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**")

STATEMENT OF REBUTTAL EVIDENCE OF NICHOLAS COLYN GRALA ON BEHALF OF FONTERRA LIMITED

PLANNING

20 NOVEMBER 2025

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1. INTRODUCTION

1.1 My name is Nicholas Colyn Grala.

1.2 I was engaged by Fonterra Limited ("**Fonterra**") to initiate and lead a private plan change (which became PC17) 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.

1.3 My qualifications and experience were set out in my Primary Statement of Evidence dated 7 October 2025 ("**Primary Evidence**").

Scope and structure of Evidence

1.4 My evidence responds to matters raised in the following statements of evidence filed on behalf of submitters on PC17 matters raised in the:

(a) Statement of Evidence of Aaron Collier (Planning) on behalf of Te Awa Lakes Unincorporated Joint Venture Limited and Horotiu Farms Limited (which I collectively refer to as "**TAL**").

(b) Statement of Evidence of Mark Apeldoorn (Transport) on behalf of TAL (to the extent that aspects of Mr Apeldoorn's Transport Evidence relate to planning matters).

(c) Statement of Evidence of Briar Belgrave (Planning) on behalf of Empire Corporation Limited and Porter Group (which I collectively refer to as "**Porters"**)

(d) Statement of Evidence of Briar Belgrave (Planning) on behalf of a collective of submitters comprising Sam and Alisa Coleman (Submitter #4), Scott Mathieson (Submitter #5), Graeme Boddy (Submitter #8), Hayden Porter (Submitter #9), Paul and Gloria Stone (Submitter #12) and Wen Sen Shih and Hsiu-Jung Huang (Submitter #17) (which I collectively refer to as the "**Meadowview Lane Submitters**").

Code of conduct

1.5 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.

2. TE AWA LAKES UNINCORPORATED JOINT VENTURE LIMITED AND HOROTIU FARMS LIMITED

2.1 Mr Collier acknowledges the meetings that Fonterra (represented by myself and Ms O'Rourke) held with TAL following the close of submissions.[1] These were beneficial meetings that provided a greater level of understanding of TAL's submission and the concerns raised. The meetings facilitated the introduction of the Focal Area non-ancillary retail limitations that were introduced through the Supplementary Information submitted in August 2025 and further improvements to the provisions that I appended to my Primary Evidence.

2.2 Mr Collier notes that the updated planning provisions are generally appropriate and identifies two remaining issues where he does not agree: [2]

(a) The transport upgrade requirements within Rule 3.9.3.2: Transport Upgrade Framework, based on the evidence of Mr Apeldoorn; and

(b) The bulk and location controls that apply on the northern boundary of the Plan Change Area that separates the Plan Change Area's North Block and the TAL land (referred to as Horotiu East South ("**HES**") Block).

Transport Upgrade Framework

2.3 Mr Inder has responded to the transport-based concerns that Mr Apeldoorn has raised within his statement,[3] that the Waikato Regional Transport Model ("**WRTM**") which informed PC17's modelling does not include the entire TAL

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1 Statement of Evidence of Aaron Collier on behalf of Te Awa Lakes Unincorporated Joint Venture Limited and Horotiu Farms Limited dated 3 November 2025 at [2.1].
2 Ibid at [2.2].
3 Rebuttal Statement of Cameron Inder dated 20 November 2025 at [2].

development area, and is limited to the area of the TAL development currently consented.[4]

2.4 Mr Apeldoorn asserts that by omitting the balance of the TAL development area (which is not yet consented), PC17 underestimates network demand and underplays the potential cumulative effects of growth in the wider Te Rapa and Horotiu corridor.[5] However, Mr Apeldoorn fails to recognise that the full build out of the TAL development is unknown at this stage, as is the corresponding traffic mitigation required for that future development.

2.5 From a planning perspective, I consider that any modelling that is used to inform the content of Rule 3.9.3.2 should be certain, accurate and balance both traffic generation with the corresponding mitigation that is required to be delivered by the development creating the traffic generation – otherwise the scenario becomes fanciful. I covered this in my Primary Evidence where I stated: [6]

> 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 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.

2.6 The key consideration is what constitutes the environment against which the effects of PC17 should be assessed. This requires consideration of both the current state of the environment and what the future state is likely to be, and, in considering what the future environment is, applying a real world lens to ensure the baseline environment is not fanciful.

2.7 This will typically consider what activities are enabled on nearby sites under the planning framework. The Hamilton City Operative District Plan ("**ODP**") contemplates development on TAL's land in the future; however, it also anticipates that transport effects require careful scrutiny (with a requirement

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4 Statement of Evidence of Mark Appeldorn on behalf of Te Awa Lakes Unincorporated Joint Venture Limited and Horotiu Farms Limited dated 29 October 2025 at [7.2].

5 As above at [7.3]–[7.5].

6 Statement of Evidence of Nicholas Grala on behalf of Fonterra Limited dated 7 October 2025 at [10.22].

for Broad ITAs at all stages within the Major Facilities Zone ("**MFZ**") and Business 6 zone).[7]

2.8 Mr Inder has set out the transport rules that apply to the TAL land in his statement.[8] It has demonstrated that while the TAL land is all live zoned and can be developed, each stage requires a resource consent and any stage that results in the overall development exceeding 500 vehicle movements per hour triggers the need for a Broad Integrated Transport Assessment ("**ITA**"). The intent of the ITA is to monitor certain areas of the transport network and identify what further transport upgrades are needed to mitigate the transport effects of that specific stage being applied for. This means that until those resource consents are applied for and then granted, it is not known what transport upgrades will be established to mitigate the potential effects of the entire TAL development.

2.9 While the full build out of the TAL land could theoretically be considered as part of any transport baseline modelling, in my view, that would be fanciful without factoring in that such build out will require TAL to mitigate the effects of any development themselves. It also remains uncertain as to what form that development might take and what mitigations would be required without essentially undertaking full ITA assessments of theoretical TAL development.

2.10 Including a hypothetical full build out of the TAL development would also have the consequence of imposing responsibility on Fonterra to mitigate the effects of the full build-out of the TAL development, which would be neither reasonable nor proportionate.

2.11 The modelling undertaken for PC17 considered the real-world assessment and the transportation effects in conjunction with the resource consents currently held by TAL. Anything further would require greater planning certainty of TAL's future development in the MFZ, the timing of the development and the effects mitigation that is required to support it in addition to the real-world baseline transport environment at the time.

2.12 I would be concerned that any WRTM modelling that attempted to include the full build out of the TAL development would either not include these transport upgrades or would attempt to guess what they may be. In my view, both scenarios would be a fanciful estimation of the likely environment that will occur once the TAL land is fully developed.

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7 As required under Rules 3.8.5.3.1 and 3.8.5.3.2 of the Hamilton City Operative District Plan.

8 Rebuttal Statement of Cameron Inder dated 20 November 2025 at [2.6].

2.13 I therefore support the approach that Mr Inder has adopted of using the most recent trip generation data for the parts of the TAL development that already have been granted resource consent.

2.14 In my view, this provides a balanced and evidence-based representation of development actually enabled and already committed mitigation. Those consented levels of development are tied to known infrastructure improvements, ensuring that traffic generation and mitigation are properly matched within the model. This approach aligns with sound planning and models what is reasonably certain to occur rather than speculative or unconstrained development scenarios.

Horotiu East South and the North Block Boundary Treatment

2.15 Mr Collier contends that the bulk and location controls that are proposed along the common boundary between the North Block of the Plan Change Area and the HES Block that is owned by TAL are not appropriate because:

(a) The HES Block is zoned Future Urban and is not a deferred industrial zone;[9] and

(b) The future use of the HES Block is not settled noting that TAL has no intention of developing it for industrial uses, and instead it is likely to be developed as a major facilities area incorporating commercial, retail, hospitality and community activities.[10]

2.16 The location and extent of this boundary (the "**HES Boundary**") is shown in **Figure 1** below.

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[9] Statement of Evidence of Aaron Collier on behalf of Te Awa Lakes Unincorporated Joint Venture Limited and Horotiu Farms Limited dated 3 November 2025 at [6.10].

[10] Ibid at [6.13].

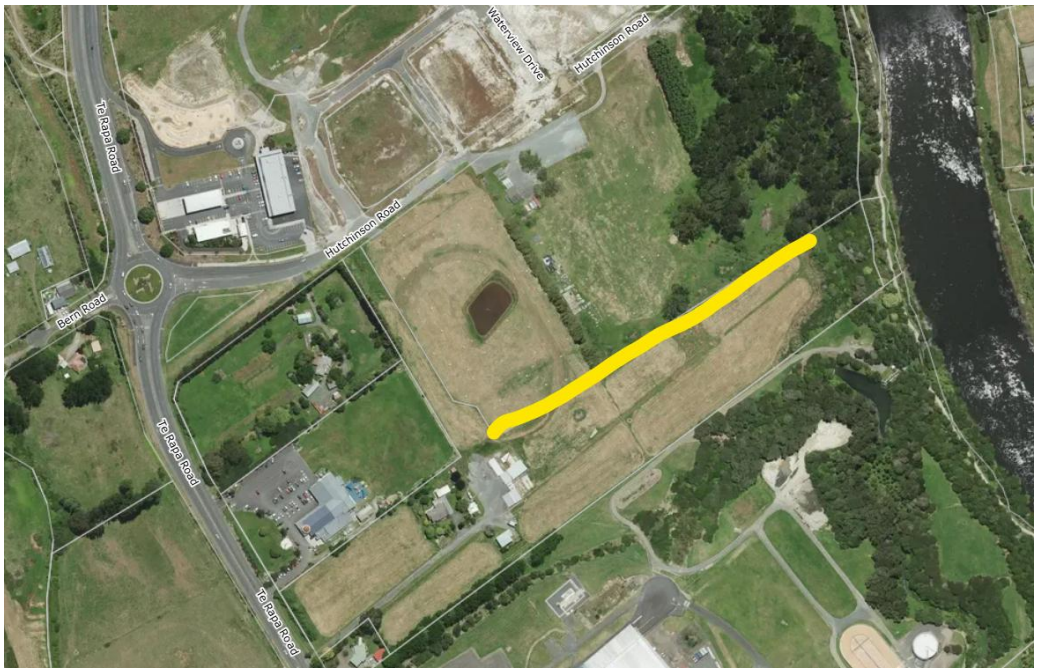

Figure 1: Extent of the common boundary between the North Block of the Plan Change Area and the HES Block owned by TAL.

2.17 Mr Collier proposes to:[11]

(a) Retain the Interface Landscape Buffer that is applied on the HES Boundary by the Te Rapa North Industrial Structure Plan ("**Structure Plan**");

(b) Retain Rule 12.4.6 Landscaping that requires landscaping to be provided at a 5m depth along the entire extent of the HES Boundary while the HES Block is within the DIZ overlay of the TRNIZ. This rule also requires the landscaping to be 10m high within five years of planting and at a form that achieves the density of a buffer strip;

(c) Introduce a new rule that restricts maximum building height to 12m within 40m of the HES Boundary;

(d) Introduce a new rule that applies a 20m yard setback along the HES Boundary (within the Plan Change Area) to ensure adequate separation between future buildings and the HES Boundary; and

(e) Introduce a new rule that require yards:

> not be used for industrial operational activities other than exists car parking all storage areas [sic].

[11] Ibid at [6.18].

2.18 Before I turn to the merits of these proposed rules, I will first focus on the zoning that the ODP applies to the HES Block.

2.19 As at 5 November 2025, the ODP Map Viewer identified the HES Block as being zoned TRNIZ overlaid with the DIZ Map Area, except for a narrow strip of the HES Block that adjoins the Waikato River that is within the Open Space – Natural Open Space Zone (refer **Figure 2** below).

Figure 2: Screenshot from the OPS Map Viewer.

2.20 This clearly identifies that the HES Block is within the TRNIZ and is also subject to the DIZ overlay.

2.21 The current version of Chapter 12 within the ODP includes a note below the purpose statement for the TRNIZ in section 12.1 that states (emphasis added):[12]

> Note:
>
> 1. The area, with an exception for the Dairy Manufacturing Site and the 30ha within Stage 1A as provided for, is covered by 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.

2.22 In my view, this means that:

(a) The HES Block is not zoned Future Urban as Mr Collier concludes.

(b) While the current Chapter 12 of the ODP includes a note that directs plan users to Chapter 14 Future Urban Zone for any areas of the

12 Hamilton City Operative District Plan, Chapter 12 Te Rapa North Industrial Zone, section 12.1.

TRNIZ that are within the DIZ overlay,[13] it does this for plan administration and efficiency only so that Chapter 12 does not also need to include corresponding holding type provisions for the areas within the DIZ overlay extent.

(c) The Future Urban Zone acts as a holding zone for greenfield areas elsewhere in the city (and in many other urban areas of New Zealand) where the type of future urbanisation (residential, commercial, or industrial) has not yet been determined. It prevents development that could predetermine how those areas will eventually urbanise and it is agnostic on what future urban use it will be developed for. This Future Urban framework does not apply to the HES Block. The ODP already identifies HES Block as future industrial by applying the TRNIZ and then the DIZ overlay. The overlay simply acknowledges that infrastructure is not yet available to enable industrial development, and the overlay will be removed once the necessary infrastructure is available through either a plan change or district plan review.

(d) Any interpretation that treats the HES Block as being within the Future Urban Zone is therefore incorrect.

2.23 While I acknowledge that TAL may not intend to develop the HES Block for industrial use, the ODP (and as proposed under PC17) does not enable this without a Non-Complying resource consent being granted. Currently, no such consent has been applied for or granted for the HES Block.

2.24 It is therefore appropriate that, in the context of PC17, the HES Boundary be viewed as a common boundary between land that can be developed for industrial use in the short term (being the North Block within the Plan Change Area) and in the long term (being the HES Block).

2.25 I consider that the proposed landscaping requirement along the HES Boundary through Rule 12.4.6 of PC17 remains appropriate because it appropriately responds to the transition and interface that exists while the HES Block is within the DIZ overlay of the TRNIZ.

2.26 I do not consider that any additional bulk and location controls (as proposed by Mr Collier) are necessary or appropriate because they do not relate to an effect that is necessary to mitigate between two industrially zoned land parcels.

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[13] Being all parts of the TRNIZ that are outside the existing Te Rapa Dairy Manufacturing Site and Stage 1A based on the operative version of Chapter 12 (ie pre amendment by PC17). This includes the HES Block.

2.27 However, if the Panel were to agree with Mr Collier's evidence that the HES Block was a de facto Future Urban Zone and the future use of the land was open for a range of potential uses:

(a) I do not consider the Masterplan that TAL has created for its development (which includes the HES Block) holds any statutory weight. It is not incorporated into the ODP and there has been no resource consent granted for the HES Block.

(b) While a project contemplating development of the HES Block has been listed under the Fast-Track Approvals Act 2024, my understanding is that no substantive applications have been made or approvals secured for any development within the HES Block.

(c) Any additional mitigation along the HES Boundary should occur within the HES Block rather than within the Plan Change Area. This is because the HES Block is clearly signalled for industrial use in the future due to its zoning and the obligation to provide this mitigation should fall on TAL if it is to pursue a lighter and higher amenity use (such as what is contemplated on the TAL Masterplan).

3. EMPIRE CORPORATION LIMITED AND PORTER GROUP

3.1 The submission by Porters seeks to extend the Plan Change Area to include its landholdings as identified in Figure 3 below.

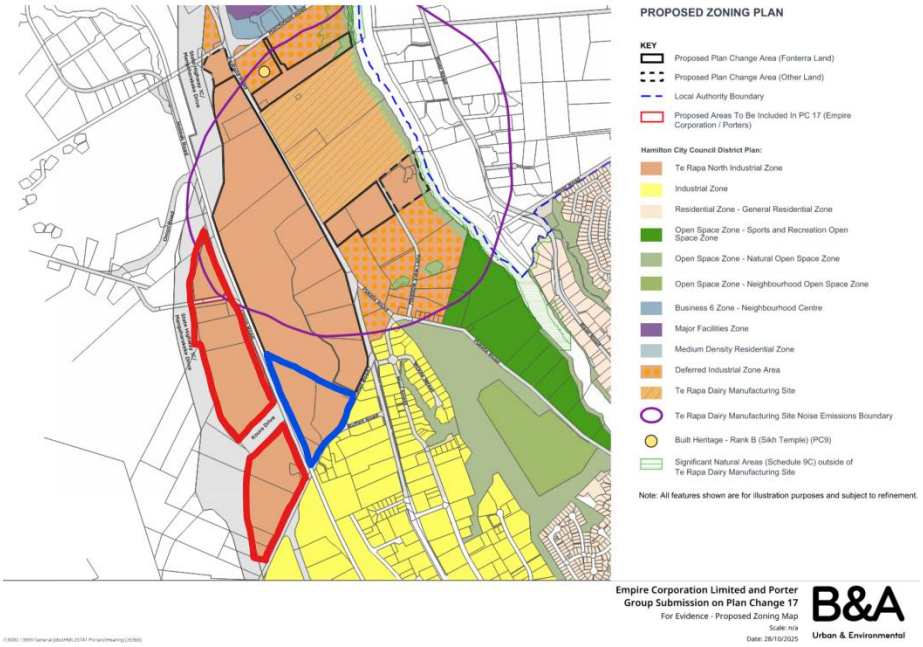

Figure 3: Areas of land sought to be included by the Porters' submission.

Extent of PC17

3.2 Porters' land comprises two distinct landholdings:

(a) directly contiguous with the current West Block boundary of the Plan Change Area; and

(b) Landholdings (encompassing a much larger area of land) located to the west of Onion Road and beyond the operational North Island Main Trunk rail line.

3.3 Ms Belgrave considers that including these areas within PC17 would address what she describes as deficiencies in the structure planning undertaken by Fonterra, including a lack of whole-of-area planning and coordination of infrastructure delivery.[14]

3.4 Ms Belgrave argues that the inclusion of Porters' land would create a more logical and integrated urban boundary and would provide for a more efficient and comprehensive development pattern for Te Rapa North. She contends that excluding these areas creates fragmentation and limits infrastructure efficiency.[15] Her planning evidence attaches updated maps showing an

14 Statement of Evidence of Briar Belgrave on behalf of Empire Corporation Limited and Porter Group dated 30 October 2024 at [6.11]-[6.13].

15 Ibid at [6.14].

expanded structure plan, revised zoning plan, and proposed amendments to Chapter 3 provisions to accommodate the additional land.[16]

3.5 In support of her position, Ms Belgrave relies on evidence from Mr Hills (Transport) and Mr Morris (Engineering), along with her own planning evidence.[17] These experts focus primarily on the technical feasibility of extending servicing and transport connections into the Porters' land, but do not provide the full suite of technical assessments that would typically support a rezoning proposal of this scale. In contrast, PC17 was supported by comprehensive evidence across urban design, landscape, acoustic, cultural, ecological, geotechnical and contamination disciplines. No equivalent evidence has been provided by Porters that covers these areas, leaving what in my view, is a material information gap, for the Panel to consider.

3.6 It is worth reiterating that, prior to lodging PC17, Fonterra undertook extensive engagement with Porters. As set out in the corporate evidence of Ms O'Rourke, Fonterra met with representatives of Porters for approximately six months while they were developing PC17 to explore opportunities for Porters' to be included in PC17.[18] During this period, Fonterra presented and discussed the draft structure plan, infrastructure servicing approach, and the likely approach PC17 would have for planning provisions to the extent that they were still under development. Fonterra invited Porters to become joint applicants to PC17 but Porters declined that invitation, after which Fonterra proceeded with PC17 independently.

3.7 In my opinion, the structure planning undertaken for PC17 was robust and comprehensive. It was informed by a comprehensive suite of evidence that covered the field of what is expected for urban growth areas and structure planning. The expert assessments were also integrated into the development and refinement of the structure planning and illustrative Masterplan.

3.8 The proposed Structure Plan for PC17 expressly accounts for the interface with the parts of the TRNIZ that remain within the DIZ overlay (which includes the contiguous area of Porters' land). This ensures that future development can occur coherently, regardless of whether such land is rezoned through PC17. This approach ensures transport, three waters planning and urban design integration is consistent with best practice structure planning principles.

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16 Ibid. Attachment 1: Amendments to Planning Maps and Indicative Infrastructure Plan.
17 Ibid at [5.4]-[5.23].
18 Statement of Evidence of Suzanne O'Rourke on behalf of Fonterra Limited dated 7 October 2025 at [6.21]-[6.25].

It is therefore inaccurate to suggest that PC17 was prepared without a holistic understanding of the wider Te Rapa North context.[19]

Engagement with Tangata Whenua

3.9 Ms Belgrave provided an evaluation in accordance with sections 32AA and 32 of the RMA that states:

> It is acknowledged that further engagement with mana whenua is required to identify cultural costs.

under each of the rezoning options that were considered.[20] This suggests that no engagement with Tangata Whenua has been undertaken by Porters on the rezoning sought by its submission.

3.10 In contrast, Fonterra undertook extensive engagement with Tangata Whenua through the Tangata Whenua Working Group ("**TWWG**"). This engagement covered cultural values, natural resource management, ecological protection, and design integration.[21] This creates uncertainty regarding the extent to which the proposed inclusion of Porters' land would give effect to Te Ture Whaimana o te Awa o Waikato (The Vision and Strategy for the Waikato River) ("**Te Ture Whaimana**") the Waikato Regional Policy Statement ("**WRPS**"),[22] and Part 2 of the RMA, particularly sections 6(e), 7(a), and 8.

WRPS Assessment

3.11 The Planning Evidence of Ms Belgrave also omits an assessment of the WRPS, including the requirements of Appendix 13 ("**APP13**") of the WRPS, which sets out the criteria for assessing out-of-sequence or unanticipated urban development.

3.12 Table 35 (Appendix 12) of WRPS sets out the industrial land allocation for the progressive zoning and development of Strategic Industrial nodes, while Map 43 of the WRPS indicates where this land is located and when it is anticipated for release. Both Table 35 and Map 43 are informed by the Future Proof Development Strategy Update 2024-2054.

3.13 This is required for PC17 because it will bring forward approximately 91ha (gross land area) identified by Table 35 as long-term supply into the medium-

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19 Statement of Evidence of Briar Belgrave on behalf of Empire Corporation Limited and Porter Group dated 30 October 2024 at [6.12].

20 As Ibid Attachment 3 – Section 32AA Evaluation.

21 Joint Statement of Evidence of Jo Kukutai and Carolyn Hopa on behalf of Fonterra Limited dated 7 October 2025, paragraphs [4.1]-[4.8].

22 Te Ture Waimana has been directly incorporated into the WRPS.

term. This means that while PC17 is anticipated, it is out of sequence with the planned release set out by the WRPS and requires an assessment of the responsive planning criteria listed in APP13.

3.14 Policy UFD-P11(7) of the WRPS requires proposed out-of-sequence and unanticipated development to be assessed for consistency with the responsive planning criteria in APP13. Method UFD-M49(2) of the WRPS, states that the timing of land release within urban and village enablement areas may only be amended where it is demonstrated that the proposal is consistent with criteria A in APP13.

3.15 Fonterra provided this assessment in the PC17 Private Plan Change Request which demonstrated that PC17 is appropriate and justified when considered against these criteria. The omission of this assessment by Porters, in my view, prevents the Panel from having the required information to determine whether the inclusion of Porters' land would give effect to the WRPS.

Concluding comments

3.16 If the Panel was to consider that the Empire submission is within scope, I consider that only the smaller, contiguous parcel directly adjoining the Plan Change Area boundary (identified in blue within Figure 3) should logically be considered for inclusion. However, this would still be dependent on Porters providing the necessary expert evidence (including engagement with Tangata Whenua) that would bring the submission in line with what is best practise for a rezoning and plan change and what Fonterra has commissioned to support PC17.

4. MEADOWVIEW LANE SUBMITTERS

4.1 Ms Belgrave also prepared evidence on behalf of the Meadowview Lane Submitters who also seek the inclusion of their land within PC17.

4.2 The Meadowview Lane Submitters' land is located on the eastern side of Te Rapa Road, along Meadowview Lane, and lies outside the Plan Change Area. The locations of the Meadowview Land Submitters' land are shown in **Figure 4** below.

Figure 4: The locations of the Meadowview Lane Submitters (noting that several of the submissions did not refer to a specific property and so these have been determined based on the registered owners).

4.3 Ms Belgrave considers that the inclusion of the Meadowview Lane Submitters' land would achieve a more comprehensive and integrated outcome for the TRNIZ. Ms Belgrave states that the current PC17 Structure Plan under-represents the logical extent of industrial land and its exclusion will result in fragmentation that will constrain development. She suggests that the land's inclusion would better align with infrastructure delivery and achieve a more efficient urban form.[23]

4.4 Ms Belgrave has not relied on any technical evidence to support this position. She is the sole expert engaged by the Meadowview Lane Submitters and her statement is not accompanied by any assessments of transport, three waters infrastructure, ecology, economic, acoustic, landscape, geotechnical, contamination or cultural matters. While her evidence references general infrastructure concerns, there is no corresponding analysis or modelling to support those assertions.[24]

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23 Statement of Evidence of Briar Belgrave on behalf of Sam and Alisa Coleman, Scott Mathieson, Graeme Boddy, Hayden Porter, Paul and Gloria Stone and Wen Sen Shih and Hsiu-Jung Huang dated 30 October 2025 at [5.11]–[5.13].

24 Ibid at [5.14].

4.5 In my view, the Meadowview Lane Submitters lack the evidence base needed to assess environmental effects, infrastructure feasibility, or alignment with the higher order policy documents. This absence of technical analysis presents a significant evidence gap for the Panel.

4.6 PC17 was supported by comprehensive assessments across all relevant disciplines. These assessments confirmed that the Plan Change Area could be serviced and integrated into Hamilton City's wider network.

4.7 Without equivalent assessments, I do not think the Meadowview Lane Submitters can demonstrate that their land can be efficiently serviced or that its inclusion would achieve the purpose of the RMA or contribute to a well-functioning urban environment as required by Objective 1 of the National Policy Statement on Urban Development 2020.

4.8 A further concern is the uncertainty created by the future alignment and timing of the Northern River Crossing ("**NRC**"). The NRC is a major piece of future regionally significant infrastructure that is anticipated to traverse the general area around Meadowview Lane. However, its route has not yet been confirmed, no design work has been undertaken, and the project is unfunded within the Hamilton City Council ("**Council**") 2024-2034 Long-Term Plan until at least 2030. Rezoning land in the absence of this information risks predetermining or constraining the future corridor for the NRC. From a planning perspective, this would be inconsistent with the integrated management and infrastructure sequencing principles of the WRPS. Any rezoning now would likely result in inefficient land use and may frustrate the future delivery of the NRC.

4.9 Similar to the evidence provided in support of the Porters' submission, Ms Belgrave's evidence for the Meadowview Lane Submitters does not include any evidence to demonstrate engagement or consultation with Tangata Whenua. As stated above at paragraph 3.10, through the preparation of PC17, Fonterra undertook extensive engagement with the TWWG, to identify and protect cultural values. The Meadowview Lane Submitters have not provided any corresponding evidence of engagement. This omission creates uncertainty as to whether the submission gives effect to Te Ture Whaimana, the WRPS and achieves Part 2 of the RMA.

4.10 Ms Belgrave's evidence also omits any assessment of APP13 of the WRPS. I have covered the content and importance of these criteria in paragraphs 3.11 – 3.15 above. As with the Porters' submission, the omission of such

assessment leaves the Panel without a basis to determine whether the Meadowview Lane submissions are consistent with the WRPS.

4.11 In my opinion, the inclusion of the Meadowview Lane Submitters' land within PC17 is not supported by sufficient evidence and would be premature. The absence of technical assessment and Tangata Whenua engagement, and the uncertainty surrounding the NRC all contribute to significant planning and implementation risks. I therefore do not support the submissions seeking the Meadowview Lane Submitters' properties be included in PC17.

5. UPDATES TO THE STORMWATER ASPECTS OF PC17

5.1 My primary statement of evidence described the need for a catchment-wide response to the increased stormwater volume within the Te Rapa Stream, and the associated erosion effects near the confluence with the Waikato River. As set out in my primary statement, in my view it is more appropriate to be considered as part of the Infrastructure Report requirement within Rule 3.9.3.4(b), noting: [25]

> The erosion issue is a catchment matter rather than being solely caused by the development of the Plan Change Area. 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 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.
>
> I have instead placed the requirement in the Infrastructure Plan in the revised provisions. 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.

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25 Statement of Evidence of Nicholas Grala on behalf of Fonterra Limited dated 7 October 2025 at [10.30]–[10.31].

5.2 Subsequent to my primary statement of evidence, I met with Mr King, Mr Smith (the stormwater expert for Council) and the Section 42A Report author Mr McGahan, to work through these issues and to identify whether a proportionate and practical mitigation response could be included within PC17. This session was helpful in confirming both the current condition of the Te Rapa Stream and the most appropriate way to address the effects attributable to development enabled through PC17.

5.3 Mr King shared some recent photographs and observations from his site walkover, including the erosion protection and planting works already undertaken within Area 3 of the stream by a recent residential development (being the extent identified in Appendix E of the Draft Te Rapa ICMP).[26] These works have clearly improved stability along this section of the stream and while some localised undercutting remains where toe protection was not installed, both Mr King and Mr Smith agreed that only minor additional improvement is required within Area 3.

5.4 The key stormwater issue for PC17 is identifying the appropriate extent of mitigation needed to respond to the additional flow volumes arising from development of the Plan Change Area.

5.5 To understand the scale of mitigation that might be appropriate we applied the percentage of additional volume that will enter the Te Rapa Stream as a result of development within the Plan Change Area to the total cost of the erosion protection programme set out in Appendix E of the Draft ICMP. The working for this assessment is outlined in the statement of Mr King and I note these costs have been used only as a proportional proxy to gauge relative scale rather than determine funding. [27]

5.6 On this basis, the stormwater experts identified mitigation that was of the highest priority and would be approximate to this value. Both Mr King and Mr Smith identified the Area 1 stream resilience package (noted as the rip rap areas on the plans) as the most appropriate and proportionate mitigation response.

5.7 I have therefore updated the PC17 provisions to include the Area 1 works in the Strategic Infrastructure Table (Rule 3.9.3.3) for the Structure Plan areas that discharge to the Te Rapa Stream. Mr King and Mr Smith both agreed that the stages of the Structure Plan that can discharge directly to the Waikato River

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[26] Mr King has included these photos in Attachment B of his statement.
[27] Rebuttal Statement of Evidence of Scott King at [3.4] - [3.9].

are not required to contribute to this mitigation and so this has not been applied to Fonterra South, Fonterra North or Meadowview East.

5.8 During this process it also became clear that the Infrastructure Plan requirements needed refinement so that the Area 1 works can be integrated and future proofed into either of the full packages that may be implemented under the Te Rapa ICMP in the future.

5.9 A further purpose of the refinements is to ensure there is a clear and transparent pathway for the delivery and funding of the Area 1 works. This includes identifying how the mitigation will be staged, implemented and funded, including any relevant development agreements.

5.10 In summary, I consider that the Area 1 stream resilience works represent a proportionate and technically robust response to the stormwater effects arising from PC17. Updated Rules 3.9.3.3 and 3.9.3.4(b) ensure that this mitigation is delivered in a manner that is integrated with the wider ICMP framework and future proofed for whichever long term stormwater option is ultimately confirmed.

6. UPDATED PROVISIONS

6.1 Since filing the updated plan provisions as part of my Primary Evidence, I have continued to collaborate with planners from the Council and Fonterra to undertake a thorough review of the proposed provisions to ensure that the format and location of the proposed provisions are consistent with the structure of the ODP. Updated plan provisions incorporating these refinements and the stormwater updates referenced above are attached as **Attachment A** to my evidence.

6.2 I confirm that the refinements do not change the objectives, policies, rules or information requirements of the PC17 provisions. I support these refinements because they improve plan consistency and will make it easier for ODP users to navigate the provisions once they have been included in the ODP through the EPlan on the Council's website.

6.3 The complete set of the updated provisions are included as **Attachment A** of my statement.

Nicholas Grala

20 November 2025

Attachment A – Updated PC17 planning provisions

Attachment A

Proposed Planning Provisions dated 20 November 2025

Deletions in strike through and additions underlined

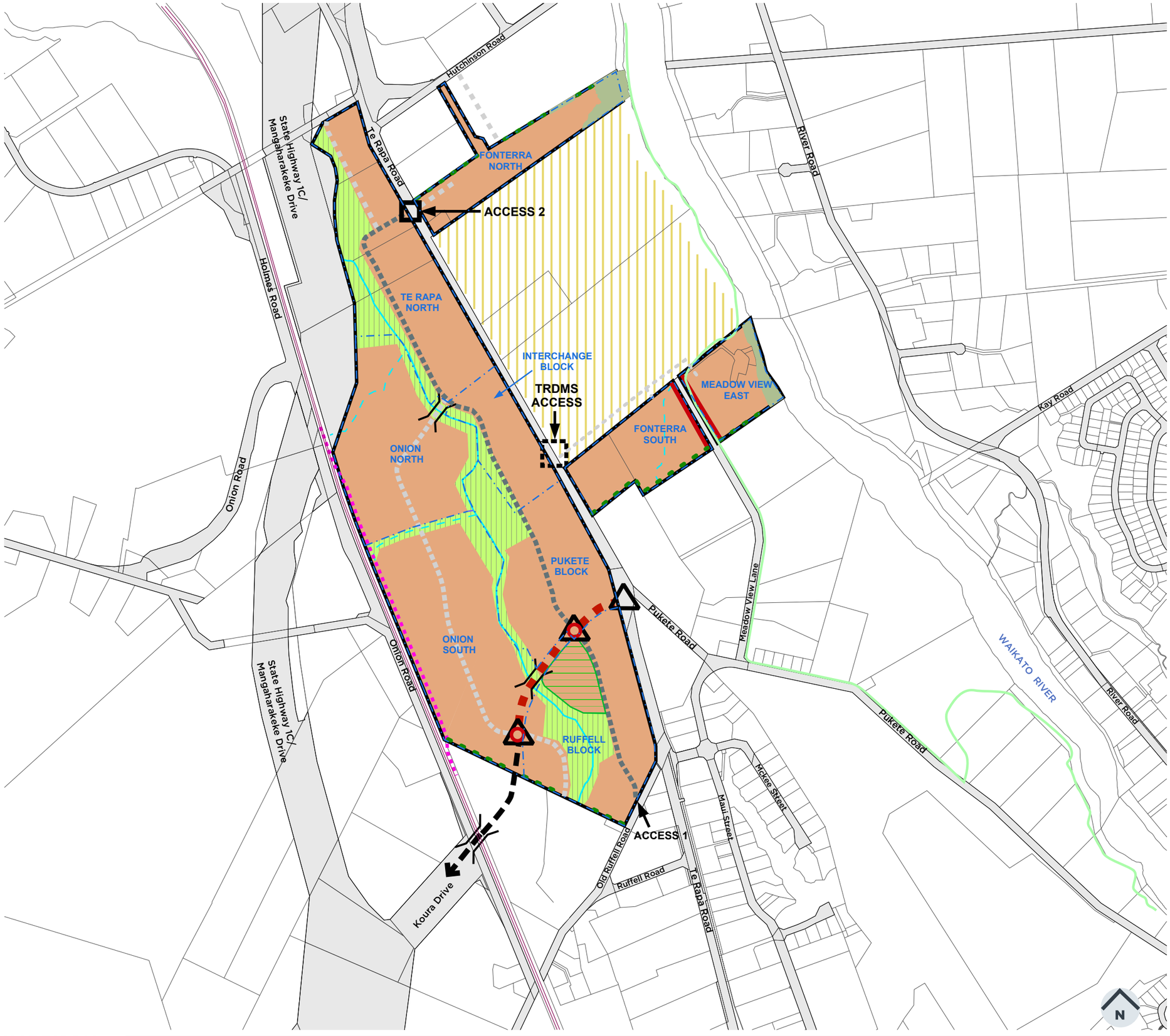
Notified changes are shown in green highlight

Supplementary report changes are shown in yellow highlight

Primary evidence changes are shown in blue highlight

Rebuttal changes are shown in purple highlight

TE RAPA NORTH INDUSTRIAL STRUCTURE PLAN



- Plan Change 17 Area
- Existing Property Boundaries
- Existing Road
- Permanent Watercourse (5m riparian margin required)
- Artificial or Intermittent Watercourse
- Te Rapa Dairy Manufacturing Site

Proposed Structure Plan Features - Indicative Locations:

- Te Rapa North Industrial Zone
- Natural Open Space Zone
- Focal Area
- Signalised Intersection
- Signalised Intersection or Roundabout
- Optional Signalised Intersection
- Bridge or Culvert
- East - West Road (Optional)
- Collector Road (Structure Plan Spine Road)
- Local Road
- Private Road
- Koura Drive Extension (Arterial Road, by Hamilton City Council)
- Future Intersection with Koura Drive Extension
- North Island Main Trunk Railway Line
- Rail Siding
- No Vehicle Access (Refer to Rule 12.5.6)
- Riparian and Stormwater Reserve (extents subject to confirmation of riparian margins, flood plain and stormwater infrastructure)
- Interface Landscape Buffer
- Te Araroa Trail
- Staging Boundary

HARRISON GRIERSON

CLIENT:	Fonterra (New Zealand) Ltd	SCALE:	1:10,000 at A3
PROJECT:	Te Rapa Masterplan (PC17)	DATE:	29 October 2025
STATUS:	For Evidence		

A2212331.00-

U:/1020/2212331_a Te Rapa Masterplan/UD/Drawings/Te Rapa Masterplan Document-r9.layout

UD201

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 NIMT~~L~~ 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 NIMT~~L~~.

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 gymnasiums~~, 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~~ city centre 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~~ Fonterra North ~~Block~~ stage and the Te Rapa North Industrial Structure Plan area to the west of Te Rapa Road.

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

1. 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.

2. 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, ~~#~~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~~ Te Rapa North Industrial Structure plan area to the west of Te Rapa Road ~~within 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. The Structure Plan anticipates that Old Ruffell Road will be upgraded to a Collector cross-section standard between the central spine Collector Road and Ruffell Road. It will be designed to include provision for a walking and cycling connection between Te Rapa Road and the Old Ruffell Road stub opposite the Te Rapa Road / McKee Street Intersection.

h. 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

i. 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

j. 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.

k. The restriction will require heavy vehicles associated with industrial activities to access Te Rapa Road via the Te Rapa Dairy Manufacturing Site.

Public Transport

l. 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.

m. 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).

n. Bus stop facilities will be provided along Te Rapa Road, near the centre of the Structure Plan area.

Walking and Cycling

o. 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.

p. 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.

q. The setbacks required from Te Rapa Road will maintain space for the future upgrade of this corridor, to deliver walking and cycling facilities.

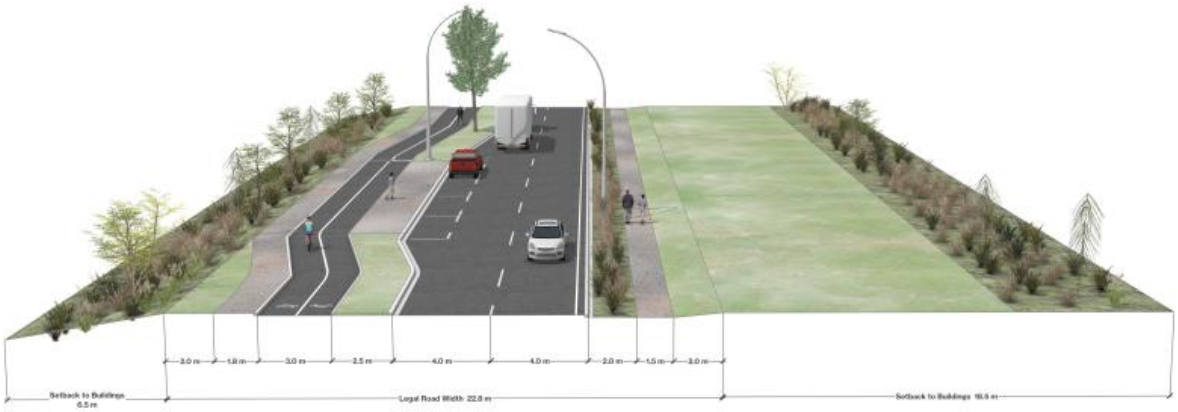


Figure 3.9.2.5.a: Indicative Typical Cross-Section for the East-West Road (Local Road~~, to be upgraded to Arterial~~)

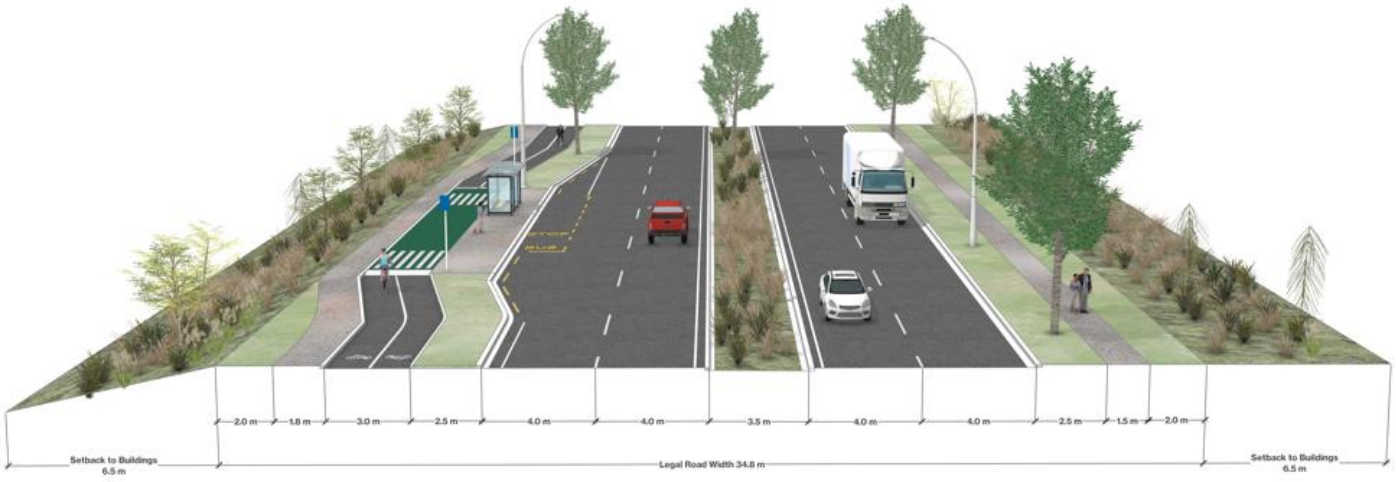


Figure 3.9.2.5.b: Indicative Typical Cross Section of the ultimate Northern River Crossing (Arterial), following upgrade of East-West Road

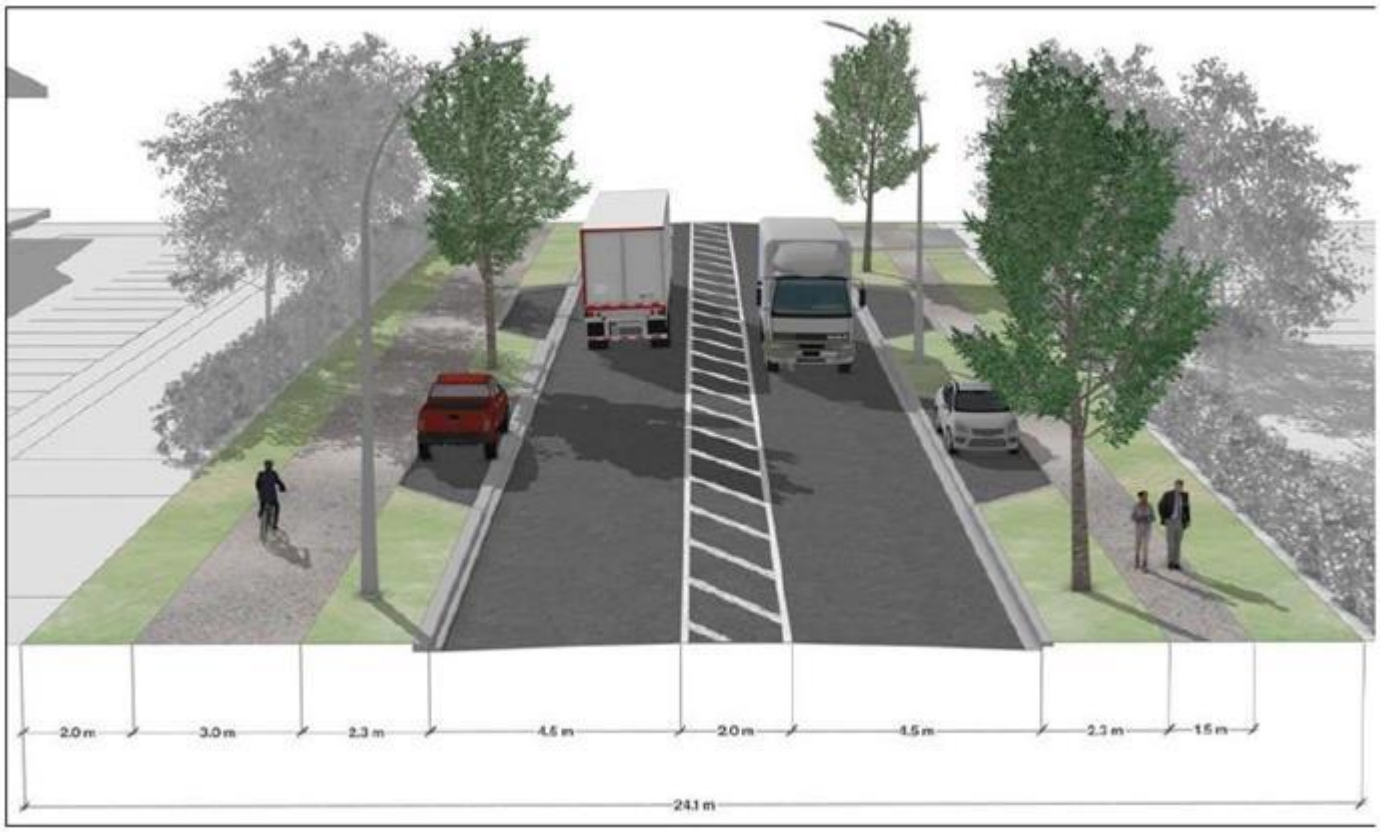


Figure 3.9.2.5.c: Indicative Typical Cross-Section of the Te Rapa Structure Plan Spine Road (Collector)

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

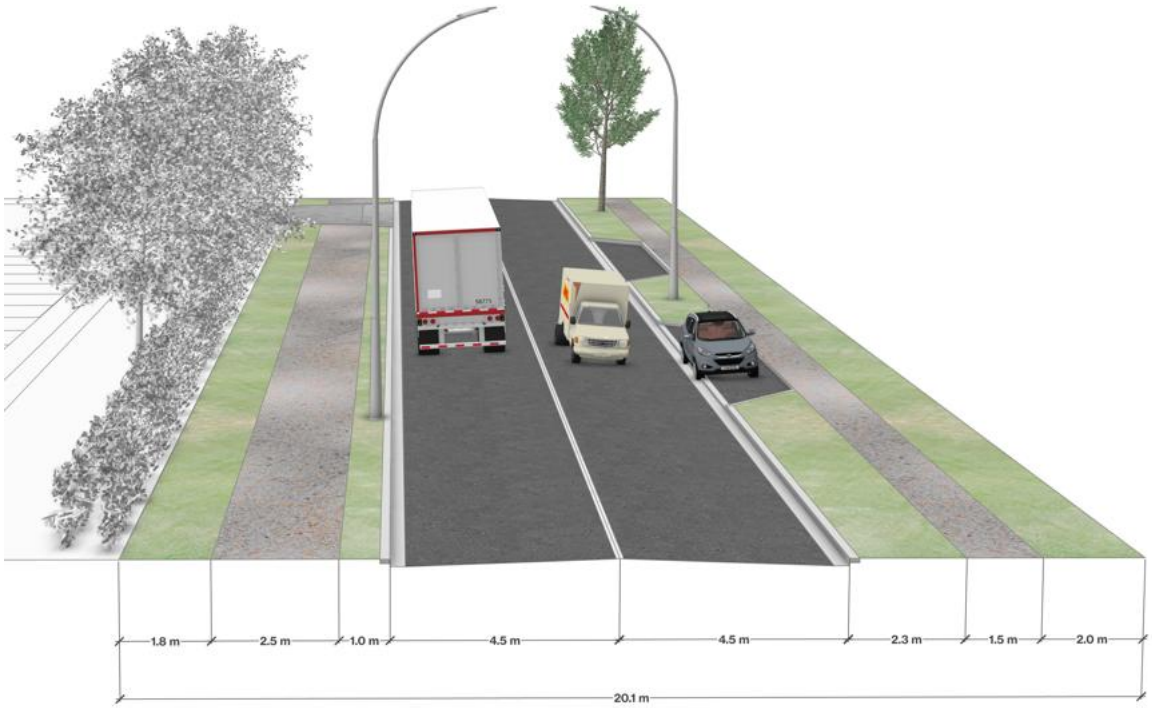


Figure 3.9.2.5.e: Indicative Old Ruffell Road upgrade cross section

3.9.2.6 Wastewater and Water Networks

a. Development of the Te Rapa North Industrial Structure Plan area will be progressively enabled based on the capacity of the public network.

b. 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.

c. 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.

d. 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)

a. 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.

b. 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:
   i. 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.
   ii. Te Rapa Stream, its tributaries and associated riparian margins; and
   iii. 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 Te Rapa North Industrial Zone ~~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~~ ~~ii. The establishment of any industrial activity being able to generate traffic that gains access off Te Rapa Road.~~
~~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.~~	
~~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~~ ~~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)~~
~~9. Realignment of Old Ruffell Road to connect to the new central spine Collector Road (Access 3).~~	

Table 3.9.3.2.a

Minimum Infrastructure Requirement	Implementation Trigger
i. ~~A~~ The Collector Road (Structure Plan Spine Road)	To be completed prior to: i. Any section 224c certificate for subdivision

is designed and constructed in general accordance with the Structure Plan and typical cross-section shown in Figure 3.9.2.5.c, including providing: ~~as~~ • ~~a.~~ A continuous connection to Old Ruffell Road (Access 1) including a Tee- intersection ~~with~~ between the Spine Road and ~~for~~ the remaining Old Ruffell Road stub, and • ~~f~~Future proofing for a four-leg intersection between the Spine Road and the ~~planned~~ future Northern River Crossing arterial.	under the Resource Management Act 1991 ('RMA') being issued that takes the cumulative net developable area ~~in theWest Block of the~~ to no more than 20 ha to the west of Te Rapa Road within the Structure Plan area: or, ii. Any industrial / commercial activity to the west of Te Rapa Road 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;
ii. Upgrade of Old Ruffell Road to ~~Old Ruffell Road~~ Collector cross-section standard between the Collector Road (Structure Plan Spine Road) and Ruffell Road as shown in Figure 3.9.2.5.e. 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.	
iii. Completion of items i – iii, above.	To be completed prior to: 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~~ Fonterra North ~~Blocks~~ and to the west of Te Rapa Road within the Structure Plan area to between 20.1 ha and 35 ha: or, ii. Any industrial / commercial activity in ~~the~~West ~~and/or~~ Fonterra North ~~Block~~ and/or to the west of Te Rapa Road ~~of~~ within 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~~.
iv. Design and construction of Access 2 on Te Rapa Road as a new four-leg signalised intersection ~~on Te Rapa Road in general accordance with Access 2 on the Structure Plan~~.	
v. ~~A~~ The Collector Road (Structure Plan Spine Road) from Access 2 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.~~	
vi. New northbound and southbound bus stops located on the Te Rapa Road south leg of the Access 2 intersection	
vii. Shared walking and cycling paths on both sides of Te Rapa Road connecting Access 2 intersection to the new bus stops	
viii. Provision of four continuous traffic lanes on Te Rapa Road between the Hutchinson Road roundabout and the ~~new~~ Access 2 intersection	
ix. ~~Provision of a~~ A shared walking and cycling path on the eastern side of Te Rapa Road connecting to the existing shared path from Hutchinson Rd	

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	
xi. Completion of items i – x, above. xii. The Collector Road (Structure Plan Spine Road)~~Road~~ is connected ~~through the Structure Plan West Block~~ through the Interchange Block between the Access 2 Intersection and Old Ruffell Road intersection.	To be completed prior to: 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~~ Fonterra North ~~Blocks~~ and to the west of Te Rapa Road within the Structure Plan area over 35 ha: or, ii. Any industrial / commercial activity in ~~the~~West ~~and~~ Fonterra North ~~Blocks~~ and to the west of Te Rapa Road within the Structure Plan area that generates a cumulative average weekday pm peak traffic volume exceeding 570 vehicles per hour (two-way)
xiii. Completion of items i – xii, above. xiv. Design and construction of a capacity upgrade to Te Rapa Road / Ruffell Road intersection (additional northbound and southbound through movement lanes).	To be completed prior to: 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, 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)
xv. Completion of items i – xiv, above. xvi. 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. xvii. 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	To be completed prior to: 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 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 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.
xviii. A road connection being provided through the existing Dairy Manufacturing Site from the Fonterra South ~~Block~~ and Meadow View East ~~Block~~ stages to access through the interchange on Te Rapa Road.	To be completed prior to: i. Any section 224c certificate for subdivision under the Resource Management Act 1991 ('RMA') being issued for development within the Fonterra South ~~Block~~ stage.
xix. No vehicle access is provided from any Industrial activity in the Fonterra South and Meadow View East ~~Block~~ stages to Meadow View Lane south of RP 58.	

Note: Refer to Figure 3.9.3.2.a containing the indicative location and extent of the minimum infrastructure requirements set out in Table 3.9.3.2.a

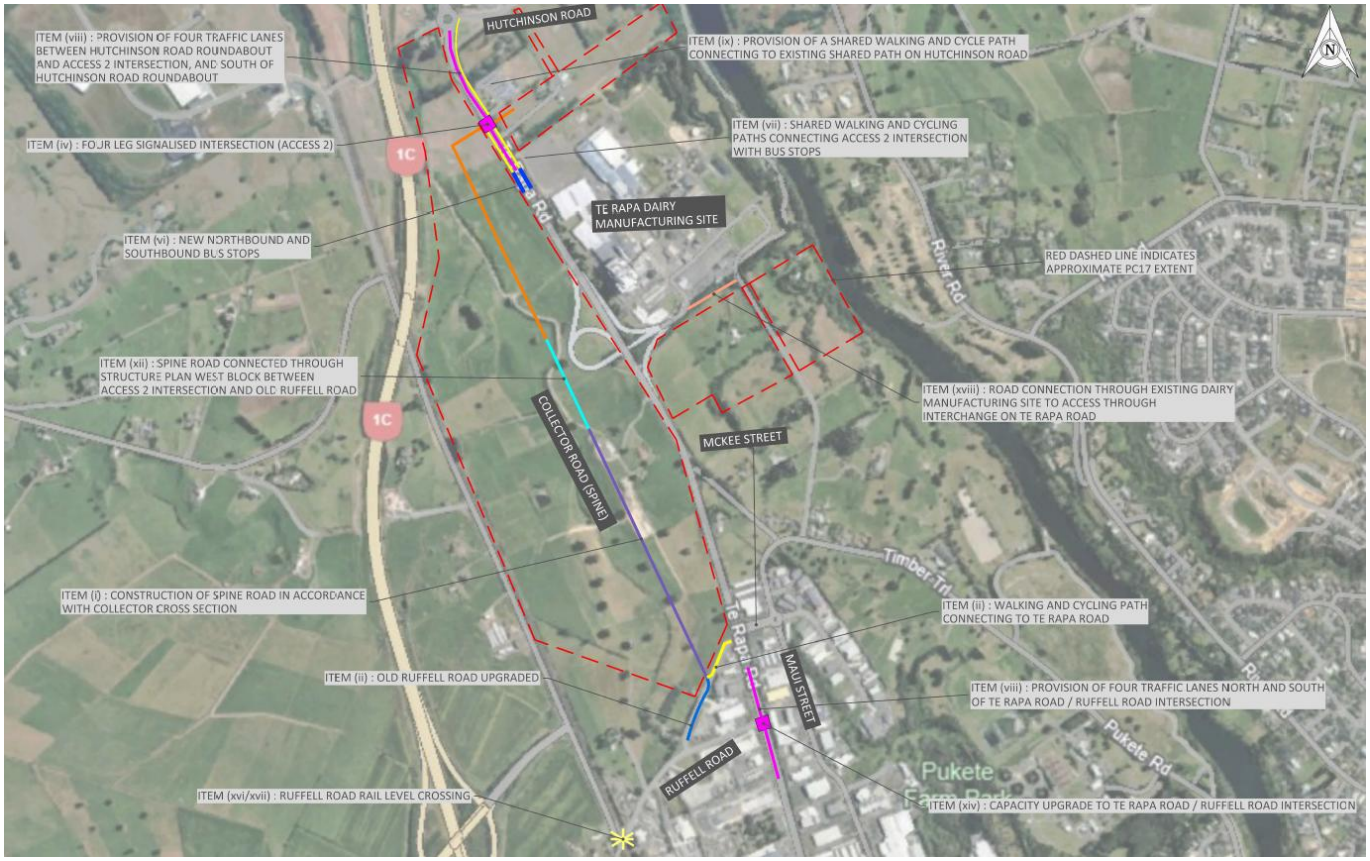


Figure 3.9.3.2.a Inidicative Transport Upgrade Location and Extent

a. All applications that fail to meet Rule 3.9.3.2.j.-xiv.~~(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.-xivii.~~(xvi)-(xivii)~~ shall be supported by a Broad ITA that meets the requirements of section 15-2 of the District Plan, that:
   i. ~~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.~~32~~.2a ~~(above);~~
   ii. ~~a~~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. eEvaluates the feasibiliThe ty of completing any LCSIA identified safety upgrades.
iv. iIncludes 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 Road 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 Road; 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 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 future proofs the intersection with the East-West Road; 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 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 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 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 future proofs the intersection with the East-West Road;

ii. Construction of a new intersection on Te Rapa Road in general accordance with Access 2 on the Structure Plan; and

iii. 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 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 infrastructure 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)	-	
Ruffell Block	Pukete Block*	Gravity Main 4	Pipe upgrade on	Wetland B

	Interchange Block*		Old Ruffell Rd (W3)	Rip Rap stream bed works within Area 1 as identified in Appendix E of the Te Rapa ICMP
Onion South	Onion North* Interchange Block* Ruffell Block**	Gravity Main 3	Southern Te Rapa upgrade (W4)	Wetlands C & D Rip Rap stream bed works within Area 1 as identified in Appendix E of the Te Rapa ICMP
Onion North	Interchange Block* Ruffell Block** Onion South** or Pukete Block** Interchange Block**	Gravity Main 3	-	Wetland E Rip Rap stream bed works within Area 1 as identified in Appendix E of the Te Rapa ICMP
Pukete Block	Interchange Block*	Gravity Main 2	Connection to Southern Te Rapa upgrade (W4)	Wetland B Rip Rap stream bed works within Area 1 as identified in Appendix E of the Te Rapa ICMP
Fonterra South	Meadowview East*	-	Upgrade of Meadowview Water network (W1)	New South River Outlet
Meadowview East	-	Pumping Station PS4 Meadowview Rising Main (14, 15)	Upgrade of Meadowview Water network (W1)	New South River Outlet
Interchange Block	Pukete Block** Or Onion North Block** Onion South Block** Ruffell Block**	Pumping Station PS3 Rising Main 1A		Wetland B Rip Rap stream bed works within Area 1 as identified in Appendix E of the Te Rapa ICMP
Te Rapa North	Interchange Block* Pukete Block** Interchange Block** Or Onion North Block** Onion South Block** Ruffell Block**	Pumping Station PS2 Rising Main 6	-	Wetland A Rip Rap stream bed works within Area 1 as identified in Appendix E of the Te Rapa ICMP
Fonterra North	Te Rapa North* Interchange Block*	Pumping Station PS1 Rising Main (12)	-	North River Outlet

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

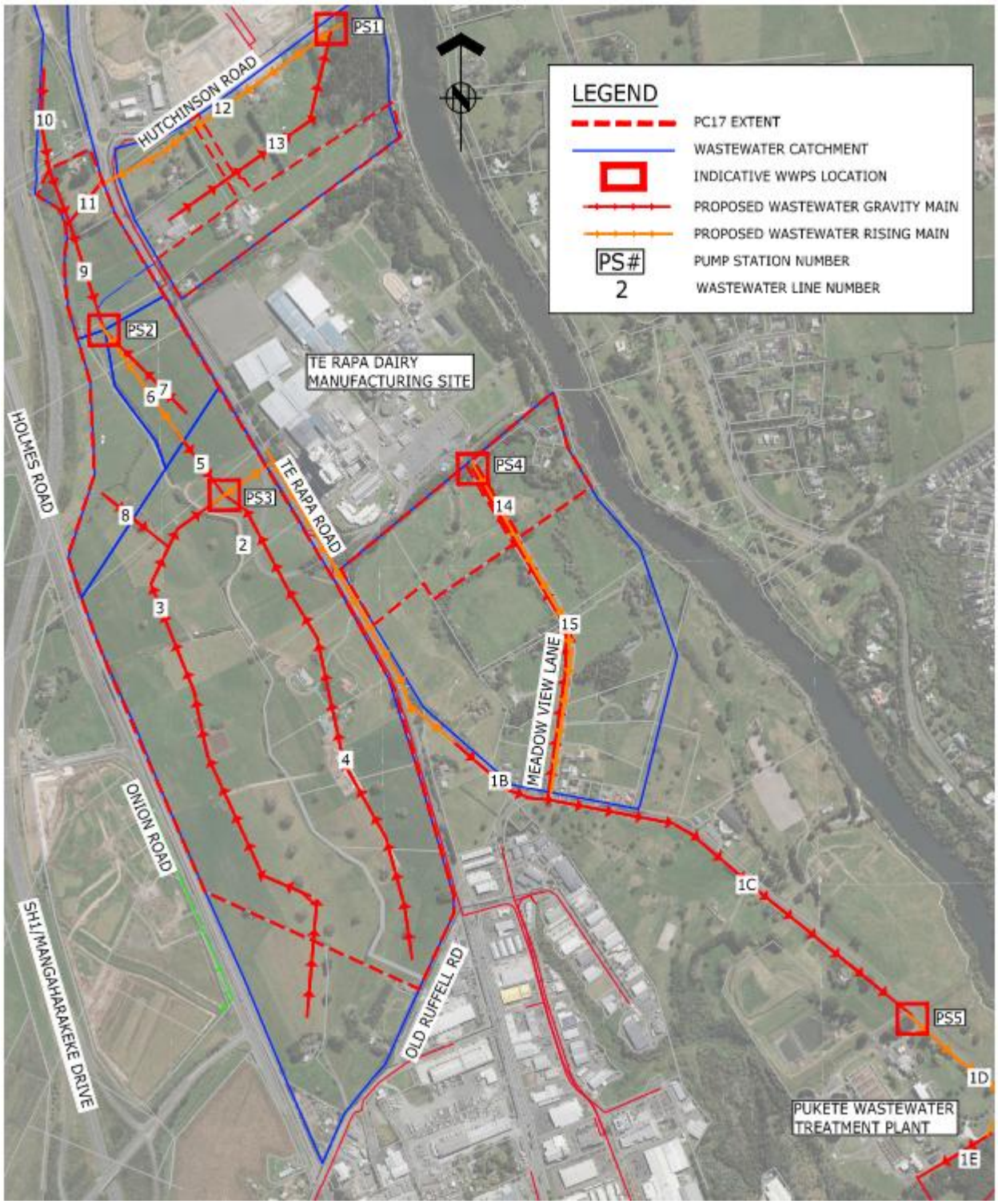


Figure 3.9.3.3(a): Indicative Wastewater Network

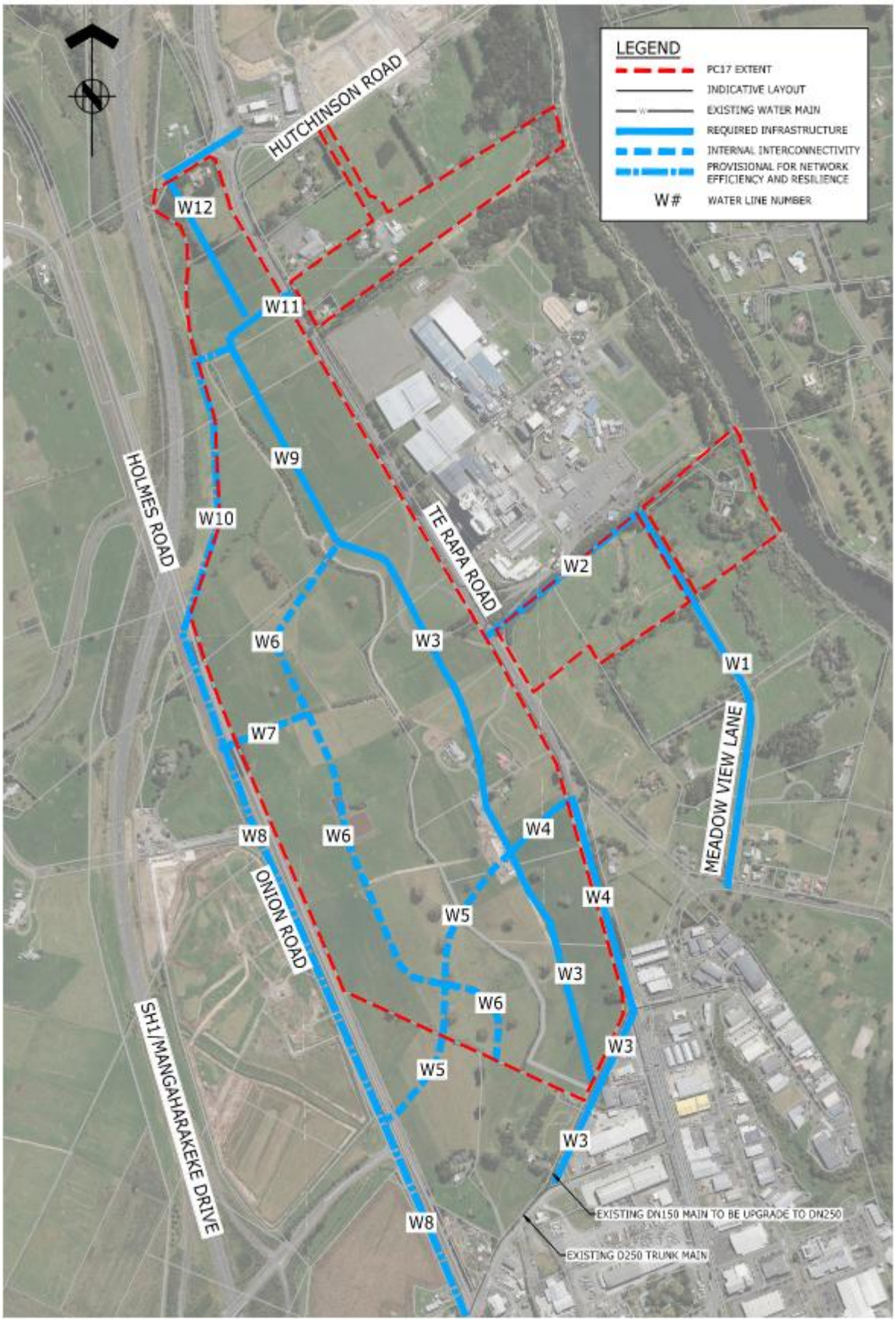


Figure 3.9.3.3.{b}: Indicative Water Network

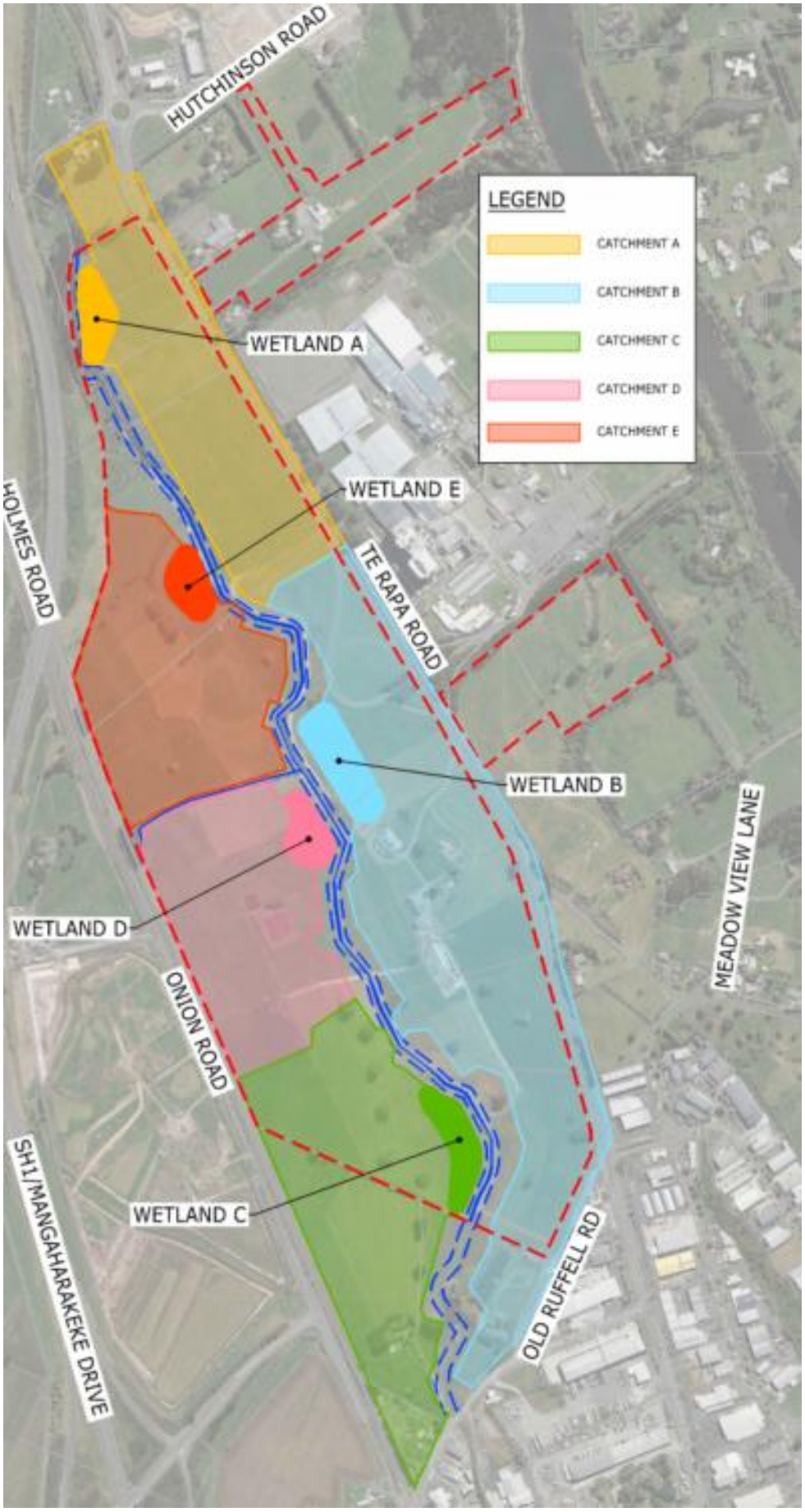


Figure 3.9.3.3(c): Indicative Stormwater Network

3.9.3.~~34~~ Information Requirements

a. Ecological Management Plan

i. The first land use or subdivision consent lodged for land 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 Information Requirements 1.2.2.~~29~~30.

~~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.~~

ii. 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 in accordance with Rule 3.9.3.4.a.i., or any variation thereof approved by way of a subsequent resource consent (including current applications). ~~to it the 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~~ Rule 3.9.3.3 must include an Infrastructure Plan for three waters as set out in Information Requirements 1.2.2.31.

~~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.~~

ii. All subsequent land use and/or subdivision consent applications within the ~~zone~~ stage 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 in accordance with Rule 3.9.3.4.b.i, 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:~~

~~a. Review of ICMP options~~

~~b. Identify long term stream reslience works for the preferred option~~

~~c. Refine the resilience works based on which option is preferred~~

~~d. Define extent of Area 1 stream work~~

~~e. Provide developed design and costing of Area 1 based on Appendix C of the ICMP~~

~~f. Implementation strategy and funding plan – referencing any PDA~~

~~g. 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 stage of the Te Rapa North Industrial Structure Plan Aarea must be accompanied by a Landscape Concept Plan covering the spatial extent of the stage block within which the site is located (being either the 'North Block', the 'South-East Block' or the 'West Block') as defined in [xxxx] and including the Information Requirements set out in 1.2.2.32.

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 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 Rules 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 Matters Criteria

a. In respect to Rule 3.9.3.4(a) 4.b, tThe 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.

i. When assessing a resource consent under Rule 3.9.3.2, the criteria set out in Appendix 1.3.3 Q5 Transport Upgrades in the Te Rapa North Industrial Structure Plan.

ii. When assessing a resource consent under Rule 3.9.3.3, the criteria set out in Appendix 1.3.3 Q6 Strategic Three Waters Infrastructure in the Te Rapa North Industrial Structure Plan.

iii. In respect of Rule 3.9.3.4.a, the criteria set out in Appendix 1.3.3 Q7 Ecological Management Plans in the Te Rapa North Industrial Structure Plan.

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.

3.9.487 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 area applies are subject to the provisions ~~identified in Chapter~~ofChapter 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
12.2.1 Industrial land uses are able to establish and operate within the zone in an efficient and effective manner.	**12.2.1a** Require the Te Rapa North Industrial ~~land is~~Zone to be used for industrial uses.
	12.2.1b 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~~.
	12.2.1c 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~~.
	12.2.1d Development is undertaken in general accordance with the Te Rapa North Industrial Structure Plan.
	12.2.1e Prevent new direct access to or from Te Rapa Road.
Explanation	

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
12.2.2 A high-quality Industrial area is achieved within the Te Rapa North Industrial Zone.	**12.2.2a** ~~Amenity levels within the Te Rapa North Industrial Zone are improved through the use of~~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.
12.2.3 The amenity levels of the existing Te Rapa Dairy Manufacturing Site are to be maintained.	**12.2.3b** Amenity levels within the Dairy Manufacturing Site will continue to reflect the existing activity on site.

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~~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~~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~~
~~12.2.3~~ ~~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.~~	~~12.2.3a~~ ~~The development of land in the Te Rapa North Industrial Zone is undertaken to ensure it aligns with the Regional Policy Statement.~~
	~~12.2.3b~~ ~~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.~~

12.2.3c
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.

12.2.3d
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 roading network.

12.2.3e
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.

12.2.3f
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.

12.2.3g
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.

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.
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

~~*ability to service and provide the necessary infrastructure.*~~

~~Objective~~	~~Policies~~
~~12.2.4~~ ~~Strategically important infrastructure and investment are supported and not compromised by inappropriate land use activities.~~	~~12.2.4a~~ ~~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.~~
	~~12.2.4b~~ ~~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.~~

~~***Explanation***~~

~~*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.*~~
~~*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.*~~
~~*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.*~~

Objective	Policies
12.2~~.5~~.4 Investment in the Te Rapa Dairy Manufacturing Site as a national and regionally important strategic facility is supported.	**12.2~~.5a~~.4a** The Dairy Manufacturing Site should be recognised for the important benefits it contributes to the community and dairy industrial base for the Waikato.
	12.2~~.5b~~.4b Subdivision, use and development shall not compromise the ongoing and efficient operation of the Dairy Manufacturing Site.
	12.2~~.5c~~.4c The Dairy Manufacturing Site, as an integral facility to the agricultural sector of Waikato, shall retain its opportunities for continued use, intensification and expansion.
	12.2~~.5d~~.4d 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.

Explanation
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. *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 a~~n~~ ~~industrial~~ zone with specific noise and air quality controls to assist with maintaining the viability of the Dairy Manufacturing Site.* *The relevant activity statuses in 12.3~~.3~~.1 and general standards in 12.4 apply to the Dairy Manufacturing Site.* *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.*

Objective	Policies
12.2.5 Ecological values are maintained, and where possible, enhanced, as part of industrial use and development.	**4.2.1a** Contribute to ecosystem connectivity by requiring setbacks and landscape requirements along the boundaries with: i. The Te Rapa Stream ii. The Waikato River; and iii. Significant Natural Areas.
	12.2.5b 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.
	12.2.5c Require buildings to be setback from Significant Natural Areas and the Waikato River.
	12.2.5d Minimise the risk of harm to long-tailed bats during any removal of confirmed or potential bat roost trees.
	12.2.5e Require any removal of confirmed or potential bat roost trees to be undertaken in accordance with an approved Ecological Management Plan. **12.2.5f** Avoid, remedy, or mitigate adverse effects on indigenous fauna and habitats, including those of long-tailed bats. Where residual effects remain,

	offset or compensate in line with best-practice ecological principles and the effects management hierarchy. **12.2.5g** 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.
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**
12.2.6 Industrial development is integrated with the efficient provision of infrastructure.	**12.2.6a** Require development to be co-ordinated with the provision of suitable transport and three waters infrastructure.
	12.2.6b Ensure that development does not compromise the ability for Hamilton City Council to construct the Northern River Crossing
	12.2.6c Enable a Rail Siding to be established alongside the North Island Main Trunk Line.
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 Rules

~~12.3.1~~ ~~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
Deferred Industrial Zone	
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
Development activities	
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 1~~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.
Buildings	

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
Activities	
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^2 gross floor area per site within the Te Rapa North Industrial Focal Area	P
v. Food and beverage outlets no greater than 250m^2 gross floor area per site outside the Te Rapa North Industrial Focal Area	RD
~~w. Food and beverage outlets greater than 250m^2 gross floor area per site outside the Te Rapa North Industrial Focal Area~~	NC
x. Food and beverage outlets greater than 250m^2 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. Emergency service facilities	RD
hh. Drive-through services within the Te Rapa North Industrial Focal Area	RD
ii. Supermarkets	NC
jj. Ancillary residential unit	NC
kk. Places of worship	NC
ll. Managed care facilities; retirement villages and rest homes	NC
mm. Visitor accommodation	NC
nn. Noxious or offensive activities	NC
oo. Activities not provided for in this table	NC
pp. Activities that fail to meet one or more of the General Standards in Rule 12.4	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.			
Land Release								
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	-	-
Activities in Te Rapa North Deferred Industrial Area								
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: 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	NC	P	P	D	NC	-	-	-
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~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~
~~Te Rapa Dairy Manufacturing Site~~								
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.l~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~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^2 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~~3m
ii. Transport corridor boundary — arterial transport corridors	~~15m~~5m ~~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~~5m from designation boundary ~~for other buildings~~ ~~except that this setback may be reduced to 10m with the written approval of the relevant roading controlling 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~~

	~~enjoyment of the adjoining land~~ 4. ~~The extent of existing or proposed landscaping within the designation~~ 5. ~~Effects on the Waikato Expressway~~ 6. ~~The record of consultation with Waka Kotahi New Zealand Transport Agency outlining any agreed outcomes~~
v. East — West Road (as shown on the Te Rapa North Industrial Structure Plan)	i. 6.5m; and ii. 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.
vi. Any boundary adjoining any ~~Residential, Special Character or~~ Open Space Zones	8m
vii. From the bank of the Waikato River	30m Despite the above, a public amenity of up to 25m^2 on an esplanade reserve, a public walkway, a water take or discharge structure, or a pump shed are not subject to this rule
viii. From the banks of the Te Rapa Stream (Riparian Setback)	~~6m~~10m
ix. From the banks of any other watercourses (Riparian Setback)	5m
x. Adjoining any Significant Natural Area	5m
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. Maximum container stacking height	25m
c. Height of lighting towers, poles, aerials, loading ramps, link spans, flagpoles, machinery rooms and cranes and other lifting or stacking	35m

equipment	

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

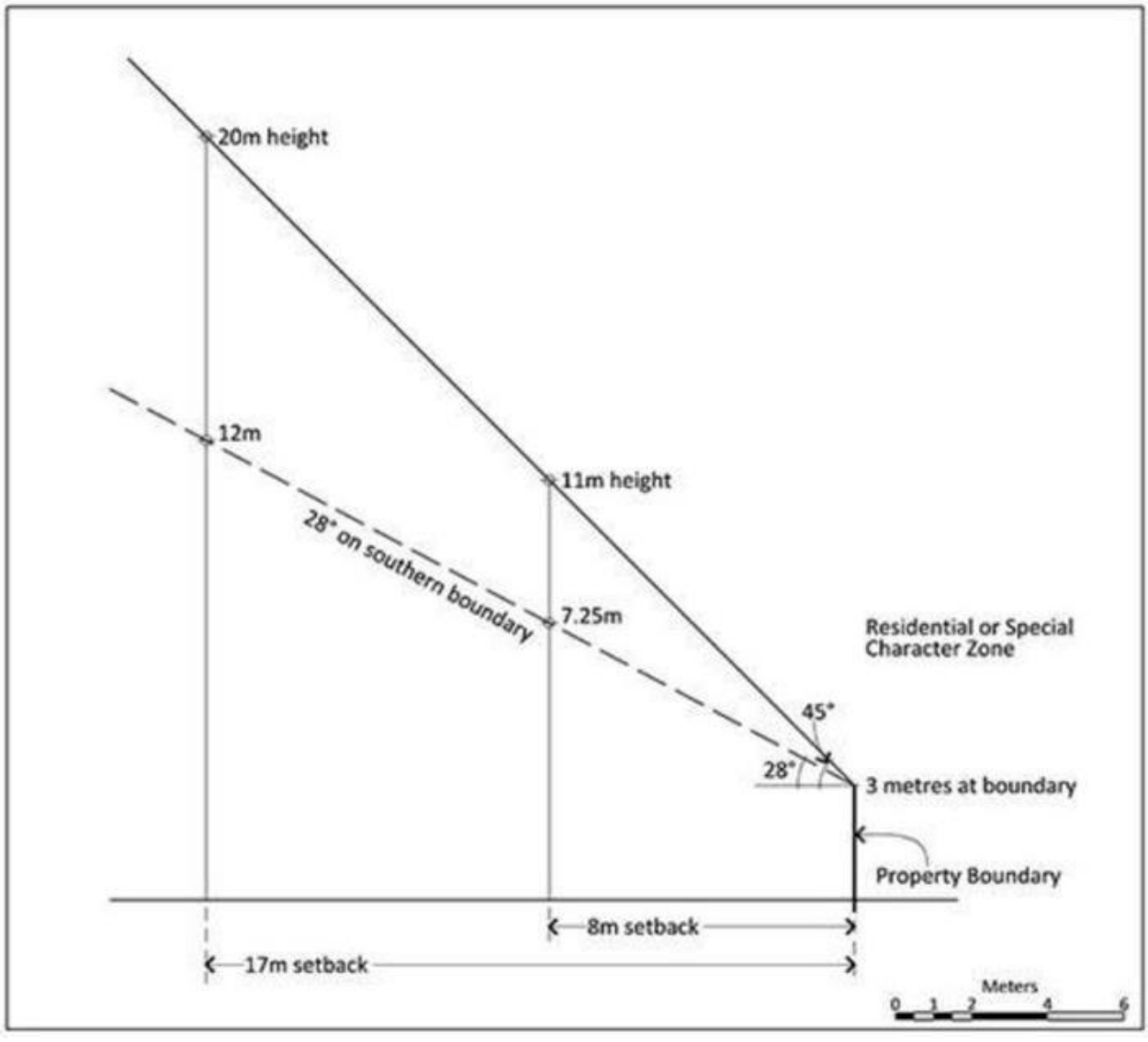
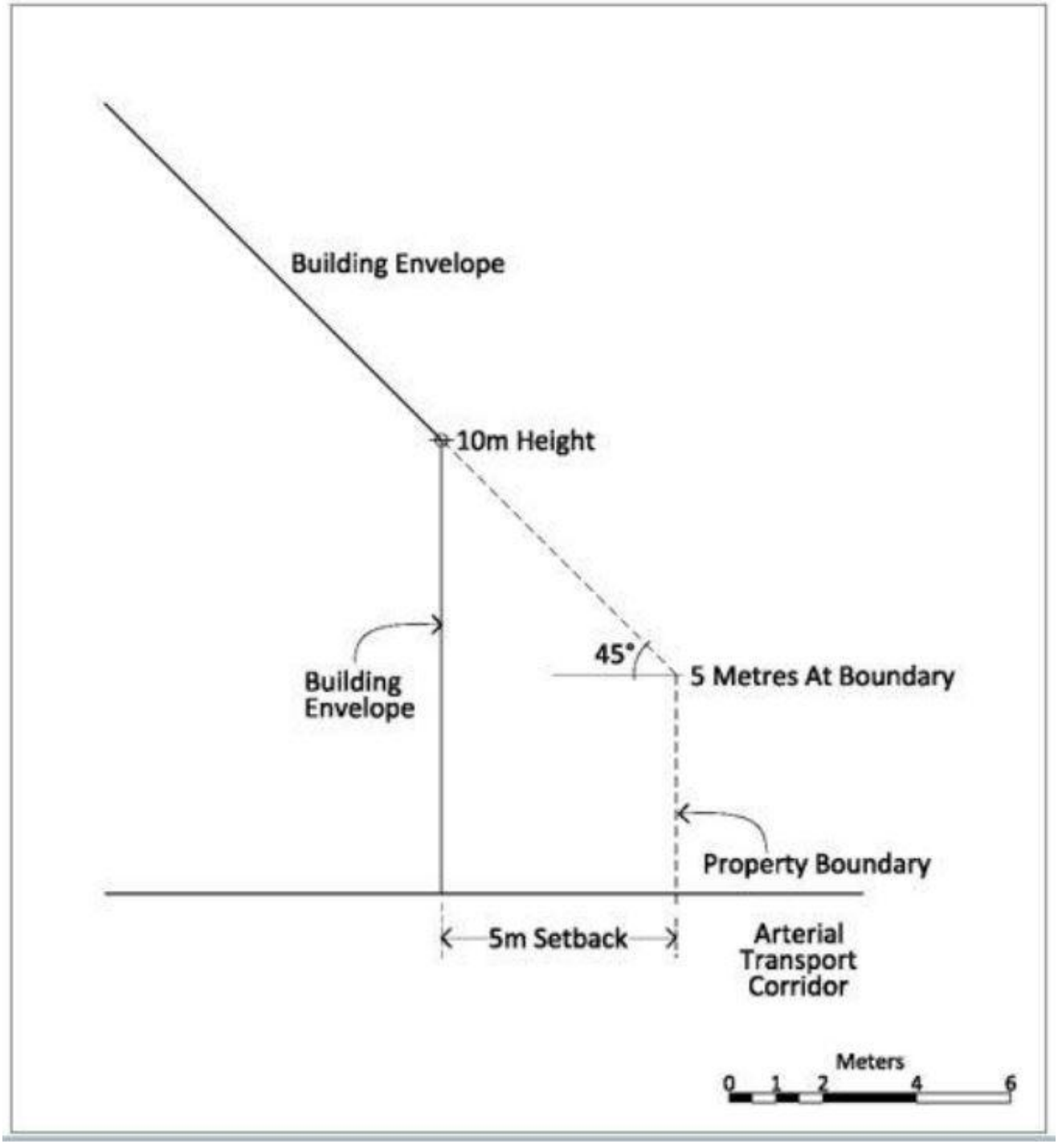


Figure 12.4.3b: Building envelope for buildings located on an Arterial Transport Corridor



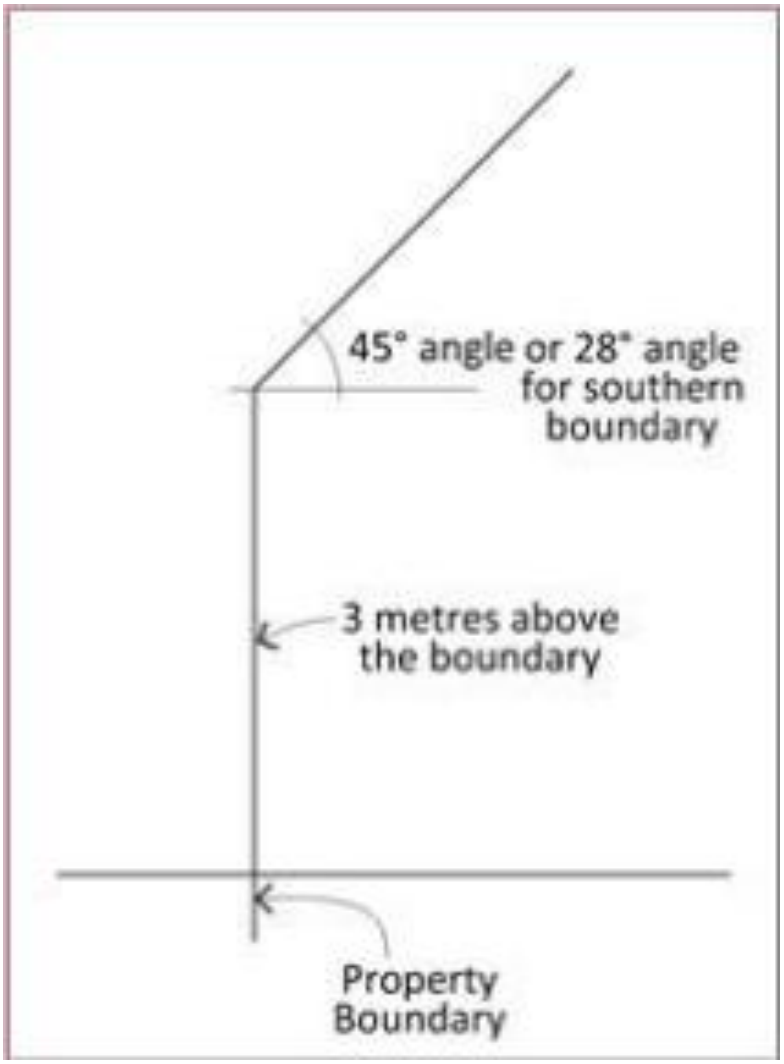


Figure 12.4.3C: Building envelope for buildings

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 ~~20~~10%

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.~~

Area to be planted	**Extent**	**Height at maturity (minimum)**	**Density**
i. Between Parking areas and storage areas and road frontage	2m depth along whole road frontage	-	Buffer Strip
ii. Within 15m of the bank of the Waikato River where the land is not subject to an esplanade reserve	Full extent	-	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.)
iii. Adjacent to Te Rapa Road	2m	At least 2 metres	1. Boundaries where no vehicle access is obtained: Buffer Strip 2. Within 5m of a vehicle access: Planting Strip
iv. Land adjacent to the Te Rapa section of the Waikato Expressway	5m depth along whole road frontage	-	-
v. Boundary of Te Rapa North Industrial Zone and any land subject to the Deferred Industrial Zone	5m depth along whole boundary	10m (within 5 years of planting)	Buffer Strip
vi. Within a riparian setback	Entire extent	-	-

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

a. ~~Ancillary~~The total ancillary office activity shall not occupy more than ~~10~~50% of the gross floor space ~~of the principal industrial activity~~ all buildings on the site.

b. 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

a. 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^2, whichever is the lesser.

12.5.4 Food and Beverage within the Focal Area

a. 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^2.

12.~~5~~6 Controlled Activities: Matters of Control

a. In determining any application for resource consent for a controlled activity in addition to the relevant standards within Rules 12.4 and 12.5~~6~~, the Council shall have control over the following matters referenced below:

12.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

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

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number

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	• A - General Criteria • B - Design and Layout • C - Character and Amenity
b. Any activity requiring an air discharge permit under the Waikato Regional Plan within 100m of any Residential Zone	• C - Character and Amenity • F - Hazards and Safety
c. Yard-based retail (excluding car and boat sales) fronting Te Rapa Road	• C - Character and Amenity • F - Hazards and Safety
d. Emergency service facilities	• C - Character and Amenity • F - Hazards and Safety
e. Drive-through services within the Te Rapa North Industrial Focal Area	• M — Drive-through services • C — Character and Amenity • F — Hazards and Safety • Q — Te Rapa North Industrial

12.~~7~~8 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
23.2.1 **To ensure that risk to people, the environment and property is not exacerbated by subdivision.**	**23.2.1a** **Subdivision:** **i. Does not result in increased risk of erosion, subsidence, slippage or inundation.** **ii. Minimises any adverse effects on water quality.** **iii. Ensures that a building platform can be accommodated within the subdivided allotment clear of any areas subject to natural hazards.** **iv. Ensures that any risks associated with soil contamination are appropriately remedied as part of the subdivision process.** **v. Ensures reverse sensitivity mitigation measures avoid or minimise effects such as noise associated from an arterial transport corridor or State Highway.**
Explanation	
The policies ensure that land is suitable for subdivision and will not increase risks to people, the environment and property.	
Objective	**Policies**
23.2.2 **Subdivision contributes to the achievement of functional, attractive, sustainable, safe and well designed environments.**	**23.2.2a** **Subdivision:** **i. Is in general accordance with Subdivision Design Assessment Criteria to achieve good amenity and design outcomes.**

	ii. Is in general accordance with any relevant Structure Plan. **iii. Is in general accordance with any relevant Integrated Catchment Management Plan.** **iv. Promotes energy, water and resource efficiency.** **v. Provides for the recreational needs of the community.** **vi. Discourages cross-lease land ownership.** **vii. Ensures that any allotment is suitable for activities anticipated for the zone in which the subdivision is occurring.** **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.** **ix. Avoids or minimises adverse effects on the safe and efficient operation, maintenance of and access to network utilities and the transport network.** **x. Is avoided where significant adverse effects on established network utilities or the transport network are likely to occur.** **xi. Promotes connectivity and the integration of transport networks.** **xii. Provides appropriate facilities for walking, cycling and passenger transport usage.** **xiii. Provides and enhances public access to and along the margins of the Waikato River and the City's lakes, gullies and rivers.** **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.** **xv. Ensures that a compliant building platform can be accommodated within the subdivided allotment outside of the National Grid Yard.**
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
23.2.3 **High and Medium-Density Residential Zones (excluding Rotokauri North) and Rototuna Town Centre Zone areas are developed comprehensively.**	**23.2.3a** **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.**
	23.2.3b **Ensure the development of Medium and High Density Residential Zones occur in a comprehensive and integrated manner by requiring subdivision to:** **i. Integrate and connect with existing development.** **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.**
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**
23.2.4 **To ensure the provision of infrastructure services as part of the subdivision process.**	**23.2.4a** **Subdivision:** **i. Provides an adequate level of infrastructure and services appropriate for the proposed development.** **ii. Takes into account and shall not compromise the infrastructural needs of anticipated future development.** **iii. Does not occur unless appropriate infrastructure and/or infrastructure capacity is available to service the proposed development.** **iv. Ensures that the capacity, efficiency, performance and sustainability of the wider infrastructure network is not compromised.** **v. Uses public infrastructure ahead of private infrastructure where appropriate.**
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**

23.2.5 **Subdivision occurs in a manner that recognises historic heritage and natural environments.**	**23.2.5a** **Subdivision avoids, remedies or mitigates adverse effects on:** **i. Scheduled heritage items.** **ii. Scheduled archaeological and cultural sites.** **iii. Scheduled significant trees.** **iv. Scheduled significant natural areas.** **v. The Waikato River and gullies and river banks, lakes, rivers and streams.**
	23.2.5b **Subdivision enables development while managing effects on any:** **i. Landforms and natural features.** **ii. Vegetation.**
	23.2.5c **Subdivision of land which protects and enhances the riparian margins of the Waikato River and the City's lakes, gullies and rivers.**

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
23.2.6 **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.**	**23.2.6a** **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.**

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
23.2.7 **Subdivision in the Rotokauri North Residential Precinct is designed comprehensively to ensure a medium-density environment with a high standard of urban design quality.**	**23.2.7a** **Enable subdivision in the Rotokauri North Residential Precinct that:** **i. Creates lots that are generally rectangular in shape with a greater depth than width;**

	ii. Provides lots of a suitable shape and size for apartment and terrace housing developments; **iii. Forms a well-connected block structure that avoids:** • **Rear lots wherever possible; and** • **Cul-de-sac, except where there is no practical alternative (e.g., adjoining the green spine) and pedestrian connectivity can still be achieved;** **iv. Maximises street or pedestrian frontage to public spaces, including at least one side of streams or drainage reserves that are longer than 250m;** **v. Maximises land efficiency to promote affordable housing while achieving clauses iii and iv above;** **vi. Can accommodate a permitted activity duplex dwelling.**

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 (including Deferred Industrial overlay)	All Open Space Zones, Major Facilities, Community Facilities, Transport Corridor Zones	All Hazard Areas

		Logistics and Ruakura Industrial Park Zones			
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.					
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					

Table 23.3b: Rototuna Town Centre Zones, and Te Rapa North Industrial Zone

Activity	Rototuna Town Centre 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			Te Rapa North Industrial Zone*	Te Rapa Dairy Manufacturing Site
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
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
iii. Conversion of cross-lease titles into fee simple titles	P	P			P	P
iv. Subdivision to accommodate a network utility service or transport corridor	RD	RD			RD	RD
v. Fee simple subdivision	NC	RD*			RD*	RD*

vi. Cross-lease subdivision*	NC	NC			NC	NC
vii. Company-lease subdivision	NC	RD			RD	RD
viii. Unit-title subdivision*	NC	RD*			RD*	RD*
ix. Leasehold subdivision	NC	RD			RD	RD
x. Subdivision involving any allotment within the Electricity National Grid Corridor	NC	RD			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			D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	NC	D			RD	RD
xiii. Any subdivision in the Te Rapa North Industrial Zone in accordance Rule 3.9.3.3, outside of the Te Rapa Dairy Manufacturing Site	-	-			C	-
xiv. Any subdivision in the Te Rapa North Industrial Zone not	-	-			D	-

in accordance Rule 3.9.3.2						

xv. Any subdivision in the Te Rapa North Industrial Zone not in accordance with Rule 3.9.3.3	-	-			Pr	-

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

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

Activity	Activity Status
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

i. activity status is subject to compliance with the rules within Chapter 3 Te Rapa North Industrial Structure Plan.

ii. For those parts of the

iii. Zone subject to the 'Deferred Industrial Area,' are subject to 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^2 and 800m^2 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$_{LAeq(24hr)}$ 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 $dB_{LAeq(24hr)}$ 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^2	-	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^2	-	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^2	-	-
d. Vacant Lot - High Density Residential Zone	1200m^2	-	Contain a rectangle of 15 metres by 20 metres
e. Large Lot Residential — SH26, Ruakura Structure Plan area	2500m^2	-	15m-diameter circle
f. Large Lot Residential — Percival/Ryburn Rd, Ruakura Structure Plan area	2ha Except for Lot 8 DP 9210- 5000m^2	-	Rule 23.7.1.n. applies
g. Central City Zone, Knowledge Zone, Business 1 to 7 Zones	1,000m^2	-	20m-diameter circle
h. Industrial Zone, Rotokauri Employment Area and Riverlea Industrial Area	Front, corner or through site — 1,000m^2	-	Rule 23.7.2.q. applies
	Rear sites — 500m^2	-	Rule 23.7.2.q. applies
i. Te Rapa North Industrial Zone	500m^2	-	Rule 23.7.2.q. applies

j. Ruakura Logistics Zone	3000m^2	-	Rule 23.7.2.q. applies
k. Ruakura Industrial Park Zone	3000m^2 Except up to a maximum of 20% of sites for each subdivision stage shall have a minimum net site area of 1000m^2 for front sites and 500m^2 for rear sites.	-	Rule 23.7.2.q. applies
l. Ruakura Industrial Park Zone Development Areas T & G	Front, corner or through site- 1000m^2	-	Rule 23.7.2.q. applies
	Rear Sites — 500m^2	-	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^2	-	15m diameter circle
o. Rotokauri North Residential Precinct - applies to vacant lots only	280m^2		
p. Te Rapa North Industrial Zone	500m^2	-	Rule 23.7.2.r. applies

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$_{LAeq(24hr)}$ 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: i. Serving more than 20 allotments or residential units (Local Road) ii. Serving more than 20 allotments or residential units (Collector Road — Non-PT Route on Structure Plan) iii. Serving more than 20 allotments or residential units (Collector Road — PT Route on Structure Plan)	20m 24.2m 24.6m
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)

	Medium Density Residential (Excluding Rotokauri North and Peacocke Residential Precincts)	Rotokauri North Residential Precinct
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: 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 ii. A rear lane provides legal vehicle access	-	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:		

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.		
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 i. Serving more than 20 allotments (Local Road) ii. Serving more than 20 allotments (Collector Road — no public transport route)	20m 24.2m 24.6m

iii. Serving more than 20 allotments (Collector Road — public transport route)	
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: 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.	

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^2	8m
d. Minimum access or private way width serving an allotment with a net site area of 2000m^2—5000m^2	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)
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. Subdivision in the Te Rapa North Industrial zone in accordance with Rule 3.9.3.3, outside of the Te Rapa Dairy Manufacturing Site	• D - Te Rapa North Industrial

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, in the Te Rapa North Industrial Zone	• D — Natural Character and Open Space • Q — Te Rapa North Industrial Structure Plan
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

25.13 Three Waters

25.13.1 Purpose

a. This section contains objectives and policies that focus on the impact of subdivision, use and development on water resources, and on the need for an integrated provision of sustainable Three Waters infrastructure in conjunction with development. Land-use planning is critical in minimising conflicts and sustaining water quality and quantity for future generations.

b. Pressure on water resources in the region is increasing due to a growing population and the associated concentration of activities. This affects demand for water resources and Three Waters infrastructure (drinking water, wastewater and stormwater) which is managed by Council.

c. Water quality of the Waikato River has declined over time. Although point-source pollutants have reduced since the 1970s, non-point sources now comprise the majority of nutrient and sediment inputs into the Waikato River and its catchment. Water quality in Lake Rotoroa has improved over time; however it still suffers from algal blooms attributed to high nutrient levels and from time to time is closed to contact recreation.

d. Land use and development can also increase stormwater peak flows and volumes. Such changes to the natural hydrological regime can accelerate erosion and bank instability, in turn adversely affecting aquatic ecosystems and stream health and potentially risking property and people.

e. As a municipal three waters service provider, Council has three significant resource consents for the taking of water for municipal purposes and discharging of wastewater and stormwater. In complying with these consent conditions, and as a responsible water manager, Council must impose standards and conditions on development within the City.

f. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“Settlement Act”), establishes Te Ture Whaimana o Te Awa o Waikato — The Vision and Strategy for the Waikato River. It is the primary direction-setting document for the Waikato River and its catchments, and Hamilton City Council is required to give effect to it. The vision for the Waikato River as is described in Te Ture Whaimana as:

“Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri

The river of life, each curve more beautiful than the last

Our vision is for a future where 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.”

g. To manage compliance with resource consent conditions and to give effect to the objectives of Te Ture Whaimana o Te Awa o Waikato, Council controls connections to the potable water, wastewater and stormwater network, as well as the allocation of water from municipal water supply for specific high water users. Service connection applications and high water user agreements are currently managed by an approval process which is outlined in the Three Waters Connection Policy, and by regulation made under legislation. Obtaining a resource consent or having a permitted activity status does not remove the need to obtain other necessary approvals that may be required.

25.13.2 Objectives and Policies: Three Waters

Objective	Policies
25.13.2.1 Water resources are protected from the adverse effects of subdivision and development.	**25.13.2.1a** Subdivision and development are located and designed to minimise adverse effects on ground and surface water resources, particularly the life-supporting capacity of water bodies and their riparian margins.
	25.13.2.1b Subdivision and development on the margins of natural watercourses and wetlands are located and designed to maintain, and where possible enhance: i. Riparian margins. ii. Water quality. iii. Water resources. iv. Aquatic habitats.
25.13.2.2 The health and well-being of the Waikato River are protected from the adverse effects of stormwater run off from subdivision and development and enhanced when development or redevelopment occurs.	**25.13.2.2a** Subdivision and development incorporate on-site stormwater management measures that: • retain increased stormwater volumes and flowrates from new development, prior to discharge; • protect and improve water quality of receiving environments; and • enhance the health and wellbeing of the Waikato River by reducing the effects of existing development at the time of site redevelopment.

Explanation

This objective and policies focus on the effects subdivision and development can have on water resources, and seeks that these effects are avoided. Land-use activities can impact on water resources, for example, by increasing stormwater flows over or into land, by increasing sediment loads, and increasing the demand for water-related infrastructure. By requiring on-site water conservation techniques, water quality can be protected from these impacts.

Te Ture Whaimana sets out a vision that all who benefit from activities within the catchment of the Waikato River contribute to protecting and restoring the river's health and wellbeing. Case law has clarified that this contribution should be in proportion to the potential effects their activities have on the river. Accordingly, each development is expected to protect the Waikato River's health and wellbeing. In some cases, new developments may be able to provide betterment by reducing the effects of existing development in addition to addressing the effects of the new development.

Note
The term "Waikato River" is defined in Appendix 1.1.2.

Objective	Policies

25.13.2.3 Measures to facilitate the efficient use of water resources are incorporated into new subdivision and development.	**25.13.2.3a** Water conservation measures are incorporated into new subdivision and development to reduce demand on reticulated water supplies, wastewater disposal and to manage stormwater discharged to the environment.

Explanation

This objective and policy focus on water conservation and efficiency, and in particular the incorporation of water conservation measures into new subdivision and development to improve the level of water efficiency.

Objective	Policies
25.13.2.4 Three Waters infrastructure is provided as part of subdivision and development, and in a way that is: • Integrated • Effective • Efficient • Functional • Safe • Sustainable • Resilient	**25.13.2.4a** All subdivision and development provides integrated Three Waters infrastructure and services to a level that is appropriate to their location and intended use.
	25.13.2.4b Subdivision and development shall not occur unless the required infrastructure is available to service it including necessary local, trunk and strategic networks.
	25.13.2.4c Three Waters infrastructure is to be designed and constructed in accordance with any existing Structure Plan and relevant Integrated Catchment Management Plan.
	25.13.2.4d Large scale subdivision and development proposals are to prepare an Integrated Catchment Management Plan (where one does not already exist) or a Water Impact Assessment.
25.13.2.5 The health and wellbeing of the Waikato River is restored and protected, with urban development and redevelopment: • Being supported by adequate three waters infrastructure that ensures that adverse effects on the River from development and redevelopment of urban areas are avoided; • Contributing toward improving the health and well-being of the Waikato River; and • Where necessary staged over the medium and long terms, taking into account the future planned environment and the City's ability to upgrade and replace relevant infrastructure where there is inadequate infrastructure.	**25.13.2.5a** Identify areas of the city, by way of an Overlay, where existing three waters infrastructure has insufficient capacity to accommodate planned additional subdivision or development with consequent adverse effects on the health and wellbeing of the river from: • Increased wastewater overflows • Increased discharges of untreated stormwater • Increased stormwater runoff volumes and peak flows • Unsustainable potable water use.
	25.13.2.5b In areas of constrained three waters infrastructure capacity, require subdivision or developments of a medium to high density in all residential zones to prepare a three waters infrastructure capacity assessment.

	25.13.2.5c Enable development that can be adequately serviced by existing infrastructure or can be provided with sufficient infrastructure prior to or at the same time as the intensification occurs.
	25.13.2.5d Ensure that additional infrastructure demand generated does not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities enabled within the relevant network.
	25.13.2.5e Where there is inadequate three waters infrastructure for the planned built environment, and necessary upgrades and improvements are not feasible in the short to long term, then avoid further intensification until constraints are resolved.
	25.13.2.5f In areas where there is inadequate infrastructure to support the planned built environment, but necessary upgrades or improvements are programmed in the Long Term Plan to be provided within a 10 year time frame, then identify and implement interim actions including staging new development to the availability of infrastructure capacity.
	25.13.2.5g Progressively amend the extent of the Infrastructure Capacity Overlay as three waters infrastructure is upgraded and replaced with sufficient capacity to accommodate anticipated housing densities.

Explanation

There are servicing constraints within the City. Early discussions with Council on the serviceability of development are necessary.

Integrated Catchment Management Plans will be used as a tool to help manage the form and function of Three Waters infrastructure in an integrated, effective, efficient, functional, safe and sustainable manner.

Over time Integrated Catchment Management Plans will be developed for existing urban areas. Structure Plans and large scale activities will require an Integrated Catchment Management Plan (as outlined in Volume 2, Appendix 1.2.2.6). Until this occurs, stormwater, water and wastewater infrastructure must continue to be provided and managed. Water Impact Assessments are another complementary tool that will be used to assess and ensure Three Waters integration at a more detailed level.

Council maintains a register of all full ICMPs and can advise of any relevant to a particular development proposal and site.

Where there is conflict between a Structure Plan and an ICMP, the latter will prevail.

Water-sensitive techniques to sustainably manage stormwater, water and wastewater are included as well as minimum permeable surfaces standards, which are provided in most Zone Chapters of the District Plan.

In areas where a full Integrated Catchment Management Plan does not exist the following policies also apply:

Design
25.13.2.6a
Three Waters infrastructure is designed and constructed to:

i. Firstly avoid where possible, and reduce where feasible, the adverse effects of urban development on downstream receiving waters and groundwater.

ii. Ensure that the capacity, efficiency and sustainability of upstream and downstream infrastructure will not be compromised.

iii. Facilitate access, maintenance and operational requirements.

iv. Be resilient to the anticipated effects of climate change.

v. Ensure appropriate standards of public health, safety and amenity.

vi. Ensure that surface water runoff is appropriately managed to restore and protect the health and well being of watercourses and the Waikato River.

Stormwater
25.13.2.6b
Ensure that surface water runoff is appropriately managed to restore and protect the health and wellbeing of watercourses and the Waikato River.

Water Supply
25.13.2.6c
Water supply infrastructure is designed and constructed to meet consumption, hygiene, water-sensitive design and firefighting requirements.

Wastewater
25.13.2.6d
Wastewater is conveyed, treated and disposed of in a way that, avoids where possible, or minimises effects on public health, the environment, and cultural values.

25.13.2.6e
An adequate, reliable, safe and efficient wastewater system is provided for each lot.

Explanation

Three Waters infrastructure is a key component of subdivision, use and development. It needs to be developed sustainably and agreed upon at the planning stage of the development. All new greenfield areas must have a Structure Plan and an Integrated Catchment Management Plan in place before development begins. Integrated catchment management planning is a process whereby the effects of development on all Three Waters infrastructure capacity and the appropriateness and integrity of proposed treatments and reticulation systems and networks are designed to manage the change or intensification and assessed and used to help guide decisions. This objective and policies provide support to the direction in Chapter 2: Strategic Framework and Chapter 3: Structure Plans to avoid a situation where Three Waters planning occurs independent to land-use planning.

The objective and policies also provide direction for minimum requirements for the design of Three

Waters infrastructure and services in the absence of an Integrated Catchment Management Plan.

Climate change may impact on the frequency and intensity of storm events and other weather extremes such as droughts. The impact of these changes needs to be considered as part of the long term management of the Three Waters.

25.13.3 Rules — Activity Status Table

Activity	Status
a. Any activity required to prepare a Water Impact Assessment by Rule 25.13.4.6C.	RD*
b. Any activity required to prepare a Three Waters Infrastructure Capacity Assessment by Rule 25.13.4.6A or B.	RD*
c. Any activity required to prepare an Integrated Catchment Management Plan by Rule 25.13.4.1.b.	RD*
d. Any activity required to prepare a Site-Specific Stormwater Management Plan by Rule 25.13.4.2A e.	RD
e. Development or redevelopment of impermeable surfaces that does not meet the requirements of Rule 25.13.4.2A.	RD

Note

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

25.13.4 Rules — General Standards

25.13.4.1 Integrated Catchment Management Plan

a. Where a full ICMP that has been approved by the Council applies to an area, development, alterations and additions, and redevelopment of impermeable surfaces and Three Waters infrastructure shall be undertaken in accordance with the ICMP. This will be considered a means to achieve compliance with the standards in Rules 25.13.4.2 a and b, 25.13.4.2A, 25.13.4.3 and 25.13.4.4, except that the requirements of Rule 25.13.4.2A will replace any residential on-lot stormwater requirements of ICMPs that were approved prior to 22 August 2022.

b. In areas where an ICMP does not exist an ICMP as described in Volume 2, Appendix 1.2.2.6 shall be prepared for development or subdivision:

   i. Creating more than 40 additional residential units on any site.

   ii. Creating more than 40 additional allotments.

   iii. Of any land involving more than 3ha.

   iv. For development of Stage 1 of the Rotokauri Structure Plan beyond the area identified in Figure 25.13.4a. Preparation of this ICMP shall, where relevant to the particular catchment, take into account the entire area of Stage 1 of the Rotokauri Structure Plan, including the area identified in Figure 25.13.4a.

Except that a separate ICMP is not required when all the information that it would otherwise include

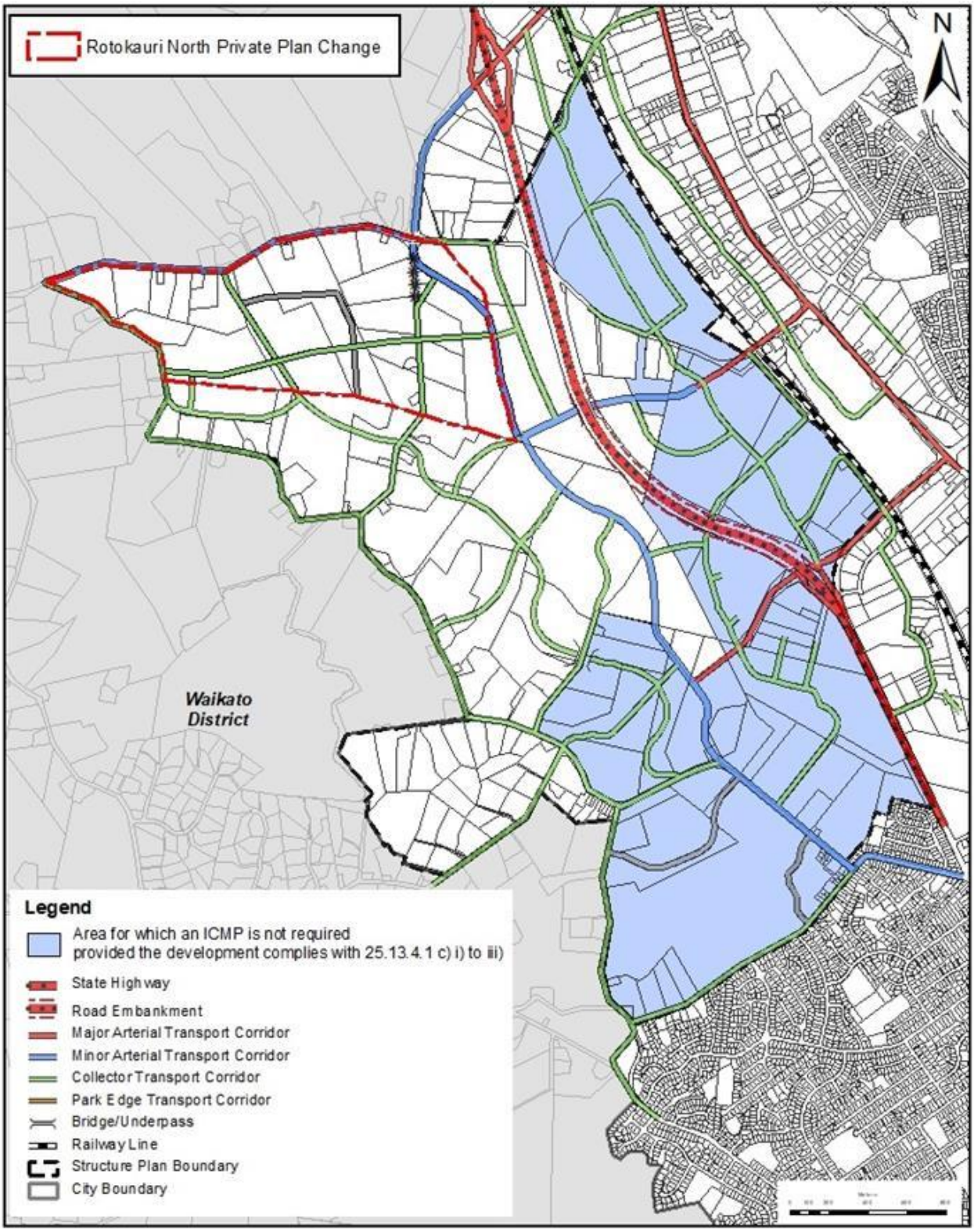
is incorporated into an approved Concept Development Consent for a Major Facility prepared under Rule 17.4 and the Concept Development Consent is accepted as satisfying the requirements of this rule.

c. Where a ICMP has been approved by Council applying to the Enderley-Porritt Redevelopment Area, development and redevelopment within the Enderley-Porritt Redevelopment Area undertaken in accordance with this ICMP will not be considered against the requirements of the Three Waters Infrastructure Capacity Overlay.

Note

1. *The 3ha trigger in Rule 25.13.4.1.b.iii relates to the footprint of the proposed development or subdivision.2. A full ICMP should be prepared at the Structure Plan stage in accordance with Chapter 3.3.*

Figure 25.13.4a: Area of development within Rotokauri which is excluded pursuant to Rule 25.13.4.1.b.iv.



***Note**: The above map is the Decisions Version of map for Plan Change 7 - Rotokauri North Private Plan Change. The operative map can be viewed here.*

25.13.4.2 Stormwater — Non-Residential zones

a. A stormwater reticulation and disposal system shall be provided that is adequate to safeguard people from injury or illness and protect property from damage caused by surface

water.

b. Stormwater management measures shall be in place and operational upon the completion of subdivision and/or development to ensure that the rate of stormwater discharge offsite is at or below pre-development rates. Stormwater management measures shall be implemented, as appropriate, in accordance with the following drainage hierarchy:

    i. Retention for reuse

    ii. Soakage techniques

    iii. Detention and gradual release to a watercourse

    iv. Detention and gradual release to stormwater reticulation.

c. At least one water sensitive technique for stormwater shall be implemented as follows:

    i. Detention of stormwater to 80% of pre-development runoff by an appropriate means

    ii. Permeable surfaces protected to achieve at least 20% above the minimum standard of the zone. For the purposes of this rule the permeable surfaces may include:

        1. Permeable paving for parking, access and manoeuvring areas associated with residential units (excluding where used for shared vehicle access)

        2. Uncovered decks which allow water to drain through to a surface which can absorb water

    iii. Rainwater tank for non-potable reuse system.

    iv. Other equivalent feature.

Note

1. *Non-residential zones refer to any zone except for the General Residential, Large Lot Residential, Medium Density Residential and High Density Residential zones.*
2. *Acceptable means of compliance for the provision, design and construction of stormwater infrastructure, the above water sensitive techniques and other equivalent features and the drainage hierarchy, are contained within the WLASS Regional Infrastructure Technical Specifications.*
3. *Service connections to the Council stormwater network may require approval from Council in accordance with the Three Waters Connection Policy, as well as regulation made under legislation.*
4. *Where the site is covered by an ICMP, the water sensitive techniques required by 25.13.4.2c above shall be consistent with the recommendations of that Plan.*
5. *An ICMP may make recommendations identifying water sensitive techniques that are suitable (or unsuitable) for a particular catchment or specific Three Waters measures or targets that need to be achieved. In order for new development to comply with 25.13.4.2, the selection and implementation of water sensitive techniques must be consistent with any relevant recommendations.*
6. *Council maintains a register of all full ICMPs and can advise of any relevant to a particular development proposal and site.*
7. *To be effective rainwater tanks for new buildings should have a capacity of at least 5,000 litres or should be appropriately designed considering the specific site constraints.*
8. *Additional techniques are listed within the definition of "water-sensitive techniques" included in Section 1.1.2 of Volume 2 - Definitions Used in the District Plan.*
9. *Bylaws may also impose additional controls or restrictions with regard to stormwater.*
10. *See Rule 25.2.4 regarding earthworks.*

25.13.4.2A Stormwater — Residential zones

a. A stormwater reticulation and disposal system must be provided that is adequate to safeguard people from injury or illness and protect property upstream or downstream from damage caused by surface water.

b. Stormwater management measures must be in place and operational upon the completion of subdivision and/or development.

c. Stormwater management measures must be maintained and operated in perpetuity in accordance with best practice by the relevant property owner(s).

d. Where stormwater management devices serve more than 1 site or residential unit, then an operations and maintenance plan must be established and implemented to ensure compliance with relevant standards. The operations and maintenance plan must be provided to the Council within three months of practical completion of works.

e. Development or redevelopment of impermeable surfaces greater than 1,000m² in area requires a Site-Specific Stormwater Management Plan, as described in Volume 2, Appendix 1.2.2.5b

f. Development of all new impermeable surfaces and redevelopment of existing impermeable surfaces greater than 20m2 in area must implement the following stormwater management measures:

    i. On-site retention as follows:

        A. Provide retention (volume reduction) of at least 10mm runoff depth on the new and redeveloped impermeable surfaces;
            1. When retention through infiltration is not achievable for hardstand areas this component of the required retention volume can be replaced by stormwater quality treatment; and
        B. Where redeveloped impermeable surfaces comprise over half of the total existing impermeable surfaces on the site, redevelopment must also provide retention of 10mm of runoff depth on at least 20% of the remainder of existing impermeable surfaces.

g. For the purposes of this rule, the definition of impermeable surfaces is amended by excluding swimming pools, living roofs, and porous or permeable paving, and including sealed or compacted metal driveways and car parking areas.

h. New buildings, and additions to existing buildings must be constructed using inert cladding, roofing and spouting building materials, i.e. avoiding use of high contaminant yielding building products which have:

    i. Exposed surface(s) or surface coating of metallic zinc of any alloy containing greater than 10% zinc

    ii. Exposed surface(s) or surface coating of metallic copper or any alloy containing greater than 10% copper

    iii. Exposed treated timber surface(s) or any roof material with a copper-containing or zinc-containing algaecide.

i. Rainwater tanks with a capacity of <10,500 litres are exempt from the following bulk and location provisions of the relevant zone.

i. Site coverage.

ii. Permeable surfacing.

iii. Rear or side boundary setbacks.

Note

1. *Private stormwater infrastructure design and construction that is in accordance with the Three Waters Management Practice Notes is an acceptable means of compliance with Rule 25.13.4.2A f. The Three Waters Management Practice Notes also contain further details on the circumstances in which infiltration is considered to be unachievable.*
2. *For areas where increased pollutant loads are anticipated, such as high-density residential developments, pre-treatment of stormwater runoff before soakage is required. The Three Waters Practice Notes contain further guidance.*
3. *Service connections to the Council stormwater network may require approval from Council in accordance with the Three Waters Connection Policy, as well as regulation made under legislation.*
4. *An ICMP may make recommendations identifying onsite stormwater management measures that are suitable (or unsuitable) for a particular catchment or specific Three Waters measures or targets that need to be achieved. Where the site is covered by an ICMP, in order for new development to comply with Rule 25.13.4.2A f., the selection and implementation of onsite stormwater management techniques must be consistent with any relevant recommendations.*
5. *In accordance with the provisions of Chapter 24 and Policy 25.13.2.1d, Council may require financial contributions.*
6. *Bylaws may also impose additional controls or restrictions with regard to stormwater.*
7. *See Rule 25.2.4 regarding earthworks.*

25.13.4.3 Wastewater

a. An adequate, reliable, safe and efficient wastewater service shall be provided.

b. Where any subdivision or development results in additional allotments or buildings to be used for urban purposes, provision shall be made for a wastewater system as follows.

   i. The installation or upgrading of the wastewater network and/or wastewater pump stations to serve all proposed allotments and/or buildings, and

   ii. Connection to the wastewater network from each proposed allotment or building.

c. In the Future Urban Zone and Large Lot Residential Zone (Ruakura Structure Plan area only) where network utility services for wastewater treatment and disposal are not provided by Council, each site shall adequately provide for its own on-site treatment and disposal of wastewater and provide evidence of a satisfactory wastewater system to Council: no on-site wastewater treatment and disposal system shall be allowed that services more than one site and crosses any site boundary.

d. Rule 25.13.4.3.c shall not apply to any wastewater system ~~servicing the 7ha development within Te Rapa North Industrial Zone Stage 1A, provided for under Rule 12.6.1.c.i, and~~ connected to the wastewater infrastructure on Te Rapa Dairy Manufacturing Site.

Note

1. *Discharge of trade waste to the Council network will require approval from Council in accordance with the Trade Waste and Wastewater Bylaw.*
2. *Service connections to the Council wastewater network require approval from Council in accordance with the Three Waters Connection Policy, as well as regulation made under legislation.*
3. *Wastewater treatment systems may require approvals from the Regional Council.*
4. *Acceptable means of compliance for the provision, design and construction of wastewater*

infrastructure is contained within the Regional Infrastructure Technical Specification.
5. *Bylaws may also impose additional controls or restrictions with regard to wastewater.*

25.13.4.4 Water

a. An adequate, reliable, safe and efficient supply of potable water shall be provided.

b. Where any subdivision or development results in additional allotments or buildings to be used for urban purposes, provision shall be made for:

   i. A connection from the public water supply reticulation to each proposed residential allotment or existing building, or

   ii. A public water supply reticulation system extending from the main trunk water supply system (or from an existing water supply reticulation if appropriate) to allow a service to be connected from the transport corridor frontage of each non-residential allotment.

c. In the Future Urban Zone and Large Lot Residential Zone (Ruakura Structure Plan area only) where a water supply reticulation system is not provided, evidence of satisfactory water supply shall be provided as part of the consent application.

d. A reticulation system shall be provided which is adequate for fire-fighting purposes and for estimated domestic and commercial consumption.

e. Where a development results in high-use allocation from the water supply reticulation system, evidence of satisfactory water supply shall be provided.

Note

1. *There are limitations on the City's municipal supply of potable water use other than human drinking and sanitation. Any activity requiring more than 15m^3 of water per day for purposes other than human drinking and sanitation is considered a high-use allocation and should consult Council's Infrastructure Department early in the planning process.*
2. *Service connections to the Council water supply network may require approval from Council in accordance with the Three Waters Connection Policy, as well as regulation made under legislation.*
3. *Acceptable means of compliance for the provision, design and construction of water infrastructure is contained within the Regional Infrastructure Technical Specification.*
4. *Bylaws may also impose additional controls or restrictions with regard to water supply.*

25.13.4.5 Water Conservation Measures

a. The following water conservation measures shall be incorporated, connected to, achieved or maintained as part of any new development as identified below.

Where required	Water conservation measures
i. New residential units in a residential zone. ii. Other new buildings in a residential zone containing a kitchen, laundry, toilet or bathroom. iii. Other new buildings	• Provision for future installation of water metering infrastructure • Use of low flow fixtures in kitchen, laundry, toilets and bathrooms

in a non-residential zone containing a kitchen, laundry, toilet, or bathroom.	

Note

1. *Non-residential zones refer to any zone except for the General Residential, Large Lot Residential, Medium Density Residential and High Density Residential zones.*

b. Rainwater tanks with a capacity of <10,500 litres are exempt from the following bulk and location provisions of the relevant zone.

   i. Site coverage.

   ii. Permeable surfacing.

   iii. Rear or side boundary setbacks.

c. Low flow fixtures shall be incorporated in alterations or additions to any existing building that add an extra toilet, kitchen, laundry or bathroom.

25.13.4.6 Three Waters Infrastructure Capacity Assessments and Water Impact Assessments

A. Sites subject to Three Waters Infrastructure Capacity Overlay — Residential zones	B. Sites not subject to Three Waters Infrastructure Capacity Overlay — Residential zones
1. Three Waters Infrastructure Capacity Assessment, as described in Volume 2, Appendix 1.2.2.5a and prepared by a suitably qualified and experienced engineer, is required for any development or subdivision which involves: i. Creating three or more additional residential units on a site located in the General Residential Zone, or ii. Creating four or more additional residential units on any site, or iii. Creating four or more additional allotments (excluding lots for the purposes of reserves, network utilities or transport corridors) or iv. Residential development at an average net site area of more than 1 unit per 200m^2 located in the General Residential zone, or v. Residential development at an average net site area of greater than 1 unit per 150m² in the Medium Density Residential zone	2. A Three Waters Infrastructure Capacity Assessment, as described in Volume 2, Appendix 1.2.2.5a and prepared by a suitably qualified and experienced engineer, is required for any development or subdivision which involves: i. Creating four or more additional residential units on any site, or ii. Creating four or more additional allotments (excluding lots for the purposes of reserves, network utilities or transport corridors) or iii. Creating a new building for non-residential activities with a gross floor area greater than 300m^2

vi. Creating a new building for non-residential activities with a gross floor area greater than 300m^2	

C. Water Impact Assessment — All zones other than a Residential zone

A Water Impact Assessment, as described in Volume 2, Appendix 1.2.2.5, is required for any development or subdivision:

i. Creating four or more additional residential units on any site, or

ii. Residential development at a density of greater than 1 unit per 150m^2 on sites subject to the Three Waters Infrastructure Capacity Overlay

iii. Creating four or more additional allotments (excluding lots for the purposes of reserves, network utilities or transport corridors) or

iv. Involving more than 1ha of land

v. Creating a new building for industrial activities with a gross floor area greater than 1000m^2

vi. Involving any new activity which will have a water requirement greater than 15m^3 per day

vii. Creating a new building for non-residential activities (other than industrial activities) with a gross floor area greater than 300m^2

viii. Creating a new building for industrial activities with a gross floor area greater than 1000m^2 or

ix. Within the Major Facilities Zone:

a. Creating a new building for non-residential activities (other than industrial activities) with a gross floor area greater than 3,000 m^2; or

b. Providing residential accommodation for more than 13 additional people, not being accommodation for hospital patients.

This Rule does not apply in areas where an ICMP approved by the Council exists and satisfies the information requirements for Water Impact Assessments or Three Waters Infrastructure Capacity Assessments in accordance with Table 1.2.2.5a of Volume 2, Appendix 1.2.2.5, or where all the information that a Water Impact Assessment or Three Waters Infrastructure Capacity Assessment would otherwise include, or the matters it would otherwise address, are incorporated in a Water Supply Agreement with Council or other documents, assessed and approved under any other provision of this District Plan or the Waikato Regional Plan.

Note

1. *25.13.4.6C applies to any zone except for the General Residential, Large Lot Residential, Medium Density Residential and High Density Residential zones.*
2. *The 1ha trigger in Rule 25.13.4.6.a.iii relates to the footprint of the proposed development or subdivision.*

25.13.4.7 Rotokauri North

a. Any stormwater devices installed on private lots to achieve the requirements of the ICMP (or sub catchment ICMP) must be maintained by the site owner(s) in perpetuity. A consent

notice will be registered on the certificate of title to that effect at time of subdivision.

b. Where re-use is proposed/required the tank must be dual plumbed to non-potable uses such as toilet and washing machine in the residential unit.

25.13.5 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 1.3.3)
i. Any activity required to prepare a Water Impact Assessment as by Rule 25.13.4.6C*	• J — Three Waters Capacity and Techniques
ii. Any activity required to prepare a Three Waters Infrastructure Capacity Assessment in accordance with Rule 25.13.4.6A or B	• J9 — Three Waters Infrastructure Capacity
iii. Any activity required to prepare an Integrated Catchment Management Plan as by Rule 25.13.4.1.b*	• J — Three Waters Capacity and Techniques
iv. Any activity required to prepare a Site-Specific Stormwater Management Plan by Rule 25.13.4.2A	• JJ — Stormwater quantity and quality
v. Development or redevelopment of impermeable surfaces that does not meet the requirements of Rule 25.13.4.2A.	• JJ — Stormwater quantity and quality

25.13.6 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

25.2 Earthworks and Vegetation Removal

25.2.1 Purpose

a. Earthworks refer to the disturbance of land by moving, removing, placing or replacing soil or earth by any means. Earthworks are a necessary part of land subdivision and development, but can result in adverse effects including accelerated erosion and sedimentation, contamination of fresh water, and increased risks from natural hazards. Earthworks can also impact on amenity values, including an unnatural look of the modified land.

b. Hamilton City is predominantly an urban environment. Trees make an important contribution to the health and wellbeing of the residents of the City and to the quality of the City's landscape. Vegetation removal can impact on biodiversity and ecosystems within the City, and the urban amenity of the City.

c. The Waikato Regional Council and Waikato Regional Plan have primary responsibility under the Act for controlling land use for soil conservation and water quality. The District Plan has a supporting role, as the District Plan controls subdivision and development of land.

d. This chapter outlines earthworks and vegetation removal rules relating to the zones, and cross-references to chapters where additional rules relating to earthworks and vegetation removal are outlined. Rules in other chapters (see Rule 25.2.3) address specific matters such as natural hazards, significant natural areas and archaeological or cultural sites and may be more onerous than those contained in this chapter which deals with earthworks and vegetation removal generally and in relation to the Electricity National Grid Corridor.

25.2.2 Objectives and Policies: Earthworks and Vegetation Removal

Objective	Policies
25.2.2.1 Minimise the adverse effects of earthworks and vegetation removal on people, property, and the environment.	**25.2.2.1a** Earthworks and vegetation removal shall occur in a way that: i. Minimises adverse effects on existing landforms, natural features and significant vegetation. ii. Maintains natural processes and features including natural drainage patterns and streams. iii. Does not create new, or exacerbate existing natural hazards. iv. Minimises adverse effects on land and water, especially effects such as erosion and sedimentation. v. Creates practicable building sites, efficient use of land and infrastructure, ensures effective stormwater flow paths, and a safe living and working environment. vi. Minimises dust, noise, and runoff.

	vii. Adopts a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River. viii. Maintains or enhances riparian vegetation on the margins of natural watercourses and wetlands.
25.2.2.2 Enable earthworks in the Peacocke Structure Plan area that facilitate the creation of a high amenity, medium density environment where they: 1. Are undertaken as part of subdivision to establish a cohesive and consistent approach to earthworks throughout a development. 2. Minimise modification of Significant Natural Areas and locations with significant ecological, cultural and historic value. 3. Are within Significant Bat Habitat Areas that are not Significant Natural Areas 4. Establish a transport network that works with and reflects the topography of the site.	**25.2.2.2a** Earthworks maintain the hydrology of the Peacocke Structure Plan Area.
	25.2.2.2b Where required, locate batters and retaining walls between lots to minimise the use of retaining walls able to be seen from public spaces.
	25.2.2.2c Minimise the use of retaining walls. Where required, adopt a consistent style throughout a development and ensure these are designed to minimise their visual impact.
	25.2.2.2d Require earthworks to be designed in a comprehensive manner, minimising the need for secondary earthworks.
	25.2.2.2e Manage the heights and location of retaining walls to ensure that they are not visually dominant.
	25.2.2.2f Require earthworks over large areas to be undertaken in association with subdivision consent to ensure a cohesive outcome that ensures a well-designed urban area that provides for high levels of amenity.

Explanation

The policy ensures that amenity values and the quality of the natural environment in the City are maintained or enhanced. The policy intends natural landforms (such as ridges and gullies) to be protected as much as possible to retain the natural character and amenity values. Earthworks should also limit the adverse effects of erosion and sedimentation, and minimise soil compaction. The policies aim to ensure that the positive effects of earthworks are realised in terms of practicable building sites, maintaining stormwater flow paths, efficient use of land and infrastructure, and a resulting safe living and working environment.

The Peacocke Structure Plan area has been identified as a medium density growth area for Hamilton. The area contains rolling topography which can be challenging to develop. The policy framework recognises the challenges to developing these areas and seeks to enable landform modification in such a way that enables development, while remaining sympathetic to the general character of the land form in the area. This means earthworks should replicate the general orientation of topography to enable the integration of residential development within the site. The road network and block structure should be designed to work with the contour of the land and minimise the extent of retaining required. Where steeper slopes are to be developed, alternative approaches to construction should be used including mid lot development or multi-storey houses.

Bulk earthworks undertaken at subdivision stage should be designed to minimise the need for secondary earthworks.

25.2.3 Rules — Activity Status Table

Activity	Class
a. Earthworks (excluding earthworks covered by Rule 25.2.3.b and i.)	P
b. Earthworks and vegetation removal involving trenching, pole installation and replacement, slab foundation (not exceeding 2m in depth) and pile foundations for telecommunication masts, for infrastructure and network utilities	P
c. Trimming, maintenance or removal of vegetation or trees not otherwise mentioned in this Plan	P
d. Trimming and pruning of vegetation necessary to protect all overhead electric lines or telecommunication lines	Activity status and rules contained in Chapter 25.7: Network Utilities and the Electricity National Grid Corridor
e. Removal of vegetation or trees in the Open Space Zones	Activity status and rules contained in Chapter 15: Open Space Zones
f. Earthworks and vegetation trimming, maintenance or removal within a: i. High Flood Hazard Area ii. Medium Flood Hazard Area iii. Low Flood Hazard Area iv. Temple View Flood Hazard Area v. Culvert Block Flood Hazard Area vi. Waikato Riverbank and Gully Hazard Area	Also refer to activity status and rules contained in Chapter 22: Natural Hazards
g. Earthworks and vegetation maintenance, trimming or removal affecting: i. An archaeological and cultural site in Schedule 8B of Volume 2, Appendix 8 ii. A significant tree in Schedule 9D of Volume 2, Appendix 9 iii. A significant natural area in Schedule 9C of Volume 2, Appendix 9	Activity status and rules contained in Chapter 19: Historic Heritage and Chapter 20: Natural Environments
h. Works within the root protection zone of a: i. Significant tree in Schedule 9D of Volume 2, Appendix 9 ii. Tree within a significant natural area in Schedule 9C of Volume 2, Appendix 9	Activity status and rules contained in Chapter 20: Natural Environments
i. Earthworks associated with the replacement and/or removal of a fuel storage system as defined and controlled in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.	P
j. Earthworks that do not meet the requirements of 25.2.5.1	D
k. Vegetation clearance in the Peacocke Structure Plan Area that	RD

does not meet the requirements of 25.2.5.2	
l. Earthworks that do not meet the requirements of Rule 25.2.5.3	D

Note

1. *Earthworks and Vegetation Removal must comply with any relevant requirements of the Waikato Regional Plan and the Waikato Regional Pest Management Plan.*
2. *No person may destroy, damage, or modify an archaeological site without an authority from Heritage New Zealand. If items of archaeological significance are found when undertaking earthworks, authority must be obtained from Heritage New Zealand before proceeding with any further works which could potentially destroy, damage, or modify such items.*
3. *Activity status for earthworks relating to existing high voltage transmission lines as of 14 January 2010, identified on the District Plan Maps and forming part of the National Grid, is set out and determined within the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009.*
4. *The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may alter the activity status of activities and additional standards, matters for assessment and criteria may apply. Refer to Chapter 25.1: City-wide — Development Suitability for relevant objectives (25.1.2.3) and policies (25.1.2.3a to 25.1.2.3c).*
5. *For any activity not identified above, see Section 1.1.8.1.*

25.2.4 Rules — General Standards

25.2.4.1 Earthworks in All Zones

a. Where fill material is used it is required to be clean fill.

b. All earthworks or areas of bare earth not being worked for three months or more shall be stabilised and sown with ground cover.

c. All earthworks shall retain sediment on site through implementation and maintenance of sediment controls. This standard does not apply to the transportation of material off site.

d. All earthworks activities shall be managed to avoid material deposits on public roads from any vehicles operating on site.

e. Earthworks shall not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership.

    i. Rule 25.2.4.1.e does not apply within the Transport Corridor Zone

f. Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs.

g. Earthworks must not:

    i. cause malfunction or result in damage to network utilities;

    ii. create an unstable batter that will affect a support structure for any network or utility; or

    iii. change the cover over network utilities or raise the level of the ground under or near overhead network utilities so as to create the potential for damage or malfunction.

h. Earthworks volumes must not exceed the following maximums in any single activity or

cumulative activities in any calendar year following commencement of earthworks activities:

Activity	Rototuna North East Character Zone and Special Natural Zone	All Other Residential and Special Character Zones	All Other Zones
Earthworks associated with any activity requiring building consent (including associated site works)	500m^3	500m^3	Unlimited
Earthworks associated with subdivision	500m^3	500m^3	1000m^3
All other earthworks	40m^3	100m^3	1000m^3

Note

1. *The above volume standards do not apply to:*
    a. *Transport Corridor Zone*
    b. *Activities authorised by a consent for a concept plan for a Major Facility prepared under Chapter 17*
    c. *A Concept Plan Consent for a Precinct prepared under Chapter 8*
2. *Refer to Chapter 22 regarding earthworks in Natural Hazard Areas.*
3. *Refer to Erosion & Sediment Control: Guidelines for Soil Disturbing Activities, which is available on the Waikato Regional Council website: www.waikatoregion.govt.nz*
4. *Consultation with the relevant network utility operator is advised when undertaking any earthworks that may affect network utilities. Such network utility operators are likely to be affected parties for any earthworks not meeting the standards in Rule 25.2.4.1.g. Persons undertaking earthworks near a network utility should also refer to, and comply with, any applicable regulation or code (such as NZECP 34:2001) to ensure earthworks do not compromise health and safety, do not damage network utilities or encroach safe separation distances of network utilities.*

25.2.4.2 Earthworks Within any National Grid Yard

a. Earthworks within a National Grid Yard shall:

    i. Be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire.

    ii. Be no deeper than 750mm between 2.2m and 5m from a transmission pole support structure or stay wire.

    iii. Be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure.

    iv. Be no deeper than 3m between 6m and 12m from the outer visible edge of a transmission tower support structure.

    v. Not create an unstable batter that will affect a transmission support structure.

    vi. Not result in a reduction in the ground to conductor clearance distances as required by NZECP 34:2001.

    Provided that:

    vii. Earthworks undertaken by a Network Utility Operator are exempt from i to iv above.

viii. Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a transport corridor, footpath or driveway are exempt from i to iv above.

ix. Vertical holes less than 500mm in diameter and more than 1.5m from the outer edge of a pole support structure or stay wire are exempt from i and ii above.

Note

1. *Consultation with Transpower New Zealand Limited (or its successor) is advised when undertaking any earthworks under or adjacent to high voltage transmission lines. Transpower New Zealand will be an affected party for any earthworks not meeting the standards in Rule 25.2.4.2 where the earthworks occur within the Ruakura Structure Plan area. In other areas this will be determined in accordance with S95E of the RMA.*

25.2.5 Rules — Specific Activities

25.2.5.1 Earthworks in the Peacocke Medium Density Zone: Peacocke Precinct

a. Earthworks within the Peacocke Structure Plan shall be no more than 600m^3 in area, unless:

i. It is in conjunction with an associated subdivision consent; or

ii. It is associated with works authorised by an existing resource consent or requiring building consent.

Provided that:

iii. Earthworks undertaken by a Network Utility Operator are exempt from i to ii above.

25.2.5.2 Vegetation Clearance in the Peacocke Structure Plan Area

a. The removal of any tree or vegetation within the Peacocke Structure Plan Area outside Significant Natural Areas is a permitted activity where:

i. It has a diameter less than 150mm measured at 1.4m in height above ground level; or

ii. Where it has a diameter of 150mm or more measured at 1.4m in height above ground level and:

A. A report is provided by a suitably qualified ecologist demonstrating that, following an assessment of the tree, the tree is not a confirmed or potential bat roost tree; and

B. The above report is provided to Hamilton City Council prior to the removal of the tree(s); or

iii. The vegetation removal is authorised by an existing subdivision or land use resource consent.

25.2.5.3 Earthworks in the Te Rapa Structure Plan area

a. Earthworks within the Te Rapa North Industrial Structure Plan area that is in accordance with 3.9.3 shall be no more than 600m3 in area, unless:

i. It is undertaken in conjunction with an associated subdivision consent; or

ii. It is associated with works authorised by an existing resource consent

b. Earthworks undertaken by a Network Utility Operator are exempt from Rule 25.2.5.3.

25.2.5.4 Vegetation Clearance in the Te Rapa Structure Plan area

a. The removal of any tree or vegetation within the Te Rapa North Industrial Structure Plan outside the 50m setback from the bank of the Waikato River is a permitted activity where:

   i. It has a trunk diameter less than 150mm measured at 1.4m in height above ground level; or

   ii. It has a trunk diameter of 150mm or more measured at 1.4m in height above ground level and either:

      A. A report is provided by a suitably experienced bat ecologist demonstrating that:

         1. Following an assessment of the tree, the tree is not a confirmed or potential bat roost tree. Identification of potential bat roost trees shall be in accordance with the Department of Conservation 'Protocols for Minimising the Risk of Felling Bat Roosts' (Version 2: October 2021); and

         2. The above report is provided to Hamilton City Council at least 5 working days prior to the removal of the tree(s) for approval; or

   iii. The vegetation removal is authorised by a granted subdivision or land use resource consent.

b. The trimming, pruning or removal of any tree or vegetation within the Te Rapa North Industrial Structure Plan inside a 50m setback from the bank of the Waikato River is a permitted activity where:

   i. It has a trunk diameter less than 150mm measured at 1.4m in height above ground level; or

   ii. The vegetation removal is authorised by a granted subdivision or land use resource consent.

25.2.5 Other Resource Consent Information

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

How to Use this District Plan
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Activity Status Defaults
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Other Methods of Implementation

25.8 Noise and Vibration

25.8.1 Purpose

a. Noise and vibration can have an adverse effect on amenity values, adversely affecting people's health, interfering with communication and disturbing sleep and concentration. Under the Act, noise includes vibration, so the objectives and policies on noise cover vibration as well, unless the context requires otherwise.

b. District Plan standards for noise are important in determining when resource consents will be required for land uses and the assessment of applications. The District Plan provisions are subject to Section 16 of the Act, which requires everyone carrying out activities to adopt the best practicable option to ensure that noise does not exceed a reasonable level.

c. The duty to adopt the best practicable option is not always avoided by compliance with a District Plan rule on noise. Noise may be deemed to be unreasonable even though the District Plan does not require resource consent. Enforcement action for unreasonable noise will usually be based on the noise enforcement provisions of the Act, but may be based on exceeding the District Plan standards.

25.8.2 Objectives and Policies: Noise and Vibration

Objective	Policies
25.8.2.1 Activities have minimal adverse noise and vibration effects on other activities and sites, consistent with the amenity values of the receiving environment.	**25.8.2.1a** The amenity values of the surrounding neighbourhood and adjoining activities, especially noise-sensitive activities, shall be protected from the effects of unreasonable noise.
	25.8.2.1b Construction, maintenance and demolition activities shall be required to minimise potential adverse effects on the surrounding neighbourhood and adjoining activities.
	25.8.2.1c Noise effects arising from new and altered roads should be managed using best practicable options to ensure noise levels received by existing premises and facilities that are sensitive to noise are reasonable.
	25.8.2.1d Commercial, industrial and community activities shall ensure that noise received at the boundary of Residential and Special Character Zones is consistent with the residential noise environment.
	25.8.2.1e Noise from non-residential activities in residential areas shall not unduly adversely affect residential amenity values.
	25.8.2.1f Temporary events shall minimise noise impacts on residential activities when taking into account the level and duration of the noise.
Explanation	

The policies ensure that noise levels will be appropriately managed to protect the amenity values of receiving environments.

Management of the interface between areas is important to ensure that noise is within a reasonable expectation for the zoning and noise levels meet accepted minimum standards for the receiving environment. Within industrial and commercial areas, higher noise levels are accepted, but will be controlled to prevent unreasonable noise from transferring between sites.
The policies will capture changes to the noise environment arising from new and altered roads. The Plan aims to limit people's exposure to traffic noise from new transport corridors by reducing noise at the source, and requiring insulation for new development beside busy transport corridors (see Objective 25.8.2.2).
Many construction activities are inherently noisy but methods are available which can control the emission and impact of this noise. Noise experienced during construction is of a temporary nature and provided that noise at inconvenient times can be mitigated or avoided, reasonable levels of construction noise can be accommodated.

Objective	Policies
25.8.2.2 Reduce reverse-sensitivity effects arising from new noise-sensitive activities locating: i. Within the Central City, Business, Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones. ii. Near to transport networks. iii. Within a defined helinoise boundary. iv. Within the noise emission boundary of the Te Rapa Dairy Manufacturing Site. v. Within the Te Awa Lakes Structure Plan Area, recognising the proximity of Te Awa Lakes residential development to regionally significant and other industry (including industry located in the Waikato District) and regionally significant infrastructure.	**25.8.2.2a** Noise-sensitive activities locating within the Central City, Business, Industrial, Ruakura Logistics, Te Rapa North, Te Awa Lakes Major Facilities and Ruakura Industrial Park Zones or within an existing defined helinoise boundary or within the Te Rapa Dairy Manufacturing Site Noise Emission Boundary should include design and materials to reduce interior noise to acceptable levels.
	25.8.2.2b Noise-sensitive activities locating near transport corridors that carry high traffic volumes, or railways, should include design and materials to reduce interior noise to acceptable levels.
	25.8.2.2c Noise-sensitive activities located within the Rototuna North East Character Zone adjacent to the Waikato Expressway (Designation E90) within the habitable building setback should provide sufficient acoustic treatment to protect its residential noise environment.
	25.8.2.2d In the Te Awa Lakes Business 6 zone, residential activities and associated outdoor living areas shall be set back from Hutchinson Road to avoid or minimise the potential for reverse sensitivity effects on regionally significant and other industry.

Explanation

The objectives and policies recognise that some areas of the City contain a diverse range of activities, and that there is increased potential for conflict over noise, particularly when noise-sensitive activities locate near existing noisy activities.
The objective and policies recognise that noise-sensitive activities establishing in these areas will require appropriate design and materials, such as acoustic insulation, to achieve an acceptable internal noise environment.
The objectives and policies also recognise that the noise levels within the Te Rapa Dairy Manufacturing Site Noise Emission Boundary were agreed through an appeal settlement on the Waikato District Plan and the area around the Dairy Manufacturing Site was subsequently transferred into Hamilton City. Noise sensitive activities locating within the Dairy Manufacturing Site Noise Emission Boundary need to be aware of the existing noise levels within the Noise Emission Boundary.
In the Rototuna North East Character Zone, the use of a specific building setback provision pre and post the

construction of the Waikato Expressway (Designation E90) negates the need for additional acoustic mitigation of dwellings beyond the setback and provides protection for the outdoor amenity of residential properties within the setback. However, habitable buildings located within the setback do have an increased potential to be affected. Accordingly noise-sensitive activities establishing in this area will require appropriate design and materials, such as acoustic insulation, to achieve an acceptable internal noise environment.

Objective	Policies
25.8.2.3 Reduce reverse-sensitivity vibration effects arising from new development locating near to the rail transport network.	**25.8.2.3a** New buildings locating near to the rail network should include design and materials to reduce vibration to acceptable levels.

Explanation

The objectives and policies recognise that in some areas of the City near to the rail network there is potential for vibration effects. The objective aims to ensure that new buildings locating near to the rail are designed to recognise the environment in which they are located.

25.8.3 Rules — Specific Standards

25.8.3.1 Measurement and Assessment of Noise

a. Noise levels shall be measured in accordance with NZS 6801:2008 “Acoustics — Measurement of Environmental Sound” and assessed in accordance with NZS 6802:2008 ‘Acoustics — Environmental Noise’. These apply unless otherwise stated.

25.8.3.2 Construction Noise

a. All construction noise shall comply with the relevant noise levels stated in NZS6803: 1999, section 7.2 ‘Recommended numerical limits for construction noise’ and shall be measured and assessed in accordance with NZS 6803:1999 ‘Acoustics — Construction Noise’.

25.8.3.3 Construction Vibration

a. Construction vibration received by any building on any other site shall comply with the provisions of and be measured and assessed in accordance with German Standard DIN 4150-3:1999 Structural vibration — Effects of vibration on structures.

25.8.3.4 Design and Construction of New and Altered Roads

a. Application of this standard.

    i. This standard shall apply only to new and altered roads predicted to carry at least 2000 annual average daily traffic (AADT) at the design year.

b. This standard shall not apply:

    i. In circumstances where NZS 6806: 2010 does not apply, as listed in paragraph 1.3.1 of NZS 6806: 2010.

    ii. To local transport corridors identified within Volume 2, Appendix 15-4, Figures 15-4b to 15-4f.

    iii. To altered roads where the vertical or horizontal alignment changes relate solely to

providing pedestrian footpaths, cycleways, dedicated passenger transport or high-occupancy vehicle lanes, vehicle stopping or parking whereby that part of the carriageway dedicated to usual vehicle movement does not move closer to any protected premises and facilities.

c. Road-traffic noise shall be measured and assessed in accordance with NZS 6806:2010 'Acoustics — Road traffic noise — New and altered roads'.

d. Subject to 25.8.3.4.a and b. above, new or altered roads are designed and constructed to mitigate road-traffic noise in compliance with NZS 6806: 2010 'Acoustics — Road traffic noise — New and altered roads'.

Note

1. *This rule mainly affects road controlling authorities such as Council and the New Zealand Transport Authority, but sometimes may affect a private developer building or altering a road in a subdivision designed to carry the requisite traffic volumes. The practical effect of the standard is that traffic noise received at 'protected premises and facilities' will be reduced by design features such as quieter road surfaces.*

25.8.3.5 Helicopter Landing Area Noise

a. Helicopter noise from helicopter landing areas shall be measured and assessed in accordance with NZS 6807:1994 'Noise management and land-use planning for helicopter landing areas'.

Note

1. *An activity that does not comply with NZS6807:1994 in Rule 25.8.3.5 will require consent, and the operator may be required to establish a helinoise boundary around the helicopter landing area, as described in NZS 6807:1994 via a change to the District Plan in accordance with the first schedule of the Act. Any new 'noise-sensitive activities' inside a defined helinoise boundary may be subject to the noise insulation requirements of NZS 6807:1994.*
2. *In addition to District Plan requirements, helicopter operation is subject to civil aviation controls.*

25.8.3.6 Events and Temporary Activities

a. The relevant zone noise standards shall apply to all events and temporary activities, except as provided in Rule 25.3.5.2.c and 25.3.5.3.e.

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

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

i. Residential Zones.

iii. 0600 — 0700 hours	45 dB	75 dB
iv. 0700 — 2000 hours	50 dB	-

v. 2000 — 2300 hours	45 dB	-
vi. 2300 — 0600 hours	40 dB	75 dB
vii. 2300 — 0600, within that part of Te Awa Lakes Medium-Density Residential zone located within 200m of the carriageway of the Waikato Expressway	45dB	75 dB

b. Activities in all zones except the Major Facilities, Knowledge and Open Space Zones shall not exceed the following noise levels at any point within the notional boundary of any other site in the Future Urban Zone.

i. 0700 — 2200 hours	55 dB	-
ii. 2200 — 0700 hours	40 dB	75 dB

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

d. Activities in the Te Awa Lakes Business 6 Zone shall not exceed the following levels within any other Business 6 zoned site or within any site in the Te Awa Lakes Visitor Accommodation Overlay area:

0700 — 2300 hours	60 dB	-
2300 — 0700 hours	55 dB	75 dB
	60 dB at 63 Hz L_{eq}	
	55 dB at 125 Hz L_{eq}	

The 63Hz and 125Hz octave band limits shall not apply to fixed mechanical plant.
Adjustments for noise containing Special Audible Characteristics in accordance with New Zealand Standards NZS 6802:2008 “Acoustics — Environmental Noise” only apply to A-weighted levels.

e. Application of this standard.

i. This standard does not apply to activities provided for by Rule 25.3.5.2.c and 25.3.5.3.e.

ii. This standard does not apply to helicopter noise at helicopter landing areas, road traffic noise, or construction noise.

iii. This standard does not apply to residential activities, including the use of garden equipment (such as lawnmowers, chainsaws or wood chippers) ancillary to residential activities. Short duration use at reasonable times will usually be acceptable.

iv. This standard does not apply to noise from temporary emergency use of generators for continued power supply provided that the best practicable option to control the noise is adopted.

v. This standard does not apply to activities within the Te Rapa Dairy Manufacturing Site.

vi. This standard applies to all other activities, including home-based businesses, pool pumps, air conditioning units and domestic wind turbines.

Note

1. *The Te Rapa North Deferred Industrial Area, excluding Stage 1A, is assessed against the Future Urban noise standards until such time as the Deferred Industrial Zone overlay is removed.*

25.8.3.8 Te Rapa Dairy Manufacturing Site Noise Emission Boundary

a. Any activity within the Te Rapa Dairy Manufacturing Site shall be designed and conducted so that noise from site activities, other than construction noise, measured at the Te Rapa Dairy Manufacturing Site Noise Emission Boundary shown on Planning Maps 1B, 2B, 6B and 7B and Figure 6-4 in Volume 2 shall not exceed 45 dB $L_{Aeq\ (15\ min)}$.

25.8.3.9 Noise Performance Standards for Activities in the Major Facilities Zone, Knowledge Zone and Open Space Zones

a. Activities within the Major Facilities Zone, Knowledge Zone and Open Space Zones shall not exceed the following noise levels at any point within the notional boundary of any other site within the:

i. Future Urban Zone.

Or, any point within the boundary of any other site in the:

ii. Residential Zones.

iv. 0700 — 2300 hours	55dB	-
v. 2300 — 0600 hours	40dB	75 dB
vi. 0600 — 0700 hours	45dB	75 dB

vii. Rule 25.8.3.9.a.vi shall not apply to the Knowledge Zone and the Ruakura Open Space Zone (excluding Lot 3 DPS 66853), in which case the application of night noise limit of Rule 25.8.3.9a.v shall be extended to apply between the hours of 2300 hours to 0700 hours.

viii. Activities on any site within Te Awa Lakes Major Facilities Zone must not exceed $L_{Aeq[15min]}$ 65 dB at any point within the boundary of any other site within Te Awa Lakes Major Facilities Zone.

b. Rule 25.8.3.9.a shall not apply to crowd noise from events.

c. For Seddon Park, Waikato Stadium, Claudelands Events Centre and Te Rapa Racecourse the noise standards outlined in Rule 25.8.3.9.a shall apply except for six days per calendar year when the following standards shall apply.

i. The noise (including practice or testing) does not exceed the following noise levels at any point within the boundary of any site in the:

- Residential Zone
- Special Character Zone

ii. 1000 — 2300 hours	75 dB 70 dB at 63Hz 65 dB at 125Hz	85 dB
iii. On New Year's Eve these noise levels shall apply up to 0030 hours the following day (January 1).		

iv. Rule 25.8.3.9.c.i shall not apply to crowd noise from events.

v. The noise event does not exceed four hours' duration, except on two of the six occasions when the duration of the noise event must not exceed seven hours, exclusive of practice and sound checks.

vi. Practice or testing involving the use of electronic sound amplification must not exceed two hours.

vii. The public is notified at least 14 days before the noise event, including information about:

- The nature of the noise event and the fact that the noise limits for general activities may be exceeded.
- Proposed dates and start and finish time of the event itself, and the expected times of any testing or practice.
- Contact details before and during the noise event.
- Possible alternative dates in the event of postponement.

Note

1. *A suitable method for achieving compliance with this standard is the publishing of a public notice containing the required information in a newspaper with a circulation that covers the entire area affected by the proposal.*

viii. Provide a noise management plan to Council at least one month before the event to demonstrate compliance with the relevant noise standards.

d. Application of this standard:

i. This standard does not apply to activities provided for by Rule 25.3.5.2.c and 25.3.5.3.e

ii. This standard does not apply in relation to noise received from the Te Rapa Racecourse at the following existing sites on Minogue Drive.

- Pt Lot 1 DP 311765
- Lot 5 DP 443687
- Section 3 SO 318174

iii. This standard does not apply to noise from helicopter noise at helicopter landing areas, road traffic noise, or construction noise.

25.8.3.10 Noise-sensitive Activities — Activities in all Zones except Ruakura Logistics Zone, Ruakura Industrial Park Zone and the Knowledge Zone

a. The standards in Rule 25.8.3.10.e, f. and g. shall apply to the construction of new buildings to be used for noise-sensitive activities and to additions of habitable rooms to existing buildings, within:

i. The Central City Zone, Business 1 to 7 Zones, Industrial Zone, Te Rapa North Industrial Zone, the Te Rapa Dairy Manufacturing Site Noise Emission Boundary, Rototuna Town Centre Zone and the Te Awa Lakes Business 6 Zone and the Te Awa Lakes Major Facilities Zone.

ii. All sites, near existing and proposed transport corridors that carry high traffic volumes, as defined in 25.8.3.10.b, and c. below.

iii. All sites, near a railway line, as defined in 25.8.3.10.d below.

iv. The Rototuna North East Character Zone, where the residential activity is within the 55dB $L_{Aeq(24hr)}$ contour line from the Waikato Expressway, established via subdivision in accordance with 23.6.12.c Where habitable rooms are located outside of the 55dB $L_{Aeq(24hr)}$ contour, no acoustic treatment is required even if one or more boundaries of the lot is intersected by the noise contour.

b. “Near existing and proposed transport corridors that carry high traffic volumes” applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the nearest edge of the carriageway (not being a state highway) of:

i. Either:

Any existing arterial transport corridor or any of the following collector transport corridors

- Bader Street
- Bankwood Road- South of Comries Road
- Beerescourt Road
- Brooklyn Road

- Bryant Road
- Cambridge Road
- Clyde Street- East of Wairere Drive
- Collins Road- West of Ohaupo Road
- Comries Road
- Grandview Road- Avalon Drive to Hyde Street
- Knighton Road- Clyde Street to Ruakura Road
- Maeroa Road- Ulster Street to Norton Road
- Naylor Street- Grey Street to Wairere Drive
- New Castle Road
- Palmerston Street- Pembroke Street to Cobham Drive
- Pukete Road
- Rifle Range Road
- Sandwich Road
- Seddon Road- Tainui Street to Norton Road
- Silverdale Road

Note
For the avoidance of doubt, only the Collector or Arterial portion of the transport corridors listed above are covered by this rule.

Or
On transport corridors that carry an average annual daily traffic level (AADT) of

- 5,000 AADT where the posted speed limit is ≤50km/hr.
- 2,000 AADT where the posted speed limit is >50km/hr

ii. A designated transport corridor that is predicted to carry an annual average daily traffic level (AADT) at the design year of at least:

- 5,000 AADT where the posted speed limit is ≤50km/hr.
- 2,000 AADT where the posted speed limit is >50km/hr.

iii. Under Rule 25.8.3.10b.ii the 40m distance shall be measured from either:

a. The nearest designation boundary if the location of the carriageway has not

been confirmed in writing by the Requiring Authority or through an outline plan of works approval under s176A of the RMA; or

b. The nearest location of the carriage way confirmed if the location has been confirmed in writing by the Requiring Authority or through an outline plan of works approval under s176 of the RMA.

c. “Near existing and proposed transport corridors that carry high traffic volumes” also applies to noise sensitive activities where the building line of the building containing the activity is within:

i. 100m of the Waikato Expressway (Designations E90, E90a, E99a and E81a), except that this standard does not apply to:

1. the land zoned Rototuna North East Character Zone — see Rule 25.8.3.10a.iv above; or

2. feeder roads serving the expressway interchanges where the noise sensitive activity is more than 100m from the Waikato Expressway proper or any of its interchanges; or

ii. 80m of any other state highway where the speed limit is equal to or greater than 70km/hour, or where the speed limit is less than 70 km/hour and the AADT is at least 10,000 vehicle per day; or

iii. 40m of any state highway where the speed limit is less than 70km/hour and the AADT is less than 10,000 vehicles per day;

iv. Where the distances specified in i., ii. and iii. above shall be measured from the edge of the carriageway, or the designation boundary if the carriageway location has not been confirmed in writing by the Requiring Authority; and

v. Where the speed limit specified in ii. and iii. above shall be the posted speed limit in the case of an existing state highway, or the speed limit confirmed in writing by the Requiring Authority for a proposed state highway; and

vi. Where the AADT specified in ii. and iii. above shall be the current AADT for an existing state highway, or the predicted AADT in the design year confirmed in writing by the Requiring Authority for a proposed state highway.

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

e. Where this standard applies (as defined by Rule 25.8.3.10.a to d. above) any habitable room in the building containing the noise sensitive activity shall be protected from noise arising from outside the building by ensuring the building is designed and constructed to meet an indoor design sound level of 35dB $L_{Aeq\ (24hr)}$ in bedrooms and 40dB $L_{Aeq(24hr)}$ in all other habitable rooms. Where only 25.8.3.10.a. applies, the outdoor noise level shall be the level incidental on the residential activity based on the noise level prediction parameters in Rule 23.6.12.c

f. Compliance with Rule 25.8.3.10.e shall be achieved by:

i. An acoustic design certificate that describes the proposed design of the building that will achieve compliance with the internal noise design standards in Rule 25.8.3.10.e.; or

ii. An existing solid building or landform blocking the line of sight from all parts of all windows and doors of any new habitable room(s) to any part of the carriageway, or the designation if the carriageway location has not been confirmed in writing by the Requiring Authority, within the relevant distance specified in:

1. Rule 25.8.3.10.b for transport corridors that are not state highway, or

2. Rule 25.8.3.10.c for transport corridors that are state highway, and any habitable room is set back at least 40m from any part of the carriageway, or the designation if the carriageway location has not been confirmed in writing by the Requiring Authority.

g. Where the internal noise design standards in Rule 25.8.3.10.e can only be achieved in a habitable room with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 — Ventilation of the New Zealand Building Code 2011.

25.8.3.11 Noise-sensitive Activities — Ruakura Logistics Zone, Ruakura Industrial Park Zone and Knowledge Zone

a. Buildings to be used for noise-sensitive activities shall not be constructed with any part of the building within 40m of the designation for the Waikato Expressway. This requirement shall not apply to the feeder roads serving the Pardoa Boulevard and Ruakura interchanges.

b. The following standards in this rule shall apply to the construction of new and altered buildings to be used for noise-sensitive activities within:

i. The Ruakura Logistics Zone, the Ruakura Industrial Park Zone and the Knowledge Zone.

ii. All sites, near existing and proposed transport corridors that carry high traffic volumes, as defined in Rule 25.8.3.11.c and d. below.

iii. All sites, near a railway line, as defined in Rule 25.8.3.11.e below.

c. “Near existing and proposed transport corridors that carry high traffic volumes” applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the nearest edge of the carriageway of:

i. All existing transport corridors, and

ii. Designated transport corridors (where the designation defines the location of the carriageway), that are predicted to carry an annual average daily traffic level (AADT) at the design year of at least:

- 5,000 AADT where the posted speed limit is ≤50km/hr.

- 2,000 AADT where the posted speed limit is >50km/hr.

d. “Near existing and proposed transport corridors that carry high traffic volumes” also applies to noise-sensitive activities where the building line of the building containing the activity is within 100m of the boundary with the Waikato Expressway designation, except for parts of the feeder roads serving the Pardoa Boulevard and Ruakura Interchanges beyond 100m from these interchanges”

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

f. Where this standard applies, either:

- Any room in a building shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the minimum performance standard of $D_{2m,nT,w}$ + Ctr > 30 dB, or

- Where only Rule 25.8.3.11.b.ii. and iii. apply, an acoustic design certificate signed by a suitably qualified acoustic engineer shall state the outdoor noise levels will not exceed 55 dB $L_{Aeq(1h)}$ for rail noise or 57 dB $L_{Aeq(24h)}$ for road-traffic noise at the building facade.

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

25.8.3.12 Operational Vibration from Rail Lines — Activities in All Zones

a. Any new building developed for a vibration sensitive activity within 20m of a boundary of a designation for railway purposes shall comply with Class C vibration limits in NS 8176:2017 — Vibration and Shock: Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.

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

Vibration Alert Overlay

1. *This overlay applies within 100m of the railway designation boundary as some properties more than 20m from a rail line as identified under Rule 25.8.3.12a may experience vibration from passing trains. Factors such as (but not limited to) soil ground conditions, distance from rail lines and building design will affect the amount of vibration received. For more information, professional advice can be sought from engineers before undertaking building work near the rail corridor. The Vibration Alert Overlay is to advise property owners of the potential vibration effects outside of the 20m but leaves the site owner to determine an appropriate response.*

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

a. Activities shall not exceed the following noise limits

i. At or within the notional boundary of any residential unit on any other site within the

Ruakura Logistics Zone or within the Ryburn Road and Percival Road Large Lot Residential Zone (as identified in Appendix 14-1).

ii. At or within the boundary of any site in the Residential Zones and Knowledge Zone, except as provided for in i. above.

0700 — 2000 hours	55 dB	-
2000 — 2300 hours	50 dB	-
2300 — 0700 hours	40 dB	75 dB

b. Any activity within the Ruakura Logistics and Ruakura Industrial Park Zones shall not exceed a noise limit of 70dB ($L_{Aeq\ [15\ min]}$) within the boundary of any other site within that Zone. This standard does not apply to sites held in common ownership with the site containing the activity generating the noise.

c. Application of this standard.

i. This standard does not apply to temporary activities.

ii. This standard does not apply to noise from helicopters at helicopter landing areas, road noise, or construction.

iii. This standard does not apply to residential activities, the use of garden equipment (such as lawnmowers, chainsaws or wood chippers) ancillary to residential activities. Short duration use at reasonable times will be acceptable.

iv. This standard applies to all other activities, including home-based businesses, pool pumps, air conditioning units and site based wind turbines.

v. Assessment of the standard shall be in accordance with NZS6801:2008 and NZS6802:2008 including a reference time interval (t) of 15 minutes.

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

i. The barrier shall be constructed at, or to the north of, the northern-most limit of the Inland Port operations area (Sub Area A (Inland Port)) and in any other locations necessary to ensure the noise limits in Rule 25.8.3.13.a will be met.

ii. The barrier may be constructed in stages to suit staged development of the Inland Port (Sub Area A (Inland Port)).

iii. The barrier shall be designed and constructed in accordance with best practice and certified by a suitably qualified expert.

iv. The barrier shall be designed to avoid or minimise the reflection of noise from passing trains onto residential properties on Ryburn Road.

v. The noise barrier shall form part of the Noise Management Plan for each stage of

development of the Inland Port (Sub Area A (Inland Port)).

25.8.3.14 Non-Conformity with Standards in the Ruakura Logistics Zone

a. Any activity in the Inland Port (Sub Area A (Inland Port)) which is between 40 dBLAeq(15 min) and 45 $dBL_{Aeq(15\ min)}$ between 2300 and 0700 hours when measured under 25.8.3.13.a is a restricted discretionary activity. This shall be considered without notification or the need to obtain approval from affected persons, except as provided for by sections 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act.

b. Any activity in the Inland Port (Sub Area A (Inland Port)) which exceeds 45 $dBL_{Aeq(15\ min)}$ between 2300 and 0700 hours when measured under 25.8.3.13.a is a non-complying activity.

25.8.4 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

25.14 Transportation

25.14.1 Purpose

a. This chapter contains city-wide objectives, policies, and rules relevant to the transport network, subdivision, use and development.

b. The transport network is a significant and essential physical resource of the city that contributes to the economic, social, and cultural wellbeing of residents, visitors and businesses within and outside Hamilton.

c. The transport network includes all transport corridors and infrastructure for all transport modes, including walking, cycling, micro-mobility, public transport, freight, other vehicles, rail, and river ferries. Also, while Hamilton Airport is not within the city it is the city's closest facility for moving goods and people by air. The facility is Regionally Significant Infrastructure and with its air routes is a key component of the wider transport network.

d. The transport mode hierarchy defines the prioritisation of levels of access and amenity for the transport modes to support mode shift and sustainable transport choices.

25.14.2 Objectives and Policies: Transportation

Objective	Policies
Integrated Transport Network **25.14.2.1** An integrated, multi-modal, climate-resilient transport network with low embodied and operational greenhouse gas emissions that meets national, regional, and local transport needs, gives effect to Te Ture Whaimana, provides travel choices, supports high quality growth and development of the economy and an enjoyable, liveable city, and is: i. Efficient, to the extent consistent with Policy 25.14.2.1g. ii. Affordable. iii. Safe and where no one is killed or seriously injured. iv. Accessible to all. v. Sustainable. vi. Integrated with land use to minimise the need to travel and the total distance travelled, and avoid wherever practicable conflicts between transport modes.	**Land Use Integration** **25.14.2.1a** Integrate land use and the transport network by: i. Implementing Policies 2.2.14a to 2.2.14i. ii. Managing vehicle access in accordance with Policy 25.14.2.1o. iii. Recognising and providing for planned upgrades of transport corridors.
	Climate Change **25.14.2.1b** Promote the protection of existing street trees and the establishment and maintenance of a continuous tree canopy along transport corridors to: i. improve amenity for corridor users and adjoining land use, ii. minimise the urban heat island effects of urban intensification, iii. enhance biodiversity and ecological function, iv. provide summer shade to make the corridors more comfortable for walking, cycling, and micro-mobility during hotter weather, and v. store carbon. **25.14.2.1c** Reduce embodied greenhouse gas emissions and operational greenhouse gas emissions. **25.14.2.1d**

vii. Easy to use and provides opportunities for play.	Plan the transport network to be resilient to predicted future extreme weather events.
	Accommodating growth **25.14.2.1e** i. Take account of the whole of life benefits and costs of the transport network. ii. Minimise the building of new, or widening of existing, transport corridors to accommodate growth by: A. Making the best use of existing transport corridors by reconfiguring them for more space-efficient modes of transport like walking, cycling, micro-mobility, and public transport rather than adding more lanes for private vehicles; and B. Locating land uses and densities in such a way as to support walking, cycling, micro-mobility and public transport. iii. Enable transport corridors to be widened to accommodate stormwater treatment, street trees, or dedicated facilities for public transport, walking, cycling, or micro-mobility.
	Urban design **25.14.2.1f** i. Provide high quality, safe, efficient, convenient, multi-modal connections for everyone moving from place to place. ii. Enable transport corridors to perform their movement and place functions within the city's transport corridor hierarchy. iii. Establish and protect streetscape amenity and recognise and provide for place functions. iv. Where appropriate, realise opportunities to enable everyone to be active, play, explore the city, and have fun within transport corridors and the transport network.
	Priorities **25.14.2.1g** i. Prioritise the needs of transport modes that are higher in the transport mode hierarchy. ii. Enable and prioritise walking, cycling, micro-mobility, and public transport over private vehicles through: A. Improving the quality, quantity, extent, amenity, playfulness, convenience, and performance of facilities for public transport, cycling, walking, and micro-mobility to attract more users. B. Integrating land use and the transportation network

	in accordance with Policy 25.14.2.1a. C. Improved design and management of parking, loading, and end-of-journey facilities. iii. Prioritise climate change adaptation and reduction of greenhouse gas emissions. iv. Prioritise freight movement and high frequency public transport over private vehicles on the strategic transport network.
	Parking and loading **25.14.2.1h** Manage the design, location, quantity, and pricing of any parking or loading infrastructure so that it is provided in a way that: i. Is safe, convenient, and accessible for all users. ii. Minimises adverse effects arising from supply of and demand for parking. iii. Minimises adverse safety and efficiency effects on walking, cycling, micro-mobility, public transport, freight, and emergency services. iv. Maximises opportunities for the efficient use of existing parking infrastructure. v. Provides charging facilities and their associated electricity infrastructure for electric powered vehicles and micro-mobility devices, where required including for communal use. vi. Encourages active modes, micro-mobility, and public transport. vii. Ensures any required loading and drop-off spaces are available for each development and site. viii. Provides for car-share, taxis, and ride-share where required.
	End-of-journey facilities **25.14.2.1i** Require provision of accessible, practical, secure, covered, end-of-journey facilities for users as close as practicable to their journey destination **Public Transport** **25.14.2.1j** Encourage growth in public transport patronage to reduce carbon emissions and minimise traffic congestion on transport corridors and demand for parking spaces by: i. Upgrading public transport facilities and services, particularly on congested transport corridors.

	ii. Supporting the transition to a rapid and frequent public transport network, including through policies 2.2.14a to 2.2.14h and policies 25.14.2.1j iii to vi. iii. Improving the operational efficiency of the public transport network to make public transport faster, more reliable, and easier to use. iv. Providing free, secure, and covered parking for bicycles and micro mobility devices at public transport Interchanges. v. Ensuring good walking, cycling, and micro-mobility connectivity with public transport facilities. vi. Providing public transport infrastructure on proposed or existing public transport routes as part of developing a new, or upgrading an existing, transport corridor.
	Effects of the Transport Network **25.14.2.1k** New or altered transport corridors shall: i. Improve biodiversity, water quality, and air quality, and ii. Reduce greenhouse gas emissions, and iii. Adverse effects on the environment which cannot be avoided must be remedied or mitigated as far as practicable, while recognising: i. The safety, access, and mobility needs of all users. ii. The movement and place functions of new or altered transport corridor. iii. The character and purpose of the adjacent land use.
	Adverse Effects on the Transport Network **25.14.2.1l** Where adverse effects of subdivision, use or development on the transport network cannot be avoided, remedy or mitigate the effects as far as practicable by: i. Safely connecting to, and integrating with, the transport network in a manner consistent with the Transport Corridor Hierarchy, Policy 25.14.2.1g, and the Transport Mode Hierarchy. ii. Protecting strategic and arterial transport networks and associated intersections. iii. Managing reverse-sensitivity effects of land uses sensitive to adverse transport effects (e.g., noise). iv. Promoting streetscape amenity through transport corridor design, providing for the Transport Mode Hierarchy, and

	encouraging a continuous tree canopy along transport corridors. v. Ensuring performance, condition, safety, efficiency and long-term sustainability and affordability of the transport network. vi. Ensuring that multi-use developments provide dedicated spaces for storage and collection of rubbish, food scraps, and recycling. vii. Maximising opportunities to support and take advantage of existing public transport services.
	Integrated Transport Assessments **25.14.2.1m** Require Integrated Transport Assessments for new subdivision, use or development of a nature, scale or location that has the potential to generate significant adverse transportation effects.
	Travel Plans **25.14.2.1n** Require Travel Plans to be prepared and implemented for development or activities of a nature, scale or location that has the potential to generate significant movement of people.
	Access **25.14.2.1o** i. Require vehicle access between properties and the following transport corridors to be from a rear lane or side road lower in the transport corridor hierarchy: A. Major Arterials. B. The Strategic Network. C. A Pedestrian Focus Area. D. Transport corridors that will carry a Cross-City Connection. ii. Design, manage, and maintain rear lanes to: A. Be safe and accessible for pedestrians, cyclists, micro-mobility device users, and vehicle drivers. B. Provide unrestricted access for emergency vehicles and rubbish, food scraps, and recycling collection vehicles. C. Be connected to a transport corridor in at least two locations to always provide unrestricted alternative access and egress. D. Ensure the on-going and long-term maintenance of the pavement and services within the rear lane.

	iii. Design parking and loading areas so that reverse manoeuvring of vehicles does not occur onto or off an arterial transport corridor, a transport corridor in the Central City Zone, Business 1 to 7 Zones, or Cross-City connections. iv. Require all rubbish, recycling, and food scraps collection vehicles to enter and leave sites in a forward direction. v. Other than for developments generating few vehicle movements each day, require pedestrian access from transport corridors that is separate from vehicular access. vi. Minimise the number of vehicle crossings to improve safety for walking, cycling, and micro-mobility. vii. Discourage new vehicle accesses within the Central City Zone and Business 1 to 7 Zones to: A. Give priority to pedestrian movement, safety, and amenity; and B. Provide for continuity of building frontage and associated activities at street level. viii. Maintain and enhance public access to and along the Waikato River in accordance with Policy 2.2.2b.
	Hamilton Airport airspace **25.14.2.1p** Protect Hamilton Airport's airspace from intrusion by potential hazards to aircraft flight paths.
	Biodiversity in Transport Corridors **25.14.2.1q** Encourage the planting, retention, and maintenance of indigenous trees and vegetation within transport corridors, where appropriate, to recognise and reflect ecological, amenity, cultural, and landscape values and to support the establishment and enhancement of ecological corridors.

Explanation

Transport networks are complex systems that influence, and are influenced by, subdivision, use and development. The overarching objective of creating an integrated, multi-modal transport network with low carbon emissions that meets the needs of the city, gives effect to Te Ture Whaimana, and provides travel choices recognises several qualities that need to be considered when planning for, constructing, and managing the transport network, and integrating transport and land use.

The policies are grouped to recognise and respond to key transport issues:

- *Integration of the transport network and land use.*
- *Supporting reductions in greenhouse gas emissions.*
- *Accommodating growth and urban intensification.*
- *Achieving well-functioning urban environments and good accessibility for all users through good urban design.*
- *Priorities.*
- *Parking and end-of journey facilities.*
- *Encouraging growth in public transport patronage.*
- *Managing the adverse effects of the transport network on land use and vice versa.*

Integrated Transport Assessments are a key method for consistently identifying, assessing, and addressing the transportation effects of proposals including cumulative effects. Thresholds for requiring an Integrated Transport

Assessment and resource consent are based on the location, nature, and scale of activities.
Travel Plans are a key method to manage the transportation effects of proposals on an on-going basis.
Thresholds for requiring a Travel Plan are based on the location, nature, and scale of activities.
Buildings, structures, and trees in certain parts of the city could protrude into the flight path of planes departing and approaching Hamilton Airport. This increases the risks to public safety both on the ground and in the air.
The policies recognise that the hierarchy of the adjacent transport corridor can influence the nature and level of impacts. For example, parking over-spill onto a major arterial is likely to have a more significant adverse effect on the primary movement function of the corridor when compared with the effects of over-spill onto a local transport corridor, whose primary function is property access.

25.14.3 Rules — Activity Status Table

a. Any activity required to prepare a simple or broad Integrated Transport Assessment by Rule 25.14.4.3	RD*
b. New transport corridors	RD
c. New or activities increasing the use of vehicle crossings to Te Rapa Road, within the Te Rapa North Industrial Zone	NC

Note

1. *For the following transport-related activities refer to the relevant zone chapter.*
   - *Parking lots and parking buildings*
   - *Railway line, marshalling yard, or railway station*
   - *Public transport facility*
   - *Heliport*
   - *Pontoon/jetty*
2. *Arterial Transport Corridor Protection Areas are shown on the Structure Plans within Volume 2, Appendix 2.*
3. *Refer to Chapter 1.1.9 for activities marked with an asterisk (*).*
4. *For any activity not identified above, see Section 1.1.8.1.*

25.14.4 Rules — General Standards

25.14.4.1 Vehicle Crossings and Internal Vehicle Access

<table>
<tr><td>a. Distance between vehicle crossings on the same transport corridor frontage</td><td>i. Where the posted speed of the adjoining road is 60km/h or less the distance between vehicle crossings on the same side of the road shall be either:
A. Less than 2m (provided no more than 2 vehicle crossings adjoin each other); or
B. More than 7.5m
ii. Where the posted speed of the adjoining road is more than 60km/h the distance between vehicle crossings on either side of the road shall meet the relevant separation requirements in the below table; or
<table>
<tr><th>Posted speed limit of adjoining transport corridor</th><th>Minimum distance between vehicle crossings</th></tr>
<tr><td>60 km/h and under</td><td>7.5m</td></tr>
<tr><td>70 km/h</td><td>40m</td></tr>
</table>
</td></tr>
</table>

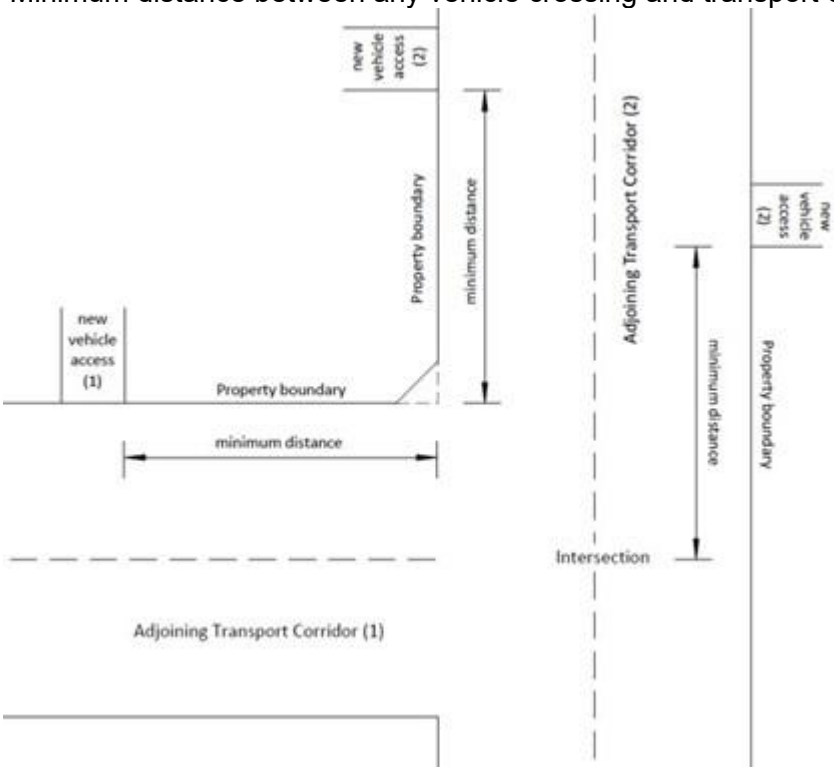
	<table><tr><td>80 km/h</td><td>100m</td></tr><tr><td>90 km/h</td><td>200m</td></tr><tr><td>100 km/h</td><td>200m</td></tr></table> iii. On local roads with a posted speed of 50km/h or less where compliance with i. or ii. above cannot be achieved as part of any land use activity the proposed vehicle crossing shall be separated as far as possible from any other existing or proposed crossing. iv. In the Peacocke Structure Plan area, on minor arterial transport corridors where a shared path or separated cycleway are provided, there shall be a minimum distance of 50m between vehicle crossings.
b. Minimum distance between any vehicle crossing and a railway level crossing	Vehicle crossings shall be: i. At least 30m from any railway level crossing, measured from the legal boundary of the property with railway land. For local roads with a posted speed limit of 50km/h or less where this cannot be achieved the vehicle crossing shall be located as close as reasonably practicable to the furthest site boundary from the railway level crossing ***Note*** 1. Examples of exceptions can include where the property boundary frontage is less than 30m and there is no other available access point, or the topography would make it impractical to construct an access
c. Minimum distance between any vehicle crossing and a transport corridor intersection	Vehicle crossings shall meet the following relevant separation requirements in the tables below. The distance should be measured in accordance with the figure below: For vehicle access onto local roads with a posted speed limit of 50km/h or less and serving a listed permitted activity where the separation requirements cannot be achieved the vehicle crossing shall be located as close as reasonably practicable to the furthest site boundary from the intersection (as relevant to the property boundary indicated in the figure below). i. Minimum distance between any vehicle crossing and transport corridor intersection – posted speed limit 60km/h or less. <table><tr><th rowspan="2">Adjoining transport corridor hierarchy (posted speed limit 60 km/h or less)</th><th colspan="4">Intersecting transport corridor hierarchy</th></tr><tr><th>Major arterial</th><th>Minor arterial</th><th>Collector</th><th>Local</th></tr><tr><td>Major Arterial</td><td>30m</td><td>30m</td><td>30m</td><td>30m</td></tr><tr><td>Minor Arterial</td><td>30m</td><td>30m</td><td>30m</td><td>30m</td></tr><tr><td>Collector</td><td>20m</td><td>20m</td><td>15m</td><td>15m</td></tr><tr><td>Local</td><td>20m</td><td>20m</td><td>15m</td><td>15m</td></tr></table> ii. Minimum distance between any vehicle crossing and transport corridor intersections – posted speed limit greater than 60km/h <table><tr><th>Adjoining transport</th><th colspan="4">Intersecting transport corridor hierarchy</th></tr></table>

corridor hierarchy (posted speed limit greater than 60 km/h)	Major arterial	Minor arterial	Collector	Local
Major Arterial	100m	100m	100m	100m
Minor Arterial	100m	100m	100m	100m
Collector	45m	45m	30m	30m
Local	45m	45m	30m	30m

Note
The examples of exceptions can include where the property boundary frontage is less than 30m and there is no other available access point, or the topography would make it impractical to construct an access in a complying location.

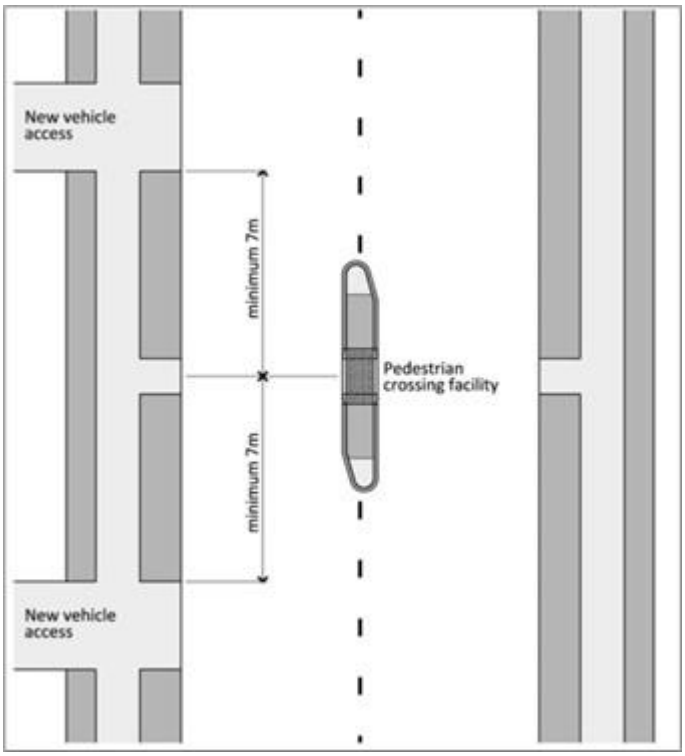
(See diagram below)

Figure 25.14.4.1a - Minimum distance between any vehicle crossing and transport corridor intersections



d. Minimum distance from a dedicated pedestrian crossing facility (e.g. pedestrian crossing, mid-block pedestrian signals, refuge islands, kea crossings)	The closest edge of the vehicle crossing shall be at least 7m from the centre of the pedestrian crossing facility measured in accordance with the diagram below.

Figure 25.14.4.1b – Minimum distance from a new vehicle access to a pedestrian crossing facility



e. Minimum sight distance from any vehicle crossing	Vehicle crossings shall meet and be measured in accordance with the relevant sight distance requirements below. . On local roads with a posted speed limit of 50km/h or less where compliance with the sight distance is not possible, the proposed vehicle crossing shall be located to achieve the maximum sight distance possible.

Minimum sight distance from vehicle crossings

	Frontage transport corridor hierarchy classification		
Posted speed limit	**Local**	**Collector**	**Major and minor arterials**
40km/hr	45m	50m	90m
50km/hr	60m	70m	120m
60km/hr	85m	90m	150m
70km/hr	105m	120m	185m
80km/hr	135m	145m	220m
90km/hr	160m	175m	265m
100km/hr	195m	210m	305m

Notes

1. The sight distances are based on Austroads Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections (Equation 1 and 2).
2. Where there is an accepted speed survey, the operating speed and relevant equation may be used to calculate the minimum sight distance.
3. Local transport corridor sight distances are calculated based upon Approach Sight Distance (ASD) with Reaction time (R_T) of 1.5 seconds.
4. Collector transport corridor sight distances are calculated based upon ASD with R_T of 2 seconds.

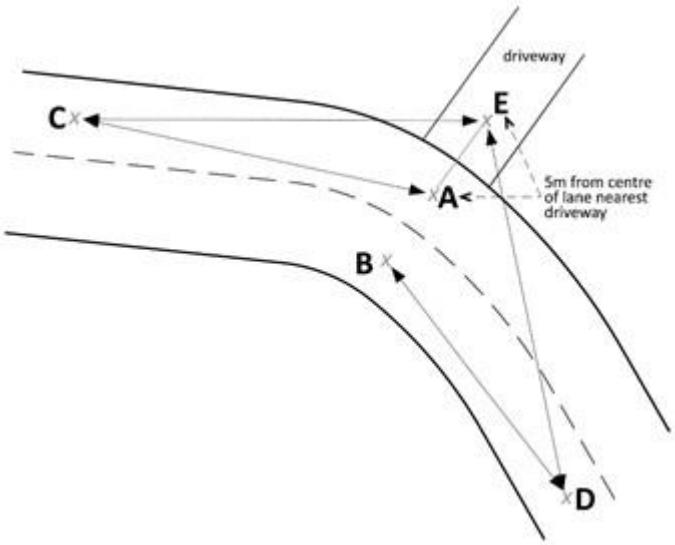
5. Arterial transport corridor sight distances are calculated based upon Safe Intersection Sight Distance (SISD) with R_T of 2 seconds.
6. Grade is based on 0%. Austroads provides adjustment factors for grades.
7. Sight distances have been rounded up to the nearest 5m.

Figure 25.14.4.1d - Lines of Clear Sight

There should be lines of clear sight from driver's eye height to driver's eye height (1.15m above ground level) along the lines detailed below.

Lines AC and BD	All vehicle crossings on all transport corridors
Lines EC and ED (no permanent obstructions, exclude parked vehicles which may obstruct these sight lines occasionally)	All vehicle crossings on minor arterial, collector and local transport corridors
Lines EC and ED (no obstructions, parked vehicles not excluded)	All vehicle crossings on major arterial transport corridors

Points C and D are established by measuring the sight distance from Table in 25.14.4.1.e along the centre of the appropriate lane from points A and B. For practical purposes A and B can be taken as opposite the centre of the driveway.



Note

1. Derived from the Waka Kotahi New Zealand Transport Agency, "Road and Transport Standards: Guidelines for Visibility at Driveways"

f. Maximum number of vehicle crossings to the transport corridor any site within a Residential Zone	One, or nil where vehicle access is provided by a rear lane
g. Maximum number of vehicle crossings to the transport corridor for any site, not within a Residential Zone	i. One per frontage that is equal to or less than 20m wide ii. Two per frontage that is more than 20m wide (excluding frontages to the strategic network or arterial transport corridor iii. One per frontage to a strategic network or arterial transport corridor

Design and Access Widths

h. Vehicle crossing and internal vehicle access shall:

i. Comply with the relevant dimensions identified in the Tables below

Widths of Vehicle crossings or vehicle access from a private way, internal access, or rear lane

Residential Zones, except as provided below	Single residential unit (including ancillary residential unit) where Rules 4.2.5.12c, or 4.3.4.13c apply.	3.0	3.5
	Single residential unit (including ancillary residential unit) where Rules 4.2.5.12b or 4.3.4.13b apply.	5.5	6.0
	Duplex housing where Rules 4.2.5.12e or 4.3.4.13e apply - a combined vehicle crossing to serve two units	5.5	6.0
	Terrace housing where Rules 4.2.5.12e, 4.3.4.13e, or 4.4.5.13d apply.	3.5	6.0
	For a development containing 2 or more single residential units (including ancillary residential unit) with vehicle access from a private way, internal vehicle access, or rear lane	3.0	3.5
	Duplex housing - a combined vehicle access to two residential units from a private way,	5.5	6.0

	internal vehicle access, or rear lane.		
Peacocke Medium-Density Residential Zone, except as provided below		3.0	5.5
Rotokauri North Medium-Density Residential Zone and Peacocke Medium Density Residential Zone — a combined vehicle crossing to serve two units (including a duplex dwelling)		5.5	6.0
All other Zones		5.0	7.5

Note
1. Measured along the front boundary where it adjoins the Transport Corridor

Internal vehicle access widths, except for rear lanes in Rotokauri North

Residential units (excluding rear lanes and Peacocke)	2-6 residential units	3.5m	4m
	7-20 residential units (where access is to form common property under a unit title arrangement) or 7-9 residential units (where access is part of a fee simple subdivision)	5.5	6.0
	10-20 residential units (where access to vest as road as part of a fee simple subdivision)	6.0	16.0
	More than 20 residential units (Local Road)	6.0	20.0
	More than 20 residential units (Collector Road)	9.0	23.0
Residential units (rear lanes)	Rear lane	5.5	7.0
Residential centres, visitor accommodation	1-12 occupants	3.5m	4m
	More than 12 occupants	5.5	-
Car parking facilities	Up to 15 spaces	3.5m	-
	More than 15 spaces	6.0	-
All other sites used for industrial or business activities	Up to 5 occupancies	6.0	-
	More than 5 occupancies	8.0	-

ii. Be formed and drained with a permanent sealed or paved all weather, dust-free surface and in a manner suitable for the type and quantity of vehicles using the site.

iii. Be designed and configured to meet the relevant requirements of Table 15-5ai and Table 15-6b in Appendix 15.

iv. For fee simple subdivision, any internal vehicle access, other than a rear lane, serving 10 or more residential units will be required to be formed and vested in Hamilton City Council as a public road.

v. The internal vehicle access requirements for residential units of i., iv and v do not apply in the Peacocke Structure Plan. Instead, SUB-PREC1-PSP: R23 Roading and Pedestrian and Cycle Access shall apply.

Note

1. *Acceptable means of compliance for the design and construction of vehicle crossings is contained within the Regional Infrastructure Technical Specifications.*
2. *Council will apply the Local Government Act 1974 to require action to prevent damage to the berm from crossings being of inadequate width or construction.*

i. Any internal vehicle access shall

i. Have a minimum unobstructed width at vehicle entrances and between buildings of no less than 3.5m

ii. Not be used for carparking or storage of materials, landscaping, fencing or other obstructions that would restrict access by emergency vehicles

iii. Have a minimum height clear of buildings and other obstructions of 4.0m

iv. Have splays of 2m x 2m which are clear of structures higher than 1m at any vehicle entranceway or where vision of pedestrians or oncoming vehicles is restricted.

j. Any rear lane must:

i. Have a minimum legal width of 7m and provide for a two-way vehicle movements.

ii. Have a minimum unobstructed width at vehicle entrances and between buildings or structures of no less than 3.5m.

iii. Not be used for carparking or storage of materials, landscaping, fencing or other obstructions that would restrict access by emergency vehicles.

iv. Have a minimum height clear of buildings and other obstructions of 4.0m.

v. Be connected by unrestricted access to a transport corridor in at least two locations.

vi. Have a legal mechanism for ownership and ongoing maintenance of the rear lane.

vii. Have a maximum length of 250m.

viii. Have a maximum longitudinal grade of 1:5.

This rule does not apply to rear lanes in the Peacocke Structure Plan where SUB-PREC1-PSP:R22 and SUB-PREC1-PSP:R23 apply.

k. A passing bay shall be provided along an internal vehicle access which serves more than one allotment or more than five car parking spaces, in cases where:

    i. The access is less than 5.5m wide and has a length greater than 70m, or

    ii. Unrestricted visibility is not available over its full length.

l. Vehicle Crossing Location Restrictions in Rotokauri North

    i. No vehicle crossing(s) may be located over a cycle lane or a path specifically designed as a shared-use walking and cycling path. When either of these facilities is on an allotment's transport corridor frontage, a legal mechanism (such as a consent notice or land covenant) shall restrict vehicle crossings and access to that allotment to rear lanes, access lots or other roads.

    ii. No vehicle crossing(s) may have direct access to or from State Highway 39.

    iii. Vehicle crossing locations shall not be positioned so as to necessitate the removal of parking spaces within parking bays.

For developments containing 2 or more residential units the following shall also apply:

m. To ensure that drivers exiting the site have clear visibility to pedestrians, cyclists, and micro-mobility users, splays of 5m by 2m which are clear of structures higher than 1.2m must be provided at all vehicle crossings. See Figure 25.14.4.1e.

n. Where a driveway joins a transport corridor it must have an on-site platform at least 6m long and with gradient no steeper than 1 in 20 (5 per cent) so that vehicles can stop safely and check for pedestrians, cyclists, micro-mobility users, and other vehicles before entering the transport corridor. See Figure 25.14.4.1f.

Figure 25.14.4.1e - Driveway Visibility

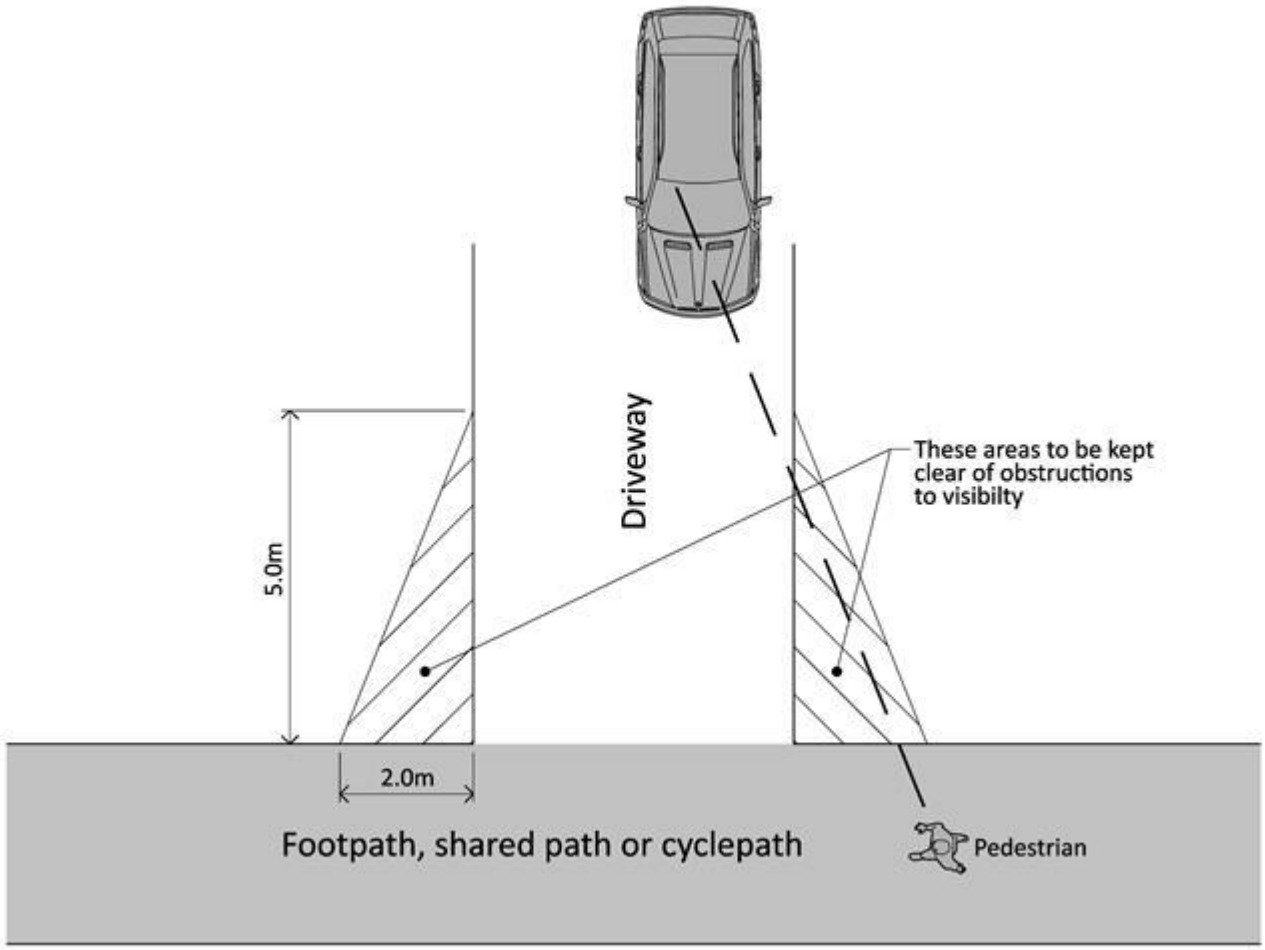
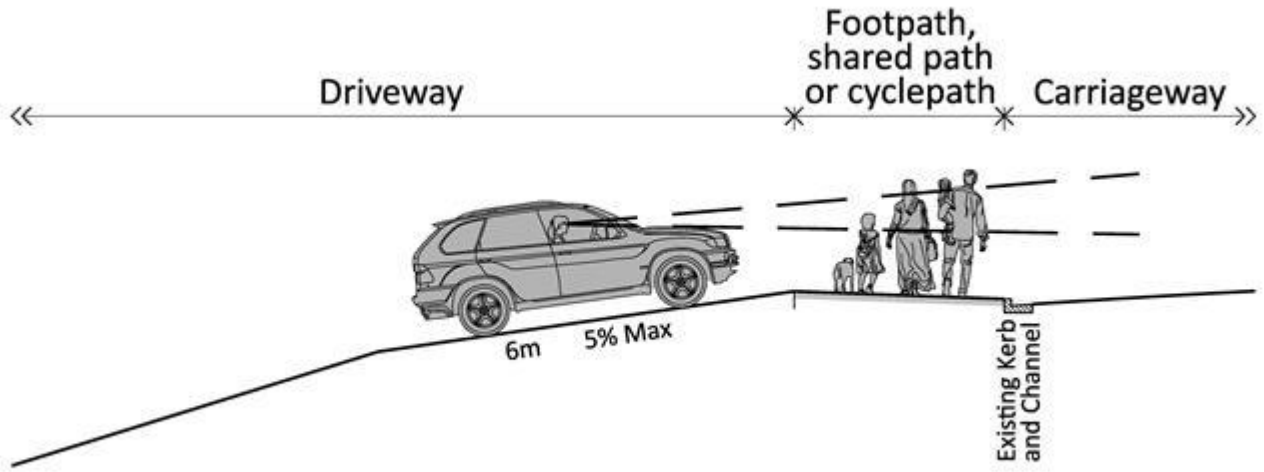


Figure 25.14.4.1f - Driveway platform



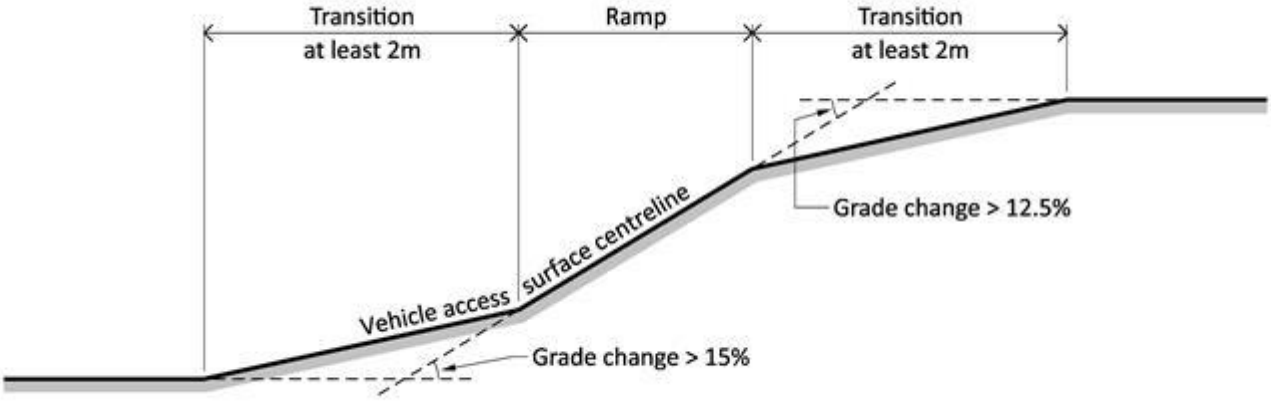
o. To avoid the underside of a vehicle striking the ground on a vehicle access, a transition section at least 2m long must be provided where the gradient of a vehicle access changes

by more than 12.5 per cent at the top of a gradient or 15 per cent at the bottom. See Figure 25.14.4.1g.

Note

The change in gradient is determined by subtracting one gradient from the adjacent gradient, when both are expressed as percentages.

Figure 25.14.4.1g - Maximum grade change and minimum transition lengths on vehicle access



p. On-site vehicle access and manoeuvring areas for on-site collection of rubbish, recycling, and food scraps must:

i. Have a gradient no steeper than:

A. 1:20 for the first 6m from the Transport Corridor, and

B. 1:8 for the remainder.

Except that, to avoid the underside of a vehicle striking the ground, a transition section at least 4m long must be provided where the gradient of a vehicle access changes by more than 12.5 per cent at the top of a gradient or 15 per cent at the bottom. See Figure 25.14.4.1h.

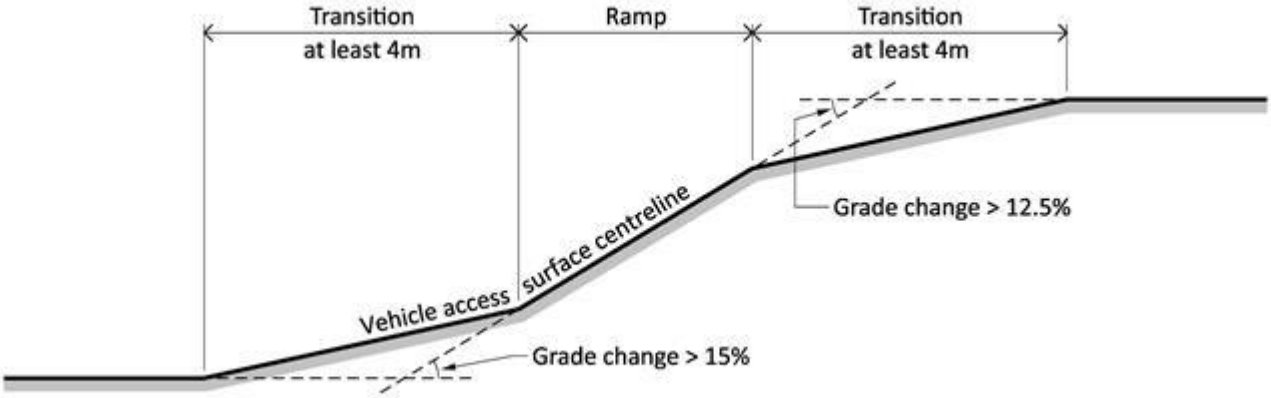
Note

The change in gradient is determined by subtracting one gradient from the adjacent gradient, when both are expressed as percentages

ii. Have a vertical clearance of at least 4m above the access, including clearances to all ducts, pipes, and other services.

iii. Provide for all collection vehicles to enter and leave the site in a forward direction.

Figure 25.14.4.1h - Maximum grade change and minimum transition lengths on vehicle access used for on-site collection of rubbish, recycling, and food scraps



25.14.4.2 Parking, Loading Spaces, On-Site Drop-off Car Spaces and Manoeuvring Areas

a. Where:

- a new building is constructed on previously vacant land, or
- a new use establishes on previously vacant land or within a vacant building, or
- an existing building is altered in a way that increases the gross floor area, or
- an existing use increases in scale (e.g. increased gross floor area), or
- the use of land or buildings changes to a use with a higher traffic generation level,

then parking facilities and on-site drop-off car spaces shall be provided on that site for the increased parking demand in accordance with the levels set out in Tables 15-1a to 15-1f of Volume 2, Appendix 15-1, as applicable to the zone and activity, with the following exceptions:

i. If the activity is required to operate under an approved Concept Plan or Concept Development Consent that includes parking requirements, the levels set out in the Concept Plan or Concept Development Consent shall be applicable and the levels set out in Tables 15-1a to 15-1f of Volume 2, Appendix 15-1 shall not apply.

Note
Concept Plans or Concept Development Consents are generally a requirement for use and development within the Major Facilities Zone and the University of Waikato (Knowledge Zone). Activities that are required to operate under an approved Concept Plan or Concept Development Consent use the rates in Tables 15-1a to 15-1f of Volume 2, Appendix 15-1, for guidance only. It is expected that site specific parking rates based on actual parking demand and site surveys may be more appropriate

ii. Staff cycle and micro-mobility spaces required by Table 15-1a of Volume 2, Appendix 15-1 must not be required to exceed one per five Full Time Equivalent staff.

iii. Visitor cycle parking spaces shall not be required where:

A. The building setback is 0m for the entire frontage of the subject site, or

B. A publicly available cluster of cycle spaces is located within 25m of the public entrance of the activity and in sufficient quantities to meet the levels otherwise required by Table 15-1a of Volume 2, Appendix 15-1.

b. For non-residential uses:

i. Accessible car park spaces for people with a disability shall be allocated and provided for in accordance with Table 15-1a or Table 15-1d of Volume 2, Appendix 15-1, whichever requires the greater number, except no accessible car park spaces are required for activities within existing buildings where there is no ability to provide parking on the site.

ii. Where 50 or more car park spaces are provided, accessible car park spaces for less mobile users shall be allocated and provided for in accordance with Table 15-1e of Volume 2, Appendix 15-1.

c. In Business 1 to 7 Zones, where 10 or more on-site car parking spaces are provided, the total number of spaces shall not exceed the maximum car parking levels identified in Table 15-1a of Volume 2, Appendix 15-1.

d. Where the assessment of the number of parking spaces (of any type) results in a fractional space, any fraction under one-half shall be disregarded and fractions of one-half or greater shall be considered as one space.

Design

e. Vehicle parking spaces, loading spaces, on-site drop off car spaces, and manoeuvring areas shall:

Comply with the relevant dimensions, layouts and diagrams (including tracking curves) in Table 15-1h to 15-1ha and Figure 15-1i to Figure 15-1m of Volume 2, Appendix 15-1 and are suitably designed for the vehicles and their occupants.

Alternative means of compliance for the design of car park spaces (including accessible car park spaces), loading spaces, on-site drop-off car spaces and manoeuvring areas are contained within AS/NZS 2890.2: 2002 Off Street Commercial Vehicle Parking and AS/NZS 2890.6: 2009 Off Street Parking for Disabilities and AS/NZS 2890.1:2004 Parking Facilities — Part 1: Off-Street Car-Parking.

i. Be formed and drained with a permanent sealed or paved all weather, dust-free surface in a manner suitable for the type and quantity of vehicles using the site.

Note

1. *Acceptable means of compliance for the formation and drainage of parking spaces, loading spaces and manoeuvring areas is contained within the Regional Infrastructure Technical Specification.*

f. No part of any vehicle, cycle, or micro-mobility parking space, loading space, on-site drop-off car space, or manoeuvring area shall be located on any outdoor living area or service area.

g. Design and layout shall meet any requirements for landscaping and screening in the applicable zones and Chapter 25.5: City-wide — Landscaping and Screening.

h. All vehicle, cycle, or micro-mobility parking spaces, loading spaces, on-site drop-off car spaces, or manoeuvring areas, (excluding those for residential activities), which are used during the hours of darkness must be illuminated in accordance with NZS1158.3.1 Lighting of Pedestrian Areas (P11), during the hours of operation of the activity that the areas serve and incorporate CPTED principles.

i. On-site manoeuvring area must be provided to avoid vehicles reversing from any car parking, loading space, or service area:

    i. To any

        A. Arterial transport corridor; or

        B. Cross-City Connection; or

        C. Transport corridor in the Central City Zone or Business 1 to 7 Zones; or

    ii. Containing more than five parking or loading spaces; or

    iii. More than 30m from the boundary with the transport corridor.

j. Vehicles occupying any parking, on-site drop-off car space or loading space shall always have ready access to a transport corridor, without needing to move any other vehicle occupying other parking or loading spaces.

    This rule does not apply to:

    i. Residential units, where instead only one car parking space per unit needs to always have access.

    ii. Loading spaces for offices less than 100m^2 gross floor area,

    iii. Staff parking areas, or

    iv. Where an automated parking stacking system is used.

k. Where an automated parking stacking system is used, ready access from the system's entrance or exit to a transport corridor and sufficient queuing and manoeuvring area must be maintained always, without needing to move any other vehicle occupying other parking or loading spaces.

Note

1. *For the standards above "automated parking stacking system" means parking facilities that are controlled by a machine that moves and organises the vehicles into an arrangement for storage by means of mechanical stacking or similar method, and where drivers are only required to manoeuvre vehicles on to a pad or into a specific position.*

l. Vehicles occupying an on-site loading space must not project on to any transport corridor whilst loading or unloading.

m. Where on-site vehicle parking is provided, sufficient space must be provided for vehicle queuing as follows.

i. For up to and including 30 parking spaces, a minimum on-site queuing length of 6m.

ii. For more than 30 parking spaces, the vehicle capacity of the queuing length shall be calculated as (0.03) x (number of parking spaces). The required vehicle capacity calculated shall be rounded up to the next whole number (i.e. the next whole vehicle) and a queuing length of 6m provided per vehicle.

iii. The required queuing length shall be measured from the transport corridor boundary at the vehicle entrance of the site, to the nearest vehicle control point on the site.

iv. For the purpose of assessment, where more than one vehicle crossing is provided to a site, the required queuing length may be assessed for each access point individually, with each parking space allocated to the nearest usable entry vehicle crossing.

v. Provided that Rule 24.14.4.2.n shall not apply to Residential Activities and Structures in the Residential Zones.

n. In car parking buildings or basements there must be a vertical clearance of not less than 2.5m at accessible parking spaces, and along the full length of any route providing vehicular access to or from those parking spaces.

Cycle and Micro-Mobility Parking

o. Visitor cycle and micro-mobility parking spaces must be within 25m of the principal entrances to any building accommodating the activity visited.

p. Staff and student cycle and micro-mobility parking spaces must be:

i. Easy for users to access from the transport corridor.

ii. Located within 50m of an entrance to the activity they serve and any end-of-journey facilities provided.

q. At least 10% of any staff cycle parking spaces must incorporate facilities for charging electric powered cycles, and those cycle parking spaces with charging facilities must not require the cycle to be lifted when parking.

r. At least 10% of any staff micro-mobility parking spaces must incorporate facilities for charging electric powered micro-mobility devices.

s. Cycle and micro-mobility parking spaces for residents

i. Any cycle and micro-mobility parking spaces for residents must:

A. Incorporate facilities for charging electrically-powered cycles and micro-mobility.

B. Not be within any habitable room, entrance, or passageway

ii. Access between the transport corridor and any cycle or micro-mobility parking space within a residential development that contains 2 or more residential units must not pass through any habitable room.

iii. For any residential development containing 2 or more residential units, access between the transport corridor and any cycle and micro-mobility parking space for residents that is separate from the residential unit it serves must not pass through any residential unit.

t. The design of all cycle and micro-mobility parking spaces must:

i. Comply with the following class requirements.

Users	Required cycle and micro-mobility parking classes
Visitor	A, B, or C

Primary or secondary students	B or C
Tertiary students	Minimum of 50% Class A or B, and remainder to be Class C
Staff or resident	A or B

Note:

1. The cycle and micro-mobility parking classes are defined in Volume 2, Appendix 1.1.2

ii. Comply with Figure 15.1aa in Volume 2, Appendix 15.

iii. Be clearly signposted or visible to cyclists and micro-mobility users entering the site.

iv. Be covered at schools, tertiary education, libraries, supermarkets, and retail.

v. Have an accessible, obvious, and step-free route between the transport corridor and any cycle and micro-mobility parking area.

vi. Be artificially lit where the parking is located inside or operates outside of daylight hours.

Cycle Parking Spaces

u. Cycle parking spaces must comply with the relevant dimensions and layouts in Figure 15-1aa of Volume 2, Appendix 15-1.

Note

1. Acceptable means of compliance for the design of cycle parking spaces are contained within AS 2890.3:2015 Parking Facilities — Bicycle Parking Facilities.

v. A cycle parking space must support the cycle frame and at least one wheel.

w. At least 20% of all cycle parking spaces provided must not require the cycle to be lifted when parking.

x. All access routes to cycle parking must be at least 1.8m wide, or at least 2.0m wide where large cycle parking is required by Rule 25.14.4.2aa.

y. For the following activities, 10% of all cycle parking space must be designed to accommodate large cycles:
- Building improvement centres
- Childcare facilities for six or more children
- Nurseries and garden centres
- Places of assembly (libraries only)
- Retail activities - Gross floor area greater than 5,000m^2 and all supermarkets.

Note

1. *Depending on the layout of the cycle parking spaces, it could be acceptable to use signs or markings to identify the cycle parking space at the end of the row for parking of large cycles.*

z. Up to 10% of cycle parking spaces required by Table 15-1a of Volume 2, Appendix 15-1 may be substituted with dedicated parking spaces for micro-mobility devices on a 1-for-1 basis.

25.14.4.2a End-of-Journey Facilities

a. Where staff cycle parking spaces are required by Rule 25.14.4.2 a. or substituted with staff micro-mobility device parking spaces in accordance with 25.14.4.2 ab., end-of-journey facilities must be provided in accordance with Table 15-1g of Volume 2, Appendix 15-1.

b. End-of-journey facilities for staff

   i. Gear lockers must be provided in accordance with Table 15-1g in Volume 2 Appendix 15. Each locker must be at least 85cm high, 45cm deep and 20cm wide.

   ***Note**:*
   1. Consider providing additional gear lockers for other staff who run to work or exercise during work breaks.

   ii. Shower cubicles must be provided in accordance with Table 15-1g in Volume 2 Appendix 15.

   iii. Each shower cubicle and accessible shower cubicle must have its own dry area for changing.

   iv. Changing rooms must be provided in accordance with Table 15-1ga in Volume 2 Appendix 15.

25.14.4.2b EV Charging

a. All new developments containing 2 or more residential units with an on-site parking space must provide one EV charging point for each residential unit, except:

   i. Where the number of on-site parking spaces provided for a residential development is fewer than the number of residential units, one EV charging point must be provided for each parking space, except:

      A. Only one EV charging point is required for parking spaces that are provided for the exclusive use of any one residential unit.

   ii. This standard does not apply to any on-site parking space:

      A. Permanently allocated for the exclusive use of visitors, or
      B. That is not within the net site area of the residential unit it serves in a terrace housing development.

Note

An electric vehicle charging point excludes the charging cable that connects between a residential unit's electrical outlet and the electric vehicle. The owner or driver of the electric vehicle is expected to provide this.

25.14.4.3 Integrated Transport Assessment Requirements

Any activity that requires an ITA under this rule is also subject to Rule 25.14.3.a.

Trip Generation Triggers

a. A Simple or Broad Integrated Transport Assessment (ITA) shall be prepared for activities as required by this rule, in accordance with the following trigger thresholds.

Any activity in the relevant zone (except in the Central City Zone)	-	-	Simple ITA required	Broad ITA required
Any activity in the Central City Zone, excluding the Downtown Precinct	-	-	-	Broad ITA required
Any activity in the Downtown Precinct of the Central City Zone				Downtown Precinct ITA required

[1] Table 15-2d of Volume 2, Appendix 15-2 contains guidance for converting vehicles per day into other units of measures. This can be used for screening proposals to identify whether an ITA is required or not.

Existing Vehicle Access Triggers

b. For existing vehicle accesses to a strategic network or major arterial transport corridor, or where it takes access across an existing railway level crossing a Simple ITA shall be prepared for any activity that increases the use of the vehicle access by more than 100 vehicles per day.

This standard shall not apply if the relevant road controlling authority or Kiwirail (in the case of railway level crossings) provides written confirmation that an ITA is unnecessary.

Specific Activity Triggers

c. A Broad ITA shall be prepared for new:

i. Schools.

ii. Hospitals.

iii. Transport depots (goods).

iv. Drive-through services.

v. Emergency service facilities (with traffic control signals controlling access).

vi. Transport corridor.

d. A Simple ITA shall be prepared for new:

i. Emergency service facilities (without traffic control signals controlling access).

Area Specific Triggers

e. i. A Broad ITA shall be prepared for any new activity within the 'Area A' identified in Volume 2, Appendix 15-6, Figure 15-6a, which exceeds the following traffic generation rate based on gross site area.

    i. 14.1 trips/hectare/morning peak hour, or

    ii. 15 trips/hectare/afternoon peak hour

Note

1. *Every inward or outward movement from the site shall be counted as an individual trip.*
2. *The trip rates specified are those as they related to the peak hour of the road network, between the hours of 0700-0900 and 1600-1800 Monday to Friday and 1100-1300 on Saturday.*
3. *Gross site area includes any land to be vested as public road, open space, or other public purpose; any entrance strip with a width of 6m or less, any right of way, any private way or access lot; or any other land that is unable to be developed as part of an industrial site on a permanent basis.*

e. ii. A Broad ITA shall be prepared for subdivision creating any additional lots, and/or any new development which generates greater than 100vpd, within 'Area B' identified in Volume 2, Appendix 15-6, Figure 15-6a.

In addition to the Broad ITA content specified in 25.14.4.3.m the assessment shall include but not be limited to, specific consideration of demand, levels of service, and options for mitigation at the following intersections as identified on Figure 15-6b in Volume 2, Appendix 15-6

1. Te Kowhai Road/Te Rapa Road
2. Base Parade/Te Rapa Road
3. Wairere Drive/Te Rapa Road
4. Te Wetini Drive/Arthur Porter Drive/Wairere Drive/ramps to and from Mangaharakeke Drive
5. Foreman Road/Mangaharakeke Drive
6. Crawford Street/Mangaharakeke Drive/Avalon Drive roundabout
7. Avalon Drive (through road)/Avalon Drive (Connection to Rotokauri Road)

The purpose of mitigation is to ensure the safe and efficient operation of the transport network, and to maintain the desirable levels of service as follows:

i. An average delay per vehicle during peak hours on the approaches to intersections of no greater than:

    a. 55 seconds for the strategic network, major and minor arterial transport corridors;

    b. 80 seconds for all other transport corridors.

ii. On the strategic network, major and minor arterial transport corridors during peak hours:

a. Average vehicle speeds between intersections restricted to no less than 90 percent of the posted speed limit;

b. Average vehicle speeds, including intersections, constrained to no less than 18km/h;

iii. Unless demonstrated otherwise with site specific data, peak periods are taken to be 7am to 9am and 4pm to 6pm Monday to Friday.

e. iii. A Broad ITA shall be prepared at the time of the first subdivision creating any additional lots, and/or any new development within Temple View Zone Precinct 3 identified in Volume 2, Appendix 4, Figure 4-5.

The Broad ITA shall assess the transport effects of Precinct 3 including the proposed subdivision and/or proposed new development and the remaining developable area of Precinct 3.

In addition to the Broad ITA content specified in 25.14.4.3.m the assessment shall include, but not be limited to, specific consideration of demand, levels of service and options for mitigation at the following intersections:

- Tuhikaramea Road/State Highway 23
- Tuhikaramea Road/Kahikatea Drive/Gibson Street
- Tuhikaramea Road/Collins Road

f. A Broad ITA shall be prepared for any new managed care facilities; retirement villages; rest homes; and visitor accommodation activity on the defined site shown on Figure 15-6c in Volume 2, Appendix 15-6, where the traffic generation from all activities on the defined site exceed:

i. 989 trips in the morning peak hour, or

ii. 1,386 trips in the afternoon peak hour.

Note

1. *Every inward or outward movement from the site shall be counted as an individual trip.*
2. *The trip rates specified are those as they related to the peak hour of the road network, between the hours of 1600-1800 Monday to Friday.*

New Vehicle Access Triggers

g. A Broad ITA shall be prepared for any activities requiring a new vehicle access to a transport corridor.

i. That is part of the strategic network,

ii. That is identified as a major arterial transport corridor,

iii. From any site within the Major Facilities Zone (excluding the Thoroughbred Business

Park),

iv. From the University of Waikato (Knowledge Zone),

v. That is identified as an active frontage in the Central City Zone (refer to Volume 2, Appendix 5, Figure 5-6 Active Frontages Overlay Plan), or

vi. From any site within the Central City Zone, other than from dedicated service lanes or public parking buildings or lots.

The assessment required by this rule may be reduced to a Simple ITA or removed if there is no internal connection possible to other entrances and the relevant Road Controlling Authority provides written confirmation that a Broad ITA is not appropriate. The trigger thresholds in Rule 25.14.4.3.a can provide guidance on the level of assessment necessary based on location and intensity of use.

h. A Broad ITA shall be prepared for any subdivision, use or development requiring a new railway level crossing access.

Exceptions

i. Rules 25.14.4.3.a. to e do not apply to:

i. Events and Temporary Activities (see Chapter 25.3: City-wide — Events and Temporary Activities) where a Transport Management Plan is required.

ii. New activities in a Major Facilities Zone or the University of Waikato (Knowledge Zone) when in accordance with an approved Concept Development Consent (Volume 2, Appendix 1.2.2.14).

iii. New activities in accordance with an approved Development Plan (Volume 2, Appendix 1.2.2.8).

iv. New activities ~~in the Te Rapa North Industrial Zone when in accordance with an approved Concept Development Consent (Volume 2, Appendix 1.3.2D).~~

v. ~~New activities~~ at the Ruakura Research Centre (Knowledge Zone) and Waikato Innovation Park (Knowledge Zone) when in accordance with an approved Concept Plan.

j. Rule 25.14.4.3.a does not apply to activities within an approved Structure Plan Area (Refer Chapter 3 and Appendix 2), except that a Broad ITA shall be prepared for significant (>1,500vpd) traffic generating activities. This exception does not apply to those activities covered by Rule 25.14.4.3.h or Rule 25.14.4.3e.ii above.

Content

k. All ITAs shall be completed by suitably qualified professionals and should generally follow the approach and guidelines of Waka Kotahi New Zealand Transport Agency's "Research Report 422: Integrated Transport Assessment Guidelines, November 2010". Requirements and report format for ITAs are included in Tables 15-2a Simple ITA and 15-2b Broad ITA of Volume 2, Appendix 15-2.

25.14.4.3a Travel Plan Requirements

a. A Travel Plan must be prepared and implemented where the trigger thresholds in the following table are exceeded and:

   i. A new building is constructed on previously vacant land, or

   ii. A new use establishes on previously vacant land or within a vacant building, or

   iii. An existing building is altered in a way that increases the gross floor area, or

   iv. An existing use increases in scale (e.g., increased gross floor area), or

   v. The use of land or buildings changes to a use with a higher trip generation.

Activity	Threshold
i. Central City Zone	Where the activity status is other than permitted, a travel plan will be required
ii. Apartment buildings	>10 residential units
iii. Building improvement centre (excluding nurseries and garden centres)	Where the activity status is other than permitted, a travel plan will be required
iv. Childcare facilities for six or more children	Where the activity status is other than permitted, a travel plan will be required
v. Community centre	Where the activity status is other than permitted and the GFA is >1,000m^2 GFA
vi. Health care services	Where the activity status is other than permitted and the GFA is >500m2
vii. Hospitals (Excluding Waikato Hospital Campus and Braemar Hospital Site (Figure 16.3v)	All proposals require a travel plan
viii. Industrial activities (including warehouses) (excluding trade and industry training facilities)	Where the activity status is other than permitted and the GFA is >2,500m^2 GFA
ix. Industrial activities (trade and industry training facilities only)	Where the activity status is other than permitted, a travel plan will be required
x. Managed care facilities and rest homes	Where the activity status is other than permitted and the development has >100 beds or units
xi. Offices	Where the activity status is other than permitted and the GFA is >500m^2
xii. Places of assembly (except libraries and museums)	Where the activity status is other than permitted and the GFA is >1,000m^2 GFA
xiii. Places of worship	Where the activity status is other than permitted and the GFA is >1,000m^2 GFA
xiv. Research and Innovation activities	Where the activity status is other than permitted and the GFA is >1,000m^2 GFA
xv. Retail activities	Where the activity status is other than permitted and

(Gross floor area less than 5000m^2; in individual ownership/tenancy or integrated retail development)	the GFA is >2,500m^2 GFA
xvi. Retail activities (Gross floor area greater than 5000m^2 and less than 10,000m^2 gross floor area; in individual ownership/tenancy or integrated retail development)	Where the activity status is other than permitted, a travel plan will be required
xvii. Retail activities (gross floor area greater than 10,000m^2; in individual ownership/tenancy or integrated retail development)	Where the activity status is other than permitted, a travel plan will be required
xviii. Retail activities — food and beverage, cafes, restaurants, and licensed premises only	Where the activity status is other than permitted and the GFA is >1,000m^2 GFA
xix. Retail activities — supermarkets only	Where the activity status is other than permitted, a travel plan will be required
xx. Retirement villages	Where the activity status is other than permitted and the development has >100 beds or units
xxi. Schools	Where the activity status is other than permitted, a travel plan will be required
xxii. Tertiary education and specialised training facilities	Where the activity status is other than permitted, a travel plan will be required
xxiii. Terrace housing	Travel plan not required

25.14.4.3b Waste Management within a Residential Zone for developments containing 2 or more residential units

a. The collection of rubbish, recycling, and food scraps must be undertaken from the transport corridor, and

b. A container collection area must be available on the berm adjoining the site to accommodate all the containers from the site that will be scheduled for collection at any time, and

c. A continuous, clear length of footpath or shared path at least 1.2m wide must be maintained past the collection site, and

d. Containers awaiting collection must not obstruct any vehicle crossing or be placed on any cycle lane, cycle path, carriageway, parking space, or loading space, and

e. The container collection area for each residential unit must be rectangular and comply with either i, ii, or iii as follows:

Minimum length of the side parallel to the carriageway	**Minimum length of the other side**
i. 0.7m	1.4m
ii. 1.0m	1.0m
iii. 1.4m	0.7m

f. No part of any container collection area for a residential unit shall be between the carriageway and

another container collection area.

Note
1. Contact Council for advice on options for container management in the transport corridor.
2. Refer to Hamilton City Waste Management and Minimisation Bylaw 2019.

25.14.4.4 Minimum Sight Distances at Railway Level Crossings

a. New buildings, structures and activities that would obstruct drivers seeing approaching trains shall not be located within the Approach Sight Triangles and Restart Sight Triangles of any Railway Level Crossing.

b. Approach Sight Triangles shall be measured using the vehicle approach speeds and distances identified in Table 15-3a measured in accordance with Figure 15-3b of Volume 2, Appendix 15-3.

c. Restart Sight Triangles shall be measured using the distances identified in Table 15-3c measured in accordance with Figure 15-3d of Volume 2, Appendix 15-3.

d. Rule 25.14.4.4 does not apply to transport infrastructure or signage required to manage traffic at the Railway Level Crossing.

Note

1. *Approach Sight Triangle controls ensure sight distances are maintained to ensure transport corridor users can see a train and stop before the crossing or to continue at the approach speed and cross the level crossing safely.*
2. *Restart Sight Triangle controls ensure transport corridor users stopped at a level crossing can see far enough along the railway line to start, cross and clear the level crossing safely before the arrival of any previously unseen train.*

25.14.4.5 Height of Structures — Horizontal and Conical Obstacle Limitation Surfaces

a. No building, mast, tree or other object shall penetrate any of the horizontal and conical obstacle limitation surfaces surrounding Hamilton Airport as shown in Volume 2, Appendix 15-7.

Note

1. *The Horizontal Obstacle Limitation Surface is in a horizontal plane above the main runway with an elevation of 102m Moturiki Datum having its outer limit at a locus of 4000m measured from the periphery of the main strip.*
2. *The Conical Obstacle Limitation Surface slopes upwards and outwards from the periphery of the Horizontal Surface at a gradient of 1 vertical to 20 horizontal to an elevation of 207m above Moturiki Datum.*
3. *Where any Resource Consent is required because of non-compliance with this rule then consultation with the operator of Hamilton Airport is advised. Evidence of any consultation with and support or comments from the operator of Hamilton Airport should be included in the resource consent application.*

25.14.5 Rules — Specific Standards

25.14.5.1 New Transport Corridors

The provisions of the following chapters apply to new transport corridors where relevant.

- Chapter 2: Strategic Framework
- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gully Systems
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

25.14.6 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 1.3.3)
i. Any activity required to prepare a simple or broad Integrated Transport Assessment by Rule 25.14.4.3*	• G — Transportation
ii. New transport corridors	• G — Transportation
iii. Substitution of more than 10% of cycle parking spaces required by Table 15-1a of Volume 2, Appendix 15-1 with dedicated parking spaces for micro-mobility on a 1-for-1 basis	• G108

Note

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

25.14.7 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

1.2 Information Requirements

Where noted and relevant the following information may be required to be supplied with applications for resource consents and certificates of compliance.

Any information and plans provided must be in writing and in sufficient detail and accuracy to enable a full assessment of compliance with the District Plan and to evaluate any environmental effects of the proposal.

Note

1. *Wherever possible application material should also be provided in an electronic format. Checklists, forms, templates and guides are available from Council. Further general guidance on the Act and its processes is available from the Ministry for the Environment website: www.mfe.govt.nz/rma/index.html*

1.2.1 All Applications

….

1.2.2.30 Te Rapa North Industrial Ecological Management Plan

The first land use or subdivision consent lodged for land within ~~the~~ ~~each stage of the~~ Te Rapa North Industrial Structure Plan area must be accompanied by an Ecological Management Plan that includes:

a. A Bat Management Plan prepared by a suitably experienced bat ecologist that includes:

   i. Details of all the confirmed or potential bat roost trees within the TRNIZ based on the presence of roosting features and any other relevant information which is available;

   ii. An assessment of whether the retention of any tree or trees which are identified as being confirmed or potential bat roost trees is practicable and appropriate, having regard to:

      1. The assessed values, including whether the tree is a confirmed bat roost tree, and whether it is known to be a solitary or communal roost; and

      2. Whether the tree is within 50m of the Waikato River and/or any Significant Natural Areas and could continue to be used as a bat roost within an otherwise urban context; and

      3. Any earthworks that are required to enable industrial use and development;

   iii. A proposed tree removal methodology and timing, with regard to the latest version of the Department of Conservation 'Protocols for Minimising the Risk of Felling Bat Roosts' ~~(Version 2: October 2021)~~; and

   iv. Procedures for reviewing and amending (if necessary) the Bat Management Plan.

b. All measures necessary to avoid, remedy, mitigate, offset or compensate for any more than minor adverse effects on habitats of indigenous fauna including birds and lizards.

c. An assessment that demonstrates that riparian planting along Te Rapa Stream and any other watercourses within the Te Rapa North Industrial Structure Plan Area shall comprise of locally sourced indigenous vegetation.

1.2.2.31 Te Rapa North Industrial Infrastructure Plan

The first land use or subdivision consent within each stage identified in Rule 3.9.3.3.a ~~the Te Rapa North Industrial Structure Plan area (see Figure 2-22)~~ must be accompanied by an Infrastructure Plan that ~~contains~~:

~~a. The method of wastewater treatment, including any upgrades or new infrastructure that may be required to the public network;~~

~~b. The method of water supply; and~~

~~c. Stormwater management approach, including consistency with any approved Integrated Catchment Management Plan for the area.~~

a. Must demonstrate that the subdivision or development can be serviced in accordance with the Strategic Three Waters Infrastructure Rule 3.9.3.3 and Figures 2-24 a, b and c.

b. Must demonstrate how it is consistent with the Te Rapa Integrated Catchment Management Plan, including:

   i. Identification of any long term stream resilience works for the preferred option and refining the resilience works based on which option is preferred.
   ii. Define extent of the rip rap stream bed works within Area 1 as identified in Appendix E of the Te Rapa Integrated Catchment Management Plan.
   iii. Provide developed design and costing of the rip rap stream bed works within Area 1 based on Appendix E of the Te Rapa Integrated Catchment Management Plan.
   iv. Implementation of a strategy and funding plan, referencing any Private Developers Agreement that may be in place.
   v. How development within the Te Rapa North Industrial Zone contributes to any identified stormwater management solutions for the relevant sub catchment.

c. Where an interim arrangement is proposed, the Infrastructure Plan shall demonstrate that the:
   i. Performance outcomes are at least as environmentally protective as those expected under the strategic solution.
   ii. Risks are identified and managed through monitoring and defined response actions.
   iii. Arrangement can be connected to and replaced by the long-term public network without foreclosing the most efficient long-term solution.

d. 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.

1.2.2.32 Te Rapa North Industrial Landscape Concept Plans

The first application for land use or subdivision resource consent lodged for land within each stage of the Te Rapa North Industrial Structure Plan area must be accompanied by a Landscape Concept Plan covering the spatial extent of the stage within which the site is located.

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

i. Protect or enhance the natural character and cultural, heritage and amenity values of Te Rapa North Industrial Area;
ii. Recognises and provide for tangata whenua values and relationships with Te Rapa North Industrial Structure Plan area, and their aspirations for the area; and
iii. Reflect the area's character and heritage.

b. The required Landscape Concept Plan must include:
i. 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;
ii. 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;
iii. 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;
iv. Details of ongoing maintenance to ensure the planting achieves the best possible growth rates;
v. Details of any proposed sites for water-related activities and proposed public access to them and to and alongside waterways and wetlands;
vi. Details of any sites of significance for mana whenua and how they will be protected, enhanced, or commemorated;
vii. 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 installed or applied within Te Rapa North Industrial Area;
viii. A list of traditional names suggested by mana whenua for sites, developments, streets, neighbourhoods or sub-catchments in Te Rapa;
ix. Evidence of consistency with any relevant Ecological Management Plan approved under Rule 3.9.3.4.a; and
x. 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.

1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria

N	**Ruakura and Te Awa Lakes**	
N1	**Development Activities**	
	In determining the application for resource consent for a restricted discretionary activity, Council shall reserve its discretion to the following matters, where relevant.	
	a.	Integration with and effects on transport and Three Waters infrastructure.
	b.	Consistency with any relevant Integrated Catchment Management Plan or regional discharge consent.
	c.	Effects on significant habitats of indigenous fauna and habitat values of natural water courses.
	d.	Open Space and road reserve design, layout and use.
	e.	Consistency with the Ruakura Strategic Infrastructures network for the structure plan as shown on Figures 2-15A and B Ruakura Strategic Infrastructure (Appendix 2); or consistency with the Te Awa Lakes Framework Plan Figure 2-19 (Appendix 2).
	f.	Where staged development of any development area is sought then the following information for the balance area shall be provided: i. The indicative location and width of proposed roads and carriageways and their integration with the existing and future transport network; ii. The indicative location of proposed Ruakura Strategic Infrastructure to ensure connectivity across the entire structure plan and adjacent development areas.
	g.	Construction effects.
	h.	Effects of new stormwater ponds and wetlands (excluding swales) on private property.
	i.	In the Te Awa Lakes Structure Plan Area, reverse sensitivity effects on the transport network and existing industrial activities.
	In determining the application, the Council shall consider the following assessment criteria:	
	j.	In the Te Awa Lakes Structure Plan Area, whether the proposal is consistent with the objectives and policies for the Te Awa Lakes Structure Plan Area.
	k.	Whether there is appropriate Three Waters infrastructure and capacity, existing and proposed, to appropriately service anticipated development in the Development Area. For new stormwater ponds and wetlands, the extent to which the following adverse effects of the works on adjacent private property are avoided: i. Flooding and adverse effects on ground water levels; and ii. Creating habitat for mosquitoes and other undesirable insects.
	l.	Whether the proposal is consistent with, or otherwise complies with, the recommendations, measures and targets of any relevant Integrated Catchment Management Plan.
	m.	Whether anticipated development in the Development Area integrates with, and minimises adverse effects on the safe and efficient functioning of the transport network

		and transport infrastructure, having regard to the cumulative traffic effects of other approved consent. The extent to which the proposal provides for the sequential extension of the Spine Road for Ruakura.
	n.	Whether the proposal is consistent with Figure 2-18 Cyclist and Pedestrian Network Plan (Appendix 2) for Ruakura and Figure 2-19 Framework Plan for Te Awa Lakes.
	o.	The ITA matters for assessment set out in Appendix 1.3.3 G.
	p.	Whether the proposal considers and responds to the recommendations and proposed conditions of the Integrated Transport Assessment and Water Impact Assessment prepared to accompany the application, and for Te Awa Lakes proposals, the extent to which it achieves the Travel Demand Management plan and its outcomes specified in 1.2.2.21.s).
	q.	The potential for cumulative construction noise effects to adversely affect individual residential properties, and the mitigation methods proposed to minimise such effects.
	r.	In the Te Awa Lakes Structure Plan Area the extent to which noise sensitive activities protect themselves from effects resulting from the operation of industrial activities and the transport network through a combination of acoustic insulation, orientation of habitable areas and outdoor living spaces, and other methods to avoid, remedy or mitigate reverse sensitivity effects.
	s.	Whether the Proposal considers and responds to issues and outcomes arising from consultation with relevant road controlling agencies, Waka Kotahi New Zealand Transport Agency and, where relevant, KiwiRail and Fonterra Limited.
	t.	Whether appropriate consideration has been given to electrical hazards and earthworks and ground level changes associated with the installation of underground Infrastructure within 12 metres of a National Grid support structure for Ruakura and consideration of the high pressure gas pipeline for Te Awa Lakes.
	u.	Where land development will cause loss of significant habitats of indigenous fauna (including but not limited to, black mudfish, shortfin eels and longfin eels), require that unavoidable adverse effects on such habitat are remedied or mitigated through: i. Replacing significant habitat; or ii. Creating new habitat; or iii. Enhancing areas of alternative habitat supporting similar ecological values and/or significance; and iv. Legal and physical protection.
	v.	Whether land development will adversely affect the flooding, water quality and habitat values of adjoining natural water courses.
	w.	Whether the Landscape Concept and Ecological Enhancement Plan provides for a comprehensive and connected section of Open Space and road reserves, which incorporates, as necessary: i. Connectivity of open space and streets; ii. Passive and active recreation opportunities; iii. Crime Prevention Through Environmental Design principles;

		iv. Pedestrian and cycle paths forming a network with adjacent parts of the Open Space network; v. General amenity planting and amenity for adjoining properties, including use of specimen trees in roads; vi. Street furniture; vii. Provision for habitats; viii. Lighting design that does not deter bat movement; and ix. Stormwater management.
	x.	Whether the proposal will appropriately provide for indigenous i. Fish and lizards; and ii. Bats for Te Awa Lakes.
	y.	Whether the proposal includes a greenway that provides for improved habitat and ecological benefits for Ruakura.
	z.	Whether the Landscape Concept and Ecological Enhancement Plan provides for a greenway to enhance long term ecological function for Ruakura.
	aa.	Where the boundaries of a Development Area in application for consent differ from those shown on Figure 2-16 for Ruakura or Figure 2-21 for Te Awa Lakes, the extent of the Development Area shall be developed in an integrated manner. This shall include the provision for and connectivity to infrastructure, and ensure that key infrastructure such as the Spine Road for Ruakura is developed in a manner that provides at least the same levels of efficiency, effectiveness and safety anticipated through a resource consent in accordance with Figure 2-16. Where an application includes part of a Development Area in Figure 2-16 (Ruakura) or Figure 2-21 (Te Awa Lakes) it shall be demonstrated that granting consent to that part will not prevent the integrated development of the balance of that Area.
	bbb.	For Te Awa Lakes the extent to which the recommendations of the alligator weed management plan are to be implemented.
	cccc.	The extent to which the different functions of Open Space are clearly identified and provided for in the application.
	ddddd.	For Te Awa Lakes the extent to which the Ecological Rehabilitation and Management Plan (ERMP): i. Replaces significant habitat or creates new habitat or enhances areas of alternative habitat supporting similar ecological value and/or significance and provides legal and physical protection. ii. Provides comprehensive and connected open spaces that incorporate provision for habitats and stormwater management. iii. Provides for indigenous fauna. iv. Provides for improved habitat and ecological benefit.

		v. Provides for enhanced long-term ecological function. vi. Provides for appropriate monitoring and review.
	Additional Matters for Open Space	
	eeeee.	Whether the layout and design of Open Space: i. Creates an informal parkland character; ii. Integrates with the landscape design of roads within the proposal area; iii. Applies Crime Prevention Through Environmental Design principles; iv. Utilises planting to soften the views of industrial development; v. Contains pedestrian and cycle paths forming a network with adjacent parts of the Open Space Network; vi. Provides for the amenity of adjoining and adjacent activities; vii. Integrates linear wetlands and stormwater treatment devices.
	fffffff.	Whether provision has been made to ensure public access to and use of the Open Space, except as may need to be limited for safety reasons.
	Additional Matters for the Residential Precinct	
	ggggg.	The extent to which the street network promotes a high degree of connectivity and permeability through the following: i. A grid-like street layout. ii. Block sizes that promote permeability for pedestrians/cyclists as well as for vehicles. iii. Connections to the City-wide arterial networks. iv. Paths to the Open Space Network.
	hhhhh.	Street amenity shall be provided by the location of specimen trees and landscaped areas interspersed by kerb-side parking.
	iiiiiiiii.	When assessing the suitability for residential buildings to be within the side yards, regard shall be given to the following: i. The extent to which reasonable sunlight and daylight access to adjacent dwellings and outdoor living areas will be affected. ii. The extent to which pedestrian access to the rear of the site will be hindered. iii. The extent to which on-site amenity is maintained.
	Additional Matters for Precinct C within the Knowledge Zone - Ruakura	
	jjjjjjjjjj.	The extent to which the street network is:

		i. Orientated toward the Ruakura Retail Centre. ii. Permeable for pedestrians/cyclists as well as for vehicles. iii. Legible with a simple and readily understood street pattern. iv. Provides a connected path network to the Ruakura Open Space Zone.
	kkkkkk.	The extent to which blocks and lots are configured to facilitate walking and accommodate operational areas in rear yards.
	Additional Matters for the Logistics Zone (Inland Port) - Ruakura	
	lllllllllllll.	Whether the planting of the Landscape Buffer Areas will achieve the purpose of screening the Inland Port (Sub Area A (Inland Port)) from Ryburn and Percival Roads.
	mmmm.	The effects of the planting of the Landscape Buffer Areas on the operation, maintenance, upgrading and development of the National Grid transmission network and the requirements of the Growth Limit Zones Schedule of the Electricity (Hazards from Trees) Regulations 2003.
	nnnnn.	Whether Level of Service D will be achieved at the intersections of Silverdale Road and Knighton Road with Ruakura Road when Stage 1 of the Inland Port (Sub Area A (Inland Port)) is operational.
	Construction - Ruakura	
	ooooo.	Whether appropriate conditions can be placed on the resource consent to manage adverse effects associated with construction of the activities proposed. This will be satisfied by a condition requiring the lodgement of a Construction Management Plan for Council approval, prior to the commencement of the works. The Construction Management Plan shall include at a minimum: i. Details of the works, their timing and duration. ii. Methods to control dust, debris on roads and silt laden runoff during construction. iii. Anticipated truck movements and routes to and from the site during construction. iv. Means to ensure compliance with the Construction Noise Standards in Rule 25.8.3.2 and Construction Vibration Standard in Rule 25.8.3.3. v. Contact details for the contractor, including a process for complaints and remedying concerns. The Construction Management Plan shall also ensure that: vi. Prior to the opening of the Waikato Expressway (Hamilton Section) and the realignment of Ruakura Road to traffic, construction traffic arising from the Development Area shall be managed to ensure that the capacity of local roads, as determined by normal Hamilton City Council traffic management design criteria, is not exceeded. vii. Once the Waikato Expressway (Hamilton Section) and realigned Ruakura Road are open for traffic, construction traffic arising from the Development Area shall, to the extent reasonable and practicable, be directed to use the Waikato Expressway (Hamilton Section) to minimise effects on local roads.

N2	**Construction Noise and Operation Noise of the Inland Port (Sub Area A) - Ruakura**	
	a.	The extent to which: i. The construction and operation of the Inland Port avoids or mitigates adverse noise and vibration effects on adjoining facilities, existing residential dwellings and/or Large Lot Residential zoned areas. ii. Measures to avoid where possible, and otherwise minimise sudden and/or loud noises at night have been incorporated. iii. Lower noise producing equipment and methods have been investigated and incorporated. iv. The location and orientation of refrigerated containers have been selected to minimise noise effects on residential properties. v. The accuracy of the noise model used for predicting noise levels in Stages 2 and 3 of the development of the Inland Port, taking into account recalibration based on monitoring of previous stages.
	b.	The adequacy of the consideration of alternative methods that would meet the night time noise limits set out in Rule 25.8.3.13 and their costs and benefits.
	c.	At individual residential properties where noise levels would exceed the night-times noise limits set out in Rule 25.8.3.13, the extent to which the ambient night-time noise levels at those properties exceed 40 $dBL_{Aeq(15)}$ once the Waikato Expressway is operational.
N3	**Ruakura Retail Centre**	
	a.	Staged development should be in accordance with an overall master plan for the Ruakura Retail Centre which shall show the location of the Ruakura Retail Centre Mainstreet, building footprints, circulation network, public open space and any parking.
	b.	A Ruakura Retail Centre Mainstreet shall be provided and should be orientated towards and integrate with the location of the proposed public transport interchange.
	c.	Buildings should directly align and address the street network and provide a constant and intact edge to streets and public places.
	d.	Buildings should be located and designed to avoid extensive or inactive edges with entrances designed to maximise pedestrian flow and to support active street frontages.
	e.	Building frontages to the Ruakura Retail Centre Mainstreet should incorporate a high proportion of glazing and provide veranda canopies over footpaths and a high level of ground floor architectural detail.
	f.	Building design should create a varied fine grained pattern of development through the modulation of height and roof form, façade depth and relief and variety in materials and colours.
	g.	Site Layout should provide options for pedestrian, cycling and vehicular circulation and permeability within and to adjoining areas.
	h.	Footpaths should be legible and be of a sufficient width with quality paving and detailing, including footpaths to and from the centre and Open Space Areas.
	i.	Where public open space is provided, it should be centrally located adjacent to main pedestrian flows and shall be highly visible.

	j.	Public outdoor spaces should be sheltered and sunny with provision for summer shade and shall be anchored by active building edges.		
	k.	Any carparks should be landscaped to define the street boundary and adjacent spaces.		
	l.	Any carparking should avoid interrupting active frontages and pedestrian circulation along the Ruakura Retail Centre Mainstreet.		
	m.	Loading and service areas should not interrupt active edges and should be separated from public circulation where possible.		
N4	**Precincts A, B and D in the Knowledge Zone - Ruakura**			
	a.	**General**		
		The extent to which the proposal is consistent with the any approved resource consents for the Precinct within the Knowledge Zone.		
	b.	**Concept Plan Development**		
		i.	The extent to which the following has been given regard:	
			a. The extent to which the precinct integrates with surrounding land uses and the transport network. b. Whether the development has been designed to minimise any adverse effects on adjoining activities, particularly residential activities. c. The degree to which any large façades (including side walls) that are visible from public places have been modulated, articulated, detailed or visually treated in a way that reduces the apparent bulk of the building or provides visual interest. d. The extent to which the proximity of facilities intended to accommodate events are sited close to residential areas. e. The extent to which the provision for vehicular and pedestrian access and circulation facilitates ready dispersal of vehicles and	

			patrons from large events. f. The extent to which provision for vehicular and pedestrian access and circulation prioritises pedestrian safety. g. The extent to which appropriate, convenient provisions enable public transport to service the site, recognising the need for such services to directly access the Central City area.
		ii.	The extent to which the following have been applied within the Interface Areas of Precincts A, B and D.
			a. Built Form and Layout i. The extent to which the external appearance, scale and design of buildings: • Contributes to compatibility between buildings and its integration with other development on the site, adjacent sites and surrounding public spaces; • Contributes to active frontage along public streets and open space, particularly for corner sites; • Minimises, as practicable, effects on adjacent public spaces

			(including footpaths) in terms of shading and daylight. ii. The extent to which building design and development: • Makes a positive contribution to the local character of the site and surrounding areas; • Ensure large facades are well designed to provide visual interest and reduce the apparent bulk of buildings within the Interface Area; • The extent to which crime prevention through environmental design principles have been incorporated.
			b. Landscaping i. Incorporation of landscaping within the site layout to reduce the bulk of new development and mitigate adverse visual effects of development within the Interface Area, particularly as they interact with public spaces.

			ii. Incorporates landscaping to maintain and enhance the character and amenity of the site and surrounding areas.

N5	**Ruakura Open Space Zone**		
	a.	For new stormwater ponds and wetlands, the extent to which adverse effects of the works on adjacent private property are avoided in relation to:	
		i.	Flooding and adverse effects on groundwater levels; and
		ii.	Creating habitat for mosquitoes and other undesirable insects
N6	**Development within a Greenfield Area — Ruakura**		
	a.	The extent to which the proposal is consistent with an approved consent or could prejudice or foreclose options for future urban development and in particular with the proposals shown on Figure 2-14, Ruakura Structure Plan — Land use (Appendix 2).	
	National Grid Corridors — Ruakura		
N7	For crossing points for Mobile Plant that are a Restricted Discretionary Activity in Table 25.7.4, the matters to which the Council shall restrict its discretion are limited to the actual and potential effects of crossing points on the scale and efficient operation and maintenance of the National Grid.		
N8	In determining any application for resource consent for crossing points, the Council shall have regard to the following matters:		
	a.	Suitable mechanisms are in place to ensure that mobile plant and machinery moving in the National Grid Yard can not infringe safe clearance distances specified in NZECP 34:2001. This may include physical, operational or electronic measures and will be deemed satisfied by overhead gate structures (e.g. hurdles) being erected no closer than 4.5 metres from the lowest sag of the line at maximum operating temperature.	
	b.	Crossings are approximately perpendicular to the National Grid Yard.	
	c.	Crossings and any associated traffic management structures are located no closer than 12 metres from the outer visible edge of a National Grid support structure.	
	d.	Any overhead gate structure (e.g. hurdle) is constructed to a suitable engineering standard to withstand vehicle (including mobile plant transporting containers) impact travelling at normal operating speed.	
	e.	Appropriate management and operational methods to ensure safe procedures are specified in the resource consent conditions and followed when crossing beneath the lines.	
N9	For the unloading and loading of containers, stacking containers, container stacks, operation of mobile plant associated with these activities and Light Towers, noise walls and fences greater than 2.5 metres high, the matters to which the Council shall restrict its discretion are limited to the actual and potential effects of these structures, buildings and activities on the safe and efficient operation and maintenance of the National Grid. In determining any applications for resource consent for these structures, buildings and activities, the Council shall have regard to the following matters.		

	a.	Any operational procedures and physical measures to ensure compliance with NZECP 34:2001, including layout and allowable height limits for container stacking.
	b.	Light towers shall ensure sufficient clearances in accordance with NZECP 34:2001 are provided including any setback requirements for mobile plant required for maintenance and lamp replacement.
	c.	Suitable mechanisms are in place to ensure that mobile plant and machinery moving in the National Grid Corridor can not infringe safe clearance distances specified in NZECP 34:2001. This may include physical, operational or electronic measures.
N10	For earthworks that are a Restricted Discretionary Activity the matters to which the Council shall restrict its discretion are limited to:	
	a.	The effects of the earthworks on the operation, maintenance, upgrading, and development of the National Grid transmission network.
N11	For Subdivision that is a Restricted Discretionary Activity the matters to which the Council shall restrict its discretion are limited to:	
	a.	The extent to which the subdivision design, including the location of roads and reserves, landscaping and building platforms, allows for activities to be set back from National Grid transmission lines to ensure adverse effects on, and from, the National Grid and on public safety are appropriately avoided, remedied or mitigated.
	b.	The extent to which the subdivision design/layout and consequential development will minimise the potential reverse sensitivity on, and amenity and nuisance effects of, the National Grid.
	c.	The provision for on-going inspection, operation, maintenance and development of the National Grid, including continued reasonable access.
	d.	The extent to which the design and development will minimise the risk of injury and/or property damage from such lines.
	e.	Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
	f.	Outcomes of any consultation with Transpower New Zealand Limited.
	Te Awa Lakes: Lake Management	
N12	In determining the application for a resource consent for a restricted discretionary activity, Council shall reserve its discretion to the following matters, where relevant.	
	a.	The extent to which implementation of the management plan required under Appendix 1.2.2.21.n.) will maintain a high level of water quality for recreational use in the main linear lake, including the extent to which a target of swimmable quality will be achieved.
	b.	The extent to which any delay in establishing the main linear lake will affect residents' and visitors' ability to undertake recreational activities within or on the lake, considering possible changing seasonal demands for different types of activities.
	Te Awa Lakes Earthworks and Land Remediation	
N13	In determining the application for Development Activities as a Restricted Discretionary Activity, Council shall reserve its discretion to the following matters, together with reference to Objectives 22.2.1 and 25.2.2.1, where relevant:	
	a.	The extent to which appropriate building platforms can be provided free from any identified hazards.

	b.	The extent to which the applicant has demonstrated through the use of an engineering design report: i. That the risk of ground failure can be minimised to avoid effects on the safety of occupiers and neighbours. ii. That any structure will perform safely under hazard conditions for the life of the structure. iii. That any work to be carried out maintains the stability of the site, including the riverbank and gully and does not increase the risk of ground instability on the subject site or adjacent sites. iv. That the potential for preferential flow paths to be created between the linear lake and the Waikato River is minimised by ensuring a maximum hydraulic gradient of 2% between the linear lake and the River is maintained at all times.
	c.	The extent to which the development activities: i. Provide any sediment control measure necessary to control the discharge of sediment. ii. Remain safe and stable for the duration of the intended land use. iii. Provide safe and accessible building sites and infrastructure. iv. Provide for the adequate control of stormwater, cater for natural groundwater flows, and avoid adverse effects from changes to natural water flows and established drainage paths. v. Avoid exacerbating the effects of natural hazards and ecological effects arising from additional sediment release.
	Te Awa Lakes Earthworks and Land Remediation: Development Areas Q and R, and Area X in the Te Awa Lakes Business 6 Zone	
N14	The purpose of these assessment criteria is to ensure that temporary and long-term residual risks of piping erosion or other ground failure resulting from future activities on Areas Q and R, and Area X in the Business 6 zone, are mitigated and minimised to the fullest extent practicable. In determining the application for Development Activities as a Discretionary Activity in Development Areas Q and R, and resource consents for a Discretionary Activity in Area X in the Business 6 zone, Council shall, in addition to N13, take into account:	
	a.	The extent to which the landform design directs surface water towards the lake rather than the river.
	b.	The results of appropriate assessment and design to demonstrate the required landform width in Areas Q and R and Area X minimises to the fullest extent practicable the long-term residual piping erosion and land stability risks resulting from future activities on Areas Q and R and Area X.
	c.	Design of the final ground surface level to ensure services are able to be located above the groundwater table.
	d.	The extent to which measures such as low permeability lining are proposed to be placed over the base of services trenches to prevent infiltration of water to the ground via permeable backfill.

	e.	The extent to which combined services trenches are proposed to minimise the risk of unintended water flow and flow-induced erosion from multiple service trenches.
	f.	The extent to which the landscape concept plan required by Rule 1.2.2.21.j. includes suitable tree sizes and vegetation species on land adjoining Areas Q and R and Area X.
	g.	The extent to which any roads and accessways should remain in private ownership and management to ensure an appropriate management body manages service installations, renewals and maintenance in a manner to minimise any risk of unintended water flows and flow-induced erosion, and the proposed details of any private ownership and management entity
	h.	The extent to which rainwater re-use tanks are avoided unless overflows are directed by pipe or over impermeable surfaces to the lake, and the extent to which this requirement is to be implemented on an ogoing basis through consent notices or other legal mechanism.
	i.	The extent to which the Landscape Concept Plan required under Rule 1.2.2.21.j. is extended to apply to proposed lots to ensure suitable tree sizes and vegetation species are established, and the extent to which the Plan should be implemented on an ongoing basis through consent notices or other legal mechanism.
	j.	Whether specific geotechnical designs of all structures are provided.
	k.	The extent to which any of items a. to j. should take precedence over any other engineering provisions in the Plan and the requirements of the Regional Infrastructure Technical Standards (RITS).
	l.	Any other measures proposed to ensure that temporary and long-term residual natural hazard risks resulting from future activities on Areas Q and R and Area X fulfil the purpose of these assessment criteria.
O	**Rotokauri North**	
O1	a.	The landscape buffer and associated planting will provide visual amenity and screening between State Highway 39 (SH39) and Rotokauri North and contribute to indigenous biodiversity.
	b.	The extent to which the proposed private legal entity that will own the landscape buffer will ensure the buffer's on-going protection and maintenance.
O2	For the creation of a private rear lane, the extent to which:	
	a.	An appropriate legal mechanism for ownership and ongoing maintenance of the lane will be established, and including any requirement for indemnity for collection of solid waste and recycling (where these are proposed to enter the rear lane).
	b.	The lane is designed to accommodate the passage of large rigid trucks such as fire, furniture removal, refuse and recycling-collection trucks (where these are proposed to enter the rear lane).
	c.	The rear lane’s design including traffic calming measures to promote slow vehicle speeds and provide a safe shared space.
O3	All restricted discretionary, discretionary and non-complying activities	
	a.	The extent to which the proposal gives effect to the objectives and policies of the Rotokauri North Structure Plan within Chapters 3, 4 and 23.
	b.	The extent to which the proposal avoids, remedies or mitigates adverse effects on, or where possible enhances, any significant habitats of indigenous fauna.

	c.	Provides for, is consistent with, or could prejudice or foreclose options for, future development of the elements identified on the Structure Plan
	d.	Restores and enhances aquatic and terrestrial ecological values associated with springs, streams, waterways, wetlands and their margins in Rotokauri North.
	e.	Restores and enhances the natural, cultural, heritage and amenity values of Rotokauri North's open spaces.
	f.	Recognises and provides for mana whenua values and relationships with Rotokauri North and their aspirations for the area, including interpretation of the landscape's significance, protection and preservation of sites of significance.
	g.	Reflects the area's character and heritage.
	h.	Has been planned with the active involvement of mana whenua.
	i.	The design and construction of walking and cycling infrastructure, including in the Green Spine, and the extent to which this infrastructure provides alternative means of travel to the private car, and for recreational use, and connects to the transport network.
	j.	The extent that subdivision provides an interconnected transport network that achieves pedestrian and cycle connectivity east to west and vice versa (particularly in the northern half of the structure plan area) to avoid these movements on SH39.
O5	The creation or upgrading of all or part of a Collector or Minor Arterial transport corridor:	
	a.	The extent to which the design has allowed for the provision of public transport to be included in the transport corridor (including facilities for pedestrians to cross roads to access public transport stops, carriageway width, turning facilities, accessible bus stops) as identified indicatively on Figure 2-9C.
	b.	The outcome of any consultation with the Waikato Regional Council regarding public transport.
O6	Where service areas are for apartments consideration will be given to:	
	a.	Whether sufficient space can be provided for service activities and rubbish collection such that each unit has either individual space or access to appropriately sized communal spaces.
	b.	Whether sufficient screening can be achieved for communal areas of rubbish storage particularly where these can be viewed from public spaces.
O7	a.	Neighbourhood parks should be dispersed within Rotokauri North so that no residential unit is more than 500 metres walking distance from a neighbourhood park, or any other park and/or reserve which provides for the same or a similar level of passive and active recreation opportunity.
	b.	Neighbourhood parks should generally be: approximately 5000 m^2 in area; have at least 50% of the total neighbourhood park boundary to a transport corridor frontage (unless accommodated within the Green Spine); on land that is generally flat and able to accommodate a 30m^2 area.
O8	Where stormwater infrastructure is provided "commensurate with that required to service that stage of development", the stormwater infrastructure being provided: • Is consistent with the sub-catchment ICMP required by Rule 3.6.A.4.2e.i.; • Includes an adequate area to establish the Rotokauri North Structure Plan's 'green spine' concept; • Meets the storage volume, conveyance and treatment requirements of the sub-catchment ICMP required by Rule 3.6.A.4.2e.i.; and	

	• Addresses any interim and permanent stormwater related effects on flow, water levels, water quality and ecology on the upstream and downstream areas.	
P	**Peacocke Structure Plan**	
P1	Earthworks in the Peacocke Structure Plan:	
	a.	Whether bulk earthworks are carried out in a comprehensive and integrated manner that minimises the need for secondary earthworks and retaining walls.
	b.	The extent to which the roading network has been designed to work with the topography and features of the site.
	c.	Whether earthworks minimise the need for retaining walls throughout the site and if required: i. Minimises the use of retaining walls in front yards. ii. Minimises their visibility from public spaces. iii. Minimises their height. iv. Are designed to minimise their visual impact through the use of stepped walls, landscaping and planting. v. Are a consistent style throughout a development.
	d.	The extent to which earthworks facilitate outcomes that are consistent with the Peacocke Structure Plan.
P2	Development in the Peacocke Precinct	
	a.	The extent the proposal is consistent with the objectives and policies in the Peacocke Structure Plan or any relevant design guide.
	b.	The extent to which the development provides a high level of on-site amenity by: i. Providing private, useable outdoor living areas. ii. Providing access to sunlight and daylight. iii. Providing principal living areas with sufficient outlook.
	c.	The extent to which the proposed development supports a vibrant and viable town centre by providing for higher density within a walkable catchment of the local centre.
	d.	The extent to which development contributes a range of housing typologies and densities to create a diverse neighbourhood consistent with the purpose of the Peacocke Structure Plan.
	e.	The extent to which development is designed to respond to ecological corridors and habitat, and ensures they protect and maintain the ecological function of these corridors; including the management of lighting and building location.
	f.	The extent to which development has been designed to manage the effects of climate change, including changes in rainfall patterns, and temperature.
	g.	Where located within the Seismic Setback Line: i. The extent to which an appropriate building platform can be provided free from any identified hazard area. ii. The extent to which the applicant has demonstrated, through the use of an engineering design report: a. That the risk of ground failure can be reduced to avoid the effects on the safety of occupiers and neighbours. b. That any structure will perform safely under hazard conditions for the life of the structure. iii. That any work to be carried out maintains the stability of the river bank or gully

		and does not increase the risk of ground instability on the subject site or adjacent sites.
	h.	The extent to which parking, manoeuvring areas, driveways and outdoor service areas have been designed and located: i. To protect amenity values of the streetscape and adjoining sites, including through the use of appropriate screening and landscaping. ii. To not be visually dominant. iii. To be away from the front of the site and buildings. iv. To minimise car parking at the front of the site where narrow dwelling frontages have been proposed to ensure the streetscape is not visually dominated by carparking. v. To maximise the safety of pedestrians and cyclists.
	i.	The extent to which lighting has been designed and located to maintain the function and quality of long-tailed bat habitat.
	j.	The extent to which the proposal avoids, remedies, mitigates, off-sets or compensates for the effects of development on identified Significant Bat Habitat Areas and non-identified low to moderate habitat values. This may include the direct protection of identified Significant Bat habitat areas, the protection of confirmed or potential bat roost trees (subject to the recommendations of the assessment required in Appendix 1.2.2.27), provision of new and enhanced bat habitat or the provision of a financial contribution towards city-wide initiatives for the long-tailed bat.
	k.	The extent to which the location of cycleway/ walkways are located and designed to avoid the removal of trees and vegetation that may be bat roosts or bat habitat, especially within Significant Bat Habitat Areas. Where this is not possible then the Department of Conservation's 'Protocols for Minimising the Risk of Felling Bat Roosts' should be adhered to, to minimise the risk to bats during the removal of potential roost trees.
	l.	The extent to which transport corridors are located and designed to avoid or minimise effects of roadside lights and vehicle headlights on nearby Significant Bat Habitat Areas, and the bat population within that area. Where transport corridors are proposed in Significant Bat Habitat Areas, they should take the shortest route practicable (provided that is the route most likely to minimise impacts), be aligned and designed to minimise the number of existing trees that are required to be removed, ensure lighting is designed to ensure that the bat corridor maintains its role and function, and is designed to enable bats to continue to access the wider corridor.
	m.	The extent to which bat-sensitive road lighting and planted buffer areas have been designed and will be implemented through the consent, where adjacent to or crossing a Significant Bat Habitat Area, to minimise the spill of light into Significant Bat Habitat Areas. Bat-sensitive transport corridor lighting design should be prepared by a suitably qualified and experienced technical lighting specialist in collaboration with a suitably experienced bat ecologist and be sufficiently detailed to enable an assessment of the extent of effect on the longtailed bat habitat within the application site and immediate environs.
	n.	The extent to which an ecological assessment has been carried out that has identified that a financial contribution is required to off-set the potential adverse effects on the long-tailed bat population as a result of the application, through loss of low to moderate long-tailed bat habitat values within the application site, and where those habitat values cannot be restored or replaced within the application site. Where the adverse effect of the loss of those values cannot be offset through habitat restoration and enhancement measures within the site, the purpose of financial contributions shall be to enable Council to undertake habitat enhancement

		works in a co-ordinated manner outside the application site.
	o.	The extent to which measures for the control of cats and other pests has been addressed and the effectiveness of the measures proposed, including their implementation and ongoing monitoring. This includes the estimated timing for completion of animal pest control measures and the anticipated ecological enhancement outcomes following the implementation of the animal pest control measures.
	p.	The extent to which the application addresses residual adverse effects on bats and achieves a net biodiversity gain, whether through direct actions or via a financial contribution to be used within publicly owned land for measures such as habitat enhancement and targeted predator control. **Advisory note:** Council will investigate and implement a Peacocke Structure Plan Area wide animal pest control programme, in collaboration with other key stakeholders, particularly those with statutory obligations to protect long-tailed bats, such as the Department of Conservation and Waikato Regional Council. The programme will target the key animal pests of long-tailed bats in urban areas and include measures to control the widespread introduction of domestic cats as urbanisation occurs.
	q.	The extent to which the consent applicant and/or landowner(s) can demonstrate that they have undertaken previous planting and/or broader ecological enhancement work within the property, prior to the lodgement of the resource consent application. This previous planting and/or broader ecological enhancement work should be taken into account when considering the extent of further ecological enhancement necessary via consent conditions.
	r.	The extent to which the proposal has taken steps, either onsite, or offsite, to compensate for the effects of development on Significant Bat Habitat Areas by implementing a planting programme enabling new bat habitat, including consideration of the age and development of that planting.
	s.	The extent to which the proposal contributes to the ecological compensation outcomes identified within the report 'Preliminary Assessment of Ecological Effects — Peacocke Structure Plan Area', Tonkin & Taylor Ltd, dated July 2021, required to achieve the No Net Loss outcome for the long-tailed bat population within the Peacocke Precinct. This evaluation shall ensure the ecological compensation required for the proposal is proportional to the extent of effects identified arising from the proposal. In broad terms to achieve the No Net Loss outcome, the following habitat restoration and enhancement activities will need to be implemented: i. Habitat restoration within PSPA public open space areas (native revegetation, weed management and mammalian pest control within riparian pasture) of some 66 hectares; ii. Habitat enhancement within PSPA public open space areas (native enrichment planting, weed management and mammalian pest control within existing forested habitats — exotic and indigenous) equating to about 62 hectares; and iii. Habitat restoration outside of the PSPA within high value bat habitat known to support bat roosts. This comprises: o native revegetation, weed management and mammalian pest control within riparian pasture (equating to some 190 hectares of habitat restoration) and/or o mammalian pest control in perpetuity (equating to 700 hectares of habitat enhancement), or o a lesser combination of both.

P3	Development in the Peacocke Business Centres	
	a.	The extent to which development achieves high quality urban design by: i. Orienting buildings to public spaces and transport corridors. ii. Creating active frontages at street level, minimising blank walls. iii. Establishing a finer grain, walkable environment. iv. Locating parking and vehicle access as to not dominate the streetscape. v. Integrating with walking and biking connections and providing for bike parking. vi. Creating a high amenity interface with adjacent land uses. vii. Where applicable, emphasising street corners through building placement and design. viii. Incorporating the principles of CPTED into the design of buildings and spaces. ix. Using architectural design and detail to create an interesting streetscape x. Locating vehicle parking and service areas to the rear of buildings. xi. Minimising vehicle crossings.
	b.	The extent to which the streetscape and road corridors have been designed to: i. Establish a slow speed environment that priorities the safe movements of pedestrians and cyclists. ii. Enable use of the footpath for outdoor dining. iii. Integrate with Public Transport. iv. Be accessible and useable by people of all ages and abilities. v. Provide a high amenity environment with lighting, seating and planting. vi. For the main street, provide sufficient space to enable onstreet dining and seating.
	c.	The extent to which the public plaza in the Local Centre has been designed and developed to: i. Accommodate a range of uses and activities, including outdoor dining. ii. Interact with and be accessed from adjacent buildings iii. Be a high amenity environment with lighting, seating, landscaping and public art. iv. Be accessible and useable by people of all ages and abilities. v. Be a safe environment, taking into account the principles of CPTED. vi. Visually and physically connect with the river corridor. vii. Reflect and celebrate the history and relationship of tangata whenua with the area.
	d.	The extent to which the proposal is consistent with the Peacocke Structure Plan, Peacocke Local Centre Concept Plan and the Peacocke Local Centre Guidelines.
	e.	For Residential Units located on the ground floor within Business Centres, whether: i. In a Neighbourhood Centre Zone the location is on the fringe of the centre zone and adjacent to the residential zone. ii. In the Local Centre Zone the development is located outside of the core area of the centre and any identified primary and secondary frontages. iii. Evidence from a suitably qualified person has been provided that establishes that there is no need for the location proposed to meet the future commercial needs of the community. iv. The development proposed is of a suitable density to support the viability and vibrancy of the Local Centre.
	f.	For healthcare services in the Neighbourhood Centre Zone-Peacocke, the extent to which the proposal: i. Avoids a singular large scale healthcare service that would undermine the role and function of the Peacocke Local Centre. ii. Is of a size and scale that services a neighbourhood catchment rather than a suburban catchment.
P4		Subdivision in the Peacocke Structure Plan

	a.	The extent to which subdivision is designed to create a walkable and cyclable block pattern that provides clear, direct access to commercial centres and public transport routes, schools for pedestrians and people on bikes.
	b.	Whether pedestrian and cyclist accessways are designed in a manner consistent with the principles of CPTED ensuring they are easy to navigate, have clear sightlines and facilitate movement through the subdivision by directly connecting with established, or planned cycleways to provide a contiguous route.
	c.	The extent to which the public open space is: i. Located in general accordance with the Peacocke Structure Plan ii. Has a suitable topography for its intended purpose iii. designed to be accessible for people of all ages and abilities, safe, and fronted by a road.
	d.	The extent to which the design of the subdivision provides for connection and integration to existing or future adjacent development.
	e.	The extent to which subdivision creates a block pattern that enables dwellings to have public frontages and private back yards.
	f.	The extent to which subdivision is designed to maximise solar gain, establishing, where possible, a north/south block structure or varying the shape of lots to provide access to sunlight.
	g.	For rear lanes, the extent to which: 1. The lane provides safe access to adjoining dwellings; 2. It is designed to ensure it provides rear access only and any adjoining dwellings front a public road or a reserve where pedestrian access is provided. 3. The design allows for ease of access to the transport corridor for management of rubbish and servicing, including emergency service vehicles. 4. The lane is designed to include traffic calming measures to promote slow vehicle speeds and provide a safe shared space. 5. An appropriate legal mechanism will be established for ownership and ongoing management and maintenance of the lane including where applicable, provisions for use of the rear lane by public rubbish collection and recycling trucks.
	h.	Whether rubbish, food scraps, and recycling collection points within the transport corridor are adequate for the scale of the development.
	i.	The extent to which the transport corridor design addresses the safety effects or nuisance to pedestrians, cyclists, micro-mobility users and traffic resulting from the placement of rubbish, food scraps, and recycling bins within the transport corridor.
	j.	The extent to which transport corridor design provides design elements identified in or otherwise contrary to any criteria contained in Table 15-6b of Appendix 15.
	k.	The extent to which the subdivision provides for high density residential development within a walkable distance of the local centre, public transport routes. schools and areas of high amenity.
	l.	The extent to which the subdivision minimises the creation of rear lots and only locates these to areas where required due to topographical constraints.
	m.	The extent to which culs-de-sac are minimised, and if proposed, are designed to be short and provide for pedestrian and cycle connections.
	n.	The extent to which the size and shape of larger lots will enable the development of multi-unit typologies that are able to comply with the built form requirements of the residential

		zone.
	o.	Where vehicle crossings are proposed across separated cycleways and shared paths, the extent to which the number of vehicle crossings are minimised, and the transport corridor is designed having regard to the safety of pedestrians and cyclists.
	p.	Whether the transport corridor has been designed to provide a high amenity environment that provides for public transport, a high-quality, safe walking and cycling network that maximises accessibility for people of all ages and abilities.
	q.	Whether the transport corridor has been designed to provide safe, frequent and formal crossing facilities for pedestrians, cyclists and micro-mobility users that minimise detour and delay for those users.
	r.	The extent to which the transport corridor design aligns with the movement and place function by: • Reflecting the intended land use • Responding to the level of on-street activity generated by the adjacent land use • Recognising the contribution to movement for all modes of transport.
	s.	For the creation or upgrading of all or part of a Collector or Minor Arterial transport corridor: i. The outcome of any consultation with Waikato Regional Council regarding public transport. ii. The extent to which the transport corridor design provides public transport infrastructure including accessible bus stops, bus stop shelters, bus priority measures on key corridors or at key intersections, bus turning facilities, including interim facilities responding to staged development, and facilities for pedestrians to cross transport corridors to access public transport stops.
	t.	The extent to which the design of neighbourhood streets consider: • Subdivision layout and potential for through movement. • The adjacent land use • The on and off-road walking and cycling networks • Provision of on-street parking and vehicle crossings relative to the proposed building typology • Access for the refuse, recycling, and food scraps collection vehicles. • The provision of non-transport functions like stormwater management, landscaping, amenity, and services. • Safety in design as it relates to the maintenance.
	u.	The extent to which the design of any Open Space Edge Transport Corridor: • Considers the level of walking and cycling infrastructure provided within the adjacent open space • Provides on-street parking for users of the adjacent open space.
	v.	The extent to which vehicle crossings adversely effect on street parking.
	w.	The extent to which lots accessed from the rear lane are sized to accommodate a dwelling, parking and manoeuvring requirements.
	x.	The extent to which the proposal: 1. Minimises the number of vehicles access points to transport corridors 2. Considers the ability of pedestrians, cyclists, and micro-mobility and public transport users to access the site from the opposite side of the carrigeway with minimal detour.

	y.	The outcome of consultation with the Waikato Regional Council regarding public transport.
	z.	The extent to which the transport corridor design provides public transport infrastructure including accessible bus stops, bus stop shelters, bus priority measures on key corridors or at key intersections, bus turning facilities, including interim facilities responding to staged development, and facilities for pedestrians to cross transport corridors to access public transport stops.
	aa.	The extent to which the subdivision provides for the vesting of Neighbourhood Parks in locations which are generally consistent with the Peacocke Structure Plan — Figure 2-1. Neighbourhood Parks should generally be approximately 5,000m^2 in area; have at least 50% of the total neighbourhood park boundary to a transport corridor frontage (unless adjacent to land within the Significant Bat Habitat Area); on land that is generally flat and able to accommodate a 30 x 30m area.
	bb.	The extent to which the proposal: 1. Restores, protects and enhances aquatic and terrestrial ecological values associated with springs, streams, waterways, wetlands and their margins in Peacocke. 2. Protects or enhances the natural character and ecological, cultural, heritage and amenity values of Peacocke's open spaces. 3. Provides sites for water related activities and public access to them and to and alongside waterways. 4. Recognises and provides for tangata whenua values and relationships with Peacocke and their aspirations for the area, including provision for cultural harvest, interpretation of the landscape's significance, protection, enhancement and commemoration of sites of significance, use of traditional tangata whenua names for sites, developments, street, neighbourhoods and sub-catchments and application of cultural protocols during the development process. 5. Reflects the area's characters and heritage.
	cc.	The extent to which subdivision has been designed to manage and avoid the adverse effects of development and subdivision on the role and function of Significant Bat Habitat Areas.
	dd.	The extent to which the proposal mitigates, remedies or otherwise offsets or compensates for the effects of development on Significant Bat Habitat Areas through the provision and enhancement of ecological corridors.
	ee.	The extent to which the location of new cycleway/ walkways are located and designed to avoid the removal of trees and vegetation that may be bat roosts or bat habitat, especially within Significant Bat Habitat Areas. Where this is not possible, then the Department of Conservation's 'Protocols for Minimising the risk of felling Bat Roosts' should be adhered to, to minimise the risk to bats during the removal of potential roost trees.
	ff.	The extent to which transport corridors are located and designed to avoid or minimise effects of roadside lights and vehicle headlights on nearby Significant Bat Habitat Areas, and the bat population within that area. Where transport corridors are proposed in Significant Bat Habitat Areas, they should take the shortest route practicable (provided that is the route most likely to minimise impacts), be aligned and designed to minimise the number of existing trees that are required to be removed, ensure lighting is designed to ensure that the bat corridor maintains its role and function, and is designed to enable bats to continue to access the wider corridor.
	gg.	The extent to which bat-sensitive road lighting and planted buffer areas have been designed and will be implemented through the consent, where adjacent to or crossing a

		Significant Bat Habitat Area, to minimise the spill of light into Significant Bat Habitat Areas. Bat-sensitive road lighting design should be prepared by a suitably qualified and experienced technical lighting specialist in collaboration with a suitably experienced bat ecologist, and be sufficiently detailed to enable an assessment of the extent of effect on the long-tailed bat habitat within the application site and immediate environs.
	hh.	The extent to which an ecological assessment has been carried out that has identified that a financial contribution is required to offset the potential adverse effects on the long-tailed bat population as a result of the application, through loss of low to moderate long-tailed bat habitat values within the application site, and where those habitat values cannot be restored or replaced within the application site. Where the adverse effect of the loss of those values cannot be offset through habitat restoration and enhancement measures within the site, the purpose of financial contributions shall be to enable Council to undertake habitat enhancement works in a co-ordinated manner outside of the application site.
	ii.	The extent to which measures for the control of cats and other pests has been addressed and the effectiveness of the measures proposed, including their implementation and ongoing monitoring. This includes the estimated timing for completion of animal pest control measures and the anticipated ecological enhancement outcomes following implementation of the animal pest control measures. This includes whether the application details the means through which the control of cats and other pests within the application site will be carried out, including the registering of consent notices pursuant to section 221 of the Resource Management Act 1991 on records of title for properties created through subdivision. **Advisory note**: Council will investigate and implement a Peacocke Structure Plan Area wide animal pest control programme, in collaboration with other key stakeholders, particularly those with statutory obligations to protect long-tailed bats, such as the Department of Conservation and Waikato Regional Council. The programme will target the key animal pests of long-tailed bats in urban areas and include measures to control the widespread introduction of domestic cats as urbanisation occurs.
	jj.	The extent to which the subdivision has been designed to manage the effects of climate change, including changes in rainfall patterns, and temperature.
	kk.	The extent to which subdivision facilitates the outcomes anticipated in the Peacocke Local Centre Concept Plan, and Local Centre Design Guide.

	ll.	Where located within the Seismic Investigation Area:
		• The extent to which an appropriate building platform can be provided free from any identified hazard area.
		• The extent to which the applicant has demonstrated, through the use of an engineering design report:
		  ○ That the risk of ground failure can be reduced to avoid the effects on the safety of occupiers and neighbours.
		  ○ That any structure will perform safely under hazard conditions for the life of the structure.
		• That any work to be carried out maintains the stability of the river bank or gully and does not increase the risk of ground instability on the subject site or adjacent sites.

	mm.	Whether the proposal is generally in accordance with the identified staging in the Peacocke Structure Plan.
	nn.	Where development is out of sequence with the staging identified on the Peacocke

		Structure Plan (Appendix 2 — Figure 2-3a and the table within Chapter 3A) whether the proposal demonstrates that it: a. Provides appropriate three waters infrastructure and capacity to appropriately service the anticipated development within the relevant catchment b. Is contiguous with adjoining urban development. c. Is coordinated with the provision of three waters and transport infrastructure. d. Provides appropriate transport infrastructure including: o Connections with arterial and/or collector transport networks o Connections with the Indicative Cycleway/Walkway Network shown on Figure 2-2 e. Provides for and does not compromise the strategic infrastructure identified on the Peacocke Structure Plan (Appendix 2 — Figure 2-3a and the table within Chapter 3A). f. Contributes to providing or realising development capacity and required housing supply for Hamilton. g. In the event that development relies on any interim solution for infrastructure; that a permanent solution acceptable to Council has been identified, the interim solution does not make the implementation of the permanent solution more difficult; the interim solution does not compromise the design or operational performance of the proposed permanent solution; appropriate legal mechanisms shall be imposed ensuring that any increased cost implications on the permanent solution (as a result of the interim solution) are met by the development and requiring that the removal of any interim infrastructure (and any cost and remediation association with such removal) once the permanent solution becomes available and responsibility of such removal and any associated reconnection works shall be borne by the developer
	oo.	The extent to which the proposal mitigates or off-sets the effects of development on native fish.
	pp.	The extent to which the consent applicant and/or landowner(s) can demonstrate that they have undertaken previous planting and/or broader ecological enhancement work within the property, prior to the lodgement of the resource consent application. This previous planting and/or broader ecological enhancement work should be taken into account when considering the extent of further ecological enhancement necessary via consent conditions.
	qq.	The extent to which the proposal avoids, remedies, mitigates, off-sets or compensates for the effects of development on identified Significant Bat Habitat Areas and non-identified low to moderate habitat values. This may include the direct protection of identified Significant Bat Habitat Areas, the protection of confirmed or potential bat roost trees (subject to the recommendations of the assessment required in Appendix 1.2.2.27), provision of new and enhanced bat habitat or the provision of a financial contribution towards city-wide initiatives for the long-tailed bat.
	rr.	The extent to which the proposal has taken steps, either onsite, or offsite, to compensate for the effects of development on Significant Bat Habitat Areas by implementing a planting programme enabling new bat habitat, including consideration of the age and development of that planting.
	ss.	The extent to which the proposal contributes to the ecological compensation outcomes identified within the report 'Preliminary Assessment of Ecological Effects — Peacocke Structure Plan Area', Tonkin & Taylor Ltd, dated July 2021, required to achieve the No Net Loss outcome for the long-tailed bat population within the Peacocke Precinct. This evaluation shall ensure the ecological compensation required for the proposal is proportional to the extent of effects identified arising from the proposal.

		In broad terms to achieve the No Net Loss outcome, the following habitat restoration and enhancement activities will need to be implemented: i. Habitat restoration within PSPA public open space areas (native revegetation, weed management and mammalian pest control within riparian pasture) of some 66 hectares; ii. Habitat enhancement within PSPA public open space areas (native enrichment planting, weed management and mammalian pest control within existing forested habitats — exotic and indigenous) equating to about 62 hectares; and iii. Habitat restoration outside of the PSPA within high value bat habitat known to support bat roosts. This comprises: ○ native revegetation, weed management and mammalian pest control within riparian pasture (equating to some 190 hectares of habitat restoration) and/or ○ mammalian pest control in perpetuity (equating to 700 hectares of habitat enhancement), or ○ a lesser combination of both.
Q	**Te Rapa North Industrial Structure Plan**	
	In determining the application for resource consent for a restricted discretionary or discretionary activity, Council shall consider the following matters, where relevant.	
Q1	Development in the Te Rapa North Industrial Structure Plan Area:	
	a.	The extent to which the proposal is consistent with the Te Rapa North Industrial Zone objectives and policies and any relevant design guide.
	b.	The extent to which the proposed development is consistent with the Te Rapa North Industrial Structure Plan.
	c.	The extent to which the proposed development is consistent with any approved infrastructure or ecological management plan.
	d.	The development's ability to compliment or have neutral impact on the Te Rapa Dairy Manufacturing Site. • Refer to Policy 12.2.1c. • Refer to Policy 12.2.4a-d.
	e.	The methods for protecting and enhancing the ecological values of Te Rapa Stream and the Waikato River Corridor. • Refer to Policies 12.2.5a-e.
	f.	The extent to which a building frontage along Te Rapa Road, that is not dominated by ground level parking spaces, loading spaces and vehicle storage areas has been provided. • Refer to Policy 25.5.2.1a.
Q2	Development in the Focal Area:	
	a.	The extent to which the proposed development is consistent with the Te Rapa North Industrial Structure Plan. • Refer to Structure Plan Component 3.9.2.2.
	b.	• Refer to Policy 12.2.1c. • Refer to Policy 12.2.4a-d.
	c.	Supportive of walking and cycling modes.
Q3	A land use or subdivision consent application not in accordance with Rule 3.9.3.2 Infrastructure Upgrade triggers:	

	a.	Consistency with the Te Rapa North Industrial Structure Plan.
	b.	Integration with and effects on transport and Three Waters infrastructure.
	c.	The ITA matters for assessment set out in Appendix 1.3.3 G.
	d.	Whether there is appropriate Three Waters infrastructure and capacity, existing and proposed, to appropriately service the proposed development.
	e.	Achievement of matters under Q1.
Q4	Earthworks in the Te Rapa North Industrial Structure Plan:	
	a.	The extent to which earthworks facilitate outcomes that are consistent with the Te Rapa North Industrial Structure Plan.
	b.	The extent to which the proposed development is consistent with any approved infrastructure or ecological management plan;
	c.	Whether bulk earthworks are carried out in a comprehensive and integrated manner that minimises the need for secondary earthworks and retaining walls.
	d.	The extent to which the roading network has been designed to work with the topography and features of the site.
Q5	Transport Upgrades in the Te Rapa North Industrial Structure Plan:	

	a.	Traffic Generation & Network Capacity i. The predicted trip generation from the proposal compared to thresholds set out within the Te Rapa North Industrial Structure Plan. ii. The ability of the existing transport network to safely and efficiently accommodate the additional traffic.

	b.	Committed and Programmed Upgrades i. The extent to which any necessary transport upgrades are committed, funded, and programmed for delivery within a timeframe that aligns with the development. ii. The relationship between required upgrades for the industrial area and upgrades committed for any adjoining urban growth node.

	c.	Effects on Surrounding Network i. Potential effects on nearby intersections, corridors, and the wider roading network, including travel time reliability and safety. ii. Potential impacts on public transport, walking, and cycling networks.

	d.	Integration with Surrounding Growth Nodes i. The progress of surrounding residential and industrial growth areas, and implications for network demand. ii. The staging and sequencing of development to ensure infrastructure delivery is coordinated.

	e.	Mode Shift and Demand Management i. Provision for safe and direct walking, cycling, and public transport connections. ii. Measures to encourage modal shift and reduce single-occupancy vehicle trips.

	f.	Funding and Delivery i. The applicant's commitment to contribute to, or fully fund, required transport infrastructure to mitigate the effects of development. ii. Conditions or staging triggers to ensure infrastructure is operational before occupation.

	g.	Safety Considerations i. Maintaining or improving the safety of the transport network for all users.

Q6	Strategic Three Waters Infrastructure in the Te Rapa North Industrial Structure Plan:

	a.	An Infrastructure Plan demonstrating that the subdivision or development can be serviced in accordance with the Strategic Three Waters Infrastructure table in 3.9.3.3.
	b.	An Infrastructure Plan demonstrating how its consistent with the Te Rapa Integrated Catchment Management Plan, including: a. Review of ICMP options b. Identification of long term stream reslience works for the preferred option c. Refining of the resilience works based on which option is preferred d. Defining the extent of Area 1 stream work

		e. Provision of developed design and costing of Area 1 based on Appendix C of the ICMP f. Implementation strategy and funding plan – referencing any PDA g. How development within the Te Rapa North Industrial zone contributes to any identified stormwater management solutions for the relevant sub catchment.
	c.	Where an interim arrangement is proposed, anInfrastructure 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.
	d.	An Infrastructure Plan including 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.

Q7	Ecological Management Plans in the Te Rapa North Industrial Structure Plan:

	a.	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.