

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Proposed Plan Change 11 to the
Waipa District Plan – Bardowie Industrial
Precinct

STATEMENT OF EVIDENCE OF MARK CHRISP

19 NOVEMBER 2018

INTRODUCTION

1. My full name is Mark Bulpitt Chrisp. I am a Director and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016). I am currently serving as the Chairman of the Board of Mitchell Daysh Ltd.
2. In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners.
3. I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 28 years' experience as a Resource Management Planning Consultant.
4. I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.
5. I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.
6. I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry (most recently as the Expert Planning Witness for the Hawke's Bay Regional Investment Company Ltd's proposed Ruataniwha Water Storage Scheme).

7. I have extensive experience dealing with projects within the Waipa District. Examples include:

- St Kilda Residential Development
- World Rowing Championships 2010
- Karapiro Domain Developments - Rob Waddell Lodge, Don Rowlands Centre, Rowing New Zealand High Performance Centre, Canoe Racing New Zealand High Performance Training Centre and Community Facility
- Fonterra Hautapu and Te Awamutu Re-consenting
- Countdown Cambridge
- Cambridge Medical Centre
- Mobil Cambridge and Karapiro
- Function Venues - Narrows Landing, The Olde Creamery, Lily Pad, Locavore, The Boatshed, Coopers (at Mystery Creek Wines) and Henley Hotel (formerly Sania Park)
- State Highway 1 Cambridge Bypass (now referred to as the Cambridge Section of the Waikato Expressway)
- Hingakaka Battle Site Iwi Management Plan
- Takapoto Estate Showjumping Event
- Waipa District Growth Cells (C1, C2/C3, and C4)
- Private Plan Change 11 – Bardowie Industrial Precinct

Purpose and Scope of Evidence

8. I have been engaged by Bardowie Investments Ltd (“BIL”) to present planning evidence in relation to Plan Change 11 to the Waipa District Plan (“PC11”) seeking to establish the Bardowie Industrial Precinct.

9. The purpose of my evidence is to outline the process followed to develop PC11 (including consultation and engagement) and to discuss the key issues that have arisen and how they have been addressed. Specific issues discussed in my evidence are:
- Plan Change 5 - C8 Growth Cell (now the C10 Growth Cell)
 - The starting point for the assessment of PC11
 - RPS – Land Release
 - Campus Hub
 - Transportation / Access Issues
 - Iwi / Hapu Engagement
 - Section 42A Report
 - The submissions by the Henmar Trust
10. Ms Fowler will present further planning evidence focusing on the detail of the planning provisions in PC11 and how the proposal fits within the wider policy and planning framework.

Code of Conduct

11. I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code in the same way as I would do so when giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

THE PROCESS TO DEVELOP PC11

12. Following advice I provided in mid-April 2018, I was engaged by BIL in May 2018 as the Lead Consultant responsible for the preparation and advancement of a Private Plan Change to the Waipa District Plan

to rezone the land being purchased by BIL from Fonterra Ltd (Fonterra) for industrial purposes.

13. Given that we started the process in May 2018 and wanted a decision before Christmas 2018, it was recognised that the timeframes associated with the preparation and advancement of a Private Plan Change would be tight and need to be carefully managed. Early engagement was undertaken with senior Waipa District Council personnel. This included scoping the issues that would be investigated and addressed, and ensuring that Council was sufficiently resourced to be able to process a Private Plan Change in an efficient and timely manner.
14. Matt Smith (BIL's Project Manager) and I assembled a project team of appropriately qualified and experienced experts as follows:
 - McCaffrey Engineering Consultants Ltd – Engineering
 - BCD Group – Geotechnical
 - Contaminated Site Investigation Ltd – Preliminary Site Investigation
 - Harrison Grierson Ltd – 3 Waters
 - Beca - Hydrogeology
 - Gray Matter Ltd – Traffic Engineering
 - Clough & Associates Ltd – Archaeology
 - Line & Design Ltd – Landscape Design
 - Jasmax – Architecture and Landscape and Visual Amenity Assessment of Proposed Changes to the Building Height Setbacks
15. As soon as the Sale and Purchase Agreement between Fonterra and BIL was signed (i.e. the next working day) consultation was initiated

with Ngāti Koroki Kahakura, Ngāti Haua and Waikato-Tainui (discussed in more detail later in my evidence).

16. As part of the preparation of PC11, consultation was undertaken with Future Proof, Waikato Regional Council, New Zealand Transport Agency, KiwiRail, Fonterra, Shoof International Ltd, Henmar Trust, and the businesses on the opposite side of Victoria Road. Consultation was also undertaken (by way of a mail drop) with surrounding land owners further afield on Swayne Road, Zig Zag Road, and Victoria Road. The extent of the consultation undertaken, and the results of that consultation, is documented in a report presented as Appendix G of PC11.
17. PC11 was lodged with Waipa District Council at the end of July 2018 and has since proceeded through the submission and further submission process leading up to this hearing. A total of 23 submissions and 7 further submissions were received.
18. Since the close of the submission period (and the further submission period), we have been in contact with all submitters that raised concerns in relation to PC11. This has involved correspondence, phone conversations and/or face to face meetings. As a result of that process, we have managed to resolve all of the issues of concern raised in the various submissions apart from one – Henmar Trust (discussed later in my evidence).

PLAN CHANGE 5

19. An important piece of background information (relevant at the time this project was commenced) was the fact that the Bardowie Farm (including the land being purchased by BIL) was located within the C8 Industrial Growth Cell in the operative Waipa District Plan and also formed part of a Strategic Industrial Node in the Waikato Regional Policy Statement.
20. A key issue that was identified early in the project was the potential effect of Plan Change 5 to the Waipa District Plan (PC5). PC5 was

publicly notified on 9 November 2017. It included a proposed reduction in the size of the C8 Growth Industrial Cell to only the part of the growth cell that was zone Deferred Industrial Zone (amounting to 30ha of land) which was then renamed as the C10 Industrial Growth Cell. By the time we had commenced the preparation of PC11, both the submission and further submission period in relation to PC5 had closed. No submission had sought the retention of the full extent of the original C8 (now C10) Industrial Growth Cell, which raised somewhat of a jurisdictional issue in terms of being able to preserve the planning status quo.

21. To address this issue, I requested Council formally withdraw the part of PC5 that was seeking to reduce the extent of the C8 (now C10) Industrial Growth Cell. This has now occurred as part of the recent release of Council's decisions on PC5 (only a week ago). The following shows the relevant part of the plan in PC5 with the C10 Industrial Growth Cell fully reinstated.

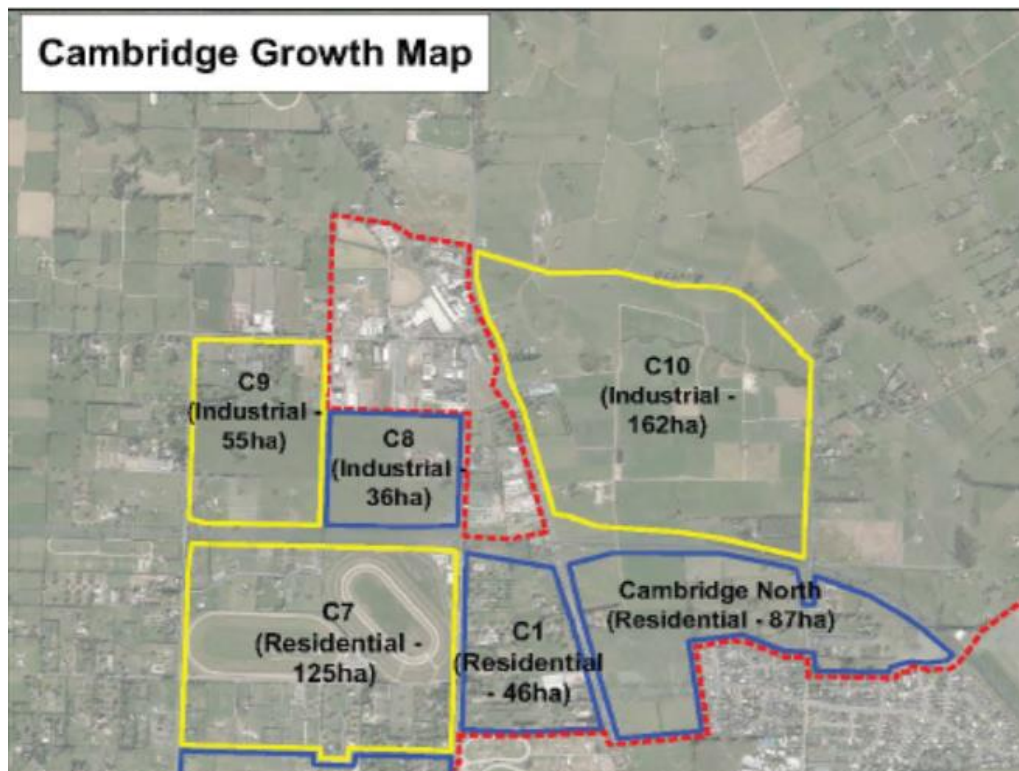


Figure 1: Plan in the Decisions Version of PC5 showing the C10 Industrial Growth Cell

22. To ensure that Council had jurisdiction to achieve this outcome (in the event that, for whatever reason, the partial withdrawal of PC5 did not occur), PC11 specifically included a proposal to reinstate the full extent of the C8 (now C10) Industrial Growth Cell. The latter is no longer required on the basis of the matter being satisfactorily resolved as part of PC5.

THE STARTING POINT FOR THE ASSESSMENT OF PC11

23. Based on the above, the starting point for the assessment of PC11 is as follows:
- The entire block bounded by the Waikato Expressway, Victoria / Laurent Roads, Zig Zag Road, and Swayne Road is identified as the C10 Industrial Growth Cell in the operative Waipa District Plan (a matter that is beyond appeal).
 - The C10 Industrial Growth Cell is part of the Hautapu Strategic Industrial Node in the operative Waikato Regional Policy Statement (RPS).
 - Within the C10 Industrial Growth Cell, and forming part of the land that is the subject of PC11, 30 hectares of land is currently zoned Deferred Industrial Zone (identified as a “Structure Plan Area” in Figure 2 below). This is important in relation to the submission by the Henmar Trust (discussed later in my evidence) on the basis that the Deferred Industrial Zone can become an Industrial Zone as a result of a Structure Plan and a Development Agreement being approved / entered into by Council without the input of any third parties. In those circumstances, the standard Industrial Zone rules and performance standards would apply without the more stringent planning provisions that form part of PC11 including the Urban Design and Landscape Guidelines.
 - The balance of the land that is the subject of PC11 (to the east of the “Structure Plan Area” shown on Figure 2 below) is zoned Rural Zone (26.5 hectares).

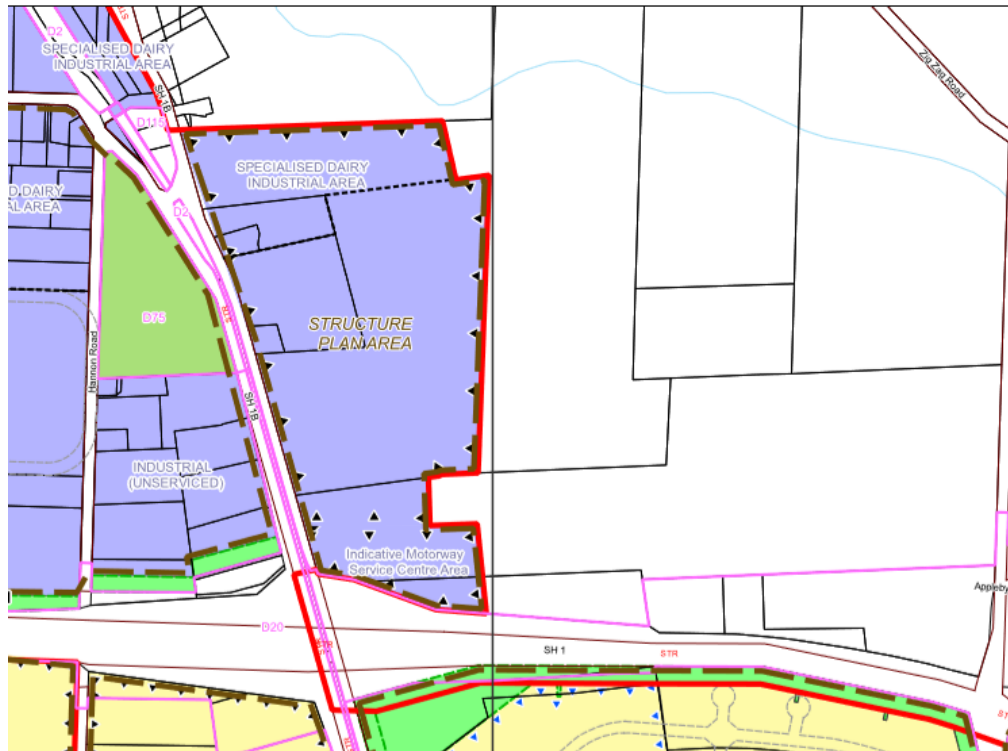


Figure 2: Part of Planning Map 24 in the Waipa District Plan

24. Based on the planning regime set out above, when assessing PC11 Council needs to carefully consider the nature of the interface between the proposed Bardowie Industrial Precinct and the balance of the C10 Industrial Growth Cell and, as a result, what is the nature of appropriate planning provisions relating to that interface. In my opinion, in light of the planning regime set out above, the correct approach is to recognise the fact that the 'rural' nature of the balance of the C10 Industrial Growth Cell is only a temporary phenomenon and the nature of industrial development within the proposed Bardowie Industrial Precinct should not be limited or compromised as a result of that temporary situation. That is particularly the case in light of the fact that the submissions by the Henmar Trust and Fonterra (being the owners of the vast majority of the balance of the C10 Industrial Growth Cell) are supportive of the C10 Industrial Growth Cell being able to be zoned and ultimately developed for industrial purposes.

RPS – Land Release

25. One of the issues raised in submissions (by Future Proof, Waikato Regional Council and Hamilton City Council) in relation to the proposed Bardowie Industrial Precinct was the degree of consistency with the 'land release' provisions in the RPS relating to the supply of industrial land. As a result of various meetings and correspondence (including further analysis of the proposal in relation to the 'alternative land release' provisions in the RPS – discussed in more detail in the evidence of Ms Fowler), these three submitters have confirmed that they are satisfied that PC11 is in accordance with the requirements of the RPS relating to the land release provisions.

Campus Hub

26. The issue that was most commonly raised in submissions was the size of the proposed Campus Hub and the nature and extent of activities that could occur within it. When we lodged PC11, we recognised that the Campus Hub was an aspect of the proposed Bardowie Industrial Precinct that would require some further refinement. The Campus Hub has been reduced to an area of 5.5 hectares in the western part of Node 2 along the Victoria / Laurent Road frontage. A number of changes have also been made to the rules relating to activities within the Campus Hub (the details of which will be discussed in the evidence of Ms Fowler). The upshot is that we have now resolved all the issues of concern raised in the submissions about the Campus Hub (with the possible exception being the Henmar Trust). Furthermore, I understand the Cambridge Chamber of Commerce and the Cambridge Community Board are now fully supportive of PC11 including the provisions relating to the Campus Hub.
27. The Campus Hub is a fairly unique aspect of the proposed Bardowie Industrial Precinct (compared to other more traditional industrial areas). In line with the vision and philosophy set out in the evidence of Mr Vincent, the Campus Hub allows for the establishment of a range of activities that will support the health and welfare of people working within the Bardowie Industrial Precinct and the wider Hautapu

Industrial Area. This includes a wellness centre, a childcare facility, a café, and a tavern.

28. Another aspect of the Campus Hub is the ability to develop a motel and a conference centre. In addition to serving the needs of APL, the development of a high-end motel will fill a gap in the Cambridge market. Having a conference centre will also fill a gap in the Cambridge market that could not be realistically developed within the Cambridge CBD (due to the lack of available land). As discussed in the evidence of Mr Copeland, the development of these types of facilities will have a significant positive economic effect on the local Cambridge economy.

Transportation / Access Issues

29. Alasdair Gray will address the transportation and access arrangements relating to the Bardowie Industrial Precinct in his evidence.
30. I have been liaising with KiwiRail in relation to securing approval for the southern intersection crossing the designated railway corridor that runs between Victoria and Laurent Roads. We have now reached a point whereby the key aspects of a Licence to occupy the railway corridor have been agreed with KiwiRail (and approved by Waipa District Council who will be the Licensee). As a result, we do not expect there to be any problem concluding the Licence agreement (which will include KiwiRail's approval under s.176 of the RMA).

Iwi / Hapu Engagement

31. As noted above, early engagement with tangata whenua was priority action in relation to the development of PC11. This has involved correspondence, a number of meetings, a karakia prior to the commencement of earthworks and cultural monitoring of the earthworks stripping stage of the development (alongside supervision by an Archaeologist).

32. We are currently negotiating the terms of a Memorandum of Understanding which documents the agreed nature of the ongoing relationship between BIL, Ngāti Koroki Kahakura and Ngāti Haua.
33. Meetings and discussions have been held with representatives of Waikato-Tainui. The most recent discussions have confirmed that Waikato-Tainui will “go with the flow” in relation to the position reached with Ngāti Koroki Kahakura and Ngāti Haua.
34. It is my understanding that we have satisfactorily addressed all of the issues raised in the submission by Ngāti Koroki Kahakura (and the further submission by Waikato-Tainui) that appropriately relate to PC11.

Section 42A Report

35. In response to matters raised in the submissions, the section 42A report recommended a number of changes to the planning provisions in PC11. We have since met (twice) with Todd Whittaker and Wayne Allan to discuss and further edit the changes to the planning provisions. Ms Fowler will discuss the changes that have been made and the rationale for those changes. For present purposes, the key point to note is that (apart from one or two minor reservations on the part of Council staff) we have reached full agreement with Council in relation to the detail of the planning provisions in PC11.

The Submissions by the Henmar Trust

36. The Henmar Trust lodged a comprehensive submission and further submission addressing most aspects of PC11. We have met with Mary and Louise Bourke (representatives of the Henmar Trust) on three occasions to discuss (and to try and resolve) the issues raised in their submissions (once before notification of PC11 and twice since).
37. Notably, the Henmar Trust supports the proposed creation of the Bardowie Industrial Precinct and has clearly signalled a desire that its own land holding within the C10 Industrial Growth Cell be able to

be developed for industrial purposes (this landholding is located immediately north of the Bardowie Industrial Precinct in the north-western part of the C10 Industrial Growth Cell). That outcome has only remained as a possibility (in terms of the current planning framework) as a result of our recent actions to reinstate the (now) C10 Industrial Growth Cell (discussed earlier in my evidence).

38. Furthermore, BIL have arranged for WDC to undertake a “Master Planning” process to investigate and determine the servicing requirements of the entire extent of the C10 Industrial Growth Cell, including the land owned by the Henmar Trust. This will confirm the nature and location of roading and servicing connections (and capacity) and allow the costs of servicing to be fairly apportioned between all landowners in the growth cell. It is my understanding that the Council will seek to engage with the Henmar Trust as part of this Master Planning process.
39. From a transportation perspective (as discussed in the evidence of Mr Gray), BIL has been in discussions with Waipa District Council and the New Zealand Transport Agency in relation to the northern intersection into the Bardowie Industrial Precinct. In that regard, the design of the intersection has been undertaken in a manner to cater for the entire C10 Industrial Growth Cell (including the Henmar Trust land), not just the Bardowie Industrial Precinct. In addition, in response to the submission by the Henmar Trust, we have included on the Bardowie Industrial Precinct Structure Plan an indicative roading connection into the Henmar Trust land to the north (subject to the outcome of the Master Planning process confirming where roading and other servicing connections should be located).
40. The Henmar Trust has raised concerns about (and sought amendments) in relation to the planning provisions that relate to the interface of the Bardowie Industrial Precinct and the land to the north and east which remains (at least in the short term) zoned as Rural Zone. I understand that these points of submission are motivated by

a desire to preserve 'rural amenity', despite the Henmar Trust's position its land should be re-zoned to Industrial Zone.

41. The first point to note is that no such concerns have been raised by Fonterra (being the adjoining landowner to the east and north-east of the Bardowie Industrial Precinct) and, therefore, any such controls introduced to address the concerns raised by the Henmar Trust should only relate to the common boundary between the Bardowie Industrial Precinct and the land owned by the Henmar Trust. In that regard (as will be discussed in the evidence of Ms Fowler), we have proposed a 5m wide screen planting along the common boundary of the Bardowie Industrial Precinct with the Henmar Trust from the point that Node 3 is developed for as long as the Henmar Trust land is zoned Rural Zone (i.e. until it is re-zoned Deferred Industrial Zone or Industrial Zone).
42. A 5m wide screen planting requirement is consistent with the requirements that relate to the Hautapu Industrial Area, but notably, the landscaping requirement relating to the latter applies to the perimeter of the Hautapu Structure Plan Area (not internal boundaries that exist as the growth cell is progressively developed). Accordingly, if the same approach was applied to the C10 Industrial Growth Cell, a 5m screen planting requirement would apply to the perimeter of the C10 Industrial Growth Cell (not to any internal boundaries, such as the common boundary between the Bardowie Industrial Precinct and the Henmar Trust land).
43. Furthermore, if the current Deferred Industrial Zone provisions were pursued that currently relate to the part of the proposed Bardowie Industrial Precinct adjoining the Henmar Trust land (whereby only a Structure Plan and Development Agreement need to be prepared), much less in the way of landscaping would be required. Specifically, Rule 7.4.2.10 in the Waipa District Plan would apply which states:

“Front and corner sites shall be landscaped along the entire road boundary, except for access and egress points, to the following minimum depths:

(a) Where adjoining a site located within the Industrial Zone - 2m

(b) Where adjoining a site located in any other zone - 3m”

44. Another aspect of the submissions by the Henmar Trust seeks provisions whereby features such as solar panels and telecommunication facilities on roofs be screened. I strongly oppose these suggestions. Solar panels are the way of the future and their installation is consistent with the National Policy Statement for Renewable Electricity Generation 2011. We required solar panels to be installed on every house in the St Kilda Residential Zone - a far for 'sensitive' receiving environment (in a visual sense) compared to an Industrial Zone (or an adjacent Rural Zone). Telecommunications facilities typically require 'line of sight' and will not work if they are screened. In any event, these types of features are Permitted Activities in the Industrial Zone¹ and there is no sound resource management reason to amend that position or to introduce additional (and unjustifiable) restrictions.
45. Having proposed a 5m landscaping strip along the common boundary with the Henmar Trust land, and recognising the nature of the existing environment (including the presence and size of the Hautapu Dairy Factory across the road from the Henmar Trust land), and the high quality of the development proposed in the Bardowie Industrial Precinct, it is my opinion that the numerous changes proposed to the PC11 planning provisions proposed by the Henmar Trust should be rejected (as per the recommendations in the s.42A report).
46. From a design perspective, the quality of the development within the Bardowie Industrial Precinct will exceed all other industrial developments in the Waipa District. We have proposed carefully considered and stringent Urban Design and Landscape Guidelines that reflect the vision of BIL in developing the Bardowie Industrial Precinct (which includes extensive landscaping and sustainable

¹ E.g. Rules 17.4.1.6(e) and 17.4.1.2(i), (j), (n), and (o).

practices including renewable energy facilities such as solar panels and centralised recycling stations). While rural amenity will be changed (mostly in terms of visual effects), the effect will not be 'adverse' given the quality of development in the precinct and will ultimately be entirely compatible with the future development of the land owned by Henmar Trust for industrial activities in the future. Through identifying the area as an industrial growth cell for many years, the transition away from rural to industrial land uses has been well signalled (including the associated change in the amenity of the area which will arise as a result of industrial development).

CONCLUSION

47. The Bardowie Industrial Precinct will be the highest quality industrial development that the Waipa District (and the wider Waikato Region) has ever seen.
48. For the reasons discussed in my evidence, I support the planning provisions proposed as part of PC11 (including the recent amendments agreed with Waipa District Council staff), which will be discussed in more detail in the evidence of Ms Fowler.

Dated this 19th day of November 2018



Mark Chrisp