



Ruakura Variation to Hamilton City Proposed District Plan

Section 42A Hearing Report 3rd August 2016

Report on Submissions and Further Submissions
Chapter 8 Knowledge Zone

Table of Contents	Page Number
1. Introduction	1
2. Background	1
3. Submissions	2
4. Analysis	2
5. Key issues	3
6. Conclusion	4
Appendix A – Analysis and Recommendations	
Appendix B – List of Submitters and Further Submitters	
Appendix C – Tracked change versions – Chapter 8 Knowledge Zone	

1.0 Introduction

- 1.1 My name is Sam Bernard Le Heron. I hold the qualification of Masters in Planning from the University of Otago. I also hold a Bachelor of Physical Education and Bachelor of Arts from the University of Otago. I have had over 5 years' experience in planning roles in Local Government in New Zealand. This experience includes a policy development role under the Resource Management Act 1991 (RMA).
- 1.2 At present I hold the position of Intermediate Planner for the Hamilton City Council in the Planning Guidance Unit. Prior to this role I held the position of Planner for the City Planning Unit reviewing the District Plan for over 5 years.
- 1.3 In the development of this S42A Report I have relied on external expertise of, Mr Alasdair Gray (Transportation) and Mr Gavin Lister (Landscape). Where I rely on this expertise I either quote or refer directly to other discussions on the issue.
- 1.4 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.
- 1.5 The scope of my evidence relates to comments on submissions and further submissions received in relation to Chapter 8 Knowledge Zone for the Ruakura Variation to the Hamilton City Proposed District Plan (notified 11 November 2015).
- 1.6 My evidence will also address deferred submissions from the Notified Proposed District Plan in 2012 where submissions were deferred.
- 1.7 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.
- 1.8 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.
- 1.9 A number of without-prejudice meetings with representatives from Tainui Group Holdings Limited, the University of Waikato, AgResearch Limited and Waikato Innovation Park were held to clarify aspects of their submissions in relation to the Knowledge Zone provisions.
- 1.10 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 8 Knowledge Zone provides a policy and rule framework which encompasses existing land-use activities which provide significant opportunities for tertiary education, innovation and research; including the University of Waikato, Waikato Innovation Park and the AgResearch Centre campus.
- 2.2 The extent of the Knowledge Zone is strategically important. It assists in enabling the City and wider catchment to meet its social, cultural and economic needs and



provides an opportunity through development to achieve connectivity between all three existing land uses.

- 2.3 Future development within the zone will strengthen the economic base of the region, generating positive economic and social outcomes. The potential for new research and innovation activities related to the operation of activities within the Ruakura Logistics Zone represents further opportunities for the City.
- 2.4 A Ruakura Retail Centre is provided for which is centred on a 'main street' precinct with a large public plaza. This area makes provision for a passenger transport hub to provide connectivity to the Central City.

3.0 Submissions

- 3.1 Eighteen submissions with 46 submission points were received. A total of nine further submissions and 32 further submission points were received in relation to principal submissions.
- 3.2 Eleven deferred submissions with 51 submission points were received as part of the Notified Proposed District Plan in 2012. A total of seven further submissions and 16 further submission points were received.
- 3.3 A number of deferred submissions have since been withdrawn and are identified with a strikethrough in Appendix B and within the S42A Reports. Any further submitter to a principal submission that has been withdrawn has also been identified with strikethrough.
- 3.4 Lists of the submitters and further submitters referred to in this report are contained in Appendix B.

4.0 Analysis

- 4.1 Appendix A contains an analysis and recommendations on submissions related to Chapter 8 Knowledge Zone.
- 4.2 Given the number, nature and extent of the submissions and further submissions received, the analysis has been grouped as follows:
 - 8 Knowledge Zone
 - 8.1 Purpose
 - 8.2 Objectives and Policies Knowledge Zone
 - 8.2.1 Objective
 - 8.2.2 Objective
 - 8.2.3 Objective
 - 8.2.4 Objective
 - 8.2.5 Objective
 - 8.2.6 Objective
 - 8.3.1 Rules – Activity Status for Precincts A, B and D
 - 8.3.2 Rules – Activity Status for Precinct C (Except Ruakura Retail Centre)
 - 8.3.3 Rules – Activity Status for Precinct C – Ruakura Retail Centre only
 - 8.4.1 Provision of Concept Plans for the Waikato Innovation Park, AgResearch and University of Waikato Precincts
 - 8.4.2 Location of Buildings and Activities
 - 8.4.3 Site Coverage
 - 8.4.4 Permeable Surfaces



- 8.4.8 Building Design
- 8.5.1 Location of Buildings and Activities
- 8.5.3 Ancillary Offices
- 8.6 Rules – Specific Standards for University of Waikato Precinct
- 8.6.1 Building Setbacks
- 8.6.2 Building Standards
- 8.6.3 Permeable Surfaces
- 8.7 Provisions in Other Chapters
- 8.8 Controlled Activities Matters of Control
- 8.9 Restricted Discretionary Activities – Matters of Discretion and Assessment Criteria
- 8.10 Notification Rule
- 8.11 Other Resource Consent Information

4.3 Each group 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 Key Issues

5.1 I have discussed a number of key issues within the S42A Report for Chapter 8 Knowledge Zone including;

5.2 *Submissions on heritage matters by Heritage New Zealand Pouhere Taonga and Laura Kellaway (and Louise Beaumont and John Adams)*

Legal advice has confirmed that the submission received from Heritage New Zealand Pouhere Taonga and Laura Kellaway is out of scope of the Variation in its entirety.

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.*
- *Pursuant to clause 6 to the First Schedule of the Resource Management Act 1991 (“RMA”), a person may make a submission “on” a proposed policy statement or plan (or variation).*
- *The High Court decision Clearwater Resort Ltd v Christchurch City Council¹ sets out the test for determining whether a submission is “on” a variation. The submissions do not meet either limb of the Clearwater test.”*

5.3 *Activity Statuses for University of Waikato in Precinct D*

¹ HC Christchurch AP34/02, 14 March 2003.



Precinct D (The University of Waikato) has the most permissive provisions out of the three Precincts (A, B and D) that were not part of the Ruakura Plan Change (Precinct C). The University of Waikato has a long established and comprehensive Concept Plan granted in September 2009 (which lapses in 2019), which provides for growth to occur on site in accordance with the Concept Plan as a permitted activity.

A gap in the notified variation position is where any activity that is not in accordance with an approved Concept Plan but is outside of the Interface Area is requiring restricted discretionary resource consent. Council has met with the University of Waikato and its planning representative and have worked through a recommended approach. A revised 8.3.1bb) is proposed to provide for new buildings of a scale and location that has limited impact on the interface of the site as permitted.

5.4 *Activity Statuses for AgResearch and Waikato Innovation Park in Precincts A and B*

AgResearch and Innovation Waikato Limited have both sought more permissive statuses for their Precincts, citing the Precinct D example as a means for providing this. Precincts A and B have no Interface Area provisions other than consideration of Interface Areas as part of a Concept Plan application (Appendix 1.2.2.27e)viii). Only Innovation Waikato Limited has a Concept Plan for their site, and the level of detail and assessment is considerably less than the Concept Plan for the University of Waikato site.

The context of the Innovation Waikato Limited site is that it is still quite young in terms of development, with plenty of opportunity for growth and expansion. The AgResearch Campus, while being largely built up, has the ability to repurpose or extend current operations within the campus, but with a mix of lease arrangements and the reduction in core AgResearch activities less certainty exists around the direction the Campus will take.

The incentive is for Precincts A and B to develop in accordance with a Concept Plan and therefore a permitted status when in accordance with a Concept Plan is provided.

5.5 *Implementation of a Concept Plan approach for Precincts A, B and D*

The Concept Plan approach for the Knowledge Zone provides an incentive to have a detailed plan of the site approved by Council to assist with development of the site. The Concept Plan approach as notified in the Variation requires amendments to give effect to the Framework Plan ruling outlined by the Environment Court as part of Auckland's Unitary Plan Hearings.

5.6 *Integration of the Board of Inquiry's Decision for Precinct C and the Ruakura Retail Centre*

The inclusion of the Ruakura Retail Centre and Precinct C provisions as determined by the BOI Decision are appropriate to reflect in the Variation. No substantive amendments were sought by submitters and alignment with the BOI Decision is recommended.

6.0 Conclusion

- 6.1 On the basis of my analysis, I recommend that the changes within the Tracked Changed Versions (Appendix C) are accepted.



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- 6.2 The changes will improve 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.

Sam Bernard Le Heron
8th July 2016



Appendix A

Analysis: 8 Knowledge Zone

A number of submitters support the Knowledge Zone provisions and seek their retention or consistency with the Board of Inquiry Decision (Property Council of New Zealand 11.03, Waikato Regional Council 21.03, Waikato-Tainui Te Kauhanganui Incorporated 27.07, Future Proof Implementation Committee 28.04, Chedworth Properties Limited 33.03, New Zealand Transport Agency 34.06, Tainui Group Holdings Limited 48.03). This approach is supported as one of the key drafting principles of the Variation was consistency with and giving effect to the BOI Decision. The Variation must also give effect to the Waikato Regional Policy Statement and this has been achieved in the notified Variation.

Heritage New Zealand Pouhere Taonga (44.03) and Kellaway, Laura; Beaumont, Louise; and Adam, John P (Kellaway et al) (49.01) 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 and Kellaway, Beaumont and Adam.

The relief sought by Heritage New Zealand is discussed in S42A Report for Chapter 4 Residential Zones *Key Issue: Submissions 'On' the Variation – Heritage New Zealand Pouhere Taonga*.

The following discussion relates to the Kellaway, Beaumont and Adams submission.

Key Issue: Submissions 'On' the Variation – Laura Kellaway, Louise Beaumont and John Adam (49)

Laura Kellaway, Louise Beaumont and John Adam (49.01) jointly submitted seeking that various historic sites, places, buildings and some historic plantings within the Ruakura area are not included in the relevant schedules in the PDP and are not protected. The submitters request that the Variation include a Heritage Area overlay, and specific relief includes: a) inclusion of the historic places, sites and historic plantings identified in the submission to Appendix 8, Schedule 8A of the PDP; b) inclusion of individual plantings identified in the submission to Appendix 9, Schedule 9D of the PDP; c) the completion of a comprehensive Heritage Assessment of the historic site; and d) the inclusion of a Ruakura Heritage Area in the Knowledge Zone.

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 Council's legal review and advice outlined the following:

- *"Council does not have jurisdiction to consider the submission as it is not "on" the Variation.*
- *Pursuant to clause 6 to the First Schedule of the Resource Management Act 1991 ("RMA"), a person may make a submission "on" a proposed policy statement or plan (or variation).*
- *The High Court decision Clearwater Resort Ltd v Christchurch City Council¹ sets out the test for determining whether a submission is "on" a variation.*
- *The submission does not meet either limb of the Clearwater test."*

The review outlined that, the submitters may advance arguments that the submissions are "on" the variation on the basis that:

- *"The geographic location is the subject of the variation, therefore any matter connected with that area is "on" the variation;*
- *Matters of biodiversity and ecology form part of the variation, therefore matters pertaining to the significance of trees are 'on' the variation;*
- *Provisions in the Knowledge Zone are amended under the variation, therefore amendments sought to the Knowledge Zone are "on" the variation;*
- *The variation amends the activity status table with respect to the demolition of buildings (to the exclusion of heritage buildings), showing that Council turned its mind to the matter of heritage buildings. The amendments sought to the heritage status of buildings area therefore 'on' the variation; or*
- *Those that would be affected by or interested in the matters raised in submissions are involved in the variation process as submitters and therefore a finding that the submissions are "on" the variation would have no impact on participatory rights."*

"...It is not uncommon for a submission on a plan change or variation to suggest that the issue in question be addressed in a way that differs from that envisaged by Council. Nevertheless, the first limb of the Clearwater test provides that a submission is only 'on' a variation if it is "addressed to the extent to which the variation changes the pre-existing status quo".

¹ HC Christchurch AP34/02, 14 March 2003.

“Given the exclusion of matters pertaining to heritage, archaeology and significant trees from the notified Variation and the s32 Report, and the fact that the changes sought are not merely incidental or consequential, this submission does not fall within the ambit of the Variation and can be regarded as coming out of ‘left field’ for which there may be little or no real scope for public participation.”

“Fundamentally, the variation does not purport to alter the current management regime embedded in the PDP in respect of heritage and archaeology matters. The effect of the changes proposed by Heritage New Zealand submission is to introduce new management regimes pertaining to heritage buildings and archaeological sites which are not the subject of a s32 analysis. The submission therefore, does not meet the first limb of the Clearwater test. A contrary argument asserting that the variation is sufficiently broad so that it opens up for relitigation parts of the plan which have passed the point of challenge is not consistent with that first limb. Even if it could be said that the submissions meet the first limb, they fail the second. The subject matter has broad public interest and there is a real risk that those who may be interested in the additional changes proposed in the submissions have been denied an opportunity to respond in the variation process. On that basis, the submissions do not meet the second limb of the Clearwater test.” (Tompkins Wake Legal Advice – May 2016)

All Laura Kellaway, Louise Beaumont and John Adam (49) 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. However, the submitters raise valid issues in their submission and Council recognises the importance of addressing the issues as part of a separate process outside of the Variation.

A Late Submission by Hamilton City Council (51) sought an amendment to concept plan provisions within the Knowledge Zone and land development plans within the broader Ruakura Variation in light of recent case law which has considered the vires of the use of such mechanisms as a planning tool in district plans. The relevant decisions are *Queenstown Airport Limited v Queenstown Lakes District Council* [2014] NZEnvC93, *Re Auckland* [2016] NZEnvC 56 (interim decision) and *Re Auckland* [2016] 65 (final decision). The late submission provides jurisdiction for the Independent Commissioners to make any necessary amendments to ensure that the provisions of the Variation are vires to the RMA; and are consistent with the principles of the decisions of the Environment Court.

The key proposed changes relate to concept plans in Chapter 8 – Knowledge Zone. The proposed amendments seek to ensure that an application for a concept plan is an application for a “bundle of activities”, in the form of a comprehensive resource consent application. The status of an activity which is not part of a comprehensive resource consent application (“concept plan consent”) is not determined by whether the activity is “consistent with” an approved or consented concept plan. The reference to a concept plan is proposed to be amended to “concept plan consent”. The amendments are supported to give effect to the recent case law on similar planning mechanisms in the Queenstown and Auckland contexts. See Tracked Changes in Appendix C.

The amendments with respect to land development plans are primarily to amend the reference to land development “plan” to read land development “consent”. In all other regards, the fundamental mechanism of the land development plan is not proposed to change.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Property Council of New Zealand	11.03	8 Knowledge Zone	Support	Accept the Ruakura Variation in its entirety.	Accept in Part	Other submissions sought amendments to Chapter 8 Knowledge Zone and have been recommended to be accepted or accepted in part.
Fairview Downs Residents and Owners Association	FS3.20		Oppose		Reject	FS3.20 is rejected as submission 11.03 is accepted in part.

<i>Tainui Group Holdings Limited</i>	<i>FS16.164</i>		<i>Support</i>		<i>Accept in Part</i>	<i>FS16.164 is accepted as submission 11.03 is accepted in part.</i>
Waikato Regional Council	21.03	8 Knowledge Zone	Support	Ensure that the Variation is consistent with the provisions of the Proposed Waikato Regional Policy Statement.	Accept	The Variation is consistent with the provisions of the Waikato Regional Policy Statement.
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.21</i>		<i>Oppose</i>		<i>Reject</i>	<i>FS3.21 is rejected as submission 21.03 is accepted.</i>
Waikato-Tainui Te Kauhanganui Incorporated	27.06	8 Knowledge Zone	Support	Insert Chapter 8 of the Ruakura Variation into the District Plan.	Accept in Part	Other submissions sought amendments to Chapter 8 Knowledge Zone and have been recommended to be accepted or accepted in part.
<i>Tainui Group Holdings Limited</i>	<i>FS16.161</i>		<i>Support</i>		<i>Accept</i>	<i>FS16.161 is accepted as submission 27.06 is accepted in part.</i>
Future Proof Implementation Committee	28.04	8 Knowledge Zone	Support	Retain Chapter 8 Knowledge Zone as notified.	Accept in Part	Other submissions sought amendments to Chapter 8 Knowledge Zone and have been recommended to be accepted or accepted in part.
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.24</i>		<i>Oppose</i>		<i>Reject</i>	<i>FS3.24 is rejected as submission 28.04 is accepted in part.</i>
<i>Tainui Group Holdings Limited</i>	<i>FS16.160</i>		<i>Support</i>		<i>Accept</i>	<i>FS16.160 is accepted as submission 28.04 is accepted in part.</i>
Chedworth Properties Limited	33.03	8 Knowledge Zone	Support in part	Any changes to the Variation to achieve consistency with the September 2014 Board of Inquiry Decision.	Accept in Part	Other submissions sought amendments to Chapter 8 Knowledge Zone and have been recommended to be accepted or accepted in part.
New Zealand Transport Agency	34.06	8 Knowledge Zone	Support	Retain '8 Knowledge Zone Area' as notified insofar as it reflects the decisions made by the Board of Inquiry.	Accept in Part	Other submissions sought amendments to Chapter 8 Knowledge Zone and have been recommended to be accepted or accepted in part.
Heritage New Zealand Pouhere Taonga	44.03	8 Knowledge Zone	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	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.

		Proposed District Plan.			
<i>Kellaway, Laura; Beaumont, Louise; and Adam, John P</i>	<i>FS6.1</i>			<i>Reject</i>	<i>FS6.1 is rejected as submission 44.03 is rejected.</i>
<i>AgResearch Ltd</i>	<i>FS13.2</i>	<i>Support</i>		<i>Accept</i>	<i>FS13.2 is accepted as submission 44.03 is rejected.</i>
<i>Waikato Innovation Park Limited</i>	<i>FS14.2</i>	<i>Oppose</i>		<i>Accept</i>	<i>FS14.2 is accepted as submission 44.03 is rejected.</i>
<i>Tainui Group Holdings Limited</i>	<i>FS16.163</i>	<i>Oppose</i>		<i>Accept</i>	<i>FS16.163 is accepted as submission 44.03 is rejected.</i>
<i>The New Zealand Institute for Plant & Food Research Ltd</i>	<i>FS18.2</i>	<i>Oppose</i>		<i>Accept</i>	<i>FS18.2 is accepted as submission 44.03 is rejected.</i>
<i>Jennifer West</i>	<i>FS19.29</i>	<i>Support</i>		<i>Reject</i>	<i>FS19.29 is rejected as submission 44.03 is rejected.</i>
<i>Tainui Group Holdings Limited</i>	<i>48.03</i>	<i>Support in part</i>	8 Knowledge Zone 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>Accept in Part</i>	Other submissions sought amendments to Chapter 8 Knowledge Zone and have been recommended to be accepted or accepted in part.
<i>The Waikato Tree Trust</i>	<i>FS2.1</i>	<i>Oppose</i>		<i>N/A</i>	<i>FS2.1 is not relevant to submission 48.03.</i>
<i>Jennifer West</i>	<i>FS19.31</i>	<i>Oppose</i>		<i>Reject</i>	<i>FS19.31 is rejected as submission 48.03 is accepted in part.</i>
<i>Kellaway, Laura; Beaumont, Louise; and Adam, John P</i>	<i>49.01</i>	<i>Support in part</i>	8 Knowledge Zone Seek the inclusion of a number of historic places, sites, plantings and area into Appendix 8 and 9 of the PDP. Seek a comprehensive Heritage Assessment of the historic site and include a Ruakura Heritage Area - specifically in the Knowledge Zone.	<i>Reject</i>	<i>Out of Scope</i> All Laura Kellaway, Louise Beaumont and John Adam (49) 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>The Waikato Tree Trust</i>	<i>FS2.25</i>	<i>Support</i>		<i>N/A</i>	<i>FS2.25 is not relevant to submission 49.01.</i>
<i>Fairview Downs Residents and</i>	<i>FS3.23</i>	<i>Support</i>		<i>Reject</i>	<i>FS3.23 is rejected as submission 49.01 is rejected.</i>

<i>Owners Association</i>						
<i>Heritage New Zealand Pouhere Taonga</i>	FS11.1		Support		Reject	FS11.1 is rejected as submission 49.01 is rejected.
<i>AgResearch Ltd</i>	FS13.1		Oppose		Accept	FS13.1 is accepted as submission 49.01 is rejected.
<i>Waikato Innovation Park Limited</i>	FS14.1		Oppose		Accept	FS14.1 is accepted as submission 49.01 is rejected.
<i>Tainui Group Holdings Limited</i>	FS16.162		Oppose		Accept	FS16.162 is accepted as submission 49.01 is rejected.
<i>The New Zealand Institute for Plant & Food Research Ltd</i>	FS18.1		Oppose		Accept	FS18.1 is accepted as submission 49.01 is rejected.
<i>Jennifer West</i>	FS19.30		Support		Reject	FS19.30 is rejected as submission 49.01 is rejected.
West, Jennifer	50.19	8 Knowledge Zone	Oppose	Remove references to Major Facilities Zone in relation to the University of Waikato. Amend 8.2.5, 8.2.5b) and relevant explanation to clarify that adverse effects of the Ruakura Retail Centre are managed to avoid the impact on knowledge based activity.	Accept in Part	References to Major Facilities Zone have been removed from Controlled Activities: Matters of Control 8.8. See discussion under provision 8.2.5 below. The scale of the Ruakura Retail Centre has been determined through the BOI Decision, and any adverse effects of this development are to be managed through the undertaking of a Land Development Plan for Area H (see Figure 2-16 Land Development Plan Areas).
Hamilton City Council – Late Submission	51.03	8 Knowledge Zone	Support in Part	Amend chapter 8 to ensure that the provisions relating to CDPs are <i>vires</i> and consistent with the principles of recent case law regarding the status and use of “development plans”, as set out in the attached tracked change version of chapter 8; Amend reference to Concept Development Plans to Concept Development Consents; and Any relevant consequential amendments.	Accept in Part	The key proposed changes relate to concept plans in Chapter 8 – Knowledge Zone. The proposed amendments seek to ensure that an application for a concept plan is an application for a “bundle of activities”, in the form of a comprehensive resource consent application. The status of an activity which is not part of a comprehensive resource consent application (“concept plan consent”) is not determined by whether the activity is “consistent with” an approved or consented concept plan. The reference to a concept plan is proposed to be amended to “concept plan consent”. The amendments are supported to give effect to the recent case law on similar planning mechanisms

						in the Queenstown and Auckland contexts. See Tracked Changes in Appendix C.
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Analysis: 8.1 Purpose

A number of submitters seek the retention of 8.1 Purpose as notified. This approach is supported as it continues to provide clarity around the various precincts that make up the Knowledge Zone.

Roberta Lee Farrell (D270.001) is seeking removal of the reference to the Inland Port and Ruakura Industrial Park Zone in 8.1f), which recognises that new innovation and research activities could occur in the Knowledge Zone that relate to the Inland Port and Ruakura Industrial Zone. No amendment is appropriate as the purpose statement is clarifying the wider role of the Ruakura Logistics Zone and Ruakura Industrial Park Zone that could facilitate knowledge based activities due to the close proximity and benefits associated with agglomeration.

AgResearch (D609.009) and Waikato Innovation Park Limited (D1051.006) sought provision for a Suburban Centre in 8.1 Purpose, rather than a neighbourhood centre. As part of the BOI Hearings it was agreed (Joint Witness Statement – Retail Economics 8 April 2014) that a Ruakura Retail Centre would be appropriate to be provided for, which is in between a neighbourhood centre and suburban centre in terms of the PDP business hierarchy. The Ruakura Retail Centre was then confirmed as part of the BOI Decision. The specific provisions relevant to the Ruakura Retail Centre are outlined in Rules 8.3.3 Activity Status for Precinct C – Ruakura Retail Centre Only. The retention of a Ruakura Retail Centre is supported.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	26.02	8.1 Purpose	Support	Retain 8.1 Purpose.	Accept	Retention of 8.1 Purpose is accepted as no changes are made from other submissions.
Fairview Downs Residents and Owners Association	43.30	8.1 Purpose	Support	Retain 8.1 Purpose.	Accept	Retention of 8.1 Purpose is accepted as no changes are made from other submissions.
<i>Jennifer West</i>	<i>FS19.26</i>		<i>Support</i>		<i>Accept</i>	<i>FS19.26 is accepted as submission 43.3 is accepted.</i>
Roberta Lee Farrell CNZM FRSNZ FIAWS	D270.001	8.1 Purpose	Support	Retain the Knowledge Zone but oppose the Inland Port and Ruakura Industrial Park Zone which are not in keeping with innovation and research functions.	Accept in Part	Retain 8.1 Purpose as notified, and retain references to new research and innovation related to Ruakura Logistics Zone occurring within the Knowledge Zone.
Roy McIver Daniel FRSNZ	D283.001	8.1 Purpose	Support	Oppose Inland Port and Ruakura logistics Zone and seeks activities similar to existing - research and innovation.	Reject	The Knowledge Zone provides for research and innovation activities, while the Inland Port and Ruakura Logistics Zone are covered in Chapter 10.
<i>Simon Travaglia (Waikato Innovation Park Limited)</i>	<i>DFS67.016</i>		<i>Oppose</i>		<i>Accept</i>	<i>DFS67.016 is accepted as submission D283.001 is rejected.</i>

AgResearch Ltd	D609.009	8.1 Purpose	Support in part	Amend 8.1(f) to provide for a Suburban Centre rather than a neighbourhood centre	Reject	The Board of Inquiry Decision confirmed a Ruakura Retail Centre as an appropriate scale for the Knowledge Zone. A suburban centre is not appropriate for this location.
Waikato Regional Council	DFS72.032		Oppose		Accept	DFS72.032 is accepted as submission D609.009 is rejected.
Tainui Group Holdings Limited	DFS196.022		Support		Reject	DFS196.022 is rejected as submission D609.009 is rejected.
Waikato Chamber of Commerce	D698.012	8.1 Purpose	Support	Supports the purpose and location of the Knowledge Zone	Accept	The purpose and location of the Knowledge Zone has been retained.
Tainui Group Holdings Ltd	D913.039	8.1 Purpose	Support in part	Amend 8.1 to provide for a Suburban Centre instead of a Neighbourhood Centre in the Knowledge Zone. Amend 8.1e) to remove reference to development staging. Delete 8.1g) regarding adverse effects on the Central City.		Withdrawn
Waikato Regional Council	DFS72.033		Oppose			
William Cornelis Engelder	DFS160.001		Oppose			
James Hely and Heather Montgomerie	DFS161.001		Oppose			
New Zealand Transport Agency	D924.054	8.1 Purpose	Support	Retain 8.1 Purpose of the knowledge zone as notified.		Withdrawn
Waikato Innovation Park Limited	D1051.006	8.1 Purpose	Oppose	Amend Purpose 8.1 to provide for a suburban centre and delete words in relation to compromising the Central City.	Reject	The Board of Inquiry Decision confirmed a Ruakura Retail Centre as an appropriate scale for the Knowledge Zone. A suburban centre is not appropriate for this location. The relationship of the Knowledge Zone and the Central City is important to outline.
The University of Waikato	D1059.001	8.1 Purpose	Support in part	Amend Purpose 8.1 to recognise existing facilities in addition to future ones.	Accept in Part	The Purpose 8.1 recognises existing facilities and provides for additional facilities as part of the Objectives and Policies of the Precincts.
Generation Zero Waikato	D1284.022	8.1 Purpose	Support in part	Amend Purpose 8.1c to "Future development in the zone will strengthen the economic base	Reject	The wording amendment suggested would not improve the readability of the paragraph. The addition of

				of the region, generating positive economic, environmental and social outcomes. ...”		‘environmental’ would imply positive environmental outcomes will be achieved through the development of the structure plan, while this is desirable it is not appropriate to include in an amended Purpose for f).
490 Grey Ltd as the Trustee of the BDL Commercial Investment Trust and Homes for Living Ltd	DFS266.005		Oppose		N/A	DFS266.005 is not relevant to Submission D1284.022.

Analysis: 8.2 Objectives and Policies Knowledge Zone

Waikato Innovation Park Limited (D1051.007) seeks the replacement of ‘shall’ with ‘should’ in the Objectives and Policies of the Knowledge Zone. The PDP as notified in 2012 included objectives and policies that frequently used ‘shall’. As part of further refinement through the decisions and appeal process a number of objectives and policies have been amended to either reflect shall, should or neither depending on the context.

An assessment of the applicability of the ‘shall’ used in objectives and policies and a recommended approach has been outlined, see Tracked Changes in Appendix C.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
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New Zealand Transport Agency	D924.055	8.2 Objectives and Policies Knowledge Zone	Support	Retain 8.2 Objectives and Policies Knowledge Zone as notified		Withdrawn
Waikato Innovation Park Limited	D1051.007	8.2 Objectives and Policies Knowledge Zone	Oppose	8.2 Replace "shall" with "should" in the Objectives and Policies for the Knowledge Zone.	Accept in Part	An assessment of the applicability of the ‘shall’ used in objectives and policies and a recommended approach has been outlined, see Tracked Changes in Appendix C.

Analysis: Objective 8.2.1

The University of Waikato (26.03), AgResearch Ltd (D609.011) and Waikato Innovation Park Limited (D1051.008) seek amendment to or deletion of Policy 8.2.1f which relates to development within the Knowledge Zone being in general accordance with an approved Concept Plan or Land Development Plan. Policy 8.2.1f is important for clarifying where a Concept Plan or Land Development Plan applies and providing context for the relevant rules and standards. No amendment is supported.

Fairview Downs Residents and Owners Association (43.31) seek the amendment of Policy 8.2.1f) to refer to the Knowledge Zone, rather than Precincts A, B and D. Precinct C and the Ruakura Retail Centre were confirmed as part of the BOI Decision and are not subject to a Concept Plan. The amendment sought to 8.2.1f) is not appropriate and would not provide clarity to Plan users.

AgResearch Ltd (D609.011) seeks amendment to Policy 8.2.1e in the Variation which explains the role of the Knowledge Zone with the wider context of the City. It is important to retain this policy as any development within the Knowledge Zone that would compromise the vitality, functions and amenity of the Central City shall be avoided. This is in alignment with the PDP Business Hierarchy which has been confirmed through the PDP Decisions and Appeals processes.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Waikato Regional Council	21.37	Objective 8.2.1	Support	Retain policy 8.2.1f.	Accept	Retention of Policy 8.2.1f is accepted as no changes are made from other submissions.
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.21</i>		<i>Oppose</i>		<i>Reject</i>	<i>FS3.21 is rejected as submission 21.37 is accepted.</i>
The University of Waikato	26.03	Objective 8.2.1	Support in part	Amend Policy 8.2.1(f) to remove reference to Precinct D. Alternatively, amend as above and introduce a new policy specifically for the University.	Reject	Policy 8.2.1f is relevant to Precinct D, the University of Waikato, as a key mechanism for growth and the submission point is therefore rejected.
Fairview Downs Residents and Owners Association	43.31	Objective 8.2.1	Oppose	Amend 8.2.1 to refer to Knowledge Zone and delete specific references to precincts.	Reject	The references within Objective 8.2.1 to the precincts that make up the Knowledge Zone is important to provide context to the specific Concept Plan and Land Development Plan approach and separate activity status tables that follow. The amendment sought to 8.2.1f) is not appropriate and would not provide clarity.
<i>Tainui Group Holdings Limited</i>	<i>FS16.165</i>		<i>Oppose</i>		<i>Accept</i>	<i>FS16.165 is accepted as submission 43.31 is rejected.</i>
<i>Jennifer West</i>	<i>FS19.26</i>		<i>Support</i>		<i>Reject</i>	<i>FS19.26 is rejected as submission 43.31 is rejected.</i>
AgResearch Ltd	D609.011	8.2.1 Objective and Policies	Oppose	Delete Policy 8.2.1f as it is considered that future development within the Knowledge Zone is beneficial to the City and should not be restricted.	Reject	Policy 8.2.1e in the Variation is important to clarify the role and relationship the Knowledge Zone has with the Central City. This is in alignment with the PDP Business Hierarchy which has been confirmed through the PDP Decisions and Appeals processes.
<i>Tainui Group Holdings</i>	<i>DFS196.023</i>		<i>Support</i>		<i>Reject</i>	<i>DFS196.023 is rejected as submission D609.011 is rejected.</i>

<i>Limited</i>						
Waikato Innovation Park Limited	D1051.008	8.2.1 Objective and Policies	Oppose	Delete Policy 8.2.1f.	Reject	8.2.1e in the Variation is important to clarify the role and relationship the Knowledge Zone has with the Central City. This is in alignment with the PDP Business Hierarchy which has been confirmed through the PDP Decisions and Appeals processes.

Analysis: Objective 8.2.2

KiwiRail Holdings Limited (17.05, D366.006), The University of Waikato (26.04) and Generation Zero Waikato (D1284.023) collectively seek retention of Objective 8.2.2 and relevant Policies 8.2.2a – c. The retention of objective and policies for 8.2.2 is supported, with the exception of 8.2.2c which is appropriate to delete as it is provided for in Policy 8.2.2a.

Hamilton City Council (32.19) seeks the deletion of Policy 8.2.2c), *‘An integrated passenger transport hub that can include both road and rail networks shall be provided for to service the zone and surrounding catchment upon the demand arising’* where it is repetitive of what is already covered in Policy 8.2.2b). The deletion of Policy 8.2.2c) is supported. See Tracked Changes in Appendix C.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
KiwiRail Holdings Limited	17.05	Objective 8.2.2	Support	Retain Policy 8.2.2b and 8.2.2c which relates to an integrated passenger transport hub for both road and rail networks.	Accept in Part	Policy 8.2.2b is retained, but Policy 8.2.2c has been deleted are retained with amendments as outlined in the BOI Decision.
The University of Waikato	26.04	Objective 8.2.2	Support	Retain Objective 8.2.2 and Policy 8.2.2a	Accept in Part	Objective 8.2.2 and Policy 8.2.2a have been retained, with amendments from the BOI Decision.
Hamilton City Council	32.19	Objective 8.2.2	Support	Delete Policy 8.2.2c).	Accept	Policy 8.2.2c is repetitive of what is already provided by Policy 8.2.2b and its deletion is supported. See Tracked Changes in Appendix C.
<i>Jennifer West</i>	<i>FS19.1</i>		<i>Support</i>		<i>Accept</i>	<i>FS19.1 is accepted as submission 32.19 is accepted.</i>
KiwiRail Holdings Limited	D366.006	8.2.2 Objective and Policies	Support	Retain Objective 8.2.2 and Policy 8.2.2c	Accept in Part	Objective 8.2.2 is retained, but Policy 8.2.2c is deleted as it is already provided by Policy 8.2.2a.
Generation Zero Waikato	D1284.023	8.2.2 Objective and Policies	Support	Retain Policy 8.2.2 Objective and Policies for active and public transport links.	Accept in Part	Objective 8.2.2 is retained, but Policy 8.2.2c is deleted as it is already provided by Policy 8.2.2a.
<i>490 Grey Ltd as the Trustee of the BDL Commercial</i>	<i>DFS266.005</i>		<i>Oppose</i>		<i>N/A</i>	<i>DFS266.005 is not relevant to Submission D1284.023.</i>

<i>Investment Trust and Homes for Living Ltd</i>						
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Analysis: Objective 8.2.3

Submitters sought the retention of Objective 8.2.3 and Policy 8.2.3a which recognise maximising the long-term benefits of the Knowledge Zone.

AgResearch (D609.010) sought the deletion of a staging reference. This was previously included in the notified PDP version, but was not notified in the Variation. The continuation of no specific staging reference is supported.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	26.05	Objective 8.2.3	Support	Retain Objective 8.2.3 and Policy 8.2.3a	Accept	Objective 8.2.3 and Policy 8.2.3a have been retained.
AgResearch Ltd	D609.010	8.2.3 Objective and Policies	Oppose	Delete last sentence of the explanation to 8.2.3 that relates to the staging of development in the Knowledge Zone	Accept in Part	The staging reference referred to has already been removed from the Variation.
<i>Simon Travaglia (Waikato Innovation Park Limited)</i>	<i>DFS67.009</i>		Support		Accept in Part	<i>DFS67.009 is accepted in part as submission D609.010 is accepted in part.</i>
Tainui Group Holdings Ltd	D913.040	8.2.3 Objective and Policies	Oppose	Objective 8.2.3 Explanation – remove reference to staging		Withdrawn
<i>William Cornelis Englander</i>	<i>DFS160.001</i>		Oppose			
<i>James Hely and Heather Montgomerie</i>	<i>DFS161.001</i>		Oppose			

Analysis: Objective 8.2.4

The Waikato Regional Council (21.38) seeks retention of Objective 8.2.4 and Policies 8.2.4a – c which were notified in the PDP in December 2012.

The University of Waikato (26.06) seeks clarification to which parts of the Knowledge Zone this objective applies. The objective is clearly referring to the Knowledge Zone, which includes all precincts, including Precinct D which relates to the University of Waikato. It is clear there is separation between the University of Waikato and the other Precincts of the Knowledge Zone,

but broader consideration of the management of potential adverse effects within the zone is supported. The retention of this objective and supporting policies as notified is supported.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Waikato Regional Council	21.38	Objective 8.2.4	Support	Retain objective 8.2.4 and policies 8.2.4a-8.2.4c.	Accept	Retain Objective 8.2.4 and Policies 8.2.4a – c to provide certainty around the management of adverse effects of activities within the Knowledge Zone.
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.21</i>		<i>Oppose</i>		<i>Reject</i>	<i>FS3.21 is rejected as submission 21.38 is accepted.</i>
The University of Waikato	26.06	Objective 8.2.4	Support in part	Amend Objective 8.2.4 and the associated policies to clarify which parts of the Knowledge Zone they apply to.	Accept in Part	Objective 8.2.4 and Policies 8.2.4a – c provides certainty around the management of adverse effects of activities within the Knowledge Zone, including the University of Waikato.

Analysis: Objective 8.2.5 Ruakura Retail Centre

The Waikato Regional Council (21.36) seeks the retention of Objective 8.2.5 and Policies 8.2.5a – c which relate to the Ruakura Retail Centre. The Ruakura Retail Centre was confirmed as part of the BOI Decision [Para 709-737]. There are limited submissions on the Ruakura Retail Centre. This approach is supported.

Jennifer West (50.22) seeks amendment to Objective 8.2.5, Policy 8.2.5b) and explanation to clarify the adverse effects of the Ruakura Retail Centre are managed to avoid any impact on the knowledge based activity within the zone. The scale of the Ruakura Retail Centre has been determined through the BOI process, and any adverse effects of this development are to be managed through the undertaking of a Land Development Plan for Area H.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Waikato Regional Council	21.36	Objective 8.2.5 Ruakura Retail Centre	Support	Retain policy 2.2.4a and objective 8.2.5 and policies 8.2.5a-8.2.5c.	Accept	Objective 8.2.5 and Policies 8.2.5a – c are retained as they provide important context for the Ruakura Retail Centre confirmed as part of the BOI Decision.
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.21</i>		<i>Oppose</i>		<i>Reject</i>	<i>FS3.21 is rejected as submission 21.36 is accepted.</i>
West, Jennifer	50.22	Objective 8.2.5 Ruakura Retail Centre	Oppose	Amend 8.2.5, 8.2.5b) and relevant explanation to clarify that adverse effects of the Ruakura Retail Centre are managed to avoid the impact on knowledge based activity.	Accept in Part	The scale of the Ruakura Retail Centre has been determined through the BOI Decision, and any adverse effects of this development are to be managed through the undertaking of a Land Development Plan for Area H (see Figure 2-16 Land Development Plan Areas).

Tainui Group Holdings Limited	FS16.166		Oppose		Reject	FS16.166 is rejected as submission 50.22 is accepted in part.
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Analysis: Objective 8.2.6 University of Waikato Precinct

The University of Waikato (26.07 and D1059.002) has submitted on the retention of Objective 8.2.6 and Policies 8.2.6a – f. This is supported as the Objective and Policy are important for providing site specific context to Precinct D the University of Waikato. Policy 8.2.5f as notified in the PDP has been amended and the Notified Variation Policy 8.2.6f provides similar relief.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	26.07	Objective 8.2.6 University of Waikato Precinct	Support	Retain Objective 8.2.6 and Policies 8.2.6 a-f.	Accept	This submission is accepted as Objective 8.2.6 and Policies 8.2.6a – f are retained.
The University of Waikato	D1059.002	8.2.5 Objective and Policies University of Waikato	Support in part	Retain Objectives and Policies 8.2.5, 8.2.5a, 8.2.5b, 8.2.5c, 8.2.5d and 8.2.5e as notified. Amend the explanation to 8.2.1 so it does not apply to the University. Amend 8.2.5f to enable the university to develop a long term plan for its campus.	Accept in Part	This submission is accepted in part as Objective 8.2.6 and Policies 8.2.6a – f are retained. Policy 8.2.5f as notified in the PDP has been amended and the Notified Variation Policy 8.2.6f provides similar relief.
Simon Travaglia (Waikato Innovation Park Limited)	DFS67.013		Support		Accept in part	DFS67.013 is accepted in part as submission D1059.002 is accepted in part.

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

A number of amendments to 8.3.1 have been made to reflect the relief sought in Hamilton City Council's Late Submission (51.03)

The University of Waikato (26.08 and D1059.003), AgResearch (47.01 and D609.012) and Innovation Waikato Limited (38.01, D1051.009 and D1051.025) seek various amendments to the activity status Rules in 8.3.1 for Precincts A, B and D. The introduction of the Concept Plan Consent as a method to implement and manage large scale and staged development of major sites is an efficient and effective way to achieve the relevant objective and policies for each Precinct and the most appropriate way to achieve the objectives and policies for the Knowledge Zone. The statuses of the various activities within each Precinct are clearly outlined to reflect the nature and context of each individual Precinct.

Precinct D (The University of Waikato) has the most permissive provisions out of the three Precincts (A, B and D) that were not part of the Ruakura Plan Change (Precinct C). The University of Waikato has a long established and comprehensive Concept Plan granted in September 2009 (which lapses in 2019), which provided for growth to occur on site in accordance with the Concept Plan as a permitted activity. The notified PDP in 2012 provided the University of Waikato through Rule 8.3bb) 'New buildings, alterations or additions where there is no approved Concept Plan and which are not located within the Interface Area' can occur as a Permitted Activity. Under provision 8.3.1gg 'New buildings, relocated buildings, alterations and additions in accordance with an approved Concept Plan are permitted'.

A gap in the notified variation position is where any activity that is not in accordance with an approved Concept Plan but is outside of the Interface Area requires restricted discretionary resource consent. Council officers met with the University of Waikato and its planning representative and worked through a recommended approach. A revised 8.3.1bb) which would address the submitter's concerns is set out as follows (with additions in underline).

'New buildings, relocated buildings, alterations and additions not in accordance with an approved Concept Plan or where there is no approved Concept Plan, but less than 150m² footprint and which are not located within the Interface Area' – as permitted. This activity reflects the clear intention to not discriminate onerously where a Concept Plan is in place and if development is not in accordance with the Concept Plan or in the absence of a Concept Plan and of a smaller scale, given the context and size of the Precinct. A number of consequential amendments to the restricted discretionary and discretionary assessment criteria are required to give effect to the activity status amendments made. To achieve the relief outlined above amendments to existing Activity Statuses for the University of Waikato would be required. See Track Changes in Appendix C.

The amendments set out above for the University of Waikato are proposed to be amended further to reflect relief sought by Hamilton City Council Late Submission (51.03). These amendments are necessary to ensure that the status of activities is not determined by whether those activities are 'in accordance with an approved concept plan' (such an approach is ultra vires to the RMA). The late submission by Hamilton City Council seeks amendment to Chapter 8 to ensure that the provisions relating to Concept Plans are *vires* and consistent with the principles of recent case law regarding the status and use of "development plans". The revised approach provides for an amendment to 8.3.1a) to include 'A *Concept Plan Consent*' which includes new buildings and the preparation of the land for development as a Restricted Discretionary Activity. Importantly a Concept Plan Consent must be for the whole site, but development of the site may proceed in stages. See Tracked Changes in Appendix C. Important to note is that other activities within 8.3.1 which are identified as permitted remain permitted irrespective of whether a Concept Plan Consent has been granted. The University of Waikato under 8.3.1z) provides for 'new buildings, relocated buildings, alterations and additions less than 150m² footprint and which are not located within the Interface Area – Permitted'. The amended activity 8.3.1ss) states 'any activity identified in Rule 8.3.1z) that is greater than 150m² footprint – Restricted Discretionary'.

The context and rationale behind the approach to Precinct D is important when considering the relief sought in submissions to Precincts A and B. AgResearch (47.01) and Innovation Waikato Limited (38.01) have both sought more permissive statuses for their Precincts, citing the Precinct D example as a means for providing this. Precincts A and B have no Interface Area provisions other than consideration of Interface Areas as part of a Concept Plan application (Appendix 1.2.2.27e)viii). Only Innovation Waikato Limited has a Concept Plan for their site, and the level of detail and assessment is considerably less than the Concept Plan for the University of Waikato site. The context of the Innovation Waikato Limited site is that it is still quite young in terms of development, with plenty of opportunity for growth and expansion. The AgResearch Campus, while being largely built up, has the ability to repurpose or extend current operations within the campus, but with a mix of lease arrangements and the reduction in core AgResearch activities less certainty exists around the direction the Campus will take. The incentive is for Precincts A and B to develop in accordance with a Concept Plan and therefore a permitted status when in accordance with a Concept Plan is provided.

AgResearch and Innovation Waikato Limited also seek amendments to 8.3.1 to provide for alterations and additions to existing buildings as permitted (with the removal of the 250m² gross floor area threshold). I support this approach as alterations and additions of existing buildings are appropriately managed by the standards in 8.4 and 8.5. See Tracked Changes in Appendix C.

The submitters also seek an amendment so any new building greater than 250m² and without or not in accordance with an approved Concept Plan as restricted discretionary. With a new activity whereby any new building less than 250m² gross floor area without or not in accordance with an approved Concept Plan as permitted. I do not support this approach. 8.3.1g) 'any new buildings without or not in accordance with an approved Concept Plan' – Restricted Discretionary is an appropriate status to consider the effects and scale of development that is likely to occur within Precincts A and B. No substantive rationale is provided by the submitters other than reference to what is currently provided for within Precinct D. As discussed above I do not see Precincts A and B as being similar to Precinct D in terms of the built environment or context of the sites.

The amendments set out above for AgResearch and Innovation Waikato Limited are proposed to be amended further to reflect relief sought by Hamilton City Council Late Submission (51.03). These amendments are necessary to ensure that the status of activities is not determined by whether those activities are ‘in accordance with an approved concept plan’ (such an approach is ultra vires to the RMA). The late submission by Hamilton City Council seeks amendment to Chapter 8 to ensure that the provisions relating to Concept Plans are *vires* and consistent with the principles of recent case law regarding the status and use of “development plans”. The revised approach provides for an amendment to 8.3.1a) to include ‘A Concept Plan Consent’ which includes new buildings and the preparation of the land for development as a Restricted Discretionary Activity. Importantly a Concept Plan Consent must be for the whole site, but development of the site may proceed in stages. See Tracked Changes in Appendix C. Important to note is that other activities within 8.3.1 which are identified as permitted remain permitted irrespective of whether a Concept Plan Consent has been granted. AgResearch and Innovation Waikato Limited have new buildings provided for within 8.3.1e) ‘any new buildings – Restricted Discretionary’. 8.3.1d) ‘alterations and additions to existing buildings – Permitted’.

Transpower New Zealand Limited (23.03 and D1083.011) seeks the retention of 8.3.1 Note 1 which relates to activities or buildings in the Electricity Transmission Corridors. This note is important and will be retained as it provides clear linkage to the transmission corridor provisions.

Generation Zero Waikato (D1284.024) seeks the addition of a new activity status requiring new buildings to go through restricted discretionary consent within the University of Waikato site. The amendment sought is not appropriate as new buildings at the University of Waikato where in accordance with a Concept Plan and not within the Interface Area are appropriate as a permitted activity. Additionally 8.3.1bb) provides for new buildings to occur as a permitted activity where there is no Concept Plan, provided it is outside of the Interface Area.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Transpower New Zealand Limited	23.03	8.3.1 Rules – Activity Status for Precincts A, B and D	Support	Retain 8.3.1 Note 1 which relates to any activities or buildings in the Electricity Transmission Corridors.	Accept	No changes are proposed to Rule 8.3.1 Note 1 which refers to activities and buildings in the Electricity Transmission Corridor.
The University of Waikato	26.08	8.3.1 Rules – Activity Status for Precincts A, B and D	Support in part	Retain Activity Rules 8.3.1aa) to ee) and gg) to ww) Delete Rule 8.3.1ff).	Accept in Part	<p>The amended activity reflects the clear intention to not distinguish onerously where a Concept Plan is in place and development is not in accordance with the Concept Plan and of a smaller scale, given the context and size of the site.</p> <p>The amendments set out above for the University of Waikato are proposed to be amended further to reflect relief sought by Hamilton City Council Late Submission (51.03). These amendments are necessary to ensure that the status of activities is not determined by whether those activities are ‘in accordance with an approved concept plan’ (such an approach is ultra vires to the RMA). The late submission by Hamilton City Council seeks amendment to Chapter 8 to ensure that</p>

					<p>the provisions relating to Concept Plans are <i>vires</i> and consistent with the principles of recent case law regarding the status and use of “development plans”.</p> <p>The revised approach provides for an amendment to 8.3.1a) to include ‘A Concept Plan Consent’ which includes new buildings and the preparation of the land for development as a Restricted Discretionary Activity. Importantly a Concept Plan Consent must be for the whole site, but development of the site may proceed in stages. See Tracked Changes in Appendix C.</p> <p>Important to note is that other activities within 8.3.1 which are identified as permitted remain permitted irrespective of whether a Concept Plan Consent has been granted. The University of Waikato under 8.3.1z) has ‘new buildings, relocated buildings, alterations and additions less than 150m2 footprint and which are not located within the Interface Area – Permitted’. The amended activity 8.3.1ss) states ‘any activity identified in Rule 8.3.1z) that is greater than 150m2 footprint – Restricted Discretionary’.</p>
Innovation Waikato Limited	38.01	8.3.1 Rules – Activity Status for Precincts A, B and D	Oppose	<p>Rule 8.3.1(e) - delete 'no greater than 250m² gross floor area' for alterations and additions. Delete Rule 8.3.1(f) which relates to alterations and additions without a Concept Plan. Amend Rule 8.3.1(g) by adding 'greater than 250m² gross floor area'. Add Rule 8.3.1(ga) 'Any new building without or not in accordance with an approved Concept Plan with a gross floor area less than 250m² ' - Permitted. Amend 8.3.1(j) to include 'and other education'.</p>	<p>Accept in Part</p> <p>Alterations and additions are appropriate to occur as a permitted activity within Precincts A and B, irrespective of whether a Concept Plan has been approved for the Precinct.</p> <p>Precincts A and B have no Interface Area provisions other than reference to Interface Areas as part of a Concept Plan application (Appendix 1.2.2.27e)viii). Only Innovation Waikato Limited has a Concept Plan for their site, and the level of detail and assessment is considerably less than the Concept Plan for the University of Waikato site.</p> <p>The incentive is for Precincts A and B to develop in accordance with a Concept Plan and therefore a permitted status when in accordance with a Concept</p>

					<p>Plan is provided for.</p> <p>No substantive rationale is provided by the submitters as to why a permitted activity status for new buildings under 250m² gross floor area should be provided, other than reference to what is currently provided for within Precinct D. Precincts A and B are not similar to Precinct D in terms of the built environment or context of the sites.</p> <p>The amendments set out above for AgResearch and Innovation Waikato Limited are proposed to be amended further to reflect relief sought by Hamilton City Council Late Submission (51.03). These amendments are necessary to ensure that the status of activities is not determined by whether those activities are ‘in accordance with an approved concept plan’ (such an approach is ultra vires to the RMA). The late submission by Hamilton City Council seeks amendment to Chapter 8 to ensure that the provisions relating to Concept Plans are <i>vires</i> and consistent with the principles of recent case law regarding the status and use of “development plans”.</p> <p>The revised approach provides for an amendment to 8.3.1a) to include ‘A <i>Concept Plan Consent</i>’ which includes new buildings and the preparation of the land for development as a Restricted Discretionary Activity. Importantly a Concept Plan Consent must be for the whole site, but development of the site may proceed in stages. See Tracked Changes in Appendix C.</p> <p>Important to note is that other activities within 8.3.1 which are identified as permitted remain permitted irrespective of whether a Concept Plan Consent has been granted. AgResearch and Innovation Waikato Limited have new buildings provided for within 8.3.1e) ‘any new buildings – Restricted Discretionary’. 8.3.1d)</p>
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						'alterations and additions to existing buildings – Permitted'.
Fairview Downs Residents and Owners Association	43.32	8.3.1 Rules – Activity Status for Precincts A, B and D	Support in part	Amend 8.3.1 to include Precinct C in the activity status table, but excluding the Ruakura Retail Centre.	Reject	The BOI Decision confirmed activities for Precinct C that are important to separate from the broader provisions in 8.3.1 which relate to Precincts A, B and D.
Tainui Group Holdings Limited	FS16.167		Oppose		Accept	FS16.167 is accepted as submission 43.32 is rejected.
Jennifer West	FS19.26		Support		Reject	FS19.26 is rejected as submission 43.32 is rejected.
AgResearch	47.01	8.3.1 Rules – Activity Status for Precincts A, B and D	Support in part	<p>Rule 8.3.1(e) - delete 'no greater than 250m² gross floor area' for alterations and additions.</p> <p>Delete Rule 8.3.1(f) which relates to alterations and additions without a Concept Plan.</p> <p>Amend Rule 8.3.1(g) by adding 'greater than 250m² gross floor area'.</p> <p>Add Rule 8.3.1(ga) 'Any new building without or not in accordance with an approved Concept Plan with a gross floor area less than 250m² - Permitted.</p> <p>Amend 8.3.1(j) to include 'and other education'.</p>	Accept in Part	<p>Alterations and additions are appropriate to occur as a permitted activity within Precincts A and B, irrespective of whether a Concept Plan has been approved for the Precinct.</p> <p>Precincts A and B have no Interface Area provisions other than reference to Interface Areas as part of a Concept Plan application (Appendix 1.2.2.27e)viii). Only Innovation Waikato Limited has a Concept Plan for their site, and the level of detail and assessment is considerably less than the Concept Plan for the University of Waikato site.</p> <p>The incentive is for Precincts A and B to develop in accordance with a Concept Plan and therefore a permitted status when in accordance with a Concept Plan is provided for.</p> <p>No substantive rationale is provided by the submitters as to why a permitted activity status for new buildings under 250m² gross floor area should be provided, other than reference to what is currently provided for within Precinct D. Precincts A and B are not similar to Precinct D in terms of the built environment or context of the sites.</p> <p>The amendments set out above for AgResearch and</p>

						<p>Innovation Waikato Limited are proposed to be amended further to reflect relief sought by Hamilton City Council Late Submission (51.03). These amendments are necessary to ensure that the status of activities is not determined by whether those activities are 'in accordance with an approved concept plan' (such an approach is ultra vires to the RMA).</p> <p>The late submission by Hamilton City Council seeks amendment to Chapter 8 to ensure that the provisions relating to Concept Plans are <i>vires</i> and consistent with the principles of recent case law regarding the status and use of "development plans". The revised approach provides for an amendment to 8.3.1a) to include 'A <i>Concept Plan Consent</i>' which includes new buildings and the preparation of the land for development as a Restricted Discretionary Activity. Importantly a Concept Plan Consent must be for the whole site, but development of the site may proceed in stages. See Tracked Changes in Appendix C.</p> <p>Important to note is that other activities within 8.3.1 which are identified as permitted remain permitted irrespective of whether a Concept Plan Consent has been granted. AgResearch and Innovation Waikato Limited have new buildings provided for within 8.3.1e) 'any new buildings – Restricted Discretionary'. 8.3.1d) 'alterations and additions to existing buildings – Permitted'.</p>
AgResearch Ltd	D609.012	8.3 Rules – Activity Status	Support in part	Retain Rule 8.3 a) the permitted activity status for farming. Amend 8.3 b) to include external maintenance and amend Rule 8.3c) to remove GFA requirement. Delete 8.3 d) as it is overly prescriptive. Amend Rule 8.3 e), g), h), j), K) & q) to alter text and/or amend status of these activities. Add new permitted activity for specific work to buildings at AgResearch & Waikato Innovation Park.	Accept in Part	The relief sought is primarily covered under submission 47.01 above and amendments to the Notified Variation.

				Add new permitted activity for commercial and industrial activities that are incidental to research & innovation activities.		
<i>New Zealand Transport Agency</i>	<i>DFS270.034</i>		<i>Oppose</i>			Withdrawn
Waikato Innovation Park Limited	D1051.009	8.3 Rules – Activity Status	Oppose	<p>For AgResearch and Waikato Innovation Park amend Rules 8.3b) to e), and j) to make the following permitted activities - maintenance, alterations and additions to existing buildings, new buildings and Commercialisation of activity ancillary to research, innovation and education and laboratory activities.</p> <p>For Waikato Innovation Park amend Rule 8.3 to provide for permitted and discretionary activities as identified in Rules 25B.4 to 25B.10 of Schedule 25B of the Waikato District Plan, and include Schedule 25B in Chapter 8.</p> <p>Delete Rule 8.5.3 or amend to provide clarify that an ‘ancillary office activity’ does not include office related research and innovation activities and any associated administrative office space.</p> <p>Amend Rule 8.3 k) to clarify that the activities identified are an inclusive list.</p>	Accept in Part	The relief sought is primarily covered under submission 38.01 above and amendments to the Notified Variation.
Waikato Innovation Park Limited	D1051.025	8.3 Rules – Activity Status	Oppose	<p>Amend Rules 8.3 b) – e) so requirements for alterations and additions to existing buildings are a permitted activity. Amend Chapter 8 by inserting Schedule 25B of the Waikato District Plan into the Knowledge Zone as 8.12. Amend Rule 8.3 f) to refer to Schedule 25B. Delete rule 8.5.3 or amend to provided certainty and clarity in relation to ‘ancillary office activity’; Amend Rule 8.3 j) as a permitted activity; amend Rule 8.3k) to add in the words "(but not limited to)".</p>	Accept in Part	The relief sought is primarily covered under submission 38.01 above and amendments to the Notified Variation.

The University of Waikato	D1059.003	8.3 Rules – Activity Status	Support in part	Retain rule 8.3 Activity Status v)– z), aa) and cc) – tt); Delete reference to performance standard for 100 vehicle movements per day in 8.3 aa) and tt) as notified; Delete Rule 8.3bb);Delete Rule 8.3uu).	Accept in Part	The relief sought is primarily covered under submission 26.08 above and amendments to the Notified Variation.
Transpower New Zealand Ltd	D1083.011	8.3 Rules – Activity Status	Support	Retain Note to activity table that relates to Electricity Transmission Corridors	Accept	No changes are proposed to Note 1 under Rule 8.3.1 which refers to activities and buildings in the Electricity Transmission Corridor.
Generation Zero Waikato	D1284.024	8.3 Rules – Activity Status	Support in part	Amend Rule 8.3 by adding a new Restricted Discretionary activity relating to buildings at the University with the same criteria as activity 8.3e.	Reject	New buildings at the University of Waikato where in accordance with a Concept Plan and not within the Interface Area are appropriate to occur as a Permitted activity.
490 Grey Ltd as the Trustee of the BDL Commercial Investment Trust and Homes for Living Ltd	FS266.005		Oppose		N/A	DFS266.005 is not relevant to Submission D1284.024.

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

Rule 8.3.2 is important for giving effect to the BOI Decision which determined relevant activity statuses for activities within Precinct C. No amendments to Rule 8.3.2 are considered appropriate other than clarifying that Note 1 of Rule 8.3.2 to align with the BOI Decision (correctly referenced in Note 4 of Rule 8.3.1).

Fairview Downs Residents and Owners Association (43.33) seek the deletion of Rule 8.3.2, stating that Precinct C (excluding the Ruakura Retail Centre) should be covered under an amended Rule 8.3.1. The BOI Decision confirmed specific provisions for Precinct C and the appropriate mechanism (Land Development Plan) to release this land. The deletion of 8.3.2 is not appropriate and would not achieve any alignment or consistency with the BOI Decision. Furthermore the difference in activity status between Rule 8.3.2 and the proposed inclusion of Rule 8.3.1 would not align. Rule 8.3.2 clearly provides for the Land Development Plan process, which is not subject to provisions in Rule 8.3.1. New buildings are also restricted discretionary in Rule 8.3.2e), whereas in accordance with a Concept Plan are permitted in Rule 8.3.1b).

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Hamilton City Council	32.20	8.3.2 Rules – Activity Status for Precinct C (Except Ruakura Retail	Support	Align Note 1 and definition of Office e) to align with 8.3.1 Note 4.	Accept	Note 1 of Rule 8.3.2 is important to align with the BOI Decision which is correctly outlined in Note 4 of Rule 8.3.1.

		Centre)					
<i>Jennifer West</i>	<i>FS19.1</i>		<i>Support</i>			<i>Accept</i>	<i>FS19.1 is accepted as submission 32.20 is accepted.</i>
Fairview Downs Residents and Owners Association	43.33	8.3.2 Rules – Activity Status for Precinct C (Except Ruakura Retail Centre)	<i>Oppose</i>	Delete Rule 8.3.2 regarding the activity status for Precinct C (excluding the Ruakura Retail Centre).		<i>Reject</i>	Rule 8.3.2 is important for giving effect to the BOI Decision which determined relevant activity statuses for activities within Precinct C.
<i>Tainui Group Holdings Limited</i>	<i>FS16.168</i>		<i>Oppose</i>			<i>Accept</i>	<i>FS16.168 is accepted as submission 43.33 is rejected.</i>
<i>Jennifer West</i>	<i>FS19.26</i>		<i>Support</i>			<i>Reject</i>	<i>FS19.26 is rejected as submission 43.33 is rejected.</i>
Tainui Group Holdings Ltd	D913.041	8.3 Rules – Activity Status	<i>Oppose</i>	Amend the Knowledge Zone to provide for more Controlled Activities. Amend Rule 8.3 so that it applies to the whole Knowledge Zone. Amend the zoning of the mainstreet area to a Business Zone. Amend Rule 8.3 d), e), j) and q) regarding new buildings, alterations and additions, commercialisation of activity ancillary to research, innovation, education and laboratory activities and parking lots, to Permitted Activities Amend Rule 8.3b) from Internal alterations to Minor works. Amend Rule 8.3q) to remove Parking Buildings.			Withdrawn
<i>William Cornelis Englander</i>	<i>DFS160.001</i>		<i>Oppose</i>				
<i>James Hely and Heather Montgomerie</i>	<i>DFS161.001</i>		<i>Oppose</i>				

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

Progressive Enterprises Limited (PEL) (24.01) seek an amendment to 8.3.3u) to provide for more than one supermarket or building improvement centre over 1000m² within the Ruakura Retail Centre. The BOI Decision was clear in only providing for one, where Paragraph [716] states “one supermarket or building improvement centre of up to 1,000m² GFA or greater... Beyond these limits a total floor space in the centre of up to 15,000m² GFA may be consented as a restricted discretionary activity subject to the provision of a Centre Assessment Report” [Para 716]. The Business Hierarchy approach in Chapter 6 of the PDP does not specify the number of supermarkets or building improvement centres provided for in a relevant centre. It is appropriate to amend Rule 8.3.3u) to read (new text underlined) One Supermarkets or Buildings Improvement Centres 1,000m² gross floor area or greater within the Ruakura Retail Centre – Permitted activity. The caps outlined within 8.3.3kk, ll) and mm) will appropriately dictate the type of activities that occur within the Ruakura Retail Centre. See Tracked Changes in Appendix C.

Fairview Downs Residents and Owners Association (43.34) seek removal of reference to Precinct C from 8.3.3. Such an amendment would not give effect to the BOI Decision and would contravene the expert caucusing that achieved the provisions notified in the Variation for Precinct C. Precinct C is clearly made up of the Ruakura Retail Centre and the wider activity status provisions identified above in Rule 8.3.2. No change to the BOI Decision for the Ruakura Retail Centre is supported other than the amendment to 8.3.3u) outlined above.

Jennifer West (50.21) seeks the limit of the extension of land used for retail activity which is not knowledge based to what is currently provided. This approach is supported as Figure 2-14 Ruakura Structure Plan Land Use identifies the Ruakura Retail Centre. The size of this centre has increased on Figure 2-14 from the BOI Decision, but this is only in terms of where the centre can locate, and has no bearing on the actual size of the centre, which is controlled by Rule 8.3.3, and the GFA caps that were determined by the BOI Decision.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Progressive Enterprises Limited (PEL)	24.01	8.3.3 Rules – Activity Status for Precinct C - Ruakura Retail Centre only	Support in part	Amend 8.3.3(u) to provide for more than one supermarket or building improvement centre over 1000m ² within the Ruakura Retail Centre.	Accept	The Board of Inquiry Decision clearly only provided for one supermarket or building improvement centre over 1000m ² within the Ruakura Retail Centre. The caps provided for in 8.3.3kk, ll) and mm) will appropriately dictate the type of activity that occurs within the Ruakura Retail Centre. The activity does not need to specify only one can occur as a permitted activity.
Fairview Downs Residents and Owners Association	43.34	8.3.3 Rules – Activity Status for Precinct C - Ruakura Retail Centre only	Oppose	Amend 8.3.3 to remove reference to Precinct C.	Reject	Rule 8.3.3 is important for giving effect to the BOI Decision which determined relevant activity statuses for activities within Precinct C.
Tainui Group Holdings Limited	FS16.169		Oppose		Accept	FS16.169 is accepted as submission 43.34 is rejected.
Jennifer West	FS19.26		Support		Reject	FS19.26 is rejected as submission 43.34 is rejected.
West, Jennifer	50.21	8.3.3 Rules – Activity Status for Precinct C - Ruakura Retail Centre only	Oppose	Limit the extent of land used for retail activity which is not knowledge-based to what is currently provided.	Accept	The retail component of the Ruakura Retail Centre is capped at 15,000m ² gross floor area. Any application for retail activity beyond this would be assessed as a non-complying activity.

<i>Tainui Group Holdings Limited</i>	<i>FS16.170</i>		<i>Oppose</i>		<i>Reject</i>	<i>FS16.170 is rejected as submission 50.21 is accepted.</i>
<i>Tainui Group Holdings Ltd</i>	<i>D913.041</i>	<i>8.3 Rules— Activity Status</i>	<i>Oppose</i>	<i>Amend the Knowledge Zone to provide for more Controlled Activities. Amend Rule 8.3 so that it applies to the whole Knowledge Zone. Amend the zoning of the mainstreet area to a Business Zone. Amend Rule 8.3 d), e), j) and q) regarding new buildings, alterations and additions, commercialisation of activity ancillary to research, innovation, education and laboratory activities and parking lots, to Permitted Activities Amend Rule 8.3b) from Internal alterations to Minor works. Amend Rule 8.3q) to remove Parking Buildings.</i>		<i>Withdrawn</i>
<i>William Cornelis Englander</i>	<i>DFS160.001</i>		<i>Oppose</i>			
<i>James Hely and Heather Montgomerie</i>	<i>DFS161.001</i>		<i>Oppose</i>			

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

A number of amendments to 8.4.1 have been made to reflect the relief sought in Hamilton City Council's Late Submission (51.03)

The University of Waikato, Innovation Waikato Limited and AgResearch all submitted on Rule 8.4.1 Provision of Concept Plans. All three seek the amendment or deletion of Rule 8.4.1h) which refers to any development or activity not in accordance with the provisions of a Concept Plan then requiring a separate resource consent for that development or activity. Rule 8.4.1h) is already covered under the broader PDP framework whereby any activity failing a standard is a restricted discretionary activity, and the relevant activity status tables in Rule 8.3.1 refer to where not in accordance with a Concept Plan requiring resource consent as a restricted discretionary activity, with the University of Waikato being an exception as provided for in 8.3.1bb).

The inclusion of an editorial amendment to Rule 8.4.1h) to add on '*unless provided for specifically in Rule 8.3.1*' to the end of the sentence will improve Concept Plan effectiveness. It clarifies that where a Concept Plan has been approved and development not in accordance with the Concept Plan will require an additional consent, unless specifically provided for in the Rule 8.3.1 activity status table, e.g. Rule 8.3.1bb).

Hamilton City Council (32.21) seek an amendment to Rule 8.4.1a) to read *'New buildings shall be a permitted activity on the Waikato Innovation Park, AgResearch and University of Waikato Campus when a Concept Plan application has been granted by Council when their location is in general accordance with an approved Concept Plan'*. The amendment would provide certainty to Plan users of the activity status when in general accordance with an approved Concept Plan. One consequential amendment to clearly reflect the provisions in Rule 8.3.1 is the addition of an exclusion for within the Interface Area of the University of Waikato Precinct, where a Controlled Activity resource consent is required.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	26.09	8.4.1 Provision of Concept Plans for the Waikato Innovation Park, AgResearch and University of Waikato Precincts	Oppose	Amend or delete Rule 8.4.1h) which refers to development not in accordance with a Concept Plan.	Accept in Part	The inclusion of an additional amendment to Rule 8.4.1h) to add <i>'unless provided for specifically in Rule 8.3.1'</i> to the end of the sentence will improve Concept Plan effectiveness. It will clarify that where a Concept Plan has been approved and development not in accordance with the Concept Plan will require an additional consent, unless specifically provided for in the Rule 8.3.1 activity status table, e.g. Rule 8.3.1bb).
Hamilton City Council	32.21	8.4.1 Provision of Concept Plans for the Waikato Innovation Park, AgResearch and University of Waikato Precincts	Support	Amend to provide for the interpretation of Concept Plans once approved in the Knowledge Zone.	Accept	An amendment to 8.4.1a) to refer to new buildings being a permitted activity when their location is in general accordance with an approved Concept Plan.
<i>Jennifer West</i>	<i>FS19.1</i>		<i>Support</i>		<i>Accept</i>	<i>FS19.1 is accepted as submission 32.21 is accepted.</i>
Innovation Waikato Limited	38.02	8.4.1 Provision of Concept Plans for the Waikato Innovation Park, AgResearch and University of Waikato Precincts	Oppose	Delete Rule 8.4.1h) which relates to development not in accordance with a Concept Plan.	Accept in Part	The inclusion of an additional amendment to Rule 8.4.1h) to add on <i>'unless provided for specifically in Rule 8.3.1'</i> to the end of the sentence will improve Concept Plan effectiveness. It will clarify that where a Concept Plan has been approved and development not in accordance with the Concept Plan will require an additional consent, unless specifically provided for in the Rule 8.3.1 activity status table, e.g. Rule 8.3.1bb).
AgResearch	47.02	8.4.1 Provision of Concept Plans for the Waikato Innovation Park, AgResearch and University of	Oppose	Delete Rule 8.4.1(h) which relates to development not in accordance with a Concept Plan.	Accept in Part	The inclusion of an additional amendment to Rule 8.4.1h) to add on <i>'unless provided for specifically in Rule 8.3.1'</i> to the end of the sentence will improve Concept Plan effectiveness. It will clarify that where a Concept Plan has been approved and development not in accordance with the Concept Plan will require an

		Waikato Precincts					
AgResearch Ltd	D609.013	8.4 Rules – General Standards	Support in part	Amend Rule 8.4 so that General Standards do not apply to Ag Research Ruakura Research Centre.	Reject	additional consent, unless specifically provided for in the Rule 8.3.1 activity status table, e.g. Rule 8.3.1bb).	Rule 8.4 General Standards is important to apply to Precinct A to provide certainty on the permitted standards for the precinct.
Waikato Innovation Park Limited	D1051.010	8.4 Rules – General Standards	Oppose	Delete or amend rules 8.4 to reflect the rules outlined in Schedule 25B of the Waikato District Plan.	Reject	Rule 8.4 General Standards is important to apply to Precinct B to provide certainty on the permitted standards for the precinct.	Rule 8.4 General Standards is important to apply to Precinct B to provide certainty on the permitted standards for the precinct.
The University of Waikato	D1059.004	8.4 Rules – General Standards	Support	Retain 8.4a) General Standards as notified.	Accept	No amendment to 8.4a) is sought by other submitters and is therefore retained.	No amendment to 8.4a) is sought by other submitters and is therefore retained.
<i>New Zealand Transport Agency</i>	<i>DFS270.035</i>		<i>Support</i>			Withdrawn	Withdrawn
The University of Waikato	D1059.005	8.6.1 Provision of Concept Plan	Support in part	Delete the exclusion provisions in 8.6.1 a), b) and c); Retain Rules 8.6.1 d), e), f), g) and h); Amend Rule 8.6g) as it relates to Concept Plans; Delete 8.6.1j).	Accept in Part	An amendment to 8.4.1h) to refer to in 'general accordance' when referring to the Concept Plan will improve Plan clarity and the intent of the Concept Plan mechanism. The other amendments sought to the PDP Knowledge Zone provisions are partially addressed through amendments to 8.4.1a) and h) above.	An amendment to 8.4.1h) to refer to in 'general accordance' when referring to the Concept Plan will improve Plan clarity and the intent of the Concept Plan mechanism. The other amendments sought to the PDP Knowledge Zone provisions are partially addressed through amendments to 8.4.1a) and h) above.

Analysis: 8.4.2 Location of Buildings and Activities

Tainui Group Holdings Limited (48.40) seeks an exclusion from Rule 8.4.2 which relates to location of buildings and activities. The BOI Decision did not include specific location of buildings and activities whereby creating a 10m setback from local or collector transport corridors. It is not appropriate to extend the PDP approach to Precinct C which was determined by the BOI Decision.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Tainui Group Holdings Limited	48.40	8.4.2 Location of Buildings and Activities	Support in part	Amend Rule 8.4.2 Location of Buildings and Activities to provide an exclusion for Precinct C.	Accept	The BOI Decision did not include specific location of buildings and activities whereby creating a 10m setback from local or collector transport corridors. It is not appropriate to extend the PDP approach to Precinct C which was determined by the BOI Decision.
<i>The Waikato Tree Trust</i>	<i>FS2.1</i>		<i>Oppose</i>		<i>N/A</i>	<i>FS2.1 is not relevant to submission 48.40.</i>
<i>Jennifer West</i>	<i>FS19.52</i>		<i>Oppose</i>		<i>Reject</i>	<i>FS19.52 is rejected as submission 48.40 is accepted.</i>

Analysis: 8.4.3 Site Coverage						
<p>AgResearch Ltd (D609.014) seeks to amend the site coverage provisions from 50% to 70% to align with the provisions in the Waikato District Plan which permitted up to 70% site coverage within the identified Ruakura Campus area. The Ruakura Research Centre is not currently defined within Precinct A, and to provide for an increase in the site coverage the inclusion of a defined area would be needed. The PDP provides for a range of site coverage within the various zones. The Major Facilities Zone includes sites with similar attributes to the Knowledge Zone Precincts vary in site coverage. Site coverage addresses the footprint of development that is considered appropriate for each Precinct within the Knowledge Zone. If the submitter can provide additional clarification on the relevant site coverage within Precinct A and how it defines the Ruakura Research Centre this would assist the supporting of an increase in site coverage to 70%. Until this information is provided I seek to retain the notified 50% site coverage provision.</p>						
Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
AgResearch Ltd	D609.014	8.4.3 Site Coverage	Support in part	As an alternative to amending Rule 8.4 b) to ensure the rule does not apply to Ruakura Research Centre, Amend Rule 8.4.3 to increase site coverage rule to 70% coverage.	Reject	If the submitter can provide additional clarification on the relevant site coverage within Precinct A and how it defines the Ruakura Research Centre this would assist the supporting of an increase in site coverage to 70%. Until this information is provided the retention of the notified 50% site coverage provision is supported.

Analysis: 8.4.4 Permeable Surfaces						
<p>Generation Zero Waikato (D1284.026) seeks an amendment to the minimum net site permeability. The amendment sought would increase the minimum permeability from 20% to 25%. No rationale or justification is provided by the submitter and I do not support the amendment. The permeability threshold of 20% applies as part of promoting sustainable urban development, in essence, onsite effects are to be managed on site in terms of stormwater runoff.</p>						
Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Generation Zero Waikato	D1284.026	8.4.3 Permeable Surfaces	Support in part	Amend Rule 8.4.3 Permeable Surfaces- Minimum permeability 25%.	Reject	No rationale is provided as to why reduction in site coverage to 25% is necessary or appropriate for Precincts A, B and C of the Knowledge Zone.
<i>Simon Travaglia (Waikato Innovation Park Limited)</i>	<i>DFS67.014</i>		<i>Oppose</i>		<i>Accept</i>	<i>DFS67.014 is accepted as submission D1284.026 is rejected.</i>
<i>490 Grey Ltd as the Trustee of the BDL Commercial</i>	<i>DFS266.005</i>		<i>Oppose</i>		<i>N/A</i>	<i>DFS266.005 is not relevant to Submission D1284.026.</i>

<i>Investment Trust and Homes for Living Ltd</i>						
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Analysis: 8.4.8 Building Design

AgResearch Ltd (D609.015) and Waikato Innovation Park Limited (D1051.011) seek the deletion of Rule 8.4.8 Building Design. The notified Variation did not include Rule 8.4.8 Building Design as notified in the PDP in 2012.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
AgResearch Ltd	D609.015	8.4.8 Building Design	Oppose	As an alternative to amending Rule 8.4 b) to ensure the rule does not apply to Ruakura Research Centre, Delete Rule 8.4.8 in relation to building design.	Accept	The notified Variation did not include Rule 8.4.8 Building Design as notified in the PDP.
Waikato Innovation Park Limited	D1051.011	8.4.8 Building Design	Oppose	Delete Rule 8.4.8a); Amend Rule 8.4.8b) to clarify the rule does not apply to internal private accessways within Waikato Innovation Park.	Accept	The notified Variation did not include Rule 8.4.8 Building Design as notified in the PDP.

Analysis: 8.5.1 Location of Buildings and Activities

Hamilton City Council (32.22) seeks an amendment to correctly cross reference to 25.8.3.11 – 25.8.3.14. This amendment is supported.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Hamilton City Council	32.22	8.5.1 Location of Buildings and Activities	Support	Amend Rule 8.5.1a) to correctly refer to Rule 25.8.3.11-14 where relevant.	Accept	An amendment is supported to 8.5.1a) to correctly cross reference to Rule 25.8.3.11-14 where relevant.
<i>Jennifer West</i>	<i>FS19.1</i>		<i>Support</i>		<i>Accept</i>	<i>FS19.1 is accepted as submission 32.22 is accepted.</i>

Analysis: 8.5.3 Ancillary Offices

AgResearch (D609.016) seeks the deletion of Rule 8.5.3 Ancillary Offices from the notified PDP. The notified Variation did not include Rule 8.5.3 Ancillary Offices as notified in the PDP.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
AgResearch Ltd	D609.016	8.5.3 Ancillary	Oppose	Delete rule 8.5.3 as it relates to ancillary	Accept	The notified Variation did not include Rule 8.5.3

		Offices		offices within the Knowledge Zone		Ancillary Offices as notified in the PDP.
<i>Tainui Group Holdings Limited</i>	<i>DFS196.021</i>		<i>Support</i>		<i>Accept</i>	<i>DFS196.021 is accepted as submission D609.016 is accepted.</i>
Tainui Group Holdings Ltd	D913.042	8.5.3 Ancillary Offices	Oppose	Delete Rule 8.5.3a) regarding floor area restrictions for ancillary offices.		Withdrawn
<i>Simon Travaglia (Waikato Innovation Park Limited)</i>	<i>DFS67.012</i>		<i>Support</i>			
<i>Waikato Regional Council</i>	<i>DFS72.034</i>		<i>Oppose</i>			
<i>William Cornelis Englander</i>	<i>DFS160.001</i>		<i>Oppose</i>			
<i>James Hely and Heather Montgomerie</i>	<i>DFS161.001</i>		<i>Oppose</i>			

Analysis: 8.6 Rules – Specific Standards for University of Waikato Precinct

The University of Waikato (26.10) seeks the retention of Rules 8.6.1, 8.6.2 and 8.6.3 which relate to building setbacks, building standards and permeable surfaces respectively. The retention of these provisions is supported.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	26.10	8.6 Rules – Specific Standards for University of Waikato Precinct	Oppose	Retain Rules 8.6.1, 8.6.2 and 8.6.3 - Building Setbacks, Buildings Standards and Permeable Surfaces.	Accept	It is appropriate to retain 8.6 Specific Standards for the University of Waikato Precinct to continue to provide clear specific standards for building setbacks, standards and permeability.

Analysis: 8.6.1 Building Setbacks

The University of Waikato (26.11 and D1059.006) seeks the retention of Rule 8.6.1 which relates to building setbacks. The retention of this provision is supported.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	26.11	8.6.1 Building Setbacks	Oppose	Retain Rule 8.6.1 - Building Setbacks.	Accept	It is appropriate to retain 8.6.1 Building Setbacks for the University of Waikato Precinct to continue to provide

The University of Waikato	D1059.006	8.6.2 Building Setbacks	Support	Retain Rule 8.6.2 Building Setback as notified.	Accept	clear specific standards for building setbacks. It is appropriate to retain 8.6.1 Building Setbacks for the University of Waikato Precinct to continue to provide clear specific standards for building setbacks.
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Analysis: 8.6.2 Building Standards

The University of Waikato (26.12 and D1059.007) seeks the retention of Rules 8.6.2 which relates to building standards. The retention of this provision is supported.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	26.12	8.6.2 Building Standards	Oppose	Retain Rule 8.6.2 - Building Standards.	Accept	It is appropriate to retain 8.6.2 Building Standards for the University of Waikato Precinct to continue to provide clear specific standards for building standards.
The University of Waikato	D1059.007	8.6.3 Building Standards	Support	Retain Rule 8.6.3 Building Standards as notified.	Accept	It is appropriate to retain 8.6.2 Building Standards for the University of Waikato Precinct to continue to provide clear specific standards for building standards.

Analysis: 8.6.3 Permeable Surfaces

The University of Waikato (26.13 and D1059.008) seeks the retention of Rules 8.6.3 which relates to permeable surfaces. The retention of this provision is supported.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	26.13	8.6.3 Permeable Surfaces	Oppose	Retain Rule 8.6.3 - Permeable Surfaces.	Accept	It is appropriate to retain 8.6.3 Permeable Surfaces for the University of Waikato Precinct to continue to provide clear specific standards for permeable surfaces.
The University of Waikato	D1059.008	8.6.4 Permeable Surfaces	Support in part	Retain Rule 8.6.4 Permeable Surfaces subject to Council clarification on rationale for 20% net site permeability and amend cross reference 8.6.3b) (height planes) to 8.6.2 (building).	Accept	It is appropriate to retain 8.6.3 Permeable Surfaces for the University of Waikato Precinct to continue to provide clear specific standards for permeable surfaces.

Analysis: 8.7 Provisions in Other Chapters

The University of Waikato (D1059.009) seeks removal of the reference to Chapter 21 Waikato River Corridor and Gully Systems within the Provisions of Other Chapters. The continuation of this city wide cross reference which is only considered where relevant is important to provide certainty around the Waikato River Corridor and Gully Systems implementation across the

Plan. It is important to meet the Vision and Strategy for the Waikato River which has been developed through the Settlement Act.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	D1059.009	8.7 Provisions in Other Chapters	Support in part	Amend 8.7 Provisions in Other Chapters by removing reference to Chapter 21.	Reject	The continuation of this city wide cross reference which is only considered where relevant is important to provide certainty around the Waikato River Corridor and Gully Systems implementation across the Plan. It is important to meet the Vision and Strategy for the Waikato River which has been developed through the Settlement Act.

Analysis: 8.8 Controlled Activities Matters of Control

The University of Waikato (D1059.010) and Generation Zero Waikato (D1284.027) seek amendments to the Controlled Activities Matters of Control. As a consequential amendment from changes to Rule 8.3.1, Rule 8.8 will be amended to reflect the updated recommendation which includes merging the two controlled activities that were relevant to the University of Waikato Precinct.

Generation Zero Waikato supported the consideration of resource and energy efficient in construction as a matter of control. The Assessment Criteria Decisions and Appeals Version has removed references to 'resource and energy efficiency' that were previously found in the Notified PDP under S1. The Variation will align with the Assessment Criteria Decisions and Appeals Version and not include the relief sought by the submitter.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	D1059.010	8.8 Controlled Activities Matters of Control	Support in part	Retain 8.8a) i as notified and delete 8.8a)ii.	Accept in Part	As a consequential amendment from changes to Rule 8.3.1, Rule 8.8 is amended to include merging the two controlled activities that were relevant to the University of Waikato Precinct.
Generation Zero Waikato	D1284.027	8.8 Controlled Activities Matters of Control	Support	Support Cd)i (resource and energy efficiency in construction) as a factor in consideration of controlled activities.	Reject	The Variation will align with the Assessment Criteria Decisions and Appeals Version and not include the relief sought by the submitter.
<i>490 Grey Ltd as the Trustee of the BDL Commercial Investment Trust and Homes for Living Ltd</i>	<i>DFS266.005</i>		<i>Oppose</i>		<i>N/A</i>	<i>DFS266.005 is not relevant to Submission D1284.027.</i>

Analysis: 8.9 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria

The University of Waikato (26.14) seeks acknowledgement that development not in accordance with a Concept Plan is permitted. Assessment Criterion 8.9xxix refers to 8.3.1qq), which needs to be amended to reflect the updated activity Rule 8.3.1ww) which reads ‘Any activity identified in Rule 8.3ff) that is greater than 150m² footprint, not in accordance with an approved Concept Plan and outside of the Interface Area’ is restricted discretionary. This will provide clarity and alignment between Rule 8.3.1 and 8.9.

Tainui Group Holdings Limited (48.41) seek the inclusion of * to a number of activities to reflect non-notification to ensure consistency with the BOI Decision. The non-notification is clearly included in Rules 8.3.2 and 8.3.3 and alignment in Rule 8.9 is needed. This amendment is supported as it will ensure consistency with the BOI Decision.

A consequential amendment to Chapters 8, 10, 11 and 15 is required to give effect to the BOI Decision. This relates to the provision for Land Development Plans in activity status tables must also include the relevant restricted discretionary matters identified in the chapter. Therefore ‘Land Development Activities*’ need to also include cross references to Ruakura – N in the Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria. This will give effect to relief sought by submitters Tainui Group Holdings Limited (48.01), Chedworth Properties Limited (33.01), New Zealand Transport Agency (34.06, 34.07, 34.08, and 34.10) who seek broader alignment in the Variation with the BOI Decision.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
The University of Waikato	26.14	8.9 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria	Support in part	Amend Rule 8.9xxix to acknowledge that activities may still be Permitted Activities even if they are not in accordance with an approved Concept Plan and to link to the Assessment Criteria - C Knowledge Zone and Major facilities Zone.	Accept in Part	Rule 8.3.1bb) provides for new buildings, alterations or additions where there is no approved Concept Plan and which are not located within the Interface Area.
Tainui Group Holdings Limited	48.41	8.9 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria	Support in part	Add an “*” for non-notification to numerous activities identified and other activities to ensure consistency with the Board of Inquiry Decision.	Accept	The relevant Rules 8.3.2 and 8.3.3 include * to identify where non-notification applies. Restricted Discretionary Activities identified in Rule 8.9 must align in terms of * non-notification provision.
The Waikato Tree Trust	FS2.1		Oppose		N/A	FS2.1 is not relevant to submission 48.41.
Jennifer West	FS19.53		Oppose		Reject	FS19.53 is rejected as submission 48.41 is accepted.
Roberta Lee Farrell CNZM FRSNZ FIAWS	D270.003	8.9 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria	Support	Amend 8.9 to remove the assessment criteria as it relates to the Knowledge Zone.	Reject	Rule 8.9 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria is important to provide clear linkage to activities what the relevant criteria are that apply in assessment.
Roy Mclver Daniel	D283.003	8.9 Restricted	Support	Amend 8.9 Restricted Discretionary Activities	Reject	Rule 8.9 Restricted Discretionary Activities: Matters of

FRSNZ		Discretionary Activities Matters of Discretion and Assessment Criteria		Matters of Discretion and Assessment Criteria to remove exemptions.		Discretion and Assessment Criteria is important to provide clear linkage to activities what the relevant criteria are that apply in assessment.
Tainui Group Holdings Ltd	D913.043	8.9 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria	Oppose	Amend Rule 8.9 to review the assessment criteria to address the matters raised in the submission. Supports the activities identified as subject to Rule 8.10 – Notification Rule.		Withdrawn
<i>William Cornelis Englander</i>	<i>DFS160.001</i>		<i>Oppose</i>			
<i>James Hely and Heather Montgomerie</i>	<i>DFS161.001</i>		<i>Oppose</i>			
New Zealand Transport Agency	D924.056	8.9 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria	Support in part	Amend Rule 8.9 by including the following wording for the assessment criteria for any sensitive activity. " ..and all provisions under Vol. 2, Appendix 1.2 D4 – D7 ('Reverse Sensitivity')." Amend Rule 8.9a) xii and xiii by adding V1-V2, V4-V17, and V17-V18.		Withdrawn
Waikato Innovation Park Limited	D1051.012	8.9 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria	Oppose	Delete Rule 8.9ai and 8.9 ii; amend Rule 8.9 to remove unnecessary and unjustified matters of discretion.	Accept in Part	The PDP Assessment Criteria has been significantly amended through the submission, hearing and appeal processes. No additional amendments are supported.
The University of Waikato	D1059.011	8.9 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria	Support in part	Amend Rule 8.9, heading for the Restricted Discretionary criteria; Transfer the RD criteria for any Concept Plan-Rule 8.9viii to xxiii; Retain 8.9.xx , 8.9.xxi) and 8.9.xxii); Insert new Rule 8.9.xxiii)to provide Any Permitted Activity which does not comply with the performance standards in Rules 8.6 to 8.7.	Accept in Part	The PDP Assessment Criteria has been significantly amended through the submission, hearing and appeal processes. No additional amendments are supported.
Generation Zero	D1284.025	8.9 Restricted	Support in	Amend Rule 8.9 Restricted Discretionary	Reject	No rationale is provided for why new buildings should

Waikato		Discretionary Activities Matters of Discretion and Assessment Criteria	part	Activities Matters-Activity 8.3x, new buildings at the university should be a RD requirement subject to the same criteria as activity 8.3e.		require restricted discretionary resource consent, particularly when in accordance with a Concept Plan or outside of the Interface Area.
<i>490 Grey Ltd as the Trustee of the BDL Commercial Investment Trust and Homes for Living Ltd</i>	<i>DFS266.005</i>		<i>Oppose</i>		<i>N/A</i>	<i>DFS266.005 is not relevant to Submission D1284.025.</i>

Analysis: 8.10 Notification Rule

The University of Waikato (D1059.012) seeks amendment of Rule 8.9xxii as notified in the PDP to provide for as a non-notified activity. The activity is no longer identified in the amended Rule 8.9, as the PDP approach to restricted discretionary matters has changed since the notified PDP in 2012.

Tainui Group Holdings Ltd	D913.044	8.10 Notification Rule	Support	Retain Rule 8.10 notification rule as notified.		Withdrawn
<i>William Cornelis Englander</i>	<i>DFS160.001</i>		<i>Oppose</i>			
<i>James Hely and Heather Montgomerie-</i>	<i>DFS161.001</i>		<i>Oppose</i>			
The University of Waikato	D1059.012	8.10 Notification Rule	Support in part	Amend Rule 8.9xxii so that it is non-notified	Reject	The activity is no longer identified in the amended Rule 8.9, as the PDP approach to restricted discretionary matters has changed since the notified PDP in 2012.

Analysis: 8.11 Other Resource Consent Information

The University of Waikato (D1059.013) seek retention of Rule 8.11 Other Resource Consent Information as notified. This submission is supported.

The University of Waikato	D1059.013	8.11 Other Resource Consent Information	Support in part	Retain 8.11 Other resource consent information as notified.	Accept	Retain the notified approach for Rule 8.11.
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Appendix B



Submitters and Further Submitters referred to in this s42A report

Submitters

AgResearch	47.01
	47.02
Chedworth Properties Limited	33.03
Fairview Downs Residents and Owners Association	43.30
	43.31
	43.32
	43.33
	43.34
Future Proof Implementation Committee	28.04
Hamilton City Council	32.19
	32.20
	32.21
	32.22
Hamilton City Council (Late Submission)	51.01
	51.02
	51.03
	51.04
	51.05
	51.06
	51.07
	51.08
Heritage New Zealand Pouhere Taonga	44.03
Innovation Waikato Limited	38.01
	38.02
Kellaway, Laura; Beaumont, Louise; and Adam, John P	49.01
KiwiRail Holdings Limited	17.05
New Zealand Transport Agency	34.06
Progressive Enterprises Limited (PEL)	24.01
Property Council of New Zealand	11.03
Tainui Group Holdings Limited	48.03
	48.40
	48.41
The University of Waikato	26.02
	26.03



PROPOSED
DISTRICT PLAN

Hamilton City Council

	26.04
	26.05
	26.06
	26.07
	26.08
	26.09
	26.10
	26.11
	26.12
	26.13
	26.14
Transpower New Zealand Limited	23.03
Waikato Regional Council	21.03
	21.36
	21.37
Waikato Regional Council	21.38
Waikato-Tainui Te Kauhanganui Incorporated	27.06
West, Jennifer	50.19
	50.21
	50.22

Further Submitters

<i>AgResearch Ltd</i>	<i>FS13.01</i>
	<i>FS13.02</i>
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.20</i>
	<i>FS3.21</i>
	<i>FS3.23</i>
	<i>FS3.24</i>
<i>Heritage New Zealand Pouhere Taonga</i>	<i>FS11.1</i>
<i>Jennifer West</i>	<i>FS19.01</i>
	<i>FS19.26</i>
	<i>FS19.29</i>
	<i>FS19.30</i>
	<i>FS19.31</i>
	<i>FS19.52</i>
	<i>FS19.53</i>
<i>Kellaway, Laura; Beaumont, Louise; and Adam, John P</i>	<i>FS6.01</i>



PROPOSED
DISTRICT PLAN

Hamilton City Council

<i>Tainui Group Holdings Limited</i>	<i>FS16.160</i>
	<i>FS16.161</i>
	<i>FS16.162</i>
	<i>FS16.163</i>
	<i>FS16.164</i>
	<i>FS16.165</i>
	<i>FS16.166</i>
	<i>FS16.167</i>
	<i>FS16.168</i>
	<i>FS16.169</i>
<i>FS16.170</i>	
<i>The New Zealand Institute for Plant & Food Research Ltd</i>	<i>FS18.01</i>
	<i>FS18.02</i>
<i>The Waikato Tree Trust</i>	<i>FS2.01</i>
	<i>FS2.25</i>
<i>Waikato Innovation Park Limited</i>	<i>FS14.01</i>
	<i>FS14.02</i>

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

AgResearch Ltd	D609.009
	D609.010
	D609.011
	D609.012
	D609.013
	D609.014
	D609.015
	D609.016
Generation Zero Waikato	D1284.022
	D1284.023
	D1284.024
	D1284.025
	D1284.026
	D1284.027
KiwiRail Holdings Limited	D366.006
New Zealand Transport Agency	D924.054



PROPOSED
DISTRICT PLAN

Hamilton City Council

	D924.055
	D924.056
Roberta Lee Farrell CNZM FRSNZ FIAWS	D270.001
	D270.003
Roy McIver Daniel FRSNZ	D283.001
	D283.003
Tainui Group Holdings Ltd	D913.039
	D913.040
	D913.041
	D913.042
	D913.043
	D913.044
The University of Waikato	D1059.001
	D1059.002
	D1059.003
	D1059.004
	D1059.005
	D1059.006
	D1059.007
	D1059.008
	D1059.009
	D1059.010
	D1059.011
	D1059.012
	D1059.013
Transpower New Zealand Ltd	D1083.011
Waikato Chamber of Commerce	D698.012
Waikato Innovation Park Limited	D1051.006
	D1051.007
	D1051.008
	D1051.009
	D1051.010
	D1051.011
	D1051.012
	D1051.025



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.

<i>490 Grey Ltd as the Trustee of the BDL Commercial Investment Trust and Homes for Living Ltd</i>	<i>DFS266.005</i>
<i>James Hely and Heather Montgomerie</i>	<i>DFS161.001</i>
<i>New Zealand Transport Agency</i>	<i>DFS270.034</i>
	<i>DFS270.035</i>
<i>Simon Travaglia (Waikato Innovation Park Limited)</i>	<i>DFS67.012</i>
<i>Simon Travaglia (Waikato Innovation Park Limited)</i>	<i>DFS67.009</i>
	<i>DFS67.013</i>
	<i>DFS67.014</i>
	<i>DFS67.016</i>
<i>Tainui Group Holdings Limited</i>	<i>DFS196.021</i>
	<i>DFS196.022</i>
	<i>DFS196.023</i>
<i>Waikato Regional Council</i>	<i>DFS72.032</i>
<i>Waikato Regional Council</i>	<i>DFS72.033</i>
	<i>DFS72.034</i>
<i>William Cornelis Englander</i>	<i>DFS160.001</i>



Appendix C

8 Knowledge ~~Zone~~Area

8.1 Purpose

- a) The Knowledge Zone encompasses existing land-use activities which provide significant opportunities for tertiary education, innovation and research; including the University of Waikato, Waikato Innovation Park and the AgResearch Centre campus. The zone reflects the importance of these existing physical resources by providing further opportunities for a wide range of education, research and development activities with supporting retail and mixed-use activities.
- b) The University of Waikato comprises a 65 hectare campus site and is a major employer in education and research as well as serving a student population of approximately 12,000. The campus is characterized by extensive planting and green spaces interspersed with learning and accommodation facilities set in an undulating landscape.
- c) The neighbouring Waikato Innovation Park promotes the commercialisation and economic development of leading primary sector science, technology and research conducted in the region. It does this by providing business infrastructure ready to support and incubate new business, encouraging collaboration and innovation between research, entrepreneurs and business groups.
- d) The neighbouring AgResearch campus is a Crown Research Institute. The campus comprises 56 hectares. Its focus is to create sustainable wealth in the pastoral and biotechnology sectors.
- e) The extent of the Knowledge ~~Area~~ Zone is strategically important. It assists in enabling the City and wider catchment to meet its social, cultural and economic needs and provides an opportunity through development to achieve connectivity between all three existing land uses.
- f) Future development within the zone will strengthen the economic base of the region, generating positive economic and social outcomes. The potential for new research and innovation activities related to the operation of activities within the Ruakura Logistics ~~Zone~~Area represents further opportunities for the City.
- g) The ongoing development of the zone provides the opportunity to create a wider range of activities that complement its research and innovation functions. It is recognised that the enduring success of such activities rely increasingly upon being able to provide research facilities near related commercial activities, which will increase the end value of innovation and research.
- g)h) Future development within the zone should be integrated with existing activities and reflect high quality design outcomes. To achieve this, development is encouraged to occur through comprehensive resource consent applications for concept development consents
- h)i) The Knowledge ~~Zone~~Area also ~~needs to~~ provides supporting retail and commercial activities which act as a focal point and increase the attractiveness for innovation and research activities to establish ~~here~~. A Ruakura Retail Centre is provided for which ~~The zone~~ is centred on a 'main street' precinct with a large public plaza. This

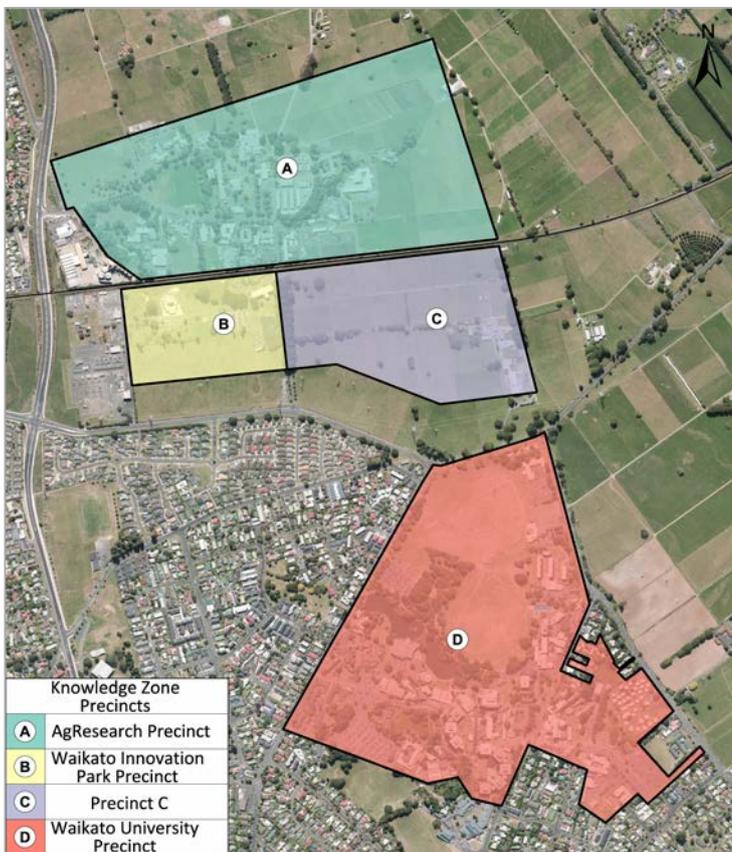
Comment [HCC1]: 26, 51

area makes provision for a passenger transport hub to provide connectivity to the Central City.

h) Development concepts for activities within the ~~zone~~area were developed as part of the Ruakura Structure Plan. This identifies the area as being appropriate for a retail, commercial and community centre which is referred to as the Ruakura Retail Centre. Activities within the Ruakura Retail Centre will be developed at a scale that will serve the Ruakura ~~Schedule Area~~Structure Plan and adjacent area. The scale and nature of the activities in the Ruakura Retail Centre shall not generate significant adverse amenity effects on surrounding residential areas and transport networks or adversely affect the primacy, function, vitality and amenity of the Central City.

h) *The four precincts of the Knowledge Zone are identified on Figure 8.1 below.*

Figure 8.1 Knowledge Zone Precincts



8.2 Objectives and Policies: Knowledge ~~Zone~~Area

Objective	Policies
<p>8.2.1 Support the continued development and expansion of research, education, innovation</p>	<p>8.2.1a Research, education, innovation and technological activities and their supporting infrastructure and ancillary activities shall be encouraged within the</p>

Comment [HCC2]: D1051.007

<p>and technological activity precincts <u>at the University of Waikato, Waikato Innovation Park, AgResearch and Precinct C that comprise the Knowledge Zone at Ruakura.</u></p>	<p>Knowledge <u>ZoneArea</u>.</p>
	<p>8.2.1b Co-location of activities and the shared use of infrastructure <u>shall</u> be encouraged to maximise the efficient use of land.</p>
	<p>8.2.1c Activities involving the commercialisation, manufacture and development of prototype goods <u>are provided for to should only occur where they will</u> complement the primary role of research, education and innovation.</p>
	<p>8.2.1d Activities that support the primary purpose of the Knowledge <u>ZoneArea</u> <u>shall</u> be provided for, which includes offices relating to a research and innovation function.</p>
	<p>8.2.1e Establishing activities in the Knowledge <u>ZoneArea</u> that would compromise the vitality, functions and amenity of the Central City shall be avoided.</p>
	<p>8.2.1f <u>Development within the Knowledge Zone is in general accordance with an approved Concept Plan (Precincts A, B and D) or Land Development Plan for Precinct C. Development within Precinct C is integrated with activities authorised through a Land Development Consent.</u></p>
	<p>8.2.1g <u>Development within Precincts A, B and D of the Knowledge Zone is integrated with activities authorised through a Concept Plan Consent.</u></p>

Comment [HCC3]: D1051.007

Comment [HCC4]: D1051.007

Comment [HCC5]: 26, 51

Comment [HCC6]: 26, 51

Explanation

The existing Waikato Innovation Park and AgResearch centre are important economic anchors for the City, and serve the wider Waikato Region and upper North Island. Collectively these facilities represent a significant physical resource. It is important they are recognised and provided for in the zone. The immediately adjoining University of Waikato also has a strong education and research function. The significant opportunities for collaboration are enabled through these provisions.

New development should be of a similar activity type to encourage the shared use of infrastructure, and maximise opportunities for interaction both within and outside the zone. Similarly, the provision of appropriate commercial, retail and other ancillary activities that leverage off, and are related to, innovation and research activities, as provided for in Precinct C, will enhance the outcomes sought for the zone. Precinct C includes the Ruakura Retail Centre and the wider research, education, innovation and

technological activities provided for in the Knowledge Zone.

An application for a Concept Plan Consent (Precincts A, B and D) or Land Development Consent Plan for Precinct C is required to provide information which sets out a detailed consideration of the scale, while including innovative and attractive designs to achieve a higher amenity environment.

Objective	Policies
8.2.2 Maximise opportunities for increased accessibility, connectivity and efficiency for all modes of transport within the Knowledge <u>ZoneArea</u> .	8.2.2a The development of at-grade pedestrian and cycling connections from the Knowledge <u>ZoneArea</u> into the University of Waikato campus <u>are to shall</u> be provided for.
	8.2.2b Provide for the establishment of <u>an</u> integrated passenger transport hub that can include both road and rail networks to service the Knowledge <u>ZoneArea</u> and surrounding catchment upon the demand arising.
	8.2.2c An integrated passenger transport hub that can include both road and rail networks shall be provided for to service the zone and surrounding catchment upon the demand arising.
Explanation <i>The zone aims to achieve comprehensively designed precincts tied to a legible network of cycleways, reserves, walkways and connections to the balance of the Ruakura Structure Plan area. The proximity to the East Coast Main Trunk railway is also a significant opportunity to realise rail as a potential mode of passenger transport infrastructure. Planning for new development within the zone must ensure that opportunities to provide such infrastructure are not compromised.</i>	
Objective	Policies
8.2.3 To m Maximise the long-term positive, environmental, economic, cultural and social benefits of the Knowledge <u>ZoneArea</u> .	8.2.3a A range of development in a form and at a scale shall be enabled to provide for: <ul style="list-style-type: none"> i. The configuration of activities, buildings and infrastructure within the Knowledge <u>ZoneArea</u> to maximise its appeal as a place to work and socialise. ii. A distinctive identity and a high level of amenity and function. iii. A hierarchy of connected open spaces through the Knowledge <u>ZoneArea</u> and connections to other <u>Ag</u>reas within the Ruakura <u>Structure</u>

Comment [HCC7]: 26, 51

Comment [HCC8]: D1051.007

Comment [HCC9]: 32.19

	<p><u>Planned</u> Area.</p> <ul style="list-style-type: none"> iv. Limited residential and accommodation activity where it complements the primary innovation and research function. v. The clustering of appropriate activities around a future passenger transport hub and plaza to maximise the use and efficiency of these elements.
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Explanation

The spatial and landscape character of the existing development is a defining quality of the zone. New development should be provided for through a Concept Plan Consent or Land Development Plan Consent (for Precinct C) process that will build upon such qualities, for example, the character of the existing development pattern and the maintenance of open space areas. However, the range and configuration of activities is recognised as an important factor in maximising the efficiency of the zone, and to draw activities from the nearby university campus into the zone. The incorporation of a ‘main street’, public plaza and future passenger transport interchange introduces the opportunity to create high-quality precincts that complement other development within the zone and creates a focal point for workers and visitors.

Comment [HCC10]: 26, 51

Objective	Policies
<p>8.2.4 To manage the potential adverse effects of activities within the Knowledge Zone.</p>	<p>8.2.4a Activities within the zone shall be located where potential adverse effects on security and safety will be avoided.</p>
	<p>8.2.4b Activities shall be located within the zone to minimise potential reverse-sensitivity effects on one another.</p>
	<p>8.2.4c Activities sensitive to potential adverse effects shall not establish in locations within the zone where effects from activities outside the zone will be more than minor.</p>

Explanation

The range of existing activities within the zone is large and includes outdoor research activities in the AqResearch Campus. Some existing activities will be sensitive to new development so care is required when considering how each new activity could impact upon the other. Security and safety issues may be an important consideration depending on the nature of the activities being introduced. Provision for A-Concept Plan Consents or Land Development ConsentsPlan (for Precinct C) seeks to ensure will that minimise the potential for such effects are minimised arising.

Comment [HCC11]: 26, 51

Ruakura Retail Centre

Objective	Policies
<p>8.2.5 The Ruakura Retail Centre serves other activities within and adjoining the Ruakura Structure Plan area Schedule Area while not undermining the primacy, function, vitality and amenity of the Central City and the function of other centres.</p>	<p>8.2.5a The Ruakura Retail Centre is to provide a mixed use environment that meets the day-to-day retail, commercial and community needs of the Ruakura Structure Plan Schedule-Area and adjoining residential catchment.</p>
	<p>8.2.5b The scale and nature of activities and the rate of development are managed to avoid adverse effects on the primacy, function, vitality and amenity of the Central City and the function of other centres.</p>
	<p>8.2.5c A range of activities is provided for so that the Ruakura Retail Centre acts as a focal point for local community development through the control of size, scale, built form and diversity of activity.</p>
	<p>8.2.5d A comprehensive, urban design-led approach, including integration with transport networks, is used to determine the form of the Ruakura Retail Centre.</p>
<p>Explanation</p>	
<p><i>The Ruakura Retail Centre is to provide an attractive, landscaped environment within the Knowledge Zone. This will include a mainstreet and a large public plaza. The scale and nature of the activities are not to generate significant adverse amenity effects on the surrounding residential areas and transport networks or to adversely affect the primacy, function, vitality and amenity of the central city. A Land Development Consent Plan for Precinct C is required to be approved as the basis for managing the overall framework for urban developments.</i></p>	

Comment [HCC12]: 26, 51

University of Waikato Precinct

Objective	Policies
<p>8.2.6 The University of Waikato develops and operates successfully and contributes to the economic, social and cultural wellbeing of the</p>	<p>8.2.6a A mixture of activities shall be enabled to be carried out while retaining the principal purpose.</p>
	<p>8.2.6b The positive effects of use and development shall be recognised.</p>

<u>City.</u>	8.2.6c <u>Adverse effects on neighbourhood amenity values shall be minimised.</u>
	8.2.6d <u>Development should enable the scale and configuration of buildings and open space to contribute positively to the visual amenity values of the City.</u>
	8.2.6e <u>Quality urban design, particularly at their interface with public areas, shall be encouraged.</u>
	8.2.6f <u>Encourage the University to develop in a manner which is consistent with a Concept Plan to be submitted with any application for a Concept Plan Consent. Enable the University to develop and implement a Concept Plan which can assist with the long term planning, use and integration of buildings, facilities and open space areas.</u>
	8.2.6g <u>Encourage long term planning for the University which integrates buildings, facilities and open spaces through the use of applications for Concept Plan Consents.</u>

Comment [HCC13]: 26, 51

Comment [HCC14]: 26, 51

Explanation	
<u>The University of Waikato is a large-scale educational complex with a range of activities. Therefore the flexibility to develop and adapt is important. However, its size and complexity can make it difficult to accommodate under normal District Plan provisions and zones.</u>	
<u>The intention of the policies is to support the continued functioning and growth of its education services.</u>	
<u>The effect of the University on the wider environment and its neighbours must be managed effectively to maintain the ongoing activities of the campus. Co-existence with the neighbouring residential areas is an important element that will contribute to its long-term success.</u>	
<u>The development of the University provides opportunities for innovative and attractive design of buildings and facilities based on an approved a Concept Plan which will help maintain positive effects on the locality.</u>	

Comment [HCC15]: 26, 51

Waikato Innovation Park and AgResearch Precincts

<u>Objective</u>	<u>Policies</u>
8.2.7 <u>Development within these</u>	8.2.7a <u>Encourage the €continued development of the</u>

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

Comment [HCC16]: 26, 51

Comment [HCC17]: 26, 51

8.3 Rules – Activity Status

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

Activity	Class
<p>Precincts A, B and D</p>	
<p>a) A Concept Plan Consent for the following activities: or an update to a Concept Plan</p> <ul style="list-style-type: none"> • <u>New buildings, including relocated buildings, alterations or additions to buildings;</u> • <u>Preparation of land for development purposes including earthworks and vegetation removal</u> • <u>Construction of roads, pedestrian paths and cycle routes</u> • <u>Installation of Three Waters infrastructure (including linear wetlands and storage basins)</u> • <u>Works related to the establishment of open space networks</u> <p><u>An application for resource consent for a Concept Plan Consent must be for the whole site; however development of the site may proceed in stages.</u></p>	<p>RD*</p>
<p>AgResearch (Precinct A) and Waikato Innovation Park (Precinct B) Only</p>	
<p>b) <u>New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan</u></p>	<p>P</p>
<p>eb) <u>Farming, pastoral grazing, horticulture and farm management activities associated with research establishments, including worker and staff accommodation</u></p>	<p>P</p>
<p>ec) <u>Internal alterations</u></p>	<p>P</p>
<p>ed) <u>Alterations and additions to existing buildings (no greater than 250m² gross floor area) without an approved Concept Plan</u></p>	<p>P</p>

Comment [HCC20]: 26, 51

Comment [HCC18]: 26, 51

Comment [HCC19]: 26, 51

Comment [HCC21]: 26, 51

Comment [HCC22]: 47.01, 38.01

Comment [HCC23]: 26, 51

Activity	Class
f) Alterations and additions to existing buildings (greater than 250m² gross floor area) without an approved Concept Plan	RD
ge) Any new buildings without or not in accordance with an approved Concept Plan	RD
hf) Existing research and innovation activities within the Waikato Innovation Park which were established in accordance with the concept plan set out in Schedule 25B of the previous Waikato District Plan and new activities where those are part of a previously approved Concept Plan administered by the Waikato District Plan and in existence at the time of notification of this District Plan	P
ig) All other research, and innovation activities including testing, evaluation, office ⁴ and laboratory activities	P
ih) Tertiary education and specialised training facilities	P
ki) Ancillary offices to permitted research, innovation, education and laboratory activities	P
lj) Commercialisation of activity ancillary to research, innovation, food production, education and laboratory activities	P
mk) Support/ancillary services (including manufacturing) to research and innovation activities including workshops, plant and vehicle depots, heating and power generators, laundries, telecommunications and data facilities	P
nl) Passenger transport facilities and transport depots (passengers)	P
em) Ancillary residential units (e.g. for research and innovation employees, including caretakers and maintenance workers)	P
pn) Informal recreation, park maintenance buildings and yards, seating, sculptures and art installations	P
eo) Places of assembly	RD
fp) Community centres, libraries and childcare centres	P
sq) Parking buildings	RD
tr) Parking lots	P
us) Visitor accommodation	RD
vt) Healthcare services	RD
wu) Any noxious or offensive activity	NC
xv) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
yw) Maintenance or repair of buildings	P
zx) Field days and open days relating to research and innovation activities	P
University of Waikato Campus Only (Precinct D)	
aa) Accessory buildings	P
bbz) New buildings, relocated buildings, alterations or additions not in accordance with an approved Concept Plan or where there is no approved Concept Plan, but less than 150m ² footprint and which are not located within the Interface Area	P
eeaa) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P

Comment [HCC24]: 47.01, 38.01

Comment [HCC25]: 26, 51

Comment [HCC26]: 26, 51

Comment [HCC27]: 26, 51

Comment [HCC28]: 26.08, D1059.003

Activity	Class
debb) Maintenance or repair of buildings	P
eecc) New buildings, alterations or additions to buildings with an external footprint of 50m ² or greater and which are located within the Interface Area which are not part of an approved Concept Plan and which can be viewed directly from the closest adjoining road boundary where the activity: <ul style="list-style-type: none"> Complies with relevant standards in Rules 8.6 to 8.7, and Generates less than 100 vehicle movements per day 	C
ff) New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan and within the Interface Area	C
gg) New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan	P
hhdd) Residential centres, managed care facilities, rest homes, apartments, detached dwellings and visitor accommodation	P
iee) Organised recreation, informal recreation and indoor recreation	P
jff) Licensed premises	P
kkgg) Parking lots and parking buildings	P
hh) Restaurants	P
mmii) Support services, including workshops, plant and vehicle depots, heating and power generators, laundries, printing and publishing, telecommunications and broadcasting	P
naji) Community centres	P
oekk) Tertiary education and specialised training facilities	P
ppll) Childcare facilities	P
qmmm) Healthcare services	P
rnnn) Libraries	P
sooo) Marae	P
ttpp) Places of assembly	P
ttqq) Places of worship	P
vrrr) Research and innovation (excluding any noxious or offensive activity)	P
wwss) Any activity identified in Rule 8.3.1(ffz) that is greater than 150m ² footprint, not in accordance with an approved Concept Plan or where there is no approved Concept Plan and outside of the Interface Area	RD

Comment [HCC29]: 26.08, D1059.003

Comment [HCC30]: 26.08, D1059.003

Comment [HCC31]: 51

Comment [HCC32]: 26.08, D1059.003

Comment [HCC33]: 26, 51

Note

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

2. Explanation of Rule 8.3.1(h) above:

As a result of the boundary reorganisation scheme which came into effect on 1 July 2011, the land within which the existing Waikato Innovation Park is situated was transferred from Waikato District Council to Hamilton City Council. Schedule 25B of the Waikato District Plan contains an approved Concept Plan for the Innovation Park. Existing development within that area which was established in general accordance with that Concept Plan as a permitted activity will remain a permitted activity. The development of that area in general accordance with the Concept Plan in Schedule 25B can continue as a Permitted Activity. The framework of

that previously approved Concept Plan is now integrated into the Ruakura Structure Plan. If there are significant departures from the Structure Plan as the Knowledge Zone evolves, such changes can be considered as a resource consent (Restricted Discretionary) so the effects arising from any change can be considered.

Comment [HCC34]: 26, 51

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

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

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

Activity	Class
Precinct C Only	
a) Land Development <u>Consent Plan</u> (refer Rule 3.7.3.2)	RD*
b) Farming, pastoral grazing, horticulture and farm management activities associated with research establishments, including worker and staff accommodation	P
c) Minor works	P
d) Alterations and additions to existing buildings (other than minor works)	RD*
e) Any new buildings	RD*
f) All other research, and innovation activities including (but not limited to) testing, evaluation, office and laboratory activities	P
g) Tertiary education and other education and specialised training facilities	P
h) Ancillary offices to permitted research, innovation, education and laboratory activities	P
i) Commercialisation of activity ancillary to research, innovation, education and laboratory activities	P
j) Support/ancillary services to research and innovation activities including (but not limited to) workshops, plant and vehicle depots, heating and power generators, laundries, telecommunications and data facilities	P
k) Passenger transport facilities and transport depots (passengers)	P
l) Ancillary residential units (e.g. for research and innovation employees, including caretakers and maintenance workers)	P
m) Informal recreation, park maintenance buildings and yards, seating, sculptures and art installations	P
n) Places of assembly	RD
o) Community centres, libraries and childcare centres	P
p) Parking lots	P
q) Visitor accommodation	RD
r) Healthcare services	RD
s) Any permitted or restricted discretionary activity listed above generating 1500 or more vehicle movements per day	RD*

Comment [HCC35]: 26, 51

Activity	Class
t) Any noxious or offensive activity	NC
u) Activities not provided for	NC

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

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

Activity	Class
Ruakura Retail Centre Only	
a) Land Development Consent Plan (refer Rule 3.7.3.2)	RD*
b) New buildings	RD*
c) Alterations and additions to existing buildings (excluding minor works)	RD*
d) Minor works	P
e) Accessory Buildings	RD*
f) Demolition, removal, maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
g) Any industrial activity except light or service industry	NC
h) Light Industry	D
i) Service Industry	D
j) Transport Depot	D
k) Emergency service facility	RD*
l) Noxious or offensive activities	NC
m) Research and Innovation Activities	P
n) Ancillary Office	P
o) Office less than 250m ² gross floor area per tenancy	P
p) Office 250m ² -500m ² gross floor area per tenancy	RD*
q) Office greater than 500m ² gross floor area per tenancy	NC
r) Ancillary retail	P
s) Retail less than 400m ² gross floor area per tenancy	P
t) Retail 400m ² gross floor area per tenancy or greater except where provided for in activity category u) in this table	RD*
u) One Supermarkets or Building Improvement Centres 1,000m ² gross floor area or greater within the Ruakura Retail Centre	P
v) Banks	P
w) Yard based retail less than 400m ² gross floor area per tenancy	D
x) Yard based retail 400m ² gross floor area or greater per tenancy	NC
y) Cafes, Restaurants and Licensed Premises	P

Comment [HCC36]: 26, 51

Comment [HCC37]: 24.01

Activity	Class
z) Commercial places of assembly	P
aa) Parking lots and parking buildings	P
bb) Passenger Transport Facility	P
cc) Health Care Services above ground floor	P
dd) Health care services less than 1000m ² at ground floor	P
ee) Health care services over 1000m ² at ground floor level	RD
ff) Childcare facility	P
gg) Community centres	P
hh) Tertiary education and specialised training facilities less than 250m ² gross floor area per tenancy	P
ii) Tertiary education and specialised training facilities 250m ² – 999m ² gross floor area per tenancy	D
jj) Tertiary education and specialised training facilities greater than 1000m ² gross floor area per tenancy	NC
kk) Total floorspace in the Ruakura Retail Centre of up to 9,000m ² gross floor area comprised of: <ul style="list-style-type: none"> no more than 7,000m² gross floor area in the activity categories s) to u) no more than 3,000m² gross floor area for any other permitted activities in Rule 8.3.3 	P
ll) Total floorspace in the Ruakura Retail Centre that exceeds: <ul style="list-style-type: none"> 7,000m² gross floor area in the activity categories s) to u); or 3,000m² gross floor area for any other permitted activities in Rule 8.3.3 	RD
mm) Total floorspace in the Ruakura Retail Centre between 9,000m ² and 15,000m ² gross floor area	RD
nn) Total floorspace in the Ruakura Retail Centre that exceeds 15,000m ² gross floor area	NC
oo) Public Art	P
pp) Ancillary residential units	RD*
qq) Visitor accommodation	D
rr) Any permitted or restricted discretionary activity listed above generating 1500 or more vehicle movements per day	RD*

8.4 Rules – General Standards

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

Comment [HCC38]: Clause 16

~~d) The general standards in Rule 8.4 do apply to activities listed in 8.3.2 Precinct C and 8.3.3 Precinct C (Ruakura Retail Centre).~~

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

Comment [HCC39]: 26, 51

~~a) An application for a Concept Plan Consent which provides for the further development of Precinct A, B and D within the Knowledge Zone shall include the following activities:~~

- ~~i. New buildings, including relocated buildings, alterations or additions to buildings;~~
- ~~ii. Preparation of land for development purposes including earthworks and vegetation removal~~
- ~~iii. Construction of roads, pedestrian paths and cycle routes~~
- ~~iv. Installation of Three Waters infrastructure (including linear wetlands and storage basins)~~
- ~~v. Works related to the establishment of open space networks.~~

Comment [HCC40]: 26, 51

~~An application for resource consent for a Concept Plan Consent must be for the whole site; however development of the site may proceed in stages.~~

Comment [HCC41]: 26, 51

~~b) New buildings shall be a permitted activity on the Waikato Innovation Park, AgResearch or University of Waikato Campus when a Concept Plan application has been granted by Council.~~

Comment [HCC42]: 32.21

~~b) Activities that are permitted prior to the approval of a Concept Plan are detailed in the relevant sections of Rule 8.3.1.~~

~~c) An application for resource consent for a Concept Plan must be for the whole site; however development of the site may proceed in stages.~~

~~d) The Concept Plan application is classified as restricted discretionary, unless an activity that forms part of the application is non-complying, in which case the concept plan application is a non-complying activity.~~

Comment [HCC43]: 26, 51

~~eb) All applications for Concept Development Plans-Consents must be accompanied by a concept plan which has been prepared in accordance with the standards in this chapter and the Information Requirements in Appendix 1.2.2.27.~~

Comment [HCC44]: 51

~~f) A Concept Plan can include a Concept Plan granted under the previous District Plan.~~

~~g) The development of a Concept Plan does not preclude the requirement to comply with the relevant standards not addressed in the Concept Plan.~~

~~hc) Where any development or activities which are not consented by a concept development consent will be the subject of is not in accordance with the provisions of the Concept Plan then separate resource consent applications, will be required for that development or activity unless provided for as a permitted activity in the activity status table.~~

Comment [HCC45]: Clause 16

Comment [HCC46]: 26, 51

8.4.2 Location of Buildings and Activities (excluding Precinct C)

Comment [HCC47]: 48.40

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

- a) Maximum site coverage 50%.

8.4.43 Permeable Surfaces

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

- a) No access to service an activity shall be provided directly to Ruakura Road unless consistent with the connection point locations identified on Figure 2-15A in Appendix 25H(2)XXX.

8.4.65 Building Setbacks

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

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

8.4.76 Height in Relation to Boundary

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

8.4.87 Maximum Height

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

8.4.8 Building Design

a) Building design	No building shall present a blank, plain or unfeatured facade to any boundary with a public space or Recreation/Open Space Area
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b) Building frontage in all other areas	Buildings shall have a minimum façade width of 20m, or 75% of the street front boundary, whichever is the greater
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8.5 Rules – Specific Standards for AgResearch and Waikato Innovation Park Precincts

8.5.1 Location of Buildings and Activities

Location	
a) Proximity to Ruakura Logistics ZoneArea : Noise control	No visitor accommodation shall be situated closer than 40m to the boundary of the Ruakura Logistics ZoneArea unless the building within which the activity is located can achieve compliance with the relevant noise controls specified in Rule 25.8. 3.11 – 25.8.3.14-4.4(f), (g) and (h)

Comment [HCC48]: 32.22

8.5.2 Parking Building Design

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

8.6.1 Building Setbacks

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

8.6.2 Building Standards

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

8.6.3 Permeable Surfaces

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

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

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

8.8 Controlled Activities: Matters of Control

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

Activity Specific Precinct D – University of Waikato	Matter of Control Reference Number (refer to Volume 2, Appendix J.3.2)
<p>i. New buildings, alterations or additions to buildings with an external footprint of 50m² or greater and which are located within the Interface Area which are not part of an approved Concept Plan and which can be viewed directly from the closest adjoining road boundary where the activity:</p> <ul style="list-style-type: none"> • Complies with relevant standards in Rules 8.6 to 8.7, and • Generates less than 100 vehicle movements per day 	<ul style="list-style-type: none"> • C – Knowledge Zone and Major Facilities Zone
<p>ii. New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan and within the Interface Area</p>	<ul style="list-style-type: none"> • C – Knowledge Zone and Major Facilities Zone

Comment [HCC49]: Clause 16

Comment [HCC51]: 50.19

Comment [HCC50]: 26.08, D1059.010

Comment [HCC52]: 26.08, D1059.010

8.9 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

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

<u>Activity Specific</u>	<u>Matter of Discretion</u> <i>(Refer to Volume 2, Appendix 1.3.3)</i>
<u>Precincts A and B Knowledge Zone</u>	
i. <u>A Concept Plan Consent Plan or an update to a Concept Plan</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>N – Ruakura</u>
ii. <u>Alterations and additions to existing buildings (greater than 250m² gross floor area)</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u>
iii-ii. <u>Any new buildings without or not in accordance with an approved Concept Plan</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u>
iv. <u>Commercialisation of activity ancillary to research, innovation, food production, education and laboratory activities</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
v-iii. <u>Places of assembly</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
vi-iv. <u>Parking buildings</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>G - Transportation</u>
vii-v. <u>Visitor accommodation</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
viii-vi. <u>Healthcare services</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
<u>Precinct C Knowledge Zone</u>	
ix-vii. <u>Any new buildings*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>

Comment [HCC53]: 26, 51

Comment [HCC54]: 47.01, 38.01

Comment [HCC55]: Clause 16

Comment [HCC56]: 26, 51

Comment [HCC57]: Clause 16 – permitted in 8.3.11)

xviii . <u>Alterations and additions to existing buildings</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>
xix . <u>Places of assembly*</u>	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u>
xx . <u>Visitor accommodation*</u>	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u>
xxi . <u>Healthcare services*</u>	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u>
xxii . <u>Activities which require resource consent under Rules 8.3.3 p), t), ll) and mm)</u>	<ul style="list-style-type: none"> • <u>H – Functionality, Vitality, Viability and Amenity of Centres</u>
xxiii . <u>Any activity generating 1500 or more vehicle movements per day</u>	<ul style="list-style-type: none"> • <u>G – Transportation</u>
xxiv . <u>Land Development Plan</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
<u>Ruakura Retail Centre – Precinct C – Knowledge Zone</u>	
xxv . <u>Any new buildings*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>
xxvi . <u>Alterations and additions to existing buildings</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>N – Ruakura</u>
xxvii . <u>Land Development Plan</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxviii . <u>Emergency Service Facility</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxix . <u>Accessory Building</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxx . <u>Office 250m²-500m² gross floor area per tenancy</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxxi . <u>Retail 400m² gross floor area per tenancy or greater except where provided for in activity category u) in this table</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxxii . <u>Health care services over 1000m² at ground floor level</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxxiii . <u>Total floorspace in the Ruakura Retail Centre that exceeds:</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
<ul style="list-style-type: none"> • <u>7,000m² gross floor area in the activity categories s) to u); or</u> • <u>3,000m² gross floor area for any other permitted activities in 8.3.3</u> 	

xxvi-xxiv. <u>Total floorspace in the Ruakura Retail Centre between 9,000m² and 15,000m² gross floor area</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxvii-xxv. <u>Ancillary residential units</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxviii-xxvi. <u>Any permitted or restricted discretionary activity listed above generating 1500 or more vehicle movements per day</u>	<ul style="list-style-type: none"> • <u>G – Transportation</u>
University of Waikato – Precinct D – Knowledge Zone	
xxix. <u>Any activity identified in Rule 8.3.1(gg) that is not in accordance with an approved concept plan</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>
xxvii. <u>Any activity identified in Rule 8.3.1(z) that is greater than 150m² footprint, not in accordance with an approved Concept Plan or where there is not approved Concept Plan and outside of the Interface Area</u>	<ul style="list-style-type: none"> • <u>N – Ruakura</u>

Comment [HCC58]: 26, 51

Comment [HCC60]: 26.14, D1059.003

Comment [HCC59]: 26

8.10 Notification Rule

a) Except as provided for by Section 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in the table above will be considered without notification or the need to obtain approval from affected persons except that applications for Land Development Activities and Activities Generating 1500 or More Vehicle Movements Per Day shall be limited notified to the following unless they have given their affected party approval:

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

b) Notwithstanding clause (a), where an activity identified in Rule 8.3.2 requires resource consent for a Restricted Discretionary Activity under two or more activity descriptions, and only one of the Restricted Discretionary Activities is identified with an asterisk (*), notification of the activity shall be at the Council's discretion in accordance with Section 95A, 95B and 95C of the Act.

Comment [HCC61]: 21.21, 34.03

8.11 Other Resource Consent Information

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

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults

- [Notification Defaults](#)
- [Rules Having Early or Delayed Effect](#)

[Refer to Volume 2, Appendix 1: District Plan Administration for the following.](#)

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