

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Proposed Plan Change 17 to the Waipā District Plan –  
Hautapu Industrial Zones

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**STATEMENT OF EVIDENCE OF GARETH ELLIOT MORAN**

**(PLANNING)**

**Dated 13 March 2023**

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## **INTRODUCTION**

1. My full name is Gareth Elliot Moran. I am a Senior Associate Planner at Barker & Associates Limited (**B&A**) an independent urban and environmental planning consultancy operating throughout New Zealand.
2. My qualifications are a Bachelor of Resource Studies from Lincoln University and I am a full member of the New Zealand Planning Institute.
3. My planning experience has included the preparation and processing of various resource consent applications for both Council's and private clients. I have also prepared and processed Plan Changes, made submissions on Plan Changes and on District Plan reviews.

## **CODE OF CONDUCT**

4. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

## **SCOPE OF EVIDENCE**

5. This statement of evidence addresses the following key pivotal points to the Plan Change 17 (**PC 17**) progression:
  - a) Executive summary;
  - b) Provide an overview and background to the plan change;
  - c) Summary of strategic documents;

- d) Response to submissions;
- e) Response to Council's s 42A Report; and
- f) Conclusion.

#### **INVOLVMENT WITH PROPOSAL**

- 6. The trustees of Kama Trust are the majority landowner within the area identified as 'Area 6' within PC 17. This land is currently in a combination of horticultural and light industrial use.
- 7. I was engaged by Kama Trust to prepare and present a submission on the Future Proof Growth Strategy in 2021, with the objective of having 'Area 6' being recognised as future urban.
- 8. Following the resolution of the revised Future Proof Strategy, I was engaged by Kama Trust to provide planning advice including the preparation of a submission and further submission on PC 17.
- 9. The key narrative of my proceeding evidence will centre around the rezoning of Area 6 as that is the area predominantly owned and occupied by Kama Trust.

#### **EXECUTIVE SUMMARY**

- 10. I am in support of PC 17 in its entirety, specifically the rezoning of rural land located on the northern side of Hautapu Road.
- 11. I am in support of the facts and findings presented in Council's s 42A Report aside from the assumption in that report that a 75m boundary setback will be provided from the northern boundary of Area 6. The stormwater design

submitted as part of the plan change was indicative only, and subject to change at detailed engineering stage. While the width of the stormwater basin may produce a setback of up to 75m, it is more likely to have a width of approximately 30-40m. On this basis, and taking account of the boundary planting and bunding requirements, I have concluded that a setback of approximately 50m is more likely, as detailed in later sections of my evidence. Nevertheless, as described in my evidence, this setback, in combination with the other boundary and land use controls, will effectively mitigate all adverse effects.

12. I conclude that the proposed zoning, objectives, policies and rules of PC 17 are appropriate to optimise the development opportunities, vision and outcomes for the locality.
13. 'Area 6' has been identified in the Future Proof Growth Strategy for future industrial development. Thus, the rezoning of Area 6 aligns with the strategic direction of the district.
14. The positioning of the stormwater pond along the northern boundary, as identified in the structure plan and the inclusion of additional landscaping and mounding requirements, provides a natural interface and separation between the existing rural activities located on the adjoining properties to the north and future industrial activities undertaken within Area 6.
15. Future industrial activities to establish on 'Area 6' will be required to comply with the various district plan provisions prescribed for Industrial Activities, which contains specific provisions in relation to noise, odour, light and vibration, all of which have been designed to reduce the likelihood of adverse effects being experienced from adjoining properties, livestock and the wider environment.
16. The proposed rezoning of Area 6 will not introduce a higher baseline of noise, vibration and glare effects over and above what currently occurs in the Rural Zone.

17. The addition of Area 6 will provide a stormwater solution for the wider structure plan area.
18. The rezoning of Area 6 will support the consolidation of industrial activities and proposed growth of industrial activities in Cambridge and will subsequently reduce the risk of inappropriate industrial sprawl throughout the rural area. Controlled industrial growth will ensure the vibrancy of the Cambridge town centre is maintained and enhanced.
19. Area 6 has good accessibility and connectivity to the surrounding arterial road network, including State Highway 1.
20. Area 6 does not contain any natural features of significance; thus, the proposed rezoning will not contribute to any loss in ecological values.
21. I conclude that the inclusion of 'Area 6' as industrial zoning will enhance the local economy and accelerate growth through the creation of additional employment opportunities which will supplement the vast residential growth currently occurring within the wider Cambridge area.
22. Well-functioning urban environments as required by Policy 1 of the National Policy Statement on Urban Development (**NPS-UD**), are environments that, as a minimum have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. The inclusion of Area 6 aligns with this key directive identified in the NPS-UD.

## **BACKGROUND**

23. In November 2021 Kama Trust submitted on the 'Future Proof Strategy' to have the area identified as 'Area 6' in PC 17, to be officially recognised for future industrial (urban) development.

24. In February 2022, Kama Trust received confirmation from the Future Proof Committee that 'Area 6' would be acknowledged in the Future Proof Strategy for future industrial (urban) development.
25. In February 2022, Waipā District Council (**Council**) approached Kama Trust in regards to advancing the rezoning of Area 6. It was agreed that Council would be supportive of a plan change process on the basis that Kama Trust prepared all the evidential background reporting that confirmed the acceptability of the plan change.
26. As part of the process, it was agreed that Area 6 would need to encompass a stormwater basin that was originally forecast to be positioned on a privately owned property on the western side of Peake Road.
27. In June 2022, all specialist reports were handed over to Council and PC 17 was publicly notified on 30 September 2022.
28. Kama Trust lodged both a submission and further submission in support of PC 17.

## **SUMMARY OF STRATEGIC DOCUMENTS**

### **Waikato River Vision and Strategy**

29. Te Ture Whaimana o te Awa o Waikato (Vision and Strategy for the Waikato River) (**Waikato River Vision and Strategy**) is the key direction setting strategic document in the Waikato. A key aspect of the Waikato River Vision and Strategy is the requirement that the health and wellbeing of the Waikato and Waipā Rivers is to be restored and protected for current and future generations. It adopts a precautionary approach towards decisions that may result in significant adverse effects on the awa. The specialist reports provided as part of the PC 17 process have demonstrated a suitable stormwater solution which eliminates any discharge directly into the Mangaone Stream and Waikato River. As such PC 17 does not alter the

ability of the District Plan to give effect to the Waikato River Vision and strategy.

### **National Policy Statement on Urban development (NPS-UD)**

30. The NPS-UD seeks to ensure that New Zealand's towns and cities are well-functioning urban environments. The NPS-UD directs local authorities to enable greater supply and ensure that planning is responsive to changes in demand, while seeking to ensure that new development capacity enabled by councils is of a form and in locations that meet the diverse needs of communities and encourages well-functioning, liveable urban environments. It also requires councils to remove overly restrictive rules that affect urban development outcomes in our cities.
31. The Waipā District is defined as a Tier 1 urban environment. As such, Council is required to provide sufficient development capacity to meet the expected demand for business land. The rezoning of Area 6 will accord with the policy direction of the NPS-UD and provide additional capacity for industrial land supply which will supplement residential development, enabling Waipā District to meet the requirements of the NPS-UD.
32. Well-functioning urban environments as required by Policy 1 of the NPS-UD, are environments that, as a minimum have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.
33. In my opinion the inclusion of Area 6 aligns with this key directive identified in the NPS-UD.

### **National Policy Statement for Freshwater Management (NPS-FM)**

34. The fundamental concept of the National Policy Statement for Freshwater Management (**NPS-FM**) is "Te Mana o te Wai" the fundamental importance

of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. Policies of the NPS-FM focuses upon the management of freshwater in an integrated way to ensure that the health and well-being of water bodies and freshwater ecosystems is maintained and improved.

35. The Structure Plan prepared in support of the rezoning of Area 6 recognises and protects freshwater features in proximity of the site, ensuring that stormwater from the proposed industrial activities will be appropriately managed. The rezoning of Area 6 will accord with the policy direction of the NPS-FM.

#### **National Policy Statement on Highly Productive Land (NPS-HPL)**

36. The National Policy Statement on Highly Productive Land's (**NPS – HPL**) overall purpose is to improve the way highly productive land is managed under the RMA to:
  - a) Recognise the full range of values and benefits associated with its use for primary production;
  - b) Maintain its availability for primary production for future generations; and
  - c) Protect it from inappropriate subdivision, use and development.
37. The land located within the boundaries of Area 6 is defined as Highly Productive land under the NPS-HPL, however Clause 3.5(7) of the Policy states as follows:

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:



...

(b) is not:

- (i) identified for future urban development.
- (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural to rural production to urban or rural lifestyle.

38. As Area 6 has been identified in Future Proof Strategy for future urban development, and is subject to PC 17 which was notified in advance of the commencement date for the NPS-HPL, the area is exempt from the restrictions implemented through the NPS-HPL for the future development of highly productive land. This is confirmed in Section 4.3.2 of the section 42A report.

### **Future Proof Strategy**

39. The Future Proof Strategy is a 30-year growth management and implementation strategy that provides a framework to manage growth in a collaborative way for the benefit of the Future Proof sub-region both from a community and a physical perspective. The sub-regional approach implemented through the Future Proof Strategy is needed to manage growth in a staged and coordinated manner and to address complex planning issues, especially cross-boundary matters.
40. An updated strategy was adopted by Future Proof in June 2022 which extended the strategic allocation of industrial land resources in Hautapu by identifying Area 6 as a suitable resource for 'short term development'.
41. Accordingly, the inclusion of Area 6 for rezoning to industrial land is consistent with this higher order strategic planning instrument.

### **Regional Policy Statement**

42. In accordance with section 74(2) of the RMA, when preparing or changing a district plan, a territorial authority shall have regard to its regional policy statement. The Waikato Regional Policy Statement (**WRPS**) was made

operative in 2016. It provides an overview of resource management issues in the Waikato Region, and the ways in which integrated management of the regions natural and physical resources will be achieved. Together the objectives inform a policy framework that seeks to manage development and its associated effects in the Waikato Region, providing detail and direction on how the objectives are to be achieved.

43. Plan Change 1 to the WRPS (**RPS Change 1**) was notified in late 2022 and includes broad policies associated with long term strategic development. The change to the WRPS is needed to incorporate the requirements of the NPS-UD and to reflect the updated Future Proof Strategy. Submissions on RPS Change 1 closed on 16 December 2022 and further submissions closed on 15 February 2023.
44. As identified in the s 42A Report, PC 17 rationalises rural land that is adjacent to industrial land that has previously been subject to industrial use through the approval of ad hoc landuse consents. Further, specialist reports have concluded that the area encompassed within PC 17 can be provided with appropriate infrastructure to support a potential zone change from Rural to Industrial. As such PC 17 is concluded to be an efficient use of physical resources and thus in accordance with the WRPS.

## **RESPONSE TO SUBMISSIONS**

45. A total of 28 submissions and six further submissions were received on the plan change. Of the submissions received, 10 were in support, six were in support in part and 12 were in opposition.
46. Of the submissions in support, the key 'themes' can be broken down into the following categories:
  - a) There is a shortfall of industrial land in the wider Cambridge Area;

- b) Benefits for the wider economy;
  - c) Excellent accessibility and connectivity to surrounding arterial road networks, including State Highway 1;
  - d) Well-functioning urban environments rely on the supply of industrial land; and
  - e) Encouraging the relocation of industry from Caters Flat to Hautapu.
47. I concur with all of the submissions which have supported the inclusion of 'Area 6'.
48. Industrial land forms a key element to successfully functioning urban environments, as emphasised in Policy 1 of the NPS-UD.
49. Currently there is insufficient industrial zoned land to support the increased residential development currently occurring within the Cambridge Area, such as the current development of the C1, C2 and C4. I agree with the submission in support of the plan change, as the increased industrial zoning will alleviate price pressures create jobs and enhance the local economy.
50. In terms of the submission in opposition, the key issues raised by submitters can be categorised into the following subheadings.
- a) Effects on livestock;
  - b) Amenity;
  - c) Odour;
  - d) Traffic;
  - e) Three-Waters;
  - f) Highly Productive soils; and
  - g) Cultural.
51. I will examine each of the above areas of contention in the proceeding

sections of my evidence.

### **Effects of Livestock**

52. Submissions have been lodged in opposition to the rezoning of 'Area 6' due to the potential implications on livestock, notably the surrounding equine industry to the north and west of the site.
53. Whilst the proposed rezoning of Area 6 will result in an inevitable change to the surrounding environment, it is not an uncommon occurrence within the Waikato to have successful equine activities operating in close proximity to industry. That is, provided the industry is managed and controlled by various district plan provisions to alleviate interface issues with conflicting landuses.
54. I note that Malcolm and Ash Boyd, the trustees of the Kama Trust, have undertaken their own field research into this issue. I have reviewed the evidence that will be filed by them and confirm that it is consistent with my own observations and experiences in the Waipā District. In particular, in my previous role as a planner within Council and partly responsible for monitoring and enforcement, this kind of interface issue did not present as a problem.

### Noise

55. In order to examine the true nature of any adverse effects, it is firstly important to recognise that the Rural Zone is a working environment, where activities that generate various levels of noise are not uncommon. All activities that establish within a rural environment are required to comply with various District Plan standards which provide an anticipated baseline of effects. The same principles will apply to the introduction of industry into the environment, where all activities are bound by district plan provisions, especially those relating to noise. To elaborate further on this point, 'Area 6' is currently required to comply with the Rural Zone noise

levels identified in Rule 4.4.2.15, which requires compliance with the following performance standards, unless authorised through a Discretionary Activity Resource consent:

- a) *Day time – 7.00am to 10.00pm 50dBA (Leq).*
- b) *Night time – 10.00pm to 7.00pm 40dBA (Leq).*
- c) *Night time single noise event - 70dBA (Lmax).*

56. The proposed District Plan noise provisions relating to Area 6 will be referenced in the Industrial Zone 'Rule 7.4.2.20' which contain similar baseline levels to what currently exists within the Rural Zone. For example, the Industrial Zone noise standard includes a slightly higher night time and public holiday standard, whereby it increases by 5dBA (leq). Conversely, the Industrial Zone does not have the ability for one single night time event to exceed 70dBA (Lmax) like the Rural Zone does.

57. For clarification purposes I have proposed the following industrial zone noise rule (7.4.2.20):

- |     |   |                    |
|-----|---|--------------------|
| (a) | <i>Monday to Friday - 7.00am to 10.00pm</i>         | <i>50dBA (Leq)</i> |
| (b) | <i>Saturdays - 7.00am to 6.00pm</i>                 | <i>50dBA (Leq)</i> |
| (c) | <i>At all other times including public holidays</i> | <i>45dBA (Leq)</i> |

58. When comparing both the current and proposed standards, it becomes apparent that the same noise levels which are currently permitted for Area 6, aside from a slightly higher night time level being 45dBa (leq), will be retained once the area is rezoned.

59. On this basis, I can conclude that the rezoning of Area 6 will not introduce a higher baseline of noticeable noise effects over and above what is currently permitted in the Rural Zone.

#### Nature of permitted activities

60. The intent of Area 6 is that it is developed for industry such as warehousing, manufacturing of goods and distribution centres; whereas heavy industry, likely to cause noise and other related effects, such as bitumen, concrete plants and incineration activities, would need a non-complying resource consent to be established. Non-complying resource consents are the most restrictive category of resource consent. As a result, given the restrictive activity status, it is highly unlikely that activities of this nature will be attracted to locate in this area, or indeed could ever be established in this area.

#### Setbacks and Landscaping

61. In order to minimise any disruption on livestock, particularly the working farms to the north and west, the following District Plan provisions and design criteria of the Hautapu Structure Plan have been introduced to avoid and/or mitigate any potential effects on livestock.
- (a) The stormwater soakage basin identified in the Structure Plan has been strategically positioned along the northern boundary of 'Area 6' to act as an additional buffer and sympathetic interface between future industrial activities and the equine activities to the north. Council's s 42A Report concludes that the location of the stormwater pond accompanied with the additional landscaping and mounding requirements specified in the Hautapu Structure Plan will ensure there remains a 75m (approximate) separation between any industrial activity within Area 6 and the adjoining properties to the north. However, it is noted that these setbacks were based on initial indicative designs which would need to be finalised at detailed design phase later in the process. This means that the size and depth of the

stormwater pond could theoretically increase or decrease in size subject to final engineering design. On this basis, it is incorrect to assume that a 75m setback would automatically become an eventuality.

(b) At this point in time, I am unable to determine what the final setback would be as it is reliant on final engineering design; however, the following key points provide logical guidance:

- i) There is no question that the stormwater basin needs to be located along the northern boundary of Area 6, in order to provide a suitable layout for future development;
- ii) The stormwater basin will be designed to provide a solution for the wider Hautapu Structure Plan Area. As a result, the basin will need to be *large* in volume and width;
- iii) The Hautapu Structure Plan requires a five-metre landscaping and mounding strip;
- iv) The logical landscaping and mounding location is on the boundary between Area 6 and the adjoining properties to the north;
- v) Based on the above, the most likely design outcome for the site will consist of the following:
  - Five-metre landscaping strip along the northern boundary;
  - Followed by the stormwater basin which is likely to be at least 30m-40m wide;

- Obligatory building setback from the side of the basin, which is likely to be at least five metres;
- vi) Preliminary background investigations have concluded that a 30m-40m stormwater pond *could* be acceptable. At this width, a total setback of 40m-50m would be established.
- (c) If I worked on the likelihood of a potential 40m-50m setback, then assessed it in terms of the current rural zone boundary setback provisions, pertinent to the Area 6, the following points provide further guidance as to the acceptability of such a setback:

Rule 4.4.2.2 (e) –All other buildings greater than 250m<sup>2</sup>

**25m**

Rule 4.4.2.4 (e) - Minimum setback for confinement of animals

**50m**

The Rural Zone rules do not offer an increased or additional boundary interface mitigation such as landscaping and bunding.

- (d) In my view, the potential effects associated with industry will be less significant when compared to the potential effects associated with the activities referenced in Rule 4.4.2.4 (e) which include milking sheds, shearing sheds, stables, yards, pens, loafing barns.
- (e) Having now assessed the baseline effects for the Area 6 and the anticipated environmental outcomes in the rural zone, I can draw the conclusion that a potential setback in the vicinity of 40m, which would include a five-metre landscaped strip, stormwater basin and building setback from the basin, would offer a greater level of protection to the adjoining landowners to the north, over and above what currently occurs under the existing rural zone rule framework.



- (f) In terms of the interface with Peake Road, the 15m boundary setbacks, earth-mounds and landscaping requirements, together with the width of Peak Road itself, will ensure there is separation between 'Area 6' and the properties located on the western side of Peake Road.

### Vibration

62. In my view the boundary setbacks outlined above, plus the further performance standards referenced in Rule 7.4.2.22 – Vibration, will avoid and mitigate any potential effects on the adjoining properties and the wider environment.
63. Furthermore, it is specifically noted that the anticipated threshold for vibration effects for the Rural Zone (Rule 4.4.2.18) is exactly the same as the Industrial Zone.
64. Based on the above facts, I can conclude that the proposed rezoning of Area 6 will not introduce a higher threshold of anticipated effects into the environment over and above what could theoretically occur on site as a permitted activity under the current Rural Zone rule framework.

### Glare

65. In terms of any potential glare related effects generated from industrial lighting, a bespoke District Plan provision (Rule 7.4.2.41) specifically relating to Area 6 is proposed. The proposed rule reads as follows:

*Rule 7.4.2.41 All external lighting shall be shaded or directed away from any adjoining residential dwellings or roads, and adjusted and maintained to ensure that the direct luminance from the lighting source shall not exceed;*

*(a) 4 lux (lumens per square metre) at or within the notional boundary of any adjoining dwelling between the hours of 10:00pm and 7:00am;*

*(b) 10 lux at or within the notional boundary of any adjoining dwelling at all other times when lighting is required.*

66. The above rule has been introduced as part of the plan change process and is more restrictive than what currently exists within the rural zone rule framework, which does not include any specific rules controlling glare.
67. In my view, the proposed District Plan glare provision, and increased boundary setbacks and treatment, will ensure any potential glare related effects are acceptable.

#### Odour

68. Submissions in opposition to the plan change have raised concerns regarding odour, particular in relation to the stormwater pond positioned along the northern boundary of 'Area 6'. Based on evidence provided from Mr Chapman, water will not be permanently retained within the soakage basin, and it will quickly soak away after rain events. On this basis, water is not expected to be present within the basin for extended periods of time that could result in adverse odour related effects. On this basis, I conclude that any potential odour related effects will be acceptable.

#### **Amenity**

69. Managing the interface between contrasting zones is an important aspect associated with the plan change process. The rezoning of Area 6 will alter the existing amenity values attributed to the site and surrounding area; however, this associated change does not necessarily mean that any consequential adverse environmental effects will be generated.

70. Area 6 contains approximately 20ha, of which 7ha has already been developed for urban/industrial development, leaving approximately 13ha of undeveloped rural land. In essence the potential amenity related effects only relate to a little over half of the site.
71. The common perception of rural land is that of open space and greenery. However, the amenity of the area has the ability to alter depending on the type of use. For example, sheep and beef farming, cropping, horticultural, quarries, rural based industries (rural contracting depots etc) and or forestry would result in different levels of rural amenity. As such, it is an unrealistic expectation that the site would remain open and green in perpetuity. The rural land surrounding Cambridge is a working rural environment and should be treated as such.
72. At present the Rural Zone provisions of the District Plan offer little in terms of boundary treatments along the external parameters of sites; relying solely on setbacks, which differ depending on the type of activity or size of the proposed structure.
73. The proposed rezoning will introduce a more restrictive set of boundary treatments including landscaping and mounding which is not a binding requirement in the rural zone. This will ensure that many amenities related attributes of the site are retained following the proposed rezoning.
74. In conclusion, I support the proposed District Plan provisions and supporting objectives and policies directly relating to amenity values and subject to compliance with these provisions conclude that any potential amenity related effects are acceptable.

### **Traffic**

75. Two independent traffic reports have been undertaken as part of the PC 17 process, one initiated by Kama Trust and prepared by CKL and the other initiated by Council and prepared by Stantec. Further evidence has been

provided by Ms Mothelesi. All reports and specialist evidence conclude that the proposed transport infrastructure is suitable to support PC 17, subject to additional mitigation measures proposed by Ms Mothelesi.

76. Further evidence has been submitted by Mr Michael Hall of CKL which addresses the amended mitigation measures proposed by Ms Mothelesi.
77. Mr Hall will comment directly on these proposed mitigation measures as part of his evidence and have thus not been repeated.
78. In conclusion, based on the findings of the specialist reports, I also conclude that the existing roading infrastructure and proposed mitigation measures are suitable to support the increased industrial zoning proposed as part of PC 17.

#### **Stormwater**

79. As part of the discussions between Council and the Kama Trust regarding the PC 17 process, it was agreed that the stormwater soakage basin that was originally planned by Council to be situated on privately owned rural land to the west of Peake Road, would be relocated on the Kama Trust land within Area 6. While the terms are still to be agreed between the Kama Trust and Council, this would nevertheless avoid a potential compulsory acquisition process by Council, which is often an expensive and time-consuming process.
80. On this basis, the stormwater design for 'Area 6' was engineered to provide an integrated stormwater solution to enable the release and subsequent development of the wider Hautapu Structure Plan area.
81. Specialist stormwater evidence has been provided by Mr Chapman of Te Miro Water Consultants Limited, who has concluded that the proposed stormwater solution aligns with the Waikato Regional Infrastructure

Technical Specification and the WRC Stormwater guidance. Furthermore, the proposed stormwater solution will ensure there is no additional/surplus discharge directly to the Mangaone Stream.

82. The Hautapu Landowners Group have raised specific concerns regarding the proposed stormwater solution, particularly in relation to groundwater mounding, contamination of groundwater and bores used for domestic and stock drinking purposes, overland flow of stormwater, and odour. These issues have been addressed in Mr Chapman's evidence and have not been repeated within the body of my evidence.
83. In conclusion, based on the specialist evidence, I conclude that a suitable stormwater solution can be designed and adopted to account for Area 6 and which potentially serves the wider industrial area, without adversely affecting neighbouring properties or the wider environment.

#### **Highly Productive Soil**

84. As PC 17 was notified prior to the NPS-HPL becoming operative, Area 6 is excluded from the key directives referenced in the policy statement. Much of the land within Area 6 is already highly modified and compromised in terms of rural use through consented industrial activities. Given the remaining undeveloped rural land within Area 6 equates to approximately 12 ha, in the wider scheme of things the loss of elite soils is not considered significant in terms of the wider productive potential of the district's rural soil resource. Furthermore, it is most efficient to be using this already compromised rural land resource, rather than some other rural land resource, for a transition to industrial use.
85. I conclude that the rezoning is in accordance with the Future Proof Strategy and is going to open the door to a spectrum of positive effects for the district, which will outweigh any potential adverse effects associated with the loss of highly productive soils.

## **Cultural**

86. As part of the plan change process, it is my understanding that Council has liaised directly with local iwi with whom Council has a Joint Management Agreement in place, as well as other iwi groups within the area. No adverse cultural effects arise.

## **SECTION 42A EVALUATION**

87. The key conclusions made within Council's s 42A Report are summarised as follows:
- a) The proposed provisions of the District Plan are considered suitable to address any potential adverse effects on the environment;
  - b) PC 17 is consistent with the policy direction and outcomes identified in the NPS-UD;
  - c) PC 17 represents a robust and suitable response to the existing Hautapu Structure Plan and will promote further industrial growth in the area;
  - d) PC 17 is consistent with the Vision and Strategy for the Waikato River and the WRPS;
  - e) PC 17 is consistent with the sustainable management purpose of the RMA;
  - f) PC 17 is recommended for approval subject to proposed amendments;
  - g) The report concludes that a 75m setback would exist along the northern boundary of Area 6. This assumption is not correct as the

stormwater design submitted as part of the plan change process is indicative only. Through the findings of my evidence, I have concluded that a reduced setback on the northern boundary will not compromise the outcome and also represents an acceptable solution.

88. I agree with the findings and further mitigation measures proposed in Council's s 42A report.

### **CONCLUSION**

89. I am in support of Council's s 42A Report which concludes that PC 17 should be approved.
90. The proposed boundary treatments, increased setbacks and district plan provisions will ensure any potential effects on adjoining properties and the wider environment are avoided and mitigated.
91. The assumption that a 75m setback will be provided along the northern boundary of Area 6 is not accurate, as the setback will need to be determined once final design specifications for the stormwater basin are completed. However, through the findings of my evidence, I have concluded that a reduced setback would also be acceptable.
92. In my opinion PC 17 should be approved.

**Gareth Elliot Moran**

**13 March 2023**