

Submission on a Notified Resource Consent Application

Form 13



Sections 41D, 95A, 95B, 95C, 96, 127(3) and 234(4), Resource Management Act 1991

This is a submission on an application from (name, address & activity)

Proposed Resource Consent - 16A Wickham Street LU/0038/23

I am/am not* a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

I am/am not directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

The specific parts of the application that my submission relates to are:

See attached.

My submission is:

Support parts or all of [] Oppose parts or all of [x] are neutral parts or all of []
include—

- the reasons for your views.

See attached.

I seek the following decision from the consent authority:

give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought

See attached.

I wish (or do not wish) to be heard in support of my submission.

- [x] I do wish to be heard in support of my submission (this means that you will speak at the hearing)
[] I do not wish to be heard in support of my submission (this means that you will not be advised of the date of the hearing and will not speak at the hearing)
[x] If others make a similar submission I will consider presenting a joint case with them at the hearing.

You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing.

- [x] I have served a copy of my submission on the applicant. (this is required by section 96(6) (b) of the Resource Management Act 1991)

I request/do not request*, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to one or more hearings commissioners who are not members of the local authority.

Signature of submitter: See attached -
(or person authorised to sign on behalf of submitter) (A signature is not required if you make your submission by electronic means.)

Date: 07/08/23 Contact person: Dr. Mark Davey
(name and designation, if applicant)

Postal address: See attached -
(or alternative method of service under section 352 of the Act):

Notes to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority.

If you make your submission in hard copy please deliver to Waipa District Council, 101 Bank Street, Te Awamutu or 23 Wilson Street, Cambridge or post to Private Bag 2402, Te Awamutu 3840

If you make your submission by electronic means, a signature is not required. Electronic submissions on resource consent applications must be directed to submissions@waipadc.govt.nz.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

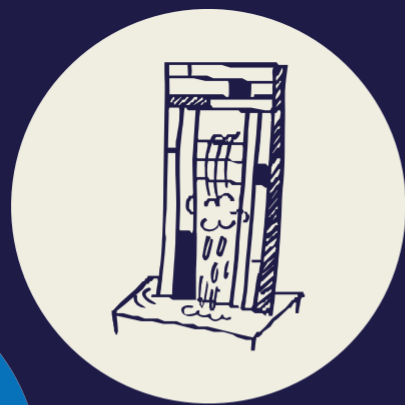
Privacy information

The information you have provided on this form is required so that your submission can be processed under the RMA. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission.

HAMILTON CITY COUNCIL SUBMISSION

Proposed Resource Consent – 16A Wickham Street –
Industre Property Rua LU/0038/23

Waipā District Council



7 August 2023



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to the priority **A city where our people thrive**.

Council Approval and Reference

This submission was approved under delegated authority by Hamilton City Council's General Manager for Strategy, Growth and Planning on 7 August 2023.

Hamilton City Council Reference D-4840854 - Submission # 742.

Introduction

1. Hamilton City Council appreciates the opportunity to make a submission on the **Proposed Resource Consent – 16A Wickham Street – Industrie Property Rua.**
2. Hamilton City Council **opposes** the application in its entirety as it gives rise to adverse environmental effects that are not capable of being fully addressed via consent conditions. Hamilton City Council's concerns with the application include the following:
 - Strategic planning matters;
 - Transport effects;
 - Three-waters effects; and
 - Reverse sensitivity arising from the operation of nearby Council waste facilities.
3. Hamilton City Council could not gain advantage in trade competition through this submission.

Background

4. The subject site is located within the area referred to as SL1 (**Appendix A**). Areas referred to as SL1 and SL2 are bound by the Southern Links Designation and the territorial boundary of Hamilton City Council. SL1 and SL2 have been identified for further investigation by the Future Proof Implementation Committee in 2022 for possible inclusion in the upcoming Future Development Strategy. Under the Strategic Boundary Agreement between Hamilton City Council and Waipā District Council signed in 2022, it is intended that SL1 will be brought into Hamilton City at a future point in time.
5. Land use planning processes for areas within SL1 are yet to be commenced. It would be intended that SL1 would be subject to a master plan or structure plan process if the area is brought into the City. This would be done in collaboration with Waipā District Council, Future Proof partners, other key stakeholders (including iwi) and the landowners of the area who will be the financial benefactors of a boundary change.
6. The Strategic Boundary Agreement states that the land resource of SL1 will be strategically managed, retained for rural use and protected for future urbanisation. All strategic land use decision-making in this area should take into consideration the terms of the Strategic Boundary Agreement as a section 104(1)(c) of the Resource Management Act matter.

Strategic Issues

7. The proposal is inconsistent with the relevant higher order planning instruments and strategic documents, as follows:
 - a) National Policy Statement on Urban Development 2020, and in particular the following provisions:
 - i. Objective 6
 - ii. Subpart 1, Section 3.3.2
 - b) Waikato Regional Policy Statement, and in particular the following provisions:
 - i. SRMR-I4 Managing the built environment
 - ii. IM-P1 - Integrated approach
 - iii. UFD-O1 -Built environment

- iv. UFD-P1 – Planned and coordinated subdivision, use and development
- v. UFD-P2 – Coordinating growth and infrastructure
- vi. UFD-P11 Adopting Future Proof land-use pattern
- vii. APP11- Development Principles

c) Waipā District Plan, and in particular the following provisions:

- i. Objective – Settlement pattern 1.3.1
- ii. Policy - Subdivision and development within the Rural Zone 1.3.1.5
- iii. Policy – Regionally significant and nationally significant infrastructure 1.3.1.8
- iv. Objective – Planned and integrated development 1.3.2
- v. Policy - Implement Proposed Waikato Regional Policy Statement, Future Proof 2009 and Growth Strategy 1.3.2.1
- vi. Policy - Coordination between subdivision and development and infrastructure 1.3.2.6
- vii. Objective – Rural character 4.3.7
- viii. Policies – Rural Character 4.3.7.1 – 4.3.7.3
- ix. Objective – Rural amenity: setbacks 4.3.8
- x. Policy – Transport network boundaries 4.3.8.1
- xi. Objective – Non-farming activities 4.3.12
- xii. Policy – Non-farming activities 4.3.12.1
- xiii. Policy – Reverse sensitivity 4.3.12.3

d) Future Proof Strategy, and in particular the following principles:

- i. Ensuring commercial and industrial development is located in key growth areas and that it is not located where it undermines the areas of influence of established centres.
- ii. Align the staging and timing of the settlement pattern with the partners’ infrastructure and investment plans.
- iii. Ensure that planning is integrated with infrastructure and funding decisions.
- iv. Protect existing and future infrastructure and transport corridors, including the Waikato Expressway, Southern Links and rail corridors, from development that could constrain or compromise the efficiency of infrastructure and transport corridor operation.

e) Hamilton-Waikato Metro Spatial Plan, and in particular the following expectations:

- a. Enable quality-built environments, whilst avoiding unnecessary urban sprawl.
- b. Planning in an integrated way based on communities of interest rather than existing council boundaries.
- c. Optimise the use of existing transport infrastructure, by aligning land use and development.
- d. Plan and protect efficient freight network operations and inter-regional corridors.

- e. Take account of the three waters infrastructure investment and operational requirements in assessing and planning development.

- f) Hamilton Urban Growth Strategy, and in particular the following expectations:

Within HUGS are principles for out-of-boundary development. Any out-of-boundary development must enhance the overall wellbeing of current and future Hamiltonians and create quality communities. Relevant to the subject application are the following expectations which Hamilton City Council consider are not being met:

 - i. Sustainable and integrated infrastructure solutions.
 - ii. Quality connections to places of work.
 - iii. Meeting the costs of all infrastructure.
 - iv. Not compromising planned investment.

- g) Southern Land Supply Agreement 2022.

Traffic Effects

- 8. Hamilton City Council engaged Grey Matter consultants to review the applicant's Integrated Transport Assessment (ITA). From this review, Hamilton City Council is concerned that the proposal will give rise to adverse traffic effects that cannot be addressed via consent conditions, for the reasons set out below.

Trip Generation of the Existing Activities

- 9. It is unclear what activities are operating from the existing site and if trip generation rates in the ITA reflect actual generation from the site at present. If trips are underestimated, then the residual effect of the proposal is likely to be greater than what the ITA anticipates.

Trip Generation and Distribution of the Proposed Activities

- 10. The proposed trip generation rate for the WattyL activity is based on information provided by the Applicant. However, there is no information to support the assessment and, therefore, trip generation in the ITA may be underestimated.
- 11. In addition, the ITA does not include a detailed assessment of trip distribution or provide evidence to support the trip generation and trip distribution assessment. This information is required to identify what routes vehicles are likely to take to determine the scale of safety effects at the surrounding intersections.

The Proposed Travel Management Plan

- 12. It is unclear where responsibility lies in terms of reviewing monitoring logs (i.e. Waka Kotahi NZ Transport Agency or Hamilton City Council).
- 13. There is no mechanism for mitigation if monitoring reports identify a trend of vehicles right turning in and out at the Kahikatea Drive/SH1c intersection or the Duke Street/SH1c intersection.
- 14. There is uncertainty as to the effectiveness of the Travel Management Plan for vehicles that are not fitted with GPS or owned by the occupants, such as worker and visiting vehicles.
- 15. The same concerns above remain for the occupants and users of Stage 2 described in the application.

Unquantified Road Safety Effects

16. Higgins Road/Kahikatea Drive: there is no supporting information that demonstrates that the additional vehicle movements at the Higgins Road/Kahikatea Drive intersection will not result in adverse safety effects.
17. Higgins Road/Killarney Road: there is no supporting information that demonstrates the additional vehicle movements at the Higgins Road/Killarney Road intersection will not result in significant adverse safety effects within the road network, noting the expected changes to this intersection as part of the Biking and Micromobility network plan rollout.

Three Waters

18. The management of effects relating to Three Waters is unsustainable, inefficient, and contrary to Hamilton City Council Policy. Hamilton City Council considers this development is an urban activity despite being in a rural zone. Therefore, Hamilton City Council expect that the activity should be held against standards for similar activities in an urban environment as opposed to those in a rural zone. Hamilton City Council's Three Waters Connections Policy ([refer here](#)) was approved on 17 September 2020. The Policy provides clarity about Hamilton City Council's approach to service connections to the City's Three Waters networks for private properties within and outside the City boundary. Hamilton City Council has regard to this policy when considering out-of-district servicing. In line with this Policy, Hamilton City Council will not provide Three Waters Services to this development.

Wastewater

19. The proposal appears to rely on an onsite wastewater storage tank that will be periodically emptied with the contents conveyed to an undisclosed location.
20. Having a tankered solution is not a sustainable or reliable long-term solution for wastewater servicing. Hamilton City Council actively discourages this approach to wastewater management. There are the environmental and health risks and implications of that waste being stored and transported in addition to generating additional heavy traffic movements and the potential implications of the waste stream on municipal wastewater systems.
21. As a general rule, Hamilton City Council does not allow tankered waste to be disposed at the Pukete Wastewater Treatment Plant from outside the City. However, it is challenging to monitor and track waste sources. There is potential for significant damage and disruption to the treatment process and associated infrastructure and the environment if non-compliant tankered liquid waste is discharged into Hamilton's wastewater reticulated network or at the Pukete Wastewater Treatment Plant.
22. If the proposed wastewater storage tank and transport solution fails, Hamilton City Council may be expected to assist with finding a solution which is contrary to the Hamilton City Council Three Waters Connection Policy and may create adverse effects on the City's wastewater network.

Water

23. The proposal appears to rely on rainwater harvesting, and onsite storage supplemented by tankered water to the site to meet its water needs. Having a tankered solution is not a reliable method for potable water. Hamilton City Council actively discourages this method of water management. There are the health risks and implications of that water being transported and stored, in addition to generating additional heavy traffic movements.

24. The development proposes to meet firefighting requirements through a connection to water supply from the neighbouring site at 16 Wickham Street. This is not acceptable to Hamilton City Council. Hamilton City Council provides water supply to 16 Wickham Street, operated by Waste Management. The water supply agreement between Hamilton City Council and Waste Management, Hamilton's Operative District Plan and Hamilton City Council's Water Supply Bylaw prevents a cross lot supply from the Waste Management potable water supply for all purposes including general and firefighting supply. A breach of this bylaw may result in the loss of service to the Waste Management site in addition to a \$20,000 fine.

Stormwater

25. This site discharges stormwater into the City's Waitawhiriwhiri Stream catchment and thus will trigger mitigations to ensure that any discharge does not adversely impact its comprehensive discharge consent.

26. To gain Hamilton City Council's agreement in this matter, the following details are to be supplied and confirmed by Hamilton City Council:

a) Stormwater discharge from the site shall be limited to 80% of the predevelopment volumes.

b) There shall be an attenuation (in addition to reuse) system to limit the instantaneous discharge from the site up to the 10% ARI and 2% ARI rainfall events, designed and implemented in accordance with the Regional Infrastructural Technical Specification (RITS).

c) Given the nature of the activity and the areas of trafficked hardstand, a two-stage quality treatment and attenuation system is required.

To date, the above mandatory information has not been provided to Hamilton City Council.

Other Issues and Concerns

27. Located northeast of the site off Wickham Street is the Hamilton Organic Waste Centre (HOWC). This site is owned by Hamilton City Council and operated by Enviro NZ on behalf of Hamilton City Council. This site is a public transfer station for green waste and sells landscaping supplies. This operation serves a functional, community need for green waste management and is located near the community it services (the City). HOWC's consent conditions address the site's odour and dust effects. In addition, office spaces are proposed facing north of the site and there is an untenanted Stage 2 Warehouse in the near vicinity.

28. Hamilton City Council is concerned that the proposal will give rise to reverse sensitivity effects, and may prevent further development of the HOWC for other waste activities.

29. Hamilton City Council also has concerns for the safety of the public entering the HOWC due to traffic movements generated from the proposal combined with the uncontrolled nature of the roading environment at the end of Wickham Street and Right of Way (ROW) access to the proposal site.

30. Historically, the HOWC has been blamed for the generation of dust down Wickham Street. As such, significant works have been undertaken at the HOWC to reduce dust exiting the site. Hamilton City Council is concerned that the unsealed ROW that will provide access for the proposal site will generate more dust exiting the proposal site and down Wickham Street.

Conclusion, Further Information and Hearings

31. For the foregoing reasons, **Hamilton City Council seeks that the resource consent application be declined.**
32. Should Waipā District Council require clarification of the submission from Hamilton City Council, or additional information, please contact **Mark Davey** (Urban and Spatial Planning Unit Manager) on 07 838 6995 or email mark.davey@hcc.govt.nz in the first instance.
33. Hamilton City Council **do wish** to speak at the hearings of Waipā District Council in support of this submission.
34. If **others** make a similar submission, Hamilton City Council will consider presenting a **joint case** at the hearing.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'BEBA' with a stylized flourish at the end.

Blair Bowcott
General Manager Strategy, Growth and Planning

Hamilton City Council
Garden Place, Private Bag 3010, Hamilton

 /HamiltonCityCouncil

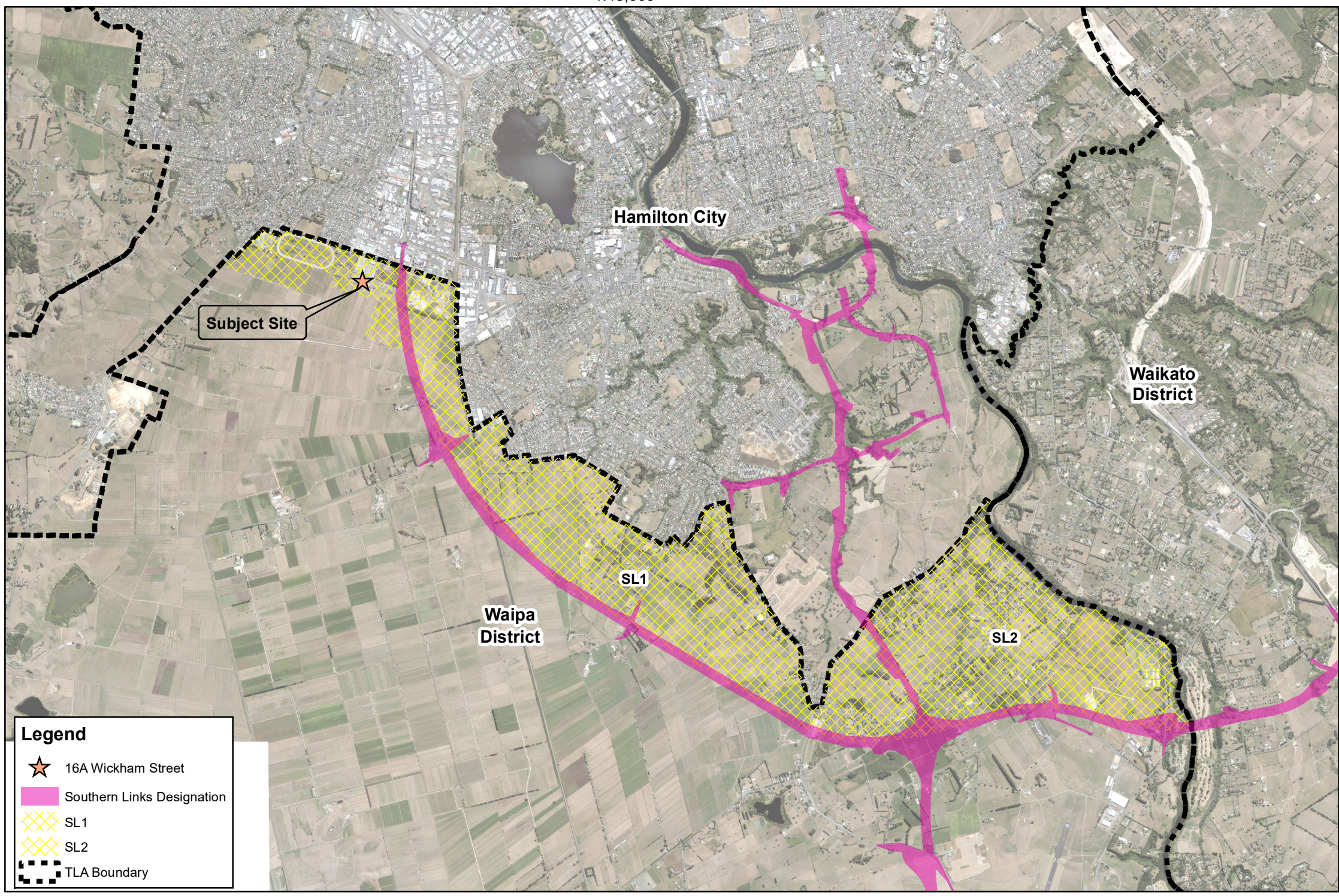
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 07 838 6699

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Appendix A - LOCALITY: 16A WICKHAM STREET

1:45,000



Subject Site

Hamilton City






Waikato District

Waipa District

SL1

SL2

Legend

-  16A Wickham Street
-  Southern Links Designation
-  SL1
-  SL2
-  TLA Boundary