recreation opportunities;</u> <u>iii. Crime Prevent Through Environmental Design principles;</u> <u>iv. pedestrian and cycle paths forming a network with adjacent parts of the Open Space network;</u> <u>v. general amenity planting and amenity for adjoining properties, including use of specimen trees in roads;</u>

	<ul style="list-style-type: none"> <u>vi. street furniture;</u> <u>vii. provision for habitats;</u> <u>viii. lighting design that does not deter bat movement; and</u> <u>ix. stormwater management</u>
<u>y)</u>	<u>Whether the Land Development Plan will appropriately provide for indigenous fish and lizards</u>
<u>w)</u>	<u>Whether the Land Development Plan includes a greenway that provides for improved habitat and ecological benefits</u>
<u>x)</u>	<u>Whether the Landscape Concept and Ecological Enhancement Plan provides for a greenway to enhance long term ecological function</u>
<u>Additional Matters for Open Space</u>	
<u>y)</u>	<p><u>Whether the layout and design of Open Space:</u></p> <ul style="list-style-type: none"> <u>i. Creates an informal parkland character</u> <u>ii. Integrates with the landscape design of roads within the Land Development Plan area</u> <u>iii. Applies Crime Prevention Through Environmental Design principles</u> <u>iv. Utilises planting to soften the views of industrial development</u> <u>v. Contains pedestrian and cycle paths forming a network with adjacent parts of the Open Space Network</u> <u>vi. Provides for the amenity of adjoining and adjacent activities</u> <u>ix-vii. Integrates linear wetlands and stormwater treatment devices</u>
<u>z)</u>	<u>Whether provision has been made to ensure public access to and use of the Open Space, except as may need to be limited for safety reasons</u>
<u>aa)</u>	<u>The extent to which the different functions of Open Space are clearly identified and provided for in the Land Development Plan application.</u>
<u>Additional Matters for the Medium Density Residential Zone</u>	
<u>bb)</u>	<p><u>The extent to which the street network promotes a high degree of connectivity and permeability through the following:</u></p> <ul style="list-style-type: none"> <u>i. A grid-like street layout.</u> <u>ii. Block sizes that promote permeability for pedestrians/cyclists as well as for vehicles.</u> <u>iii. Connections to the City-wide arterial networks.</u> <u>ix-iv. Paths to the Open Space Network</u>
<u>cc)</u>	<u>Street amenity shall be provided by the location of specimen trees and landscaped areas interspersed by kerb-side parking</u>
<u>Additional Matters for Precinct C within the Knowledge Zone</u>	
<u>dd)</u>	<p><u>The extent to which the street network is:</u></p> <ul style="list-style-type: none"> <u>i. Orientated toward the Ruakura Retail Centre.</u> <u>ii. Permeable for pedestrians/cyclists as well as for vehicles.</u> <u>iii. Legible with a simple and readily understood street pattern.</u>

	<u>iv. Provides a connected path network to the <i>Ruakura Open Space Zone</i></u>
<u>ee)</u>	<u>The extent to which blocks and lots are configured to facilitate walking and accommodate operational areas in rear yards</u>
<u>Additional Matter for the Logistics Zone (Inland Port)</u>	
<u>ff)</u>	<u>Whether the planting of the Landscape Buffer Areas will achieve the purpose of screening the Inland Port (Sub Area A (Inland Port)) from Ryburn and Percival Roads</u>
<u>gg)</u>	<u>The effects of the planting of the Landscape Buffer Areas on the operation, maintenance, upgrading and development of the National Grid transmission network and the requirements of the Growth Limit Zones Schedule of the Electricity (Hazards from Trees) Regulations 2003</u>
<u>hh)</u>	<u>Whether Level of Service D will be achieved at the intersections of Silverdale Road and Knighton Road with Ruakura Road when Stage 1 of the Inland Port (Sub Area A (Inland Port)) is operational</u>
<u>Construction</u>	
<u>ii)</u>	<p><u>Whether appropriate conditions can be placed on the resource consent to manage adverse effects associated with construction of the activities proposed in the Land Development Plan. This will be satisfied by a condition requiring the lodgement of a Construction Management Plan for Council approval, prior to the commencement of the works</u></p> <p><u>The Construction Management Plan shall include at a minimum:</u></p> <ul style="list-style-type: none"> <u>i. Details of the works, their timing and duration.</u> <u>ii. Methods to control dust, debris on roads and silt laden runoff during construction.</u> <u>iii. Anticipated truck movements and routes to and from the site during construction.</u> <u>iv. Means to ensure compliance with the Construction Noise Standards in Rule 25.8.3.2 and Construction Vibration Standard in Rule 25.8.3.3.</u> <u>v. Contact details for the contractor, including a process for complaints and remedying concerns</u> <p><u>The Construction Management Plan shall also ensure that:</u></p> <ul style="list-style-type: none"> <u>vi. Prior to the opening of the Waikato Expressway (Hamilton Section) and the realignment of Ruakura Road to traffic, construction traffic arising from the Land Development Plan area shall be managed to ensure that the capacity of local roads, as determined by normal Hamilton City Council traffic management design criteria, is not exceeded</u> <u>ivii. Once the Waikato Expressway (Hamilton Section) and realigned Ruakura Road are open for traffic, construction traffic arising from the Land Development Plan area shall, to the extent reasonable and practicable, be directed to use the Waikato Expressway (Hamilton Section) to minimise effects on local roads</u>
<u>N2</u>	<u>Construction Noise and Operation Noise of the Inland Port (Sub Area A)</u>

	<p>a) <u>The extent to which:</u></p> <ul style="list-style-type: none"> i. <u>The construction and operation of the Inland Port avoids or mitigates adverse noise and vibration effects on adjoining facilities, existing residential dwellings and/or Large Lot Residential zoned areas.</u> ii. <u>Measures to avoid where possible, and otherwise minimise sudden and/or loud noises at night have been incorporated.</u> iii. <u>Lower noise producing equipment and methods have been investigated and incorporated.</u> iv. <u>The location and orientation of refrigerated containers have been selected to minimise noise effects on residential properties.</u> v. <u>The accuracy of the noise model used for predicting noise levels in Stages 2 and 3 of the development of the Inland Port, taking into account recalibration based on monitoring of previous stages.</u>
	<p>b) <u>The adequacy of the consideration of alternative methods that would meet the night time noise limits set out in Rule 25.8.3.13 and their costs and benefits.</u></p>
	<p>c) <u>At individual residential properties where noise levels would exceed the night-times noise limits set out in Rule 25.8.3.13, the extent to which the ambient night-time noise levels at those properties exceed 40 dBL_{Aeq(15)} once the Waikato Expressway is operational.</u></p>
<p>N3</p>	<p><u>Ruakura Retail Centre</u></p> <ul style="list-style-type: none"> a) <u>Staged development should be in accordance with an overall master plan for the Ruakura Retail Centre which shall show the location of the Ruakura Retail Centre Mainstreet, building footprints, circulation network, public open space and provision for parking.</u> b) <u>A Ruakura Retail Centre Mainstreet shall be provided and should be orientated towards and integrate with the location of the proposed transport interchange.</u> c) <u>Buildings should directly align and address the street network and provide a constant and intact edge to streets and public places.</u> d) <u>Buildings should be located and designed to avoid extensive or inactive edges with entrances designed to maximise pedestrian flow and to support active street frontages.</u> e) <u>Building frontages to the Ruakura Retail Centre Mainstreet should incorporate a high proportion of glazing and provide veranda canopies over footpaths and a high level of ground floor architectural detail.</u> f) <u>Building design should create a varied fine grained pattern of development through the modulation of height and roof form, façade depth and relief and variety in materials and colours.</u> g) <u>Site Layout should provide options for pedestrian, cycling and vehicular circulation and permeability within and to adjoining areas.</u> h) <u>Footpaths should be legible and be of a sufficient width with quality paving and detailing, including footpaths to and from the centre and Open Space Areas.</u> i) <u>Where public open space is provided, it should be centrally located adjacent to main pedestrian flows and shall be highly visible.</u> j) <u>Public outdoor spaces should be sheltered and sunny with provision for summer shade and shall be anchored by active building edges.</u> k) <u>Carparks should be landscaped to define the street boundary and adjacent</u>

		<u>spaces.</u>
	<u>l)</u>	<u>Carparking should avoid interrupting active frontages and pedestrian circulation along the Ruakura Retail Centre Mainstreet.</u>
	<u>m)</u>	<u>Loading and service areas should not interrupt active edges and should be separated from public circulation where possible.</u>
<u>N4</u>	<u>Concept Plan for Precincts A, B and D in the Knowledge Zone</u>	
	<u>a)</u>	<u>General</u>
		<u>The extent to which the proposal is consistent with the approved Concept Plan for the Precinct within the Knowledge Zone.</u>
	<u>b)</u>	<u>Concept Plan Development</u>
	<u>i.</u>	<u>The extent to which the preparation of a Concept Plan or an update to an existing Concept Plan has given regard to the following.</u>
		<u>a) The extent to which the precinct integrates with surrounding land uses and the transport network.</u>
		<u>b) Whether the development has been designed to minimise any adverse effects on adjoining activities, particularly residential activities.</u>
		<u>c) The degree to which any large façades (including side walls) that are visible from public places have been modulated, articulated, detailed or visually treated in a way that reduces the apparent bulk of the building or provides visual interest.</u>
		<u>d) The extent to which the proximity of facilities intended to accommodate events are sited close to residential areas.</u>
		<u>e) The extent to which the provision for vehicular and pedestrian access and circulation facilitates ready dispersal of vehicles and patrons from large events.</u>
		<u>f) The extent to which provision for vehicular and pedestrian access and circulation prioritises pedestrian safety.</u>
		<u>g) The extent to which appropriate, convenient provisions enable public transport to service the site, recognising the need for such services to directly access the Central City area.</u>
	<u>ii.</u>	<u>The extent to which the following have been applied as part of a new Concept Plan, an update to an existing Concept Plan or in the absence of a Concept Plan within the Interface Areas of Precincts A, B and D.</u>
		<u>a. Built Form and Layout</u>
		<u>i. The extent to which the external appearance, scale and design of buildings;</u>
		<u>• Contributes to compatibility between buildings and its integration with other development on the site, adjacent sites and surrounding public spaces</u>
		<u>• Contributes to active frontage along public streets and open space, particularly for corner sites</u>
		<u>• Minimises, as practicable, effects on adjacent public spaces (including footpaths) in terms of shading and daylight</u>
		<u>ii. The extent to which building design and development;</u>

		<ul style="list-style-type: none"> • <u>Makes a positive contribution to the local character of the site and surrounding areas</u> • <u>Ensure large facades are well designed to provide visual interest and reduce the apparent bulk of buildings within the Interface Area</u> • <u>The extent to which crime prevention through environmental design principles have been incorporated</u>
		<p><u>b) Landscaping</u></p> <p><u>i. Incorporation of landscaping within the site layout to reduce the bulk of new development and mitigate adverse visual effects of development within the Interface Area, particularly as they interact with public spaces</u></p> <p><u>ii. Incorporates landscaping to maintain and enhance the character and amenity of the site and surrounding areas</u></p>
<u>N5</u>	<u>Ruakura Open Space Zone</u>	
	<u>a)</u>	<u>For new stormwater ponds and wetlands, the extent to which adverse effects of the works on adjacent private property are avoided in relation to:</u>
	<u>i.</u>	<u>Flooding and adverse effects on groundwater levels; and</u>
	<u>ii.</u>	<u>Creating habitat for mosquitoes and other undesirable insects</u>
<u>N6</u>	<u>Development within a Greenfield Area</u>	
	<u>a)</u>	<u>The extent to which the proposal is consistent with an approved Land Development Plan or could prejudice or foreclose options for future urban development and in particular with the proposals shown on Figure 2-14, Appendix 2.</u>
	<u>National Grid Corridors</u>	
<u>N7</u>	<u>For crossing points for Mobile Plant that are a Restricted Discretionary Activity in Table 25.7.4, the matters to which the Council shall restrict its discretion are limited to the actual and potential effects of crossing points on the scale and efficient operation and maintenance of the National Grid.</u>	
<u>N8</u>	<u>In determining any application for resource consent for crossing points, the Council shall have regard to the following matters:</u>	
	<u>a)</u>	<u>Suitable mechanisms are in place to ensure that mobile plant and machinery moving in the National Grid Yard can not infringe safe clearance distances specified in NZECP:34. This may include physical, operational or electronic measures and will be deemed satisfied by overhead gate structures (e.g. hurdles) being erected no closer than 4.5 metres from the lowest sag of the line at maximum operating temperature.</u>
	<u>b)</u>	<u>Crossings are approximately perpendicular to the National Grid Yard.</u>
	<u>c)</u>	<u>Crossings and any associated traffic management structures are located no closer than 12 metres from the outer visible edge of a National Grid support structure.</u>
	<u>d)</u>	<u>Any overhead gate structure (e.g. hurdle) is constructed to a suitable engineering standard to withstand vehicle (including mobile plant transporting containers) impact travelling at normal operating speed.</u>
	<u>e)</u>	<u>Appropriate management and operational methods to ensure safe procedures are specified in the resource consent conditions and followed when crossing</u>

	<u>beneath the lines.</u>
<u>N9</u>	<u>For the unloading and loading of containers, stacking containers, container stacks, operation of mobile plant associated with these activities and Light Towers, noise walls and fences greater than 2.5 metres high .</u>
<u>a)</u>	<u>Any operational procedures and physical measures to ensure compliance with NZECP:34, including layout and allowable height limits for container stacking.</u>
<u>b)</u>	<u>Light towers shall ensure sufficient clearances in accordance with NZECP:34 are provided including any setback requirements for mobile plant required for maintenance and lamp replacement.</u>
<u>c)</u>	<u>Suitable mechanisms are in place to ensure that mobile plant and machinery moving in the National Grid Corridor can not infringe safe clearance distances specified in NZECP:34. This may include physical, operational or electronic measures.</u>
<u>N10</u>	<u>For earthworks that are a Restricted Discretionary Activity the matters to which the Council shall restrict its discretion are limited to:</u>
<u>a)</u>	<u>The effects of the earthworks on the operation, maintenance, upgrading, and development of the National Grid transmission network.</u>
<u>N11</u>	<u>For Subdivision that is a Restricted Discretionary Activity the matters to which the Council shall restrict its discretion are limited to:</u>
<u>a)</u>	<u>The extent to which the subdivision design, including the location of roads and reserves, landscaping and building platforms, allows for activities to be set back from National Grid transmission lines to ensure adverse effects on, and from, the National Grid and on public safety are appropriately avoided, remedied or mitigated.</u>
<u>b)</u>	<u>The extent to which the subdivision design/layout and consequential development will minimise the potential reverse sensitivity on, and amenity and nuisance effects of, the National Grid.</u>
<u>c)</u>	<u>The provision for on-going inspection, operation, maintenance and development of the National Grid, including continued reasonable access.</u>
<u>d)</u>	<u>The extent to which the design and development will minimise the risk of injury and/or property damage from such lines.</u>
<u>e)</u>	<u>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001).</u>
<u>f)</u>	<u>Outcomes of any consultation with Transpower New Zealand Limited.</u>

Appendix 2 Structure Plans

Replace Figures 2-14 to 2-19 after Figure 2-13, with the amended Figures 2-14 to 2-18:

Figure 2-14: Ruakura Structure Plan – Land Use

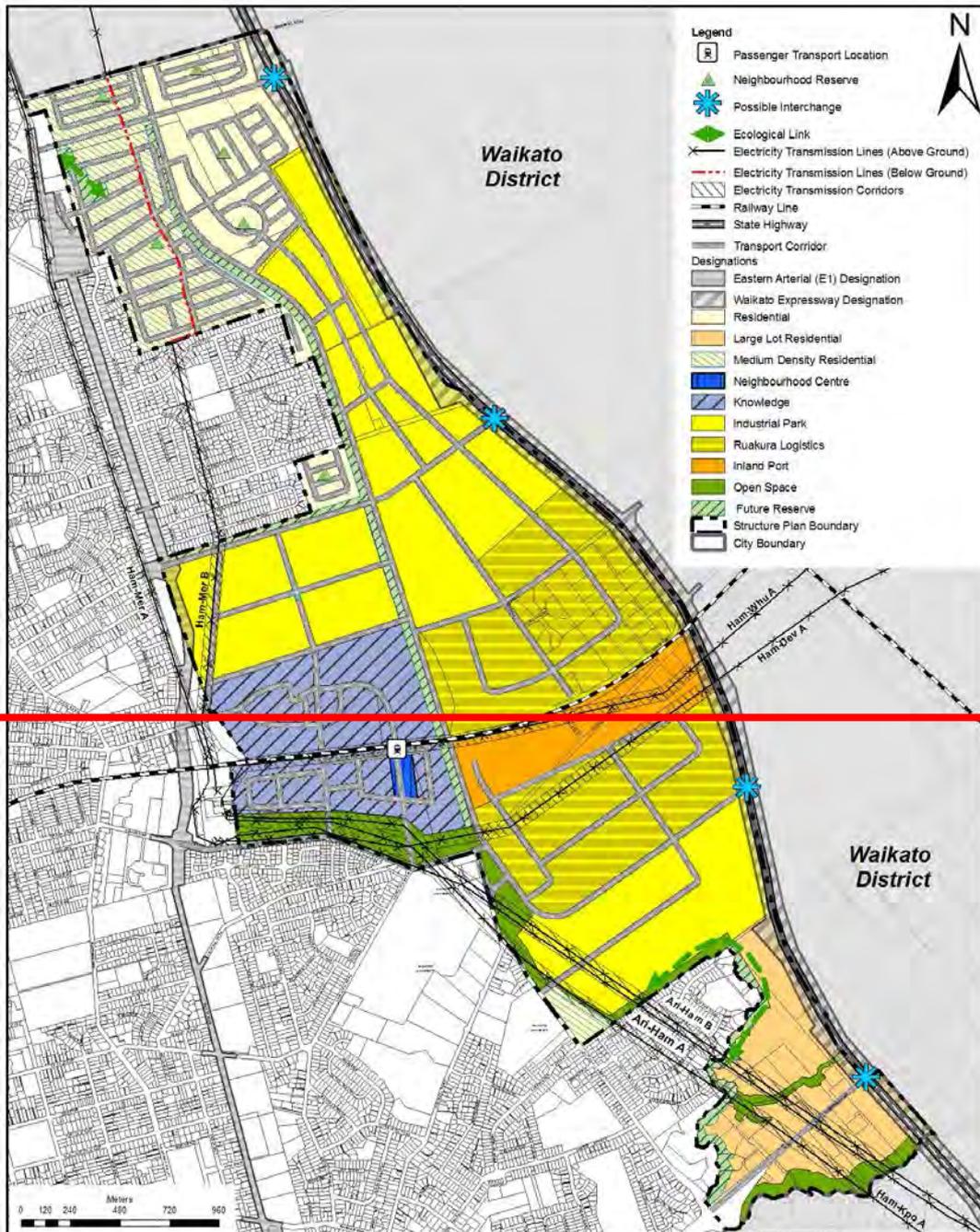
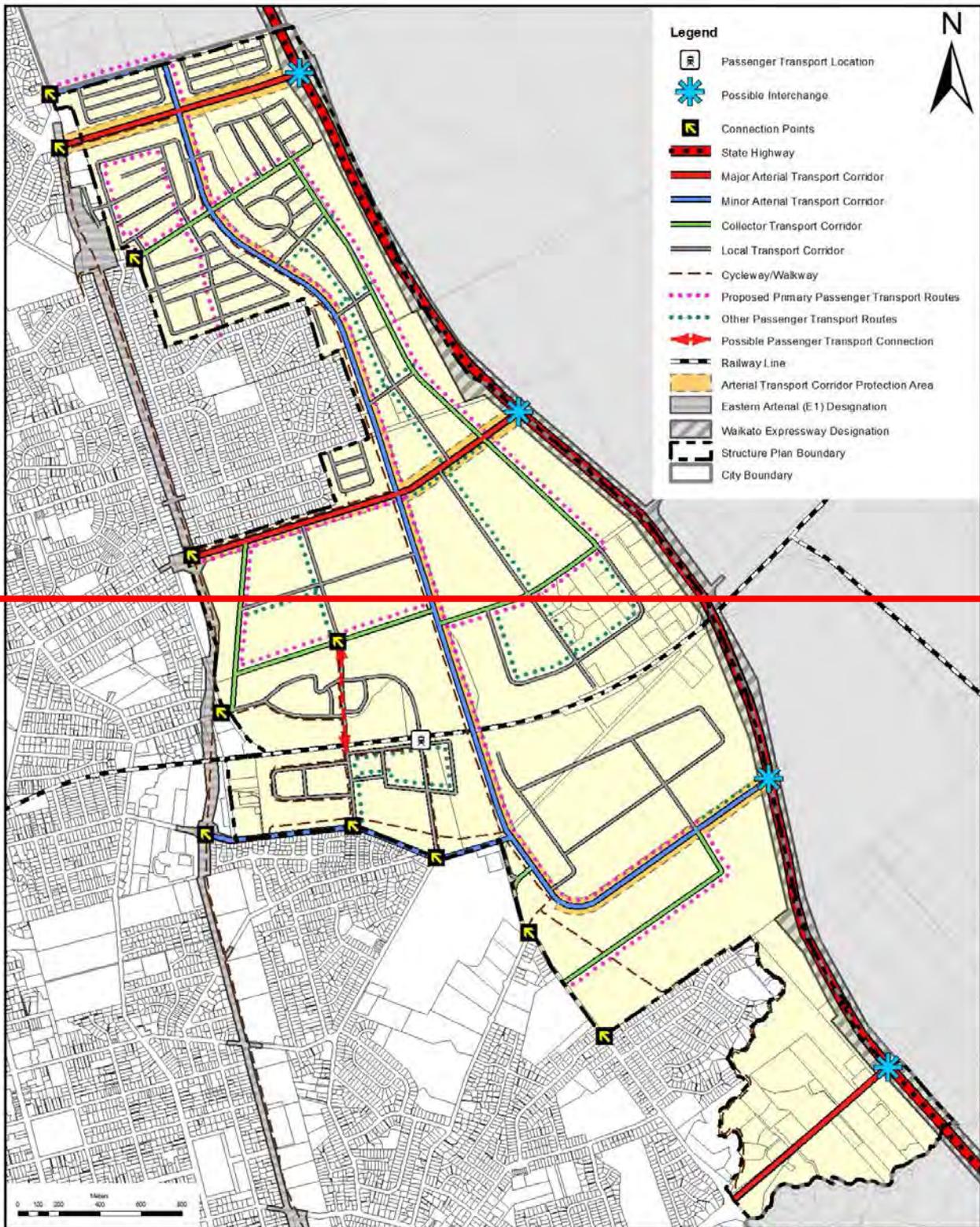


Figure 2-15A: Ruakura Structure Plan – Transport Network Ruakura Strategic Infrastructure – Transport



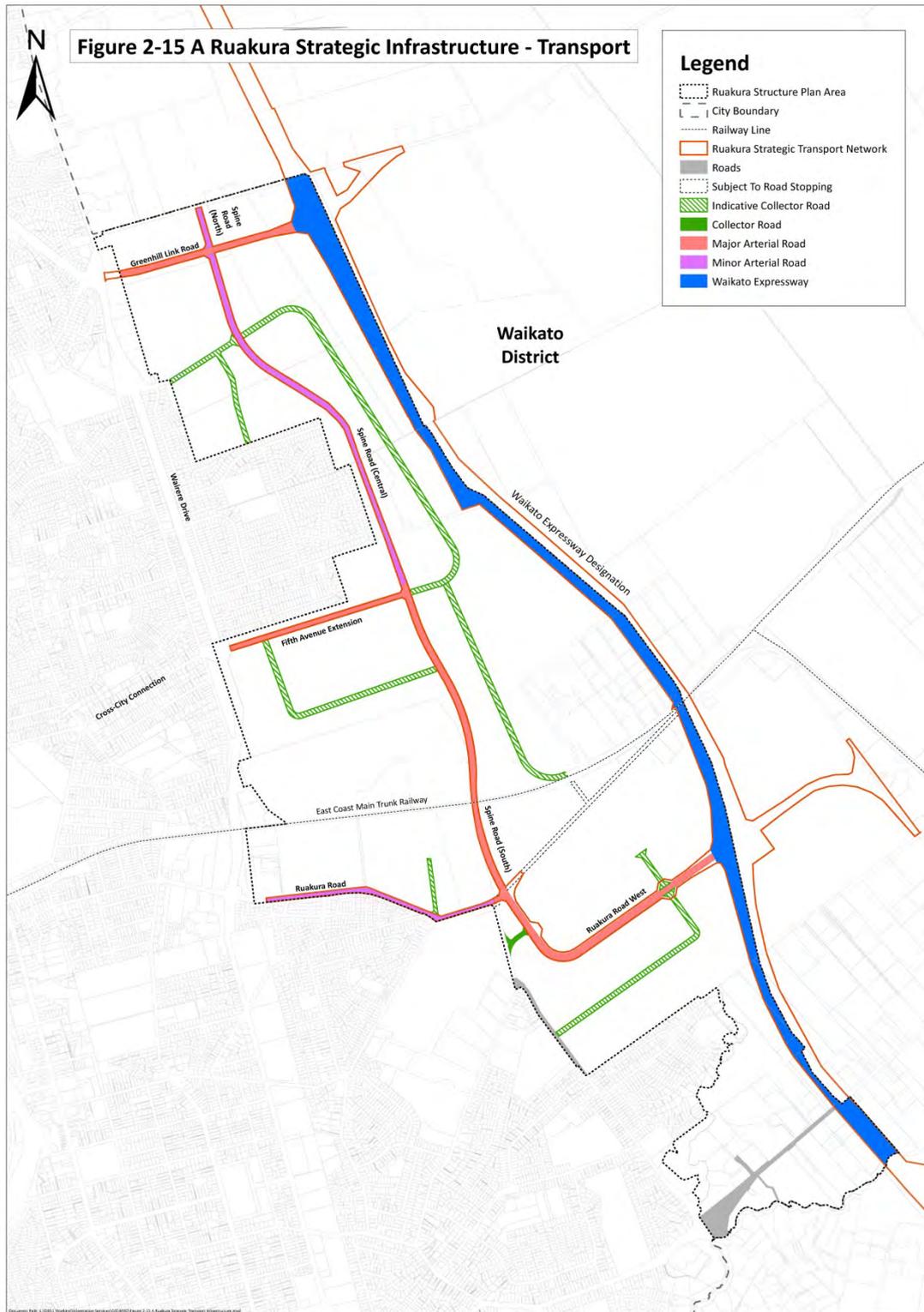
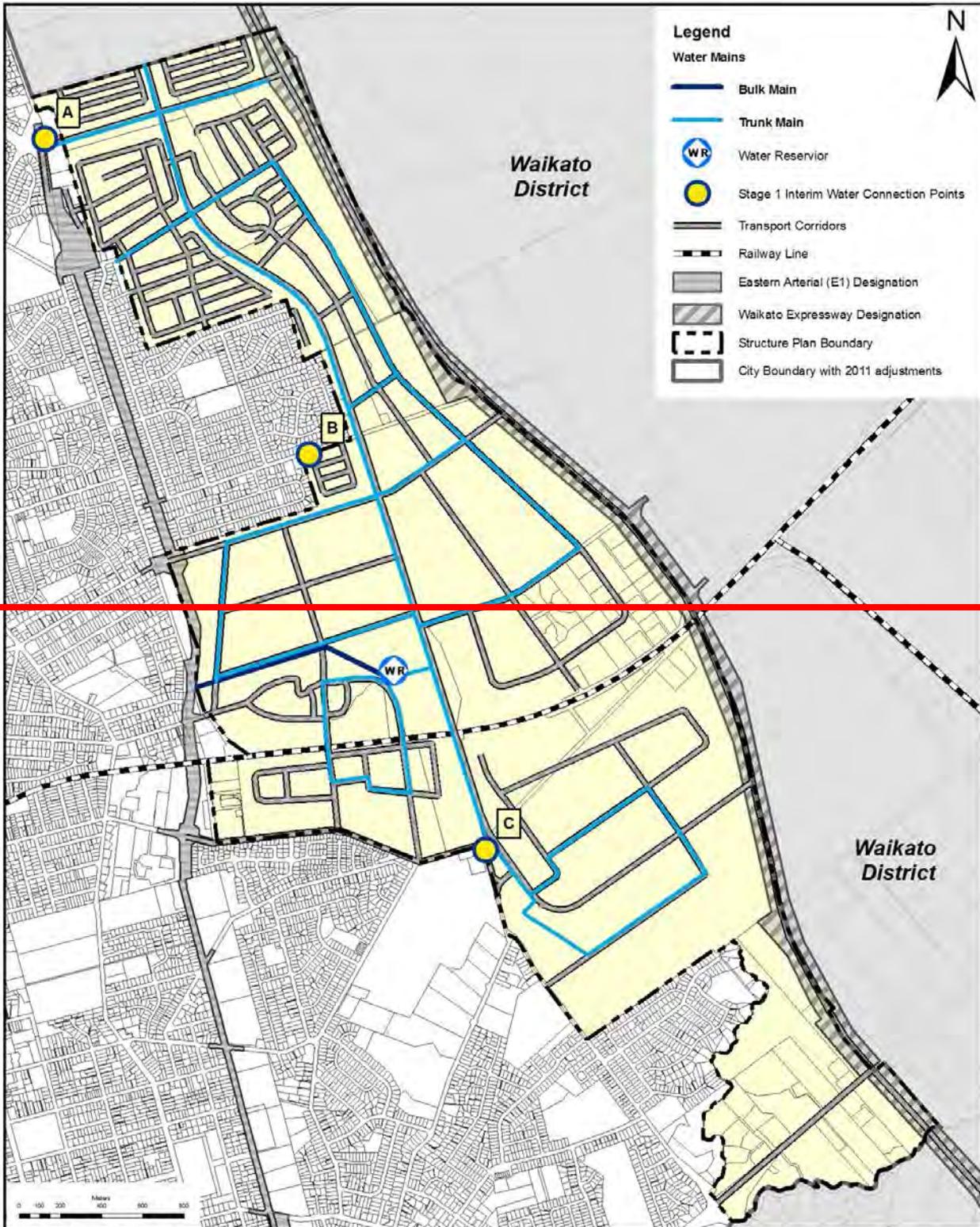


Figure 2-15B6: Ruakura Strategic Infrastructure – Three Waters Structure Plan – Water Infrastructure



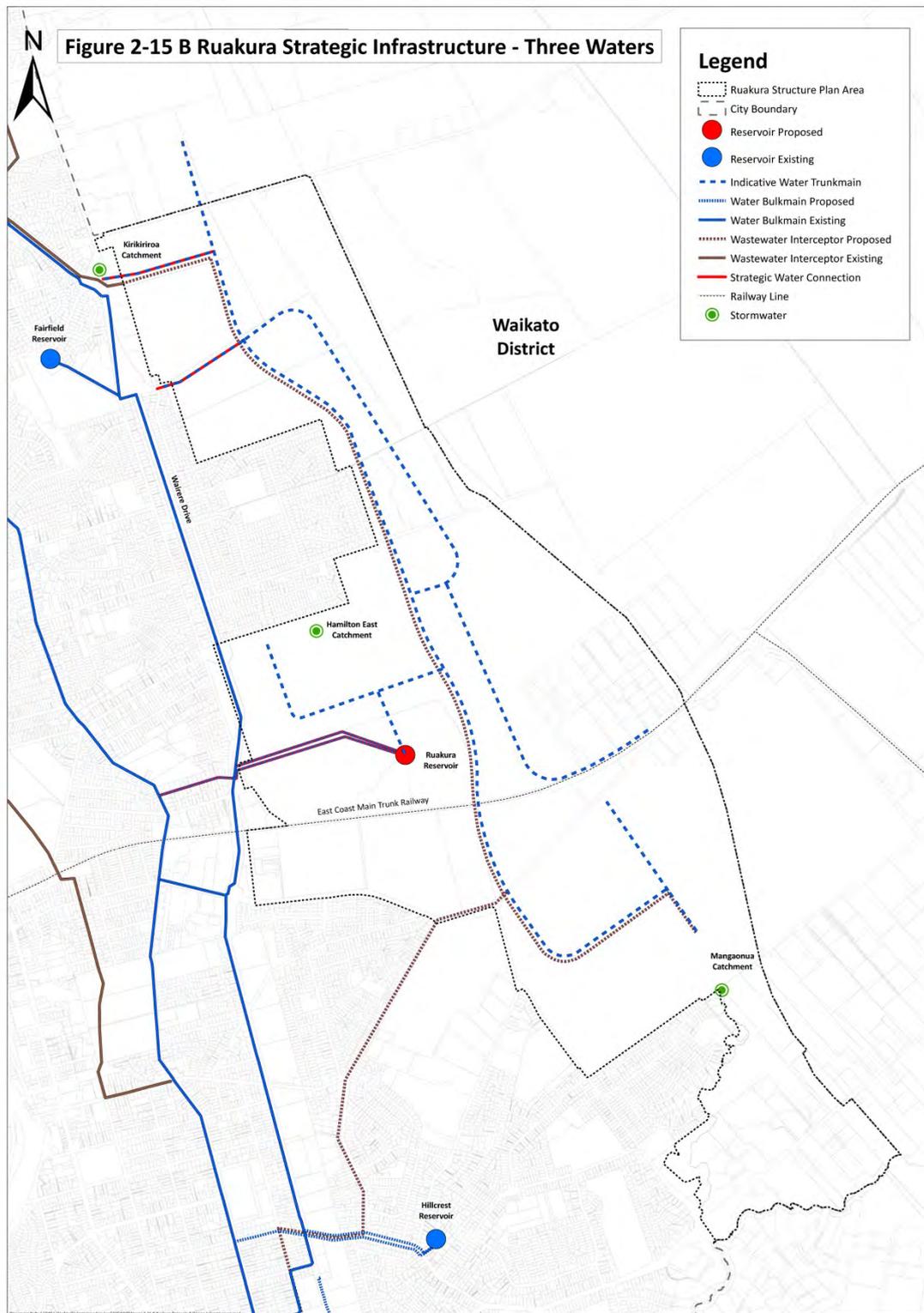
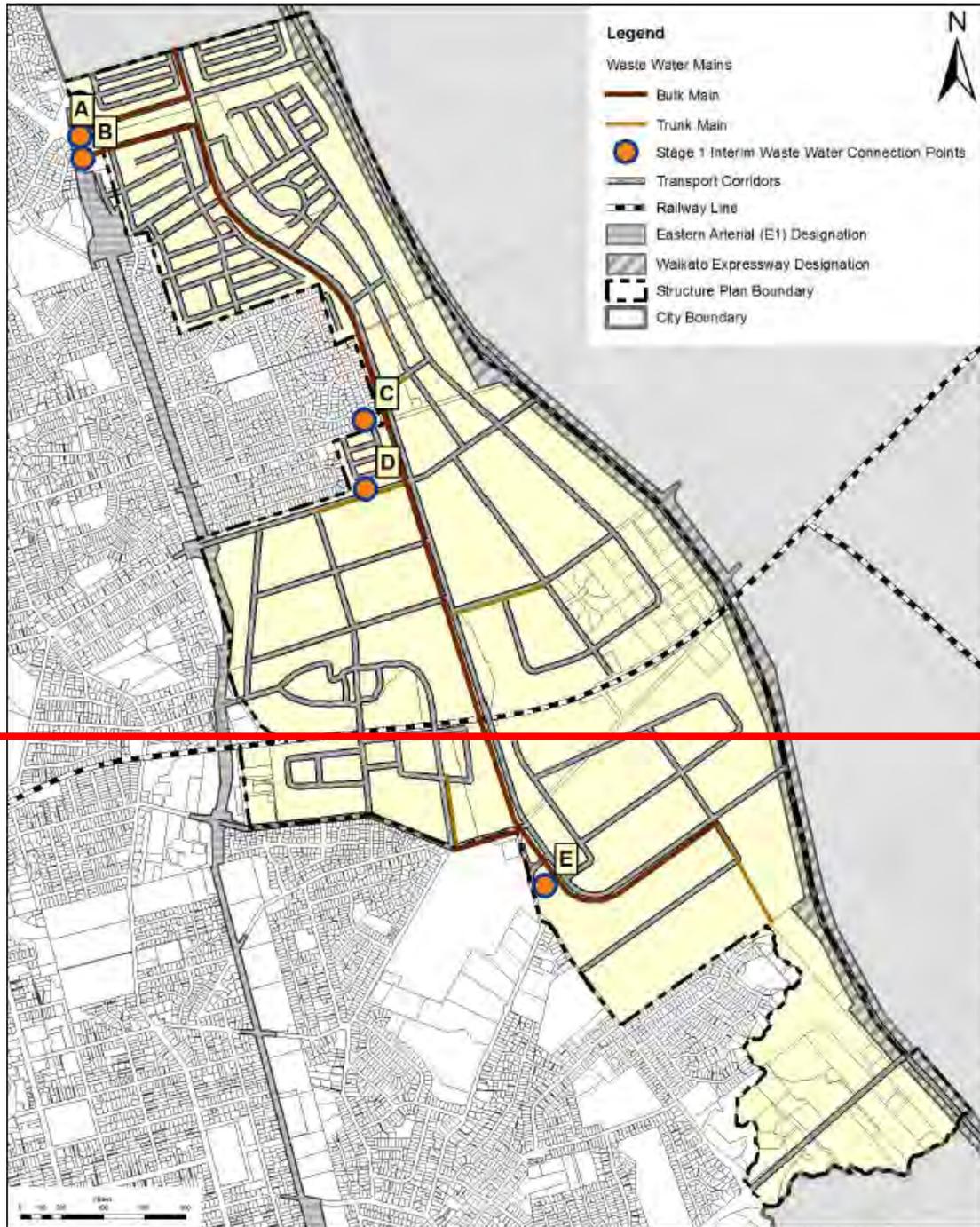


Figure 2-167: Ruakura **Land Development Plan Areas Structure Plan—Waste Water Infrastructure**



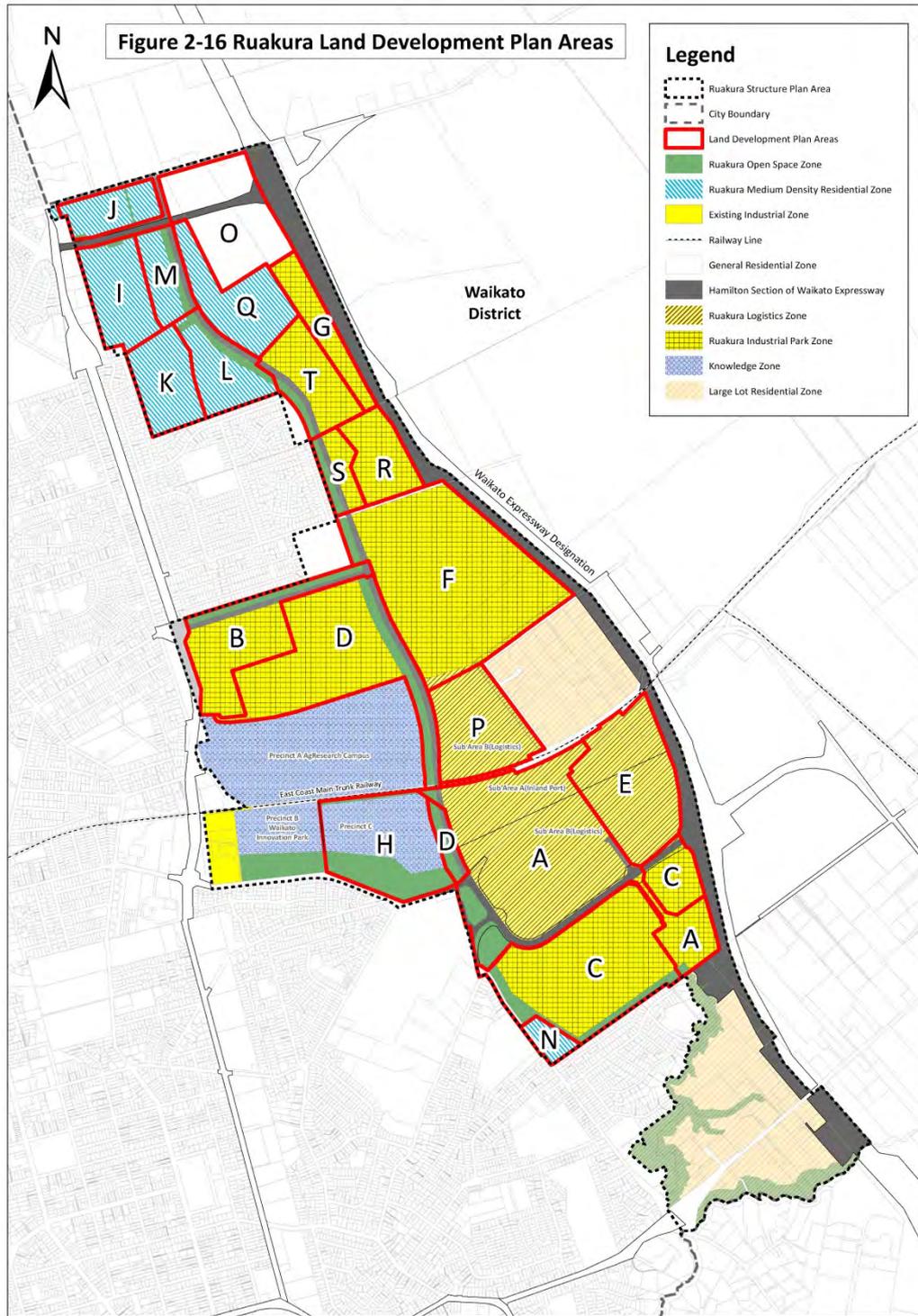


Figure 2-178: Inland Port Building Setbacks and Landscape Controls Ruakura Structure Plan—Storm Water Infrastructure

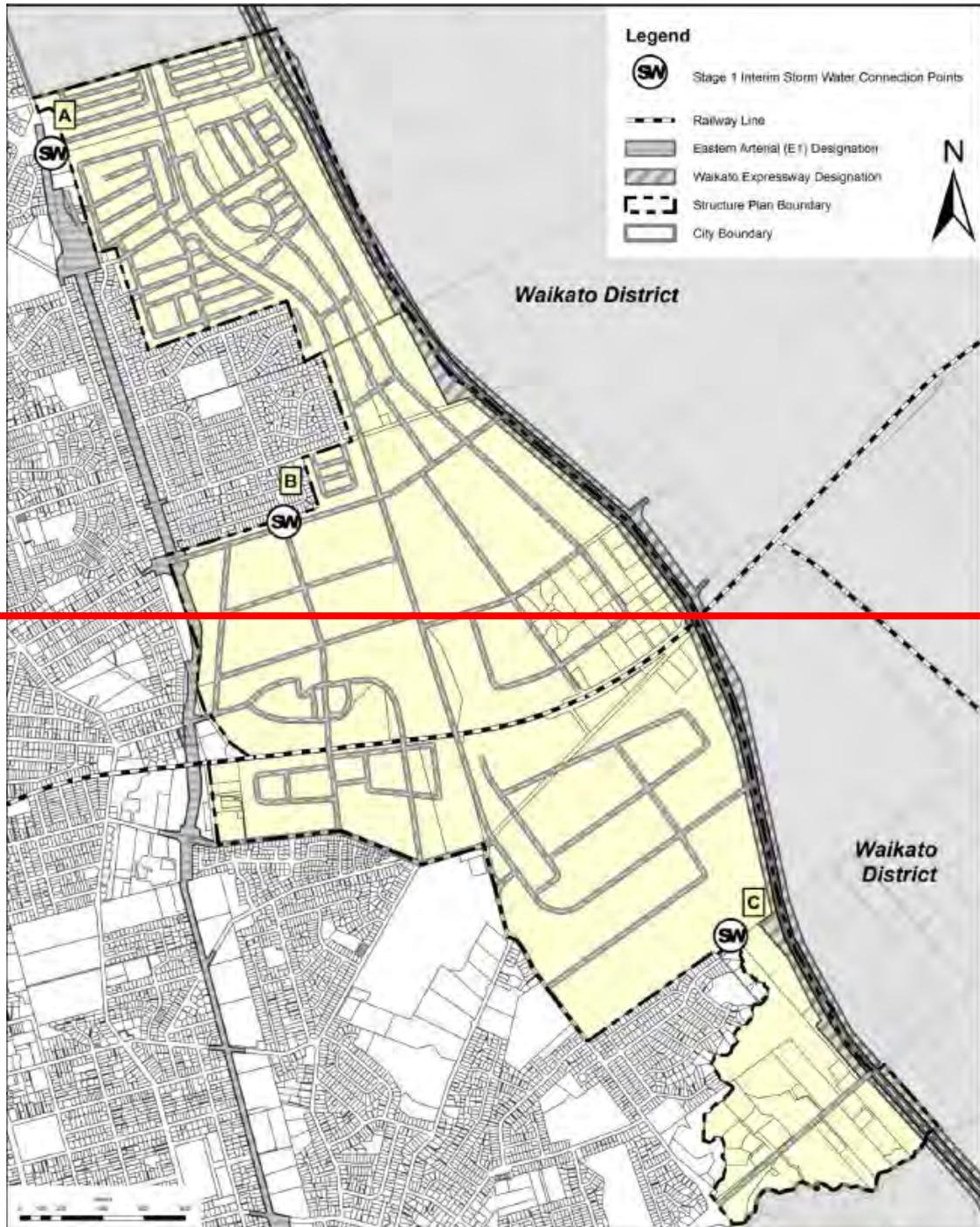


Figure – 2-17 Inland Port Building Setbacks and Landscape Controls

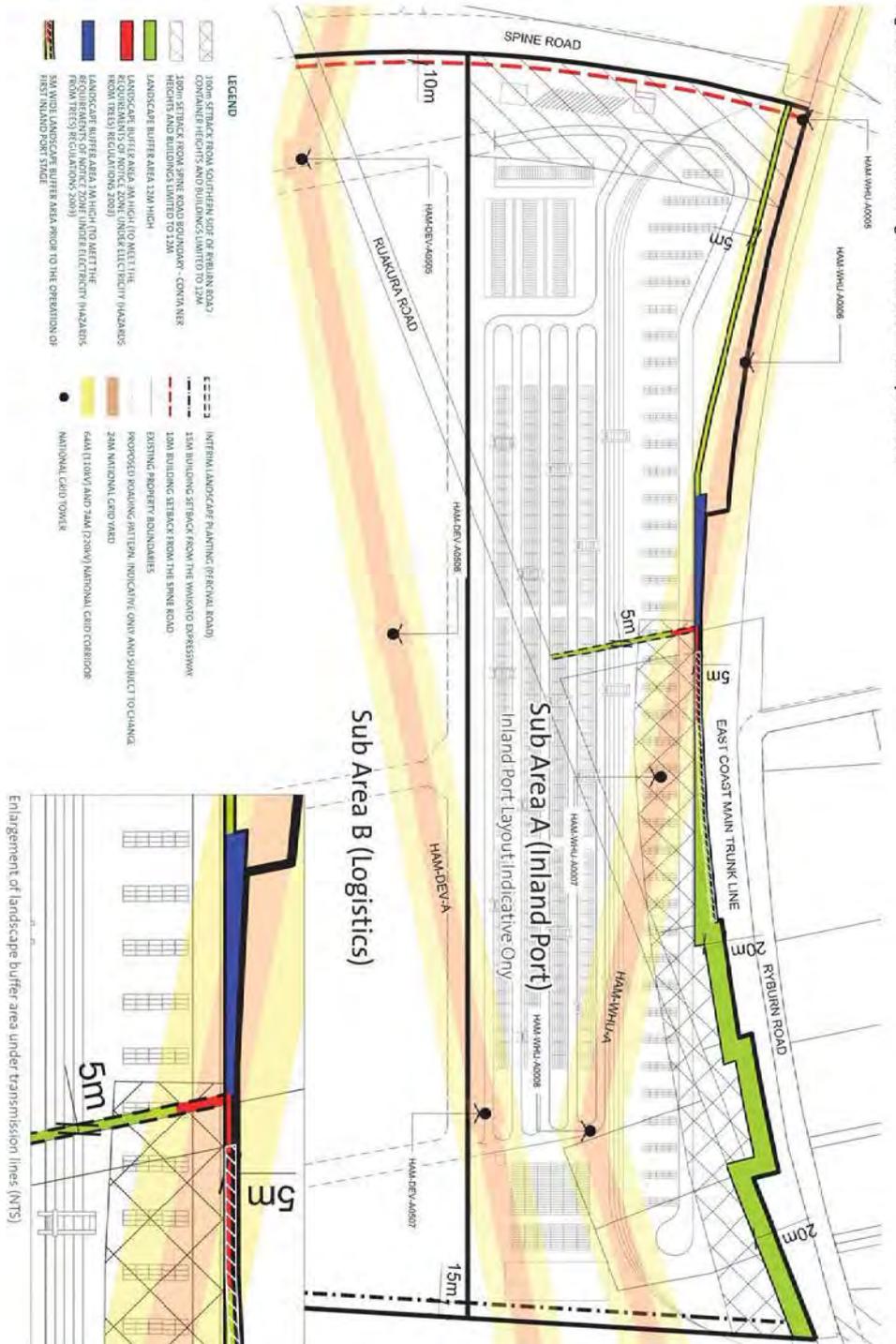
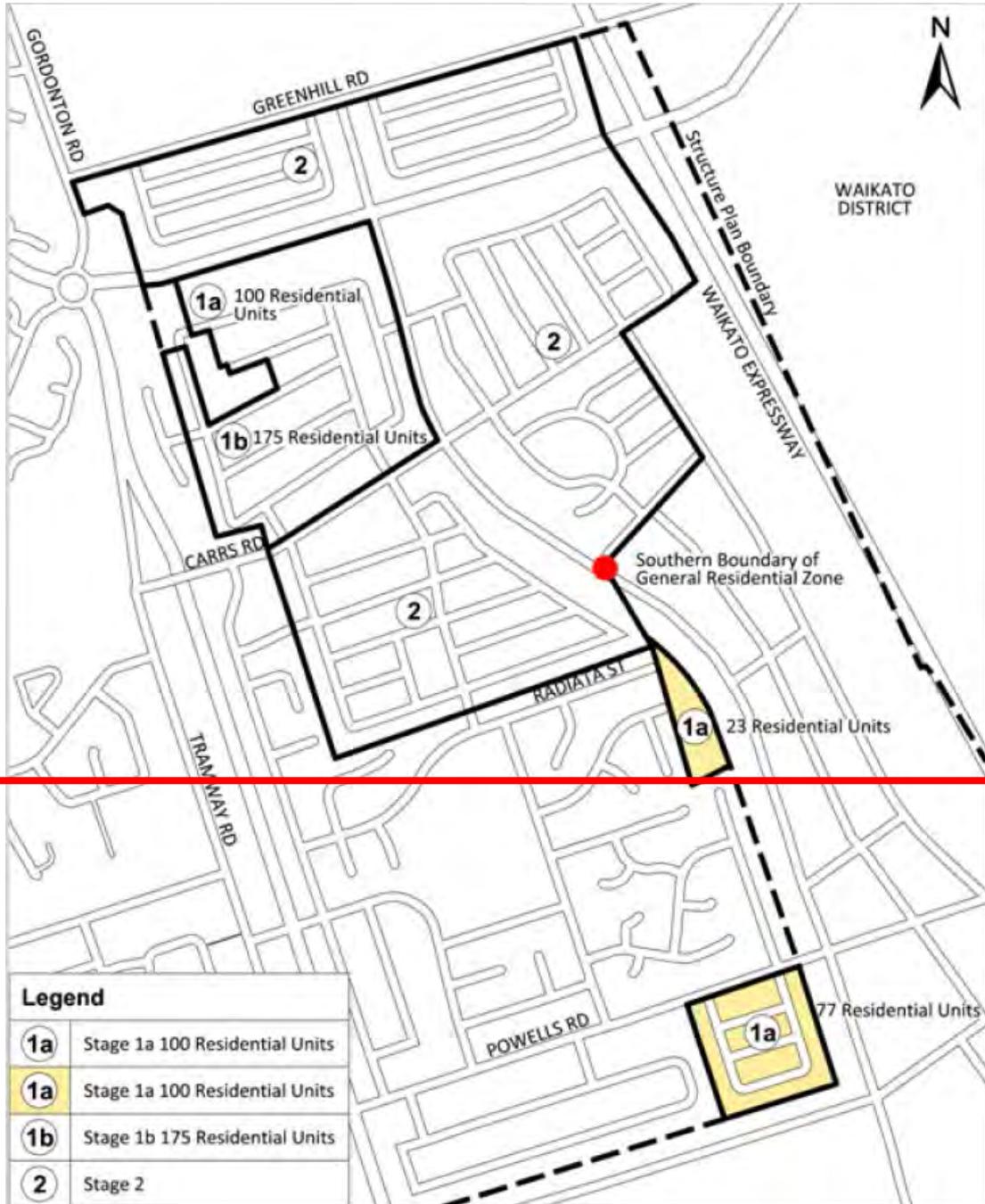
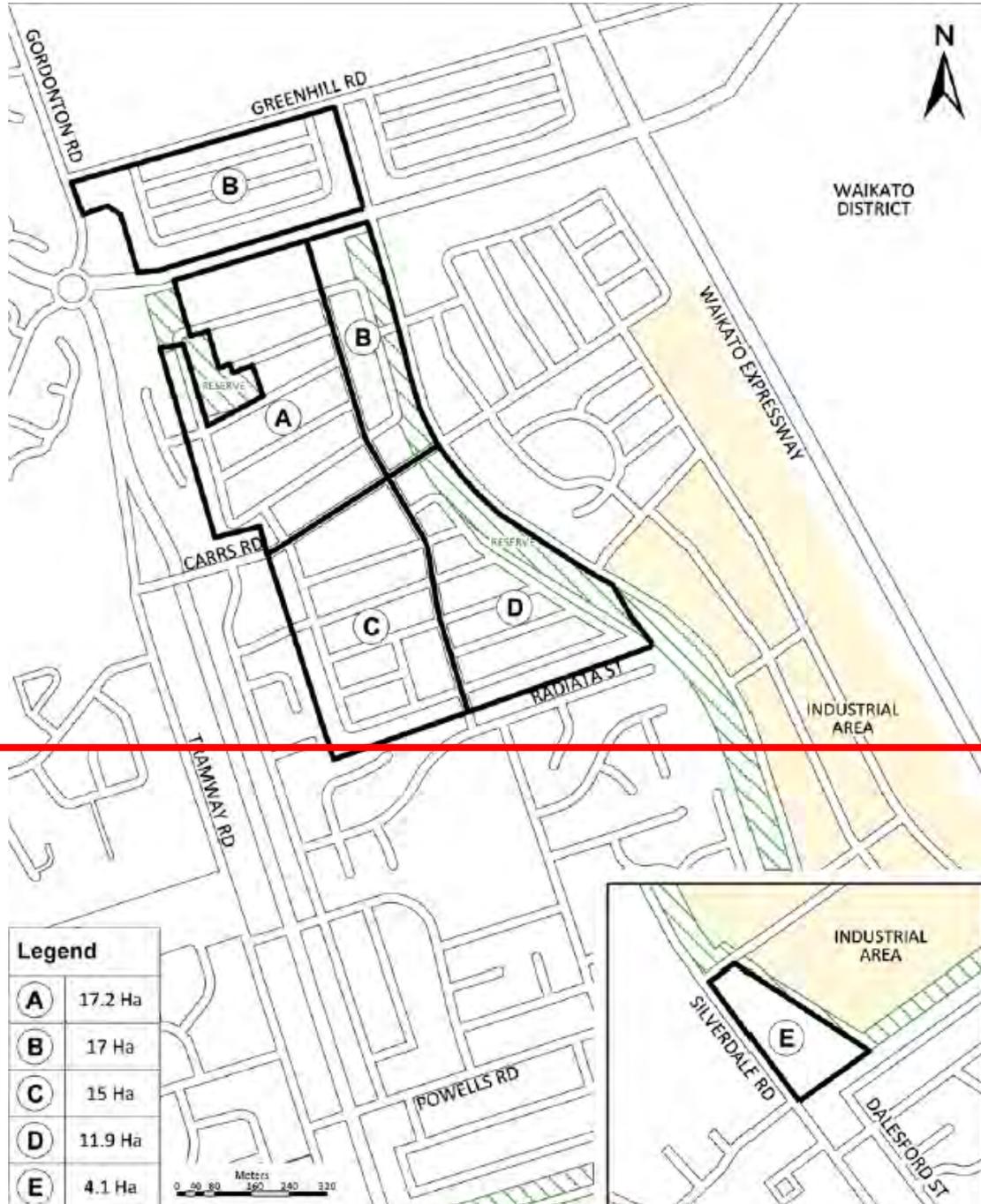


Figure 2-189: Ruakura Cyclist & Pedestrian Network Plan Residential Staging



Appendix 3 Residential Zones

Delete **Figure 3-3: Ruakura Fairview North Comprehensive Development Plan Areas – Medium Density Residential Zone**



Appendix 14 Noise and Vibration

Amend Appendix 14-1 as follows:

14-1 Residential Units in the Large Lot Residential Zone or Ruakura Logistics Zone

The figure and schedule below describe those properties with residential units, within the Large Lot Residential Zone or Ruakura Logistics Zone at the time of notification of this Plan, to which Volume 1, Rule 25.8.3.137(a) applies.

Figure 14-2a: Residential Units in the Large Lot Residential Zone and Ruakura Logistics Zone

Schedule 14-2b: Residential Units in the Large Lot Residential Zone and Ruakura Logistics Zone

Appendix 17 Planning Maps

Replace existing Proposed District Plan Maps (A and B) – 20, 21, 29, 30, 31, 38, 39, 40, 47, 48 and 49 with the following.

LEGEND - FEATURES

Significant Archaeological, Historic and Cultural Sites

-  Built Heritage - A Ranking (Schedule 8A)
-  Built Heritage - B Ranking (Schedule 8A)
-  Group 1 (Schedule 8B)
-  Group 2 (Schedule 8B)

Natural Environment

-  Significant Natural Areas (Schedule 9C)
-  Significant Trees (Schedule 9D)
-  Waikato River and Gully Hazard Area
-  Waikato River Bank Stability Area
-  Peat Lakes and Wetlands
-  Peat Lake Catchment

Designations

-  Designation (Schedule 26.3 - Volume 1)

Electricity Transmission Corridors

-  National Grid Yard - Greenfields
-  National Grid Corridor - Greenfields
-  National Grid Yard - Urban Areas
-  National Grid Corridor - Urban Areas
-  Transmission Line Structure - Pole
-  Transmission Line Structure - Tower
-  Electricity Transmission Lines

Natural Hazard Area

-  Low Flood Hazard Area
-  Medium Flood Hazard Area
-  High Flood Hazard Area
-  Flood Hazard Subcatchment Boundary
-  Culvert Block Flood Hazard Area (Culvert Block Flood Level)
-  Temple View Flood Hazard Area

Airport Proactection Overlay

-  Horizontal Obstacle Limitation Surface - 102m Moturiki Datum
-  Outer Edge Conical Obstacle Limitation Surface - 207m Moturiki Datum

Other Features

-  Vector Gas Pipeline Corridor
-  Railway Line

Areas

Special Heritage Areas

-  Frankton Railway Village
-  Hamilton East Villas
-  Hayes Paddock

Special Residential Areas

-  Claudelands West Dwelling Control Area
-  Hamilton East
-  Hamilton East Dwelling Control Area

Special Natural Areas

-  Rotokauri - Lake Waiwhakareke Landscape Character Area
-  Rotokauri Ridgeline Area

Peacocke Character Areas

-  Gully Area
-  Hill Area
-  Terrace Area

Temple View Areas

-  Character Area
-  Heritage Area
-  Teacher Housing Area

Industrial Areas

-  Deferred Industrial Zone
-  Crawford Street Freight Village
-  Industrial Area - Dairy Factory
-  Rotokauri Employment Area
-  Frankton Employment Area
-  Frankton Living Overlay
-  Thoroughbred Business Park

Residential Areas

-  Visitor Facilities Area
-  Hamilton East Residential Intensification Area

LEGEND - ZONING

Residential Zones

-  General Residential Zone
-  Medium Density Residential Zone
-  Residential Intensification Zone
-  Large Lot Residential Zone

Special Character Zones

-  Special Residential Zone
-  Special Heritage Zone
-  Special Natural Zone
-  Peacocke Character Zone
-  Rototuna North East Character Zone
-  Temple View Zone

Industrial Zone

-  Industrial Zone
-  Te Rapa North Industrial Zone
-  Industrial Amenity Protection Area
-  Ruakura Industrial Park Zone (Deferred)
-  Ruakura Logistics Zone (Deferred)

Business Zones

-  1 Business 1 Zone - Commercial Fringe
-  2 Business 2 Zone - Events Facilities Fringe
-  3 Business 3 Zone - Sub-Regional Centre
-  4 Business 4 Zone - Large Format Retail
-  5 Business 5 Zone - Suburban Centre
-  6 Business 6 Zone - Neighbourhood Centre

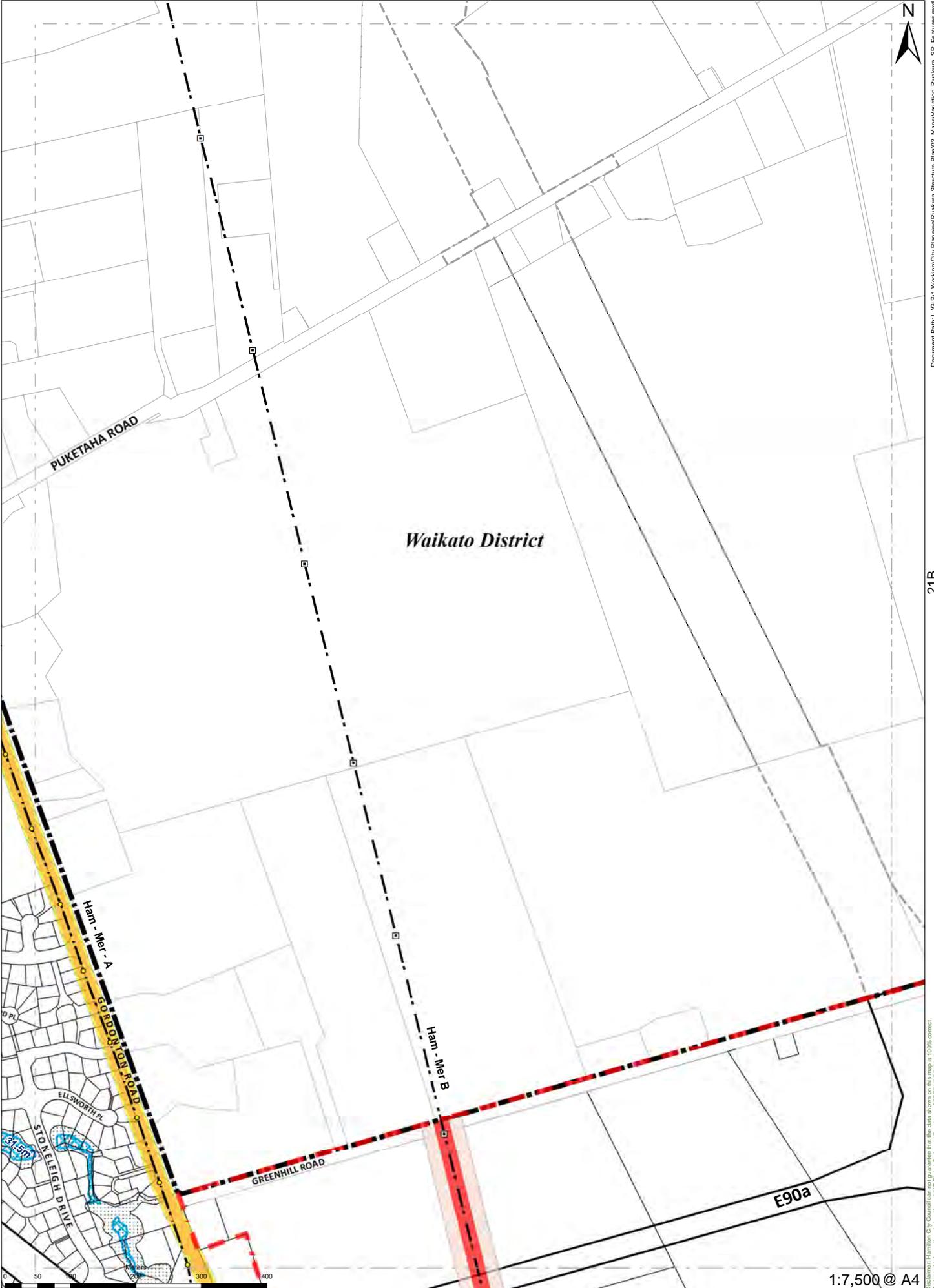
Recreational Zones

-  Sports and Recreation Open Space Zone
-  Neighbourhood Open Space Zone
-  Natural Open Space Zone
-  Destination Open Space Zone
-  Ruakura Open Space Zone
-  Natural Open Space - Waikato River and Lakes

Other Zones

-  Central City Zone
-  Community Facilities Zone
-  Future Urban Zone
-  Knowledge Zone
-  Major Facilities Zone
-  Rototuna Town Centre Zone
-  Transport Corridor Zone
-  Ruakura Interface Design Control Area
-  Residential Enclave Buffer Area
-  Ruakura Variation Area
-  City Boundary

11B



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PUKETAHA ROAD

Waikato District

GORDON ROAD

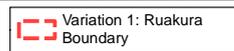
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STONEHILL DRIVE

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GREENHILL ROAD

Waikato District





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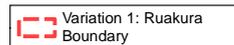
Waikato District

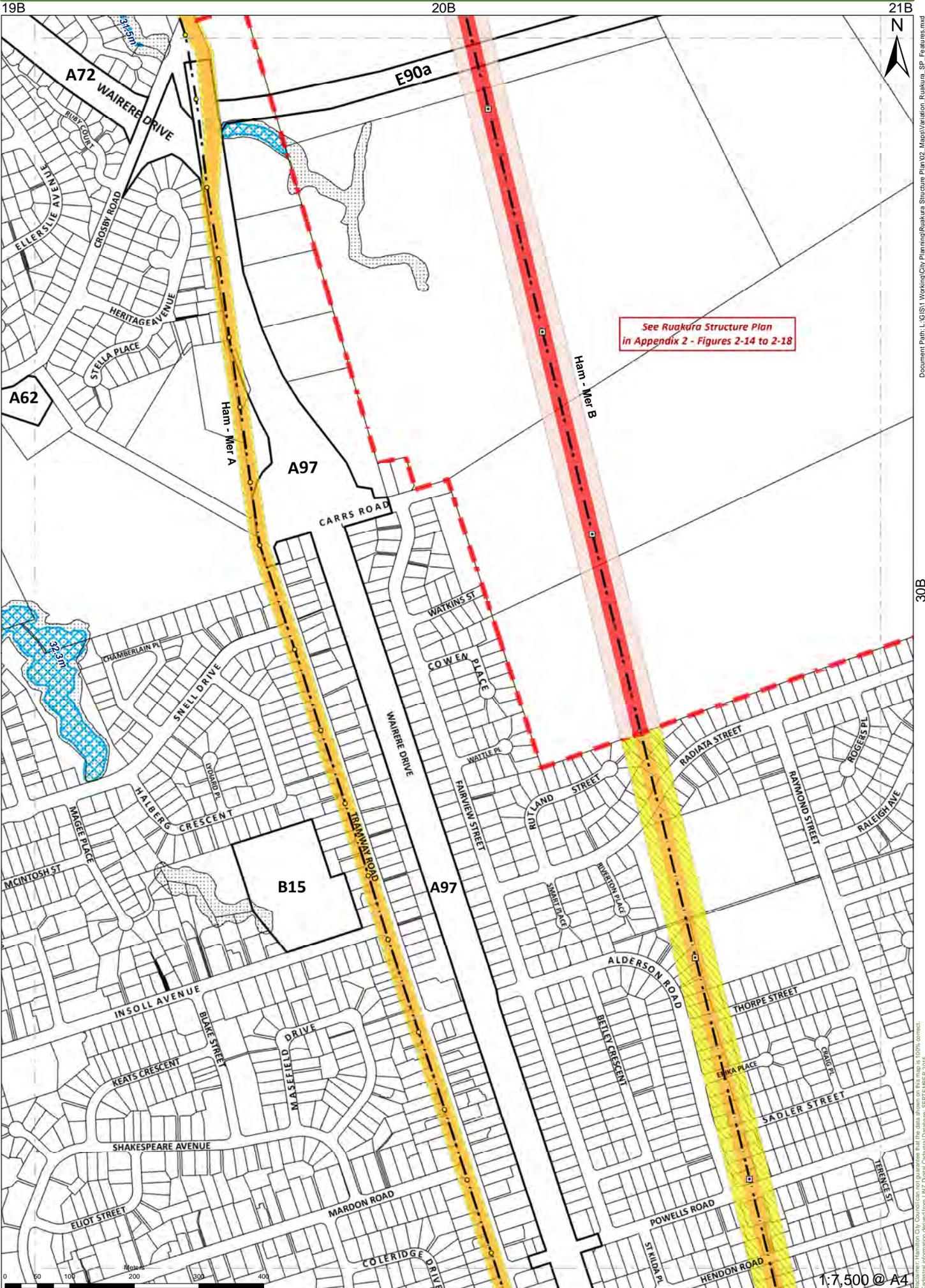
GREENHILL ROAD

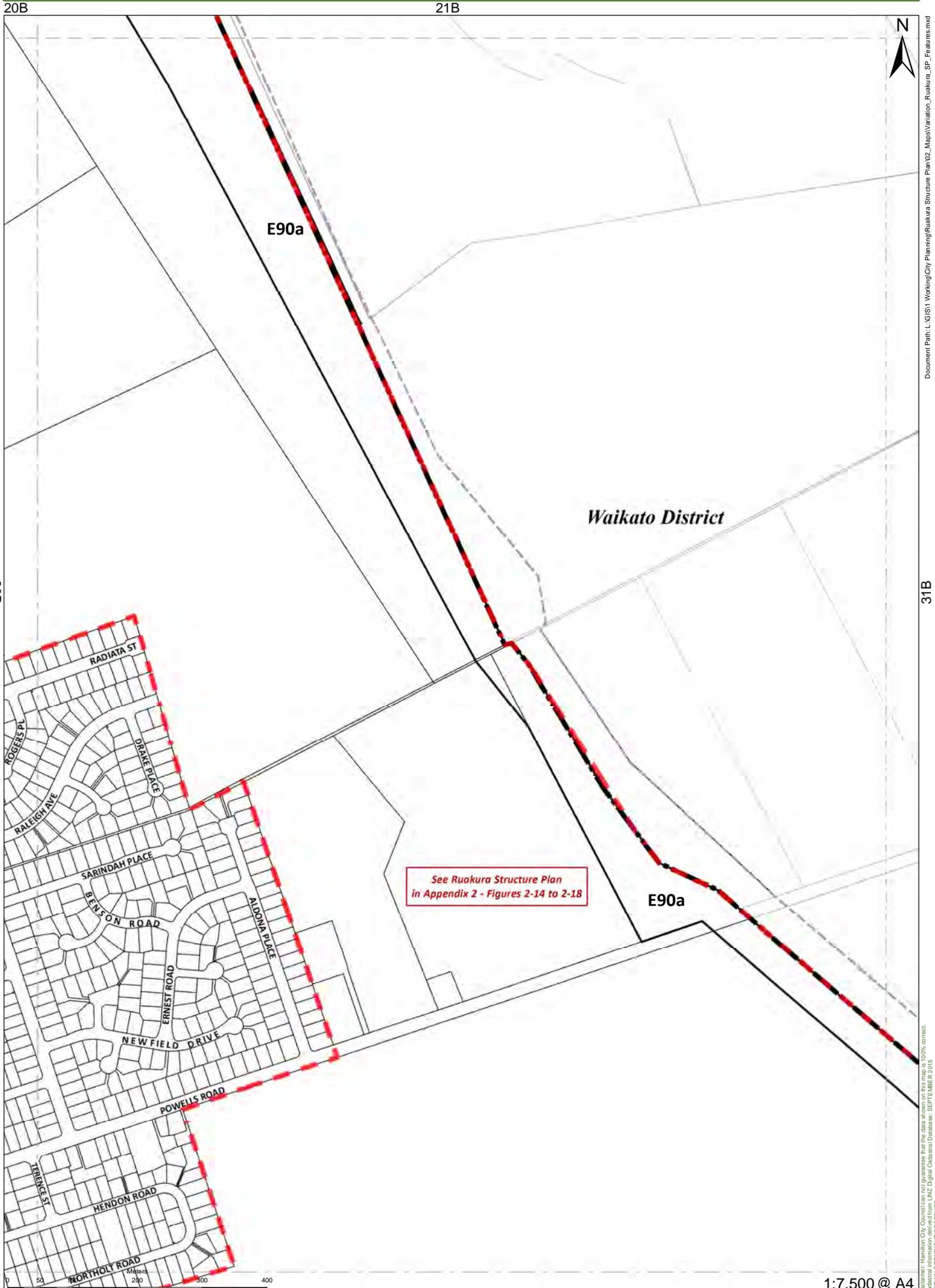
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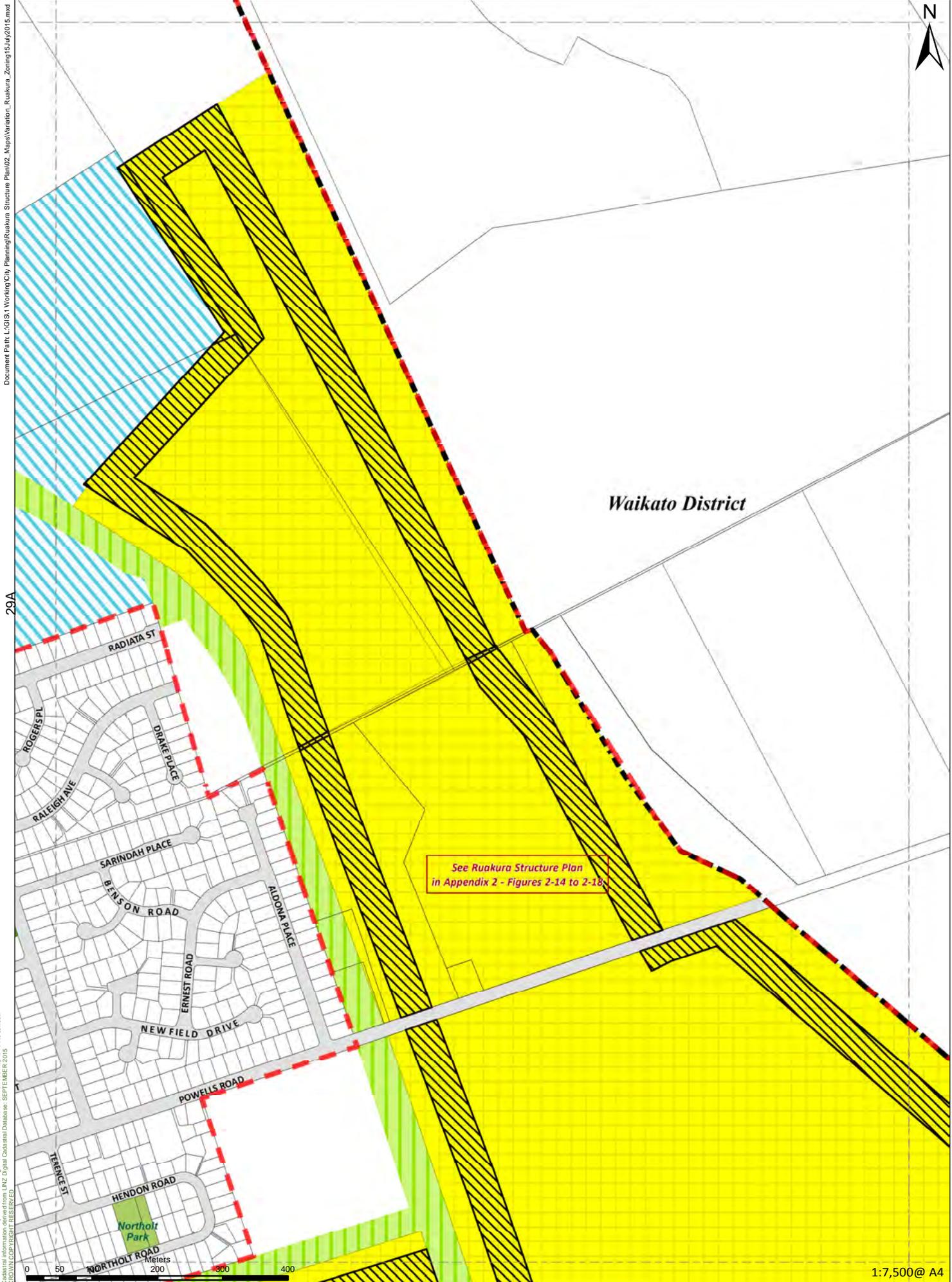




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 Variation 1: Ruakura Boundary

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Waikato District

See Ruakura Structure Plan
in Appendix 2 - Figures 2-14 to 2-18

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Waikato District

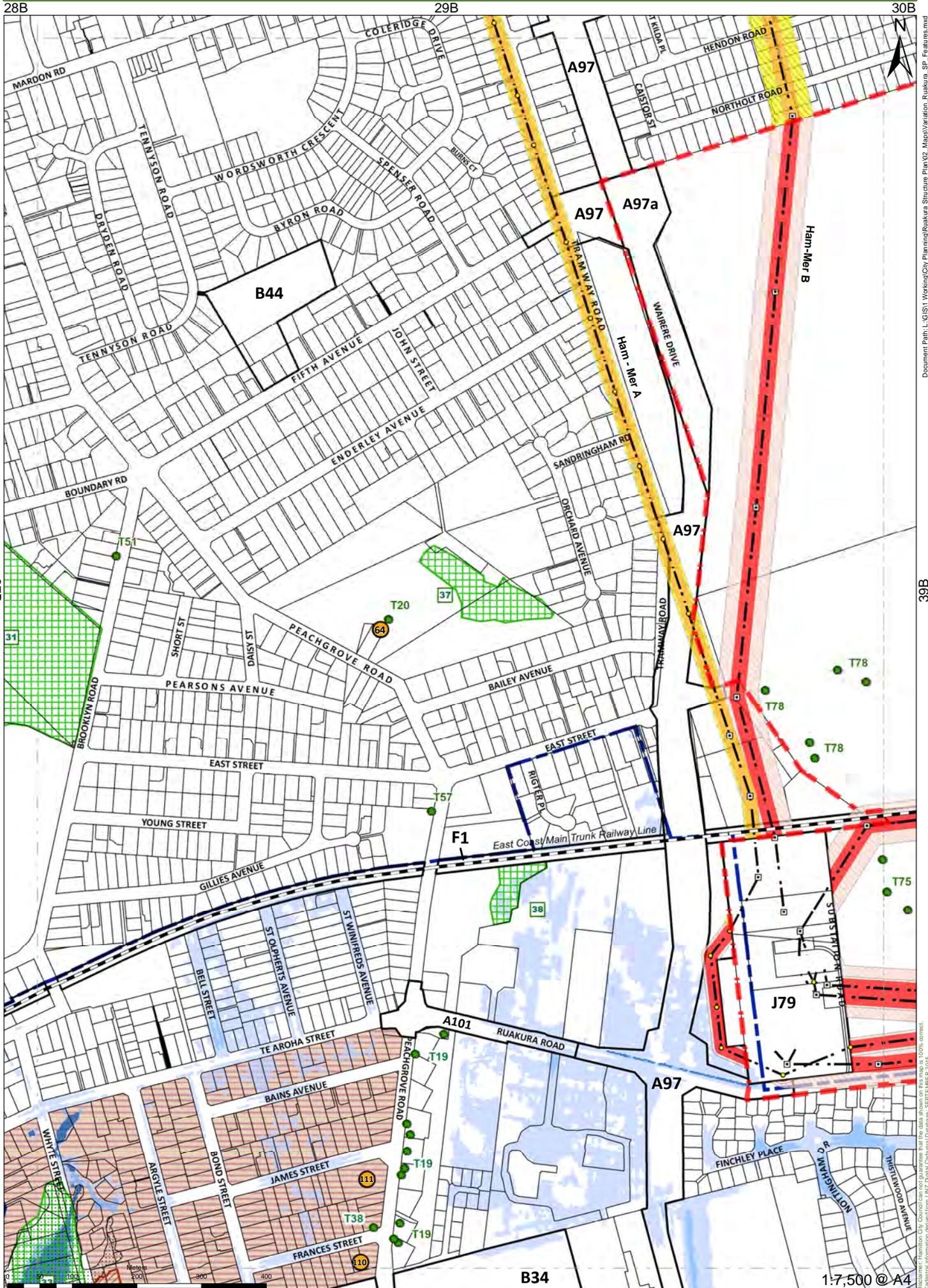
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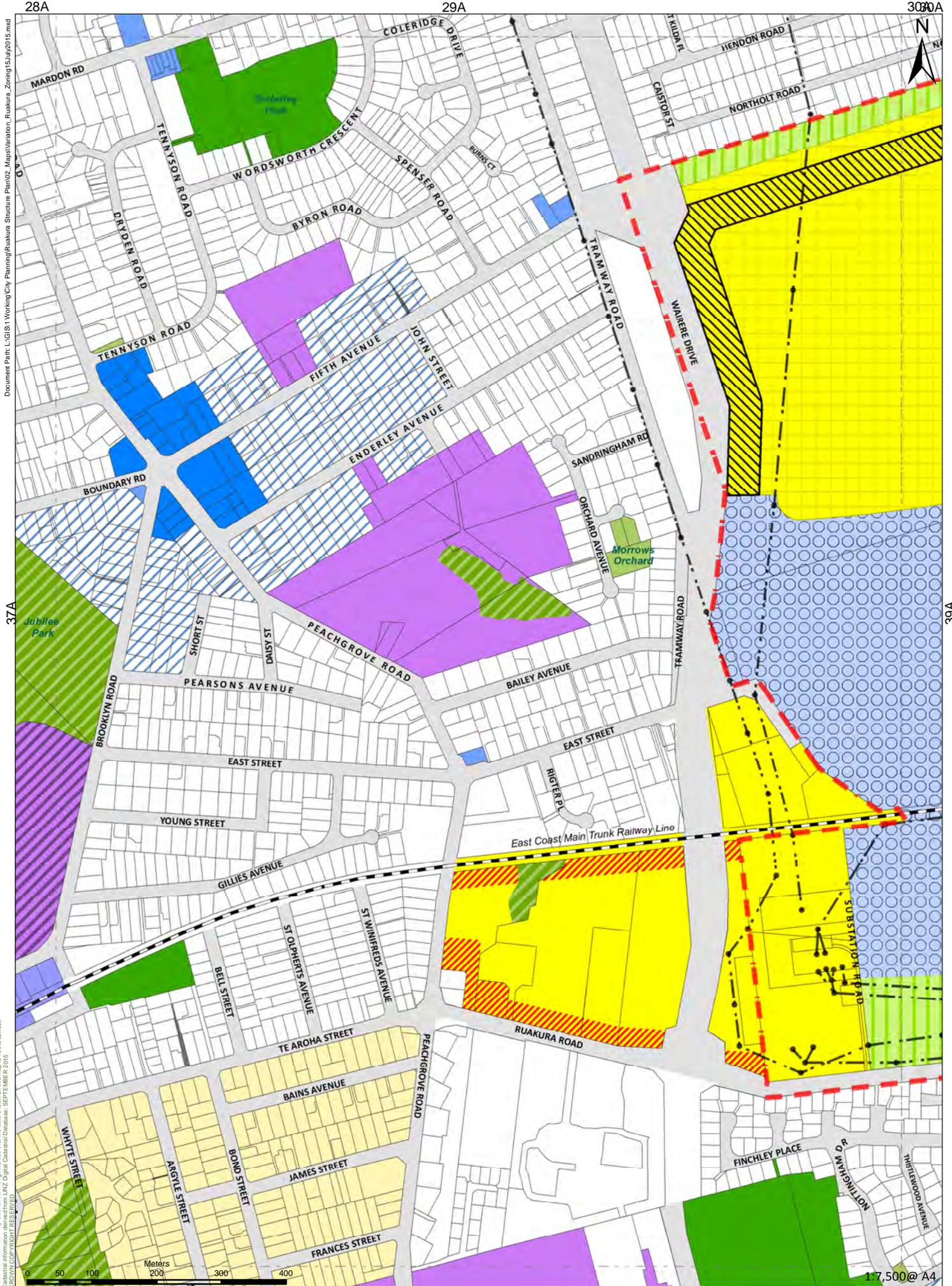
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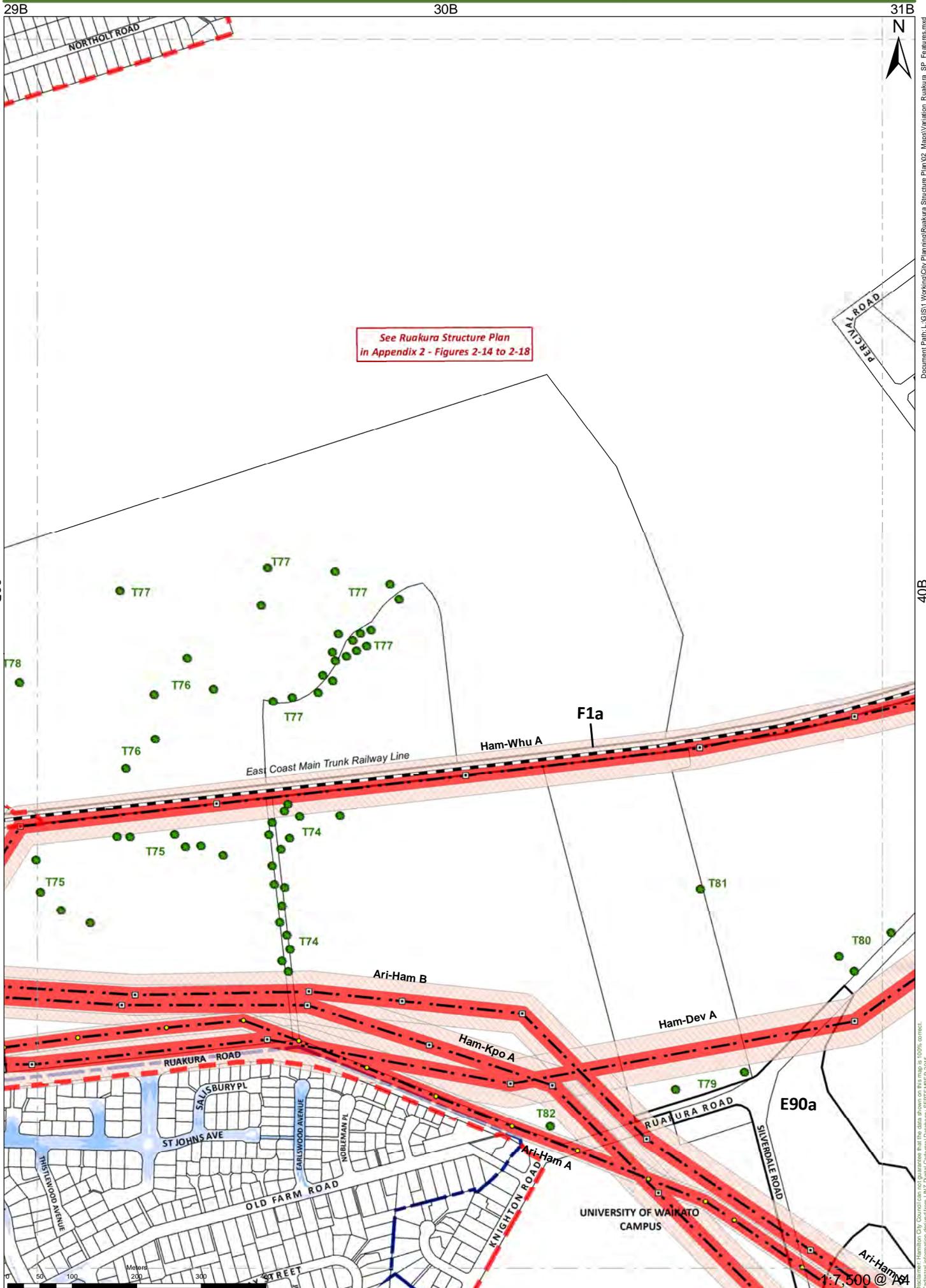


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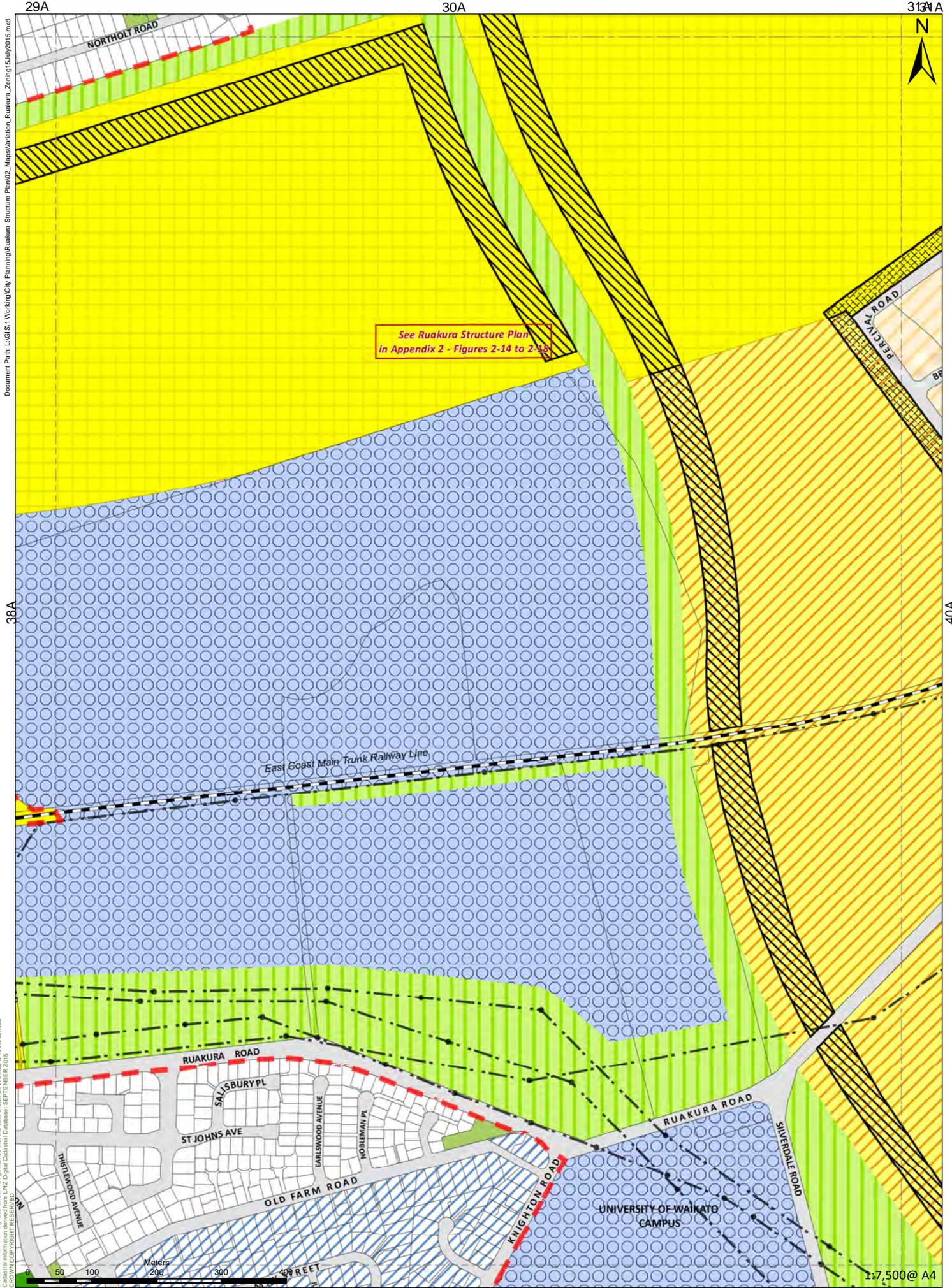
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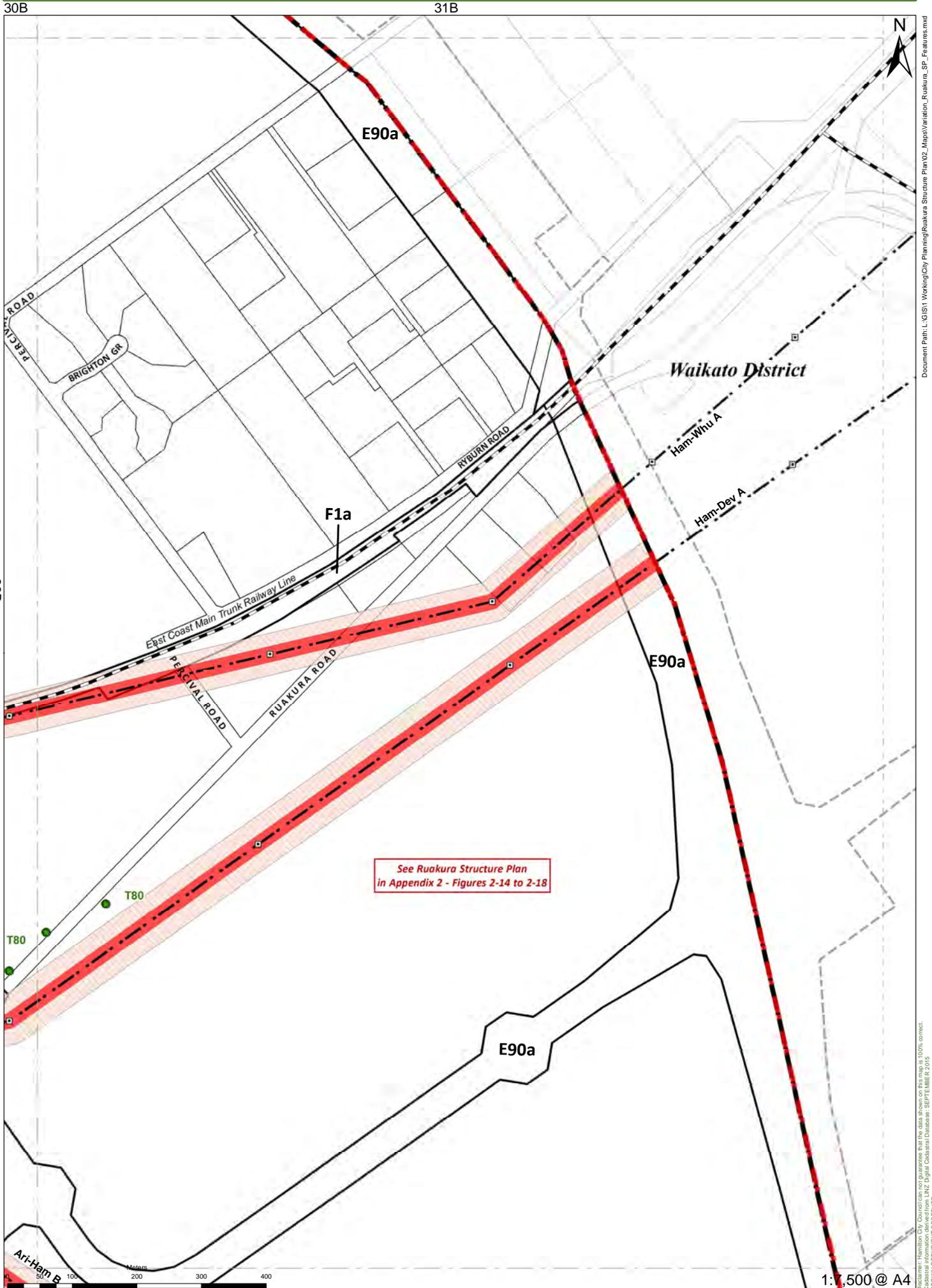


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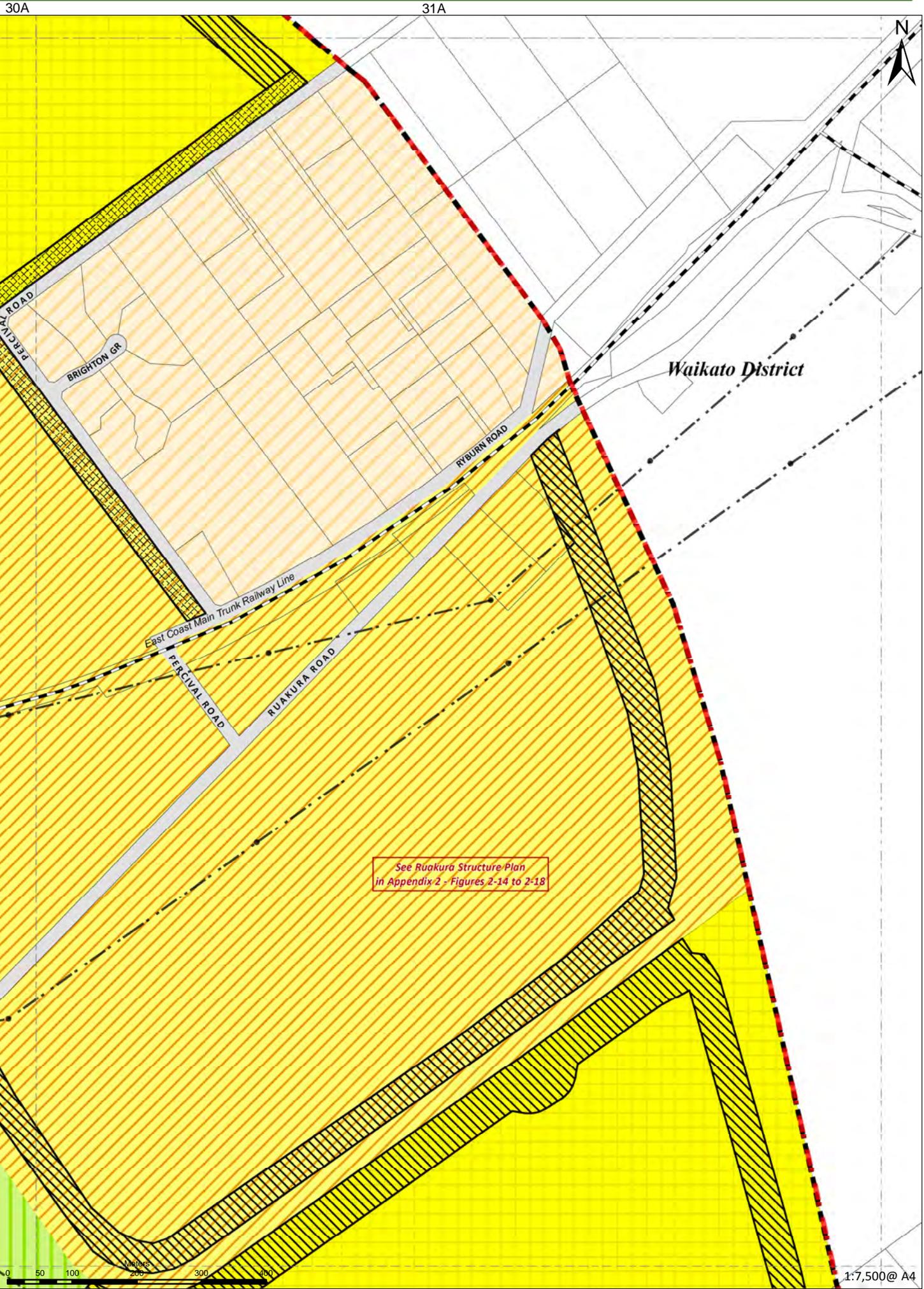


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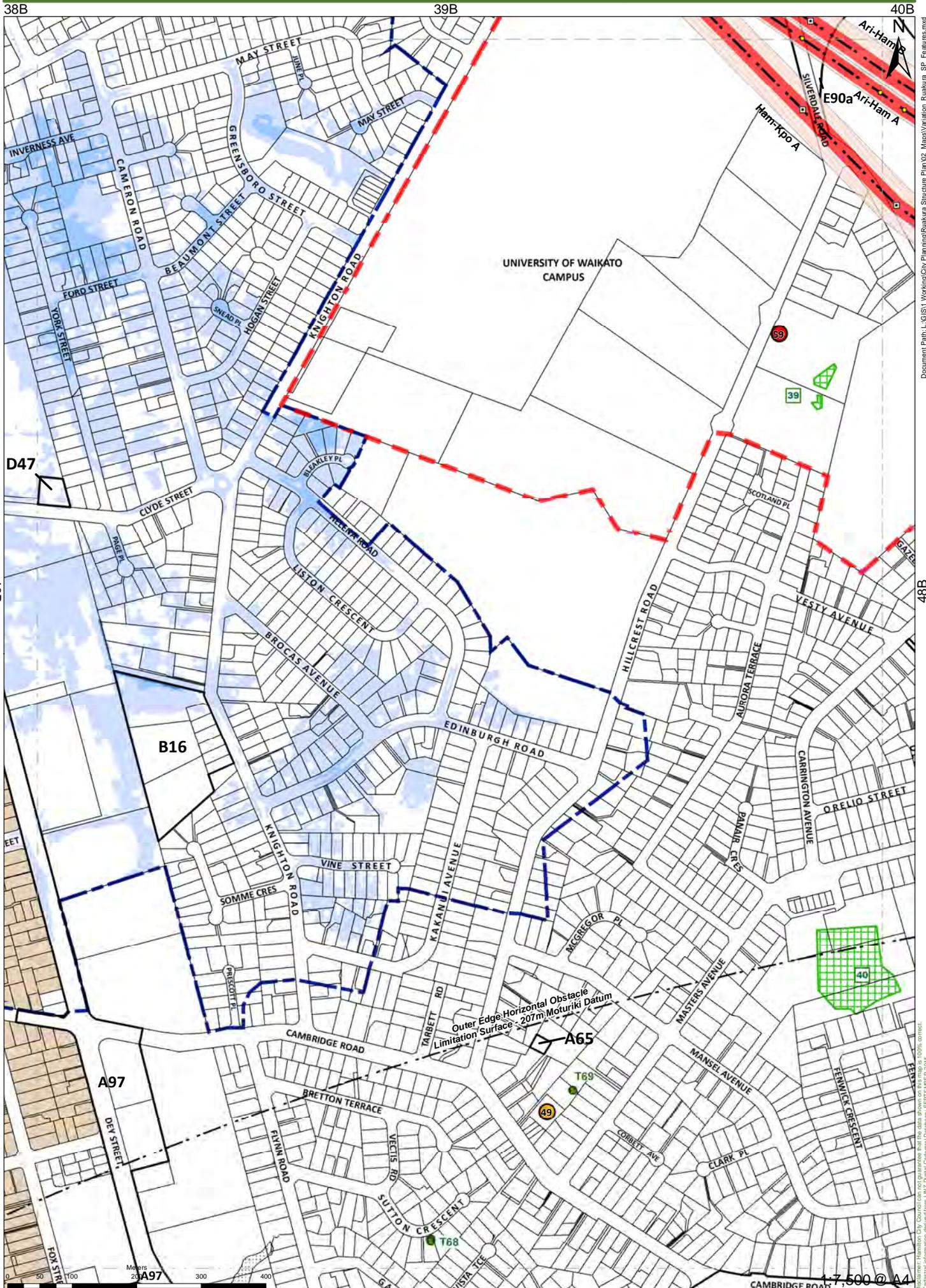
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Waikato District

See Ruakura Structure Plan
in Appendix 2 - Figures 2-14 to 2-18

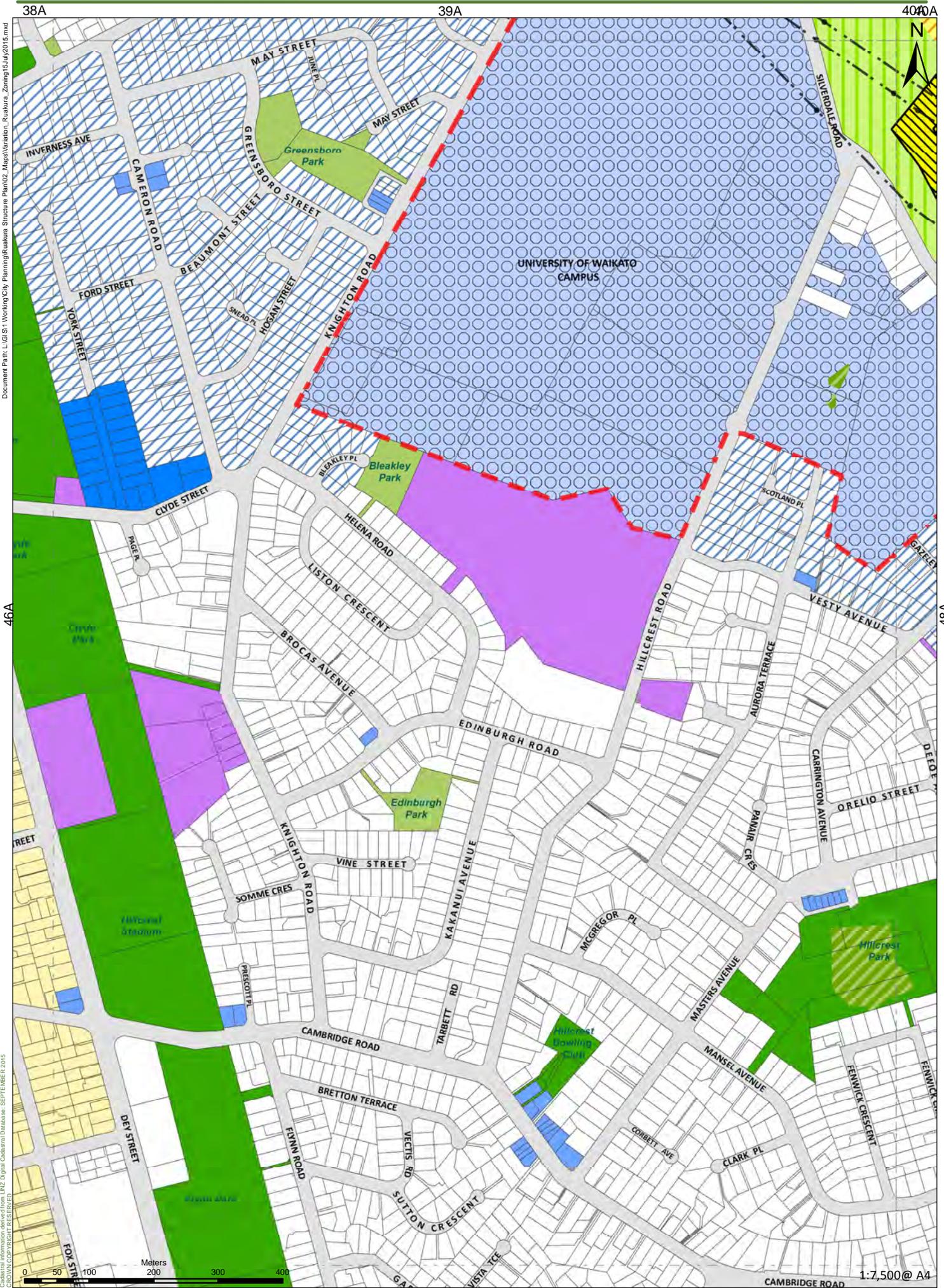
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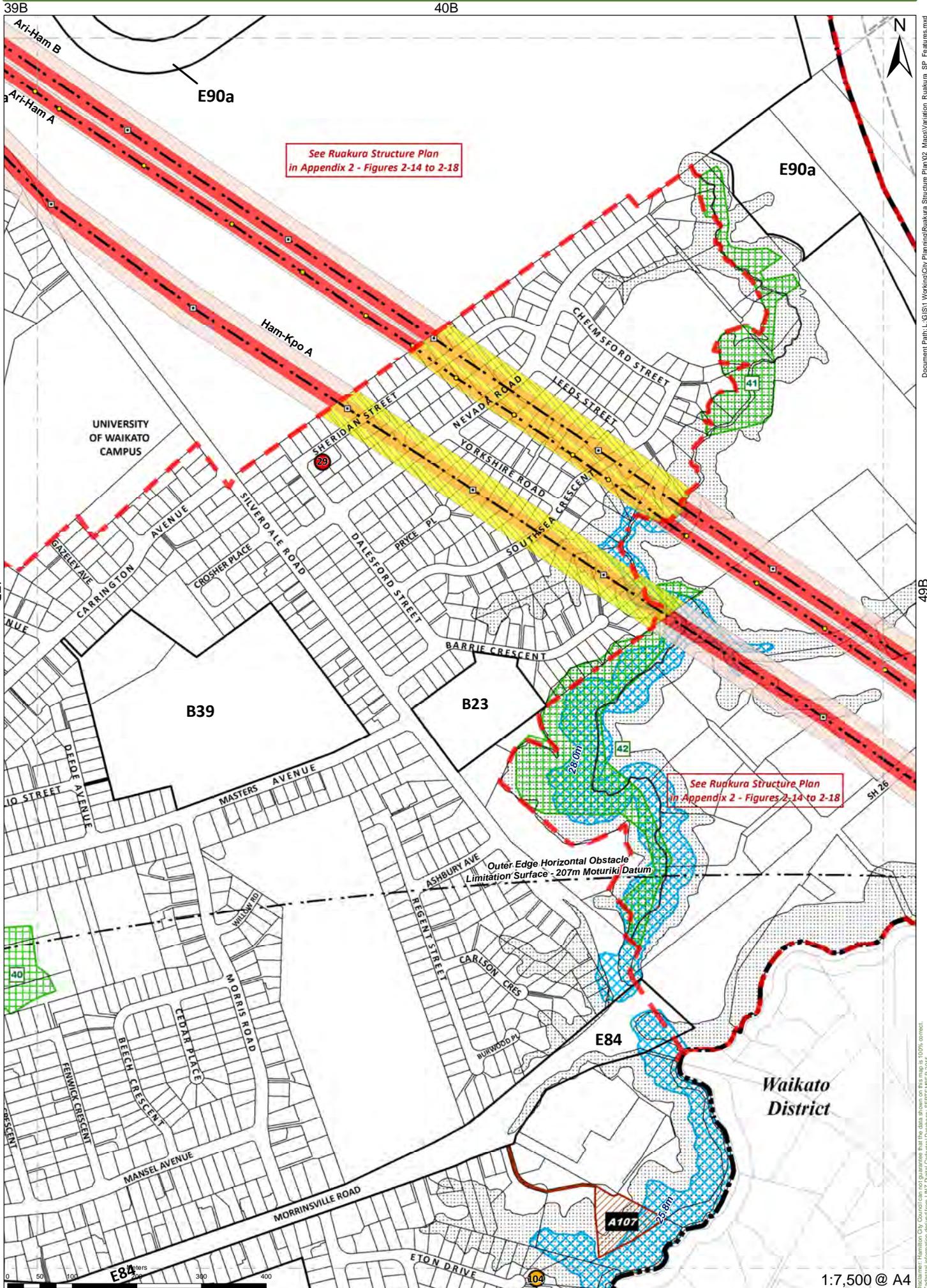


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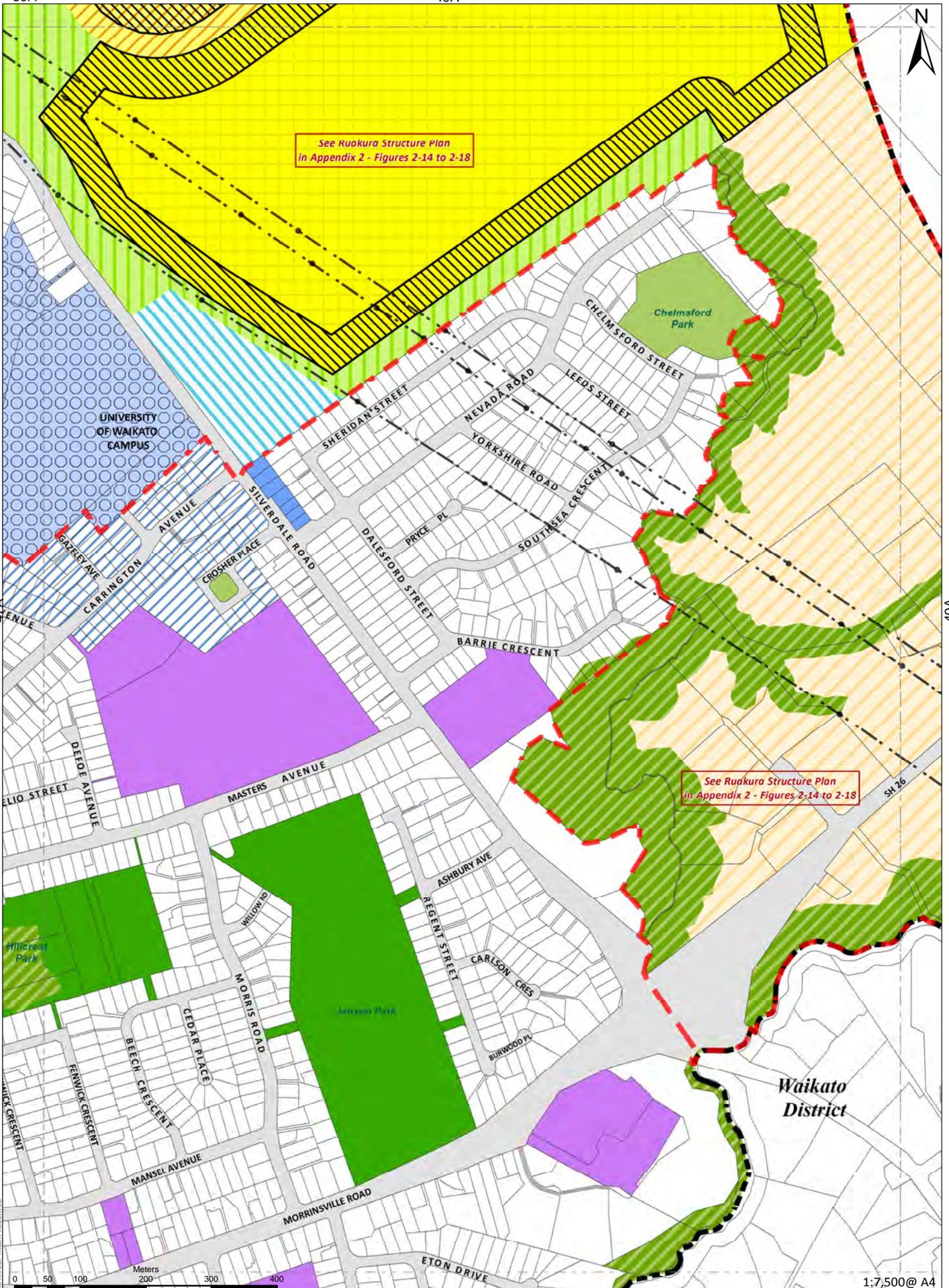
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See Ruakura Structure Plan
in Appendix 2 - Figures 2-14 to 2-18

See Ruakura Structure Plan
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Volume 2

Variation 1: Ruakura

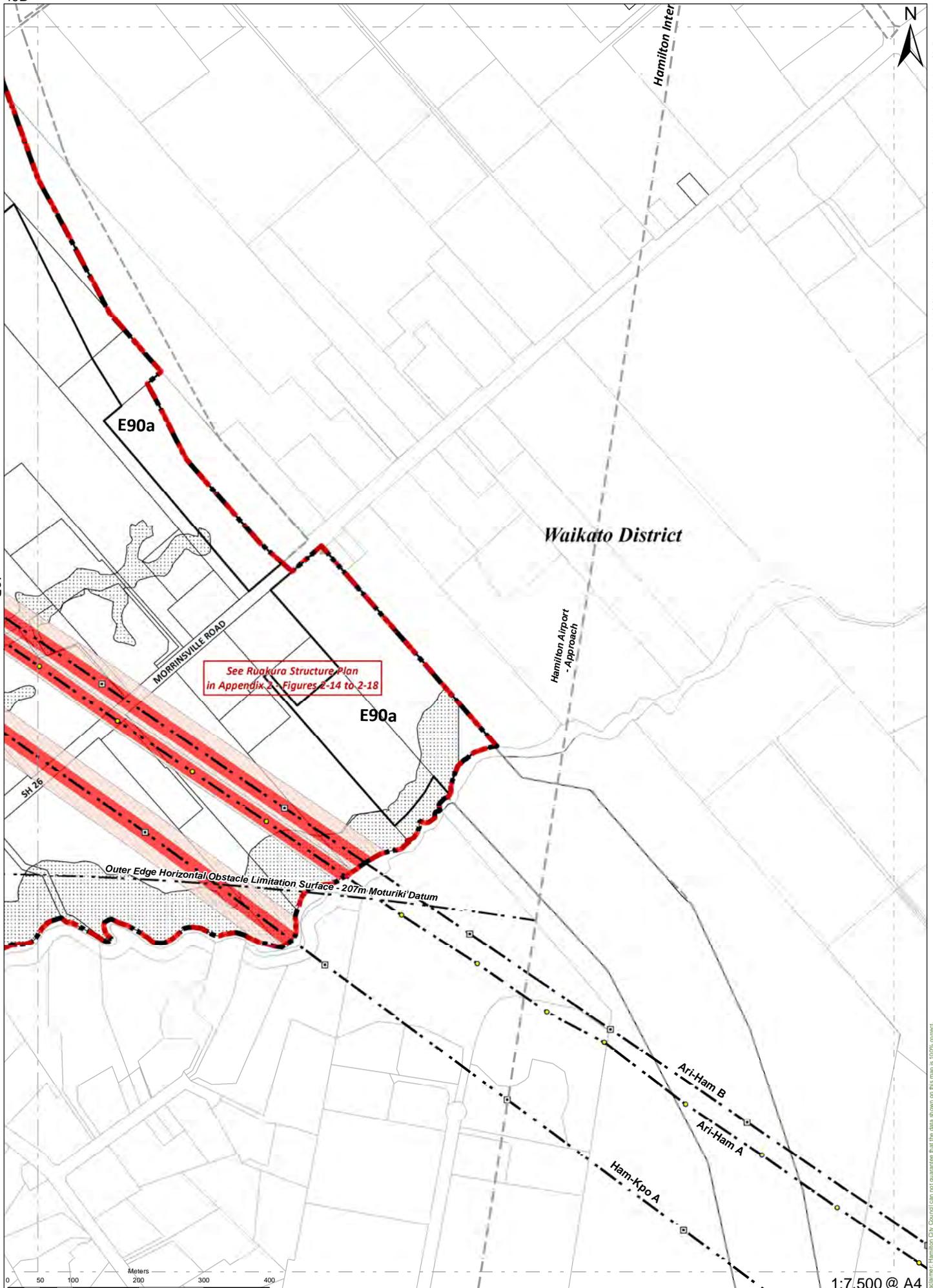
Zoning Map

Variation 1: Ruakura
Boundary

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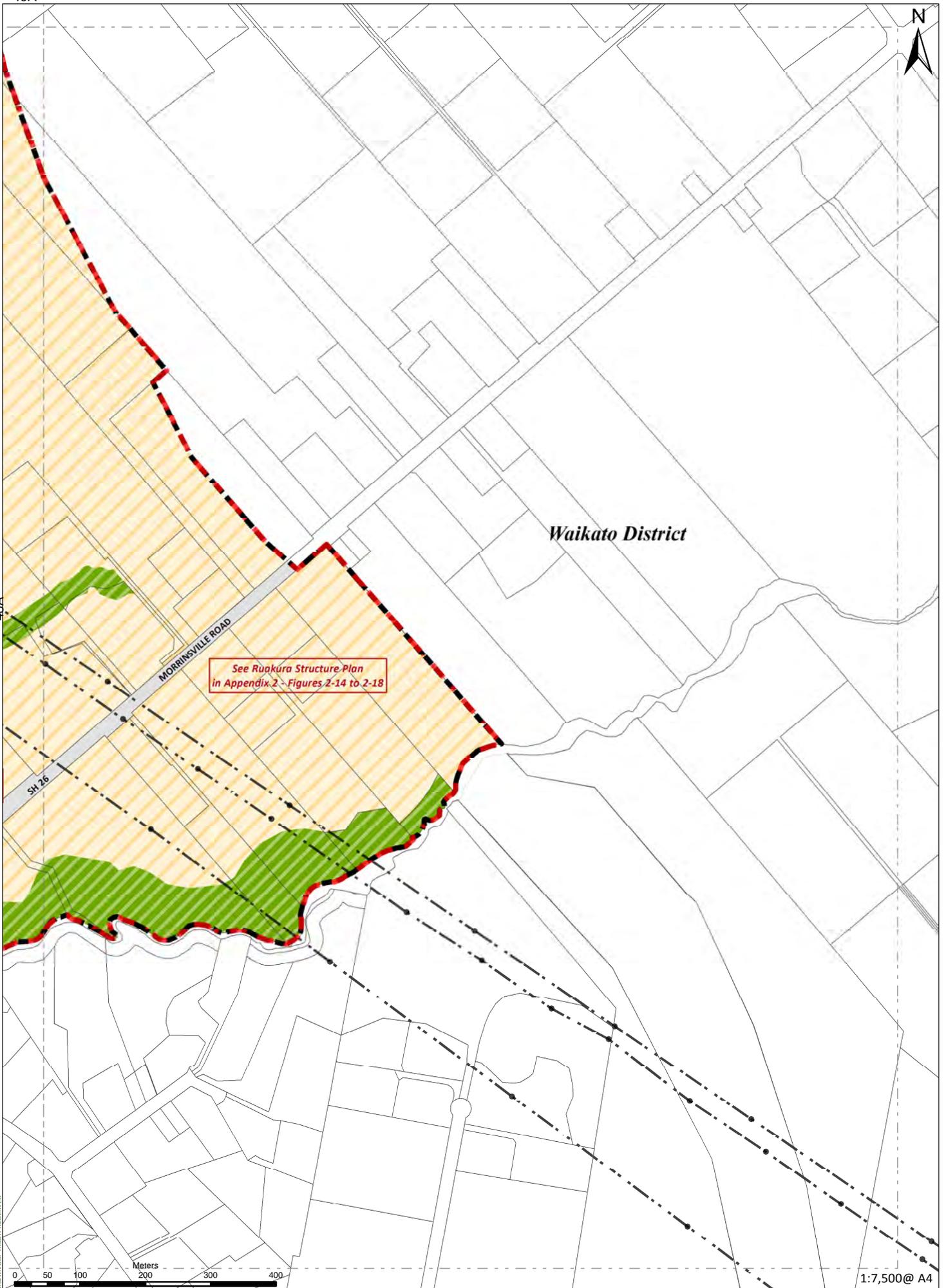
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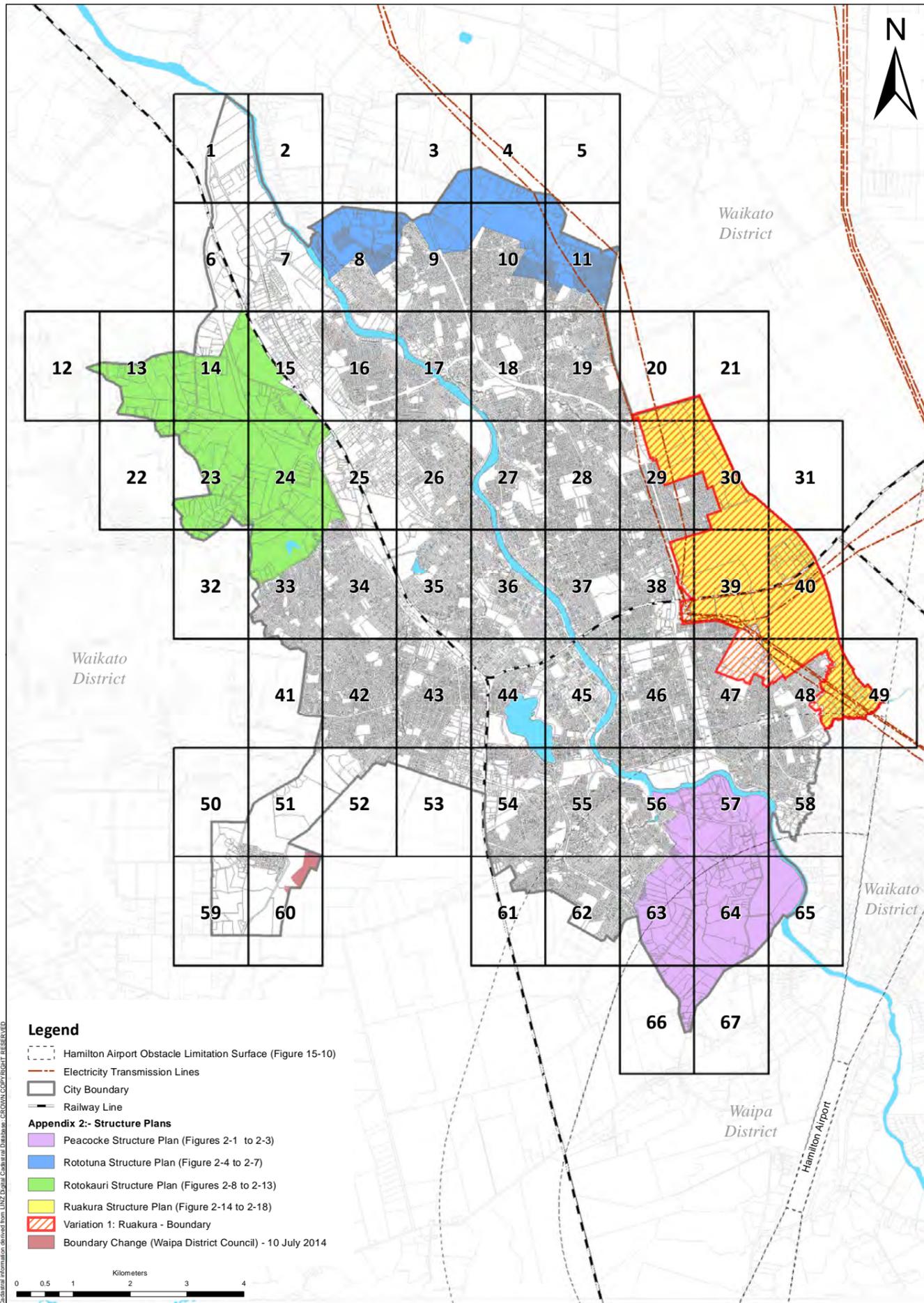
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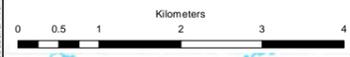
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- Legend**
- Hamilton Airport Obstacle Limitation Surface (Figure 15-10)
 - Electricity Transmission Lines
 - City Boundary
 - Railway Line
- Appendix 2:- Structure Plans**
- Peacocke Structure Plan (Figures 2-1 to 2-3)
 - Rototuna Structure Plan (Figure 2-4 to 2-7)
 - Rotokauri Structure Plan (Figures 2-8 to 2-13)
 - Ruakura Structure Plan (Figure 2-14 to 2-18)
 - Variation 1: Ruakura - Boundary
 - Boundary Change (Waipa District Council) - 10 July 2014



LEGEND - FEATURES

Significant Archaeological, Historic and Cultural Sites

- Built Heritage - A Ranking (Schedule 8A)
- Built Heritage - B Ranking (Schedule 8A)
- Group 1 (Schedule 8B)
- Group 2 (Schedule 8B)

Natural Environment

- Significant Natural Areas (Schedule 9C)
- Significant Trees (Schedule 9D)
- Waikato River and Gully Hazard Area
- Waikato River Bank Stability Area
- Peat Lakes and Wetlands
- Peat Lake Catchment

Designations

- D14 Designation (Schedule 26.3 - Volume 1)

Electricity Transmission Corridors

- National Grid Yard - Greenfields
- National Grid Corridor - Greenfields
- National Grid Yard - Urban Areas
- National Grid Corridor - Urban Areas
- Transmission Line Structure - Pole
- Transmission Line Structure - Tower
- Electricity Transmission Lines

Natural Hazard Area

- Low Flood Hazard Area
- Medium Flood Hazard Area
- High Flood Hazard Area
- Flood Hazard Subcatchment Boundary
- Culvert Block Flood Hazard Area (Culvert Block Flood Level)
- Temple View Flood Hazard Area

Airport Proactection Overlay

- Horizontal Obstacle Limitation Surface - 102m Moturiki Datum
- Outer Edge Conical Obstacle Limitation Surface - 207m Moturiki Datum

Other Features

- Vector Gas Pipeline Corridor
- Railway Line

Areas

Special Heritage Areas

- Frankton Railway Village
- Hamilton East Villas
- Hayes Paddock

Special Residential Areas

- Claudlands West Dwelling Control Area
- Hamilton East
- Hamilton East Dwelling Control Area

Special Natural Areas

- Rotokauri - Lake Waiwhakareke Landscape Character Area
- Rotokauri Ridgeline Area

Peacocke Character Areas

- Gully Area
- Hill Area
- Terrace Area

Temple View Areas

- Character Area
- Heritage Area
- Teacher Housing Area

Industrial Areas

- Deferred Industrial Zone
- Crawford Street Freight Village
- Industrial Area - Dairy Factory
- Rotokauri Employment Area
- Frankton Employment Area
- Frankton Living Overlay
- Thoroughbred Business Park

Residential Areas

- Visitor Facilities Area
- Hamilton East Residential Intensification Area

LEGEND - ZONING

Residential Zones

- General Residential Zone
- Medium Density Residential Zone
- Residential Intensification Zone
- Large Lot Residential Zone

Special Character Zones

- Special Residential Zone
- Special Heritage Zone
- Special Natural Zone
- Peacocke Character Zone
- Rototuna North East Character Zone
- Temple View Zone

Industrial Zone

- Industrial Zone
- Te Rapa North Industrial Zone
- Industrial Amenity Protection Area
- Ruakura Industrial Park Zone (Deferred)
- Ruakura Logistics Zone (Deferred)

Business Zones

- Business 1 Zone - Commercial Fringe
- Business 2 Zone - Events Facilities Fringe
- Business 3 Zone - Sub-Regional Centre
- Business 4 Zone - Large Format Retail
- Business 5 Zone - Suburban Centre
- Business 6 Zone - Neighbourhood Centre

Recreational Zones

- Sports and Recreation Open Space Zone
- Neighbourhood Open Space Zone
- Natural Open Space Zone
- Destination Open Space Zone
- Ruakura Open Space Zone
- Natural Open Space - Waikato River and Lakes

Other Zones

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- Community Facilities Zone
- Future Urban Zone
- Knowledge Zone
- Major Facilities Zone
- Rototuna Town Centre Zone
- Transport Corridor Zone
- Ruakura Interface Design Control Area
- Residential Enclave Buffer Area
- Ruakura Variation Area
- City Boundary

SECTION 32 EVALUATION REPORT: VARIATION NO.1 - RUAKURA

Contents

PART A CONTEXT.....	4
1 INTRODUCTION.....	4
1.1 Statutory Framework.....	4
1.2 Consultation.....	5
2 PURPOSE OF THE VARIATION	6
2.1 Key Resource Management Issues Addressed.....	6
2.2 Integration of Provisions from Operative & Proposed District Plans	7
2.3 Section 32 Duty	9
PART B EVALUATION	11
3 PREPARATION OF THE VARIATION.....	11
4 THE SECTION 32 EVALUATION FRAMEWORK.....	13
5 STRUCTURE PLAN: RUAKURA PROVISIONS.....	16
5.1 Introduction	16
5.2 Chapter 1 Plan Overview.....	16
5.3 Chapter 2: Strategic Framework and Chapter 3.7: Ruakura	17
5.3 Chapter 2 Strategic Framework	18
5.4 Chapter 3 Structure Plans	18
5.4.1 Key Objective and Policies (3.7.2.2)	18
5.4.2 Structure Plan Components 3.7.1	20
5.4.3 Giving Effect to the RPS - The Rationale for Safeguarding 405 hectares (3.7i).....	20
5.4.4 New Policies 3.7.2.4b and 3.7.2.4e	23
5.4.5 New Term - Ruakura Strategic Infrastructure (3.7e).....	23
5.4.6 Figures 2-14 – 2-18.....	30
5.4.7 Appendix 17 Planning Maps.....	31
6 INDIVIDUAL ZONE PROVISIONS	33
6.1 Introduction	33
6.2 Chapter 10: Ruakura Logistics Zone.....	34
6.2.1 Assessments to meet s32 duty to incorporate provisions into the variation.....	35
6.2.2 Objectives and Policies Ruakura Logistics Zone – 10.2	35

6.2.3	Freight handling activities – 10.3b)	35
6.2.4	Products transported in bulk – 10.3l).....	36
6.2.5	Extension of Inland Port Community Liaison Committee – 10.5.1 (25H.5.7.1)	36
6.2.6	Logistics and freight-handling infrastructure – 10.3p) / Rail Sidings in Sub Area B (Logistics).....	38
6.2.7	Activity Status Rules for the Ruakura Logistics Zone – 10.3.....	39
6.2.8	Landscape Screening – 10.5.4	39
6.3	Chapter 11: Ruakura Industrial Park Zone	42
6.4	Chapter 8: Knowledge Zone.....	47
6.5	Chapter 4: Residential Zone	55
6.5.1	Assessments required to meet s32 duty to incorporate provisions into the variation	55
6.5.2	General Residential Zone	56
6.5.3	Insertion of Ruakura Medium Density Residential Zone	57
6.5.4	Medium Density Residential Zone – Extension.....	58
6.5.5	One Integrated Retail Development	60
6.5.6	Large Lot Residential Zone	62
6.6	Chapter 15: Ruakura Open Space	73
7	OTHER GENERAL RULES FOR ALL ZONES	80
7.1	Assessments to meet s32 duty	80
7.2	General Provisions for Subdivision and Development of Land and Subdivision Standards for Individual Zones.....	80
7.3	Provision for Infrastructure and Financial Contributions	83
7.4	Earthworks and Site Development	83
7.5	Construction Provisions	84
8	CITY WIDE PROVISIONS.....	85
8.1	Assessments required to meet s32 duty to incorporate provisions into the variation	85
8.2	Electricity National Grid Corridors	86
8.3	Noise and Vibration	88
8.3.1	Assessments required to meet S32 duty to incorporate provisions into the variation	88
8.3.2	Noise Performance Standards for Activities in Major Facilities Zone, Knowledge Zone and Open Space Zones 25.8.3.9	89
8.3.3	Noise-Sensitive Activities - Ruakura Logistics Zones and Ruakura Industrial Park Zone 25.8.3.11.....	90

8.3.4	Operational Vibration from Rail Lines – Activities in All Zones 25.8.3.12.....	91
8.3.5	Confirming Performance Standards for Noise and Vibration Management in the Ruakura Logistics and Ruakura Industrial Park Zones 25.8.3.13.....	92
8.3.6	New provision for Non-Conformity with Standards in the Ruakura Logistics Zone 25.8.3.14.....	94
8.4	Signs	95
9	DEFINITIONS.....	96
9.1	Assessments required to meet S32 duty to incorporate provisions into the variation....	96
10	INFORMATION REQUIREMENTS	97
10.1	Assessments required to meet S32 duty to incorporate provisions into the variation....	97
11	ASSESSMENT CRITERIA	98
11.1	Assessments required to meet S32 duty to incorporate provisions into the variation....	98

PART A CONTEXT

1 INTRODUCTION

This report has been prepared to meet the requirements of section 32 (S32) of the Resource Management Act 1991 (RMA).

1.1 Statutory Framework

There have already been a series of s32 reports prepared that are a precursor or contributor to this s32 evaluation report because they relate in part to the purpose of this variation. This is due to a unique set of circumstances that have contributed to the need to prepare this variation to the Hamilton City Proposed District Plan (PDP).

A Board of Inquiry (BOI) was set up to consider a private plan change request for part of Ruakura as a matter of national significance by the Minister for the Environment during 2013. At this time Hamilton City Council also notified the PDP and subsequently, to avoid unnecessary duplication with running parallel processes at similar times, resolved to suspend all hearings and decisions on matters relating to Ruakura until such time as the Board had made its final decision on the plan change.

As a consequence there are various section 32 reports publicly available; namely:

- The BOI decision released on 9 September 2014 which included a section 32AA report that was issued for a substantial portion of the land covered by this variation; and
- Council decisions on the PDP released during July 2014 that was accompanied by a section 32 report that considered many Zone and city wide provisions except for those planning provisions for the Ruakura (and R1) land that were deferred for determination and selected adjacent areas of land that also are now covered by this variation.

The specific Section 32 reports prepared as part of these separate but related statutory planning processes are:

1. A series of reports prepared during the BOI to consider the Private Plan Change request for the Ruakura Development Plan dated 31 October 2013 (with reference to the notified version of the Plan Change), and 9 June 2014 (with reference to the amended Plan Change version dated 26 May 2014). These assisted with the Board's own s32AA considerations that formed part of their final decision on the Plan Change confirmed in September 2014; and
2. A report prepared by the Hamilton City Council referenced as the 'Section 32 Analysis' in support of the PDP as a whole including those sections that Council deferred from consideration due to the BOI process and the s32AA report released as part of the decisions version of the PDP in July 2014.

The Council acknowledge this extensive set of technical assessments and have taken account of these s32 analyses where they are relevant to support this current s32 assessment. To do this, there is reliance on, and extensive use made of cross referencing to these previous s32 evaluation reports and the Board's s32AA report. *Section 4: The Section 32 Evaluation Framework* discusses this matter further. Those s32 reports are accessible at www.hamilton.govt.nz/ruakura as documents now available as part of the statutory planning process that requires the public notification of this variation.

1.2 Consultation

The variation has been prepared by Council, but with input from discussions with key stakeholders and landowners. This input has been based around the distribution of working draft versions of the variation, the exchange of emails, phone discussions and meetings during 2015 as the variation has been prepared. A summary of all engagement with the community to date is outlined below;

- All landowners, submitters to the PDP regarding Ruakura and submitters to the Board of Inquiry process have been included in all emails and letters sent regarding the draft Ruakura Variation provisions.
- No change to the SH26 Large Lot Residential Zone is proposed and therefore no direct meetings with these landowners has occurred; they have all received communication of the draft provisions and will be included in the public notification process.
- The Ruakura Residents Group consists of all properties within Ryburn and Percival Roads and is represented by Mr Cowie as the key contact. The only specific meeting outside of this group for this area was with Waikato Krishna who have submitted individually previously.
- Letters and emails were sent to approximately 170 landowners, previous submitters or key stakeholders to advise of the draft variation provisions being available for feedback.
- In total 27 pieces of feedback were received from individuals, groups or key stakeholders.

Key Stakeholders engaged with during the preparation of this variation include: Waikato Regional Council, Waikato-Tainui, Waikato District Council, New Zealand Transport Agency, FutureProof, Tainui Group Holdings, Chedworth Properties Limited, University of Waikato, AgResearch, Waikato Innovation Park, Transpower and Kiwirail.

Key groups engaged with during the preparation of this variation include: Ruakura Residents Group, Fairview Downs Residents Association, Silverdale Residents Group and Newstead Residents Group.

A number of individual landowners were also engaged with during the preparation of the variation.

A full draft set of variation provisions was distributed in July 2015 to all landowners, previous submitters to the BOI process or PDP process for Ruakura and key stakeholders.

2 PURPOSE OF THE VARIATION

This variation incorporates in the PDP all 822 hectares that comprises the 'R1' land formerly part of Waikato District that became part of Hamilton City as a result of local government reorganisation in 2011. This includes the land considered by the BOI being approximately 389 hectares managed by the Tainui Group Holdings (TGH) and Chedworth Properties Limited (CPL) for which planning provisions have now been confirmed by the Board, the balance of the R1 land and specific areas in Hamilton City for which decisions on their appropriate planning provisions were deferred from the hearings process of the PDP in 2013. Notably, these areas include AgResearch, Waikato Innovation Park, the University of Waikato and the Mangaonua Gully system for example.

Appendix 1 illustrates the geographical area that comprises the land considered by the variation.

2.1 Key Resource Management Issues Addressed

The key resource management issue addressed by this variation to the PDP is the integration of the BOI's decision on 'Ruakura' and the framework for the urbanisation of this land. This is for the regionally strategic purpose of providing for a multi-modal transport hub - an inland port at Ruakura along with support facilities and services and including key research facilities.

This is also to be achieved through the refinement of selected planning provisions in the PDP relating to future development in adjacent areas in eastern Hamilton.

Overall, these new and amended planning provisions incorporated into the variation include:

- the confirmation of a Structure Plan for Ruakura and the R1 Area (Chapter 3.7 and Appendix 2);
- the refinement of zone provisions to strengthen support for the long term operation of an inland port and associated activities and innovation and research capability (Chapters 8, 10 and 11);
- the adoption of two important sets of related planning provisions to manage the process of urbanisation. These relate to a Land Development Plan mechanism (Chapter 3.7.3.2 and Appendix 1.2.2.25) and Staging and Traffic management requirements (3.7.3.3 and Appendix 1.2.2.26) as a prerequisite to establishing infrastructure and building development in any greenfield area in the R1 area;
- the adoption of customised matters of control for controlled activities and matters of discretion for the consideration of restricted discretionary activities in the development zones (Appendix 1.3.2 F Ruakura and 1.3.3 N Ruakura);
- the recognition of the sensitivity of the nature, scale and twenty four hour operation of the inland port itself, and its proximity to a rural-residential living area has resulted in specific provisions to address environmental and visual amenity matters (Chapters 10.5.2 – 10.5.4 and 11.5.3);
- the obligation to establish an Inland Port Community Liaison Committee that involves the adjoining residential land owners to consider the impact of port operations on the surrounding communities and the effectiveness of the mitigation measures (Chapter 10.5.1);
- customised performance standards to address unique environmental amenity concerns such as noise associated with the operation of the inland port (Chapter 25.8.3.11-13);

- extension of the Medium Density Residential Zone to include 21 hectares of General Residential land (Planning Maps 20A, 29A and 30A)
- performance controls that provide for a medium density residential area capable of supporting semi-detached, duplex and terrace housing (Chapter 4); and
- a Knowledge Zone that comprises four precincts with customised provisions for AgResearch, Waikato Innovation Park, University of Waikato and for a new Ruakura Retail Centre to create a high amenity node on the eastern side of Hamilton focused on the delivery of education, research and business functions (Chapter 8).

2.2 Integration of Provisions from Operative & Proposed District Plans

The decision of the BOI was made in part, recognising that whilst its provisions were to be incorporated as part of the Hamilton City Operative District Plan - Waikato Section (2012), there was an additional step required to incorporate these provisions as part of the more recent Hamilton City PDP (Appeals version) 2015.

Three ‘high-level’ options are available to Council on how to incorporate the Board’s Development Plan Change provisions into the PDP:

1. Prepare a standalone and self contained section to the District Plan;
2. Integrate the Board’s decision into the existing framework of the District Plan; or
3. Prepare a hybrid approach that incorporates elements of the above two approaches.

The merits of each approach is summarised in the table below to determine the preferred approach to adopt for structuring this variation and the drafting exercise that followed.

Generic Option	Description of Key Elements	Advantages	Disadvantages
New, stand alone Chapter	Delete all references throughout PDP to Ruakura and R1 provisions – specifically Chapters 8, 10 and 11. Incorporate BOI decision and retain relevant R1 provisions. Rule 25H.22 critically important – provisions of the new chapter override other PDP provisions. Add explanation regarding new, self contained Chapter	Reflects BOI format approach – a set of self contained provisions. User friendly. Easy to administer. Minimal need for cross-referencing. Mapping exercise-neutral.	Approach does not reflect need for planning provisions for whole of R1. Plan within a Plan – inconsistent with overall philosophy. May prove a challenge to administer.
‘Pepper pot’ PDP	Integrate BOI decision into existing PDP Chapters (pepper pot approach). Use sub headings/sub-sections to deal with Ruakura specific provisions.	Maintains existing Plan structure. Mapping exercise-neutral.	Significant editorial task with provisions retro-fitted into existing Plan format/structure. Less user-friendly. Administratively more challenging – not easy to incorporate strategic linkages – land development, traffic management, staging etc. Overall, clumsy.
Hybrid approach	Delete ‘core’ chapters (8, 10, and 11) and substitute new Chapters as provided for under 25H.5, 25H.6 and 25H.7. Incorporate Ruakura specific provisions concerning Land	“Core” Zone elements and land development and infrastructure staging and traffic management provisions from BOI are retained and transposed.	Cross referencing is necessary to guide plan users to the relevant provisions. Overall, this ‘mix and match’ is the preferred

Appendix 2 Section 32 Evaluation Report: Variation No.1 – Ruakura

Generic Option	Description of Key Elements	Advantages	Disadvantages
	Development (25H.11), Staging and Traffic Requirements (25H.12) as single new chapter or as part of Chapter 3: Structure Plans. Incorporate other provisions into existing City wide performance standards. Use sub headings/sub-sections to deal with Ruakura specific provisions.	Other provisions are included in Chapters 1-4 of the existing PDP as are City wide performance provisions aided by use of 'Ruakura' sub headings to assist with administration/readability. Mapping exercise-neutral.	approach as it retains the integrity of the BOI decision and can align with the present structure of the PDP.

Of the three generic options the option with the least favourable attributes is the option to adopt a “stand alone” chapter that is “bolted on” to the PDP followed by the approach to “pepper pot” the new provisions throughout the PDP as presently formatted.

The “hybrid” approach has merit as it builds upon the format of the PDP where this is appropriate, while incorporating directly in to the PDP those “core” provisions for the Knowledge, Ruakura Logistics and Ruakura Industrial Park Zones in substitute of the existing provisions (Chapters 8, 10 and 11 respectively) which were deferred for determination during the Council hearings. It also is crucial to retain the coherence and integrated approach to the land urbanisation provisions (25H.11 and 25H.12 of the BOI decision) and this can be achieved by incorporating these provisions into a substantially redrafted Chapter 3.7 Ruakura.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The hybrid approach was adopted as the preferred method as it achieves the integration of the BOI’s provisions in to the PDP in a coherent manner.

This approach to Plan administration will support the sustainable management purpose of the Act.

The summary table below traces how the provisions from the BOI decision referenced as Schedule 25H have been incorporated generally in to the PDP by way of insertion to and/or amendment of the PDP.

Schedule 25H	Topic	PDP Comparable Reference	PDP Comparable Topic
.1	Introduction	N/A	
.2	Schedule 25H Ruakura	Volume 2: Appendix 17, Planning Maps Volume 2 : Appendix 2 – Structure Plans, Ruakura	
.3	Ruakura (Vision)	Chapter 3.7	Structure Plans - Ruakura
.4	Objectives and Polices	Chapter 3.7	Objectives and Policies, Rules
.5	Ruakura Logistics	Chapter 10	Ruakura Logistics Zone
.6	Ruakura Industrial Park	Chapter 11	Ruakura Industrial Park Zone
.7	Knowledge Area	Chapter 8	Knowledge Zone
.8	General Residential Area	Chapter 4.3	General Residential Zone
.9	Medium-Density Residential Area	Chapter 4.5	Medium Density Residential Zone
.10	Open Space Area	Chapter 15	Open Space Zones
.11	Land Development	Chapter 3.7.3.2	-
.12	Staging and Traffic Requirements	Chapter 3.7.3.3	-
.13	Noise and Vibration	Chapter 25.8	Noise and Vibration
.14	Works and Subdivision within	Chapter 25.7	Network Utilities and Electricity

	National Grid Corridors		Transmission Corridors
.15	Signs	Chapter 25.10	Signs
.16	Hazardous Facilities	Chapter 25.4	Hazardous Facilities
.17	Network Utilities	Chapter 25.7	Network Utilities and Electricity Transmission Corridors
.18	Parking Loading and Access	Chapter 25. 14	Transportation
.19	Planting and Screening	Chapter 25.5	Landscape and Screening
.20	Glare and Lighting	Chapter 25.6	Lighting and Glare
.21	Smoke, Fumes, Dust and Odour	Chapter 25.11	Smoke, Fumes, Odour and Dust
.22	Other General Rules for all Areas	Chapter 23	
.23	Definitions	Volume 2 – Appendix 1.7	Definitions used in the Plan
.24	Appendices	Volume 2- Appendix 1.3	Assessment Criteria

2.3 Section 32 Duty

In achieving the purpose of the RMA Council must carry out and report on an evaluation of the Plan’s provisions under section 32 (s32). This duty is stated as follows:

32 Requirements for preparing and publishing evaluation reports

- (1)An evaluation report required under this Act must—
- (a)examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - (b)examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - (i)identifying other reasonably practicable options for achieving the objectives; and
 - (ii)assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii)summarising the reasons for deciding on the provisions; and
 - (c)contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2)An assessment under subsection (1)(b)(ii) must—
- (a)identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i)economic growth that are anticipated to be provided or reduced; and
 - (ii)employment that are anticipated to be provided or reduced; and
 - (b)if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c)assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3)If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
- (a)the provisions and objectives of the amending proposal; and
 - (b)the objectives of the existing proposal to the extent that those objectives—
 - (i)are relevant to the objectives of the amending proposal; and
 - (ii)would remain if the amending proposal were to take effect.
- (4)If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

(5)The person who must have particular regard to the evaluation report must make the report available for public inspection—

- (a)as soon as practicable after the proposal is made (in the case of a standard or regulation); or
- (b)at the same time as the proposal is publicly notified.

(6)In this section,—

objectives means,—

- (a)for a proposal that contains or states objectives, those objectives:
- (b)for all other proposals, the purpose of the proposal

proposal means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,—

- (a)for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
- (b)for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

The Section 32AA framework also warrants reference as this sub-clause also is referred to as part of this evaluation. The Section 32AA Requirements for undertaking and publishing further evaluations says:

(1) A further evaluation required under this Act –

- (a) Is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) Must be undertaken in accordance with section 32(1) to (4); and*
- (c) Must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) Must –*
 - (i) Be published in an evaluation report that is made available for public inspection at the same time as the approved proposal....., or decisions on the proposal, is publicly notified; or*
 - (ii) Be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

The Council approach and application of this s32 duty is explained further in *Section 3: Preparation of the Variation* and *Section 4: The Section 32 Evaluation Framework* and the evaluation of the provisions of the variation is presented in *Section 5: Structure Plan – Ruakura*, *Section 6: Zone Provisions*, *Section 7: Other General Rules for All Zones*, *Section 8: City Wide Provisions*, *Section 9: Definitions*, *Section 10: Information Requirements*, *Section 11: Assessment Criteria*.

PART B EVALUATION

3 PREPARATION OF THE VARIATION

Preparation of this variation has not followed the standard approach for those reasons explained in section 1 above. Understanding this unique approach will assist parties with the review of the provisions themselves.

The following principles underpinned the drafting exercise:

1. The provisions confirmed by the BOI were adopted wherever possible, and conversely, where amendments to the BOI provisions have been made these are explained where they are significant to a policy position or rule statement, as part of the section 32 assessment;
2. The provisions of the PDP (Appeals version) for which decisions have been made (and that may be subject to appeal) were adopted unless there was a justifiable resource management reason to amend them, and these amendments have been explained in relation to any significant policy shift or rule revision as part of the section 32 assessment. The clearest example relates to the City wide provisions of the PDP (Chapter 25) where many of the provisions adopted in the variation have been through full notification, hearing and decision making steps including mediation and consent orders, and in circumstances where there is no significant loss of intent, it is appropriate to adopt these confirmed PDP provisions;
3. Where the BOI decision is 'overlaid' on the same area of the City that is also managed under the PDP then it is appropriate to rely on the section 32 assessment completed during the BOI process accompanied by any additional information to support the 'adopted' planning provisions in the variation. Examples are Chapters 8, 10 and 11.
4. Where the Board's provisions now are proposed to apply to an area outside that area for which the Board had jurisdiction and now is part of the subject area of the variation (the wider R1 Area) then a s32 evaluation was completed to support the inclusion of the planning provisions in the variation.
5. In all cases the s32 assessment carried out considered the consistency of these provisions with the city wide planning framework and the general administration of the Plan. The section 32 assessment therefore has provided the means to reconcile some apparently 'competing' provisions between the Board decision and the provisions of the PDP.

6. To reflect the above assessments, the text in the variation itself is presented:
 - **Chapters 8, 10 and 11**
 - Standard black text is derived from the BOI decision;
 - Track changed text is as originally notified in the PDP; and
 - Track changed *italics* is used for new text not identified in the BOI decision or the Notified PDP and is proposed by the Council technical drafting team.
 - **Remaining chapters (excluding 8, 10 and 11)**
 - Standard black text is derived from the PDP Appeals Version October 2015;
 - Track changed text is from the BOI decision; and
 - Track changed *italics* is used for new text not identified in the BOI decision or the PDP Appeals Version and is proposed by the technical drafting team.

Appendix 2 records the provisions of the variation with the text notated in accordance with point 6 above. This step is necessary to interpret the topic and or provision-specific s32 assessments that follow to affirm that the changed provisions are appropriate for achieving the purpose of the Act and also their efficiency and effectiveness as a method. This provides the planning context for the variation and is track changed into the PDP Appeals Version October 2015.

Appendix 3 is the notified version. This is “Variation No.1: Ruakura” to the PDP Appeals Version October 2015. This is the appendix that is subject to submissions.

7. In summary, the variation (“Variation No.1: Ruakura”) comprises the proposed changes to the following sections of the PDP:

- Chapter 1 Plan Overview
- Chapter 2.2.4 Strategic Framework – Objectives and Policies
- Chapter 3.7 Structure Plans – Ruakura
- Chapter 8: Knowledge Zone
- Chapter 10: Ruakura Logistics Zone
- Chapter 11: Ruakura Industrial Park
- Chapter 15: Open Space Zones
- Chapter 23: Subdivision
- Chapter 25: City Wide – specifically 25.7 and 25.8
- Appendix 1.1.2 Definitions used in the Plan
- Appendix 1.2.20 - 27 Information Requirements
- Appendix 1.3.2 Controlled Activities – Matters of Control – F Ruakura
- Appendix 1.3.3 Restricted Discretionary, Discretionary and Non Complying Assessment Criteria – N Ruakura
- Appendix 2 Structure Plans – Figures 2-14 – 2-18
- Appendix 3 Residential Zones – Figure 3-3
- Appendix 17 Planning Maps

4 THE SECTION 32 EVALUATION FRAMEWORK

Sections 5 – 11 provide the s32 evaluation to meet the Council’s duty set out in *section 2* of this report.

Overall Evaluation Framework

The Appropriate Level of Detail (section 32(1)(c))

This proposal was determined by the Minister for the Environment to be a matter of national significance. The final decision of the BOI set up under s149P of the Act confirms a new schedule (Schedule 25H Ruakura) that enables a number of new areas (zones in the PDP) to be established which includes a logistics area that provides for an inland port and its operation, and two related industrial park zones.

The final decision of the Board is succinct in this regard:

- A We approve the plan change subject to the amendments we outlined in our draft decision, and in our decision on the comments we received to it. The amendments have been incorporated into Volume 2.*
- B The Hamilton District Plan: Waikato Section 2012 is amended as follows:*
- (a) Schedule 25H Ruakura is added to Chapter 25 (text and maps);*
 - (b) Rule 25.5 Prohibited Activities is amended;*
 - (c) Chapter 6 Built Environment is amended;*
 - (d) Planning Maps 14 and 20 are amended.*

This variation provides the method for integration of the BOI’s decision that confirmed amendments to the Operative District Plan with those PDP provisions that were deferred from the hearings process in 2013. The rationale for this has been considered in *Section 2.2: Integration of Provisions from Operative and Proposed District Plans*, above.

The issue is not whether there is merit in adopting planning provisions confirmed by the Board decision in the PDP, but how that integration should occur.

An evaluation report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the proposal (under Section 32(1)(c)). Variation No.1 (Ruakura) to the Hamilton PDP is considered to be of medium to high scale and significance for the following reasons (as identified in BOI evidence):

- the Minister for the Environment determined the Plan Change to the Operative District Plan to be a matter of national significance;
- the variation area includes approximately 822ha of land for urban development;
- the Ruakura growth cell centred on the Inland Port is anticipated to enable economic growth equivalent to \$4.4 billion dollars;
- the Ruakura growth cell is expected to create 11,000 jobs by 2061, of which 8000 are new jobs, not all would be located within Ruakura;

- the Ruakura growth cell will attract approximately \$3 billion of direct investment;
- there is provision for approximately 1800 new dwellings; and
- many of the potential environmental, social and cultural effects anticipated by this proposal are to be localised and contained within the variation area, or its surrounds.

Overall, the approach is considered consistent with section 32(1)(c) which requires an evaluation report under this Act must –

“Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.”

The Evaluation Exercise

In this variation, for each chapter and or topic where amendment to the PDP is proposed, a table provides the starting or ‘baseline’ assessments for the consideration of the provisions adopted in this variation. This table summarises at a high level the separate but often overlapping BOI section 32AA and Hamilton City Council s32 and s32AA assessments completed that are relevant to the Council’s current s32 assessment for this variation. This assessment is done on a chapter or topic/rule basis depending on the nature, scale and or extent of the change sought to be introduced through the variation.

For each chapter, topic or rule change proposed, the table is divided into two columns to record in the first (or left) column those relevant provision references relating to the BOI decision and in the second (or right hand) column those comparable District Plan provisions.

The table then is broken down into a series of rows (or sub headings) referenced “A” to “E”, as follows:

- Sub headings A and B provide summary commentaries that cross reference to the relevant existing s32 or s32AA assessments;
- Sub heading C relates solely to the Applicant’s two s32 assessments (dated 31 October 2014 and 9 June 20214) that supported the private plan change request to the Board;
- Sub heading D provides an overall summary in relation to the s32AA assessment by the Board and the Hamilton City Council s32 assessment in relation to the PDP as notified (November 2012) or at the time decisions were released (September 2014); and
- Sub heading E notes where new provisions are included in the variation derived from the Board decision, and this provision(s) is an objective, policy, or rule that warrants a further s32 assessment, or is a new provision(s) as an objective, policy or rule in the variations which departs from provisions in the PDP and also warrant a further s32 assessment.
- See example below

A Board of Inquiry (BOI) decision – September 2014	A Proposed District Plan (Appeals version)
...E Additional Assessments to meet s32 duty	...E Additional Assessments to meet s32 duty
Topics/changes required to be discussed further to address S32 from the BOI decision.	Topics/changes required to be discussed further to address S32 from the PDP.

Specific S32 Assessment Criteria

Not all text in the variation that is notated for amendment in Appendix 3 has been evaluated for inclusion in this s32 assessment. The following evaluation has been targeted to those provisions where there is a significant shift in the provisions compared to the existing approach from either the BOI decision or the PDP. The significant shift may be with the objective and or the management regime to promote enhanced environmental outcomes.

Reasonably practicable options

An assessment of Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2)) is outlined.

Costs and Benefits

The commentary regarding costs and benefits in the evaluation (Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))) is in relation to whether the change or shift is to constrain or enable/liberalise the status quo position presented in the BOI decision or the PDP. This approach is considered to be in line with the approach under section 32(2)(a) where benefits and costs are to be identified and assessed.

With respect to section 32(2)(b) in many cases it is not practicable to quantify the benefits and costs of the options assessed (Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2)) and described in this evaluation.

In this regard, the BOI decision is also relied on to confirm that the economic basis upon which the Plan Change is predicated is sound; so the same economic case that supported the concept for an inland port is also adopted and relied upon to support the economic case in this variation.

5 STRUCTURE PLAN: RUAKURA PROVISIONS

5.1 Introduction

This section covers the provisions (the objectives, policies and rules) promoted in this variation for amendment of the following PDP chapters:

2. Chapter 1 – Plan Overview;
3. Chapter 2 – Strategic Framework;
4. Chapter 3.7 – Structure Plans, Ruakura;
5. Appendix 2-14 – 18 Structure Plan Figures; and
6. Planning Maps (Ruakura Structure Plan area).

5.2 Chapter 1 Plan Overview

There is a need to insert a new section that updates the PDP to refer to the Ruakura Development Plan: Board of Inquiry Decision and provide context to this. Other minor editorial amendments are necessary to recognise the BOI process and to ensure the notification or non notification processes are provided for.

The notification provisions are covered in different places in the variation document. Chapter 1 Plan Overview addresses the wider notification provisions, Chapter 3.7 Ruakura specifies the notification provisions for Land Development Plans in Rule 3.7.3.2.3 (*see Section 5.4.5.2*) and within zone specific chapters (*See Sections 6.2, 6.3.4 and 6.4.5*) additional notification provisions are included.

Proposal	Costs	Benefits
Option A: Incorporate editorial amendments and integrate the BOI decision for notification provisions within the PDP framework in Chapter 3.7 Ruakura.	Amendment to the approach presented in the BOI decision.	Allows for one method and location for addressing notification in relation to Ruakura within the PDP.
Option B: Provide for the BOI decision notification provisions separately within each relevant chapter.	Unnecessary duplication and creates misalignment with the wider PDP approach.	Gives effect to the BOI decision and structure of the document.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The integration of the BOI decision into the PDP framework whilst still providing for the outcomes of the BOI decision is the most effective and efficient option. This will ensure one place in the plan exists around where the notification provisions sit.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

Option A will allow for the efficient and effective integration of the BOI decision for notification into the PDP framework.

5.3 Chapter 2: Strategic Framework and Chapter 3.7: Ruakura

A BOI (BOI) Decision – September 2014	A Proposed District Plan (Appeals version) – September 2014
<p>Chapter 18 Section 32 Summary: Paragraphs 1093-1100 cover the overall s32 and section 32AA processes followed. Paragraphs 1101-1103 cover the Plan Change Objectives as they have been revised. Paragraphs 1104-1110 covers the Plan Change policies, rules and other methods.</p>	<p>PDP Chapter 3.7 Ruakura Structure Plan: Relevant s32 Analysis report is dated November 2012. Refer to Chapter 3.10 (page 3-38)-3.12 (page 3-63).</p>
B BOI s32AA commentary in relation to proposed variation	B S32 Commentary relevant to proposed variation
<p>Chapter 19 Conclusion: Paragraph 1112 confirms that the provisions now included in the Plan Change promote the sustainable management of natural and physical resources within the definition of the Act. Paragraph 1112(o) concludes that with the land within the Plan Change area predominantly owned by two parties development can be comprehensively designed in an integrated manner addressing urban design and infrastructure service provision. The proposal is of a scale and nature that is unique.</p>	<p>Objectives support the creation of a regionally significant transport hub underpinned by its locational advantages, economic drivers and freight demand forecasts. Supporting objectives promote research, education and technology services, the provision for an industrial park having distinctive amenity, locally focused retail facilities to serve a residential and working area. The objectives are considered the most appropriate to achieve the purpose of the Act. The supporting policies are considered the most appropriate for achieving the objectives in terms of effectiveness, efficiency and costs and benefits. The rules relating to management of the Structure Plan area, integrated catchment management, infrastructure, staging (for the residential area, Knowledge Zone, Logistics Zone, Industrial Park Zone) are considered essential and the most appropriate to achieve the objectives.</p>
C Applicant's Section 32 Assessments	
<p>31 October 2013 (relating to notified Change): Summary canvasses the reasons for the adoption of the legacy plan (Hamilton City Operative District Plan: Waikato Section) as the basis to incorporate Schedule 25H. Section 2.1 – 2.8 sets out the strategic and structure planning rationale.</p>	
<p>9 June 2014 (relating to amended Change as at 26 May): Chapter 1.0: Strategic Framework Provisions. New objectives and policies were included to form the Strategic Framework (SF) provisions. These direct and focus development in the Structure Plan area in accordance with FutureProof, the Regional Policy Statement and Hamilton Urban Growth Strategy and therefore apply an over arching strategic framework. Objectives 25H.4.SF.1 to .9 refer. These provisions replicate PDP Strategic Framework Objectives 2.2.1-2.2.6, 2.2.8, 2.2.11, and 2.2.13. 25H.4.SF.10 is a new strategic framework objective and can be incorporated into the variation specifically under Ruakura Objectives and Policies. Collectively, the provisions are the most appropriate way to achieve the integrated growth of the area in terms of infrastructure and land use development, the preservation and enhancement of Hamilton's natural environment and will encourage a sustainable urban form while promoting the economic, social and environmental needs of the community.</p>	
D BOI Overall section 32AA Conclusion	D Overall section 32 Conclusion
<p>S32 assessments determine that the various tests re effectiveness and efficiency, and costs and benefits, and appropriateness in achieving the purpose of the Act can be satisfied by the Plan Change request. Paragraph 1112 itemises the elements (listed in clauses (a)-(o)) of the Plan Change that overall promote the sustainable management of natural and physical resources.</p>	<p>The structure planning process is confirmed as being a valuable tool to achieve integrated management of the effects of developing large land areas and in addressing sustainable management in an urban context. The objectives in Chapter 3.3 relating to structure planning are the most appropriate to achieving the over arching purpose of sustainable management.</p>

Paragraph 1112 confirms that through evaluation the provisions now finalised will be sufficient to mitigate potentially adverse effects.	Structure Plans are already provided for at Peacocke, Rototuna and Rotokauri and is an appropriate management framework to adopt for the Ruakura/R1 Area incorporated in to Hamilton City during 2011.
F Additional Assessments to meet s32 duty	F Additional Assessments to meet s32 duty
<p>Chapter 2 Strategic Framework 2.2.4a Ruakura Retail Centre.</p> <p>A new structure plan objective can be incorporated into the variation.</p> <p>25H.4.SF.10 Objective: Development and land use activities in the Ruakura Structure Plan Area are designed, developed and implemented in a manner which protects the amenity values of the surrounding communities and facilities, while providing for urbanisation.</p> <p>Rules:</p> <p>Adopt Land Development 25H.11</p> <p>Adopt Staging and Traffic Requirements 25H.12</p>	<p>Editorial review 3.7.1 Structure Plan Components</p> <p>Wider assessment strategic infrastructure provisions.</p> <p>Rules:</p> <p>Delete Rule 3.7.3 Rules – Ruakura Structure Plan Area Planning Maps:</p> <p>Replace supporting planning maps: Volume 2 – Appendix 2: Structure Plans (Figures 2-14 – 2-19) and Volume 2- Appendix 17 Planning Maps (Maps 48A etc)</p>

5.3 Chapter 2 Strategic Framework

New policy Ruakura Retail Centre 2.2.4a iv.

Ruakura Retail Centre, to serve the Ruakura Structure Plan area and adjacent catchment.

The above amendment to the Strategic Framework chapter is appropriate to give effect to the Ruakura Retail Centre confirmed as part of the BOI decision. Whilst the Ruakura Retail Centre forms part of the Business Hierarchy, the relevant objectives, policies and rules for the centre sit within Chapter 8 Knowledge Zone to allow for easier interpretation within the structure plan.

Please refer to section 6.4.4 for related discussion.

5.4 Chapter 3 Structure Plans

Section 3.7 Ruakura has been through significant amendment as part of integrating the BOI decision into the PDP framework. The incorporation of the BOI decision has also contributed to new text insertions and deletions from the PDP approach. All substantive amendments or changes are discussed in detail below:

- 5.4.1 Key Objectives and Policies (3.7.2.2 and 3.7)
- 5.4.2 Structure Plan Components (3.7.1)
- 5.4.3 Giving Effect to the RPS - The Rationale for Safeguarding 405 hectares (3.7i)
- 5.4.4 New Policies 3.7.2.4b and 3.7.2.4e
- 5.4.5 New Term - Ruakura Strategic Infrastructure
 1. New Rules governing the process of urbanisation (3.7o)
 2. Land Development Rule (3.7.3.2)
 3. Staging and Traffic Requirements Rule (3.7.3.3)
 4. Traffic Generation Rule (3.7.3.3.7)
- 5.4.6 Ruakura Structure Plan Figures 2-14 – 2-18
- 5.4.7. Appendix 17 - Planning Maps

5.4.1 Key Objective and Policies (3.7.2.2)

The objective states:

‘Development and land use activities in the Ruakura Structure Plan ~~Schedule Area~~ are designed, developed and implemented in a manner which protects the amenity values of the surrounding communities and facilities, while providing for urbanisation.’

The policy states:

Development and land use will:

- I. Ensure an appropriate level of urban residential amenity in relation to existing and future residential activities; and*
- II. Ensure an appropriate level of amenity in relation to existing and future facilities including the University of Waikato, Waikato Innovation Park and AgResearch.*

This shall be achieved by:

- I. Mitigating the adverse effects of noise, vibration, lighting, glare, odour, dust, and air emissions; and*
- II. Ensuring attractively designed buildings and landscaped frontages to key public frontages; and*
- III. Screening and landscaping adjoining sensitive activities.*

The above structure plan objective is in addition to those confirmed provisions presented under Chapter 2.2 Strategic Framework in the PDP already (25H.4.SF1-9).

The vision statement for Ruakura 3.7 (25H.3.1) promotes creation of a significant employment area based around the development of a regional logistics hub which over time will form a catalyst for further development in Ruakura. The consequence of the urbanisation needed to achieve this vision is land use change and this inevitably brings a change in the nature and scale of the effects being received by existing land uses in the area such as the local communities and existing businesses and major public facilities. This change in amenity effects is recognised. Such amenity values cannot be maintained during the process of urbanisation and the new zonings that will be put in place by the variation. The word “protects” rather than ‘maintains’ reflects this understanding. The phrase “...while providing for urbanisation” acknowledges that change is going to occur resulting from this gradual process of new urban development over the planning period of this District Plan and longer.

The elements contributing to amenity values are focused on in the policy and these relate to residential amenity and the amenity of the established public facilities in the area by managing specific potential adverse effects such as noise and vibration for example, promoting attractively designed and oriented buildings on public frontages and by achieving screening and landscaping adjoining sensitive residential areas and facilities.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt the above objective and supporting policy in 3.7.2.2, and incorporate the BOI decision for policies within 3.7.2.2b – g	Goes beyond the BOI decision.	Recognises the existing environment at Ruakura as the appropriate basis for which to manage the social, economic and environmental values

(25H.4.1) and include a reference to Waikato Innovation Park		associated with achieving urbanisation at Ruakura and the potential impacts of this on communities and facilities
Option B: Adopt the above objective 3.7.2.2 and policy 3.7.2.2a without an amendment to include Waikato Innovation Park	Does not recognise the existing environment at Ruakura	Does recognise the existing environment at Ruakura as determined in the Plan Change confirmed by the BOI

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

This new objective as amended in Option A is the most appropriate way to achieve the purpose of the Act because it recognises the value of new business and employment activities which will enable people and communities to provide for their social, economic and cultural well-being and for their health and safety while sustaining natural and physical resources at Ruakura.

This objective is considered to be the most efficient to achieve the overall purpose and development of Ruakura.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are consistent with and will give effect to the vision statement for Ruakura while acknowledging that land use change envisaged for the Ruakura Area inevitably brings change to land use patterns and amenity effects.

5.4.2 Structure Plan Components 3.7.1

During preparation of the variation it became evident that additional clarification could be provided within the Structure Plan Components section to improve interpretation by Plan users. Amendments have been made to 3.7.1.7 Transportation Network, 3.7.1.8 Open Space Network, 3.7.1.9 Stormwater, 3.7.1.10 Water and Wastewater and new subheadings for 3.7.1.11 Indicative Infrastructure Development Programme and 3.7.1.12 Connections to Ruakura Strategic Infrastructure.

The amendments and insertions covered in the structure plan components provide the additional clarity and foundation for the provisions in section 3.7 and are the most efficient and effective method for giving effect to the overall purpose and development of Ruakura.

5.4.3 Giving Effect to the RPS - The Rationale for Safeguarding 405 hectares (3.7i)

Feedback provided in response to the consideration of the draft variation questioned the rationale for and therefore the need to provide for an industrial node anchored around Ruakura of up to 405 hectares as determined under the Waikato Regional Policy Statement (RPS).

The resource management issue is whether the Ruakura Structure Plan (Figure 2-14) map should show the area described as the “Ryburn/Percival Road enclave” as “Ruakura Logistics” to be

consistent with the RPS when its current zoning as “Large Lot Residential” is anticipated to remain beyond the life of the Plan.

The statutory planning framework is clear; section 75(3) RMA 1991 requires that a district plan must give effect to any national policy statement, including New Zealand Coastal Policy Statement and any regional policy statement. The critical words are ‘..must give effect to..’

A regional policy statement therefore can direct the practical implementation of strategic planning through a district plan. The resource consenting process incorporated in district plan provisions must therefore give effect to any strategic directives and must also be justified under section 32 in terms of efficiency and effectiveness.

The BOI decision endorsed this regional land allocation framework at paragraphs 39-45 and 84-87.

The second resource management issue is how does the District Plan and this variation ‘give effect to’ the RPS? That assessment follows.

The RPS land allocation framework is anchored in the Future Proof Land Use Pattern 2006-2061 confirmed by consent order in July 2014 as being consistent with achieving the purpose of the RMA. Policy 6.13 Adopting Future Proof Land Use Pattern is region-wide, strategic and specific in the development framework to be implemented through district plans.

In summary, the regional framework considers and directs to locations:

- New urban development;
- New residential development;
- New industrial development relying predominantly of agglomeration to strategic industrial nodes; and
- Enables other industrial development not undermining the identified strategic industrial nodes and satisfying criteria to enable alternate land release.

In this context the Ruakura industrial node is identified as “part of an 820 ha parcel of land that has been identified by the Hamilton City Council for future urban growth known as the R1 growth cell’. The 405 hectares identified in Table 6-2 of the RPS ‘comprises the Ruakura inland port and logistics zone (approximately 195 ha) and the general industrial land (approximately 210 ha) to be advanced through a district plan structure planning process and subsequent Resource Management Act First Schedule process.’

The location and scale of future industrial land is settled insofar as the RPS is concerned. Therefore the Ruakura Structure Plan map prepared as part of the variation must ‘give effect to’ this directive. The view therefore is that the mapping should show this and or any written explanation should support this so as to inform Plan users.

There is no published evidence to suggest there is scope to promote alternative locations for the delivery long term of the 405 hectare allocation except by satisfying the regional criteria set out in policy 6.13.3. To date, neither the Council nor any other party has determined that alternative land release (area, location) is appropriate and able to satisfy those criteria.

In summary, the preference is that:

1. The proposed notation of ‘Ruakura Logistics’ should be identified on the land described as “Ryburn/Percival Road enclave” on the Structure Plan map; and
2. Long term, the change of zoning be implemented through the established First Schedule processes under the RMA.

Proposal	Costs	Benefits
Option A: Align the Ruakura Structure Plan map with RPS regional land allocation tables to provide for 405 hectares for industrial activities in Ruakura.	Uncertainty to landowners and the market resulting from the ‘shadow’ of a Logistics zoning applying long term. Raises the concern whether this approach provides for the reasonable use of land under s85 RMA.	Consistency with the RPS satisfies the Council’s statutory duty to ‘give effect to’ regional policy.
Option B: Not align the Ruakura Structure Plan map with RPS regional land allocation tables by excluding 35 hectares for the Ryburn/Percival Road enclave from this table for Ruakura.	Undermines the operative land allocation provisions of the RPS. Will not satisfy the Council’s statutory duty to ‘give effect to’ regional policy. Will undermine the agglomeration benefits considered important in the Board decision.	Provides more certainty to landowners regarding the future use of their land and saleability/market support.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

The provisions under Option A reflect the BOI’s decision. Over time this approach will be accommodated through regulatory methods in a future district plan. This approach is considered an efficient and effective mechanism to implement strategic planning policy in the District Plan. By safeguarding this strategic land use scenario this is determined to promote the sustainability purpose of the Act.

The alternative option (Option B) of not signalling the long term expectation for a logistics zoning to apply to this “Ryburn/Percival Road enclave” will undermine the agglomeration benefits associated with this site that was recognised through the BOI decision and potentially also undermine the long term regional strategy insofar as where the ‘lost’ 35 hectare land parcel could be reallocated within the current urban framework of the region.

Option A is therefore assessed to be a regionally compliant strategy and the preferred option with respect to section 32 considerations of efficiency and effectiveness. Alternatively, Option B cannot be considered to ‘give effect to’ the regional policy directive of Policy 6.13 Adopting Future Proof land use pattern. The risk of not acting to achieve consistency with regional policy would present a fundamental challenge to the RPS.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This two-step (short term, long term) approach addresses this sensitive issue in an integrated and consistent manner with operative regional policy and will be the most appropriate method and should be adopted in of the variation.

5.4.4 New Policies 3.7.2.4b and 3.7.2.4e

Feedback received on the draft variation provisions emphasised the role of the transport network in supporting efficient passenger transport and walking and cycling. Recognition that additional policies under Objective 3.7.2.4 '*An integrated and efficient pattern of land use and transportation so as to sustainably manage the impact of development on existing and planned transport infrastructure including Ruakura Strategic Infrastructure*' are proposed. The two new policies relate to supporting an efficient network for passenger transport and cycling and walking, and improving safety, accessibility and connectivity within the transportation network.

Proposal	Costs	Benefits
Option A: Include two new policies under Objective 3.7.2.4 that address efficiency in passenger transport, walking and cycling and improving safety, accessibility and connectivity within the transportation network.	Additional consideration during Land Development Plan application stage.	Provides more certainty to landowners and the wider community to enable greater efficiency in passenger transport, walking and cycling and improving safety, accessibility and connectivity within the transportation network.
Option B: Retain the Objective 3.7.2.4 as currently drafted.	Provides no certainty to landowners and the wider community and would not provide for improved efficiency in passenger transport, walking and cycling and improving safety, accessibility and connectivity within the transportation network.	No change required.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

For the reasons outlined above Option A is the most efficient and effective means of achieving an integrated and efficient pattern of development.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The inclusion of two policies for Objective 3.7.2.4 will provide certainty to the wider community of the outcomes sought in passenger transport, walking and cycling and wider connectivity of the network.

5.4.5 New Term - Ruakura Strategic Infrastructure (3.7e)

Crucial to the urbanisation of the Ruakura Area (R1) is the Council's ongoing need to provide urban level infrastructure to the area that is managed in a co-ordinated and sustainable manner. Council has now identified those strategic public infrastructure services (wastewater, stormwater, water,

open space and transport) that need management in their delivery and in their future connections to existing City wide services. The new term adopted in the variation is - Ruakura Strategic Infrastructure. These services are described and explained in Chapter 3.7 Ruakura and illustrated in Figures 2-15A and 2-15B.

The provisions confirmed by the Board of Inquiry have therefore been refined to take account of further technical work and an improved understanding of the Council’s role for the management of the City wide network for infrastructure and the capacity of those services to meet future demand. The variation now provides a description of these key elements: the general form and function of the transport network and the Spine Road in particular, the open space network and its multi-functional requirements, and the need to achieve the integrated management for water, stormwater and wastewater.

The Land Development Plan mechanism remains the resource consenting method to implement the Ruakura Strategic Infrastructure.

The objectives and policies have therefore been strengthened to refer to the Ruakura Strategic Infrastructure (Objectives 3.7.2.3 and policies; objective 3.7.2.4; and objective 3.7.2.5) and assessment criteria require explicit consideration of these linkages/relationships with and between the Ruakura Strategic Infrastructure when assessing Land Development Plans.

The amended and new rules include Rules 3.7.3.1 (Ruakura Structure Plan Area), 3.7.3.3 (Staging and Traffic Requirements) and 3.7.3.4 (Ruakura Strategic Infrastructure). Overall, these amendments strengthen the Council’s ability to manage the overall staging of infrastructure for the urbanisation of the area.

Reasonably Practicable Options for Achieving the Objectives (Section 32 (1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt the Board of Inquiry decision and approach to confirm the provision of infrastructure services throughout the R1 Area	Now not viewed as providing the best practicable approach because there now is a greater technical understanding available of the performance of the infrastructure services across the City in catering for urban growth and development	Provisions specifically developed during Board process.
Option B: Amend, based on Council refinement of the need for and provision of strategic infrastructure services (Ruakura Strategic Infrastructure)	An applicant will be required to provide more high level information, modelling and assessment to ensure infrastructure services are provided or are able to be provided in the future that will be consistent with the Ruakura Strategic Infrastructure.	Further Council expert advice has determined that Ruakura key infrastructure can be managed better under a strengthened policy and rule regime to achieve sustainable urban management. The adoption of this Ruakura Strategic Infrastructure framework will assist the Council, an applicant, and the community to achieve the sustainable provision of

		infrastructure services in the long term for this area.
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Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 32(1)(b)(ii).

The option noted as Option A reflects the Board decision but expert advice now suggests an alternative approach will better achieve the sustainability purpose of the Act. Option B has been assessed to provide a more acceptable basis for the management of key infrastructure in Ruakura on a citywide basis.

Option B is an efficient and effective method for the management of Ruakura key infrastructure while not compromising the sustainable provision of city wide infrastructure

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii)

This management method (explanatory text, objectives, policies, rules and assessment criteria) is the most appropriate way to achieve the objectives of the variation and for the provision of urban level infrastructure services on an integrated and sustainable manner and therefore should be adopted in the variation.

5.4.5.1 New Rules governing the process of urbanisation

The Board’s consideration of the two key rules is set out in Chapter 13 Transport of its final report. Land Development (25H.11) and Staging and Traffic Requirements (25H.12 and including 25H.12.7) provide the strategic and integrated rule framework for the management of the urbanisation of greenfield land in eastern Hamilton that comprises the Ruakura R1 Area. A detailed discussion of the relevance of these provisions to the variation is provided below.

5.4.5.2 Land Development Rule 3.7.3.2 (25H.11)

When considered together the preceding s32 and section 32AA Assessments have confirmed that:

- The Objectives for the Ruakura Structure Plan Area are the most appropriate to achieve the purpose of the Act; and
- The Policies for the Ruakura Structure Plan Area are the most appropriate to achieve the objective(s); and
- The Rules for the Ruakura Structure Plan Area are the most appropriate method to achieve the objective(s).

The BOI decision confirmed the adoption of one new rule mechanism to manage the urban development or urbanisation process in greenfield sites within the Schedule Area. In Section 2 of the Applicant’s section 32 Assessment (9 June 2014) the Land Development Plan rule is confirmed as the most appropriate way to achieve the Objectives as it provides for or enables a comprehensive and integrated approach to development overall in the Ruakura R1 Area.

The s32 evaluation exercise below is to confirm that this approach is appropriate to achieve integrated management of natural and physical resources throughout the whole of the Ruakura R1 Area and not just half the area considered during the Board’s process.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Land Development Plan rule adopted for balance of R1 Area in the Ruakura Structure Plan (with the exception for Precincts A, B and D in the Knowledge Zone and the Percival/Ryburn Large Lot Residential Zone)	Substantial technical analysis and reporting including infrastructure funding agreements are required for the preparation and lodgement of a Land Development Plan by the applicant. Substantial technical input is required from Council in processing Plans of this scale and complexity.	The R1 Area administered by a single set of rules to provide for urbanisation. Assists the two major land owners to comprehensively plan and manage the development process. Assists the Council to adopt a standard approach to meet its regulatory functions. Provides an effective and efficient method as is a practical approach agreed to by parties during the Board process.
Option B: Land Development Plan rule not extended to include the balance of the R1 Area in the Ruakura Structure Plan, and the existing staging rule under PDP Rule 3.7.3.3-3.7.3.6 apply	The R1 Area administered by two sets of rules to provide for urbanisation. Does not assist the two major land owners to comprehensively plan and manage the development process. Does not assist Council with administration of its consenting process dealing with two approaches to meet its regulatory functions. May not provide for the integrated management of natural and physical resources due to different information and consenting requirements.	May provide an easier and cheaper approach to urbanisation on a site by site rather than on an integrated and comprehensive basis.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Considered with the accompanying staging and traffic rules, the management of the urbanisation process will occur in an integrated manner and provide for the efficient and effective management of greenfield conversion to urban development in the future.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The Land Development Plan rule sets out the detailed information requirements and matters for assessment to achieve a range of objectives that support the process of urbanisation of greenfield areas. The objectives concern services capacity, integration with infrastructure, the management of

effects and the provision of open space. The ‘macro’ level assessment of land development on three waters infrastructure and the road network required for these large greenfield areas offers benefits to the developer and the Council through this comprehensive and integrated approach to urban development in the Ruakura R1 Area. The rules are most appropriate to achieve the vision and the objectives for the Ruakura Structure Plan Area (R1) and therefore should be adopted in the variation. This includes a new provision within 3.7.3.2.1c) *Land development and new buildings in the absence of a Land Development Plan is Non-Complying*. This provision has been inserted to clarify any status of activities in the absence of a Land Development Plan.

Please refer to section 5.4.5 Figure 2-16 Land Development Plan Areas for related discussion.

5.4.5.3 Staging and Traffic Requirements Rule 3.7.3.3 (25H.12)

The second new rule confirmed in the BOI decision concerns the Staging and Traffic Requirements Rule.

When considered together the preceding s32 and section 32AA Assessments have confirmed that:

- The Objectives for the Ruakura Structure Plan Area are the most appropriate to achieve the purpose of the Act; and
- The Policies for the Ruakura Structure Plan Area are the most appropriate to achieve the objective(s); and
- The Rules for the Ruakura Structure Plan Area are the most appropriate method to achieve the Objective(s).

The BOI decision confirmed the adoption of a revised staging rule mechanism to manage the urban development or urbanisation process in greenfield sites within the Schedule Area. These staging rules are an integral part of the information and modelling to be satisfied in the Land Development Plan consenting process. In Section 4 of the Applicant’s section 32 Assessment (9 June 2014) the new staging “pre-condition” rules are considered in relation to the development of the inland port and the neighbouring logistics and industrial park areas. This rule supersedes the 1:4 ratio (Rule 3.7.3.4(a)(iii) in the Proposed District Plan. The new rule is unambiguous, certain to administer and a more appropriate way to achieve the objectives for urbanisation of the R1 Area.

This approach still recognises the potential agglomeration and co-location benefits for industry locating close to the staged development of the inland port through the Industrial Land Staging Rule (25H.12.1 and 25H.12.2) and is consistent with the RPS strategic allocation up to 2041, the management of traffic generated effects from the establishment of the Ruakura Retail Centre in Rule 3.7.3.3.3 (25H.12.3) and a Medium Density Residential Staging Rule 3.7.3.3.4 (25H.12.4). The information requirements and staging activity status rules are part of Rule 3.7.3.3.6 (25H.12.6) and Information Requirements 1.2.2.25 (25H.12.7) and guide Council administration processes for these consents.

This rule (which comprises a series of staging rules) is expected to manage large increases in traffic that will require connections from greenfield areas to the existing City roading network. The Plan Change now provides for the effects on the transport network to be considered at the time approval is sought for a Land Development Plan. Rules relating to staging and triggers relating to increased traffic volumes will require certain actions to be taken as pre-conditions to further development of

greenfield sites. The triggers themselves are derived from extensive modelling as part of the Waikato Regional Transportation Model overseen by FutureProof partners (Hamilton City Council, Waikato District Council, Waikato Regional Council, New Zealand Transport Agency) and as noted by the Board “it does not represent the interests of any one entity”.

Effects on existing roads, the timing of new roads and the transport effects arising from the Ruakura Retail Centre are considered and provide the basis for the triggers and the requirements for Integrated Transport Assessments.

Feedback received on the draft variation provisions sought staging triggers for the construction of the Spine Road. A new insertion to 3.7.3.3d) Spine Road Construction Trigger has been included which clarifies the appropriate LDP Areas and Spine Road construction requirements. This provides certainty to Council, the developer and the wider Ruakura community and is the most efficient method for addressing Spine Road construction.

The s32 evaluation exercise below is to confirm that this approach is appropriate to achieve integrated management of natural and physical resources throughout the whole of the Ruakura R1 Area and not just half the area considered during the Board’s process.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt the traffic and staging rules as determined by the BOI for the R1 Area.	Costs limited given the assessments are with respect to the Regional Transport Model that is supported by all FutureProof partners.	More efficient and effective in addressing potential traffic effects in an integrated and comprehensive manner.
Option B: Adopt the staging and traffic rules as presented in the notified version of the Hamilton City Proposed District Plan for the R1 Area	Provisions are out of step with Board’s determination and assessment by expert witnesses. Technically a more complex and costly exercise and unlikely to meet the strategic objectives and policies. Unlikely to provide for integrated transport assessments.	Not supported during BOI process.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

These provisions were confirmed during the Board process through technical and planning peer review as offering the more efficient and effective means to manage and monitor traffic effects on the City network over the planning period.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The staging rules provide clear triggers about the management of potential adverse traffic effects and to link the land development stages with network capacity and levels of infrastructure services.

The rules provide benefits that outweigh the costs associated with alternative approaches that provide for ad hoc and incremental urbanisation of large greenfield areas. These rules are efficient and effective because they link development with infrastructure capacity requirements. The Option A rules are most appropriate to achieve the vision and the objectives for the Ruakura Structure Plan Area (R1) and therefore should be adopted in the variation.

5.4.5.4 Traffic Generation Rule (3.7.3.3.7)

The Board’s consideration of this matter is at paragraph 948. An area wide trigger was agreed between the Transportation expert witnesses. This rule has been incorporated into the Plan Change, and is to apply for any activities establishing in the Logistics Zone and the Industrial Park Zone, but not the Knowledge Zone and Medium-Density Residential Zone. Where applicable, this is to ensure that any new activity will trigger an assessment of potential traffic impacts if the activity generates 1,500 or more vehicle movements per day. The threshold is derived from the modelling.

The Board’s section 32AA evaluation concerning the traffic generation trigger is presented at paragraph 949 and is developed further below to assess the efficacy of the trigger applying to the balance of the R1 Area that comprises the Ruakura Structure Plan Area.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt the rule – Any activity triggering trip generation thresholds of 1500 vehicles per day (vdp) requires resource consent as a restricted discretionary activity in the balance of the Ruakura R1 area.	Requirement of expert modelling and integrated transport assessments to be prepared which are demanding on staff and consultancy time and costs. Potential processing time and cost for Council to assess the potential adverse traffic effects on City network performance and its management.	More efficient and effective approach to address and potentially pre-empt adverse traffic effects on the City network. Less risk of development occurring without an appropriate assessment of effects through provision of the integrated Transport Assessment.
Option B: Not adopt this rule in the balance of the Ruakura R1 area.	Traffic engineering advice is that to extent the development area subject to this rule is a blunt approach and that matter can be addressed through the ITA approach. Would place direct and unnecessary additional cost burden on applicants.	Risk associated with potential traffic effects causing un-anticipated adverse effects on the City road network. Risk is assessed as low given approach to require an ITA for all greenfield development.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The traffic engineering advice to Council is not to adopt the specific traffic generation rule from the Board decision to the balance of the variation area. This is because the City Wide trigger for a broad ITA is an adequate planning framework to consider such matters under the PDP. The administration costs to Council and applicants outweigh any benefits that may accrue to the wider community from the imposition of this rule.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

In this case, the rule is not the most appropriate to achieve the vision and the objectives for the Ruakura Structure Plan Area (R1) and therefore should not be adopted in the balance of the variation.

5.4.6 Figures 2-14 – 2-18

Figure 2-14 Ruakura Structure Plan Area

The BOI decision assessed the inland port concept as a whole, but that was to be provided for in part only (approximately 50%) within the Ruakura 'Schedule' Area. The ECMT railway provided the northern boundary to the 'Ruakura Schedule Area' and land further to the north (in the balance of the R1 Area) is also required to sustain a viable port operation in the long term based on the evidence presented to the Board. This 'northern' area sits within the wider Ruakura Structure Plan Area. It is this 'balance area' of R1 and the Ruakura Schedule Area that is the focus of the current variation.

The urban growth strategy in the Waikato PRPS is in the form of 'Future Proof' which 'directs' 405 hectares of industrial land to be provided in this R1 Area that was transferred to Hamilton City in 2011. On this basis, in time, all land in the Ruakura Schedule Area considered by the BOI **and** land outside this area now included in the wider Ruakura Structure Plan Area (and being R1) to the north of the ECMT Railway should be 'zoned for industrial purposes' (primarily Logistics and Industrial Park). This approach aligns with the zoning approach presented in the Structure Plan Maps – Appendix 2 Figure 2-14 to the notified District Plan.

The one amendment to the Notified PDP Figure 2-14 is the land immediately north of Percival Road which has been amended from Ruakura Logistics Zone to Ruakura Industrial Park Zone. This is to appropriately align the boundaries of the two zones and allow for better integration of the Industrial Park Zone into the Logistics Zone. The land owners made Council aware that an Industrial Park Zone for this land would not compromise the intent of the Logistics Zone but would reflect the likely level of demand around the supporting Industrial Park Zone which has strong agglomeration benefits with the Logistics Zone.

A second amendment to reflect feedback received on the draft provisions has also been made. This relates to the zoning of general residential land at the north end of the structure plan. Chedworth Properties Limited owns the land and has sought a Medium Density Residential Zoning and provided technical assessments to support the zoning change.

Please refer to *section 6.5.4* for related discussion.

Figures 2-15A and B Ruakura Strategic Infrastructure

Please refer to *section 5.4.5* for related discussion.

Figure 2-16 Ruakura Land Development Plan Area

Figure 2-16 gives effect to the Board Decision which utilised 25H(3) to identify the LDP areas. The variation has continued with this approach and extended the LDP mechanism north of the railway

line to include land outside of the BOI decision. The additional LDP areas are based on land ownership and underlying zoning. The LDP mechanism is the key tool for adequately dealing with the below ground infrastructure and servicing prior to above ground development. The only other options is to not identify the LDP areas within the additional land north of the railway and rely on a LDP application to determine the relevant scale and size of an application. This could open up the growth to be more piecemeal and not provide Council with the certainty around how infrastructure and servicing needs are being met.

Feedback received on the draft Ruakura Variation sought retention, refinement and/or removal of Figure 2-16 Land Development Plan Areas. On further consideration Figure 2-16 for notification now includes refined (less) LDP Areas and gives effect to consented or lodged LDP applications.

Figure 2-16 provides a clear cross reference to Rule 3.7.3.2. Council considers this would avoid ad hoc or piecemeal development that would limit the provision of strategic infrastructure and may not lead to a cohesive pattern of development within the structure plan.

Please refer to *section 5.4.5.2* for related discussion.

Figure 2-17 Inland Port Building Setbacks and Landscape Controls

Figure 2-17 is the same as Figure 25H(4) in the Board's decision, which is traversed in detail from paragraph 502 onward of the Board's decision and concluded that there will be adverse visual effects at all stages that require mitigation through planting of a dense vegetative screen. The outcome of the Board's decision is supported and is included in the variation.

Figure 2-18 Cyclist and Pedestrian Network Plan

Figure 2-18 is similar to Figure 25H(5) in the Board's decision. An amendment has been made to include the existing Wairere Drive off road cycleway and connection through to Naylor Street. In response to feedback received on the draft provisions Figure 2-18 has further been amended to include the pedestrian and cycle connections confirmed in the Waikato Expressway designation process.

5.4.7 Appendix 17 Planning Maps

The detailed Zone provisions are considered in *Section 6 Individual Zone Provisions*. In response to feedback received on the draft provisions one amendment has been made to the Electricity Transmission Corridor over two properties at 316 and 318 Ruakura Road. Features Planning Map 40B identified the two properties within the urban areas in the Notified Proposed District Plan, but it is more appropriate given the rural context of the structure plan for the greenfield areas to be used. This aligns with the approach confirmed in the BOI decision.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

The integration of the Figures and planning maps is an efficient and effective method to achieve the administration of the planning provisions for the Ruakura R1 Area as part of the Proposed District Plan.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

In this case, the amended Figures and planning maps are the most appropriate method to achieve the vision and the objectives for the Ruakura Structure Plan Area (R1) and therefore should be adopted in the variation.

Concluding Overall Assessment

The suite of rules, with the inclusion of the Ruakura Strategic Infrastructure provisions, are confirmed as being the most appropriate method to achieve the objective, and are unambiguous, technically robust in their formulation, and able to be implemented by Plan users and administrators.

A consequential amendment to the adoption of these new rules is the addition to the notified provisions of the PDP under Rule 3.7.3 Rules – Ruakura Structure Plan Area to include the Land Development process, Staging and Traffic Requirements and Ruakura Strategic Infrastructure Requirements and updated and refined Ruakura Structure Plan Maps.

6 INDIVIDUAL ZONE PROVISIONS

6.1 Introduction

This section considers the amendments proposed in the variation to the following Zone provisions and deals with the core plan change provisions in Chapters 10, 11 and 8 followed by the wider provisions (objectives, policies, rules, assessment criteria and planning maps) in the PDP:

2. Chapter 10: Ruakura Logistics Zone (new chapter to replace former PDP chapter 10);
3. Chapter 11: Ruakura Industrial Park Zone (new chapter to replace former PDP chapter 11);
4. Chapter 8: Knowledge Zone (new chapter to replace former PDP chapter 8);
5. Chapter 4: Residential Zone
 - General Residential Zone;
 - Medium Density Residential Zone;
 - Large Lot Residential Zone; and
6. Chapter 15: Open Space Zones

The Ruakura Logistics Area and Ruakura Industrial Park Area provisions confirmed in the BOI decision are adopted with amendments to apply to the balance of the R1 Area as Zone provisions in Chapters 10 and 11 respectively. This is discussed in sections 6.2 and 6.3 below.

The Ruakura Knowledge Area provisions confirmed in the BOI decision are adopted and integrated with provisions for the University of Waikato, AgResearch and Waikato Innovation Park. This is discussed in section 6.4 below.

The Medium Density Residential Area provisions confirmed in the BOI decision are adopted within the existing Chapter 4 Residential Zone provisions in the PDP as Ruakura Medium Density Residential Zone. This is discussed in section 6.5 below.

The General Residential Zone provisions within the PDP are confirmed in 6.5 below for the General Residential Area that was included in the Plan Change and the area outside of the BOI decision, to the east of the Spine Road.

The Large Lot Residential Zone provisions in 6.5 below in the PDP have been amended to more specifically provide for the Percival / Ryburn Road area.

The customised set of provisions confirmed by the BOI decision for Ruakura Open Space is integrated into the existing provisions of Chapter 15 Open Space Zones in the PDP. This is discussed in section 6.6 below.

6.2 Chapter 10: Ruakura Logistics Zone

A BOI (BOI) Decision – September 2014	A Proposed District Plan (Appeals version) – September 2014
Section 6: The Ruakura Logistics Area Section 7: The effects of the proposed inland port and other planning matters	PDP Chapter 10: Ruakura Logistics Zone [DEFERRED] Relevant s32 Analysis report is dated November 2012.
B BOI s32AA commentary in relation to proposed variation	B S32 Commentary relevant to proposed variation
Rationale for Logistics Zone underpinned by area's location, economics and demand factors: BOI paragraphs 319-323. Reliance on determinations under following headings to confirm national importance of the suite of new provisions: Section 3: Context to plan change Section 4: The plan change request Section 5: Consultation Staging provisions applying throughout the Area are crucial to achieve integrated management and summarised in BOI decision paragraphs 132 and 133, and paragraphs 281-291 concerning the inland port. Land Development Plan (LDP) provisions and further amendments assessed at BOI decision paragraphs 628-639 Community Liaison Committee role and composition confirmed with reasons at BOI decision paragraphs 640-642	10.1 Introduction: Commentary still relevant. Retain <i>Purpose</i> text with minor amendments to align with BOI provisions and provide additional clarity around Sub Area's A and B. 10.2 Objectives: Retain objectives with minor amendments to align with BOI provisions with the exception of objective 10.2.1 which has been amended. 10.3 Policies: Retain policies with minor amendments to align with BOI provisions except for supporting policy 10.2.1a that concerns staging sequence. The relevant objective and policy are now provided for in Chapter 3.7 under the LDP mechanism and Staging and Traffic Requirements. The addition of explanatory text below the objectives and policies is to align with the PDP approach which informs the user of the purpose of the objectives and policies. 10.4 Rules: Amend to provide for Sub Area A (Inland Port) and Sub Area B (Logistics), and amended Activity Status Table to reflect BOI decision.
C Applicant's Section 32 Assessments	
31 October 2013 (relating to notified Change): Section 2.3: Strategic Planning Section 2.4: Structure Plans Section 4.1: Overall Proposed Land Use Mix of Activities	
9 June 2014 (relating to amended Change as at 26 May): Section 1: Strategic Framework Provisions Section 4: Inland Port and Staging Provides high level assessment of structure planning framework drawn from PDP and 'fit' within the legacy plan being the ODP. Viewed as interim solution aimed at not compromising detailed Structure Plan provisions Chapter 3.7 of PDP.	
D BOI Overall section 32AA Conclusion	D Overall section 32 Conclusion
Affirms economic anchor and employment generator for eastern side of Hamilton City based around inland port with freight and logistics capability of regional and national significance. BOI decision presents the strategic level alignment of issues and planning provisions to achieve integrated management of land use, transport and related infrastructure services	Can rely in part on existing s32 given its generally generic assessment. Complete additional assessment to meet s32AA in respect of matter outlined below.
E Additional Assessments to meet s32 duty	E Additional Assessments to meet s32 duty
25H.11 Land Development Plan – see section 5.4.5.2 25H.12 Staging and Traffic Requirements – see section 5.4.5.3 25H.5.3 Sub Area A (Inland Port): b) Freight handling activities Restricted Discretionary; k) Activities generating 1500 or more vehicle movements per day RD; l) Products transported in bulk Non Complying. 25H.5.4 – General Rules: Provisions transferred to Chapter 25 of PDP 25H.5.5 – Assessment Criteria: Provisions including customised Information Requirements transferred to Appendix 1 of PDP 25H.5.7.1 Inland Port Community Liaison Committee	Change Activity status Rules to align with BOI decision.

6.2.1 Assessments to meet s32 duty to incorporate provisions into the variation

Following on from the table above the key s32 assessments are covered in detail below:

2. Addition of explanations within the Objectives and Policies
3. Freight handling activities
4. Products transported in bulk
5. Extension of Inland Port Community Liaison Committee
 - a. Addition of sub Policy 10.2.3a)vi
 - b. Amendments to 10.5.1
6. Logistics and freight-handling infrastructure
7. Activity Status Rules for the Ruakura Logistics Zone
8. Landscape Screening

6.2.2 Objectives and Policies Ruakura Logistics Zone – 10.2

The BOI decision included specific objectives and policies but did not provide any explanation. The notified PDP included explanations for all objectives and policies. It is important to be consistent with the PDP document so explanations have been included which clarify the objective and policies. This is the most efficient and effective method and integrates the two planning documents into one consistent format.

6.2.3 Freight handling activities – 10.3b)

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Activity status changed in BOI decision to Restricted Discretionary Activity. Requires an assessment of noise effects and a Noise and Vibration Management Plan.	Potential for increased resource consent costs and time associated with additional information and specialist advice. May introduce processing time delays for proposals.	Greater certainty that activity effects can be managed through providing a robust assessment of effects along with the Council's ability to impose conditions to manage amenity values.
Option B: Retain Permitted Activity status as in notified Private Plan Change.	Risk of not meeting relevant Zone objectives: specifically objective 10.2.3. Risk of adverse effects on amenity of neighbouring residential areas being more than minor.	Greater flexibility for consent holder to develop the zone.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and provision 10.3b) in the variation, and provides for freight handling activities to be a restricted discretionary activity rather than a permitted activity.

As a rule this is an efficient and effective method to achieve the relevant objectives and policies for this customised area in the zone which is to achieve the efficient and effective operation of the logistics, freight handling services and support facilities in the Logistics Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This method is the most appropriate way to achieve the strategic framework objectives for the Zone and therefore should be adopted in the variation.

6.2.4 Products transported in bulk – 10.3I)

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Activity status changed in BOI decision to Non Complying Activity. Include a definition of products transported in bulk.	Risk of limiting the versatility and trading opportunities for the inland port by expressly excluding such activities.	Preserves core area of inland port (Area A) for its intended purpose, the operation of containerised freight related activities.
Option B: Use the inland port for non-containerised goods.	Compromises the availability of land within the inland port for containerised freight handling activities and potentially limits its primary function. Risk to achieving key objective 10.2.2.	Greater flexibility in the receipt and movement of products through the inland port by the port owner.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision to establish a new class of activity not provided for in the notified private plan change or in the notified PDP, and is recorded as provision 10.3I) in the variation. The new activity class is “*products transported in bulk*” with the status of a non-complying activity.

A definition is included and discussed in Section 9.1 of this S32 Report.

As a new rule this is an efficient and effective method to achieve the relevant objective which is to promote an efficient and effective operation of the inland port. To do this will rely on the clustering of freight handling infrastructure to achieve the benefits of agglomeration. This objective could be undermined by other activities establishing that are less dependent on the specific freight handling services and facilities necessary to support the inland port’s operations.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This method is the most appropriate way to achieve the objectives for the Zone and therefore should be adopted in the variation.

6.2.5 Extension of Inland Port Community Liaison Committee – 10.5.1 (25H.5.7.1)

The BOI decision included a new provision for an Inland Port Community Liaison Committee to be established prior to the development and ongoing operation of the Inland Port. A key consideration for the variation is whether to extend the principle function of the committee to cover an area north

of the railway line where Sub Area B (Logistics) zoned land adjoins the existing residential enclave of Ryburn and Percival Roads.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Establish an Inland Port Community Liaison Committee and prescribe its role and membership for the Inland Port area and Sub Area B north of the railway line.	Costs in time and staff for the consent holder to set up and service the Committee, and costs to Council and community representatives in membership of the Committee and fulfilling the stated obligations over time.	Provides certainty on the establishment, make up and operation of a Committee that includes Council and community representatives to consider the operations of the inland port and amenity effects on adjacent land uses and users. Provides a constructive framework to manage environmental effects in a timely way.
Option B: Not provide for an Inland Port Community Liaison Committee.	Risk of not meeting strategic 3.7.2.2, and the relevant Zone objectives that focus on 10.2.3. Risk of adverse effects on amenity of neighbouring residential areas being inadequately responded to in a timely manner. Not giving effect to the Board's decision.	Greater flexibility to self manage the operations of the inland port by the port operator and/or owner.
Option C: Integrate an Inland Port Community Liaison Committee for the Inland Port, but not extended to include Sub Area B north of the railway.	Does not provide the adjoining Large Lot Residential Zone community with confidence about timing, staging and input into wider considerations that would be available through a Committee.	Gives effect to the Board's decision.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision but extends its 'mandated area of interest' to include land to the north of the ECMT railway. As a consequence, land zoned Ruakura Logistics Zone Sub Area B adjacent to the existing residential enclave will come within the ambit of this new provision that establishes a forum for ongoing consultation between the inland port operator and owners and occupiers of this large lot residential enclave anchored around Percival and Ryburn Roads. This is Rule 10.5.1 in the variation. The rule was not provided for in the notified PDP.

This rule provides for the neighbouring most affected residential community to participate in mandated consultation over the period of the development of the inland port and Sub Area B north

of the railway. The Committee makeup and its functions are prescribed and will make for an efficient and effective method to monitor community health, wellbeing and amenity values.

A new sub Policy under 10.2.3a)vi is included which recognises the Inland Port Community Liaison Committee and the importance of addressing concerns raised by neighbouring residents.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This rule achieves the objective of the zone to avoid or mitigate the adverse effects of logistics and freight handling activities and also achieves the purpose of the Act. This rule method therefore should be adopted in the variation.

6.2.6 Logistics and freight-handling infrastructure – 10.3p) / Rail Sidings in Sub Area B (Logistics)

The draft variation provisions provided for rail sidings as a permitted activity within Sub Area B (Logistics), excluding LDP Area P which was Non-Complying. In response to feedback received on the draft variation, a new provision 10.3q) now treats rail sidings consistently within Sub Area B (Logistics) as a Restricted Discretionary activity. This recognises the strategic location and proximity of the Ruakura Logistics Zone Sub Area B (Logistics) to the Inland Port, and the adjoining existing large lot residential enclave.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Change the wording of 10.3p) to provide for rail sidings within Sub Area B (Logistics) as Restricted Discretionary activity.	Less flexibility than provided by the BOI decision.	Provides certainty for adjoining land that within Sub Area B (Logistics) rail sidings are not permitted without the need for consent.
Option B: Retain the Activity Status Rule as determined by the Board and provide the opportunity for rail sidings to occur as a Permitted activity within Sub Area B of the Logistics Zone.	Provides no certainty or protection to landowners of possible rail sidings within Sub-Area B (Logistics).	Maintains consistency with the BOI decision, but not the intent.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option A reflects the amended BOI decision and provision 10.3p) in the variation. This amended rule approach restricts the opportunity for rail sidings being provided as a Permitted activity within Sub-Area B Ruakura Logistics Zone. The benefits of providing certainty to the community outweigh the costs or implications for the applicant.

This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

Stricter control on the location of rail sidings is critical to provide certainty to the existing community within the residential enclave and the wider structure plan.

6.2.7 Activity Status Rules for the Ruakura Logistics Zone – 10.3

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Change the status of activities to align with BOI decision that provides for more robust information requirements, improved performance standards, greater use of controlled activities and a broader set of matters of control for the Council, and for permitted activities.	Risk of greater cost in time and expert advice to prepare applications, and for the Council to process applications.	Provides a framework for applicants to assess and manage environmental effects of activities and work with Council to ensure urban design and amenity outcomes can be achieved.
Option B: Retain the Activity Status Rules for the Logistics Zone in the notified Proposed District Plan that commonly provided for activities as restricted discretionary activities.	Out-of-step with the overall framework of the variation to require a robust set of information to be lodged with proposals and strengthened assessment criteria for the Council to determine consent conditions as a controlled activity.	Council has a stronger regulatory role that may require affected persons input to aspects of the operation of the inland port. May hinder efficient development in the zone.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and provisions 10.3 in the variation.

This amended rule approach provides for a balance between requiring an applicant to provide more and better information in support of development activities to be assessed against a set of matters of control exercised by the Council in its decision making. The benefits are suggested to outweigh the costs for an applicant and the Council as Plan administrator. This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

An improved level of information and clearer guidance on the Council’s discretion affirms that this amended rule therefore should be adopted in the variation.

6.2.8 Landscape Screening – 10.5.4

The BOI decision included substantial landscape screening that was not identified in the Notified PDP associated with the 24/7 operation of an inland port. The landscape screening provisions cover two stages, west of Percival Road and following the closure of Ruakura Road and Percival Road. The

variation area north of the railway is important to consider around landscape mitigation, particularly as it relates to the adjoining Ruakura Logistics and Ruakura Industrial Park Zones. Council commissioned an independent landscape report to advise on the best options for providing screening and visual mitigation to the Percival and Ryburn Road residential enclave. The report is appended to the S32 document.

The BOI confirmed mechanism is termed the “Interface Design Control Area” and this area is provided by notation on the perimeter of the Ruakura Logistics and Industrial Park zoned areas to control building design and appearance.

The following conclusions are drawn from the Isthmus Report 2015 when comparison is made between the PDP provisions and the Board’s decision:

- A maximum building height of 20 metres is common to all zones;
- Container stacking is permitted to 6 metres in the Industrial Park Area/Zone and 12 metres in the Logistics Area/Zone while these controls are not applicable for the Industrial Zone provisions in the PDP;
- Height in relation to boundary rules are similar for the Industrial (PDP) and Industrial Park (Board) decisions; and critically
- All buildings in the Industrial Zone fronting an arterial corridor are a controlled activity under the PDP, while control is reserved in the Logistics and Industrial Park Area provisions only for buildings in the Interface Design Control Area in the BOI decision.

The interface area under consideration as part of this variation is greenfield (rather than ‘brownfield in the urban area of Hamilton), rural in outlook and with a row of established planting on/along the Percival Road reserve. The area provides no similar constraints as faced by the Board that limit the opportunity to promote a comprehensive approach to safeguard residential amenity.

It is therefore appropriate to promote planning controls that:

- Promote the conservation of the existing plane trees as a foreground visual feature along with their replacement over time;
- The adoption of a 12m high densely planted screen;
- The adoption of a 20m vegetation buffer; and
- A building setback that further aids in partially screening any built development within a 20m height envelope.

Overall, this provides for approximately a 60m separation between the facades of residential and industrial buildings.

This approach can be supported in terms of efficiency and effectiveness as part of a section 32 assessment.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Retain the landscape screening	Risk of greater cost in time and expert advice and establishing	Provides certainty to the residential enclave of the

provisions confirmed by the BOI decision and extend the landscape screening to include the Percival Road interface with the residential enclave.	the landscape screening.	landscape screening to be provided to protect the amenity from the adjacent logistics and industrial park zones.
Option B: Retain the Plan Change and PDP as notified and not provide for any specific landscape screening around the Inland Port or residential enclave.	Significant uncertainty for the residential enclave, and undermines the position determined in the BOI process.	Allows full development potential with no consideration for landscape screening to protect existing residential enclave amenity.
Option C: Retain the landscape screening provisions confirmed by the BOI decision but not provide for the extension of landscape screening on Percival Road.	Does not provide certainty to residential enclave of the amenity from the adjoining logistics and industrial park zones north of the railway.	Allows for development to continue without extending the landscape screening, which is efficient from an inland port operator perspective.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and an extension to include the Ruakura Logistics and Industrial Park Zones north of the railway line and is covered by provisions 10.5.4 and 11.5.3 in the variation.

The continuation of this approach provides for the protection of existing amenity to the residential enclave, while extending the landscape screening to include the area not considered by the BOI decision, but still critical to protect the amenity of the existing residential enclave. The benefits are suggested to outweigh the costs to the inland port operator or land owner. This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The retention of the BOI landscape screening provision and extending this to the area outside of the plan change highlights the importance of protecting the existing residential enclave while the inland port and surrounding activities grow.

6.3 Chapter 11: Ruakura Industrial Park Zone

A BOI decision – September 2014	A Proposed District Plan (Appeals version) – September 2014
Section 7: The effects of the proposed inland port and other planning matters Section 8: Industrial Park areas	Chapter 11: Ruakura Industrial Park Zone [DEFERRED] Relevant s32 report is dated November 2012.
B S32AA Commentary in relation to proposed variation	B S32 Commentary in relation to proposed variation
Section 8: section 32 evaluation records further amendments to ensure new industrial activities occur while environmental effects associated with those activities are adequately mitigated (paragraph 643), critiques industrial land allocation as part of the FutureProof Area, policy, urban design assessment, and overall consistency with PDP, and amenity management; BOI paragraphs 643-701. Staging provisions applying throughout the Area are crucial to achieve integrated management and summarised in BOI decision paragraphs 132 and 133.	11.1: Purpose amended to provide additional clarity and context to the plan user. 11.2: Objectives - Retain objectives with minor amendments to align with BOI provisions 11.3: Policies – Retain policies with minor amendments to align with BOI provisions. Exception is 11.2.1a concerning staging. Revision necessary to align with BOI decision on these provisions. Amendment is same approach that is to apply for the Logistics Zone. Matter dealt with in Section 3.7 Ruakura Structure Plan. The addition of explanatory text below the objectives and policies is to align with the PDP approach which informs the user of the purpose of the objectives and policies. 11.4: Rules – Amend Activity Status Table to reflect BOI decision.
C Applicant’s Section 32 Assessments	
31 October 2013 (relating to notified Change): strategic level assessment to align Change provisions with legacy plan provisions of ODP. Section 6 Detailed Components of the Plan Change/Planning Techniques Employed records key elements of Schedule and identifies Ruakura Industrial Park area (107 hectares). Section 6.3 records Relationship of Plan Change with PDP and records issues that have been addressed. Section 7 Analysis of Proposed Objectives and Policies records under (then referenced) 25H.4.11 the single objective: The creation of a high quality Industrial Park at Ruakura and mirrors PDP provisions.	
9 June 2014 (relating to amended Change as at 26 May 2014): Section 2.0: Land Development Consents Section 3.0: Managing Effects on Amenity Section 4.0: Inland Port and Industrial Staging which ties the rate of general industrial development to the release of land for the operation of the inland port.	
D BOI Overall Conclusion and section 32 duty	D Overall s32 Conclusion
Provisions for the Industrial Park are sufficiently robust to enable the integrated management and control of effects of the use, development or protection of land and resources required under s31 RMA. Objectives, policies, rules and methods are the most appropriate way to achieve the Act’s purpose; Paragraph 696.	PDP Policies still underpin the Zone’s relationship to inland port, city centre and desire to establish a high amenity working environment. Activity Status Table and development controls (rules and performance standards) are the most appropriate to achieve the objectives except for task noted in E below.
E Additional Assessments to meet s32 duty	E Additional Assessments to meet s32 duty
25H.11 Land Development Plan: See 3.7.3.2 25H.12 Staging and Traffic Requirements: See 3.7.3.3 25H.6.3 Activity Status Table: b) new buildings & development (to P, rather than RD); c) new buildings & associated development (to C rather than RD); f) logistics & freight handling activities (P rather than RD); o) –r) and v): be considered without notification or need to obtain approval from affected persons	Change Activity Status Table Rules to align with BOI decision.

hh): Activities generating 1500 or more vehicle movements per day Restricted Discretionary Activity	
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6.3.1 Assessments to meet s32 duty to incorporate provisions into the variation

Following on from the table above the key s32 assessments are covered in detail below:

2. Purpose (11.1)
3. Objectives and Policies (11.2)
4. Notification provisions (11.3o), r) and v))
5. Activity Status (11.3)
6. Landscape Screening (11.5.3)

6.3.2 Purpose – 11.1

An amendment to the Purpose has been made to clarify the three Industrial Park areas. This is important for understanding particular provisions within the chapter and for easy reference for Plan users.

6.3.3 Objectives and Policies – 11.2

The BOI decision included specific objectives and policies but did not provide any explanation. The notified PDP included explanations for all objectives and policies. It is important to be consistent with the PDP document so explanations have been included which clarify the objective and policies. This is the most efficient and effective method and integrates the two planning documents into one consistent format.

6.3.4 Notification provisions – 11.3

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt Activity status of restricted discretionary* - no need for limited notification or require affected persons approvals.	Council's discretions are limited to expressly exclude any determination of affected persons and to require limited notification to those persons.	Matters for discretion have been broadened to provide for a more comprehensive consideration of matters for specific activities and condition setting in Rule 11.3.
Option B: Maintain PDP provision to not limit discretion for Council to determine notification or determine affected person approvals as part of a consent process.	Risk of greater cost in time and expert advice to prepare applications, and for the Council to process applications. Uncertainty for the applicant whether effects assessments will trigger limited notification.	Council retains discretion to determine affected persons and limited notification on a case by case basis.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and provision 11.3 in the variation. This amended rule approach provides for the Council to assess an application without notification and the need for third party approvals because of the requirement for an applicant to provide more and better information in support of development activities and for the assessment to be made against a broader set of matters of control by the Council in its decision making. The benefits of promoting an efficient and effective consenting process are suggested to outweigh the costs for an applicant and the Council as Plan administrator.

The provision is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This amended rule method is the most appropriate to achieve the purpose of the Zone and therefore should be adopted in the variation.

6.3.5 Activity Status – 11.3

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Change the status of selected activities referenced as b)-new buildings and development, c)-new buildings and development within Interface Design Area Control, and f)-Logistics and freight-handling facilities, to align with BOI decision that provides for more robust information requirements, improved performance standards, greater use of controlled activities with a broader set of matters of control, and for permitted activities.	Risk of greater cost in time and expert advice to prepare applications, and for the Council to process applications. Council is not able to decline proposals where consent is required as a controlled activity.	Provides a framework for applicants to assess and manage environmental effects of activities and work with Council to ensure urban design and amenity outcomes can be achieved in respect of controlled activities.
Option B: Retain the Activity status Rules for the Ruakura Industrial Park Zone in the notified Proposed District Plan	Out-of-step with the overall framework of the variation to require a robust set of information to be lodged with proposals and strengthened assessment criteria for the Council to determine consent conditions.	Council has a stronger regulatory role that may require affected persons input to aspects of the operation of the inland port.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and provision 11.3b), c) and f) in the variation. These provisions are an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

This amended rule approach provides for a balance between requiring an applicant to provide more and better information in support of development activities to be assessed against a set of matters of control by the Council in its decision making. The benefits are suggested to outweigh the costs for an applicant and the Council as Plan administrator. This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This amended rule method is the most appropriate to achieve the purpose of the Zone and therefore should be adopted in the variation.

6.3.6 Landscape Screening – 11.5.3

Please refer to section 6.2.8 for related discussion.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Extend the landscape screening provisions confirmed by the BOI decision for the Inland Port north of the railway line to include the Industrial Park Zone Percival Road interface with the residential enclave.	Risk of greater cost in time and expert advice and establishing the landscape screening.	Provides certainty to the residential enclave of the landscape screening to be provided to protect the amenity from the adjacent logistics and industrial park zones.
Option B: Retain the Plan Change and PDP as notified and not provide for any specific landscape screening around the Inland Port or residential enclave.	Significant uncertainty for the residential enclave, and undermines the position determined in the BOI process.	Allows full development potential with no consideration for landscape screening to protect existing residential enclave amenity.
Option C: Retain the landscape screening provisions confirmed by the BOI decision but not provide for the extension of landscape screening at the interface with Percival Road.	Does not provide certainty to residential enclave of the amenity from the adjoining logistics and industrial park zones north of the railway.	Allows for development to continue without extending the landscape screening, which is efficient from an inland port operator perspective.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and an extension to include the Ruakura Logistics and Industrial Park zones north of the railway line and is covered by provision 10.5.4 and 11.5.3 in the variation.

The continuation of this approach provides for the protection of existing amenity to the residential enclave, while extending the landscape screening to include the area not considered by the BOI decision, but still critical to protect the existing amenity of the residential enclave. The benefits are suggested to outweigh the costs to the inland port operator or land owner. This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The retention of the BOI landscape screening provision and extending to the area outside of the plan change highlights the importance of protecting the existing residential enclave while the inland port and surrounding activities grow.

6.4 Chapter 8: Knowledge Zone

A BOI decision – September 2014	A Proposed District Plan (Appeals version) – September 2014
<p>Section 7: The effects of the proposed inland port and other planning matters.</p> <p>Section 9: Knowledge Area</p>	<p>Chapter 8: Knowledge Zone [DEFERRED]</p> <p>Relevant s32 report is dated November 2012.</p>
B S32AA Commentary in relation to proposed variation	B S32 Commentary in relation to proposed variation
<p>BOI decision at paragraphs 709-718 and 730-732 consider the approach for the Ruakura Retail Centre.</p> <p>Paragraphs 733-737 consider the wider s32 matters and confirm that Board's amended approach to strengthen the urban design-led approach does satisfy s32 duty.</p> <p>The BOI decision regarding question of notification is recorded in paragraphs 726-729. This confirms that Council should retain discretion to assess notification of an application and to whom in relation to proposed activities on a case by case basis.</p>	<p>8.1: Introduction – Zone covers existing land uses based around UOW, AgResearch and Waikato Innovation Park. New neighbourhood Centre is based around a 'main street' precinct and large public plaza. Passenger transport hub identified with location linked to ECMT railway. Development of neighbourhood centre will not occur before 2041.</p> <p><i>Purpose</i> statement retained.</p> <p>8.2: Objectives, 8.3: Policies, 8.4: Rules are assessed as being the most appropriate to achieve the strategic role of the Zone.</p> <p>PDP Objective 8.2.4 and policies concerning the management of potential adverse effects of activities within the zone be retained in variation.</p> <p>The addition of explanatory text below the objectives and policies is to align with the PDP approach which informs the user of the purpose of the objectives and policies.</p>
C Applicant's Section 32 Assessments	
<p>31 October 2013 (relating to notified Change):</p> <p>Strategic level assessment to align Change provisions with legacy plan provisions of ODP.</p> <p>Section 6, Detailed Components of the Plan Change/Planning Techniques Employed records key elements of Schedule and identifies a Knowledge area of 13 hectares incorporating land for a 'Suburban Centre'.</p>	
<p>9 June 2014 (relating to amended Change as at 26 May 2014):</p> <p>Section 5.0 Ruakura Retail Provisions traces the revised set of provisions (objective and policy) for the Ruakura Retail Centre and affirms that the objectives and policies support a number of strategic objectives. The centre is to sit between the categories of Suburban Centre and Neighbourhood Centre in the City business hierarchy.</p> <p>The tailor made provisions enable the establishment of a centre up to 15,00m2 gfa coupled with controls on building design, layout, tenancy sizes and activity mix, and assessment criteria and are determined to achieve the relevant objectives and policies.</p>	
D BOI Overall section 32 Conclusion	D Overall section 32 Conclusion
<p>Assessment is for only part of the Knowledge Zone as provided for under the notified Structure Plan; excludes AgResearch, Waikato Innovation Park and UOW.</p> <p>Detailed consideration of and support for the new Ruakura Retail Centre and its staged development and in terms of permissible activity mix.</p> <p>Specific Notification (s95) provisions are to apply.</p> <p>Paragraph 737: Specific objectives, policies, rules and other methods are efficient and effective.</p>	<p>PDP zoning recognises strategic location adjacent to inland port and the established research, education and technology activities. Special role of the UOW is acknowledged. Location also presents a gateway to City. This requires a high standard of design for all buildings and landscaping, and setbacks from sensitive land uses and arterials.</p> <p>PDP Objectives still underpin Zone purpose.</p> <p>PDP Policies still underpin the Zone's relationship to inland port, city centre and desire to establish a high amenity working environment.</p> <p>Activity Status Table and development controls (rules and performance standards) are the most appropriate to achieve the objectives.</p> <p>Provisions apply to UOW, AgResearch, Waikato Innovation Park.</p>

	Include provisions for University of Waikato, AgResearch and Innovation Park into the proposed variation and complete s32AA analysis
E Additional Assessments to meet s32 duty	E Additional Assessments to meet s32 duty
Incorporate Ruakura Retail Centre provisions (objectives, policies, rules and assessment criteria) into the variation.	Incorporate provisions for University of Waikato (currently deferred), AgResearch and Waikato Innovation Park (currently provisions in the Hamilton City Operative District Plan: Waikato Section) into the proposed variation.
Confirm zone specific Notification (s95) provisions.	Incorporate objectives and policies for the AgResearch and WIP into the Knowledge Zone provisions.
Re-assess Activity status rules (25H.7.3) as zone wide provisions	Incorporate Concept Plan mechanism to apply to the above three entities. Consider activity status rules for each or adopt zone wide provisions. Add provisions from PDP 8.2.4 concerning management of potential adverse effects of activities within the Zone.

6.4.1 Assessments required to meet s32 duty to incorporate provisions into the variation

Following on from the table above the key s32 assessments are covered in detail below:

2. Purpose (8.1)
3. New Objectives and Policies (8.2)
4. Ruakura Retail Centre provisions (8.3.3)
5. Notification (8.10)
6. Integration of University of Waikato, Waikato Innovation Park and AgResearch Notified PDP Provisions (8.2, 8.4.1, 8.5, and 8.6)
7. Activity Specific Amendments (8.3.1)

6.4.2 Purpose

The BOI decision only related to the greenfield site that includes a proposed Ruakura Retail Centre and wider Knowledge Area. The variation is utilising the BOI decision as the base document and including the Notified PDP Chapter 8 matters for the University of Waikato, Waikato Innovation Park and AgResearch within the Knowledge Zone chapter. New text has been inserted in 8.1b), c) and d) to clarify the functions of each precinct within the Knowledge Zone.

Feedback received on the draft provisions also identified Figure 8.1 Knowledge Zone Precincts needed updating to reflect the actual area of Precinct B, and amendment to Precinct D to include an additional building off Hillcrest Road owned by the University of Waikato.

6.4.3 New Objectives and Policies

A new Policy 8.2.1f has been included that clarifies the relevant Precincts and whether development occurs in relation to a Concept Plan or Land Development Plan.

The BOI decision included specific objectives and policies but did not provide any explanation. The notified PDP included explanations for all objectives and policies. It is important to be consistent with the PDP document so explanations have been included which clarify the objective and policies. This is the most efficient and effective method and integrates the two planning documents into one consistent format.

Inclusion of Objective 8.2.4 and associated Policies 8.2.4a-c concerning management of potential adverse effects of activities within the Zone.

The inclusion of this objective is discussed below.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt objective 8.2.4 and three supporting policies a-c, and explanation as a basis to manage potential adverse effects of activities within the Knowledge Zone.	Cost associated with creating and retaining/maintaining a high quality and high amenity urban environment between activities in the zone.	Assurance that there is a design-led approach to create and maintain a business park type environment of high quality and to avoid reverse sensitivity issues.
Option B: Not adopt these provisions as rules already address the management of potential adverse effects of activities within the Knowledge Zone.	The layout of buildings in relation to one another may not achieve an integrated and high quality business park environment reliant on traditional bulk and location rules for an area of land predominantly in single ownership.	Potential to simplify the process of consenting new development in a greenfield environment.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The above assessment mirrors the assessment presented in the s32 Analysis to support this objective in notified provisions of the PDP.

The policies are the most appropriate to achieve the objective which overall is to provide for a high quality and high amenity business park environment developed under a single ownership. This objective therefore should be adopted in the variation.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the objective of the variation. This amended method therefore should be adopted in the variation.

Inclusion of Objective 8.2.7 and associated Policy 8.2.7a which relates to development within Waikato Innovation Park and AgResearch Precincts being integrated and contributing positively to the wider Ruakura area.

The inclusion of this objective is discussed below.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
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Option A: Include a new objective and policy for the Waikato Innovation Park and AgResearch Precincts.	Adds another objective and policy to the front end of the Knowledge Zone chapter.	Provides additional clarity to the role and function of Waikato Innovation Park and AgResearch that has not been provided in the District Plan previously.
Option B: Rely on existing objectives and policies which do not specifically relate to Waikato Innovation Park or AgResearch Precincts.	Fails to consider the Waikato Innovation Park and AgResearch sites with a specific objective or policy.	Does not provide for a full appreciation of the different precincts, including Waikato Innovation Park and AgResearch.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The inclusion of an objective and policy specific to Waikato Innovation Park and AgResearch is the most appropriate to achieve the strategic objectives of the zone which overall is to provide for a high quality and high amenity business park environment developed under a single ownership. This objective therefore should be adopted in the variation.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the objective of the variation. This amended method therefore should be adopted in the variation.

6.4.4 Ruakura Retail Centre – 8.3.3

The Board’s decision included providing for a Ruakura Retail Centre within the Knowledge Zone, now referenced as Precinct C in the variation.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt Objective 25H.7.2.4 (& policies, rules and assessment criteria); The Ruakura Retail Centre serves other activities within and adjoining the Ruakura Schedule Area, while not undermining the primacy, function, vitality and amenity of the Central City and the function of other centres.	An urban design-led development approach is likely to bring high costs associated with application preparation, lodgement and processing, which may trigger public/limited notification to parties (see below). Potential consenting risk if scale of development above the stated thresholds established through Board decision.	Urban-design led approach is consistent with citywide emphasis. Proposal sits within City business hierarchy as a unique commercial entity. As a recognised centre, this will enable people and communities to provide for their economic and social wellbeing in a timely manner and serve the needs of a growing local workforce and community.
Option B: Retain PDP provisions under objective 8.2.1 and policy 8.2.1f – Establishing activities in	Approach constrains likely timing for retail centre and with reduced flexibility may not	Approach expected to avoid any perception of challenge to the viability, vitality and

the zone that would compromise the viability, vitality and vibrancy of the Central City should be avoided and enable this development post -2041 as set out in the Zone Purpose.	achieve the new objective and therefore promote the Act’s sustainable management purpose.	vibrancy of the Central City in the absence of enabling activity rules if 2041 timeframe retained.
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Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The specific objective and supporting policies, rules and assessment criteria introduced are an efficient and effective set of provisions to promote the purpose of the Act. This is because the provisions will better manage the conversion of a greenfield environment in a timely manner for commercial activities. The urban design led approach aims to achieve a quality built environment to serve local business and residents. Customised performance standards and assessment criteria will assist in the determination of a consented proposal to ensure a proposal is consistent with the centre’s position in a commercial hierarchy in the City and the strategic commercial objectives for the City.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the strategic objective of the variation. This amended method (the integrated suite of new objective, polices and rules) therefore should be adopted in the variation.

6.4.5 Notification

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt the notification provisions determined by the Board; essentially 25H.7.3.1(II) and (mm) are subject to the full assessment process under sections 95A-G and Council discretion to determine non-notification, limited notification or full notification in any particular case.	Provides for a more time consuming consent processing phase. Greater risk of development proposal being held up through public interest issues arising.	Public interest issues best served by enabling Council to provide for other parties to participate in decision making. Provides for a more robust and informed decision making framework under these circumstances.
Option B: Adopt s95A-G provisions that remove the discretion of Council to notify such resource consent applications.	Risk is in the circumstances where the rejuvenation of the Central City is not able to be recognised notwithstanding the policy focus. Likelihood that there is no agreement from the expert	Enables a more streamlined consent processing path without the risk of wider (limited/public) notification, and delays with a hearing to determine the merits of a case and associated rights of appeal.

	commercial retail analyses and that the effects are beyond the permitted threshold and likely to be more than minor.	
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Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Retaining the discretion on notification for selected activities most appropriately achieves the objective concerning the Ruakura Retail Centre. The objectives are reflective of a wide range of public interests and it will be efficient and effective to enable other parties to participate in those decision making processes where Council determines that this is necessary. This is a reasonably practical and responsive approach to sustain the long term development of the retail centre which is intended to have a catchment beyond the immediate residential area in Ruakura.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the objective of the variation. This amended method therefore should be adopted in the variation.

6.4.6 Integration of University of Waikato, Waikato Innovation Park and AgResearch Notified PDP Provisions

The Notified PDP included specific provisions for the University of Waikato, Waikato Innovation Park and AgResearch. The draft variation approach continued with this, but included a concept plan mechanism for dealing with the respective sites. Further refinement of activity specific provisions is discussed below.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Incorporate a fuller set of provisions for the Knowledge Zone (zone purpose, objectives and policies and customised rules providing for concept plans for the integrated development of each precinct) thereby recognising the commercial focus of each of the three inter-related facilities – University of Waikato, AgResearch and Waikato Innovation Park	Status quo provisions from the notified PDP and the Waikato section of the Operative District Plan (AgResearch, Waikato Innovation Park) are not 'rolled over'	Comprehensive and integrated framework for the continued development of each of the major facilities derived from the review of Operative provisions of the District Plan and the Board decision to provide a contemporary resource management framework.
Option B: Maintain the Knowledge Zone provisions as notified in the PDP	Don't reflect the amended set of planning provisions confirmed in the Board decision which provides for an improved	Roll over of existing PDP deferred provisions.

	set of planning and urban design controls	
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Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

These provisions integrate two sets of planning provisions; one from the Operative Waikato section of the Hamilton City District Plan and the other from the Board decision. Their integration is achieved through the variation.

These provisions include the adoption of precincts for each facility and the use of concept plans to manage development of each facility is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone. The Concept Plan as a method to implement and manage large scale and staged development of major facilities also is an efficient and effective way to achieve the relevant objective and policy for each facility and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the objective of the variation. This amended method therefore should be adopted in the variation.

6.4.7 Activity Specific Amendments – 8.3.1

The draft variation included the BOI decision for greenfield area Precinct C and existing established sites at Precincts A, B and D. The BOI decision has been continued within the Knowledge Zone provisions in 8.3.2 and 8.3.3. The Notified PDP University of Waikato provisions are also largely unchanged.

Feedback received on the draft variation provisions for Waikato Innovation Park and AgResearch has contributed to amendments to activities in 8.3.1. This includes the addition of new activities 8.3.1y) Maintenance or repair of buildings and 8.3.1z) Field days and open days relating to research and innovation activities both as permitted. The activity of Parking Lots and Parking Buildings has been split from the draft variation, where Parking Lots are provided as a Permitted activity, but Parking Buildings continue to be a Restricted Discretionary activity regarding design and layout, character and amenity and transportation.

Commercialisation of activity ancillary to research, innovation, food production, education and laboratory activities has also been provided for a Permitted activity. The draft variation provided for this a Restricted Discretionary activity, but recognition of the role of the Knowledge Zone and the specific nature of the commercial activity highlights the appropriateness to provide for this as a Permitted activity.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A:	Creation of four different	Clarifies the different precincts

Retain the BOI decision for the Knowledge Area and include the PDP Notified provisions for the wider Knowledge Zone, including the University of Waikato, AgResearch and Waikato Innovation Park.	precincts within the Knowledge Zone.	within the Knowledge Zone and the activities that are provided. Recognises the unique context of each precinct and provides for the necessary growth and planning mechanism to achieve this.
Option B: Retain the BOI decision for the Knowledge Area and roll out into the wider Knowledge Zone, including the University of Waikato, AgResearch and Waikato Innovation Park.	Fails to consider the existing environment by not providing for specific precincts for the University of Waikato, AgResearch or Waikato Innovation Park within the Knowledge Zone.	No benefit.
Option B: Retain the PDP Notified provisions for the Knowledge Zone and not integrate the BOI decision into the Knowledge Zone.	This would lack important clarity and refinement that occurred during the BOI decision process. This would not give effect to the BOI decision.	No benefit and could result in legal challenge.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The Knowledge Zone is made up of three existing sites being the University of Waikato, AgResearch and Waikato Innovation Park and one additional greenfield site that includes two functions being the Ruakura Retail Centre and Knowledge Area as determined in the BOI decision. The most efficient and effective method for giving effect to the different sites and functions is to create four separate precincts within the Knowledge Zone, each with a focus on the activities that are existing or expected for that site.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The creation of four precincts for the Knowledge Zone will allow for site specific development and activities to continue under the broader objective and policy framework of the Knowledge Zone. Option A will achieve this.

6.5 Chapter 4: Residential Zone

A BOI (BOI) Decision – September 2014	A Proposed District Plan (Appeals version) – September 2014
Section 10 Medium Density Residential Area	S32 Residential Zone Decisions 9 July 2014
B BOI s32AA commentary in relation to proposed variation	B S32 Commentary relevant to proposed variation
<p>BOI paragraphs 738 – 776 detail the rationale for the Medium Density Residential Area at Ruakura. The key advantages of medium density residential within the area include the predominantly flat land, directly adjacent to existing residential development at Fairview Downs, proximity to the CBD, excellent access to key roading infrastructure and the ability to comprehensively develop due to the single land ownership.</p> <p>25H.9.1 Purpose 25H.9.2 Objectives and Policies 25H.9.3 Rules 25H.9.4 General Rules 25H.9.5 Assessment Criteria 25H.9.6 General Standards 25H.9.7 Specific Standards</p>	<p>4.1 Purpose – retain and add f) relating to LDP’s. 4.1.3b) amendment to include LDP process 3.7.2.7c Integrated Retail Development 4.3.2 retain with additional cross references 4.4 retain 4.5.1 include LDP cross reference within CDP process 4.5.2 include LDP cross reference within CDP process 4.5.3 retain 4.5.4 align with BOI decision – Medium Density Activity Status Table - Additional General Standards identified in BOI decision that are not currently in PDP Medium Density Provisions – assessment on whether to include 4.6.3b) addition of ‘height’ and BOI decision different to PDP in terms of ‘height in relation to boundary’ 4.6.5 addition of front site permeability from BOI decision 4.6.6 Site Coverage – new 4.7.8 Show homes 4.8.1 Integrated Retail Development</p>
C Applicant’s Section 32 Assessments	
<p>31 October 2013 (relating to notified change): Page 53 of Ruakura Private Plan Change Section 32 Report refers to Medium Density Residential area. Comprehensive Development Plans, residential buildings, residential activities, other residential facilities and commercial activities and structures being provided for in the medium density area. Page 62 of s32 report.</p>	
<p>9 June 2014 (relating to amended Change as at 26 May 2014): Page 25 - 6.2 Objectives Most Appropriate to Achieve the Purpose of the Act. 25H.9.2.5c Section 7.2.2 October 2013 S32</p>	
D BOI Overall section 32AA Conclusion	D Overall section 32 Conclusion
Affirms significance of Medium Density Residential Area at Ruakura.	Question whether BOI provisions or PDP provisions are to be included for Medium Density Residential Zone – BOI has been through a robust process.
E Additional Assessments to meet s32 duty	E Additional Assessments to meet s32 duty
<p>Incorporate Land Development Plan process One Integrated Retail Development Ruakura specific general standards Controlled Activities – Matters of Control Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria</p>	Change activity status to include BOI decision.

6.5.1 Assessments required to meet s32 duty to incorporate provisions into the variation

Following on from the table above the key s32 assessments are covered in detail below:

2. General Residential Zone
3. Insertion of Ruakura Medium Density Residential Zone (4.5.4)
4. Ruakura Medium Density Residential Zone – Extension
5. One Integrated Retail Development (4.8.1)
6. Large Lot Residential Zone
 - Purpose

- Objectives and Policies

6.5.2 General Residential Zone

A BOI (BOI) Decision – September 2014	A Proposed District Plan (Appeals version) – September 2014
Section 11 General Residential Area	S32 Residential Zone Decisions 9 July 2014
B BOI s32AA commentary in relation to proposed variation	B S32 Commentary relevant to proposed variation
The development of the general residential areas is not proposed to be staged. It is expected that the general residential areas will be developed from extensions to existing and new roads and infrastructure. 25H.8.1 General Residential Area.	The relevant PDP General Residential Zone provisions are appropriate to apply to the general residential areas identified in the BOI decision. This will provide for one set of general residential provisions for the city and will recognise the importance of the PDP process regarding the residential zone provisions. Chapter 4 Residential Zones
C Applicant’s Section 32 Assessments	
31 October 2013 (relating to notified change): Page 54 of Ruakura Private Plan Change Section 32 Report refers to General Residential area. Approximately 6ha of residential to adjoin to existing Fairview Downs residential development.	
9 June 2014 (relating to amended Change as at 26 May 2014): No specific reference other than broader objective 25H.4.SF.6 which relates to providing a range of housing types and densities.	
D BOI Overall section 32AA Conclusion	D Overall section 32 Conclusion
Recognises that dealing with the general residential areas as part of the plan change is an efficient way to deal with land that boarder existing residential.	Question whether BOI provisions or PDP provisions are to be included for general residential zone. The PDP has been through an extensive process for the general residential provisions.
E Additional Assessments to meet s32 duty	E Additional Assessments to meet s32 duty
	Important to consider bigger general residential area east of Spine Road.

The BOI decision included the general residential provisions as provided in the Hamilton Operative District Plan. As the variation is to the Hamilton Proposed District Plan it is important to consider the rationale for adopting the general residential provisions within the PDP.

Adopt the PDP general residential provisions for the wider general residential area in Ruakura

Proposal	Costs	Benefits
Option A: Adopt the PDP general residential zone provisions for the Ruakura area.	Any differences between the ODP and PDP general residential provisions will be relevant to consider. Does not give effect to BOI decision which relied on ODP provisions.	Provides for strong alignment with the PDP general residential provisions and provides continuity for the entire city approach to general residential provisions.
Option B: Rely on BOI decision which refers to Operative District Plan general residential provisions.	The administration and confusion created by having two separate general residential zone provisions within the City.	Directly aligns with the BOI decision.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option A is the most effective and efficient way to provide for general residential zones within the Ruakura area. This does not directly give effect to the BOI decision, but importantly aligns with the PDP which has been through a full public and robust planning process.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach will allow for easy integration within the PDP general residential provisions and provides continuity for the entire city approach. This importantly recognises the formal process the general residential provisions have been through in relation to the PDP.

6.5.3 Insertion of Ruakura Medium Density Residential Zone

A new section within Chapter 4 Residential Zones is provided for to give effect to the Board’s decision. The Board identified in it’s decision *‘The rationale for the Medium Density Residential Area [now Ruakura Medium Density Residential Zone] is in accordance with the relevant strategic statutory documents and that the provisions in the plan change will enable development to occur in a timely manner and will achieve an appropriate level of amenity.’* The options for Council to consider in this variation are as follow:

Proposal	Costs	Benefits
Option A: Incorporate the BOI decision provisions into the PDP residential framework. This includes integrating the LDP mechanism, a separate activity status table and relevant general and specific standards.	Separate set of planning provisions and process for the Ruakura Medium Density Residential Zone to the city wide Medium Density Residential provisions.	Recognises the unique context of Ruakura and the robust and technical process considered during the Board process.
Option B: Rely on the existing medium density provisions within the PDP.	Does not give effect to the BOI decision and fails to recognise the substantive work that went into the BOI process for Medium Density.	One method for medium density residential growth within the City.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option A is the most effective and efficient way to give effect to the BOI decision and process. This will integrate the LDP mechanism into the Medium Density Residential Zone for Ruakura and provide a unique set of Medium Density provisions.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This will integrate the full set of medium density provisions developed through the BOI decision process and utilise the appropriate mechanism determined as the LDP application process.

6.5.4 Medium Density Residential Zone – Extension

The BOI decision confirmed 43 hectares of medium density residential development as part of the Plan Change at the north end of the Ruakura area. The 43 hectares is held in single ownership by Chedworth Properties Limited (CPL). Density targets for residential growth were developed through Future Proof and incorporated into the Waikato Regional Policy Statement (WRPS) within Policy 6-14, which is now beyond challenge. The WRPS confirms density yields for the Central City (50 dwellings per hectare), intensification areas (30 dwellings per hectare) and within Greenfield areas (16 dwellings per hectare). Ruakura fits within the Greenfield context and the relevant objective with 16 dwellings per hectare for residentially zoned land. Land Development Plan Area J which has already been consented by Council totals 150 lots on 7.2 hectares and has a total yield of approximately 21 dwellings per hectare.

Feedback on the draft Ruakura Variation provisions from CPL sought a zoning change of their general residential land totalling approximately 22 hectares at the northern end of the structure plan, to the east of the Spine Road, to a medium density residential zoning. The following options have been considered by Council:

- Retain the current general residential zoning;
- Rezone the 22 hectares of land owned by CPL from General Residential to Ruakura Medium Density Residential Zone;
- Rezone the 22 hectares of land owned by CPL from General Residential to Ruakura Medium Density Residential Zone – excluding the 1.3 hectare site located north of Greenhill Link Road and east of the Spine Road North; and
- Rezone the entire 60 hectares of general residential land east of the Spine Road at the northern end of the structure plan to Ruakura Medium Density Residential Zone.

The rezoning of the 60 hectares to Ruakura MDRZ was not explored in more detail as to date feedback has not been sought or received from the adjoining land owner on this proposal and how that property could be impacted.

Proposal	Costs	Benefits
Option A: Rezone the 22 hectares of land owned by CPL from General Residential to Ruakura Medium Density Residential Zone	Includes a separate 1.3 hectare parcel of land to the north that will be severed from the balance area by the Greenhill Link Road. Has limited synergy with the balance area and potentially greater synergy with the adjoining land that while in separate ownership could provide for comprehensive residential development in the future.	Higher yield, providing a mix of housing typologies in Hamilton and adding to the housing stock of a growing City. Provides integration with wider infrastructure investment in roading and three waters. Supports the existing and proposed neighbourhood centres which are within a walking catchment of the 22 hectares.
Option B: Rezone the 22 hectares of land owned by CPL from General Residential to Ruakura Medium Density Residential Zone – excluding the small 1.3 hectare		Higher yield, providing a mix of housing typologies in Hamilton and adding to the housing stock of a growing City. Provides integration with wider infrastructure investment in

<p>site located north of Greenhill Link Road and east of the Spine Road North.</p>		<p>roading and three waters. Supports the existing and proposed neighbourhood centres which are within a walking catchment of the 22ha. Recognises a small 1.3ha of land north of the Greenhill Link Road is more appropriate to retain to develop in a comprehensive manner with the adjoining greenfields land in separate ownership. Does not challenge the revitalisation of the inner city that is focused on catering for higher density residential living.</p>
<p>Option C: Retain the current general residential zoning</p>	<p>This does not recognise the different typologies of housing that can be achieved through medium density residential land, that the single ownership of the 22 hectares enables a comprehensive approach to medium density residential development or recognise the locational benefit of the land in proximity to an established neighbourhood centre and a proposed neighbourhood centre within a walking catchment and employment opportunities on the east side of the City.</p>	<p>Maintains the opportunity for traditional residential development to occur over the planning period.</p>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option B is the most appropriate as it efficiently provides for residential growth at a scale that is comparable to the locational context of the site and provides for a mechanism to deliver a higher yield which best utilises land zoned for residential in the city and provides a mix of typologies in Hamilton. The area has locational advantages favourable to its intensification for residential development including good access to Wairere Drive and the Waikato Expressway and the area can be serviced. The area is close to employment on the eastside that is predicted to grow over the planning period. This option will also support the adjacent medium density area on the western side of the Spine Road as a medium density residential node.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This option is supported for the reasons outlined above and the confirmation that different densities are being achieved throughout the City and for Greenfield development medium density is a viable and efficient use of land.

This aligns with the BOI decision were in paragraph 747 it confirmed the following key advantages *‘the land is predominately flat, directly adjacent to existing residential development at Fairview Downs, it is 2.7km from the CBD, has excellent access to Wairere Drive arterial and proposed Wairere Drive interchange with the WEX and it has a large landholding that can be comprehensively developed compromising approximately 1,800 households’* when referring to land west of the Spine Road. The same synergies apply to the land east of the Spine Road.

The BOI traffic modelling was based on assumptions of 16 households/ha (net) for general residential areas and 28 households/ha (net) for higher density areas. Under a general residential zoning (average section size 625m²) 208 households could be achieved, whereas under a medium density zoning (average section size 360m²) a total of 364 households could be achieved. The scale of the zoning change could theoretically net an additional 156 dwellings and achieve a density of 28 dwellings per hectare which is not considered to have an adverse impact on the infrastructure capacity or traffic generation at Ruakura from the assessments carried out by Council.

For the above reasons, it is appropriate to extend the Ruakura MDRZ east of the Spine Road for land owned by CPL, but excluding the 1.3 hectares of land north of Greenhill Link Road.

6.5.5 One Integrated Retail Development

The BOI decision describes in paragraphs 766-768 the purpose of the intended neighbourhood centre in the Ruakura Medium Density Residential Zone. This is described as an “integrated retail centre” in the supporting assessments presented to the Board. The centre was to be established “within the general location shown on Figure 25H(3) with its size limited to 3,500m² gfa.” The Retail Joint Witness Statement 10 April 2014 confirmed the appropriateness of the planning provisions including its locational flexibility to be included in the provisions for the Ruakura Medium Density Residential Zone.

Proposal	Costs	Benefits
Option A: Incorporate the BOI decision relating to the establishment of an integrated retail centre in a location generally identified in the Ruakura Structure Plan as part of the Medium-density Residential Zone.	Approach is not replicated in a similar manner elsewhere in the city.	The approach recognises the unique context of the Ruakura Medium Density Residential area and its supporting objective and policy mix. The Retail Joint Witness Statement 10 April 2014 confirmed the appropriateness of the planning provisions to achieve its integrated development while recognising flexibility with its final location.
Option B: Not provide for an integrated retail centre as part of the Medium Density Residential	Does not give effect to the BOI decision or support expert witness opinion that the approach is appropriate to and	One method for medium density residential growth.

<p>Zone provisions or notate this opportunity on the Ruakura Structure Plan.</p>	<p>consistent with the City’s business hierarchy. Approach does not recognise the differences between the Ruakura Medium Density Residential Zone and similar zones elsewhere in the City.</p>	
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Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option A is the most effective and efficient way to give effect to the BOI decision and process. This approach is supported by the retail expert witnesses and in particular the approach recognised that it was best to leave its final location flexible and distant from the consented ‘Portland’ development.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This will integrate the full set of medium density provisions including a neighbourhood retail centre developed through the BOI decision process.

6.5.6 Large Lot Residential Zone

This s32 discussion relates to the Percival and Ryburn Road Large Lot Residential Zone which was deferred as part of the PDP hearing process. The Large Lot Residential Zone for SH26 was determined in the PDP hearing process and is not subject to this assessment.

A BOI (BOI) Decision – September 2014	A Proposed District Plan (Appeals version) – September 2014
Outside the Plan Change area.	S32 Residential Zone Decisions 9 July 2014
B BOI s32AA commentary in relation to proposed variation	B S32 Commentary relevant to proposed variation
The PDP zones the Percival Road/Ryburn Road area Large Lot Residential (although the Structure Plan proposes RLZ). The owners of these properties have submitted in support of the PDP zoning, whereas other parties such as FutureProof Implementation Committee, NZTA and TGHL have submitted to request it be zoned RLZ. This area has been omitted from the requested Plan Change, leaving that issue to be determined in the PDP hearings	Within the Ruakura Structure Plan there are two areas of Large Lot Residential Zoning. These areas are not currently serviced by full Three Waters infrastructure and the future lot sizes are such to retain this situation in the future. One of these areas is the area bounded by Percival and Ryburn Roads and bounded by the Waikato Expressway. Whilst this area has a Large Lot Residential Zoning, the Ruakura Structure Plan identifies this for Logistics in the longer term.
C Applicant's Section 32 Assessments	
Outside the Plan Change area	
D BOI Overall section 32AA Conclusion	D Overall section 32 Conclusion
BOI decision does not consider the zoning of the Residential Enclave to the north of the railway line.	The PDP as notified identified the residential enclave with a Large Lot Residential Zoning, with the structure plan identifying long term as logistics. The same approach has been taken for the variation.
E Additional Assessments to meet s32 duty	E Additional Assessments to meet s32 duty
	Purpose 4.1.4 Large Lot Residential Zone updated to reflect residential enclave New Objectives 4.2.10 and 4.2.11 and Policies 4.2.10a-d and 4.2.11a.

6.5.6.1 Assessments required to meet s32 duty to incorporate provisions into the variation

Following on from the table above the key s32 assessments are covered in detail below:

2. Management Options for the Ryburn / Percival Road Area
3. National and regional policy
4. Zoning
5. Subdivision
6. Private Property Rights and Reasonable Use
7. Interface controls
8. Reverse sensitivity
9. New objectives and policies (4.2.10 and 4.2.11)

6.5.6.2 Management Options for the Ryburn/Percival Road Area

One of the most challenging issues considered in the preparation of the variation is how to provide for the established rural residential enclave - the Ryburn/Percival Road residential enclave (the enclave). The enclave is the closest residential area to the proposed inland port and is part of a substantial land bank area earmarked for expansion of the port over the long term. However, the timing of that development is unclear.

There are four matters to consider when addressing the area's future land use status:

1. National and regional policy;

2. Zoning;
3. Subdivision; and
4. Amenity and reverse sensitivity

6.5.6.3 National and Regional Policy

In considering the establishment of an inland port, the Board noted (and the position is supported by the Council):

- The inland port proposal is consistent with the strategic planning framework and notably the RPS with the inland port recognised as being part of the industrial land allocation for a 'Ruakura' area [paragraphs 106-109];
- The site's location adjacent to the ECMT railway and proposed WEX is important to ensure it viability long term [paragraph 112-114, 205-236 and 238-244]; and
- The development of the inland port is guided by a vision. This is underpinned by a set of strategic framework and area-specific objectives and policies that acknowledge the staged release of land supported by infrastructure services and roading to manage the potential effects at the interface between new and established activities in the area [paragraphs 191-204].

The Board decision amended the Waikato section of the Hamilton Operative District Plan by introducing the extensive Schedule 25H Ruakura provisions for a part of the R1 Area. This effectively substituted, with respect to the Hamilton City Proposed District Plan a logistics area (or zone) and two Industrial Park zones [paragraph 2] and left the balance area of R1 to be 'reconsidered' as part of this variation and to integrate into the Proposed District Plan (now Appeals version). The zoning status for the enclave comes into this latter category and must be determined through the variation to the District Plan.

The RPS confirmed a staged future allocation for industrial land in the Region and this includes an allocation for land within Hamilton City. This allocation is anchored in three strategic industrial nodes in Hamilton (Rotokauri, Ruakura and Te Rapa North). Ruakura has the largest land area allocation over the period 2010-2061 totalling 405 hectares. This is summarised in Table 25H(1): Industrial Land Allocation in the Future Proof Area [Board decision Plan Change 2, page 13].

At the policy level there is consistency between the Board decision and the RPS. The District Plan is required to give effect to this confirmed regional industrial land allocation strategy.

The key resource management issue is: *What is the most effective and efficient means (the s32 test) to manage the transition from the existing legitimately established pattern of land use and most notably, the Ryburn-Percival Road residential enclave so as to enable the strategic land use pattern to establish over time consistent with the Waikato RPS and the Board of Inquiry decision?*

In summary, it has been assessed that to give effect to the RPS then:

- A Ruakura Logistics zoning 'notation' shall apply over the residential enclave on the Ruakura Structure Plan Figure 2-14 over the long term; and
- The Large Lot Residential zoning apply on the zoning maps for the current planning period.

The following discussion sets out those reasons.

6.5.6.4 Zoning

The enclave currently is zoned Countryside Living under the Operative, Waikato section of the Hamilton City District Plan. The 'zoning' options promoted for the enclave were subject to two planning regimes under the Proposed District Plan, for which decisions were deferred during the Plan hearings in 2013 and 2014:

1. A Ruakura Logistics notation on the Ruakura Structure Plan Figure 2-14 to support the operation of an inland port - this illustrates where future land use is required to be in 'general accordance with' Figure 2-14 and Section 3.7 and specifically 3.7.1.6b) and 3.7.3.1); and
2. A Large Lot Residential zoning on Planning Map 40A, and explanatory text under 4.1.4ii)) that describes the area 'transitioning to a Logistics Zone in future district plans'.

The following submissions were lodged to the Proposed District Plan that specifically focused on the future zoning of the enclave:

- NZTA (#924);
- TGH (#913);
- FutureProof (#608);
- Peter and Barbara Ryan (#1006);
- Derrick and Robyn Masters (#835);
- ANG and SL Clarke (#951); and
- WR Cowie on behalf of Ruakura Residents Group (RRG) (#1275).

There are two diametrically opposed groups of submissions concerning the desired future zoning/resource management framework that should apply and therefore must be addressed (and resolved) in the variation. These are:

1. Rezone to Ruakura Logistics Zone now to provide for the long term efficient urbanisation of the strategic growth node.
This will avoid land use incompatibility and reverse sensitivity issues in the future; or
2. Retain the large lot residential zoning.

The following feedback was received on the draft variation:

Waikato Regional Council support the general approach outlined above;

New Zealand Transport Agency supports the general approach in the draft variation;

TGH support the logistics zoning over the Percival/Ryburn Road enclave on the Structure Plan map;

Ruakura Residents Group reserves the right to form a view after seeing the s32 discussion document at notification.

Council's position remains as set out in the notified Plan; that is, the District Plan provides for a Large Lot Residential zoning for the Percival/Ryburn Road enclave while the Structure Plan map provides

for a Logistics zoning in the long term. The position is summarised in Chapter 4.1.4 Large Lot Residential Zone in the variation.

A detailed discussion on the 405 RPS requirement is outlined in section 8.4.

6.5.6.5 Subdivision

Given the above unique planning circumstances what approach to subdivision would be consistent with the sustainable management purpose of the Act?

The current subdivision provisions under the Waikato section of the Operative Plan provides for subdivision to 5,000m². The Proposed District Plan set out a minimum subdivision threshold of 2 hectares (Rule 4.4.1i) for future subdivision in the enclave. This compared with the 2,500m² threshold for nearby Large Lot Residential area adjacent to SH26.

A desktop assessment of the additional lots able to be created is summarised, with the qualification noted below:

Residential Enclave Subdivision Comparison – June 2015

Minimum net site area	Sites with the enclave	Additional sites*	Total Sites
Zoning – Country Living (Waikato section): 5,000m ²	33	25	58
Proposed - Large Lot Residential (notified Plan): 2 hectares	33	1	34
Proposed – Large Lot Residential (SH26): 2,500m ²	33	92	125

* Additional sites are calculated on the full development potential of each site and do not factor in the existing built environment on the site. The calculation is based solely on the minimum net site area provisions.

The creation of additional lots is not going to be on the basis of providing new or further infrastructure to service the area as this area is not identified for servicing during the planning period. While general intensification of activity could be expected this cannot be based on having a higher amount of serviced land for urban (residential) purposes. This is reinforced by the enclave's location - not being adjacent to or contiguous with existing urban development now or in the foreseeable future.

The above analysis of the unimplemented subdivision potential that theoretically is possible shows that if the subdivision net site area is between 2,500-5,000m² and additional 25-92 sites could be created. This could result in the doubling or tripling in the number of residential sites created conditional upon each site being self contained with respect to servicing.

What effect might this reduction in net site area permissible for subdivision have if the threshold were reduced to 5,000m² or even 2,500m² rather than adopting the 2 hectare minimum?

As part of preparation for the variation Council commissioned a feasibility assessment to understand the likely impacts on property value associated with a transition from Country Living / Large Lot

Residential zoned land to a logistics use and zoning in the future. The Telfer Young Report clarifies two key points worth highlighting:

The report states that the market activity can be described in two ways; *‘the effect on property value from intensification of land use through change of zoning’* and *‘the effect on property value specific to a locality as a result of a change of land use in that locality seen as ‘unpopular’*. Both of these effects are important contributors to the current land value in this locality. The perception of an unpopular trigger can generate a market reaction that results in a *‘trough shaped value curve’* where its depth and length are dependent on the level of perceived effects.

The report goes on to state; *‘the value will predominately be determined by supply and demand which is underpinned by physical characteristics and regulatory conditions such as zoning’*. The quantifiable extent of supply and demand is not covered in the feasibility report, but instead concluding observations are made around this key issue for the Ryburn / Percival Road context:

- *Initial values may be impacted by market perception of industrial activity being developed in the inland port area immediately to the south until such time as the activity and its effects can be measured*
- *The retention of the rural residential zoning amongst the surrounding Logistics Zone may alter the natural dynamic and demand toward highest and best use. Potentially this could slow a typical market transition as the intensification of use will require the rezoning of the area.*
- *The retention of the rural residential zoning maintains a market perception of a residential area next to industrial development*

6.5.6.6 Private property rights and Reasonable use

Section 85 RMA 1991 provides for a landowner to challenge a proposed plan’s provisions when the provision(s) would render the land incapable of reasonable use. The term is defined under sub-section (6) in relation to any land, to be “...the use or potential use of the land for any activity whose actual or potential effects on any aspect of the environment or on any person other than the applicant would not be significant.” Caselaw suggests there is a ‘public interest’ component to the consideration of whether the statutory purpose of promoting sustainable management is served in this context.

From the above assessment Council has determined that a landowner’s expectation of ‘reasonable use’ can be met while promoting the sustainable management purpose of the Act by maintaining the existing subdivision controls. This is on the basis that there is a highly uncertain timeframe for the expansion of the inland port’s operations being at least beyond the life of the current Plan. Therefore the conversion of the land for port purposes that presently supporting residential activities is not part of the immediately foreseeable needs of the planning period.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Retain current subdivision entitlement - minimum net site	Uncertainty to landowners and the market resulting from the ‘shadow’ of a Logistics zoning	Maintains subdivision entitlement and thereby preserves the opportunity to

<p>area 5,000m².</p>	<p>applying long term. May alter the natural dynamic of supply and demand toward highest and best use, as a Logistics use would require a zoning change. This could slow a typical market transition as the intensification of land use to logistics will require rezoning to occur beforehand.</p>	<p>landowners for the subdivision of their land over the planning period. Provides for best use of the land in the interim, with recognition that if the Inland Port is successful the land will be of higher value given its locational advantages. Future purchasers of land within this area will understand the long term intended use of the land.</p>
<p>Option B: Adopt subdivision entitlement - minimum site area 2,500m².</p>	<p>Considered to undermine the operative land allocation provisions of the RPS. Will not satisfy the Council's statutory duty to 'give effect to' regional policy. Possibly undermine the agglomeration benefits of this area as part of a large land bank to meet the long term development of the port. Agglomeration was an important aspect that underpinned the Board decision. Raises prospect for urban level services being required for the area over time.</p>	<p>Provides greatest opportunity to landowners for the subdivision of their land.</p>
<p>Option C: Adopt subdivision entitlement - minimum site 2 hectares .</p>	<p>Raises the concern whether this approach provides for the reasonable use of land under s85 RMA.</p>	<p>The agglomeration benefits of this area long term are safeguarded as part of a larger land bank to meet the development of the port. Safeguards the strategic regional land allocation policy.</p>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

Option A reflects the current subdivision provisions. This approach is considered an efficient and effective mechanism that with a limited uptake of new titles, is unlikely to be viewed as being contrary to strategic planning policy while still promoting the sustainability purpose of the Act.

The alternative options either directly challenge the regional policy (Option B) by not recognising and signalling the long term expectation for a logistics zoning to apply to the enclave and undermining the agglomeration benefits associated with this site (35 hectares) that was recognised through the BOI decision, or substantially reduce the current subdivision entitlement (Option C) so

that the land is unlikely to be subdivided for residential purposes in the short term while the long term development programme for the inland port remains so uncertain.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach to retain the status quo with respect to the subdivision entitlement during the course of the current planning period acknowledges the overall uncertainty over the rate of expansion of the inland port and on this basis will be the most appropriate method and should be adopted in the variation.

6.5.6.7 Interface Controls

Regardless of which zoning or subdivision planning framework is adopted, there is a need to provide controls in the variation to manage those foreseeable environmental 'sensitivities' from the port's operations on the established neighbouring rural residential enclave.

The BOI decision provides a robustly developed evidential base to support rules and performance measures for the continuation of a managed buffer between the residential properties, the road reserve and the neighbouring land that in time, will be used for facilities to support the 24/7 operation of the inland port.

Advice was received from Isthmus Group when considering possible approaches to screen activities associated with the inland port operations from direct view of residences as one measure to maintain residential amenity. Isthmus have confirmed (in summary):

- A landscape buffer should apply adjacent to the Percival Road road reserve;
- The planted buffer be 20 metres wide, with a further 10 metre setback for buildings on the neighbouring site; and
- The 20 metre depth is adequate distance to provide for planting that accommodates the existing plane trees, understory planting and an evergreen hedge to 12 metres.

Feedback on the draft variation from TGH sought to reduce the buffer area from 30 metres to 10 metres for the landscape planting strip (as opposed to the 20 metres strip plus a 10 metre building setback) because an extensive area of land would be taken 'out' to achieve the screen planting. 3.5 hectares was suggested as being the land area lost for either logistics or industrial purposes.

The following comparison can be made with the now operative Industrial Amenity Protection Area (APA) provisions for those locations where industrial zoned land is adjacent to residential zoned land. Some examples are the industrial zoned enclaves anchored around Riverlea Road, Ruakura Road and Kaihikatea Drive.

The planning control is described under the 'Explanation' to Objective 9.2.3 as: *"to protect residential sites where they are adjacent to land within the Industrial Zone. Industrial properties covered by the Amenity Protection Area are subject to additional standards. ..."* The objective itself sets clear expectations:

The adverse amenity impacts of industrial activities on residential and open space areas are to be avoided.

The relevant rules under 9.4 (summarised) directed to achieve this objective are:

- Building setbacks from residential boundaries 8 metres
- Maximum building height 20 metres except 10 metres for part of a building in APA
- Site coverage No maximum except within APA where 75% maximum

In summary, these performance standards limit the location, bulk and intensity of industrial development on sites to promote minimal if any adverse amenity impacts on neighbouring residential activities. No provision is made for a planted buffer.

These provisions apply where there are residential and industrial activities ‘co-locating’. The interface area under consideration as part of this variation is greenfield (rather than ‘brownfield’ in the urban area of Hamilton), rural in outlook and with a row of established planting on/along the Percival Road reserve. The variation affords the opportunity to promote a comprehensive approach to ‘protect’ residential amenity in the context of objective 4.2.10 noted above that is not possible under the APA provisions.

Council’s assessment is that from the guidance provided from the Board decision including the objective and policy framework now incorporated into the variation (and specifically objective 4.2.10 *‘Protect the amenity values of the Percival Road-Ryburn Road Large Lot Residential enclave, while providing for urbanisation of the balance area consistent with the visions for the Ruakura Structure Plan area.’*) then the nature and extent of the planting and screening proposed is necessary to promote the sustainable management purpose of the Act.

The concept is therefore adopted, implemented and illustrated in Chapters 10.5.4.3 and Figure 10.5.4.3a (Ruakura Logistics Zone) and Chapter 11.5.3 and Figure 11.5.3a (Ruakura Industrial Park Zone). Buildings to a permitted height of 20 metres (sourced from the Board decisions for the Logistics Zone-Sub Area A for example) can be partially screened with an intervening viewing distance of approximately 50 metres from residential boundaries and 60 metres from the nearest houses. The concept drawing does not take account the potential benefits achieved from screening from any existing plantings on the residential properties.

6.5.6.8 Reverse Sensitivity

The Board decision records that development of the inland port is going to bring gradual and adverse impacts on the amenity of the residential enclave over time and the appropriateness of planning controls to ‘manage’ this anticipated gradual change is desirable. This opinion also reinforces the Council’s own position that the adoption of the interface controls above is one method focused on screening. Another method is the acoustic controls derived from the BOI decision regarding noise and have also been included in the variation. A further method is the lighting and glare controls to limit light spill effects. The incorporation of resident representation on the Community Liaison Committee (a mechanism developed by the Board) is another avenue where noise nuisance and general amenity issues associated with the port’s operation can also be addressed.

Collectively, these rules provide a pro-active management approach to address on an on-going basis the operational aspects of the port and therefore have been incorporated into the variation.

Consideration has also been given to the adoption of no-complaint covenants to be registered on the title of subdivided lots in favour of the inland port/land owner. This would bind new landowners not to complain as to the environmental effects resulting from the lawful operation of the inland port.

On balance, this approach has not found favour because there is a suite of environmental controls in place from the BOI decision and being incorporated into the Plan through this variation that deals with noise and vibration, lighting and glare, biosecurity, buffer/interface controls and screening that will safeguard overall amenity values for residents. Further, the operation of the Community Liaison Committee that involves the port operator, the Council and representatives of resident groups will provide a forum for the discussion of such matters.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt with modifications the BOI approach to manage amenity through interface controls	Relatively extensive land area required is a direct burden (opportunity cost) to the landowner /developer. Ongoing maintenance time and cost to the landowner/port operator.	Addresses potentially significant amenity impacts associated with an expanding port operation by providing a planted screen prior to the commencement of inland port operations on adjacent land
Option B: Adopt the PDP provisions for amenity protection area (APA) to manage adjoining industrial and residential development	Approach (performance standards, assessment criteria) does not reflect the nature and scale of the inland port and its operations 24/7.	Appropriate approach in an established urban context
Option C: Adopt either of the above options and put in place no complaints covenants to apply at the time of subdivision	Future landowners will have provision recorded on title. Disincentive to subdivide and future purchasers. An extensive suite of performance standards are already proposed in the variation to address matters in a collaborative manner between all the parties.	Protects landowner and port operator from future claims regarding loss of amenity and obligations to provide mitigation. Private agreement between parties that does not involve Council.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

The provisions under Option A extend the Board’s approach to amenity management. This approach is considered an efficient and effective mechanism that will require proactive management of the inland port operations onto the neighbouring land to the residential enclave. This approach is considered to best promote the sustainability purpose of the Act.

The alternatives are less likely to achieve the same or comparable environmental outcomes and therefore achieve the purpose of the Act.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach to the management of amenity effects at the interface between residential and logistics activities of the inland port will be the most appropriate method and should be adopted in of the variation.

6.5.6.9 New objectives and policies (4.2.10 and 4.2.11)

As a direct outcome of the extensive review of the provisions overall that will apply to the area there are two new sets of objectives and supporting policies incorporated into the variation that seek to achieve the above diverse sets of environmental outcomes; namely 4.2.10 and 4.2.11.

Objective 4.2.10 is a critically important objective. Its wording follows closely the wording of Objective 3.7.2.2 (Ruakura). The new objective is consistent with the strategic objective of the variation and also is consistent with the sustainability purpose of the Act. Further, it aligns with the Council’s assessment that the current subdivision entitlement for the enclave can be retained given the uncertain timing for the strategic-level zoning change to ‘logistics’ being implemented. The non-public provision of infrastructure services for future development of the area is also consistent with the Council assessment that has not identified this area as being connected to city wide services as part of the Ruakura Strategic Infrastructure.

The policy also reinforces the need to ‘protect’ amenity values by requiring a landscape buffer adjacent to the rural residential zoned area that where practicable incorporates the established plane trees as part of that landscaped area.

Objective 4.2.11 is clear in confirming that the most appropriate method to secure the actual rezoning of the area for ‘logistics’ is through a future change or variation of the District Plan.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt the new objectives and policies to manage amenity	Approach does not rely on existing use rights for the established activities. Longer term there may be conflict in trying to achieve the strategic ‘rezoning’ of the land for port purposes.	Addresses amenity impacts prior to the commencement of inland port operations on adjacent land while accepting zoning change can occur in the longer term through a notified planning process.
Option B: Adopt the PDP provisions for amenity protection in Residential zones	Approach does not reflect the nature and scale of the inland port and its operations 24/7 and its potential adverse effects on amenity on the neighbouring rural residential enclave. Approach not ‘fit for purpose’.	Appropriate approach in an established urban context only.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

The provisions under Option A extend and improve upon the Board's approach to amenity management. This approach is considered an efficient and effective mechanism that will require proactive management of the inland port operations onto the neighbouring land to the residential enclave while enabling intensification of residential activity under existing subdivision rules. This approach is considered to best promote the sustainability purpose of the Act.

The alternative is less likely to achieve the same or comparable environmental outcomes and therefore achieve the purpose of the Act.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This objective and policy approach to the management of amenity effects for the area zoned large lot residential will be the most appropriate method and should be adopted in of the variation.

6.6 Chapter 15: Ruakura Open Space

A BOI (BOI) Decision – September 2014	A Proposed District Plan (Appeals version) – September 2014
<p>Section 12: Open Space areas, present an assessment, s32AA comments and support for new multi-purpose functions in 25H.10.</p> <p>Origin of new zone provisions summarised in paragraphs 842 and 843. Map 25H(1): Ruakura Schedule Area defines Open Space and quantum (50.61 hectares) confirmed in evidence (Goodwin, de Lambert).</p> <p>Paragraph 796 notes the mechanisms to create open space.</p> <p>Paragraph 799 notes the stormwater functions.</p> <p>Paragraph 803 outlines the ecological function of linear wetlands, plantings and greenways.</p> <p>Paragraph 816 notes the visual amenity function.</p> <p>Paragraph 817 notes the connectivity and recreation functions.</p> <p>Paragraph 819 addresses the buffer/interface issues.</p> <p>Paragraph 837 considers potential adverse effects arising from Open Space areas.</p> <p>Paragraph 842 provides an evaluation against the PDP: Strategic functions able to be met, and specifically in relation to 25H.4.SF.8 (ecological matters), 25H.4.SF.9 (transport, three waters services and open space) and 25H.4.SF.10 9 (amenity values).</p> <p>Relationship with Land Development Plan (25H.11) and Open Space provisions (25H.10) cemented through 25H.11.2.1 Landscape Concept Plan), 25H.11.4 restricted Matters for Discretion – Additional Matters for the Open Space Area.</p>	<p>Chapter 15: Open Space Zones (Section 32 Decisions Version – 9 July 2014)</p>
B BOI s32AA commentary in relation to proposed variation	B S32 Commentary relevant to proposed variation
<p>25H.11.4(j) – incorporation of criteria considering CPTED.</p> <p>Require Land Development Plans to comply with updated Cyclist and Pedestrian Network Plan (25H(5))</p>	<p>Minor amendments will be required to the commentary to ensure all five categories of open space are referred to following the addition of the Ruakura Open Space Zone.</p> <p>15.1 Introduction: Commentary still relevant.</p> <p>15.2 Objectives: Commentary still relevant. Additional objective included from BOI which is specific to the newly added, Ruakura-specific open space zone, will require s32AA analysis from the BOI decision.</p> <p>15.3 Policies: Commentary still relevant. Additional policies included from BOI which strengthen the open space policies, including additional policies under the Ruakura-specific open space zone. These will require inclusion of relevant s32AA text from the BOI decision, which can remain unchanged.</p> <p>15.4 Rules: Commentary will need to be amended. Commentary from the BOI s32AA can also be incorporated being that most provisions for the Ruakura Open Space Zone have been derived straight from the BOI decision.</p>
C Applicant's Section 32 Assessments	
<p>31 October 2013: Generic assessment reliant on adoption of the legacy plan approach (Hamilton District Plan, Waikato Section) and the Recreation General Zone provisions</p>	
<p>9 June 2014:</p> <p>Section 7.0 Ecology – amendments based around Third Expert Conferencing Joint Witness Statement -22 May 2014. Provides for mitigation methods for indigenous fish and open space greenway functions and revisions to specific Ruakura wide policies.</p> <p>Section 8.0 New Open Space Provisions outline rationale for</p>	

<p>departure from Hamilton ODP provisions (Recreation General) as providing the most efficient and effective method of achieving Plan objectives because of its comprehensive and integrated approach.</p>	
<p>D Assessment in relation to proposed variation and BOI Overall section 32AA Conclusion</p>	<p>D Assessment in relation to proposed variation and overall section 32 Conclusion</p>
<p>Links between Open Space provisions and Land Development Plan established and strengthened through strategic policy framework, respective information requirements, rule provisions and assessment criteria. BOI decision at paragraph 845: “We are satisfied that the plan change incorporates a robust and comprehensive set of objectives, policies, assessment criteria and rules that will enable open space areas to fulfil a range of functions and realise these benefits.”</p>	<p>New Ruakura Open Space Zone established in the PDP chapter, which is more multi-purpose and has more of an ecological focus than the existing Open Space Zones. This new zone, alongside the existing provisions in the Open Space chapter, capture the intent of the BOI decision.</p> <p>Purpose text is to be retained with minor amendments to align with BOI provisions. A fifth category of Open Space Zone specific to Ruakura is to be added, and additional commentary to describe the purpose of this specific Ruakura category, derived from BOI decision – but no change to existing 4 categories.</p> <p>Retain objectives, and where minor differences occur between PDP and BOI, PDP objectives prevail.</p> <p>Retain policies, and where minor differences occur between the PDP and BOI, the PDP policies prevail.</p> <p>Provisions specific to the Ruakura Open Space Zone have been derived from the BOI decision.</p>
<p>E Additional Assessments to meet s32AA duty</p>	<p>E Additional Assessments to meet s32AA duty</p>
	<p>Addition of explanation of Ruakura Open Space Zone to the purpose of the Open Space Zones to align with BOI decision.</p> <p>With the creation of a new open space zone which is specific to Ruakura, add open space activity statuses and rules from the BOI decision.</p> <p>Addition of objective and policies for Ruakura Open Space Zone.</p>

6.6.1 Assessments required to meet s32 duty to incorporate provisions into the variation

Following on from the table above the key s32 assessments are covered in detail below:

2. New Ruakura Open Space Zone
3. Land at 111-117 Powell’s Road
4. Open Space Widths
5. Natural Open Space Zone – Mangaonua Gully

6.6.2 New Ruakura Open Space Zone – 15.2.10

The Ruakura Open Space Area confirmed by the BOI decision is an open space zoning unique to Ruakura. It includes a variety of functions; connectivity, areas of managed buffer and interface, delivering on stormwater treatment, ecological enhancement, recreation and amenity. No current zoning under the PDP provides for a wide array of functions as the BOI decision included for Ruakura. The variation will integrate the BOI decision into the PDP framework for open space and retain its distinctive multifunctional and cohesive framework for managing open space at Ruakura. This “strategic” open space corridor will run the length of the Ruakura growth cell and will deliver on this range of environmental and community outcomes.

The BOI decision in paragraph 845 confirmed the approach and includes a *‘robust and comprehensive set of objectives, policies, assessment criteria and rules that will enable open space areas to fulfil a range of functions and realise these benefits.’*

Proposal	Costs	Benefits
<p>Option A: Include a new Open Space Zone for Ruakura to reflect the unique, multi-functional nature of the zone in the BOI decision, and its ecological focus and include all relevant provisions confirmed in the BOI decision. Integrate the specific Open Space provisions determined in the BOI decision into the PDP framework.</p>	<p>The additional ecological focus of the open space zone in the land development plans in the BOI decision would require greater cost to the applicant to do the comprehensive assessments required.</p>	<p>The open space zone developed in the BOI decision is different to the existing open space zones, with a multi-functional nature with the integration of ecological and stormwater management functions and passive recreation opportunities. This is very different to the existing zones. The integration of the open space zone within the PDP framework allows for a consistent method for treating open space and giving effect to the BOI decision and outcomes.</p>
<p>Option B: Maintain PDP open space zones and utilise one of the four existing zones to cater for Ruakura.</p>	<p>The Ruakura Open Space Zone is different to the other four zones within the PDP and therefore some of the intent of this area would be lost if attempting to “retro fit” into one of the existing open space zones. The additional stormwater management functions, the ecological focus and the ability to utilise the Ruakura open spaces in a multi-functional way would likely be lost.</p>	<p>Without the additional requirements for open space zones in land development plans, the cost to applicants may be reduced.</p>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The addition of the new Ruakura Open Space Zone is the best way to reflect the decision of the BOI, and to achieve the objectives and policies for Ruakura. An addition to the Purpose 15.1 has been made to record the additional zone and provide clarity for the Plan user. The inclusion of a specific objective and supporting policies (15.2.10) for the Ruakura Open Space Zone demonstrates the uniqueness of the zone.

The tailored activities and rule provisions (15.3) determined by the BOI have been integrated into Chapter 15 Open Space Zones to accurately reflect the specific provisions developed for Ruakura.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

A new open space zone for Ruakura provides for greater awareness of the purpose of the multi-functional open space area and the different functions this area is required to deliver in environmental terms. A zoning of this intent is not provided in the PDP as a single zone, and is therefore critical to include as an integrated package of changes in the variation.

6.6.3 Land at 111-117 Powell's Road

The land owned by Grasslands Trust at 111-117 Powell's Road comprises 1.1 hectares and is currently zoned Rural Residential in the Waikato District Plan. The notified PDP in December 2012 identified the land with a Neighbourhood Open Space Zoning over the majority of the two sites.

Grasslands Trust submitted to the PDP seeking Council purchase their land, but these matters were deferred after the commencement of the BOI process in 2013.

The following assessment considers the options available and provides a rationale for the approach taken.

Proposal	Costs	Benefits
Option A: Retain Neighbourhood Open Space Zoning over 111-117 Powell's Road.	Provides for very limited development opportunities for the land.	Gives effect to the long term intent of the structure plan (refer Figure 2-14).
Option B: Amend BOI Open Space Zone provisions into the PDP Open Space Chapter.	Provides for very limited development opportunities for the land.	The additional open space zone rules derived from the BOI decision ensure the unique characteristics of the open space zone for this area is clearly defined and provides the basis for its development.
Option C: Designate the Spine Road and Open Space Corridor.	Council becomes financially responsible for the road and open space corridor through this process.	Provides certainty to the land owner at 111-117 Powell's Road.
Option D: Amend BOI Open Space Zone provisions into the PDP Open Space Chapter and develop a Private Developer Agreement to confirm any land acquisition of 111-117 Powell's Road.	Requires Council, Tainui Group Holdings or Chedworth Properties Limited to purchase the properties and enter into a Private Developer Agreement.	Provides certainty to the current land owner and recognises the long term intent of the structure plan.
Option E: Realign the Spine Road and Open Space Zone around 111-117 Powell's Road and provide for an extension of the adjacent Fairview Downs general residential zone.	Does not give effect to the Regional Policy Statements 405ha for industrial node. Provides less continuity of open space throughout the structure plan and is an inefficient method for dealing with two properties which make up a small portion of the entire structure plan.	This would not require any land acquisition. Maintains consistency with Ruakura Structure Plan Figure 2-14.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The most appropriate zoning of the land at 111-117 is clear; the difficulty is in the mechanism to achieve this also requires consideration. Option D integrates the Board's decision and will provide certainty to the land owner and will provide for a continuous open space zone within the Ruakura Structure Plan.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

Amendment of the zoning of 111-117 Powell's Road to a Ruakura Open Space zoning provides the best framework for achieving the multifunctional use of the zone, whilst retaining the opportunity for a Private Development Agreement for land acquisition for this property. This approach will provide the landowner with certainty around future use and maintain consistency with the Ruakura Structure Plan.

6.6.4 Retention of Open Space Widths

Feedback received on the draft variation provisions questioned the 40 metre setback determined by the BOI decision between the Ruakura Industrial Park Zone and the Silverdale residential area. The BOI decision in paragraph 682 outlines the rationale for the 40m Ruakura Open Space Zone, additional 8m setback for any new building in the Ruakura Industrial Park Zone and the 50 m interface design control area. Paragraph 687 explains the purpose of the open space buffer is primarily for stormwater and ecological management and will involve the creation of wetlands, ponds and swales. This may limit the opportunities to fully screen through landscaping the industrial environment to the north. Landscape design should still achieve partial screening of neighbouring activities in the Ruakura Industrial Park Zone. This assessment is consistent with the Board's assessment at paragraph 829 that states *'The experts are in general agreement that the open space corridors have sufficient width to fulfil their various functions and that the overall integrated management purpose of the Act will be achieved'*. No amendment is proposed as part of the variation.

6.6.5 Natural Open Space Zone – Mangaonua Gully

The Natural Open Space Zoning at the southern end of the Ruakura Structure Plan over the Mangaonua Gully area was deferred as part of the PDP hearings process. One of the submissions received to the PDP sought further refinement of the areas identified as Natural Open Space Zone.

After further consideration it has become apparent that:

- There is some inconsistency in the mapping of the natural open space zoning and its relationship with the Waikato River and Gully Hazard Area.
- Through submissions to the PDP requests were made to reduce the extent of the zoning to reflect the areas covered by Significant Natural Areas (SNA's).
- Decisions on this were deferred as a result of the Board of Inquiry process for the Ruakura Structure Plan.

The drafting of the Ruakura Variation provides the opportunity to relook at the Natural Open Space Zoning and rationalise the approach to ensure the most suitable allocation of zoning to reflect Council's future aspirations for the area.

In summary, the PDP has a clear direction to restore and protect Hamilton’s gully network. When considering the three options identified above it is clear that the PDP has aspirations to improve the natural environment, particularly those areas identified as part of Hamilton’s gully network. As per the Section 32 Evaluations for the Strategic Framework, Open Space Chapter and Waikato River Corridor and Gully Chapter, these objectives and policies are still considered to be the most appropriate means of achieving the purpose of the Act.

Proposal	Costs	Benefits
Option A: Align the Natural Open Space Zoning with the identified Significant Natural Area	This would provide a zoning that signals future development is appropriate in those areas not covered by the SNA overlay. This is likely to lead to a reduction in the total area of gully network in the city.	
Option B: Align the Natural Open Space Zoning with the Gully Hazard Area	Removes development potential from some areas of land. Limits future options for those sites which have already built in the gully areas and creates a tension between land use and zoning. Protects areas that have been previously modified for development such as parts of the gully that have been in filled. Signals that some areas of land may be appropriate for development where access is difficult. Potentially signals Council will be vested with the land zoned when further development of the area occurs. May increase chances of zoning being appealed.	Protects the entire gully area from development. Signals gullies will be restored in the long term. Aligns with the strategic direction of the objectives and policies.
Option C: Tailor a bespoke approach that considers existing and potential future development in the area.	Potentially reduces the amount of gully area protected and therefore enhanced. May reduce development potential of land. Changes to zoning may require Council to acquire land that was not previously considered	Allows zoning to reflect areas that have already been developed or extensively modified reducing conflict with land owners. May reduce likelihood of appeal. May reduce cost to Council for acquiring land.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option C - tailoring a bespoke approach that considers existing and potential future development in the area provides the most effective and efficient manner to achieve the objectives and policies of the PDP.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

While not leading to the largest area of land being zoned Natural Open Space out of the options considered, it allows for previous development and extensive modification to the natural

environment to be taken into account when the zoning is applied. This presents an effective option for Council as it will still protect areas of gully that haven't been modified, providing the opportunity for these to be restored, achieving the policy direction set out by the Plan. It is also likely to be the most efficient option as it will reduce conflict with land owners by not zoning those areas of land that have been previously developed for rural and residential purposes.

7 OTHER GENERAL RULES FOR ALL ZONES

A comparison of the BOI decision general rules with the PDP provisions is required to determine whether there are any major differences between the two sets of provisions.

7.1 Assessments to meet s32 duty

The key s32 assessments are covered in detail below:

2. General Provisions for Subdivision and Development of Land
3. Provision for Infrastructure and Financial Contributions
4. Earthworks and Site Development
5. Construction Provisions

7.2 General Provisions for Subdivision and Development of Land and Subdivision Standards for Individual Zones

Residential

In summary the key differences area:

- The ODP has boundary relocations as a Controlled activity for both residential types however this activity is not listed in the PDP.
- For General Residential, both plans have boundary adjustments as Permitted activities. However the ODP has fee simple subdivisions as Controlled, whereas the PDP is more restrictive, at Restricted Discretionary.
- The minimum net site area and shape factor circle are the same, however the ODP has additional restrictions which have not been included in the PDP, including a minimum frontage, average lot size, minimum width of access and maximum length of access. The PDP has a minimum rear boundary length for front sites which the ODP does not.
- For Medium Density Residential, the ODP has subdivision as Restricted Discretionary (after a Concept Development Plan (CDP) granted) unless the subdivision and CDP are lodged together when it is Discretionary. The PDP has fee simple subdivision (specifically relating to Rototuna Medium Density Residential) as Discretionary with or as part of a CDP, or Non-Complying without a CDP.
- The Schedule rule 25H.22 specifically excludes the minimum site size or shape factor for the Medium Density Residential areas from applying to Ruakura. The PDP does not list these for medium density residential areas and therefore is in accordance with the schedule.
- As with the General Residential areas, the ODP lists standards applicable to Medium Density areas for factors such as minimum frontage width, average lot size, access width and length, however these are not included in the subdivision chapter in the PDP.
- To improve clarity of Chapter 23 Subdivision the variation is proposing to add two new columns to 23.3b for the Ruakura Medium Density Residential Zone. This will effectively recognise the Land Development Plan process and the relevant statuses for subdivision within this.

Proposal	Costs	Benefits
Option A: Adopt the activity status of the PDP (Restricted Discretionary)	Less certainty for applicants that an application will be granted as Council has the	More certainty for applicants of the matters which discretion is restricted to. Ability for Council

for subdivision in place of the status in the ODP (Controlled) referred to by the BOI decision.	ability to decline if standards are not achieved.	to decline consents which are not considered to comply with standards.
Option B: Retain the activity status of the ODP (Controlled) for subdivision as referred to by the BOI decision	Council does not have the ability to decline a subdivision application for a poor development if sufficient information is provided.	More certainty for applicants that all subdivision applications must be granted if sufficient information is provided.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The most appropriate option is to align with the PDP which has been through a recent notification, submission and appeal process. This will provide one consistent method for addressing subdivision within the Plan.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The more recent thinking behind this is evident through the PDP and it is therefore considered appropriate for the activity status in the PDP to be relied upon.

Ruakura Logistics and Industrial Park Zones

The activity status for boundary adjustments is the same under both plans. Subdivision however is Controlled in the ODP and Restricted Discretionary in the PDP.

The minimum frontage in the ODP is 7m, in the PDP is 8m, and when fronting a major arterial road has reduced from 30m in the ODP to 20m in the PDP.

Most other access related standards are the same or within 1 metre of each other in each plan, as is the maximum length of access. There is no standard in the PDP for the minimum width of a shared access for more than 5 lots, or for accesses for lots with a total area of more than 5000m².

The major difference is for net site area. The ODP (and hence the referred standards in the Schedule) lists the minimum net site area as 500m², or 1000m² if fronting a major arterial road. The PDP has two relevant sections; for the Industrial Zone, the minimum net site area is 1000m² for front, corner or through sites, or 500m² for rear sites (front sites is subject to Appeal); and for the deferred Ruakura Logistics and Industrial Park Zones, the minimum net site area is 3500m².

Both the industrial and deferred Ruakura zones have a shape factor rectangle requirement, rather than the circle in the ODP. This is subject to Appeals.

Proposal	Costs	Benefits
Option A: Retain the minimum net site area as per the ODP for the industrial zone. This is 500m ² , or 1000m ² if fronting a major arterial road.	This small minimum area does not recognise the unique nature of the deferred Ruakura zones and the type of large scale development which is anticipated in the area.	Decision making from the BOI is supported. The small area will make it easy for applicants to achieve this minimum area.

<p>Option B: Utilise the minimum net site area for subdivision in the industrial zone in the PDP, to relate to the Ruakura Logistics and Industrial Park Zones. This is 1000m² for front, corner or through sites, or 500m² for rear sites.</p>	<p>While the minimum area of the sites (except rear sites) is larger than enabled by the ODP provisions referred to by the BOI decision, it does not differentiate the type of development anticipated for the Ruakura inland port areas and their surrounds, from the general industrial areas in the rest of the city in relation to the type of development that should be anticipated.</p>	<p>The small minimum areas will make it easier for applicants to comply with the minimum areas.</p>
<p>Option C: Utilise the minimum net site area for subdivision in the PDP for the deferred Ruakura Logistics and Industrial Park zones. This is 3500m².</p>	<p>This size is a big departure from the minimum net site area in place through the BOI process which utilises the ODP industrial zone size. Larger minimum for the applicant to comply with.</p>	<p>Larger minimum net site area aligned with the unique type of development anticipated in these Ruakura-specific zones.</p>
<p>Option D: Amend Notified PDP minimum net site area for the Ruakura Logistics and Industrial Park Zones from 3500m² to 3000m².</p>	<p>This size is a departure from the minimum net site area in place through the BOI process which utilises the ODP industrial zone size.</p>	<p>Larger minimum net site area aligned with the unique type of development anticipated in these Ruakura-specific zones. Provides improved alignment with the BOI decision. Recognises the scale and context of the sites within the two zones.</p>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option D is the most efficient and effective method for achieving the objectives.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The net site area was not specifically discussed at the BOI, but instead the net site area minimum for subdivision in the ODP was relied upon as it was the existing provision.

The PDP provisions at that time were not far enough through the process to put a significant weighting on. The issue is therefore whether the net site area in the PDP for the industrial zone should be utilised, or that the net site area for the deferred Ruakura zones should be utilised.

The unique type of development anticipated in the Ruakura Logistics and Industrial Park Zones would anticipate larger, warehouse type development, rather than the size of sites anticipated by the City Wide Industrial Zone rules. This unique scale and type of development, coupled with the greenfield location of the land lends itself to large sites. The 3000m² minimum net site area reflects an appropriate balance between the notified PDP 3500m² and the wider intent of the zones.

7.3 Provision for Infrastructure and Financial Contributions

The intent behind the financial contributions and infrastructure chapters in the ODP and PDP are similar. The PDP version is much simpler and easier to follow. The main differences are that the PDP has a section of credits and a specific standard for reserves level of services which are not in the ODP, and the ODP is more specific about levies applicable by actually listing dollar values unlike the PDP, however for the purpose of the Ruakura variation, there is minimal issues with the use of the updated PDP chapter in place of the previously referenced ODP chapter.

7.4 Earthworks and Site Development

The earthworks allowance has changed in the PDP from that in the ODP. The ODP allows for earthworks up to 40m³ and clearance of up to 50m² of vegetation. The PDP allows up to 500m³ of earthworks within the building footprint and for stabilising slopes for construction, and then an additional 100m³ – all with a building consent. It is noted though that the PDP rule is subject to appeals. The PDP also has rules relating to earthworks within a National Grid Yard, which are not within the ODP chapter 6.7. In the PDP, a non-compliance of any of the (permitted activity) rules would require Restricted Discretionary consent.

Proposal	Costs	Benefits
Option A: Retain the maximum volume of 40m ³ in the ODP, which is referred to through the BOI decision.	The small earthworks volume is likely to capture a large number of earthworks activities unnecessarily as it is a small threshold. Additionally, this creates a large volume of monitoring for Council to undertake.	The decision of the BOI is upheld. Also, a small maximum volume allowance of earthworks ensures no substantial earthworks are enabled without assessment through a resource consent process.
Option B: Amend the maximum volume of earthworks to 500m ³ within the building footprint and for stabilisation, plus an additional 100m ³ outside of the footprint, as per the PDP provisions (except in special natural areas).	The higher threshold will enable many more earthworks activities to be undertaken without the assessment undertaken through a consent process. This could result in much more land modification than may otherwise have been anticipated.	The higher threshold of earthworks volume reduces the number of consents triggered and the monitoring requirement for Council.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The PDP hearing process amended the maximum volume of earthworks to reflect current thinking and align with the provisions for the rest of the city.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This is the most appropriate method for integrating the BOI decision and PDP framework into one planning document.

7.5 Construction Provisions

Chapter Rule 6.8 of the ODP, which covers construction provisions including stormwater, wastewater, water supply, roading and other reticulation provision, is covered by the PDP in a number of chapters.

Rule 6.8 predominantly requires provision of these services to each lot or household unit that results from a subdivision or development.

Due to the nature and layout of the PDP, there is not a chapter that can be used as a direct comparison, however the requirement to provide these services for additional lots from a subdivision or development is included through a range of other chapters, such as chapter 25.1 which looks at development suitability and chapter 25.13 covers the three waters aspects, which has similar requirements as well as additional efficiency measures and assessment requirements.

This is the most appropriate method for integrating the BOI decision and the PDP framework into one planning document.

8 CITY WIDE PROVISIONS

8.1 Assessments required to meet s32 duty to incorporate provisions into the variation

The City Wide provisions for environmental performance confirmed in the BOI decision were derived from the Hamilton City Operative District Plan. These provisions have a different structure and format and in some cases the standards differ to those of the PDP and its City wide provisions. These differences summarised are:

- There are no specific Objectives and Policies for environmental performance provided in BOI decision as is the case for the similar City Wide topics in the PDP; and
- There is no specific s32 evaluation completed as part of the BOI decision whereas topic based s32 evaluations were completed for all City Wide rules for the PDP process.

This s32 evaluation has therefore adopted the PDP provisions for City wide objectives and policies, and rules as the appropriate 'starting position' against which to measure any departures that are significant in nature that were confirmed in the BOI decision. These departures relate to rules and supporting performance standards.

As previously noted in section 3, the PDP City wide provisions have been through full notification, hearing and decision making steps, currently in mediation on a number of matters, and in these circumstances there would need to be a sound reason not to adopt and therefore align provisions for Ruakura with those provisions that already apply elsewhere in Hamilton City.

This then provides the background to the section 32 evaluation for city wide provisions adopted including those exceptions/departures that have been adopted in the variation.

The key departures covered in detail below:

2. Electricity National Grid Corridors
 - a. Amendment to 25.7.4 and 25.7.7
3. Noise and Vibration
 - a. 25.8.3.9 – Noise Performance Standards for Knowledge and Ruakura Open Space Zones
 - b. New 25.8.3.11 – Noise Sensitive Activities – Ruakura Logistics Zone, Ruakura Industrial Park Zone and Precinct C of Knowledge Zone
 - c. Amended 25.8.3.12 (previously 25.8.3.11) – Operational Vibration from Rail Lines
 - d. New 25.8.3.13 – Noise Performance Standards for Activities in the Ruakura Logistics and Ruakura Industrial Park Zones
 - e. New 25.8.3.14 – Non Conformity with Standards in the Ruakura Logistics Zone
4. Signs
 - a. Cross referencing edits to signage provisions in 25.10.5.7, 25.10.5.8, 25.10.5.12 and 25.10.6

8.2 Electricity National Grid Corridors

The BOI decision confirmed specific provisions for the Electricity National Grid Corridors. This included activities in relation to transmission corridors specific to the Ruakura context. The BOI decision in paragraph 264 confirmed *'A package of controls acceptable to both parties [Transpower and Tainui Group Holdings Limited] was presented to the Board and incorporated into the...plan change.* Paragraph 266 recognises *'In the longer term, that is by the time that rail is introduced to the site, it will almost certainly be necessary to either re-route the HAM-WHU line closer to the ECMT or to underground it below the site'.*

Proposal	Costs	Benefits
Option A: Adopt the Electricity National Grid Corridor activities as identified in the BOI decision for the entire Ruakura Variation area. The BOI decision includes specific provisions regarding clearance from the outer visible edge of a Electricity National Grid support structure.	Impacts of wider PDP provisions that have already been through a full hearing process.	Most appropriate to achieve the objectives because, while imposing costs on the use of land in relation to the transmission lines, it also provides for the initial establishment of the Inland Port. Ultimately, the benefits of ensuring a safe and efficient operation of the National Grid outweigh their associated costs.
Option B: Adopt the Electricity National Grid Corridor activities as outlined in the BOI decision for the Plan Change area only. Rely on existing PDP provisions for remainder of the R1 area.	This would create inconsistency between Ruakura Logistics Zone and Ruakura Industrial Park Zone land not covered by the BOI decision and the land covered by the BOI decision.	Best practice approach to dealing with city wide provisions in a consistent and integrated manner.
Option C: Adopt the Electricity National Grid Corridor activities as identified in the BOI decision for the entire Ruakura Variation area and City wide.	Impacts of wider PDP provisions that have already been through a full hearing process.	Creating one consistent method for dealing with activities within the National Grid Corridor.

The specific economic benefits to Transpower, landowners and electricity consumers of adopting Option A to managing effects of activities in relation to the National Grid were outlined in planning evidence on behalf of Transpower at the BOI hearing. In summary the benefits include; *reduced costs for inspection, operation, maintenance, replacement and upgrading of the National Grid, reduced risk of electricity supply outages, improved safety to person and property, less disruption to the Inland Port and other business operations when Transpower is required to undertake work on the National Grid and as a result the reduction of the above costs, lower electricity line charges for electricity consumers.*

The costs associated with the approach were outlined in the BOI s32 in detail. In summary the costs include; *imposition on the use and development of land*, both within the Inland Port and Medium Density Residential Zone in the north of the structure plan. This comes with a significant financial cost associated with underground or relocating the transmission lines.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option A provides for the retention of the BOI decision whilst integrating into the PDP framework. This is the most effective method for aligning the two planning documents. Option A allows for the integration of specific Ruakura Logistics Zone provisions that identify activity statuses for operations relevant to the Inland Port component within the zone. These provisions are unique to the Ruakura context and are therefore critical to include in the variation provisions.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach will accurately reflect the BOI decision within the variation, whilst continuing to retain the PDP chapter format and intent. The wider objectives and policies and rule frameworks are appropriate to be retained for the PDP as they have been subject to extensive review through the formal submission, hearing and appeal processes.

8.3 Noise and Vibration

8.3.1 Assessments required to meet S32 duty to incorporate provisions into the variation

The BOI decision recognised that noise and vibration was a significant issue in the decision making process. Paragraph 328 identifies *'the experts reached agreement at conferencing about all matters apart from the night noise limit that should apply and the noise limit that should apply between industrial sites'*. The variation process recognises that differences exist between the PDP City wide standards for Noise and the BOI decision. The key issues to consider are:

2. Noise Performance Standards for Activities in Major Facilities Zone, Knowledge Zone and Open Space Zones 25.8.3.9
3. Noise-Sensitive Activities - Ruakura Logistics Zones and Ruakura Industrial Park Zone 25.8.3.11
4. Operational Vibration from Rail Lines – Activities in All Zones 25.8.3.12
5. Confirming Performance Standards for Noise and Vibration Management in the Ruakura Logistics and Ruakura Industrial Park Zones 25.8.3.13
6. New provision for Non-Conformity with Standards in the Ruakura Logistics Zone 25.8.3.14

A BOI (BOI) Decision – September 2014	A Proposed District Plan (Appeals version) – September 2014
Section 7: The effects of the proposed inland port and other planning matters. Section 7.2: Noise and vibration	Chapter 25.8 Noise and Vibration S32 Decisions Version - City Wide Provisions 9 July 2014 A number of matters within Chapter 25.8 are subject to appeal by TGH Ruakura (and others).
B BOI s32AA commentary in relation to proposed variation	B S32 Commentary relevant to proposed variation
Expert Conferencing Joint Witness Statement to the BOI – Noise and Vibration 1 st April 2014 BOI paragraph 328 identifies the experts reached agreement at conferencing about all matters apart from the night noise limit that should apply and the noise limit that should apply between industrial sites. BOI paragraph 331 confirms the approach for Noise and Vibration – including no justification for a blanket increase in permitted noise levels from port operations to 45dB, when the evidence establishes that 40dB is achievable with very few exceptions.	PDP includes specific Noise and Vibration S32 Analysis. 25.8.1 Introduction: retain/amend to reference Ruakura specific approach regarding morning shoulder period 25.8.2 Objectives: retain 25.8.3 Policies: retain 25.8.4 Rules: amend with BOI decision inclusions 25.8.5 Methods Other Than Rules: retain 25.8.6 References: retain 25.8.7 Glossary: retain Amended / New Provisions 25.8.3.9 – time of day hours Expert input suggests removing the morning shoulder period within the Noise Performance Standards. This is only appropriate for the Ruakura Variation area, and not for the entire City. Alignment with BOI decision for wider R1 Area, no inclusion of a morning shoulder period. 25.8.3.10 – minor amendment to provide exception to Ruakura Logistics and Ruakura Industrial Park Zones as covered by new provision 25.8.3.11. 25.8.3.11 – Noise-Sensitive Activities – Ruakura Logistics Zone and Ruakura Industrial Park Zone, insertion from BOI decision 25.8.3.12 – Operational Vibration from Rail Lines – Activities in All Zones - Addition of b) with Rule reference to be updated 25.8.3.13 – Noise Performance Standards for Activities in the Ruakura Logistics and Ruakura Industrial Park Zones - Addition of BOI decision and S32 analysis.
C Applicant's Section 32 Assessments	
31 October 2013 Reference to PDP submitters concern raised around noise. The Plan Change incorporates the ODP provisions, given the need for purpose designed controls. New noise and	

Appendix 2 Section 32 Evaluation Report: Variation No.1 – Ruakura

vibration rules added to Plan Change. New Objective 25H.4.15 'Activities have minimal adverse noise and vibration effects on other activities and sites'.	
9 June 2014 Section 3 Managing Effects on Amenity Sections 3.3-3.5 which discuss Noise Management Plan rules	
D BOI Overall section 32AA Conclusion	D Overall section 32 Conclusion
BOI decision includes specific provisions that require integration into the Ruakura Variation. Fundamental to include Noise Management Plan provisions.	PDP S32 needs to include the new and amended provisions outlined in 'B' above. The relevant S32AA analysis of this is discussed below.
E Additional Assessments to meet s32 duty	E Additional Assessments to meet s32 duty
Insert BOI Plan Change numbering for right hand column	25.8.3.9 – depending on decision regarding morning shoulder period 25.8.3.11 – new Ruakura Logistics and Industrial Park Zones specific provision 25.8.3.12 – new b) that only relates to Ruakura 25.8.3.13 – new Ruakura Logistics and Industrial Park Zones specific provision 25.8.3.14 – new.

8.3.2 Noise Performance Standards for Activities in Major Facilities Zone, Knowledge Zone and Open Space Zones 25.8.3.9

The matter in question is to determine a preference with reasons whether the 'morning shoulder' period should reflect the BOI decision or the PDP position, e.g. 2300-0600 as identified in PDP or 2300-0700 as identified in BOI decision.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt the noise performance standards as determined by the BOI for the entire R1 Area	Costs limited given the noise performance standards have been agreed upon by experts during BOI caucusing.	More efficient and effective in addressing noise performance standards in an integrated and comprehensive manner.
Option B: Adopt the noise performance standards as determined by the BOI for the Plan Change area (excluding balance of R1 land, which would refer to PDP in the notified version of the Hamilton City Proposed District Plan for the R1 Area	Create an inconsistent method for dealing with noise performance standards within the R1 Area. This approach would not be considered best practice.	No additional justification required as approach is based on BOI decision and PDP provisions.
Option C: Adopt the noise performance standards as determined by the BOI for the entire City.	No scope to amend city wide provisions in its entirety. The removal of the 'morning shoulder' period could be considered appropriate, but without the scope to address this Ruakura Variation provisions will differ slightly from the wider PDP provisions.	Consistency across the entire City

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and provision 25.8.3.9 in the variation, and is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

As part of this variation there is no scope or evidential basis to amend city wide provisions in their entirety. Further, the adoption of the ‘shoulder time’ period for noise management in Ruakura and specifically for noise management associated with operation of the inland port is derived from expert conferencing and therefore is determined to provide an efficient and effective approach to noise management in this special case.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach addresses the sensitive issue of noise performance in an integrated and comprehensive manner for the whole R1 Area.

8.3.3 Noise-Sensitive Activities - Ruakura Logistics Zones and Ruakura Industrial Park Zone

25.8.3.11

The question is whether to adopt with reasons the new Ruakura Logistics Zone (RLZ) and Ruakura Industrial Park Zone (RIPZ) specific noise sensitive activity standards to apply to the entire R1 area where that zoning now is RLZ and RIPZ.

There are three sets of related provisions from the BOI decision that were considered. These are (with the cross reference to the relevant rule in the variation in brackets):

- 25H.5 Ruakura Logistics Area – 25H.5.6.4 Building Setbacks (Rule 10.4.6);
- 25H.6 Ruakura Industrial Park Area – 25H.6.6.1 Building Setbacks (Rule 11.4.3); and
- 25H.13.5 Noise-Sensitive Activities – Activities in all Areas, where noise sensitive activities are not to be constructed with any part of the building within 40 metres of the designation for the Waikato Expressway (WEX) (25.8.3.11).

This latter rule clearly is intended to over ride or has primacy regarding the development and location of noise sensitive activities regardless of the building setback provisions applying in the two zones that are adjacent to the WEX designation.

For consistency, the Board decision is therefore reflected in the adoption of the 40 metre building setback provision in Rules 10.4.6 and 11.4.3 so as to be consistent with the building setback performance standard in Rule 25.8.3.11c) in the variation.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt the noise sensitive activities standard as determined by the BOI for the entire R1 Area	Costs limited given the noise performance standards have been agreed upon by experts during BOI caucusing. Potential cost if the new standard is incorporated from Appeals to PDP.	Rule setback standard confirmed as part of extensive expert caucusing during the BOI process. More efficient and effective in addressing noise performance standards in an integrated and comprehensive manner.
Option B: Rely on PDP noise sensitive standard for Ruakura Logistics	Does not give effect to the BOI decision and technical work completed to create noise	Nil.

Zone and Ruakura Industrial Park Zone outside of BOI decision Plan Change area.	sensitive provisions for the Ruakura Logistics Zone and Ruakura Industrial Park Zone. Creates an inconsistency with how the Ruakura Logistics Zone and Ruakura Industrial Park Zone is treated within the PDP. Would result in two different sets of provisions. This approach would not be considered best practice.	
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Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendments noted in Option A reflects the BOI decision and the rule provisions 10.4.6, 11.4.3 and 25.8.3.11c) in the variation, and is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The approach addresses noise performance standards in an integrated and comprehensive manner for the whole R1 area.

8.3.4 Operational Vibration from Rail Lines – Activities in All Zones 25.8.3.12

The matter in question is whether to include 25.8.3.12b) which is identified in BOI decision as a city wide provision: *‘where Rule 25H.11.6(a) applies a design report prepared by an acoustic engineer, demonstrating compliance with the vibration criteria, shall be submitted to the Council prior to construction of the building’.*

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
Option A: Adopt the standard for operational vibration from rail lines as outlined in the BOI decision for the Ruakura Variation area.	Costs limited given the vibration standard has been agreed upon by experts during BOI caucusing.	More efficient and effective in addressing noise performance standards in an integrated and comprehensive manner.
Option B: Adopt the standard for operational vibration from rail lines as outlined in the BOI decision for the entire City.	Gives effect to the BOI decision and technical work completed but is outside the scope of the Ruakura Variation and is therefore not appropriate to consider.	Best practice approach to dealing with city wide provisions in a consistent and integrated manner.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and provision 25.8.3.12 in the variation, and is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The evidential basis is limited to the consideration of the Ruakura Structure Plan area and there is no scope to promote its adoption as city wide provisions.

8.3.5 Confirming Performance Standards for Noise and Vibration Management in the Ruakura Logistics and Ruakura Industrial Park Zones 25.8.3.13

A number of written responses to the draft variation commented on the divergence in proposed standards for noise management with the provisions in the Proposed District Plan (PDP) Appeals version. A standard approach to make the management of noise and vibration consistent across the City and in particular for residential zoned areas was requested.

The view expressed is that residential areas in Silverdale, the University Halls of Residence, and in Fairview Downs will have adverse amenity impacts associated with the more liberal/less stringent permitted noise standards of 50 dBA during early evening (or shoulder periods) and the 55dBA standard daytime. These are residential areas adjacent to the areas confirmed for the Ruakura Logistics and Ruakura Industrial Park zonings in the Board decision.

It also should be noted that the Tainui Group Holdings (TGH) appealed the PDP City wide provisions relating to Rule 25.8.3.7 – Noise Performance Standards for Activities in all Zones except Major Facilities, Knowledge and Open Space Zones.

The key resource management issue therefore is what is the appropriate noise performance standard to adopt in the variation. The assessment below is that the Board’s decision should be adopted for the area covered by the variation. On this basis the outcome is a set of noise performance standards within the Ruakura Logistics Zone and Ruakura Industrial Park zones that have less stringent permissible standards governing new activities establishing in these greenfield sites than for activities operating within the established urban area. It is acknowledged however that the appeal to the citywide noise performance standards remains ‘live’.

The various approaches are summarised below to illustrate this point.

District Plan	Time of Day	Noise Levels – (1)	Noise levels – (1)
Hamilton City Operative Plan	0600-0700	45dBA L10	No Lmax
	0700-2000	50dBA L10	No Lmax
	2000-2300	45dBA L10	No Lmax
	2300-0600	40dBA L10	75dBA
Hamilton Proposed Plan (Appeals version)	0600-0700	45dB LAeq(15 min)	75dB
	0700-2000	50dB LAeq(15 min)	-
	2000-2300	45dB LAeq(15 min)	-
	2300-0600	40dB LAeq(15 min)	75dB
BOI decision (25H.13.1(a))	0700-2000	55dB	-
	2000-2300	50dB	-
	2300-0700	40dB	75dB L AF max
Waikato District Plan (Rule 27.18 – Country Living Zone)	0700-1900	50dBA L10	-
	1900-2200	45dBA L10	-
	2200-0700	40dBA L10	-
TGH Appeal (and relief sought)	0600-0700	50Db LAeq (15min)	75dB
	0700-2000	55dB LAeq (15min)	-
	2000-2300	50dB LAeq (15min)	-
	2300-0600	45dB LAeq (15min)	75dB

(1) Nonemclamenture is not formatted correctly

The key points to note are:

1. The time bands differ across two Plans with consistency only between the two Hamilton City Plans (Operative and Proposed);
2. The BOI decision confirmed three rather than four bands to comprise the 24 hour period;
3. There is a common night time standard of 40dB across the four Plans;
4. The BOI decision confirmed different/less stringent “daytime” and “shoulder time” standards as:
 - 55dBA (rather than 50dB) standard day time (0700-2000); and
 - 50dB (rather than 45dB) ‘shoulder’ standard (2000-2300).

Reasonably Practicable Options for Achieving the Objectives (Section 32 (1)(b)(i) and Section 32(2))

Proposal	Costs	Benefits
<p>Option A: Adopt the BOI decision to confirm noise performance standards for activities in the Ruakura Logistics Zone and Ruakura Industrial Zone for the entire R1 area</p>	<p>There is a high level of technical information, monitoring and reporting required of the consent holder and future operators of the inland port to achieve and maintain an acceptable acoustic environment for the port’s operations.</p>	<p>Provisions specifically developed during Board process and are affirmed in the Expert Conferencing Joint Witness Statement – Noise and Vibration of 1 April 2014. They address the potentially unique acoustic environment associated with the 24/7 operational activity of the inland port and its associated services. They will promote best practicable options to minimise adverse noise effects on neighbouring activities unrelated (i.e. residential) to the port’s operations.</p>
<p>Option B: Adopt city wide provisions for noise performance for the area covered by the entire R1 area of the variation (while acknowledging these are subject to appeal)</p>	<p>Expert conferencing by the acoustic consultants at the BOI agreed to a customised set of provisions that recognise the unique operational nature of the inland port. There was no support for these provisions being adopted or that they are practicable in the context of an operational port.</p>	<p>The adoption of one set of citywide provisions for noise management would provide a simpler administrative and monitoring role for the Council an applicant, and the community.</p>
<p>Option C: Adopt the BOI decisions to confirm noise performance standards as citywide provisions</p>	<p>Council monitoring of ambient noise levels affirm that the present city wide provisions are acceptable and that there is no reason to adopt ‘more liberal’ day and ‘evening’ standards as settled through the BOI. Increasing noise limits now would undermine what has been achieved over a long time in consenting, monitoring and</p>	<p>The adoption of one set of citywide provisions for noise management would provide a simpler administrative and monitoring role for the Council an applicant, and the community.</p>

	<p>enforcement with respect to the current standards. The result would be an increase in the permissible or baseline noise environment across the city over time. No scope to amend citywide provisions.</p>	
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Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 32(1)(b)(ii)).

Option A reflects the Board decision in relation to noise management to specifically apply to the area covered by this variation. Expert opinion has determined this approach to be the more efficient and effective method to achieve the purpose of the variation which is to accommodate an inland port that has special or unique operational characteristics. This approach is preferred to either of the other two options for which there is limited or no evidence that they would provide a more acceptable basis for the management of noise on a citywide basis. Adoption of the ‘shoulder time period’ for noise management was also confirmed by the acoustic experts as appropriate in this case.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This method is the most appropriate way to achieve the objectives of the variation and for the provision of an operational inland port and therefore should be adopted in the variation.

8.3.6 New provision for Non-Conformity with Standards in the Ruakura Logistics Zone 25.8.3.14

The BOI decision confirmed a new provision in relation to non-conformity with standards in the Ruakura Logistics Zone. This standard is appropriate to include as determined by the BOI within the PDP Noise and Vibration Chapter. This standard is Ruakura Logistics Zone specific, as determined by the BOI. Feedback received on the draft variation sought an amendment to include ‘*when measured at the boundary*’ within the body of 25.8.3.14a) and b) to provide additional clarity for implementation. This proposed change is supported.

8.4 Signs

8.4.1 Knowledge Zone

The BOI decision utilised the Operative District Plan City Wide standards for addressing signage. The PDP Notified provision 25.10.5.8 was deferred and is appropriate to retain for the variation.

8.4.2 Ruakura Logistics and Ruakura Industrial Park Zone

The BOI decision utilised the Operative District Plan City Wide standards in addressing signage. The PDP Notified provision 25.10.5.9 was deferred and is appropriate to retain for the variation.

8.4.3 Activity Status Table 25.10.3h)

Amendment made to include the Ruakura Logistics and Ruakura Industrial Park Zones for activity 25.10.3h) to provide for electronic signs that are complying with the relevant standards as a Restricted Discretionary activity.

9 DEFINITIONS

9.1 Assessments required to meet S32 duty to incorporate provisions into the variation

Appendix 1.1.2 Definitions Used in the District Plan includes new definitions and amended definitions to give effect to the BOI decision. The BOI definitions added are outlined below:

- Buffer Strip
- Commercialisation of research and innovation activities (Precincts A and B – Knowledge Zone)
- Planting Strip
- Products Transported in Bulk
- Temporary Logistics Activities

Amended definitions include:

- Interface Area
- National Grid Corridor and National Grid Yard
- Offices – new e)
- Transport Corridor - exclusion

Proposal	Costs	Benefits
Option A: Adopt the specific BOI definitions not covered by the PDP and include along with necessary amendments to existing definitions.	Additional definitions added to the PDP.	More efficient and effective in giving effect to the BOI decision whilst recognising the PDP structure and providing for the key terminology used in the BOI process.
Option B: Rely on PDP definitions and not integrate the BOI decision.	Does not give effect to the BOI decision and relies on Definitions in the PDP which could be deficient in dealing with the issues traversed by the BOI process.	No inclusion of BOI decision therefore no change required to PDP definitions.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 32(1)(b)(ii)).

Option A is the most efficient and effective method for integrating the BOI decision into the PDP structure. This will give effect to the extensive technical work and inquiry process covered by the BOI and provides certainty to terminology used in the relevant sections of the Plan.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

Option A will give effect to the extensive technical work and process covered by the BOI and ensures all matters are appropriately covered in one place in the Plan.

10 INFORMATION REQUIREMENTS

10.1 Assessments required to meet S32 duty to incorporate provisions into the variation

Appendix 1.2 Information Requirements is the key part of the PDP that explains the detail required in applications for resource consents and certificates of compliance. The BOI decision confirmed information requirements for each section of the Plan Change. The process of integrating the two planning documents includes embedding the information requirements determined by the BOI into Appendix 1.2 of the PDP to give effect to the intent of the BOI's decision. The new Information Requirements sections are as follows:

- 1.2.2.20 Ruakura Logistics Zone (25H.5.4.4)
- 1.2.2.21 Ruakura Industrial Park Zone (25H.6.4.4)
- 1.2.2.22 Knowledge Zone Precinct C (25H.7.4.4)
- 1.2.2.23 Medium Density Residential Zone (25H.9.4.2)
- 1.2.2.24 Ruakura Open Space Zone (25H.10.4.4)
- 1.2.2.25 Land Development Plans (25H.11.2)
- 1.2.2.26 Staging and Traffic Requirements (25H.12.7.4)
- 1.2.2.27 Concept Plan for Knowledge Zone (excluding Precinct C) – new see Section 6.4.6

Proposal	Costs	Benefits
Option A: Adopt the BOI Information Requirements and integrate into Appendix 1.2 of the PDP.		More efficient and effective in giving effect to the BOI decision whilst recognising the PDP structure and ensures key information requirements are required and accurately described.
Option B: Adopt the PDP Information Requirements as notified, including Ruakura specific 1.2.2.20 (Noise-Inland Port) but not include BOI determined information requirements.	Does not give effect to the BOI decision and relies on Information Requirements that are deficient of the issues traversed by the BOI process.	No inclusion of BOI decision therefore no change required.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 32(1)(b)(ii)).

Option A is the most efficient and effective method for integrating the BOI decision into the PDP structure. This will give effect to the extensive technical work and process covered by the BOI.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This option will give effect to the extensive technical work and process covered by the BOI and ensures all matters are appropriately covered in one place in the Plan.

11 ASSESSMENT CRITERIA

11.1 Assessments required to meet S32 duty to incorporate provisions into the variation

This assessment considers the most appropriate option for incorporating assessment criteria in the variation, whilst giving effect to the BOI decision and the PDP framework.

The BOI Plan Change included the PDP assessment criteria as notified. The PDP assessment criteria have been refined through the S42A report and hearing processes and subsequently through appeals. The issue is determining the cleanest way to give effect to the BOI decision, whilst integrating the fundamental approach of the suite of assessment criteria within the variation.

One of the guiding principles for the variation included giving effect to the BOI decision, whilst recognising the format and context of the PDP.

Proposal	Costs	Benefits
Option A: Retain the BOI decision approach and leave the relevant assessment criteria within the Ruakura specific sections of the variation.	This would involve duplication of assessment matters and be inconsistent with how the PDP document is formatted.	Easy to integrate as BOI decision could be directly inserted.
Option B: Integrate the assessment criteria determined by the BOI decision into Appendix 1.3.3. Cross reference to relevant city wide matters and add in a new section for Ruakura. Remove any duplication with PDP assessment criteria matters.	Integrates the PDP and BOI Assessment Criteria into one document, thus relying on the PDP assessment matters for criteria not specific to Ruakura.	Provides for all assessment criteria to be located in one place and inserts a Ruakura specific section for all matters specific to the BOI decision. Any wider assessment criteria are included as part of the wider PDP assessment matters, thus avoiding unnecessary duplication and potential confusion.
Option C: Integrate the Ruakura specific assessment criteria determined by the BOI decision into one new section, similar to the PDP structure. At the top of this section make a note that this is to be inserted within the final PDP Appendix 1.3.3 Appeals version.	This does not directly give effect to the BOI decision as it replaces the city wide (non Ruakura specific) assessment criteria with the relevant PDP assessment criteria, being determined through Appeals.	This would clearly identify the specific Ruakura assessment matters determined by the BOI decision and ensure they are given effect to. It would also provide for the key references to PDP broader assessment criteria which are under Appeal. This approach will avoid any duplication or differencing intent of city wide assessment matters.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 32(1)(b)(ii)).

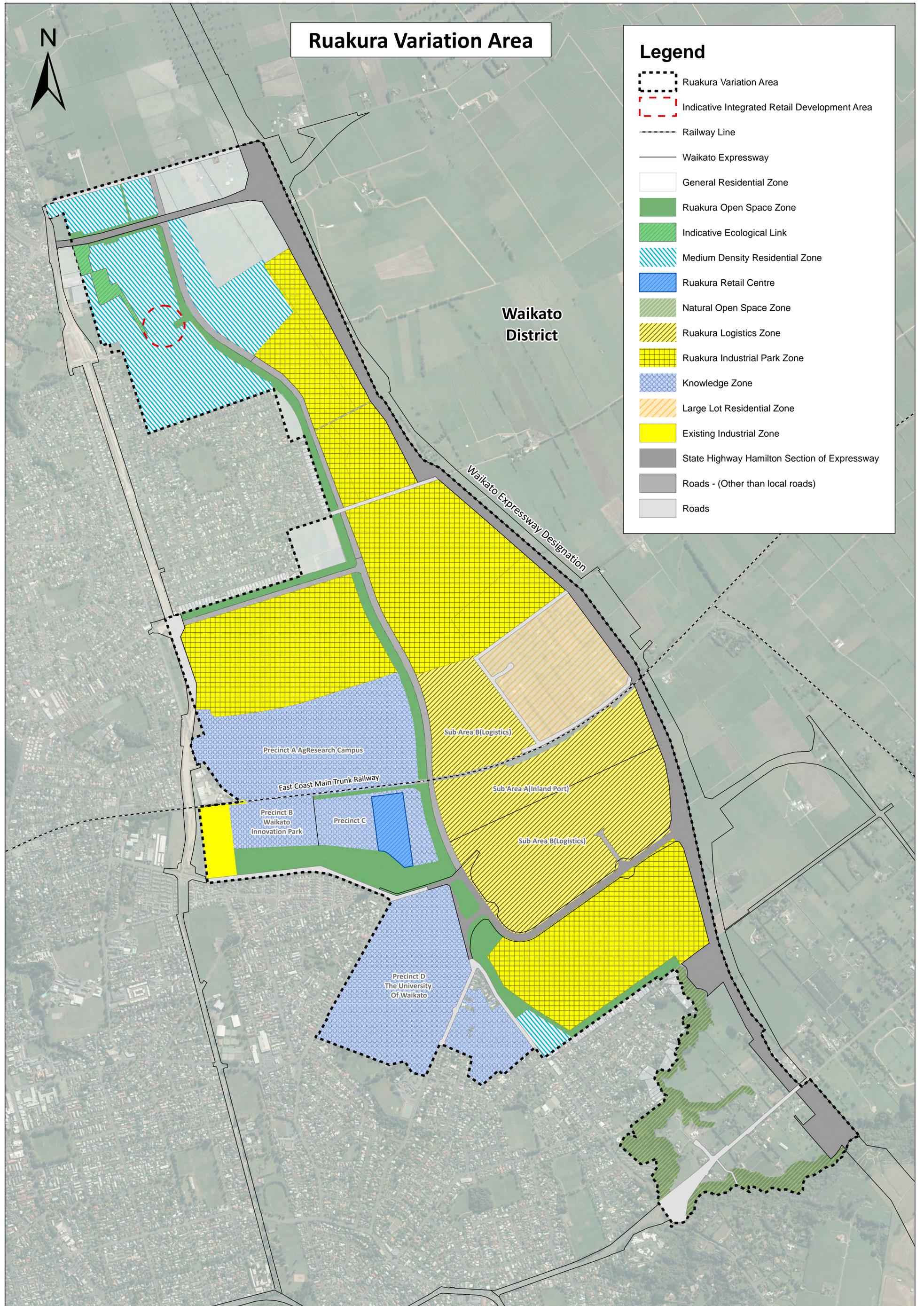
Option C integrates the assessment criteria determined by the BOI decision into one new section called 'Ruakura'. This will be inserted into the wider PDP assessment criteria matters upon completion of the variation and separate appeals process. The relevant city wide matters confirmed in the BOI decision will be replaced with the PDP city wide matters to avoid any unnecessary duplication or different intent between the assessment criteria.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

To achieve this, the variation will outline the new BOI confirmed assessment criteria matters for Ruakura as self-contained provisions to be inserted into the wider PDP assessment criteria matters once beyond appeal.

Within the variation additional assessment criteria cross references has been included in chapters. This relates to where the BOI decision referred to matters that are covered by the PDP assessment criteria, and to avoid unnecessary duplication these matters have not been repeated. For example *F – Hazards and Safety* identified in the PDP is utilised, rather than repeating very similar assessment matters covered within the BOI decision.

Assessment criteria under 'N' for Ruakura are quite specific. There will need to be additional cross references to City Wide criteria that are beyond the scope of the variation. Submissions will only be able to question the applicability of the wider cross reference, not the wording of the assessment matters that are being determined through Appeals.





RUAKURA VARIATION TO HAMILTON PROPOSED DISTRICT PLAN

PERCIVAL ROAD INTERFACE

URBAN DESIGN + LANDSCAPE + VISUAL

Client: Hamilton City Council
Project: Percival Road Interface
Code: 3492
Report: Urban Design + Landscape + Visual
Status: Final
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1	EXECUTIVE SUMMARY	4
	Recommended zoning	4
	Recommended buffer	4
2	INTRODUCTION	5
3	CONTEXT	6
4	COMPARISON OF ALTERNATIVE INDUSTRIAL ZONES	7
	Analysis	7
	Observations	9
	Recommendations	10
5	INTERFACE BUFFER	11
	Retaining existing character of Percival Road.....	11
	Retaining the plane trees.....	11
	Landscape buffer	12
	30m building setback	13

1 EXECUTIVE SUMMARY

- 1.1 This report analyses the interface between the large-lot residential area at Percival Road and the proposed industrial/logistics land to the north and west. It recommends the areas north and west of Percival Road be zoned Industrial Park and Logistics (Sub Area B) respectively (with specific Interface Design Control Area provisions), and recommends landscape buffers at the interface.

Recommended zoning

- 1.2 The area is ear-marked for Industrial and Logistic activities in the Ruakura Structure Plan. Three alternative zones for such activities were considered. The differences between them in terms of interface effects are relatively small and could be addressed by specific buffer provisions in each case.
- 1.3 Nevertheless, it is recommended that the 'Industrial Park' zone, be adopted for the area north of Percival Road, for the following reasons:
- It is reasonable to adopt the same 'Industrial Park' zoning already approved elsewhere in the Ruakura Structure Plan area (rather than the city-wide 'Industrial' zone) given the land has the same owners and is part of an integrated Structure Plan area; and
 - The interface effects can be addressed by a combination of the 'Interface Design Control Area' which would control building design and appearance, and landscaping (although further criteria are recommended) and specific buffer requirements (see below).
- 1.4 It is recommended that the 'Logistics (Sub Area B)' zone, be adopted for the area west of Percival Road, for the following reasons:
- It is efficient land use given that area's adjacency to the Inland Port;
 - The effects at the interface can be addressed by a combination of the 'Interface Design Control Area' (although, as above, further criteria would be required) and specific buffer requirements; and
 - The west leg of Percival Road has an almost continuous row of tall plane trees that would contribute to a buffer along this boundary.

Recommended buffer

- 1.5 It is recommended that the following landscape buffers be considered along the interface between the industrial zones and Percival Road:
- Restricting use of Percival Road to the large-lot residential enclave and maintaining its existing physical characteristics such as its no-exit nature, narrow carriageway, lack of kerb-and-channel or footpaths, and wide grassed berms;
 - Maintaining the perimeter of large plane trees on the west leg of Percival Road and completing the perimeter on the north leg of Percival Road;

- Providing a 20m wide landscape buffer on the industrial land adjacent to Percival Road. Such landscaping should comprise (i) a 12m high evergreen hedge on the edge of the buffer closest to industrial buildings, and (ii) indigenous vegetation between the hedge and the boundary with Percival Road; and
 - Providing a 30m building setback from the boundary.
- 1.6 The elements listed above would be most effective in combination: Retaining the existing character of Percival Road, retaining and extending the plane trees, providing a 30m building setback from the boundary with Percival Road, and planting the 20m landscape buffer.

2 INTRODUCTION

- 2.1 The Ruakura Structure Plan is a comprehensive plan for the area on the eastern outskirts of Hamilton. Amongst other things, it includes an 'inland port' adjacent to the rail and state highway networks, and adjacent 'logistics' and 'industrial park' areas. The Structure Plan earmarks land north and west of Percival Road for industrial and logistics activities.
- 2.2 Provisions relating to the Ruakura Structure Plan area were originally proposed as part of the Hamilton Proposed District Plan. The District Plan process relating to the Structure Plan Area was put on hold while a private Plan Change for part of the area was decided by the Board of Inquiry during 2014. The Board of Inquiry approved this Plan Change which included the inland port ('Logistics Sub-Area A') and part of the industrial park.
- 2.3 The process has now been re-activated for the balance of the area, which includes the area north and west of Percival Road and the Percival/Ryburn Road rural residential 'enclave'. Although the rural residential area is something of an anomaly given the development confirmed by the Board of Inquiry and the industrial activities earmarked for the remaining land to the north and west, there is an obvious amenity issue at the interface between the activities. The Board of Inquiry addressed this issue at the southern boundary of the enclave by requiring a specific landscape buffer between the inland port and Ryburn Road, and some development controls in adjoining parts of the inland port. The landscape buffer in that instance is nominally 20m wide, but narrows to 5m in places because of constraints.
- 2.4 This report addresses how to maintain amenity along the northern and western boundaries of the enclave (i.e. Percival Road) while allowing for industrial development of the adjacent land. It considers the following:
- Which of the three alternative industrial zones would best maintain amenity at the interface; and
 - What other specific interface measures might be appropriate.

3 CONTEXT

- 3.1 The large-lot residential enclave is surrounded by:
- The planned Waikato Expressway to the east;
 - Ryburn Road, the East Coast railway line and the approved inland port ('Logistics Zone, Sub Area A') to the south; and
 - Percival Road to the north and west. Currently the land to the north and west is open fields associated with the Ruakura research facilities, but is earmarked for industrial and logistics uses in the Ruakura Structure Plan.

Figure 1: Context plan indicating main features

Appendix One: Figures (A3 document)

- 3.2 The enclave contains a mixture of large-lot residential properties and some remaining productive rural activities (such as a blueberry farm). There are approximately 23 existing houses and a number of subdivided but undeveloped properties. **Appendix Two** comprises desk-top and road-side observations noting such aspects as distance and orientation of existing houses. In summary:
- There are six existing houses close to the western leg of Percival Road. The houses are separated from the zone boundary by Percival Road and are in the range of 30m-60m from the zone boundary. There is a row of tall plane trees on the opposite side of Percival Road. The houses tend to be oriented to the north and north-east away from the zone boundary, and their outdoor living areas also tend to be on the north and north-east sides of the houses.
 - There are five existing houses close to the northern leg of Percival Road. These houses are better screened from the road by tall informal hedges on the front boundary - there is a more-or-less continuous dense planting along the road frontages. The houses are typically 30m-40m from the zone boundary. They tend to be oriented north-west or north toward the zone boundary, and three of the houses (Nos. 106, 116 & 120) do not have the benefit of tall plane trees on the opposite side of Percival Road.
 - The remaining houses in the enclave are further than 100m from the zone boundary and there are typically intervening buildings, shelter belts and other trees.
- 3.3 Percival Road itself is currently a quiet country road. It has the following characteristics:
- No-exit nature;
 - Narrow carriageway (approximately 6m);
 - Wide grassed berms to the edge of the asphalt;
 - No kerb-and-channel or footpaths; and
 - Large plane trees on the outside perimeter of the road.
- 3.4 The plane trees form a more-or-less continuous perimeter row on the western leg of Percival Road, but are limited to a shorter row and a couple of individual trees

on the northern leg. The trees are generally in the order of 16m-20m high. They have clear trunks to approximately 4m-6m, although the branches typically hang closer to the ground. Nevertheless, there are clear views between the trunks to the surrounding paddocks.



Photo from west leg of Percival Road, looking north-west



Photo from north leg of Percival Road, looking south-west

- 3.5 From examination of an aerial photo geo-referenced to the LINZ digital cadastral data-base (DCDB) it appears the plane trees are within the road reserve but very close to the boundary. (They appear to have been planted as part of the Ruakura research facility – given their use elsewhere in the facility – presumably with the intent that they be on the boundary). It is not possible on this data to be certain the trees do not encroach across the boundary, particularly on the western leg of Percival Road.

4 COMPARISON OF ALTERNATIVE INDUSTRIAL ZONES

- 4.1 The differences were analysed between the following alternative industrial zones with regards likely amenity at the interface:
- Logistics Sub-Area B (as in the Board of Inquiry decision);
 - Industrial Park (as in the Board of Inquiry decision); or
 - Industrial (as in other parts of the Proposed District Plan)

Analysis

- 4.2 **Appendix Three** tabulates and paraphrases pertinent objectives, policies, activity status, assessment matters and criteria, and development standards for the three

zones. (The paraphrasing in the table is for the purpose of comparison and does not substitute for reference back to the full provisions). The following section of the report compares the different provisions.

- 4.3 Each of the zones has generally equivalent **objectives** to ‘avoid or mitigate adverse effects of industrial activities’. The ‘Industrial’ zone has the more demanding objective; - that adverse amenity impacts of industrial activities on ‘residential and open space areas are to be avoided.’ On the other hand, the ‘Industrial Park’ zone has as an objective the ‘creation of a high amenity industrial environment’.
- 4.4 All three zones have generally equivalent **policies** addressing effects on adjoining areas:
- Policy (25H.5.2.3a (iv)) of the ‘Logistics’ zone is to impose amenity controls to avoid or mitigate adverse effects on existing residential dwellings and Country Living zoned areas (noting that the enclave is zoned ‘Large-lot Residential’).
 - There is an identical policy (25H.6.2.3a (ii)) in the ‘Industrial Park’ zone provisions. In addition there is a policy (25H.6.2.2a) to develop high amenity levels through (amongst other things) ‘well designed buildings in the Interface Design Control Area,...setbacks from...residential areas...’ (i.e. it provides for such an ‘Interface Design Control Area’ as a potential device).
 - Policy 9.2.3a of the ‘Industrial’ zone is to contain adverse effects within the zone boundary to avoid adverse effects on amenity within other zones, particularly the Residential, Special Character and Open Space Zones’.
- 4.5 With regards **activity status**, industrial activities and logistics are generally permitted in all three zones. However, all buildings in the ‘Industrial’ zone are a **controlled** activity, while control is reserved in the ‘Logistics’ and ‘Industrial Park’ zones only for those buildings in the ‘Interface Design Control Area’.
- 4.6 The **matters of control** for all three zones include:
- Building design, external appearance and configuration; and
 - Landscaping.
- However,
- The detailed matters under the above headings with respect of the ‘Logistics’ and ‘Industrial Park’ zones are inadequate to control effects on residential properties. Such provisions would need to be revised to specifically address the interface issue with the large-lot residential enclave.
 - The ‘Industrial Park’ zone includes the more specific matter of ‘landscaping in relation to residential areas’ which is subject to specific assessment, standards and rules and also includes ‘site layout’ as a matter of control with specific mention of location with respect to adjoining residential zones.
- 4.7 **Development standards** include the following:
- Maximum **building height** is 20m in all three zones, with the exception the ‘Industrial’ zone limits height to 10m in the ‘Amenity Protection Area’;

- **Containers** can be stacked to 12m in the 'Logistics' zone and 6m in the 'Industrial Park' zone. No specific rules apply to container stacking in the 'Industrial' zone;
- **Building setbacks** are 10m from a road in the 'Logistics' zone, 5m from a local road in the 'Industrial Park' and 'Industrial' zones, and 40m or 8m from a residential boundary in the 'Industrial Park' and 'Industrial' zones respectively;
- There are no **height-in-relation-to-boundary ('HIRTB')** rules in the 'Logistics' zone. The HIRTB rules for the other two zones comprise 3m + 45° on north, east and west boundaries, 3m + 28° on south boundary; and
- There are no specific **landscape buffer** rules relating to boundaries with other zones. However, the Board of Inquiry imposed a specific requirement for a landscape buffer between the Inland Port and the Ryburn Road area. The permanent buffer varies between 5m-20m wide, to be maintained at a minimum height of 12m.

Observations

- 4.8 While there are some differences between the three zone provisions in how they would apply at the Percival Road interface, with the city-wide 'Industrial' zone having the more robust provisions, such differences as do exist could be addressed by specific interface provisions.
- 4.9 The 'Interface Design Control Area' for the 'Logistics' and 'Industrial Park' zones is a device which, in principle, could be used to manage effects at the interface. However, the matters of control and criteria do not adequately address interface effects with a residential area, and therefore specific assessment matters and criteria would need to be added.
- 4.10 The rules for setbacks of buildings would provide for 40m separation from residential property boundaries in the 'Industrial Park' zone, 30m in the 'Logistics' zone (10m setback from road, plus 20m road reserve), and 25m in the 'Industrial' zone (5m setback from road, plus 20m road reserve). However, as with other provisions, such setbacks could be over-ridden by a specific setback nominated for the interface with Percival Road.
- 4.11 Other similarities and differences include:
- The maximum 20m building height is the same for all three zones;
 - The 'Industrial Park' zone would ensure containers were only stacked to 6m, whereas the 'Logistics' zone would allow 12m, and the 'Industrial' zone has no specific controls on container stacking;
 - There are similar HIRTB rules for the 'Industrial' and 'Industrial Park' zones which would help reduce potential building dominance issues, particularly on the northern leg of Percival Road (because the more restrictive southern boundary rules would apply). Such dominance issues would be more critical on

this boundary because the northern leg of Percival Road does not have the continuous row of tall plane trees.

Recommendations

- 4.12 The 'Logistics' zone and an 'Interface Design Control Area' is recommended for the area **west of Percival Road** for the following reasons:
- It is efficient land use for such activities to be provided for on land adjacent to the Inland Port, as envisaged by the Ruakura Structure Plan;
 - While activities anticipated in the 'Logistics' zone are likely to have lower amenity than those of the 'Industrial Park' zone, the differences can be addressed through specific buffer provisions. The west leg of Percival Road also has a row of tall plane trees that could help mitigate adverse visual effects in conjunction with an additional landscape buffer planting along this interface; and
 - The 'Interface Design Control Area' means buildings would be a controlled activity with building design and appearance, and landscaping listed as matters of control. However, the matters to be controlled (and associated criteria) would need to be revised to specifically address effects at the residential interface. Provisions similar to those in the city-wide 'Industrial' zone are recommended.
- 4.13 The **northern leg of Percival Road** is more susceptible to adverse visual effects because it does not have a continuous perimeter row of existing tall plane trees, and houses in that area tend to be oriented toward the zone boundary. The 'Industrial Park' zone together with an 'Interface Design Control Area' and specific criteria is therefore recommended for this area for the following reasons:
- The activities anticipated in the 'Industrial Park' zone would likely have higher inherent amenity compared with the 'Logistics' zone;
 - A 'Logistics' zone would be less appropriate in this area because it is less connected with the Inland Port - particularly if the further recommendation to preclude industrial traffic from Percival Road was adopted (see below). Rather, it would be more efficient for the area north of Percival Road to have a zoning consistent with the rest of the land to the north;
 - While either the 'Industrial' or 'Industrial Park' zones would be appropriate, it seems reasonable to retain consistency with the 'Industrial Park' zoning (rather than the city-wide 'Industrial' zone) approved by the Board of Inquiry given the land has the same owners and is part of the same Structure Plan area; and
 - The 'Interface Design Control Area' means buildings would be a controlled activity with building design and appearance, and landscaping listed as matters of control. However, as above, the provisions would need to be revised to specifically address effects at the residential interface.

5 INTERFACE BUFFER

- 5.1 The existing rural outlook, quietness and sense of seclusion currently enjoyed by the Percival Road area will inevitably change with redevelopment of the adjacent land for industrial activities, or indeed for any urban activities. It will also change with development of the Waikato Expressway and the consented inland port. Notwithstanding such inevitable changes, the following measures are recommended to maintain amenity for the rural residential area:
- Retaining the existing character of Percival Road by restricting its use to the large-lot residential enclave and maintaining the existing physical characteristics of the road;
 - Retaining the existing plane trees, and extending the planting to fill the gaps;
 - Providing a 20m landscape buffer adjacent to the boundary with Percival Road; and
 - Providing an additional 10m building setback from the landscape buffer (i.e. a total 30m building setback from Percival Road).

Retaining existing character of Percival Road

- 5.2 Allowing access to the industrial zones from Percival Road would not only affect amenity as a result of additional traffic, noise, and a change in the nature of the traffic. It would also require a fundamental change to the characteristics of the road including carriageway widening, construction of kerb-and-channel, and footpaths.
- 5.3 It is therefore recommended that Percival Road be dedicated to serving only the properties within the enclave, and that its existing physical characteristics be retained.

Retaining the plane trees

- 5.4 The existing plane trees not only contribute to the existing character of Percival Road, they also have the scale and density to mitigate visual effects of adjacent industrial development. It is therefore recommended that the trees be retained. It is acknowledged that the plane trees are deciduous, however even during winter the stature of the bare trees will help to soften the appearance of buildings, increase the perspective depth, and provide a transitional scale element.
- 5.5 It is recommended that the perimeter row be completed on the north leg of Percival Road, and other gaps be filled. Early planting of such additional trees would reduce the degree of adverse effects. Development of industrial land north of Percival Road might be subject to such trees having become established to a specified height (for instance trees 10m high would intercept sightlines to the top of a 20m building from the nearest house).

- 5.6 As discussed earlier, it is not possible without surveying to be certain whether the trees are in the road reserve or private land. This has implications for the mechanism by which the trees might be protected. For instance, a condition protecting the trees could be imposed if they are located on private land, but a different device will be needed where they are in Council-owned road reserve. In any event, the tree roots and canopies straddle the boundary so in practical terms agreement will be needed between Council and land owners.

Landscape buffer

- 5.7 It is recommended that a landscape buffer be provided between any industrial land and Percival Road incorporating the following:
- A dense ever-green hedge (minimum 12m height) on the edge of the buffer nearest industrial buildings (i.e. furthest from Percival Road); and
 - An informal band of indigenous vegetation between the hedge and the Percival Road boundary.
- 5.8 The purpose of such a landscape buffer is to provide depth of planting, a soft (informal) appearance, and a dense back-stop screen. The understorey planting would include shrubs and higher vegetation where permitted by the plane tree canopies.
- 5.9 Retaining the plane trees (and filling in the gaps) in conjunction with the landscape buffer is strongly recommended for the following reasons:
- The trees will help maintain the character of Percival Road, help confine views within the road corridor for residents coming and going to their properties, and help intercept views from properties.
 - The trees' height and closer proximity to the affected properties will reduce potential scale effects of industrial buildings. For instance the existing trees are up to approximately 16m- 20m in height (similar to the maximum building height in the industrial zones) but would be half the distance between such industrial buildings and the nearest house. The trees would therefore appear more dominant than the buildings.
 - While the evergreen hedge will provide a dense backdrop screen throughout the year, intercept views beneath the plane tree canopies, and screen most of the building bulk, the realistic 12m height of such a hedge is not sufficient to screen the top parts of 20m high industrial buildings
 - The three layers of vegetation (plane trees, understorey vegetation, backdrop hedge) will create depth to the buffer.

Figure 2: Cross sections and indicative plan of landscape buffer
Appendix One: Figures (A3 document)

30m building setback

5.10 It is recommended that the a total 30m building setback be provided (including the 20m landscape buffer) for the following reasons:

- Such a setback is adequate given the additional separation provided by Percival Road itself and the screening to be provided by the landscape buffer. It would mean a separation of approximately 50m from residential boundaries and 60m from the nearest houses within the enclave; and
- While 20m is an adequate depth for the landscape buffer, a further 10m yard would provide sufficient offset to allow the hedge to grow and be maintained, and would provide further leverage of distance for the planting to help screen the buildings.

Gavin Lister

Isthmus

1 October 2015

APPENDIX ONE: FIGURES (separate A3 document)

Figure 1: Context Plan

Figure 2: Interface Cross-section

APPENDIX TWO: HOUSE INVENTORY

The following table summarises desk-top and road-side observations of the existing houses in Percival Road and Ryburn Road for the purpose of understanding the existing context.

House	Approximate distance house from zone boundary	Orientation and existing screening
34 Percival Road	40m	Villa oriented south, but side windows to west in direction of zone boundary. Views from rear yard on north of house. Reasonably close to road. No intervening screening on property, but plane trees on opposite side of Percival Road.
60 Percival Road	60m	House oriented north and east away from zone boundary. Outdoor living area to north and east. Garage to south-west in direction of zone boundary. Some trees to west. Plane trees on opposite side of Percival Road.
60 Percival Road minor dwelling	30m	House oriented north and east away from zone boundary. Outdoor living area to north and east. Garage at west end of house nearest zone boundary. Plane trees on opposite side of Percival Road, except for gaps immediately west of house and to south.
3 Brighton Grove	40m	House appears oriented north-east with outdoor living to north-east. Garage to west in direction of industrial land. Low but closely spaced row of deciduous trees on road boundary. Tall plane trees on opposite side of Percival Road.
4 Brighton Grove	50m	House has large entry area facing west towards industrial land. Garage to west of house. Outdoor living area to east. Low but closely spaced row of deciduous trees on road boundary. Tall plane trees on opposite side of Percival Road.
8 Brighton Grove	100m	House down long drive. Oriented north away from zone boundary. Outdoor living area to north. Neighbouring house and sheds to west intervening in direction of zone boundary. Plane trees further to west.
12 Brighton Grove	130m (from north) 170m (from west)	House at end of cul-de-sac. Oriented north-east. Outdoor area to north-east. Outlook to north-west toward zone boundary. Shelter belt trees in middle distance. View to west intercepted by street trees in Brighton Grove, neighbouring house, and plane trees on opposite side of Percival Road.
106 Percival Road	30m	Bungalow oriented north-west toward industrial land. Outdoor living area appears to be on north-west and north. Relatively close to road. Dense road-side planting of evergreen native species. No plane trees on opposite side of Percival Road
116 Percival Road	30m	House appears oriented north-east away from zone boundary, and outdoor living area on north east. Garage to NW. Relatively close to road. High hedge along road boundary. No plane trees on opposite side of Percival Road.
120 Percival Road	40m	Cottage oriented north. Outdoor living area appears to be on north. Relatively close to road. Some deciduous trees near road boundary. No plane trees on opposite side of Percival Road
124A Percival Road	180m	Well set back from road down long drive. Difficult to see from road. Appears oriented north-west toward zone boundary, and outdoor living area to north-west. Trees and intervening houses to north-west.
124B Percival Road	260m	Similar to 124A but set back further from road.
130 Percival Road	40m	Orientation of house unclear from road. Appears outdoor living area to north and east. High hedge on road boundary. Tall plane trees on opposite side of Percival Road.
134 Percival Road	40m	House oriented north toward zone boundary. Outdoor living area to north. High shrub hedge on road boundary. Tall plane trees on opposite side of Percival Road.
23 Ryburn Road	230m	Nearest house in Ryburn Road to Percival Road zone boundary. House oriented north away from zone boundary. High agricultural shelter belts to west in direction of Percival Road. Opposite the railway line and approved inland port.
Other houses in Ryburn Road	>300m	There are some eight further existing houses on Percival Road, and a number of subdivided but undeveloped sections. These properties are more than 300m from zone boundary, and separated by intervening agricultural shelter belts.

APPENDIX THREE: COMPARISON OF ZONE PROVISIONS

The following table paraphrases pertinent objectives, policies, activity status, assessment matters and criteria, and development standards. The table is for the purpose of comparison and does not substitute for reference back to the full provisions.

	<i>Logistics Zone</i>	<i>Industrial Park Zone</i>	<i>Industrial Zone</i>
Objective	<p>25H.5.2.3 Adverse effects of logistics and freight handling activities and infrastructure are avoided or mitigated.</p>	<p>25H.6.2.1 Industrial land uses, appropriate to the Industrial Park and surrounding environment, are able to establish and operate in an efficient and effective manner.</p> <p>25H.6.2.2 The creation of a high amenity industrial environment.</p> <p>25H.6.2.3 Adverse effects of industrial activities are avoided or mitigated.</p>	<p>9.2.1 Industrial land uses are able to establish and operate within the zone in an efficient and effective manner.</p> <p>9.2.2 The amenity levels of industrial areas are to be enhanced.</p> <p>9.2.3 The adverse amenity impacts of industrial activities on residential and open space areas are to be avoided.</p> <p>9.2.4 To optimise the benefits of the regionally significant freight village facility at Crawford Street.</p>
Policies	<p>25H.5.2.3a The adverse effects of logistics and freight-handling activities and associated structures and infrastructure shall be avoided or mitigated by;</p> <p>i. Ensuring an appropriate location and type of development in accordance with Figure 25H(1).</p> <p>ii. Separating logistics and freight-handling services and supportive activities and infrastructure from sensitive activities.</p> <p>iii. Ensuring that development visible from key transport corridors and open spaces meets appropriate bulk, location and design standards.</p> <p>iv. Imposing amenity controls to ensure that the adverse effects of logistics and Inland Port activities are avoided or mitigated when assessed from adjoining facilities or existing residential dwellings and Country Living zoned areas.</p> <p>v. Through the preparation, approval and implementation of a Noise Management Plan that manages all noise generating activities in the Inland Port.</p>	<p>25H.6.2.1a Industrial activities and supportive activities and infrastructure shall be provided for, subject to the land allocation set out in Table 25H(1), and the provision of required infrastructure, including roading and Three Waters.</p> <p>25H.6.2.1b Noxious or offensive activities shall be avoided.</p> <p>25H.6.2.1c Non-industrial uses shall establish and operate only where they are ancillary and supportive to industrial activities.</p> <p>25H.6.2.1d Non-industrial uses shall not adversely affect the industrial use of the Ruakura Industrial Park Area and shall avoid adverse effects on function, vitality and amenity of the central city and other centres.</p> <p>25H.6.2.2a High amenity levels within the Ruakura Industrial Park Area shall be developed through well designed buildings in the Interface Design Control Area, front yard requirements, setbacks from major roads, Open Space Areas and residential areas, and through landscaping and screening.</p> <p>25H.6.2.3a The adverse effects of industrial activities shall be avoided or mitigated by;</p> <p>i. Ensuring an appropriate location and type of development in accordance with Figure 25H(1).</p> <p>ii. Ensuring that development visible from key transport corridors and open spaces meets appropriate bulk and location and design standards.</p>	<p>9.2.1a Industrial land shall be used for industrial uses.</p> <p>9.2.1b Non-industrial uses shall establish and operate only where they are ancillary to industrial activities, support industrial activities, or are consistent with industrial land uses.</p> <p>9.2.1c Non-industrial uses shall not adversely affect the industrial use of the Industrial Zone, or impact adversely on the strategic role of the Central City as the primary office, retail, and entertainment centre, and the other business centres in the City.</p> <p>9.2.2a Amenity levels within the Industrial Zone shall be improved with the use of landscaping and screening, restrictions on site layout, enhanced design of buildings, ensuring orientation of buildings towards the site frontage, and enhanced urban design outcomes.</p> <p>9.2.3a The adverse effects of industrial activities shall be contained within the Industrial Zone boundary to avoid adverse effects on amenity within other zones, particularly the Residential, Special Character and Open Space Zones.</p> <p>9.2.3b The establishment of noxious or offensive activities in locations near the boundary with Residential, Special Character and Open Space Zones, where there will be adverse amenity effects on these locations, shall be avoided.</p> <p>9.2.4a Logistics, freight-handling services and supportive activities and infrastructure shall be provided for Crawford Street Freight Village.</p> <p>9.2.4b Activities sensitive to the adverse effects of logistics and freight-handling facilities shall avoid locating in proximity to the Crawford Street Freight Village.</p>

		iii. Imposing amenity controls to ensure that the adverse effects of industrial activities on adjoining facilities or existing residential areas are avoided or mitigated.	
Activity Status Table	<ul style="list-style-type: none"> Logistics permitted Logistics and freight-handling infrastructure permitted Buildings controlled in 'interface design control area' (otherwise permitted) 	<ul style="list-style-type: none"> Land development RD Industrial activities permitted Logistics and freight-handling infrastructure permitted Buildings controlled in 'interface design control area' (otherwise permitted) 	<ul style="list-style-type: none"> Industrial and light industrial permitted Ancillary office, retail etc permitted Passenger transport facilities permitted Parking lots and parking buildings permitted Buildings that satisfy standards 9.4 & 9.5 controlled
Controlled Activities 'matters of control'	<p>Matters of control:</p> <ul style="list-style-type: none"> Building design, external appearance and configuration Vehicular and pedestrian access Landscaping CPTED [In summary, mainly focused on appearance from the street (passing traffic and pedestrians) rather than from residential areas] 	<p>Matters of control:</p> <ul style="list-style-type: none"> Building design, external appearance and configuration Vehicular and pedestrian access Landscaping and Screening CPTED <p>[Nearly the same as for Logistics zone, some additional:</p> <ul style="list-style-type: none"> Landscaping 7) includes reference to mitigating adverse visual effects, particularly storage, loading and operational areas visible from residential areas Also includes reference to development abutting residential properties at Sheridan Street, Nevada Road, Silverdale Road. Landscaping in relation to residential areas –which are subject to specific assessment and standards in rules 25H.19.1 and 25H.19.2 (guide only). 25H.19.1, however, relates only to where sites adjoin Open Space or road, and only require 2m wide buffer strip and 1.8m fence. 25H.19.2 relates to service areas visible from residential area or public roads, and only requires a 1m buffer strip and a 1.8m fence. 	<p>Matters of control: (Vol. 2, Appendix 1)</p> <ul style="list-style-type: none"> Building design, external appearance and configuration (but relates mainly to frontages to transport corridor) Site layout (includes specific mention of location with respect to adjoining residential zone) Vehicular and pedestrian access Landscaping (although no specific mention of residential zone) CPTED <p>(not as specific in relation to interface with residential areas)</p>
Standards	<ul style="list-style-type: none"> Site coverage: 80% Permeability: 20% Building height: 20m Container stacking: 12m Lighting towers, poles, aerials etc: 35m Building setback: 10m from road (15m from expressway) 	<ul style="list-style-type: none"> Site coverage: 75% Permeability: not specified Building height: 20m Container stacking: 6m HIRTB: 3m + 45° (+28° on south bdy) Building setback: 5m from road, 15m from arterials and expressway, 40m from residential bdy, 8m open space Landscaping: 20% (in addition to buffer strips) which may be reduced to 10% Car parking: 50% of front yard 	<ul style="list-style-type: none"> Site coverage: 75% in Amenity Protection Area – otherwise no maximum –but min 20% permeable surface Permeability: not specified Building height: 20m (10m in Amenity Protection Area) Container stacking: HIRTB: 3m + 45° (+28° on south bdy) Building setback: 5m from road, 15m from arterials and expressway, 8m from residential zone bdy or open space Car parking: 50% of front yard
Landscape screening	<p>25H.5.7.4 Specific rules relating to the northern boundary of the Inland Port sub area A rather than Logistics sub area B:</p> <ul style="list-style-type: none"> Interim buffer 5m wide Permanent buffer 5m-20m wide, to be maintained at 12m 	<ul style="list-style-type: none"> See above in relation to 25H.19.1 and 25H.19.2 (i.e. minimal) 	

Hamilton City Council, 01 October 2015

RUAKURA VARIATION TO HAMILTON PROPOSED DISTRICT PLAN

APPENDIX ONE: FIGURES

 isthmus

LEGEND

- Photo location 
- Large Lot Residential Area 



FIGURE 1 - Context Plan



Scale 1:5000 @ A3

LINZ Eagle Technology

Percival Road, Hamilton
 Date: 01 October 2015
 Job Number: 3492
 Drawn by: MR
 Checked by: AE
 Issue Stamp: Final
 Rev: A

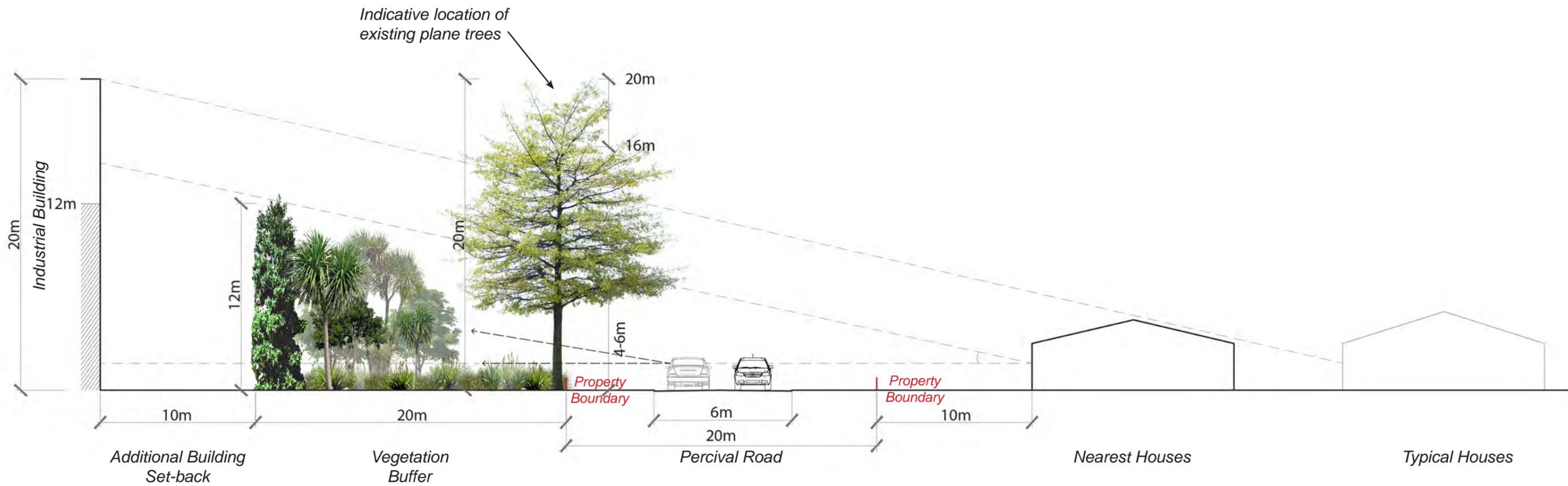


FIGURE 2 - Interface Cross-Section

Scale 1:250



5 October 2015

Hamilton City Council
Private Bag 3010
HAMILTON 3240

Attention: Sam LeHeron

**RE: PERCIVAL ROAD/RYBURN ROAD
HAMILTON CITY COUNCIL, RUAKURA VARIATION FEASIBILITY**

Further to your instruction we have considered the Percival Road/Ryburn Road locality with regard to providing comment on the Hamilton City proposed zoning of Large Lot Residential relative to the surrounding Ruakura Logistics zone and Ruakura Industrial Park zoned land.

You have requested that we provide an outline of market activity (behaviour) that occurs around the transition of land use from rural and rural residential to industrial and the effect that this behaviour might have on property values.

This market activity can be described in two parts;

- 1) The effect on property value from intensification of land use through change of zoning
- 2) The effect on property value specific to a locality as a result of a change of land use in that locality seen as “unpopular”.

1.0 Executive Summary

- + The value of property increases with intensification of land use from Rural to Rural Residential to Residential to Commercial/industrial use.
- + Value will predominantly be determined by supply and demand underpinned by physical characteristics and regulatory conditions such as zoning
- + Purchaser’s motivations will change dependent upon the highest and best use of that property
- + Examples of land use change from rural or rural residential to industrial clearly show increased value through change of purchaser motivation
- + The introduction of an unpopular use typically triggers a market reaction reflected by a trough shaped value curve which is likely to vary in depth and length dependent upon the perceived effects.

2.0 Background

The locality is approximately 4 kms distance north-east of the Hamilton Central Business District (CBD) and on the eastern periphery of the city. The immediate locality is bounded by Percival Road and Ryburn Road and is a small area of rural residential property ranging in size of sections from .2 ha up to a parcel of 5.1 ha. There are 35 titled parcels within this locality and some 30 owners with 31 of the properties being under 1.2ha in size and the remaining 4 being 2.8ha to 5.1ha. The development includes older original homes with some built between the 1930s and 1950s and a small pocket of recent development built during the 2000s onward.



The total area incorporated within the proposed Large Lot Residential (LLR) zoning is 35.3 ha and is bounded on two sides by the Ruakura Research Centre, the Waikato Expressway designation and then farm land to the east and the Hamilton/Tauranga Eastern branch railway along the southern side.

The land forming part of the Ruakura Research Centre immediately adjacent to the locality has been developed for genetic research while on other land held by Ruakura there are a range of improvements which have provided for mixed commercial activity including small workshops, small office areas with an associated laboratory and a medium scale abattoir which is situated slightly under 1 kilometer's distance from the development.

The Waikato Expressway designation bounds the locality to the eastern side. Work is commencing on this with completion scheduled for 2019. This will be a four lane expressway by-passing the City on the eastern side and with an interchange located a short distance south providing access into the logistics area to be developed adjacent to the interchange and providing access into the City Centre.

Other influences within the locality include the close proximity to the Waikato University campus also within 1 kilometers distance and 2 sets of high voltage transmission lines that pass along Ruakura Road and to the south-west of the locality across the Ruakura land.

Overall this pocket of rural residential development has close proximity to the city and it's amenity but it would not be considered to be prime rural residential which may be as a result of some of the environmental factors adjoining the location and is to some degree evidenced in the standard and nature of development that has occurred over time within the locality.

The locality has been zoned under the Waikato District Council Operative Plan as Country Living, this was retained with the transition of the land into Hamilton City in 2011. It is proposed through variation to the Proposed District Plan of the Hamilton City that the locality, encompassing the 35.3 ha will be rezoned Large Lot Residential. The Country Living zone allowed subdivision to a minimum lot size of 5000m², the Large Lot Residential zone in the notified Proposed District Plan set out to have a minimum lot size of 2ha for subdivision. However, the drafted variation to the Proposed District Plan provides for subdivision with a minimum lot size of 5000m².



3.0 Market Behaviours – Intensification of Land Use Through Change of Zoning

3.1 The basis of change in value from change of land use

The value of a property is a reflection of the “highest and best use”. The market value is defined as being

“the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arms length transaction, after a proper marketing and where the parties have each acted knowledgeably, prudently and without compulsion.”

In general terms the value of a property will increase as the intensification of the land use increases and therefore in the broader sense of this discussion, this would relate to the transition of rural use through to urban use. Within the urban sphere of land use the increase in value typically follows low intensity residential development through to medium and high density development and then into commercial/ industrial activity.

While the above transition from rural use through to urban use is likely to bring about an increase in the property value it must be remembered that there are other factors that will influence the property’s value through that transition including market factors such as supply and demand, location, physical attributes of the land then also external influences such as local authority zoning.

Within the transition line we would identify the following property groups:

- + Rural
- + Rural with proximity to urban demand
- + Urban
 - + Within an urban boundary but being held for future development
 - + Within the urban boundary and rezoned

The first category of rural land can be land that extends from the hinterland of an urban area close to the urban centre but where there is no perceived potential for that land to transition to urban use. A premium is often paid for a location close to urban amenities, retail, schools and services. This premium is related to the base rural value of land further from the urban centre.

The second category is rural land with proximity. This can typically be land on the fringes of an urban boundary and may be land that has been incorporated within long term planning discussion documents between local authorities or a regional authority. An example would be that land that was within Waikato District Council and covered by the Urban Expansion Policy as land that will come into Hamilton City at some point of time.

The third category is urban land inside an urban boundary. Within this category the land may either be identified as being held for future urban development and noted as either deferred zoning or as a future urban zone intended to protect later development of the area as it has not yet been fully scoped through the development or preparation of a structure plan. Within this category the potential is seen as real and has been identified but more often is of a long-term nature. It will ultimately be subject to the pressures of demand in terms of the timing of its transition to zoned land.



The second sub-category within the urban land is that which has been rezoned. The potential of this land may also be subject to market demand but also the availability of services which may not be immediately available but which are usually planned and are seen to be available within the short term

Examples of rezoned land being subject to delay in achieving full value can be seen around the Rotokauri locality. The Rotokauri residential land is awaiting the connection to main services, in particular waste water and as a consequence the extent of the development to date is limited and acquisition of development land will incorporate a deferment until such time as those services are anticipated as being available.

Within the same locality the industrial zoned land around Tasman Road had services available but following the Global Financial Crisis in 2008, demand for industrial land stopped and development has only, in more recent years, been undertaken in anticipation of growing demand. The purchase of industrial block land within this locality following the GFC would have reflected a deferment associated with when demand might grow to a point to make development of the land economically feasible.

3.2 Market behaviours associated with intensification of land use

3.2.1 Rural

The purchase of rural land is related to various factors including the productive capacity. Rural land closer to the urban centers is more typically purchased by established buyers, the properties will tend to be well developed and the value will reflect the physical attributes such as the location close to amenities and services as well as that standard of improvement.

3.2.2 Rural land with proximity to urban boundaries

The purchasers of this land can have several motivations and be of different type.

Firstly the purchaser may have a long term capability whereby they are acquiring land for the purpose of realising the long term potential. Land owners within the Hamilton area that typify this type of purchaser include Tainui and the Kimpton and Peacocke families holding large rural land holdings either within the city boundaries or immediately adjacent with the real intention of developing that potential at some point in the future.

The second type of purchaser of this land is those that are looking for the capital gain through acquisition, holding for a long term and then on-selling to developers when the development potential is ripe. As an investment the property typically will show a low return from the cash flow generated through its productive capacity, however over the long term period the capital gain provides the investor with a good return. In the interim the property will provide a home, job (as farm land) and this long term investment prospect.

The premium paid for long term potential is likely to be varied. The premium would be seen as a “rural value plus” in terms of its perception and will vary dependent upon the market phase that influences purchaser’s outlook. In a buoyant phase of the property market where significant new development is being undertaken purchasers tend to have a more optimistic outlook as to the long term value of the property and therefore sway their premium in that direction whilst during recessionary times where the outlook for urban expansion is limited then the premium is more likely to be of a nominal nature.



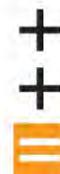
3.2.3 Urban land

Once land is within the urban boundaries it will typically either have a deferred zoning whereby the future use is identified but the availability of infrastructure is some time away, demand is still remote or possibly the full extent of the development through a structure plan has yet to be considered.

Dependent upon where this land lies within the city development plans, the premium paid may also be a “rural value plus” or if potential is perceived as being more imminent then the premium will more likely be determined on the basis of its “urban potential less” the costs and time deferment until it can be realised.

An example within Hamilton of land within the city boundary but with long term perceived potential is the area to the western part of Rotokauri where sales have more typically shown a “rural value plus” premium rather than that land closer to the existing development where the value has reflected either the residential or development value less a deferment until either services or demand are anticipated as being available.

Ultimately the market value of land will be driven by supply and demand. The growth of demand for land can be real such as a growing population base however at other times the perception carried by the market can often create increase in value for land ahead of actual demand. At the same time perceptions held by the market can often devalue land below its real or underlying value. In both cases the market ultimately returns to an equilibrium representative of supply and demand.



4.0 Examples of change in value through transition of land use

4.1 Hamilton City – Tasman Road – Te Kowhai Road

This is an area of land in the western side of the city and at the eastern side of the Rotokauri locality. We have provided the following case study of a parcel of land situated within this area for the purpose of tracking its transition of land use and ultimately property value. We have also included detail of sales activity of land around this block that assist for the same purpose.

4.1.1 The chronological order of Council Planning in the Rotokauri area around the property 103 Tasman Road

- + The property formed part of the Rotokauri area that was brought into the City from Waipa District Council in November 1989.
- + Transitional District Plan. The Hamilton City second review – Transitional District Plan was notified on 29 April 1989 and became operative 19 December 1992.
- + The Transitional District Plan in 1993 provided for Rural Zones – Open Space.

The aim of this zone was to protect land intended for future city expansion from inappropriate uses, development and subdivision which could comprise future settlement patterns and place pressure on Council for the provision of unplanned and uneconomic services.

- + In 1995 under the Transitional District Plan the front block of 20.2343ha was zoned Rural General (Holding).

The rear block of 28.5430ha was zoned Rural General.

The Rural General Zone applied to the majority of rural land within the City. The purpose of the zone was to protect land which was intended for future City growth.

Land that would have been required next for urban use within the 10-15 year planning period was identified by a Holding Overlay Zone Rural General (Holding).

Land adjacent to the North Island Main Trunk Railway Line in Rotokauri was intended for future industrial development. Part of this property was within the Holding Zone

The Holding Overlay Zone is distinguished from the remaining Rural General Zone by more stringent controls on subdivision and a more limited range of permitted uses to ensure development and establishment of rural activities will be compatible within the near future urban environment.

- + Proposed District Plan. This was notified on 30 October 1999 with submissions notified 27 October 2001. The reference version of the Proposed Plan became operative November 2001 subject to three appeals being outstanding.

The property was zoned Future Urban within the Proposed District Plan.

The Future Urban Zone applies to the majority of rural land within the City. The purpose of the zone is to protect land which is intended for future City growth from inappropriate subdivision, use and development to ensure an efficient and logical pattern of future urban development is not compromised.



- + Proposed Hamilton City District Plan – Variation 8 Rotokauri Structure Plan and Stage 1 rezoning. Submissions were called for by 21 October 2005.
- + Variation 8 was not effected being withdrawn in 2006
- + Proposed Hamilton City District Plan – Variation 18 – Rotokauri Structure Plan and Stage 1 rezoning was notified on 27 October 2007
- + The property lies within the area identified for General Industrial purposes.
- + The Stage 1 rezoning became Operative from 13 December 2008.

4.1.2 Transition of value

Through this period of transition defined by Council's forward planning and then ultimately market demand, the property's value and those surrounding, transformed from rural to industrial. What had been a rural location separate from the existing urban development by the main trunk railway and Avalon Drive became an industrial location now bounded by the Te Rapa by-pass section of the Waikato Expressway.

In 1996 and 1998 we undertook valuations of this land for Wintec who were looking to acquire future expansion land for their Avalon Campus.

Between these two dates we recorded an assessed 20% increase in a previously rural value, indicative of market perception of on-coming urbanization of the land.

The following transactions of larger land holdings are indicative of the full transition from rural land to industrial, including this particular property (103 Tasman Road).

+ **Te Kowhai Road, Hamilton**

Sold October 1996 for \$2,150,000

A farm property of 68.04ha situated on the western side of the North Island Main Trunk Railway Line with an extensive frontage to Te Kowhai Road and a return frontage to Ruffell Road.

The property was purchased by developers as a long term holding and ultimately industrial development. The sale reflects a value of \$3.15/m² (\$31,599/ha) and was zoned Rural General (Holding). The land is now being developed some 20 years later with Main Freight and NZ Post as key sites in the subdivision.

+ **Tasman Road, Hamilton**

Sold December 2003 for \$4,035,000

The site has a total area of a little over 48ha with just under half being sandy and peaty loam with the rest having a peat sub-soil. The land had been purchased for possible future industrial development and the sale price equates to \$9.24/m². The land has been developed with Arthur Porter Drive over the last 2-3 years.



+ **103 Tasman Road, Hamilton**

Sold December 2003 for \$3,000,000

This property is 25.3472ha zoned Rural General (Holding) and sold equating to a land value of \$11.83/m² (\$118,300/ha). It was bought by an industrial business to establish an open yard for manufacture and storage of concrete products. The location was seen as beneficial for this use as it was “remote” from intensive use and therefore wouldn’t draw complaint about dust and noise.

+ **103 Tasman Road, Hamilton**

Sold April 2007 for \$19,010,250

This is the same property of 25.3472ha purchased by the adjoining owner intending to carry out industrial subdivision of the land. The sale was subject to a three year deferment on payment and equated to a land value of \$58.10/m² (\$581,000/ha). The land was zoned future urban at the time although the Rotokauri Structure Plan identified the land as industrial zoning and was in the process of being re-zoned (Variation 18). The deferment until zoning was effective was anticipated as 2-3 years at that time.

These sales show a clear transition of rural value \$31,599/ha through to \$92,400/ha and then \$118,300/ha before the full industrial development value was realized at \$581,000/ha. Obviously there would be usual market improvement in the rural values during this period 1996 to 2007 but this would not account for the extent of the value change.

Smaller parcels in this location were owned and occupied as rural residential but ultimately were sold for impending industrial development.

+ **Tasman Road, Hamilton**

Sold November 2004 for \$2,300,000

A 4ha site situated on the western side of Tasman Road adjacent to the Avalon Drive overbridge. The land is zoned Future Urban however, at the time of sale it was recognised that Council were intending to rezone this land Industrial within the near future. Analysis of the sale which comprised 4.0ha equates to \$57.50/m².

+ **99 Te Kowhai Road, Hamilton**

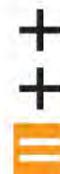
Sold May 2005 for \$2,350,000

This is a site of 4.0ha being a rear block off the southern side of Te Kowhai Road. The land is zoned Future Urban although also lying within the area to be rezoned Industrial by Council. Improvements included a modern dwelling. Analysis would indicate a land value of \$58.55/m².

+ **103 Te Kowhai Road, Hamilton**

Sold January 2006 for \$3,500,000

This is a bare block of 4.6ha with Future Urban zoning although lying within the area for proposed rezoning as Industrial. The property sold with a deferred settlement which would suggest a present land value of \$67.36/m².



+ **67 Tasman Road**

Sold April 2008 for \$3,500,000

Having Future Urban zoning this is a block of 3.7686ha that was purchased on the basis that it would be capable of development within one year. Situated adjacent to the Avalon overpass the land is flat in contour. Analysis of this transaction indicates a land value of \$92.87/m².

By comparison rural residential sales on the western fringe of the City would indicate the following level of value and clearly show the transition of value in accordance with the change of zone and demand for that change of use for rural residential to industrial.

+ **699 Whatawhata Road**

Sold in 12/06 for \$680,000

A 1970's weatherboard finished dwelling with a corrugated iron roof. The dwelling has an approximate floor area of 260m² and is located on a 4.0595ha level site. Site development is average with other buildings including a shed

+ **28B Lindsay Road**

Sold in 01/07 for \$540,000

A 1980's brick finished dwelling with a ribbed steel roof. The dwelling has an approximate floor area of 140m² and is located on a 2.3945ha site. Site development is good with other buildings including a single garage/sleepout, a single carport and a large shed.

+ **244 Blakett Road**

Sold in 01/07 for \$768,000

A 1970's brick finished dwelling with a tile roof. The dwelling has an approximate floor area of 150m² and is located on a 4.5190ha rolling site north of Whatawhata. The site is fully developed with other buildings including a double garage.

+ **383 Te Kowhai Road, Hamilton**

Sold June 2007 for \$1,775,000

Located just to the north west of Te Rapa and Hamilton City Centre. The 4.221ha is all flat land zoned Future Urban in the Hamilton District Plan. Development includes three bedroom dwelling, detached garage, old gable shed and tidy pastures.

+ **415 Te Kowhai Road, Hamilton**

Sold July 2006 for \$1,615,000

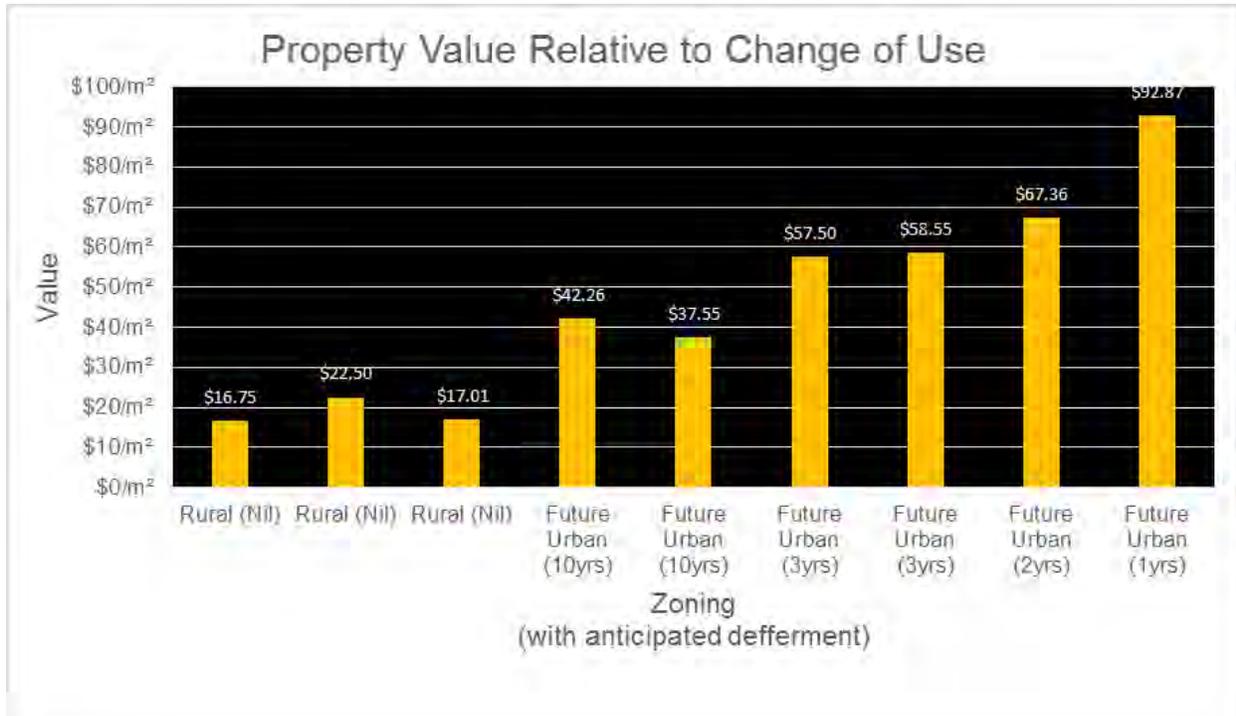
Located just to the north west of Te Rapa and Hamilton City Centre. The 4.3455ha is all flat land zoned Future Urban in the Hamilton City. Development includes average brick and tile dwelling, dwelling built during the 1970's in average condition, garaging and tidy pastures.



The latter two sales (383 and 415 Te Kowhai Road) are properties situated inside the City boundary with long term potential recognized in the value as compared to the other sales located in Waikato District Council without any urban potential.

These two sales were typical of the buoyant market at the time 2003 – 2007 before the GFC as later sales of similar property in the same location do not reflect the same level of anticipated potential as the reality of the deferment of urban potential became apparent.

The following is a graph of the change in value relative to anticipated change of use indicated by the above sales.





4.2 Rolleston/Selwyn District Council IZone – Industrial Park

The Telfer Young Christchurch Office has been involved with valuation and property advice for the Selwyn District Council relating to the proposed expansion of the IZone Industrial Park and the Business 2 Zone over recent years.

The transition of property values around Rolleston are also an example of the transition from rural to urban use and have some relevance in that two large parcels have in the recent past been purchased by the Port of Tauranga and the Port of Lyttleton to develop inland ports around this industrial area.

Key factors are that the land is close to the main trunk railway and State Highway 1 and is to the periphery of Christchurch.

Work undertaken by our Christchurch office has indicated that the rural values surrounding Rolleston for larger economic units would be in the region of \$30,000-\$40,000/ha.

Lifestyle properties of around 4ha size show a land value range of between \$71,000-\$123,000/ha while larger blocks of 10-12 ha size show a land value range of \$38,000/ha to \$49,000/ha.

In March 2013 four adjoining properties ranging in size from 4 ha to 63.5 ha were purchased for a total of \$14 million having a combined land area of 122.2 ha.

This was rural land immediately adjacent to the IZone location with the sale price reflecting an average land value of \$114,500/ha (\$11.45/m²).

This land was subsequently subject to a zone change to Business B2A and following the zone change a 27.0 hectare part of the land holding was sold to Lyttleton Port Company at \$100/m². (\$1,000,000/ha)

On the basis of this market activity it is anticipated that other land immediately adjoining the business park and physically suited to further extension of the Business 2 zoning would attract premium as rural land to reflect the longer term potential of absorption into the IZone industrial locality.



5.0 Market Behaviours – “Unpopular Uses”

This is often colloquially referred to through the acronym NIMBY “Not in my back yard”.

This is a typical market response to the announcement of an unpopular use within a locality.

We have observed and also note from studies completed that the market behaviour that follows such an announcement follows a reasonably predictable pattern although the extent and variation within that pattern may vary as a consequence of the perceived effects.

Following the announcement of an unpopular use in a locality the market generally reacts in a manner where the uncertainty of the effects from the proposed unpopular use result in a decline in property values through a fear of the unknown. Unpopular uses can include prisons, halfway houses, landfills, schools, churches, service stations, change of zone etc.

As the use is integrated into the market and over time, subject to the constraints of the conditions of the consent/zone change the market readjusts and is able to measure more accurately the effects (if any).

The pattern that generally emerges is a recovery of property values back to the comparable existing level or close to it.

This trend or pattern in market activity has been identified in the evidence given to various Environment Court decisions, and endorsed by the Court. For example:

5.1 *Land Air Water Association v Waikato Regional Council (Decision number A110/01) - Hampton Downs Landfill*

- + Two valuers Mr Smyth and Mr Henshaw provided evidence that property values in the locality of a proposed land fill had been detrimentally effected. Because of the small number of properties within the immediate locality there were few sales upon which to base their conclusion.
- + Two other valuers (Mr Dean and Mr Sporle) presented evidence that the perception of the negative influence from an unpopular use may impact values in the short term but that they would then recover after a period of time. In particular Mr Dean provided good analysis of market activity around the Redvale landfill which is a more predominately residential based market. In the court’s eyes this evidence clearly showed that in the long term no reduction in price had been experienced by the adjoining market.
- + The Court in assessing the property valuation evidence in that case reflected para 377 page 99:

“Mr Smyth said that in his view the market retreats from a proposal such as this initially – this has already happened in Hampton Downs – but eventually and over time the market will return. Of the valuers who gave evidence no one was able to give us an opinion as to when the market would return. There was no analysis of market trends in the areas around other landfills in the country⁹⁹ other than the market analysis presented to us by Mr Dean relating to the Redvale landfill. Based on that evidence, which is the best evidence we have, we find that while property prices may well fall for a short while, this will not be sustained and that such fall will be of a temporary nature only. We find that the effect will be minor.”

Mr Bill Bailey is a rural valuer in our office that works in this locality. He advises that the market has restored and that the existence of the Landfill is no longer having a negative impact on the rural values of that locality. This particular locality is also subject to potential influence from the Springhill Prison and the Hampton Downs race track.



5.2 Department of Corrections v Gisborne District Council (Decision A057/99)

- + This was an appeal relating to the application for a land use consent to establish a community service centre, a probation office and periodic detention centre on a site in Gisborne.
- + Concern was raised with regard to a decrease in property values and an adverse economic effect on business in the immediate locality.
- + Evidence was presented by two valuers appearing in support of the respondent's case who, without substantiating evidence, stated that in their opinion properties in this locality would suffer a loss in value as a consequence of the periodic detention centre being established. Both related this loss to being perception of the "unfriendly activity".
- + Neither valuer appeared at the hearing, their evidence was therefore not able to be tested by cross examination.
- + Evidence was presented by Ms Daly, a Registered Valuer on behalf of the Department of Corrections, which included comparable situations of similar use being established in residential areas with sales evidence in those localities before and after the establishment of the unpopular use clearly showing that no market change had been retained from the establishment of that use.
- + Ms Daly's conclusions were as a result of her investigations and were referred Para 41 page 11 of the decision (paras 9.3 & 9.4 Daly):

"history has shown that effects on value resemble a trough shaped curve following the announcement of the location of an unpopular use. Initially, media publicity fuels concerns however once such a use has quietly persisted over a period of time without causing disruption by a breach of peaceful and quiet enjoyment to surrounding property owners, concerns seem to settle down.

Experience shows that usually, effects on property values are not sustained over the longer term."

- + In assessing the evidence provided to it, the Environment Court found: Para 44, page 11

"We accept the evidence of Ms Daly and conclude that while property prices may well fall for a short while this will not be sustained and that after a matter of some months prices will return to normal. We thus hold that, on the evidence, the concerns of the submitters cannot be sustained."



5.3 Valuation study of the Waihi market

- + Over the life of the current mining activity we have been involved in preparing evidence in relation to the impact of mining on the town of Waihi. In addition, various reports have been prepared by
 - + Mr R P Young (Robertson Young Telfer – now TelferYoung)
 - + Messrs Cullen and Porter – Townsend Cullen and Associates
- + The most recent report by Mr Young - November 2003 statement of evidence on the Favona underground mine concluded: para 5 page 2

“I conclude that mining has increased Waihi residential property values over and above those which would have pertained had the mining activity never occurred. The Favona project will extend this beneficial effect beyond the proposed closing date for the Martha Mine.”

- + The most recent report by Mr Cullen – December 2010 Statement of Evidence on the Trio Underground Mine Project. In response to concerns over the loss of value and saleability of properties raised in submissions, Mr Cullen concluded: para 63 page 13

“As discussed earlier in my evidence, the effect is really one of perception, which is exacerbated by the media and at times by the real estate industry. The greatest potential impact on property values is at the time of the notification of a proposal, however, as demonstrated by the overall sales data in Waihi in the medium and long term property values are still at a higher level than they would have otherwise be without mining activity.”

5.4 Waihi Mining – Golden Links Project

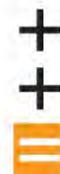
We were asked by Waihi Gold Company Ltd, to address the concerns raised in submissions about any influence of the Golden Link Project (GLP) on property values and present this as evidence to the Environment Court Hearing.

The Correnso underground mine is part of the GLP, a proposal to mine underneath an area of residential development in Waihi East. The Golden Link Project Area (GLPA) extends over some 519 properties of which 218 will be in the more immediate location of the Correnso underground mine.

Our research of various markets provided us with the following conclusions.

The proximity above the mine is likely to be the primary cause of change to property value during the announcement, planning and development stages of the project a period estimated as two years. The initial negative reaction will reduce as the market becomes accustomed to the underground mining activity and more particularly ground stability concerns are allayed.

The overall pattern of market reaction expected following the announcement of the GLP is one of a trough curve with a sudden initial downward movement of property value during the first 12 months, flattening during the next 12 months then responding positively over the next 2 to 3 years and more or less restoring to usual market levels of activity and pricing in the medium to long term while mining continues in Waihi.



This was measured in the following table being a summary of the approximate discount assessed as applicable to the various locations established and relative to the market periods from the announcement. This included our opinion of the market reaction to proximity of property to Correnso Mine having determined that the market will not consider property damage or vibration as material influences on property value. It is important to note that the assessment of the market reaction at each stage of the life of a project and for each group is subjective.

Property proximity category	Announcement Phase (0-6 months)	Planning & Consent (6 mths – 18mths)	Mining Short Term (0-2 yrs)	Mining Medium Term (3-7 yrs)	Mining Long Term (8 yrs +)
ABOVE	No sales activity.	15% - - 20%	10%	5%	0%
FRINGE	Limited sales activity.	10% - 15%	5%	0%	0%
OUTER	Slow sales activity	0%	0%	0%	0%

This assessment of influence on valuation is a holistic assessment for all of the property in each of the proximity categories. We would expect some variation around these amounts within each proximity.

We have undertaken market surveys every six months since the approval of the GLP consent. The market activity and behaviour has been stable with the assistance of a Property Policy put in place to maintain market activity in the locality through these initial stages at levels similar to those that existed before the announcement of the underground mining proposal. The level of assistance to the market that has been required to achieve this, supports the conclusions arrived at before the Consent approval.

Actual mining is about to commence which is the third phase indicated above.

The trough curve referred to in the *Department of Corrections* case is likely to vary dependent upon the perceived effects that an unpopular use may have in a community.

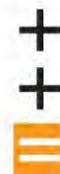
The greater perception of effect or more negative the use is perceived, the deeper and longer the curve.

Should effects from an unpopular activity be actual or maintain a “real perception” within the market it is possible that the curve will not return to a similar level as before the activity was announced.

In our opinion such effects would have to be quite real and measurable for this to occur.

We would point out that the change in property value is not the actual effect resulting from the use or change in zoning but a culmination of the influences (effects) that the use or change of zone may have on the locality, being both negative and positive influences.

We would recognise that often there can be a loss of amenity, particularly to the existing owners/occupiers of property in an area, however this loss of amenity can often be offset by positive factors resulting from the change and manifest it-self ultimately in no loss of actual value, and sometimes improved value through the long term as referred to in the Waihi market.



In summary the effect on market activity or behaviour can be identified along a timeline such as:-

- + Short term - this would include the initial announcement of an unpopular use incorporating the uncertainty of potential effects that it would generate in the market place. Within this short term there would also be the notification of the project to the public in general which would be followed by planning application including hearings, submissions and potentially appeals, and where successful, the construction or implementation of the “use” or “activity” in the locality.
- + Medium term – this would be the phase following the implementation and through a period where the market absorbs the activity and its impacts on the environment and general amenity of the locality.
- + Long term – this is the period following the establishment of the use or activity within the locality and where there has been no adverse event occur. The market adjusts after measurement of effects (both adverse and beneficial), typically to market levels that precluded the announcement of the unpopular activity.

6.0 Summary

Rural land that is close to an urban centre but with no potential will attract a premium but this is related to locality factors and convenience in terms of location to retail, school and social amenity associated with the urban centre.

Rural land with proximity to an urban centre and identified as having longer term potential for absorption into that urban development will typically show a premium based on a “rural base value plus” premium allowance. The extent of that premium will be weighted in accordance with the market perception of when that urbanisation may take place.

Land within the confines of an urban boundary can be seen to be in two categories. Firstly land that has been identified for future urban development and is being held until a structure plan is prepared or infrastructure is available and secondly land that has been rezoned and is ready for immediate development or alternately may have some short term deferment awaiting the availability of services and/or demand.

The extent of the premium for land that is in that holding phase will be dependent upon the market perception and as such could sit between a “rural base value plus” a premium (if long term) or alternately an “urban development value less” deferment (if medium term or perception of imminence exists).

The premium attached to land that has been zoned and is awaiting development will be approached on the basis of the “urban development value less” a deferment anticipated by the market until services and/or demand is available to make development feasible.

Ultimately the value of property is determined by supply and demand.

Where demand exceeds supply the property values will increase.

Where demand and supply are balanced in that there is a constant supply meeting the typical market demand values will tend to be level.

Where demand has fallen below supply, typically as a consequence of economic conditions then a reduction in property value is required to attract purchase. This is exemplified by the recent drop in property values following the GFC of 2008 and more recently, the improvement in residential property values largely as a consequence of increased demand through net migration growth in markets such as Auckland and more recently in the Waikato.



7.0 Conclusion – Percival Road

The market value of the land as Large Lot Residential (as proposed) will be based on the location for rural residential and a longer term potential for industrial development. This is akin to that urban land identified as being in a holding period.

Existing owners are likely to feel a loss of amenity through the establishment of the inland port and a change of the surrounding environment from that which has, to date, been predominantly rural.

Initial values may be impacted by a market perception of industrial activity being developed in the inland port area immediately to the south until such time as the activity and its effects can be measured.

General property value within the Percival Road locality is already influenced by the existence of the East Coast Branch railway, transmission power lines which pass to the south of the area and the impending construction of the Waikato Expressway which will border the locality on the eastern side by 2019/20.

Upon establishment of the inland port and the implementation of mitigation requirements including set-backs, landscape screening and potentially alternate access to this location so avoiding the inland port activity we could anticipate that property values will re-establish based on the rural residential occupancy offered and the position next to the industrial activity. In the longer term, potential for substantive capital gain through change of use is likely to positively effect values.

The retention of the rural residential zoning amongst the surrounding Logistics Zone may alter the natural dynamic of supply and demand toward highest and best use. Potentially this could slow a typical market transition as the intensification of use will require the rezoning of the area. Longer term investors could potentially see this as an additional hurdle to unlocking higher value as compared to acquiring land close-by with the Logistics Zone albeit being subject to similar deferral of demand and services.

The retention of the rural residential zoning (Large Lot Residential) maintains a market perception of a residential area next to industrial development.

Given that this is a relatively small market of some 30 owners it is quite likely that as time passes and with the change of property ownership new purchasers are likely to be more accepting of the locality as a position close to new employment created around the inland port and logistics area with a long term potential for capital gain.

The creation of new access to the locality from within Ruakura or if from Powells Road could impact on the residential based value, the extent of this would be dependent on when this was established relative to the longer term potential of the land being used for logistics purposes.



As with the examples at Te Kowhai in Hamilton and the IZone Industrial Park in Rolleston outside Christchurch, we would fully anticipate that once demand is sufficient to warrant industrial development of the locality, values will surpass those based of rural residential occupancy and demand.

There is potentially a detraction to the saleability of property in this locality in that period as transition draws closer. People looking for a lifestyle option may be detracted from the locality on the basis that relocation would be required within a short to medium term. However we would anticipate that those buyers would be replaced by purchasers in the market that see the impending capital gain and are prepared to invest on the basis of holding the land at low return but with offsetting capital gain providing a good return over that medium term period or buying for their own future use. At this point we would anticipate value being represented by the industrial value with deferment of the anticipated period until zoning is effective

Yours faithfully

TelferYoung (Waikato) Limited

D J Saunders

Registered Valuer B Com (VPM), FNZIV, FPINZ
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8 May 2015

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New Zealand

Attention: Sam Le Heron

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Dear Sam

HCC PROPOSED DISTRICT PLAN: REVIEW OF THE PROPOSED RUAKURA DEVELOPMENT PLAN CHANGE

1. Introduction

Hamilton City Council (HCC) engaged Gray Matter Limited to review the Proposed Ruakura Development Plan Change (RPC) compared to the transportation rules in the Proposed District Plan (Appeals Version, September 2014) (PDP) and consider options for their consolidation.

This letter summarises our review to date and suggests areas for additional work and review.

2. Summary of our Assessment

Generally the differences are minor. The specific differences and implications (where relevant) are summarised in the table attached.

The PDP rules appear sufficient to accommodate the intention of the RPC. In a number of areas the RPC adopts rules and standards from the Operative District Plan (ODP) that have subsequently been amended through development of the PDP. For example, the ODP uses operating speed to determine sight distances, while the PDP converted operating speed to speed limit to avoid confusion for applicants.

The following rules should be considered in more detail:

- = Rule 25.14.41 (h) – design and access widths. The requirements in the Ruakura Variation are different based on the ODP, with smaller minimum widths (2.8m rather than 3m) and an additional standard for residential units. The RPC may have considered urban design principles that would over-ride the difference. Consistency would be desirable (same vehicle fleet and same drivers) but may not be worth the effort if additional consultation is required.
- = Rule 25.14.4.2 (a) – quantity of parking spaces. The categories and parking rates differ. One significant difference is the lower threshold for retail activities, 500sq.m GFA in Ruakura and 5,000sq.m GFA in the PDP (this may be a typo). The extent of effect on the Ruakura area should be considered in more detail. A separate parking table may be appropriate.
- = Rule 25.14.4.2 (c) - accessible parking. The RPC version does not consider less mobile users in addition to people with a disability. This may be appropriate given the industrial nature of Ruakura and the reduced likelihood of less mobile users.
- = Parking within setbacks – this requirement has been removed in the PDP. The RPC retains the ODP provision with an exception for the Knowledge Zone. Parking within setback may be covered in the rules for each zone. It may be necessary to include a new rule to cover the specific requirement for the Knowledge Zone.

We have not yet completed a detailed review of the RPC Assessment Criteria against the PDP criteria. There appears to be a more limited application of assessment criteria for safety and efficiency in that

they are specific to Ruakura Road and Silverdale Road. This is a risk to HCC but a low risk if the RPC modelling and other protection layers for staging and infrastructure are effective.

3. Requirement for ITA's

The requirements for ITA's in the RPC version are different to the PDP but appear to provide a framework that is consistent with the PDP approach. In brief (refer diagram in Appendix C explaining RPC structure for ITA's and staging), development is:

- = permitted if it complies with RPC staging and infrastructure (Rules 25H.12.1 to 25H.12.5). There are specific infrastructure requirements and trip thresholds that must be completed/demonstrated;
- = discretionary if does not comply with RPC staging in Rules 25H.12.1 to 25H.12.5. The matters for discretion include the ITA matters from the RPC; and
- = restricted discretionary if generates more than 1,500vpd and requires ITA be provided.

The matters for discretion are limited to:

“the integration with, and effects on, the safe and efficient functioning of the transport network and infrastructure”.

The assessment criteria in the PDP are much broader than those included in the RPC. Further consideration of detailed implications is required. The PDP criteria provide more specific direction on matters to be assessed and a quantifiable basis for assessment.

Integrated Transport Assessments

(a) The extent to which the proposal:

- i) Integrates with, and minimises adverse effects on the safe and efficient functioning of the transport network and infrastructure.
- ii) Minimises conflicts between users both within the site and any adjoining transport corridor.
- iii) Encourages easy and safe access and circulation for those not arriving by vehicle.
- iv) Provides for the accessibility needs of all users of the site.
- v) Maximises convenient and safe circulation for connections and/or the provision of facilities for passenger transport modes of travel relative to the scale of the proposal.
- vi) Provides for integration with neighbouring activities to reduce the need for separate traffic movements on the transport network.

Note: Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Infrastructure Technical Manual.

(b) The extent to which the proposal and the traffic (including nature and type of the traffic, volume and peak flows, travel routes) generated by the proposal:

- i) Requires improvements, modifications or alterations to the transport network and infrastructure to mitigate its effects.
- ii) Achieves efficient connectivity and permeability of transport corridors, pedestrian access ways, cycleways, public reserves and green corridors.
- iii) Adversely affects the streetscape amenity, particularly in relation to sensitive land use environments (e.g. residential land use environments identified within Table 15-5a of Appendix 15).

Figure 1: RPC Assessment Criteria

The information requirements for the Ruakura ITA include some Ruakura specific points including construction effects and require assessment of Ruakura Road and Silverdale Road. We suggest that this table is included as a specific requirement for Ruakura¹.

Through appeals to the PDP Assessment Criteria, the guidance on 'safety' and 'efficiency' is being included in the information requirements. It would be desirable to ensure this is element of the RPC

¹ Through the appeals process a separate table is being included in the PDP detailing the information requirement for a Downtown Precinct ITA.

consistent with the remainder of the city. However, the staging requirements include an additional north-south (Spine Road) corridor, which should be enough (with other controls) to manage transport effects to be within the corridors (Ruakura Road and Silverdale Road) contemplated for assessment.

The PDP rules permit exceptions to the ITA rules (Rule 25.14.4.3h)), we suggest that this rule be amended to allow an exception for development in Ruakura that complies with the relevant rules, staging and development plans required by the RPC. A new table or extension to the existing table (with a list of exclusions cross-referenced to zone rules) may be effective. This appears mainly to be a drafting style/structure matter.

4. Section 42A Hearing Report and Section 32 Considerations.

The s42A Hearing Report for Chapter 18 Transport Corridor Zone, Chapter 25.14 Transportation and Appendix 15 considered many of the rules where there are difference between the RPC and PDP. Specific consideration was given to:

- = Vehicle crossings and internal vehicle access, and safety;
- = Integrated Transport Assessments (ITA);
- = Parking; and
- = Cycle parking spaces.

We note that there are appeals to some of the relevant rules, e.g. ITA's.

In general, the s42A Hearing report provides support for the adoption of the PDP rules and standards in Ruakura. From a s32 perspective, it would be desirable to have a simple, city-wide approach unless there is a clear need for a different approach or standard for Ruakura.

5. Discussion

The brief set out questions which we respond to below.

Question	Preliminary Response
<p>1. What are the differences and are these differences significant, if the BOI decision to adopt 25H.18 Parking, Loading and Access is substituted with Rule 25.14 Transportation in the proposed variation?</p>	<p>Presented above and in Appendix A. Mainly minor technical differences (hangover from ODP matters) that are low risk with a few potentially sensitive points.</p> <p>In general, the complexities of traffic generation thresholds and infrastructure triggers are embedded within the schedule's zone, staging and development plan rules, reducing the significance of changes to ITA provisions.</p> <p>The differences in assessment criteria should not be significant if the Ruakura modelling was correct. If there is sensitivity, it should be considered a risk worth managing.</p>
<p>2. And, do the s42A hearing reports on Chapter 25.14 (of the PDP) provide reasons for the departures recommended from the ODP and confirmed by Commissioner decisions, and does this provide sufficient grounds under s32 to support the current PDP position?</p>	<p>The S42A reports are mainly general enough to cover adoption of the PDP 25.14 (noting that the ITA matters are under appeal), so would only be trumped by specific consideration not evident in the transportation matters in the BOI decision. There may be other matters such as urban design that would dominate.</p>
<p>3. Should the trip generation rule (25H.12.7.1 derived rule) from the BOI decision apply to all land irrespective of the zoning that will apply for the balance of the R1 Area?</p>	<p>No. The trip restriction rule was to allow for staged development without a traffic assessment triggering a change in activity status. Applying it everywhere would be a blunt tool and potentially result in contrary outcomes (e.g. baseline traffic in currently rural residential land not considered in RPC debate).</p>

Question	Preliminary Response
<p>4. And specifically, should this above referenced rule apply to the three precincts in the Knowledge Zone that were not considered in the BOI's decision; namely University of Waikato, AgResearch and Waikato Innovation Park?</p>	<p>The PDP provides exceptions. i.e. <i>Rules 25.14.4.3 a) to e) do not apply to: "New activities in a Major Facilities Zone or the University of Waikato (Knowledge Zone) when in accordance with an approved Concept Plan (Volume 2, Appendix 1.2.2.16)"</i></p> <p><i>iii. New activities in accordance with an approved Comprehensive Development Plan (Volume 2, Appendix 1.2.2.8).</i></p> <p><i>v. New activities at the Ruakura Research Centre (Knowledge Zone) and Waikato Innovation Park (Knowledge Zone) when in accordance with an approved Concept Plan.</i></p> <p><i>i) Rule 25.14.4.3 a) does not apply to activities within an approved Structure Plan Area (Refer Chapter 3 and Appendix 2), except that a Broad ITA shall be prepared for significant (>1,500vpd) traffic generating activities. This exception does not apply to those activities covered by Rule 25.14.4.3h) above.</i></p> <p>Since a Comprehensive Development Plan or Concept Plan should include an ITA as part of information and discretion, I consider the risks of traffic effects to be adequately managed.</p>

Table 1: Responses to specific queries

6. Conclusion and Recommendations

In conclusion, there appear to be few significant differences between the approaches in the PDP and RPC to transportation.

Consistency would be desirable.

Considerable investigation went into the RPC and the provisions should be robust and adequate.

The main issues, in our opinion, are likely to relate to a balance between a clear and simple structure, consistency and the costs of achieving changes.

Should you have any queries, please do not hesitate to contact us.

Yours sincerely

Alastair Black
Civil / Transportation Engineer

Alasdair Gray
Civil / Transportation Engineer

APPENDIX A: ASSESSMENT OF DIFFERENCES, PDP VS PROPOSED RUAKURA DEVELOPMENT PLAN CHANGE

PDP Rule (Appeals Version)	PDP approach	Proposed Ruakura Development Plan Change (RPC) approach	Comments / Implications	Recommendation
25.14.4.1 (c) Minimum distance between any vehicle crossing and a transport corridor intersection.	Separation distances based on speed limit (using operating speed = speed limit + 15%). Separate tables for above and below 60km/hr.	Provides table based on operating speed and specific requirement where there is 80km/hr speed limit (100m on arterial and 30m on collector or local)	PDP allows less separation when speed limit is less than 60 km/h. Uses 100m, 45m and 30m for above 60km/hr RPC is more restrictive (could result in less accesses) than PDP. Desirable to have consistent standards across city.	PDP version preferred.
25.14.4.1 (c) Minimum distance from a dedicated pedestrian crossing facility	The closest edge of the vehicle crossing shall be at least 7m from the centre of the pedestrian crossing facility	Not included in Ruakura variation.	Results in minor impact (potentially less on-street parking) in Ruakura. Desirable to have consistent standards across city.	PDP version preferred.
Access to Sites, Parking and Loading Spaces (no specific rule)	Not included in PDP under transportation rules. New access to major arterial and strategic corridor requires Broad ITA, increased use requires ITA (level depends on activity status)	Includes ODP rules specifying location of access (as far away from intersection as possible) and requiring access to lower road in hierarchy for corner sites	Partially covered under standards for required separation from intersection. PDP provides access control through ITA triggers, but not explicit on location Desirable to have consistent standards across city.	PDP version preferred.
25.14.4.1 (e) Minimum sight distance from any vehicle crossing	Sight distance requirement based on posted speed limit. PDP converted sight distances from operating speed to posted speed to avoid confusion Considers major arterials separately and considers parked vehicles as obstructions (parked vehicles not excluded for major arterial transport corridors).	Sight distance requirement based on operating speed Consistent with ODP	Both based on RTS 6 Sight distances required are generally similar (some differences arise from conversion of operating to posted speed and rounding). PDP allow parking to restrict sight distance on local, collector and minor arterial transport corridors. Desirable to have consistent standards across city.	PDP version preferred

PDP Rule (Appeals Version)	PDP approach	Proposed Ruakura Development Plan Change (RPC) approach	Comments / Implications	Recommendation
25.14.4.1 (f) and (g) Maximum number of crossings to any site.	Limits crossings in residential sites and special character zone to one only regardless of frontage width. Only allows one access to strategic network or arterial transport corridors.	Permits two crossings where frontage >20m in all zones. Consistent with ODP.	PDP seeks to limit number of crossings in residential zones (improved safety and amenity outcomes) and strategic network. RPC could result in more residential crossings	PDP version preferred
25.14.4.1 (h) Design and access widths	Specifies zones and minimum widths, has two standards for residential units depending on number of occupants.	Provides new requirements for zones relevant to Ruakura Zone. Requirements are different (see attached), but consistent with ODP. RPC version has smaller minimum widths (2.8m rather than 3m) and includes extra standard for residential units.	There may be urban design principles underpinning the requirements in the RPC that should be considered In general RPC allows more development on narrower accesses – potentially adverse safety effects. This may impact on subdivision rules – we have separately provided specific advice on subdivision standards and subsequent appeals Tables attached as Appendix B	Requires further consideration and may result in separate table for RPC.
25.14.4.1 (j) Passing bays	Specifies when passing bay is required, but not the location.	Includes standard specifying where passing bay is to be located (midway).	PDP version has less control over where passing bay is located. Flexibility is desirable.	PDP version preferred
25.14.4.2 (a) Quantity (parking spaces)	Includes more categories than ODP, specifically requires staff and visitor cycle parking.	Number of car parking spaces differs for some categories. Less cycle parking required – based on ODP where the only cycle parking required was at dairies and Parking Lots. Lower threshold for retail parking is 500sq.m GFA, not 5,000sq.m GFA in PDP	PDP version requires considerably more cycle parking spaces. Need to consider parking rates closely, lower threshold for retail parking is a concern (could be a typo?)	Providing a separate table for RPC may be appropriate Requires further assessment (line by line comparison) to consider effect on Ruakura area in more detail.

PDP Rule (Appeals Version)	PDP approach	Proposed Ruakura Development Plan Change (RPC) approach	Comments / Implications	Recommendation
25.14.4.2 (c) Accessible car parking	PDP updated ODP to be consistent with NZS4121:2001 a compliance document for the Building Act	Provides accessible spaces at different rates. Appears to be based on ODP	PDP version complies with Building Act	Rate from PDP version should be applied
25.14.4.2 (c) Accessible car parking – “less mobile users”	PDP version differentiates between people with a disability and less mobile user where more than 50 spaces provided	Does not require parking for less mobile users	PDP provides better for less mobile users at retail activities and other community facilities (e.g. supermarkets). Different standard for Ruakura is appropriate, as the industrial nature of the area means there is likely to be fewer “less mobile” users.	Different standard may be appropriate for Ruakura
25.14.4.2 (d) Parking in business zones	Provides a maximum car parking requirement (25% above rates in PDP).	No business zones included in RPC	No business zones included in RPC, therefore does not apply	PDP is consistent with RPC
Motorcycle parking (no rule reference)	Motorcycle parking required where more than 20 spaces provided for an activity	Requires motorcycle parks in parking lots, but not for parking related to activities. Likely to be based on ODP	PDP requires significantly more motorcycle parking Desirable to have consistent standards across city.	PDP version preferred
25.14.4.2 (f) Design	PDP version includes note stating that dimensions for accessible car parks will vary. Development of PDP removed tracking curves to the Infrastructure Technical Specifications	Appears to be based on ODP. Retains tracking curves	Dimensions are consistent. PDP version refers to NZS2890, and refers to manoeuvring curves rather than 90th %ile tracking. Dimensions for accessible parking set out in Building Code so little risk of dispute. Desirable to have consistent standards across city.	PDP version preferred

PDP Rule (Appeals Version)	PDP approach	Proposed Ruakura Development Plan Change (RPC) approach	Comments / Implications	Recommendation
Parking in setback areas (no reference)	Not mentioned in transportation rules – may be in rules for the relevant zone (we have not reviewed rules in each zone)	Specifies proportion of parking permitted in setback area and provides exception for Knowledge Zone. 50% parking in setback is consistent with ODP	Parking in setback not considered in the transportation section of the PDP – The PDP should be reviewed to check if setbacks are separately provided for in each zone. RPC includes specific exception for Knowledge Zone	PDP version preferred, but should include RPC includes specific exception for Knowledge Zone unless there are other (e.g. urban design) reasons not to
25.14.4.2 (f) (ii) Design	Requires all accesses to be sealed / paved.	Allows driveway to single dwelling to be unsealed which is consistent with ODP.	Unsealed driveways not preferred for urban development	PDP version preferred
25.14.4.2 (h) Landscaping and screening	Refers to section elsewhere in PDP.	Not included.	Included elsewhere in plan.	PDP version preferred
25.14.4.2 (i) Lighting	Refers to NZS1158.3.1 Lighting of Pedestrian Areas (P11)	Not included.	Unlikely to affect Ruakura as dependant on use during darkness.	PDP version preferred
25.14.4.2 (k) Access to corridor	Rule includes exceptions for specific activities.	Less exceptions, appears to be based on previous operative plan.	Unlikely to impact Ruakura.	PDP version preferred
25.14.4.2 (n) Queuing	Queuing space required for off-site car parks.	Not included.	Preferable to have consistent standards across city.	PDP version preferred
25.14.4.2 (o) (p) (q) Cycle parking	Location and design specified.	Not included.	Preferable to have consistent standards across city.	PDP version preferred

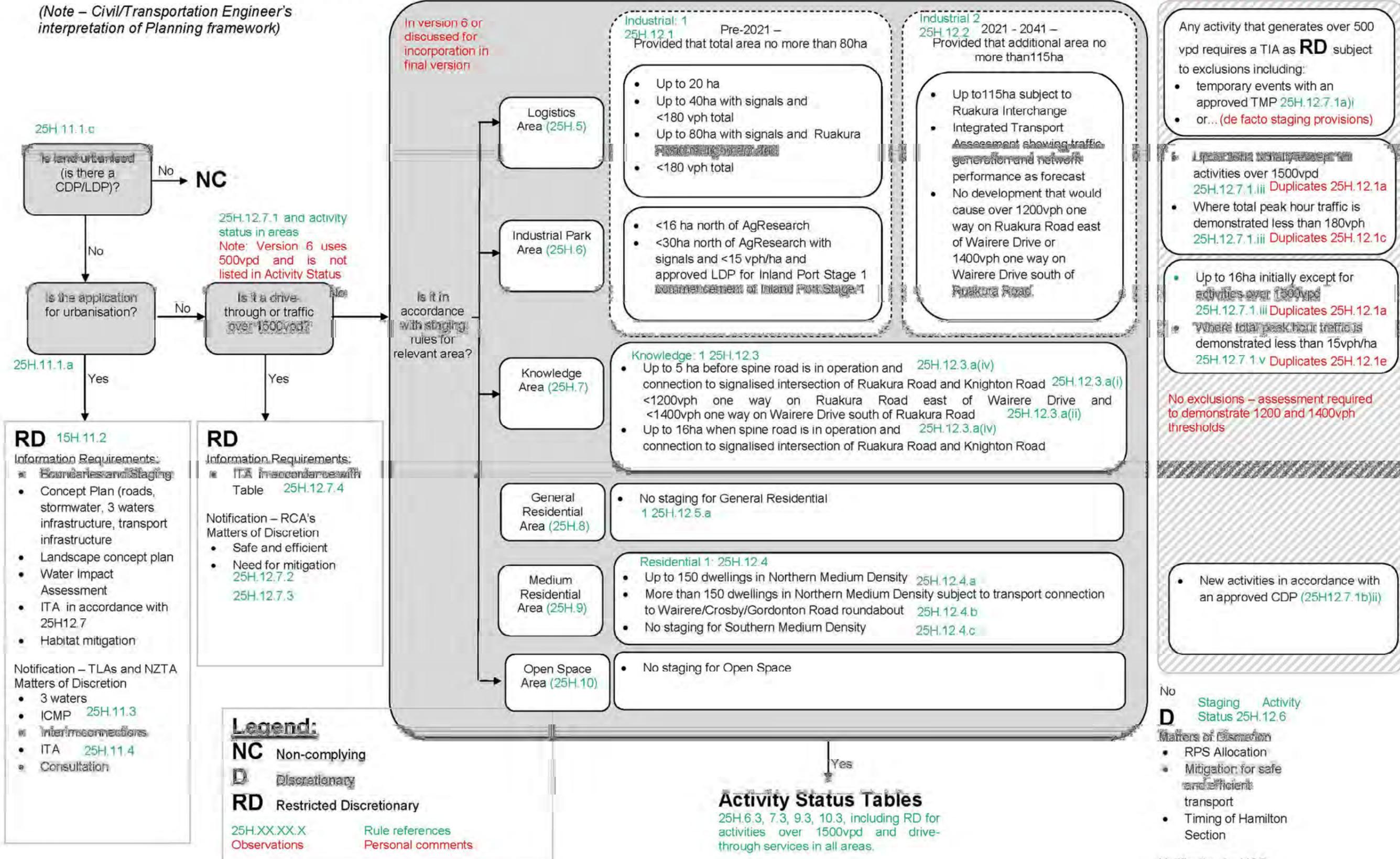
PDP Rule (Appeals Version)	PDP approach	Proposed Ruakura Development Plan Change (RPC) approach	Comments / Implications	Recommendation
<p>25.14.4.3 Integrated Transport Assessment Requirements</p>	<p>ITA requirements either simple or broad, dependant on trip generation, activity status, zone and access requirements.</p>	<p>In general, development is:</p> <ul style="list-style-type: none"> • permitted if it complies with RPC staging and infrastructure • discretionary if does not comply with RPC staging. Includes ITA as a matter for discretion • restricted discretionary if generates more than 1500vpd and requires ITA 	<p>RPC approach appears consistent – requires each stage demonstrate compliance with infrastructure and trip generation threshold RPC includes a slightly modified version of the Information Requirement table</p>	<p>Provide for RPC as a separate rule/ section – likely to be difficult/ confusing to attempt merging</p>

APPENDIX B: COMPARISON OF ACCESS WIDTH STANDARDS

Appeals Version			Ruakura Variation		
Table 15-1i: Vehicle crossing widths			Table 25H.18-3 Widths of Crossings and Vehicle Access		
Vehicle Crossings	Width (m) ¹		Crossings	Width of Formation (m)	
	Minimum	Maximum		Minimum	Maximum
Residential and Special Character Zones	3.0	5.5	Medium Density Residential, General Residential	3	5.5
All other Zones	5.0	7.5	Knowledge Area, Ruakura Industrial Park Area, Ruakura Logistics Area	5	7.5
<p>1. Measured along the front boundary where it adjoins the Transport Corridor</p>			Entrances and Vehicle Accesses	Use of Access	Minimum Width of Formation (m)
Table 15-1j: Internal vehicle access widths			Residential-units	1-4 units	2.8
Internal Vehicle Access	Use of Access	Minimum Formation Width (m)	Residential-units	5-10 units	5.5
			Residential-units	More than 10 units	6
Residential units	1-6 units	3.0	Residential Centres, Visitor Accommodation	1-12 occupants	2.8
	More than 6 units	5.5		More than 12 occupants	5.5
Residential centres, visitor accommodation	1-12 occupants	3.0	Knowledge Area, Ruakura Logistics Area, Ruakura Industrial Park Area	up to 5 occupancies	6
	More than 12 occupants	5.5		more than 5 occupancies	8
Car parking facilities	Up to 15 spaces	3.0	Car Parking Facilities	Up to 15 spaces	3
	More than 15 spaces	6.0		More than 15 spaces	6
All other sites used for industrial or business activities	Up to 5 occupancies	6.0			
	More than 5 occupancies	8.0			

Attachment A: Flow chart illustrating Staging and Traffic Controls in Version 6 dated 5 May 2014 and Potential Duplication

(Note – Civil/Transportation Engineer's interpretation of Planning framework)



Potential for duplication of control through LDP requirements for ITA
Traffic Generation and Integrated Transport Assessments (25H.12.7.1)

Hamilton City Council – Proposed Variation Number 1: Ruakura

Assessment against the Waikato-Tainui Environmental Plan- Te Tumu Tai Paru Tai Ao

1.0 Introduction

The Ruakura Variation considers land that came into the City in 2011 as part of a boundary adjustment with Waikato District Council. The variation will integrate two sets of planning frameworks into one. The Board of Inquiry Decision for Tainui Group Holdings Ltd and Chedworth Properties Limited plan change to the Operative District Plan (2012), and the deferred matters for the Notified Hamilton Proposed District Plan (PDP) will be addressed. The plan change has established provision for an inland port and surrounding logistics and industrial park development.

The composition of land uses confirmed by the Board's Decision and the additional land include an inland port, logistics, industrial park, knowledge and residential uses. The quantity of "industrial-type" land zoning has been driven by the Waikato Regional Policy Statement which has identified 405ha for industrial nodes at Ruakura to 2050.

The Waikato-Tainui Environmental Plan - Tai Tumu Tai Paru Tai Ao (the Plan) was developed from the long-term development approach document called Whakatupuranga Waikato-Tainui 2050, which is the blueprint for cultural, social and economic advancement for Waikato-Tainui. The key strategic objectives of the Plan include tribal identity and integrity, with the Plan *"designed to enhance Waikato-Tainui participation in resource and environmental management. The overarching purpose of the Plan is to provide a map or pathway that will return the Waikato-Tainui rohe (region) to the modern day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha"*.

The Plan is the recognised environmental planning document for Waikato-Tainui, pursuant to section 35A of the Resource Management Act 1991 (RMA). As such, and pursuant to section 74(2A) of the RMA, Hamilton City Council as the local authority is required to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority. Further, section 40 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2014 states that a local authority preparing a RMA planning document must recognise the Plan in the same manner as would be required under the RMA.

As highlighted in the Waikato-Tainui Environmental Plan, Kiingi Taawhiao referred to the *'river of life, each curve more beautiful than the last'*, and noted the *'smooth belly of Kirikiriroa with its gardens bursting with the fullness of good things'*. The objectives and policies contained in the Waikato-Tainui Environmental Plan are articulated generally, with a number of relevance to the Ruakura area. The following assessment goes into detail on the matters of importance for the Ruakura area.

A Tangata Whenua Working Group (TWWG) incorporating representatives from 4 local haapu including Ngati Wairere, Ngati Mahanga, Ngati Koroki-Kahukura and Ngati Haua is being set up to ensure continued and consistent engagement in the development of the Ruakura area as a whole.

2.0 Consultation and Engagement with Waikato-Tainui Raupatu Trust (Waikato-Tainui)

Chapter 6 of the Plan highlights the importance of consultation with Waikato-Tainui and ensuring that it is undertaken in a consistent, participatory manner. Council staff and Waikato-Tainui have been involved as a working group meeting together to engage in the preparation of the Variation, in accordance with the Joint Management Agreement (JMA). Waikato-Tainui were also actively engaged through the Ruakura project as it progressed through the Proposed District Plan and Board of Inquiry processes, prior to the preparation of this Variation.

3.0 Strategic objectives and policies

The following identifies the strategic objectives and policies of the Plan that are relevant for consideration against the Variation.

3.1 Tribal Strategic Plan

The strategic objectives in Chapter 10 Tribal Strategic Plan are already considered in part by the PDP through Chapter 2 Strategic Framework, which is also applicable to the Ruakura Variation. Specifically, the Strategic Framework incorporates objectives and policies of its own which acknowledge and promote the important relationship that tangata whenua have with the City. These include:

- Objective 2.2.8 *“Resource management priorities are to be developed in partnership with tangata whenua”*.
- Policy 2.2.8c confirms that decisions on land use, subdivision and development include ongoing consultation and collaboration with tangata whenua where appropriate, as part of the development process.

The above is achieved through frequent open dialogue with Waikato-Tainui on all matters regarding Ruakura. As a joint working group, Council and Waikato-Tainui have maintained active engagement in accordance with the JMA.

3.2 The Vision and Strategy for the Waikato River (Te Ture Whaimana o Te Awa o Waikato)

Within Chapter 11 of the Plan, Objective 11.7.1 and 11.7.2 relate to giving effect to the vision and strategy of the Waikato River and state the following:

- Objective 11.7.1: *“Te Ture Whaimana prevails in any resource management, use and activity within the Waikato River catchment in the Waikato-Tainui rohe”*, and
- Objective 11.7.2: *“Te Ture Whaimana is a guide to resource management, use, and activities in all catchments within the Waikato-Tainui rohe.”*

Chapter 1 Plan Overview part 1.1.2.2b) of the PDP specifically considers the Vision and Strategy of the Waikato River. This and the related sections of the PDP for example, Volume 2, Appendix 10: Waikato River Corridor and Gully Systems, sets out Te Ture Whaimana o Te Awa o Waikato Vision and Strategy for the Waikato River are applicable to the Ruakura Variation. Therefore the Vision and Strategy for the Waikato River is embedded into the PDP and consequently into the Ruakura Variation.

It is also noted that section 4.1 Freshwater of this report highlights the importance of work which will be undertaken in relation to greenbelt restoration and ecological and waters management as a result of this Variation, to meet the Vision and Strategy.

3.3 Waikato-Tainui Communities

Chapter 13 of the Plan focuses on Waikato-Tainui Communities and outlines the types and importance of papakaaigna. The objective and relevant policies listed in the Plan to illustrate this importance include:

- Objective 13.3.1: *“Papakaaigna development is sustainable and supported,”* and

- Policy 13.3.1.1: *“To ensure that papakainga development is sustainable and supported,”* and
- Policy 13.3.1.2: *“To ensure that papakainga are able to be developed in rural and urban areas.”*

The Residential chapter of the PDP makes provision for papakainga housing as a restricted discretionary activity in the General Residential and Large Lot Residential Zones, or discretionary in the Ruakura Medium-Density Residential Zone. By providing for papakainga housing in the PDP, and specifically within the Ruakura area which is subject to this variation, the objectives and policies of this chapter of the Plan are given effect to. It is noted that the Ruakura area will be fully urbanised with no rural zoning, and therefore policy 13.3.1.2 in the Plan in relation to papakainga development in rural areas is not applicable to this variation.

3.4 Customary Activities

Chapter 14 of the Plan addresses customary activities and the unique and historical relationship that Waikato-Tainui has with its traditional lands and waterways. The Plan includes the following objectives of relevance to the Ruakura variation:

- Objective 14.3.1: *“Waikato-Tainui access to and ability to undertake customary activities and resource use, including along the margins of waterways, is protected and enhanced”,* and
- Objective 14.3.2: *“The ability of Waikato-Tainui to undertake customary activities is protected and enhanced within the rohe, particularly on, in, and around waterways and their margins, including wetlands and reserves.”*

This chapter largely focuses on customary activities around and within waterways, which is relevant for the variation area. The Waikato River is well beyond the Ruakura variation area however it has tributaries which run through it and it is within the catchments of the river. It is not considered that the variation will impinge on customary activities. The gullies and greenbelt in the Ruakura area will be of particular importance to Maori in relation to customary activities. In relation to land based customary activities, there is no specific provision in the PDP for customary Maori activities apart from papakainga housing (see section 3.3 above), however these activities have also not been excluded.

3.5 Natural Heritage and Biosecurity

Chapter 15 relates to natural heritage and biosecurity, and outlines the concerns of Waikato-Tainui in relation to indigenous plant and animal species. This is highlighted through the following objectives of the Plan:

- Objective 15.3.1: *“The full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna,”* and
- Objective 15.3.2: *“Cultural, spiritual, and ecological features of the Waikato landscape that are significant to Waikato-Tainui are protected and enhanced to improve the mauri of the land.”*

A greenway which provides a continuous band of green space throughout the area incorporating large areas of native and exotic planting, recreational open space and stormwater infrastructure, were proposed through the Plan Change and have been retained and continued through this variation.

The ecological specialist of Tainui Group Holdings Ltd and Chedworth Properties Ltd, Mr David Slaven, described in his evidence how the establishment of this greenway will provide mitigation for the loss of freshwater habitat through this development. Mr Slaven clarifies that this freshwater habitat is largely in the form of channelized farm drains with little

riparian vegetation and low ecological value and water quality. Linear wetland swales and stormwater wetland swales will replace this. The variation includes policies from the Plan Change, for example:

- Policy 3.7.2.5e which requires an applicant to *“retain and re-establish viable populations of the black mudfish, longfin eel, shortfin eel, and indigenous lizards within the Ruakura Structure Plan, by the establishment and management of linear wetlands and riparian vegetation,”* and
- Policy 3.7.2.5f which states that *“the Land Development Plan will include methods to ensure maintenance or enhancement of indigenous biodiversity values and mitigation of adverse effects on indigenous biodiversity.”*

These will both be matters requiring consideration through any Land Development Plan process in the Ruakura Variation area, by a requirement to provide information such as a Native Fish Management Plan and Native Lizard Management Plan, and a Water Impact Assessment.

Further, small hillocks and two elevated knolls have been identified as of significance within the variation area, described in the Plan Change, Landscape and Visual Report, Boffa Miskell, June 2013, and confirmed in the evidence of Mr Goodwin, through the Board of Inquiry process for the plan change. Mr Goodwin confirmed that the Spine Road was sited so as to avoid these small hillocks to enable their retention, and this is proposed to be retained within the variation.

3.6 Valuable historical items, highly prized sites, sites of significance

Chapter 16 of the Plan covers valuable historical items, highly prized sites and sites of significance, including archaeological sites. The importance of these sites and the management of any discoveries is illustrated by the below relevant objectives from the Plan:

- Objective 16.3.1: *“Site management protocols exist to ensure a precautionary approach to site works to manage the potential for waahi tapu and taonga tuku iho discovery,”* and
- Objective 16.3.4: *“Procedures are in place to manage the discovery of taonga and archaeological sites,”* and
- Objective 16.3.5: *“The adverse effects of resource use and activity operation are managed so as to appropriately protect areas and sites of significance.”*

The PDP contains chapter 19 which covers historic heritage, including archaeological and cultural sites. Specific objectives and policies are included for example, that significant archaeological and cultural sites shall be protected from damage or destruction, and that the relationships of tangata whenua with sites of spiritual, cultural or historical significance shall be recognised and provided for. Further, the PDP already contains site management protocols to ensure a precautionary approach to site works to manage potential discoveries through Appendix 1.2.2.7 of Volume 2. This section contains requirements which are to be included in any resource consent application for sites listed in the relevant historic heritage schedules of the PDP, with advice from relevant iwi being required for sites with identified tangata whenua values. The intention of these is to ensure that sites of cultural significance are recognised and protected.

An archaeological report was prepared for Tainui Group Holdings Ltd and Chedworth Properties Ltd in 2015 (Ruakura Land Development Plan, Archaeological Assessment - Opus). The report included the land owned by TGH and CPL as well as two other private properties. This report found two archaeological features, including a 19th century sod fence and an 1880s drain. The drain has been considered eroded or destroyed, with the sod fence on the boundary of the study area. The report also noted that, due to the large scale of the area, it

is reasonably possible that archaeological material and objects will be encountered, concealed below the topsoil and vegetation. The report states that *“it is unlikely that there will be extensive remains as this part of the Waikato Basin was not favourable for long-term occupation and no previous sites have been located within the footprint”*. It is important to note that the archaeological assessment did not cover the entire variation area.

There have also been two relevant cultural impact assessments completed in the area. Cultural Impact Assessment Report Ruakura Estate, prepared by Maree Pene of Te Kotuku Whenua Consultancy, October 2011, and An Assessment of the Potential Impact that any Expansion and Development of the Ruakura Estate might have on Cultural Values and Manawhenua, prepared by Wiremu Puke of NaMTOK Consultancy Ltd, November 2011.

The report prepared by Mr Puke contains a detailed description of some pre-European history and activities. Both assessments provide recommendations for future development on the site, however are largely supportive of the proposal and recognise the changes that have occurred on the land in the area since European settlement. Some of these recommendations are around the discovery of historical items or kiwi through earthworks. As described above, the PDP contains provisions to be included on resource consents to guide such situations.

Further, a Tangata Whenua Statement of Significance for the Archaeological Assessment of the Ruakura Development Plan (2015) includes specific recommendations in relation to waahi tapu sites which is of particular relevance for this development. The TWWG will play a key role in facilitating the management of the valuable items and sites in this area.

3.7 Natural Hazards

Chapter 17 of the Plan relates to natural hazards, of which a specific natural hazards section is also included in the PDP. The Plan contains the following relevant objectives:

- Objective 17.3.1: *“Land use and the construction of structures occurs in a way that does not increase the risk or magnitude of a natural hazard event, and does not increase the risk or effects on human life or activity in the event that a natural hazard event occurs.”*

The PDP contains objective 22.2.1 to *“manage activities to avoid or mitigate adverse effects on, and minimise risk to people, property and the environment, from natural hazards, in order to increase community resilience, reduce the risks from natural hazards, and support effective and efficient response and recovery from natural hazard events.”* This objective illustrates the importance that has been placed on natural hazards in the PDP and is an example of how they respond and align with the objectives of the Plan. The objectives and policies in the PDP are applicable to development within the Ruakura Variation area.

4.0 Specific objectives and policies of relevance to the Ruakura Variation

The following identifies the specific objectives and policies of the Plan that are relevant for consideration by the variation.

4.1 Freshwater

The Freshwater chapter of the Plan contains the following relevant objectives, including one specifically addressing integrated catchment management:

- Objective 19.4.2: *“Water quality is such that fresh waters within the rohe of Waikato-Tainui are drinkable, swimmable and fishable in all places (with water quality to the level that Kiingi Taawhiao could have expected in his time).”*

- Objective 19.4.3: *“An integrated and holistic approach to management of water is achieved.”*

While the Waikato River is well beyond the Ruakura variation area, the area is within its catchment and also contains some of its tributaries. It is due to this, that the PDP and this variation incorporate more stringent requirements in relation to water than has been included previously.

In particular, it is noted that a Land Development Plan in the Ruakura Variation area is required to demonstrate how the proposal is consistent with, or otherwise complies with, the recommendations, measures and targets of any approved Integrated Catchment Management Plan (ICMP), and the information requirements for a subdivision through the PDP requires a Water Impact Assessment or ICMP to be submitted with it. A comprehensive list of requirements for an ICMP is listed in the PDP at section 1.2.2.6 of Volume 2.

Further, chapter 25.13 of the PDP covers Three Waters and specifically notes that ICMPs will be used as a tool to help manage, at a high level, the form and function of Three Waters infrastructure in an integrated, effective, efficient, functional, safe and sustainable manner.

Where an ICMP does not exist, additional policies and measures have been put in place to ensure good outcomes are still achieved. A water impact assessment is an alternative option where an ICMP does not exist, and additional policies require three waters infrastructure to minimise the effects of urban development on downstream receiving waters and groundwater, for stormwater management techniques to maintain or improve the quality of stormwater entering the receiving environment, and for wastewater to be treated and disposed of in a way that minimises effects on cultural values.

It is through these measures that the quality of stormwater from this development can be managed to ensure compliance with the water quality level necessary for Hamilton City Council to meet its Comprehensive Stormwater Discharge Consent requirements.

4.2 Land

The Land chapter of the Plan includes the following relevant objectives and policy:

- Objective 21.3.2: *“The life supporting capacity of land and soils effectively manages soil nutrient loss and water quality so there is minimal impact on nutrient loss to waterways.”*
- Policy 21.3.3: *“Promote and encourage the development and adoption of land management practices that protects waterways from suspended sediments, nutrients and pollutants.”*

The proposed development at Ruakura will incorporate logistics and industrial type development and therefore, the risk of contamination of land and water runoff from activities within these zones is acknowledged. The variation requires the use of the Land Development Plan mechanism so as to ensure integrated development occurs rather than considering development on a site by site approach. Matters such as three waters infrastructure will be considered and methods to address these matters refined. This Land Development Plan mechanism requires consideration of a number of matters, such as including the intended function of linear wetlands, greenways and gullies, details of how a development avoids, remedies or mitigates adverse effects on, or enhances, any significant habitats of indigenous fauna, and consideration of potential construction effects, for example.

Further, the following Objective is also relevant, in relation to integrated catchment management:

- Objective 21.3.4: *“Integrated catchment management occurs across the entire rohe of Waikato-Tainui, including in catchments that impact on, or flow into the Waikato-Tainui rohe. Integrated catchment management includes the effective and sustainable management of floodplains and drainage areas to promote natural habitat enhancement.”*

Integrated catchment management has been discussed in the Freshwater chapter section 4.1 above.

4.3 Air

The importance of managing air quality is highlighted in the following objective from the Plan:

- Objective 23.3.1: *“The quality and amenity of discharge to air is such that the life supporting capacity and quality of air within the rohe is retained at a level that does not compromise human health, amenity values, or property.”*

The Waikato Regional Council has responsibility for controlling discharges to air under the RMA however District Councils are able to control minor nuisance effects of smoke, fumes, odour and dust. Due to the nature of some of the proposed zones in the Ruakura Variation area, such as logistics and industrial park, the smoke, fumes, odour and dust objective 25.11.2.1 states avoid adverse effects on local amenity values and people’s wellbeing arising from smoke, fumes, odour and dust, and policy 25.11.2.1a will be relevant. These recognise the need to control these effects for both amenity and peoples wellbeing.

4.4 Land Use Planning

In the land use planning chapter of the Plan, it states that *“the strategic identification of growth cells around Hamilton City, with appropriate infrastructure provided in growth cell planning and development, is supported as it will enable the social and economic development of Waikato-Tainui and the community.”* This is the intent of the structure planning process of the Ruakura Variation as one of Hamilton’s strategic growth cells. In addition, further refinement of matters such as infrastructure provision will be undertaken prior to development proceeding through the use of the Land Development Plan mechanism.

This chapter is particularly relevant to the Ruakura variation.

- Objective 25.3.1: *“Development principles are applied to land use and development (urban and rural) and, in particular, development in new growth cells, that enhance the environment.”*

While environmental enhancement is not often possible, it is an ideal goal and should be strived for where possible. Although the variation itself encourages enhancement through many of its objectives and policies, it more often seeks management, avoidance, mitigation or remedy of the effects of a proposal. The Land Development Plan mechanism utilised for the Ruakura Variation contains requirements for a more comprehensive consideration of ecological matters than utilised outside of Ruakura. One of the requirements of an ITA required under the Land Development Plan is to include *“details of how land development avoids, remedies or mitigates adverse effects on, or where possible enhances, any significant habitats of indigenous fauna.”* Further, they also seek enhanced stormwater function through the use of proposed linear wetlands as *“an integral part of an alternative stormwater management solution”* in place of existing farm drains. The greenway is also to be utilised to *“create opportunities for improved habitat and ecological benefits in the Ruakura Structure Plan area and in downstream receiving environments.”* Land Development

Plans for the variation also require the preparation of Native Fish and Lizard Management Plans.

While it is acknowledged that the variation does not require enhancement of the environment in all situations, it moves in the direction of achieving environmental enhancement through the comprehensive requirements of this mechanism and the more ecological focus given to the Ruakura Structure Plan area.

Additionally, the following objective, policy and methods should be considered.

- Objective 25.3.2: *“Urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.”*
- Policy 25.3.2.1: *“To ensure that urban development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.”*
- Method (c) of policy 25.3.2.1: *“Encourage the development and use of structure plans or similar tools for significant land use or development initiatives.”*
- Method (g) of policy 25.3.2.1: *“Land use and development of Waikato-Tainui owned land, regardless of the nature of the ownership is supported, providing such use and development is consistent with this Plan and/or the position and perspectives of those holding mana whakahaere in the area of this land use and development activity.”*

This will be assured through the proposed integrated management approach, utilising the Land Development Plan methodology to ensure a more holistic approach is followed. This will also enable various positive benefits to Waikato-Tainui and the wider community.

It is noted that structure planning has been used for the Ruakura Variation. While some of the area will be subject to its new zones immediately, other areas, for example the residential enclave bound by Percival Road, Ryburn Road and the eastern city boundary, will retain a Large Lot Residential zoning, with a structure plan zoning of logistics identified for the future.

In relation to method (g), the proposed development of the inland port and surrounding associated logistics development, as well as a large component of northern residential land, was initiated by a private plan change request by Tainui Group Holdings Ltd and Chedworth Properties Ltd. This has progressed through the Board of Inquiry planning process and has now been incorporated into the Operative District Plan 2012. The variation process will incorporate it, and the surrounding Ruakura land, into the PDP. It is understood, through the cultural impact assessment prepared by Te Kotuku Whenua Consultancy in 2011, which are the environmental agency for Ngati Wairere, that Ngati Wairere fully endorses the proposal by Tainui Group Holdings and Chedworth Properties.

From our assessment of the Plan, the variation is generally in alignment with it, by attempting to achieve the integrated development with holistic and positive outcomes for the environment.

4.5 Infrastructure

The infrastructure chapter of the Plan highlights the essential role of infrastructure in providing for the economic, social, cultural, spiritual, and environmental health and wellbeing of the community, and that this development should occur in a sustainable manner. The Plan also highlights that if possible, enhancement is a better goal than sustainability, and recognises that planning is necessary to strive to achieve this where it is possible.

A relevant objective in this chapter of the Plan includes:

- Objective 26.3.2: *“Infrastructure development, upgrade, and maintenance manages economic, social, cultural, spiritual, and environmental effects.”*

Much of the larger-scale infrastructure provision for the variation area is indicated on the structure plan map, whether it is in a fixed location or is more indicative. This higher-level infrastructure is important in ensuring the integrated and planned development of this area, and the detail of this infrastructure as well as the smaller scale infrastructure will occur through the Land Development Plan mechanism which is utilised in the variation. As part of the Land Development, many of these effects will need to be considered and assessed in the planning stages.

In relation specifically to waste, the following objective is included in the Plan:

- Objective 26.3.3: *“Liquid, solid, and hazardous waste management is best practice and manages social, cultural, spiritual, economic and environmental effects.”*

The PDP provides for hazardous facilities in chapter 25.4 and solid waste in chapter 25.12.

In relation to hazardous facilities, it is noted that an objective is included *“to protect people, property and the natural environment by avoiding or minimising the adverse effects of storage, use, disposal or transport of hazardous substances.”* The PDP places a high importance on ensuring that hazardous facilities, being a site which stores, uses, transports or disposes of hazardous substances is adequately considered.

In relation to solid waste, being domestic and commercial rubbish and any materials left over from an activity or process that are no longer viable, Hamilton City Council manages many aspects of solid waste through its Waste Management and Minimisation Plan and a bylaw. The PDP includes objectives and policies including:

- PDP Objective 25.12.2.1: *“Reduce the amount of solid waste generated and ultimately entering landfills”*
- PDP Policy 25.12.2.1a: *“Promote the reduction of solid waste volumes based on the following hierarchy: reduction, reuse, recycle, recovery, treatment, disposal”*
- PDP Objective 25.12.2.2: *“Solid waste activities and facilities are managed in a way that addresses adverse effects from the storage and disposal of solid waste.”*

The importance of sustainable solid waste principles and practices is evident through these objectives and policies, in addition to the clear emphasis on reduction of solid waste in the first instance.

In relation specifically to transportation infrastructure, the following objective and subsequent method in the Plan is applicable to the Ruakura variation:

- Objective 26.3.4: *“Transportation infrastructure is developed and managed in a manner that provides for social, cultural, spiritual, economic, and environmental needs.”*
- Method (b) of policy 26.3.4.1: *“Sustainable transport options should be incorporated into subdivision and developments including options for public transport, carpooling, walking, and cycling.”*

An Integrated Transport Assessment (ITA) is required to be provided as part of a Land Development Plan in the Ruakura Variation area, part of which requires the provision of details regarding how the development has been designed to align with the cyclist and pedestrian network plan. The cycle and pedestrian network is proposed to utilise the open space greenway and connecting gully systems to provide links to on-road cycle networks. The Land Development Plan mechanism also requires consideration of the proposal in relation to the wider growth cell and how it will sit within the strategic infrastructure surrounding it.

5.0 Summary

The Board of Inquiry process for the plan change by Tainui Group Holdings Ltd and Chedworth Properties Ltd was very thorough and incorporated information and advice from a number of specialists. This helped to guide the proposal, with the decision now being incorporated into the wider Ruakura Variation area. Wherever possible, the Ruakura Variation has incorporated the direction of the plan change. The solutions for environmentally, ecologically and culturally significant issues have therefore been carried through and reflected in the variation, to ensure the best outcome possible. These are considered to be in alignment with the Waikato-Tainui Environmental Plan – Tai Tumu Tai Pari Tai Ao. Ongoing consultation between Hamilton City Council and Waikato-Tainui through the use of working groups will continue to take a partnership approach, which is consistent with the JMA.