

**BEFORE HEARING COMMISSIONERS
APPOINTED BY THE WAIPĀ DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of Plan Change 17 (Hautapu Industrial Zones) to the Waipā District Plan (**PC 17**)

BETWEEN **MICHAEL AND JENNI BRIGGS**

Submitter [No. 14]

AND **WAIPĀ DISTRICT COUNCIL**

Local Authority

STATEMENT OF

MICHAEL JAMES BRIGGS

17 March 2023

STATEMENT SUMMARY

1. My name is Michael Briggs. My wife and I own a rural-residential sized property at 171 Hautapu Road, where we have lived with our family since mid-2019.
2. Our property is zoned Rural under the Waipā District Plan (**District Plan**) and is approximately 200m west of the C9 future growth cell and the proposed rezoning area (**Area 6**).
3. I summarise my statement as follows:
 - (a) I do not oppose bringing forward the C9 future growth cell from post 2035 to pre-2035 and the addition of Area 6 to the Hautapu Industrial Structure Plan (**Structure Plan**).
 - (b) I seek the amenity of the adjacent Rural Zone land is maintained by retaining the current Structure Plan setbacks, design guidelines and landscaping requirements, and extending them to Area 6.
 - (c) A definition and rules for 'Dry Industry' should be added to the Structure Plan area, while wet industries should be prevented from establishing as the wider Hautapu area has an existing high ground water table.
 - (d) Non-Complying Activities should be consistent across the Structure Plan Area and adjacent Bardowie Industrial Precinct Structure Plan Area.
 - (e) The indicative local road in 'Area 6' of the Structure Plan should be moved as far east as required to make Hautapu Road (east of Peake Road), Victoria Road and the Hautapu Interchange the shortest route to the area, and provisions requiring the local road to be constructed in the amended location or further east should be added.
 - (f) The Hannon Road roundabout should consist of two circulating lanes and additional left-turn slip lanes for the southern and eastern approaches to avoid significant congestion and delays, and people taking alternative local road routes.

INTRODUCTION

4. My name is Michael James Briggs.
5. My wife Jenni Linda Briggs and I are the owners of the property at 171 Hautapu Road, Cambridge, which is 1.625 hectares in area. Our family has lived at the property since mid-2019.

SCOPE OF STATEMENT

6. My statement is in accordance with our submission and further submission, and is structured by the following topics:
 - (a) Background to our submission.
 - (b) Amenity.
 - (c) Incentive for Carter's Flat Industry.
 - (d) Rezoning Area 6.
 - (e) Transportation.
 - (f) Updated structure plans.
 - (g) Water.
 - (h) My overall conclusions.

BACKGROUND

7. Our property at 171 Hautapu Road is zoned Rural under the District Plan and is approximately 200m west of the C9 future growth cell and Area 6.
8. We purchased our property in 2019 and were aware of the Structure Plan and the Deferred Industrial Zoning of the C9 growth cell (beyond 2035). We considered that the setbacks, design guidelines, landscaping and access requirements would mitigate the adverse effects on the surrounding rural character and amenity and require vehicles to access the growth cell close to the Hautapu Interchange of the Waikato Expressway.

AMENITY

Light Spill

9. The current performance standards in Section 7.2 (Industrial Zone) of the District Plan do not contain any light spill requirements.
10. While the Section 32 Evaluation Report¹ (**Section 32 Report**) focuses on Area 6, it identifies that (underlined for emphasis):

“The effects of extending the Industrial Zone to the north brings industrial related effects such as noise, vibration, light and general amenity effects closer to rural and residential properties, particularly north of proposed Area 6.”

And

“A lighting spill rule has also been proposed, this is to address adverse effects from fixed lighting sources on the neighbouring sites, particularly to the north.”

11. Given Paragraph 14 above, if Waipā DC are to include proposed Rule 7.4.2.41 (Light Spill in Area 6 – Hautapu Structure Plan Area) in the District Plan, it would represent a significant shift in managing the adverse effects of industrial activities on neighbouring rural and residential properties.
12. Enabling development of the C9 growth cell would also result in industrial related light effects closer to rural and residential properties. Accordingly, if proposed Rule 7.4.2.41 is to be included in the District Plan, it should apply to the entire area of PC17 (C9 growth cell and Area 6) to ensure consistency within the Industrial Zone going forward.
13. As identified in our submission (No. 14 – Point 9), we support the intent and inclusion of the proposed Rule 7.4.2.41 but consider that it should also apply to all of the Structure Plan area to be consistent with Area 6 and mitigate the adverse effects on the surrounding rural character and amenity.
14. Although the Section 42A Report² identifies that the extension of Rule 7.4.2.41 to include the entire Structure Plan area “*would largely benefit the rural properties on the western side of Peake Road*”, I consider that it would mitigate the adverse industrial related light effects on the surrounding rural character and amenity.

¹ Section 32 Report, Section 3.2, Page 35.

² Section 42A Report, Paragraph 6.1.6.

15. Rightly the Section 42A Report³ identifies that:

“There are also still residential dwellings within the Hautapu Industrial Structure Plan Area and, should this change be accepted, some existing industrial activities may have to retrospectively meet this new criteria because the way the rule is worded means that industrial activities should minimise light spill onto any residential dwelling, rather than onto another zone”

16. On this basis, I consider that Rule 7.4.2.41 should be amend as follows (additions underlined):

Rule - Light Spill in Area 6 – Hautapu Structure Plan Area

7.4.2.41 All external lighting shall be shaded or directed away from any adjoining residential dwellings or roads outside of the Industrial Zone, 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 outside of the Industrial Zone between the hours of 10:00pm and 7:00am;
- (b) 10 lux at or within the notional boundary of any adjoining dwelling outside of the Industrial Zone at all other times when lighting is required.

Visual Effects and Rural Character

17. A key issue raised in our submission is the importance of mitigating potential adverse industrial related effects on the visual and rural character of the adjoining rural and residential properties.
18. As identified in Paragraph 13 above, we were aware of the Hautapu Industrial Structure Plan and C9 growth cell when we purchased out property and considered that the existing District Plan setbacks, design guidelines and landscaping requirements would help mitigate the adverse effects on the surrounding rural character and amenity.

³ Section 42A Report, Paragraph 6.1.6.

19. As per our submission (No. 14 – Point 11), I support the retention of the current Structure Plan setbacks, design guidelines and landscaping requirements, and the inclusion of Area 6 (as identified in the Section 42A Report⁴).
20. The Section 42A Report⁵ identifies that Rule S5.7.1.2 (d) states a 30m maximum spacing and the key in Attachment A: Perimeter Boundary Treatment identifies 30m minimum spacing. I agree that a consequential amendment and change should be made to Attachment A: Perimeter Boundary Treatment to read as 30m maximum spacing, rather than minimum.

INCENTIVE FOR CARTER'S FLAT INDUSTRY

21. Our submission (No. 14 – Points 2 and 5) sought that Policy 7.3.4.9 and Rule 7.4.1.1(w) were not added to the District Plan as Carter's Flat industrial activities could relocate to any available industrial land within the district. While I agree with trying to enable and provide a level of certainty for industrial activities in Carter's Flat to relocate, I consider that the proposed policy and rule do neither. Industrial activities from Carter's Flat would still need to comply with the Industrial Zone provisions to be permitted activities (the same as any other Industrial Zone land) or apply for resource consent which may or may not be granted (the same as any other Industrial Zone land). Additionally, although policy and rule seek to enable industrial activities from Carter's Flat relocating within Area 6, they do not protect a particular part of Area 6 for such activities or prevent all of Area 6 being taken up by new/non- Carter's Flat industrial activities.

REZONING AREA 6

22. While our submission (No. 14 – Point 4) sought that Area 6 be excluded from Rule 7.4.1.1(a) of the District Plan to avoid permitting wet industry industrial activities, given the high groundwater table in the wider Hautapu area (refer to Paragraphs 37 to 44 below), I now consider that the entire the Hautapu Industrial Area should be excluded from the rule.

⁴ Section 42A Report, Appendix A, Rules 7.4.2.1 and 7.4.2.2.

⁵ Section 42A Report, Paragraph 6.1.15.

23. Excluding the Hautapu Industrial Area from Rule 7.4.1.1(a) then requires Rule 7.4.1.1(w) of PC 17 to be amended to capture industrial activities in the Hautapu Industrial Area.

Therefore, I now seek the following amendments:

District Plan Rule 7.4.1.1(a)

Industrial activities (excluding the Hautapu Industrial Area).

PC17 Rule 7.4.1.1(w)

~~Within 'Area 6' of the Hautapu Industrial Area, any lawfully established, dry industry 'Industrial Activity' that is located within the Cambridge Commercial Zone of Carters Flat established prior to 2022. Development Contributions do not apply to these activities.~~

24. Point 6 of our submission (No.14) sought that Rule 7.4.1.5(p) of PC 17 (Non-Complying Activities) should be amended to refer to the entire Structure Plan Area, rather than just Area 6. Like the Bardowie Industrial Precinct Structure Plan Area and Area 6, the properties to the north and west of the current Structure Plan area are also rural-residential in use and the potential of adverse effects on the surrounding properties would be the same. Accordingly, if Council is to make the activities listed in Rule 7.4.1.5(p) non-complying activities, they should be consistent and amend the rule as follows:

Notwithstanding Rule 7.4.1.3(f), the following activities are non-complying activities within the Bardowie Industrial Precinct Structure Plan Area and ~~Hautapu Industrial Area~~ 'Area 6' Hautapu Industrial Area.

- i) Bitumen plants;
- ii) Incineration activities;
- iii) Concrete batching plants;
- iv) Relocated buildings.

TRANSPORTATION

25. The Section 42A Report⁶ has incorrectly summarised our submission in relation to being concerned about access from Area 6 to Peake Road. While we do not want Area 6 to

⁶ Section 42A Report, Paragraph 6.6.5.

have direct vehicle access to Peake Road, our submission (No. 14 – Point 10) raised concern with the location of the Area 6 indicative local road on the PC 17 Hautapu Structure Plan (S5.9).

26. Our concern is that a portion of vehicles to and from the PC 17 Area 6 indicative local road used Hautapu Road (west of Peake Road) and Peake Road itself. While I can accept that the majority of traffic may use Hautapu Road east of Peake Road, Victoria Road and the Hautapu Interchange of the Waikato Expressway (**Expressway**), I consider that a portion of traffic would likely use Hautapu Road (west of Peake Road) and Peake Road if they are going to or coming from Hamilton or the western side of Cambridge.
27. The Integrated Transportation Assessment (**ITA**) by Michael Hall expects Area 6 to generate an additional 398 vehicle movements in the am and pm peak hours. Given the existing peak hour volumes on Hautapu Road (west of Peake Road) and Peake Road (north of Hautapu Road) are 250 and 183 respectively, the increase in traffic per hour on Hautapu and Peake roads are likely to be significant.
28. Google Maps shows the quickest and shortest route from Hillcrest, Hamilton to Boyds Asparagus (108 Hautapu Road) is 12min and 14.5km via Bruntwood Road and Peake Road. The second shortest route is 12min and 16.3km via the Expressway on and off ramps to Cambridge Road, Racecourse Road and Peake Road. While using the Expressway, Hautapu Interchange and Victoria Road is 13min and 17.4km.
29. From the corner of Hamilton Road and Vogel Street, Cambridge to Boyds Asparagus is 5.0km and 5min via Hamilton, Cambridge and Peake roads, while via Vogel and Taylor streets, Victoria Road and the Hautapu Interchange is 5.0km and 7min.
30. Accordingly, if people are travelling to and from the west and south of Area 6 using Google Maps, they are less likely to use Hautapu Road east of Peake Road, Victoria Road and the Hautapu Interchange.
31. The ITA⁷ identifies that Hannon Road roundabout will take the form of a single lane roundabout with no additional approach or slip lanes. CKL have modelled the arrangement with no additional traffic associated with Area 6 and the results indicate that *“a single lane roundabout is likely to be significantly congested with delays on some approach exceeding 10 minutes”*. While Mr Hall considers the roundabout is *“unrealistic*

⁷ ITA, Section 8.1.

and represents that people are likely to travel at different times, take alternative routes or use different modes”, he then uses the overloaded roundabout as justification for road users not noticing the addition traffic from Area 6.

32. Although the ITA considers a single lane roundabout would be “*significantly congested*” and “*unrealistic*”, the ITA⁸ considers the effects to be appropriate given the Government’s GPS for Transport (**GPS for Transport**) seeking to reduce reliance on private vehicles and using a shared path along Hautapu Road. While the GPS for Transport may have an aspirational goal of reducing reliance on private vehicles, the C9 growth cell and Area 6 are to be zoned Industrial and the vast majority of people travelling to and from them will be staff, contractors etc. with cars, vans, light commercial vehicles and trucks for work. I could accept that a very small proportion of staff could cycle to and from work, but I do not think it would be very likely.
33. Additionally, an inefficient single lane Hannon Road roundabout would be inconsistent with the following issues, objectives and policies of Section 16 (Transportation) of the District Plan (underlined for emphasis):

Issues

- *Integrating land use and transport systems: providing safe and functional environments for users.*
- *Impacts of development on transport system efficiency.*
- *Adverse effects of transport on people and the environment.*

Objective 16.3.1

All new development, subdivision and transport infrastructure shall be designed and developed to contribute to a sustainable, safe, integrated, efficient (including energy efficient network design) and affordable multi-modal land transport system.

Policy 16.3.1.1

Development, subdivision and transport infrastructure shall be designed and located to:

- (a) *Minimise energy consumption in construction, maintenance and operation of the network; and*
- (b) *Accommodate and encourage alternative modes of transport; and*

⁸ ITA, Paragraphs 8.1.5 and 8.1.6.

- (c) Give effect to the road hierarchy; and
- (d) Contribute to:
 - (i) Integrated transport and land use planning and a safe road system approach; and
 - (ii) Reducing deaths and serious injuries on roads; and
 - (iii) An effective and efficient road network; and
 - (iv) Efficient movement of freight.

Policy 16.3.2.4

Development, subdivision and transport infrastructure shall be located, designed and managed to:

- (a) Avoid, remedy, or mitigate adverse effects of transport on character and amenity; and
- (b) Facilitate opportunities to enhance character and amenity; and
- (c) Ensure that the outcomes sought in the Waipa Growth Strategy, Town Concept Plan 2010 Plans, and the Character Precinct statements in Section 6 – Commercial Zone of this Plan are achieved.

Objective 16.3.3

To maintain the ability of the transport network to distribute people and goods safely, efficiently and effectively.

Policy 16.3.3.1

Avoid, remedy or mitigate the adverse effects of development or subdivision on the operation and maintenance of the transport network, including from:

- (a) Traffic generation, load type, or vehicle characteristics; and
- (b) The collection and disposal of stormwater; and
- (c) Reverse sensitivity effects where development or subdivision adjoins existing and planned roads.

Objective 16.3.5

The transport network can have effects on the adjacent environment that must be mitigated through design.

Policy 16.3.5.1

Transport infrastructure, including its layout within a development and subdivision, shall be designed and located to avoid, remedy or mitigate adverse effects on the adjacent environment, having regard to stormwater collection,

treatment and disposal, earthworks, noise and the landscape areas identified within this Plan and on the Planning Maps.

34. The ITA⁹ identifies that *“a roundabout with two circulating lanes and additional left-turn slip lanes for the southern and eastern approaches would be appropriate to ensure that there was sufficient capacity to ensure the intersection would operate with high degrees of efficiency.”*
35. Given the above, the following amendments should be made to PC 17:
- (a) The location of the indicative local road in ‘Area 6’ of the Structure Plan should be moved as far east as required to make Hautapu Road (east of Peake Road), Victoria Road and the Hautapu Interchange the shortest route to the area, and add provisions to require local road to be constructed in the amended location or further east.
 - (b) The Hannon Road roundabout should consist of two circulating lanes and additional left-turn slip lanes for the southern and eastern approaches.

UPDATED STRUCTURE PLANS

36. Points 7 and 8 of our submission (No. 14) sought that Rules 7.4.2.1 and 7.4.2.2 of PC 17 are included in the District Plan as it would make the 15m minimum setback requirement from Peake Road and Hautapu Road boundaries clearer, rather than relying/referring to the Landscape Concept Plan. I support the Section 42A Report¹⁰ acceptance of the rules.

WATER

Definition of ‘Dry Industry’

37. The groundwater table in the Hautapu area is high and ponding regularly occurs when there is heavy or consistent rain. We have a groundwater sump on our property that we can see the groundwater level and during such rain events the groundwater can be only 100-200mm from the surface. Our submission (No. 14 – Point 1) sought that the

⁹ ITA, Paragraph 8.1.1

¹⁰ Section 42A Report, Page 36, Table 8.

definition of 'Dry Industry' be added as worded in PC 17 to ensure that potential industrial activities do not add to the existing problem.

38. The Section 42A Report¹¹ confirms that the definition reflects the stormwater soakage constraints of the area, and that its purpose is to protect the area from water intense activities.
39. In response to the request from Submitter No. 6 (to change the definition of 'Dry Industry' to be more inclusive of activities that are self-sufficient for water supply and the use of Council owned infrastructure, the Section 42A Report¹² considers that *"if the effects of water supply, waste and stormwater can be managed on site and without undue strain on Council infrastructure, then the purpose is achieved"* and recommends that the definition include activities that can dispose of water on site.
40. I disagree with the Section 42A Report in respect to the purpose of the definition being achieved if the effects of water supply, waste and stormwater can be managed on site and without undue strain on Council infrastructure. As identified in Paragraph 32 above, the Section 42A Report identifies the purpose of the definition being to protect the area from water intense activities, not specifically Council infrastructure. If water intense activities are allowed to discharge on site, they will not protect the Hautapu area from groundwater level increases.
41. I seek that the following definition of 'Dry Industry' be added:

Means any industrial operation that does not use water for processing, manufacturing, or production purposes; and does not discharge nor generate any liquid effluent from its operation (aside from domestic wastewater).

Policy 7.3.4.10

42. Given the high groundwater table identified in Paragraph 31 above, our submission (No. 14 – Point 3) sought the addition of Policy 7.3.4.10 as worded in PC 17.
43. The Section 42A Report¹³ identifies that a submitter requested a change to the policy to provide more flexibility for activities that are self-sufficient in terms of water, wastewater and stormwater on their sites. The Section 42A Report rejects the request as:

¹¹ Section 42A Report, Paragraphs 6.8.2 and 6.8.4.

¹² Section 42A Report, Paragraph 6.8.4.

¹³ Section 42A Report, Paragraph 6.8.7.

“the intent of the policy is to set a direction for activities intending to operate in the area and alerting these activities to the existing water constraints”.

And

“The intent of policy 7.3.4.10 is to restrict and dissuade, to a certain extent, wet industry in the area, because cumulative effects can occur should a multitude of wet industry activities establish in the area.”

44. I support the rejection of the requested changes to Policy 7.3.4.10 given the intent of the policy and the existing high groundwater table in the Hautapu area.

CONCLUSION

45. In conclusion, I do not oppose bringing forward the C9 future growth cell from post 2035 to pre-2035 and the addition of Area 6 to the Structure Plan.
46. I seek the amenity of the adjacent Rural Zone land is maintained by including Area 6 in the current Structure Plan setbacks, design guidelines and landscaping requirements, and amend Rule 7.4.2.41 to relate to residential dwellings or roads outside of the Industrial Zone.
47. The Hautapu Industrial Area should be excluded from Rule 7.4.1.1(a) to prevent inappropriate wet industries establishing and then Rule 7.4.1.1(w) of PC 17 to be amended to apply to the entire Hautapu Industrial Area.
48. Rule 7.4.1.5(p) of PC 17 (Non-Complying Activities) should be amended to refer to the entire Structure Plan Area to be consistent across all the areas.
49. The indicative local road in ‘Area 6’ of the Structure Plan should be moved as far east as required to make Hautapu Road (east of Peake Road), Victoria Road and the Hautapu Interchange the shortest route to the area, and provisions requiring the local road to be constructed in the amended location or further east should be added.
50. The Hannon Road roundabout should consist of two circulating lanes and additional left-turn slip lanes for the southern and eastern approaches, as the ITA identifies that *“a single lane roundabout is likely to be significantly congested with delays on some approach exceeding 10 minutes”, is “unrealistic” and “people are likely to travel at different times, take alternative routes”.*

51. A definition of 'Dry Industry' should be added to the District Plan but should not provide activities that will dispose of water on site as the Hautapu area has an existing high groundwater table.
52. I support Policy 7.3.4.10 as worded in PC17 given the existing high groundwater table in the Hautapu area.

Dated this 17th day of March 2023



Michael Briggs