

## Part 10: Section 32

- 72 Bilimag prepared a S.32 analysis as part of the private plan change documentation. Sub-section 32(2) also requires Council to carry out a further evaluation prior to making its decision on the plan change with the evaluation to assess the extent to which each objective is the most appropriate way to achieve the purpose of the Act. Council must also assess whether the policies and rules are the most appropriate methods in terms of their effectiveness and efficiency to achieve the objectives.
- 73 During the course of the hearing the Committee received evidence in relation to the wording of a number of the proposed objectives and rule changes. Our assessment and final determination on each of the proposed changes is presented below.

### Objective CO5

- 74 Bilimag originally proposed the following new objective and explanation:

#### CO5

*To provide for commercial activities outside the Town Centre Zone where there are social and economic benefits for the community and where it can be demonstrated that any adverse effects on the environment of the town centre concerned will be no more than minor.*

#### *Explanation:*

*While visitor intensive activity is generally to be concentrated in the Town Centre Zone there may be circumstances where other areas may be able to be developed for commercial / mixed use activities without impacting on the role or function of the town centre concerned. Council may consider the establishment of visitor intensive activities in areas removed from the Town Centre Zone (or surrounding General Zone) where it is demonstrated that such activities will have no more than minor adverse effects on the town centre concerned.*

- 75 The National Trading Company (NTC) made submissions to add further wording in relation to the 'well being of the community' and specific reference to the Cambridge Road site. Bilimag supported these submissions. The Committee understands that there was a concern with the nature of effects which could be considered, particularly trade competition effects and hence the proposed changes.
- 76 The Committee considers that the changes recommended by NTC do not add value to the objective however it will be appropriate for the word 'relevant' to be inserted with reference to effects. The Committee considers that the new objective is fully consistent with Part 5 of the RMA and embraces the purpose of sustainable management of resources subject to the following modification:

#### CO5

*To provide for commercial activities outside the Town Centre Zone where there are social and economic benefits for the community and where it can be demonstrated that any relevant adverse effects on the environment of the town centre concerned will be no more than minor.*

## Policy CO4A

- 77 Bilimag originally proposed the following new policy and explanation:

### CO4A

*To provide for commercial / mixed use activities in areas of the District which do not form or surround existing town centres, to an extent that it can be demonstrated that such activities will not undermine the role and function of the town centres, as contained within the Town Centre Zone and the General Zone areas surrounding the town centres of Cambridge and Te Awamutu*

#### *Explanation:*

*While commercial activities are generally to be concentrated in the Town Centre Zone or the surrounding general zone (policies CO3, CO12) there may be circumstances where other areas may be able to be developed for commercial / mixed use activities without impacting on the role or function of the town centre concerned. Council may consider the establishment of visitor intensive activities in areas removed from the Town Centre Zone (or surrounding General Zone) where it is demonstrated that such activities will have no more than minor adverse effects on the town centre concerned.*

### CO5

- 78 NTC made a submission to expand the policy, make reference to the Cambridge Road site and refer to the well being of the community in the explanatory statement. Bilimag considered there was merit in some change to the wording subject to the town centre focus of the policy being retained. The Committee considers there is merit in providing minor wording changes to the CO4A Explanation as follows:

*While commercial activities are generally to be concentrated in the Town Centre Zone or the surrounding general zone (policies CO3, CO12) there may be circumstances where other areas may be able to be developed for commercial /mixed use activities without impacting on the role or function of the town centre concerned. Council may consider the establishment of visitor intensive activities in areas removed from the Town Centre Zone (or surrounding General Zone) where it is demonstrated that the adverse effects of such activities will have no more than minor effects on the amenity and function of the town centre concerned and the social and economic well-being of its community will be no more than minor.*

*The General Zone on Cambridge Road, Te Awamutu was established pursuant to this policy."*

## Policy CO3

- 79 Bilimag proposed the following change to Policy CO3 and explanation:

### CO3

*To ~~require~~ encourage the containment of visitor intensive activities (particularly retailing) in defined 'core areas' (the Town Centres Zone) of Te Awamutu and Cambridge*

However in the Mystery Creek Exhibition Centre Zone and the General Zone commercial activities are provided for as an exception to the general requirement to contain visitor intensive activities in the defined core areas of Te Awamutu and Cambridge

- 80 The change to the policy removes the explicit requirement to have visitor intensive activities in the town centre. The Committee considers that this change more appropriately reflects the general primacy of the town centre but also recognises that in some cases developments outside the town centre may be appropriate.
- 81 NTC made a submission to restrict the reference in the explanatory statement to the General Zone on the Cambridge Road site. Such a change would undermine the acknowledgement for commercial activities outside the town centre, (subject to the primacy and protection of the town centre). Therefore, the Committee considers that the changes to the policy and explanatory statement should remain as originally proposed. The Committee considers that the proposed policy will effectively achieve the objectives of the Waipa District Plan.

#### **Policy CO6**

- 82 Bilimag proposed the following change to Policy CO6:

##### **CO6**

*To encourage energy efficiency by allowing intensive development in town centre areas and requiring encouraging concentration of visitor intensive activities, particularly retailing.*

- 83 The Committee considers that the proposed change to Policy CO6 is appropriate in accordance with the reasons given for Policy CO3 above.

#### **Explanation to Objective CO4**

- 84 Bilimag proposed the following changes to the explanation to Objective CO4:

*The broad strategy for sustainable management of the town centres in the district is to consolidate visitor intensive activities (particularly retailing) in defined 'core' areas (Town Centres Zone) ~~surrounded~~ supported by mixed activity areas occurring for the wide range of activities ~~which benefit from a central location~~ (General Zone) in any urban community.*

*It is recognised that there may be circumstances (such as lack of availability of suitably sized land parcels) where it is not possible for proposed large scale commercial developments to be located in areas surrounding the defined 'core areas'. Council may consider the extension of the General Zone to locations that do not surround the Town Centres Zone.*

- 85 NTC submitted that the reference to 'not possible' in the second paragraph may not be appropriate given that anything could be possible subject to sufficient funding. As an alternative, the wording 'difficult or inappropriate' was recommended. In addition, NTC recommended that reference to the Cambridge Road site be added.
- 86 Bilimag considered that some wording changes were appropriate and that there may be situations where development in the town centre areas was inappropriate with respect to the urban fabric and amenity.

- 87 The Committee considers that the changes to this explanation statement will efficiently and effectively achieve the objectives of the District Plan subject to minor changes as follows:

*The broad strategy for sustainable management of the town centres in the district is to consolidate visitor intensive activities (particularly retailing) in defined 'core' areas (Town Centres Zone) ~~surrounded~~ supported by mixed activity areas occurring for the wide range of activities which benefit from a central location (General Zone) in any urban community*

*It is recognised that there may be circumstances (such as lack of availability of suitably sized land parcels) where it is not possible feasible for proposed large scale commercial developments to be located in areas surrounding the defined 'core areas'. Council may consider the extension of the General Zone to locations that do not surround the Town Centres Zone.*

#### **Explanation to Policy CO7**

- 88 Bilimag proposed that the following sentence be deleted from the fourth paragraph of the explanation to CO7:

*To some extent the Cambridge and Te Awamutu commercial centres are insulated from these trends – both towns are too small for sizeable alternative centres to be viable, and the distance to Hamilton provides some protection*

- 89 The Committee finds that the deletion is appropriate and effectively supports the relevant objectives and other policies.

#### **General Zone and Town Centre Statements**

- 90 Bilimag proposed the following changes to the General Zone Statement:

*The General Zone covers extensive areas surrounding the primarily retail 'core' of Te Awamutu and Cambridge; areas in Kihikihi, Leamington and Bruntwood. These areas contain a mixture of land uses of mainly residential, commercial and light industrial character. The zone also covers the ex-timber yard site on Cambridge Road in Te Awamutu.*

*Previous zonings attempted to allocate areas within the large historical areas now zoned 'General' according to land use classifications. The emphasis of this plan is on controlling the effects of various activities undertaken through performance standards, rather than making assumptions about effects on the basis of what can be rather artificial distinctions between types of land use. A wider range of activities is now permitted in the historical areas zoned 'General', but standards relating to buildings and operations likely to give rise to adverse effects are generally higher and more comprehensive.*

*The broad strategy for commercial activities is to concentrate visitor intensive activities, particularly retailing, in defined central areas (the 'town centres' zone) and discouraging the spread of visitor intensive activities into the surrounding general and residential zones. There may however be circumstances where Council could consider the establishment of commercial activities away from defined central areas where it is demonstrated that any adverse effects of such activities on the environment of the town centre concerned and/or surrounding land use activities will be no more than minor.*

*The Rules recognise that there is a wide range of existing activities within the historical areas now zoned General and consequently the performance standards required of new developments and activities reflect the sensitivity of existing activities which surround the General Zone.*

- 91 Bilimag proposed that the following changes to the Town Centre Zone Statement:

*As outlined in Section 5 of Part 1 of this Plan, the broad strategy for these activities (traditionally classified as 'commercial') is to encourage the concentration [of] ~~concentrate~~ visitor intensive activities, particularly retailing, in defined central areas, and to discourage the spread of visitor-intensive activities into the surrounding General and Residential Zones. There may however be circumstances where Council could consider the establishment of commercial activities away from defined central areas where it is demonstrated that any adverse effects of such activities on the environment of the town centre concerned and/or surrounding land use activities will be no more than minor.*

- 92 NTC submitted that the town centre zone statement should be amended to refer to the well being of the community in defining 'any adverse effects of such activities on the environment' and that reference to the Cambridge Road site should be added. Bilimag considered that some changes to the wording may be appropriate.

- 93 The Committee considers that the changes establish an appropriate introduction to the relevant sections of the Waipa District Plan and the objectives and policies that follow. It is however considered that the wording of the two substantive changes to the statements should be modified as follows:

*The broad strategy for commercial activities is to concentrate visitor intensive activities, particularly retailing, in defined central areas (the 'town centres' zone) and discouraging the spread of visitor intensive activities into the surrounding general and residential zones. There may however be circumstances where Council could consider the establishment of commercial activities away from defined central areas where it is demonstrated that any adverse effects of such activities on the amenity and function ~~environment~~ of the town centre concerned and the social and economic well-being of its community and/or surrounding land use activities will be no more than minor.*

*As outlined in Section 5 of Part 1 of this Plan, the broad strategy for these activities (traditionally classified as 'commercial') is to encourage the concentration of visitor intensive activities, particularly retailing, in defined central areas. There may however be circumstances where Council could consider the establishment of commercial activities away from defined central areas where it is demonstrated that any adverse effects of such activities on the amenity and function ~~environment~~ of the town centre concerned and the social and economic well-being of its community and/or surrounding land use activities will be no more than minor.*

**Planning Map 32 and 34:**

- 94 Bilimag proposed that the following changes to the Planning maps:

*To change the zoning of Lots 11 – 17 DPS 3190, Lots 1 & 2 DPS 5211, Lot 2 DPS 822 from Residential Zone to General Zone. (Map 32).*

*To change the zoning of Lot 1 DPS 9872 from Rural Zone to General Zone. (Map 32).*

*To change the zoning of Lot 1 DPS 9872 from Rural Zone to General Zone. (Map 34).*

- 95 These changes are administrative and support the substantive decision to grant the plan change such that they are approved by the Committee without modification.

**Appendix 25**

- 96 Bilimag proposed the following changes to the Appendix 25

*To incorporate Development Concept Plan prepared by Woodhams Meikle Zhan (SK1-13) as Appendix 25 to the Waipa District Plan.*

- 97 This change is administrative and supports the substantive decision to grant the plan change such that it is approved by the Committee without modification.

**Rule 5.3.1.4**

- 98 Bilimag proposed the following additional clause to Rule 5.3.1.4 (Controlled Activities):

- c) *Any integrated development in general accordance with the development concept plan SK1-13 prepared by Woodhams/Meikle/Zhan Architects dated 21-04-06 as contained in Appendix 25 of the Waipa District Plan.*

*In assessing whether or not any proposed development is in general accordance with the concept plan the following matters shall be considered:*

- a) *Maximum gross floor area of the development shall be that shown on the development concept plan; and*
- b) *The gross floor area to be developed for retail activities [excluding the supermarket timber merchant (building supply outlet), service station and café / restaurant and any activity provided for by Rule 5.3.1.2] shall not exceed 6000m<sup>2</sup>; provided that:*
- i) *No more than six (6) individual retail tenancies of less than 350m<sup>2</sup> gross leasable floor area (excluding the service station and restaurant) shall be permitted;*
- ii) *The maximum size of any individual retail activity shall be 1500m<sup>2</sup> gross leasable floor area (excluding the supermarket); and*
- c) *There shall be a maximum of one (1) supermarket within the development; and*
- d) *There shall be a maximum of two (2) restaurants or cafes within the development, not contributing to the limit in (b); and*
- e) *Activities within the threshold (a) that fall outside those provided for in (b), (c) and (d) above include automatic teller machines, external yard display space for otherwise controlled activities, health care services, child care facilities and indoor recreational activities.*
- f) *No building shall be located closer to the external legal boundaries of the land over and above that shown on the concept plan; and*

- g) *The provision of on-site carparking shall not be less than 1 carpark per 33m<sup>2</sup> of gross floor area; and*
- h) *Compliance with the permitted activity development control standards set for the General Zone*

*For the avoidance of doubt the following definitions shall apply in respect of the matters set out above:*

**Gross Floor Area:** *Means the sum of the gross floor area of all floors of all buildings on a site measured from the exterior faces of the exterior walls or from the centerlines of walls separating two buildings. Gross floor area shall:*

- (a) *Include elevator shafts, stairwells and lobbies at each floor and mezzanine floors and balconies*
- (b) *Exclude any provided carparking, loading and servicing areas and access thereto and building service rooms containing equipment such as lift machinery, tanks, air conditioning and heating plants.*

**Gross Leaseable Floor Area:** *Means the sum of any floor areas (within the external walls of buildings designed for tenant occupancy and exclusive use including both freehold and leased areas. It includes any stock storage or preparation areas whether exclusive or not but excludes the following areas where these are common and not designed for rental: liftwells and stairwells including landing areas, corridors and malls, building service rooms, required parking areas.*

**Supermarket:** *A retail activity over 1500m<sup>2</sup> gross floor area, primarily selling pre-prepared fresh food / groceries and beverages, as well as other non food goods in an ancillary capacity, with 10 or more persons employed.*

**Building Supply Outlet:** *A retail activity primarily engaged in providing building hardware, materials and products to either the general public or trade based businesses.*

**Restaurant / Café:** *Retail activities primarily engaged in providing pre-prepared and fresh meals, food and beverages for consumption on and off the premises.*

**Individual Retail Activity:** *A single retail tenancy whose gross floor area or gross leaseable floor area cannot be sublet or leased to any other retail activity, where this would result in floor area of more than six(6) tenancies in the development being less than 350m<sup>2</sup>.*

**Health Care Services:** *means services relating to physical and medical health and welfare performed by duly qualified practitioners or by persons in their employ and includes surgical procedures and day patient care, dentists and veterinary surgeons but excludes a hospital.*

**Child Care Services:** *A facility for the care and/or education of children, and shall include, but not be limited to, a crèche, or day care centre, There shall be no provision for overnight accommodation.*

**External Yard Display Space:** *an area, which may be secure, but is not fully enclosed by walls, roofing or permanent construction materials for the storage and display of goods intended for use in external conditions.*

- 99 NTC submitted that the wording of the first paragraph should be amended to delete the word 'integrated' and Bilimag supported this amendment citing concerns that the current wording may not allow staging of the development. NTC also submitted that additional definition should be included for the interpretation of 'generally in accordance'.
- 100 The Committee considers that the term 'integrated' does add value to the rule and should be retained, however the Committee also wishes to explicitly state in this decision that there is no restriction on staging subject to any resource consents being consistent with the provisions of the plan change. The Committee is also of the opinion that the correct balance of certainty and flexibility is provided by the current wording of the rule and does not modify the rule further.
- 101 Transit NZ sought an additional criteria be added to the above rule as follows:

*5.3.1.4(i)*

*The proposed design of road improvement works to Cambridge Road and the Cambridge Road / SH3 roundabout shall be in accordance with the agreement reached with Transit New Zealand and Bilimag Holdings Ltd as detailed in the Traffic Impact Assessment prepared by Maunsell Limited dated May 2006 and submitted with the application documents for Plan Change 53. In brief, this requires that the SH3 / Arawata Street/Cambridge Road roundabout be enlarged to a 2 lane roundabout and that some road-marking alterations, minor road widening, and a pedestrian refuge island on Cambridge Road should be implemented.*

- 102 In addition Transit NZ sought that any non-compliance with the rule should default the activity to a restricted discretionary activity. Bilimag agreed with the changes in principle however submitted that reference to an agreement should be deleted from the clauses and replaced simply with reference to the 'design' proposed. The Committee considers this appropriate as no actual documentation was submitted which could be cited as the formal agreement between the parties.
- 103 The Committee considers that the proposed rule will ensure that the development of the plan change will proceed in accordance with the concept plan as presented and will ensure that there are no unanticipated changes which could have additional effects. The Committee considers the Controlled Activity status is the correct level of assessment for future complying resource consents given the amount of assessment presented with the plan change and the public process that the plan change has undergone.
- 104 The Committee endorses the agreements reached between Bilimag and Transit NZ and considers that the additional clauses should be included within the plan change subject to the minor wording change sought by Bilimag. The modified wording is as follows:

*The proposed design of road improvement works to Cambridge Road and the Cambridge Road / SH3 roundabout shall be in accordance with the ~~agreement reached with Transit New Zealand and Bilimag Holdings Ltd~~ design as detailed in the Traffic Impact Assessment prepared by Maunsell Limited dated May 2006 and submitted with the application documents for Plan Change 53. In brief, this requires that the SH3 / Arawata Street/Cambridge Road roundabout be enlarged to a 2 lane roundabout and that some road-marking alterations, minor road widening, and a pedestrian refuge island on Cambridge Road should be implemented.*

- 105 The Committee considers that a new restricted discretionary rule and consequential renumbering of the Rule 5.3.1 is appropriate and therefore modifies the plan change to include the following new rule:

*Non-compliance with Rule 5.3.1.4(i) would default consideration of the land use application to a restricted discretionary activity and any such application shall be restricted to the assessment of traffic effects and the appropriate upgrade and mitigation works which are necessary to protect the safety and efficiency of the road network.*

- 106 As the Waipa District Plan does not currently contain provisions for restricted discretionary activities, consequential amendments will be necessary to the District Plan, including Section 1 (Administration), to recognise the new provisions for restricted discretionary activities.

**Rule 5.3.1.5 and new Non-Complying Rule 5.3.1.7:**

- 107 Bilimag proposed the following additional clause to Rule 5.3.1.5(c) (Discretionary Activities):

*Any proposed land use activity which is not in general accordance with the development concept plan SK1-13 prepared by Woodhams/Meikle/Zhan architects dated 21-04-06 as contained in Appendix 25 of the Waipa District Plan.*

*In addition to the assessment criteria set out in Rule 5.6, the Council when considering an application for a discretionary activity under Rule 5.3.1.5(c) shall also take into account the following matters:*

- *The extent to which any proposal is consistent with achieving the relevant objectives and policies for commercial activities as set out in Section 5 to the policy section of the Waipa District Plan; and*
- *The extent to which any proposal has the potential to generate more than minor adverse distributional effects on the town centre of Te Awamutu.*

- 108 Transit NZ sought an additional criterion to the above clause as follows:

- *The extent to which any proposal has the potential to generate more than minor adverse distributional effects on the town centre of Te Awamutu. The extent to which any proposal includes road improvement works to Cambridge Road and the Cambridge Road / SH3 roundabout that are in accordance with the Traffic Impact Assessment prepared by Maunsell Limited dated May 2006 and submitted with the application documents for Plan Change 53, or otherwise approved by Transit New Zealand and the Roading Manager – Waipa District Council.*

- 109 The Committee considers that the provision for a discretionary activity status in accordance with the above rule and the additional clause by Transit NZ is appropriate. The Committee does however consider that any development on the site that has additional effects on the town centre should be assessed as a non-complying activity. Although Bilimag were opposed to this, the Committee considers it entirely appropriate that the full rigour of a non-complying assessment be applied to any development that is inconsistent with the development concept plan. This will also reinforce the primacy of the town centre if any such application is presented to Council for consideration. In submissions, the non-complying rule was also opposed by NTC but supported by GDL.

- 110 The Committee therefore modifies the plan change to include a new Rule 5.3.1.7 and to renumber the rule section as appropriate. Rule 5.3.1.7 shall read as follows:

*Any departure from the Development Concept Plan contained in Appendix 25 which increases the overall retail trading space or departs from the specified retail outlet sizes (excluding the Bulk Retail Timber Merchant) shall be a non-complying activity. For the purpose of providing an evaluation of adverse effects on the town centre, an assessment will be required with reference to the economic reports presented as part of Plan Change 53 and current retail distribution data and analysis*

**Rule 5.4.10**

- 111 Bilimag originally proposed that Rule 5.4.10 be amended to read as follows:

*No building or other structure shall penetrate a height plane 20 .0 metres parallel to the ground; except that:*

*At the Bruntwood General Zone no building or other structure shall penetrate a height plane of 12.0 metres parallel to the ground; and*

*On the land subject to the development concept plan contained in Appendix 25 no building or other structure shall penetrate a height plane of 15.0 metres parallel to the ground and the building structures associated Units 12 – 14 shown on that plan shall not exceed a height plane of 8.0 metres parallel to the ground.*

- 112 Through the hearing process Bilimag agreed to reduce the height of the Bulk Timber building to 12 metres. The Committee accepts this change with the additional 12 metre restriction included as follows:

*On the land subject to the development concept plan contained in Appendix 25 no building or other structure shall penetrate a height plane of 15.0 metres parallel to the ground and the building structures associated Units 12 – 14 shown on that plan shall not exceed a height plane of 8.0 metres parallel to the ground and the Bulk Retail Timber Merchant shall not exceed a height plane of 12.0 metres parallel to the ground.*

**Rule 5.4.9**

- 113 Bilimag proposed that Rule 5.4.9 be amended to read as follows:

*Front sites and rear sites shall be served by a single vehicle crossing; except that any development on the land subject to the development concept plan contained in Appendix 25 shall be permitted three vehicle crossings.*

- 114 This change is administrative and supports the substantive decision to grant the plan change such that it is approved by the Committee without modification.

**Rule 5.4.11**

- 115 Bilimag proposed that new rules be added to Rule 5.4.11 as follows:

**5.4.11.6**

*Two double sided free standing signs associated with any integrated retail development on the land subject to the development concept plan contained in Appendix 25 with a maximum size of 10m<sup>2</sup> each.*

5.4.11.7

*Signs attached to any building associated with any development on the land subject to the development concept plan contained in Appendix 25. The content of such signs shall be directly related to activities undertaken within the building to which the sign is attached.*

5.4.11.8

*Other signs. Maximum size 5.0 square metres, maximum total area of signs on one site 5.0 square metres . The content of such signs shall be directly related to activities undertaken on the site. (renumbering of previous rule 5.4.11.6)*

116 Bilimag proposed to rewrite rule 5.4.11(a) to read:

- (a) *not internally illuminated, and do not incorporate florescent or moving materials unless the sign is associated with the land subject to the development concept plan attached as Appendix 25, contains no moving material, and is located in excess of 10 metres from the Cambridge Road boundary of this land.*

117 The Committee accepts these changes and considers that they provide appropriate performance standards that will retain amenity values in the context of the Residential Zone and scale of the proposed development. The changes are accepted without modification apart from renumbering of the rules to the current Plan text.

**Rule 5.5**

118 Bilimag proposed to add a new Rule 5.5.3 (assessment criteria for Controlled Activities) as follows (note a numbering error has been corrected for the purpose of quoting this text):

5.5.3

*Establishment of any development on the land subject to the development concept plan attached as Appendix 25.*

1. *Any development shall comply with Rule 5.4 – Conditions for Permitted Activities.*
2. *Non-Notification – Any application complying as a controlled activity need not be notified and notice of any such application will not be required to be served on any person.*
3. *In assessing applications the Council will reserve control over and impose conditions in relation to the following matters:*
  - (a) *Traffic Safety and Road Improvement Works (with reference to the Traffic Impact Assessment submitted with the application documents for Plan Change 53)*
  - (b) *Landscaping (a landscaping plan prepared by a suitably qualified person with reference to the visual impact report prepared by Connell Wagner and the development concept plan attached as Appendix 25 shall be submitted with any application for land use consent for a controlled activity.*
  - (c) *Noise*
  - (d) *Glare and Lighting*
  - (e) *On-Site Carparking, loading and vehicle manoeuvring*
  - (f) *On-Site Signs*
  - (g) *Stormwater Management (with reference to the Stormwater Assessment submitted with the application documents for Plan Change 53)*

- (h) *Soil Contamination Remediation / Mitigation (a soil contamination remediation / mitigation plan prepared by a suitably qualified person shall be submitted with any application for land use consent for a controlled activity)*
- (i) *Colour, location, design and siting of buildings with reference to the visual impact report prepared by Connell Wagner and the development concept plan attached as Appendix 25.*

119 Transit NZ sought a number of additional criteria to be included in the rule regarding traffic matters as follows:

- (a) *Traffic Safety and Road Improvement Works (with reference to the Traffic Impact Assessment submitted with the application documents for Plan Change 53), including but not limited to:*
  - *The provision of safe and efficient vehicle and pedestrian access to and from the adjacent road network and associated traffic management measures.*
  - *The imposition of financial contributions in relation to roading and infrastructural services.*
  - *Provision and/or upgrading of roading and infrastructural services required to mitigate the adverse effects on the environment arising from the development.*
  - *The designating, acquisition and vesting of land as State Highway as required to accommodate proposed road improvement works associated with the upgrading of the Cambridge Road / SH3 roundabout.*
  - *The enlargement of the Cambridge Road / SH3 roundabout to a 2 lane roundabout and implementation of road-marking alterations, minor road widening and a pedestrian refuge island on Cambridge Road.*
  - *The final design of the roundabout being subject to an independent safety audit and satisfactorily meeting the requirements of Transit New Zealand as confirmed in writing by the Regional Manager.*
  - *Trading from any premises located within the area covered by Development Concept Plan (SK1-13) as contained in Appendix 25 to the Waipa District Plan and/ or the construction works of this development, if this will result in a significant adverse effects to traffic at the roundabout, shall not commence until the roundabout and other road improvement works have been completed to the satisfaction of Transit New Zealand and the Roading Manager – Waipa District Council, as confirmed in writing.*

120 Bilimag raised concerns with the reference to financial contributions (now imposed under the LGA) and construction works which may impact on the ability of the development to start works until the upgrades works at the roundabout were completed.

122 Given the position that Transit NZ and Bilimag collectively presented to the Committee in relation to mitigation measures and plan change provisions, the Committee is reluctant to make further modifications to the plan rules unless there are very obvious reasons for doing so. With respect to the financial contributions, it can be noted in the plan text that any contributions are imposed under the LGA. The Committee acknowledges the concerns of Bilimag that it would be inappropriate to prevent construction works from commencing under normal circumstances. In terms of construction activities, the rule is qualified by reference to 'significant adverse effects' and ultimately Council will be the arbiter of this rule. As such that the Committee does not consider further modifications necessary apart from the financial contribution reference listed as follows:

- *The imposition of financial contributions in relation to roading and infrastructural services (Imposed under the Local Government Act at the time of decisions on Plan Change 53) .*

123 The Committee notes that the traffic peer review provided additional criteria to be included with the assessment of any resource consents and in addition, that it would be appropriate to include reference to the most recent Soils Contamination report. As such the Committee modifies the plan change to include the following criteria in Rule 5.5.3;

- *Soil remediation/mitigation shall be undertaken in accordance with the Statement of Evidence of Kevin Wood dated 6 November 2006 and to the satisfaction of the Principal Administrative Officers (or their delegate) of both the Waikato Regional Council and the Waipa District Council."*
- *In addition the recommendations of the Gabites Porter Traffic Assessment Review dated 16 October 2006 shall be implemented, which shall include the provision of road widening or indented parking bays on the northern side of Cambridge Road opposite the subject site to provide on street car parking for residents"*

124 Overall, the Committee considers that the objectives as proposed by Bilimag and modified by the Committee fully support the purpose of the RMA being the sustainable management of natural and physical resources. It is considered that the operative objectives in relation to Commercial Activities are inflexible to an extent which restricts and will increasingly preclude the Waipa community from providing for its wellbeing. The proposed change has incorporated a new objective which is considered appropriate in terms of sub-section 32(3)(a), in concert with the operative objectives. The proposed policies and rules will effectively and efficiently achieve the objectives by providing a tiered activity status for future resource consents. The provision of a concept plan and assessment criteria for future resource consents will ensure that certainty is maintained in relation to any actual and potential effects of the development while at the same time provides for some design changes of the retail units depending on future tenants and retail trends. Any substantial changes to the development will attract a Discretionary or Non-complying activity status.

## *Section 32 Analysis:*

### *Introduction:*

Before a proposed plan change is publicly notified, an evaluation must be carried out by the person making the request to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- Whether the policies, rules or other methods are the most appropriate for achieving the objectives; and

Any such evaluation must take into account:

- The benefits and costs of policies, rules or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

### *Existing Zoning:*

The existing zoning which applies to the subject land is rural and residential. These zones and their associated objectives and policies do not make express provision for commercial activities to occur and as such any proposal to establish the proposed development on the land would require resource consent for a non-complying activity to be obtained.

### *Policy Framework:*

The existing policy framework of the Waipa District Plan relating to commercial activities is based primarily on the existing town centre (town centre zone) which makes express provision as permitted activities for retail activities.

In Te Awamutu surrounding the Town Centre zone is the General Zone. This zone makes provision for any activity complying with set performance standards (excluding retail activities) to be a permitted activity. Retail activities such as supermarkets and shopping malls are provided for as discretionary activities.

There are no other zones contained within the Waipa District Plan which make express provision for commercial activities.

The wording and nature of the commercial objectives and policies is such that if the proposed change in zoning was approved, any subsequent development could be said to be contrary to them regardless of the potential effects on the environment of such development. Because of this it is necessary to make changes to the policy framework for

commercial activities to enable the proposed development of the land to be consistent with the strategy set out by district plan objectives and policies.

This is proposed to be achieved by minor alterations to the wording of and addition to the objectives and policies without impacting on or diminishing the central policy thrust of the District Plan as it relates to commercial activities and the preeminence of the town centre zone.

***Proposed Changes:***

The proposed plan change involves alteration to the Planning Maps; the adding to and/or rewriting of rules contained within the General Zone of the Waipa District Plan; and altering / changing parts of the existing objectives, policies and explanations for commercial activities as set out in section 5 of the District Plan.

The specific rules that are to be changed / altered / added are:

- Rule 5.3.1.4; and
- Rule 5.3.1.5
- Rule 5.4.10; and
- Rule 5.4.9; and
- Rule 5.4.11; and
- Rule 5.5

The specific overviews, objectives, policies, explanations and zone statements that are proposed to be changed / altered / added are:

- Explanation to Objective CO4
- New Objective CO5
- Policy CO3
- Explanation to Policy CO3
- New Policy CO4A
- Policy CO6
- Explanation to Policy CO7
- Zone Statement – General Zone (Rule Chapter 5)
- Zone Statement – Town Centre Zone (Rule Chapter 6)

The proposed plan change and resulting development are considered to be consistent with the remaining objectives and policies relevant to commercial activities as set out in Section 5 and as such it is considered that there is no need to assess the plan change proposal in relation to them

**Changes to Rules:**

The following tables assess the intent, benefits / costs and risks of the proposed changes to the above rules.

**1. Rule 5.3.1.4:**

Proposed Change	<p>It is proposed to add the following clause c) to Rule 5.3.1.4:</p> <p><i>c) Any integrated development in general accordance with the development concept plan SK1-13 prepared by Woodhams/Meikle/Zhan Architects dated 21-04-06 as contained in Appendix 25 of the Waipa District Plan.</i></p> <p><i>In assessing whether or not any proposed development is in general accordance with the concept plan the following matters shall be considered:</i></p> <p><i>(a) Maximum gross floor area of the development shall be that shown on the development concept plan; and</i></p> <p><i>(b) The gross floor area to be developed for retail activities [excluding the supermarket timber merchant (building supply outlet), service station and café / restaurant and any activity provided for by Rule 5.3.1.2] shall not exceed 6000m<sup>2</sup>; provided that:</i></p> <p style="margin-left: 20px;"><i>(i) No more than six (6) individual retail tenancies of less than 350m<sup>2</sup> gross leasable floor area (excluding the service station and restaurant) shall be permitted;</i></p> <p style="margin-left: 20px;"><i>(ii) The maximum size of any individual retail activity shall be 1500m<sup>2</sup> gross leasable floor area (excluding the supermarket); and</i></p> <p><i>(c) There shall be a maximum of one (1) supermarket within the development; and</i></p> <p><i>(d) There shall be a maximum of two (2) restaurants or cafes within the development, not contributing to the limit in (b); and</i></p> <p><i>(e) Activities within the threshold (a) that fall outside those provided for in (b), (c) and (d) above include automatic teller machines, external yard display space for otherwise controlled activities, health care services, child care facilities and indoor recreational activities.</i></p> <p><i>(f) No building shall be located closer to the external legal boundaries of the land over and above that shown on the concept plan; and</i></p> <p><i>(g) The provision of on-site carparking shall not be less than 1 carpark per 33m<sup>2</sup> of gross floor area; and</i></p> <p><i>(h) Compliance with the permitted activity development control standards set for the General Zone</i></p> <p><i>For the avoidance of doubt the following definitions shall apply in respect of the matters set out above:</i></p> <p><u>Gross Floor Area</u>                      <i>Means the sum of the gross floor area of all floors of all</i></p>
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	<p>buildings on a site measured from the exterior faces of the exterior walls or from the centerlines of walls separating two buildings. Gross floor area shall:</p> <p>(a) Include elevator shafts, stairwells and lobbies at each floor and mezzanine floors and balconies</p> <p>(b) Exclude any provided carparking, loading and servicing areas and access thereto and building service rooms containing equipment such as lift machinery, tanks, air conditioning and heating plants.</p> <p><b><u>Gross Leasable Floor Area</u></b> Means the sum of any floor areas (within the external walls of buildings designed for tenant occupancy and exclusive use including both freehold and leased areas. It includes any stock storage or preparation areas whether exclusive or not but excludes the following areas where these are common and not designed for rental: liftwells and stairwells including landing areas, corridors and malls, building service rooms, required parking areas.</p> <p><b><u>Supermarket:</u></b> A retail activity over 1500m<sup>2</sup> gross floor area, primarily selling pre-prepared fresh food / groceries and beverages, as well as other non food goods in an ancillary capacity, with 10 or more persons employed.</p> <p><b><u>Building Supply Outlet:</u></b> A retail activity primarily engaged in providing building hardware, materials and products to either the general public or trade based businesses.</p> <p><b><u>Restaurant / Café:</u></b> Retail activities primarily engaged in providing pre-prepared and fresh meals, food and beverages for consumption on and off the premises.</p> <p><b><u>Individual Retail Activity:</u></b> A single retail tenancy whose gross floor area or gross leaseable floor area cannot be sublet or leased to any other retail activity, where this would result in floor area of more than six(6) tenancies in the development being less than 350m<sup>2</sup>.</p> <p><b><u>Health Care Services:</u></b> means services relating to physical and medical health and welfare performed by duly qualified practitioners or by persons in their employ and includes surgical procedures and day patient care, dentists and veterinary surgeons but excludes a hospital.</p> <p><b><u>Child Care Services:</u></b> A facility for the care and/or education of children, and shall include, but not be limited to, a creche, or day care centre, There shall be no provision for overnight accommodation.</p> <p><b><u>External Yard Display Space:</u></b> an area, which may be secure, but is not fully enclosed by walls, roofing or permanent construction materials for the storage and display of goods intended for use in external conditions.</p>
Intent	The intent of this rule is to enable (following the change in zoning to General Zone) any proposed development in general accordance with the development concept plan discussed in Section 5.0 of this report will require a resource consent for a controlled activity to be

	<p>granted (subject to compliance with the conditions for permitted activities set out in Rule 5.4).</p> <p>If this rule is not incorporated into the District Plan any proposed development (in accordance with the concept plan or not) would require resource consent for a discretionary activity to be granted. This would not provide any certainty as to the ability to undertake the development even if the change in zoning is granted.</p> <p>The incorporation of development specific rules is designed to ensure that there are no unintended effects on the town centre (principally general merchandise traders) in the event that the development (or future redevelopment) is altered from that currently proposed (ie: principally accommodating bulk retail activities).</p> <p>The incorporation of specific definitions is intended to remove any areas of uncertainty that may result from interpretation of what is taken to be generally in accordance with the development concept plan.</p>
Costs	<p>If this rule is not incorporated into the District Plan there will be no certainty as to the ability to undertake a development of the scale proposed by the concept plan. This and also potential public notification requirements could create significant uncertainty and would impose additional time and costs constraints on any developer.</p> <p>If this rule is incorporated into the District Plan Council would not be able to decline consent for any development in general accordance with the concept plan and in compliance with the provisions of Rule 5.4, unless it is determined that any proposed development is not in general accordance with the development concept plan.</p>
Benefits	<p>If this rule is incorporated into the District Plan certainty will be provided to any future developer that a development of the nature and scale shown on the concept plan is anticipated and provided for on the subject properties.</p> <p>As a controlled activity Council retains the ability to publicly notify (if special circumstances exist), to require further information to be provided and to impose conditions on consent (in relation to the matters over which control is reserved).</p>
Risks	<p>Because of the concept plan and the specialist reports that have been provided, there is little risk in providing for the development on the subject property as a controlled activity. Council retains the ability to require adverse effects to be avoided, remedied or mitigated through the imposition of conditions on consent.</p>

## 2. Rule 5.3.1.5:

Proposed Change	<p>To add a new rule 5.3.1.5(c) to read:</p> <p><i>Any proposed land use activity which is not in general accordance with the development concept plan SK1-13 prepared by Woodhams/Meikle/Zhan architects dated 21-04-06 as contained in Appendix 25 of the Waipa District Plan.</i></p> <p><i>In addition to the assessment criteria set out in Rule 5.6, the Council when considering an application for a discretionary activity under Rule 5.3.1.5(c) shall also take into account the following matters:</i></p> <ul style="list-style-type: none"> <li>• <i>The extent to which any proposal is consistent with achieving the relevant objectives and policies for commercial activities as set out in Section 5 to the policy section of the Waipa District Plan; and</i></li> <li>• <i>The extent to which any proposal has the potential to generate more than minor adverse distributional effects on the town centre of Te Awamutu.</i></li> </ul>
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Intent	The intent of this rule addition is to provide a default activity category to any proposed development which is not in general accordance with the development concept plan and to clarify what assessment criteria would be applied to any such development.
Costs	If the rule is not incorporated into the District Plan there will be uncertainty as to what activity category is to be applied to any resource consent application for development which is not in general accordance with the development concept plan, or the criteria under which any such application would be assessed.
Benefits	The incorporation of this rule provides certainty through establishing a procedural link to future development proposals not in general accordance with the development concept plan.
Risks	There is no risk associated with the inclusion of this amendment as it provides a procedural link for assessment of resource consent applications.

### 3. Rule 5.4.10:

Proposed Change	It is proposed to rewrite the first paragraph of Rule 5.4.10 to read:  <i>No building or other structure shall penetrate a height plane 20.0 metres parallel to the ground; except that:</i> <ul style="list-style-type: none"> <li>▪ <i>At the Bruntwood General Zone no building or other structure shall penetrate a height plane of 12.0 metres parallel to the ground; and</i></li> <li>▪ <i>On the land subject to the retail development concept plan contained in Appendix 25 no building or other structure shall penetrate a height plane of 15.0 metres parallel to the ground and the building structures associated Units 12 – 14 shown on that plan shall not exceed a height plane of 8.0 metres parallel to the ground.</i></li> </ul>
Intent	The intent of this rule amendment is to take into account the recommendation of the visual impact and landscape assessment report which recommends a maximum height limit of 15.0 metres / or 8.0 metres to apply to future development on the subject properties.
Costs	Permitted development in the General Zone is allowed to extend to a height of 20.0 metres. The imposition of this rule places restrictions on the subject properties that do not exist elsewhere in the General Zone (other than the Bruntwood General Zone).
Benefits	The development would conform to the recommendations of the visual impact and landscape assessment report. Any proposal to exceed this limit would require a resource consent for a discretionary activity to be obtained.
Risks	There is no risk associated with the inclusion of this amendment as it places a greater restriction on the subject property than that which is permitted as of right elsewhere in the General Zone.

### 4. Rule 5.4.9:

Proposed Change	It is proposed to rewrite the third paragraph of Rule 5.4.9 to read:  <i>Front sites and rear sites shall be served by a single vehicle crossing; except that any integrated retail development on the land subject to the retail development concept plan contained in Appendix 25 shall be permitted three vehicle crossings.</i>
Intent	The intent of this rule amendment is to take into account the concept plan which provides for three points of access to Cambridge Road as confirmed acceptable by the Traffic Impact Assessment.
Costs	If this amendment is not made, any proposed development in general accordance with the concept plan would not be able to establish as a controlled activity because of the

	proposed access arrangements. Instead a resource consent for a discretionary activity would be required to be granted.
Benefits	Inclusion of the amendment would enable retail development in accordance with the concept plan to establish as a controlled activity.
Risks	There is no risk associated with the inclusion of this amendment as it is supported by the provisions of the traffic impact assessment prepared to assess the concept plan.

### 5. Rule 5.4.11

Proposed Change	<p>It is proposed to add new rules to read:</p> <p><i>5.4.11.6 Two double sided free standing signs associated with any integrated retail development on the land subject to the retail development concept plan contained in Appendix 25 with a maximum size of 10m<sup>2</sup>.</i></p> <p><i>5.4.11.7 Signs attached to any building associated with any integrated retail development on the land subject to the retail development concept plan contained in Appendix 25. The content of such signs shall be directly related to activities undertaken within the building to which the sign is attached.</i></p> <p><i>5.4.11.8 Other signs. Maximum size 5.0 square metres, maximum total area of signs on one site 5.0 square metres. The content of such signs shall be directly related to activities undertaken on the site. (renumbering of previous rule 5.4.11.6)</i></p> <p>It is proposed to rewrite rule 5.4.11(a) to read:</p> <p><i>(a) not internally illuminated, and do not incorporate florescent or moving materials unless the sign is associated with any integrated retail development on the land subject to the retail development concept plan contained in Appendix 25, contains no moving material, and is located in excess of 10 metres from the Cambridge Road boundary of this land.</i></p>
Intent	The intent of this rule amendment is to make provision for 2 freestanding signs (along the Cambridge Road frontage) and other signs to be erected on buildings in association with prospective occupiers of the proposed retail development and for these signs to be internally illuminated and to incorporate fluorescent materials where located in excess of 10 metres from the road boundary of the subject properties.
Costs	If this amendment is not made, only one sign is permitted on the site and the maximum area of the sign would be 5m <sup>2</sup> . Resource consent for a discretionary activity would therefore be required to be made for every proposed sign over and above 1.
Benefits	Inclusion of the amendment would enable signs to establish in association with the proposed retail development as a permitted activity, subject to stated provisions.
Risks	There is little risk associated with providing for signage, particularly in relation to internal illumination and fluorescent materials as a 10 metre setback requirement is to be imposed. Any sign not complying with the provisions will require resource consent for a discretionary activity to be obtained.

### 6. Rule 5.5:

Proposed Change	<p>It is proposed to add a new rule to read:</p> <p><i>5.5.3 Establishment of any development on the land subject to the development concept plan attached as Appendix 25.</i></p>
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	<ol style="list-style-type: none"> <li>1. Any development shall comply with Rule 5.4 – Conditions for Permitted Activities.</li> <li>2. Non-Notification – Any application complying as a controlled activity need not be notified and notice of any such application will not be required to be served on any person.</li> <li>3. In assessing applications the Council will reserve control over and impose conditions in relation to the following matters:</li> <li>4. Traffic Safety and Road Improvement Works (with reference to the Traffic Impact Assessment submitted with the application documents for Plan Change 53) <ol style="list-style-type: none"> <li>(a) Landscaping (a landscaping plan prepared by a suitably qualified person with reference to the visual impact report prepared by Connell Wagner and the development concept plan attached as Appendix 25 shall be submitted with any application for land use consent for a controlled activity)</li> <li>(b) Noise</li> <li>(c) Glare and Lighting</li> <li>(d) On-Site Carparking, loading and vehicle manoeuvring</li> <li>(e) On-Site Signs</li> <li>(f) Stormwater Management (with reference to the Stormwater Assessment submitted with the application documents for Plan Change 53)</li> <li>(g) Soil Contamination Remediation / Mitigation (a soil contamination remediation / mitigation plan prepared by a suitably qualified person shall be submitted with any application for land use consent for a controlled activity)</li> <li>(h) Colour, location, design and siting of buildings with reference to the visual impact report prepared by Connell Wagner and the development concept plan attached as Appendix 25.</li> </ol> </li> </ol>
Intent	The intent of this rule is to incorporate provision into the General Zone rules for matters over which Council will exercise control and impose conditions in considering a controlled activity application for development on the subject properties. The rule also establishes a formal link to the specialist reports submitted with the plan change application.
Costs	If this amendment is not made, there would be no exercise of control in respect of a controlled activity application.
Benefits	Inclusion of the amendment enables guidance to be provided as to what issues Council is seeking to control in considering and assessing an application for resource consent.
Risks	There is no risk associated with the inclusion of this amendment as it is necessary to give effect to consideration of the proposed retail development as a controlled activity.

**Changes to Objectives, Policies, Explanations, Zone Statements:**

The following tables assess the intent, benefits / costs and risks of the proposed changes to the objectives, policies, explanations and zone statements.

**1. Explanation to Objective CO4:**

Proposed Change	It is proposed to change the explanation to Objective CO4 to read:
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	<p><i>The broad strategy for sustainable management of the town centres in the District is to consolidate visitor intensive activities (particularly retailing) in defined 'core' areas (Town Centres Zone) <del>surrounded</del> supported by mixed activity areas catering for the wide range of activities which benefit from a central location ('General Zone') in any urban community</i></p> <p><i><u>It is recognised that there may be circumstances (such as the lack of availability of suitably sized land parcels) where it is not possible for proposed large scale commercial developments to be located in areas surrounding the defined 'core areas'. Council may consider the extension of the General Zone to locations that do not surround the Town Centres Zone.</u></i></p>
Intent	The intent of this amendment is to acknowledge that there will be circumstances where large scale commercial developments which are not dependent on the Town Centre for their viability could take place in locations which do not surround the Town Centre Zone, provided that it is demonstrated that any adverse effects on the environment of the Town Centre concerned will be no more than minor.
Costs	If this amendment is not made, the intent of the policy could be taken to exclude land which does not adjoin the Town Centres Zone from being considered as suitable for large scale commercial developments. The granting of the plan change as proposed could therefore be taken to be in contrast to the objective as currently worded.
Benefits	If the amendment is made, it will serve to recognise that there may locations and / circumstances where large scale commercial development could be established independent of the Town Centres Zone. The intent of the objective would therefore be taken to ensure that any large scale commercial development (assessed on a case by case basis) does not result in more than minor adverse effects on the Town Centre concerned.
Risks	There is no risk associated with the inclusion of this amendment. The amendment serves to ensure that alternative options for the extension of the General Zone can be considered by Council on a case by case basis without being restricted by the policy framework of the District Plan.

## 2. New Objective CO5:

Proposed Change	<p>It is proposed to add a new Objective CO4A to read:</p> <p><i><u>To provide for commercial activities outside the town centre zone where there are social and economic benefits for the community and where it can be demonstrated that any adverse effects on the environment of the town centre concerned will be no more than minor</u></i></p> <p><i><u>Explanation:</u></i></p> <p><i><u>While visitor intensive activity is generally to be concentrated in the Town Centre Zone there may be circumstances where other areas may be able to be developed for commercial / mixed use activities without impacting on the role or function of the town centre concerned. Council may consider the establishment of visitor intensive activities in areas removed from the Town Centre Zone (or surrounding General Zone) where it is demonstrated that such activities will have no more than minor adverse effects on the town centre concerned.</u></i></p>
Intent	The intent of this new objective and its associated explanation is to acknowledge that there will be circumstances where commercial activities could take place in locations outside of the Town Centre Zone, provided that it is demonstrated that any adverse effects on the environment of the Town Centre concerned will be no more than minor.
Costs	If this addition is not made, the policy direction of the District Plan could be taken to exclude land which is not located in the Town Centres Zone from being considered as suitable for commercial activities. The granting of the plan change as proposed could

	therefore be taken to be inconsistent to the policy direction of the District Plan as currently worded.
Benefits	If the amendment is made, it will serve to acknowledge that there are locations independent of the Town Centres Zone where commercial activities could be established. The intent of the objective would therefore be taken to ensure that any commercial activities (assessed on a case by case basis) that are not located on land zoned Town Centre does not adversely affect the Town Centre concerned.
Risks	There is no risk associated with the inclusion of this new objective. The objective serves to ensure that alternative locations for commercial activities outside of the Town Centre Zone can be considered by Council on a case by case basis without being unnecessarily restricted by the policy framework of the District Plan.

### 3. Policy CO3:

Proposed Change	It is proposed to change the Policy CO3 to read:  <i>To require <b>encourage</b> the containment of visitor-intensive activities (particularly retailing) in defined 'core' areas (of the Town Centres Zone) of Te Awamutu and Cambridge</i>
Intent	The intent of this amendment is remove potential conflict with CO12 and new policy CO4A which enables large scale retail developments in the General Zone.  The rule framework of the district plan does not prohibit the establishment of retail activities outside of the Town Centre Zone. The change of the wording retains the central thrust of the commercial strategy while ensuring that alternative locations for retail activities can be considered without being restricted by the policy framework of the District Plan.
Costs	If this amendment is not made, the intent of the policy could be taken to exclude land which is not located in the Town Centres Zone from being considered as suitable for large scale commercial developments. The granting of the plan change as proposed could therefore be taken to be in contrast to the policy as currently worded.
Benefits	If the amendment is made, it will serve to acknowledge that there are locations independent of the Town Centres Zone where large scale commercial development could be established. The intent of the objective would therefore be taken to ensure that any large scale commercial development (assessed on a case by case basis) does not adversely affect the Town Centre concerned.
Risks	There is no risk associated with the inclusion of this amendment. The amendment serves to remove inconsistencies in the existing policy framework and to acknowledge that General Zone can be considered by Council as a location where alternative commercial development can take place.

### 4. Explanation to Policy CO3:

Proposed Change	It is proposed to change the last paragraph of the explanation to Policy CO3 to read:  <i>However <b>in the Mystery Creek Exhibition Centre Zone and the General Zone</b> commercial activities are <b>provided for as</b> an exception to the <b>general</b> requirement to contain visitor intensive activities in the defined core areas of Te Awamutu and Cambridge.</i>
Intent	The intent of this amendment is to acknowledge that provision is made in the policy and rule framework for large scale commercial activities to locate in the General Zone.
Costs	If this amendment is not made, the intent of the policy framework to provide for large scale commercial developments in the General Zone independent of the Town Centre

	Zone will not be acknowledged.
Benefits	If the amendment is made, it will serve to further acknowledge that large scale commercial developments are anticipated to occur in the General Zone where it can be demonstrated that the environment of the town centre concerned will not be adversely affected.
Risks	There is no risk associated with the inclusion of this amendment. The amendment serves to acknowledge the existing policy framework for the inclusion of large scale commercial developments in the General Zone.

#### 5. New Policy CO4A:

Proposed Change	<p>It is proposed to add a new Policy CO4A to read:</p> <p><u>To provide for commercial / mixed use activities in areas of the District which do not form or surround existing town centres, to an extent that it can be demonstrated that such activities will not undermine the role and function of the town centres, as contained within the Town Centre Zone and the General Zone areas surrounding the town centres of Cambridge and Te Awamutu</u></p> <p><u>Explanation:</u></p> <p><u>While commercial activities are generally to be concentrated in the Town Centre Zone or the surrounding general zone (policies CO3, CO12) there may be circumstances where other areas may be able to be developed for commercial / mixed use activities without impacting on the role or function of the town centre concerned. Council may consider the establishment of visitor intensive activities in areas removed from the Town Centre Zone (or surrounding General Zone) where it is demonstrated that such activities will have no more than minor adverse effects on the town centre concerned.</u></p>
Intent	The intent of this new policy and its associated explanation is to acknowledge that there may be circumstances where large scale commercial developments which are not dependent on the Town Centre for their viability could take place in locations which are not located within or surrounding the Town Centre Zone, provided that it is demonstrated any adverse effects on the environment of the Town Centre concerned will be no more than minor as a consequence of the development proposed.
Costs	If this amendment is not made, the intent of the current policy framework could be taken to exclude land which does not adjoin the Town Centres Zone from being considered as suitable for large scale commercial developments. The granting of the plan change as proposed could therefore be taken to be inconsistent to the policy as currently worded.
Benefits	If the amendment is made, it will serve to acknowledge that there are locations independent of the Town Centres Zone where large scale commercial development could be established. The intent of the objective would therefore be taken to ensure that any large scale commercial development (assessed on a case by case basis) does not adversely affect the Town Centre concerned.
Risks	There is no risk associated with the inclusion of this amendment. The amendment serves to ensure that large scale commercial developments could take place in locations which do not surround the Town Centres Zone provided that any adverse effects on the town centre concerned are no more than minor.

#### 6. Policy CO6:

Proposed Change	<p>It is proposed to change the Policy CO6 to read:</p> <p><u>To encourage energy efficiency by allowing intensive development in town centre areas and requiring encouraging concentration of visitor intensive activities, particularly</u></p>
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	<i>retailing.</i>
Intent	<p>The intent of this amendment is remove conflict with CO12 which seeks to permit large scale retail developments in the General Zone, and proposed Policy CO4A which seeks to enable sites which do not surround the Town Centre Zone to be considered as suitable for commercial activities..</p> <p>The rule framework of the district plan does not prohibit the establishment of retail activities outside of the Town Centre Zone. The change of the wording retains the central thrust of the commercial strategy while ensuring that alternative locations for retail activities can be considered without being restricted by the policy framework of the District Plan.</p>
Costs	If this amendment is not made, the intent of the policy could be taken to exclude land which is not located in the Town Centres Zone from being considered as suitable for large scale commercial developments. The granting of the plan change as proposed could therefore be taken to be in contrast to the policy as currently worded.
Benefits	If the amendment is made, it will serve to acknowledge that there are locations independent of the Town Centres Zone where large scale commercial development could be established. The intent of the objective would therefore be taken to ensure that any large scale commercial development (assessed on a case by case basis) does not result in any adverse effects the Town Centre concerned which could be deemed to be more than minor.
Risks	There is no risk associated with the inclusion of this amendment. The amendment serves to remove inconsistencies in the existing policy framework and to acknowledge that General Zone can be considered by Council as a location where alternative commercial development can take place.

## 7. Explanation to Policy CO7:

Proposed Change	<p>It is proposed to delete the first sentence of the fourth paragraph of the explanation to Policy CO7.</p> <p>The proposed sentence to be deleted reads:</p> <p><i>To some extent the Cambridge and Te Awamutu commercial centres are insulated from these trends – both towns are too small for sizeable alternative centres to be viable, and the distance to Hamilton provides some protection</i></p>
Intent	The intent of this deletion is to acknowledge that there is potential for alternative locations where commercial activities could take place independent of the town centre. The sentence does not explain the provisions of Policy CO7 and is out of date given the economic analysis that has undertaken for the proposed plan change. The retention of the sentence could result in inconsistencies with the other proposed amendments which seek to reinforce that there may be alternative locations to the town centre zone where commercial activities could establish without impacting on the town centre concerned.
Costs	If the deletion is not made, it would be inconsistent with the intent of the plan change and the remaining proposed amendments to the policy framework of the District Plan relating to commercial activities.
Benefits	If the deletion is made, assessment on a case by case basis of the potential impact on the town centres of proposed commercial activities can be made and provided for, without unnecessary restriction by statements which are out of date and in conflict with current economic assessments.
Risks	There is no risk associated with the deletion of this amendment. The sentence as currently written does not have any relevance to the provisions of Policy CO7 as currently written.

8. Zone Statement – General Zone (Rules Section):

Proposed Change	<p>To amend the first paragraph of the General Zone – Zone Statement (amendment underlined) to read:</p> <p><i>The General Zone covers extensive areas surrounding the primarily retail 'core' of Te Awamutu and Cambridge; areas in Kihikihi, Leamington and Bruntwood. These areas contain a mixture of land uses of mainly residential, commercial and light industrial character. <u>The zone also covers the ex-timber yard site on Cambridge Road in Te Awamutu.</u></i></p> <p>To amend the second paragraph of the General Zone – Zone Statement (amendment underlined) to read:</p> <p><i>Previous zonings attempted to allocate areas within the large <u>historical areas</u> now zoned 'General' according to land use classifications. The emphasis of this plan is on controlling the effects of various activities undertaken through performance standards, rather than making assumptions about effects on the basis of what can be rather artificial distinctions between types of land use. A wider range of activities is now permitted in the <u>historical areas</u> zoned 'General', but standards relating to buildings and operations likely to give rise to adverse effects are generally higher and more comprehensive.</i></p> <p>To amend the fourth paragraph of the General Zone – Zone Statement (amendment underlined) to Read:</p> <p><i>The broad strategy for commercial activities is to concentrate visitor intensive activities, particularly retailing, in defined central areas (the 'town centres' zone) and discouraging the spread of visitor intensive activities into the surrounding general and residential zones. <u>There may however be circumstances where Council could consider the establishment of commercial activities away from defined central areas where it is demonstrated that any adverse effects of such activities on the environment of the town centre concerned and/or surrounding land use activities will be no more than minor.</u></i></p> <p>To amend the fifth paragraph of the General Zone – Zone Statement (amendment underlined) to read:</p> <p><i>The Rules recognise that there is a wide range of existing activities within the <u>historical areas</u> now zoned General and consequently the performance standards required of new developments and activities reflect the sensitivity of existing activities <u>which surround the General Zone.</u></i></p>
Intent	<p>The intent of these amendments is to acknowledge that the general zone will also extend into the subject properties which do not surround the town centre, and that the policy framework anticipates that commercial activities can locate in areas which are not zoned town centre provided that it is demonstrated that there will be no adverse effects on the town centre concerned.</p> <p>The amendments also explain that to an extent the current coverage of the General Zone is a consequence of the pattern of historic land use activities.</p>
Costs	<p>If these amendments are not made, the zone statement would not specifically acknowledge</p>

	the subject properties as being located in the General Zone and the amended policy framework as proposed would not be reflected in the zone statement itself.
Benefits	If these amendments are made, it will serve to specifically identify that the subject properties are in the General Zone and that the zone statement is consistent with the amended policy framework as proposed.
Risks	There is no risk associated with the inclusion of this amendment. The amendment serves to ensure consistency between the zone statement and the amended policy framework as proposed.

#### 9. Zone Statement – Town Centre Zone (Rules Section):

Proposed Change	To amend the second paragraph of the Town Centres Zone – Zone Statement (amendment underlined) to read:  <i>As outlined in Section 5 of Part 1 of this Plan, the broad strategy for these activities (traditionally classified as 'commercial') is to <u>encourage the concentration visitor intensive activities, particularly retailing, in defined central areas. There may however be circumstances where Council could consider the establishment of commercial activities away from defined central areas where it is demonstrated that any adverse effects of such activities on the environment of the town centre concerned and/or surrounding land use activities will be no more than minor.</u></i>
Intent	The intent of these amendments is to acknowledge that the amended policy framework as proposed anticipates that commercial activities can locate in areas which are not zoned town centre provided that it is demonstrated that any adverse effects on the town centre concerned or surrounding land use activities to the site to contain commercial activities will be no more than minor.
Costs	If these amendments are not made, the zone statement would not specifically acknowledge amended policy framework as proposed.
Benefits	If these amendments are made, it will serve to specifically identify that the zone statement is consistent with the amended policy framework as proposed.
Risks	There is no risk associated with the inclusion of this amendment. The amendment serves to ensure consistency between the zone statement and the amended policy framework as proposed.

#### Reasons:

The above assessments identify that the additions and amendments to the existing rules of the General Zone are necessary to provide certainty as to the ability to develop the subject properties for commercial purposes and the objectives and policies to be considered by Council in assessing any such application that may be lodged.

The proposed amendments to the existing objectives and policies (and their explanations) and the zone statements of the Waipa District Plan relating to commercial activities, is necessary to ensure that the current policy framework does not serve to unnecessarily restrict the extension of the General Zone to the subject property even though it has been demonstrated that:

- Any adverse effects on the existing Town Centre of Te Awamutu through the establishment of the proposed integrated development will be no more than minor; and

- Potential adverse effects on adjoining residential and rural areas and on the roading network can be avoided, remedied through the imposition of conditions imposed on any consent granted for the proposed development.

*Options:*

Other options which were considered for implementing the proposed development were:

- Application for resource consent for a non-complying activity; and
- Application to create a new commercial zone specific to the subject land.

These options were discounted for the following reasons:

- As an application for a non-complying activity, the development could be said to be contrary to the objectives and policies of the District Plan relating to Commercial Activities. If this conclusion was arrived at the application could be declined on the basis
  - that public confidence in the consistent administration of the District Plan would be undermined; and
  - that if consent was granted a proliferation in similar applications for commercial use of rural / residential zoned land could occur.

There would be significant risk and time delay in making an application for resource consent on this basis.

- The creation of an entirely new zone specific to the proposed integrated retail development could be said to be contrary to the policy framework for commercial activities set out in the District Plan. The development of a new zone, in this respect would suit no particular purpose as:
  - The current framework of the District Plan anticipates that large scale commercial developments can take place on General Zone land
  - The development of new objectives and policies for a spot zone would be based on and essentially mirror those currently set out for the General Zone. Duplication of existing rules, objectives and policies would suit no particular purpose in this instance.
  - The General Zone rules, objectives and policies are designed to enable consideration of the type of development that is proposed to occur. The proposed amendments to the rules makes sure that the integrated retail development as proposed is specifically anticipated and provided for by the General Zone, zone statement.

- The addition / amendment to the objectives and policies that is proposed ensures that the exiting intent of the commercial strategy is retained, while making specific provision to enable consideration of the extension of the General Zone to locations which do not adjoin the Town Centre Zone where it can be demonstrated that any adverse effects on the town centre concerned resulting from any proposed development will be no more than minor.

The proposed extension of the General Zone to apply to the subject properties is considered to be the most efficient and effective way of making express provision for the proposed integrated retail development without undermining the central policy thrust of the District Plan as it relates to commercial activities.