

# **Proposed Private Plan Change 20: Airport Northern Precinct Extension**

**Incorporating**

## **Decisions of Hearings Panel and Section 32AA Evaluation Report**

**June 2023**

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### Decision information

<b>Approved to notify</b>	 Tony Quickfall – Manager District Plan and Growth
<b>Date publicly notified</b>	22 June 2023



**A**



**Part A – Decision Report**

# Part A – Decision Report

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## 1 Introduction and decision

### 1.1 Introduction

- 1.1.1 This decision report contains Waipā District Council’s decision under Clause 10 and Clause 29(4) of the First Schedule of the Resource Management Act 1991 on Proposed Private Plan Change 20 (PPC20) to the Waipā District Plan.
- 1.1.2 The private plan change was lodged by Titanium Park Limited (TPL) and Rukuhia Properties Limited (RPL), collectively referred to as ‘the applicant’ and seeks to extend the Airport Business Zone to enable the coordinated expansion of the Northern Precinct, within that zone.
- 1.1.3 The proposal is to extend the Airport Business zone and Northern Precinct by approximately 90 hectares and for the full 130 hectares of the Northern Precinct to be included within the Structure Plan.
- 1.1.4 Decisions on the plan change including those changes to be made as a result of submissions have been addressed in the appended section 32AA report – Part B of this decision report.

### 1.2 Decision

- 1.2.1 The following is the decision of the Hearing Commissioners acting under delegated authority.
- a. Private Plan Change 20 by Titanium Park Limited (TPL) and Rukuhia Properties Limited (RPL) to the Waipā District Plan is **approved with modifications** pursuant to Clause 10 and Clause 29(4) of the First Schedule of the Resource Management Act 1991.
  - b. The decisions on submissions and further submission are set out in Part A and the final amendments to the Operative Waipā District Plan are contained within Part B.

### 1.3 Format of Decision Report

- 1.3.1 The decision report contains 3 parts. Part A is the decision report which has:
- Introduction and decision.
  - Overview of Private Plan Change 20.
  - Statutory Context.
  - Submission analysis and decisions on submissions. Decision on Plan Change and submissions and further submissions.
- 1.3.2 Part B of the report contains:
- Table of Decisions on individual submission and further submission points.
- 1.3.3 Part C of the report contains:

- Tracked change version of district plan amendments.

## 1.4 Hearing

1.4.1 Private Plan Change 20 was heard by the Hearing Panel on 15, 16 and 17 March 2023. The hearing panel members were Independent Commissioners Alan Withy (Chairperson) and Antoine Coffin. References to “we” in the context of this decision refer to the findings of the Hearing Panel acting under delegated authority.

1.4.2 The following record of attendance is provided as a minute of the hearing:

### DAY 1 – 15 MARCH 2023

#### Applicant

Applicant attendees	
Scott King	Harrison Grierson
Sam Coles	Harrison Grierson
Cameron Inder	Bloxam Burnett & Oliver
Nick Grala	Harrison Grierson
Robert Dol	Greenstone Group (TPL)
Mark Morgan	TPL
Nigel Richards	RPL
William Yates	RPL
Lisa Jack	Harrison Grierson
Sam Benson	Harrison Grierson
Ben Inger	Monocle
Graham Dwyer	WRAL
Norm Hill	Te Hira
Jason Welsh	Chancery Green
Steve Mutch	Chancery Green

#### Waipā District Council Team

Council attendees	
Hearing Secretary	Jo Gread
Hearing Panel support	Tony Quickfall
Policy advisor – Align on behalf of Waipā District Council	Nick Williamson

Council attendees	
Legal counsel – Tompkins Wake on behalf of Waipā District Council	Wendy Embling
Transportation	Bryce Hudson
Aurecon on behalf of Waipā District Council	Andrew Carnell

In attendance observing

In attendance	
Jodie Hansen	Harrison Grierson
Justine Cook	Harrison Grierson
Tiffany Walker	Waikato University
Matthew Farrell	Harrison Grierson

**DAY 2 – 16 MARCH 2023**

Applicant

Applicant attendees	
Sam Benson	Harrison Grierson
Lisa Jack	Harrison Grierson
Josh Markham	Tonkin & Taylor
Ben Inger	Monocle
John McKensey	LDS
Graham Dwyer	WRAL
Robert Dol	Greenstone Group
Jeremy Hunt	AgFirst
William Yates	RPL
Nigel Richards	RPL
Nick Grala	Harrison Grierson
Georgia Cummings	Tonkin & Taylor
Mark Morgan	TPL
Fraser Colegrove	Insight Eco
Jason Welsh	Chancery Green
Cameron Inder	Bloxam Burnett & Oliver

## Submitters

Submitter name	In attendance
Duncan Tindall	GHD on behalf of Waka Kotahi
Craig Sharman	Beca on behalf of Fire & Emergency NZ
Alex Duncan	Beca on behalf of Fire & Emergency NZ
Blair Kren	Fire & Emergency NZ

## Waipā District Council Team

Council attendees	
Hearing Secretary	Jo Gread
Hearing Panel support	Tony Quickfall
Policy advisor – Align on behalf of Waipā District Council	Nick Williamson
Legal counsel – Tompkins Wake on behalf of Waipā District Council	Wendy Embling
Beca on behalf of Waipā District Council	Claire Scrimgeour
Aurecon on behalf of Waipā District Council	Andrew Carnell
Transport	Bryan Hudson

## **DAY 3 – 17 MARCH 2023**

## Applicant

Applicant attendees	
Graham Dwyer	WRAL
Robert Dol	Greenstone Group
Nigel Richards	RPL
Ben Langley	WRAL
Ben Inger	Monocle
Jason Welsh	Chancery Green
Nick Grala	Harrison Grierson
William Yates	RPL
Sam Benson	Harrison Grierson
Mark Morgan	TPL



## Submitters

Submitter name	In attendance
Kathryn Drew	Bloxam Burnett & Oliver on behalf of WRAL
Michelle Hooper	Department of Conservation
Jesse Gooding	Department of Conservation
Tertia Thurley	Department of Conservation
Barbara Hammonds	Forest & Bird
Julie Hansen	Waikato Regional Council
Katrina Andrews	Waikato Regional Council
Jim Snowball	248 Raynes Road
Bruce Cuff	Ohaupo Road
Elaine Penn	Middle/Narrows Focus Group
Julie Lucas	Middle/Narrows Focus Group
John Paterson	Middle/Narrows Focus Group
Graeme Lucas	Middle/Narrows Focus Group
John & Robin Cuff	3347 Ohaupo Road
Judith Makinson	CKL on behalf of Tabby Tiger (Transportation)
Mark Chrisp	Mitchell Daysh on behalf of Tabby Tiger (Planning)
Lachlan Muldowney	Legal submission on behalf of Hamilton City Council
Denzil Govender & Dr Mark Davey	Hamilton City Council (Planning)
Gregory Akehurst	Hamilton City Council (Economics)
Vinish Prakash	Hamilton City Council (Transport)

## Waipā District Council Team

Council attendees	
Hearing Secretary	Jo Gread
Hearing Panel support	Tony Quickfall
Policy advisor – Align on behalf of Waipā District Council	Nick Williamson
Legal counsel – Tompkins Wake on behalf of Waipā District Council	Wendy Embling

## DAYS 1 – 3 (15 – 17 MARCH 2023)

### Tabled Evidence

Ref	TITLE OF EVIDENCE	SUBMITTED BY
A	Opening Legal Submissions on behalf of Titanium Park Ltd and Rukuhia Properties Ltd	James Welsh
B	Rebuttal Statement of Evidence of Nicholas Colyn Grala Planning (excluding ecology)	Steve Mutch
C	Summary Statement of Evidence of Mark Andrew Morgan (Titanium Park Limited Corporate Overview) 14 March 2023	Steve Mutch
D	Cameron Inder Evidence in Chief Page 38 (Map) - Applicant Planner	Nicholas Grala
E	Summary Statement of Evidence of William Phillip Yates (Rukuhia Properties Limited – Corporate overview – 14 March 2023)	Steve Mutch
F	Map from evidence in Chief Denzel Govender (page 31) - Applicant Planner	Nicholas Grala
G	Summary Statement of Evidence of Leonard Nigel Frank Richards (Rukuhia Properties Limited – Corporate Overview) 14 March 2023	Steve Mutch
H	Summary Statement of Evidence of Samuel James Coles (Urban Design) 14 March 2023	Steve Mutch
I	Summary Statement of Evidence of Norman Hill Cultural 14 March 2023	Steve Mutch
J	Summary Statement of Lisa Jack – Landscape and Visual Amenity – 14 March 2023	Steve Mutch
K	Summary Statement of Evidence of Scott Dean King – Three Waters Infrastructure – 14 March 2023	Steve Mutch
L	Summary Statement of Evidence of Cameron Beswick Inder (Transport) 14 March 2023	Steve Mutch
M	Summary Statement of Evidence of Georgia Thelma Rose Cummings (Ecology – Long Tailed Bats) 14 March 2023	Nicholas Grala

Ref	TITLE OF EVIDENCE	SUBMITTED BY
N	Summary Statement of Evidence of Joshua Andrew Markham (General Ecology – Offset and Compensation) 14 March 2023	Nicholas Grala
O	Summary Statement of Evidence of John Kinross McKensey (Lighting) 14 March 2023	Nicholas Grala
P	Summary Statement of Evidence of Ben Maxwell Inger Planning (Ecology – Topic) 14 March 2023	Nicholas Grala
Q	Slide Show from Ben Inger from Hui on 6 March 2023	Nicholas Grala
R	Summary Statement of Evidence of Jeremy Hunt (National Policy Statement – Highly Productive Land) – 14 March 2023	Nicholas Grala
S	Summary Statement of Evidence of Fraser James Colegrave (Economics) 14 March 2023	Nicholas Grala
T	Summary Statement of Evidence of Nicholas Colyn Grala Planning (Excluding Ecology) 14 March 2023	Nicholas Grala
U	Nicholas Colyn Grala Evidence – RPS Retail Provisions	Nicholas Grala
V	Infrastructure Upgrade Locations	Jason Welsh
W	Gili Et Al 2020 Bats in Urbanising Landscapes	Jason Welsh
X	Legal Submissions of Counsel for Waipā District Council Dated 16 March 2023	Wendy Embling
Y	Legal submissions on behalf of the Director-General of Conservation Dated 16 March & Weston Lea Limited and Director General of Conservation and Hamilton City Council Case	Michelle Hooper
Z	Supplementary Statement of Evidence of Katrina Rose Andrews for the Waikato Regional Council Planning (Excluding Transport) Dated 16 March 2023 & Decision following the hearing of a plan change to the Auckland Unitary Plan under the Resource Management Act 1991 (Plan Change 73) – O’Hara, Waiuku	Katrina Andrews
AA	Proposed Private Plan Change 20 to the Waipa District Plan – Airport Northern Precinct	Julie Hansen

Ref	TITLE OF EVIDENCE	SUBMITTED BY
	Extension Summary of Evidence of Julie Hansen Waikato Regional Council	
AB	Legal Submissions on Behalf of Hamilton City Council Dated 17 March 2023	Lachlan Muldowney
AC	Roading Maps – Vinesh Prakash	Vinesh Prakash
AD	Forest & Bird ‘Death by a Thousand Cuts’	Barbara Hammonds
AE	Legal Submission on Behalf of the Royal Forest & Bird Protection Society of New Zealand Inc 16 March 2023	Barbara Hammonds
AF	Bruce Cuff – Visual Aids	Bruce Cuff
AG	Summary Statement of Evidence Benjamin C Langley (Airport Operations and Aeronautical Risks) on Behalf of Waikato Regional Airport Ltd 17 March 2023	Benjamin Langley
AH	Summary Statement of Evidence of Kathryn Anne Drew (Planning) on Behalf of Waikato Regional Airport Ltd 17 March 2023	Kathryn Drew
AI	Summary Statement of Jim Snowball	Jim Snowball
AJ	Middle/Narrow Focus Group – Commissioners Hearing 17 March 2023 Statement	Elaine Penn
AK	FRAMING A BAT STRATEGY FOR THE WAIKATO REGION - Themes, outcomes and engaging stakeholders - A discussion document for the Waikato Bat Alliance - 16 November 2021 – (Not introduced as evidence, document for information)	Wendy Embling
AL	Guidance on Good Practice Biodiversity Offsetting in New Zealand – (Not introduced as evidence, document for information)	Michelle Hooper
AM	Biodiversity Offsetting under the Resource Management Act – A guidance document – September 2008 – (Not introduced as evidence, document for information)	Josh Markham

## 1.5 Overview of Proposed Private Plan Change 20 (PPC20)

1.5.1 PPC20 is a private plan change received by the Waipā District Council from Titanium Park Limited (TPL) and Rukuhia Properties Limited (RPL).

1.5.2 It seeks to extend the Airport Business Zone to enable the coordinated expansion of the Northern Precinct, within that zone. In summary, the following proposed amendments include:

- Enable development of the Northern Precinct in line with the Proposed Structure Plan.
- Remove the requirement for a Comprehensive Development Plan.
- Requiring specific transport upgrades triggered at specific stages of development.
- Enable and consolidate non-ancillary retail activities within specific areas.
- Require the establishment of landscaping on specified boundaries.
- The establishment of an Ecological Management Plan for the entire Northern Precinct which encompasses a Bat Management Plan.
- Rules managing vegetation trimming, pruning and removal within the Northern Precinct.
- A rule applying a noise limit within the notational boundary of the property 141 Middle Road.
- A rule requiring buildings within the Northern Precinct to be designed in accordance with the NZ Fire Service Fire-Fighting Water Supply Code of Practice.

## 1.6 Statutory context

### RESOURCE MANAGEMENT ACT 1991

1.6.1 The purpose of the RMA is set out in Section 5 and is to promote the sustainable management of natural and physical resources. Sustainable management means:

*Managing the use, development and protection of natural and physical resources in a way and at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

1.6.2 In the context of this application the natural resources of the District include the land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all physical resources including infrastructure. In order to

achieve this purpose, it is necessary to appropriately manage and plan the pattern of land use development.

- 1.6.3 Section 6 of the Act requires all persons exercising functions and powers under the Act in relation to managing the use, development, and protection of natural and physical resources, to recognise and provide for matters of national importance. We consider that PPC20 is consistent with Section 6.
- 1.6.4 Section 7 of the Act identifies other matters that particular regard is to be given to. As set out in the application, those matters of key relevance to the plan change include; '(a) kaitiakitanga', '(aa) the ethic of stewardship', '(b) the efficient use and development of natural and physical resources', '(c) the maintenance and enhancement of amenity values', '(d) intrinsic values of ecosystems', '(f) maintenance and enhancement of the quality of the environment' and '(g) any finite characteristics of natural and physical resources'. We consider PPC20 as modified by this determination satisfactorily addresses the relevant matters set out in Section 7.
- 1.6.5 Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account during decision-making. We consider PPC20 as modified is consistent with Treaty principles as required by Section 8.
- 1.6.6 Under Section 32 of the RMA Council must examine whether the objectives of the proposal and its provisions are the most appropriate way for achieving the purpose of the Act. This assessment was set out in the 'Section 32 Report' prepared on behalf of the applicant and in support of the proposed plan change and was incorporated into the application at the time of notification.
- 1.6.7 The purpose of a District Plan (Section 76) is to assist councils to carry out their functions in order to achieve the purpose of the Act. The functions of district councils are listed in Section 31 of the Act and include:
- Integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the District.
  - The control of any actual or potential effects of the use, development, or protection of land.
- 1.6.8 Having reviewed the application and heard the evidence presented at the hearing, we consider the purpose and contents of the plan change as modified are consistent with the purpose of a District Plan pursuant to Section 76 of the Act.

### **The role of RMA Part 2**

- 1.6.9 The role of Part 2 in the assessment of planning documents (particularly the requirement to give effect higher order planning documents under Section 75 of the RMA) has been the subject of the Supreme Court's decision in *Environmental Defence Society Incorporated vs New Zealand King Salmon Company Limited* [2014].
- 1.6.10 The implication of the Supreme Court's decision is that in assessing PPC20, an overall judgement approach cannot be relied on to justify a departure from directive policies in the higher order documents. There is a hierarchy of planning documents and subordinate plans that must implement the objectives and policies of a National Policy Statement (NPS)

(and arguably a Regional Policy Statement (RPS)) and, if they are directive, must do so as an “obligation”. When considering an NPS (and arguably an RPS, and regional or district plan), it has been determined that Part 2 should not be referred to, or a “balancing” interpretation should not be undertaken unless the policy statement does not “cover the field” (i.e. address the relevant issues), or the wording is uncertain or conflicting. This is because the relevant higher order statutory planning documents are assumed to already give substance to Part 2.

- 1.6.11 However, in considering the above, the timing of higher order planning documents is particularly relevant. Planning instruments released post *King Salmon* are considered more likely to give effect to Part 2 and greater care to ensure plan provisions are expressed in the way they are intended is more likely to have been taken.
- 1.6.12 Of note is that although the Waikato Regional Policy Statement (WRPS) was made operative on 20 May 2016, two years after the Supreme Court released its decision on *King Salmon* in 2014, when the *King Salmon* decision was released the proposed WRPS was in the appeal stage. It may therefore be said that the caveat of “incomplete coverage” applies in respect of giving substance to Part 2 matters, as this cannot be determined with certainty. In light of this, when considering PPC20, if the Hearing Panel is uncertain as to whether a higher order planning document (including the WRPS) gives effect to Part 2, it is considered appropriate and necessary to refer back to Part 2.
- 1.6.13 In the case of PPC20, we consider the most relevant higher order documents (and directions) are those set out within the WRPS, the National Policy Statement for Urban Development 2020 (NPS-UD), the National Policy Statement for Freshwater Management 2020 (NPSFM), the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-SC) and the National Policy Statement for Highly Productive Land 2022 (NPS-HPL).
- 1.6.14 We consider the relevant higher order statutory directions have been given effect to as required, applying the approach in *King Salmon*. In terms of whether the NPS-UD and the NPS-FM “covers the field” (i.e. addresses the relevant issues), it is considered that these instruments meet this caveat in respect of PPC20. Further assessment on the statutory and policy context to be considered in making a decision on PPC20 is provided below.

#### **NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020**

- 1.6.15 The National Policy Statement on Urban Development 2020 (NPS-UD) directs councils to plan for growth and ensure a well-functioning urban environment for all people, communities, and future generations. This includes:
- Ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi).
  - Ensuring that district/city plans make room for growth both ‘up’ and ‘out’, and that rules are not unnecessarily constraining growth.
  - Developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions.
  - Aligning and coordinating planning across urban areas.

1.6.16 The NPS-UD was developed by the Ministry for the Environment and the Ministry of Business, Innovation and Employment and contains objectives and policies that councils must give effect to in their resource management decisions.

1.6.17 Waipā District Council is considered a high growth 'Tier One' local authority, and as such all policies of the NPS-UD 2020 are relevant. One of the key policies of the NPS-UD 2020 in the context of PPC20 is Policy 8 which states:

**Policy 8:** *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

(d) *unanticipated by RMA planning documents; or*

(e) *out-of-sequence with planned land release.*

1.6.18 The plan change seeks to provide an additional 90ha of land into the 'urban environment' to enable the expansion of the Hamilton Airport and surrounding land. The land is identified for future urban development, although it is acknowledged that development will occur prior to the timeframes as indicated through Future Proof. However, given the demand for land for the further expansion of the Hamilton Airport the plan change process is considered necessary.

#### **NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 (NES-CS)**

1.6.19 The NES-CS seeks to ensure that land affected by contaminants in soil is identified and assessed prior to development to ensure that the land is safe and contaminants are not at a level to cause human health issues. Although activities have occurred on the land that are identified within the 'Hazardous Activities and Industrial List' and further detailed investigation will be required, future resource consents will assess the level of contaminants and the appropriateness of any site management and remediation plans to ensure that contaminant discharge to the land and effects on human health are suitably managed.

#### **NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020 (NPS-FM)**

1.6.20 There was no evidence provided that identified natural wetlands contained on the land, only modified artificial channels or overland flow paths that have been degraded due to the historical use of the land. Future development of the land as enabled by the Plan Change will not adversely affect the health and well-being of natural water bodies and freshwater ecosystems and does not give rise to any concerns in regards to the NPS-FM.

#### **NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022 (NPS-HPL)**

1.6.21 An assessment against the NPS-HPL has been made by both Mr Williamson and Mr Grala who are in agreement that PPC20 gives effect to outcomes sought by this document.



Clause 3.6 of the NPS-HPL has been highlighted by both planners as the key criterion when assessing if rezoning of highly productive land is appropriate in this instance.

### 3.6 Restricting urban rezoning of highly productive land

- (1) Tier 1 and 2 territorial authorities may allow urban rezoning of highly productive land only if:
  - (a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and
  - (b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and
  - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

1.6.22 It is agreed that PPC20 will meet the criteria of clause 3.6 as the rezoning will provide sufficient development capacity of business zoned land to meet the short and medium term demand and give effect to the NPS:UD; an assessment against alternative options has demonstrated that there are no other reasonably practicable or feasible options for providing additional business zoned land within the same locality or market; and the environmental, social, cultural and economic costs associated with the loss of highly productive soils are significantly outweighed by the benefits of PPC20.

1.6.23 Ms Edwards from Waikato Regional Council brought to the attention of the Hearings Panel a recent decision from Auckland Council related to the rezoning of 32.5ha of Rural – Mixed Rural zoned land to Residential – Mixed Housing Urban Zone. In this instance, the decision made by the Independent Hearings Panel in refusing the private plan change request noted that the NPS-HPL requires a focus on development within existing urban areas instead of greenfield development to enable growth and overall the application did not meet clause 3.6 (1)(a) and (b). Whilst we have read this decision we consider that the circumstances are somewhat different to PPC20 in that business zoned land is being sought, as opposed to residential, whereby residential intensification of existing urban areas is currently occurring through the provisions of the Auckland Unitary Plan which up-zoned a number of urban areas, and also sought through Plan Change 78, the response from Auckland Council to the government’s instruction to adopt ‘Medium Density Residential Standards’ (MDRS) throughout the urban areas of the Auckland region. We are of the view that the applicant has provided sufficient assessment against the relevant sections of the NPS-HPL and that for the reasons as outlined above PPC20 is considered appropriate as it will provide for additional business zoned land to meet short and medium term demand and is the most feasible option in terms of location.

### WAIKATO REGIONAL POLICY STATEMENT (RPS)

1.6.24 In the planning evidence from the applicant, and within the S42A report, consideration was given to the RPS in relation to this application and the relevant objectives and policies have

been outlined<sup>1</sup>. Both parties agree that PPC20 when reviewed in the context of these provisions give effect to the RPS and we agree with the conclusion they have reached.

- 1.6.25 Ms Andrews from WRC in her evidence comments on ‘Proposed Plan Change 1’ to the RPS which was notified on 18 October 2022 and is to update the RPS to give effect to the NPS-UD and to reflect the updated Future Proof Strategy 2022. Ms Andrews raises concerns that PPC20 in the context of Proposed RPS Change 1 constitutes an out of sequence and unanticipated development as it is seeking to bring forward allocation to a sooner time period than is identified in the Future Proof Strategy and Proposed Change 1 which makes it out of sequence.
- 1.6.26 Mr Welsh in his closing reply addresses the concerns raised by Ms Andrews, and concluding that PPC20 is not unanticipated because it is within a strategic industrial node that anticipates a further 140ha of industrial land. Whilst PPC20 will bring forward the timing of rezoning for some of the land, the applicant has demonstrated why this change in timing is necessary<sup>2</sup>. We agree with the conclusions submitted by Mr Welsh and consider the rezoning sought by PPC20 is anticipated and the earlier timing of a portion of the land has been adequately justified.

#### **TE TURE WHAIMANA O TE AWA O WAIKATO – WAIKATO RIVER VISION AND STRATEGY**

- 1.6.27 This vision and strategy for the Waikato River was developed by iwi communities within its catchment and the Waikato River Guardians Establishment Committee, and seeks to restore and protect the health and wellbeing of the Waikato River. It is noted that no concerns were raised within submissions regarding the health and wellbeing of the Waikato River as a result of PPC20 and although the land does not directly adjoin the Waikato River discharges associated with the development of the land have the potential to adversely affect the health and wellbeing of the Waikato River. The stormwater management approaches proposed by the applicant will ensure that any post development stormwater runoff will be managed to ensure the restoration and protection of the health and wellbeing of the Waikato River. It is acknowledged that these details, along with any associated sediment discharge arising from earthworks, will be assessed at a later date as part of a resource consent application, however we see no fundamental issue with development of the land and any potential effects on the health and wellbeing of the Waikato River.

#### **IWI JOINT MANAGEMENT AGREEMENTS**

- 1.6.28 The Iwi Joint Management Agreements held between Waipā District Council and iwi authorities is outlined with the S42A report.<sup>3</sup> Consultation has also been undertaken by the applicant as outlined within the application<sup>4</sup> and includes the development of a Memorandum of Understanding (MOU) between the applicant and Nga Iwi Toopu o Waipā and Waikato Tainui. Given the consultation that has been undertaken to date, and the ongoing partnership between the applicant and mana whenua we are satisfied that the plan change application and future development of the land as enabled by PPC20 will give

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<sup>1</sup> Sections 7.6.4 and 7.6.5 of the S42A report

<sup>2</sup> Paragraphs 103-107 of the ‘Closing legal submissions on behalf of TPL and RPL’, dated 5 April 2023

<sup>3</sup> Section 7.8 of the S42A report

<sup>4</sup> Section 6.1 ‘Private Plan Change 20 – Airport Northern Precinct Extension’

due regard to iwi joint management agreements and the relationship that iwi have with the land.

## **FUTURE PROOF AND WAIPĀ 2050 DISTRICT GROWTH STRATEGY**

1.6.29 Future Proof and Waipā 2050 are both broad policy documents that set out the Waikato region and Waipā district growth strategies. Waikato Regional Airport Ltd submitted to the 2022 Future Proof Strategy to include the area subject to PPC20 proposed zoning as “future development”, which was not included by the Future Proof Implementation Committee. However, it is recognised that the Future Proof strategy has a set of criteria for assessing plan changes which are out of sequence or unanticipated. We are of the view that the applicant has addressed these criteria and demonstrated that development of the airport in terms of timing is appropriate now, to meet the short and medium term demands for expansion of the airport.

## **OPERATIVE WAIPĀ DISTRICT PLAN**

1.6.30 The Waipā District Plan (WDP) became operative in 2017. PPC20 seeks to make limited changes to the WDP. These changes include amendments to the following sections of the District Plan:

- Section 10 – Airport Business Zone
- Section 15 – Infrastructure, Hazards, Development and Subdivision
- Section 21 – Assessment Criteria and Information Requirements
- Appendix S10 – Airport Business Zone Structure Plan
- Volume 3 – Planning Maps

We consider these amendments to the District Plan are appropriate on the basis of the evidence presented at the Hearing.

## **1.7 Submission analysis and decisions on submissions**

1.7.1 Following notification of PPC20, 26 submissions were received and 12 further submissions received. The following analysis of submissions and issues raised by experts has been done using the sub-topic areas as defined in the Section 42A report.

### **Extent of Plan Change**

1.7.2 Submissions made by J & R Cuff<sup>5</sup> and L & M McDowell<sup>6</sup>, raised concerns around the plan change process in terms of consultation and the scope of the infrastructure assessment, which should have been viewed within a wider context and across district boundaries. We agree with the conclusions reached by Mr Williamson in the S42A report that adequate consultation has been undertaken and the public notification process enabled participation of all interested parties. The infrastructure assessment provided by the applicant and peer

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<sup>5</sup> Submission #12

<sup>6</sup> Submission #3

reviewed by various experts has not raised concerns and any potential cross-boundary infrastructure requirements are the subject of joint council initiatives and projects.

## Land Supply

Submissions<sup>7</sup> were received that sought to increase the area of land to be re-zoned industrial, in addition to submissions<sup>8</sup> that sought to reject the proposal as there is sufficient industrial land within the Waikato region to meet current market demand. The Economic Assessment<sup>9</sup> submitted with the application provides useful guidance on the existing and future demand and supply of industrial zoned land in the greater Hamilton Area. We agree with the findings of this report and the evidence called by the Applicant, that the rezoning of an additional 90ha of industrial zoned land surrounding the airport will be consistent with market demand.

## Highly Productive Soils

- 1.7.3 Submissions received by J McDowall<sup>10</sup>, Royal Forest & Bird Protection Society of New Zealand<sup>11</sup>, Waikato Regional Council<sup>12</sup>, Hamilton City Council and Royal Forest & Bird Society (Waikato Branch)<sup>13</sup> requested an assessment of the proposed plan change against the NPS-HPL. The application was lodged prior to this document coming into effect on 17 October 2022. The applicant subsequently provided an assessment of the plan change against this document and for the reasons as discussed in paragraphs 1.6.21 – 1.6.23 we conclude that an appropriate assessment has been made and the proposed plan change found to be appropriate; and it will not undermine the intent of this higher order document to ensure that there is sufficient areas of high quality soil to enable rural activities to occur.

## Climate Change

- 1.7.4 Potential effects on climate change were raised by a number of submitters<sup>14</sup> that included increased CO<sub>2</sub> emissions, integrated land use and transport planning to reduce reliance on motor vehicles and the protection and enhancement of vegetation in the area to help mitigate climate change. We consider the application has given due regard to climate change and to minimise effects has incorporated provisions including walking and cycling connections, end of journey facilities, a 5m wide landscaping strip around the perimeter of the site and the protection bat habitat areas which will retain further vegetation and green space on the site.

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<sup>7</sup> S & K Besley (Submission #4), Waikato Regional Economic Development Agency (Submission #26), Tabby Tiger Limited (Submission #15 & Further Submission #FS12)

<sup>8</sup> J McDowall (Submission #1), J & M Snowball (Submission #6), S Forsyth (Submission #8)

<sup>9</sup> 'Economic Assessment of the Proposed Expansion of Titanium Park's Northern Precinct', prepared for Waikato Regional Airport Limited by Insight Economics Ltd and dated 14 April 2022

<sup>10</sup> Submission #1

<sup>11</sup> Submission #7

<sup>12</sup> Submission #11

<sup>13</sup> Submission #19

<sup>14</sup> S Forsyth (Submission #8), Waikato Regional Council (Submission #11), Waka Kotahi (Submission #18), NZ National Fieldays Society Inc (Submission #21), Hamilton City Council (Submission #23), Bike Waikato Incorporated (Further Submission #11), Go Eco (Submission #16) and K Hay (Submission #19)

## **Retail Activities/Airside Activities**

- 1.7.5 Hamilton City Council<sup>15</sup> and Waka Kotahi<sup>16</sup> in their submissions commented on the potential for retail activities within the Airport Business Zone to compete with local retail centres; only the day-to-day needs of visitors to the airport should be serviced and not generate out-of-centre demand. Hamilton City Council also sought to exclude a range of permitted activities from occurring within the Northern Precinct and a reduction in non-ancillary retail from 5,000m<sup>2</sup> GFA<sup>17</sup> to 1,000m<sup>2</sup> and a reduction of ancillary retail from a maximum of 50% of a buildings GFA to 10% GFA and 100m<sup>2</sup>.
- 1.7.6 Mr Welsh in closing legal submission comments on the restrictions sought by HCC and states that whilst the applicant does not consider there to be a compelling argument for a reduction in ancillary retail activity, they are prepared to amend the provisions to reduce ancillary retail GFA from 50% to 20% of the buildings GFA, and with no arbitrary area cap. No other amendments are offered by the applicant in response to the concerns raised regarding retail activities and the relief sought refers to trade competition issue.
- 1.7.7 The Panel, having considered the relevant evidence, concludes the PPC20 provisions as recommended by the Applicant and endorsed by Mr Williamson as s42A reporting officer, are appropriate in the circumstances.

## **Bat Habitat/Biodiversity**

- 1.7.8 There were a number of submissions received in relation to effects on bat habitat and biodiversity<sup>18</sup> and discussion throughout the duration of the hearing on bat habitat.
- 1.7.9 The key concern of submitters is the survival of critically endangered long-tail bats on the southern edge of urban Hamilton and rural land to the south. Whilst there was some support shown for the proposed recommendations in the s42A report as they relate to bats and 'Bat Habitat Areas' (BHA), it was generally considered that these failed to achieve sufficient mitigation, and that the proposed plan change will result in the further reduction of available functional bat habitat areas.
- 1.7.10 There was also disagreement between the applicant and some submitters with respect to the management of any residual effects. The applicant is proposing a requirement for the preparation of an 'Ecological Management Plan' (EMP) that includes within the overall framework, a 'Bat Management Plan' (BMP). The BMP must include plant specifications and maintenance, management of light spill within BHA's, identification of confirmed and potential bat roosts and details of vegetation retention or removal protocols and monitoring. In the event that there will be more than minor residual adverse effects on

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<sup>15</sup> Submission #23 and Further Submission #10

<sup>16</sup> Submission #18 and Further Submission #5

<sup>17</sup> Gross Floor Area

<sup>18</sup> Royal Forest and Bird Protection Society of New Zealand (Submission #7 and Further Submission #2), GHA Kessels (Submission #25), Waikato Regional Council (Submission #11), Riverlea Environment Society (Submission #13), Department of Conservation (Submission #20 and Further Submission #9), Hamilton City Council (Submission #23 and Further Submission #10), Go Eco (Submission #16), Waikato Forest and Bird Branch (Submission #19), Waikato Regional Airport Ltd (Further Submission #6), Titanium Park Ltd & Rukuhia Properties Ltd (Submission #14)

long-tailed bat habitat values, details of any offsetting or compensation measures must also be provided to ensure no net loss outcome is achieved.

- 1.7.11 Within submissions additional land as BHA's was sought, additional effects management requirements imposed, and more offsite environmental compensation provided.
- 1.7.12 The Panel has carefully weighed the various points of view regarding bats and their habitat, and favours the provisions recommended by the Applicant in Reply and endorsed by Mr Williamson. It is believed they will provide a framework for appropriate measures to be implemented as development proceeds. It is noted that an area of land is to be specifically set aside for bat habitat. Although some submitters sought a larger area the Commissioners accept in light of the evidence the Applicant's proposal as adequate.

### **Transportation**

- 1.7.13 A number of submitters commented on the transport related provisions within PPC20 in terms of transport modes and traffic generation.<sup>19</sup>
- 1.7.14 The provisions as outlined promote the establishment of walking and cycling infrastructure and also the provision of public transport services. It is noted that following the expert witness conferencing, amendments were made to the transport provisions as initially proposed to enable walking and cycling, and public transport infrastructure, connections and services whilst enabling a degree of flexibility as to how this will be achieved.
- 1.7.15 Disagreement however still exists in terms of wider walking and cycling connections and extending these to Peacockes Road and the development occurring in this location, within the boundary of Hamilton City Council. In terms of an outcome, we agree that connections to Peacockes Road is positive for cyclists and pedestrians the provisions of PPC20 cannot extend beyond the site and therefore cannot require connections that fall outside it.
- 1.7.16 The re-zoning of the land will increase traffic generation within the surrounding road network however the provisions will provide for necessary upgrades as they are required, and the detailed design of these upgrades to be assessed at future consenting stages.
- 1.7.17 There is disagreement in relation to intersection upgrades whereby in relation to the existing State Highway 21 and Raynes Road intersection and the State Highway 3 and Raynes Road intersection.
- 1.7.18 The Panel accepts on the basis of the relevant evidence, the PPC20 provisions as recommended by the Applicant and endorsed by Mr Williamson, to be appropriate.

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<sup>19</sup> Tainui Group Holdings (Submission #9), New Zealand National Fieldays Society (Submission #21), Bike Waikato Incorporated (Further Submission #11), Hamilton City Council (Submission #23 and Further Submission FS10), Waka Kotahi (Submission #18 and Further Submission #FS5), Tabby Tiger Limited (Submission #15 and Further Submission #12), Jennifer McDowall (Submission #1), Raewyn Cals (Submission #2), Middle-Narrow Focus Group (Submission #5 and Further Submission #FS4), James and Marie Snowball (Submission #6), Bruce McDowall (Submission #3)

## **Stormwater Management**

- 1.7.19 Submitters<sup>20</sup> have raised concerns in relation to stormwater runoff generated from development within the precinct, and how this will be managed to minimise the risk of contamination into groundwater and rivers and to ensure flooding downstream to the site does not occur. Based on the technical evidence provided, we are satisfied that stormwater generated from future development within the zone can be appropriately managed with the specific details provided at the time of building or resource consent to ensure that water contamination or downstream flooding does not occur.

## **Wastewater Disposal**

- 1.7.20 Submitters J & M Snowball have sought the council reject the plan change as no sewerage treatment plant is being supplied by the developer<sup>21</sup>, and Hamilton City Council seek that the Northern Precinct is serviced by a public wastewater solution<sup>22</sup>. The technical assessments provided by both the applicant and the council agree that it is not efficient to connect activities in the Northern Precinct to the existing wastewater infrastructure in the other precincts. We rely on this expertise and conclude that there are options available to manage wastewater disposal. These include transporting wastewater by truck for any associated with 'dry' industry, a standalone wastewater treatment plant subject to resource consent, and connection to the Southern Metro Wastewater Treatment Plant when it becomes available.

## **Water Supply**

- 1.7.21 Fire and Emergency NZ<sup>23</sup> and the New Zealand National Fieldays Society Inc<sup>24</sup> sought in their submissions provisions within the plan change that require the installation of firefighting water supply. We agree with the recommended changes to PPC20 as notified to contain standards to ensure adequate firefighting water is supplied to service development.

## **Landscape and Amenity**

- 1.7.22 Concerns were raised in submissions in relation to adverse effects on the existing landscape and semi-rural amenity values of the surrounding area. These sought provisions to ensure there are trees of a size capable of accommodating bats for roosting and commuting, and also landscaping provided for in the provisions to mitigate adverse visual effects of future development<sup>25</sup>. We acknowledge that there will be a change in the landscape and amenity values to the surrounding area as a result of the plan change. However we consider that the provisions for the requirement of a 5m wide landscape buffer around the perimeter of

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<sup>20</sup> J & M Snowball (Submission #6), C Hickey (Submission #22), Middle-Narrows Focus Group (Submission #5), J & R Cuff and L & M McDowell (Submission #12), and Hamilton City Council (Submission 23)

<sup>21</sup> Submission #6

<sup>22</sup> Submission #23

<sup>23</sup> Submission #17

<sup>24</sup> Further Submission #7

<sup>25</sup> J McDowell (Submission #1), J & M Snowball (Submission #6), Royal Forest and Bird Protection Society of New Zealand (Submission #7), S Forsyth (Submission #8), J & R Cuff and L & M McDowell (Submission #12) and Hamilton City Council (Submission #23)

the zone, and planting undertaken as part of an 'Ecological Management Plan' will ensure that landscape and amenity effects can be suitably managed.

### **Lighting**

- 1.7.23 C Hickey<sup>26</sup>, Royal Forest and Bird Protection Society of New Zealand<sup>27</sup>, and Department of Conservation<sup>28</sup> have raised concerns regarding lighting effects on bat roosting and commuting. R Mason<sup>29</sup> has also raised a concern in relation to lighting and the retention of 'Dark Skies'. We consider that the lighting provisions proposed, including the restrictions on lighting next to a Bat Habitat Area will suitably address the concerns raised within these submissions.

### **Noise**

- 1.7.24 Potential noise effects were raised by submitters J & M Snowball<sup>30</sup> and R Mason.<sup>31</sup> They argued no noise mitigation provisions are proposed and the removal of a hill located within the precinct to facilitate development will result in greater noise levels being experienced by surrounding properties. The applicant has provided an Acoustic Assessment and we agree with the findings of this assessment and consider no further changes to the provisions of the plan are required and any noise emanating from activities occurring as a result of PPC20 can be managed by the existing noise provisions in the Waipā District Plan.

### **Timing & Sequencing**

- 1.7.25 Submissions have been received<sup>32</sup> raising concerns about the timing and sequencing of development of the Airport Zone, particularly associated with co-ordinating infrastructure upgrades (Southern Links and a Sub-Regional Wastewater Plant) and ensuring that the retail and non-retail floor areas created serve only the day to day needs of the airport and do not detract from existing retail areas.
- 1.7.26 The Panel is aware PPC20 advances timing in relation to certain planning instruments. However the submissions and evidence overall (and particularly the economic and planning evidence) clearly supports such advancement as being in accord with changing circumstances and good planning practice.

### **Funding**

- 1.7.27 Waka Kotahi<sup>33</sup> and Tainui Group Holdings<sup>34</sup> in their submissions commented on funding for roading upgrades. For development to be enabled within the precinct roading upgrades

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<sup>26</sup> Submission #22,

<sup>27</sup> Submission #7 and Further Submission #2

<sup>28</sup> Submission #20

<sup>29</sup> Submission #10

<sup>30</sup> Submission #6

<sup>31</sup> Submission #10

<sup>32</sup> Middle-Narrows Focus Group (Submission #5), Tainui Group Holdings (Submission #9), Waikato Regional Council (Submission #11), Hamilton City Council (Submission #23 and Further Submission #10), Tabby Tiger Limited (Submission #15 and Further Submission #12)

<sup>33</sup> Submission #18 & Further Submission #5

<sup>34</sup> Submission #9



will be required (refer to the rules for transport in section 10) and the funding for these will be determined at the time of construction.

## 1.8 Overall Conclusions

### Timing

- 1.8.1 Some submitters argued that PPC20 was at best premature. However the Panel considers the evidence and particularly the expert evidence, established that changed economic and market conditions justify adoption of PPC20. The counter evidence was largely based on historical factors and planning instruments prepared on out-dated data and projections.
- 1.8.2 The Panel considers the Applicant convincingly made the case for introduction of PPC20 and its provisions in general. An inevitable consequence of this, may be a need to review and update other planning instruments including higher-order ones. Such consequences are not sufficient to block nor delay introduction of PPC20.
- 1.8.3 The Panel considers PPC20, incorporating the provisions advanced in the Applicant's Reply, to be suitable for adoption. This is importantly endorsed by Mr Williamson as s42A reporting officer. It also generally reflects the thrust of the expert evidence which must be given greater weight than non-expert evidence.
- 1.8.4 The following detailed responses to individual submissions are based on this conclusion and in light of all the submissions and evidence.

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Signed this 22 day of June 2023



Commissioner Alan Withy, Chair



Commissioner Antoine Coffin



# **B**



**Part B – Table of Decisions on  
Submissions and Further Submission  
points**

## Part B – Tables of Decisions on Submissions and Further Submission points by Topic

### 2 Decision on submissions and further submissions by Topic.

#### 2.1 Topic 1: Airside Activities

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
23.6	Airside activities	All	Support in part	There are no provisions which safeguard airside activities along the edge of the plan change area bordering the runway. We understand WRAL intend of retaining ownership as a mechanism to safeguard this land	An overlay method to control/safeguard land bordering the runway and the main spine road for airside activities.	<b>Reject</b>

#### 2.2 Topic 2: Amenity

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
01.1	Rural amenity	All	Oppose	Re-zoning will reduce the amenity value of my neighbourhood from a pleasant semi-rural area to a quasi industrial area.	Council to reject the proposal.	<b>Reject</b>
06.1	Rural amenity	All	Oppose	There does not appear to be a substantial proposed greenbelt between the northern precinct and existing homeowners which would also include	Council to reject the proposal.	<b>Reject</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				bunding, trees and other planting.		
08.3	Visual impact / rural amenity	All	Oppose	The visual impact of the proposed development cannot be underestimated. Waikato, and particularly the Waipa district are attractive as a consequence of the rural outlook and in particular the large number of trees that are seen on rural and urban properties. These features are appealing to tourists and a reason to stop in the area rather than drive through. This has not been taken into account with the current development at the Airport. The view from the drive heading east from the airport exit is unattractive due to the recently built commercial buildings almost abutting the fence line. If the rezoning must go ahead, then provision for a green belt which offsets the heating/climate damage of the building materials and roading, and visual impact of the structures is imperative.	Rezoning of the rural land to business be denied. If the rezoning must go ahead, then provision for a green belt which offsets the heating/climate damage of the building materials and reading, and visual impact of the structures is undertaken. The green belt should be a minimum of 5m around the periphery of the site and planted with trees (including non-natives) rather than low level plants, and green islands (again trees rather than low lying vegetation) within the complex should be present.	<b>Accept</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
12.2	Amenity	All	Oppose	Visual effects not adequately assessed to Rukuhia Neighbourhood zone	Review and consult upon issues raised with immediate neighbours.	<b>Accept in part</b>
23.8	Amenity	All	Support in part	<p>In order to attract and retain high-value businesses to this precinct, the amenity of the public and private realm is critical.</p> <p>It is important that the retail area and Hub is restricted to service only the needs of the day-to-day visitors of the precinct and does not generate/induce out of centre demand. These retail nodes within the precinct are an attractive destination for those working within the precinct in order to avoid out of centre trips occurring.</p>	<ul style="list-style-type: none"> <li>▪ Ensure generous setbacks of built form from road corridors, ensure landscaping treatment occurs within these setbacks</li> <li>▪ Limit vehicular access from main spine roads</li> <li>▪ Introduce precinct specific design controls to direct landscaping, signage, internal site layout etc</li> <li>▪ Ensure land is set aside at the key gateways to the site for signage and landscaping</li> <li>▪ Introduce a masterplan with design specific controls and principles, with associated assessment criteria for the retail area and the Hub. Ensure visual contrast between industrial built form and these two proposed retail centre's.</li> <li>▪ Undertake more in-depth economic analysis to determine the appropriate</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					size of the retail centre and Hub (gross ha and GFA) – limit the total site area and GFA of both these areas accordingly in the plan provisions.	

### 2.3 Topic 3: Bat Habitat

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
07.2	Bat habitat	Policy 10.3.2.2A	Oppose	Long-tailed bats are critically endangered. Suitably qualified long-tailed bat ecologists are the only people with the knowledge to write an Ecological Management Plan which will enable bats to persist in this area.	Amend the first sentence to: Require the preparation of an Ecological Management Plan to protect roosting, foraging and commuting habitat for long-tailed bats and to ensure overall ecological values are enhanced. This Plan is to be prepared as part of this Plan Change process, and by a suitably qualified ecologist, who must consult with a DOC appointed ecologist, and must also take the wider landscape used by bats into account. Several consequential amendments are also requested to the subsequent bullet points.	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
11.3	Bats and bat habitat	Rule 10.4.2.14A(b), Policy 10.3.2.2A, Rule 10.4.2.14A, Rule 10.4.2.14A(a)	Support in part	<p>We strongly recommend that the provisions for bats and bat habitat are strengthened to meet the direction of the WRPS, particularly Policies ECO-P1, ECO-P2 and ECO-P3 and Method ECO-M13.</p> <p>Policy 10.3.2.2A does not prioritise avoidance, instead using “mitigate” and “where practicable, support the maintenance or enhancement of”. This wording does not give effect to the WRPS which seeks district plans require activities to avoid loss of significant habitat of indigenous fauna in preference to remediation or mitigation (ECO-P2 and ECO-M13). It also conflicts with the first part of the policy and the objective it seeks to implement (24.3.1) which set out to maintain or enhance significant long-tailed bat habitat values and the existing level of biodiversity.</p> <p>Proposed Rule 10.4.2.14A requires an Ecological Management Plan (EMP) to be created for the Northern</p>	<p>a. Require further assessment to inform the proposed plan change to ensure that bat habitat will be sufficiently protected, through a collaborative approach with ecologists and other relevant stakeholders involved in this process.</p> <p>b. Consider mapping and setting aside a corridor to be maintained as bat habitat to ensure continued connectivity across the site and with neighbouring areas. Amend Rule 10.4.2.14A(b) to require buffers around habitat areas throughout the precinct.</p> <p>c. Define ‘bat habitat’ within the plan provisions.</p> <p>d. Amend Policy 10.3.2.2A to prioritise avoidance of bat habitat removal as signaled within the plan change application.</p> <p>e. Amend Rule 10.4.2.14A to require:</p> <p>i. The EMP, and its different elements, to be prepared by a suitably qualified ecologist</p>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>Precinct which includes a Bat Management Plan (BMP), a Lighting Management Plan, and recommendations for landscape planting. While we support the requirement for an EMP, we consider the current plan wording will not sufficiently protect bats and bat habitat or give effect to the WRPS.</p> <p>It is unclear why the elements of the EMP have been separated and we are concerned this means the BMP, Lighting Management Plan and planting recommendations may not align. It is our strong preference for there to be one integrated plan that incorporates elements of a BMP, lighting plan, and planting recommendations that work in conjunction.</p> <p>Rule 10.4.2.14A(a) sets out the requirements for the BMP which we consider are insufficient to ensure thorough assessment and protection of bats and bat habitat. The Assessment of</p>	<p>who specialises in long-tailed bats;</p> <p>ii. The elements of the EMP to be prepared at the same time;</p> <p>iii. If each part is prepared by a different specialist, the EMP to be reviewed as a whole by a suitably qualified ecologist; and</p> <p>iv. The EMP to be peer reviewed by DOC and WRC ecologists.</p> <p>f. Reword Rule 10.4.2.14A(a) to prioritise avoidance of bat habitat removal and protect all functional bat habitat areas, not just roost trees.</p>	



Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>Ecological Effects acknowledges that the plan change area is used for bat roosting and foraging, so it is unclear why the BMP is only required to cover roost trees. We recommend assessment needs to extend to all functional bat habitat areas. The Current wording of Rule 10.4.2.14A(a) is framed in a way that does not prioritise avoidance of bat habitat removal, and already implies that trees will need to be removed.</p> <p>It is unclear why Rule 10.4.2.14A(b) sets out a 20m buffer around the perimeter of the precinct but no other buffers are proposed within the structure plan area. Buffers around bat habitat areas are a useful tool to manage potential adverse effects on bats and we recommend they are also considered in the EMP.</p>		

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
14.1	Bat habitat	Policy 10.3.2.2A, Rule 10.4.2.14A(a)	Support in part	The submission requests that the terminology used in the policies and rules more appropriately reflects the expected nature of the measures which will be required to manage more than minor residual effects on long-tailed bats, recognising that compensation (rather than offsetting) applies where biodiversity gains and losses are not measurable.	Amend Policy 10.3.2.2A as follows: <ul style="list-style-type: none"> <li>Where any effects on long-tailed bats are unable to be avoided or mitigated, ensure that any more than minor residual effects are offset or compensated to achieve no net loss.</li> </ul> Amend Rule 10.4.2.14A(a) as follows: <p>Specifies best practice tree removal protocols and mitigation for any potential roost trees that have been identified as needing to be removed, and methods to mitigate associated ecological effects. Where any ecological effects are unable to be mitigated, the Bat Management Plan shall set out methods to ensure that any more than minor residual ecological effects are offset or compensated to achieve a no net loss outcome.</p>	<b>Accept in part</b>
16.1	Bats	All	Not stated	Due to their critically endangered status, this makes the Hamilton long-tailed bat population important for national species	In the first instance, rejection of the plan change. Otherwise approve plan change with the comments, amendments and decisions sought as written by	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				management and conservation. This is the main reason we oppose the Proposed Private Plan Change. The proposal in its current form will not achieve section 6(c) of the RMA. The issues mentioned above also negatively impact most of our native species, this should also be taken into consideration with all management actions associated within this plan change.	the Forest and Bird Waikato Branch adopted.	
19.1	Bats	All	Oppose	The Assessment of Ecological Effects for bats is inadequate. For example, its findings focus on mature trees and shelters belts, without addressing the use of the site by bats for foraging and commuting. It does not appear that bat surveys were done during the breeding season of December/January or that adequate surveys were done on the Rukuhia Properties Limited property. We believe it is likely that bats may roost in neighbouring properties and use the affected area as	Decline the application in its current form.	<b>Reject</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				foraging grounds. A wider landscape approach to the assessment of impacts on bats is needed. We strongly believe that a more comprehensive assessment is needed to determine the true impact on bats of this plan change.		
20.1	Bats and habitat	10.2.5, Policy 10.3.2.2A, Appendix 18, Planning Map 19, Planning Map 49, Appendix N5.	Support in part	<p>Protection of long-tailed bats and their habitat is a core resource management issue to be recognised and provided for in PC20.</p> <p>The Director-General considers that any separate policy should focus on the maintenance, restoration, and enhancement of functional habitat for bats. The consequential provisions, and identification of significant habitat in planning maps, including the Airport Business Zone Structure Plan and Northern Precinct Map should implement 24.3.1.1, and/or the revised Policy 10.3.2.2A recommended by the Director-General.</p> <p>Will be necessary to spatially identify and protect all</p>	<p>Insert the following or words to the like effect:</p> <p><u>Protection of long-tailed bats and their habitat 10.2.5 Development within the Airport Business Zone has the potential to adversely affect the habitat and survival of the threatened, nationally critical long-tailed bat.</u></p> <p><u>The relevant provisions must recognise and provide for the identification and protection of significant bat habitat, in addition, consideration must be given to (but not limited to) the potential impact of lighting effects, noise and habitat loss on long-tailed bats.</u></p> <p>Delete: proposed policy 10.3.2.2A and reference Policy 24.3.1.1 Maintenance</p>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>roosting and foraging sites within the PC20 site and set aside additional areas of land for the movement of bats so that their core habitat remains functional and does not lose its significance. Mapping should occur through a collaborative approach with ecologists and other relevant stakeholders involved in accordance with WRPS Policy ECO-P3. There is also limited consideration of integrated management and how PC20 applies the Future Proof Strategy 2022 and no consideration of the Waikato Bat Alliance Strategy.</p>	<p>and enhancement of indigenous biodiversity in Section 10 –Airport Business Zone. If a new policy is considered necessary, the following or wording to like effect is requested:  <u>10.3.2.2A To achieve maintenance, restoration and enhancement of bat habitat in the Northern Precinct by:</u>  a) <u>Linking core bat habitat with corridors of natural open space</u>  b) <u>Buffering sensitive sites such as bat habitat and corridors from intensive land use, development and subdivision.</u> c)<u>Ensuring habitat for at-risk and threatened indigenous species is maintained, restored and enhanced.</u>  Amend Appendix 18 Titanium Park Airport Urban Business Zone Proposed Structure Plan (northern Precinct) Map to show SNA overlay and areas of reserve zoning, set aside as commuting habitat for bats.  Amend Planning Map 19 to</p>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>show bat habitat SNAs within the operative Airport Business Zone and Possible Future Airport Growth Area.</p> <p>Amend Planning Map 49 to show bat habitat SNAs within the operative Airport Business Zone and Possible Airport Future Growth Area.</p> <p>Amend Appendix N5 to add the additional SNAs.</p>	
23.10	Bats and habitat	All	Support in part	<p>The need for a coordinated regional approach to bat and bat habitat protection was recently highlighted through the resource consent process for the Amberfield development in Peacocke, and the recent Hamilton City Council Peacocke Plan Change 5 – Peacocke Structure Plan. Both processes emphasised the need to work more collaboratively and develop a unified approach to protecting bat habitat at a landscape scale.</p> <p>Hamilton City Council supports the Airport Plan Change, including measures that require an appropriate consideration of bat habitat</p>	<p>Bat mitigation measures be aligned to those planned for in Peacocke:</p> <p>Identification of the key bat habitats within and adjacent to the proposed urban areas and an understanding of how bats utilise those habitats.</p> <p>Adopting cross-discipline mechanisms and performance standards in urban design and construction to address direct and indirect effects on bat habitats.</p> <p>Implementation of vegetation removal protocols and strategies to avoid or mitigate adverse effect of the loss of trees for bats.</p> <p>Creation of ‘bat buffer zones’ adjacent to key habitats, at</p>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				protection, restoration and enhancement to assist in ensuring the continued presence of the Long-Tailed Bat in the area. This may include biodiversity mitigation, offset or compensation to address the loss of bat habitat.	least 20m wide with a 5m set back from buildings. Performance standards relating to artificial lighting and the design, composition, density and height of vegetation needed to create bat habitats, buffers and corridors.	
25.1	Bats and habitat	All	Oppose	The proposed plan provisions do not adequately mitigate offset or compensate for the loss of all bat habitats, including foraging and commuting habitats. The proposed plan provisions also do not provide enough specificity to ensure that the cumulative effects of land use change don't adversely affect bat habitats, including artificial lighting and commuting flyways.	Amend provisions of the proposed plan change to adequately mitigate offset or compensate for the loss of all bat habitats, including foraging and commuting habitats, as well as cumulative effects on bat habitats within the locality.	<b>Accept in part</b>

## 2.4 Topic 4: Biodiversity

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
07.1	Biodiversity	Section 10.2 Resource Management Issues	Oppose	No mention of the impacts on biodiversity except in passing i.e. 10.2.3. The new paragraph is needed in order to give effect to the RMA Section 6(c).	A new paragraph is added to 10.2 specifying that any development does not negatively impact on long-tailed bats being able to persist in this area, including cumulative impacts.	<b>Accept in part</b>

## 2.5 Topic 5: Climate Change

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
08.1	Climate Change	All	Oppose	Zoning rural land to business runs counter to one of the primary aims of New Zealanders and the NZ government in limiting climate change. The removal of vegetation directly decreases the uptake of CO2 and the replacement by concrete and asphalt will significantly contribute to local heat emission.	Rezoning of the rural land to business be denied. If the rezoning must go ahead, then provision for a green belt which offsets the heating/climate damage of the building materials and reading, and visual impact of the structures is undertaken. The green belt should be a minimum of 5m around the periphery of the site and planted with trees (including non-natives) rather than low level plants, and green islands (again trees rather than low lying vegetation) within the	<b>Accept</b>



Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					complex should be present.	
11.4	Transport/ Climate Change	All	Not stated	<p>There are further opportunities to effect real change in relation to integrated land use and transport planning, and the required reduction of transport emissions which are a major contributor to climate change. Embedding climate change policies and requirements into this plan change is critical to supporting the transformational change that is necessary to address the effects of climate change that is included in national and regional policy.</p> <p>We support the final row of the table within Rule 10.4.2.13A relating to walking and cycling and seek that this be retained. The construction of walking and cycling infrastructure prior to subdivision and development in the Northern Precinct will help to encourage travel behaviour that is less car-reliant and may avoid embedding the use of private motor vehicles to travel to and</p>	<p>a. Consider the internal road network and connectivity between the western and eastern sides of the airport to ensure there is easy and convenient access between the two locations.</p> <p>b. Add new objectives, policies, rules, and standards into the plan change to address climate change and carbon emission reduction goals in the context of increased industrial activity in this location/zone.</p> <p>c. Add provisions referencing CPTED principles and requiring provision of end of journey facilities and EV charging facilities, either in Section 10 –Airport Business Zone or Section 16 –Transportation (or other appropriate location within the plan).</p>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>from a large employment centre.</p> <p>There is no reference to climate change and the contribution that transport makes to emissions within the plan change. We suggest that new objectives, policies, rules, and standards be added into the plan to address climate change and carbon emission reduction goals in the context of increased industrial activity in this location/zone.</p> <p>We recommend references to CPTED principles be added to the plan change provisions. When implemented, these principles provide actual and perceived safety outcomes, and therefore encourage walking and cycling.</p>		
16.2	Climate Change	All	Not stated	By protecting and enhancing the floristic habitat through both retaining existing and increasing the planting within this area these actions will assist with mitigating climate change.	Not stated	<b>Accept</b>
18.2	Emissions	All	Supports	PPPC20 is located close to planned and existing	Clarification and/or commitment from the applicant	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>residential areas to the south of the city and therefore can undertake mitigation to improve its ability to reduce reliance on private car travel to and from the site. However, it is acknowledged that due to the industrial uses on the site, vehicular access will still be important and therefore the assessment of effects in the submitted ITA is considered to be suitably conservative around the impact of the proposal at intersections and the required mitigation approach.</p>	<p>is requested in relation to:</p> <ul style="list-style-type: none"> <li>▪ The mechanism for funding, designing and implementing the single and dual lane roundabouts at SH21/Raynes Road as included in Table 9 Item 2 of the ITA (and subsequently proposed Rule 10.4.2.13A) and confirmation that there is sufficient land under the control of the applicant or Waka Kotahi to accommodate the roundabouts.</li> <li>▪ The mechanism for funding / implementing a multilane roundabout at SH3/Raynes Road and the inclusion of such as a line in Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Confirming that the delivery of the SH3/GTL access is achievable within land under the</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>control of the applicant or Waka Kotahi.</p> <ul style="list-style-type: none"> <li>▪ The mechanism for Waka Kotahi to retain oversight and approval of the Raynes Road restricted movement access, and the retention of this as a restricted intersection into the future.</li> <li>▪ Further detail on the Tamahere Intersection operation and possible mitigations to address the level of service decline.</li> <li>▪ The inclusion of references to the infrastructure support for Public Transport and active mode access between the Airport Precincts within Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Justification of the GFA quantum for non-ancillary retail activities located in the Northern Precinct.</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
19.3	Climate change	All	Oppose	We found no reference to climate change or transport emissions within the plan change. Surely, if increased industrial activity is being facilitated by this plan change it should include provisions to address climate change and carbon emission reduction goals. New Zealand must include climate change in all policy documents or plan changes to help achieve the transformational changes necessary to avoid climate disaster.	Decline the application in its current form.	<b>Reject</b>

## 2.6 Topic 6: Construction

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
18.8	Construction	All	Supports	The scale of the proposed change has the potential for some construction activities to have a significant impact on the network external to the PPPC20 area. This is a concern that can be raised through subsequent Resource Consent	Clarification and/or commitment from the applicant is requested in relation to: <ul style="list-style-type: none"> <li>The mechanism for funding, designing and implementing the single and dual lane roundabouts at</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>processes, but equally given the high speed environment and relatively poor access points in their existing form, a formalisation of the need for adequate construction planning that includes Waka Kotahi would be beneficial.</p>	<p>SH21/Raynes Road as included in Table 9 Item 2 of the ITA (and subsequently proposed Rule 10.4.2.13A) and confirmation that there is sufficient land under the control of the applicant or Waka Kotahi to accommodate the roundabouts.</p> <ul style="list-style-type: none"> <li>▪ The mechanism for funding / implementing a multilane roundabout at SH3/Raynes Road and the inclusion of such as a line in Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Confirming that the delivery of the SH3/GTL access is achievable within land under the control of the applicant or Waka Kotahi.</li> <li>▪ The mechanism for Waka Kotahi to retain oversight and approval of the Raynes Road restricted movement</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>access, and the retention of this as a restricted intersection into the future.</p> <ul style="list-style-type: none"> <li>▪ Further detail on the Tamahere Intersection operation and possible mitigations to address the level of service decline.</li> <li>▪ The inclusion of references to the infrastructure support for Public Transport and active mode access between the Airport Precincts within Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Justification of the GFA quantum for non-ancillary retail activities located in the Northern Precinct.</li> </ul>	

## 2.7 Topic 7: Ecological Management Plan

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
07.3	Ecological Management Plan	Rule/s 10.4.2.14A	Oppose	As above.	The Bat Management Plan is to be developed by a qualified, specialist bat ecologist, in consultation with a bat ecologist appointed by DOC. Identifying roost trees to be conducted over all 4 seasons and several years. The use of other trees in the landscape for commuting and foraging purposes also needs to be identified; also, over all 4 seasons and several years. Historic use by bats of trees recently removed from the area needs to be reviewed; and where this is deemed to have been important for bats, these trees are to be replaced. Commuting / migratory pathways are to be identified over 4 seasons and over several years, in order that these can be protected from light spill and other interference to bats such as roading. Hop overs are to be avoided. The use of other landscape features, such as pasture, for foraging also needs	<b>Accept in part</b>



Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					to be identified; also, over all 4 seasons and several years. Tree removal is very much a last resort. Mitigation of the loss of such trees needs to be planned for decades ahead, for example by planting replacement habitat trees sufficiently well ahead of any felling of existing trees that they are mature enough to provide bat habitat by the time existing trees are felled. Night-time noise to be limited to [as determined by a qualified bat ecologist] dB Offsetting for bats is unlikely to be effective, and should not be being considered	

## 2.8 Topic 8: Elite Soils

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
01.3	Elite soils	All	Oppose	Soils in this area are flat and fertile and are currently used for growing maize as well as for grazing. NZ is facing a crisis of loss of high-quality soils close to cities, and councils have been asked to identify these soils and put a plan in place to prevent their loss to	Council to reject the proposal.	<b>Reject</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				development.		
11.2	High class soils	All	Not stated	The WRPS seeks to avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development (LF-05, LF-P11). The above provisions are relevant to the proposed plan change given the proposal to rezone an area of high class soils from Rural to Airport Business Zone. However, they have not been assessed within the plan change application. The application mentions that the land is currently used for low-value rural purposes, is already fragmented, and will become further fragmented by Southern Links in the future. We do not consider this to be sufficient justification for removing high class soils from productive use. The application does not clarify what is meant by 'low-value rural' purposes.	A robust assessment of the proposed plan change be undertaken against both the WRPS provisions relating to high class soils and the NPS-HPL.	<b>Accept</b> – assessment undertaken
16.3	Productive soils	All	Not stated	We support that re-zoning, subdivision or redevelopment be avoided until such time as a report to address the effect of the NPSHPL on PC20.	Not stated	<b>Accept</b> – assessment undertaken

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
19.2	Productive soils	All	Oppose	The National Policy Statement for Highly Productive Land (NPS-HPL) is now in effect to protect highly productive land for use in primary production. The proposed plan change needs to consider and address the relevant objectives, policies, and methods of the NPS-HPL. The Waikato Regional Policy Statement also has provisions related to soils that do not seem to have been considered in the proposal.	Decline the application in its current form.	<b>Reject</b>

## 2.9 Topic 9: Environmental Offsetting

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
20.3	Environmental offsetting	All	Support in part	The principles for biodiversity offsetting and biodiversity compensation in Appendices 3 and 4 of the NPSIB exposure draft are reflective of the Business and Biodiversity Offsets Programme (BBOP), similar guidance for aquatic ecosystems in the NPS-FM2020 and the Local Government Biodiversity Offsetting Guidance	Insert a method to ensure proposals for biodiversity offsetting and biodiversity compensation are in accordance with appropriate criteria, such as the principles in appendices 3 and 4 of the NPSIB exposure draft.	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>document.</p> <p>As the management plan approach proposed in PC20 may require the management of significant residual effects inclusion of biodiversity offsetting and compensation guidance is considered necessary.</p> <p>If financial contributions are necessary to fund any biodiversity offsetting or compensation this should be clearly signaled through a transparent planning framework, in PC20 provisions, as required under section 77E of the RMA.</p>		

## 2.10 Topic 10: Funding

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
09.3	Funding of infrastructure works	All	Oppose	There is insufficient certainty with respect to funding for the SH3/Ingram Road intersection indicated as residing with Waka Kotahi and Waipa District Council	Not specified.	<b>Reject</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
18.9	Funding	All	Supports	Construction of any infrastructure on the State Highway network is subject to design review and acceptance by Waka Kotahi through the Corridor Access Request process, as well as the signing of a Developer Agreement that sets out the protocols for planning and construction. The applicant will need to allow sufficient time to enter into any Developer Agreement and work through the design details ahead of construction. Waka Kotahi is interested in how the applicant and Council will monitor the percentage of development so that there is appropriate lead in time ahead of triggers for infrastructure being met. It is again noted that Waka Kotahi has no discretionary budget for the proposed infrastructure, including detailed design.	Clarification and/or commitment from the applicant is requested in relation to: <ul style="list-style-type: none"> <li>The mechanism for funding, designing and implementing the single and dual lane roundabouts at SH21/Raynes Road as included in Table 9 Item 2 of the ITA (and subsequently proposed Rule 10.4.2.13A) and confirmation that there is sufficient land under the control of the applicant or Waka Kotahi to accommodate the roundabouts.</li> <li>The mechanism for funding / implementing a multilane roundabout at SH3/Raynes Road and the inclusion of such as a line in Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<ul style="list-style-type: none"> <li>▪ Confirming that the delivery of the SH3/GTL access is achievable within land under the control of the applicant or Waka Kotahi.</li> <li>▪ The mechanism for Waka Kotahi to retain oversight and approval of the Raynes Road restricted movement access, and the retention of this as a restricted intersection into the future.</li> <li>▪ Further detail on the Tamahere Intersection operation and possible mitigations to address the level of service decline.</li> <li>▪ The inclusion of references to the infrastructure support for Public Transport and active mode access between the Airport Precincts within Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<ul style="list-style-type: none"> <li>Justification of the GFA quantum for non-ancillary retail activities located in the Northern Precinct.</li> </ul>	

## 2.11 Topic 11: Land Supply

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
01.4	Land supply	All	Oppose	Latent demand for industrial land – with the implication this demand would not be met by the Ruakura development. At 490ha, surely this is more than enough space in the region to meet demand.	Council to reject the proposal.	<b>Reject</b>
04.1	Land supply	All	Support	We support a community development initiative.	Re-zoning of 141 Middle Road from Rural to Industrial zoning.	<b>Accept</b>
06.6	Land supply	All	Oppose	There is already enough commercial land in the Waipa District around Te Awamutu and Cambridge without increasing this in the northern precinct.	Not stated	<b>Reject</b>
08.2	Land supply	All	Oppose	There are already commercial hubs at Ruakura and Horotiu, and to minimise transport emissions, a single site is preferable to numerous sites	Rezoning of the rural land to business be denied. If the rezoning must go ahead, then provision for a green belt which offsets the heating/climate	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				scattered over the Waikato.	damage of the building materials and reading, and visual impact of the structures is undertaken. The green belt should be a minimum of 5m around the periphery of the site and planted with trees (including non-natives) rather than low level plants, and green islands (again trees rather than low lying vegetation) within the complex should be present.	
26.1	Land supply	All	Support	The request will expand an existing urbanised area and will enable agglomeration benefits to occur which arise by increasing economic activities to cluster together. This clustering of economic activity can help to reduce transport costs and lift the average productivity of firms (for example through sharing of labour, specialised assets, and ideas).	The Proposed Private Plan Change 20 be approved.	<b>Accept</b>



## 2.12 Topic 12: Landscape Planting

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
07.5	Landscape planting	Rule/s 10.4.2.14A	Oppose	Trees need to be of a certain size before they are useful to bats for roosting or other functions such as commuting pathways. If they are not planted early enough they will not reach this size in time. If they are not maintained over time, they may cease to be functional for bats.	Ecological recommendations for landscape planting to be implemented throughout the precinct, including specimen, sizing and design requirements to encourage long-tailed bat foraging and/or commuting. The time frame for planting also needs to be specified, in order that they reach a size functional for bats before any works commence. There also needs to be a requirement for maintaining these plantings over the long-term.	<b>Accept in part</b>

## 2.13 Topic 13: Lighting

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
07.4	Light Management Plan	Rule(s) 10.4.2.14A	Oppose	This section requires a lot more detail; and the Lighting Management Plan needs to be included as an integral part of the Bat Management Plan. Appropriate lighting levels and distances from roost trees, commuting pathways, hop-overs and foraging areas to be	A Lighting Management Plan be applied to on lot development within a 20m corridor applied from identified external boundary extents of the precinct and within the Hub. The Lighting Management Plan shall establish a dark zone within this area for the purpose	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				determined by a suitably qualified bat ecologist and written into the Bat Management Plan. Light sources that impact bats are not just street lights.	of contributing to the long-tailed bat flyway network, and provide lighting outcomes (which could include, but are not limited to, specifying low light levels / directional lighting) that any lots within these dark areas must comply with. This section needs to include: Light levels of no more than 0.1 lux at [as determined by a qualified bat ecologist]m from roost trees, commuting pathways and foraging areas, including existing trees and the shelterbelts which are to be replanted. Light from car headlights, security lights and other light sources must be taken into account in this plan.	
10.1	Lighting	All	Support with condition	We are keen to retain and promote 'Dark Skies' and oppose any visual darkness deterioration.	Significant restrictions are incorporated into the Plan to ensure minimal if no additional light emission/glare from buildings and or road access ways. i.e. light from both reflective sunlight and night lighting incorporating: a). Non-reflective and darkened outer claddings and non-reflective glass on buildings, b). Outdoor lighting at low level	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					only, c). Roadway lighting at low level only. d). Tall dense tree planting along Northern and Western boundaries. Include regular monitoring, measuring, and publicly reporting of the restrictions.	
20.2	Lighting	10.4.2.14A	Support in part	Lighting Management Plan (LMP) defers protection of significant bat habitat to the consent application stage, with no certainty as to how development will avoid, remedy and mitigate adverse ecological effects as is required by the higher order policy instruments and the RMA. Bespoke provisions, including performance standards are required for the management of lighting effects on bats. The spatial extent of the “lighting management plan area”, 20m buffer and deferment of lighting effects management to the LMP are considered insufficient to avoid, remedy or mitigate potential lighting effects on bats.	Insert wording in Section 10 Airport Business Zone to explain that the rules in 24.4., including 24.4.1 –Activity Status Table, will apply. For activities that will be proposed outside of SNAs or Bat Habitat Corridors, Rule 10.4.2.14A is still required. The Director-General seeks amendments to Rule 10.4.2.14A to ensure the EMP (and BMP, LMP contained therein): <ul style="list-style-type: none"> <li>▪ Have an objective specified in the PC20 provisions against which its effectiveness can be measured.</li> <li>▪ Extend beyond roosting sites and manage effects on foraging and commuting sites to protect the</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>functionality of core bat habitat.</p> <ul style="list-style-type: none"> <li>▪ The Ecology, Bat and Lighting management plan be prepared by the same suitably qualified ecologist/s to ensure they integrate to achieve the specified objective.</li> <li>▪ The Ecology, Bat and Lighting management plan be peer reviewed by DOC and WRC ecologists.</li> <li>▪ Consider roosting tree removal as a last resort but include best practice tree removal protocols and mitigation for any potential trees that have been identified for removal.</li> <li>▪ Set out how protected, restored or enhanced habitat will link to other areas immediately outside of the PC20 site. It is important that connectivity to the wider landscape is accounted for.</li> </ul> <p>Insert the following or wording to like effect: Bespoke provisions to manage lighting effects on bats across</p>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>the proposed Airport Business Zone. Performance standards should include, at minimum, a requirement that light (lux) levels will not exceed 0.1 lux at the boundary of any area set aside for bat protection, including any such SNAs and/or corridor, as recommended in the Eurobats Guidelines for consideration of bat in lighting projects.</p> <p>Performance standards should manage colour temperature, directing that fixed lighting in the Airport Business Zone will be white and not exceed 2700 kelvins with as little blue light as possible. All lighting should emit zero upward light, be installed with the light emitting surface directly down and be mounted as low as practical.</p> <p>The D-G requests other lighting effects mitigation such as low-reflectance surfaces, light trespass from windows, luminous intensity, luminance, screening from vehicle headlights, and flicker also be addressed in provisions.</p>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
22.3	Lighting	All	Oppose	Ecologically sensitive lighting needs to be used to minimise adverse effects on birds, bats and aquatic/terrestrial insects.	Only undertake development if Low impact lighting systems are included	<b>Accept in part</b>

## 2.14 Topic 14: Noise

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
06.5	Noise	All	Oppose	The plan doesn't indicate mitigation against noise levels emitted from the new proposed commercial area and business. The removal of one of the hills on the farm on Narrows Road will allow higher noise level to protrude across the district.	Not stated	<b>Reject</b>
10.2	Noise	All	Support with condition	Noise restrictions are incorporated into the Plan.	Incorporate suitable restrictions on daytime noise emissions and incorporate curfews on night time operations and truck movements. Include regular monitoring, measuring, and publicly reporting of the restrictions.	<b>Reject</b>

## 2.15 Topic 15: Pest Control

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
07.6	Pest control	Rule/s 10.4.2.14A	Oppose	Roads bring pests. People and our food waste (lunch scraps etc.) bring pests.	Pest control needs to be part of the Ecological Management Plan, covering all the introduced predators of bats: rats, stoats, cats and possums.	<b>Accept in part</b>

## 2.16 Topic 16: Retail Activities

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
18.7	Retail activities	All	Supports	There is the potential for non-industrial related activities in the Airport Business Zone to compete with existing and planned retail centres in relatively close proximity within the Hamilton City urban area. It is important that the vitality of existing local centres is maintained and enhanced, and not eroded by out of centre activities occurring in the Northern Precinct.	Clarification and/or commitment from the applicant is requested in relation to: <ul style="list-style-type: none"> <li>The mechanism for funding, designing and implementing the single and dual lane roundabouts at SH21/Raynes Road as included in Table 9 Item 2 of the ITA (and subsequently proposed Rule 10.4.2.13A) and</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>The GFA of non-ancillary retail activities located in the Northern Precinct be limited to support only the day to day needs of the work force and visitors within the plan change area to reduce the likelihood of the retail area drawing customers away from local amenities in Hamilton City, and to minimise the associated trip generation.</p>	<p>confirmation that there is sufficient land under the control of the applicant or Waka Kotahi to accommodate the roundabouts.</p> <ul style="list-style-type: none"> <li>▪ The mechanism for funding / implementing a multilane roundabout at SH3/Raynes Road and the inclusion of such as a line in Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Confirming that the delivery of the SH3/GTL access is achievable within land under the control of the applicant or Waka Kotahi.</li> <li>▪ The mechanism for Waka Kotahi to retain oversight and approval of the Raynes Road restricted movement access, and the retention of this as a restricted intersection into the future.</li> <li>▪ Further detail on the Tamahere Intersection operation and possible</li> </ul>	



Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>mitigations to address the level of service decline.</p> <ul style="list-style-type: none"> <li>▪ The inclusion of references to the infrastructure support for Public Transport and active mode access between the Airport Precincts within Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Justification of the GFA quantum for non-ancillary retail activities located in the Northern Precinct.</li> </ul>	
23.5	Retail activities	All	Support in part	<ul style="list-style-type: none"> <li>▪ The plan change area and wider Airport node is of significant strategic importance regionally.</li> <li>▪ The composition of industrial activities must be complementary to the airside and aeronautical related activities.</li> <li>▪ The industrial activities which occur in the PC20 area must be complementary to one-another</li> </ul>	<ul style="list-style-type: none"> <li>▪ Develop Airport specific plan provisions through a precinct plan approach or other planning method to control activities to ensure only high-value and high amenity industrial activities are enabled such as logistics, specialised manufacturing and airside related activities.</li> <li>▪ Prevent “dirty industrial” activities from occurring.</li> <li>▪ Consider provisions related to setbacks,</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<ul style="list-style-type: none"> <li>▪ Due to the proximity of Hamilton Airport to Hamilton City's urban area, there is a high degree of co-dependence and interrelationship of land-use activities and functions.</li> <li>▪ Retail activities occurring in the Airport Business zone for non-industrial related purposes</li> </ul>	<ul style="list-style-type: none"> <li>▪ building height, landscaping, hard-stand quantum's and internal site layout to ensure only high-value industrial activities occur and visual amenity is enhanced</li> <li>▪ Residential and accommodation related activities are 'non-complying'.</li> <li>▪ Ancillary retail activity shall not occupy more than 10% of GFA of the principal activity on the site.</li> <li>▪ Office activities are 'non-complying' and ancillary offices are capped and/or controlled.</li> <li>▪ The quantum of retail activities are capped to support only the day to day needs to the work force and visitors within the plan change area.</li> <li>▪ Limit maximum GFA in the northern precinct to a quantum which is commensurate with the local demand created by</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>the day-to-day industrial activities as part of the PC20</p> <ul style="list-style-type: none"> <li>▪ To justify the GFA quantum, a centres assessment and demand analysis is undertaken based on the profile of industrial activities which are likely to locate in the Northern Precinct and the number of employees who are likely to be working there.</li> <li>▪ Update on how much retail GFA has been consented already out of the 5,300 in the Airport Business Zone</li> <li>▪ Stage to retail development to ensure it is appropriately sequenced with the stages of the industrial development so local services and amenity are available from an early stage</li> <li>▪ Ensure retail activities enabled are proportionate</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					to the quantum of employment activities.	

## 2.17 Topic 17: Stormwater Management

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
05.3	Stormwater management / groundwater	All	Oppose	Land in this area is subject to a high-water table and is serviced by a variety of ditches, some flowing to the river via adjacent properties. There needs to be a plan for retention of water to moderate flows for the increased surface water anticipated.	Developers coordinate with neighbours regarding stormwater flows.	<b>Reject</b>
06.2	Stormwater management / groundwater	All	Oppose	It is noticeable already with what has been developed at the northern end that the water table levels on our properties are rising dramatically and this has not been factored in.	Council to reject the proposal.	<b>Reject</b>
12.7	Stormwater management	All	Oppose	Stormwater solutions do not consider wider catchment (comprehensive stormwater) and effect of future Waka Kotahi Road works (overlay shows this will compromise	Require specific outcomes from Waka Kotahi's new Highway works as a condition of Northern Precinct Expansion.	<b>Reject</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				proposed solution) and other developments in wider catchment.		
22.1	Water quality	All	Oppose	Sewage and industrial waste disposal. Our drinking water supply for our dwelling is from groundwater. The aquifer supplying our house is in the likely downstream area for this industrial development. The very large number of proposed industrial sites will be highly likely to contaminate groundwater and surface waters with chemicals and microbial contaminants unless full reticulated treatment systems are in place. Surface waters are also at very high risk from untreated stormwater runoff.	Only undertake development if fully reticulated wastewater and stormwater treatment systems can be provided.	<b>Accept in part</b>
23.11	Stormwater	All	Support in part	Te Ture Whaimana is the primary direction setting document of the Waikato. As such, HCC support the inclusion of low impact urban design principles into this plan change which support the health and wellbeing of the Waikato River, its tributaries	Planning provisions which manage the effects of stormwater and wastewater on the Waikato River and give effect to Te Ture Whaimana.	<b>Accept</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				and catchment.		

## 2.18 Topic 18: Timing & Sequencing

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
05.4	Timing and sequencing	All	Oppose	The Southern Links project has been postponed indefinitely and planning north of the Northern Precinct should be a Waipa District Plan consideration.	No decisions be made about areas outside of the Northern Precinct's northern boundaries until the new Waipa District Plan is discussed and there is no more information regarding Southern Links (particularly the Eastern arm of the project).	<b>Reject</b>
09.2	Timing & sequencing	All	Oppose	There is insufficient certainty with respect to the timing of the proposed intersection.	Not specified.	<b>Reject</b>
11.1	Future Proof Strategy	Rule 10.4.2.11A	Not stated	More detailed assessment of the plan change is needed in relation to Topic UFD –Urban Form and Development of the WRPS, and an assessment be prepared in relation to the Proposed Change 1 -National Policy Statement on Urban	a. That a more detailed assessment of the proposed plan change be undertaken in relation to Topic UFD –Urban Form and Development of the WRPS and the assumptions within the	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>Development 2020 and Future Proof Strategy update to the WRPS which was notified on 18 October 2022.</p> <p>The plan change proposes a total gross floor area (GFA) of 5,000m<sup>2</sup> for non-ancillary retail activities located within the Northern Precinct under new Rule 10.4.2. 11A.This is in addition to the 5,300m<sup>2</sup> of GFA for non-ancillary retail activities provided for elsewhere in the Airport Business Zone under Rule 10.4.2.11. We are concerned that this GFA is significantly higher than that required to provide for the day-to-day needs of workers within the zone and has potential to undermine the centres hierarchy within Future Proof and the WRPS due to both the total GFA proposed and the potential size of individual retail units this would allow for. The amount of GFA proposed to be available to non-ancillary retail activities also represents an inefficient use of industrial land.</p>	<p>Economic Assessment be clarified to assist this.</p> <p>b. Amend Rule 10.4.2.11A to reduce the total GFA for non-ancillary retail activities to only the level necessary to cater to the day-to-day needs of workers and people visiting the precinct for business purposes.</p> <p>c. That an assessment of the proposed plan change be undertaken in relation to the Proposed Change 1 -National Policy Statement on Urban Development 2020 and Future Proof Strategy update to the WRPS.</p>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				It is strongly recommended that the plan change comprehensively considers the out of sequence development criteria within APP13.		
12.6	Sequencing and timing	All	Oppose	The plan change submission refers future development rights and an extension of industrial land area towards the Neighbourhood Centre - but no assessment of effects included.	Confirm/limit future growth of Precinct alluded to in submission.	<b>Reject</b>
18.3	Sequencing & timing	All	Supports	In light of the form and function review being undertaken for Southern Links, and the potential for this to lead to an amended proposal to come forward, the ability or desirability to provide for this additional direct connection has not been assessed. It would seem prudent to consider this in the review, but for the purposes of the current proposal Waka Kotahi recommend that the assessment be based on a no connection future scenario.	Clarification and/or commitment from the applicant is requested in relation to: <ul style="list-style-type: none"> <li>The mechanism for funding, designing and implementing the single and dual lane roundabouts at SH21/Raynes Road as included in Table 9 Item 2 of the ITA (and subsequently proposed Rule 10.4.2.13A) and confirmation that there is sufficient land under the control of the applicant or Waka Kotahi to</li> </ul>	<b>Accept in part</b>



Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>accommodate the roundabouts.</p> <ul style="list-style-type: none"> <li>▪ The mechanism for funding / implementing a multilane roundabout at SH3/Raynes Road and the inclusion of such as a line in Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Confirming that the delivery of the SH3/GTL access is achievable within land under the control of the applicant or Waka Kotahi.</li> <li>▪ The mechanism for Waka Kotahi to retain oversight and approval of the Raynes Road restricted movement access, and the retention of this as a restricted intersection into the future.</li> <li>▪ Further detail on the Tamahere Intersection operation and possible mitigations to address</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>the level of service decline.</p> <ul style="list-style-type: none"> <li>▪ The inclusion of references to the infrastructure support for Public Transport and active mode access between the Airport Precincts within Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Justification of the GFA quantum for non-ancillary retail activities located in the Northern Precinct.</li> </ul>	
23.1	Sequencing and timing	All	Support in part	Full or staged delivery of Southern Links is a key enabler for future expansion of the Airport Precinct. Without this new corridor being fully constructed the local road networks performance may be compromised through additional demand created by the Northern Precinct build-out.	<ul style="list-style-type: none"> <li>▪ Re-modelling is undertaken to update the baseline based on current demand and various scenarios are run based on different land-use activities within Northern Precinct.</li> <li>▪ Confirm if modelling takes account of the build-out of Peacocke (Plan Change 5)</li> <li>▪ Based on revised modelling scenarios, re-consider plan change</li> </ul>	Reject

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					triggers, based on Northern Precinct build-out relative to Sothern Links construction.	

## 2.19 Topic 19: Traffic

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
01.2	Traffic	All	Oppose	Raynes Road is an accident hotspot and there have been recent fatal accidents at both ends, where it connects to SH 3 Ohaupo Rd and to Airport Rd. Not seen as a good idea to put more traffic onto Raynes Rd. Would be trucks as well as cars of workers. Visibility is poor turning into and out of Lowe Rd onto Raynes Rd and accidents at this intersection are likely to increase. People will still use Raynes Rd/ Airport Rd as a shortcut to SH1 Waikato Expressway. The increase in traffic at these high-speed intersections will significantly increase the risk of additional fatal accidents.	Council to reject the proposal. If it does go ahead, would like the timing to be delayed until the Southern Links roading upgrade is in place so traffic will not be added to the current dangerous situation.	<b>Reject</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
02.1	Traffic	All	Oppose	Mystery Creek Road has already seen significant increases in traffic and in particular heavy traffic. There is no doubt this will further increase, particularly given the road is viewed as a shortcut for trucks and private vehicles. The road is struggling to cope now, let alone with additional traffic. The state of the full length of Mystery Creek Road from Airport Road needs attention and all surfaces, repairs undertaken and ground movement. The bridge towards the intersection at Airport Road is also in need of urgent upkeep, and is unsafe for motorists and pedestrians.	<ol style="list-style-type: none"> <li>1. Complete the upgrade of road to that of a main road including cycling lane and upgrade of bridge; or</li> <li>2. Speed limit of 60km for length of road with speed bumps to deter traffic from using as a main road; or</li> <li>3. Some other suggestion from Council to deter road being used as a main road</li> </ol>	<b>Reject</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
03.1	Traffic	All	Oppose	Item 4 point 1 of Plan Change: Transport effects on the wider road network. Raynes Road has significant congestion which will be exacerbated by increased traffic. Health and safety concerns for the risk and recent occurrence of fatal accidents. Intersections need upgrading to meet traffic demands and reduce risk of fatal incidents.	Modern roundabouts at each end of Raynes Road would be the responsible health and safety (OSH) response. Saying that this safety issue will be sorted when the Southern Links is implemented, simply isn't good enough. Intersection upgrades are required.	<b>Accept in part</b>
05.1	Traffic	All	Oppose	The Northern Precinct development does not need access/egress to Middle Road to operate successfully. This proposed amendment is ambiguous. The residential neighbours wish to maintain their present lifestyle without extra traffic on a rural road.	Clauses S10.2, subclause 2.1 and clause 10.4.2.10 of the Waipa District Plan remain as defined and no amendment made.	<b>Reject</b>
06.4	Traffic	All	Oppose	The traffic impacts on surrounding roads will be major.	Council to reject the proposal.	<b>Reject</b>
09.1	Intersection design (SH3/Ingram Road)	All	Oppose	There is insufficient certainty with respect to the design form concept for the staged transport infrastructure works at the SH3/Ingram Road intersection.	Not specified.	<b>Reject</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
09.4	Traffic	All	Oppose	The Structure Plan will generate additional traffic movement demands on the SH3 corridor past the Ingram Rd intersection.	Not specified.	<b>Reject</b>
12.3	Traffic	All	Oppose	Traffic control measure to limit traffic to Raynes Road questionable	Development shall be limited until State Highway Rd works undertaken to minimise effect of increased traffic flow on local community unless further explanation as to how traffic generation mitigation measures actually achieved.	<b>Reject</b>
18.4	Traffic	All	Supports	State Highway 21/Raynes Road intersection: <ul style="list-style-type: none"> <li>To protect the intersection from declining safety and efficiency from increasing development related trips to and from Raynes Road, and increased through traffic on SH21, an existing MOA agreed that the Raynes Rd/SH21 intersection shall be upgraded by the Airport (at that time being the Joint Venture) at such time that either delays or the injury crash rate at the intersection exceed the</li> </ul>	Clarification and/or commitment from the applicant is requested in relation to: <ul style="list-style-type: none"> <li>The mechanism for funding, designing and implementing the single and dual lane roundabouts at SH21/Raynes Road as included in Table 9 Item 2 of the ITA (and subsequently proposed Rule 10.4.2.13A) and confirmation that there is sufficient land under the control of the applicant or Waka Kotahi to</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>values identified in the MOA. It is however acknowledged that the MOA was prepared in 2010 and as such is no longer entirely fit for purpose.</p> <p>State Highway 3/Raynes Road</p> <ul style="list-style-type: none"> <li>The roundabout is anticipated to have a single lane on the State Highway 3 approaches, and therefore not provide the capacity to allow for the additional through trips related to PPPC20. An additional line should be added to Table 9 of the ITA (as 3b) (and corresponding table in Rule 10.4.2.13A) to refer to the provision of the additional lanes by the applicant, essentially mirroring item no. 2 for SH21/Raynes Road. <p>State Highway 3/Northern Precinct Spine Road (GTL)</p> <ul style="list-style-type: none"> <li>It is unclear if the concept design can be provided within the road reserve or</li> </ul> </li></ul>	<p>accommodate the roundabouts.</p> <ul style="list-style-type: none"> <li>The mechanism for funding/implementing a multilane roundabout at SH3/Raynes Road and the inclusion of such as a line in Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>Confirming that the delivery of the SH3/GTL access is achievable within land under the control of the applicant or Waka Kotahi.</li> <li>The mechanism for Waka Kotahi to retain oversight and approval of the Raynes Road restricted movement access, and the retention of this as a restricted intersection into the future.</li> <li>Further detail on the Tamahere Intersection operation and possible mitigations to address the level of service decline.</li> <li>The inclusion of references to the infrastructure support for</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>requires land outside of the control of the Applicant or Waka Kotahi. Clarity on this issue is required to understand the viability of the infrastructure proposals to support access for PPPC20. However, the proposals for the access have been predicted to provide the appropriate level of capacity, and also to provide layouts that we would expect to deliver appropriate safety for all users.</p> <p>Raynes Road Access</p> <ul style="list-style-type: none"> <li>▪ There is the potential for increased load on the SH3/Raynes Road intersection, above that currently assessed. This could be challenging due to the land available to increase the size (capacity) of the roundabout at this location.</li> </ul> <p>Other intersections: The Tamahere interchange is the one that identifies the</p>	<p>Public Transport and active mode access between the Airport Precincts within Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</p> <ul style="list-style-type: none"> <li>▪ Justification of the GFA quantum for non-ancillary retail activities located in the Northern Precinct.</li> </ul>	



Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				worst level of service according to the ITA. Some further understanding of the factors leading to this modelled queue is required, the potential diversion routes that drivers may take, and the potential to mitigate the safety risk at the north-east roundabout. Whilst a Level of Service of E is proposed at the southwest roundabout in 2031, we consider that this level of delay is not beyond that which would be expected, and unlikely to lead to a safety risk significantly above any similar roundabout.		
21.1	Traffic	Section 10 Objectives and Policies	Support in part	The roading infrastructure in the area needs to be upgraded to not only support the expansion of the Airport Business Zone, but also the existing and ongoing activities associated with the Mystery Creek Events Centre. The inclusion of these policies will further ensure that future developments need to take to account and avoid/mitigate any potential	The objectives and policies listed in Section 10 –Airport Business Zone be amended and propose the following policies to be included: 1) “Future industrial development shall take into account the existing operation and functionality of the Mystery Creek Events Centre. Any potential adverse effects on the existing and future operation of the Mystery	<b>Reject</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				adverse effects of the functionality of NZNFS.	Creek Events Centre shall be avoided". 2) "Future development of the Northern Precinct cannot adversely impact on the safety and functionality of the existing roading infrastructure." This proposed policies will fall under the wider objective relating to the envelopment of the Northern Precinct.	
22.2	Traffic	All	Oppose	Traffic density. (i) Raynes Road currently has no walking paths or safe provision for cycle use. The suitability for recreational use will be greatly reduced with traffic density increases associated with this proposed development. (ii) Peak time traffic density will also challenge the current roading infrastructure for access to local highways. The intersections and road widening will need to be improved.	Only undertake development if Cycle and walkways are provided along Raynes Road and Airport Road to connect with Hamilton/Cambridge cycleways. Improved roading infrastructure for local highway access.	<b>Accept in part</b>

## 2.20 Topic 20: Transportation

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
05.2	Pedestrian access	All	Oppose	Pedestrian access to Narrows and Middle Road is not necessary for the functioning of the Northern Precinct business.	No pedestrian or vehicle access be allowed to Narrows or Middle Road	<b>Reject</b>
09.5	Walking & cycling	All	Support with condition	The proposed walking/cycling link along the east side of SH3 linking the Northern Precinct with the Western Employment Precinct of Titanium Park appears to stop at Ingram Road and should be established to provide safe connectivity over the full length between the two precincts including either along the full length of Ingram Road or an alternative route.	Not specified.	<b>Accept</b>
18.5	Transport (Public)	All	Supports	It is expected that the ability to provide access for public transport and active modes is demonstrated, and the phasing of infrastructure is shown in the same way as that to support other vehicular traffic. The ITA identifies some of the opportunities that could be	Clarification and/or commitment from the applicant is requested in relation to: <ul style="list-style-type: none"> <li>The mechanism for funding, designing and implementing the single and dual lane roundabouts at SH21/Raynes Road as</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>offered to support public transport access, and whilst this would require the collaboration of Waikato Regional Council, Waipa DC and Hamilton City Council, the applicant could assist to support and facilitate the delivery of the public transport services in several ways.</p> <p>The best mechanism to provide for this would be for inclusion of Public Transport infrastructure within the Staging of Transport Infrastructure Table 9 (and Rule 10.4.2.13A) alongside that for private vehicles. Waka Kotahi supports the provision of a public transport link via Faiping Road and Middle Road, whilst noting that this may add complexity to the construction sequencing for Southern Links.</p>	<p>included in Table 9 Item 2 of the ITA (and subsequently proposed Rule 10.4.2.13A) and confirmation that there is sufficient land under the control of the applicant or Waka Kotahi to accommodate the roundabouts.</p> <ul style="list-style-type: none"> <li>▪ The mechanism for funding/implementing a multilane roundabout at SH3/Raynes Road and the inclusion of such as a line in Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Confirming that the delivery of the SH3/GTL access is achievable within land under the control of the applicant or Waka Kotahi.</li> <li>▪ The mechanism for Waka Kotahi to retain oversight and approval of the Raynes Road restricted movement access, and the retention of this as a restricted intersection into the future.</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<ul style="list-style-type: none"> <li>▪ Further detail on the Tamahere Intersection operation and possible mitigations to address the level of service decline.</li> <li>▪ The inclusion of references to the infrastructure support for Public Transport and active mode access between the Airport Precincts within Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Justification of the GFA quantum for non-ancillary retail activities located in the Northern Precinct.</li> </ul>	
18.6	Transport (Active)	All	Supports	It is important that the infrastructure to support active mode connections both between the Northern Precinct and the other employment opportunities within PPPC20 are considered alongside that of other modes. It is noted that the upgrade of the new walking and cycling connection to Peacocke Rd is included in Rule 10.4.2.13A	Clarification and/or commitment from the applicant is requested in relation to: <ul style="list-style-type: none"> <li>▪ The mechanism for funding, designing and implementing the single and dual lane roundabouts at SH21/Raynes Road as included in Table 9 Item 2 of the ITA (and subsequently proposed</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>as a transport upgrade. The cycleway/walkway connections connecting the airport precincts are incorporated within the Staging of Transport Infrastructure Table 9 (and Rule 10.4.2.13A) so these are guaranteed to be constructed with appropriate timing.</p>	<p>Rule 10.4.2.13A) and confirmation that there is sufficient land under the control of the applicant or Waka Kotahi to accommodate the roundabouts.</p> <ul style="list-style-type: none"> <li>▪ The mechanism for funding/implementing a multilane roundabout at SH3/Raynes Road and the inclusion of such as a line in Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Confirming that the delivery of the SH3/GTL access is achievable within land under the control of the applicant or Waka Kotahi.</li> <li>▪ The mechanism for Waka Kotahi to retain oversight and approval of the Raynes Road restricted movement access, and the retention of this as a restricted intersection into the future.</li> <li>▪ Further detail on the Tamahere Intersection operation and possible</li> </ul>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					<p>mitigations to address the level of service decline.</p> <ul style="list-style-type: none"> <li>▪ The inclusion of references to the infrastructure support for Public Transport and active mode access between the Airport Precincts within Table 9 of the ITA (and subsequently proposed Rule 10.4.2.13A);</li> <li>▪ Justification of the GFA quantum for non-ancillary retail activities located in the Northern Precinct.</li> </ul>	
21.2	Transport	Appendix 18 Structure Plan	Support in part	Public transportation infrastructure is a key component to ensuring the sustainability of the surrounding area and the existing and proposed activities and business that operate out of them.	The Structure Plan should be amended to provide for all forms of transport, which particular regards to public transportation such as bus and potential light rail.	<b>Accept</b>
23.2	Transport (Walking & Cycling Connectivity )	All	Support in part	Proposed new walking and cycling shared path connecting Peacocke Road to the Northern Precinct via Middle Road and Faiping Road Providing a new walking and cycling facility along Faiping	<ul style="list-style-type: none"> <li>▪ Walking and cycling connection should be continuous to urban centre within Peacocke or delayed until there is a safe connection along Peacocke Road.</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>Road does not align with HCC future plans for this area. We are also unclear how this would be funded and delivered.</p> <p>The grades on Faiping Road may mean that cycling is not attractive for commuter cyclists.</p> <p>Section 5.6 of ITA states that the shared path should be 3m wide for the full length to cater for e-bike speeds. However, this is not included in the provision table.</p> <p>There is limited evidence to suggest the level of demand/patronage would support the investment required for this type of solution, in the short-term, prior to the construction of southern links. An on-demand PT service is likely to be more practical short-term solution.</p> <p>Data showing where the future labour force might reside would help inform where and what type of PT and walking/cycling solution is required – determining the</p>	<ul style="list-style-type: none"> <li>▪ We seek clarity regarding how a walking cycling solution would be funded and delivered.</li> <li>▪ There may be scope to provide an alternative connection to Faiping Road with the use of the watercourse buffers or alternatively provide a connection from Narrows Road through to Peacocke Road parallel to the Southern links designation (refer to Appendix 3). This route assumes that in the interim the route will also be used as a recreational route prior to development in Peacockes. Further investigation is required. HCC is open to working with the proposed plan change proponent and Waipa District Council on a solution if this option is deemed viable.</li> <li>▪ Travel demand analysis is undertaken to understand likely origin of employee trips to the Northern</li> </ul>	



Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				origin of trip destination of employees to the Northern Precinct is critical.	Precinct from across the sub-region in order to inform the required PT and walking-cycling interventions.	
23.3	Transport (Public)	All	Support in part	<p>Short Term:</p> <ul style="list-style-type: none"> <li>Provision for bus stops both sides of SH 3. However, no details of crossing facilities and paths to accommodate pedestrians walking to and from the bus stops to the site are provided.</li> <li>Provision for future bus route serving the Peacocke Structure Plan Area into Raynes Road to the Airport and Titanium Park precincts then back to Hamilton via SH3. This service may not be attractive if it is not direct for commuters.</li> </ul> <p>Medium Term:</p> <ul style="list-style-type: none"> <li>Public transport service connecting Hamilton via SH3 and Ohaupo Road to the Airport and surrounding Airport Business Zone.</li> </ul>	<ul style="list-style-type: none"> <li>Provisions table or PDA needs to specify footpath connection and form of SH3 crossing.</li> <li>Need to provide safe crossing facility on SH3 to support proposed bus stops.</li> <li>May need to review speed limit if pedestrians are crossing SH 3.</li> <li>Confirm what public transport infrastructure will be provided within the internal road network to encourage mode shift in the short term. For example, will bus stops and shelters be provided when the internal roads are constructed?</li> <li>Make provision for a primary PT node within the Hub and ensure planning provisions require built form is designed to support use.</li> </ul>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<ul style="list-style-type: none"> <li>▪ A potential future service serving the Peacocke Structure Plan Area and Airport/Titanium Park precincts via Peacocke Road, Faiping Road and Middle Road</li> <li>▪ Investigation of Faiping Road for public transport.</li> </ul> <p>Long Term:</p> <ul style="list-style-type: none"> <li>▪ Use of Southern Links corridor for a public transport connection to the Airport</li> <li>▪ New strategic road connection to the central interchange.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consider alternative routes if Faiping Road cannot be used.</li> <li>▪ Provisions table or PDA needs to specify infrastructure required to facilitate the medium-term option</li> <li>▪ Provisions table or PDA needs to specify infrastructure required to facilitate the long-term option</li> </ul>	
23.4	Transport (Layout)	All	Support in part	<p>Hamilton City Council seek to ensure a safe and efficient transport network in and around the Airport precinct which also takes account of planned growth within the wider catchment. Specific comment is made in the submission about issues in the following locations:</p> <ul style="list-style-type: none"> <li>▪ Ingram Road</li> <li>▪ Raynes Road</li> <li>▪ Proposed Northern Precinct/Raynes Road intersection</li> </ul>	<ul style="list-style-type: none"> <li>▪ Further information and comment are sought in relation to these matters, or consideration of alternative solutions to the issues raised in the submission.</li> </ul> <p>[Refer to the original submission attachments for specific comments].</p>	<b>Accept in part</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<ul style="list-style-type: none"> <li>▪ Future connection to Realigned Raynes Road/Narrows Road Intersection</li> <li>▪ Raynes Road/SH21 Intersection</li> <li>▪ SH3/ Northern Precinct Roundabout</li> <li>▪ Future Connection to Southern Links</li> <li>▪ Peacockes Road</li> <li>▪ SH 3/Raynes Road Roundabout</li> <li>▪ SH3/Normandy Avenue Intersection</li> <li>▪ SH3/Saxbys/Tomin Intersection</li> <li>▪ Ohaupo Road</li> <li>▪ Trip Generation Assessment</li> <li>▪ Internal road Layout</li> <li>▪ Spine (Primary) Road Cross Sections</li> <li>▪ Local (Secondary) Road Cross Sections</li> <li>▪ Internal Walking and Cycling Provisions</li> <li>▪ Staging</li> <li>▪ Narrows Bridge</li> <li>▪ Airport Road (SH21)</li> </ul>		

## 2.21 Topic 21: Wastewater Disposal

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
06.3	Wastewater disposal	All	Oppose	There is no sewerage treatment plant supplied by the developer.	Council to reject the proposal.	<b>Reject</b>
23.9	Wastewater	All	Support in part	The Northern Precinct must be serviced by a public wastewater solution	<ul style="list-style-type: none"> <li>Strengthen the plan provisions regarding requiring a public wastewater solution</li> </ul>	<b>Reject</b>

## 2.22 Topic 22: Water Supply

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
17.1	Firefighting water supply	15.4.2.87	Oppose	Fire and Emergency oppose the private plan change request given unsatisfactory levels of firefighting infrastructure in some instances. There does not appear to be a requirement in the Waipā District Plan or the proposed plan change provisions that requires subdivision and development in the Business Airport Zone to provide a firefighting water supply in accordance with SNZ PAS 4509:2008. Support of the plan change is possible if a satisfactory	Fire and Emergency request that Council do not enable development within the proposed zone extension of the Airport Business Zone unless it is matched with the delivery of key water strategic infrastructure (reservoirs, network extensions or upgrades), or development is not enabled where there is potential or known infrastructure capacity constraints in relation to the water supply network (unless the development itself includes necessary upgrades).	<b>Accept</b>

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
				<p>framework of provisions requiring firefighting water supply are incorporated into the plan change.</p>	<p>Fire and Emergency also seek to include the following Rule: Airport Business Zone 15.4.2.87 All development and subdivision in the Airport Business Zone shall comply with:...e. Water supply for firefighting purposes, to be provided in accordance with the New Zealand Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Advice Note: SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice sets out a number of options to provide water for the New Zealand Fire Service's operational requirements and shall be used as a guide when designing firefighting water protection. Alternatively, the reticulated water network could be designed to provide a higher level of service through the upsizing of infrastructure to either meet the likely requirements of SNZ PAS 4509:2008 for anticipated</p>	

Submission point	Topic	Plan Change Reference / District Plan Provision	Support / Oppose / In Part	My submission is (summary):	Decision requested	Decision of Hearing Panel
					future developments or at least reduce volume of additional onsite water storage required by future developments.	



# C

## **Part C – Recommended tracked changes to Waipā District Plan**

## Part C – Recommended tracked changes to the Waipā District Plan

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- Text from the Waipā District Plan is included in the same colour and text as the notified version of the proposed plan change.
- Further amendments as a result of decisions made by the Hearings Panel are shown in red underline or ~~red strikethrough~~.
- Consequential renumbering of some provisions in the District Plan may be required as a result of accepting or rejecting submissions on the proposed plan change.

### Section 10 – Airport Business Zone (~~Titanium Park~~)

#### 10.1 Introduction

- 10.1.1 The Hamilton ~~International~~ [PPC20] Airport (the Airport) is a regionally significant transport hub, [PPC20] a facility of economic and social importance to the Waikato Region. The Airport Business Zone associated with it (Titanium Park) has been established to leverage off the advantages of locating industrial and business activities adjacent to an Airport. The business land around the Airport has been gradually developed into one of the region’s strategic industrial nodes, catering for a wide range of industrial, business and supporting retail activity. [PPC20]
- 10.1.2 The area is identified on the Planning Maps, and is ~~confined to areas west of Airport Road, and bounded bound~~ by State Highway 3/Ōhaupō Road to the south ~~and west, and~~ Raynes Road ~~and Narrows Road~~ to the north and State Highway 21 to the west. [PPC20]
- 10.1.3 A structure plan guides development within the zone and has been incorporated into this Plan (referred to as the ‘Airport Business Zone Structure Plan’ incorporated as Appendix S10). The Structure Plan has been underpinned by a master planning process and is intended to guide the development of the zone towards achieving a well-functioning urban environment. It contains controls on the release of land, and states the infrastructure requirements that are to be in place prior to development occurring. The main infrastructure requirements relate to roading infrastructure on Airport Road and State Highway 3. [PPC20]
- 10.1.4 The Airport and the Airport Business zone generates significant economic benefits to the Waikato Region. [PPC20] The Airport area is identified as a strategic industrial node in the Waikato Regional Policy Statement, recognising that land in this location is a scarce and valuable resource. Land immediately adjacent to the operational area is called ‘airside’ land and is an essential location for businesses such as air freight or aircraft manufacturing that required direct access to the runways. The land included within this zone beyond the airside land is also an unusual and scarce resource, because it is part of the interface between the land transport network and the air transport network, and is needed to provide services and support to the Airport and its users. This unique combination of factors leads to a need to efficiently and effectively use the land resource around the Airport, while also creating an opportunity to establish a wider range of business activities including those that provide some local services and make use of infrastructure. One of the keys to successful development of this land is the efficient integration of land use, air transport and various land transport modes. As the Northern



~~Precinct most of the [PPC20]~~ land adjacent to the Airport is undeveloped, there is an opportunity to implement the principles of good urban design in the development.

~~10.1.4 Titanium Park – Northern Precinct is subject to a comprehensive development plan approval process to ensure that traffic effects and other infrastructure matters are addressed. [PPC20]~~

## 10.2 Resource Management Issues

10.2.1 The Airport is a regionally significant physical resource and an identified strategic industrial node. Industrial and business activities have the potential to support the continued operation and development of the resource.

10.2.2 High noise levels are received within the zone from aircraft and are generated from the zone by activities such as aircraft engine testing.

10.2.3 Development of ~~land~~ the Airport Business Zone [PPC20] that is not co-ordinated with infrastructure provision has the potential to result in adverse effects on the environment. By way of example relatively high levels of traffic generation are anticipated and need to be managed through purpose built controlled intersections.

[NEW] Development within the Northern Precinct of the Airport Business Zone has the potential to adversely affect habitat of the threatened, nationally critical long-tailed bat. The provisions for development of the Northern Precinct must recognise and provide for protection of identified areas of bat habitat. [PPC20]

### Health and well-being of the Waikato and Waipā Rivers

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

## 10.3 Objectives and Policies

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

### Objective - Strategic physical resource

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

*Policy - Integrated development: Titanium Park*

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

[NEW] To ensure that the development of the Northern Precinct is co-ordinated with suitable transport infrastructure. [PPC20]

~~Policy – Infrastructure – Comprehensive Development Plan Area: Titanium Park – Northern Precinct~~

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

~~Policy - Infrastructure costs~~

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

*Policy - Managing effects on Airport operations*

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

**Objective - Provide for business park**

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

*Policy - Limited retail activities*

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

*Policy - Northern Precinct*

10.3.2.2 To ~~provide for Titanium Park to expand into~~ enable the development of the Northern Precinct of the Airport Business Zone, including ancillary commercial and ancillary retail activities as well as limited retail activities that support the needs of the precinct and Airport Business Zone. ~~, but in a modified form to generally exclude retail and commercial activities in that area. [PPC20]~~

[NEW] To maintain or enhance significant long-tailed bat habitat values by:

(a) Providing Bat Habitat Areas for long-tailed bats within the Northern Precinct;

(b) Controlling the location of buildings adjacent to Bat Habitat Areas;

(c) Minimising light spill into Bat Habitat Areas;

(d) Requiring the preparation and implementation of an Ecological Management Plan as part of development to:

(i) Avoid more than minor adverse effects on long-tailed bat habitat values within Bat Habitat Areas; and

(ii) Avoid or mitigate more than minor adverse effects on long-tailed bat habitat values outside of Bat Habitat Areas; and

(iii) Where any effects on long-tailed bat habitat values are unable to be avoided or mitigated, ensure that any more than minor residual effects are offset or compensated to achieve no net loss.

*(Note: Policy 10.3.2.3 Implements Objective 24.3.1 within Section 24 – Indigenous Biodiversity).  
[PPC20]*

*Policy - Distinctive edge*

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

*Policy - Relocated buildings*

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

### **Objective – Development within the Southern Precinct**

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

*Policy – Types of activities*

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

## **10.4 Rules**

*The rules that apply to activities are contained in:*

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

Advice Notes:

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.
2. Vegetation to be planted within or near electric lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

### **10.4.1 Activity Status Tables**

10.4.1.1	Permitted activities The following activities must comply with the performance standards of this zone
(a)	General and commercial aviation activities and buildings.
(b)	Industrial activities.
(c)	Transport and freight depots, bus depots.
(d)	Vehicle rental and valet services, vehicle parking and storage (excluding Southern Precinct)
(e)	Emergency service facilities.
(f)	Helicopter pads and facilities for their servicing and management. <i>Note: Civil Aviation Authority requirements also apply.</i>
(g)	Utility services and utility structures, including navigational aids and control towers.
(h)	Storage and sale of aircraft fuel and lubricants.

10.4.1.1	<p>Permitted activities</p> <p>The following activities must comply with the performance standards of this zone</p>
(i)	Service stations and commercial garages (excluding Southern Precinct).
(j)	Cafes, restaurants, takeaway food outlets and licensed premises (excluding Southern Precinct).
(k)	Visitor accommodation (excluding Southern Precinct).
(l)	Places of assembly (excluding Southern Precinct).
(m)	Conference facilities (excluding Southern Precinct).
(n)	Offices (excluding Titanium Park Northern Precinct and Northern Precinct).
(o)	<del>Ancillary Office Titanium Park Southern and Northern Precinct offices ancillary to any permitted activity. [PPC20]</del>
(p)	Laboratories and research establishments (excluding Southern Precinct).
(q)	Hire facilities, storage warehouses and building supply outlets (excluding Southern Precinct).
(r)	Storage warehouses.
(s)	Education facilities (excluding aviation educational training and excluding the Southern Precinct) between the outer control boundary Ldn 55 and the air noise boundary Ldn 65.
(t)	Aviation education training.
(u)	Retail activities and wholesale shops, subject to Rules <del>10.4.2.14 10.4.2.11, 10.4.2.15 and 10.4.2.16 10.4.2.12</del> (excluding Southern Precinct <del>and retail activities specified in Rule 10.4.1.4(d)(ii)</del> ). [PPC20]
(v)	<del>Ancillary Retail [PPC20]</del>
( <del>w</del> )	Earthworks
( <del>w</del> x)	Temporary construction buildings.
( <del>x</del> y)	Signs
( <del>y</del> z)	Demolition and removal of buildings and structures, except those listed in Appendix N1 Heritage Items.
( <del>z</del> aa)	Relocated buildings, except for those listed in Appendix N1.
( <del>a</del> b)	<del>Trimming or pruning of vegetation or trees within the Northern Precinct outside a Bat Habitat Area. [PPC20]</del>
( <del>a</del> c)	<del>Removal of vegetation or trees within the Northern Precinct outside a Bat Habitat Area, subject to Rule 10.4.2.24. [PPC20]</del>
( <del>a</del> d)	<del>Trimming, pruning or removal of vegetation or trees within the Northern Precinct inside a Bat Habitat Area, subject to Rule 10.4.2.25[PPC20].</del>
( <del>a</del> e)	<del>Electric vehicle supply equipment (including any device or object that supplies energy for the recharging of electric vehicles, e-bikes, e-scooters or electrified micro-mobility). [PPC20]</del>

10.4.1.2	<p>Controlled activities</p> <p>The following activities must comply with the performance standards of this zone</p>
( <del>a</del> )	<p><del>Any permitted activity within the Titanium Park — Northern Precinct, except for those specified in Rule 10.4.1.5(d), provided that a comprehensive development plan has been approved.</del></p> <p><del>Matters over which Council reserves its control are:</del></p> <ul style="list-style-type: none"> <li><del>▪ Compliance with the approved comprehensive development plan.</del></li> </ul> <p><del>These matters will be considered in accordance with the assessment criteria in Section 21. [PPC20]</del></p>

10.4.1.32	<p>Restricted discretionary activities</p> <p>The following activities shall comply with the performance standards of this zone</p>
(a)	Any permitted activity <del>or controlled activity [PPC20]</del> that does not comply with the performance standards in 10.4.2, except for those specified in <a href="#">Rule 10.4.1.3 and Rule 10.4.1.4.</a> <del>and Rule 10.4.1.5 [PPC20].</del>
(b)	<p>The following activities between the Outer Control Boundary (Ldn55) and the Air Noise Boundary (Ldn65):</p> <p>(i) Childcare facilities; and</p> <p>(ii) Health care facilities.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Noise; and</li> <li>▪ Reverse sensitivity.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(c)	<p>Any activity which is otherwise a permitted activity or controlled activity within the Runway Protection Area as shown on the Planning Maps and which is not listed as a prohibited activity in Rule <a href="#">10.4.1.5.</a> <del>10.4.1.6. [PPC20]</del></p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Effects on the operational safety and performance of the Hamilton International Airport; and its associated lighting and navigational aids; and</li> <li>▪ The risk of exposure to aircraft related accidents; and</li> <li>▪ Reverse sensitivity.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p> <p>Advice Note: The Operator of Hamilton International Airport shall be considered an affected party for any resource consent assessed under these criteria.</p>
(d)	<p>Scheduled engine testing that exceeds the standard in Rule <a href="#">10.4.2.27</a> <del>10.4.2.16 [PPC20]</del> by up to 5dBA is a restricted discretionary activity.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Appropriate mitigation of the adverse night time acoustic effects inside affected dwellings (for example, sleep disturbance) of unscheduled engine testing.</li> </ul> <p>No other assessment criteria will be applied for resource consents for a restricted discretionary activity in accordance with this rule.</p>

10.4.1.43	<p>Discretionary activities</p>
(a)	Any permitted, controlled or restricted discretionary activity that fails to comply with: <ul style="list-style-type: none"> <li>(i) Rule <a href="#">10.4.2.13</a> <del>10.4.2.10 [PPC20]</del> Special provisions relating to vehicle access to State Highways, <a href="#">Middle Road [PPC20]</a> and Raynes Road</li> <li>(ii) Rule <del>10.4.2.15</del> <a href="#">10.4.2.26 [PPC20]</a> Noise</li> <li>(iii) Rules <del>10.4.2.19 to 10.4.2.23</del> <a href="#">10.4.2.19 – 10.4.2.23 [PPC20]</a> Noise Mitigation within the OCB, ANB and SEL</li> <li>(iv) Rule <a href="#">10.4.2.39</a> <del>10.4.2.28 [PPC20]</del> Earthworks</li> </ul>
(b)	Caretakers accommodation ancillary to any other activity.
(c)	<p>The following activities within the Air Noise Boundary (Ldn65):</p> <p>(i) Childcare Facilities; and</p> <p>(ii) Healthcare Facilities.</p>
(d)	Earthworks in excess of <a href="#">1,000m<sup>3</sup>, 2,500m<sup>3</sup> [PPC20]</a> in a single activity or cumulative activities in any one year.
(e)	Any activity not provided for as a Permitted or Restricted Discretionary Activity in the Airport Business Zone that is <a href="#">provided for as</a> a Permitted Activity in the Industrial Zone.
(f)	<p><del>The following activities within the Titanium Park – Northern Precinct:</del></p> <p><del>(i) Service stations and commercial garages; and</del></p> <p><del>(ii) Places of assembly. [PPC20]</del></p>

10.4.1.54	Non-complying activities
(a)	Failure to comply with Rules <del>10.4.2.11</del> , 10.4.2.14, 10.4.2.15, and 10.4.2.16 [PPC20] <del>10.4.2.12</del> - Maximum floor space for retail activities, Rule 10.4.2.17 – Ancillary Retail [PPC20] and Rules 10.4.27 to 10.4.29 [PPC20] <del>10.4.2.16 to 10.4.2.18</del> [PPC20]- Noise: aircraft and engine testing.
(b)	Residential activities between the Outer Control Boundary (Ldn55) and the Air Noise Boundary (Ldn65).
(c)	All other activities not listed in activity status table Rules 10.4.1.1 to 10.4.1.4.
(d)	The following activities within the Titanium Park – Northern Precinct: (i) Offices (excluding ancillary offices – refer to Rule 10.4.1.1(n)) (ii) Retail activities <del>and wholesale shops not located within the Hub or Retail area identified within the Airport Business Zone Structure Plan in Appendix S10.</del> [PPC20] (iii) Visitor Accommodation <del>not located within the hub area identified within the Airport Business Zone Structure Plan in Appendix S10.</del> [PPC20] (iv) Healthcare facilities (v) Education facilities (excluding aviation education training)
(e)	Scheduled engine testing that exceeds the standard in Rule <del>10.4.2.16</del> 10.4.2.27 [PPC20] by more than 5dBA.
(f)	The following activities in the Titanium Park – Southern Precinct: (i) Vehicle rental and valet services, vehicle parking and storage; (ii) Service stations and commercial garages; (iii) Cafes, restaurants, takeaway food outlets and licensed premises; (iv) Visitor accommodation; (v) Places of assembly; (vi) Conference facilities; (vii) Offices (excluding ancillary offices – refer to Rule 10.4.1.1(n)); (viii) Laboratories and research establishments; (ix) Hire facilities and building supply outlets; (x) Education facilities; and (xi) Retail activities and wholesale shops, subject to Rules 10.4.2.11 and 10.4.2.12.

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

## 10.4.2 Performance Standards

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

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

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

#### **Rule - Minimum building setback from road boundaries**

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

- |     |   |     |
|-----|---|-----|
| (a) | From internal road boundaries not adjacent to a landscaped drainage swale   | 3m  |
| (b) | For sites adjacent to a landscaped swale (refer road cross section Airport Business Zone Structure Plan, Appendix S10)  | 0m  |
| (c) | For road boundaries fronting a State Highway, except as indicated on the Airport Business Structure Plan in Appendix S10  | 5m  |
| (d) | For all <del>other</del> sites <u>subject to the Building Setback control as indicated on the Airport Business Structure Plan in Appendix S10 fronting Raynes Road or a State Highway [PPC20]</u> | 15m |

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

- Characteristics of the site; and
- Landscaping.

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

#### **Rules - Minimum building setback from internal site boundaries**

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

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

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

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

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

#### **Rule – Minimum building setback from Bat Habitat Area**

10.4.2.4 Buildings shall be setback a minimum of 5m from the boundary of a Bat Habitat Area. Activities that fail to comply with Rule 10.4.2.4 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

(a) Ecology (Northern precinct)

These matters will be considered in accordance with the assessment criteria in Section 21.  
[PPC20]

**Rule - Height**

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

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

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

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

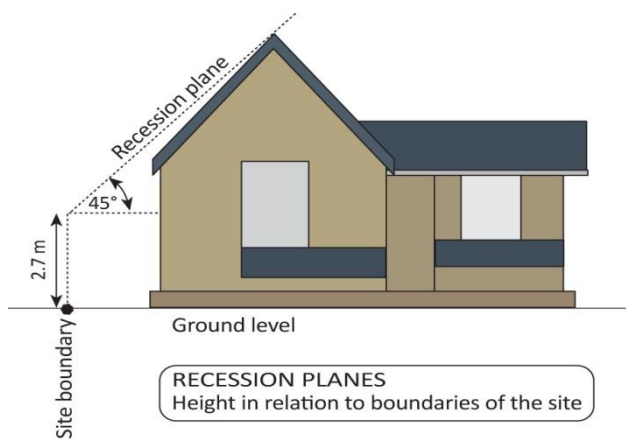
These matters will be considered in accordance with the assessment criteria in Section 21.

**Rule - Daylight controls**

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

- (d) 10m above ground level of the front, side or rear boundaries of a site; or
- (e) 7m above ground level at each point along the road boundary which adjoins State Highway 3, State Highway 21, Middle Road, Narrows Road [PPC20] and Raynes Road; or
- (f) 2.7m above ground level on any side or rear boundary which adjoins any rural zoned property; or [PPC20]
- (g) 2.7m above ground level on any side or rear boundary which adjoins any residential properties within the Special Amenity Area shown on the Planning Maps and the Airport Business Zone Structure Plan in ~~structure plan attached as [PPC20]~~ Appendix S10.





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

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

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

#### Rules - Landscaping

10.4.2.7 Site boundaries subject to the Landscaping control as indicated on the Airport Business Structure Plan in Appendix S10; adjacent to either a Rural Zone, State Highway 3, State Highway 21, Raynes Road, or adjacent to dwellings within the Special Amenity Area shown on the Planning Maps; shall be landscaped to a minimum depth of 5m, except for any required access or egress points. [PPC20]

10.4.2.8 For any landscaping required under Rule 10.4.2.7 that is within the Northern Precinct:

- (a) The landscaping shall consist of specimen trees that are capable of reaching a minimum height of 4m that are also underplanted with species that are capable of reaching a height of 1.2m; and
- (b) The location and spacing of specimen trees shall be such that at least 50% of a boundary extent shall be screened. [PPC20]

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

Landscaping under rule 10.4.2.9 must be maintained, after reaching 5m in height, at a minimum height of 5m and any dead or diseased species shall be replaced. [PPC20]

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

Activities that fail to comply with Rules ~~10.4.2.6 and~~ 10.4.2.7, 10.4.2.9 and 10.4.2.10 [PPC20] will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects; and
- Amenity values.

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

#### **Rule - Security fencing**

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

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

- Amenity effects; and
- Visual effects.

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

#### **Rule - Outdoor storage**

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

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

- Amenity effects; and
- Visual effects.

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

#### **Rule - Special provisions relating to vehicle access to State Highways, Middle Road [PPC20] and Raynes Road**

- 10.4.2.13 There shall be no direct access from lots or activities to a State Highway, ~~or to Narrows Road and Raynes Road~~, or to any section of Middle Road that does not have the Airport Business zone located on both sides of the road, except as shown on the Airport Business Zone Structure Plan in Appendix S10, and for residential activities properties east of State Highway 3 that are located within the Special Amenity Area on Planning Map 17. [PPC20]

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

#### **Rules - Maximum floor space for retail activities**

- 10.4.2.14 The total floor area of all non-ancillary retail activities located in the Airport Business Zone, excluding activities in the Hamilton International Airport Terminal building and the Northern Precinct, shall not exceed 5,300m<sup>2</sup> GFA. [PPC20]

- 10.4.2.15 The total floor area of all non-ancillary retail activities located in the Northern Precinct of the Airport Business Zone shall not exceed 4,500m<sup>2</sup> GFA.

For the avoidance of doubt, non-ancillary retail activities are those retail activities that fall outside the definition for "Ancillary Retail" and include all activities listed as permitted in rule 10.4.1.1. [PPC20]

- 10.4.2.16 Retail shops shall have a floor area less than 450m<sup>2</sup> GFA each, except that one retail shop may have a floor area of more than 450m<sup>2</sup> GFA and less than 1,000m<sup>2</sup> GFA, provided that the retail shop shall primarily sell pre-prepared fresh food/groceries and beverages, together with other non-food goods in an ancillary capacity.

Activities that fail to comply with Rules [10.4.2.14](#), [10.4.2.15](#) and [10.4.2.16](#) ~~10.4.2.11 and 10.4.2.12~~ will require a resource consent for a non-complying activity.

**Rule – Ancillary Retail**

[10.4.2.17](#) Ancillary Retail shall not exceed 20% of the GFA of all principal buildings on the site. *[PPC20]*

**Rule - Firefighting**

[10.4.2.18](#) All buildings (excluding accessory buildings and utility structures up to 50m<sup>2</sup> in GFA) within the Northern Precinct must be designed in accordance with NZ Fire Service Firefighting Water Supply Code of Practice (SNZ PAS 4509:2008). *[PPC20]*

**Rules – Roading Transport**

[10.4.2.19](#) All roads within the Airport Business Zone shall be constructed in general accordance with ~~the road cross-sections contained in the~~ [Appendix S10](#) - Airport Business Zone Structure Plan attached as ~~Appendix S10~~. *[PPC20]*

[10.4.2.20](#) The following transport upgrades are required prior to any development of the Northern Precinct. These upgrades, along with when they will be required, are set out below: *[PPC20]*

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

	Transport Upgrade	Implementation requirement
		<ul style="list-style-type: none"> <li>When the cumulative total consented land area in Northern Precinct with sole access to Raynes Road exceeds 40ha (net).</li> </ul>
(e)	<u>SH3/Raynes Road – additional northbound approach and circulating lane on the roundabout.</u>	<p>To be completed prior to:</p> <ul style="list-style-type: none"> <li>Any 224c being issued for any subdivision in Northern Precinct that takes the cumulative developed area with sole access to SH3 roundabout over 65ha (net); or</li> <li>When the cumulative total consented land area in Northern Precinct with sole access to SH3 roundabout exceeds 65ha (net).</li> </ul>
(f)	<u>Restricted movement intersection access from Northern Precinct to Raynes Road. The intersection should be designed to physically and legally prevent all vehicles leaving the Northern Precinct from turning left onto Raynes Road, and right turn into Northern Precinct from Raynes Road. The construction of the section of the shared walking and cycling path between the Northern Precinct and Sharp Road as shown on the Airport Business Zone Structure Plan.</u>	<p>To be completed prior to:</p> <ul style="list-style-type: none"> <li>Any industrial/commercial activity being able to generate traffic that gains access off Raynes Road; or</li> <li>When the cumulative total consented land area in Northern Precinct with sole access to SH3 exceeds 70ha (net).</li> </ul>
(g)	<u>Construction of new walking and cycling shared path connecting Peacocke Road to the Northern Precinct via Middle Road and Faiping Road, or a suitable alternative.</u>	<p>To be completed prior to:</p> <ul style="list-style-type: none"> <li>Any section 224c certificate for subdivision under the RMA being issued for the completion of any subdivision within Northern Precinct; or</li> <li>Any industrial/commercial activity being able to generate traffic.</li> </ul>

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

Activities that fail to comply with Rules ~~10.4.2.13 and 10.4.2.14~~ 10.4.2.19, 10.4.2.20 and 10.4.2.21 [PPC20] will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

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

These matters will be considered in accordance with the assessment criteria in Section 21. [PPC20]

### Rules - Ecology

10.4.2.22 The earlier of the first landuse consent application, or the first subdivision consent application (excluding boundary adjustments) for the Northern Precinct must be accompanied by an Ecological Management Plan for the entire Northern Precinct which must contain:

- (a) A Bat Management Plan prepared by a suitably experienced bat ecologist that:
- (i) Includes planting specifications, drawings and an implementation programme for habitat enhancement within Bat Habitat Areas, including a 50m wide bat corridor in general accordance with Figures 1 and 2 in Appendix S10. The implementation programme shall ensure that habitat enhancement occurs as early as practicable;
  - (ii) Provides details of how planting and light spill will be managed where transport corridors are proposed to cross Bat Habitat Areas;
  - (iii) Identifies all confirmed or potential bat roost trees within the Northern Precinct based on presence of roosting features and any other relevant information which is available;
  - (iv) Provides an assessment of whether retention of any tree or trees which are confirmed, or potential bat roost trees is practicable and appropriate, having regard to:
    - 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
    - Whether the tree is in close proximity to any Bat Habitat Area and could continue to be used as a bat roost within an otherwise urban context; and
    - Any earthworks that will be required to enable urban development.
  - (v) Proposed tree removal methodology and timing, with regard to the Department of Conservation 'Protocols for minimising the Risk of Felling Bat Roosts' (Version 2: October 2021);
  - (vi) Where more than minor adverse effects are unable to be avoided or mitigated such that there will be more than minor residual effects on long-tailed bat habitat values (including any roosting, commuting and foraging), the Bat Management Plan shall include details of proposed offset or compensation measures (which may include habitat enhancement and/or pest control) to contribute to a no net loss outcome. Where off-site measures are proposed they shall preferentially be within the known home range of the local long-tailed bat population. Connectivity with features in the wider landscape and potential opportunities for co-ordination with other habitat enhancement initiatives shall be considered;
  - (vii) The legal mechanisms proposed for protection of Bat Habitat Areas and any other long-tailed bat habitat which is proposed to be created or retained;
  - (viii) Details pre and post-development monitoring for long-tailed bats, including how the monitoring could be co-ordinated with other monitoring occurring within the known home range of the local long-tailed bat population;
  - (ix) Identifies procedures for reviewing and amending (if necessary) the Bat Management Plan.
- (b) Measures to avoid, remedy, mitigate, offset or compensate for any adverse effects which are more than minor on habitats of indigenous fauna including birds and lizards.

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

Activities that require and provide an Ecological Management Plan which addresses the requirements in Rule 10.4.2.22 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Ecology (Northern Precinct)

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

Activities that fail to comply with this rule will require a resource consent as a Discretionary Activity. [PPC20]

### **Rule – Lighting in the Northern Precinct**

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

- (a) Added illuminance from fixed artificial lighting (indoor and outdoor) shall not exceed 0.3 lux (horizontal and vertical) at any height at the external boundary of the Bat Habitat Area.
- (b) Where it is within 100m of a Bat Habitat Area, fixed artificial outdoor lighting must:
  - (i) Emit zero direct upward light.
  - (ii) Be installed with the light emitting surface facing directly down and be mounted as low as practical.
  - (iii) Be white LED with a maximum colour temperature of 2700K.
  - (iv) In the case of exterior security lighting, be controlled by a motion sensor with a short duration timer (5 minutes).
- (c) Fixed artificial lighting shall not be located within a Bat Habitat Area except where it is for the express purpose of providing lighting for emergency works related to infrastructure operated by an entity that is defined as a lifeline utility under the Civil Defence Emergency Act 2002. The lighting must be white LED with a maximum colour temperature of 2700K, installed with the light emitting surface facing directly down, emit zero direct upward light and be mounted as low as practical.
- (d) The standards in Rule 10.4.2.23 do not apply to vehicle headlights or to lighting associated with aviation requirements for Hamilton Airport.

Activities that fail to comply with Rule 10.4.2.23 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Ecology (Northern Precinct)

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

[PPC20]

### **Rules – Tree and Vegetation Removal**

10.4.2.24 The removal of any tree or vegetation within the Northern Precinct outside a Bat Habitat Area is a permitted activity where:

- (a) It has a diameter less than 150mm measured at 1.4m in height above ground level; or
- (b) It has a diameter of 150mm or more measured at 1.4m in height above ground level and:
  - (i) A report is provided by a suitably experienced bat ecologist demonstrating that, following an assessment of the tree, the tree is not a confirmed or potential bat roost tree. Identification of potential bat roost trees shall be in accordance with the Department of Conservation 'Protocols for Minimising the Risk of Felling Bat Roosts' (Version 2: October 2021); and

- (ii) The above report is provided to Waipā District Council at least 5 working days prior to the removal of the tree(s); or
- (c) The vegetation removal is authorised by an existing subdivision or land use resource consent.

Activities that fail to comply with Rule 10.4.2.24 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Ecology (Northern Precinct)

These matters will be considered in accordance with the assessment criteria in Section 21. [PPC20]

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

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

Activities that fail to comply with Rule 10.4.2.25 will require a resource consent as a discretionary activity. [PPC20]

#### **Rule - Noise**

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

- (a) Within the boundary or notional boundary of any site zoned Rural and within the boundary of any of the residential properties east of State Highway 3 and identified 'Special Amenity Area' on the Planning Maps and the structure plan at Appendix S10:
  - (i) Monday to Saturday 7.00am to 10.00pm 55dBA (L10)
  - (ii) At all other times, including public holidays 45dBA (L10)
- (b) Within the boundary of any site zoned Airport Business 60dBA (L10) (except Lot 1 DPS 60613) [PPC20] at all times.

Provided that no single event noise level Lmax shall exceed 70dBA at night time 10.00pm to 7.00am.

(c) Within the notional boundary of Lot 1 DPS 60613 (Being 141 Middle Road):

- (i) Monday to Saturday 7.00am to 10.00pm 55dBA (L10)
- (ii) At all other times, including public holidays 45dBA (L10)
- (iii) Night-time – single noise event 70dBLAmax

Except that Rule 10.4.2.26(c) shall not apply if Lot 1 DPS 60613 is owned by Titanium Park or its nominee. [PPC20]

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

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

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

### Rules - Noise: aircraft and engine testing

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

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

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

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

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

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

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

10.4.2.28 Exemptions to undertake engine testing that does not comply with Rule [10.4.2.27](#) ~~10.4.2.16~~ [PPC20] are permitted where:

- There is a requirement to undertake essential unscheduled engine testing between the hours of 10.00pm and 7.00am; and
- The aircraft had a scheduled passenger and/or freight landing at Hamilton Airport within 18 hours of the engine testing taking place; and
- The engine testing is necessary to return the aircraft to scheduled services, as soon as practically possible; and
- The engine testing cannot be completed outside the hours of 10.00pm and 7.00am without disruption to flying schedules.

10.4.2.29 Exemptions from Rule [10.4.2.27](#) ~~10.4.2.16~~ [PPC20] are subject to the following conditions:

- The essential unscheduled engine testing must be notified to the operator of Hamilton International Airport and Waipā District Council (WDC) by the aircraft testing operator as soon as the need for it is known; and
- As soon as practically possible after the essential unscheduled engine testing is completed the aircraft testing operator shall send to the operator of Hamilton International Airport and WDC a report which shall include details of the date, time, location, duration, type of



aircraft, engine power setting, the reasons for it being an exemption, and proof the aircraft was on a scheduled flight to Hamilton International Airport; and

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

Activities that fail to comply with Rules [10.4.2.27 – 10.4.2.29](#) ~~10.4.2.16 to 10.4.2.18~~ [PPC20] will require a resource consent for a non-complying activity, except for scheduled engine testing that exceeds Rule [10.4.2.27](#) ~~10.4.2.16~~[PPC20] by up to 5dBA which is a restricted discretionary activity, refer to Rule [10.4.1.2\(d\)](#) ~~10.4.1.3(d)~~[PPC20].

### Rules - Noise mitigation within the OCB, ANB and SEL

10.4.2.30 The following noise sensitive activities located within the OCB, ANB and SEL shall incorporate appropriate acoustic treatment to ensure that a noise level not exceeding 45dBA (Ldn) is achieved inside the building, except that in all habitable rooms of new residential activities and visitor accommodation, including extensions and additions to existing residential activities and visitor accommodation, a noise level not exceeding 40dBA shall be achieved:

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

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

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

10.4.2.32 Prior to a building consent being issued for any building to which Rules [10.4.2.30 and 10.4.2.31](#) ~~10.4.2.19 and 10.4.2.20~~ [PPC20] applies, compliance shall be demonstrated by:

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

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

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

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

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

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

10.4.2.34 Prior to issuing a building consent for any building to which Rule [10.4.2.33](#) ~~10.4.2.22~~ [PPC20] applies, compliance with the rule shall be demonstrated by production of a design certificate from an appropriately qualified and experienced acoustic engineer certifying that the above internal noise level will be achieved by construction in accordance with the proposed design, provided that:

- (a) Where it is necessary to have doors and windows closed to achieve the acoustic standard an alternative ventilation system shall be provided for sleeping areas at 1-2 a/c per hour on low setting and a minimum of 5 a/c per hour on high setting, where a/c per hour means air changes per hour; and
- (b) Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of three stages; and
- (c) Each system providing the low setting flow rates is to be provided with a heating system which is able to provide the incoming air with a 12oC heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of two equal heating stages; and
- (d) If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.
- (e) Noise from ventilation systems shall not exceed the following noise limits:

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

Activities that fail to comply with Rules [10.4.2.30 - 10.4.2.34](#) ~~10.4.2.19 to 10.4.2.23~~ [PPC20] will require a resource consent for a discretionary activity.

### Rule - Vibration

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

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

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

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

#### **Rule - Construction noise**

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

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

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

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

#### **Rules - Signs**

- 10.4.2.37 The following signs are permitted:

- (a) A sign giving information such as the name or street number of premises, the business carried on, names of people occupying premises, and hours of operation; but containing no reference to particular products. No such sign shall exceed 3m<sup>2</sup> and the total area of permanent signs on one site shall not exceed 5m<sup>2</sup>.
- (b) One free standing sign with a maximum height of 7.5m and maximum width of 2m at each road entrance to the Airport Business Zone.
- (c) Signs advertising that the land or premises are for sale or lease. The maximum size of each sign must be no more than 2m<sup>2</sup> and no more than four signs are permitted on a site at any one time.
- (d) A sign erected on a construction site giving details of the project. The maximum total area of the sign must be no more than 2m<sup>2</sup> and no more than one sign is permitted on a site at any one time.
- (e) Any sign erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.
- (f) Health and Safety at Work Act 2015 related signs.

Provided that in all cases:

- (i) All signs other than temporary signs shall relate to activities authorised under the Plan and shall be located on the site to which they relate.
- (ii) No sign shall be internally illuminated, flashing, incorporate fluorescent or incorporate moving materials such as flags or be painted in colours that are used on traffic signals.
- (iii) All signs must be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall.
- (iv) No sign shall be placed above a verandah.

- (v) With the exception of signs permitted by Rule ~~10.4.2.37(b)~~ ~~10.4.2.26(b)~~ [PPC20] a freestanding sign must be placed so that no part is more than 4m above ground level.
- (vi) Signs must be placed so that they do not block sight distances at entranceways and must be no closer than 20m to a road intersection.
- (vii) Signs shall be oriented towards the road from which the site obtains its vehicular access.
- (viii) Signs must be removed where the goods, services or events to which the sign relates are no longer available, or no longer relevant to that site or building.

10.4.2.38 Signs giving information on forthcoming events, elections, cultural, religious, educational or sporting events and displayed not more than 90 days before and three days after the event or such lesser time as may be prescribed by legislation; as long as signs shall not exceed a combined total of 3m<sup>2</sup> visible in all directions and shall be setback at least 15m from any strategic road.

Provided that in all cases:

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

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

Activities that fail to comply with Rules ~~10.4.2.37 and 10.4.2.38~~ ~~10.4.2.26 and 10.4.2.27~~ [PPC20] will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

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

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

#### Rule - Earthworks

10.4.2.39 Earthworks shall not exceed a total volume of ~~1,000m<sup>3</sup>~~ ~~2,500m<sup>3</sup>~~ [PPC20] in a single activity or in cumulative activities in any one calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent.

#### Advice Notes:

1. In the event that any artefacts, human remains or evidence of historic human activity are discovered, there remains a procedure under the Heritage New Zealand Pouhere Taonga Act 2014 that must be followed.

2. Earthworks complying with permitted activity standards or subject to resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, are exempt from additional resource consent requirements.
3. Earthworks within 23m of lakes or water bodies require resource consent. Refer Section 26 - Lakes and Water bodies.

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

#### **Rules - Temporary construction buildings**

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

Activities that fail to comply with Rules [10.4.2.40 and 10.4.2.41](#) ~~10.4.2.29 and 10.4.2.30~~ [PPC20] will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects.

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

#### **Rules - Temporary events**

- 10.4.2.42 All temporary buildings and other works shall be removed and the site returned to its original condition five working days after the temporary event has ceased.
- 10.4.2.43 All buildings and any required works must be set back from the boundary in accordance with the relevant zone setback requirements.
- 10.4.2.44 Any temporary event that is likely to attract more than 200 vehicles will require a Traffic Management Plan. The Traffic Management Plan is required to be submitted to and approved by the relevant road controlling authority no less than one month prior to the event.
- 10.4.2.45 Temporary events must not:
- (a) Occur more than two times per calendar year cumulatively on any site; and
  - (b) Exceed two days duration (excluding preparation time); and
  - (c) Occur outside of the hours of Monday to Saturday 7.00am to 10.00pm and 7.30am to 6.00pm Sunday and public holidays.

Activities that fail to comply with Rules [10.4.2.42 – 10.4.2.45](#) ~~10.4.2.31 to 10.4.2.34~~ [PPC20] will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

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

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

#### **Rule - Compliance with the Airport Business Zone Structure Plan**

- 10.4.2.46 All activities and development and subdivision in the Airport Business Zone shall be in general accordance with the Structure Plan (including requirements) contained within Appendix S10. comply with Rules 15.4.2.83 to 15.4.2.86 of this Plan. [PPC20]

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

#### **Rule - Relocated buildings**

- 10.4.2.47 A relocated building more than 40m<sup>2</sup> shall meet the following requirements:
- (a) A Building Relocation Inspection Report shall accompany an application for a building consent. The Building Relocation Inspection Report shall be prepared by one of the following suitably qualified and experienced people:
    - (i) A Waipa District Council Building Compliance Officer (or equivalent); or
    - (ii) A member of the New Zealand Institute of Building Surveyors; or
    - (iii) A licensed building practitioner (carpenter or design category); or
    - (iv) A building inspector from the local authority where the building is being relocated from; and
  - (b) If the Building Relocation Inspection Report has been prepared by a person other than a Waipa District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipa District Council Building Compliance Officer (or equivalent position) by undertaking an on-site inspection of the relocated building once it has been relocated; and should the Waipa District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:
    - (i) The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the Building Relocation Inspection Report.
  - (c) All required repairs and maintenance identified in the Building Relocation Inspection Report to reinstate the exterior of the relocated building, including painting, if required, shall be completed within 6 months of the relocated building being delivered to the site; and
  - (d) The owner of site to which the building is to be relocated must supply a signed declaration to Council that the reinstatement work required by the Building Relocation Inspection Report will be completed within 6 months of the relocated building being delivered to the site.

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

Advice Notes:

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

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

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

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

### **Rule – Electric vehicle supply equipment**

#### **10.4.2.48 Any electric vehicle supply equipment shall:**

- (a) Be installed in an existing, permitted or consented vehicle parking space, vehicle depot or garage structure; and
- (b) Not exceed a height of 1.2m and an area of 3m<sup>2</sup>

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

- Adverse effects on the safe, efficient and effective operation of the transport system.
- Adverse effects of non-compliance on the streetscape, pedestrian safety and the amenity of the area. [PPC20]

## **10.5 Assessment Criteria**

### **10.5.1 Controlled activities and Restricted Discretionary activities**

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

### **10.5.2 Discretionary activities**

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



## **Section 15 - Infrastructure, Hazards, Development and Subdivision**

### **15.1 Introduction**

15.1.1 .....

15.1.5 Comprehensive development plans provide for the development of ~~Titanium Park—Northern Precinct and [PPC20]~~ the Industrial Zone at Raynes Road which form part of [PPC20] the Hamilton Airport Strategic Node. Given its proximity to the Airport and interrelated infrastructure issues, the Agri-Activities Overlay of the Mystery Creek Events Zone has ~~also [PPC20]~~ been identified as a Comprehensive Development Plan Area. The comprehensive development plan process recognises the need for an integrated and coordinated approach to development and infrastructure.

#### **Objective - Comprehensive development plans**

15.3.18 To achieve integrated development of land surrounding Hamilton ~~International [PPC20]~~ Airport through the requirement for comprehensive development plans (excluding the Airport Business zone). [PPC20]

#### *Policies - Comprehensive development plans*

15.3.18.1 .....

#### **Objective - Comprehensive development plans: integrated development**

15.3.19 To achieve the efficient and cost effective infrastructure for land within the comprehensive development plan areas located in the ~~Hamilton Airport Strategic Node and the [PPC20]~~ Agri-activities Overlay of the Mystery Creek Events Zone by ensuring that the servicing provided is appropriate to the land use and future development.

#### *Policy - Comprehensive development plan areas: infrastructure requirements*

15.3.19.1 .....

#### **Objective – Integrated Transport within the Northern Precinct of the Airport Business Zone**

15.3.X To enable the integrated development of the Airport and its surrounding land as a transport hub and business location, taking advantage of its strategic location and infrastructure. [PPC20]

#### *Policy – Integrated Transport*

15.3.X Require subdivisions within the Northern Precinct of the Airport Business zone to be consistent with the transport principles and requirements that are contained within Section 10 – Airport Business Zone and Appendix S10 – Airport Business Zone Structure Plan, including but not limited to the upgrades and timing that are specified by Rule 10.4.2.20. [PPC20]

## 15.4 Rules

The rules that apply to activities are contained in:

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

### 15.4.1 Activity Status Table

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
<b>Airport Business Zone - Specific activity status rules</b>								
(u)	Subdivision where only front lots are created <u>and where the subdivision is in accordance with Appendix S10 – Airport Business Zone Structure Plan.</u> [PPC20]	NA	NA	C	NA	NA	NA	NA
Matters over which Council reserves its control are: <ul style="list-style-type: none"> <li>▪ <u>Compliance to the standards in the Consistency with Appendix S10 [PPC20]</u> Airport Business Zone Structure Plan.</li> </ul> These matters will be considered in accordance with the assessment criteria in section 21.								
(v)	Subdivision where rear lots are created or where subdivision is not in accordance with <u>Appendix S10 – Airport Business Zone Structure Plan.</u> <del>the structure plan.</del> [PPC20]	NA	NA	D	NA	NA	NA	NA
<b>Deferred Zones - Specific activity status rules</b>								
(w)	Any subdivision that is not a boundary adjustment or boundary relocation.	NA	NA	NA	NA	NA	NA	NC
<b>Comprehensive Development Plan Areas – Specific activity status rules</b>								
(x)	Comprehensive development plan for: <ul style="list-style-type: none"> <li><del>(i) Titanium Park – Northern Precinct;</del> [PPC20]</li> <li>(ii) Industrial Zone (Raynes Road); or</li> </ul>	NA	NA	RD	NA	NA	RD	NA

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	(iii) Mystery Creek Agri-Activities Overlay Area. Assessment will be restricted to the following matters: <ul style="list-style-type: none"> <li>▪ Traffic effects; and</li> <li>▪ Water supply, wastewater treatment and disposal and stormwater management; and</li> <li>▪ Landscaping and visual treatment; and</li> <li>▪ Consistency with District Plan provisions relating to the operation of Hamilton Airport.</li> <li>▪ Mystery Creek Agri-Activities Overlay Area only: The development of standards for subdivision and development.</li> </ul> These matters will be considered in accordance with the assessment criteria in Section 21.							
(y)	Development and subdivision in accordance with an approved comprehensive development plan for: <ul style="list-style-type: none"> <li><del>(i) Titanium Park Northern Precinct; or [PPC20]</del></li> <li>(ii) Industrial Zone (Raynes Road); or</li> <li>(iii) Mystery Creek Agri-Activities Overlay area.</li> </ul> Matters over which Council reserves its control are: <ul style="list-style-type: none"> <li>▪ Compliance with the approved comprehensive development plan.</li> </ul> These matters will be considered in accordance with the assessment criteria in Section 21.	NA	NA	C	NA	NA	C	NA
(z)	Development and subdivision prior to the approval of a comprehensive development plan for: <ul style="list-style-type: none"> <li><del>(i) Titanium Park Northern Precinct; or [PPC20]</del></li> <li>(ii) Industrial Zone (Raynes Road); or</li> <li>(iii) Mystery Creek Agri-Activities Overlay area.</li> </ul>	NA	NA	NC	NA	NA	NC	NA
<i>In this table: P = permitted activity; C = controlled activity; RD = restricted discretionary activity; D = discretionary activity; NC = non-complying activity; PR = prohibited activity; NA = not applicable</i>								

## **Airport Business Zone**

- 15.4.2.87 All development and subdivision in the Airport Business Zone shall comply with:
- (a) the Airport Business Zone Structure Plan in Appendix S10 of this Plan ~~including;~~
  - (b) the transport upgrades that are required to enable the development of the Northern Precinct as set out within Rule 10.4.2.20;
  - (c) the general location and form of access points to State Highway 3, State Highway 21, Middle Road and Raynes Road; ~~noting provided~~ that strict compliance in terms of the internal road locations is not required, as the roads are indicative only.
  - (d) The ecology requirements for the Northern Precinct set out within Rule 10.4.2.22. [PPC20]

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

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

Activities that fail to comply with rule 15.4.2.87(d) will require resource consent for a discretionary activity. [PPC20]

*Development within the Central Precinct accessed via State Highway 21[PPC20]*

15.4.2.88 .....

*Development accessed via State Highway 3[PPC20]*

15.4.2.90 .....

## **Part E: Comprehensive Development Plan Areas**

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

### **Rule - Development and subdivision within Comprehensive Development Plan Areas**

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

~~(a) — Titanium Park — Northern Precinct. [PPC20]~~

~~(ab) Industrial Zone (Raynes Road).~~

~~(be) Mystery Creek Agri-Activities Overlay Area.~~

#### Advice Notes:

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

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

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

~~15.4.2.93 — The Comprehensive Development Plan shall include:~~

~~(a) — Broad Integrated Transport Assessment (ITA) to assess traffic effects on Raynes Road and the State Highway network between the State Highway 1/State Highway 21 Intersection and the State Highway 3/Normandy Avenue Intersection as shown in Appendix O12. The ITA should identify:~~

~~(i) — Anticipated traffic generation within the Hamilton Airport Strategic Node; and~~

~~(ii) — Anticipated effects on the road corridors and intersections with particular reference to the SH3/Raynes Road Intersection, the SH21/Raynes Road Intersection, the SH3/Collins Road Intersection, the SH3/21 Intersection and the SH3/Normandy Avenue Intersection taking into account existing zoned and consented development; and~~

~~(iii) — Proposals to mitigate effects on the network including design proposals, costs, timing and funding arrangements, having regard to the long term function and configuration of the road network.~~

~~(b) — Provision for all development and subdivision to obtain access to the arterial transportation network in accordance with the Airport Business Zone Structure Plan.~~

~~(c) — Provision for the provision of a comprehensive wastewater treatment system that will provide effective treatment.~~

~~(d) — Provision to ensure the availability of a suitable potable and fire-fighting water supply.~~

~~(e) — Provision for the management of stormwater.~~

~~(f) — A maximum land area of 40ha and any proposed staging of the development.~~

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

~~Activities that fail to comply with this rule will require a resource consent for a non-complying activity. [PPC20]~~

## Section 21 - Assessment Criteria and Information Requirements

### 21.1 Assessment Criteria

#### 21.1.10 Airport Business Zone ~~(Titanium Park)~~ [PPC20]

Airport Business Zone <del>(Titanium Park)</del> [PPC20] Assessment Criteria		
<b>Controlled Activities</b>		
<del>21.1.10.1</del>	<del>Any permitted activity within the Titanium Park – Northern Precinct, except for those specified in Rule 10.4.1.5(d), provided that a comprehensive development plan has been approved [PPC20]</del>	<del>(a) The extent to which the activity complies with the provisions of the approved comprehensive development plan. [PPC20]</del>
<b>Restricted Discretionary Activities</b>		
21.1.10.11 <del>12</del>	<b>Roading Transport</b> [PPC20]	<ul style="list-style-type: none"> <li>(a) The impact of roading on the amenity of the area.</li> <li>(b) Whether the road design and layout is consistent with <del>the</del> <u>Appendix S10 - Airport Business Zone Structure Plan.</u></li> <li>(c) The extent to which roading within the zone can be constructed to adequately <del>dispose of</del> <u>manage</u> stormwater.</li> <li>(d) <u>Whether the proposed subdivision or development will enable the safe and efficient operation of the surrounding road network.</u></li> <li>(e) <u>Where subdivision or development does not provide the transport upgrades specified for the Northern Precinct (by Rule 10.4.2.20), it is supported by an Integrated Transport Assessment that:</u> <ul style="list-style-type: none"> <li>(i) <u>Identifies the reasons why the upgrades set out within Rule 10.4.2.20 are not required, deferred or varied; and</u></li> <li>(ii) <u>Includes an assessment of the transport effects of the proposal (including all modes of transport) that would support the land uses proposed or be enabled under the Airport Business Zone; and</u></li> </ul> </li> </ul>

Airport Business Zone <del>(Titanium Park)</del> [PPC20] Assessment Criteria		
		<p>(iii) <u>Outlines the extent of any consultation undertaken with Waka Kotahi and Waipā District Council (as the relevant road controlling authorities) in relation to the proposed design of the transport network and upgrades.</u></p> <p>(f) <u>Whether the proposed subdivision or development will enable the provision of public transport within the Northern Precinct [PPC20].</u></p>
<u>21.1.10.18</u> <u>[PPC20]</u>	<b>Ecology (Northern Precinct)</b>	<p>(a) <u>The extent to which the proposal avoids, remedies or mitigates the effects of development on Bat Habitat Areas and other habitat values within the Northern Precinct. This may include legal protection and enhancement of Bat Habitat Areas, protection of confirmed or potential bat roost trees outside Bat Habitat Area (subject to recommendations in the assessment required by Rule 10.4.2.22(a)(iii)), pest control and measures to minimise light spill into Bat Habitat Areas.</u></p> <p>(b) <u>The extent to which transport corridors are located and designed to avoid or minimise effects of roadside lights and vehicle headlights on nearby Bat Habitat Area and the bat population within those areas. Where transport corridors are proposed to cross Bat Habitat Areas they should take the shortest route practicable (provided that is the route most likely to minimise impacts), be aligned and designed to minimise the number of existing trees that are required to be removed, ensure lighting is designed to maintain the role and function of the Bat Habitat Area and be designed to enable bats to continue to access the remaining Bat Habitat Areas.</u></p> <p>(c) <u>The extent to which the proposal addresses more than minor residual adverse effects to achieve no net loss for long-tailed bat habitat values through off-site measures. This may include legal protection of bat habitat, pest control and the provision of a monetary payment or land to be used for measures such as habitat enhancement or pest control.</u></p>
<u>21.10.19</u> <u>[PPC20]</u>	<b>Electric vehicle supply equipment</b>	<p>(a) <u>The effect of the non-compliance on the safe, efficient and effective operation of the transport system.</u></p> <p>(b) <u>The effect of the non-compliance on the streetscape, character and amenity of the area.</u></p>
	<b>Discretionary Activities</b> <i>Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</i>	

Airport Business Zone <del>(Titanium Park)</del> [PPC20] Assessment Criteria		
21.1.10.2019 [PPC20]	Noise sensitive activities	(a) For any activity listed in Rule <u>10.4.2.30</u> <del>10.4.2.19</del> : (i) .....
21.1.10.2120 [PPC20]	Vehicle access to sites	(a) .....
<u>21.1.10.22</u> [PPC20]	Trimming, pruning or removal of trees or vegetation inside Bat Habitat Areas	(a) <u>The extent to which the removal of the tree(s):</u> (i) <u>Will avoid serious damage to structures, property and infrastructure; and/or</u> (ii) <u>Is necessary for saving or protecting human life or health.</u> (b) <u>Whether alternatives which would avoid the need to remove the tree(s) have been adequately considered, including trimming or pruning.</u> (c) <u>The ecological values of the tree(s) which are proposed to be removed and the associated effects.</u> (d) <u>Whether the trimming, pruning or removal of the tree(s) is proposed to be undertaken in accordance with best practice methods.</u> (e) <u>The suitability of any proposed replacement planting.</u>

## Appendix S10 - Airport Business Zone Structure Plan

### S10.1 General

S10.1.1 The Airport Business Zone Structure Plan covers an area of some 250 ha ~~157ha~~ surrounding the airport operational area. ~~It contains some existing industrial and service activities on the west side of the airport but the majority of the land is undeveloped. Much of the zone has already been developed, except for the Northern Precinct. The Northern Precinct comprises of 130ha of land, which~~ This [PPC20] provides the opportunity to apply quality urban design principles to the development.

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

### S10.2 Northern Precinct ~~land~~

S10.2.1 A ~~40ha~~ 130ha [PPC20] area of land to the northwest of the airport adjacent to the main runway known as the Northern Precinct has been identified for expansion of the business park. ~~A master planning approach has also been applied to this land so the principles in S10.3 (where relevant) will apply to it.~~ [PPC20]

S10.2.2 There will be no vehicle access from lots or activities within the Northern Precinct land to Narrows Road, Raynes Road, or any section of Middle Road that does not have Airport Business



~~zoned land on both sides. and vehicle access will be by way of an internal road connection to the Western Precinct. [PPC20]~~

~~S10.2.3 Access will be achieved through intersections onto State Highway 3 (SH3) and Raynes Road while protecting the ability to establish a direct connection to the future Southern Links Central interchange when it is constructed. [PPC20]~~

~~S10.2.4 Several transport upgrades will be required to enable the full development of the Northern Precinct. These upgrades, along with when they will be required, are set out within Rule 10.4.2.13A within Section 10. [PPC20]~~

~~S10.2.5 Development of the Northern Precinct will occur in a way that protects identified Bat Habitat Areas and maintains or enhances long-tailed bat habitat values. [PPC20]~~

S10.2.63-2 Development of the Northern Precinct land is also subject to ~~approval of a Comprehensive Development Plan in accordance with [PPC20]~~ the rules in Section 10 – Airport Business Zone (Titanium Park) and Section 15 – Infrastructure, Hazards, Development and Subdivision.

### **S10.3 Principles**

S10.3.12 .....

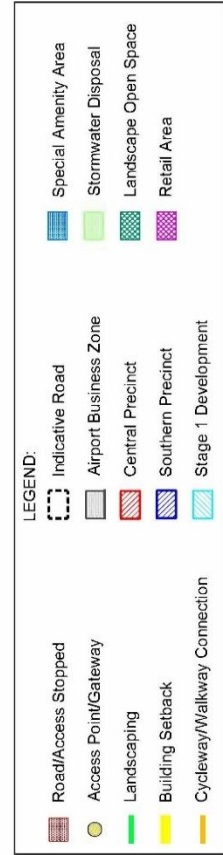
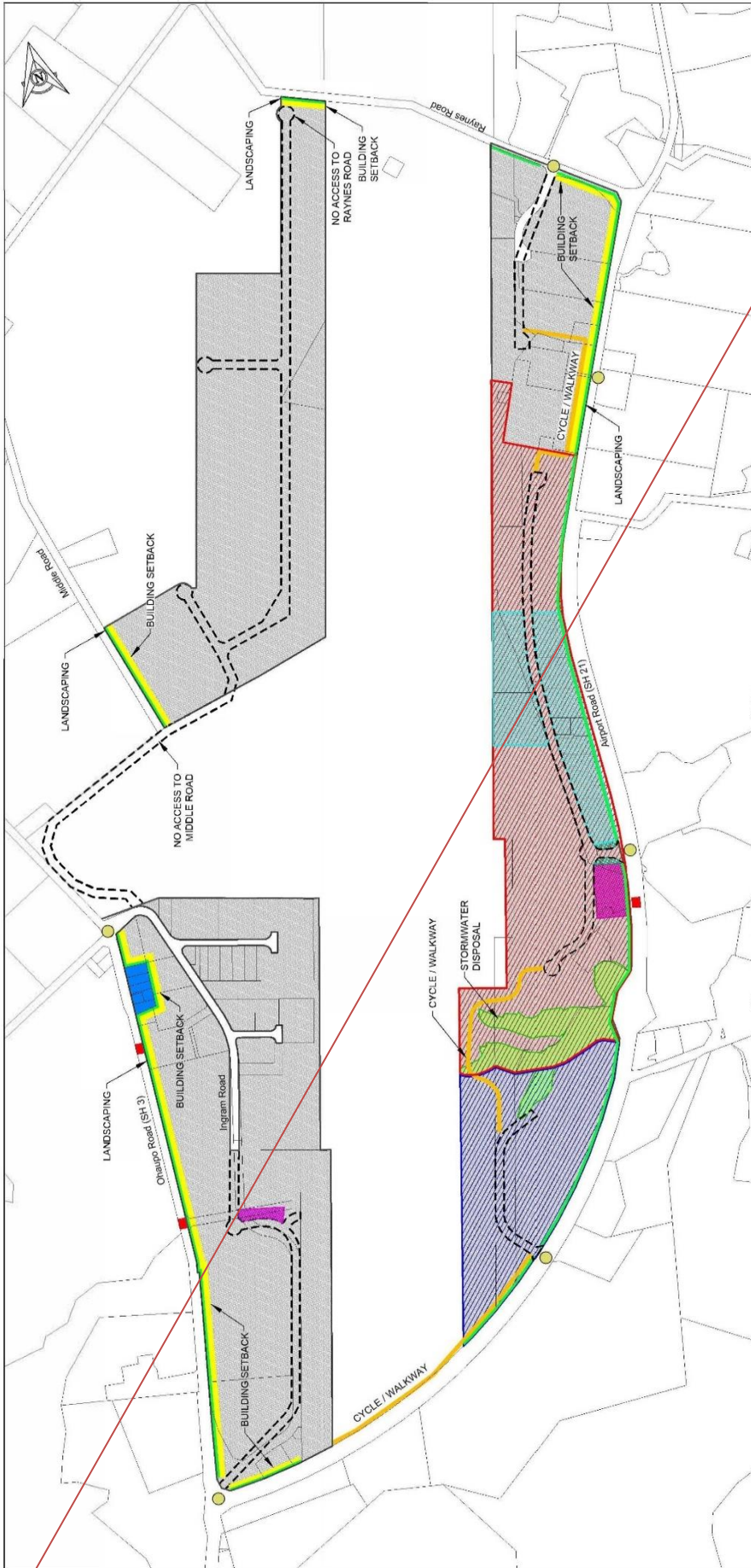
~~S10.3.13 For the Northern Precinct, the areas which are identified as Bat Habitat Areas are to be protected and enhanced as bat habitat. Enhancement of the corridor which forms part of the Bat Habitat Areas will occur in general accordance with Figures 1 and 2. Multi-functional use of the Bat Habitat Areas involving stormwater networks is anticipated and provided for to enable efficient use of the land where the activities do not adversely affect use of the areas by long-tailed bats to a more than minor extent. [PPC20]~~

### **S10.5 Southern Links**

S10.5.1 .....

(a) An access point at the State Highway 3/21 intersection that will be in the form of a roundabout with an access leg into Titanium Park ~~to be completed in 2017 [PPC20]~~ and which will eventually form part of the grade separated SH3/21 interchange.

(b) .....



**Waipā**  
DISTRICT COUNCIL

**Airport Business Zone Structure Plan**

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REVISION 2  
 Scale @ A3  
 1:10,000  
 Part Date  
 16 September 2018

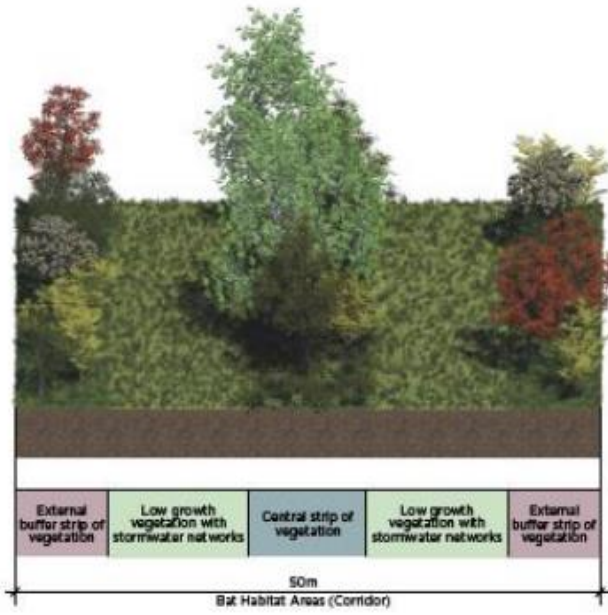



  
 Waipā
   
 DISTRICT COUNCIL

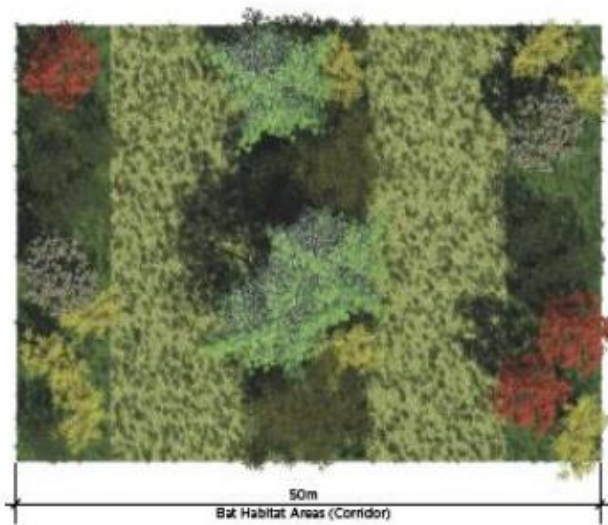
**Airport Business Zone Structure Plan**  
 Appendix S10

# BAT HABITAT AREAS (CORRIDOR)

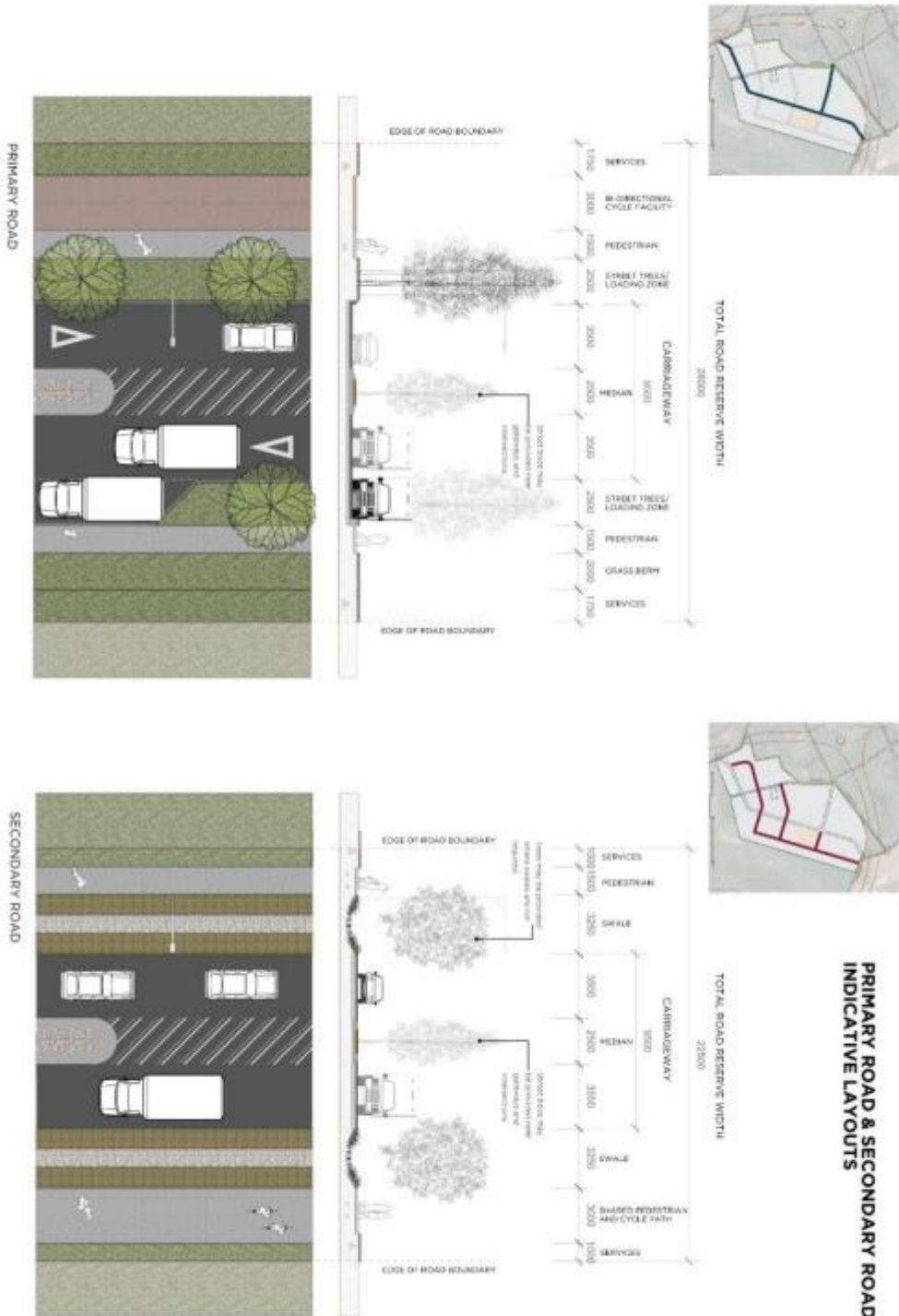
**FIG 1** Bat Habitat Areas (Corridor) - Typical Cross Section @ 1:500 - A4

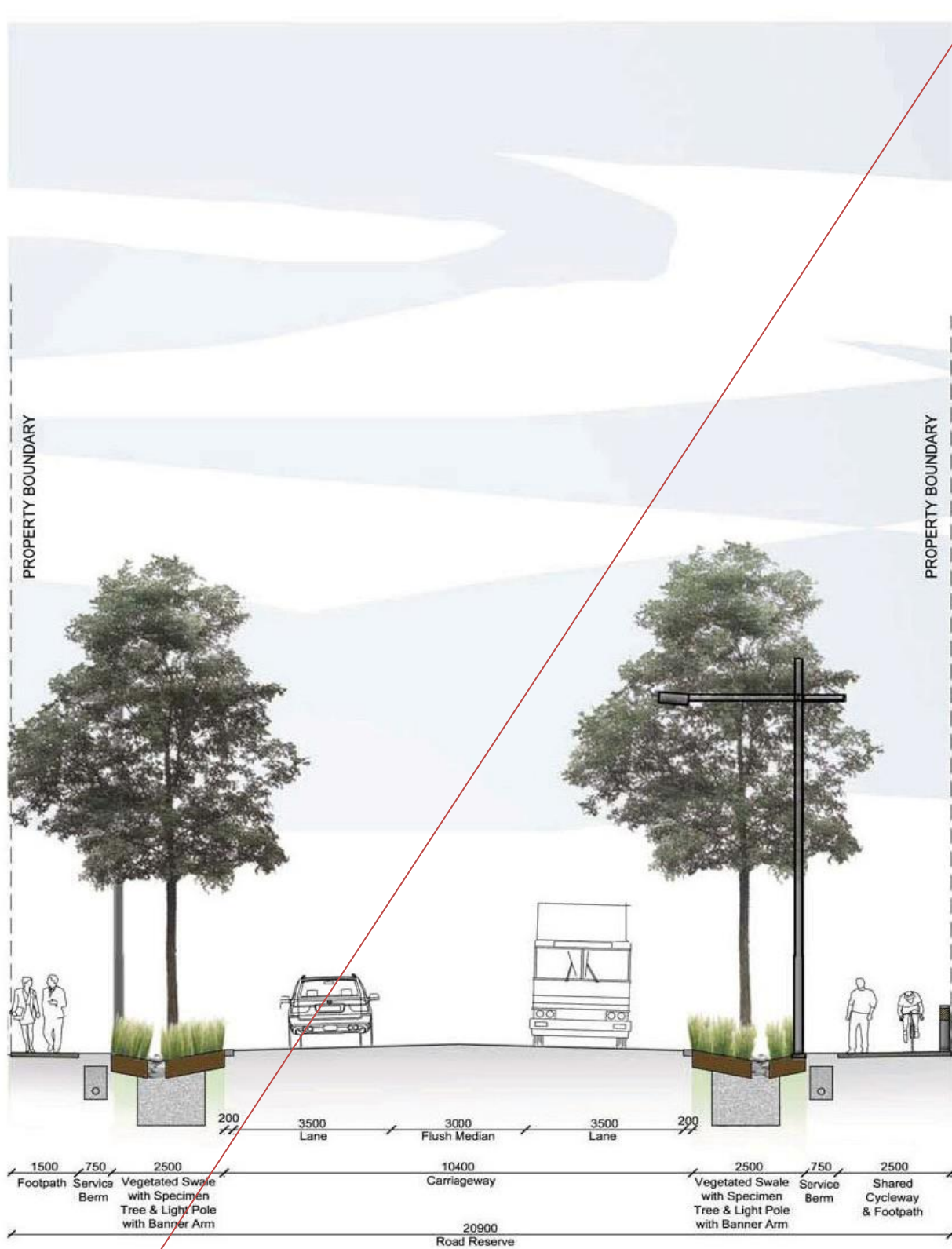


**FIG 2** Bat Habitat Areas (Corridor) - Typical Plan Layout @ 1:500 - A4



**PRIMARY ROAD & SECONDARY ROAD  
INDICATIVE LAYOUTS**





**TYPICAL ROAD  
CROSS SECTION**

DATE: 29.08.08  
SCALE: 1:150 @ A3



**D**

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**Section 32AA Evaluation**

## Part D – Section 32AA Evaluation

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### 1 Background and context

#### 1.1 Introduction

##### SECTION 32 REQUIREMENTS

1.1.1 Section 32 of the Resource Management Act 1991 (RMA) requires a council or supporter of a private plan change to evaluate the purpose of a proposal along with the proposed policies and methods, including rules.

1.1.2 The evaluation must:

- (a) assess the scale and significance of the problem or issue;
- (b) examine whether the objectives of the plan change are the most appropriate way to achieve the purpose of the RMA;
- (c) examine whether the proposed approach is the most appropriate way of achieving the objective;
- (d) identify and assess the benefits and costs of new provisions, including any assumptions and risks; and
- (e) assess the risks of acting or not acting if there is uncertain or insufficient information.

##### SECTION 32AA REQUIREMENTS

1.1.3 Section 32AA of the RMA sets out the requirements for undertaking and publishing further evaluations. The section states that:

*“(1) A further evaluation required under this Act -*

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
  - (b) must be undertaken in accordance with section 32(1) to (4); and*
  - (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
  - (d) must -*
    - (i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
    - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*
- (3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act”.*



- 1.1.4 This report is an evaluation undertaken by the Waipā District Council (the Council) in accordance with Section 32AA of the RMA in relation to Private Plan Change 20 – Airport Northern Precinct Extension (the plan change). The report focuses on the changes that have been made as a result of submissions and decisions from the Hearings Panel since the plan change was publicly notified.
- 1.1.5 This report has been prepared to fulfil the obligations of the Council under Section 32AA of the RMA, with respect to undertaking a plan change within the Waipā District Plan.

## **1.2 Objective of Proposed Private Plan Change 20**

- 1.2.1 PPC20 seeks to enable the co-ordinated expansion of the Northern Precinct within the Airport Business zone (the 'ABZ'). It is seeking to rezone approximately 89ha of land from Rural to ABZ and will result in the Northern Precinct increasing from the existing 41ha to approximately 130ha of ABZ land.

## **1.3 Overview of key amendments**

- 1.3.1 The key amendments to the provisions of the Waipā District Plan extend across the following sections:
- Section 10 – Airport Business Zone
  - Section 15 – Infrastructure, Hazards, Development and Subdivision
  - Section 21 – Assessment Criteria and Information Requirements
  - Appendix S10 – Airport Business Zone Structure Plan
  - Volume 3 – Planning Maps

## **1.4 Analysis of individual changes**

- 1.4.1 The key changes from the notified plan change are summarised below and as referenced in the Statement Of Evidence prepared by Mr Grala<sup>35</sup>:
- a) Amendments to the ecology related policy proposed for the Northern Precinct, the introduction of a Bat Habitat Area (BHA) on the Proposed Structure Plan, amendments to the EMP provisions, the introduction of lighting, building setback and vegetation controls and the introduction of new ecology-related assessment criteria.
  - b) Amendments to the transport provisions not provide a policy framework and consenting pathway for departing from the transport upgrades specified within rule 10.4.2.20.
  - c) Introduce a rule that requires buildings within the Northern Precinct to be designed in accordance with NZ Fire Service Fire-Fighting Water Supply Code of Practice (SNZ PAS 4509:2008).

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<sup>35</sup> Paragraph 43 – Statement of Evidence of Nicholas Colyn Grala, dated 28 February 2023

## 1.5 Criteria Assessment

- 1.5.1 An assessment of the changes made to the plan change since the initial s32 evaluation report was completed has been undertaken.

Criteria	Assessment
Consistency with purpose of RMA	Sustainable management of resources is the purpose of the Resource Management Act. The amendments to the rules are consistent with the purpose and principles of the RMA.
Effectiveness	<p>The rules are effective in enabling development of the Hamilton Airport to meet the current demand and the amendments included as a result of submissions will result in a greater level of mitigation and management of potential adverse effects.</p> <p>In particular, the changes in relation to BHA's and an EMP will result in greater protection of the endangered long-tail bats through restrictions on development within their roosting and fly-over areas.</p> <p>The amendments will also ensure that for each stage of development, the appropriate roading upgrades required will be undertaken to manage the traffic effects on the surrounding road network, and that sufficient water supply will be provided in the event of a fire emergency.</p>
Efficiency	The manner in which the provisions are drafted, will ensure that the mitigation measures are in place prior to development ie the triggers for transport upgrades and the EMP being required with the first consent required in the precinct.
Feasibility	Improved feasibility as the provisions establish clear expectations required for development, including level of detail required and when specific works should be occurring.
Degree of risk	The risks of not including the provisions has the potential to further endanger long-tailed bats; potentially result in traffic safety and efficiency effects; and put people and property at risk in the event of a fire.
<b>Overall assessment</b>	<b>The proposed amendments enhance the provisions by giving clearer guidance to</b>

Criteria	Assessment
	<b>development and improved management of effects.</b>

## 1.6 Conclusion

The Commissioners accept the s32AA reviews as accurate and adequate.