

Ruakura Variation to Hamilton City Proposed District Plan

**Section 42A Hearing Report
3rd August 2016**

Report on Submissions and Further Submissions
Chapter 25 City Wide

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Chapter 25 – City Wide



1.0 Introduction

- 1.1 My name is Laura Jane Galt. I hold the qualifications of Masters of Environmental Planning, from the University of Waikato and am an Intermediate member of the New Zealand Planning Institute. I have had over 9 years experience in planning in Local Government in New Zealand which has related to policy development roles under the Resource Management Act 1991 (RMA).
- 1.2 At present I hold the position of Intermediate Planner for the Hamilton City Council.
- 1.3 My role in preparing this report is that of an expert policy planner. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
- 1.4 The scope of my evidence relates to comments on submissions and further submissions received in relation to Chapter 25 - City Wide for the Hamilton City Proposed District Plan Variation 1 – Ruakura.
- 1.5 The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 1.6 No formal pre-hearing meetings concerning submissions covered by this evidence have been undertaken pursuant to clause 8AA of the First Schedule of the RMA.
- 1.7 Giving effect to the Board of Inquiry Decision is a guiding principle of the Variation. As part of consideration of all submissions made on the PDP and the Variation, where alignment with the BOI Decision is recommended this has taken into account the evaluation of the submission points and the relief sought in the context of the Variation.

2.0 Background

- 2.1 Chapter 25 covers 15 subchapters that relate to activities that are relevant across the City and are not zone specific and city-wide objectives, policies and standards that are applicable to activities in the zone chapters. The Variation includes deferred Rules¹ for Hazardous Facilities, Landscape and Screening, Lighting and Glare and Transportation which are considered in this report. The Variation also included amended provisions for Network Utilities and the Electricity National Grid Corridor and Noise and Vibration which are considered in separate reports.
- 2.2 Principal documents relied upon are the Variation, s32 report and its referenced resources (e.g. RMA, Regional Plan, Operative Regional Policy Statement), the Operative District Plan, the Proposed District Plan, Final Report and Decision of the BOI into the Proposed Ruakura Development Plan Change (September 2014) and the relevant content of the submissions covered by this evidence.

¹ Due to the timing of the Ruakura Plan Change BOI process it was prudent to defer hearing any provisions of the PDP that related to Ruakura until such time as a decision was released by the BOI. The BOI issued their decision in September 2014. A review of the BOI decision showed that the provisions had changed substantially to the notified PDP and a Variation was required. PDP provisions that were deferred from hearing will now be considered as part of this Variation.



3.0 Submissions

- 3.1 The Proposed District Plan was notified on 11 November 2015. The submission period closed on 18 December 2015. A summary of submissions was notified on 17 February 2016. The further submission period closed on 2 March 2016. An addendum summary of submissions was notified on 6 April 2016. The further submission period for those submission points identified in the addendum closed on 20 April 2016.
- 3.2 Fourteen submissions with 20 points of submission were received directly on Chapter 25. 9 submitters (1 withdrawn) with 11 submission points were deferred from the PDP. 11 Further submissions with 36 further submission points have been received in relation to principal submissions.
- 3.3 Lists of the submitters and further submitters referred to in this report are contained in Appendix B.

4.0 Analysis

- 4.1 Given the number, nature and extent of the submissions and further submissions received the analysis follows the order of the provisions in the District Plan Chapter, as follows:

- Chapter 25
- 25.4.5.1 Activities Required to be Assessed using the Hazardous Facilities Screening Procedure
- 25.5 Landscaping and Screening
- 25.5.3.1 General Standards - Landscaping
- 25.5.3.7 Internal Planting
- 25.6 Lighting and Glare

Each grouping contains the following:

- An analysis of the matters raised in submissions.
- Submitter / Further Submitter Name.
- Submission / Further Submission Point reference numbers.
- Plan Provision to which the submission relates.
- Submission type (Support, Oppose, Support in Part).
- Summary of the submission point (from the summary of submissions).
- A recommendation to the hearing panel on whether to Accept, Accept in Part, or Reject the submission.
- The reasons for the recommendation.

5.0 Conclusion

- 5.1 On the basis of my analysis, I recommend that the changes within the Track Changed Versions (Appendix C) are accepted.
- 5.2 The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan in an effective and efficient manner and give effect to the purpose and principles of the RMA.



Appendix A

Analysis: 25 City-wide

N. Smith 09.04 seeks for LDP Areas E, A, F, C and G to amend the maximum height restrictions on buildings, machinery and stacking material to a 2 level commercial building or 4 shipping containers height, and wants noise, lighting effects and hours of operation addressed. It is assumed that the areas identified are those that run along the edge of the Waikato Expressway. A commercial building is estimated at a height of 10m and shipping containers would have a height of 2.4-2.9m as identified in the final report and decision by the BOI. At 4 containers high this equates to 9.6 to 11.6m.

Buildings are to be set back a minimum of 15m from the expressway and have a height of 20m for buildings and only 6m for container stacking. The proposed variation identifies an Interface Design Control Area of 50m wide. Within this area new buildings are a controlled activity so as to ensure that for the RIPZ landscaping and screening should be incorporated within the site layout to reduce the bulk of new buildings and associated development, and to mitigate adverse visual effects – particularly from storage, loading and operational areas likely to be visible from residential areas. This is also important in relation to setbacks from the front boundary and those parts of the site visible from public spaces and interfaces along state highways, arterial transport corridors, and the Ruakura Open Space Zone and city gateways. It is therefore seen that a robust framework of objectives, policies and rules enable the environmental effects of development to be assessed and managed to ensure high amenity is achieved.

In addition the submitter wants noise, lighting and hours of operation addressed, and F Gallagher seeks amendments to provide clarity on the type of Industrial, including construction, noise and hours of operation. Noise is a matter that was dealt with by the BOI who determined that the noise levels were suitable for the RLZ and RIPZ as is proposed within the variation. Between the industrial zonings (RLZ and RIPZ) and the existing residential zoning at Fairview Downs and the knowledge zone exists a 50m wide open space corridor which have daytime noise levels at 55dB, being the same daytime level as for the RLZ and RIPZ, and a night time level of 40dB with a one hour shoulder difference between 6am and 7am of 45dB.

Councils Noise Consultant Mr Malcolm Hunt advises (See Appendix C of the Chapter 25.8 Noise and Vibration) that a daytime noise level of 55dB is within the NZ Standard recommendations and the additional 5dB is less than minor.

As stated within the section 32 analysis *“Provisions specifically developed during Board process and are affirmed in the Expert Conferencing Joint Witness Statement – Noise and Vibration of 1 April 2014. They address the potentially unique acoustic environment associated with the 24/7 operational activity of the inland port and its associated services. They will promote best practicable options to minimise adverse noise effects on neighbouring activities unrelated (ie residential) to the port’s operations.”*

For these reasons and the reasons outlined above it is recommended that the noise levels as proposed be retained. These can be seen in the City Wide Chapter of the PDP under 25.8 Noise and Vibration.

There are no specific hours of operation identified within the plan, however the noise controls will drive what happens within the zone at certain time periods as the noise levels must be achieved. Construction noise is also provided for within the PDP under 25.8.3.2 whereby noise shall comply with the relevant noise levels stated in NZS6803:1999 section 7.2 and shall be measured and assessed in accordance with NZS 6803:1999 ‘Acoustics – Construction Noise’

Lighting is specifically provided for in the City Wide Chapter under 25.6 Lighting and Glare which applies to the entire City. General standards apply so as to ensure the environment is free from adverse effects of intrusive lighting. These require the spill of light from artificial lighting onto any residential site or open space zone to not exceed 3lux when measured 1.5m within the site (see 25.6.4.4 PDP).

Further submitter TGH oppose the submission as they believe that the objective appropriately references logistics as a future outcome for the Percival / Ryburn Roads area and appropriately signals the long-term need to give effect to the industrial land allocation PRPS, and that logistics will be an efficient use of this land.

Property Council New Zealand (11.08) originally requested that the Minister for the Environment determine that Ruakura is a project of national significance and should be directed to a Board of Inquiry. With the BOI process completed the Submitter supports the Ruakura Variation which incorporates the BOI decision. Further submitter Fairview Downs Residents and Owners Association oppose the submission as the BOI never considered the Ruakura Variation and its effects as a whole. The submitters request that the Variation is amended to ensure the establishment of a Port. Further submitters Tainui Group Holdings and Chedworth Properties support the submission by the Property Council.

Waikato Regional Council 21.08 supports the Variation but seek to ensure that the Variation is consistent with Regional Policy Statement, however they also state in their submission that they believe that Chapter 25 is consistent with the Regional Policy Statement. Further submitter Fairview Downs Residents and Owners Association oppose the submission as the BOI never considered the Ruakura Variation and its effects as a whole. TGH and CPL support the submission but subject to the specific changes sought in their submissions.

The support of the Property Council and Waikato Regional Council to the Variation is noted and it is recommended that this submission is accepted in part as changes have been made as a result of other submissions to the Variation. In regards to the Fairview Downs and Residents and Owners Association, the Variation was drafted to include the BOI decision and the remainder of the Ruakura Structure Plan area. The section 32 report notes where the BOI decision was incorporated and provides analysis where land that was not part of the BOI decision but is part of the Variation.

Transpower (23.08) seeks to add a new Rule to 25.2 requiring Transpower New Zealand Limited to be served notice of any application within the Ruakura Variation area requiring resource consent due to its location within a National Grid Yard or National Grid Corridor. The submitter also sought to amend Rule 25.2.6 right hand header column in the table in Rule 25.2.6 to refer to Volume 2, Appendix 1.3.3, and add new cross references in clause (ii) of the table to *I – Network Utilities and Transmission*, and *N – Ruakura*.

A legal review of the scope of this submission has found it to be not 'on' the variation and the relief sought is rejected. In summary Councils legal review and advice outlined the following;

- Council does not have jurisdiction to consider the submissions as it is not "on" the Variation.
- The High Court decision *Clearwater Resort Ltd v Christchurch City Council* sets out the test for determining whether a submission is "on" a variation.

The review concluded that the submission does not meet either limb of the Clearwater test.

- *"The provisions referred to were not amended by the variation and the section 32 report does not consider the provisions raised in the submission as the variation is not seeking to amend the management regime with respect to the treatment of network utilities in the PDP; and*
- *There may be third parties who may be potentially affected by the changes which are sought and who may not have an opportunity to respond through the variation process."*

It is therefore considered that submission 23.08 is 'out of scope' and is referred to as such in the reasoning column.

Hamilton City Council seeks the retention of 25.14.4.2 as notified in the Proposed District Plan 2012. This submission is supported by J. West. The support is noted and given there are no submissions in opposition it is recommended that the submission is accepted.

Chedworth Property Limited (33.08) and Tainui Group Holdings (48.08) both seek any changes to the Variation to achieve consistency in detail with the approach of the BOI decision. The

S32 report addressed the key drafting principles adopted when preparing the variation. *Part B: Section 3 Preparation of the Variation* refers. In some instances amendment to the Board's decision is warranted and these changes were scrutinised in the s32 report prior to the change(s) being adopted. Otherwise, there is a close alignment of the Board's provisions or sentiments in the provisions of the variation. It is unclear whether differences remain between the two planning documents and what the implications of any remaining differences might be.

Innovation Waikato (38.06) and AgResearch (47.05) seek the amendment of Rule 25.13.4.1 c) by excluding Rule 8.4 – Knowledge Zone from the requirement to provide a separate ICMP. The submitters also seek an amendment to 25.2.4.1 to align with appeals to the PDP where an exception to the earthworks provisions is provided where a Concept Plan is in place.

A legal review of the scope of these submissions has found them to be not 'on' the variation and the relief sought is rejected. In summary Councils legal review and advice outlined the following;

- Council does not have jurisdiction to consider the submissions as it is not "on" the Variation.
- The High Court decision *Clearwater Resort Ltd v Christchurch City Council* sets out the test for determining whether a submission is "on" a variation.

The review concluded that the submission does not meet either limb of the Clearwater test.

- *"The section 32 report does not consider the provisions raised in the submissions and the variation is not seeking to amend the management regime with respect to the "3-waters" and ICMP approach in the PDP; and*
- *There may be third parties who may be potentially affected by the changes which are sought and who may not have an opportunity to respond through the variation process."*

It is therefore considered that submission 38.06 and 47.05 are 'out of scope' and are referred to as such in the reasoning column.

R. Cooper (39.03) opposes the Ruakura Logistic Zone and seeks that signage be permitted at all major intersections redirecting customers to the existing businesses on Ruakura Road when the road is closed. The submitter is also seeking an amendment to provisions to allow for further development on his property until such time that it is purchased or required.

Signage rules are set city wide and restrictions are placed on signs at or near major intersections for safety reasons. Signs are still permitted, however they would have to comply with the relevant rules in Chapter 25.10. Furthermore, conditions on the Waikato Expressway Decision specifically relate to the provision of signage at the submitters property (9E.2 Signage *"The requiring authority shall consult with Hamilton City Council and the owners of the business at 318 Ruakura Road and undertake best endeavours to provide alternative advertising arrangements to mitigate for any potential loss of business resulting from the operation of the Project"* [Notice of Requirement to Alter the Waikato Expressway – Hamilton Section Ruakura Interchange – Recommendation of Commissioners to NZTA 5th February 2015]).

The submitter has provided no detail of the temporary activity that he is seeking for the site, and referred to 'further development' and wanting this provided for as a permitted activity. Existing use rights apply to lawfully established activities and no extension of this is provided for. Rule 10.3e) already provides for new buildings, accessory buildings and alterations and additions to existing buildings (outside the Interface Design Control Area) as permitted. The strategic importance of the Ruakura Logistics Zone and key locational proximity to the Inland Port's initial stages would preclude any substantial extension of use occurring that would detract from the ability for the land to be realised for an Inland Port in the future.

J. West (50.29) seeks that a traffic assessment for the whole structure plan and a subsequent review and amendment to the modelling done for the BOI Plan Change. Both TGH and CPL oppose the submission stating that the effects of the quantum and type of development provided by the variation has been fully assessed by the Council in its section 32 assessment of the variation and deemed to be appropriate to manage with the Land Development Plan approach.

The BOI adopted an area wide trigger which applied to activities in the Logistics zone and Industrial Park Zone but not the Knowledge and Medium Density Residential zones that make up the balance of the Ruakura Structure Plan Area. The S32 report addressed the key drafting principles adopted when preparing the variation. *Part B: Section 3 Preparation of the Variation* refers. In some instances, amendment to the Board’s decision is warranted and these changes were scrutinised in the s32 report prior to the change(s) being adopted. Specifically the Section 32 report considers the approach of the BOI (overall traffic assessment for the Structure Plan) but concludes that the City Wide trigger in Chapter 25.14 for a broad ITA is adequate to consider matters relating to transportation effects. Furthermore it is more efficient and effective to address on an ongoing basis rather than based on a single pre-emptive traffic study which does not allow for change.

Heritage New Zealand Pouhere Taonga (44.04) seek amendments to include an archaeological assessment, undertake a comprehensive heritage assessment of historic heritage buildings and places and include new items within Appendix 8, Schedule 8A; Built Heritage of the Proposed District Plan. Further submissions were received in support of and opposition to the relief sought by Heritage New Zealand Pouhere Taonga. The relief sought by Heritage New Zealand is discussed in Chapter 4 S42A Report *Key Issue: Submissions ‘On’ the Variation – Heritage New Zealand Pouhere Taonga*. All Heritage New Zealand Pouhere Taonga (44) submission points were considered out of scope as part of Council’s legal review and advice outlined that Council has no jurisdiction to consider submissions that are not ‘on’ the Variation.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Smith, Noel Gordon	09.04	25 City-wide	Oppose	For LDP Areas E, A, F, C and G; Amend the maximum height restrictions on buildings, machinery and stacking material to a 2 level commercial building or 4 shipping containers height. Address noise, lighting effects and hours of operation.	Accept in part	A robust framework of objectives, policies and rules enable the environmental effects of development to be assessed and managed to ensure high amenity is achieved. Noise, lighting and glare are specifically provided for which deal with the adverse effects from land use and development within the Ruakura Industrial Park Zone as part of the City Wide rules. The hours of operation will be controlled through the noise levels which must be given effect to.
<i>Tainui Group Holdings Limited</i>	<i>FS16.275</i>		<i>Oppose</i>		Accept in part	FS16.275 is accepted in part as submission 09.04 is accepted in part.
Property Council of New Zealand	11.08	25 City-wide	Support	Accept the Ruakura Variation in its entirety.	Accept in part	The provisions (whole variation) that this submission point supports and seeks to be retained have been amended in response to other submissions. These other submissions have been accepted for the reasons stated specifically in relation to those submissions.
<i>Fairview Downs</i>	<i>FS3.20</i>		<i>Oppose</i>		Reject	FS3.20 is rejected as submission 11.08 is accepted in

<i>Residents and Owners Association</i>							
<i>Tainui Group Holdings Limited</i>	FS16.276		<i>Support</i>				
<i>Chedworth Properties Limited</i>	FS17.127		<i>Support</i>				
Waikato Regional Council	21.08	25 City-wide	Support	Ensure that the Variation is consistent with the provisions of the Proposed Waikato Regional Policy Statement.	Accept in part	The provisions (whole variation) that this submission point supports and seeks to be retained have been amended in response to other submissions. These other submissions have been accepted for the reasons stated specifically in relation to those submissions.	part.
<i>Fairview Downs Residents and Owners Association</i>	FS3.21		<i>Oppose</i>		Reject	FS3.21 is rejected as submission 21.08 is accepted in part.	
<i>Tainui Group Holdings Limited</i>	FS16.277		<i>Support</i>		Accept in part	FS16.277 is accepted in part as submission 21.08 is accepted in part.	
<i>Chedworth Properties Limited</i>	FS17.128		<i>Support</i>		Accept in part	FS17.128 is accepted in part as submission 21.08 is accepted in part.	
Transpower New Zealand Limited	23.08	25 City-wide	Oppose	Add a new Rule to 25.2 that requires Transpower New Zealand Limited to be served notice of any application within the Ruakura Variation area requiring resource consent due to its location within a National Grid Yard or National Grid Corridor. Amend Rule 25.2.6 right hand header column in the table in Rule 25.2.6 to refer to Volume 2, Appendix 1.3.3, and add new cross references in clause (ii) of the table to <i>I – Network Utilities and Transmission</i> , and <i>N – Ruakura</i> .	Reject	<i>Out of Scope</i> The submission is considered out of scope as Council’s legal review and advice outlined that Council has no jurisdiction to consider submissions that are not ‘on’ the Variation.	
Hamilton City Council	32.30	25 City-wide	Support	Retain as notified in the Proposed District Plan 2012. 25.14.4.2 Parking, Loading Spaces and Manoeuvring Areas	Accept	No amendments or deletions are proposed by other submissions to the provisions that this submission supports and seeks to retain.	

<i>Jennifer West</i>	<i>FS19.1</i>		<i>Support</i>	
Chedworth Properties Limited	33.08	25 City-wide	Support in part	Any changes to the Variation to achieve consistency with the September 2014 Board of Inquiry Decision.
Tainui Group Holdings Limited	48.08	25 City-wide	Support in part	Any changes to the Variation to achieve consistency in detail and approach with the September 2014 Board of Inquiry Decision on the Proposed Ruakura Development Plan Change.
<i>The Waikato Tree Trust</i>	<i>FS2.1</i>		<i>Oppose</i>	
<i>Jennifer West</i>	<i>FS19.31</i>		<i>Oppose</i>	
Innovation Waikato Limited	38.06	25 City-wide	Oppose	Amend Rule 25.13.4.1(c) by including Rule 8.4 in the Knowledge Zone as being excluded from a separate ICMP. Amend 25.2.4.1 to align with appeals to the PDP, ie ENV 165 and ENV 168 where an exception to the earthworks provisions is

Accept	FS19.1 is accepted as submission 32.30 is accepted.
Accept in part	The S32 report addressed the key drafting principles adopted when preparing the variation. <i>Part B: Section 3 Preparation of the Variation</i> refers. In some instances, amendment to the Board’s decision is warranted and these changes were scrutinised in the s32 report prior to the change(s) being adopted. Otherwise, there is a close alignment of the Board’s provisions or sentiments in the provisions of the variation. It is unclear whether differences remain between the two planning documents and what the implications of any remaining differences might be. The submitter needs to clarify this.
Accept in part	The S32 report addressed the key drafting principles adopted when preparing the variation. <i>Part B: Section 3 Preparation of the Variation</i> refers. In some instances, amendment to the Board’s decision is warranted and these changes were scrutinised in the s32 report prior to the change(s) being adopted. Otherwise, there is a close alignment of the Board’s provisions or sentiments in the provisions of the variation. It is unclear whether differences remain between the two planning documents and what the implications of any remaining differences might be. The submitter needs to clarify this.
N/A	FS2.1 is not relevant to submission 48.08.
Reject	FS19.31 is rejected as submission 48.08 is accepted in part.
Reject	<i>Out of Scope</i> The submission is considered out of scope as Council’s legal review and advice outlined that Council has no jurisdiction to consider submissions that are not ‘on’ the Variation.

				provided where a Concept Plan is in place.		
AgResearch	47.05	25 City-wide	Oppose	Amend Rule 25.13.4.1(c) by including Rule 8.4 in the Knowledge Zone as being excluded from a separate ICMP. Amend 25.2.4.1 to align with appeals to the PDP, ie ENV 165 and ENV 168 where an exception to the earthworks provisions is provided where a Concept Plan is in place.	Reject	<i>Out of Scope</i> The submission is considered out of scope as Council's legal review and advice outlined that Council has no jurisdiction to consider submissions that are not 'on' the Variation.
Cooper, Russell (Rusty Racing)	39.03	25 City-wide	Oppose	Opposes Ruakura Logistics Zone. Signage to be permitted at all major intersections redirecting customers to the existing business on Ruakura Road. Amend provisions so further development of the site is a temporary activity until such time it is required or purchased.	Reject	Signage is covered under the City Wide provisions in 25.10 Signs. The Waikato Expressway Designation process also included a specific condition that requires the requiring authority and Hamilton City Council to consider signage provisions for the business at 318 Ruakura Road. The submitter has provided no detail of the temporary activity that he is seeking for the site or what further development would relate to.
<i>Tainui Group Holdings Limited</i>	<i>FS16.273</i>		<i>Oppose</i>		Accept	FS16.273 is accepted as submission 39.03 is rejected.
Heritage New Zealand Pouhere Taonga	44.08	25 City-wide	Support in part	Amend to include an archaeological assessment or as an alternative advice is placed on the Council's record system to assist with predevelopment discussions. Amend to include a review of historic heritage buildings and places and include within Appendix 8, Schedule 8A; Built Heritage of the Proposed District Plan.	Reject	<i>Out of Scope</i> All Heritage New Zealand Pouhere Taonga (44) submission points were considered out of scope as part of Council's legal review and advice outlined that Council has no jurisdiction to consider submissions that are not 'on' the Variation.
<i>Kellaway, Laura; Beaumont, Louise; and Adam, John P</i>	<i>FS6.1</i>		<i>Support</i>		Reject	FS6.1 is rejected as submission 44.08 is rejected.
<i>AgResearch Ltd</i>	<i>FS13.2</i>		<i>Oppose</i>		Accept	FS13.2 is accepted as submission 44.08 is rejected.
<i>Waikato Innovation Park Limited</i>	<i>FS14.2</i>		<i>Oppose</i>		Accept	FS14.2 is accepted as submission 44.08 is rejected.

Tainui Group Holdings Limited	FS16.274		Oppose		Accept	FS16.274 is accepted as submission 44.08 is rejected.
Chedworth Properties Limited	FS17.126		Oppose		Accept	FS17.126 is accepted as submission 44.08 is rejected.
The New Zealand Institute for Plant & Food Research Ltd	FS18.2		Oppose		Accept	FS18.2 is accepted as submission 44.08 is rejected.
Jennifer West	FS19.29		Support		Reject	FS19.29 is rejected as submission 44.08 is rejected.
West, Jennifer	50.29	25 City-wide	Oppose	Seek a traffic assessment for the whole structure plan, and subsequently review and amend the modelling done for the Plan Change.	Reject	The S32 report addressed the key drafting principles adopted when preparing the variation. <i>Part B: Section 3 Preparation of the Variation</i> refers. In some instances, amendment to the Board's decision is warranted and these changes were scrutinised in the s32 report prior to the change(s) being adopted.
Tainui Group Holdings Limited	FS16.278		Oppose		Accept	FS16.278 is accepted as submission 50.29 is rejected.
Chedworth Properties Limited	FS17.129		Oppose		Accept	FS17.129 is accepted as submission 50.29 is rejected.
Analysis: 25.4.5.1 Activities Required to be Assessed using the Hazardous Facility Screening Procedure						

S & L Silsbee state in their submission that there is a lack of assessment of potential hazards which the combined risk of full development creates for existing nearby residential areas including Fairview Downs, Silverdale, Hillcrest and other affected areas. The submitter requests that a full hazard risk assessment and subsequent necessary requirements needs to be commissioned and actioned.

Fairview Downs Residents and Owners Association believe that no consideration has been given to any increase in hazardous risk arising from an increase in size and scale and that the rules only consider individual sites and the ability to contain an incident within the boundary of that site. The submitter seeks a new rule as follows:

25.4.5.1 b) Projects and Structure Plans involving several hazardous facilities or sites are required to have an overall assessment of cumulative risk.

Further submitters Tainui and Chedworth oppose both submissions as the matter sought to be added by the submitter is controlled by the Biosecurity Act 1993. The District Plan should not seek to duplicate the processes and regulation under the Biosecurity Act 1993.

The purpose of Chapter 25.4 – Hazardous Facilities states that the chapter considers Hazardous Facilities across the city including Ruakura Logistic Zone and Ruakura Industrial Park Zone. With different zones having appropriate thresholds set out in the Rules and determined in conjunction with the Hazardous Facilities Screening Procedure in Appendix 12.

The hazardous facilities thresholds determine the activity status and if the activity results in a hazardous facility greater than a threshold then discretionary resource consent is required.

In considering a discretionary activity the objectives and policies of the plan are considered. Of note are two policies listed below which require consideration of residual risks and cumulative effects of the hazardous facility.

Policy 25.4.2.1a

Hazardous facilities shall be located where they do not give rise to levels of risk, including residual risks, which are incompatible with the nature of the surrounding land uses or natural environment.

Policy 25.4.2.1b

Hazardous facilities shall be designed, constructed and managed to avoid or minimise significant adverse effects, including cumulative effects.

It is appropriate to consider hazardous facilities on a case by case basis as Chapter 25.4 takes into consideration of other activities that are in the area. The request for additional rule is unnecessary as the Chapter already provides and requires hazardous facilities to consider and assess the cumulative risk of other facilities in the locality.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Silsbee, Scott and Lori	16.05	25.4.5.1 Activities Required to be Assessed using the Hazardous Facility Screening Procedure	Support in part	Include a full hazard risk assessment and subsequent necessary requirements.	Reject	The submission point seeks amendments that are already considered and adequately addressed through the Variation provisions.
<i>Tainui Group Holdings Limited</i>	<i>FS16.280</i>		<i>Oppose</i>		Accept	FS16.280 is accepted as submission 16.05 is rejected.
<i>Chedworth Properties Limited</i>	<i>FS17.131</i>		<i>Oppose</i>		Accept	FS17.131 is accepted as submission 16.05 is rejected.
Fairview Downs Residents and Owners Association	43.50	25.4.5.1 Activities Required to be Assessed using the Hazardous Facility Screening Procedure	Oppose	Add new 25.4.5.1b) 'Projects and Structure Plans involving several hazardous facilities or sites are required to have an overall assessment of cumulative risk.'	Reject	The submission point seeks amendments that are already considered and adequately addressed through the Variation provisions.
<i>Tainui Group Holdings Limited</i>	<i>FS16.279</i>		<i>Oppose</i>		Accept	FS16.279 is accepted as submission 43.50 is rejected.
<i>Chedworth Properties Limited</i>	<i>FS17.130</i>		<i>Oppose</i>		Accept	FS17.130 is accepted as submission 43.50 is rejected.

Jennifer West

FS19.26

Support

Reject

FS19.26 is rejected as submission 43.50 is rejected.

Analysis: 25.5 Landscaping and Screening

Ruakura Residents submission seeks that any landscaping requirements required in the Ruakura Logistics and Industrial Park Zones is not undermined by the requirements of Chapter 25.5.

The Variation was drafted to incorporate the BOI decision. The landscaping and screening chapter 25.5 has been reviewed and is consistent with other Chapters and the BOI decision.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Ruakura Residents Group and William Roy Cowie	D1275.024	25.5 Landscaping and Screening	Oppose	Amend 25.5 so any landscaping requirements required within the Ruakura Logistics and Industrial Park zones as requested should not be undermined by the requirements of Chapter 25.5 of the Proposed Plan; or if this relief is not accepted, rezone a 100m land buffer surrounding the subject land to Open Space.	Accept in part	This submission point seeks amendments that would reduce the effectiveness of the Variation in terms of achieving its stated objectives and policies.

Analysis: 25.5.3.1 Landscaping

Rule 25.5.3.1 a) i.

Fairview Downs Residents and Owners Association (43.51) request that Rule 25.5.3.1 a) i. is amended to include minor arterial, as it may become a major arterial in the future and providing the same mitigation will prevent any future issues. The submitter also requests the deletion of references to residential and special character zones.

Further submitters Tainui Group Holdings and Chedworth Properties both oppose this submission stating that planting on minor arterials would result in inefficient use of land and it is not required to achieve the objectives and policies of the variation. Further submitter J. West supports the submission.

Any change to road hierarchy would require a variation or a plan change to the relevant District Plan to amend a road from a minor arterial to a major arterial. The process enables interested parties to also submit on any change to the District Plan. Furthermore, I consider that the submitter has misinterpreted the rule, in that it requires the activity and not the transport corridor to provide the 2 metre planting strip. The relief sought by the submitter would result in changes city wide which is beyond the scope of the Variation. Even if the Rule was amended to only relate to the Ruakura Structure Plan the change would still place an unnecessary requirement and further cost on any residential zone adjacent to a major arterial in the Ruakura Structure Plan. The relief is not supported.

Rule 25.5.3.1 a) iii.

Hamilton City Council (32.28) seeks the retention of Rule 25.5.3.1 iii as notified.

In submissions to the PDP Innovation Waikato Limited (D1051.017) and AgResearch (D609.021) sought the amendment to Rule 25.5.3.1 iii to either remove reference to the knowledge zone or the requirement to screen any boundaries with Residential or Open Space zones. A decision on these points was deferred until now. However, Innovation Waikato Limited (38.03) and AgResearch (47.03) have also submitted on the same rule in the Variation and have both requested the removal of the reference to Open Space. They have also sought an amendment to the definition of Transport Corridor to exclude railways and private roads in the Knowledge zone. The submitters state the reason for the change is that landscaping requirements in relation to the knowledge zone are overly restrictive.

Further submitters Tainui Group Holdings and Chedworth Properties support the AgResearch and Innovation Waikato submissions to the Variation as they state that the relief sought improves the efficiency of the provisions.

The reason for the landscaping and screening provisions relating to the Knowledge Zone is for amenity purposes. Amenity enhancement created by landscaping is desired where there is a need to soften built form and create a visually pleasant and attractive frontage to activities from public spaces. Open Spaces are public areas and it is therefore inappropriate to delete the reference to Open Space.

The landscaping provision is ensuring amenity enhancement from public spaces which private roads are not, they should be excluded from the definition of Transport Corridor. The Definition of Transport Corridor should be amended to exclude Private Roads in the Knowledge Zone which is in line with the amendment proposed in the notified Variation excluding private roads in the Ruakura Logistic Zone.

The submitters also seek the exclusion of railways from the Transport Corridor definition to avoid landscaping requirements as currently outlined in Rule 25.5.3.1(iii). It would be more appropriate to amend the relevant landscape screening provision to exclude railways to avoid any consequential implications of exclusion for railways applying to the Transport Corridor definition. See Track Changes in Appendix C.

Rule 25.5.3.1 a) v.

Deborah June Fisher (D282.042) is seeking the amendment of Rule 25.5.3.1 v. increase the buffer strip to 5 metres in line with the provisions for the Industrial Amenity Protection Area and a 1.8 metre high permeable fence as well as the 1.8 metre high closed board fence.

The Amenity Protection Area applies to industrial sites in the City (except Ruakura Industrial Park Zone) where the Industrial Zone adjoins an Open Space or Residential Zone. In the case of Ruakura a 2 metre buffer strip is adequate as existing residential areas are separated by Ruakura Open Space Zone which is at least 40 metres wide and an Interface Design Control Area also places additional controls on development in Ruakura Industrial Park Zone (RIPZ). In regards to the Residential zoned land in the north of the Structure Plan, the building setback in the RIPZ adjoining a residential zone is 40 metres and additional landscaping provisions apply.

There are several mechanisms and provisions within the RIPZ (building setback and landscaping) which ensure the residential amenity is protected plus a minimum Open Space Zone of 40 metres, in comparison the Industrial Amenity Protection Area is the only mechanism available to residential properties adjoining industrial zones in the rest of the city.

The provisions relating to amenity in the RIPZ along with the landscaping and screening requirements in Rule 25.5.3.1 v. are sufficient to ensure the amenity on existing residential dwellings is protected. Therefore it is recommended that this submission point is rejected.

Rule 25.5.3.1 a) xiii.

Tainui Group Holdings seeks to amend Rule 25.5.3.1 xiii to remove any requirement to provide planting on a boundary in the Ruakura Logistics Zone adjoining an open space zone or transport corridor. The reason given by the submitter is that the landscaping rules are internally inconsistent and should be amended to provide for security fencing and circumstances where edge planting may not be desirable for biosecurity reasons.

Further submitter W & R Cowie opposes the submission and requests that the rule is retained as stated and directed by the BOI.

The Ruakura Residents Group also oppose the submission and state that landscape screening is essential to provide for the visual and amenity of residents in the Percival/Ryburn Road enclave and a fence would not provide the level of amenity provided by landscape screening, instead a fence would create a large dominant structure.

J. West also opposes the submission stating that what appears to be minor wording changes could result in an overall doubt around the interpretation of the Variation.

The rules in Chapter 25.5 – Landscaping and Screening, set the city-wide standards for landscaping and screening. The objective for landscaping and screening seeks to ensure that the amenity values within and around development are maintained and enhanced. Furthermore landscaping can help mitigate the visual impact of development. The submitters request to amend the rule would remove any requirement to provide screening of a high fence. It is more appropriate that if an activity required an exemption of the landscaping rule, due to biosecurity reasons, that it occurs through the resource consent process whereby the environmental effects on public amenity can be appropriately considered.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Fairview Downs Residents and Owners Association	43.51	25.5.3.1 Landscaping	Oppose	Amend 25.5.3.1a) i. to include minor arterials and delete reference to all residential and special character zones.	Reject	The submission point seeks amendments that would reduce the effectiveness and efficiency of the Variation in terms of achieving its stated objectives and policies.
Tainui Group Holdings Limited	FS16.282		Oppose		Accept	FS16.282 is accepted as submission 43.51 is rejected.
Chedworth Properties Limited	FS17.133		Oppose		Accept	FS17.133 is accepted as submission 43.51 is rejected.
Jennifer West	FS19.26		Support		Reject	FS19.26 is rejected as submission 43.51 is rejected.
Hamilton City Council	32.28	25.5.3 Rules – General Standards	Support	Retain as notified in the Proposed District Plan 2012 provision 25.5.3.1iii which relates to planting strips in the Community Facilities and Knowledge Zones.	Accept	Other submissions sought amendments or deletions to the provisions that this submission supports and seeks to retain. The other submission points have been declined for the reasons stated specifically in relation to those submissions.
Jennifer West	FS19.1		Support		Accept	FS19.21 is accepted as submission 43.51 is accepted.

Innovation Waikato Limited	38.03	25.5.3.1 Landscaping	Oppose	Amend Rule 25.5.3.1(iii) by deleting the reference to Open Space.	Reject	The submission point seeks amendments that would reduce the effectiveness and efficiency of the Variation in terms of achieving its stated objectives and policies.
<i>Tainui Group Holdings Limited</i>	<i>FS16.283</i>		Support	Amend the definition of 'transport corridor' by adding in an exclusion for railways and private roads in the Knowledge Zone.	Accept in part	This submission point seeks amendments that would improve the internal consistency of the Plan.
<i>Chedworth Properties Limited</i>	<i>FS17.134</i>		Support		Accept in part	FS16.283 is accepted in part as submission 38.03 is accepted in part.
AgResearch	47.03	25.5.3.1 Landscaping	Oppose	Amend Rule 25.5.3.1(iii) by deleting the reference to Open Space.	Reject	The submission point seeks amendments that would reduce the effectiveness and efficiency of the Variation in terms of achieving its stated objectives and policies.
<i>Tainui Group Holdings Limited</i>	<i>FS16.284</i>		Support	Amend the definition of 'transport corridor' by adding in an exclusion for railways and private roads in the Knowledge Zone.	Accept in part	This submission point seeks amendments that would improve the internal consistency of the Plan.
<i>Chedworth Properties Limited</i>	<i>FS17.135</i>		Support		Accept in part	FS16.284 is accepted in part as submission 47.03 is accepted in part.
Waikato Innovation Park Limited	D1051.017	25.5.3.1 Landscaping	Oppose	Amend Rule 25.5.3.1a) iii so as to remove the requirement for landscaping for the Knowledge Zone.	Reject	The submission point seeks amendments that would reduce the effectiveness and efficiency of the Variation in terms of achieving its stated objectives and policies.
AgResearch Ltd	D609.021		Support in part	Amend Rule 25.5.3.1 (iii) so that it does not refer to the Knowledge Zone for landscaping adjoining any Residential, Special Character or Open Space Zone.	Reject	The submission point seeks amendments that would reduce the effectiveness and efficiency of the Variation in terms of achieving its stated objectives and policies.
Deborah June Fisher	D282.042		Support in part	Amend Rule 25.5.3.1 (v)-Landscaping-Activities in the Ruakura Industrial Park Zone to "A 1.8m high close-boarded or similar solid fence or wall, a 5m wide buffer strip and a 1.8m permeable fence--"	Reject	The submission point seeks amendments that would reduce the effectiveness and efficiency of the Variation in terms of achieving its stated objectives and policies.

Tainui Group Holdings Limited	48.58	25.5.3 Rules – General Standards	Support in part	Amend Rule 25.5.3.1xiii Landscape Screening to clarify fences may be used instead of a landscape buffer strip.
<i>The Waikato Tree Trust</i>	<i>FS2.1</i>		<i>Oppose</i>	
<i>William Roy and Raewyn Mary Cowie</i>	<i>FS4.12</i>		<i>Oppose</i>	
<i>Ruakura Residents Group</i>	<i>FS15.19</i>		<i>Oppose</i>	
<i>Jennifer West</i>	<i>FS19.62</i>		<i>Oppose</i>	

Reject	The submission point seeks amendments that would reduce the effectiveness and efficiency of the Variation in terms of achieving its stated objectives and policies.
N/A	FS2.1 is not relevant to submission 48.58
Accept	FS4.12 is accepted as submission 48.58 is rejected.
Accept	FS15.19 is accepted as submission 48.58 is rejected.
Accept	FS19.62 is accepted as submission 48.58 is rejected.

Analysis: 25.5.3.7 Internal Planting

Hamilton City Council (32.29) seek that provision 25.5.3.7 relating to internal planting be retained as notified. Further Submission by J. West supports Hamilton City Council. Tainui Group Holdings and Chedworth Properties oppose this seeking that the internal planting requirements are appropriately tailored to Ruakura.

In considering the above, the standards for internal planting have been introduced city wide primarily for amenity considerations and in the case of ground level car-parking, to break up the impermeable expanse of hard surfacing, thereby reducing the visual impact and providing for visual unity. While it is acknowledged that there will be costs to property owners and developers to meet the landscaping requirements, by setting a clear standard, the rules as notified (including the internal planting of specimen trees) will be an efficient and effective means of achieving objective 25.5.2.1. Without specific standards relating to internal planting controls there is no ability to assess it through a resource consent application.

Tainui Group Holdings and Chedworth Properties do not make any suggestion to what the tailored standards would be or any justification as to why separate standards should apply to the Ruakura Logistics and Ruakura Industrial Park zones.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Hamilton City Council	32.29	25.5 Landscaping and Screening	Support	Retain provision 25.5.3.7 as notified in the Proposed District Plan 2012 which relates to Internal Planting.	Accept	Other submissions sought amendments or deletions to the provisions that this submission seeks to retain.
<i>Tainui Group Holdings Limited</i>	<i>FS16.281</i>		<i>Oppose</i>		Reject	FS16.281 is rejected as submission 32.29 is accepted.
<i>Chedworth Properties Limited</i>	<i>FS17.132</i>		<i>Oppose</i>		Reject	FS17.132 is rejected as submission 32.29 is accepted.

<i>Jennifer West</i>	<i>FS19.1</i>	25.5.3.7 Internal Planting	<i>Support</i>	Delete Rule 25.5.3.7 regarding internal planting so it does not apply to the Ruakura Logistics or Ruakura Industrial Park Zone.
<i>Tainui Group Holdings Ltd</i>	<i>D913.081</i>		<i>Oppose</i>	
<i>William Cornelis Engelder</i>	<i>DFS160.001</i>		<i>Oppose</i>	
<i>James Hely and Heather Montgomerie</i>	<i>DFS161.001</i>		<i>Oppose</i>	

Accept	FS19.1 is accepted as submission 32.29 is accepted.
	Withdrawn

Analysis: 25.6 Lighting and Glare

The submission by Hamilton City Council (32.30) supports the Rule as notified in the Proposed District Plan and the submission is accepted as no changes have been proposed through the Variation as the standards confirmed by the BOI decision are the same as the Proposed District Plan.

A number of submission points were deferred as part of the PDP Chapter 25.6 Decisions on Lighting and Glare. The Variation will address this submission point and any relief can be made to zone specific changes within Chapter Ruakura Logistics Zone or Chapter 11 Ruakura Industrial Park Zone.

The relief sought is addressed through the PDP City Wide standards in 25.6.5.5 which relate to All Other Zones which include lighting and glare standards. No zone specific relief is appropriate to address the issues raised in this submission point.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Alan Frederick & Barbara Winifred Julian	D1005.008	25.6 Lighting and Glare	Oppose	Put in place mitigation measures to screen residential areas in proximity to the Ruakura Logistics Zone from effects of lighting	Reject	This submission point was deferred as part of the PDP Chapter 25.6 Decisions on Lighting and Glare. The Variation will address this submission point and any relief can be made to zone specific changes within Chapter Ruakura Logistics Zone or Chapter 11 Ruakura Industrial Park Zone. The relief sought is addressed through the PDP City Wide standards in 25.6.5.5 which relate to All Other Zones which include lighting and glare standards. No zone specific relief is appropriate to address the issues raised in this submission point.

Susan Hopkins	D1264.009	25.6.4.4 All Other Zones	Oppose	Amend Rule 25.6.4.4 so that “Provision and use of artificial lighting, producing an illuminance in excess of 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level” is a Discretionary Activity in the Ruakura Logistics Zone.	Reject	This submission point was deferred as part of the PDP Chapter 25.6 Decisions on Lighting and Glare. The Variation will address this submission point and any relief can be made to zone specific changes within Chapter Ruakura Logistics Zone or Chapter 11 Ruakura Industrial Park Zone. The relief sought is addressed through the PDP City Wide standards in 25.6.5.5 which relate to All Other Zones which include lighting and glare standards. No zone specific relief is appropriate to address the issues raised in this submission point.
<i>Tainui Group Holdings Limited</i>	<i>DFS196.047</i>		<i>Oppose</i>		Accept	DFS196.047 is accepted as submission D1264.009 is rejected.
Ross & Leonie Hopkins	D1265.011	25.6.4.4 All Other Zones	Oppose	Amend Rule 25.6.4.4 so that “Provision and use of artificial lighting, producing an illuminance in excess of 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level” is a Discretionary Activity in the Ruakura Logistics Zone.	Reject	This submission point was deferred as part of the PDP Chapter 25.6 Decisions on Lighting and Glare. The Variation will address this submission point and any relief can be made to zone specific changes within Chapter Ruakura Logistics Zone or Chapter 11 Ruakura Industrial Park Zone. The relief sought is addressed through the PDP City Wide standards in 25.6.5.5 which relate to All Other Zones which include lighting and glare standards. No zone specific relief is appropriate to address the issues raised in this submission point.
<i>Russell Vincent Cooper</i>	<i>DFS240.006</i>		<i>Support</i>		Accept	DFS240.006 is accepted at submission D1265.011 is rejected.
Brett Hopkins (Ruakura Motors Tractorparts Ltd)	D1266.011	25.6.4.4 All Other Zones	Oppose	Amend Rule 25.6.4.4 so that “Provision and use of artificial lighting, producing an illuminance in excess of 150 lux, measured at any point on the site containing the light source, in a horizontal	Reject	This submission point was deferred as part of the PDP Chapter 25.6 Decisions on Lighting and Glare. The Variation will address this submission point and any relief can be made to zone specific changes within Chapter

				or vertical plane at ground level” is a Discretionary Activity in the Ruakura Logistics Zone.		Ruakura Logistics Zone or Chapter 11 Ruakura Industrial Park Zone. The relief sought is addressed through the PDP City Wide standards in 25.6.5.5 which relate to All Other Zones which include lighting and glare standards. No zone specific relief is appropriate to address the issues raised in this submission point.
Ruakura Residents Group and William Roy Cowie	D1275.025	25.6.4.4 All Other Zones	Support	25.6.4.4 City-Wide Lighting and Glare-support the requirement the spill of light from artificial lighting on to Residential zones shall not exceed 3 lux; or if this relief is not accepted, rezone a 100m land buffer surrounding the subject land to Open Space.	Reject	This submission point was deferred as part of the PDP Chapter 25.6 Decisions on Lighting and Glare. The Variation will address this submission point and any relief can be made to zone specific changes within Chapter Ruakura Logistics Zone or Chapter 11 Ruakura Industrial Park Zone. The relief sought is addressed through the PDP City Wide standards in 25.6.5.5 which relate to All Other Zones which include lighting and glare standards. No zone specific relief is appropriate to address the issues raised in this submission point.

Analysis: Miscellaneous Ruakura

Mr Le Heron in his S42A Report for Appendix 2 Structure Plans, and Miss Rolfe in her S42A Report for 25.8 Noise and Vibration cover off the rationale for addressing the submitters issues raised in the below submission points.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Robert James Davies - Silverdale Residents Group	D265.003	3.7 Ruakura Structure Plan 10 Ruakura Logistics Zone 11 Ruakura Industrial Zone 20 Natural Environments 25.5 Citywide –	Oppose	Provide the following controls and mitigation measures for the inland port and wider Ruakura Industrial Park Zone <ul style="list-style-type: none"> A comprehensive plan for the control of nuisance at sources, including; noise, dust, air pollution, trash and stormwater. Provision of a 200m buffer zone 	Reject	The BOI Decision and the notified Variation provide greater clarity to how any adverse affects of the Ruakura Structure Plan will be addressed. The rationale around the approach taken is discussed within <i>Key Issue: Have the identification and management of cumulative adverse environmental effects been adequately addressed</i> , along with <i>Key Issue: The proposed planted /landscape buffer area</i>

		<p>Landscaping and Screening 25.8 Citywide – Noise and Vibration 25.13 Citywide – Threewaters App 2 Structure Plans Figure 2-14 Zoning Map 39A Zoning Map 40A</p>		<p>separating the industrial park from the existing residence in Silverdale that includes a bund to provide a visual screen and help divert noise. Include amenity planting of indigenous planting creating an ecological corridor with the Mangaoua Gully System</p> <ul style="list-style-type: none"> • Develop a cycle/walkway through requested ecological corridor • Require comprehensive water sensitive design to be used throughout the industrial park • Include a comprehensive stormwater management system that includes wetlands and detention ponds • Link and integrate stormwater facilities with the ecological corridor and Mangaonua Gully System 	<p><i>between industrial and residential activities</i> respond to the submitters first two matter relating to a comprehensive plan and a 200m buffer separating uses. Important to note is the Land Development Plan mechanism is a new addition from the time of the submissions being received as part of the PDP in 2012. The rationale for the Land Development Plan mechanism is outlined in <i>Key Issue: Merits of retaining Figure 2-16 Ruakura Land Development Plan Areas</i>.</p> <p>The development of a cycle/walkway through the ecological corridor is included in indicative Figure 2-18 Cyclist and Pedestrian Network Plan. The Land Development Plan process will allow for consideration of connectivity through and within the LDP areas and the wider structure plan and city network.</p> <p>As part of a LDP application a Water Impact Assessment is included. This provides detail of how the three waters are being undertaken for the area, including how design elements are to be used within the Ruakura Industrial Park Zone. The consideration of a comprehensive stormwater management system will be detailed as part of a LDP application, and a wider Integrated Catchment Management Plans for the relevant catchments in the structure plan. The Water Impact Assessment and future ICMP's will provide integration and linkage with the existing city network.</p> <p>The noise levels under Rule 25.8.3.13 promote best practicable options to minimise adverse noise effects on unrelated neighbouring activities such as residential</p>
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						<p>sites and residential zones.</p> <p>A 40m and 50m open space area is provided north of Sheridan and Nevada Roads and the BOI identified numerous benefits from the provisions of the open space areas including connectivity, integration between areas, creation of buffer areas between activities, and amenity functions. They were satisfied that a robust and comprehensive set of objectives, policies, assessment criteria and rules will enable open space areas to fulfil a range of functions and realise the benefits.</p>
<i>Tainui Group Holdings Limited</i>	<i>DFS196.065</i>		<i>Oppose</i>			
Denise Clark – Silverdale Residents Group	D303.004	<p>3.7 Ruakura Structure Plan 10 Ruakura Logistics Zone 11 Ruakura Industrial Zone 20 Natural Environments 25.5 Citywide – Landscaping and Screening 25.8 Citywide – Noise and Vibration 25.13 Citywide – Threewaters App 2 Structure Plans Figure 2-14 Zoning Map 39A Zoning Map 40A</p>	Oppose	<p>Provide the following controls and mitigation measures for the inland port and wider Ruakura Industrial Park Zone</p> <ul style="list-style-type: none"> • A comprehensive plan for the control of nuisance at sources, including; noise, dust, air pollution, trash and stormwater. • Provision of a 200m buffer zone separating the industrial park from the existing residence in Silverdale that includes a bund to provide a visual screen and help divert noise. Include amenity planting of indigenous planting creating an ecological corridor with the Mangaoua Gully System • Develop a cycle/walkway through requested ecological corridor • Require comprehensive water sensitive design to be used throughout the industrial park • Include a comprehensive 	Reject	<p>The BOI Decision and the notified Variation provide greater clarity to how any adverse affects of the Ruakura Structure Plan will be addressed. The rationale around the approach taken is discussed within <i>Key Issue: Have the identification and management of cumulative adverse environmental effects been adequately addressed</i>, along with <i>Key Issue: The proposed planted /landscape buffer area between industrial and residential activities</i> respond to the submitters first two matter relating to a comprehensive plan and a 200m buffer separating uses. Important to note is the Land Development Plan mechanism is a new addition from the time of the submissions being received as part of the PDP in 2012. The rationale for the Land Development Plan mechanism is outlined in <i>Key Issue: Merits of retaining Figure 2-16 Ruakura Land Development Plan Areas</i>.</p> <p>The development of a cycle/walkway through the ecological corridor is included in indicative Figure 2-18 Cyclist and Pedestrian Network Plan. The Land Development Plan process will allow for</p>

			<p>stormwater management system that includes wetlands and detention ponds</p> <ul style="list-style-type: none"> • Link and integrate stormwater facilities with the ecological corridor and Mangaonua Gully System 	<p>consideration of connectivity through and within the LDP areas and the wider structure plan and city network.</p> <p>As part of a LDP application a Water Impact Assessment is included. This provides detail of how the three waters are being undertaken for the area, including how design elements are to be used within the Ruakura Industrial Park Zone. The consideration of a comprehensive stormwater management system will be detailed as part of a LDP application, and a wider Integrated Catchment Management Plans for the relevant catchments in the structure plan. The Water Impact Assessment and future ICMP's will provide integration and linkage with the existing city network.</p> <p>The noise levels under Rule 25.8.3.13 promote best practicable options to minimise adverse noise effects on unrelated neighbouring activities such as residential sites and residential zones.</p> <p>A 40m and 50m open space area is provided north of Sheridan and Nevada Roads and the BOI identified numerous benefits from the provisions of the open space areas including connectivity, integration between areas, creation of buffer areas between activities, and amenity functions. They were satisfied that a robust and comprehensive set of objectives, policies, assessment criteria and rules will enable open space areas to fulfil a range of functions and realise the benefits.</p>
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Appendix B



Submitters and Further Submitters referred to in this s42A report

Submitters

AgResearch	47.03
	47.05
Chedworth Properties Limited	33.08
Cooper, Russell (Rusty Racing)	39.03
Fairview Downs Residents and Owners Association	43.50
	43.51
Hamilton City Council	32.28
	32.29
	32.30
Heritage New Zealand Pouhere Taonga	44.08
Innovation Waikato Limited	38.03
	38.06
Property Council of New Zealand	11.08
Silsbee, Scott and Lori	16.05
Smith, Noel Gordon	09.04
Tainui Group Holdings Limited	48.08
	48.58
Transpower New Zealand Limited	23.08
Waikato Regional Council	21.08
West, Jennifer	50.29

Further Submitters

<i>AgResearch Ltd</i>	<i>FS13.02</i>
<i>Chedworth Properties Limited</i>	<i>FS17.126</i>
	<i>FS17.127</i>
	<i>FS17.128</i>
	<i>FS17.129</i>
	<i>FS17.130</i>
	<i>FS17.131</i>
	<i>FS17.132</i>



PROPOSED
DISTRICT PLAN

Hamilton City Council

	<i>FS17.133</i>
	<i>FS17.134</i>
	<i>FS17.135</i>
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.20</i>
	<i>FS3.21</i>
<i>Jennifer West</i>	<i>FS19.01</i>
	<i>FS19.26</i>
	<i>FS19.29</i>
	<i>FS19.31</i>
	<i>FS19.62</i>
<i>Kellaway, Laura; Beaumont, Louise; and Adam, John P</i>	<i>FS6.01</i>
<i>Ruakura Residents Group</i>	<i>FS15.19</i>
<i>Tainui Group Holdings Limited</i>	<i>FS16.273</i>
	<i>FS16.274</i>
	<i>FS16.275</i>
	<i>FS16.276</i>
	<i>FS16.277</i>
	<i>FS16.278</i>
	<i>FS16.279</i>
	<i>FS16.280</i>
	<i>FS16.281</i>
	<i>FS16.282</i>
	<i>FS16.283</i>
	<i>FS16.284</i>
<i>The New Zealand Institute for Plant & Food Research Ltd</i>	<i>FS18.2</i>
<i>The Waikato Tree Trust</i>	<i>FS2.01</i>
<i>Waikato Innovation Park Limited</i>	<i>FS14.2</i>
<i>William Roy and Raewyn Mary Cowie</i>	<i>FS4.12</i>

Deferred Submitters referred to in this s42A report are prefixed with D. Strikethrough shows that the submission has been withdrawn.

AgResearch Ltd	D609.021
Alan Frederick & Barbara Winifred Julian	D1005.008
Brett Hopkins (Ruakura Motors Tractorparts Ltd)	D1266.011
Deborah June Fisher	D282.042
Ross & Leonie Hopkins	D1265.011
Ruakura Residents Group and William Roy Cowie	D1275.024
	D1275.025
Susan Hopkins	D1264.009
	D1264.011
Tainui Group Holdings Ltd	D913.081
Waikato Innovation Park Limited	D1051.017

Deferred Further submitters referred to in this s42A report are prefixed with *DFS*. Strikethrough shows that either the further submission has been withdrawn or the submission to which it relates has been withdrawn.

James Hely and Heather Montgomerie	DFS161.001
Russell Vincent Cooper	DFS240.006
Tainui Group Holdings Limited	DFS196.047
	DFS196.065
William Cornelis Engelandar	DFS160.001



Appendix C

25.5 Landscaping and Screening

25.5.1 Purpose

- a) Landscaping provides a range of aesthetic, functional and ecological opportunities for environmental enhancement. This chapter includes standards for screening activities and contributing to the amenity of the streetscape. Landscaping in this context is intended to soften hard surfaces and bleak areas, reduce visual impacts and provide visual unity. The standards also recognise that landscaping can contribute towards improved ecology.

25.5.2 Objectives and Policies: Landscaping and Screening

Objective	Policies
25.5.2.1 To maintain and enhance amenity values within and around development, while contributing to local ecology and cultural connection where possible.	25.5.2.1a Minimise visual impacts of developments in part by providing appropriate screening and planting around activities and between zones.
	25.5.2.1b Encourage the planting of native species where appropriate.
Explanation <i>Screening between zones, activities and particular development features, such as service and storage areas, helps mitigate the visual impact of development and contributes to the amenity of the streetscape.</i>	

25.5.3 Rules – General Standards

25.5.3.1 Landscaping

- a) Landscaping shall be undertaken in accordance with the following standards.

Where required	Standard	Reason
	<i>Planting and buffer strips, internal planting, and planting areas are minimums</i> <i>Fence and wall heights are maximums</i>	
i. Activities adjacent to a major arterial transport corridor in all zones except the Central City Zone, all Residential and Special Character Zones, and Future Urban Zone	A 2m wide planting strip shall be required along any boundary adjacent to a major arterial transport corridor	Amenity

Where required	Standard <i>Planting and buffer strips, internal planting, and planting areas are minimums</i> <i>Fence and wall heights are maximums</i>	Reason
ii. Activities in the Industrial Zone	A 1.8m high close-boarded or similar solid fence or wall, and a 2m wide buffer strip shall be required along any side or rear boundary with a Residential or Special Character Zone And <ul style="list-style-type: none"> • A 2m wide planting strip, or • A 1.2m or 1.8m permeable fence and 2m wide planting strip shall be required along any boundary adjoining an Open Space Zone or transport corridor	Screening and amenity
iii. Activities in the Community Facilities and Knowledge Zones	A 2m wide planting strip shall be required along the boundary of a site adjacent to any Residential, Special Character or Open Space Zone, and When adjoining a transport corridor, a 30% planting area for the front setback adjoining the transport corridor shall be required (An exclusion applies to the ECMT railway and private roads within the Knowledge Zone)	Amenity
iv. Activities in the Business 1 to 6 Zone	A 2m wide planting strip shall be required along the boundary of a site adjacent to, or facing, any Residential or Special Character Zone	Amenity
v. Activities in the Ruakura Industrial Park Zone	A 1.8m high close-boarded or similar solid fence or wall, and a 2m wide buffer strip shall be required along any side or rear boundary with a Residential or the Knowledge Zone And <ul style="list-style-type: none"> • A 2m wide planting strip, or • A 1.2m or 1.8m permeable fence and 2m wide planting strip shall be required along any boundary adjoining an Open Space Zone or transport corridor	Screening and amenity
vi. Activities in the Industrial Zone Amenity Protection Area	Where a site is wholly or partially within the Amenity Protection Area, a 1.8m high close-boarded or similar solid fence or wall, and a 5m wide buffer strip shall be required along any side or rear boundary with a Residential or Special Character Zone	Screening

Comment [HCC8]: 38.04, 47.04