

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 ABBIE FOWLER

19 NOVEMBER 2018

INTRODUCTION

1. My full name is Abbie Maree Fowler. I am a Resource Management Consultant in the Hamilton Office of Mitchell Daysh Ltd and have been in this position since March 2018. During this time at Mitchell Daysh I have been involved in the preparation of submissions and resource consent applications, including statutory planning assessments, and providing resource management advice to a wide range of clients in relation to their development aspirations.
2. Prior to this, I spent approximately five years employed by Genesis Energy Ltd, one of New Zealand's largest electricity generators, leading their national, regional and local policy and planning workstreams. In this position, I represented the company on the Land and Water Forum Plenary, was an electricity sector representative on the Biodiversity Collaborative Group, and prepared a number of submissions on national, regional and local RMA policy instruments. I was also the project manager of a significant resource consenting project which resulted in 400MW of peaking electricity generation being consented at the Huntly Power Station.
3. I have also held positions at regional councils, where my role focused on assessing resource consent applications and undertaking compliance monitoring.
4. I have a Bachelor of Environmental Planning degree from the University of Waikato and have 7 years' experience in the Resource Management field.
5. On behalf of Bardowie Investments Limited (BIL), I prepared the Plan Change 11 document, the accompanying Section 32 analysis and the BIL primary submission and further submission.

Purpose and Scope of Evidence

6. I have been engaged by BIL to present planning evidence in relation to Proposed Plan Change 11 (PC11).
7. I have read the Section 42A Report. I do not propose to repeat the matters addressed in that report other than to highlight particular points and focus on the aspects where I consider further amendments need to be made to the provisions of PC11.
8. Following the release of the Section 42A report, BIL met with the Waipa District Council and a number of submitters to address residual issues or concerns.
9. My evidence:
 - Summarises some key aspects of the background to PC11;
 - Discusses the changes that have been made to PC11 following the release of the Section 42A report;
 - Provides an analysis of PC11 against the relevant statutory instruments;
 - Discusses the requirements of Section 32 and Section 32AA of the RMA; and
 - Presents a track change version of PC11 that encompasses the Section 42A version, and subsequent refinements that have occurred following the release of that report, as well as those which have come from further discussions with submitters.

Code of Conduct

10. Although this is a Council Hearing, 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.

BACKGROUND

11. By way of background, PC11, and the associated Bardowie Industrial Precinct Structure Plan, is intended to enable a light to medium industrial precinct to develop in an area identified as a Strategic Industrial Node in the Waikato Regional Policy Statement, and as the C10 Industrial Growth Cell in the Waipa District Plan. The Bardowie Industrial Precinct will be a contemporary industrial development, designed to be an industrial “campus”, and encompass a degree of mixed use. The incorporation of a mix of uses, within the wider industrial area, represents a modern approach to land use planning.
12. To ensure that the vision of the Bardowie Industrial Precinct can be realised, BIL proposed a number of amendments to Section 7 (Industrial Zone), Section 14 (Deferred Zone), Section 15 (Infrastructure, Hazards, Development, and subdivision), Section 20 (Health and General Amenity), Section 21 (Assessment Criteria and Information Requirements) and the planning maps of the Waipa District Plan as part of PC11. PC11 also inserts a new appendix, S19 – Bardowie Industrial Precinct Structure Plan and Urban Design Guidelines, into the plan.
13. The provisions of the Urban Design and Landscape Guidelines are the fundamental mechanism by which the vision for the Bardowie Industrial Precinct will be realised.

BIL SUBMISSIONS

14. BIL lodged a submission on PC11 that largely supported the retention of the plan change as notified, with the addition of new and modified provisions to address issues that had been raised by a number of parties during consultation following the notification of the plan change. These issues primarily related to:
 - The scale and extent of the Campus Hub, which was refined to 5.5 hectares; and

- Provision for retail and office activities within the Campus Hub, which were reduced in size by way of the submission.
15. In addition, BIL via its submission, also sought that “Innovation and Advanced Technology Activities” and “Motor Vehicle Sale Yards” be permitted in the Bardowie Industrial Precinct, and a licensed premise and education facilities be permitted in the Campus Hub.
 16. BIL also lodged a further submission, that considered specific areas of acceptance or opposition to the matters raised in the extensive submission lodged by the Henmar Trust.

CHANGES TO PROPOSED PLAN CHANGE 11

17. Attached to my evidence (as Attachment 1) is an updated track changes version of PC11, amending the version that was attached as Appendix 5 to the Section 42A report. Also attached (as Attachment 2) is a table setting out the specific provisions that have been amended following the release of the Section 42A report, along with the rationale and/or explanation for those changes being made.
18. It is my understanding that the amendments made, as set out in the attachments (which I will now talk through), largely addresses the concerns and issues raised by the Waipa District Council as set out in the Section 42A report and all other submitters, apart from various issues raised by the Henmar Trust, which Mr Chrisp has discussed in his evidence.

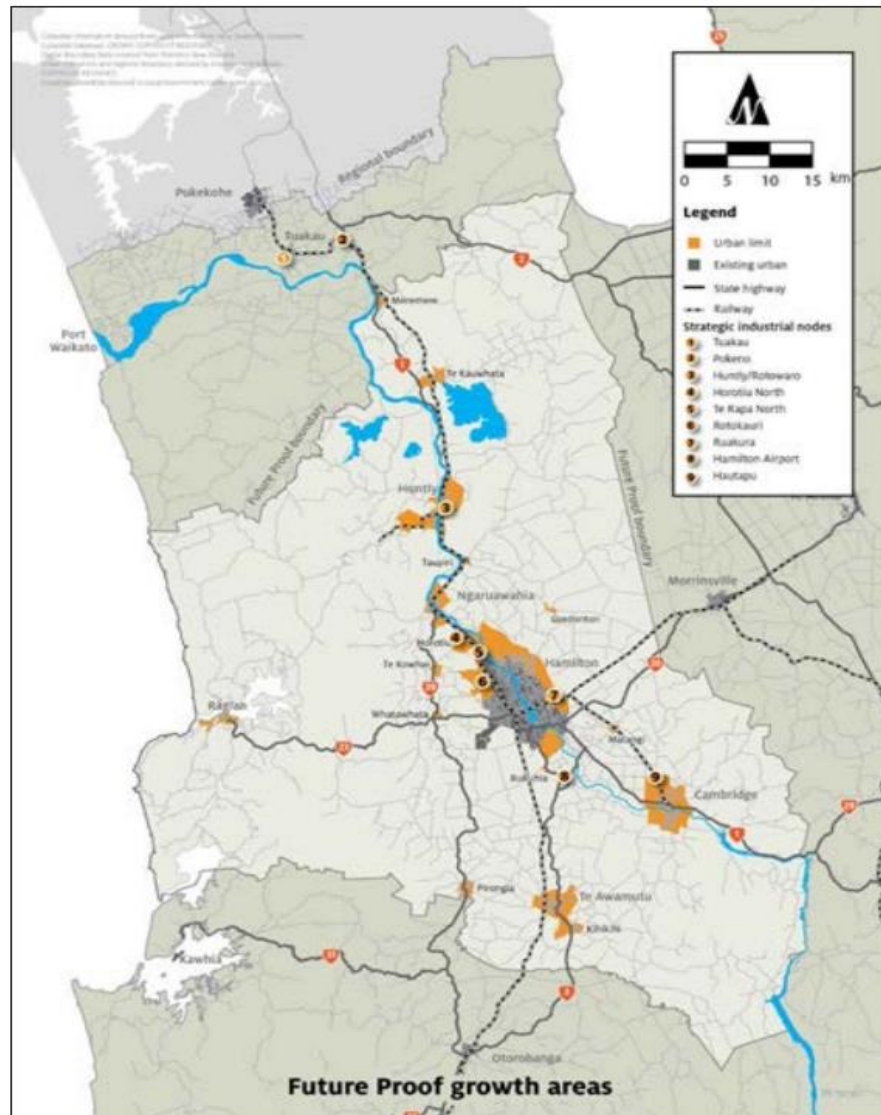
CONSISTENCY WITH STATUTORY PLANNING INSTRUMENTS

19. The overarching purpose of the RMA is to promote the sustainable management of natural and physical resources. As a Private Plan Change, BIL has a duty to examine whether the objectives of the proposal and the provisions of PC11 are the most appropriate way in achieving the purpose of the RMA.
20. I consider that PC11, including the amendments set out in my evidence, promote the sustainable management of resources within the Waipa District. Specifically, there will be significant social and economic benefits from the development of the Bardowie Industrial

Precinct, and potential adverse effects will be managed via the provisions that require a high standard of design, facilitate appropriate transportation solutions for both intersections, screen planting on the interface of the Bardowie Industrial Precinct with the land owned by the Henmar Trust, providing for infrastructure connectivity with the balance of the C10 Growth Cell, the significant focus on promoting green technologies (including solar panels) and through the stormwater management strategy that will achieve hydraulic neutrality.

21. The National Policy Statement on Urban Development Capacity (NPS-UDC) was promulgated to ensure there is sufficient land available for future housing and business needs in urban areas. The NPS-UDC has identified the Hamilton area (which includes Waipa District) as a high-growth urban area.
22. The NPS-UDC requires sufficient land for housing and business be available for the 'short term', 'medium term' and 'long term' (Policy PA1), and that an oversupply of land be made available (Policy PC3).
23. BIL's discussions with the Waipa District Council while preparing PC11 indicated that initial modelling has been undertaken to support the implementation of the NPS-UDC (and as part of the Stage 2 review of the Future Proof strategy). The results indicate that there is a shortfall of business land for the short to medium term that will need to be met.
24. PC11 assists the Waipa District Council in meeting their statutory requirement to "give effect" to the NPS-UDC by providing necessary business land in the Cambridge area, which has historically had challenges securing appropriate industrial land to enable business development.
25. The Waikato Regional Policy Statement (RPS) sets out six regionally significant resource management issues and/or issues of significance to iwi authorities within the Waikato Region. The RPS must "give effect" to higher order planning documents, such as the NPS-UDC, however the RPS was promulgated before the NPD-UDC became operative, so does not specifically incorporate the NPS requirements (nor does the Waipa District Plan given it was also made operative prior to the NPS coming into force).

26. Of particular relevance to PC11 is Policy 6.14 of the RPS – Adopting the Future Proof land use pattern. The policy requires that new industrial development be predominately located in Strategic Industrial Nodes, of which Hautapu is one (including the land that is the subject of PC11).



27. As set out in Policy 6.14, industrial development should also be undertaken in accordance with the “indicative” land release allocations and timings set out in the RPS, except where alternative land release and timing is demonstrated to meet the criteria in Method 6.14.3.
28. The Section 32 Evaluation Report supporting PC11, and the supplementary policy analysis set out in the memorandum dated 30 October 2018 (attached to my evidence as Attachment 3), sets out the

consistency of PC11 with Policy 6.14 and the alternative land release criteria (Method 6.14.3). The key points to note are:

- The RPS provides for 96 hectares of industrial land being made available to the market at Hautapu. The RPS Urban Limits, and the Hautapu Strategic Industrial Node, include the entire extent of the Bardowie Industrial Precinct.
- PC11 will result in the RPS allocation limits being exceeded by 51 hectares. However, approximately 50 hectares of land zoned Industrial Zone (most of which has been zoned Industrial for a number of years) in the Hautapu area, on Hannon Road, is not available to the market and cannot be utilised for industrial development.
- The RPS provides for alternative land release where the allocation limits and staging of the RPS are exceeded. PC11 is consistent with the alternative land release criteria as set out in the memorandum attached to my evidence.
- Irrespective, the RPS must give effect to the NPS-UDC which requires an oversupply of industrial land to be provided for as well as the actual demand. As I discussed earlier in my evidence, the RPS and the Waipa District Plan currently do not give effect to the NPS. It is also considered that the RPS is out of date in relation to the land release allocations and timings, given it is largely based on growth and demand modelling that was undertaken in 2009. It is noted that Cambridge has largely outstripped all residential and industrial demand predictions.

29. Therefore, in my opinion, PC11 is consistent with the RPS. Future Proof, Hamilton City Council and Waikato Regional Council (Waipa District Council's Future Proof partners) have also confirmed that PC11 is consistent with the direction of the RPS and the Future Proof Sub-Regional Growth Strategy.

SECTION 32 AND SECTION 32AA OF THE RMA

30. Section 32AA of the RMA, requires a further evaluation be undertaken for any changes proposed since the original evaluation report was completed. Section 32AA only relates to changes made between notification and the decision made on submissions.
31. It requires further assessment be made in relation to those amended provisions in accordance with the requirements of Section 32.
32. Attached to my evidence is a preliminary evaluation (Attachment 4) as required by Section 32AA of the RMA to assist the Hearings Panel with their deliberations. It is intended that this can be utilised and built upon by the Waipa District Council once a decision has been made on PC11.
33. In summary, it is my opinion that the proposed amendments to the planning provisions set out in Attachment 1, meet the requirements of Section 32 of the RMA as detailed in the Section 32AA evaluation presented in Attachment 4.
34. The version of PC11 attached to my evidence includes amendments which have been incorporated from matters raised in the Section 42A report and the submissions as I consider that, from a Section 32 analysis perspective, they are the most appropriate way to achieve the purpose of the RMA and to achieve the objective of the plan change.
35. A key example of this is the refinement of the scale and extent of the Campus Hub, including placing further limitations on commercial activities, as these are effective and efficient mechanisms to achieve sustainable management, do not impact upon the ability to achieve the objectives of the plan change, and also reduce the risk that the commercial hierarchy of Cambridge will be adversely affected by the development. These changes still promote social and economic benefits, and result in a reduction in potential environmental effects than the package of provisions in relation to the Campus Hub that formed part of the notified version of PC11.

36. I have also considered the submission, and further submission, prepared by the Henmar Trust in the context of Section 32. Where submission points raised have assisted in achieving the plan change objectives (and the purpose of the RMA) and have been determined to be an efficient and effective means of doing so, they have been incorporated into the document presented in Attachment 1.
37. For example, including text in the Structure Plan setting out that infrastructure solutions should be of sufficient capacity to service the entire extent of the C10 Growth Cell (beyond the Bardowie Industrial Precinct area) and identifying potential roading connectivity to the east and north of the Structure Plan area, are both efficient and effective from a servicing and master planning perspective, promote the integrated management of natural and physical resources, and have no effect on the ability to meet the plan change objective. There is also economic and social benefit in doing so from a district perspective, in 'unlocking' the entire growth cell for industrial development purposes. The requirement to screen plant the interface with the Henmar Trust property while it remains Rural Zone is an effective means of addressing potential effects, while also not impacting upon the achievement of the plan change objectives.
38. Where the individual submission points have not been incorporated this is because, in my opinion, they do not assist in achieving the plan change objectives, and in some cases materially impact on the objective of developing a contemporary and sustainable industrial precinct. In several cases, the changes presented have economic and environmental costs, and in my opinion, are not efficient nor effective.
39. For example:
- Requiring screen planting on the interface of the Bardowie Industrial Precinct with the "adjoining zone" is not efficient as it would require the entire eastern and north-eastern boundary to be screen planted despite no concerns being raised by Fonterra. Failure to comply with this requirement would potentially require activities the need to obtain resource

consent. This is not efficient and would serve no purpose for the Fonterra / BIL boundary and would have adverse economic effects. As outlined in the evidence of Mr Chrisp, it is not appropriate to undertake a significant amount of planting (to mitigate perceived adverse amenity effects) within an area identified and earmarked for future industrial development.

- Requiring the Bardowie Industrial Precinct development agreement to include provisioning for the entire extent of the C10 Growth Cell, including the submitters property, is not efficient nor effective in achieving the purposes of the plan change objective. This is a matter more appropriately addressed by way of Henmar Trust undertaking a plan change process (and structure plan process) and entering into a specific development agreement in relation to developing their property. The proposed amendments detailed in Attachment 1, setting out that the provision of infrastructure for the entire growth cell as fundamental matter of consideration is a more appropriate mechanism to ensure development of the entire C10 Growth Cell is not compromised (without the developers of the Bardowie Industrial Precinct having to pay for the servicing of the entire growth cell by way of the specific Bardowie Industrial Precinct Development Agreement Rule).
- Requiring all activities that have minor non-compliances with the “guidelines” to require resource consent is not effective nor efficient, particularly if the offsite amenity outcomes will not be affected by those non-compliances.
- The proposed deletion of a number of sustainability related guidelines from the Urban Design and Landscape Guidelines as sought by the Henmar Trust does not assist in achieving the purpose of the RMA, nor enable the precinct to be developed in a manner that achieves the overarching purpose or objective of the proposal. Specifically, the deletion of the guidelines encouraging the use of renewable electricity technology, including the use of solar panels and battery technology, does not achieve the requirements of Section 6(j) of the RMA (to

have particular regard to the benefits to be derived from the use and development of renewable energy). Similarly, nor does it give effect to the direction of the National Policy Statement for Renewable Electricity Generation 2011 which requires district plans to include objectives, policies and methods (including rules) to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities, including solar.

CONCLUSION

40. Based on the above, it is my professional opinion that the latest version of the planning provisions in PC11, attached to my evidence, are consistent with:
- The purposes and principles of the RMA; and
 - Higher order statutory planning documents, including the Waikato Regional Policy Statement, and also assists the Waipa District Council in delivering their statutory requirement to give effect to the NPS on Urban Development Capacity.
41. PC11, including the amendments made following notification, also represents the most appropriate method to achieve the objectives of the proposal and the Waipa District Plan in accordance with Section 32 of the RMA.
42. Finally, it is my opinion that provisions of PC11, and the implementation of PC11, will facilitate the development of a unique industrial precinct that will result in the highest standard industrial development that has occurred within the Waipa District and the wider Waikato Region.

Dated this 19^h day of November 2018



Abbie Fowler