

Before Independent Hearing Commissioners in Hamilton

In the Matter of of the Resource Management Act 1991

and

In the Matter of **Proposed Private Plan Change 20 – Airport Northern Precinct Extension**

Application By **Titainium Park Limited and Rukuhia Properties Limited**

Statement of Evidence of

Bruce Cuff

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Qualifications and Experience

1. My name is Bruce Cuff and I am son of, and representing, Joan and Robin Cuff who own 3347 Ohaupo Road; Lots 1 and 2 DP 42611. Joan and Robin are the neighbours of Murray and Lynn McDowell who own 3323 Ohaupo Rd; Lots 1 and 2 DP 448964 and Lot 2 DP 406846 which totals around 11.2 Ha of land zoned Rukuhia Neighbourhood Zone.
2. Incidentally, I am a Chartered Civil Engineer principally involved within the Land Development sector however over my 30 year career I have had a vast amount of experience in many areas of Civil Engineering and Construction Management. I project manage the development of several residential subdivisions in the Bay of Plenty which includes ensuring the development occurs in an orderly, sequential and planned manner that meets the various resource consents from both district and regional councils. I am involved in discussions with Council's and other stakeholders regarding the infrastructure delivery, capacity uptake of that infrastructure and ensuring the environmental outcomes are sustainable and efficient in terms of planned urban growth as well as environmental outcomes. I therefore have a good understanding of urban growth planning and development.
3. Joan and Robin have not kept abreast of Planning Developments for Rukuhia Neighbourhood Zone nor Plan Change 20 so unfortunately have not had opportunity or spare time to work though the many aspects of this Application which has also been fluid with significant quantities of updated reports and statements released in recent weeks. This evidence statement therefore is a best endeavour to ask appropriate questions to ensure the Rukuhia Neighbourhood Zone plans are brought in line with opportunities PC 20 bring, and are not adversely affected, by this.

Code of Conduct

4. I have read the Code of Conduct for Expert Witnesses issued by the Environment Court in 2014. I confirm that my evidence is in accordance with the Code of Conduct and my duties and obligations as a professional witness. With specific regard to my evidence, the matters which I address are within my

area of expertise and I have not omitted any material facts that might alter or detract from the professional opinions that I express.

Scope of evidence

5. I have kept my evidence brief and focused on the issues specifically relevant to the Plan Change.

6. The specific topics areas that I will discuss are:
 - Executive Summary
 - Background
 - Key Concerns Around AEE Submission
 - Potential Adverse Effects
 - Infrastructure Assessment
 - Visual Assessment
 - Transportation
 - Pedestrian and Cycle Connectivity
 - Stormwater
 - Consultation Process

Executive Summary

7. The following is a summary of the key matters that are of concern to us.
 - Rukuhia Neighbourhood Zone (RNZ) should have future infrastructure capacity accommodated for by PC 20 with allowance for wastewater, water, power and communications to extend to RNZ. The development timeframe for RNZ would ideally be brought forward but not including such provision in PC 20 would result in major inefficiencies resulting from a lack of integrated growth planning.
 - RNZ is in close proximity to the PC 20 land and its servicing will enable “work, live, play” environment and this should be considered by Council and the Applicant and their planning. Infrastructure servicing would allow greater density development in line with Central Government policy and as suited for its location in proximity to Hamilton City and PC20 Industrial areas.
 - I am concerned with the absence of consideration of the RNZ within Landscape Visual Assessment. We believe there may be adverse effects to the RNZ due PC20 which amplified by height differential of sites, removal of hills through large scale earthworks currently buffering view shafts to airport and other matters which require due consideration.

- I believe that there was a lack of specific consultation given RNZ land already zoned for development as a Neighbourhood Zone. There needs to be consideration as to how development resulting from PC20 will affect the RNZ and property values and development potential are mitigated or otherwise addressed.
- I believe there was a lack of transparency during the limited verbal consultation on PC20 and infrastructure capacity by acknowledging WDC share holding. We believe WDC have obligation to service existing zoned Neighbourhood land as priority before rezoning adjoining land that will affect their ability to service PC 20 particularly if infrastructure is of limited capacity.
- I have specific concerns around the 'high-level' nature of the Stormwater Assessment for this Application. I have concerns the design will prove non-functional and may have adverse effects on downstream properties during large storm events. Given the future development of surrounding areas (Waka Kotahi, Neighbourhood Zone) we believe a Comprehensive SW Consent dealing with entire catchment is necessary prior to any development (including large scale earthworks) associated with PC20 commencing.
- I have concerns around the Road connection design at Raynes Rd, the triggers and timing of works, and the effect this will have on local residents, recreational amenity and public safety.
- There is significant commentary in the PC20 documents around pedestrian and cycle connection to the Peacocke development but no mention around the existing Rukuhia Neighbourhood Zone. Planning should include both.

Background

- Rukuhia Neighbourhood Zone (RNZ) is located in close proximity to Northern Precinct expansion. The portion of RNZ directly affected by PC20 is the area to the East of Ohaupo Rd which currently consists of life style blocks with limited agricultural output zoned for low density residential housing. The submission by two of the Rukuhia Neighbourhood Landowners (Cuff/McDowell) was completed due to perceived adverse effects caused by PC20.
- The Submitters acknowledge endeavours for consultation made, but this was affected by COVID lockdowns and subsequently the full consultation time period and process was not considered adequate.
- In addition to the perceived adverse effects, we also believe the proposed PC20 does not provide adequate consideration of, nor integration with the Neighbourhood Zone in its planning.
- The Rukuhia Neighbourhood submission made on PC20, -used the Forms provided and every endeavour was made to keep Submission succinct and brief. The Summary of Discussions Document (by Submitter) appeared to summarise key concerns made in Submission however no further contact by PC20 Applicant or Council's reporting planner was made with Submitters to seek any further clarity on Submission Points prior to Applicants re-submission/response. Some concerns appeared to be ignored and others we believe were inadequately addressed.
- Furthermore it is important to note that prior to PC20 submissions closing, but before Applicants Submission made, an attempt to consult with Greenstone Group was made regarding their plans for Infrastructure

servicing of the proposed Development. Greenstone Group advised that contact should be made with Council for this information as the Development was solely focussed on servicing its land. Discussions with Council did not reveal that Council maintained a stake holding in Titanium Properties and the verbal advice provided was that we should seek Titanium Properties Plan Change to include the Neighbourhood Centre. Whilst probably technically correct advice, it was naïve in that it was not in Titanium Properties interest to consider land outside theirs. However this appears to be inconsistent with the Southern Growth Corridor Strategic Land Use and Infrastructure Plan prepared by Future Proof in 2015 and also the appended Head of Agreement.

Key Concerns Around AEE/Submission

The Rukuhia Neighbourhood Submission has limited resource available in preparing this submission. We have not called on a raft of “experts” to write reports or to aid our submission however we have the following concerns around the current submission (expanded upon in subsequent sub-sections);

(Potential) Adverse Effects

- Infrastructure.
- Visual
- Transportation –
- Pedestrian Connectivity
- Urban Design
- Stormwater

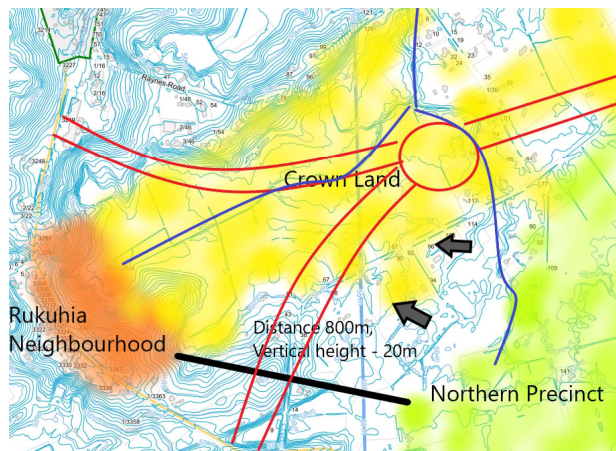
Infrastructure Assessment

- Initial contact made during consultation period sought to gain clarity from Applicant, then WDC, on provision for Infrastructure and capacity allocation for RNZ
- Under RMA it is understood provision must be made to accommodate network capacity for upstream zoned properties when undertaking Infrastructure design
- Discussion on connection of infrastructure to wider network made but excludes RNZ from comment
- Infrastructure capacity allocation in Applicants design should extend to existing zoned land, and consideration of increased yields this will facilitate should also be made as part of due Planning in accordance with National directives and Heads of Agreement for Southern Corridor Growth
- There appears to be various wastewater options being considered. We understand one is to use a modular wastewater treatment plant however we understand these would be unable to provide treatment for industrial waste. The extension of waste water collection system to be discharged to a WDC or HCC led WWTP would appear more viable and enable wider catchment to be serviced.
- It is understood all remaining capacity for water supply system would be allocated to Nth Precinct as part of PC 20. RNZ believe WDC should

reserve allocation for RNZ land to enable better use of land and better housing supply.

Visual Assessment

- The Visual Assessment does not refer to RNZ in its assessment and whilst this concern was raised in our Submission, little effort appears to be made to respond to this concern by Applicant. The Visual Assessment only considers immediate properties and considers these of exiting rural amenity so of little “effect”.
- The RNZ is, if excluding Waka Kotahi land, effectively a direct neighbour (see snippet) and the proposed development has the potential to devalue the RNZ land by affecting current rural outlook.



- The Neighbourhood Zone land is elevated (69m versus 49m of Northern Precinct) meaning the Neighbourhood Zone could look down on the proposed development exacerbating visual effect, the increased traffic, light pollution and have a greater sensitivity to noise generation.
- PC 20 will likely speed up timing of Waka Kotahi’s State Highway 3 which has an indirect effect on Neighbourhood Centre, another consideration which may have validity on effect on Neighbourhood Zone.
- The extent of future growth cell and whether incorporated into PC20, and its effect , remain unclear, so how is this assessed
- Land allocated for Buffers also appears to also be allocated for SW Detention ponds.
- Removal of hills may mean RNZ will have an increased sight line to airport activities and noise/light generation from Airport Activities

Transportation

- I have concerns around how PC 20 land will connect and feed into Raynes Rd/Narrows Rd,, and the effect this will have on immediate neighbourhood. We believe a “left out and no right” intersection design (Drawings unable to be located) to prohibit vehicles from using Narrows and Raynes Rd when exiting PC 20 land is unrealistic and we agreed with

comments by Vinish Prakash on its practicality. Comments by Nick Grala that “one must assume motorists will drive by the law” appears naïve when considering motorists will willingly drive an extra 15km/day (if travelling via SH3 to Hamilton). This would cost average motorist an extra \$40/wk and 20 min travel time, hereby determining driver behavior. Also local residents would be affected if access constrained.

- Raynes and Narrows Rd are used for recreational purposes by local residents for exercise as State Highway 3 is unsuitable/dangerous. The development would further reduce the ability for residents to exercise locally and would increase hazard for locals and motorists alike on these existing low volume, poorly designed roads
- I note that the increased transport caused by PC20 will bring forward the timing of Waka Kotahi’s Motorway Upgrade due to demand triggers. This will adversely affect land surrounding it with rural views affected and it will be of detriment to RNZ.
- Conversely, Waka Kotahi’s Motorway Upgrade will also enable eastern side of RNZ to be developed sooner as it will reduce traffic flows on Ohaupo Rd enabling better road connection. Ideally this would be triggered much sooner.

Pedestrian and Cycle Connectivity

- I note that there is significant mention of pedestrian and cycle connection consideration to Peacocke Development but no mention to RNZ. We believe this should be considered as part of PC 20 and outcomes demonstrated

Stormwater

- Historically low-lying areas around Rukuhia have tendency to pond SW due to high water tables and poor drainage. The presence of isolated stands of Kahikatea (Swamp Kauri) are indicative of the pre-colonial ecosystem. Isolated flooding of low-lying areas located between Neighbourhood Zone, proposed Northern Precinct and Waka Kotahi Links Rooding has been witnessed by RPZ.
- The Precinct’s site is of unproven stormwater discharge potential. A quick review of plans notes;
 1. two hills could crudely generate 400,000m³ cut for blending and formation of building platforms. It is understood from Geotech that this material is predominately ash and clays and not suitable for soakage. The areas located immediately below these cuts are also likely unsuitable for soakage.
 2. Geotech considerations may require some re-compaction of upper soil layers which would also affect soakage potential
- Soakage systems are difficult to maintain and are prone to clogging. This could lead to system failure and inundation of downstream properties.
- SW detention system will naturally pond water and attract bird life to detriment of airport activities and ecological factors. Given this

environment it seems more appropriate to allow excess surface water to egress site and make use of adjoining low lying peat areas for disposal

- Detention basins may prove land hungry for Precinct and better option may be to allow water to discharge via Nukuhau Stream but have culverts for Nukuhau Stream under new Motorway sized to choke flow to river. This would allow low-lying areas in this vicinity to buffer flow peaks. Such land is already owned by crown and would safe-guard effects of all development form untested SW disposal theorems whilst providing some ecological restoration, bat habitat, valued reserve space for community. *Presumably Waka Kotahi will have to also deal with their SW treatment, attenuation and disposal too. Such a scheme could also accommodate events greater than the 1:100 year which when comparing design rainfall via HIRDS with recent Cyclone Gabrielle event – seem to indicate HIRDS may not be conservative enough*
- RITS design guides notes that for catchments in excess of 8Ha Regional Council must be consulted with regards design. Should this be part of Application to ensure viability as they will likely require more stringent assessment for Consenting.

Consultation Process

- Prior to Plan Change 20 becoming notified contact was made with Titanium Properties and queries were made around the proposal¹. At the time we were notified by Greenstone Group that further information would only be made available at the time Submissions called for. Notes on the Waipa District Council website note that under the RMA the Plan Change submissions can only relate to the proposal and can not look to extend the Plan Change area – but this wasn't explained in earlier consultation with Greenstone Group. We believe the consultation process should have allowed Neighborhood zoned properties who have an outlook to the Industrial Zone to actually review plans as part of an preliminary consultation. As this did not occur the consultative process is limited with legislative process noted.
- Contact was also made with Waipa District Council on this matter. We queried infrastructure proposed for the Industrial Sector however very little information was provided but a verbal comment was made that there was an existing development plan for the Neighborhood Centre which only allowed Residential Lots of 4000 m2 area due to lack of infrastructure availability. This Plan was prepared back in 2015. Infrastructure linkage to Rukuhia Neighbourhood from Nth Precinct queried but was advised that this infrastructure was private and a request to piggy back Plan Change best approach. This was unachievable as Nth Precinct were

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- ¹ Email to Nth Precinct (20/4). Query on Noise, Visual, Motorway and Infrastructure. Response (Ben Ingle (Monocle – 27/4) noted that detailed information provided with Plan Change Application. It was recommended that Infrastructure queries be placed with WDC.
 - Phone Call (WDC) approx. 1/5. WDC did not note conflict of interest and noted that Nth Precinct yet to
 - Email WDC (23/8) . Query on submission dates. Response (Leah Newman) (30/8) that PC 20 accepted for processing 23/8 and yet to be notified

unwilling to share any specific information as they noted this was Council's role. We were not advised Council was shareholder at this time

- The Plan Change process is stacked in favour of Applicant or those with financial clout to engage consultants and external experts to support contesting the Plan Change. The time allocated for private individuals to review, and respond to update information, by way of reference to solely a web page for uploads, is neither fair or consultative.

Conclusion

The Southern Growth Corridor Strategic Land Use and Infrastructure Plan 2015 identified Rukuhia as a growth area with no challenges but identified servicing as a constraint unless opportunities arose from nearby developments or infrastructure upgrades. Rukuhia was identified as one of 6 growth areas within the Southern Growth Corridor Area and the report highlighted that infrastructure opportunities should be considered if adjacent development was to occur. This opportunity appears to have been totally overlooked by Plan Change 20 and has failed to take a 'one network approach' adopted by the Southern Growth Corridor Heads of Agreement appended to that report.

Ideally, on behalf of my parents and other third parties who may benefit from a more integrated planning approach, it is proposed that Council pauses consideration of this Plan Change until a closer look at the servicing of wider growth area has been completed, particularly with respect to the provision of urban infrastructure and road connectivity to Rukuhia.

Bruce Cuff

CPEng

7 March 2023

Extract From Southern Growth Corridor HOA

Appendix 1: Southern Growth Corridor

