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IN THE MATTER

of the Resource Management Act 1991

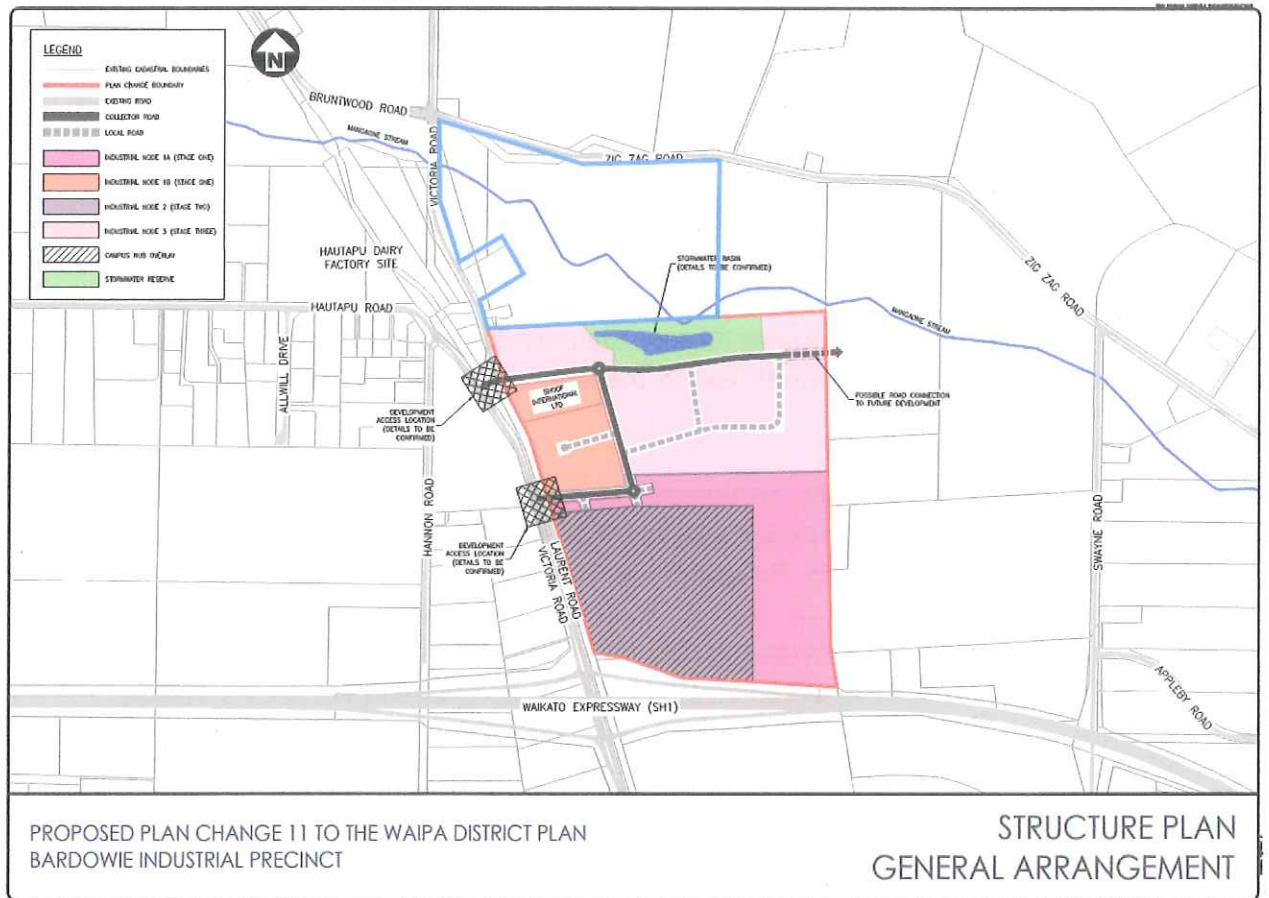
AND

IN THE MATTER

of submissions on Plan Change 11 to the
Waipa District Plan by Henmar Trust

STATEMENT OF EVIDENCE OF LOUISE BOURKE

19 NOVEMBER 2018



Map 1: Henmar Trust Property Site Plan

HENMAR TRUST SUBMISSIONS

10. Henmar Trust lodged a submission, and a further submission in relation to PPC11. The Henmar Trust submissions sort relief that would provide for;
 - (i) connectivity of roads and services to and through Bardowie Precinct to the Henmar Trust Property to allow for the future development of Growth Cell C10; and
 - (ii) protection of the Rural environment while the property is zoned Rural and until such time as it is re-zoned to Industrial.

CONNECTIVITY WITHIN GROWTH CELL C10

11. The proposed Bardowie Precinct is located within Industrial Growth Cell C10. The provision for roading and service connectivity to the remainder of Growth Cell C10 through the preparation of PPC11 is in my view inadequate.
12. Road and service connectivity is essential to the successful future development of Growth Cell C10.

20. The applicants have provided for full connectivity to the East on the Structure Plan, whereas they have been reluctant to provide for equal connectivity to the North – as requested in Section 42A of the Hearing Report. The justification has been that the Master Planning process may identify an alternative means of connectivity, and that it would be difficult to alter the Structure Plan once adopted into the District Plan.
21. Rule 15.4.2.65 of the Waipa District Plan provides for development or subdivisions that fail to be in general accordance with an approved Structure Plan as a Discretionary Activity. Therefore, there would be no need for the developers of the Precinct to undertake another Plan Change. Should the road and service connections from the proposed Bardowie Precinct to the North and East no longer be the preferred option as a result of the Master Planning process, the applicants (or whoever will be developing that particular stage of the Precinct) will merely need to apply to Council for a resource consent. It is considered that this would be a straight forward process given Councils involvement with the Master Planning process.
22. Rule 15.4.2.65 reads as follows:

“All development and subdivision within an area subject to an approved structure plan, development plan or concept plan shall be designed in general accordance with the requirements of that structure plan, concept plan or development plan. For the avoidance of doubt, the following areas are subject to concept plans, development plans and/or structure plans:

...

(r) Bardowie Industrial Precinct Structure Plan

Appendix S19

...

Activities that fail to comply with this rule will require a resource consent for a discretionary activity, except where these structure plans indicate that non-compliance with the rules of the structure plan, development plan or concept plan will result in the activity being a non-complying activity.”

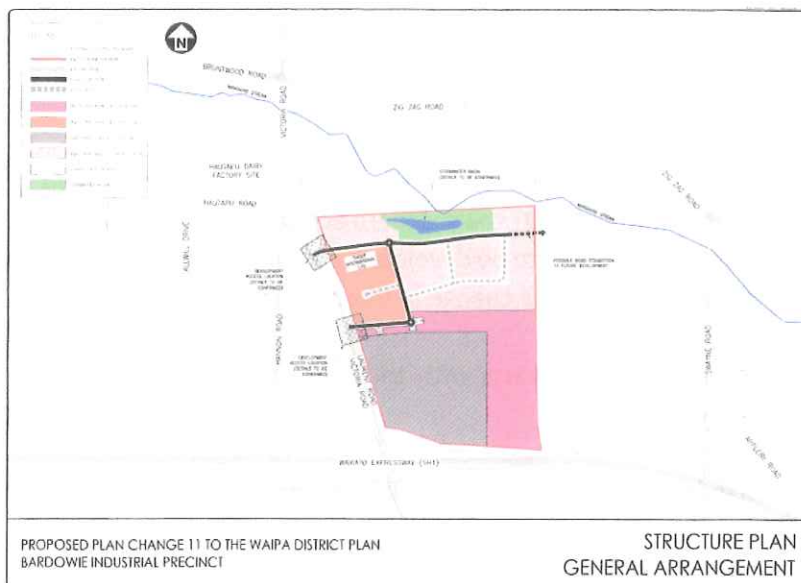
ADJOINING RURAL ZONE

23. Section 7.1.4 of the Waipa District Plan states;

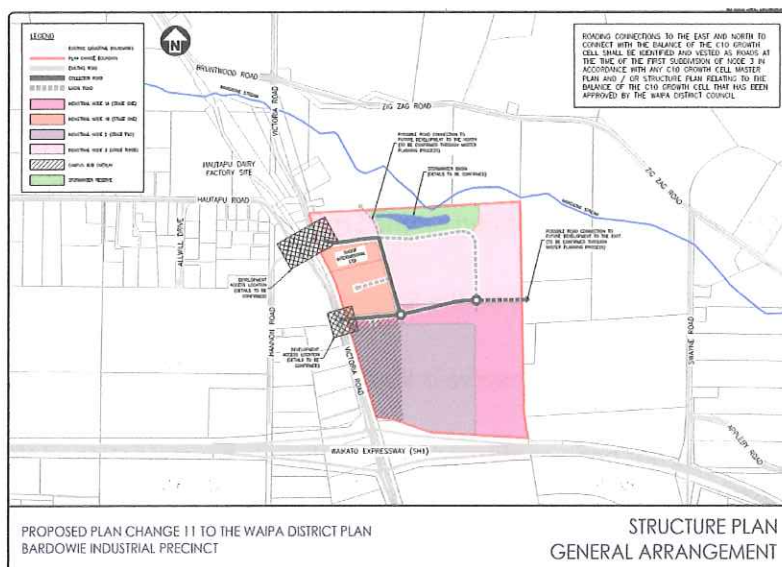
“Industries and industrial areas have by their nature, a different level of effect than other zones. Industrial areas generally have higher levels of noise, site coverage, and a reduced amount of on-site amenity. While it is important to not unduly restrict how industries develop their sites, a balance is required where industries adjoin strategic roads and other zones; therefore in these locations, a higher level of amenity is anticipated.”

24. The preparation of PPC11 has provided a higher level of amenity where they adjoin the Cambridge Bypass and Laurent Road, however they have not applied the same approach where they adjoin the Rural Zone.

32. Mary Bourke and myself have met with the applicants on three occasions to discuss the matters raised in our submission with the majority of discussion focusing on connectivity with the Henmar Trust property to the North.
33. There has been reluctance on the applicant's behalf to provide for adequate connectivity to the North.
34. Please refer to the two attached plans. There have been significant alterations to the proposed roading layout shown in the PPC11 Structure Plan between the original notified version and the most recent version that we have received.



Map 2: PPC11 Structure Plan as Notified



Map 3: PPC11 Structure Plan – Latest Version Received 13 November 2018

46. In my opinion the PPC11 Structure Plan as notified and subsequently altered by the applicants fails to comply with the objectives and policies of the District Plan, in particular the following objectives and policies;

Objective 15.3.3 Integrated development: efficient servicing

“Achieving the efficient and cost effective servicing of land by ensuring that servicing is provided to areas proposed to be developed.”

Policy 15.3.3.1

“All proposed urban development and subdivision shall be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone. Servicing requirements shall include:

- (a) Reserves for community, active and passive recreation; and*
- (b) Pedestrian and cycle connections; and*
- (c) Roads; and*
- (d) Public transport infrastructure, e.g. bus stops; and*
- (e) Telecommunications; and*
- (f) Electricity; and*
- (g) Stormwater collection, treatment and disposal; and*
- (h) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and*
- (i) Anticipating and providing for connections to identified adjacent future growth areas.”*

Policy 15.3.3.4 Roading Infrastructure

“The roading pattern shall ensure connectivity to adjacent land identified as Deferred Zones or future growth areas, and the provision of public transport infrastructure, such as bus stops.”

Policy 15.3.3.5 Standard of Infrastructure

“Infrastructure services shall be provided to a standard that will allow the service to be extended to Deferred Zones or future growth areas.”

47. In accordance with the above objectives and policies, Henmar Trust requests that the following be illustrated on the Structure Plan;
- (i) A collector road from the northern entrance to the eastern boundary.
 - (ii) The northern roundabout reinstated.
 - (iii) A collector road from the northern roundabout to the northern boundary of the Bardowie Precinct, where it adjoins the southern boundary of the Henmar Trust property.

51. Henmar Trust support the Section 42A Hearing Report recommendation that S19.2.22 be inserted. However, request that it be amended to refer to the first development and/or subdivision since Node 3 may be sold as one lot and not subdivided.

"The east and north road connections shall be vested as local purpose road at the time of the first development and/or subdivision at the first stage subdivision for development lots within the respective node."

52. Henmar Trust note that the photographs in the Urban Design Guidelines do not include overhead power or telecommunication lines as PPC11 emphasises the high amenity of the development. Request that S19.2.23 relating to electricity be amended to include telecommunication lines and require electricity and telecommunication lines to be provided underground.

"Electricity and Telecommunications"

Waipa Networks has confirmed that electricity can be supplied to the Bardowie Industrial Precinct. All electricity and telecommunication lines will be underground."

53. Henmar Trust support the Section 42A Hearing Report recommendation that S19.2.29 be amended to provide the same status and description of the connections to the north and the east 'Road and Service Corridor Connection'.

PROPOSED PRIVATE PLAN CHANGE 11 PROVISIONS

54. I now refer to the specific provisions within PPC11 as recommended in the Section 42A Hearing Report.
55. Please note that the proposed amendments to PPC11 relating to amenity (e.g. noise, height, building setback etc.) refer to the Rural Zone or adjoining zone, so that the Bardowie Precinct would not be required to comply with these standards once the Henmar Trust property is zoned Industrial.

Permitted Activities

56. Rule 7.4.1.1 (u) provides for the following activities as permitted in the Bardowie Precinct;
- (i) Stormwater ponds and/or facilities;
 - (ii) Water treatment facilities;
 - (iii) Farming activities;
 - (iv) Spray irrigation of dairy factory wastewater;
 - (v) Innovation and Advanced Technology Activities; and
 - (vi) Motor vehicle sale yards (including marine/boat sales facilities) each with a site area of no more than 7,000m².
57. By establishing the above activities as permitted activities in the District Plan, Council is stating that it considers the outcomes associated with such activities as acceptable.

Activities Requiring Air Discharge Consent

68. Rule 7.4.1.3(f) Restricted Discretionary Activities and Assessment Criteria 21.1.7.16 as proposed by PPC11 read as follows;

"7.4.1.3 – Restricted Discretionary Activities

(f) Any activities within the Bardowie Industrial Precinct Structure Plan Area that requires an air discharge permit from the Waikato Regional Council.

Assessment will be restricted to the following matters:

- *Adverse effects on the Hautapu Dairy Manufacturing Site due to the discharge of contaminants to air.*

These matters will be considered in accordance with the assessment criteria in Section 21.

Advice Note: This rule addresses the potential effects on the food safety implications of discharges to air associated with the ongoing operation of the Hautapu Dairy Manufacturing Site"

"Assessment Criteria 21.1.7.16 – Activities in the Bardowie Industrial Precinct Structure Plan Area requiring an air discharge permit from the Waikato Regional Council

(a) The actual and potential adverse effects on the operation of the Hautapu Dairy Manufacturing Site."

69. This rule does not address the actual or potential adverse effects on the Rural Zone, and the people living and working in the Rural Zone.
70. It is considered that the adjoining Henmar Trust property to the north would be a potentially affected party and that any adverse effects on this property due to the discharge of contaminants to air should be considered in the assessment of an activity of this nature.
71. Request that the assessment be amended to include any actual or potential adverse effects on the local environment, adjoining properties, and adjoining zones.
72. The Section 42A Hearing Report has advised that further discussion on Rule 7.4.1.3(f) is required to ascertain the need for the rule and assessment criteria given any air discharge will be subject to a consenting process with the regional council.

Non-Complying Activities

73. Since the Henmar Trust recommendations for non-complying activities has been rejected by Council in the Section 42A Hearing Report, we will be relying on Council to ensure that any Industry located within the proposed Bardowie Precinct will create no adverse effects on the environment which will be more than minor.

85. The proposed Bardowie Precinct adjoins Rural zoned land. Allowing buildings on this boundary to be 20 metres high has the potential to create adverse environmental effects that would be more than minor.
86. Request that any site within 40 metres of an adjoining zone has a maximum building height of 10 metres.

Noise

87. The Henmar Trust submission requested that the rules for the Bond Road North Structure Plan Area, contained within Rule 7.4.2.16, be applied to Nodes 1B and 3 of the Bardowie Industrial Precinct Structure Plan Area. Rule 7.4.2.16 reads as follows;

“7.4.2.16 Within the Bond Road North Industrial Structure Plan Area all activities must be conducted and buildings located, design and used to ensure that noise levels do not exceed the following limits:

...

Within the boundary of any site zoned Rural

(f) Monday to Saturday – 7.00am to 7.00pm – 50dBA (Leq)

(g) At all other times including public holidays – 35dBA

...

Within all zones the single event noise level

(h) Within all zones the single event noise level Lmax shall not exceed at night time between the hours of 10.00pm to 7.00am – 65dBA(Lmax)”

88. The Section 42A Hearing Report rejected this and amended Rule 7.4.2.16A to read as follows;

“7.4.2.16A Within the Bardowie Industrial Precinct Structure Plan Area all activities shall be conducted, and buildings located, designed and used to ensure that they do not exceed the following limits:

Within the site zoned Residential or Large Lot Residential or the notional boundary of any site zoned rural

(a) Monday to Friday – 7.00am to 10.00pm – 50dBA(Leq)

(b) Saturdays – 7.00am to 6.00pm – 50dBA(Leq)

(c) At all other times including public holidays – 45dBA(Leq)

...

Within all zones the single event noise level

(i) Within all zones the single even noise level Lmax shall not exceed at night time between the hours of 10.00pm to 7.00zm – 70dBA(Lmax)

89. I ask why the Industrial/Rural Zone interface is treated differently between the Bond Road North Industrial Structure Plan Area and the Bardowie Precinct? In particular the noise levels have been relaxed for the Bardowie Precinct, and they relate to the notional boundary of any site zoned rural, NOT the property boundary.

contaminants and either disposes stormwater to land soakage and/or restricts the discharge rate to the maximum greenfield run off rate for the site unless in accordance with a discharge permit granted by the Waikato Regional Council.

95. I ask why Rule 7.4.2.34 does not require on site soakage to be provided within each site in Node 1A and Node 2? Why are Nodes 1A and 2, treated different to Nodes 1B and 3?
96. As there are no site coverage standards for the Industrial Zone the stormwater provisions of the District Plan are important. All Nodes within the Bardowie Precinct should be required to comply with this standard. All Industrial activities are able to comply with Rule 7.4.2.34 simply by planning their site size and site coverage in relation to the drainage capacity of the underlying soils. Additionally, non-compliance with this rule is provided for as a Discretionary Activity.
97. Any resource consent with discharges to the Mangaone Stream, must consider the future needs of the entire C10 Growth Cell and Cambridge North Residential Zones.
98. Additionally, request that the management of stormwater for the entire Bardowie Precinct (including ponds, swales, and associated facilities) to be illustrated on the Structure Plan.

DESIGN GUIDELINES

99. Henmar Trust support the Section 42A Hearing Report recommendation that Vehicle Movement Design Guideline 2.16 be amended to include adjoining zones.

“Vehicle Movement – Design Guideline

2.16 Boundary treatment should provide adequate screening of the loading and service areas from the surrounding streets, including the Waikato Expressway and adjoining zones.”

100. Henmar Trust support the Section 42A Hearing Report recommendation that Building Layout Setbacks Design Objective be amended to include adjoining zones.

“

➤ To site buildings so they provide adequate space for landscaping and reduce visual impacts on surrounding public areas (including roads and adjoining zones).”

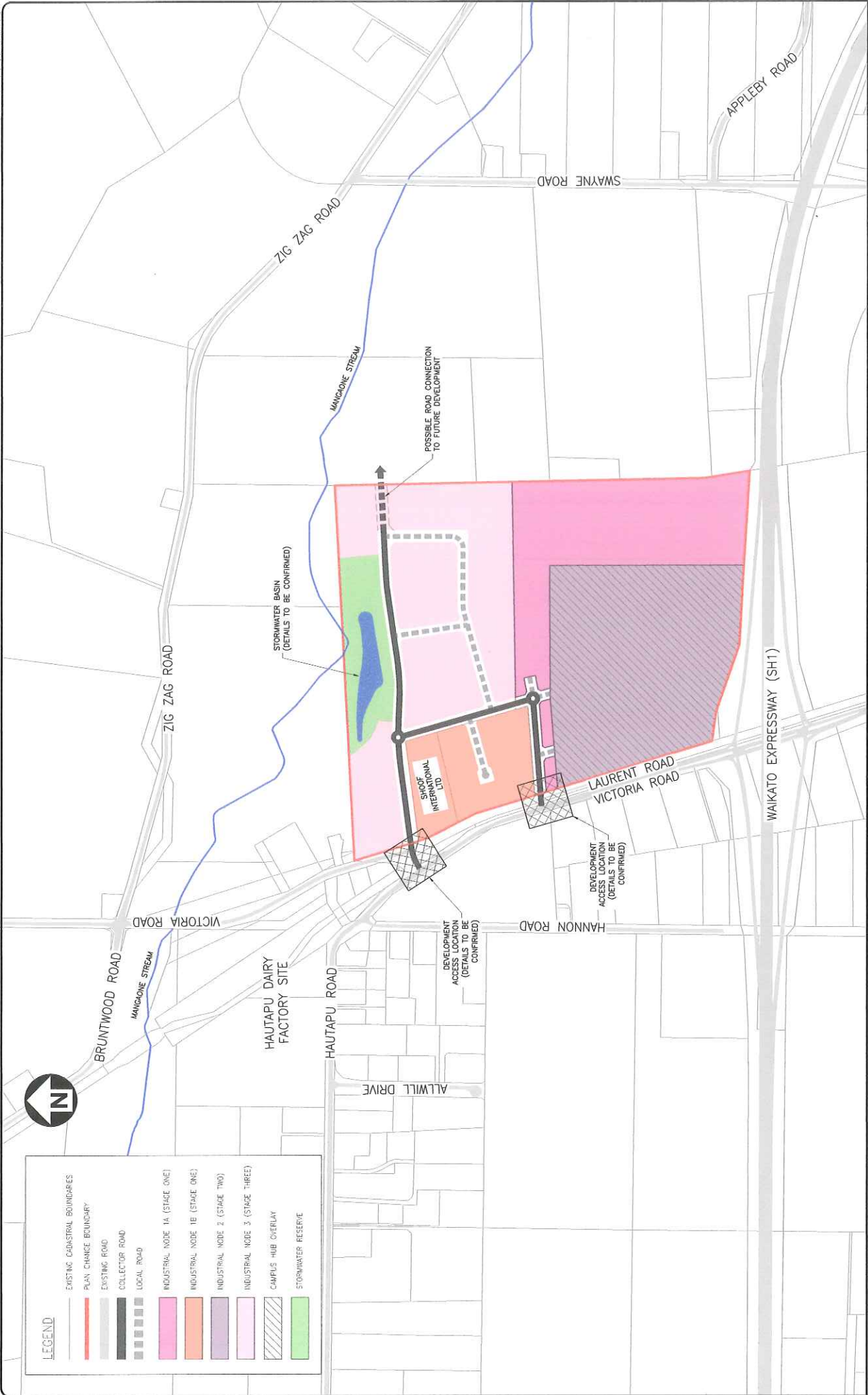
101. Henmar Trust ask why Built Form Design Guideline 4.5 refers to solar heating and cooling, particularly in Node 3? Request that reference to Node 3 be removed.

“Where practicable (i.e. where there are no locational/functional/sizing constraints on building orientation), orientate buildings to take advantage of a northern aspect to maximise opportunities for passive solar heating and cooling (particularly in Node 3).”

102. Henmar Trust support the Section 42A Hearing Report recommendation that Built Form Design Guideline 4.7 be amended to include adjoining zones.

CONCLUSION

107. Henmar Trust acknowledges that PPC11 will create positive effects for Cambridge, in particular employment. However, these positive effects, do NOT justify the failure to adequately provide for road and service connectivity for all of Growth Cell C10 or negate the negative effects on rural amenity. These effects need to be addressed through PPC11.
108. My evidence and the evidence of M L Bourke has raised several matters that still need to be addressed and resolved.
109. The Section 42A Hearing Report has raised several matters that require further discussion.
110. The latest Structure Plan layout for PPC11 varies significantly from that which was notified.
111. In the absence of a pre-hearing meeting it is requested that time be allowed for further discussion with the applicants, Council staff and ourselves to resolve these matters. Although M L Bourke and myself have meet with the applicants three times and have yet to resolve these matters, it is thought that including Council staff in this process would help the parties reach an agreement.
112. Once undertaken, the final agreed version of the proposed amendments to the Waipa District Plan to give effect to the objectives of PPC11 and address the outstanding issues will be presented to the Hearing Panel.



PROPOSED PLAN CHANGE 11 TO THE WAIPA DISTRICT PLAN
 BARDOWIE INDUSTRIAL PRECINCT

STRUCTURE PLAN
 GENERAL ARRANGEMENT

AS NOTIFIED

LEGEND

	EXISTING INDUSTRIAL BOUNDARIES
	PLAN CHANGE BOUNDARY
	EXISTING ROAD
	COLLECTOR ROAD
	LOCAL ROAD
	INDUSTRIAL NODE 1A (STAGE ONE)
	INDUSTRIAL NODE 1B (STAGE ONE)
	INDUSTRIAL NODE 2 (STAGE TWO)
	INDUSTRIAL NODE 3 (STAGE THREE)
	CAMPUS HUB OVERLAY
	STORMWATER RESERVE



ROADING CONNECTIONS TO THE EAST AND NORTH TO CONNECT WITH THE BALANCE OF THE C10 GROWTH CELL SHALL BE IDENTIFIED AND VESTED AS ROADS AT THE TIME OF THE FIRST SUBDIVISION OF NODE 3 IN ACCORDANCE WITH ANY C10 GROWTH CELL MASTER PLAN AND / OR STRUCTURE PLAN RELATING TO THE BALANCE OF THE C10 GROWTH CELL THAT HAS BEEN APPROVED BY THE WAIPA DISTRICT COUNCIL

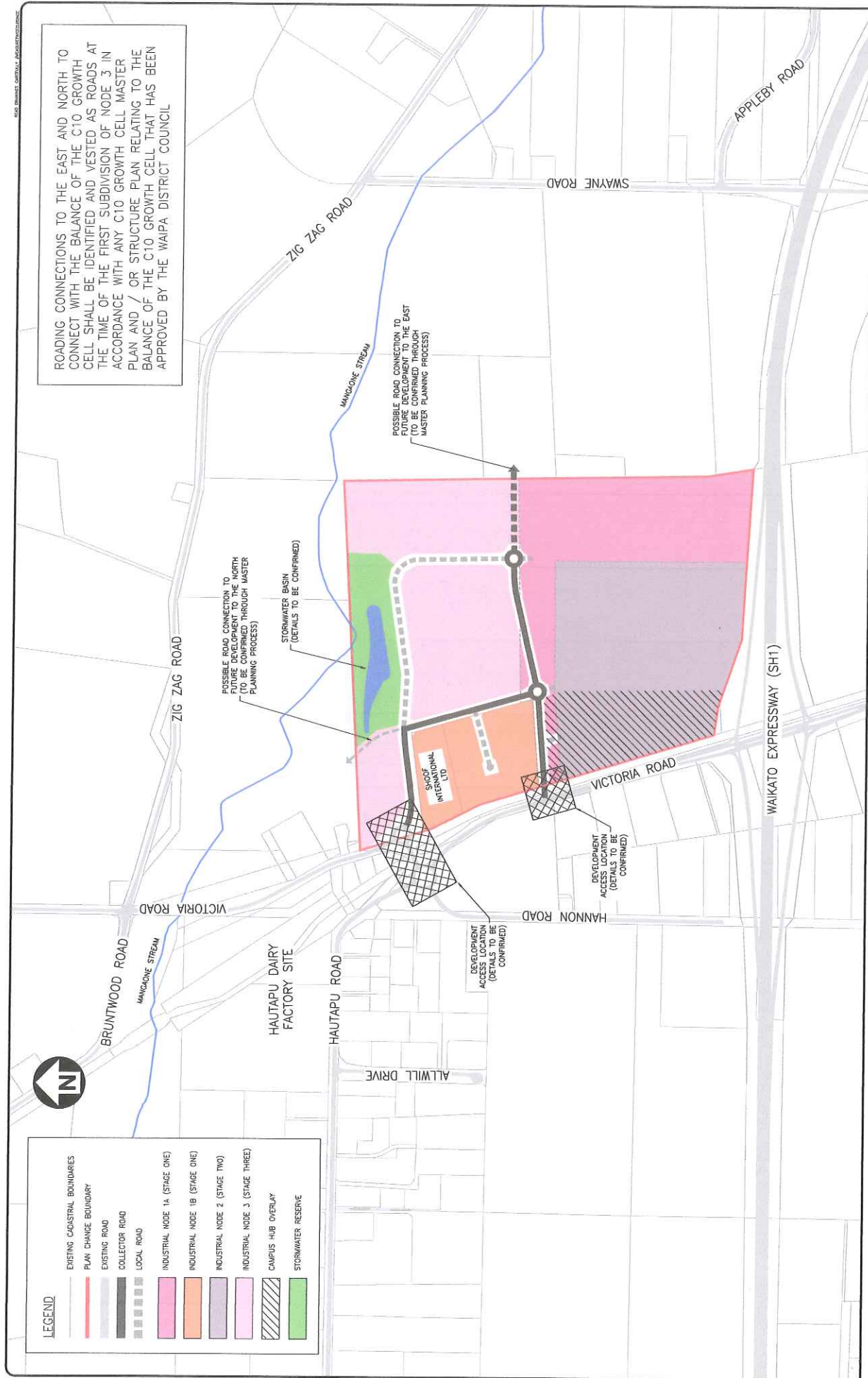
POSSIBLE ROAD CONNECTION TO FUTURE DEVELOPMENT TO THE NORTH (TO BE CONFIRMED THROUGH MASTER PLANNING PROCESS)

STORMWATER BASIN (DETAILS TO BE CONFIRMED)

POSSIBLE ROAD CONNECTION TO FUTURE DEVELOPMENT TO THE EAST (TO BE CONFIRMED THROUGH MASTER PLANNING PROCESS)

DEVELOPMENT ACCESS LOCATION (DETAILS TO BE CONFIRMED)

DEVELOPMENT ACCESS LOCATION (DETAILS TO BE CONFIRMED)



STRUCTURE PLAN GENERAL ARRANGEMENT

PROPOSED PLAN CHANGE 11 TO THE WAIPA DISTRICT PLAN BARDOWIE INDUSTRIAL PRECINCT

LATEST