

**BEFORE THE INDEPENDENT HEARINGS PANEL  
OF HAMILTON CITY COUNCIL**

**UNDER**

the Resource Management Act 1991 ("RMA")

**AND**

**IN THE MATTER**

of Private Plan Change 17 to the Hamilton City  
Operative District Plan ("PC17")

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**STATEMENT OF EXPERT EVIDENCE OF NICHOLAS COLYN GRALA  
ON BEHALF OF FONTERRA LIMITED**

**PLANNING**

**7 OCTOBER 2025**

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**Russell  
McLeagh**

D J Minhinnick / K L Gunnell  
P +64 9 367 8000  
F +64 9 367 8163  
PO Box 8  
DX CX10085  
Auckland

## 1. EXECUTIVE SUMMARY

1.1 This evidence, prepared on behalf of Fonterra Limited ("**Fonterra**"), addresses the planning basis for PC17. PC17 seeks to rezone approximately 91 hectares of land surrounding the Te Rapa Dairy Manufacturing Site ("**Manufacturing Site**") at Te Rapa North ("**Plan Change Area**"), to Te Rapa North Industrial Zone ("**TRNIZ**") by removing the Deferred Industrial Zone ("**DIZ**") overlay.

1.2 PC17 aims to:

- (a) Rezone all Fonterra-owned land and three adjoining parcels to TRNIZ, uplifting the DIZ overlay to release industrial land for development.
- (b) Protect the Manufacturing Site from reverse sensitivity effects by retaining key overlays and managing land use interfaces.
- (c) Future-proof rail access to the North Island Main Trunk Line ("**NIMT**") through the Structure Plan and permitted activity status for rail sidings.

1.3 PC17 introduces a Structure Plan, staged development framework, and a Strategic Infrastructure Table to coordinate land release with the availability of water, wastewater, stormwater, and transport infrastructure. The provisions are integrated across relevant chapters of the Hamilton City Operative District Plan ("**ODP**") to ensure a coherent and effective planning framework.

1.4 PC17 balances certainty and flexibility by:

- (a) Using explicit, measurable triggers for transport upgrades linked to land release and trip generation.
- (b) Sequencing three waters infrastructure through the Strategic Infrastructure Table, without prescribing a fixed development order, to allow for market and programme responsiveness.
- (c) Requiring an Infrastructure Plan at each stage, particularly where interim servicing is proposed, to ensure safe, monitored, and integrated solutions.

1.5 PC17 incorporates best practice stormwater management, riparian planting, and wetland establishment to improve water quality and ecological resilience.

An Ecological Management Plan is required, with targeted species modules and adaptive management, but without unnecessary blanket requirements where habitat suitability is low.

- 1.6 PC17 is consistent with the RMA, the National Policy Statement on Urban Development ("NPS-UD"), and the Waikato Regional Policy Statement ("WRPS"). It advances the efficient use of land, integrates infrastructure delivery, and supports economic and social wellbeing.
- 1.7 PC17 provides a robust, integrated, and flexible framework for industrial development at Te Rapa North. It ensures infrastructure and environmental outcomes are achieved, protects significant existing industry, and responds constructively to submissions and technical reviews. PC17 is considered efficient, effective, and the most appropriate means to achieve the purpose of the RMA, and its approval is recommended.

## 2. INTRODUCTION

### Qualifications and Experience

- 2.1 My name is Nicholas Colyn Grala. I am employed at Harrison Grierson Consultants Limited ("Harrison Grierson") as the National Planning and Environment Manager. I hold a Bachelor of Planning from the University of Auckland (2005) and I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
- 2.2 I have 20 years' experience in district and regional planning with a focus on leading urban development projects across New Zealand.
- 2.3 I have appeared as an expert witness at hearings on numerous occasions, most recently including several within the Waikato:
  - (a) Private Plan Change 20 to the Waipā District Plan – Precinct North on behalf of Rukuhia Properties Limited and Titanium Park Limited (Waikato Airport);
  - (b) Proposed Change 1 to the Waikato Regional Policy Statement on behalf of Rukuhia Properties Limited and Titanium Park Limited (Waikato Airport); and
  - (c) Plan Change 78 to the Auckland Unitary Plan on behalf of the Ministry of Housing and Urban Development.

### **Involvement in PC17**

- 2.4 I have been involved with the project since 2022, beginning with the master planning phase that I led on behalf of Fonterra. The master planning work was initially intended to inform the position that Fonterra would take for a submission on Public Plan Change 10 that the Hamilton City Council ("Council") was in the initial stages of developing for the entire TRNIZ.
- 2.5 When that work was stopped in early 2023, I was engaged to initiate and lead a private plan change (which became PC17) to rezone the Fonterra land within the TRNIZ and translate it into the Te Rapa North Industrial Structure Plan ("Structure Plan") that underpins PC17.
- 2.6 I reviewed the PC17 Private Plan Change Request and prepared the supporting plan provisions and section 32 evaluation. I also prepared the Supplementary Information Report submitted in August 2025 that explained and assessed the changes made to PC17 following notification and submissions.
- 2.7 I have visited the Plan Change Area, on several occasions since 2022, most recently in July 2025. Those visits have informed my understanding of the local context including the Manufacturing Site, the Waikato River and the surrounding transport network.

### **Code of Conduct**

- 2.8 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearings Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **3. PC17**

- 3.1 PC17 seeks to rezone the Plan Change Area to TRNIZ by removing the DIZ overlay. The overlay prevents urban development until the necessary infrastructure is available and integrated with the wider network. Removing this overlay will enable the industrial development of the Plan Change Area, which is currently predominantly used for rural and residential activities.

3.2 PC17 does not seek to change the land use of the Manufacturing Site. Some planning provisions are proposed to be included and/or amended which will apply to the Manufacturing Site (due to its underlying TRNIZ) but the intent is that the Manufacturing Site will be otherwise unchanged.

3.3 The purpose of PC17 is to:

- (a) Rezone all Fonterra owned land along with three additional parcels of adjoining land to TRNIZ;
- (b) Safeguard the Manufacturing Site from the establishment of nearby incompatible activities resulting in reverse sensitivity risk; and
- (c) Future proof rail access to the NIMT.

3.4 The Plan Change Area comprises 91 hectares that is broken down into three distinct areas (referred to as the "**West Block**", "**North Block**" and "**South-East Block**") all of which are located near to significant infrastructure and natural features.

3.5 To the east, the Waikato River forms the natural boundary of the Plan Change Area, while to the west, the State Highway 1C (Waikato Expressway) and the NIMT define the Plan Change Area's edge. To the north, the Plan Change Area is bounded by Hutchinson Road and Bern Road, and to the south by Old Ruffell Road and adjacent property boundaries.

3.6 Each of the three areas has frontage along Te Rapa Road, which runs north-south through the centre of the Plan Change Area. The Te Rapa Stream flows north to south through the centre of the West Block.

3.7 The extent of the Plan Change Area is shown in Figure 1.



**Figure 1: Plan Change Area Boundaries** (Source: Harrison Grierson Limited)

3.8 The majority of land within the Plan Change Area is owned by Fonterra. Three adjoining parcels have also been included due to their functional relationship with Fonterra's landholdings. Their inclusion also provides protection for Fonterra's operations from incompatible land uses establishing nearby, minimising the risk of reverse sensitivity effects and, in the case of the land north of the West Block, facilitates a potential future road connection to Bern Road.

3.9 Other adjacent parcels do not exhibit the same degree of integration and have therefore not been included. The Structure Plan has nonetheless been prepared to integrate with the wider zone so that future plan changes promoted by others can connect logically to roads, three waters infrastructure and open space networks.

3.10 This matter is addressed in further detail in paragraphs 10.40 - 43 of my statement.

#### **4. SCOPE OF EVIDENCE**

4.1 This statement of evidence will:

(a) Describe the background of PC17, as relevant to the planning assessment;

- (b) Describe the existing environment;
- (c) Summarise the PC17 framework from a planning perspective;
- (d) Respond to planning matters raised in the Council Officer's Section 42A Report ("**Section 42A Report**");
- (e) Respond to planning matters raised in submissions; and
- (f) Provide an overall conclusion on Fonterra's application for PC17 from a planning perspective.

## 5. PC17 BACKGROUND

- 5.1 The Plan Change Area's location is strategic being close to existing industrial activities and labour markets, the NIMT, Te Rapa Road and the Waikato Expressway (including both State Highway 1 and 1C), which together support freight efficiency and employment accessibility. These locational attributes are central to the original rationale for identifying the areas as a future industrial growth node and reinforce the suitability of bringing it forward through PC17.
- 5.2 During 2022, I led a multidisciplinary master planning exercise for the Fonterra land at Te Rapa North, which makes up the majority of the Plan Change Area. That work assessed opportunities and constraints in detail, including access and internal circulation, stormwater sub-catchments and device placement, wastewater and water corridors, ecological features and open space integration, and the operational interface with the Manufacturing Site. It also considered the relationship to the wider TRNIZ and the potential Northern River Crossing ("**NRC**") corridor.
- 5.3 The master planning confirmed that the Plan Change Area is suitable for industrial development if growth is sequenced with infrastructure delivery and if sensitive interfaces are managed. It provided the spatial logic for the Structure Plan, including a collector road spine, indicative development blocks, stormwater wetlands and provision for a rail siding connection to the NIMT.
- 5.4 PC17 now translates that master planning into a statutory framework that allows development to proceed in stages in step with servicing, while maintaining the industrial function of the area and protecting the Manufacturing Site from incompatible land uses establishing nearby.

## 6. EXISTING ENVIRONMENT

- 6.1 The TRNIZ comprises a mix of pastoral land, rural residential dwellings, and industrial activity, most notably the Manufacturing Site, which forms a significant operational presence. The Plan Change Area itself is utilised for rural and residential purposes. The Plan Change Area is supported by key transport infrastructure such as State Highway 1C and the NIMT.
- 6.2 The Te Rapa Stream flows in a south-to-north direction through the West Block of the Plan Change Area, bordered by planted riparian margins. A number of farm tracks intersect the stream corridor, and two minor farm drains discharge into it from the western side.
- 6.3 The Waikato River forms the eastern boundary of the Plan Change Area, contributing riparian margins and areas of natural open space. The Te Araroa Cycle Trail runs along the river's western edge, providing recreational value and contributing to wider connectivity across the area. Ecologically, the river corridor is likely to function as an important movement pathway for long-tailed bats traversing the wider landscape.
- 6.4 North of the Plan Change Area are several residential lifestyle properties, along with a Sikh Temple and a fuel and retail service centre positioned at the gateway to the Te Awa Lakes development, and a mixed-use residential and commercial precinct currently under construction.
- 6.5 The Plan Change Area includes and adjoins low density rural residential properties with limited servicing. The West, North, and South-East Blocks are currently undeveloped, aside for a few residential houses and farm sheds, and lack wastewater infrastructure. Nearby stormwater and wastewater networks exist but will require upgrades to support future development. Hamilton's citywide water reticulation system currently services the TRNIZ.

## 7. PC17 PLANNING FRAMEWORK

### Purpose of PC17

- 7.1 The first purpose of PC17 is to live-zone all Fonterra owned land to the TRNIZ by uplifting the DIZ Overlay. This recognises that the land has long been identified for industrial use in the ODP and responds to demonstrated need for new industrial zoned land in Hamilton.<sup>1</sup>

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<sup>1</sup> Statement of Mr Colgrave, section 7.

- 7.2 Uplifting the overlay will release approximately 91 hectares of capacity in a strategic location close to existing industrial activity, labour markets and freight networks. It will provide development certainty and enable efficient and timely investment in new industrial land and supporting infrastructure.<sup>2</sup>
- 7.3 The second purpose is to protect the Manufacturing Site from incompatible land use and reverse sensitivity. The Manufacturing Site has national and regional economic importance and operates on a 24-hour and 7 days a week basis.<sup>3</sup> PC17 retains and relies on the Noise Emissions Boundary and relies on the activities enabled under the TRNIZ to ensure that they are compatible with ongoing operations.
- 7.4 The third purpose is to future-proof rail access to the NIMT. The structure plan shows a siding and the rule framework provides a permitted activity pathway for rail infrastructure. This supports mode shift for freight, reduces long-term reliance on road-based heavy vehicle movements and enhances resilience of the industrial area.

#### **Changes since notification**

- 7.5 The notified PC17 application proposed uplifting the DIZ overlay across approximately 91 hectares, introducing a structure plan that set out development blocks, a collector road framework, stormwater wetlands and provision for a rail siding, and adopting rules to manage land use and effects.
- 7.6 At notification there was uncertainty about the timing and configuration of bulk water and wastewater upgrades. The application therefore recommended information requirements at the consenting stage to confirm detailed servicing solutions for each stage. In my view, that approach was appropriate at the time and reflected that the Council programming was still being finalised.
- 7.7 Following notification, engagement with the Council and additional technical work led to refinements set out in the Supplementary Information Report. These refinements introduced a staged development framework supported by a strategic infrastructure table that links land release to confirmed servicing availability for water, wastewater and stormwater.
- 7.8 The stormwater approach was aligned with the draft Te Rapa Integrated Catchment Management Plan ("ICMP") and clarified to include erosion protection works in the lower Te Rapa Stream as a practical response to

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<sup>2</sup> Statement of Mr Colegrave, section 8.  
<sup>3</sup> Statement of Ms O'Rourke at [4.10].

increased flows from urbanisation in the wider catchment. Each sub-catchment is now designed to operate as a stand-alone system so that development can proceed independently when devices and outlets are in place.

7.9 The transport framework was clarified with two options for Stage 1 and explicit triggers for Stage 2 tied to the re-opening of the Ruffell Road level crossing with safety upgrades. The framework also acknowledges that full build out of the wider TRNIZ is contingent on either the east–west arterial component of the NRC or a package of Te Rapa Road upgrades capable of carrying additional demand until the NRC is delivered.

7.10 Targeted rule refinements were also made. A cumulative gross floor area cap was introduced for food and beverage activities in the Focal Area to reinforce the industrial function and avoid destination retail effects. Rail sidings were provided for as a permitted activity to facilitate integration with the NIMT. The activity status for proposals that fail ecology management requirements was changed from Prohibited to Non-Complying to allow a narrow pathway for superior outcomes to be considered on their merits.

7.11 Those refinements did not change the scope or intent of PC17. They were made to provide greater certainty, improve efficiency, and ensure integration with Hamilton City's servicing programme and catchment planning.

7.12 As I will outline later in section 10 of my statement, I have also made further changes to the PC17 provisions in response to the Section 42A Report. These are summarised below and included as **Attachment 1** to my statement. A Section 32AA evaluation supporting these further changes is also included as **Attachment 2**.

7.13 PC17 proposes amendments to several chapters of the ODP to enable the rezoning and development of land within the Plan Change Area for industrial purposes. Specifically, PC17 introduces:

- (a) New provisions within Chapter 3 – Structure Plans, by adding the Structure Plan;
- (b) Amends Chapter 12 – Te Rapa North Industrial Zone, allowing for land use activities;
- (c) Amends Chapter 23 – Subdivision, allowing for subdivision in the Te Rapa North Industrial Zone;

- (d) Amends Chapter 25 - City-Wide, for Earthworks and Vegetation Removal, allowing for earthworks in the Te Rapa North Industrial Zone;
- (e) Amends Chapter 25 - City-Wide, in relation to Transportation; and
- (f) Consequential changes are also made to Chapter 2 – Strategic Framework, and Appendix 1 – District Plan Administration, to ensure consistency across the plan.

7.14 The provisions work together to establish a coherent planning framework that supports industrial development while managing environmental effects and infrastructure delivery. For example, the Structure Plan in Chapter 3 sets out the spatial layout and infrastructure requirements, which are then supported by zone specific rules in Chapter 12 and cross-referenced performance standards in Chapter 23, 25 and Appendix 1. The integration of these provisions ensures that development within the TRNIZ is supported by appropriate land use controls and infrastructure planning.

7.15 PC17 has been developed to integrate with the existing ODP structure as much as possible. While this approach supports consistency, it does present limitations in terms of how easily plan users can navigate and interpret the provisions.

7.16 The TRNIZ provisions have been based on the existing Industrial Zone framework as a starting point, with targeted deviations introduced where necessary to reflect the specific context of Te Rapa North or in response to engagement with the Council regarding the effectiveness of current Industrial Zone provisions.

7.17 A flow chart is annexed to this evidence as **Attachment 3** to provide a step-by-step guide through the relevant provisions, helping to clarify the consent pathway based on the nature of the proposed activity and its location within the TRNIZ.

7.18 This demonstrates that the provisions will provide a comprehensive planning framework that provides confidence that any development or subdivision occurring within the TRNIZ will not occur without being integrated with or supported by suitable transport or three waters infrastructure.

7.19 The infrastructure based provisions found within Chapter 3 are clearly referenced within Chapter 3 (Structure Plan), Chapter 12 (TRNIZ) and Chapter 23 (Subdivision) as rules that any application needs to meet. Failure to do so

results in a Discretionary activity status,<sup>4</sup> which provides the Council with the ability to decline any applications that cannot demonstrate that departure from these infrastructure requirements is appropriate, still meet the objectives and policies of the TRNIZ<sup>5</sup> and the purpose of the RMA.

7.20 Finally, I have recently become aware that as part of the resolution of the Te Awa Lakes appeal on Plan Change 9 a Significant Natural Area ("SNA") within the Te Awa Lakes property adjoining the northern boundary of the Plan Change Area was removed from the ODP. As a consequence of the removal of the balance of the SNA there is now a small, isolated piece of SNA (essentially a small stub) within a paddock shown within the Plan Change Area at that northern boundary. From a planning perspective, it does not make sense to retain this small stub of an SNA at the northern boundary of the Plan Change Area.

## 8. STATUTORY ASSESSMENT

8.1 The PC17 request provided a detailed statutory assessment that demonstrated how it promoted sustainable management under Part 2 of the RMA. PC17 enables industrial use of land long identified for that purpose, integrates land release with infrastructure delivery, protects significant existing industry from reverse sensitivity (particularly, the Manufacturing Site), and manages environmental effects through best practice urban design, stormwater design, and ecological safeguards.

8.2 PC17 will assist to provide for the social and economic wellbeing of the community by making serviced industrial land available in a strategic location. It maintains and enhances the quality of the environment through riparian protection and stormwater treatment and does not preclude the reasonably foreseeable needs of future generations because development is staged with servicing and avoids compromising strategic infrastructure.

8.3 The NPS-UD requires sufficient development capacity for business land and integration of land use and infrastructure. PC17 gives effect to these directions by unlocking deferred industrial capacity and linking land release to the timing and availability of water, wastewater, stormwater, and transport infrastructure through a clear staging framework.

<sup>4</sup> Under Rule 3.9.3.5(i) and Rule 3.9.3.5(ii).

<sup>5</sup> Including Objective 12.2.6 and Policy 12.2.6a that require development to be integrated with the efficient provision of infrastructure.

8.4 The well-functioning urban environment outcomes in the NPS-UD are achieved by locating industry close to labour and freight networks, reducing inefficient travel, and by sequencing growth so that infrastructure is delivered in step with demand. By releasing land in a strategic location, PC17 also supports competitive land markets and improves choice for industrial operators.<sup>6</sup>

8.5 The WRPS identifies Te Rapa North as suitable for long-term industrial development in Map 43. PC17 seeks to advance approximately 91 hectares into the medium term by uplifting the DIZ overlay. For this reason, PC17 has been assessed against the responsive or alternative land release criteria in APP13 of the WRPS as directed by the urban form and development policies and methods.

8.6 Those criteria require that infrastructure is available or can be made available, that development will be integrated and efficient, that it will not compromise significant existing or planned infrastructure, and that environmental outcomes will be maintained or enhanced. PC17 meets these criteria by demonstrating confirmed water and wastewater servicing pathways via the public network, a stormwater approach aligned with the draft Te Rapa Stream ICMP, and a transport framework that manages effects through staged thresholds and triggers.

8.7 Integration and efficiency are achieved by sequencing development within sub-catchments and by using a Strategic Infrastructure Table that ties each stage to specific network outcomes. This avoids fragmented or ad hoc development and allows the Council to programme upgrades efficiently and effectively.

8.8 PC17 does not compromise significant infrastructure. It avoids predetermining the NRC by not committing urbanisation within the potential corridor and by providing a transport corridor (achieved by applying through greater building setbacks) that can operate until the NRC is designated and delivered.<sup>7</sup> Where access or layouts intersect with potential future corridors, the Structure Plan retains flexibility so that subsequent designation processes are not prejudiced.

8.9 Environmental outcomes are maintained or enhanced through requiring stormwater wetlands, riparian margins, and contributing to erosion protection

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<sup>6</sup> Statement of Mr Colegrave at [8.8].

<sup>7</sup> Statement of Mr Inder at [13.12] – [13.14].

on the lower Te Rapa Stream, which together improve water quality, manage hydrology, and reduce erosion risk at sensitive locations.<sup>8</sup>

8.10 Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) seeks to restore and protect the health and wellbeing of the river. The stormwater approach improves the quality of water discharged and manages flow regimes to reduce erosion risk. Riparian margins are retained and enhanced.<sup>9</sup> These measures contribute positively and are delivered progressively as development proceeds.

8.11 The ODP provisions for the TRNZI anticipate industrial development subject to servicing and overlay protections. PC17 aligns with this framework by lifting the DIZ overlay only where servicing is available, guiding layout and staging through the structure plan and retaining the protective overlays around the Manufacturing Site.

## 9. ASSESSMENT ENVIRONMENTAL EFFECTS

9.1 The PC17 request included a comprehensive assessment of environmental effects supported by expert technical assessments, including:

- (a) Landscape and Visual
- (b) Economic
- (c) Urban Design
- (d) Transport
- (e) Infrastructure and Servicing
- (f) Flooding and Natural Hazards
- (g) Ecology
- (h) Geotechnical
- (i) Archaeology
- (j) Contamination
- (k) Acoustic

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<sup>8</sup> Statement of Mr King at [10.1].  
<sup>9</sup> Statement of Dr Ussher at [5.7].

## (I) Cultural

9.2 The assessment concluded the adverse environmental effects associated with development arising following the approval of PC17 can be readily managed through existing ODP and / or provisions that were proposed by PC17 and through the subsequent consenting process.

9.3 There has been advancement of PC17 and the proposed provisions since the request was lodged, and I am of the view that these strengthen and refine the way the provisions collectively operate and are not amendments that materially change the effects assessments contained within the PC17 request.

9.4 The expert evidence provided in support of PC17 addresses these changes (to the extent relevant to the expert assessments), namely:

- (a) The landscape and visual evidence of Mr Kensington, who provides an assessment whether the introduction of the Landscape Concept Plan requirement is appropriate.<sup>10</sup>
- (b) The economic evidence of Mr Colegrave who provides an assessment of the gross floor area cap of 800m<sup>2</sup> for food and beverage retail occurring within the Focal Area of the TRNIZ.<sup>11</sup>
- (c) The transport evidence of Mr Inder who provides an assessment of the revised transport provisions within PC17, including the Transport Upgrade Framework in Rule 3.9.3.2.<sup>12</sup>
- (d) The water and wastewater evidence of Mr Farrell and the stormwater evidence of Mr King who both provide an assessment of the three waters approach for the Plan Change Area and the three waters requirements that have been included through the Strategic Infrastructure Table in Rule 3.9.3.3 and the Infrastructure Plan requirements in Rule 3.9.3.4(b).<sup>13</sup>

9.5 The Section 42A report supports these assessments except for Transport, Infrastructure and Servicing and Ecology, where it identifies that there remained some areas where the experts do not agree. I will cover the transport aspects later in section 10 of my statement but provide a brief comment on the remaining areas here.

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<sup>10</sup> Statement of Mr Kensington at [7.1] – [7.4].

<sup>11</sup> Statement of Mr Colegrave at [10.1] – [10.3].

<sup>12</sup> Statement of Mr Inder, section 10

<sup>13</sup> Statement of Mr Farrell at [7.1] and Mr King, sections 7 and 8.

9.6 In respect of water and wastewater, the Section 42A Report notes that Mr Hardy could not support PC17 without the requirement for an Infrastructure Plan that detailed staging and timing of infrastructure including any interim arrangements or solutions that may be required before the long term strategic solution is available.<sup>14</sup> The revised PC17 provisions reintroduce Infrastructure Plan requirements which addresses this remaining concern on water and wastewater.

9.7 In respect of stormwater, the Section 42A Report identifies several issues and gaps between the two stormwater experts and recommends that the Infrastructure Report be updated, the Infrastructure Plan be reintroduced and the Strategic Infrastructure Table be amended to include the Te Rapa stream erosion works.<sup>15</sup>

9.8 The statement of Mr King includes an updated Infrastructure Assessment and the Infrastructure Plan has been reintroduced as Rule 3.9.3.4(b). The erosion works for the Te Rapa Stream (that are identified within the draft Te Rapa Stream ICMP) have not been included within the Strategic Infrastructure Table for the reasons I set out later in paragraphs 10.28 – 10.31 of my statement. However, the Infrastructure Plan is required to demonstrate how it is consistent with the Te Rapa ICMP, including how development within the TNIZ contributes to any identified stormwater management solutions for the relevant sub catchment.<sup>16</sup>

9.9 In respect of ecology, the Section 42A Report identifies several areas where the Council's ecologist, Dr Burridge, does not agree with the terrestrial, freshwater and bat assessments that supported the PC17 request.<sup>17</sup> In summary, Dr Burridge's comments relate to:

- (a) the Ecological Values and Effects Assessment ("EVEA") identified values but did not contain a full effects assessment beyond bats and that further effects analysis was required;
- (b) uncertainty about the intent and scope of the Ecological Management Plan at the first subdivision (including whether it applied across the whole site from the outset) and how subsequent consents would give effect to it;

<sup>14</sup> Paragraph 6.28 of the Section 42A Report.

<sup>15</sup> Paragraph 6.33 of the Section 42A Report.

<sup>16</sup> Refer Rule 3.9.3.4(b)(v).

<sup>17</sup> Paragraph 6.37 of the Section 42A Report.

- (c) a recommendation that plan provisions included specific lighting limits (intensity and colour temperature) to avoid light spill to the Waikato River corridor;
- (d) concern that herpetofauna information was limited with no targeted surveys and that a more detailed copper skink assessment was required;
- (e) local records of At-Risk shag species using the river and riparian vegetation and a request that potential avifauna effects be addressed;
- (f) identification of four At Risk–Declining fish species with suitable habitat noted but locations not mapped in the EVEA and a request for clearer identification and effects analysis; and
- (g) a request to clarify wetland identification by aligning field survey evidence with the method, including treatment of pasture-exclusion species.

9.10 Dr Ussher and Mr Kessels have both responded to these areas within their respective statements.

9.11 Dr Ussher does not support the need for further surveys of fish, bats, wetlands, or lizards as part of Ecological Management Plan because the survey work (that informed PC17) was extensive.<sup>18</sup> Further, he notes that the Plan Change Area supports only small areas of poor-quality habitat for native lizards, and any that are present will be protected by proposed PC17 provisions. He also notes that no mudfish were found in the two surveys they undertook and that the degraded watercourses within the Plan Change area means it is unlikely for any further surveys to detect fish that would change the watercourse protection framework proposed in PC17.<sup>19</sup>

9.12 Mr Kessels has addressed the merits of including a lighting control within his statement<sup>20</sup> and I also provide my opinion on the suitability of including such a control within PC17 provisions later in section 10 of my statement, where I ultimately find that it is not appropriate given the lighting that is already emitted from the Manufacturing Site and the lack of any bats being detected in the surveys that were completed to inform PC17.

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<sup>18</sup> Statement of Dr Ussher at [6.3(a)].

<sup>19</sup> Statement of Dr Ussher at [6.3(b)].

<sup>20</sup> Statement of Mr Kessels at [7.6].

9.13 It is also important to consider the positive effects of PC17. It will enable industrial expansion in Te Rapa North, a strategically located growth area, supporting economic development and generating employment.<sup>21</sup> PC17 efficiently repurposes rural land and strengthens Hamilton City's medium-term supply of industrial zoned land.<sup>22</sup>

9.14 The Plan Change Area is well connected to major transport corridors and benefits from existing infrastructure, allowing for coordinated and cost-effective servicing.<sup>23</sup> This facilitates efficient freight movement and supports future industrial operations. Collectively, PC17 contributes to a compact, well integrated urban form.

9.15 The inclusion of coordinated staging and a Strategic Infrastructure Table will enable more efficient infrastructure investment across the Te Rapa North area. By sequencing development and infrastructure delivery, PC17 helps avoid premature or duplicated works. This approach reduces costs and improves certainty for both developers and the wider community, ensuring that infrastructure is delivered in a timely and cost-effective manner.

9.16 Environmental benefits will be progressively delivered as development occurs. These include riparian planting and the establishment of wetlands that improve water quality, attenuate stormwater flows, and contribute to erosion protection in the lower Te Rapa Stream. These measures will support ecological resilience and enhance the environmental performance of the industrial area over time.

9.17 The Manufacturing Site is a regionally significant industrial asset,<sup>24</sup> and its continued operational flexibility is critical to Fonterra's processing network and New Zealand's export economy. As outlined in Fonterra's evidence, the Manufacturing Site processes up to 7.5 million litres of milk per day during peak season and contributes 12.5% of Fonterra's annual milk powder output.<sup>25</sup> It employs over 500 staff supporting global exports.<sup>26</sup>

9.18 Its strategic location within an area that has long been identified as an industrial growth area, combined with its zoning and infrastructure capacity, has enabled ongoing investment and expansion. Protecting the Manufacturing Site from incompatible land uses ensures its continued viability and supports broader

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<sup>21</sup> Statement of Mr Colegrave at [8.1].

<sup>22</sup> Statement of Mr Colegrave at [8.5].

<sup>23</sup> Statement of Mr Inder at [5.1].

<sup>24</sup> Statement of Ms O'Rourke at [4.6].

<sup>25</sup> Statement of Ms O'Rourke at [4.7].

<sup>26</sup> Statement of Ms O'Rourke at [4.7].

economic outcomes. PC17 plays a key role in safeguarding this asset by forming an appropriate industrial context around the Manufacturing Site.

9.19 Provision for future rail integration within the Structure Plan creates long term opportunities for freight mode shift. This reduces reliance on heavy vehicles, alleviates pressure on the road network, and contributes to safety and reduced emissions objectives. The rail corridor connection enhances the strategic value of the Plan Change Area and supports sustainable transport outcomes.

## 10. SECTION 42A REPORT

10.1 In this section I respond to the themes raised in the Section 42A Report and its specialist reviews. For each theme I first summarise the issue and the recommendations, then set out my view drawing on the technical inputs and expert reviews as necessary. I conclude each theme with whether I consider the recommendation within the Section 42A Report is appropriate, appropriate with modification, or not appropriate.

### ODP development triggers

10.2 The Section 42A Report seeks greater certainty and development staging to be incorporated into PC17.<sup>27</sup> Before I turn to the specific application of this in the PC17 provisions, it is useful to set the context for infrastructure triggers co-ordinated with urban development and growth areas.

10.3 In district plans there is always a balance to be struck between certainty and flexibility when coordinating urban growth with infrastructure delivery. At one end of the spectrum sit fixed triggers that promise clarity about when a particular upgrade must be in place. At the other end sit outcome-based frameworks that describe the servicing outcome to be achieved and allow the details to be worked through at consenting stage using current information.

10.4 Either tool can be effective in the right setting. Either can also work poorly if used in the wrong place or locked in too tightly. The challenge is to choose where on that spectrum a plan should sit so that development proceeds in step with infrastructure without creating unnecessary regulatory constraints or ineffective infrastructure.

10.5 The risk with rigid triggers is that they are almost always written early from concept level structure planning and preliminary modelling. By the time consents are lodged the market may have shifted, land ownership may have

<sup>27</sup>

Paragraph 6.63 of the Section 42A Report.

changed, neighbouring areas may have advanced first, and the Council's infrastructure programmes may have been reprioritised. A trigger that once fitted can then become mismatched to the way development is actually unfolding. The result can be a consenting barrier that adds cost and delay without improving outcomes.

10.6 Conversely a framework with only general outcomes can lack the clarity needed for safety critical infrastructure decisions or for coordinating multiple landowners. The most appropriate response, in my view, is to arrive on an approach that uses prescriptive triggers only where the servicing method to achieve the desired outcome is well understood and needs to be delivered at a specific time or stage in a development.

10.7 PC17 has been revised on that basis. For transport the Structure Plan and associated provisions now adopt explicit measurable triggers tied to land release and traffic generation, including thresholds for both subdivision and land use. Each trigger identifies a threshold and targeted upgrades that must be in place before that threshold is exceeded. The upgrades include the formation of identified access points on Te Rapa Road, delivery of the internal spine road connections, capacity improvements where required on Te Rapa Road, and staged provision for safe walking and cycling and public transport.<sup>28</sup> This gives a clear safety led staging pathway and removes ambiguity about what needs to be built and when.

10.8 For water, wastewater and stormwater the PC17 provisions retain the Strategic Infrastructure Table and Figures.<sup>29</sup> That Strategic Infrastructure Table sequences the strategic works by stage and identifies the dependencies between them without locking in a specific development sequence. Development that aligns with the Strategic Infrastructure Table proceeds on a more straightforward consenting path as a Restricted Discretionary activity rather than Non Complying.<sup>30</sup>

10.9 Where public capacity is not yet available the revised provisions have reintroduced an Infrastructure Plan information requirement.<sup>31</sup> The first consent within the relevant development stage must demonstrate how the stage will be serviced in accordance with the long term public solution and where a temporary arrangement is needed, how that arrangement will perform,

<sup>28</sup> Rule 3.9.3.2 Transport Upgrade Framework.

<sup>29</sup> Rule 3.9.3.3 Strategic Three Waters Infrastructure.

<sup>30</sup> Fee simple subdivision within the TRNIZ is provided for as a Restricted Discretionary activity under Rule 23.3b but defaults to a Non Complying activity under Rule 3.9.3.5(ii) should it not meet the requirements of the Strategic Infrastructure Table.

<sup>31</sup> Rule 3.9.3.4(b).

be monitored and be decommissioned once the long term public connection is available.<sup>32</sup>

10.10 Subsequent consents must show consistency with the approved Infrastructure Plan for the development stage or seek approval for an update.<sup>33</sup> This maintains momentum, keeps responsibility and risk transparent, and avoids locking in long term private infrastructure that the Council will be averse to inheriting via vesting.

10.11 In my view, the revised Structure Plan and associated provisions give certainty about what needs to be in place and when, while allowing how those outcomes are delivered to respond to programme and market changes. They anchor transport in the certainty end of the spectrum where that is most appropriate and keep three waters closer to the flexibility end where delivery depends on public network programming. In my view, this places PC17 in the appropriate sweet spot between certainty and flexibility. It reduces ambiguity for applicants and the Council, preserves network integrity and safety, and avoids the risk that assumptions that are fixed in a district plan become a barrier when circumstances change.

#### **Why the Strategic Infrastructure table does not fix a single sequence**

10.12 The Section 42A Report expresses a preference for tighter alignment between transport and three waters staging.

10.13 The Strategic Infrastructure Table in Rule 3.9.3.2 identifies stages and the interdependencies that must be in place before a stage proceeds but that it does not fix the order in which stages are built. That is deliberate and is the correct response to the context at Te Rapa North.

10.14 This is because unlike a typical greenfield expansion that grows outwards from an urban edge, the Plan Change Area is already enveloped by urban development; with Te Awa Lakes and Horotiu to the north, the consented and under development section of the TRNIZ on the western side of Onion Road and the existing Te Rapa Gateway industrial area to the south. This means that development can logically commence from any edge of the Plan Change Area depending on market demand, industrial tenant needs and the timing of rail, water, wastewater, stormwater, and transport upgrades.

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<sup>32</sup> Rule 3.9.3.4(b)(vi).  
<sup>33</sup> Rule 3.9.3.4(b)(iii).

10.15 In my view, what matters is clarity of outcome and dependency rather than prescribing one sequencing order that would be a best guess rather than an accurate blueprint. The Strategic Infrastructure Table provides that clarity and this is then supported by the Infrastructure Plan and transport triggers to ensure that each application delivers the appropriate method to achieve the specified outcome.

#### **Transport: triggers and staging**

10.16 The Section 42A Report seeks clearer staging that links land release to specific transport upgrades and proposes that each stage is supported by an assessment,<sup>34</sup> with particular interest in Meadowview Lane and Pukete Road, the Horotiu interchange under delayed NRC scenarios, and the risks associated with reopening the Ruffell Road level crossing. The rationale is to give effect to integrated management so that safety and efficiency are maintained as development progresses.

10.17 I agree with the need for a transparent and enforceable staging framework and have reflected on whether the changes made to the transport triggers in the Supplementary Information Report were a step in the right direction or not. On reflection the framework for the transport trigger table contained within the notified version of PC17 provided a great level of clarity and was easier for a plan user to understand than the performance standard based approach I took in the Supplementary Information Report version of the provisions.

10.18 For this reason, the appended PC17 provisions at **Attachment 1** reinstate the same framework from the notified version of PC17 and update the content to reflect the latest modelling and transport assessment undertaken by Mr Inder.<sup>35</sup> This trigger-based approach ties development to measurable thresholds. Where subdivision occurs, triggers required the upgrades to be in place before section 224(c) certification is obtained.<sup>36</sup> This is then further strengthened to also cover situations where land use proceeds without subdivision.<sup>37</sup> In this situation, triggers are linked to trip generation so there is an equivalent and workable consent pathway for both scenarios.

10.19 The updated provisions also provide greater clarity on when an Integrated Transport Assessment ("ITA") is required and utilises the existing ODP definitions and guidance to distinguish when a Simple ITA or Broad ITA is

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<sup>34</sup> Paragraph 6.24 of the Section 42A Report.

<sup>35</sup> Statement of Mr Inder, section 9.

<sup>36</sup> Refer Rule 3.9.3.2.

<sup>37</sup> Refer Rule 3.9.3.2.

required.<sup>38</sup> The former is required where an application for the first 42ha of developable area does not meet one or more of the requirements,<sup>39</sup> while the latter is required for any applications beyond 42ha of developable area (irrespective of compliance) due to the uncertainties around the Ruffell Road level crossing, the Koura Drive extension, and the NRC timing (that will likely be under design or designated by that stage).<sup>40</sup>

10.20 I have retained developable area based upgrade requirements for transport infrastructure rather than incorporating these into the Strategic Infrastructure Table that sets out the three water infrastructure requirements / triggers for two reasons:

- (a) From talking with Mr Inder, I understand that the spatial extent of what part of the Plan Change Area is developed is less determinative of transport effects (and therefore upgrades as mitigation) than where vehicle movements enter and exit into the surrounding road network. In a practical sense, this means that it is the access locations from the Plan Change Area into the surrounding road network and how many trucks and cars spill into the network that is important, not what stage of the Plan Change Area is developed; and
- (b) For reasons set out above in paragraphs 10.12 – 10.15 ("Why the Strategic Infrastructure table does not fix a single sequence") of my evidence, it would be unnecessary and misguided to lock in the exact sequencing that the Plan Change Area should be developed where there are so many unknowns, changing and dynamic forces at play.

10.21 On the specific network items, I acknowledge that the final list of upgrades must reflect the latest modelling and expert assessment that Mr Inder has produced. These have been adopted within Transport Upgrade Framework in Rule 3.9.3.2.

10.22 Finally, I support the approach that Mr Inder has taken in determining what scenarios to run in the latest WRTM modelling. He has based the scenarios on existing urban areas that have a live urban zoning and taking into account granted resource consents because these provide the most accurate view of what development is likely to occur. I agree that the modelling should not consider any out of zone / emerging areas that are currently going through the Fast Track process but have yet to secure resource consent because the

<sup>38</sup> Definitions are contained within Volume 2, Appendix 1, Section 1.1.

<sup>39</sup> Rule 3.9.3.2(a).

<sup>40</sup> Rule 3.9.3.2(b).

scope and mitigation attached to these projects is uncertain. Including them would likely dilute the accuracy of the modelling giving rise to more uncertainty over the mitigations for PC17 that should be included within the Transport Upgrade Framework.

#### **Three waters: strategic table, interim scenarios and Infrastructure Plan**

10.23 The Section 42A Report recommends stronger linkages between the strategic three waters staging, the rules, and the information requirements.<sup>41</sup> It recommends reinstating the Infrastructure Plan and using it to manage any interim scenario where public capacity is not yet available. The rationale is to avoid piecemeal consents and to ensure that interim arrangements are safe, monitored, and integrated.

10.24 I have reinstated the Infrastructure Plan requirement.<sup>42</sup> It will be provided with the first consent in each relevant development stage and whenever an interim arrangement is proposed. It will demonstrate that an equivalent level of service and environmental protection to the long-term solution is achieved, that interim assets are monitored and operated effectively, and that interim systems are designed to connect to and be replaced by the public network without rework. I also agree that evidence of engagement and any feedback from key infrastructure providers should be required and that the Infrastructure Plan should record how it responds to that feedback.

10.25 I support retaining the Strategic Infrastructure table as the primary planning tool to ensure the delivery of a well-functioning urban environment coordinated with the delivery of efficient infrastructure is achieved in the Plan Change Area. The Strategic Infrastructure table sets out what is needed, where and why, and the interdependencies that must be in place before a development stage proceeds.

10.26 It does not fix a single sequence, which is both deliberate and appropriate in this context because the Plan Change Area is already surrounded by urban development and can logically commence from any edge depending on market demand and the timing of rail, water, wastewater, stormwater, and transport upgrades. The Strategic Infrastructure table gives clarity of outcome and dependency while allowing delivery to respond to infrastructure funding and market changes.

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<sup>41</sup> Paragraph 6.63 of the Section 42A Report.  
<sup>42</sup> Under Rule 3.9.3.4(b).

10.27 I consider the Section 42A Report's direction on three waters to be appropriate and, on reflection, the revisions put forward in the Supplementary Information Report (that departed from the structure of the transport infrastructure staging table and the Infrastructure Management Plan information requirement for three waters) affected the value of these two provisions. I have accepted the direction from the Section 42A Report and adopted it within the latest version of the PC17 provisions.<sup>43</sup> The reinstatement of the Infrastructure Plan provides a policy framework that was missing, especially should any interim arrangements be required, and the Strategic Infrastructure Table remains the correct place to describe outcomes and dependencies rather than prescribing a single staging order.

**Stormwater: ICMP alignment, volume and erosion response**

10.28 The Section 42A Report seeks stronger alignment with the draft Te Rapa ICMP and recommends that the PC17 provisions be amended so that it sets out how additional stormwater volumes and potential erosion within the Te Rapa Stream will be addressed.<sup>44</sup>

10.29 I consider that the approach taken in the Supplementary Information Report version of the PC17 provisions, which introduced the Strategic Infrastructure Table in Rule 3.9.3.3 that sets out what stormwater infrastructure is needed for each stage of the Structure Plan, remains appropriate. This will ensure that offline wetlands in the West Block manage quality and quantity and outlets to the Waikato River serve the North and South-East blocks. Sub-catchments are treated as standalone so that one area can proceed independently of another provided its measures are in place. This remains the most workable and robust solution. The remaining question is how to address increases in catchment wide volumes and the associated erosion risk within the Te Rapa Stream.

10.30 The erosion issue is a catchment matter rather than being solely caused by the development of the Plan Change Area.<sup>45</sup> When fully developed, the Plan Change Area will contribute a minor share of the increase in post-development flows (which I understand from Mr King to be approximately 12%). Furthermore, the Council has not yet funded the downstream erosion protection works that the draft Te Rapa ICMP identifies as being needed. In my view, listing unfunded erosion works in the Strategic Infrastructure Table would create a risk that development in the Plan Change Area would be held

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<sup>43</sup> Rule 3.9.3.4(b).

<sup>44</sup> Paragraph 6.32 of the Section 42A Report.  
<sup>45</sup> Statement of Mr King at [7.24].

responsible for delivering a wider catchment programme in order to comply with a plan trigger, even where the works sit outside the Plan Change Area and depend on both Hamilton City and Waikato District Councils' funding (in part) and other landowners for access and delivery. I do not consider that to be an efficient or fair outcome.

10.31 I have instead placed the requirement in the Infrastructure Plan in the revised provisions.<sup>46</sup> Each application will need to state the contribution the development will make toward implementing the catchment plan, including any proportionate funding to erosion protection at the mouth of the Te Rapa Stream. This keeps responsibility transparent, focuses the Infrastructure Plan on outcomes and places the funding and delivery of catchment-wide works in the right forum and context.

#### **Ecology: Ecological Management Plan, bats, lizards, fish and wetlands**

10.32 The Section 42A Report recommends adding a clear objective for the Ecological Management Plan ("EMP") and expanding its content so that effects on identified species are assessed and managed.<sup>47</sup> It recommends controls on lighting near the river corridor for bat protection and asks for full surveys and impact assessments for lizards and mudfish prior to the first subdivision. It also signals support for stronger riparian setbacks and corridors.

10.33 I do not support the need for a new objective for the EMP because the PC17 provisions already propose a standalone objective in Objective 12.2.5 "*Ecological values are maintained, and where possible, enhanced, as part of industrial use and development*". This is then supported by a suite of policies that are then implemented by the Structure Plan, setback and planting requirements in Chapter 12<sup>48</sup> and the EMP information requirement in Chapter 3. In my view, the wording of Objective 12.2.5 is broad and enables a range of ecological methods to be achieved that includes, but is not limited to, the EMP.

10.34 I support the inclusion of additional policies that provide greater clarity on avoiding, remedying, mitigating, offsetting or compensating for adverse effects on indigenous fauna and their habitats, including long-tailed bats based on the evidence of Dr Ussher and Mr Kessels.<sup>49</sup> I have included new Policies 12.2.5f and 12.2.5g within the revised PC17 provisions contained in Appendix X of my statement.

<sup>46</sup> Rule 3.9.3.4(b).

<sup>47</sup> Paragraph 6.41 of the Section 42A Report.

<sup>48</sup> Refer Rules 3.9.3.4(a), 12.4.1(viii-x) and 12.4.6.

<sup>49</sup> Statement of Dr Ussher at [7.3(b)(i)] and Mr Kessels at [8.2(b)].

10.35 I do not support adding a new lighting rule for bat protection. The comprehensive bat surveys that were undertaken to inform PC17 did not detect any bat movements and so applying an additional lighting restriction is not supported by any evidence.<sup>50</sup> I note that similar lighting restrictions have been applied elsewhere in Hamilton City (i.e. Peacocke Structure Plan area) but this was south of Hamilton City and in an area with evidence of significant bat habitat and in a very different context and environment.

10.36 Further, the Manufacturing Site already emits significant operational lighting as part of its 24-hour and 7 days a week operation. A very low lux or colour temperature standard is likely to be lower than the current baseline and would be counter to the purpose of PC17 to protect the ongoing operation of the Manufacturing Site and to avoid reverse sensitivity effects.

10.37 I support retaining a 10m riparian planting strip on each side of the Te Rapa Stream.<sup>51</sup> That width is consistent with both the draft Te Rapa ICMP and the subdivision requirements under section 230(4) of the RMA based on the surveyed legal width of the stream (which is less than the width that would require a 20m wide esplanade reserve to be taken on either side of the stream).

#### **Information Requirement: Landscape Concept Plan**

10.38 The Section 42A Report recommends that PC17 be amended to include a new information requirement that would require a Landscape Concept Plan to be submitted as part of the first subdivision or landuse application within the TRNIZ.<sup>52</sup> The report states that this responds (in part) to a recommendation of the Cultural Advice Report.

10.39 This recommendation is supported by Mr Kensington (landscape)<sup>53</sup> and Ms Hopa and Kukutai (Cultural).<sup>54</sup> Mr Kensington has recommended revised wording to what was put forward in the Section 42A Report, which I have included as Rule 3.9.3.4(c).

<sup>50</sup> Statement of Mr Kessels at [6.4].

<sup>51</sup> As required under Rule 12.4.1(viii).

<sup>52</sup> Paragraph 6.18 of the Section 42A Report.

<sup>53</sup> Statement of Mr Kensington at [7.1].

<sup>54</sup> Statement of Ms Hopa and Kukutai at [7.1].

### Extent of PC17 and inclusion requests

10.40 Several submissions seek to extend the Plan Change Area.<sup>55</sup> The Section 42A Report does not specifically recommend expansion and invites comprehensive evidence if any party wishes to pursue inclusion.

10.41 The Section 32 Evaluation that supported the PC17 request included a range of options that were considered in forming and developing the extent and approach of PC17; including rezoning part or all of the TRNIZ. As part of the work undertaken to prepare my Section 32 analysis, I considered several variations of the 'rezoning in part' option, which included all of the Fonterra owned land and then several variations of including other land parcels. This was supported by cost, benefit and risk assessment which identified a preferred zoning extent that was adopted for PC17.

10.42 Ms O'Rourke has provided a detailed summary of the extent of engagement that Fonterra undertook in developing PC17, which included community open days and more targeted individual engagement with landowners that were included within the PC17 extent and those directly adjoining the Plan Change Area.

10.43 I remain of the view that, based on the technical evidence available, the notified extent of PC17 remains most appropriate. If submitters provide the necessary technical information and assessments that provides a credible basis for expanding the Plan Change Area and rezoning additional properties, then I would be open to considering expanding the Plan Change Area, subject to consideration of scope.

### Summary

10.44 In my opinion the revised PC17 provisions address the substance of the Section 42A Report. They provide clear outcomes and responsibilities, they are efficient to administer and they are robust and responsive to any programme and market changes that may occur over the 10 - 15 year timespan that will likely be needed for the full extent of the Plan Change Area to be developed.

## 11. RESPONSE TO SUBMISSIONS

11.1 I have read the submissions received on PC17 that raise concerns relating to planning matters. I have grouped these into themes and address these below.

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<sup>55</sup> Paragraph 5.7 of the Section 42A Report.

### **Theme 1: Extent of PC17 and inclusion requests**

11.2 A number of landowners sought their properties be included within the rezoning, or that the PC17 boundary be extended to cover additional land.<sup>56</sup> As outlined in Section 10 above, a range of zoning extent options were in preparing the PC17 request and I remain of the view that, based on technical evidence available, the notified extent remains most appropriate. If submitters provide technical information that provides credible basis for rezoning of additional properties, then I would be open to considering expanding the plan change area subject to consideration of scope.

### **Theme 2: Transport effects, triggers, staging and network integration**

11.3 Sam and Alisha Coleman (Submission 4) seek that an ITA is carried out widening the scope to include Meadow View Lane and Pukete Road properties and reflect its recommendations in new objectives, policies and rules.

11.4 Other submitters seek clearer and enforceable transport staging.<sup>57</sup> Matters raised include:

- (a) the need to link development to specific upgrades;
- (b) ensuring safe operation at key intersections and along Te Rapa Road;
- (c) protecting the corridor for future Bus Rapid Transit;
- (d) addressing the risks and uncertainty around reopening the Ruffell Road level crossing;
- (e) recognising potential access to Koura Drive; and
- (f) ensuring that assessments capture effects on Meadowview Lane and Pukete Road.

11.5 The revised PC17 provisions appropriately address the sequencing of strategic transport infrastructure requirements by reinstating a trigger based framework

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<sup>56</sup> This includes (among others) , Shu-Cheng Lo (Submission 03), Sam and Alisa Coleman (Submission 04), Scott Mathieson (Submission 05), Empire Corporation and Porter Group (Submission 07), Graeme Boddy (Submission 08), Hayden Porter (Submission 09), Paul and Gloria Stone (Submission 12), Te Awa Lakes (Submission 14), Janine Hill (Submission 15), Rachel Caroline McGuire and Stephen Wayne Morth (Submission 16), and Wen Sen Shih & Hsiu-Jung Huang (Submission 17).

<sup>57</sup> Waka Kotahi (Submission 06), Empire Corporation and Porter Group (Submission 07), Hayden Porter (Submission 09), Paul and Gloria Stone (Submission 12), Wen Sen Shih & Hsiu-Jung Huang (Submission 17), and Te Awa Lakes (Submission 14).

that ties development to measurable thresholds.<sup>58</sup> The framework uses section 224(c) thresholds where subdivision occurs and trip-generation thresholds where land use proceeds without subdivision. The provisions require a Simple ITA for any departure by earlier stages (up to 42 ha) because they are closer to being developed and that the transport environment is better understood and less likely to change given the shorter time horizon. The revised provisions then require a Broad ITA for the final release (above 42ha) given uncertainty around Ruffell Road, Koura Drive and the NRC.

### **Theme 3: Strategic three waters servicing and interim arrangements**

11.6 Waikato District Council ("WDC") (Submission 10), Waikato Regional Council ("WRC") (Submission 11), and several landowners<sup>59</sup> seek clearer linkage between the strategic three waters staging, the rules and information requirements. There is support for requiring an Infrastructure Plan to manage any interim scenario where public capacity is not yet available for water, wastewater or stormwater. Reasons focus on coordinated delivery, avoiding piecemeal consents, and ensuring any interim solutions are safe, monitored and readily integrated into the long-term network.

11.7 The revised PC17 provisions reintroduce an Infrastructure Plan as an information requirement and require it with the first consent in each stage and whenever interim servicing is proposed.<sup>60</sup> It states that the Infrastructure Plan should set performance standards, monitoring and reporting, operations and maintenance, responsibilities and funding, and connection/decommissioning obligations once public capacity is available.

### **Theme 4: Stormwater volumes, ICMP alignment and erosion response**

11.8 WRC (Submission 11) requests stronger alignment with the draft Te Rapa Stream ICMP, clearer acknowledgement of additional stormwater volumes from urbanisation, and a method to address downstream erosion risk in the Te Rapa Stream. Some submitters seek wider riparian margins and a more prescriptive approach to catchment outcomes.<sup>61</sup>

11.9 The Section 42A Report recommends that further information be provided to address the highlighted stormwater related matters. Key recommendations include updating the Infrastructure Report, reinstating the requirement for an Infrastructure Plan within the Structure Plan, and expanding staging provisions

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<sup>58</sup> Rule 3.9.3.2.

<sup>59</sup> Paragraph 5.11 of the Section 42A Report.

<sup>60</sup> Rule 3.9.3.4(b).

<sup>61</sup> Paragraph 5.11 of the Section 42A Report.

to include stream erosion resilience works, culverts, and river outlets. It also advises that WRC, WDC, IAWAI – Flowing Waters, Mana Whenua, and FirstGas Limited be formally identified as parties to be consulted on development designs and the Infrastructure Plan.

11.10 The Infrastructure Report has been updated to provide provisions for downstream erosion protection measures for the Te Rapa Stream. The consultation with identified parties is also acknowledged and has been included within the provision.<sup>62</sup>

**Theme 5: Ecology — EMP objective and content, lighting near river / stream corridors, and targeted surveys**

11.11 WRC (Submission 11) seek an explicit objective and contents for the EMP, including species modules (bats, lizards, native fish), construction erosion and sediment controls, fish passage, riparian planting, monitoring and adaptive management. Lighting controls near the Waikato River and Te Rapa Stream are requested to protect bats.

11.12 Fonterra's ecologist, Mr Kessels, recommends that:<sup>63</sup>

- (a) Protection for bat roosts are strengthened by ensuring that the most up to date Department of Conservation protocols are applied when vegetation is removed particularly during tree felling activities;
- (b) Dedicated policies address adverse effects on indigenous fauna and their habitats with specific reference to long-tailed bats;
- (c) Ecological impact assessments for bats are required that use the mitigation hierarchy approach; and
- (d) Performance standards related to artificial lighting near sensitive habitats along the Waikato River face some site constraints that in my view, mean they are not appropriate in this context.

11.13 Overall, I support Mr Kessels' recommendations. However, as outlined earlier, I do not consider artificial lighting standards necessary along the eastern edge of the Open Space Zone. Comprehensive bat surveys undertaken to inform PC17 recorded no bat activity within the Plan Change Area, and the absence of high-quality habitat suggests bat utilisation is low or absent.

<sup>62</sup> Included as Attachment 1 of Mr King's statement.  
<sup>63</sup> Statement of Mr Kessels, section 7.

### Theme 6: Centres, focal area and non-industrial activities

11.14 Te Awa Lakes (Submission 14) and other submitters<sup>64</sup> seek stronger control over food and beverage to ensure the Focal Area serves the industrial workforce and does not become a de facto centre. Other submitters seek to clarify policy language so non-industrial uses are ancillary/supportive and do not undermine the role of centres. Reasons are to protect the centres network and retain industrial primacy in the Plan Change Area and ultimately, the TRNIZ.

11.15 The Section 42A Report recommends accepting the policy clarifications. It supports managing the focal area through a total gross floor area cap for food and beverage as a clearer mechanism than "small-scale" wording and retains ancillary tests so non-industrial uses remain subordinate to the principal industrial activity.

11.16 In my view, targeted refinements to the rules have been introduced. A cumulative gross floor area cap of 51ha for food and beverage activities within the Focal Area is applied to reinforce its industrial purpose and prevent the emergence of destination style retail activity.

### Theme 7: Built form and interface controls

11.17 Te Awa Lakes (Submission 14) seeks a graduated height control down to 12 m within 50 m off a zone boundary and amendments to yard rules to reference any adjoining zone.

11.18 The Section 42A Report does not support this submission and recommends retaining the notified height and yard provisions for the TRNIZ.

11.19 I agree with the Section 42A Report's recommendation. As outlined in the Urban Design evidence of Mr Coles,<sup>65</sup> the adjoining land is also zoned TRNIZ, and the proposed 20m building height at the interface with Te Awa Lakes is not expected to generate adverse amenity effects. In my view, reducing the permitted height would not result in improved urban design outcomes. The surrounding context will include large-scale non-residential development, major transport infrastructure, and the Manufacturing Site. Even if a built edge of this scale was realised, it would not significantly affect shading, key viewshafts, or the sense of place experienced by neighbouring properties.

<sup>64</sup> Paragraph 5.9 of the Section 42A Report.  
<sup>65</sup> Statement of Mr Coles at [9.5].

## 12. CONCLUSION

- 12.1 PC17 enables approximately 91 hectares of industrial land to be developed at Te Rapa North in a staged and integrated manner. It provides clear links between land release and infrastructure availability and protects regionally significant industrial operations at the Manufacturing Site from the establishment of incompatible land uses nearby and reverse sensitivity effects.
- 12.2 The refinements made since notification and the Supplementary Information Report increase clarity and certainty, respond constructively to submissions and ensure alignment with Council's servicing programme and the draft Te Rapa ICMP. They do not change the scope or intent of PC17 but strengthen its implementation and effectiveness.
- 12.3 For these reasons I consider PC17 efficient, effective and the most appropriate way to achieve the purpose of the RMA. I recommend that the PC17 be approved.

**Nick Grala**

**7 October 2025**

**Attachment 1 – PC17 provisions****Key to Colour Coding in Attachment 1**

	<b>Changes included with PC17 as notified</b>
	<b>Changes included within Supplementary Report</b>
	<b>Changes proposed in evidence</b>

## 3.9

## Te Rapa North Industrial Zone

The Te Rapa North Industrial Zone applies to approximately 230ha of land to the north of Hamilton. It is a strategic industrial growth node identified by the Waikato Regional Policy Statement that is essential to Hamilton and the Waikato Region's future supply of industrial land.

A Deferred Industrial Zone overlay applies over all parts of the zone outside of the Te Rapa North Industrial Structure Plan area. This overlay applies the Future Urban Zone provisions, maintaining rural activities in these areas, with an anticipation for industrial development in the future.

The Te Rapa North Industrial Structure Plan applies to 91ha of the zone. The Structure Plan will further guide the development of the area to coordinate infrastructure upgrades and achieve good urban design outcomes.

### Vision

- a. The development of the Te Rapa North Industrial Structure Plan has been guided by the following vision:

*"To deliver a well-functioning industrial and logistics hub at Te Rapa North that achieves environmental protection while providing economic benefits and productivity gains to the Waikato Region. Central to this will be enabling industrial uses that compliment and protect the ongoing operation of the Te Rapa Dairy Manufacturing Site."*

### 3.9.1

### Objectives and Policies

- a. The objectives and policies of Chapter 12 -Te Rapa North Industrial Zone provide bespoke guidance for the use and development of this area. The Chapter 12 objectives and policies were developed with specific consideration of the Te Rapa North Industrial Structure Plan area and its surrounds.
- b. Refer to Chapter 12 and other relevant district plan chapters for the objectives and policies to guide development in accordance with the Structure Plan.

### 3.9.2

### Components of the Structure Plan

This section provides an explanation of the main land use elements to achieve the vision described in 3.9 a. These elements are incorporated in land use zones and overlays as shown on the Planning Maps and Appendix 2 - Figure 2-22.

#### 3.9.2.1

#### Overall

- a. A 91 ha area centering around the Te Rapa Dairy Manufacturing Site on either side of Te Rapa Road to the north of the Te Rapa suburb of Hamilton City.
- b. It is bounded by the Waikato River, the Waikato Expressway (SH1), the NIMTL and private property boundaries and is made up of three distinct areas; the West Block, North Block and South-East Block.
- c. It will provide for approximately 58.53ha of (net developable) employment land, that is to be developed as a high-quality industrial precinct and future rail siding for the NIMTL.
- d. The land surrounding the Structure Plan area that is zoned Te Rapa North Industrial, will remain subject to the Deferred Industrial Zone overlay, with the expectation that future plan change processes will live-zone these areas, and update the Structure Plan accordingly.

### 3.9.2.2

#### Industrial Precinct

The Te Rapa North Industrial Structure Plan will guide the development of a high-quality industrial and logistics precinct surrounding the Te Rapa Dairy Manufacturing site.

- a. The industrial uses sought are to be complementary and not sensitive to the Te Rapa Dairy Manufacturing site.
- b. Activities associated with industry that are not sought to be enabled within the zone include: Car or boat sale yards/display suites and wet industry.
- c. Only offices and retail spaces that are ancillary to industrial activities are sought within the zone.
- d. A limited floor area for office and retail activities is permitted in the zone to enable the spaces that are essential to the function of industrial and logistics activities. Floor area limitations apply to avoid the risk of reverse sensitivity and detracting from existing commercial centres.
- e. Food and beverage outlets are limited to the Focal Area and within a gfa cap, to meet workers' daily needs in the Southern part of the Structure Plan area.
- f. The Structure Plan area is an industrial precinct and as such, the road reserve and boundary treatments have the greatest opportunity for visual amenity outcomes. However, provisions apply which support positive development design outcomes including setbacks and landscaping and glazing.

### 3.9.2.3

#### Focal Area

- a. An approximately 2ha Focal Area is identified in the Structure Plan (Figure 2-22), which is dedicated to meeting the daily needs of people working within the industrial precinct.
- b. Food and beverage outlets and gyms, medical centres and other like activities that are not sensitive to the industrial nature of the area are sought to be enabled.
- c. Connection with the Riparian and Stormwater Reserve Area to provide access to and/or an outlook over green space.
- d. It is located within the southern part of the Structure Plan area to provide for the needs of employees in Southern Part of the Structure Plan area and the parts of the TRNIZ that are subject to Deferred Industrial Zone overlay, once developed in future. The Te Awa Lakes Commercial precinct to the north of the Structure Plan Area will meet the needs of workers in this location.

### 3.9.2.4

#### Te Rapa Dairy Manufacturing Site

- a. The Te Rapa Dairy Manufacturing Site is a regionally significant industrial activity, that employs a significant number of people and is integral to the operation of the dairy industry in the Waikato.
- b. The existing Te Rapa Dairy Manufacturing Site operations are to remain unchanged and unaffected by the future development guided by the Structure Plan.
- c. Any development and changes to access and circulation shall not impact the long-term function of the Te Rapa Dairy Manufacturing Site.

### 3.9.2.5

#### Movement Network

The Te Rapa Industrial Structure Plan has been master planned to deliver a functional and efficient multi-modal

movement network. The network and road designs support the larger vehicles associated with industrial activities by providing for their safe, efficient and convenient access to Te Rapa Road and the Waikato Expressway, whilst development triggers and setbacks protect the functionality and future upgrades of these corridors. The proposed network supports walking and cycling, with dedicated cycle lanes provided for in Arterial and Collector Road designs (see Figure 3.9.2.5a-c) and footpaths provided across all road designs. Development controls protect the ability of corridors to be upgraded as dedicated rapid transit routes to promote an interconnected network that enables the Structure Plan area to be readily serviced by public transport.

The Structure Plan (Appendix 2 Figure 2-22) indicates the location of the Local, Collector, Major Arterial, State Highway transport corridors and the NIMTL. These transport corridors are either existing, designated or yet to be upgraded/constructed.

### **Timing of Upgrades**

- a. The timing of subdivision and development is coordinated with transport network upgrades, as set out in Rule 3.9.3.2.

### **Inter-Regional Connectivity**

- b. The transportation network is based on a hierarchy where State Highways and Rail Corridors are at the top and prioritise high volume inter-regional traffic and freight movements. This includes SH1 and the NIMTL. These two regionally significant corridors are not within the Structure Plan area, however the future development guided by the Structure Plan will influence the traffic volumes they experience.
- c. The connection to SH1 via the extension of Koura Drive is indicated by the Structure Plan to demonstrate the intent for the East-West Road to eventually form part of the Northern River Crossing, identified in the 2024-54 Future Proof Strategy. The connection to Koura Drive is not required in the immediate term for the Structure Plan area to function in a way that supports the safe and efficient movement of people and goods.

### **Rail Siding**

- d. The Structure Plan indicates a future rail siding for the NIMTL. Rail sidings are a form of rail infrastructure that act as a holding location for locomotives to support the efficient distribution of goods and product. The location of the rail siding in Figure 2-22 is indicative, with the preferred location within the Structure Plan area being along the eastern edge of the NIMTL.

### **Arterial**

- e. The Arterial transport corridor networks are designed to cater for high-volume traffic and provide the key connections with the wider City and regional network:

1. Te Rapa Road passes through the Te Rapa North Industrial Structure Plan area. It is anticipated to be upgraded in the long term to include a rapid transit route from the CBD to Te Awa Lakes development. Upgraded infrastructure on Te Rapa Road to support the Te Rapa North Industrial zone includes:

- i. Access 2: A new four-way signalised intersection south of Hutchinson Road, providing access to the West Block and North Block.
- ii. Four-laning of Te Rapa Road between the Hutchinson Road roundabout and Access 2 intersection
- iii. New Bus Stops on Te Rapa Road south of the Access 2 intersection

- iv. A shared walking and cycling path on the eastern side of Te Rapa Road between Hutchinson Road and the Access 2 intersection.

Note - The Te Rapa and McKee Street intersection will be upgraded to a signalised intersection as part of the Te Awa Lakes development in accordance with 3.8 Te Awa Lakes.

A potential new intersection (by Hamilton City Council) is anticipated to connect Te Rapa Road with the Koura Drive Extension section of the proposed Northern River Crossing arterial, near the existing Pukete Road intersection.

2. The East-West Road in the Te Rapa North Industrial Structure Plan area is designed to be upgraded in future by Hamilton City Council to a Major Arterial, if/when the Koura Drive Extension section of the Northern River Crossing is constructed. To service development associated with the Te Rapa North Industrial Structure Plan area, the initial East-West Road shall be constructed in accordance with the future-proofed cross-section depicted in Figure 3.9.2.5a. Rule 12.4.1 applies setbacks to this interim design to futureproof the corridor for an Arterial Road, like that depicted in Figure 3.9.2.5b.
3. It is anticipated that Hamilton City Council will use the notice of requirement process to designate the corridors once the precise alignment and design of the new and upgraded Arterial Roads have been determined, including Te Rapa Road and the Northern River Crossing.

### Collector

- f. A central spine Collector Road runs north-south through the West Block of the Te Rapa North Industrial Structure Plan area. It will be designed to accommodate stormwater swales, and watercourse crossings where required. An illustration of the possible cross-section for this road is provided in Figure 3.9.2.5c.
- g. Some flexibility is afforded in the alignment of the central spine Collector Road, as it will have a key role in accommodating public transport and active and micro-mobility transport routes. As such, the Structure Plan connectivity is an important design element to facilitate the safety of users and provide convenient mode choice options whilst ensuring long-term efficient access for freight to the strategic road network.

### Local Roads

- h. Local Roads will provide access to future land use activities within the Te Rapa North Industrial Structure Plan area. These roads will support the movement of freight vehicles at a low speed (40km/h) and will also accommodate stormwater swales, and watercourse crossings where required. An illustration of a typical cross-section for the Structure Plan area's local roads is shown in Figure 3.9.2.5d. Local Roads depicted on the Structure Plan are indicative only.

### Vehicle Access Restriction

- i. An access restriction, applying to heavy motorized vehicles is to apply to Meadow View Lane until the Deferred Industrial Overlay is lifted from the properties along this road. This is to prevent noise and traffic impacts along this residential lane.
- j. The restriction will require heavy vehicles associated with industrial activities to access Te

Rapa Road via the Te Rapa Dairy Manufacturing Site.

### Public Transport

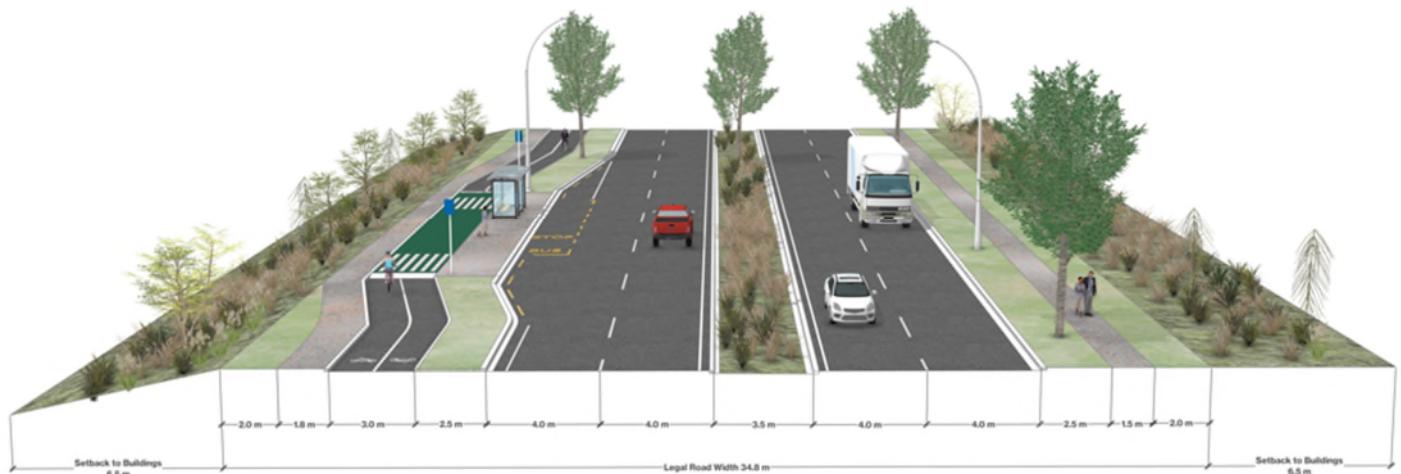
- k. The Structure Plan area is to facilitate the provision of public transport services so employees, visitors and those travelling through the area have a variety of transport options.
- l. The road network set out in Figure 2-22 either holds space for the upgrade of existing transport corridors (Te Rapa Road) or will deliver roads that are supportive of public transport services (East-West Road and its upgrade as the Northern River Crossing and central spine Collector Road).
- m. Bus stop facilities will be provided along Te Rapa Road, near the centre of the Structure Plan area.

### Walking and Cycling

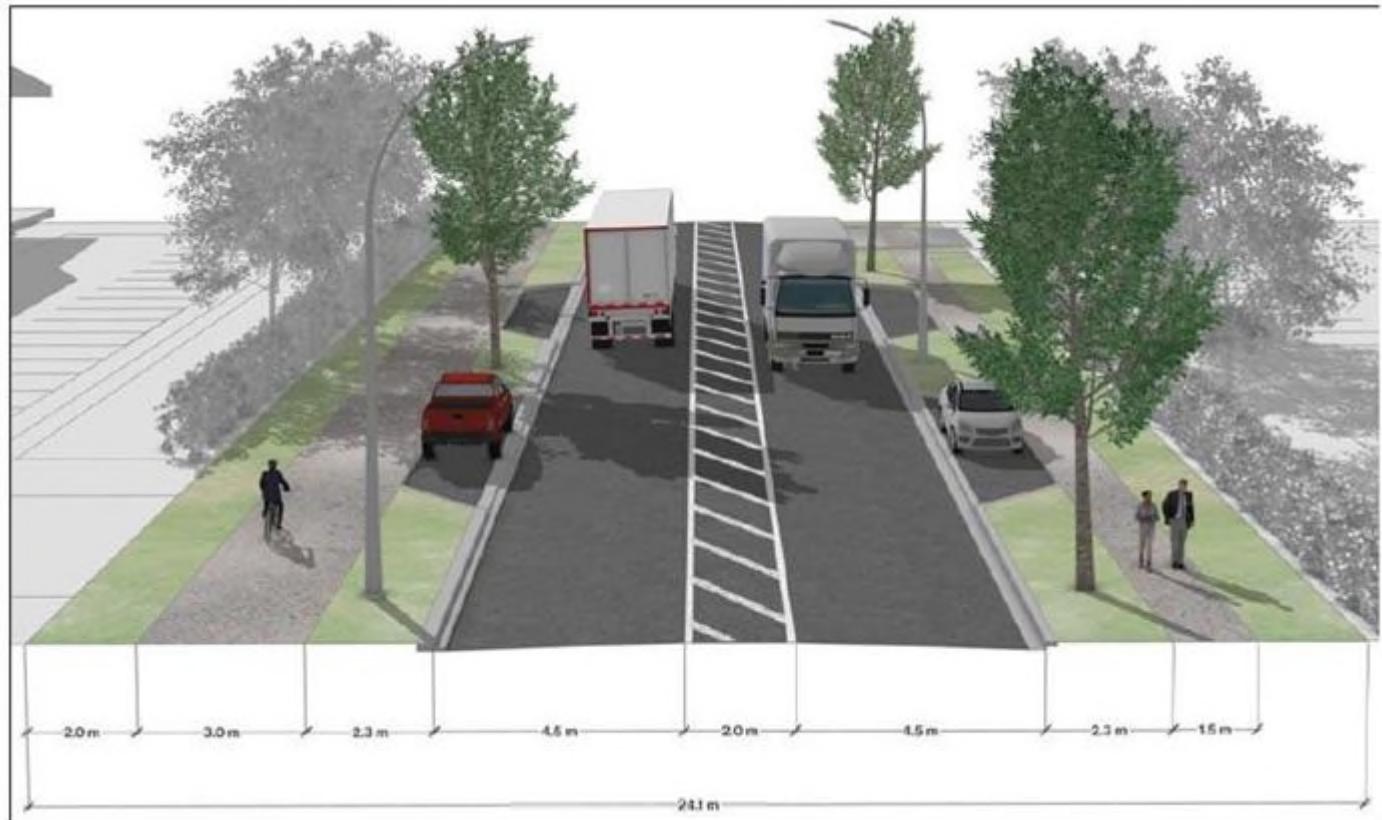
- n. Walking and cycling infrastructure will be provided along new roads to meet the needs of future employees as well as those visiting or passing through the area, with the intention of reducing reliance on motor vehicles through improved access to active travel modes and public transport.
- o. The central spine Collector Road, East-West Road and the Northern River Crossing include separated footpaths and cycle paths, as depicted in Figures 3.9.2.5 a-c. Local Roads are to have dedicated footpaths but will have a speed and traffic volumes that enable cyclists to safely share the road carriageway.
- p. The setbacks required from Te Rapa Road will maintain space for the future upgrade of this corridor, to deliver walking and cycling facilities.



**Figure 3.9.2.5.a: Indicative Typical Cross-Section for the East-West Road (Local Road, to be upgraded to Arterial)**



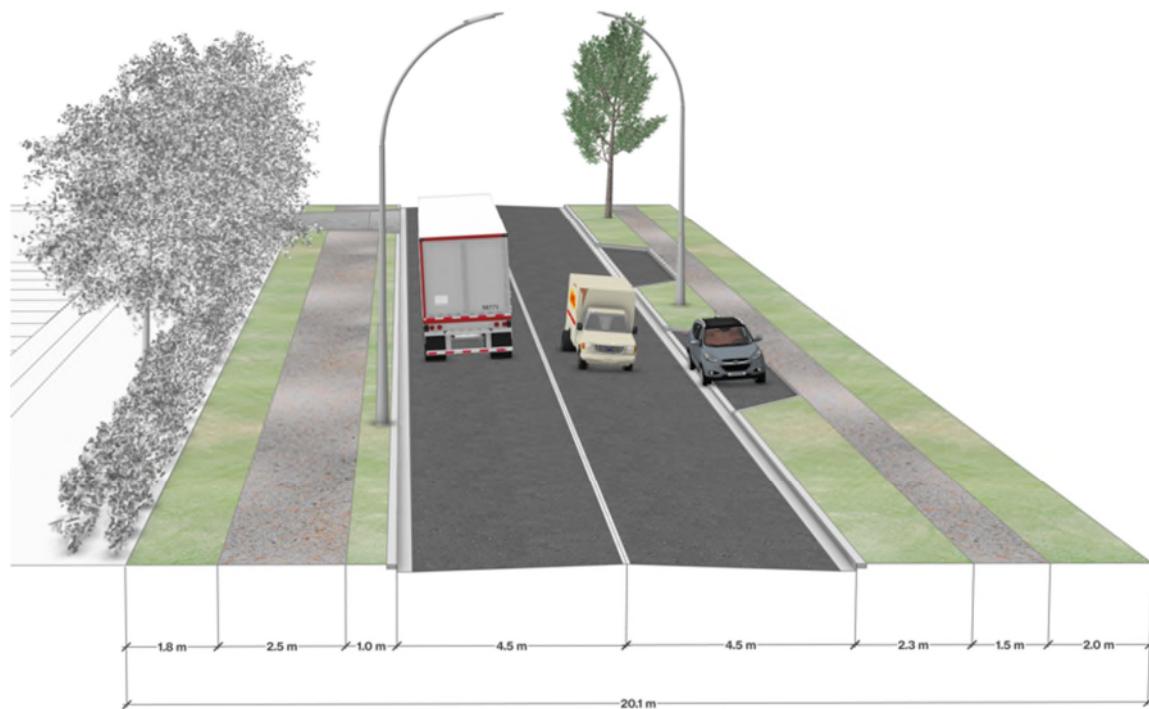
**Figure 3.9.2.5.b:** Indicative Typical Cross Section of the ultimate Northern River Crossing (Arterial), following upgrade of East-West Road



**Figure 3.9.2.5.c:** Indicative Typical Cross-Section of the Te Rapa Structure Plan Spine Road (Collector)



**Figure 3.9.2.5.d: Indicative Typical Cross-Section for Local Roads**



**Figure 3.9.2.5.e: Indicative Old Ruffell Road upgrade cross section**

### 3.9.2.6 Wastewater and Water Networks

- Development of the Te Rapa North Industrial Structure Plan area will be progressively enabled based on the capacity of the public network.
- The first land use or subdivision consent application for the Structure Plan area will be accompanied by an Infrastructure Plan that details the methods of water supply and conveyance as well as wastewater treatment and management, including any upgrades or new infrastructure that may be required to the public network.
- All subsequent development will refer to this plan and contribute to the completion of its proposed network, in a manner that is coordinated and does not compromise the capacity of existing service users.
- Early interaction with Council by developers is encouraged to coordinate the construction of these assets with the sequencing of urban development and to enable any assets that are private initially, to be vested in future.

### 3.9.2.7 Blue-Green Corridor (Ecology and Stormwater Management)

- Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) sets the vision for the Waikato Region, in relation to the Waikato River, seeking a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.
- The Waikato Regional Policy Statement, through its endorsement of the Future Proof Strategy, along with Te Ture Whaimana seeks the creation of a regional Blue-Green network, with the Waikato River at its heart.

c. A blue-green network is a system of waterways (blue) and open spaces or reserves (green) that gives stormwater space to flow while contributing to the ecology, amenity and sometimes, recreation values of an area. Section B5 of the 2024 Future Proof Strategy directs:

*The blue-green network includes regional and local scale landscape features, open space, rivers, gullies and their margins and areas of ecological and conservation value...The networks extend beyond the [Waikato] river itself to include all water bodies within the catchment.*

d. The Te Rapa North Industrial Structure Plan blue-green network comprises:

- The Waikato River, its tributaries, all vegetation within the Waikato River riparian setback as well as the Open Space zone and the Significant Natural Areas along this corridor.
- Te Rapa Stream, its tributaries and associated riparian margins; and
- Riparian and Stormwater Reserve areas along the Te Rapa Stream corridor.

These features are identified in the Structure Plan (Appendix 2, Figure 2-22)

e. The blue-green network's ecological and amenity values will be maintained and/or enhanced through setback and landscaping provisions. All landscaping required within the identified riparian setbacks are to be indigenous species.

f. No development is to occur within the setbacks from identified watercourses, other than within the setback from Te Rapa Stream for activities supporting informal recreation activities, as set out under Rule 12.4.6. Informal recreation areas for local employees to rest are desirable along the riparian setback from the Te Rapa Stream. The Open Space Zone and Significant Natural Area overlays that apply along the Waikato River corridor include consenting pathways for informal recreation facilities in recognition of the benefits these facilities will provide in these locations.

g. The Focal Area is intentionally located adjacent to the riparian and stormwater reserve identified in the Structure Plan (Figure 2-22), to increase the amenity provided by this location.

h. The protection and enhancement of the ecological values of the Waikato River Corridor recognizes its value as habitat for a range of indigenous flora and fauna, notably the critically endangered pekapeka (New Zealand long-tailed bat). This corridor is known as a roosting, foraging and commuting habitat for pekapeka in other parts of Hamilton. This potential is sought to be protected and enhanced in this part of the Structure Plan area, opposed to areas of industrial development.

i. Water sensitive design has been applied across the Structure Plan area to manage stormwater, that further expand upon the ecological and hydrological values to increase biodiversity and protect water quality.

## 3.9.2.8

## Cultural

a. The Te Rapa North area is significant to mana whenua, with a history of occupation by a number of iwi as well as confiscation by the Crown in the years preceding and following the Land Wars, resulting in loss of access to significant sites, traditional food sources and the ability to practice rangatiratanga (chieftainship) and kaitiakitanga (guardianship) over the whenua.

b. The Waikato River defines the eastern edge of the Structure Plan Area which is considered by Waikato-Tainui "as a tuupuna (ancestor) which has mana (spiritual authority and power) and in turn represents the mana and mauri (life force) of Waikato-Tainui".

c. Development sought within the Structure Plan area shall be informed by engagement with tangata whenua, and where appropriate and supported by rangatira, should incorporate cultural narratives and

symbolism.

- d. The ecological and freshwater values associated with the Waikato River as well as the Te Rapa Stream and its tributaries should be protected through the planting riparian areas with indigenous vegetation to enhance biodiversity and filter water. The mauri, mana and quality of these waterways should be enhanced to give effect to Te Ture Whaimana o te Awa o Waikato.
- e. The Paa site identified as A32 (S14/17) which is associated with nearby Mangaharakeke Pa site A33 (S14/18), are to be undisturbed by any development occurring within the Structure Plan area and their values protected.
- f. The interface between the TRNIZ area and the Waikato River will be screened and softened through the planting of indigenous vegetation.

### 3.9.2.9

#### Landscape Values – Interface with Deferred Industrial Zone overlay

- a. Landscaping required along the interface between the Structure Plan area and the parts of the TRNIZ that remain subject to the Deferred Industrial Zone overlay is to be dense, 5m in width and at least 10m in height within 5 years of planting. The landscaping can be treated as temporary (until such time as the adjacent properties are also rezoned industrial) and use any mixture of non-pest species.

### 3.9.3

#### Rules

##### 3.9.3.1

##### Te Rapa North Industrial Structure Plan Area

- a. All land use and development within the Te Rapa North Industrial Structure Plan area shall be in accordance with:
  - i. The Te Rapa North Industrial Structure Plan as set out by this chapter (including transport upgrades, strategic three waters infrastructure and information requirements);
  - ii. Te Rapa North Industrial Structure Plan in Volume 2, Appendix 2, Figure 2-22, and
  - iii. Chapter 12 - Te Rapa North Industrial Zone and any other zone or district plan provisions that apply.

## 3.9.3.2

## Transport Infrastructure Improvements Upgrade Framework

All land use and subdivision consent applications for development in the TRNIZ shall include provision for, and staging of, the relevant transportation infrastructure improvements as follows. Note: there are two options for Stage 1 that have different infrastructure requirements based on their location and size.

Upgrade	Implementation Requirement
1. Signalised T-intersection on Te Rapa Road for access to the Te Rapa North Industrial Structure Plan Area (Access 1), including provision for bus stops north of the intersection.	To be completed prior to: i. Any section 224c certificate for subdivision under the Resource Management Act 1991 ('RMA') being issued for the completion of any subdivision within the Structure Plan area; or
2. The East-West Road is constructed between Te Rapa Road and central spine Collector Road with provision for separated cycle paths and can be upgraded by HCC to deliver the Northern River Crossing if, and when, that project occurs.	ii. The establishment of any industrial activity being able to generate traffic that gains access off Te Rapa Road.
4. Capacity increase at Te Rapa Road / Ruffell Road signalised intersection to add a northbound through movement lane on Te Rapa Road.	
5. Upgrading Te Rapa Road / Kapuni Street intersection to a signalised T-intersection.	
6. Modifying the lane configuration on Te Kowhai Road at Te Rapa Road / Te Kowhai Road / Church Road roundabout from shared through and left turning lane to left turn only lane.	
7. Construction of new walking and cycling shared paths on both sides of Te Rapa Road connecting the Northern River Crossing to new bus stops.	
8. Construction of signalised Crossroads intersection on Te Rapa Road for access to the Te Rapa North Industrial Structure Plan Area (Access 2), including relocation of the vehicle crossings to 1426 Te Rapa Road to the eastern arm of the signalised intersection, and four laning of Te Rapa Road between the Hutchinson Road roundabout and the signalised intersection.	To be completed prior to: i. Any 224c being issued for any subdivision in PC17 that takes the cumulative developed area with sole access to Te Rapa Road / Northern River Crossing intersection over 33 ha (net developable); or
9. Realignment of Old Ruffell Road to connect to the new central spine Collector Road (Access 3).	ii. When the cumulative total consented land area in PC17 with sole access to Te Rapa Rd / Northern River Crossing intersection, exceeds 33 ha (net developable)

Minimum Infrastructure Requirement	Implementation Trigger
i. A Collector Road (Structure Plan Spine Road) is designed and constructed in general accordance with the Structure Plan and typical cross-section	To be completed prior to: i. Any section 224c certificate for subdivision under the Resource Management Act 1991

<p>shown in Figure 3.9.2.5.c, as a continuous connection to Old Ruffell Road including a Tee-intersection with the Spine Road for the remaining Old Ruffell Road stub, and future proofing for a four-leg intersection between the Spine Road and the planned Northern River Crossing arterial.</p>	<p>('RMA') being issued that takes the cumulative net developable area in the West Block of the Structure Plan area to no more than 20 ha; or,</p>
<p>ii. Upgrade of Old Ruffell Road to Old Ruffell Road Collector cross-section standard between the Structure Plan Spine Road and Ruffell Road, including provision for a walking and cycling connection between Te Rapa Road and Old Ruffell Road stub opposite the Te Rapa Road / McKee Street intersection.</p>	<p>ii. Any industrial / commercial activity within the West Block of the Structure Plan area generating a cumulative average weekday pm peak traffic volume up to 325 vehicles per hour (two-way), accessing via Old Ruffell Road;</p>
<p>iii. Completion of items i – ii, above.</p>	<p>To be completed prior to:</p>
<p>iv. Design and construction of a new four-leg signalised intersection on Te Rapa Road in general accordance with Access 2 on the Structure Plan.</p>	<p>i. Any section 224c certificate for subdivision under the Resource Management Act 1991 ('RMA') being issued that takes the cumulative net developable area in the West and North Blocks of the Structure Plan area to between 20.1 ha and 35 ha; or,</p>
<p>v. A Collector Road (Structure Plan Spine Road) is designed and constructed in general accordance with the Structure Plan and typical cross-section shown in Figure 3.9.2.5.c, connecting the additional development triggering this upgrade to the Access 2 intersection.</p>	<p>ii. Any industrial / commercial activity in the West and/or North Blocks of the Structure Plan area that generates a cumulative average weekday pm peak traffic volume exceeding 325 vehicles per hour (two-way), accessing via Old Ruffell Road.</p>
<p>vi. New northbound and southbound bus stops located on the Te Rapa Road south leg of the Access 2 intersection</p>	
<p>vii. Shared walking and cycling paths on both sides of Te Rapa Road connecting Access 2 intersection to the new bus stops</p>	
<p>viii. Provision of four continuous traffic lanes on Te Rapa Road between the Hutchinson Road roundabout and the new Access 2 intersection</p>	
<p>ix. Provision of a shared walking and cycling path on the eastern side of Te Rapa Road connecting to the existing shared path from Hutchinson Rd</p>	
<p>x. Permanent closure of two existing vehicle crossings to #1426 Te Rapa Road and provision of one new commercial vehicle crossing to the same property from the new eastern leg of the Access 2 intersection</p>	
<p>xi. Completion of items i – x, above.</p>	<p>To be completed prior to:</p>
<p>xii. The Collector (Spine) Road is connected through the Structure Plan West Block between the</p>	<p>i. Any section 224c certificate for subdivision under the Resource Management Act 1991 ('RMA') being issued that takes the</p>

<u>Access 2 Intersection and Old Ruffell Road.</u>	<p>cumulative net developable area in the West and North Blocks of the Structure Plan area over 35 ha; or,</p> <p>ii. Any industrial / commercial activity in the West and North Blocks of the Structure Plan area that generates a cumulative average weekday pm peak traffic volume exceeding 570 vehicles per hour (two-way)</p>
xiii. <u>Completion of items i – xii, above.</u>  xiv. <u>Design and construction of a capacity upgrade to Te Rapa Road / Ruffell Road intersection (additional northbound and southbound through movement lanes).</u>	<p>To be completed prior to:</p> <p>i. Any section 224c certificate for subdivision under the Resource Management Act 1991 ('RMA') being issued that takes the cumulative net developable area in Te Rapa North Structure Plan area up to 42 ha; or,</p> <p>ii. Any industrial / commercial activity in the Te Rapa North Structure Plan area that generates a cumulative average weekday pm peak traffic volume up to 685 vehicles per hour (two-way)</p>
xv. <u>Completion of items i – xiv, above.</u>	<p>To be completed prior to:</p>
xvi. <u>A Level Crossing Safety Impact Assessment (LCSIA) for the Ruffell Road level crossing that demonstrates the further upgrades (if any) required to safely reopen the temporary closure of the level crossing.</u>	<p>i. Any section 224c certificate for subdivision under the Resource Management Act 1991 ('RMA') being issued that takes the cumulative net developable area in Te Rapa North Structure Plan above 42 ha; or</p>
xvii. <u>Completion of the identified safety upgrades to the satisfaction of KiwiRail and Hamilton City Council, and the reopening of level crossing to traffic in both directions</u>	<p>ii. Any industrial / commercial activity in the Te Rapa North Structure Plan area that generates a cumulative average weekday pm peak traffic volume exceeding 685 vehicles per hour (two-way), and</p>
xviii. <u>A road connection being provided through the existing Dairy Manufacturing Site from the Fonterra Block and Meadow View Block to access through the interchange on Te Rapa Road.</u>	<p>iii. The average weekday am peak hour traffic volume on Te Kowhai Road eastbound approach entering the Te Rapa Road / Te Kowhai Road roundabout exceeds 790 vehicles per hour.</p>
xix. <u>No vehicle access is provided from any Industrial activity in the South Block to Meadow View Lane south of RP 58.</u>	<p>To be completed prior to:</p> <p>i. Any section 224c certificate for subdivision under the Resource Management Act 1991 ('RMA') being issued for development within the South Block.</p>

a. All applications that fail to meet Rule 3.9.3.2(i)-(xiv) shall be supported by a Simple ITA that meets the

requirements of section 15-2 of the District Plan.

- b. All applications in the Te Rapa North Industrial Structure Plan subject to Rule 3.9.3.2(xvi)-(xvii) shall be supported by a Broad ITA that meets the requirements of section 15-2 of the District Plan, that:
  - i. identifies and evaluates the effects of all cumulative development in the Structure Plan area on the infrastructure identified for improvements in the Table included in Section 3.9.<sup>32</sup>.2 (above).
  - ii. assesses the capacity and safety of the adjoining road network being undertaken, including the SH1C Horotiu Interchange roundabouts; Te Rapa Road / McKee Street signalised intersection; Te Rapa Road / Ruffell Road signalised intersection; Te Rapa Road / Kapuni Street intersection; Te Rapa Road / Te Kowhai Road / Church Road intersection; and Old Ruffell Road / Ruffell Road intersection.
  - iii. evaluates the feasibility of completing any LCSIA identified safety upgrades.
  - iv. includes evidence of consultation with Waka Kotahi NZ Transport Agency, KiwiRail (where relevant), Fonterra Limited and the Waikato Regional Council and how any feedback from these organisations has been addressed.
  - v. Provides recommendations for any further infrastructure upgrades to be undertaken to adequately mitigate the assessed cumulative effects of the proposed development in the Structure Plan area.
- c. The recommended infrastructure upgrades in the Simple ITA and Broad ITA, or such alternatives accepted by Hamilton City Council, Kiwi Rail and NZTA (the latter two where approval is legally required), are completed prior to the section 224c certificate for subdivision under the Resource Management Act 1991('RMA') is issued.

#### 3.9.3.2.1 Stage 1

There are two options for Stage 1 that have different infrastructure requirements based on their location and size:

- d. Option A - Subdivision and development of up to 25ha of (net developable) land within the Te Rapa North Industrial zone with sole access onto Old Ruffell Road is a Permitted Activity provided that:
  - i. The Collector Road (Structure Plan Spine Road) is designed and constructed in general accordance with the Structure Plan and typical cross-section shown in Figure 3.9.2.5.c that connects to Old Ruffell Road; and
  - ii. The East-West Read is designed and constructed in general accordance with the Structure Plan and typical cross-section shown in Figure 3.9.2.5.a, including the intersection (if required) with the Structure Plan Spine Road; or
  - iii. The Extension of Structure Plan Spine Road to the north including future proofing for the intersection with East-West Read; and
  - iv. The average weekday peak hour traffic volume on Structure Plan Spine Road with sole access to Old Ruffell Road is not to exceed 410 vehicles per hour, two-way, during the evening peak period.

or

- e. Option B - Subdivision and development of up to 33ha of (net developable) land within the Te Rapa North Industrial zone is a Permitted Activity provided that:
  - i. A Collector Read (Structure Plan Spine Road) is designed and constructed in general accordance with the Structure Plan and typical cross-section shown in Figure 3.9.2.5.c that connects to Old Ruffell Road and future proofs the intersection with the East-West Read; and

- ii. Construction of a new intersection on Te Rapa Road in general accordance with Access 2 on the Structure Plan; and
- iii. A Collector Read (Structure Plan Spine Road) is designed and constructed in general accordance with the Structure Plan and typical cross-section shown in Figure 3.9.2.5.c that connects to the Access 2 intersection; and
- iv. New northbound and southbound bus stops located on the Te Rapa Road south leg of the Access 2 intersection;
- v. Shared walking and cycling paths on both sides of Te Rapa Road connecting Access 2 intersection to the new bus stops;
- vi. Provision of four continuous traffic lanes on Te Rapa Road between the Hutchinson Road roundabout and the new Access 2 intersection;
- vii. Provision of a shared walking and cycling path on the eastern side of Te Rapa Road connecting to the existing shared path from Hutchinson Rd;
- viii. Closure of two existing vehicle crossings to #1426 Te Rapa Road and provision of one new commercial vehicle crossing to the same property from the new eastern leg of the Access 2 intersection; and
- ix. The average weekday peak hour traffic volume resulting from activities within the Te Rapa North Industrial zone on the Structure Plan Spine Road with sole access to Old Ruffell Road is not to exceed 230 vehicles per hour, two-way, during the evening peak period; and
- x. The average weekday peak hour traffic volume resulting from activities within the Te Rapa North Industrial zone on the Structure Plan Spine Road with sole connection to Access 2 intersection is not to exceed 260 vehicles per hour, two-way, during the evening peak period.

f. Any Stage 1 development that does not meet the above requirements is a Restricted Discretionary Activity.

#### 3.9.3.2.2 Stage 2

- g. Subdivision and development of up to 51ha of (net developable) land within the Te Rapa North Industrial zone is a Controlled Activity provided that:
  - i. A Collector Read (Structure Plan Spine Road) is designed and constructed in general accordance with the Structure Plan and typical cross-section shown in Figure 3.9.2.5.c that connects to Old Ruffell Road and future proofs the intersection with the East-West Read;
  - ii. Construction of a new intersection on Te Rapa Road in general accordance with Access 2 on the Structure Plan; and
  - iii. A Collector Read (Structure Plan Spine Road) is designed and constructed in general accordance with the Structure Plan and typical cross-section shown in Figure 3.9.2.5.c that connects to the Access 2 intersection; and
  - iv. New northbound and southbound bus stops located on the Te Rapa Road south leg of the Access 2 intersection;
  - v. Shared walking and cycling paths on both sides of Te Rapa Road connecting Access 2 intersection to the new bus stops;

- vi. Provision of four continuous traffic lanes on Te Rapa Road between the Hutchinson Road roundabout and the new Access 2 intersection;
- vii. Provision of a shared walking and cycling path on the eastern side of Te Rapa Road connecting to the existing shared path from Hutchinson Rd.
- viii. Closure of two existing vehicle crossings to #1426 Te Rapa Road and provision of one new commercial vehicle crossing to the same property from the new eastern leg of the Access 2 intersection; and
- ix. A connection being provided through the existing Dairy Manufacturing Site to the existing access interchange on Te Rapa Road; and
- x. Meadow View Lane being closed to motorised traffic south of Fonterra South Block;
- xi. Is supported by a Level Crossing Safety Impact Assessment (LCSIA) for the Ruffle Road level crossing the demonstrates what further upgrades (if any) are required to reopen the temporary closure of the level crossing;
- xii. Is supported by a Simple Integrated Transport Assessment (ITA) that assesses the capacity and efficiency of the adjoining road network being undertaken, including the
- h. Te Rapa Road / McKee Street signalised intersection
- i. Te Rapa Road / Ruffell Road signalised intersection
- j. Te Rapa Road / Kapuni Street intersection
- k. Te Rapa Road / Te Kowhai East Road / Church Road roundabout
- l. Any Stage 2 development that does not meet the above requirements is a Restricted Discretionary Activity.

### 3.9.3.3 Strategic Three Waters Infrastructure

A staging programme has been developed for the Te Rapa North Industrial Zone to ensure that urbanisation does not occur ahead of the delivery of key strategic infrastructure. The programme provides a framework to sequence development with the availability of water, wastewater and stormwater networks.

Where proposals deviate from the sequencing set out in the table, they will need to demonstrate that appropriate infrastructure is provided for and that servicing of the land can occur without compromising the efficiency or effectiveness of existing and planned networks. This requirement ensures that development remains coordinated and that individual stages do not place undue pressure on citywide infrastructure systems.

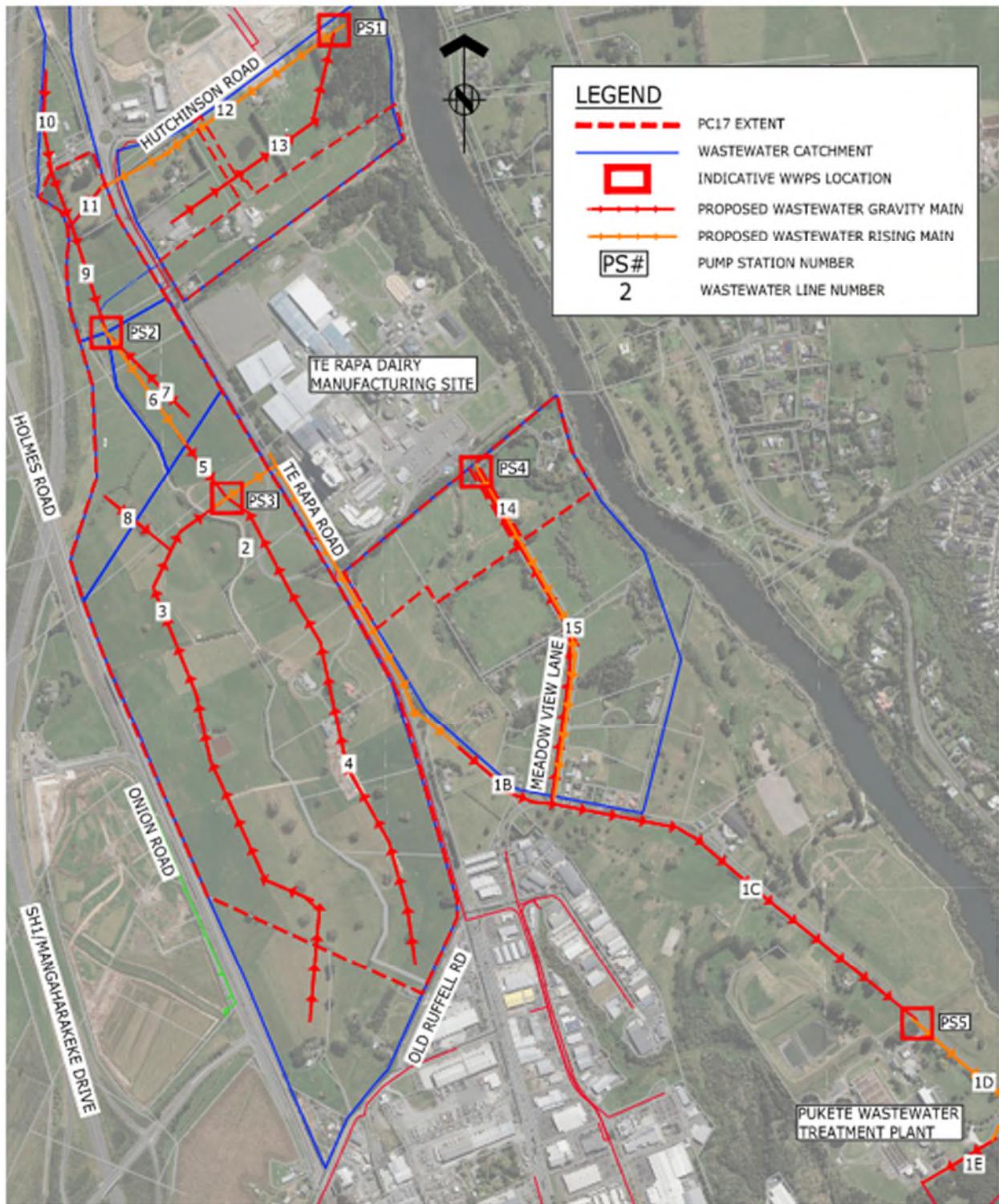
Please note that once the enabling work has been completed, the remaining stages can occur in any order provided the preceding stages have been completed.

Refer to Figures 3.9.3.3(a), 3.9.3.3(b) and 3.9.3.3(c) for the locations of strategic infrastructure.

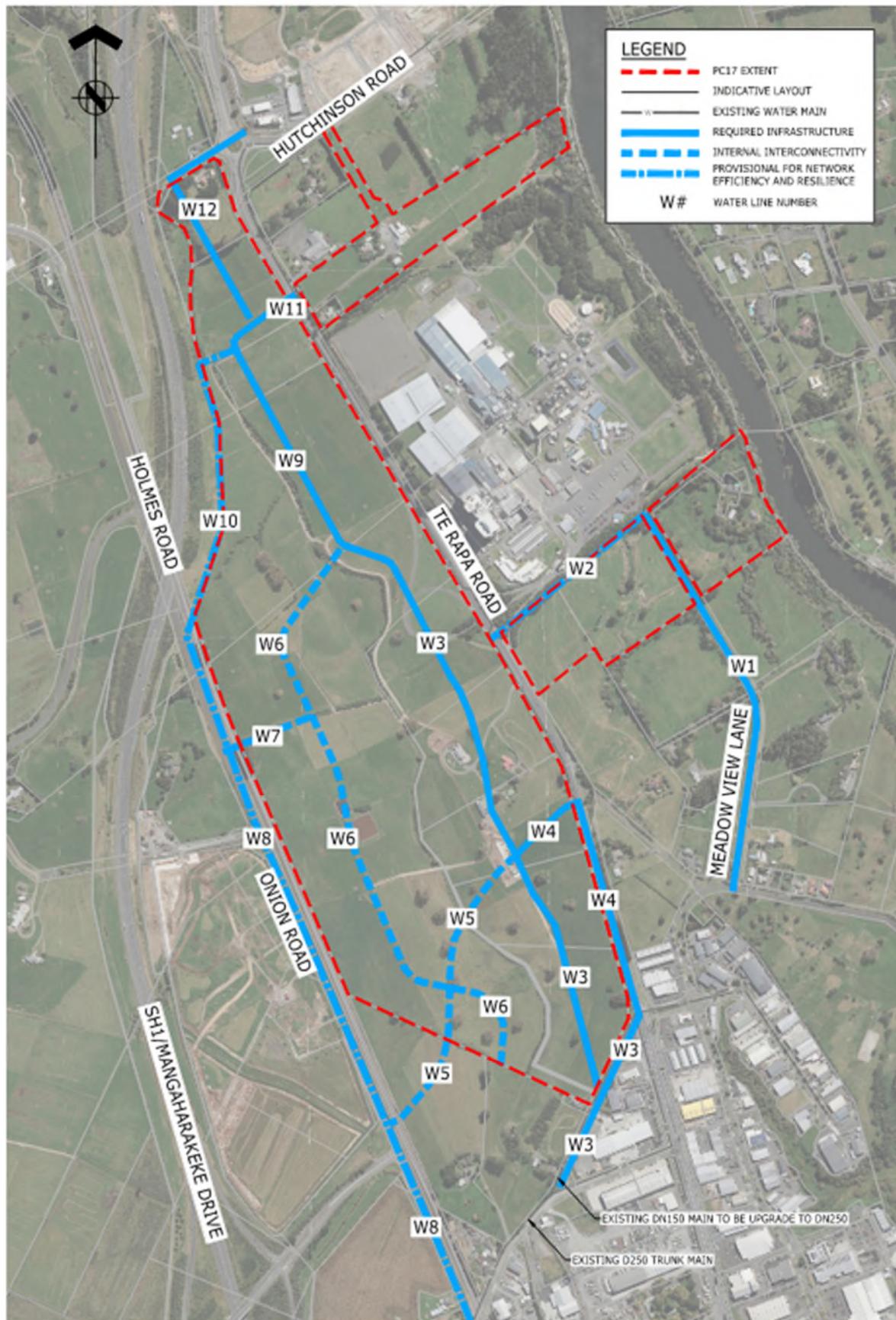
Stage	Preceding stage(s) required (*Wastewater, **Water)	Strategic Infrastructure Required		
		Wastewater	Water	Stormwater
Enabling Work (to precede stages below).	-	Pukete Road Gravity Network (1B, 1C) Pumping Station PS5 and Rising Main (1D, 1E)	-	-

<u>Ruffell Block</u>	<u>Pukete Block*</u> <u>Interchange Block*</u>	<u>Gravity Main 4</u>	<u>Pipe upgrade on Old Ruffell Rd (W3)</u>	<u>Wetland B</u>
<u>Onion South</u>	<u>Onion North*</u> <u>Interchange Block*</u> <u>Ruffell Block**</u>	<u>Gravity Main 3</u>	<u>Southern Te Rapa upgrade (W4)</u>	<u>Wetlands C &amp; D</u>
<u>Onion North</u>	<u>Interchange Block*</u> <u>Ruffell Block**</u> <u>Onion South**</u> <u>or</u> <u>Pukete Block**</u> <u>Interchange Block**</u>	<u>Gravity Main 3</u>	-	<u>Wetland E</u>
<u>Pukete Block</u>	<u>Interchange Block*</u>	<u>Gravity Main 2</u>	<u>Connection to Southern Te Rapa upgrade (W4)</u>	<u>Wetland B</u>
<u>Fonterra South</u>	<u>Meadowview East*</u>	-	<u>Upgrade of Meadowview Water network (W1)</u>	<u>New South River Outlet</u>
<u>Meadowview East</u>	-	<u>Pumping Station PS4</u> <u>Meadowview Rising Main (14, 15)</u>	<u>Upgrade of Meadowview Water network (W1)</u>	<u>New South River Outlet</u>
<u>Interchange Block</u>	<u>Pukete Block**</u> <u>Or</u> <u>Onion North Block**</u> <u>Onion South Block**</u> <u>Ruffell Block**</u>	<u>Pumping Station PS3</u> <u>Rising Main 1A</u>		<u>Wetland B</u>
<u>Te Rapa North</u>	<u>Interchange Block*</u> <u>Pukete Block**</u> <u>Interchange Block**</u> <u>Or</u> <u>Onion North Block**</u> <u>Onion South Block**</u> <u>Ruffell Block**</u>	<u>Pumping Station PS2</u> <u>Rising Main 6</u>	-	<u>Wetland A</u>
<u>Fonterra North</u>	<u>Te Rapa North*</u> <u>Interchange Block*</u>	<u>Pumping Station PS1</u> <u>Rising Main (12)</u>	-	<u>North River Outlet</u>

Note: Water upgrades for network efficiency and resilience (W8, W10, W2) will be determined based on overall development and current HCC network performance.



**Figure 3.9.3.3(a): Indicative Wastewater Network**



**Figure 3.9.3.3(b): Indicative Water Network**

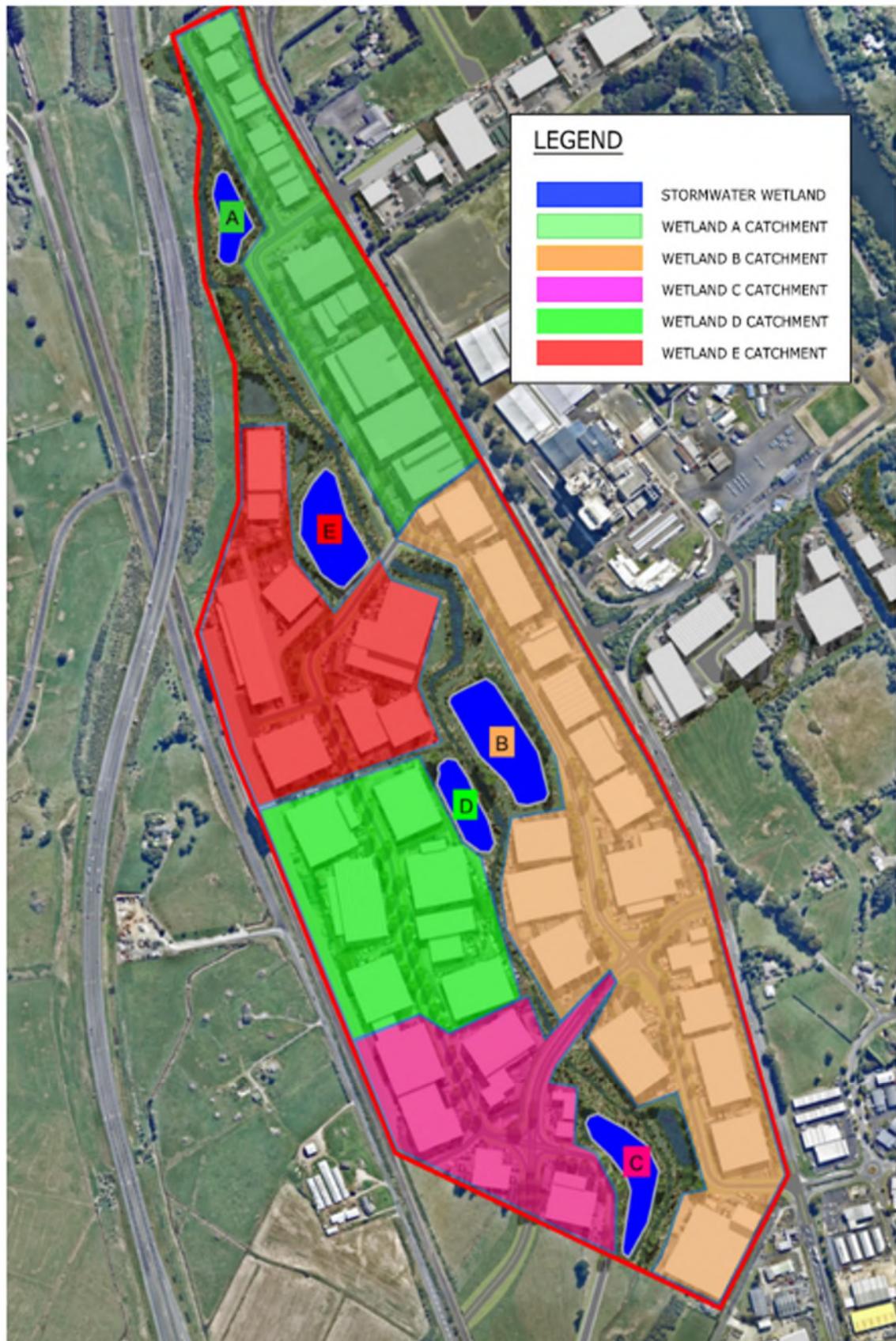


Figure 3.9.3.3(c): Indicative Stormwater Network

### 3.9.3.34

### Information Requirements

#### a. Ecological Management Plan

- i. The first land use or subdivision consent lodged within each stage of the Te Rapa North Industrial Structure Plan area must be accompanied by an Ecological Management Plan that provides the information set out in 1.2.2.29.
- ii. The Ecological Management Plan provided as part of the initial consent, shall be assessed in accordance with Appendix 1 District Plan Administration 1.3 Assessment Criteria Q.
- iii. All subsequent land use and/or subdivision consent applications within the stage zone shall demonstrate their consistency with the Ecological Management Plan that was approved as part of the first land use or subdivision resource consent, or any variation to it that has been formalised in an approved resource consent.

#### b. Infrastructure Plan

- i. The first subdivision or land use consent within each stage identified in Table 3.9.3.3 must include an Infrastructure Plan for three waters.
- ii. The Infrastructure Plan provided as part of the initial consent, shall be assessed in accordance with Appendix 1 District Plan Administration 1.3 Assessment Criteria Q.
- iii. All subsequent land use and/or subdivision consent applications within the zone shall demonstrate their consistency with the Infrastructure Plan that was approved as part of the first land use or subdivision resource consent within the relevant stage, or any variation thereof approved by way of a subsequent resource consent (including current applications).
- iv. The Infrastructure Plan must demonstrate that the subdivision or development can be serviced in accordance with the Strategic Three Waters Infrastructure table and the long-term public solution.
- v. The Infrastructure Plan must demonstrate how its consistent with the Te Rapa Integrated Catchment Management Plan, including how development within the Te Rapa North Industrial zone contributes to any identified stormwater management solutions for the relevant sub catchment.
- vi. Where an interim arrangement is proposed, the Infrastructure Plan shall demonstrate that the:
  - a. performance outcomes are at least as environmentally protective as those expected under the strategic solution
  - b. risks are identified and managed through monitoring and defined response actions.
  - c. arrangement can be connected to and replaced by the long-term public network without foreclosing the most efficient long-term solution.
- vii. The Infrastructure Plan includes evidence of consultation with Waikato Regional Council, Waikato District Council, IAWAI, Mana Whenua and FirstGas along with how any feedback from these organisations has been addressed.
- i. The first land use or subdivision consent within the Te Rapa North Industrial Structure Plan Area must be accompanied by an Infrastructure Plan that provides the information set out in 1.2.2.30.
- ii. The Infrastructure Plan provided as part of the initial consent, shall be assessed in accordance with Appendix 1 District Plan Administration 1.3 Assessment Criteria Q.

iii. All subsequent land use and/or subdivision consent applications within the zone shall demonstrate their consistency with the Infrastructure Plan that was approved as part of the first land use or subdivision resource consent, or any variation thereof approved by way of a subsequent resource consent.

### **c. Landscape Concept Plans**

i. The first application for land use or subdivision resource consent lodged for land within each of the 'North Block', the 'South-East Block' or the 'West Block' (as defined in [insert reference to plan showing the three Blocks]) of the Te Rapa North Industrial Area must be accompanied by a Landscape Concept Plan covering the spatial extent of the block within which the site is located.

~~The first application for land use or subdivision resource consent lodged for land within the Te Rapa North Industrial Area must be accompanied by a Landscape Concept Plan covering the spatial extent of the block within which the site is located (being either the 'North Block', the 'South-East Block' or the 'West Block') as defined in [xxxx].~~

ii. The objectives of any required Landscape Concept Plan are to:

- a. Protect or enhance the natural character and cultural, heritage and amenity values of Te Rapa North Industrial Area;
- b. Recognizes and provide for tangata whenua values and relationships with Te Rapa North Industrial Area, and their aspirations for the area; and
- c. Reflect the area's character and heritage.

iii. The required Landscape Concept Plan must include:

- a. A conceptual design for any areas of open space proposed within Te Rapa North Industrial Area, including details of landscape treatment for any neighbourhood reserves, esplanade reserves, special purpose reserves, streets, footpaths, cycleways, stormwater swales, wetlands, detention basins, streams, and riparian margins;
- b. A list of plant types, species and sizes at the time of planting, to be used for planting within Te Rapa North Industrial Area, including species that reflect the history of the area, and which can be sourced as naturally occurring within the Waikato Region;
- c. Use of indigenous species and landscape design that reflect mana whenua cultural perspectives, including species that are valued as customary food or for traditional uses, and those that support indigenous biodiversity and provide habitat for mahinga kai, native birds and lizards;
- d. Details of ongoing maintenance to ensure the planting achieves the best possible growth rates;
- e. Details of any proposed sites for water-related activities and proposed public access to them and to and alongside waterways and wetlands;
- f. Details of any sites of significance for mana whenua and how they will be protected, enhanced, or commemorated;
- g. Details of any interpretation materials communicating the history and significance of places and resources and any mana whenua inspired artwork or structures, including where they are to be installed or applied within Te Rapa North Industrial Area;
- h. A list of traditional names suggested by mana whenua for sites, developments, streets, neighbourhoods or sub-catchments in Te Rapa;

- i. Evidence of consistency with the Illustrative Te Rapa North Industrial Area Master Plan [reference, including provide for any updated version that might be prepared];
- j. Evidence of consistency with the Ecological Management Plan [will need to specify exactly what this document is and any potential updates]; and
- k. Evidence of engagement with mana whenua in preparation of the Landscape Concept Plan, including how the plan responds to the matters discussed in that engagement.

### 3.9.3.5 Activity Status

- i. Any land use or subdivision consent application in the Te Rapa North Industrial zone not in accordance with Rule 3.9.3.1(i), 3.9.3.2 or 3.9.3.3 is a Non Complying activity
- ii. Any land use or subdivision consent application that does not provide the information specified in Rules 3.9.3.34 or is sought without this information having been provided by a previous consent, is a Non Complying Prohibited activity.

### 3.9.3.6 Matters of Control

- a. Where resource consent is required under Rule 3.9.3.2.2(a), Council will reserve its control to the following matters:
  - i. Traffic generation and network capacity.
  - ii. Access arrangements
  - iii. Safety considerations
  - iv. Committed and programmed upgrades.
  - v. Effects on the surrounding network
  - vi. Integration with surrounding growth nodes
  - vii. Mode shift and demand management

### 3.9.3.6 Matters of Restricted Discretion

- a. Where resource consent is required under Rule 3.9.3.2.1(c) or Rule 3.9.3.2.2(b), Council will restrict its discretion to the following matters:
  - i. Traffic generation and network capacity
  - ii. Committed and programmed upgrades
  - iii. Effects on the surrounding transport network
  - iv. Integration with surrounding growth nodes
  - v. Mode shift and demand management
  - vi. Access arrangements
  - vii. Funding and delivery

viii. Safety considerations**3.9.3.6**Assessment Criteria

a. In respect to Rule 3.9.3.4(a) 4.b, the Council's discretion shall include, but not be limited to, the following assessment criteria:

- i. Mitigation works to ensure development does not result in long-term adverse effects on the efficiency, safety and functioning of the transport network or three waters infrastructure.
- ii. Mitigation works to ensure development does not result in long-term adverse effects on the ecological values of the site, particularly in relation to pekapeka (New Zealand Long-Tail Bat) habitat and freshwater values.
- iii. The timing of any other planned local infrastructure network upgrades that would contribute to offsetting the effects of the development.
- iv. The ITA matters of discretion set out in Appendix 1.3.3.G.
- v. The matters set out in Appendix 1.3.3, Q Te Rapa North Industrial Structure Plan.

b. When assessing a resource consent under Rule 3.9.3.2 the Council shall consider the following assessment criteria:

- i. Traffic Generation & Network Capacity
  - a. The predicted trip generation from the proposal compared to thresholds set out within the Te Rapa North Industrial Structure Plan.
  - b. The ability of the existing transport network to safely and efficiently accommodate the additional traffic.
- ii. Committed and Programmed Upgrades
  - a. The extent to which any necessary transport upgrades are committed, funded, and programmed for delivery within a timeframe that aligns with the development.
  - b. The relationship between required upgrades for the industrial area and upgrades committed for any adjoining urban growth node.
- iii. Effects on Surrounding Network
  - a. Potential effects on nearby intersections, corridors, and the wider roading network, including travel time reliability and safety.
  - b. Potential impacts on public transport, walking, and cycling networks.
- iv. Integration with Surrounding Growth Nodes
  - a. The progress of surrounding residential and industrial growth areas, and implications for network demand.
  - b. The staging and sequencing of development to ensure infrastructure delivery is coordinated.
- v. Mode Shift and Demand Management
  - a. Provision for safe and direct walking, cycling, and public transport connections.
  - b. Measures to encourage modal shift and reduce single-occupancy vehicle trips.
- vi. Access Arrangements

- a. Compliance with the requirement for Stage 1 access to be limited to Access 1 and Access 3 only.
- b. Any potential safety or efficiency issues associated with these access points.

vii. Funding and Delivery

- a. The applicant's commitment to contribute to, or fully fund, required transport infrastructure to mitigate the effects of development.
- b. Conditions or staging triggers to ensure infrastructure is operational before occupation.

viii. Safety Considerations

- a. Maintaining or improving the safety of the transport network for all users.

### 3.9.48

### Provisions in Other Chapters

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

- Chapter 2: Strategic Framework
- Chapter 12: Te Rapa North Industrial Zone
- Chapter 14: Future Urban Zone
- Chapter 15: Open Space Zones
- Chapter 19: Historic Heritage
- Chapter 21: Waikato River Corridor and Gully Systems
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide
- Chapter 26: Designations
- Volume 2, Appendix 1: District Plan Administration

## 12 Te Rapa North Industrial Zone

### 12.1 Purpose

a. Industrial development in Te Rapa North has the potential to support regionally important infrastructure and industries. The existing Te Rapa Dairy Manufacturing Site, and the proposed interchange at the junction of the Te Rapa and Ngaruawahia sections of access to regionally significant transport infrastructure including the Waikato Expressway and North Island Main Truck Line as well as its location at the interface of commercial industrial activities in the north of Hamilton and the rural surrounding area, provides opportunity for limited industrial activity to develop in an integrated, efficient and co-ordinated manner. An area identified as Stage 1A on A Structure Plan contained within Chapter 3.9 guides the Planning Maps has been identified for this purpose. Permitting unanticipated industrial development, either within or outside Stage 1A, other than on development of the Dairy Manufacturing Site, would mean first 91 hectares of the inefficient provision zone to support the delivery of a well-functioning urban environment coordinated with the delivery of efficient infrastructure.

#### Note

1. The area, with an exception for areas of the Dairy Manufacturing Site and zone where the 30ha within Stage 1A as provided for, is covered by Deferred Industrial Zone. Zone applies are subject to the provisions identified in Chapter 14 Future Urban Zone. This is because of the deferred industrial status of the land and a future urban zoning being applicable for deferred industrial.

### 12.2 Objectives and Policies: Te Rapa North Industrial Zone

Objective	Policies
<b>12.2.1</b> Industrial land uses are able to establish and operate within the zone in an efficient and effective manner.	<p><b>12.2.1a</b> Require the Te Rapa North Industrial land is Zone to be used for industrial uses.</p> <p><b>12.2.1b</b> Non-industrial uses establish and operate only where they are ancillary to industrial activities, supporting or supportive of industrial activities, or are consistent with industrial land uses.</p> <p><b>12.2.1c</b> Non-industrial uses do not adversely affect the industrial use of the Te Rapa North Industrial Zone, or nor impact adversely on the strategic role of the Central City as the primary office, retail, and entertainment centre, and the other commercial centres in the City.</p> <p><b>12.2.1d</b> Development is undertaken in general accordance with the Te Rapa North Industrial Structure Plan.</p> <p><b>12.2.1e</b> Prevent new direct access to or from Te Rapa Road.</p>
<b>Explanation</b>	

Activities that are non-industrial and that are provided for in other parts of the City should in general not be carried out within industrial locations. The District Plan sets as the key principle in this regard that industrial land should be preserved for industrial activities. Nevertheless, there is the need for the provision of a range of non-industrial uses, ancillary to and supporting industrial activities, or specific forms of commercial activity acceptable within industrial environments due to their characteristics.

This means those businesses that attract a great deal of traffic are directed towards the Central City and commercial centres, where they will be more accessible, and where significant public investment has been made in providing amenities and facilities capable of supporting such activities.

Objective	Policies
<p><b>12.2.2</b> A high-quality Industrial area is achieved within the Te Rapa North Industrial Zone.</p>	<p><b>12.2.2a</b> Amenity levels within the Te Rapa North Industrial Zone are improved through the use of <u>Require industrial development to incorporate landscaping, screening and setbacks within the interfaces between the zone, the Deferred Industrial Zone areas and the Waikato Expressway and Te Rapa Road.</u></p>
<p><b>12.2.3</b> The amenity levels of the existing Te Rapa Dairy Manufacturing Site are to be maintained.</p>	<p><b>12.2.3b</b> Amenity levels within the Dairy Manufacturing Site will continue to reflect the existing activity on site.</p>

### Explanation

Although lower standards of amenity are often characteristic of industrial locations, Plan provisions aim to enable a general improvement in the amenity of the City's industrial locations. The Te Rapa North Industrial Zone incorporates both greenfield, industrial activities and the existing Dairy Manufacturing Site, and managing the amenities amenity values of both are the parts of the zone that remain deferred is important to consider. The purpose of this is to create functional and attractive employment areas and to contribute to raising amenity levels within the City generally. Greater emphasis is also placed on industrial precinct that reflects positively on ensuring entrances into Hamilton are attractive and contribute to the overall amenity of Hamilton. This will ensure alignment with Hamilton City's Gateway Policy. This is to be achieved through resource consent being required for the development of a Concept Development Consent for the specific Stage 1A and 1B areas.

Objective	Policies
<p><b>12.2.3</b> Industrial development is consistent with the long-term land use pattern for the Te Rapa North Industrial Zone and occurs in an integrated, efficient and co-ordinated manner.</p>	<p><b>12.2.3a</b> The development of land in the Te Rapa North Industrial Zone is undertaken to ensure it aligns with the Regional Policy Statement.</p> <p><b>12.2.3b</b> Industrial development in the Te Rapa North Industrial Zone occurs in an integrated and coordinated manner that aligns with capacity improvements to the existing reticulated infrastructure (water and wastewater) and roading, or which is in accordance with exemptions from the requirement to connect new development to that infrastructure.</p>

	<p><b>12.2.3c</b> Industrial development in the Te Rapa North Industrial Zone, beyond the first 7 ha for Stage 1A, is timed to coincide with the availability of all necessary reticulated infrastructure unless an express exception is provided for in this Plan.</p>
	<p><b>12.2.3d</b> Traffic and transportation effects are managed through land use planning, peak traffic generation controls and integrated, multi-modal transport approaches, to ensure industrial development in the Te Rapa North Industrial Zone does not adversely affect the safety and efficiency of the wider road network.</p>
	<p><b>12.2.3e</b> Concept Development Consents shall be used to manage the nature, scale and intensity of proposed industrial developments, to ensure the efficient provision and use of reticulated infrastructure and associated funding mechanisms aligns with Council's LTP and planned growth strategies, subject to exceptions provided for in this Plan.</p>
	<p><b>12.2.3f</b> The development of land within Stage 1A is undertaken in a manner which ensures the integrated and efficient development of the Te Rapa North Industrial Zone.</p>
	<p><b>12.2.3g</b> The development of land beyond the areas identified for development in this District Plan shall be avoided until specific district plan provision is made for that development.</p>
<p><i>The Te Rapa North Industrial Zone has a number of strategic strengths that support its development for industrial purposes. These include its proximity to the Te Rapa and Ngaruawahia sections of the Waikato Expressway, Te Rapa Road (the existing State Highway 1), the North Island Main Trunk Railway (NIMTR), and its relative separation from sensitive residential activities. The Te Rapa section of the Waikato Expressway provides an appropriate boundary to the north of the area. The area is well suited to a mix of industrial activities, provided environmental mitigation measures are included to protect the amenity of the Waikato River. It is appropriate to provide for further dairy industry development in the vicinity of the Te Rapa Dairy Manufacturing Site and motorist support near the future Te Rapa and Ngaruawahia sections of the Waikato Expressway interchange. The staging acknowledges the importance of facilitating the growth of the dairy industry in a sustainable manner and the benefits of a service centre at a strategic location in the Waikato Expressway network.</i></p> <p><i>To sustainably manage growth in a strategic manner, a total of 30 hectares (7ha prior to 1 January 2021 and another 23 hectares after 1 January 2021) shall be released for industrial development over the next 30 year period. The development of the remaining land area will be provided for in future planning instruments. Knowledge of the future growth rates, land demand and any changes in land use and development will guide future planning. The release of the identified 30 hectares for development will be dependent on the establishment of the strategic transport network and the</i></p>	

ability to service and provide the necessary infrastructure.	
<b>Objective</b>	<b>Policies</b>
<b>12.2.4</b> Strategically important infrastructure and investment are supported and not compromised by inappropriate land use activities.	<b>12.2.4a</b> A limited area of land in Stage 1A should be developed as a dairy business cluster in conjunction with and complementary to the existing Te Rapa Dairy Manufacturing Site.  <b>12.2.4b</b> Activities allowed within the Te Rapa North Industrial Zone should not give rise to reverse sensitivity effects in relation to existing or future industrial activities.

<b>Explanation</b>
<p><i>The implementation of a land release regime (refer Planning Maps for Stage 1A) for the industrial development in the Te Rapa North Industrial Zone is based upon development being undertaken in conjunction with the provisions of appropriate infrastructure occurring in the specific locations identified. This is a response to the main anchoring element – Stage 1A, the Te Rapa Dairy Manufacturing Site. Notwithstanding the managed release of industrial land it is considered appropriate, in the immediate planning period (up to 2021), to also limit the type of industrial activities to reflect the locational specific nature of the identified area.</i></p> <p><i>In addition to the objectives and policies, the planning provisions requiring Concept Development Consents for each stage, along with controls over the nature of activities and staging in advance of any subdivision or development, allows for growth sequencing, the effects of development and the provision of efficient reticulated infrastructure to be strategically managed.</i></p> <p><i>The Te Rapa North Zone forms part of a long term industrial land supply for Hamilton's western area. It is important that the supply is used in a sustainable and efficient manner. Accordingly, the staging of development will be subject to the availability of infrastructure to enable the development of activities which are linked with existing industries or infrastructure to develop in a sustainably managed way, to avoid unnecessary financial burden being placed on the community as a whole.</i></p>
<b>Objective</b>
<b>12.2.5.4</b> Investment in the Te Rapa Dairy Manufacturing Site as a national and regionally important strategic facility is supported.

<b>Objective</b>	<b>Policies</b>
<b>12.2.5.4</b> Investment in the Te Rapa Dairy Manufacturing Site as a national and regionally important strategic facility is supported.	<b>12.2.5a.4a</b> The Dairy Manufacturing Site should be recognised for the important benefits it contributes to the community and dairy industrial base for the Waikato.  <b>12.2.5b.4b</b> Subdivision, use and development shall not compromise the ongoing and efficient operation of the Dairy Manufacturing Site.  <b>12.2.5c.4c</b> The Dairy Manufacturing Site, as an integral facility to the agricultural sector of Waikato, shall retain its opportunities for continued use, intensification and expansion.  <b>12.2.5d.4d</b> The ongoing development and use of the Dairy Manufacturing Site shall be supported through the application of specific provisions to enable buildings and structures, noise emissions and

	heavy vehicle movements occur in a manner to ensure the efficient operation of the Dairy Manufacturing Site.
<b>Explanation</b>	
<p><i>The Dairy Manufacturing Site confers large benefits in terms of economic and community wellbeing at both the local, regional and national level. Therefore, due to its size and importance to the national economy the Dairy Manufacturing Site warrants special consideration in the District Plan through sustainable management practices while enabling opportunities for its continued use, intensification and expansion.</i></p> <p><i>The establishment of incompatible uses nearby is a significant risk to its ongoing viability. Accordingly, it is important to consider the zoning around the Dairy Manufacturing Site. It is considered an industrial zone with specific noise and air quality controls to assist with maintaining the viability of the Dairy Manufacturing Site.</i></p> <p><i>The relevant activity statuses in 12.3.3.1 and general standards in 12.4 apply to the Dairy Manufacturing Site.</i></p> <p><i>Nevertheless, it is important to note that whilst the ongoing operation and development of the Dairy Manufacturing Site is key, these will not occur as of right and in such cases resource consent will be required.</i></p>	
Objective.	Policies
<b>12.2.5</b> <u>Ecological values are maintained, and where possible, enhanced, as part of industrial use and development.</u>	<p><b>4.2.1a</b> <u>Contribute to ecosystem connectivity by requiring setbacks and landscape requirements along the boundaries with:</u></p> <ul style="list-style-type: none"> <li>i. <u>The Te Rapa Stream</u></li> <li>ii. <u>The Waikato River; and</u></li> <li>iii. <u>Significant Natural Areas.</u></li> </ul> <p><b>12.2.5b</b> <u>Prevent development, other than that which provides for walking and cycling access, within setbacks from watercourses to avoid and mitigate adverse effects on freshwater values.</u></p> <p><b>12.2.5c</b> <u>Require buildings to be setback from Significant Natural Areas and the Waikato River.</u></p> <p><b>12.2.5d</b> <u>Minimise the risk of harm to long-tailed bats during any removal of confirmed or potential bat roost trees.</u></p> <p><b>12.2.5e</b> <u>Require any removal of confirmed or potential bat roost trees to be undertaken in accordance with an approved Ecological Management Plan.</u></p> <p><b>12.2.5f</b> <u>Avoid, remedy, or mitigate adverse effects on indigenous fauna and habitats, including those of long-tailed bats. Where residual effects remain,</u></p>

	<p>offset or compensate in line with best-practice ecological principles and the effects management hierarchy.</p> <p><b>12.2.5g</b> Subdivision, use, and development shall require an assessment of potential effects on long-tailed bats and their habitats, applying the mitigation hierarchy in general accordance with Appendix 3 and Appendix 4 of the National Policy Statement for Indigenous Biodiversity (NPSIB), which outline principles for biodiversity offsetting and compensation.</p>
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### Explanation

*The development of the Te Rapa North Industrial Zone has the potential to impact freshwater and terrestrial ecological values, particularly those associated with Te Rapa Stream and the Waikato River.*

*The chapter provisions and Te Rapa North Structure Plan seek to create ecological corridors along the Te Rapa Stream and Waikato River corridors to enhance water quality and biodiversity values, including through the protection of potential pekapeka (New Zealand long-tailed bat) habitat. These corridors have the additional benefits of stormwater management and amenity value.*

*The first land use and subdivision consent application will provide a bespoke detailed Ecological Management for the Te North Industrial Structure Plan area.*

Objective	Policies
<p><b>12.2.6</b> Industrial development is integrated with the efficient provision of infrastructure.</p>	<p><b>12.2.6a</b> Require development to be co-ordinated with the provision of suitable transport and three waters infrastructure.</p>
	<p><b>12.2.6b</b> Ensure that development does not compromise the ability for Hamilton City Council to construct the Northern River Crossing</p>
	<p><b>12.2.6c</b> Enable a Rail Siding to be established alongside the North Island Main Trunk Line.</p>

### Explanation

*The Te Rapa North Zone forms part of the medium to long term industrial land supply for Hamilton and the Future Proof area. It is important that the supply is used in a sustainable and efficient manner. Accordingly, the enablement of development will be subject to the availability of infrastructure. This is to ensure the efficient development of the zone, functionality of existing infrastructure services and the avoidance of unnecessary financial burdens being placed on the community as a whole.*

## 12.3

### 12.3.1

### Rules

#### Concept Development Consent — Process within Te Rapa North Industrial Zone — Stage 1A

- a. The Te Rapa North Industrial Zone includes a Concept Development Consent (CDC) area; Stage 1A (see Volume 2, Appendix 17, Features Maps 1B and 6B). The establishment of

the CDC area is to ensure limited industrial activity can occur in an integrated, efficient and co-ordinated manner.

- b. Unless otherwise stated, a CDC for the entire CDC area as identified on Planning Maps 1B and 6B requires an application for resource consent as a Controlled Activity. The development within the CDC area may proceed in stages. (Refer to Volume 2, Appendix 1.2.2.8 for what is required in a CDC).
- c. The activity status of a CDC will be either a Discretionary Activity or Non-Complying Activity if not complying with the relevant Rules in 12.3.2.
- d. All development and activities are subject to consented CDC requirements.
- e. The general standards set out in 12.4 for the Te Rapa North Industrial Zone will be used as a guide to assess any Concept Development Consent.

## 12.3.2.1 Activity Status Table — Te Rapa North Industrial Zone Concept Development Consents

Concept Development Consents Activity	Stage 1A Status
<b>Deferred Industrial Zone</b>	
a. Concept Development Consent for Stage 1A compliant with Chapter 25.13 City wide Three Waters and 25.8: City wide Noise and Vibration and matters of control in Volume 2 Appendix 1.3.2.D.a) Any activity proposed within the Deferred Industrial Zone	Subject to the activity status within Chapter 14 - Future Urban Zone
<b>Development activities</b>	
b. Concept Development Consent for Stage 1A any activity in the Te Rapa North Industrial zone not complying in accordance with matters of control in Rule 3.9.3.2.D.a.i or x.	NC
c. Any activity in the Te Rapa North Industrial zone not in accordance with Rule 3.9.3.3	Prohibited NC
d. Any land use or subdivision in the Te Rapa North Industrial Zone not in accordance with Rule 3.9.3.4.	NC
e. Direct vehicle access Vehicle Crossings to Te Rapa Road that is not via either a public or private road.	NC
f. Development within the Te Rapa Dairy Manufacturing Site	In accordance with the activity status provided below.
<b>Buildings</b>	

f. Any activity lawfully existing prior to 13 November 2012	P
g. New buildings and alterations and additions to existing buildings	P
h. Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
i. Maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
j. Minor works	P
<b>Activities</b>	
k. Collection, storage and processing of raw milk; Manufacture of dairy products from the processed raw milk; and associated dairy activities contained within the extent of the Te Rapa Dairy Manufacturing Site	P
l. Industrial activity	P
m. Logistics and freight-handling activities including rail infrastructure and sidings	P
n. Light industrial activity that generates <250 vehicle movements per day	P
o. Service industrial activity that generates <250 vehicle movements per day	P
p. Ancillary Offices	P
q. Ancillary Offices that do not comply with Rule 12.5.2	D
r. Ancillary Retail	P
s. Ancillary Retail that do not comply with Rule 12.5.3	NC
t. Trade and industry training facilities	P
u. Food and beverage outlets no greater than 250m <sup>2</sup> gross floor area per site within the Te Rapa North Industrial Focal Area	P
v. Food and beverage outlets no greater than 250m <sup>2</sup> gross floor area per site outside the Te Rapa North Industrial Focal Area	RD
w. Food and beverage outlets greater than 250m <sup>2</sup> gross floor area per site outside the Te Rapa North Industrial Focal Area	NC
x. Food and beverage outlets greater than 250m <sup>2</sup> gross floor area per site	NC
y. Wholesale retail and trade supplies	P
z. Yard-based retail (excluding car and boat sales)	P
aa. Yard-based retail on sites (excluding car and boat sales) fronting Te Rapa Road	RD
bb. Yard-based retail for car or boat sales	NC
cc. Passenger transport facilities	P
dd. Transport depot	P
ee. Accessory buildings	P
ff. Gymnasiums within the Te Rapa North Industrial Focal Area	P

gg. <u>Emergency service facilities</u>	RD
hh. <u>Drive-through services within the Te Rapa North Industrial Focal Area</u>	RD
ii. <u>Supermarkets</u>	NC
jj. <u>Ancillary residential unit</u>	NC
kk. <u>Places of worship</u>	NC
ll. <u>Managed care facilities; retirement villages and rest homes</u>	NC
mm. <u>Visitor accommodation</u>	NC
nn. <u>Noxious or offensive activities</u>	NC
oo. <u>Activities not provided for in this table</u>	NC
pp. <u>Activities that fail to meet one or more of the General Standards in Rule 12.4</u>	D

### 12.3.3 Activity Status Table — Te Rapa North Industrial Zone

Activity		Pre 2021	Post 1 January 2021	Staging Release 12.6.1		Stage 1A land release not complying with CDC	Deferred Te Rapa North Industrial Zone Area outside Stage 1A	Te Rapa Dairy Manufacturing Site
		Stage 1A	Stage 1A					
	In the absence of a CDC	CDC has been granted	CDC has been granted	Any activity failing to comply with 12.6.1.b.i. or 12.6.1.c.i.	Any activity failing to comply with 12.6.1.b.ii.			
<b>Land Release</b>								
a. Te Rapa North Deferred Industrial Area, except for Stage 1A							NC	
b. Stage 1A not exceeding 7ha in either stage pre 2021	NC	P		D	NC	D		
c. Stage 1A not exceeding 23ha in either stage post 2021	NC		P	D	NC	D		
<b>Activities in Te Rapa North Deferred Industrial Area</b>								
d. Any activity lawfully existing prior to 13 November 2012 and all other activities provided in Future Urban Zone							P	
e. Any activity that does not							NC	

comply with 12.3.3.d.									
f. Any activity in Stage 1A that is listed as a permitted activity in 9.3 and within the 7ha identified on a CDC are restricted to:	NC	P	P	D	NC				
i. Manufacturing and processing of dairy products and by-products									
ii. Storage, transfer and distribution facilities primarily but not exclusively for dairy products and by-products									
iii. Transport depots primarily but not exclusively for the transport of dairy products and by-products									
iv. Network utilities for the purposes of servicing the Stage or adjacent Te Rapa Dairy Manufacturing Site									
g. Any activity within Stage 1A not complying with General Standards 12.4	NC	D	D					NC	
h. Ancillary office	NC	P	P						

i. Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	NC	P	P								
j. Maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	NC	P	P								
<b>Te Rapa Dairy Manufacturing Site</b>											
k. Collection, storage and processing of raw milk; Manufacture of dairy products from the processed raw milk; and associated dairy activities											P
l. Any activity that is listed as a permitted activity in 9.3											P
m. Any activity not complying with 12.3.3.i											NC

**Note**

1. *For activity status of subdivision activities, see Chapter 23 Subdivision*
2. *For any activity not identified above, see Section 1.1.8.1.*

## 12.4

## Rules – General Standards

All activities listed as a permitted, controlled or restricted discretionary activities in Table 12.3.1 must comply with the following standards.

### 12.4.1

### Building Setbacks

- a. Any building is set back at least 30m from the bank of the Waikato River.
- b. Any building is set back at least 6m from the banks of Te Rapa Stream.
- c. Despite the above, a public amenity of up to 25m<sup>2</sup> on an esplanade reserve, a public walkway, a water take or discharge structure, or a pump shed are not subject to this rule.

Building setback (minimum distance)	
i. Any building is set back from all site boundaries other than transport corridor boundaries	10m
ii. Any building is set back at from the western side of Te Rapa Road south of the Hutchinson Road intersection	30m
i. Transport corridor boundary — local and collector transport corridors	5m <sup>3m</sup>
ii. Transport corridor boundary — arterial transport corridors	15m <sup>5m</sup> Exception being where: 30m from the western side of Te Rapa Road south of the Hutchinson Road intersection. 30m from the eastern side of Te Rapa Road within the Te Rapa Dairy Manufacturing Site
iii. Te Rapa Road	10m from the western side of Te Rapa Road 5m from the eastern side of Te Rapa Road
vii. Waikato Expressway (Designation E99 and E99a)	i. 40m from the edge of the expressway carriageway for protected premises and facilities ii. 15m <sup>5m</sup> from designation boundary for other buildings except that this setback may be reduced to 10m with the written approval of the relevant road authority which shall have regard to: 1. The purpose of the setback 2. The location of the designation boundary in relation to the road carriage 3. The impact of the setback on the use and

	<p>enjoyment of the adjoining land</p> <p>4. The extent of existing or proposed landscaping within the designation</p> <p>5. Effects on the Waikato Expressway</p> <p>6. The record of consultation with Waka Kotahi New Zealand Transport Agency outlining any agreed outcomes</p>
v. <u>East — West Road (as shown on the Te Rapa North Industrial Structure Plan)</u>	<p>i. <u>6.5m; and</u></p> <p>ii. <u>A 18.5m setback from the legal road corridor from the southern side of the East-West Road, which shall apply in addition to the above until such time as the Northern River Crossing is constructed.</u></p>
vi. Any boundary adjoining any Residential, Special Character or Open Space Zones	8m
vii. From the bank of the Waikato River	<p>30m</p> <p>Despite the above, a public amenity of up to 25m<sup>2</sup> on an esplanade reserve, a public walkway, a water take or discharge structure, or a pump shed are not subject to this rule</p>
viii. From the banks of the Te Rapa Stream ( <u>Riparian Setback</u> )	<u>6m</u> <u>10m</u>
ix. <u>From the banks of any other watercourses (Riparian Setback)</u>	<u>5m</u>
x. <u>Adjoining any Significant Natural Area</u>	<u>5m</u>
xi. Other boundaries	0m
xii. Waikato Riverbank and Gully Hazard Area	6m (applies to buildings and swimming pools)

#### Note

1. Refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.

#### 12.4.2

#### Building Height

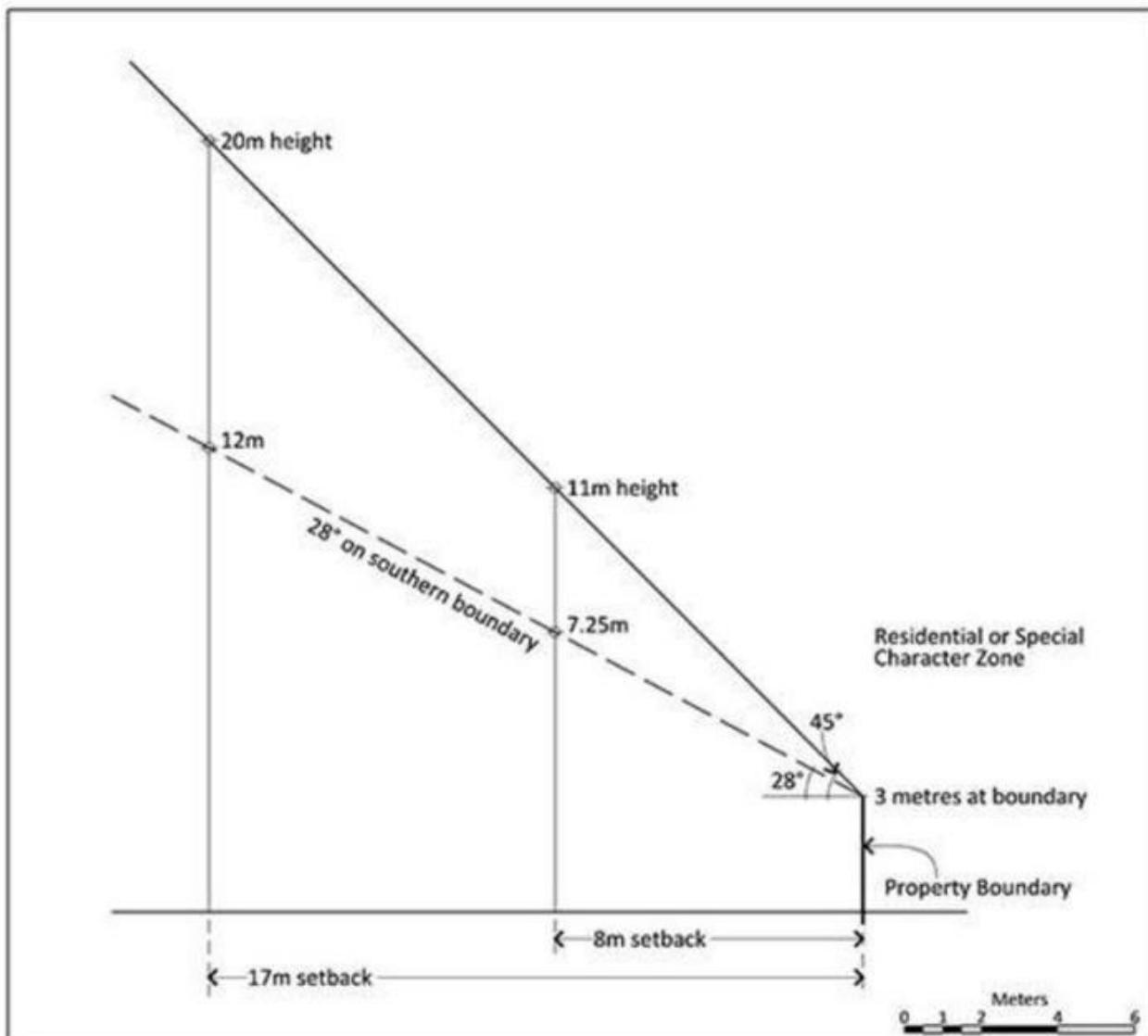
a. Maximum building height	20m
b. <u>Maximum container stacking height</u>	<u>25m</u>
c. <u>Height of lighting towers, poles, aerials, loading ramps, link spans, flagpoles, machinery rooms and cranes and other lifting or stacking</u>	<u>35m</u>

<u>equipment</u>	
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### 12.4.3 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:
  - i. an elevation of 3m above the boundary of any adjoining Residential, Special Character or Open Space Zones (refer to Figure 12.4.3a); and/or
  - ii. an elevation of 5m above the boundary adjoining any arterial transport corridor (refer to Figure 12.4.3b).

**Figure 12.4.3b.3a:** Height Control Plane for Boundaries adjoining Open Space Zones



**Figure 12.4.3b:** Building envelope for buildings located on an Arterial Transport Corridor

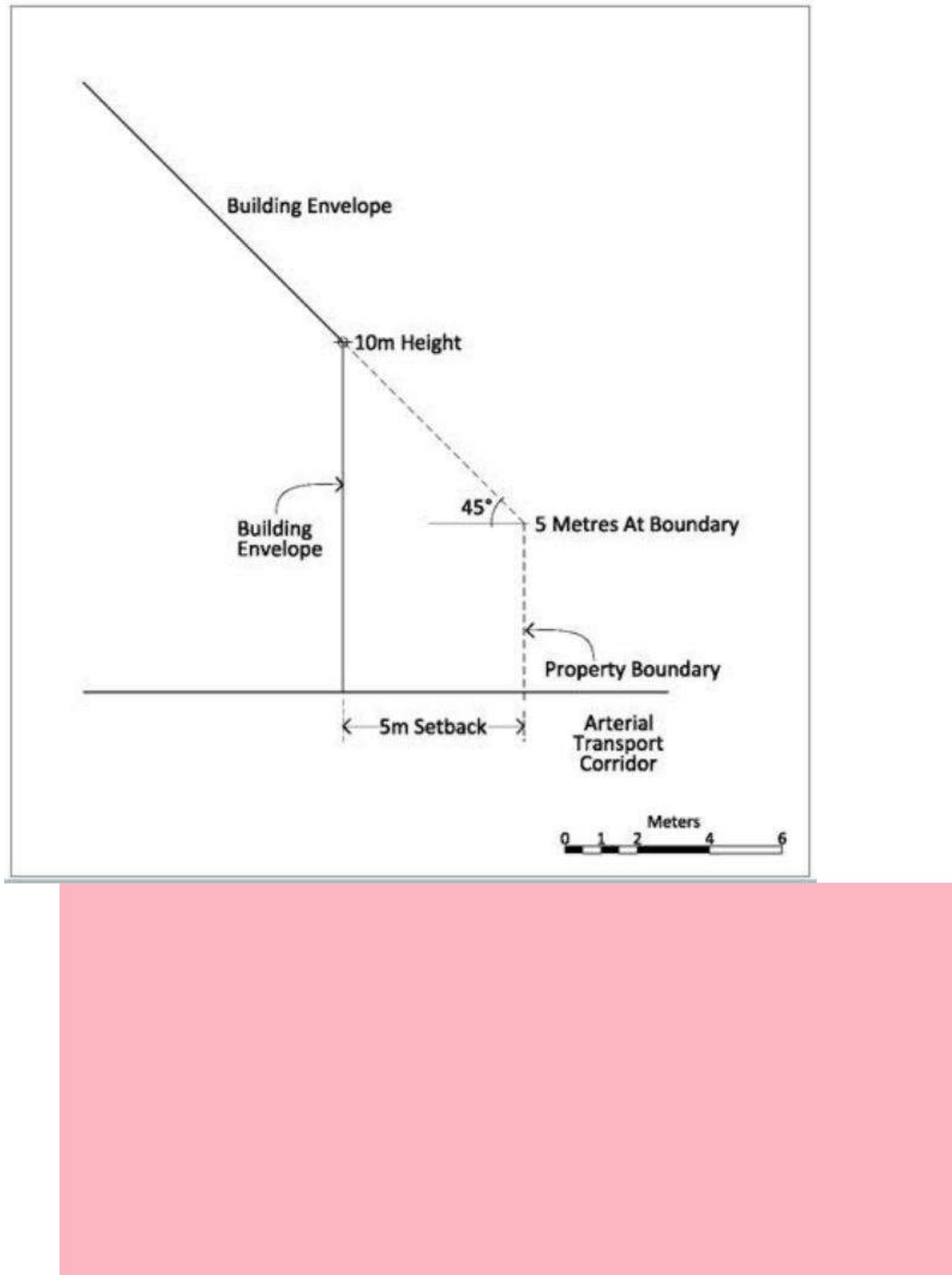
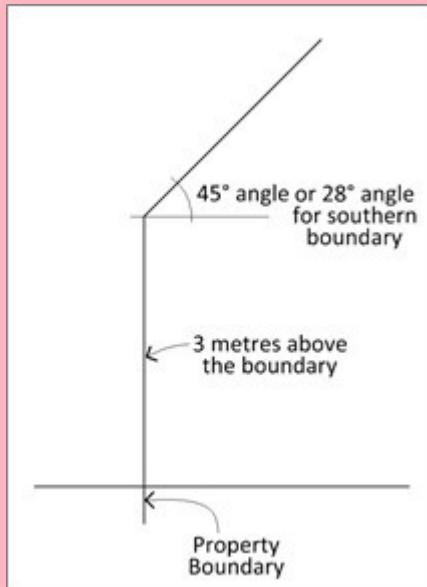


Figure 12.4.3c: Building envelope for buildings xxx



## 12.4.4 Site Coverage

- a. No maximum.

**Note**

1. ~~100% building coverage will not be possible given the requirements for permeable area, vehicle manoeuvring, and landscaping.~~

## 12.4.5 Permeable Surfaces

Permeability across the entire site	Minimum <del>2010%</del>
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## 12.4.6 Landscaping

Notwithstanding the provisions in Chapter 25.5: City-wide — Landscaping and Screening, within the Te Rapa North Industrial Zone.

- a. ~~Parking areas and storage areas adjacent to roads are separated from the roads by a 2m planted strip of land.~~
- b. ~~Land, not subject to an esplanade reserve, within 15m of the bank of the Waikato River is planted with indigenous species of sufficient density to visually screen the activity from the river, except for areas used for water take and discharge structures and associated infrastructure, and access to these.~~
- c. ~~Land within 2m of Te Rapa Road and 5m of the Te Rapa section of the Waikato Expressway is planted with a combination of lawn, indigenous groundcover, shrubs and trees.~~

d. The landscaping requirement set out in c. above shall be planted with a combination of lawn, indigenous groundcover, shrubs and trees.

a. Planting and/or buffer strips are required in the locations set out below:

<u>Area to be planted</u>	<u>Extent</u>	<u>Height at maturity (minimum)</u>	<u>Density</u>
i. <u>Between Parking areas and storage areas and road frontage</u>	<u>2m depth along whole road frontage</u>	=	<u>Buffer Strip</u>
ii. <u>Within 15m of the bank of the Waikato River where the land is not subject to an esplanade reserve</u>	<u>Full extent</u>	=	<u>Sufficient to visually screen the activity from the river (except for areas used for water take and discharge structures and associated infrastructure, and access to these.)</u>
iii. <u>Adjacent to Te Rapa Road</u>	<u>2m</u>	<u>At least 2 metres</u>	<ol style="list-style-type: none"> <li><u>Boundaries where no vehicle access is obtained: Buffer Strip</u></li> <li><u>Within 5m of a vehicle access: Planting Strip</u></li> </ol>
iv. <u>Land adjacent to the Te Rapa section of the Waikato Expressway</u>	<u>5m depth along whole road frontage</u>	=	=
v. <u>Boundary of Te Rapa North Industrial Zone and any land subject to the Deferred Industrial Zone</u>	<u>5m depth along whole boundary</u>	<u>10m (within 5 years of planting)</u>	<u>Buffer Strip</u>
vi. <u>Within a riparian setback</u>	<u>Entire extent</u>	=	=

b. The landscaping requirements set out in above are to be planted in any combination of lawn and indigenous groundcover, shrubs and trees, so long as they achieve the dimensions and density requirements.

i. Landscape buffers required under a. v. can be a mixture of exotic and indigenous species but must be evergreen and exclude pest species.

ii. Landscape required under a. vi. take precedent over any other landscape standards that may apply and are to be planted in only indigenous vegetation

c. The landscaping requirement for riparian setbacks do not apply to areas used for pedestrian accessways and amenities associated with public access.

## 12.4.7

### Site Layout

a. No plant or machinery shall be placed in the front of the building or within any building setback (with the exception of machinery displayed for sale, hire, or plant associated with on-site security).

## 12.4.7

### Transportation

Notwithstanding the provisions in Chapter 25.14: City-wide — Transportation, all vehicle access, parking and manoeuvring within the Te Rapa North Industrial Zone shall also comply with:

a. Access, vehicle entrance, parking, loading and manoeuvring space.

i. Stage 1A:

- All vehicular access is provided via the existing grade separated interchange to Te Rapa Road, and
- Access, vehicle entrance crossing, parking, loading, queuing, and manoeuvring space are provided in accordance with Rule 25.14.4.

**Note**

1. Access, vehicle entrance, parking, loading and manoeuvring space within Stage 1A that does not comply with a condition for a permitted activity in Rule 12.4.7.a. is to be assessed as a restricted discretionary activity.

b. Vehicle movements within Stage 1A:

- i. Trip generation shall not exceed 15.4 trips/ha gross land area/peak hour, and
- ii. Access(es) from internal roads, entrances, parking, loading and manoeuvring are in accordance with Rule 25.14.4, and
- iii. Access to the arterial and State Highway networks are generally in accordance with the indicative roading pattern shown in the approved Concept Development Consent for the stage.

c. Vehicle movements in the Deferred Industrial area, excluding Stage 1A refer to Chapter 25.14: City-wide — Transportation.

d. Vehicle movements onto the Te Rapa Dairy Manufacturing Site Interchange if the peak hour traffic flows do not exceed the following limits:

i. AM Peak (7.30 — 9.30 am)

- All Ramps — 300 vehicles per hour (vph)

ii. PM Peak (4.00 — 6.00pm)

- North Bound On-Ramp — 150 vph

- South Bound Off-Ramp, South Bound On-Ramp, North Bound Off-Ramp — 300 vph

**Note**

1. ~~Vehicle movements within Stage 1A or onto the Te Rapa Dairy Manufacturing Site Interchange that do not comply with Rule 12.4.7 are to be assessed as a discretionary activity.~~

## 12.4.8 Provisions in Other Chapters

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

- ~~(Chapter 9: Industrial Zone 9.3 Activity Status Table only)~~
- Chapter 14: Future Urban Zone
- 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

## 12.6.5 Rules Specific Standards

### 12.6.5.1 Te Rapa North Land Release Staging

#### Vehicle Access Restriction

A staged release of land for industrial development

- a. Lot 1 DPS 85687 and Lot 5 DPS 18043 shall occur in accordance with achieve vehicle access via the provision of appropriate infrastructure (including roading) Te Rapa Dairy Manufacturing Site onto Te Rapa Road and developed in accordance with an approved Concept Development Consent according to shall be restricted from achieving vehicle access onto Meadow View Lane. This rule shall not apply once the following land releases occurring: Deferred Industrial Zone overlay is removed from all properties along Meadow View Lane.
- a. The release of land for industrial purposes shall be restricted to that which is provided for in Stage 1A and the Te Rapa Dairy Manufacturing Site. The subdivision and development of land shall be restricted until further planning tools, such as structure planning, are implemented in the Deferred Industrial Area.
- b. Pre 2021 Land Release:
  - i. A maximum of 7ha of Stage 1A.
  - ii. A maximum total of 30ha inclusive of the 7ha provided for in 12.6.1.b.i above.
- c. Post 2021 Land Release:
  - i. A maximum of 23ha in Stage 1A in addition to the 7ha provided for in 12.6.1.b.i above.
- d. The Te Rapa Dairy Manufacturing Site land area, as identified on the Planning Map is not affected by the land release provisions set out above.

**12.6.5.2****Ancillary Offices**

- Ancillary The total ancillary office activity shall not occupy more than 1050% of the gross floor space of the principal industrial activity all buildings on the site.
- 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.

**12.5.3****Ancillary Retail**

- The total ancillary retail shall not occupy more than the equivalent of 10% of the gross floor area of all buildings on the site or 250m<sup>2</sup>, whichever is the lesser.

**12.5.4****Food and Beverage within the Focal Area**

- The total gross floor area for all food and beverage activities within the focal area of the Te Rapa North Industrial zone shall (cumulatively) not exceed 800m<sup>2</sup>.

**12.56****Controlled Activities: Matters of Control**

- In determining any application for resource consent for a controlled activity in addition to the relevant standards within Rules 12.4 and 12.56, the Council shall have control over the following matters referenced below:

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

- 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
a. Any activity that infringes Rules 12.4.1 Building Setbacks, 12.4.2 Height, 12.4.3 Height In Relation to Boundary, 12.4.4 Site Coverage, 12.4.5 Permeable Surfaces, 12.4.6 Landscaping, 12.4.7 Site Layout	<ul style="list-style-type: none"> <li>A - General Criteria</li> <li>B - Design and Layout</li> <li>C - Character and Amenity</li> </ul>
b. Any activity requiring an air discharge permit under the Waikato Regional Plan within 100m of any Residential Zone	<ul style="list-style-type: none"> <li>C - Character and Amenity</li> <li>F - Hazards and Safety</li> </ul>
c. Yard-based retail (excluding car and boat sales) fronting Te Rapa Road	<ul style="list-style-type: none"> <li>C - Character and Amenity</li> <li>F - Hazards and Safety</li> </ul>
d. Emergency service facilities	<ul style="list-style-type: none"> <li>C - Character and Amenity</li> <li>F - Hazards and Safety</li> </ul>

e. <u>Drive-through services within the Te Rapa North Industrial Focal Area</u>	<ul style="list-style-type: none"><li>• M — Drive-through services</li><li>• C — Character and Amenity</li><li>• F — Hazards and Safety</li><li>• Q — Te Rapa North Industrial</li></ul>
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## 12.78 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 / Non-notification Rules
- Rules Having Early or Delayed Effect

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

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities — Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation

**23****Subdivision****23.1****Purpose**

- a. Subdivision is essentially the process of dividing a parcel of land or a building into one or more further parcels, or changing an existing boundary location. Subdivision by itself is not a use of land, however it often sets the platform for future development and land use.
- b. The development and use of land and buildings can be facilitated by subdivision. As such, the purpose of this chapter is to ensure that subdivision activities within the City are undertaken in a manner that supports the outcomes sought in the underlying zone. It is also to ensure the integrated management of the effects of the use, development or protection of land and associated natural and physical resources.
- c. For subdivision within the Peacocke Precinct refer to Chapter 23A.

**23.2****Objectives and Policies: Subdivision**

Objective	Policies
<b>23.2.1</b> To ensure that risk to people, the environment and property is not exacerbated by subdivision.	<b>23.2.1a</b> Subdivision: <ul style="list-style-type: none"> <li>i. Does not result in increased risk of erosion, subsidence, slippage or inundation.</li> <li>ii. Minimises any adverse effects on water quality.</li> <li>iii. Ensures that a building platform can be accommodated within the subdivided allotment clear of any areas subject to natural hazards.</li> <li>iv. Ensures that any risks associated with soil contamination are appropriately remedied as part of the subdivision process.</li> <li>v. Ensures reverse sensitivity mitigation measures avoid or minimise effects such as noise associated from an arterial transport corridor or State Highway.</li> </ul>

**Explanation**

*The policies ensure that land is suitable for subdivision and will not increase risks to people, the environment and property.*

Objective	Policies
<b>23.2.2</b> Subdivision contributes to the achievement of functional, attractive, sustainable, safe and well designed environments.	<b>23.2.2a</b> Subdivision: <ul style="list-style-type: none"> <li>i. Is in general accordance with Subdivision Design Assessment Criteria to achieve good amenity and design outcomes.</li> </ul>

	<ul style="list-style-type: none"><li>ii. Is in general accordance with any relevant Structure Plan.</li><li>iii. Is in general accordance with any relevant Integrated Catchment Management Plan.</li><li>iv. Promotes energy, water and resource efficiency.</li><li>v. Provides for the recreational needs of the community.</li><li>vi. Discourages cross-lease land ownership.</li><li>vii. Ensures that any allotment is suitable for activities anticipated for the zone in which the subdivision is occurring.</li><li>viii. Contributes to future residential development being able to achieve densities that are consistent with the growth management policies of the Waikato Regional Policy Statement and Future Proof.</li><li>ix. Avoids or minimises adverse effects on the safe and efficient operation, maintenance of and access to network utilities and the transport network.</li><li>x. Is avoided where significant adverse effects on established network utilities or the transport network are likely to occur.</li><li>xi. Promotes connectivity and the integration of transport networks.</li><li>xii. Provides appropriate facilities for walking, cycling and passenger transport usage.</li><li>xiii. Provides and enhances public access to and along the margins of the Waikato River and the City's lakes, gullies and rivers.</li><li>xiv. Facilitates good amenity and urban design outcomes by taking existing electricity transmission infrastructure into account in subdivision design, and where possible locating compatible activities such as infrastructure, roads or open space under or in close proximity to electricity transmission infrastructure.</li><li>xv. Ensures that a compliant building platform can be accommodated within the subdivided allotment outside of the National Grid Yard.</li></ul>
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### Explanation

*Subdivision has a lasting impact on the built form and function of a city. These policies require that the subdivision process respond to the range of form and function matters, such as urban design and resource efficiency, identified in the policy in order to achieve good environmental and built form outcomes in Hamilton City.*

Objective	Policies
<p><b>23.2.3</b>  <b>High and Medium-Density Residential Zones (excluding Rotokauri North) and Rototuna Town Centre Zone areas are developed comprehensively.</b></p>	<p><b>23.2.3a</b>  <b>Subdivision that creates additional allotments in the Ruakura and Te Awa Lakes Residential Precincts or the Rototuna Town Centre Zone does not occur without an approved land use consent. For the Ruakura and Te Awa Lakes Residential Precincts, the land use consent is for development activities.</b></p> <p><b>23.2.3b</b>  <b>Ensure the development of Medium and High Density Residential Zones occur in a comprehensive and integrated manner by requiring subdivision to:</b></p> <ul style="list-style-type: none"> <li>i. Integrate and connect with existing development.</li> <li>ii. Provide opportunities for connection into adjacent sites in locations that are feasible and support the creation of a well-connected and integrated urban environment.</li> </ul>

### Explanation

**Concept Plans and Master Plans are useful tools to ensure a comprehensive approach to the layout and design of high and medium-density development**

Objective	Policies
<p><b>23.2.4</b>  <b>To ensure the provision of infrastructure services as part of the subdivision process.</b></p>	<p><b>23.2.4a</b>  <b>Subdivision:</b></p> <ul style="list-style-type: none"> <li>i. Provides an adequate level of infrastructure and services appropriate for the proposed development.</li> <li>ii. Takes into account and shall not compromise the infrastructural needs of anticipated future development.</li> <li>iii. Does not occur unless appropriate infrastructure and/or infrastructure capacity is available to service the proposed development.</li> <li>iv. Ensures that the capacity, efficiency, performance and sustainability of the wider infrastructure network is not compromised.</li> <li>v. Uses public infrastructure ahead of private infrastructure where appropriate.</li> </ul>

### Explanation

**Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Regional Infrastructure Technical Specification. The Ruakura Structure Plan area includes two areas of Large Lot Residential Zones which 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.**

Objective	Policies
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<p><b>23.2.5</b> Subdivision occurs in a manner that recognises historic heritage and natural environments.</p>	<p><b>23.2.5a</b> Subdivision avoids, remedies or mitigates adverse effects on:</p> <ul style="list-style-type: none"> <li>i. Scheduled heritage items.</li> <li>ii. Scheduled archaeological and cultural sites.</li> <li>iii. Scheduled significant trees.</li> <li>iv. Scheduled significant natural areas.</li> <li>v. The Waikato River and gullies and river banks, lakes, rivers and streams.</li> </ul>
	<p><b>23.2.5b</b> Subdivision enables development while managing effects on any:</p> <ul style="list-style-type: none"> <li>i. Landforms and natural features.</li> <li>ii. Vegetation.</li> </ul>
	<p><b>23.2.5c</b> Subdivision of land which protects and enhances the riparian margins of the Waikato River and the City's lakes, gullies and rivers.</p>

### Explanation

*Subdivision and the associated development of land often involves modification and this has the potential to cause or exacerbate adverse effects. These effects should be managed through the location and design of subdivision.*

Objective	Policies
<p><b>23.2.6</b> Subdivision of an existing, or an approved, development shall have suitable instruments in place to manage individual ownership, and any shared rights and interests in common.</p>	<p><b>23.2.6a</b> To ensure that any subdivision is supported by management structures and legal mechanisms that provides certainty of, and enables effective ongoing, management, maintenance and operation of land, structures, services, apartment buildings, and common areas.</p>

### Explanation

*The objective and policy ensures that the type of land tenure proposed is the most appropriate to the nature and configuration of underlying development. In the case of fee simple subdivision of apartment buildings, the means by which shared and common components are to be managed by multiple parties is clearly demonstrated and established at the time of application for subdivision.*

Objective	Policies
<p><b>23.2.7</b> Subdivision in the Rotokauri North Residential Precinct is designed comprehensively to ensure a medium-density environment with a high standard of urban design quality.</p>	<p><b>23.2.7a</b> Enable subdivision in the Rotokauri North Residential Precinct that:</p> <ul style="list-style-type: none"> <li>i. Creates lots that are generally rectangular in shape with a greater depth than width;</li> </ul>

	<ul style="list-style-type: none"> <li>ii. Provides lots of a suitable shape and size for apartment and terrace housing developments;</li> <li>iii. Forms a well-connected block structure that avoids: <ul style="list-style-type: none"> <li>• Rear lots wherever possible; and</li> <li>• Cul-de-sac, except where there is no practical alternative (e.g., adjoining the green spine) and pedestrian connectivity can still be achieved;</li> </ul> </li> <li>iv. Maximises street or pedestrian frontage to public spaces, including at least one side of streams or drainage reserves that are longer than 250m;</li> <li>v. Maximises land efficiency to promote affordable housing while achieving clauses iii and iv above;</li> <li>vi. Can accommodate a permitted activity duplex dwelling.</li> </ul>
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### Explanation

*The objective reflects the overall design approach for Rotokauri North, which is to create a well-planned medium-density living environment that enables a variety of lifestyle and housing choices (and therefore a range of price points and provision of affordable housing). It recognises that the environment must create liveable and useable spaces. The policies require the development of urban blocks and interconnected roading networks at the time of subdivision, and for dwellings to create public fronts which address the street and encourage interaction, whilst generally ensuring that back yards are provided for private outdoor living spaces.*

*Achieving the Rotokauri North subdivision pattern of development through lot and urban block layout is important to establishing a high-quality medium-density living environment, and ensuring the integration of subdivision and land use outcomes, particularly where these relate to the creation of vacant fee simple lots and their subsequent development with individual houses.*

## 23.3

### Rules – Activity Status Tables

**Table 23.3a:** General Residential, Medium Density Residential (Excluding the Rotokauri North and Peacocke Residentials Precincts), High Density Residential, Large Lot Residential, Central City, Business 1 to 7, Industrial, Knowledge, Ruakura Logistics, Ruakura Industrial Park, Future Urban ([including Deferred Industrial overlay](#)), All Open Space, Major Facilities, Community Facilities and Transport Corridor Zones and All Hazard Areas.

Activity	General Residential, Medium Density Residential and High Density Residential	Large Lot Residential, Central City, Business 1 — 7, Industrial, Knowledge, Ruakura	Future Urban Zone ( <a href="#">including Deferred Industrial overlay</a> )	All Open Space Zones, Major Facilities, Community Facilities, Transport Corridor Zones	All Hazard Areas

		<b>Logistics and Ruakura Industrial Park Zones</b>			
<b>For Rotokauri North Residential Precinct see Table 23.3c, Rototuna Town Centre Zone and Te Rapa North Industrial Zone see Table 23.3b below. For the Peacocke Residential Precinct see Chapter 23A.</b>					
i. Boundary adjustments	P	P	RD	P	RD
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P	P	P	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	P	P
iv. Subdivision to accommodate a network utility service or transport corridor	RD	RD	RD	RD	D
v. Fee simple subdivision (Excluding subdivision provided in vi, xi, xii and xiii).	RD*	RD*	RD*	RD*	D
vi. Fee simple subdivision that complies with Rule 23.7.1 f. within the General, Medium Density and High Density Residential Zones (Excluding subdivision provided in xi,xii and xiii).*	C	-	-	-	-
vii. Cross-lease subdivision	NC	NC	NC	NC	NC
viii. Company-lease subdivision*	RD*	RD*	RD*	RD*	D
ix. Unit-title subdivision*	C*	RD*	RD*	RD*	D
x. Leasehold subdivision	RD	RD	RD	RD	D
xi. Subdivision involving any allotment within the Electricity National Grid Corridor	RD	RD	RD	RD	D
xii. Any subdivision of an allotment within a Historic Heritage Area or containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedules 8A,8B, 8C and 8D	D	D	D	D	D
xiii. Any subdivision of an allotment containing a Significant Natural Area	D	D	D	D	D

identified in Volume 2, Appendix 9, Schedule 9C					
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**Table 23.3b: Rototuna Town Centre Zones, and Te Rapa North Industrial Zone**

Activity	Rototuna Town Centre Zone		Te Rapa North Industrial Zone		
	Without an approved land use consent for a Development Area	As part of or after a land use consent for a Development Area has been approved	Deferred Industrial outside of Stage 1A	Within Stage 1A without a CDP	Within Stage 1A after a CDP
					Te Rapa North Industrial Zone*

For General Residential, Medium Density Residential, High Density Residential, Large Lot Residential, Central City, Business 1 to 7, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park, Future Urban (including the Deferred Industrial overlay), all Open Space, Major Facilities, Community Facilities and Transport Corridor Zones, and all Hazard Areas see Table 23.3a above.

i. Boundary adjustments	P	P	P	P	P	P
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P	P	P	P	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	P	P	P
iv. Subdivision to accommodate a network utility service or transport corridor	RD	RD	P	P	RD	RD
v. Fee simple subdivision	NC	RD*	NC	D	RD*	RD*
vi. Cross-lease subdivision*	NC	NC	NC	NC	NC	NC
vii. Company-lease subdivision	NC	RD	NC	D	RD	RD
viii. Unit-title subdivision*	NC	RD*	NC	D	RD*	RD*

ix. Leasehold subdivision	NC	RD	NC	D	RD	RD
x. Subdivision involving any allotment within the Electricity National Grid Corridor	NC	RD	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	NC	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	NC	D	NC	D	RD	RD
xiii. <u>Any subdivision in the Te Rapa North Industrial Zone in accordance Rule 3.9.3.3, outside of the Te Rapa Dairy Manufacturing Site</u>	+	+			C	+
xiv. <u>Any subdivision in the Te Rapa North Industrial Zone not in accordance Rule 3.9.3.2</u>	+	+			D	+
xv. <u>Any subdivision in the Te Rapa North Industrial Zone not in accordance with Rule 3.9.3.3</u>	+	+			Pr	+

\*Subdivision activity status is subject to compliance with the rules within Chapter 3 Te Rapa North Structure Plan-Rule 3.9.3.4

**Table 23.3c:** All zones in the Rotokauri North Residential Precinct

Activity	Activity Status
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i. Boundary adjustments	P
ii. Amendments to unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P
iii. Subdivision to accommodate a network utility service or transport corridor	RD
iv. Cross-lease subdivision	NC
v. Company-lease subdivision*	RD*
vi. Unit-title Subdivision*	C*
vii. Leasehold Subdivision	RD
viii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	RD
ix. Fee simple subdivision that creates vacant lots*	RD*
a. Any subdivision not in accordance with the Rotokauri North Structure Plan (Figure 2-8A)	D
b. Any fee simple subdivision which creates a rear lot	NC
c. Creation of any vacant lots not meeting the minimum lot size specified in Rule 23.7.1 below	NC
d. Creation of any vacant lots not meeting the minimum lot dimensions specified in Rule 23.7.8 below	D
e. Any subdivision not meeting the block layout dimensions or minimum specified in Rule 23.7.8 below	D
f. Any subdivision with access not meeting Rule 23.7.8 below	D
g. Any subdivision to create road to vest that does not meet the minimum widths in 23.7.8	D
x. Any subdivision which results in a permanent cul-de sac	D
xi. Subdivision in accordance with a land use consent	C
xii. Subdivision of a existing duplex which meets 23.7 b to create fee simple titles	C
xiii. Subdivision of existing apartments and or terrace housing to create fee simple or unit titles.	C

**Note**

1. Refer to Chapter 1.1.9 for activities marked with an asterisk (\*).
2. For any activity not identified above, see Section 1.1.8.1.

## 23.4

## Rules – Application of the Transport Corridor Zone

- a. After 13 November 2012 land that is vested in the Council or the Crown as road pursuant to any enactment or provision in this plan, and has been formed as road to Council's required standards, then from the date of formation of the road, the land shall be subject to the rules in the Transport Corridor Zone but shall retain its current zoning.

## 23.5 Rules – General Standards

### 23.5.1 Telecommunication, Electricity, Gas and Computer Media

- a. Telecommunication, electricity, gas and ducting for computer media shall be provided at the time of subdivision, in accordance with the requirements of the relevant network utility operator and the relevant standards of the applicable zone.
- b. Telecommunication, electricity, gas and ducting for computer media shall be underground where possible.

#### **Note**

1. *Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Regional Infrastructure Technical Specification.*

### 23.5.2 Provision of Esplanade Reserves and Strips

- a. An Esplanade Reserve or Esplanade Strip of not less than 20m measured from the edge of any river or lake shall be set aside and vested in Council in accordance with section 231 of the Act where any subdivision of land results in the creation of an allotment that adjoins the banks of:
  - i. The Waikato River.
  - ii. The margins of Lake Rotoroa (Hamilton Lake).
  - iii. Any watercourse where the average width of the bed is 3m or more where the river flows through or adjoins an allotment.
  - iv. Where a reserve or road of less than 20m width already exists along the edge of any river or lake, then additional land shall be vested to increase the minimum width to 20m.

### 23.5.3 Provisions in Other Chapters

- a. The provisions of the following chapters apply to activities within this chapter where relevant.
  - Chapter 3: Structure Plans
  - Chapter 25: City-wide

## 23.6 Rules – Specific Standards

- a. The standards of Rule 23.6 shall not apply to the subdivision of land to accommodate a network utility service.

### 23.6.1

#### Subdivision in the Ruakura Structure Plan Area

- a. Any subdivision which creates new allotments in the Ruakura Structure Plan area cannot initiate land use or development which is contrary to Rules 3.7.4.1 to 3.7.4.5 and Rule 3.7.5 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 3.7.4.1 to 3.7.4.5 and Rule 3.7.5 of Chapter 3: Structure Plans.
- c. Any subdivision which creates new allotments, and is in accordance with (a) and (b) above where applicable, shall be in accordance with the zoning of the land as identified on the Planning Maps and in accordance with Rule 3.7.4.1.

### 23.6.2

#### Company Leases and Unit Title Subdivision

- a. Where an allotment is subject to an application for subdivision consent by way of company lease or unit title subdivision the following rules shall apply.
  - i. All existing buildings to which the subdivision relates shall have:
    - Existing use rights.
    - Been erected in accordance with a resource consent or certificate of compliance and building consent has been issued.
    - Comply with any relevant standards.
- b. All areas to be set aside for the exclusive use of each building or unit shall be shown on the survey plan, in addition to any areas to be used for common access or parking or such other purpose.
- c. In all staged subdivisions, provision shall be made for servicing the building or buildings and all proposed future buildings on the allotment.
- d. Where subdivision consent has been approved, no alterations shall be made to the position of the boundary lines delineated on the survey plan, or otherwise defined, without further subdivision consent.
- e. A design report shall be submitted detailing the effects of the proposed subdivision on the existing buildings pursuant to Section 116A of the Building Act 2004.
- f. If alterations to buildings are necessary to fulfil the requirements of the Building Act or conditions of subdivision consent, they shall be undertaken in terms of a building consent and completed before the issue of a certificate under Section 224 of the Resource Management Act 1991. Such alterations shall comply with the relevant standards of the relevant zone and this chapter.

### 23.6.3

#### Amendments to a Cross-lease, Company Lease or Unit Title Plan

- a. The amendments shall be for the purpose of showing alterations to existing buildings or additional lawfully established buildings.
- b. The alteration shall be either permitted or otherwise lawfully established.

## 23.6.4

### Cross-lease to Fee Simple Subdivision

- a. The proposed boundaries shall align with those exclusive use area boundaries on the cross-lease plan. Where no exclusive use areas are shown on the cross lease plan the boundaries shall align with the exclusive and established pattern of occupation associated with the existing underlying development.
- b. Where required to protect services, easements shall be provided.
- c. Rule 23.7 — Subdivision Design Standards shall not apply to subdivisions under this rule.
- d. The relevant land use rules in the respective zones (excluding Chapter 25.13 Three Waters) shall not apply to existing legally established buildings.

## 23.6.5

### Leasehold Subdivision

Where an allotment is subject to an application for subdivision consent by way of leasehold subdivision the following rules shall apply where relevant.

- a. Section 23.4 Application of the Transport Corridor
- b. Section 23.5 Rules - General Standards
- c. Section 23.6 Rules - Specific Standards
- d. Section 23.7 Subdivision Design Standards

## 23.6.6

### Boundary Adjustments

- a. Any boundary adjustment shall not result in the creation of additional allotments, except in circumstances where a boundary adjustment creates an additional allotment or allotments which are required to be held together with another allotment or allotments by way of compulsory amalgamation condition.
- b. Any boundary adjustment shall not alter the size of an existing allotment by greater than 10% of the registered allotment size.
- c. Any allotment subject to a boundary adjustment shall comply with all relevant development and performance standards.
- d. Where required to protect services, easements shall be provided.

## 23.6.7

### Subdivision Activities within the Electricity National Grid Corridor

- a. Any subdivision which creates new allotments within the Electricity National Grid Corridor shall identify a building envelope, compliant with the relevant zone standards and the standards of this Chapter and clear of the National Grid Yard.
- b. Failure to comply with the above standard will result in the proposal being assessed as a non-complying activity.

## 23.6.8

### Subdivision in the Rototuna Town Centre Zone

- a. Subdivision shall only take place in conjunction with, or following approval of, a land use consent for the applicable Development Area.
- b. Allotment area and configuration shall conform to the allotment areas approved as part of the land-use consent.
- c. A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land-use consent.
- d. The standards in Rule 23.6.8.a & c. do not apply to subdivision to accommodate a network utility service or transport corridor.

## 23.6.9

### Subdivision in the Te Rapa North Industrial Zone

- a. Subdivision ~~occurring in Stage 1A shall only occur over the following land areas:~~
  - i. ~~Postactivity status is subject to compliance with the rules within Chapter 3 Rule 3.9.3.4 of the Te Rapa section~~North Industrial Structure Plan.
  - ii. ~~For those parts of the Waikato Expressway being open for public use, and prior to 1 January 2021 no more than 7ha of land shall be able to be subdivided; 7ha only in Stage 1A.~~
  - iii. ~~After 1 January 2021 a maximum of 23ha of land shall be able to be subdivided, 23ha in Stage 1A, being additional~~Zone subject to the ~~7ha provided for Stage 1A prior 'Deferred Industrial Area,' are subject to 2021~~the Future Urban Zone subdivision provisions.

## 23.6.10

### Subdivision in the Rototuna North East Residential Precinct

- a. The provision of a neighbourhood park area:
  - i. The first subdivision of land adjoining the Waikato Expressway designation (Designation E90) shall submit for approval as part of the subdivision, a neighbourhood park concept plan, consisting of detailed plans and supporting documentation for the entire future reserve area as located on the Rototuna Structure Plan.
  - ii. The neighbourhood park shall:
    - Ensure varied widths no less than 20m.
    - Address and accommodate topographical constraints to ensure usability of the area for informal recreation.
    - Include flat open spaces for informal recreational.
    - Include one area of between 300m<sup>2</sup> and 800m<sup>2</sup> for the provision of a children's play area. The location and design of this plan area shall ensure the safe

operation of the playground and shall have regard to any stormwater attenuation areas and the roading and cycling network. Where necessary, additional safety measures will be taken, such as fencing.

- Include landscaping areas to provide an interesting and varied visual amenity for the area. These areas are to include varied vegetated areas (with the exception of the proposed Cycle and Walking access point across the Waikato Expressway, stormwater attenuation areas and identified viewing areas shown on the Rototuna Structure Plan) having a minimum planting width of 2m when parallel to the boundary of the Waikato Expressway, and consisting of native vegetation capable of reaching heights of at least 8m at maturity.
- Reflect the principles of Crime Prevention Through Environmental Design (CPTED).
- Include both a walking and cycling network in accordance with the Rototuna Structure Plan.
- Show how the area will relate to its surrounding area, including the Waikato Expressway.

iii. Any subdivision of land adjoining the Waikato Expressway (Designation E90) shall have regard to and implement the portion of the approved neighbourhood concept plan over the land area the subdivision is for at the time of subdivision.

b. At the time of subdivision of land the following shall be identified on the subdivision plan to be submitted for consent:

- i. A 55dB<sub>LAeq(24hr)</sub> contour line from the Waikato Expressway carriageway boundary utilising the following criteria:
  - Traffic flow of 12700 vpd
  - 10%HCV
  - Vehicle speed of 100km/hr (or the posted speed limit if that is lower)
  - Noise mitigation as confirmed by an approved Outline Plan of Works for Designation E90
  - Finished ground levels based on the proposed subdivision design
- ii. Identification of all lots where any boundary is intersected by the 55 dB<sub>LAeq(24hr)</sub> contour line.

### 23.6.11

### All Subdivision in the Te Awa Lakes Structure Plan area

a. A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land use consent relating to the management and eradication of alligator weed.

- b. Subdivision shall only take place in conjunction with a land use consent for development activities within a Development Area or after a land use consent has been granted.
- c. Subdivision in Development Areas Q and R and Area X in the Business 6 Zone, shown on Figure 2-21 in Appendix 2 Structure Plans, that does not comply with b. above is a prohibited activity.

## 23.7 Subdivision Design Standards

### 23.7.1 Subdivision Suitability

- a. All subdivisions creating fee simple allotments shall ensure that new allotments (excluding any utility, road or reserve allotment, or allotment subject to amalgamation) are of a size and shape to enable activities anticipated in the zone and the applicable overlays.
- b. Where allotments are proposed that contain existing development on the existing title,
  - i. The applicable general and specific standards for the zone and activity under consideration shall be complied with for each allotment; and
  - ii. The applicable standards in Chapter 25 — City Wide shall be complied with for each allotment.

**Note**

*For the avoidance of doubt, Rule 23.7.2.b does not apply to an infringement that has existing use rights or was approved under a Land Use Resource Consent.*

- c. Where allotments are proposed that contain development that has been approved under separate land use consent, compliance with the approved layout shall be achieved as part of the subdivision.
- d. Where b. or c. is not complied with, a concurrent application for land use consent for the identified areas of non-compliance with the applicable general and specific standards, or the approved layout shall be made.
- e. The standards of Rule 23.7. shall not apply to the subdivision of land to accommodate a network utility service.
- f. The standards of Rule 23.7.2, Rule 23.7.3 a. b and c, Rule 23.7.4 a, b, c, d and e, and Rule 23.7.5 a and b shall not apply to:
  - 1. The unit title of existing lawfully established buildings; or
  - 2. The fee simple subdivision of an existing lawfully established residential unit where no vacant allotments are created, if—

- i. Either the subdivision is in accordance with an approved land use consent and is compliant with the approved layout, or
- ii. Where all relevant rules are met in relation to the proposed boundaries around the residential unit;
- 3. The fee simple subdivision of any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application for residential unit/s that will be determined concurrently; and the subdivision is consistent with the proposed land use layout.

### 23.7.2 Allotment Size and Shape

Zone	Minimum Net Site Area	Max Net Site Area	Min Shape Factor
a. Vacant lot - General Residential Zone (unless otherwise stated, and except within Historic Heritage Area)		300m <sup>2</sup>	- 12.5m-diameter circle
b. Vacant Lot - Medium Density Residential Zone (Except within the Rotokauri North Residential Precinct then Rule 23.7.2 o. applies) and except within the Ruakura and Te Awa Lakes Residential Precincts)		1200m <sup>2</sup>	- Contain a rectangle of 15 metres by 20 metres
c. Vacant Lot - General Residential Zone (adjoining the Waikato Expressway except within the Rototuna North East Residential Precinct)		1000m <sup>2</sup>	- - -
d. Vacant Lot - High Density Residential Zone	1200m <sup>2</sup>	-	Contain a rectangle of 15 metres by 20 metres
e. Large Lot Residential — SH26, Ruakura Structure Plan area		2500m <sup>2</sup>	- 15m-diameter circle
f. Large Lot Residential — Percival/Ryburn Rd, Ruakura Structure Plan area	2ha Except for Lot 8 DP 9210- 5000m <sup>2</sup>		- Rule 23.7.1.n. applies
g. Central City Zone, Knowledge Zone, Business 1 to 7 Zones		1,000m <sup>2</sup>	- 20m-diameter circle
h. Industrial Zone, Rotokauri Employment Area and Riverlea Industrial Area	Front, corner or through site — 1,000m <sup>2</sup>		- Rule 23.7.2.q. applies
	Rear sites — 500m <sup>2</sup>		- Rule 23.7.2.q. applies
i. Te Rapa North Industrial Zone	500m <sup>2</sup>	-	Rule 23.7.2.q. applies
j. Ruakura Logistics Zone	3000m <sup>2</sup>	-	Rule 23.7.2.q. applies
k. Ruakura Industrial Park Zone	3000m <sup>2</sup> Except up to a maximum of 20% of sites for each subdivision stage shall have a minimum net site area of 1000m <sup>2</sup> for front sites and 500m <sup>2</sup> for rear sites.		- Rule 23.7.2.q. applies
l. Ruakura Industrial Park Zone Development Areas T & G	Front, corner or through site- 1000m <sup>2</sup>	-	Rule 23.7.2.q. applies

	Rear Sites — 500m <sup>2</sup>	-	Rule 23.7.2.q. applies
m. Future Urban Zone	10ha	-	-
n. Te Awa Lakes Residential Precinct lots that adjoin any existing or proposed esplanade reserve adjacent to the Waikato River (River Interface Overlay)	1000m <sup>2</sup>	-	15m diameter circle
o. Rotokauri North Residential Precinct - applies to vacant lots only		280m <sup>2</sup>	
p. <a href="#">Te Rapa North Industrial Zone</a>	<a href="#">500m<sup>2</sup></a>	<a href="#">-</a>	<a href="#">Rule 23.7.2.r. applies</a>

- q. Where the shape factor circle standard applies to any subdivision, unless otherwise specified, each allotment shall be of a shape that can accommodate a circle of the specified diameter in a position which does not infringe any required front yard requirements of the respective zone.
- r. Allotments in the Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones shall be of such a shape as to contain a 20 meter diameter circle. The circle shall not infringe any required front setback or any setback adjoining a residential, special character or open space zone.
- s. Allotments in the Rototuna North East Residential Precinct, the location of the shape factor circle for each allotment shall not infringe the habitable building setback from the 55dB<sub>LAeq(24hr)</sub> contour line from the Waikato Expressway carriageway boundary determined in accordance with Rule 23.6.10 b.

**Note**

1. [Future Urban Zone provisions apply to the Deferred Industrial Area.](#)

### 23.7.3 General Residential Zone

a. Minimum transport corridor boundary length for a front site	12.5m
b. Minimum rear boundary length of a front site	10m

The following will apply to all subdivisions

c. Maximum number of allotments or residential units served by a single private way	20
d. Minimum private way width serving 1-6 allotments or residential units	4m
e. Minimum private way width serving 7 — 20 residential units where access forms common property under a unit title arrangement, or 7-9 units where access is part of a fee simple subdivision	6m
f. Minimum width of vehicle access (to be formed and vested as public road) serving 10-20 fee simple lots or residential units	16.8m
g. Maximum private way and rear lane gradient	1:5m
h. Maximum private way length	100m
aaaaa. Minimum number of passing bays on private ways:	
i. Private way length of 50m or less	0
i. Private way length of 51 to 100m	1

i. Minimum legal width of a rear lane	7m
j. Maximum length of a rear lane	250m
k. Each rear lane shall:	
i. Be connected by unrestricted access to a transport corridor at least two locations.	
ii. Have a legal mechanism for ownership and ongoing maintenance of the lane.	
iii. Have a minimum unobstructed width at vehicle entrances and between buildings or structures of no less than 3.5m.	
iv. Not be used for carparking or storage of materials, landscaping, fencing or other obstructions that would restrict access by emergency vehicles.	
v. Have a minimum height clear of buildings and other obstructions of 4.0m.	
l. Minimum width of vehicle access to be formed and vested as public road:	20m
i. Serving more than 20 allotments or residential units (Local Road)	24.2m
ii. Serving more than 20 allotments or residential units (Collector Road — Non-PT Route on Structure Plan)	24.6m
iii. Serving more than 20 allotments or residential units (Collector Road — PT Route on Structure Plan)	
m. Maximum cul-de-sac length, including private way	150m
n. Maximum number of private ways accessing directly on to a cul-de-sac turning head	1
o. Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0
p. Maximum shared pedestrian/cyclist accessway length through a block	80m
a. Minimum shared pedestrian/cyclist accessway width through a block	40m or less in length: 6m wide 41m — 60m in length: 9m wide 61m — 80m in length: 12m wide
r. Maximum block length	250m
s. Maximum block perimeter	750m
t. The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1.a and 25.14.4.1.c shall be demonstrated.	-

#### Note

*For clarity, measurements of block length and block perimeter may be curvilinear and include frontage to a green linkage/ corridor, accessway or reserve. Measurements will be taken from the relevant transport corridor boundary of the proposed lots.*

**23.7.4 Medium Density Residential Zone (Excluding Peacocke Residential Precinct)**

	<b>Medium Density Residential (Excluding Rotokauri North and Peacocke Residential Precincts)</b>	<b>Rotokauri North Residential Precinct</b>
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**The following will apply to the creation of vacant lots**

a. Minimum transport corridor boundary length for a front site (except within the Ruakura and Te Awa Lakes Residential Precincts.)	20m	12.5m
b. Minimum transport corridor boundary length in the Rotokauri North Residential Precinct if: <ul style="list-style-type: none"> <li>i. A legal mechanism (consent notice) restricts the width of a garage and vehicle crossing for any subsequent building development to a single car width up to 3.2m; or</li> <li>ii. A rear lane provides legal vehicle access</li> </ul>	-	10m
c. Within the Ruakura and Te Awa Lakes Residential Precincts: Minimum lot width of front and rear boundary for front sites; except up to a maximum of 10% of sites for each subdivision stage shall be no less than 10m.	12m	-
d. Minimum rear boundary length (except within the Ruakura and Te Awa Lakes Residential Precincts)	10m	-
e. Minimum lot depth (except within the Ruakura and Te Awa Lakes Residential Precincts)	28m	28m
f. Maximum urban block length	250m	250m
g. Maximum urban block perimeter	750m	750m

**The following will apply to all subdivisions**

h. Maximum number of allotments served by a single private way	20	-
i. Minimum private way width serving 1-6 allotments or residential units	4m	4m
aaaaa. Minimum private way width serving 7-20 allotments where access forms common property under a unit title arrangement of 7-9 units where access is part of a fee simple subdivision	7m	7m
j. Maximum private way and rear lane gradient	1:5	1:5
k. Maximum private way length	100m	100m

aaaaa. Minimum number of passing bays on private ways:		
i. Private way length of 50m or less	0	0
i. Private way length of 51 to 100m	1	1
l. Maximum cul-de-sac length	150m	-
m. Maximum number of private ways accessing directly on to a cul-de-sac turning head	0	-
n. Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0	-
o. Maximum shared pedestrian/cyclist accessway length through a block	80m	80m
p. Minimum shared pedestrian/cyclist accessway width through a block	40m or less in length: 6m wide 41m — 60m in length: 9m wide 61m — 80m in length: 12m wide	40m or less in length: 6m wide 41m — 60m in length: 9m wide 61m — 80m in length: 12m wide
q. Minimum paved width for shared pedestrian/cyclist path through a block.	3m	3m
r. Vehicle crossing	The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a and 25.15.4.1c shall be demonstrated.	The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a and 25.15.4.1c shall be demonstrated.

**All rear lanes and roads:**

s. Minimum legal width of a rear lane	7m	7m
t. Maximum length of a rear lane	250m	-
u. Each rear lane shall:	<ul style="list-style-type: none"> <li>i. Be connected by unrestricted access to a transport corridor at least two locations.</li> <li>ii. Have a legal mechanism for ownership and ongoing maintenance of the lane.</li> <li>iii. Have a minimum unobstructed width at vehicle entrances and between buildings or structures of no less than 3.5m.</li> <li>iv. Not be used for carparking or storage of materials, landscaping, fencing or other obstructions that would restrict access by emergency vehicles.</li> <li>v. Have a minimum height clear of buildings and other obstructions of 4.0m.</li> </ul>	
v. Public road serving 10— 20 units (to be vested)	16.8m	16.6m

w. Public Road serving more than 20 units (to be vested)	20m	16.6m
x. Collector Road — no public transport - minimum legal width (to be vested)	24.2m	20.8m
y. Collector Road - Public transport route - minimum legal width (to be vested)	24.6m	20.8m

**Note**

1. For corner lots only one transport corridor boundary needs to meet the minimum length and the minimum depth needs only be achieved along one side boundary..
2. This width does not provide for swales or stormwater management. Additional width may be required for these features, if present, and may be required to accommodate any other features or activities.
3. For clarity, measurements of block length and block perimeter may be curvilinear and include frontage to a green linkage/ corridor, accessway or reserve. Measurements will be taken from the relevant transport corridor boundary of the proposed lots.

## 23.7.5 High Density Residential Zone

### **The following will apply to the creation of vacant lots**

a. Minimum transport corridor boundary length for a front site	20m
b. Minimum rear boundary width of a front site	10m

### **The following will apply to all subdivisions**

c. Minimum private way width serving 1-4 allotments or residential units	4m
d. Minimum private way width serving 7 — 20 residential units where access forms common property under a unit title arrangement or 7-9 units where access is part of a fee simple subdivision	7m
e. Minimum width of vehicle access (to be formed and vested as public road) serving 10-20 fee simple lots or residential units	16.8m
f. Minimum width of vehicle access to be formed and vested as public road <ul style="list-style-type: none"> <li>i. Serving more than 20 allotments (Local Road)</li> <li>ii. Serving more than 20 allotments (Collector Road — no public transport route)</li> <li>iii. Serving more than 20 allotments (Collector Road — public transport route)</li> </ul>	20m 24.2m 24.6m
g. Maximum private way gradient	1:5
h. Maximum private way length	100m
aaaaa. Minimum number of passing bays on private ways:	
i. Private way length of 50m or less	0
i. Private way length of 51m to 100m	1
i. Maximum pedestrian accessway length through a block	80m
j. Minimum pedestrian accessway width through a block	40m or less in length: 6m wide

	41m — 60m in length: 9m wide 61m — 80m in length: 12m wide
k. Maximum number of private ways accessing directly on to a cul-de-sac turning head	0
l. Maximum urban block length	250m
m. Maximum urban block perimeter	750m
n. Minimum legal width of a rear lane	7m
o. Each rear lane shall: <ul style="list-style-type: none"> <li>i. Be connected by unrestricted access to a transport corridor at least two locations.</li> <li>ii. Have a legal mechanism for ownership and ongoing maintenance of the lane.</li> <li>iii. Have a minimum unobstructed width at vehicle entrances and between buildings or structures of no less than 3.5m.</li> <li>iv. Not be used for carparking or storage of materials, landscaping, fencing or other obstructions that would restrict access by emergency vehicles.</li> <li>v. Have a minimum height clear of buildings and other obstructions of 4.0m.</li> </ul>	

**Notes:**

1. *For clarity, measurements of block length and block perimeter may be curvilinear and include frontage to a green linkage/ corridor, accessway or reserve. Measurements will be taken from the relevant transport corridor boundary of the proposed lots.*

### 23.7.6 Business 1 to 7 Zones, Te Rapa North Industrial Zone, Ruakura Industrial Park Zone, Ruakura Logistics Zone and Industrial Zone

a. Minimum transport corridor boundary length	8m
b. Minimum transport corridor boundary length adjoining a major arterial transport corridor	20m
c. Minimum access or private way width serving an allotment with a net site area of less than 2000m <sup>2</sup>	8m
d. Minimum access or private way width serving an allotment with a net site area of 2000m <sup>2</sup> —5000m <sup>2</sup>	10m
e. Minimum access or private way width serving an allotment with direct access to a major arterial transport corridor	10m
f. Minimum private way width serving 1-5 allotments	10m
g. Maximum private way gradient	1:8
h. Maximum private way length	100m
i. Maximum pedestrian accessway length	80m

j. Minimum pedestrian accessway width	40m or less in length: 6m wide 41m — 60m in length: 9m wide 61m — 80m in length: 12m wide
k. The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1.a and 25.14.4.1.c shall be demonstrated.	-

### 23.7.7 Large Lot Residential Zone

a. Minimum transport corridor boundary length for a front site	40m
b. Minimum rear boundary length of a front site	10m
c. Maximum number of allotments served by a single private way	6
d. Minimum private way width serving 1-6 allotments	3.6m
e. Public road serving 7 — 20 allotments	16m
f. Public road serving more than 20 allotments (Local Road)	20m
g. Public road serving more than 20 allotments (Collector Road)	23m
h. Maximum private way gradient	1:5m
i. Maximum private way length	100m with passing every 50m
j. Maximum cul-de-sac length	150m
k. The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1.a and 25.14.4.1.c shall be demonstrated.	-
l. Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0
m. Maximum shared pedestrian/cyclist accessway length through a block	80m
n. Minimum shared pedestrian/cyclist accessway width through a block	40m or less in length: 6m wide 41m — 60m in length: 9m wide 61m — 80m in length: 12m wide
o. The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1.a and 25.14.4.1.c shall be demonstrated.	-

### 23.8 Controlled Activities: Matters of Discretion and Assessment Criteria

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
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i. Fee simple subdivision within the General, Medium Density and High Density Residential Zones that complies with Rule 23.7.1 f.	• G — Subdivision
i. Unit Title subdivision within the General, Medium Density and High Density Residential Zones	• G — Subdivision
iii. <a href="#">Subdivision in the Te Rapa North Industrial zone in accordance with Rule 3.9.3.3, outside of the Te Rapa Dairy Manufacturing Site</a>	• <a href="#">D - Te Rapa North Industrial</a>

## 23.9 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. 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. Boundary adjustments	• C — Character and Amenity
ii. Subdivision involving any allotment within the Electricity National Grid Corridor	• I — Network Utilities and Transmission • N — Ruakura
iii. Subdivision in a Hazard Area	• F — Hazards and Safety
iv. Subdivision that may require the provision of Esplanade Reserves and Strips	• C — Character and Amenity • D — Natural Character and Open Space
v. Subdivision to accommodate a network utility service or transport corridor	• C — Character and Amenity • I — Network Utilities and Transmission • N — Ruakura
vi. Fee simple subdivision (Except within the General, Medium Density and High Density Residential Zones that complies with Rule 23.7.1 f).*	• C — Character and Amenity
vii. Company-lease subdivision*	• C — Character and Amenity
viii. Unit-title subdivision* (except within General, Medium Density and High Density Residential Zones)	• C — Character and Amenity
ix. Leasehold Subdivision	• C — Character and Amenity
x. Subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C, <a href="#">within Stage 1A after a CDP</a> in the Te Rapa North Industrial Zone	• D — Natural Character and Open Space • <a href="#">Q — Te Rapa North Industrial Structure Plan</a>

xi. Any restricted discretionary activity subdivision in Rotokauri North (excluding subdivision of a duplex which meets Rule 4.7.12.a.)

- C - Character and Amenity
- O — Rotokauri North

**Note**

1. Refer to Chapter 1.1.9 for activities marked with an asterisk (\*).

## 23.10 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 / Non-notification Rules
- Rules Having Early or Delayed Effect

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

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities — Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation

**Attachment 2 – S32AA Evaluation**

# S32AA Evaluation

Section 32AA requires a further evaluation of any changes that have been made to, or are proposed for, a proposal since the evaluation report for the proposal was completed. The further evaluation must be undertaken in accordance with section 32(1) to (4) and at a level of detail that corresponds to the scale and significance of the changes.

## 1.1 Section 32(1)(a) Further Evaluation

### Section 32(1)(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**

Further Changes	Assessment
No further changes are proposed to the objectives of the Te Rapa North Industrial zone.	No further assessment required.

## 1.2 Section 32(1)(b) Further Evaluation

### Section 32(1)(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;
- (ii) Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
- (iii) Summarising the reasons for deciding on the provisions.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risk of not acting)	Reasons for deciding on the provisions
Revise the Transport Upgrade Framework within Chapter 3 to reintroduce structure of the upgrade table from the notified version of PC17. Include dual triggers (s224C for subdivision and trip-generation for land-use), staged	<ul style="list-style-type: none"><li>• Retain the version put forward in the Supplementary Report</li><li>• Do nothing and rely on the consent process to determine what upgrades are needed and when.</li></ul>	<b>Benefits:</b> Provides a clear and enforceable link between land release and provision of transport infrastructure with measurable thresholds for both subdivision and land use. Proposes proportionate	Provides a practicable and evidence based framework that ties development to infrastructure delivery; addresses gaps where land use proceeds without subdivision; avoids locking in a rigid sequence and retains a safeguard through the

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risk of not acting)	Reasons for deciding on the provisions
upgrade framework, and Simple and Broad ITA requirements.		<p>upgrades timed to land release and actual effects. Requiring a Broad ITA for final stages defers assessment to later stages when more of the unknowns or variables are understood and can be considered accurately.</p> <p><b>Costs:</b> Reduced flexibility compared to a purely effects based approach (that defers assessment of necessary upgrades to consenting stage); administration to track developable area accumulation and trip generation thresholds.</p> <p><b>Risks of not acting:</b> Uncoordinated development and uncertainty for consent processing; potential delay in timely delivery of necessary upgrades.</p>	Broad ITA where long term uncertainty remains.
Introduce a Landscape Concept Plan (LCP) information requirement for the first subdivision/development in each stage	<ul style="list-style-type: none"> <li>Do nothing and rely on information being provided at consenting stage</li> </ul>	<p><b>Benefits:</b> Delivers coherent landscape outcomes at interfaces and riparian margins; ties planting into stormwater design to support amenity and ecology benefits, provides certainty of outcome while allowing site responsive design.</p> <p><b>Costs:</b> Preparation and review effort at consent stage.</p> <p><b>Risks of not acting:</b> Fragmented or disconnected design across the TRNIZ</p>	Supported by cultural and landscape experts. Secures integrated and legible outcomes without over prescription (design) at plan level; is used in comparable growth areas and provides a predictable consent pathway.
Re-introduction of an Infrastructure Plan information requirement to manage three waters servicing; including any interim solutions	<ul style="list-style-type: none"> <li>Do nothing and rely on details to be provided at consenting stage based on existing information</li> </ul>	<p><b>Benefits:</b> Enables interim solutions to be identified and assessed should development proceed while public infrastructure is not yet available.</p>	Gives clear stage specific direction at consent stage; is efficient to implement and scalable across stages if the solutions are similar.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risk of not acting)	Reasons for deciding on the provisions
where public capacity is not available.	requirements within the ODP and assessment criteria.	<p>Ensures equivalent level of service and environmental protection is provided for interim solutions. Formalises engagement with relevant providers and requires contribution and alignment with stormwater measures within the Te Rapa Stream ICMP.</p> <p><b>Costs:</b> Requires upfront effort to prepare and peer review the plan; requires monitoring obligations for any private and interim solutions until connection with the long term network solution.</p> <p><b>Risks of not acting:</b> Stalled development or ad hoc interim solutions without clear performance standard and expectation.</p>	Provides confidence that interim arrangements will integrate with the long term network once capacity is available.
Insert two new policies (Policy 12.2.5f and 12.2.5g) within Chapter 12 implementing Objective 12.2.5 that embed the effects-management hierarchy for indigenous fauna and habitats (including long-tailed bats) and require consent assessments to apply recognised offset/compensation principles aligned to NPS-IB guidance	<ul style="list-style-type: none"> <li>Do nothing and rely on existing policies that broadly achieve the objective.</li> </ul>	<p><b>Benefits:</b> Provides greater clarity of ecology outcomes and approach. Improved alignment with national policy statements and best practice.</p> <p><b>Costs:</b> None</p> <p><b>Risks of not acting:</b> Reduced policy support for fauna and habitat management and potential for less consistent decision making across consents.</p>	Supported by ecology experts. Improves clarity about how ecological effects are to be avoided, remedied, mitigated, and where residual effects remain, offset or compensated.
Remove the small, isolated remnant SNA at the northern boundary of the PC17 area that remains after the Te Awa Lakes appeal removed the adjoining SNA	<ul style="list-style-type: none"> <li>Do nothing and retain the SNA</li> </ul>	<p><b>Benefits:</b> Removes an SNA from an area that is not ecologically significant and aligns the maps with the Te Awa Lakes appeal outcome on the opposite side of the Plan Change Area</p> <p><b>Costs:</b> None</p>	Supported by ecology expert.. Corrects a mapping irregularity now that the adjoining SNA has been removed and avoids needing a further plan change to fix an error in the District Plan

<b>Further Changes</b>	<b>Other reasonably practicable options</b>	<b>Efficiency and effectiveness (including costs and benefits and risk of not acting)</b>	<b>Reasons for deciding on the provisions</b>
		<b>Risks of not acting:</b> inconsistent mapping remains, unnecessary SNA controls are triggered for no ecological gain	

**Attachment 3 – Flow Charts**

