

Appendix 3

Council's Notification Report

Date:	30 June 2023	App Number:	LU/0038/23
Reporting Planner:	Hayley Thomas	Site Visit on:	17 May 2023

Applicant:	Industre Property Rua Limited
Property Address:	16A Wickham Street Hamilton 3204
Legal Description:	Lot 1 DP 396081 & Lot 1 DP 486522
Site Area:	4.1774ha
Activity Status:	Non-Complying Activity
Zoning:	Rural Zone
Policy Area(s):	N/A
Designation(s):	Nil
Proposal:	<p>a) Construction and establishment of a storage and distribution facility and three warehouses and ancillary offices in the Rural Zone as a Non-Complying Activity; and</p> <p>b) Remediation of the site with regard to heavy metals and hydrocarbons as a Controlled Activity pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.</p>

1 INTRODUCTION

Barkers & Associates, on behalf of their client, Industre Property Rua Limited, have applied for a resource consent for the construction and establishment of a purpose built Watty Ltd paint storage and distribution facility, and three warehouses and ancillary offices in the Rural Zone. Under the District Plan the application has various non-compliances with the Rural Zone provisions therefore requires assessment as a Non-Complying Activity.

In addition to the District Plan consent, the site requires remediation due to contaminated soils being found across the site. This has been assessed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health as a Controlled Activity.

1.1 Site Description

The subject site is located at the northern tip of the Waipā District, 200m from the District boundary with Hamilton City Council, at the southern end of Wickham Street. The site is held in one title with

an area of 4.1774ha and split into two rectangular shaped areas which are located either side of Wickham Street. The proposed development subject to this application will be on the western side of Wickham Street occupying approx. 2.0ha.

The site currently consists of a number of existing yards used for various light industrial activities including, but not limited to Shaw Asphalters, Kiwi Designed Homes yard, and JK Concrete Services.

In terms of topography, the site is generally flat and largely compacted with metal and asphalt paving. The site has two accesses from Wickham Street with the northern most access being used by Shaw Asphalters towards the northern property boundary, and the southern access leading westward through the centre of the site servicing the other yard spaces.

Surrounding properties are a mix of industrial, residential and rural in nature. Directly adjacent to the northern boundary is the Waste Management Facility and Garden Supplies Garde Centre, while west and south of the site is rural grazing land. North of the District boundary off Wickham Street is a variety of industrial activities and north west of the site and Higgins Road is a residential area.

With regard to the Waipā District Plan ('District Plan'), the site is within the Rural Zone and is not subject to any policy overlay areas. Council's Special Features Maps identifies the site being within peat area and HAIL site area.

Refer to Figures 1 to 7.



Figure 1: Aerial photograph of site (site outlined in red)



Figure 2: Google Maps Imagery (2023) of site (site outlined in red)



Figure 3: District Plan Zone & Policy Overlays Map (site outlined in red)

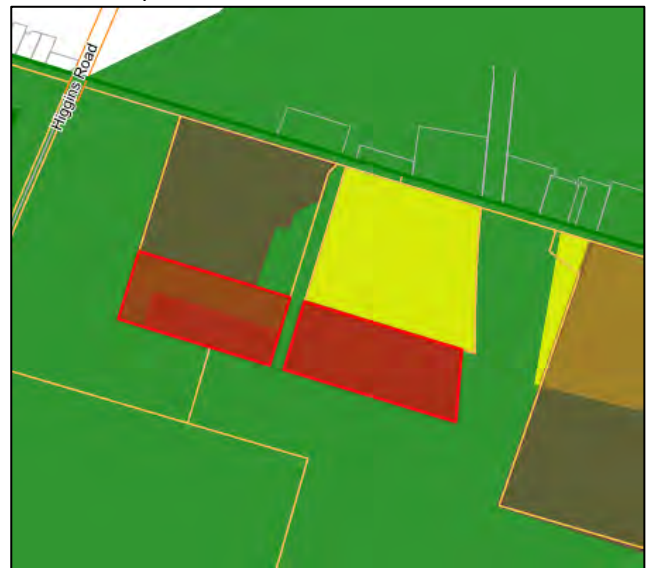


Figure 4: Council's Special Features (Peat shown in Green, HAIL areas shown in Brown, Landfill shown in Yellow)



Figure 5: Site visit photo from the southern boundary facing northwards showing the existing activities that operate on the subject site



Figure 6: Site visit photo facing southward showing the entrance (centre) of the subject site



Figure 7: Site visit photo from the entrance of the subject site looking northward down the existing accessway.

1.2 Legal interests in the property

Table 1 below summarises the relevant interests on the existing title.

Title Reference	Legal Description	Size	Date Issued	Relevant Interests
704262	LOT 1 DP 396081 & LOT 1 DP 486522	4.1774ha	22 December 2015	<ul style="list-style-type: none"> ▪ Appurtenant hereto is a drainage right created by Transfer S404790 ▪ Appurtenant hereto is a right of way and a right to convey water supply, and telephone services, sewage, stormwater drainage, power and gas rights created by Transfer B063851.3

Title Reference	Legal Description	Size	Date Issued	Relevant Interests
				<ul style="list-style-type: none"> ▪ The easements created by Transfer B063851.3 are subject to Section 309 (1) (a) ▪ Appurtenant hereto is a right of way and a right to convey water supply, and telephone services, sewage, stormwater, drainage, power and gas rights created by Transfer B063851.4 - 30.1.1992 ▪ The easements created by Transfer B063851.4 ▪ 7878083.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 15.7.2008 at 9:00 am (Affects Lot 1 DP 396081) ▪ Appurtenant to Lot 1 DP 396081 is a right of way, right to convey gas, water, electricity, telecommunications, computer media and right to drain water and sewage created by Easement Instrument 7878083.3 ▪ The easements created by Easement Instrument 7878083.3 ▪ 10227683.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.12.2015 at 12:20 pm (Affects Lot 1 DP 486522) ▪ Subject to Section 241(2) Resource Management Act 1991 (affects DP 486522) ▪ Appurtenant to Lot 1 DP 486522 is a right of way, a right to convey gas, water, electricity, telecommunications and computer media and a right to drain water and sewage created by Easement Instrument 10227683.7 ▪ The easements created by Easement Instrument 10227683.7

Table 1: Existing titles and interests

The above listed interests do not restrict the proposal from proceeding.

1.3 History

The property is subject to multiple resource consents listed in Table 2.

Consent No.	Description	Date Approved	Key Details
LU/0046/07	To construct and operate a site office and overnight storage	29 June 2007	<ul style="list-style-type: none"> ▪ Establishment of a site office and overnight storage of a maximum of 10 trucks, and excess asphalt material;

Consent No.	Description	Date Approved	Key Details
	of vehicles and asphalt material		<ul style="list-style-type: none"> No goods or services traded from site; Building coverage = 354m²; Hours of operation 7am to 6pm; Maximum of 9 staff; 1m² sign at entry to site (subject to HCC standards as within their boundary); Conditions included general accordence, monitoring, stormwater design and management, dust, fencing, and hours of operation.
SP/0050/07	Subdivision to create a landuse lot in the Rural Zone	29 June 2007	<ul style="list-style-type: none"> Creation of Lot 1 (being 2 ha) around the site being used under LU/0046/07; Access to the site via right of way from Wickham Street; Onsite services to be provided for water supply, wastewater, and stormwater. Written approvals provided from two other right of way users.
LU/0079/09	To establish a transportable house depot, including construction of yard, offices and timber sales yard.	24 June 2009	<ul style="list-style-type: none"> Four dwellings to be stored onsite at any one time; Between 15-20 dwellings constructed a year; Proposed 6 staff and 8 car parks (i.e. for staff and 2 visitors); Hours of operation 7.30am to 5.00pm Monday to Friday and 8.00am to 12am on Saturday; Noting houses transported between midnight and 2am; Two portacoms on site for offices; Written approvals provided from eight adjacent properties; Onsite services to be provided for water supply, wastewater, and stormwater. Conditions of consent included general accordence, monitoring, hours of operation, parking & manoeuvring, building conditions, dust, waste, signage, sale of goods, landscaping, glare and lighting, noise, stormwater management, effluent disposal and review.
PG/0137/22	Pre Application Meeting for proposed	27 September 2022	<ul style="list-style-type: none"> Council's comments from pre-application:

Consent No.	Description	Date Approved	Key Details
	industrial warehouse for storage of paint		<ul style="list-style-type: none"> ▪ <i>“The existing landuse is already light industrial / mixed use and in general the proposal could be supported by Council.</i> ▪ <i>Traffic would be the main adverse effect, please provide a ITA.</i> ▪ <i>HCC approval would need to be sought for the landuse application as they are an affected party.</i> ▪ <i>Include a discussion about NES triggers, as part of the existing HAIL site.</i> ▪ <i>Discuss how the dangerous goods will be stored and distributed to ensure compliance with NES and Section 19 – Hazardous Substances.”</i>

Table 2: Existing resource consents

1.4 Proposal

Pursuant to Section 88 of the Resource Management Act 1991 (‘the Act’), Barker and Associates Limited, on behalf of Industrie Property Rua Limited, have applied for land use consent to construct and establish a storage and distribution facility for Wattyl Ltd, and three warehouses and ancillary offices at the site known as 16A Wickham Street. This site is located within the Rural Zone and the consent includes dispensation with a number of the District Plan provisions including, but not limited to, internal boundary setbacks, building height, building coverage and daylight control.

The development of the site is proposed to be undertaken in two stages. Stage 1 will include the construction and establishment of the Wattyl Ltd paint facility on the most western portion of the site. Stage 2 involves the construction of three warehouses (tenancies currently unknown) within the eastern area of the site. Refer to Figures 8 and 9. As part of the development the site will be remediated with regard to heavy metals and hydrocarbons pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

In terms of traffic, the application includes an Integrated Transportation Assessment prepared by CKL. This Assessment concludes that the combined facilities (Stages 1 and 2) are anticipated to generate an average of 48 Heavy Commercial Vehicles (HCV) and 60 light vehicles per day, with a total of 117 trips.

With regard to servicing the site the application outlines for stormwater it is proposed to use *“a combination of piped reticulations including detention with treatment via stormwater 360 devices and grassed swales. For the building roof areas, piped reticulations conveying clean stormwater runoff will be connected to the rainwater harvesting tanks with the outflow draining to the underground detention system. The new carpark, road pavement and operation yard areas, the*

proposal low-impact design approach as per the Waikato Stormwater Management Guideline TR2018/01 has been adopted.”

For wastewater drainage and water supply, on site servicing is proposed. Water will be collected via on-site rainwater harvesting tanks, and trucked in when additional water is required. Wastewater will be collected in a central holding tank to be emptied as necessary.

Power and telecommunication services will be extended along Wickham Street to service each building.

The following paragraphs further outline each stage of development.

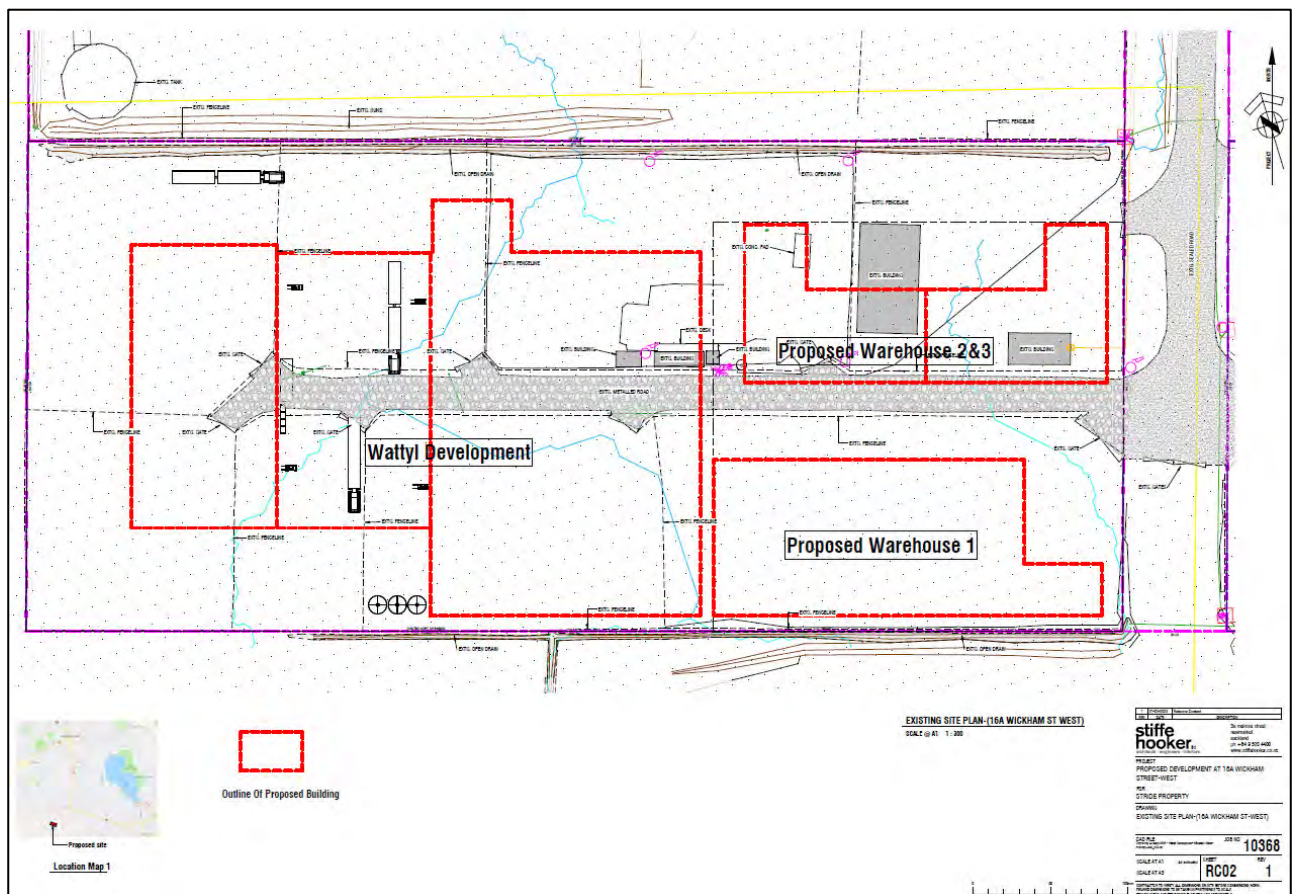


Figure 8: Proposed Site Plan

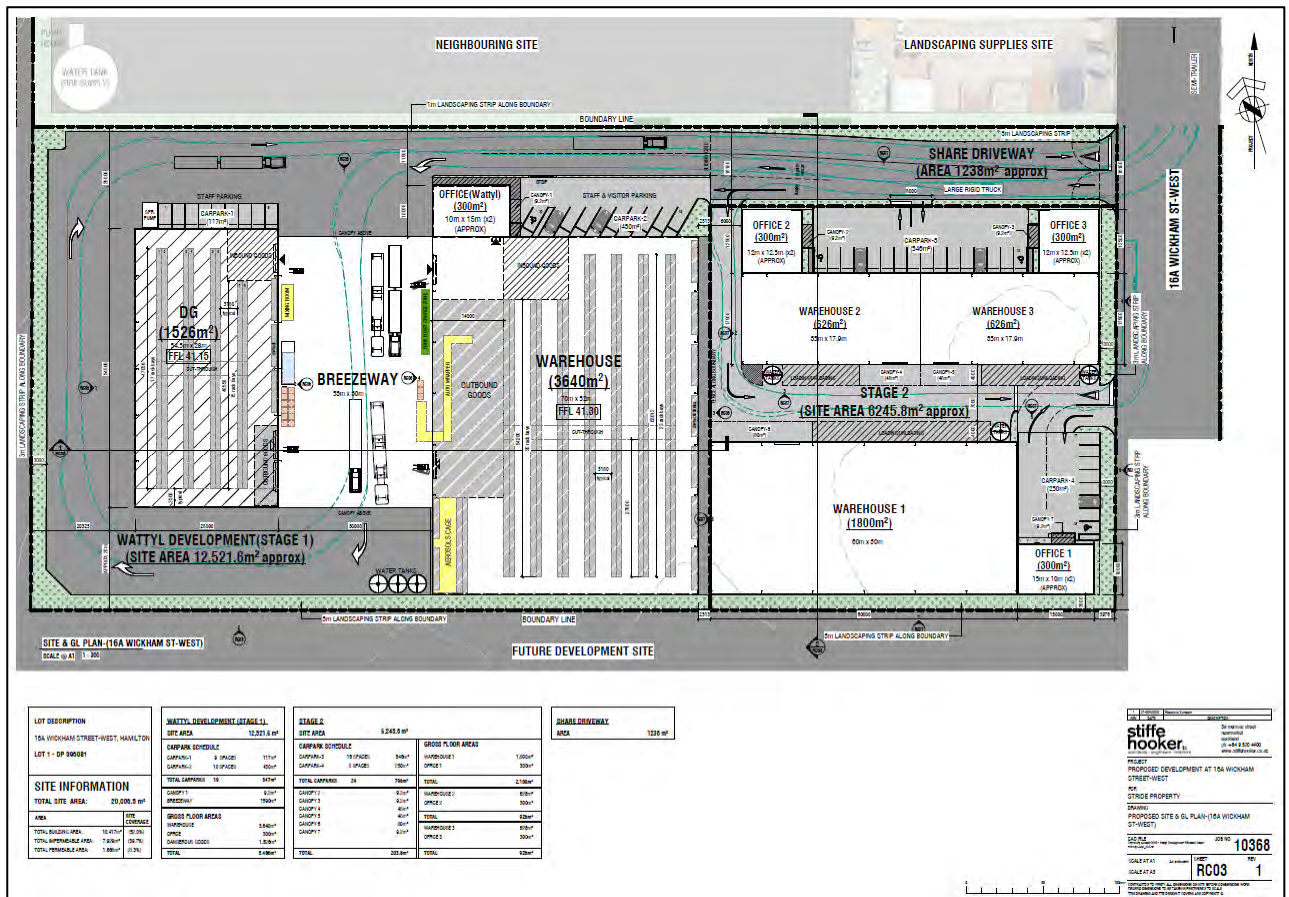


Figure 9: Proposed Site Plan (including both Stages 1 and 2)

1.4.1 Stage 1 – Wattyl Facility

The first stage of the proposal is the development of the western portion of the site to establish a purpose built facility for Wattyl Ltd for the storage and distribution of paint related products. The facility will include a dangerous goods building, breezeway, warehouse, mixing room and office. The following paragraphs further describe each of these facilities.

Access to this portion of the site will be via a new shared driveway adjacent to the northern property boundary from existing right of way off Wickham Street.

Refer to Figures 10 to 12.

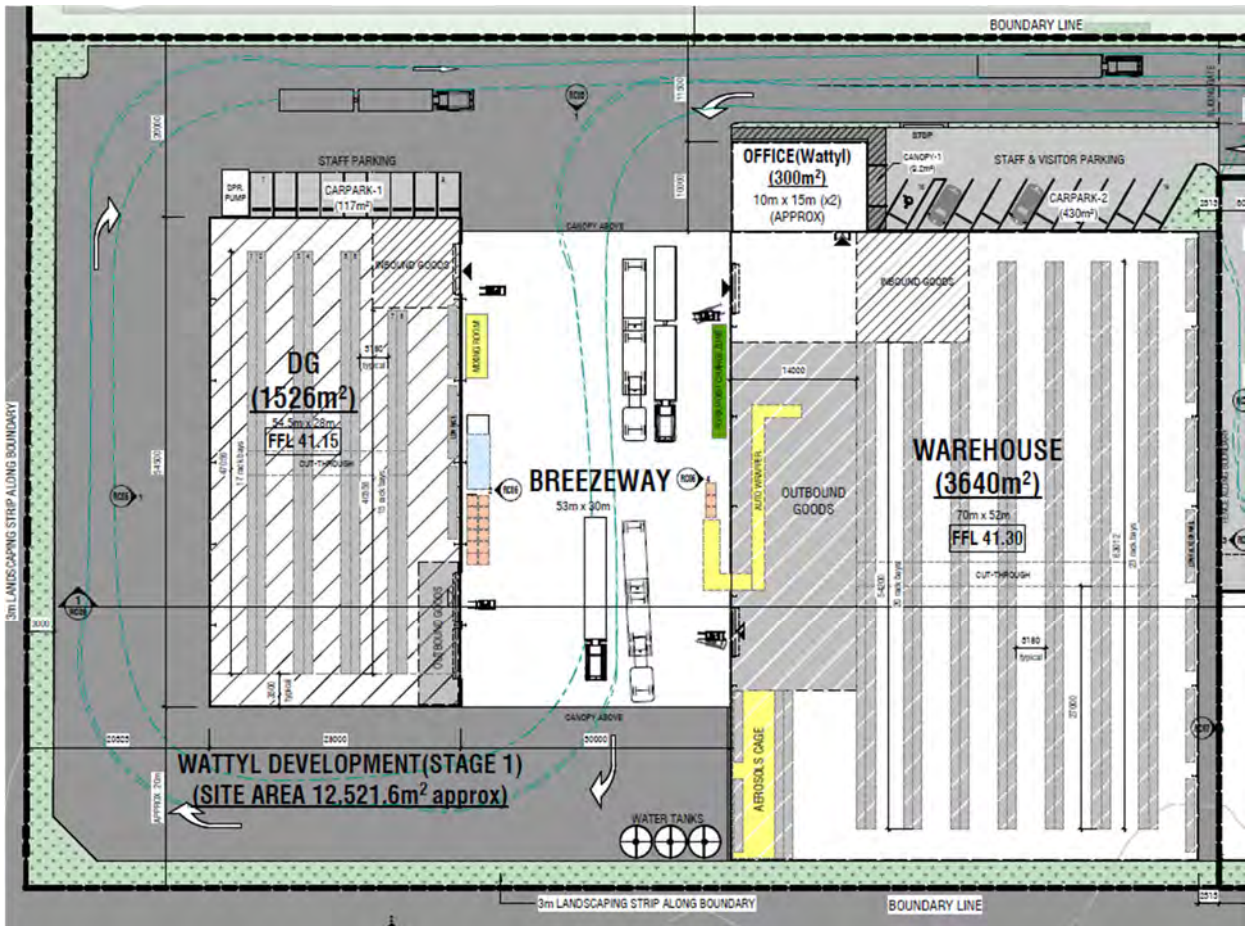


Figure 10: Snippet showing Stage 1 of Site Plan



Figure 11: Proposed Watty Facility Elevation Plan



Figure 12: Proposed Watty Facility 3D Perspective

1.4.1.1 Dangerous Goods Building

The Dangerous Goods Building will be constructed at the north western end of the site, 41.15m from the western boundary. The building will be 1,526m² in area and be 13.97m in height.

The purpose of the Dangerous Goods Building is for the storage and distribution of flammable liquids. The positioning on the western side of the site is for safety reasons, to separate it from the main Warehouse and Breezeway in-order to comply the specifications for storage and distribution of dangerous goods.

1.4.1.2 Breezeway

The Breezeway will be located in the centre of the site, positioned between the Dangerous Goods Building (to the west) and the Warehouse (to the east). The Breezeway will cover 1,590m² of area and stand 8.73m in height.

The Breezeway will be used as a transit area for deliveries and dispatch of product and the unloading and dispatchment of outwards goods. Traffic will enter from the north and exit from the south in a clockwise direction. The Breezeway will also be used to temporarily hold hazardous paint related substances for periods up to 72 hours.

1.4.1.3 Warehouse

The Warehouse will be the largest and tallest building within the development, with an area of 3,604m² and an apex height of 18.02m tall. The Warehouse will be located to the east of the Breezeway and adjacent to the Stage 2 development. The Warehouse will be the primary storage area and will also include a caged area in the south west corner to store flammable aerosols.

1.4.1.4 Mixing Room

The Mixing Room will be located on the western side of the Breezeway up against the Dangerous Goods Building. The purpose of the Mixing Room is for blending and repacking paints before they are distributed.

1.4.1.5 Office

The Office is a two storied 300m² building attached to the northern side of the Warehouse. The Office will be used for general staff amenities for Stage 1 of the development.

1.4.2 Stage 2

The second stage of the proposal is for the construction of three independent warehouses and ancillary offices in the eastern portion of the site adjacent to the existing right of way. The layout and elevations of the three warehouses as shown below in Figures 13 to 16.

The following paragraphs further describe the three warehouses. As noted above, the future tendencies are currently unknown.

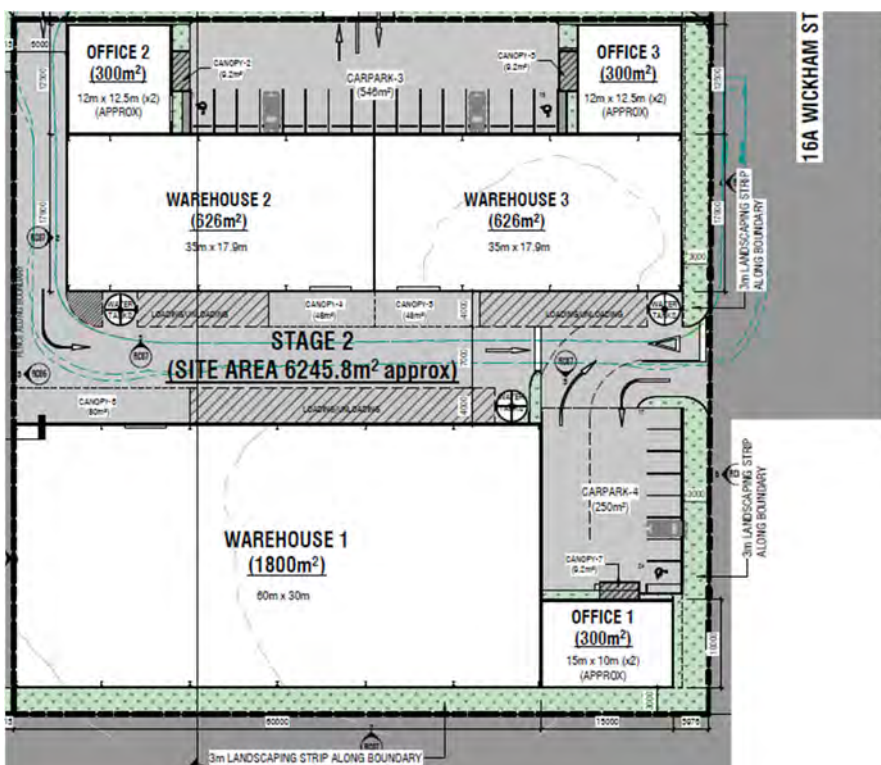


Figure 13: Snippet showing Stage 2 of Site Plan

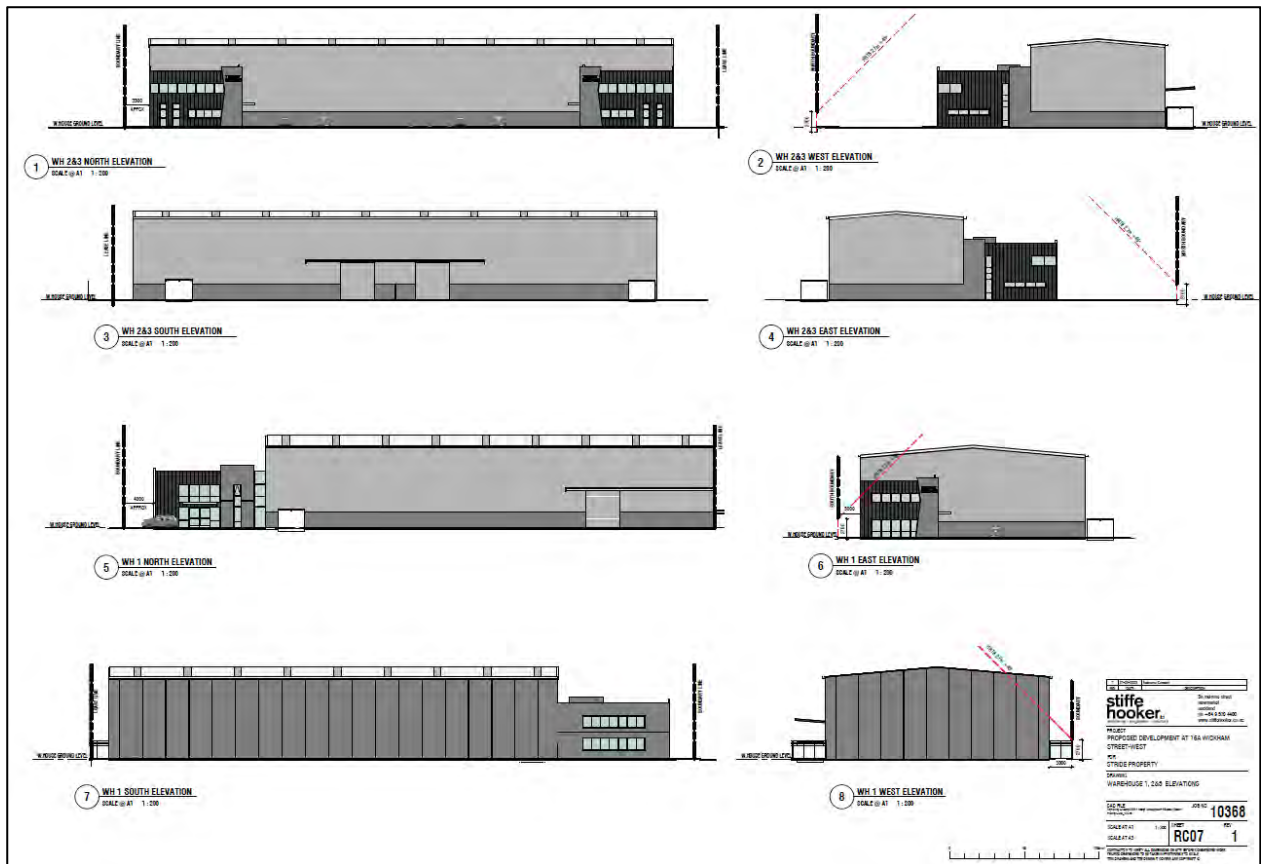


Figure 16: Proposed Elevations Plan of Stage 2 buildings

1.4.2.1 Warehouse 1

Warehouse 1 is located within the south-eastern corner of the Stage 2 site, east of the proposed Watty Ltd Warehouse. The warehouse will occupy 1,800m² with a height of 12.27m. Warehouse 1 has been provided with eight carparks and an office area both of which are located to the east of the warehouse and adjacent to the existing right of way. A 3m landscaping strip is proposed along both the eastern property boundary and the southern property boundary.

Visitor and staff access (i.e. cars) will be from Wickham Street, with a secondary heavy vehicle access west of Warehouse 2, circulating around Warehouse 2, north of Warehouse 1, and back out onto the existing right of way.

1.4.2.2 Warehouse 2 & 3

Warehouses 2 and 3 will be positioned to in the north-eastern portion of the Stage 2 site. This will have frontage to the access to Stage 1, and be located north of Warehouse 1. A 3m landscaping strip is proposed along the property boundary between the existing right of way and Warehouse 3. Warehouse 2 and 3 will be connected to one another holding a combined area of 1,252m² with a height of 11.74m. An ancillary office will be located at each end of the warehouses with a central carpark of 16 spaces provided between the offices.

Visitor and staff access (i.e. cars) will be from the Stage 1 access way centrally to the car park, with a secondary heavy vehicle access west of Warehouse 2, circulating around to the rear of the building and back out onto the existing right of way.

1.5 Process Matters

In April 2023 Council issued a Section 95E Request for seeking written approval from Hamilton City Council due to the location of the site within the Priority 1 area. The Priority 1 area is an area within the northern part of the Waipā District which is subject to a proposed change to the territorial boundary between the two Council's. While a timeframe for the boundary change is not yet confirmed, a strategic agreement between the two Council's includes consideration of Hamilton City Council as an affected party with regard to consents with the Priority 1 area.

In May 2023, the applicants agent advised they had been unsuccessful in securing written approval from Hamilton City Council and wished Council to proceed with their notification assessment.

2 REASON FOR THE APPLICATION

A land use consent as described under Section 87(a) of the Act is required for the reasons set out below.

2.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)

These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8). Council's records show the site as having, or having had, a HAIL activity undertaken on the site. In accordance with Regulation 5(7), the site is a 'piece of land' and has been assessed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Section 5.2 of the application explains Pattle Delamore Partners Ltd have undertaken a Preliminary Site Investigation (PSI) and Detailed Site Investigation dated 21 March 2023, and included in Appendix 4 of the application.

In conclusion Pattle Delamore Partners Ltd *"concluded the site has a history of the following activities; all of which are recognised in the HAIL:*

- *Wood treatment or preservation of bulk storage of treated timber;*
- *Storage of fuel, oil and chemical containers;*
- *Transport depots or yards including areas used for refuelling; and*

Having established through the PSI that the site contains potential contamination a Detailed Site Investigation (DSI) was also undertaken to extrapolate the extend of any potential contamination. The results of the report are as follows:

- One soil sample collected from within a stockpile in Yard 6 reported concentrations of arsenic.
- Heavy metals exceeded Waikato region background ranges across the site.
- Petroleum hydrocarbons were identified as greater than background across the site.”

With regard to remediation of the site, Pattle Delamore Partners Ltd concludes that the stockpile identified in Yard 6 can be removed as a Permitted Activity, given the minor extent of earthworks required. However, prior to its removal the stockpile should not be disturbed and ideally covered with an impermeable layer until disposal to an approved facility. The application notes the applicant is happy to proffer this requirement as a consent condition.

In terms of the wider site, being the area with confirmed heavy metals and hydrocarbons above background levels, Pattle Delamore Partners Ltd concludes that this remediation requires assessment as a Controlled Activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health given the volume of earthworks that could be required to remove the identified contamination. The application notes that there is uncertainty of the exact volumes of earthworks required.

2.2 Waipā District Plan Rule Assessment

An assessment of the proposal’s compliance with the relevant rules of the District Plan has been completed. In summary, Table 3 below outlines the relevant rules relating to the proposed subdivision.

Rule #	Rule Name	Status of Activity	Comment
4.4.1.1(m)	Earthworks	Discretionary	This provision outlines earthworks (subject to compliance with the relevant performance standard) are permitted in the Rural Zone. I note this application includes earthworks across the site to order to level out the area prior to construction. The proposed cut volume is 2,230m ³ and the proposed fill volume is 1,130m ³ , across a total works area of 20,005m ² . As this far exceeds the permitted volume under this provision, the activity requires assessment under Rule 4.4.2.75 as a Discretionary Activity.
4.4.1.4(g)	Rural based industry	N/A	This provision notes rural based industry (subject to compliance with the relevant performance standards) can be assessed as a Discretionary Activity in the Rural Zone.
4.4.1.5(b)	All other activities not	Non-Complying	This provision outlines, where an activity is not otherwise listed in the Activity Status Tables, it is to

Rule #	Rule Name	Status of Activity	Comment
	listed in activity status table Rules 4.4.1.1 to 4.4.1.4		be assessed as a Non-Complying Activity. In this instance, the proposal includes a variety of warehouses and activities which are more suitable defined as 'industrial activities' under the District Plan. As 'industrial activities' are not listed in the Activity Status Tables in the Rural Zone, the application is required to be assessed under this provision.
4.4.2.2	Minimum setbacks from internal site boundaries	Restricted Discretionary	<p>This provision requires large buildings (i.e. over 250m²) to be located 25m from an internal site boundary. In this instance the following buildings will be located within this setback:</p> <ul style="list-style-type: none"> ▪ Warehouse 3 will be located 3.0m from the eastern property boundary; ▪ Warehouse 1 will be located 3.9m from the eastern property boundary; ▪ Watty Ltd Warehouse and Warehouse 1 will be located 3.0m from the southern site boundary; ▪ Watty Dangerous Goods building will be located 20.3m from the western property boundary and 20.0m from the northern boundary; ▪ Watty Office will be located 11.5m from the northern boundary; and ▪ Office 2 and 3 will be 16.1m from the northern boundary. <p>The activity requires assessment as a Restricted Discretionary Activity with discretion restricted to the following:</p> <ul style="list-style-type: none"> ▪ The provision of daylight and sunlight into neighbouring buildings; and ▪ Visual and aural privacy; and ▪ The general appearance/effect on the openness and character; and ▪ The safety and efficiency of traffic flow; and ▪ Access around the site; and ▪ Effects on surrounding properties; and ▪ Potential reverse sensitivity effects on any adjoining rural activities.
4.4.2.9	Height of buildings	Restricted Discretionary	This provision requires all buildings within the Rural Zone to not exceed 12m in height above ground level. Within Stage 1 of the development both the Watty Ltd Warehouse and Dangerous Goods Building are above 12m in height. Within Stage 2 Warehouse 1 is the only portion above 12m in height. Due to these

Rule #	Rule Name	Status of Activity	Comment
			<p>non-compliances the activity requires assessment as a Restricted Discretionary Activity with discretion restricted to the following:</p> <ul style="list-style-type: none"> ▪ Visual effects including bulk, scale and location of the building; and ▪ Effects on rural character and amenity; and ▪ Effects on surrounding properties; and ▪ Loss of daylight to adjoining sites.
4.4.2.10	Maximum building coverage	Restricted Discretionary	<p>This provision requires the total amount of coverage for a site over a hectare to be 3% of buildings. In this instance the application notes a total of 52% of the site will be occupied by buildings. Due to this non-compliance the activity requires assessment as a Restricted Discretionary Activity with discretion restricted to the following:</p> <ul style="list-style-type: none"> ▪ Visual effects including bulk, scale and location of the building; and ▪ Effect on high class soils; and ▪ Effects of traffic generation; and ▪ Effects on identified landscapes or cultural values; and ▪ Effects on rural character.
4.4.2.12	Daylight Control	Restricted Discretionary	<p>This provision requires all buildings to be within a recession plane of 45° from 2.7m from the internal site boundaries. In this instance the Watty Ltd Warehouse and Warehouse 1 will both encroach on the daylight control recession plane with regards to the southern property boundary, and Warehouse 3 and Office 3 will encroach the recession plane with regards to the eastern property boundary. This non-compliance requires assessment as a Restricted Discretionary Activity with discretion restricted to the following:</p> <ul style="list-style-type: none"> ▪ Visual effects including bulk, scale and location of the building; and ▪ Effects on rural character and amenity; and ▪ Effects on surrounding properties; and ▪ Loss of daylight to adjoining sites.
4.4.2.15	Noise	Complies	<p>This provision sets out the maximum noise anticipated in the Rural Zone. The application notes that with regard to the proposed development “no additional noise over and above what currently occurs on site will be generated with this proposal”. The nearest dwelling to the subject site is located at</p>

Rule #	Rule Name	Status of Activity	Comment
			162 Higgins Road approx. 150m to the northwest. Given this distance from the subject site, it is anticipated that the activity can meet the noise provisions.
4.4.2.18	Vibration	N/A	This provision sets out the requirements for vibration emanating from a site with regard to the storage, handling and use of explosives. In this instance the proposed activities within the Dangerous Goods Building is restricted to the storage and distribution of flammable liquids. As no 'explosives' are to be held on site, this provision is not applicable.
4.4.2.19	Construction Noise	Will comply	This provision sets out the noise considerations during construction, and the associated requirement to comply with the relevant NZ Standard. In this instance, construction noise is anticipated to comply with this provision.
4.4.2.44	Signs	Discretionary	<p>This provision sets out that signs, up to 1.2m² visible in one direction is provided for as a permitted activity in the Rural Zone. Given the size and scale of the proposed warehouse buildings, it is anticipated that signage will far exceed the size provided for in this provision. I note that signage is shown on the Elevation Plans for the Watty Ltd building, at an estimated size of 5m high by 7m wide. The Agent has suggested, should consent be granted, a condition of consent providing for the following should cover future signage on the site:</p> <ul style="list-style-type: none"> ▪ One directional sign at the entrance to each stage with a maximum area of 1.2m² and maximum height of 2.0m; ▪ Signage on the buildings at a ratio of 1m² for every metre of site frontage, with the height not exceeding the height of the façade of the building; and ▪ For any free-standing signs, one double-sided free standing sign for each activity on the site (i.e. maximum of four) with a maximum area of 1m² for every metre of site frontage to a maximum of 10m², and with a maximum height equal to the building height.
4.4.2.75	Earthworks	Discretionary	This provision sets out the maximum volume of earthworks provided for, separate from a resource consent is 1,000m ³ . In this instance, and in conjunction with the wider consent, the proposed cut

Rule #	Rule Name	Status of Activity	Comment
			volume is 2,230m ³ and the proposed fill volume is 1,130m ³ , across a total works area of 20,005m ² . As these volumes exceed the permitted activity volume consent is required under this provision as a Discretionary Activity .
15.4.2.16	Infrastructure servicing in all zones	Complies	This provision sets out the requirements for all development to be connected to a public road, electricity, telecommunication and fibre optic cabling. The application demonstrates connection to Wickham Street (via an existing right of way) and the associated utilities within the existing road reserve will ensure compliance with this provision.
15.4.2.21, 15.4.2.22	When infrastructure services are not provided by Council	Will Comply	These provisions set out the expectations for on-site servicing with regard to wastewater and water supply where Council reticulated services are not available. In this instance, the application includes an 'Engineering Infrastructure Report' prepared by Stiffe Hooker Ltd which outlines the proposed infrastructure for the development. This report notes the proposal will utilise roof water for water supply with a total of five tanks on site. For wastewater it is proposed to have a central holding tank which will be emptied as necessary.
15.4.2.23	When infrastructure services are not provided by Council – Fire Fighting Water Supply	Non-Complying	This provision sets out the requirements for firefighting water supply where this is not provided by Council. In terms of firefighting supply, the application includes an 'Engineering Infrastructure Report' prepared by Stiffe Hooker Ltd in which it notes the buildings will be fitted with a sprinkler system connected to the adjacent Waste Management property. As the water supply is not located 'on the site' this fails to comply with this provision requiring assessment as a Non-Complying Activity.
15.4.2.24	Wastewater disposal	N/A	This provision seeks to ensure any wastewater facility is appropriate for human health standards. In this instance it is proposed to have a central holding tank which will be emptied as necessary. As wastewater is to held on site, and not treated, this provision is not applicable.
15.4.2.25 & 15.4.2.26	Stormwater	Complies	These provisions require all sites to dispose of stormwater from development within the site boundaries, and to not obstruct overland and secondary flow paths. The application includes an

Rule #	Rule Name	Status of Activity	Comment
			'Engineering Infrastructure Report' prepared by Stiffe Hooker Ltd which outlines the proposed stormwater management that includes rainwater harvesting tanks, onsite collection and disposal to the existing drainage outlet at the northwestern corner of the site at predevelopment levels.
16.4.1.1(i)	Provision of 25 or more car parks on a site	Permitted	This provision provides for 25 or more carparks on a Rural Zone site as a permitted activity. In total the proposed development includes 43 carparks located across four carparking areas.
16.4.2.4	Vehicular access to sites in all zones	Complies	This provision sets out the requirement for all sites to be provided with vehicle access to a formed road. In this instance the development includes the establishment of two accesses to the adjacent right of way which extends from the end of Wickham Street.
16.4.2.5	Vehicle entrance separation from intersections and other vehicle entrances	Complies	This provision sets out the minimum separation distances between accessways and intersections. Given the low speed environment of the right of way the minimum distance required between the new accessways and any other accessways is less than 4m or more than 11m. In this instance the separation between the shared driveway and the Stage 2 access on the subject site is 30.4m, with the nearest adjacent entrance on the western side of the right of way being approx. 90m north of the site. In terms of the entrances to the properties on the eastern side of the right of way, the new accesses are in line with the two entrances serving the eastern parcel of land owned by the applicant, therefore being less than 4m and compliant with this provision.
16.4.2.13, 16.4.2.17, 16.4.2.18 & 16.4.2.19	Parking, loading and manoeuvring area	Complies	These provisions set out the requirements for parking, loading and manoeuvring areas including the requirement for 1 Heavy Goods Vehicle bay per site for Industrial Activities. In this instance the proposed development includes a loading/unloading bay at each of the three warehouses in Stage 2. In Stage 1, the breezeway serves this purpose for the Watty Ltd activity. Each of the loading/unloading and parking areas are suitably located and designed for the relevant sized vehicle. All car parks are also proposed to be delineated. Overall, the development complies with these provisions.
16.4.2.20	Car park	Complies	This provision requires car parking areas to be

Rule #	Rule Name	Status of Activity	Comment
	landscaping and lighting		suitably lite and landscaped. The application notes the final design will comply with this provision.
16.4.2.22	Provision of an integrated transportation assessment	Complies	This provision sets out the requirements for provision of a Simple or Broad ITA. In this instance the applicant has included an Integrated Traffic Assessment in Appendix 3 of the application, therefore complying with this provision.
19.4.1.3(c)	Hazardous facilities within the Rural Zone	Discretionary	<p>This provision sets out that hazardous facilities within the Rural Zone are to be assessed as a Restricted Discretionary Activity (subject to compliance with the performance standards) with the matters of discretion restricted to:</p> <ul style="list-style-type: none"> ▪ Effects of non-compliance on the surrounding environment or the pattern of subdivision, land use, roading or infrastructure services in the locality; and ▪ The risk to the environment and sensitive environments; and ▪ Conditions relating to application material. <p>I noted that the proposed activity fails to comply with the relevant performance standards within Section 19 so the activity status defers to Discretionary.</p>
19.4.2.1, 19.4.2.2	Hazardous facilities	Discretionary	<p>This provision sets out the Hazardous Facilities Screening Procedure Consent Status Matrix for determining the consent activity status for activities. In this instance the application includes a 'Hazardous Substances Assessment' prepared by Tonkin & Taylor Ltd which has concluded:</p> <p><i>"An HFSP has been prepared attached as Appendix B for the proposed bulk hazardous substances storage and use on site. The Effects Ratio for each effect type is summarised below:</i></p> <ul style="list-style-type: none"> ▪ <i>Fire/Explosion Effect Ratio: 69.8</i> ▪ <i>Human health Effect Ratio: 23.2</i> ▪ <i>Environmental Effect Ratio: 231.9</i> <p><i>Each Effect Ratio exceeds the Restricted Discretionary trigger level of 0.25 for the storage and use of hazardous substances in the Rural Zone under Rule 19.4.2.1."</i></p> <p>For this reason assessment for the activity is required as a Discretionary Activity.</p>
19.4.2.3	Hazardous facilities	Complies	This provision requires the application of the Land Use Planning Guide referred to in the HSNO regulations. In this instance the application includes

Rule #	Rule Name	Status of Activity	Comment
			a 'Hazardous Substances Assessment' prepared by Tonkin & Taylor Ltd which notes the above HSNO regulations have been superseded for the control of hazardous substances by the Health and Safety at Work (Hazardous Substances) 2017 regulations. The assessment provided in the application confirms compliance with this standard.
19.4.2.5, 19.4.2.6	General site design	Complies	These provisions outline the required site design measures to prevent any adverse effects as a result of the hazardous substances being stored on site. The 'Hazardous Substances Assessment' prepared by Tonkin & Taylor Ltd outlines the proposed building materials and operating procedures to be used to ensure compliance with these provisions.
19.4.2.7, 19.4.2.8	Spill Containment System	Complies	These provisions outline the required spill containment system, washdown area restrictions and warning signs required where hazardous substances will be used, or stored. The 'Hazardous Substances Assessment' prepared by Tonkin & Taylor Ltd outlines the proposed containment system and procedures to ensure compliance with these provisions.
19.4.2.10	Washdown areas	Complies	
19.4.2.13	Warning signs	Complies	
19.4.2.14 to 19.4.2.17	Waste management of hazardous substances	Complies	These provisions set out the requirements for the management of hazardous substance waste. The application includes a 'Hazardous Substances Assessment' prepared by Tonkin & Taylor Ltd which notes: <i>"To manage the risk to the environment from a package leak or spill of hazardous substances, the areas where hazardous liquids will be stored or used have been isolated from the stormwater network. The DG store and breezeway have been designed with provision for secondary containment to retain any spills on site in the event of an incident during unloading or loading of vehicles or during decanting in the mixing room. The site emergency planning will include spill response plans."</i>
20.4.2.1	Odour, smoke, fumes or dust	Complies	This provision seeks to ensure activities don't produce objectionable odour, smoke, fumes or dust beyond the boundaries of the site in which they occur. In this instance, the mixing of paint has the potential to emit strong odours. The applicant's agent has confirmed due to the site layout and building design, likely odour arising from the paint mixing activity will not result in objectionable odour beyond

Rule #	Rule Name	Status of Activity	Comment
			the subject site. The activity therefore complies with this provision.

Table 3: District Plan rule assessment

As outlined in the table above, the application is deemed to be a **Non-Complying Activity** being the highest status indicated by the above rules.

3 STAFF COMMENTS

3.1 Environmental Health

Council’s Environmental Services Team Leader, Mr Anish Chand, and Environmental Health Officer, Mr Glynn Jones, reviewed the application and note the following:

- **Contaminated Land:** The application includes both a Preliminary (PSI) and Detailed Site Investigation (DSI) prepared by Pattle Delamore Partners Ltd which has detailed the site has a history of wood treatment, storage of fuel and use as a transport depots or yards including refuelling. These reports assess the volume of potentially hazardous substances identified on site and provides recommendations on how these should be managed. The stockpile identified in Yard 6 can be removed as a Permitted Activity, under the NES-CS given the minor extent of earthworks required. However, prior to its removal the stockpile should not be disturbed and ideally covered with an impermeable layer until disposal to an approved facility. The applicant is happy to proffer this requirement as a consent condition if deemed necessary from Council.

In terms of the wider site which contains heavy metals and hydrocarbons above background levels, the assessment conclude that a Controlled Activity Resource Consent under the NES-CS will likely be required, given the volume of earthworks that could be required to remove the identified contamination. Given they are unsure of the exact volumes of earthworks required, they have taken a conservative approach and have applied for a Controlled Activity consent pursuant to Regulation 9(2)b. Environmental Health agree with this finding.

- **Hazardous Substances:** The application has provided an assessment report demonstrating compliance with the HSNO legislation which it is noted is substance-specific (i.e. it applies the same controls to substances irrespective of the location of the hazardous facility). An assessment under the RMA is site-specific. The assessment should assess the risks associated with having the hazardous facility at a particular site in terms of the environmental context (i.e. commercial / industrial and proximity to sensitive areas such as residential etc and assessing likelihood and consequences if anything should go wrong despite compliance with HSNO legislation (e.g. loss of containment of hazardous substances into the environment). With this in mind, consideration is focused on potential off-site effects, rather than on control of hazardous substances on-site.

For the Watty Distribution Centre, the Cumulative Effects Ratio calculated in the HFSP is compared with the Effect Ratios specified for the Rural Zone (Rule 19.4.2.1). Each Effect Ratio exceeds the Restricted Discretionary trigger level of 0.25 for the storage and use of hazardous substances. It is important to understand other hazardous activities that are occurring within the area that might pose a risk, identify risk event such as fire, explosion or sensitive land use that may require additional protection (e.g. site of ecological significance and areas prone to natural hazards). Hence, given sites close proximity to Hamilton City it is advisable their advice is sought as well as they may be aware of developments and/or hazards in the areas that may require specific control.

Should consent be granted, conditions can be imposed to minimise potential effects from the hazardous substances being stored on site.

- **Operational Noise:** The application advises that the proposed development will meet the existing resource consent limits at the notional boundary of all dwellings. Additionally, that noise received at adjacent sites would not cause adverse effects. The application does not reference any assessment report or methodology for concluding that the effects will be less than minor. However, the reviewer considers that the immediate occupiers include an established industrial area with significant noise sources operating day and night. Except for the property at 160 Higgins Road, the other nearest residential properties are located in Higgins Road and have a reasonable buffer distance from the application site. New industrial activities proposing to establish on this site would be anticipated and to a large extent, would become embedded in the existing higher ambient noise levels of the area.
- **Construction Noise:** The application advises that construction noise is anticipated to meet relevant limits contained in the New Zealand Standard, although there is no reasoning provided. It is also noted the application includes an assessment for foundations which refers to piles which could be a potentially major noise and vibration construction activity.
- **Odour:** The application includes a mixing room where blending and decanting of paint will be carried out. Solvent emissions can be highly odorous however it is noted the mixing room is enclosed and only a small component of the wider site operations.

3.2 Development Engineering

Council's Development Engineer, Mr Brendan Koevoet, has reviewed the application and notes the following points:

- **Earthworks:** The proposed earthworks consist of a cut volume 2,210m³ and fill volume of 1,200m³ (covering an area of 20,005m²), to establish a level building and pavement platforms and stormwater controls.

During construction it is proposed to manage sediment and erosion via a sediment control pond and silt fences in accordance with the Waikato Regional Council guidelines. Should consent be granted, Development Engineering is satisfied the proposed controls are suitable

and will ensure effects are mitigated throughout the construction period. Conditions of consent are recommended to ensure soil and erosion management is in place.

Due to the proximity to residential areas, construction noise, vibration, dust and construction traffic, should be managed to ensure effects are suitably mitigated. Should consent be granted, conditions of consent are recommended to ensure construction management is in place.

- **Roading:** The subject site is accessed from Wickham Street which is a Hamilton City Council road therefore the proposed activity does not directly impact Waipā District Council's roading network. The application has included an Integrated Transportation Assessment prepared CKL dated 14 March 2023 (Doc set: 10986106 Page 111 - 140) and a proposed Travel Management Plan prepared by CKL dated 14/03/2023 (Doc set: 10986106 Page 141 - 149).

The proposed earthwork/construction traffic is anticipated to be approximately 55 heavy vehicle movements, for imported fill and cut waste. The future industrial activities will generate an additional 85 vehicles per day and an additional 28 vehicles per hour during peak hour in total (i.e. 44vpd for the Wattyl Ltd activity and 73vpd for Warehouses 1 to 3).

The ITA states that with the implementation of the proposed Travel Management Plan will mitigate traffic effects in the short term until such time that the Kahikatea Drive / State Highway 1C intersection is upgraded. The proposed Travel Management Plan and specific routes for both heavy and light vehicles to reduce traffic congestion, will require to be prepared in consultation with Hamilton City Council, as the road controlling authority for Wickham Street, Kahikatea Drive and Higgins Road, and Waka Kotahi, as the road controlling authority for State Highway 1C.

Should consent be granted, conditions imposing a Traffic Management Plan is recommended.

- **Water Supply:** The subject site is located within the Rural Zone, therefore there is no water supply reticulation provided by Waipā District Council. It is noted Hamilton City Council have water supply reticulation along Wickham Street, however the application proposes to gain water supply via onsite means. In terms of firefighting supply the application proposes a sprinkler system which will be supplied via the sprinkler tank on the adjacent northern property. Should consent be granted, the recommendations outlined within the Engineering Infrastructure Report prepared by Stiffe Hooker dated 20 February 2023 (Doc set: 10986106 page 150 - 193) should be followed when designing the water supply system.
- **Wastewater:** The subject site is located within the Rural Zone, therefore there is no wastewater reticulation provided by Waipā District Council. It is noted Hamilton City Council have wastewater reticulation in Wickham Street however there is no connection to the subject site. The application therefore proposes to dispose of wastewater via a central holding tank for removal by a liquid waste contractor as required. Should consent be granted, the recommendations outlined within the Engineering Infrastructure Report prepared by Stiffe Hooker dated 20/02/2023 (Doc set: 10986106 page 150 - 193) should be followed when designing the wastewater system.

- **Stormwater:** The subject site is located within the Rural Zone, therefore there is no stormwater reticulation provided by Waipā District Council as on site disposal is expected. The existing site drains to the open drainage channel at the north west corner of the site which is connected to the Waitawhiriwhiri Stream and then into the Waikato River.

Stormwater disposal for the proposed development from hardstand areas will be managed via a combination of detention and infiltration. Runoff from the roof areas will be managed via an attenuation system part of the water supply system, outflow will be directed to the underground detention system. Further overflows will be directed towards the open drainage channel on the northern end of the site.

Should consent be granted, the recommendations outlined within the Engineering Infrastructure Report prepared by Stiffe Hooker dated 20/02/2023 (Doc set: 10986106 page 150 - 193) should be followed when designing the stormwater system. It is also noted within the Engineering Infrastructure Report concludes that the post development runoff levels will decrease from the existing runoff levels due the amount of landscaping proposed.

- **Foundations:** The application includes a Geotechnical Site Investigation prepared by Mitchell Geocon Geotechnical dated January 2023 (Doc set: 10986106 Page 61 - 110). This report states that piled foundations will be suitable for this site. Should consent be granted, the recommendations outlined within the Geotechnical Site Investigation should be followed when designing the building foundations.

4 ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION

4.1 Adequacy of information

It is my opinion that the information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification. The information within the application is sufficient to understand the characteristics of the proposed activity as it relates to provisions of the District Plan, for identifying the scope and extent of any adverse effects on the environment, and to identify persons who may be affected by the activity's adverse effects.

4.2 Mandatory Public Notification - Section 95A(2) & (3) – Step 1

Council must publicly notify the resource consent where:

- a) it has been requested by the Applicant; or
- b) a further information request has not been complied with or the Applicant refuses to provide the information pursuant to Section 95C; or
- c) the application has been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In this instance, none of the above situations apply, therefore public notification is not required under Section 95A(2) and 95A(3).

4.3 Public notification precluded – Section 95A(5) – Step 2

The consent is for a resource consent for one or more activities and there are no rules in a National Environmental Standard or the District Plan relevant to this proposal that preclude public notification.

The application is not for a resource consent for a controlled, restricted discretionary or discretionary activity, nor a boundary activity. As the proposed landuse is a Non-Complying Activity under the Rural Zone provisions of the Waipā District Plan, public notification is not precluded pursuant to Section 95A(5)(b).

4.4 Public notification required in certain circumstances – Section 95A(8) – Step 3

Council must publicly notify the resource consent where:

- a) The application is for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification; or
- b) The consent authority decides, pursuant to Section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

In this instance, public notification is not required by a rule or a national environmental standard. Refer to Section 4.5 and 4.6 of this report for Council's assessment of the effects.

4.5 Effects that may or must be disregarded – Section 95D(a), (b), (d) and (e)

Pursuant to Section 95D, if a rule or national environmental standard permits an activity with that effect the adverse effect of that activity may be disregarded.

4.5.1 Permitted Baseline

Pursuant to Section 95D, a Council may disregard an adverse effect of the activity on the environment if the plan or a national environmental standard permits an activity with that effect (i.e. the Council may consider the 'permitted baseline'). The permitted baseline is a concept designed to disregard effects on the environment that are permitted by a plan or have been consented to with regard to who is affected and the scale of the effects.

The District Plan provides for rural activities, including rural based industry in the Rural Zone. The proposed activities are best defined by the District Plan as 'industrial activities' which do not have a permitted baseline in the Rural Zone.

4.5.2 Receiving Environment

The receiving environment is the environment upon which a proposed activity might have effects. This includes the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities and as it might be modified by implementing resource consents that have been granted. In terms of granted resource consents, at the time a particular application is considered, these are to be considered where it appears likely that those resource consents will be implemented.

In this instance I note the adjacent property to the west and south of the site has recently received consent for bulk earthworks which will include fill of up to 2.5m in depth across the site. This consent will also result in the nearby dwelling (at 162 Higgins Road) be used as a site office. Based on the information provided to Council it is understood that these consents will be implemented.

With regard to the adjacent northern property, at 16 Wickham Street, consent for the establishment and operation of a waste management facility and a landscaping supplies activity was granted and implemented in 2019. This activity was consented in stages and Council have received a Section 127 application to amend the layout of the stage closest to the subject site. The facilities on the northern portion of this site are operational.

Based on the abovementioned granted consents, the receiving environment in this instance can be described as semi-industrial without a typical farming character. With the exception of 16 Wickham Street, the surrounding properties can be described as having an open character, noting that large buildings in the wider area are limited to those properties within the Hamilton City boundary.

4.5.3 Land excluded from the assessment

For the purpose of assessing an application to establish whether public notification is required, effects on owners and occupiers of the subject site and adjacent sites, and persons whom have given written approval **must** be disregarded. The adjacent properties to be excluded from the public notification assessment are listed in Table 4 and shown in Figure 17 below.

ID#	Street Address	Legal Description	Owner
1	Wickham Street	Road	Hamilton City Council
2	18 Wickham Street	Lot 1 DPS 59491	Hamilton City Council
3	20 Wickham Street	Lot 2 DP 584573	Southpark Agri Developments
4	160 Higgins Road	Lot 1 DP 584573	Southpark Agri Developments
5	16 Wickham Street	Lot 1 DP 365434	Industre Property Rua Limited

Table 4: Properties excluded for purposes of public notification assessment



Figure 17: Adjacent properties map (Subject site highlighted in red)

No written approvals were provided with the application.

4.6 Assessment of Adverse Environmental Effects – Section 95D

Part 2 of the Act explains the purpose is to “*promote the sustainable management of natural and physical resources*”. In addition, it is noted the meaning of ‘effect’ is defined under the Act as:

*In this Act, unless the context otherwise requires, the term **effect** includes—*

- (a) any positive or adverse effect; and*
- (b) any temporary or permanent effect; and*
- (c) any past, present, or future effect; and*
- (d) any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*
- (e) any potential effect of high probability; and*
- (f) any potential effect of low probability which has a high potential impact.*

With the definition of 'effect' in mind, it is considered appropriate to further examine the effects of the proposed activity relating to character and amenity, traffic, infrastructure, construction and earthworks, reverse sensitivity and contaminated soil effects. It is acknowledged some of these effects are temporary and directly related to the construction of the development.

4.6.1 Effects on character and amenity

The Act defines amenity values as *“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*. The Rural Zone accommodates the Districts pastoral rural working environment which is reliant on the rural land and soil resource, and typified by an open rural landscape. In this case, with regard to the existing environment, the character and amenity of the immediate area surrounding the site is best described as a mix of farming and industrial activities, including land for grazing, waste management, industrial yards, and green waste.

In terms of character and amenity, retaining rural character and amenity when making provision for various activities is an important aspect of the District Plan. In terms of the existing site, this character is best described as light industrial, with scattered buildings and large areas of hard surfacing. The wider area to the south has a rural character, in that it contains farming activities with limited buildings (i.e. only located near road frontages and being a mix of dwellings and farm buildings). While the wider area north of the site is split by Higgins Road with residential dwellings on the western side and industrial activities on the eastern side. The industrial area is characterised by medium to large warehouse sized buildings, and mostly paved or sealed yard areas.

With regard to the proposal and the existing character, it will result in a noticeable change from the open yards and limited buildings on the site. The resulting proposal will result in over half the site being occupied by buildings (52% building coverage) which will change the character of the site. The difficulty in terms of assessing the change is that the existing character of the site is an industrial character, as oppose to a rural character reflecting the zoning of the site. If the site was within an Industrial Zone, the proposed development would be considered consistent with the character of an industrial zoned area.

In terms of the bulk and appearance of the site, when considering the Rural Zoning, I note that large farm buildings (i.e. feeding pads, hay barns, tractor sheds, milking sheds etc) are a part of the rural character, and typically located in clusters. So in some respects, the cluster of large buildings is a part of the rural landscape. The application notes landscaping is proffered along the periphery of the development which may soften the overall appearance of the buildings, but is not likely to screen the development (i.e. simply due to the size of the buildings and the rate at which planting will establish).

While the change on this site will be noticeable for directly adjacent properties, when considering the effects of character and amenity on the wider public (i.e. as viewed from the nearest public spaces being Tuhikaramea Road, Collins Road, Higgins Road and Wickham Street), it is my opinion

that the development will be less noticeable. The bulk and appearance of the new buildings will blend in with the existing industrial activities within the adjacent Hamilton City Council industrial area.

Overall, having considered the rural character intended by the underlying zoning of the site, taking into account the existing character due to the consented activities, and having regard to the potential adverse effects on the wider environment, it is my opinion that the developments character and amenity effects will be less than minor.

4.6.2 Effects on the roading network

Traffic and the effects on the roading network are an instrumental part of the District Plan direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities need to ensure that the roading network can continue to function in a safe and efficient manner. In this instance, the subject site is unique in that access to the site is via Wickham Street and the roading network north of the site, all of which are within the Hamilton City Council boundaries. Wickham Street is a local road, approximately 225m in length, providing access to approximately 13 properties.

An Integrated Traffic Assessment was included with the application from CKL Ltd (Refer Appendix X of the application) which noted the following information regarding the roading network:

- *Wickham Street ends at the HCC/Waipā boundary. The site takes access via a Rights of Way (ROW) to Wickham Street. ... The subject site at 16A Wickham Street has access via a right-of-way onto Wickham Street.*
- *Wickham Street is defined as a local road under Appendix 15-4 of the HCC ODP and primarily provides access to the surrounding industrial properties. It is a no-exit road approximately 225m in length and operates under a 50km/h speed limit. The carriageway is unmarked but is of sufficient width to allow two-way traffic movement and support on-street parking. A footpath extends along the majority of the eastern side of Wickham Street.*
- *Peak hour volumes for Wickham Street have been taken from a survey arranged by CKL in October 2018. This was peak period survey, so the peak hour volume below is the average of the AM and PM peak hours and the daily volume is estimated as ten times the peak hour. (Refer Table 5 below).*

Road	ADT (vpd)	Peak Hour (vph)
Wickham Street	2,495	250
Kahikatea Drive	5,020	502
Higgins Road	570	57

Table 5: Traffic Volumes (Taken from CKL ITA, pg 8)

- *A total of 33 crashes occurred near the SH1c / Kahikatea Drive intersection of which four resulted in serious injuries and six resulted in minor injuries.*

- *Seven crashes were reported at the Kahikatea Drive / Higgins Road intersection of which one resulted in minor injury.*
- *HCC has been developing a Network Operating Framework (NOF) for the city. A NOF seeks to maximise the potential of the existing network through prioritising different user groups along different routes and at different times of the day. ... The Freight NOF identifies SH1 as part of the primary freight network and recognises the industrial nature of the area through the classification of collector and local of roads throughout the area such as Kahikatea Drive, Wickham Street, Higgins Road and Ellis Street as forming part of the local access freight network and HPMV approved routes. ... The NOF identifies Wickham Street, Kahikatea Drive and Higgins Road as both local access freight routes and high productivity motor vehicle (HPMV) routes. ... SH1c is identified as part of the primary freight network and is also shown as an HPMV route.*
- *The Waste Management development also takes access from the Wickham Street ROW. The ITA prepared for the development outlined that it was expected to generate approximately 230 vpd. This was less than the traffic generated by what was then the established activity on the site (a transport depot), resulting in no net increase in the traffic volume on Wickham Street.*

In terms of the proposed development, the Integrated Transportation Assessment notes:

- *Staff and visitor parking is provided around the site. There are 19 spaces provided in the Stage 1 Wattyl area (including two accessible spaces) and 24 spaces (including two accessible spaces) provided on the Stage 2 warehouse area.*
- *Access is proposed to be provided via two two-way vehicle crossings to Wickham Street. The northern crossing provides two-way access to the Wattyl area and entry only to the warehouse area. The southern crossing is a two-way access for the warehouse area.*
- *The Stage 1 Wattyl activity is expected to have between five and seven container trucks bringing goods in per day and between three and five truck and trailer units for outbound goods per day. It has been assumed that there would be five staff on site. It is assumed that all staff arrive or depart in the same hour and that 2 – 4 HCV movements occur per hour.*
- *The Stage 1 Wattyl activity is not expected to attract visits from members of the public. An allowance of 2 vph and 20 vpd has however been made for non-staff commercial visitors associated with Wattyl's operations.*
- *The Stage 2 warehouses have been assessed using the rates from ITE 11th Edition. These are based on gross floor area (GFA) rather than site area. (Refer Table X below).*

Activity	Peak Hour		Daily	
	Trip Rate	Trips (vph)	Trip Rate	Trips (vpd)
Existing				
Manufacturing	2.8/hectare	6	15.97/hectare	32
Proposed				
Wattyl	-	11	-	44
Warehouses	0.23/100 sqm GFA	9	1.84/100sqm GFA	73
Total	0	20	-	117
Change	-	14	-	85

Table 6: Existing and Proposed Traffic Generation (Taken from CKL ITA, pg 17)

While concluding that the development of the site is not expected to impact the surrounding road network, the ITA has recommended a Travel Management Plan, to be prepared in consultation with Hamilton City Council, and implemented until such time as the State Highway 1C/Kahikatea Drive intersection is upgraded (or the Council agrees it is no longer necessary).

Council's Development Engineer, Mr Brendan Koevoet, has reviewed the application and traffic information, noting that the affected roading network is outside the Waipā District. Mr Koevoet considers that while the proposed Travel Management Plan and specific routes for both heavy and light vehicles seeks to reduce traffic congestion, it should be prepared in consultation with Hamilton City Council, as the road controlling authority for Wickham Street, Kahikatea Drive and Higgins Road, and Waka Kotahi, as the road controlling authority for State Highway 1C.

With regard to Hamilton City Council and Waka Kotahi, both agencies have been provided with a copy of the application. Written approval from Hamilton City Council was requested as outlined in Section 1.5 above. In terms of a notification assessment the effects on these agencies is further discussed below in Section 5 – Limited Notification Assessment of this report.

In terms of the assessment of adverse effects on the roading network and public notification considerations, I note that traffic volumes, access and parking are all matters to take into account. The above assessments by both CKL and Council's Development Engineer have demonstrated that the proposed Travel Management Plan will mitigate potential adverse effects related to anticipated traffic volume generated by the activity.

With regard to the provision of access, the development will utilise the existing right of way from the end of Wickham Street to the site. The CKL assessment notes this access is approximately 8m wide and can accommodate two-way traffic movement, and the proposed accesses from the right of way into the site have been designed appropriately for the future use of the site (i.e. Heavy Vehicles).

While carparking is no longer a requirement under the District Plan provisions, I note that the effect of limited car parking has the potential to result in adverse effects on the surrounding roading

network where staff and visitors may park outside of the subject site. In this regard the development does provide a number of parking spaces on site for both staff, visitors and loading/unloading vehicles. This is a positive effect in that subsequent parking on Wickham Street, or on adjacent properties will be avoided.

Overall, based on the considerations above, and the technical advice provided both in the application, the Integrated Traffic Assessment, and by Council's Development Engineer, it is my conclusion that any adverse effects on the wider roading network, in terms of public notification, as a result of this proposal will be less than minor.

4.6.3 Effects on Infrastructure

How and where infrastructure occurs is critical to the suitability of a development and the resulting use of the area. The infrastructure required for the development in the Rural Zone includes onsite water supply, onsite stormwater disposal, onsite wastewater disposal, power and telecommunication connections.

The application has provided an Engineering Infrastructure Report, prepared by Stiffe Hooker Ltd, dated 20 February 2023, (Appendix 6 of the application) which outlines the proposal for wastewater, water supply and stormwater disposal. This report confirms there is a workable design for each reticulation to ensure the development is serviced appropriately.

Council's Development Engineer, Mr Brendan Koevoet, has reviewed the Engineering Infrastructure Report and is supportive of the proposed infrastructure which is consistent with servicing requirements in the Rural Zone. Mr Koevoet notes detailed design of these services will be captured through the building consent process, should resource consent be granted.

Overall, based on the technical reports provided with the application and Council's Development Engineering Team advice, it is my opinion that any adverse effects on infrastructure will be less than minor.

4.6.4 Construction and Earthworks Effects

Construction and earthworks are an instrumental component of all development, and are required to modify the existing sites to enable construction and appropriate servicing to occur. Typically the scale and impact of construction and earthworks reflect the size of the development, with the potential adverse effects often arising from construction noise, dust, vibration, erosion and sediment control, and construction management. The potential adverse effects from construction are of particular concern where construction is adjacent to existing residential dwellings however it is acknowledged that all of these effects are limited in duration and temporary in nature.

With regard to the proposed development, earthworks will be required to the existing site to remove the areas of potentially contaminated soils and recontour the site to provide suitable building platforms for each of the new buildings, formation of the site for stormwater drainage and

establishment of the parking and manoeuvring areas. The application has noted a cut volume 2,210m³ and fill volume of 1,200m³ (covering an area of 20,005m²) of earthworks will be required.

In terms of construction and earthworks effects, I note that the scale of earthworks required for the development is minimal and most of the works required will be to even out the site (i.e. very little material will be removed from the site). With regard to the associated construction noise, dust, and vibration, these will be temporary in nature and limited to the immediately surrounding area. Additionally, should consent be granted, conditions can manage the effects to a level which is less than minor on the surrounding environment.

Council's Development Engineer, Mr Brendan Koevoet, has reviewed the application, and should consent be granted recommended conditions of consent regarding earthworks and construction, including soil and erosion control conditions. Additionally, consent is sought due to the potential contaminated soils within the existing yards which are to be removed. Council's Environmental Health Team Leader, Mr Anish Chand, has reviewed the application, and should consent be granted recommended conditions regarding the handling of these materials during construction and earthworks.

Overall, based on the technical reports provided with the application and Council's advice, it is my opinion that any adverse effects as a result of the necessary earthworks and construction will be less than minor.

4.6.5 Reverse Sensitivity Effects

The site is located within the Rural Zone, and used for industrial uses which are an accepted part of the existing environment. In terms of new activities on the site, there is the potential for adverse reverse sensitivity effects to arise given the underlying Rural Zone and potential permitted activities that could occur on the adjacent sites. Given the existing zoning, it should be naturally anticipated that there will be noise, dust, odour and other effects associated with the farming activities. These potential nuisance effects should not be unexpected by those activities which then locate in this area, however should be managed in a way to ensure the effects on adjacent parties are reasonable.

In this instance, the proposed development results in the Watty Ltd warehouse, Warehouse 1 and Office 1 being located within 3.0m from the southern property boundary. These buildings encroach the boundary setback and the daylight control requirements of the District Plan which typically ensure reverse sensitivity effects are mitigated to an acceptable level. I note the potential reverse sensitivity effects are limited to those properties directly adjacent to the site, and not more widely in terms of consideration for public notification. Therefore further assessment of the potential reverse sensitivity effects on adjacent properties is further discussed below in Section 5 – Limited Notification Assessment of this report.

4.6.6 Contaminated Soils Effects

As noted above in Section 2.1 of this report, the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 is relevant to this application due to the activities which have been occurring on the site, and the likely disturbance of contaminated soils which will occur during development. In addition to the National Environmental Standard the District Plan identifies the risk posed by development of contaminated land with regard to the wider environment and human health.

In this instance, the application includes both a Preliminary and Detailed Site Investigation, prepared by Pattle Delamore Partners Ltd (Appendix 4 of the Application). These documents outline the history of the site, summarise the investigations done on site regarding the state of the soil, describe the concentrations of contaminants found on site, and suggest remediation and site management options. The areas of interest found on the site are shown below in Figure 18 taken from the investigation.

In summary, the Preliminary Site Investigation found that:

- *Part of the western half of the site (Yard 8) appears on WRCs Land Use Information Register with a classification of 'Verified HAIL – No Sampling' for HAIL Activity 'A18 – Wood treatment or preservation of bulk storage of treated timber' associated with Kiwi Timber Supplies. In addition to this, storage of potentially treated timber was observed in Yards 2, 4 and 8 during the site walkover.*
- *The eastern half of the site is classified as 'Verified HAIL – No Sampling' for HAIL Activity 'F8 – Transport depot or yards' associated with Auto Logistics/PTS Logistics Hamilton Depot.*
- *Fill of unknown origin (described as uncontrolled filling) was identified at depths ranging from 0.3 to 0.9 bgl across the site during a geotechnical investigation by Mitchell Geocon Geotechnical.*
- *A small (~1,000 L) diesel AST was observed in Yard 1. Additional storage of fuels, oils and chemicals were observed in Yards 1 and 6.*
- *Staining of the ground surface was noted in Yards 4 and 7, and within the 'workshop' / storage building in Yard 1.*
- *Stockpiles of unknown origin were observed in Yards 1 and 6.*
- *A rubbish / burn pile was observed in Yard 6.*

Following on from the Preliminary Site Investigation, the Detailed Site Investigation sampling confirmed:

- *Soil from the stockpile located in Yard 6 (SP02) exceeds the applicable SCS criteria for arsenic. The stockpiled soils could pose a risk to excavation workers and site users if they are not appropriately managed in the interim and during proposed site works (e.g., through the adoption of appropriate PPE, handling and disposal procedures).*

- All remaining soil sample results comply with SCSs and other SGVs for commercial / industrial land-uses;
- Heavy metals exceeded Waikato region background ranges variously across the investigation area;
- Petroleum hydrocarbons (TPH and PAHs) were identified at concentrations greater than background (i.e., above the laboratory LOR) variously across the investigation area but below the adopted SCSs and SGVs;
- No ACM was observed during the test pitting investigation and the building material sample collected from Yard 7 came back negative asbestos; and
- Soils at the investigation area were observed to comprise of basecourse gravels, underlain by mixed fill and organic peat soils. Perched groundwater was encountered at a depth of ~0.5 m bgl in two locations within Yard 1. No evidence of refuse, construction and/or demolition waste (other than concrete and asphalt), or ACM was encountered in the underlying fill/soils at any of the locations investigated.

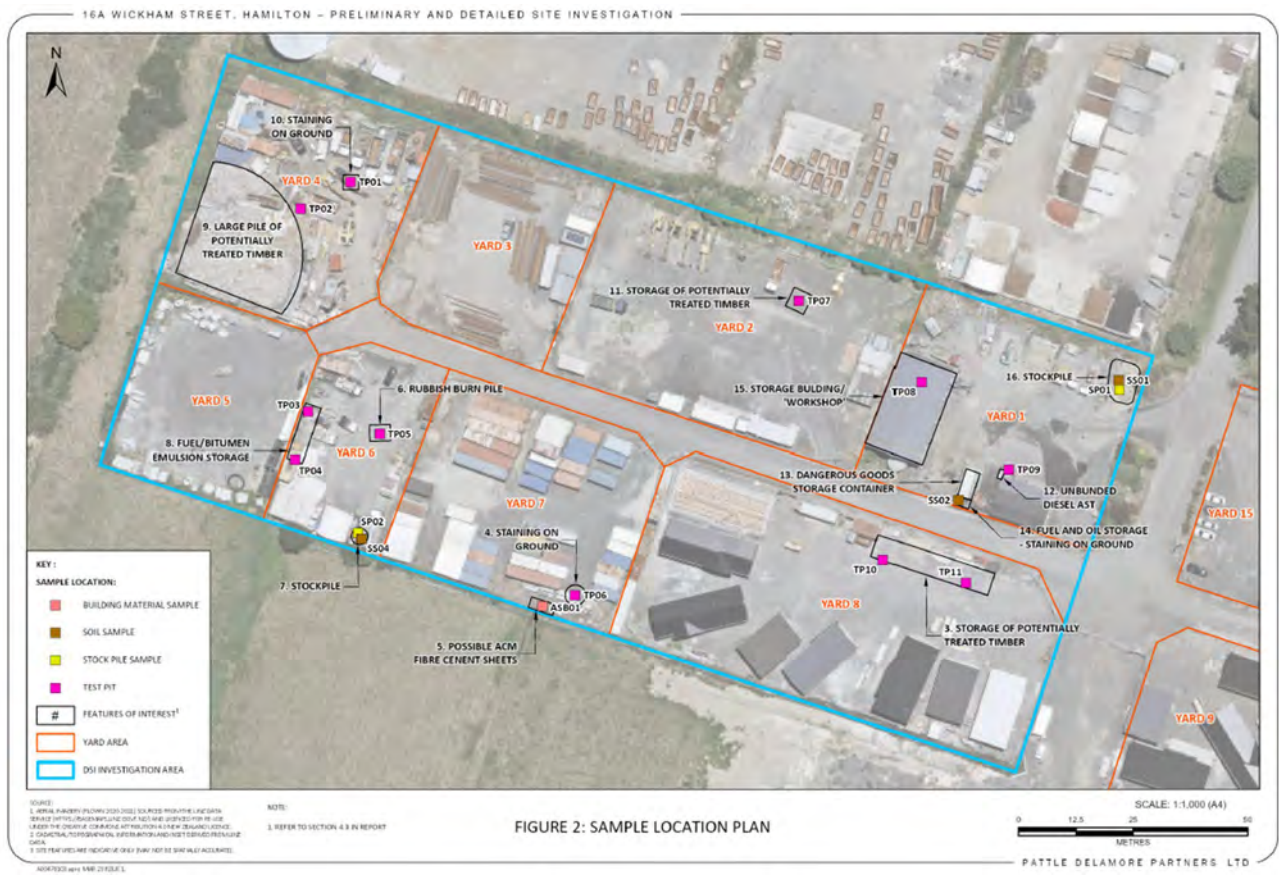


Figure 18: Contaminated soils sites of interest (Taken from PDP Ltd PSI, pg 33)

The Assessments conclude that where permitted soil disturbance regulations are not able to be complied with, a Controlled Activity consent under the NES-CS regulations would be required. Should consent be granted, the Assessment recommends the implementation of a Contaminated Site Management Plan as a condition of consent, to provide controls for disturbing/removing soils that contain contaminants above published background concentrations. Should the appropriate

management be in place, the potential risk to human health or for discharges to environmental receptors is assessed to be low.

Council's Environmental Health Team Leader, Mr Anish Chand, has reviewed the application, including the abovementioned Preliminary and Detailed Site Investigations. Mr Chand notes the level of contamination and the proposed remediation methods to ensure the risk to human health remains low. Should consent be granted Mr Chand recommends conditions of consent to ensure the appropriate management and remediation of the site occurs.

Overall, based on the technical reports provided with the application and Council's advice, it is my opinion that, should consent be granted, and subject to conditions of consent, any adverse effects as a result of the remediation of the contaminated soils will be less than minor.

4.6.7 Hazardous Substances Effects

Hazard Substances include, but is not limited to, substances which are either explosive, flammable, have a capacity to oxidise, are corrosive, toxic or ecotoxic, on contact with air or water (as defined by the Hazardous Substances and New Organisms Act 1996). How hazardous substances are stored, transported and used is a significant resource management issue, in which the Resource Management Act 1991 delegates functions related to appropriate management to both District and Regional Councils.

Within Stage 1 of the development is the construction and establishment of the Watty Ltd facility which will include storage, use and distribution of a range of paint-related flammable liquid (Class 3) and flammable aerosol (Class 2) products. The application has included a 'Hazardous Substances Assessment' prepared by Tonkin & Taylor Ltd (Appendix 8 of the application), and a 'Dangerous Goods Assessment', prepared by DGC Ltd (Appendix 9 of the application).

The 'Hazardous Substances Assessment' outlines the proposed storage and use of hazardous substances against the provisions of the District Plan to support the resource consent application, and the proposed management of the hazardous substances. Figure 19 below identifies the locations within the site where the Hazardous Substances will be located. In conclusion the Assessment notes:

- *"The risk assessment has identified that key risks associated with the storage and use of hazardous substances on-site include:*
 - *risk of a fire at the DG store, breezeway, main warehouse (aerosols cage) or mixing room;*
 - *risk of a spill of Class 3.1 substances during loading or unloading of vehicles in the breezeway or during decanting activities in the mixing room; and*
 - *the risk of leakage of packages of the Class 3.1 substances in the DG store.*
- *The risks to off-site people and property from a fire in all stores containing flammable substances has been assessed as low, and the proposed controls include selection of non-combustible or fire rated construction materials, installation of intrinsically safe electrical*

equipment, establishment of hazardous areas for control of ignition sources, provision of fire-fighting equipment and separation of hazardous goods stores from other buildings and the boundary. Access to hazardous goods stores on site will be restricted to authorised staff trained in emergency response procedures.

- To manage the risk to the environment from a package leak or spill of hazardous substances, the areas where hazardous liquids will be stored or used have been isolated from the stormwater network. The DG store and breezeway have been designed with provision for secondary containment to retain any spills on site in the event of an incident during unloading or loading of vehicles or during decanting in the mixing room. The site emergency planning will include spill response plans. Overall, the effects on the environment from the use and storage of hazardous substances on-site has been assessed as low and can be managed through the proposed structural and operational controls.
- Potential effects associated with transporting hazardous substances to the site will be minimised by the availability of appropriate transport routes and compliance with the Land Transport Rules and have been assessed as low.”

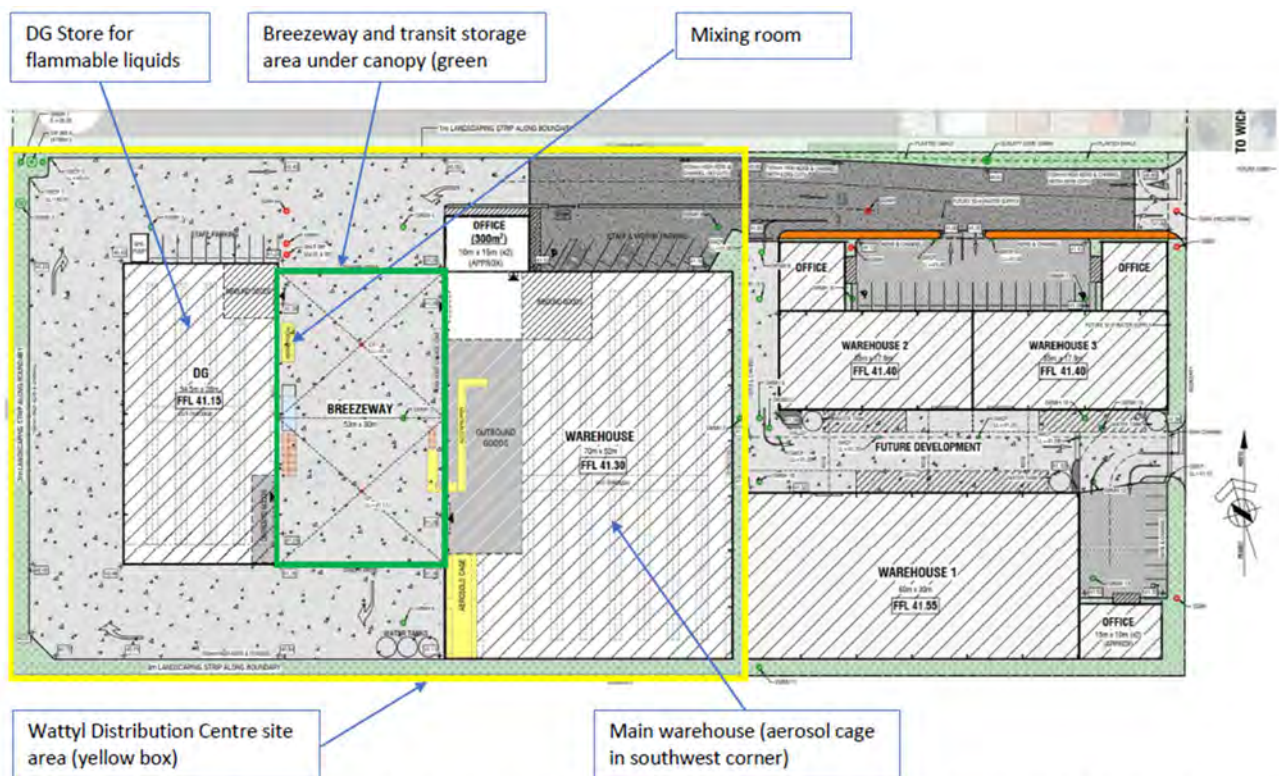


Figure 3.1: Proposed site plan showing indicative hazardous substances locations (sourced from Proposed Site & Finished Levels Plan by Stiffe Hooker Ltd)

Figure 19: Indicative Hazardous Substances Locations (Taken from T&T Ltd Hazardous Substances Assessment, pg 7)

The ‘Dangerous Goods Assessment’ Report describes the various options available to the developer to ensure compliance with the requirements of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (Regulations). It also includes the requirements for certification, such as site plan, emergency response and training.

Council's Environmental Health Team Leader, Mr Anish Chand, has reviewed the application, including the abovementioned Assessments. Mr Chand notes the proposed storage and handling options to be put in place by the developer in order to comply with the relevant legislation, and should consent be granted recommends conditions of consent to ensure the appropriate management of the hazardous substances occurs.

Overall, based on the technical reports provided with the application and Council's advice, it is my opinion that, should consent be granted, and subject to conditions of consent, any adverse effects as a result of the hazardous substances being stored and used on site will be less than minor.

4.6.8 Summary of Effects

The above assessment has considered the effects of the proposed construction and establishment of the Wattyl Ltd facility and three vacant warehouses on the subject site relating to character and amenity, traffic, infrastructure, construction and earthworks, reverse sensitivity and contaminated soil effects. While elements of these effects are temporary and directly related to the construction of the development, overall it is concluded that any adverse effects will be less than minor with regards to the requirements to determine if public notification is required.

4.7 Special Circumstances – Section 95A(9) – Step 4

Council must determination as to whether special circumstances exist in relation to the application that warrant public notification of the application and publicly notify an application if it considers that special circumstances exist. In effect, special circumstances 'trumps' other notification provisions. Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. Special circumstances provide a mechanism for public notification of an application which may otherwise appear to be routine or uncontentious or minor in its effects.

The purpose of considering special circumstances requires looking at matters that are beyond the plan itself. The fact that a proposal might be contrary to the objectives and policies of a plan is not sufficient to constitute special circumstances. Special circumstances must be more than:

- where a Council has had an indication that people want to make submissions;
- the fact that a large development is proposed; and
- the fact that some persons have concerns about a proposal.

In this instance, the proposal is not considered to have unusual or exceptional circumstances warranting public notification.

4.8 Summary of Public Notification Assessment

Pursuant to Section 95A, the application has been assessed to determine if public notification is required. In this instance, and for the reasons outlined in Sections 4.1 to 4.7 above, it is not

considered that the proposal warrants public notification. For this reason the application is required to be assessed pursuant to Section 95B for limited notification.

5 ASSESSMENT FOR THE PURPOSES OF LIMITED NOTIFICATION

Pursuant to Section 95B(1), where a consent authority decides that public notification is not required under Section 95A of the Act, an assessment is required to determine whether limited notification of an application is required.

5.1 Affected Customary Rights or Marine Title Groups – Section 95B(2)- Step 1

The property subject to this application is not within a protected customary rights group area or a customary marine title area as defined by the Marine and Coastal Area (Takutai Moana) Act 2011.

5.2 Statutory Acknowledgment Area – Section 95B(3) – Step 1

Pursuant to Section 95B(3)(a), the Council is required to determine whether the proposed activity is on, or adjacent to, or may affect, land that is the subject of a statutory acknowledgment made in accordance with an Act specified in Schedule 11. The property subject to this consent is not within a Statutory Acknowledgement Area.

5.3 Limited Notification Precluded in Certain Circumstances – Section 95B(6) – Step 2

There are no rules in a National Environmental Standard or in the District Plan relevant to this proposal that preclude limited notification (Section 95B(6)(a)).

The application is not a controlled activity requiring consent under the District Plan, there are no circumstances relevant to this proposal that preclude limited notification under Section 96B(6) (Step 2).

5.4 Certain other affected persons must be notified – Section 95B(7) – Step 3

Step 3 required Council to determine whether, in accordance with Section 95E whether, in the case of any other boundary activity, an owner of an allotment with an infringed boundary is an affected person. As the proposal is not a boundary activity (Section 95(7)(a)), there are no owners of with an infringed boundary that are affected.

The proposal is also not an activity prescribed under Section 360H(1)(b), so there are no parties to notify in this report.

5.5 Assessment of adversely affected persons - Section 95B(8) – Step 3

Assessment is now required under Section 95B(8) to determine whether a person is an affected person in accordance with Section 95E. Under Section 95E, a person is an affected person if the consent authority decides that the activity's adverse effects on a person are minor or more than minor (but are not less than minor).

The following provides an assessment of the adverse effects on the potentially affected persons.

5.5.1 Hamilton City Council (Property 1 and 2)

Hamilton City Council is the territorial authority and road controlling authority for Wickham Street, with the District/City boundary being located 200m north of the subject site. Hamilton City Council also own 18 Wickham Street to the northeast of the subject site which is occupied and operated as an organic recycling centre (Hamilton Organic). In terms of the proposed development the potential adverse effects for further consideration include traffic effects, and developmental near the city boundary.

In terms of traffic effects on Wickham Street and the wider Hamilton City Council roading network, the application has included an Integrated Transportation Assessment and a proposed Travel Management Plan prepared CKL. The application acknowledges that the proposed Travel Management Plan will be required to be prepared in consultation with Hamilton City Council. With regard to the anticipated traffic volume, as commented on above in the public notification assessment of effects, the anticipated volume (i.e. an increase in 85vpd) can be accommodated by the roading network (i.e. Wickham Street has an 2,495 ADT(vpd)). Based on the information provided with the application, the implementation of the proposed Travel Management Plan, and Council's Development Engineers advice, it is my opinion that the traffic effects on the Hamilton City roading network will be less than minor.

With regard to the development near the city boundary, incremental creep of activities outside of planned growth areas has the potential to stretch reticulated networks and resources beyond that anticipated. In this instance, the consented activities in this area have largely involved landfill, green waste and yard storage type activities, that have used on-site servicing, thereby avoiding additional connections to the City Council's reticulated services. The proposed development will establish large warehouse buildings on the site which are also proposed to use on-site servicing, however will have the appearance of activities anticipated to be connected to reticulated networks. It is not unreasonable to consider these facilities, will in time, request or seek connection to the City Council reticulated networks. This has the potential to result in economic effects for the City Council in that additional demand for the extension of reticulated networks into the Wickham Street (being outside the current City boundary) will result. Additionally, this will place pressure on the City Council prior to strategic and planning considerations being undertaken with regard to the future use of the area in alignment with the City's growth aspirations.

It is noted the subject site is part of a wider area identified as the 'Priority 1 area' within the northern part of the Waipā District which is subject to a proposed change to the territorial boundary between the two Council's. Refer Figure 20 below. While a timeframe for the boundary change is not yet confirmed, it is understood the City Council, in collaboration with a number of landowners within the priority area, are keen to ensure activities within the area subject to this consent enhance the overall wellbeing of Hamiltonians and create quality communities.

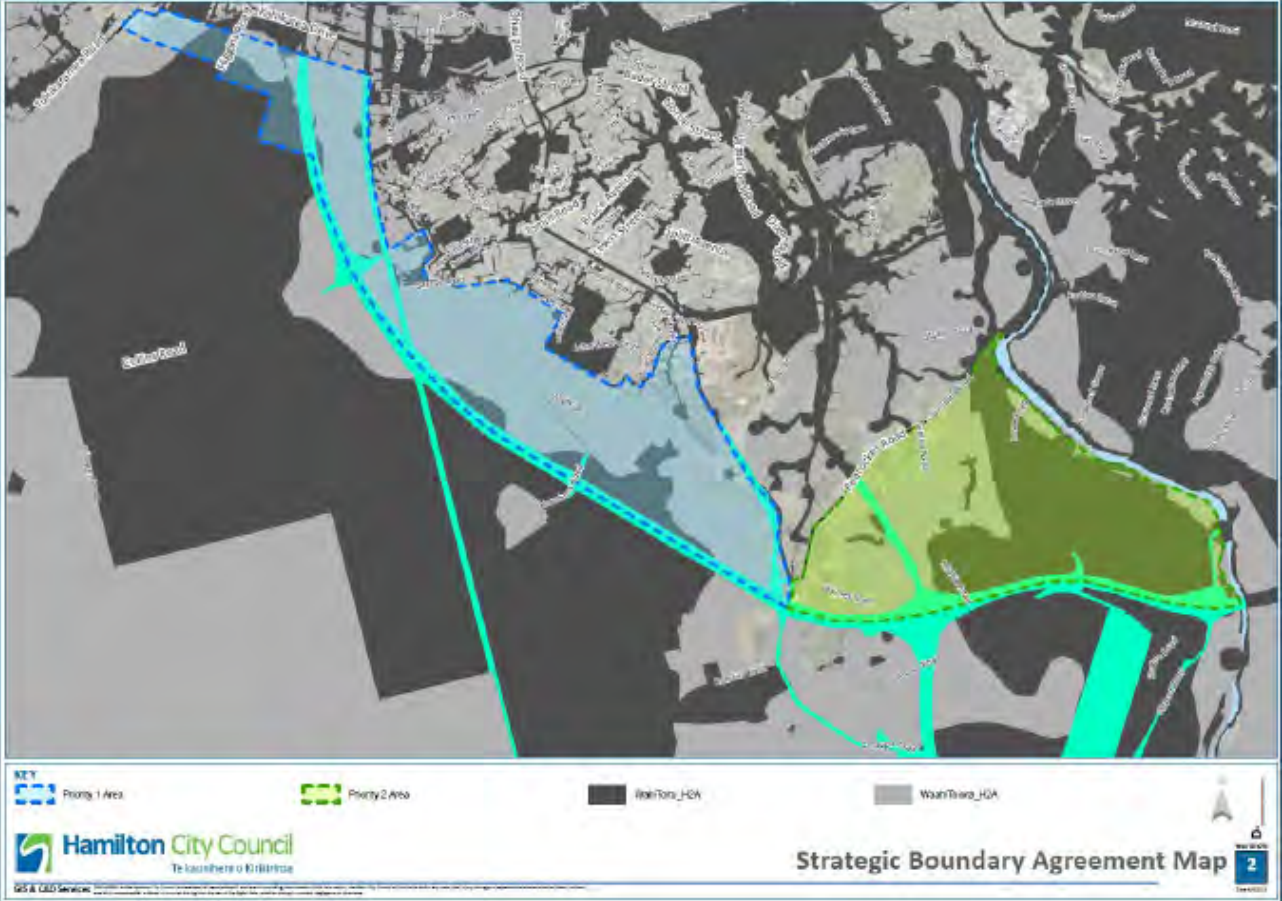


Figure 20: Strategic Boundary Agreement Map (Priority 1 area shown in blue)

When considering the industrial activity creep beyond the city boundary and the potential demand this will place to the City Council to extend their services into this area, in my opinion, the potential adverse effects as a result of the development are minor, in terms of the limited notification thresholds.

In terms of the potential adverse effects on the organic recycling centre (Hamilton Organic) which operates from 18 Wickham Street, this property has one access to the right of way at the northern property boundary. As outlined above in Section 4.6.2 the proposal is expected to generate a net increase of 85 vpd, all of which will utilise the right of way to access Wickham Street. This increase in volume will be noticeable for this property, particularly as the access is located south of the subject site, and the increase in vehicles will need to be considered by users entering and existing the organic recycling centre. Based on the change in traffic volume, it is my opinion that the traffic

effects, particularly with regard to the relationship for vehicle entering and exiting this property, will be minor, in terms of the limited notification thresholds.

5.5.2 20 Wickham Street (Property 3) and 160 Higgins Road (Property 4)

These two properties surround the west, south and east of the subject site and are owned by South Park Agri Developments. The property at 160 Higgins Road currently contains a single dwelling and a handful of farm buildings, while the 20 Wickham Street property has a landfill operation occurring on the eastern portion, and a yard based activity directly south of the subject site. The property is otherwise vacant of development. There are two access ways to 20 Wickham Street, one being from the end of Wickham Street and the right of way to be used by the subject site, and the second through the property at 9 Latham Court.

The application notes the landowner of this property is part of a conglomerate of landowners working with Hamilton City Council in terms of the proposed territorial boundary change. Within the application it is noted that *“the owners and occupiers of this property are of the expectation that their site and the surrounding immediately surrounding area will at some point in time be rezoned from rural to industrial. With this in mind, it is our opinion that development of this nature would have been anticipate by the property owner; thus, should not generate any added environmental effects over and above what currently exists on the site”*. Having reviewed the memorandum of understanding between the parties I do not reach this same conclusion, as specific development of the subject site for non-rural activities is not mentioned within the terms of the agreement.

I do note however that this property has consent for bulk earthworks across the site which will include heights of up to and including 2.5m, as discussed in terms of the receiving environment in Section 4.5 above. These earthworks are set back 15m from the site boundary.

In terms of potential adverse effects from the development on this property, the likely adverse effects relating to these properties are character and amenity effects (i.e. outlook, visual, and shading), traffic, construction and earthworks, and reverse sensitivity.

The character of the area with regard to character and amenity will change as a result of the development in that the largely open subject site will be occupied by large warehouse buildings, all within close proximity to this property boundary. Given the location of the buildings so close to the southern property boundary, there is likely to be shading effects on the property. While I note that within the Rural Zone, and considering rural character, clusters of large farm buildings could be similar in appearance, and scale, so are not completely out of character for rural area. The scale of the boundary setback encroachment and the height of the buildings combined are likely to result in adverse effects on the subject site that will be minor, when considering the limited notification thresholds.

In terms of potential adverse traffic effects, this property owns the access way which the subject site will utilise to access Wickham Street. As outlined above in Section 4.6.2 the proposal is expected to generate a net increase of 85 vpd, all of which will utilise the right of way to access Wickham

Street. This increase in volume will be noticeable for this property, particularly as the landowner of the access leg, and are considered to be minor.

With regard to construction and earthworks, as this property is currently vacant of development, effects typically associated with construction and earthworks are likely to have less impacts. Effects associated with these works may include noise, vibration, dust, and traffic, all of which are acknowledged as temporary in duration and can be subject to external factors such as weather. While these effects cannot be avoided, in order to minimise the effects from the development of the subject site for adjacent properties, and should consent be granted, it is recommended appropriate conditions regarding site and construction management are included. With the implementation of such conditions the effects associated with construction can be managed to minimise these effects as much as possible. The proposed mitigation and the temporary nature of the construction are considered to reduce the likely adverse effects to a level that can be considered less than minor.

The Environment Court, in *Auckland RC v Auckland CC* (1997) 3 ELRNZ 54; [1997] NZRMA 205, defined 'reverse sensitivity' as *"the effects of the existence of sensitive activities on other activities in the vicinity, particularly by leading to restraints and the carrying on of those other activities"*. The court, in the above case, noted that complaints can be the first sign of opposition that can chip away at a lawfully established activity. With regard to this proposal, and the consented activities proposed on these properties, the likely cause of complaints are considered to be generated from the traffic movements, should conflicts occur between the heavy vehicle movements associated with each activity. The application has proposed a Travel Management Plan as a mechanism to minimise traffic effects on the wider roading network, however this does not include detail regarding the right of way. Having considered the consented activities on these properties, and the proposed development on the subject site, it is my opinion that the adverse reverse sensitivity effects will be minor.

In summary, the potential adverse effects of the development on the properties owned by South Park Agri Developments with regard to character and amenity effects (i.e. outlook, visual, and shading), traffic, construction and earthworks, and reverse sensitivity have been assessed above. In terms of the property at 160 Higgins Road, overall the effects are considered to be less than minor. With regard to 20 Wickham Street, the potential adverse effects particularly with regard to traffic and reverse sensitivity, in my opinion, will be minor.

5.5.3 16 Wickham Street (Property 5)

This property is located directly north of the subject site, is owned by the applicant and consented for the operation of a refuse and recovery park (i.e. Waste Management), and is partially occupied by a landscaping supplies business. While the landowner of this property is the applicant for the proposed development, I note written approval from the occupiers of this site have not been provided with the application. I have therefore undertaken an effects assessment considering the effects on the existing occupiers of the site. With regard to the proposed development, the outlook

from this property will change from the existing yard based activities to large warehouses, therefore likely adverse effects to further consider include character and amenity effects (i.e. outlook, visual, and shading), traffic, construction and earthworks, and reverse sensitivity.

As noted above, the character of the area with regard to character and amenity will change as a result of the development in that the largely open subject site will be occupied by large warehouse buildings. The new buildings are proposed to be 16.0m from the property boundary, separated from the boundary by a shared driveway and landscaping strip. While I note that within the Rural Zone, and considering rural character, clusters of large farm buildings could be similar in appearance, and scale, so are not completely out of character for rural area. The boundary setback encroachment along the property boundary, and layout design of the subject site, means any potential adverse effects in terms of the bulk of the buildings on the subject site will be than less than minor.

In terms of the amenity effects (i.e. outlook and shading), I note that a Section 127 - Change of Condition Application has been made to Council for this property which will result in an amendment to the proposed layout of the consented Waste Management facility. Should consent be granted, the area north of the property boundary will be utilised for a mix of car and truck parking as shown below in Figure 21. The nearest office and consolidation building will be located 40m and 33m north of the boundary respectively. Given the setback distances any potential amenity effects are considered to be less than minor in terms of this property and the proposed activity on the site.

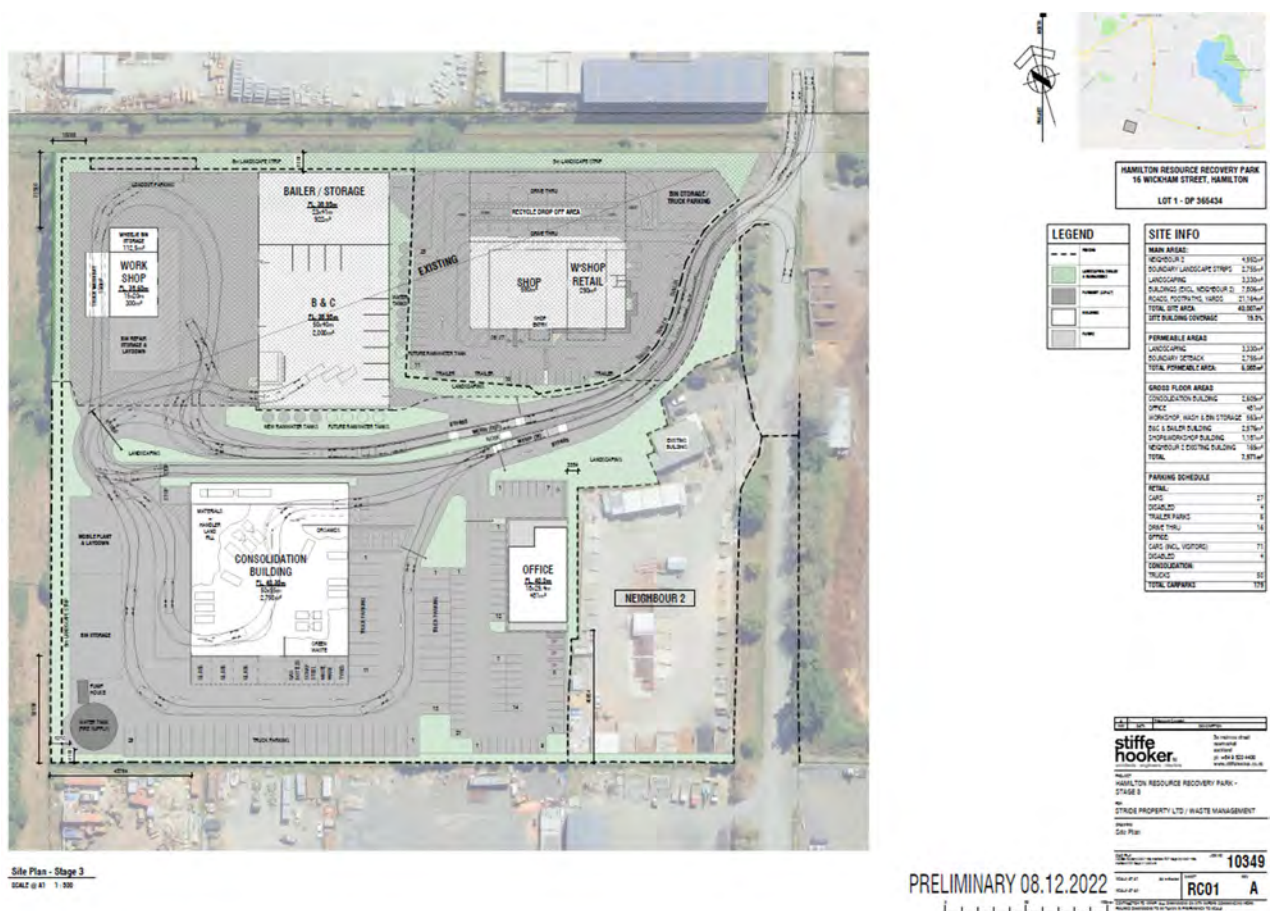


Figure 21: Proposed Scheme Plan for 16 Wickham Street (subject to Section 127 process)

In terms of potential adverse traffic effects, this property has two accesses to the right of way, one at the northern property boundary and utilised by the Waste Management activity, and the second access located 100m north of the subject site boundary. As outlined above in Section 4.6.2 the proposal is expected to generate a net increase of 85 vpd, all of which will utilise the right of way to access Wickham Street. This increase in volume will be noticeable for this property, particularly as the accesses are located south of the subject site, and the increase in vehicles will need to be considered by users entering and existing the existing accesses to this property. Based on the change in traffic volume, it is my opinion that the traffic effects, particularly with regard to the relationship for vehicle entering and exiting this property, will be minor.

With regard to construction and earthworks, potential adverse effects associated with these works may include noise, vibration, dust, and traffic, all of which are acknowledged as temporary in duration and can be subject to external factors such as weather. While these effects cannot be avoided, in order to minimise the effects from the development of the subject site for adjacent properties, and should consent be granted, it is recommended appropriate conditions regarding site and construction management are included. With the implementation of such conditions the effects associated with construction can be managed to minimise these effects as much as possible. The proposed mitigation and the temporary nature of the construction are considered to reduce the likely adverse effects to a level that can be considered less than minor.

In terms of potential reverse sensitivity effects, I note that the changes to the consented Waste Management facility will result in a parking area located alongside the shared accessway. Parking and the shared access way are, in my mind, two activities that can locate next to each other without conflict. Additionally a landscape strip is proposed on both properties between these activities. Given the separation distances between the buildings on each site, and the parking and shared access being located almost adjacent to each, it is my conclusion that potential reverse sensitivity effects will be less than minor.

In summary, the potential adverse effects of the development on the activities which occupy 16 Wickham Street with regard to character and amenity effects (i.e. outlook, visual, and shading), traffic, construction and earthworks, and reverse sensitivity have been assessed above. In terms of the character and amenity, construction and earthworks and reverse sensitivity effects, these have been considered to be less than minor on the occupiers of the property. Due to the change to traffic volume as a result of the development, it is my opinion that the potential adverse effects particularly with regard the accesses to the existing activities on this site will be minor.

5.5.4 Properties along Wickham Street

As noted previously in this report, the site is accessed via Wickham Street, a local road under the Hamilton City Council roading network which services approximately 13 light industrial type activities including, but not limited to, mechanical services, vehicle rentals, animal food distributors, welding and engineering type services. The Integrated Traffic Assessment included with the application noted Wickham Street accommodates on average 2,495 vehicles per day. For the

businesses and landowners along Wickham Street they are unlikely to have a change in outlook to the site, due to the location of existing buildings at the end of Wickham Street, however may notice the change in heavy vehicle numbers using the road network to access the site. For this reason potential adverse traffic effects have been further considered with regard to the properties along Wickham Street.

The CKL Ltd Integrated Traffic Assessment has consider the existing peak hour volumes for Wickham Street based on survey data in October 2018. This information has provided a peak hour volume, of 250vph (being the average of the AM and PM peak hours). This assessment notes the existing carriageway within the street is unmarked allowing for two-way traffic movement and on-street parking.

In terms of the proposed development, the change to the proposed traffic volume from the site, while potentially noticeable to the properties along Wickham Street, are considered to be unlikely to generate effects on the useability and function of Wickham Street given the existing average vehicles per day noted above.

Turning to potential adverse effects from parking, the proposed development provides four parking areas to accommodate both staff and visitors to the site. Heavy Vehicle Loading Bays are also provided for each warehouse. Due to the number of parking spaces available within the development, staff and visitors to the site are unlikely to park within the existing road reserve, so any potential adverse parking effects on Wickham Street are anticipated to be less than minor.

In summary, when considering the existing environment of Wickham Street and the businesses within this area, the potential adverse effects of the development are limited to those associated with traffic (i.e. traffic volume and parking). Based on the roading capacity for both volume and parking, and the proposed provision of carparking within the site, it is my opinion that the traffic effects on the properties within Wickham Street will be less than minor.

5.5.5 Waka Kotahi – New Zealand Transport Agency

Waka Kotahi are the road controlling authority for the state highway network across New Zealand. In this instance, while the subject site is not located on a state highway, one of the primary routes to access the site is through the State Highway 1C intersection being Greenwood Street and Kahikatea Drive. Within the Integrated Transportation Assessment, prepared by CKL and included with the application, the Greenwood Street and Kahikatea Drive intersection is identified as a key location to minimise right turning traffic during peak times. In order to do so a Travel Management Plan has been proffered as a condition of consent by the applicant.

Further information was provided from the applicants agent on 12 June 2023 from CKL, and as a result of the ongoing discussions between the applicant and Hamilton City Council. Council's Development Engineer, Mr Koevoet, has reviewed the further information provided and had the following comments:

“I have gone through the traffic memo provided by CKL and briefly summarised as ‘the concerns raised by HCC are for Waka Kotahi to comment on as the intersections in question are within the Waka Kotahi designation, therefore, outside to jurisdiction of HCC.’

I agree comment from Waka Kotahi on the traffic effects is required as the Kahikatea Drive/Greenwood Street, Kahikatea Drive/Duke Street and Killarney Road/Higgins Road intersections fall within the Waka Kotahi designation.

It is understood the completion of the Expressway has had a significant impact on vehicle movements along Kahikatea Drive and Greenwood Street (SH1C) reducing traffic volumes by 10%, with this in mind it seems reasonable to assume the intersections mentioned above would now have additional capacity to cater for the vehicle movements generated as part of the proposed activity; however, as the affected road network is not within the Waipā District, Development Engineering is of the opinion the traffic effects caused by this activity should be accessed in consultation with Hamilton City Council and Waka Kotahi as the affected parties and owners of the impacted network.”

Based on the information supplied with the application, including the further information on 12 June 2023, and Council’s Development Engineering comments, I am of the opinion that, as the road controlling authority of the Greenwood Street and Kahikatea Drive intersection, Waka Kotahi will be adversely affected by the development traffics effects in a manner that is minor.

5.5.6 Summary of Assessment

The above assessment has considered the immediately adjacent properties surrounding the subject site, and the potentially adverse effects that may result from the development. In summary, it is my opinion that some of these persons will be adversely affected by the development in a manner that is minor.

5.6 Special Circumstances – Section 95B(10) – Step 4

Pursuant to Section 95B(10), the Council must limit notify an application, to any other persons not already determined to be eligible for limited notification, if it considers that special circumstances exist in relation to the application. The reasons set out in Section 4.7 above are also relevant here and are not repeated. It is my opinion that there are no special circumstances applicable that would warrant the application being notified to any persons.

5.7 Summary of Limited Notification Assessment

Pursuant to Section 95B, the application has been assessed to determine if limited notification is required. In this instance, and for the reasons outlined in Sections 5.1 to 5.5 above, it is considered that the proposal warrants limited notification to the following properties:

- Hamilton City Council;
- Hamilton Organic, occupier at 18 Wickham Street;

- South Park Agricultural at 20 Wickham Street;
- Waste Management Hamilton Transfer Station, occupier at 16 Wickham Street; and
- Complete Landscaping Supplies, occupier at 16 Wickham Street; and
- Waka Kotahi – New Zealand Transport Agency.

6 SECTION 95 NOTIFICATION RECOMMENDATION AND DECISION UNDER DELEGATED AUTHORITY

Pursuant to Section 95 A & B application LU/0038/23 prepared by Barkers & Associates, on behalf of their client, Industrie Property Rua Limited, for the:

- a) Construction and establishment of a purpose built Wattyl Ltd paint storage and distribution facility, and three warehouses and ancillary offices in the Rural Zone, as a Non-Complying Activity under the Waipā District Plan; and
- b) The remediation of the site with regard to heavy metals and hydrocarbons as a Controlled Activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Is recommended to proceed on a **Limited Notified** basis for the reasons discussed above in Section 1 to 5 to the following parties:

- Hamilton City Council;
- Hamilton Organic, occupier at 18 Wickham Street;
- South Park Agricultural at 20 Wickham Street;
- Waste Management Hamilton Transfer Station, occupier at 16 Wickham Street; and
- Complete Landscaping Supplies, occupier at 16 Wickham Street; and
- Waka Kotahi – New Zealand Transport Agency.

Reporting Officer:

Approved By:

Hayley Thomas

Quentin Budd

Project Planner

Consents Team Leader

Dated: 30 June 2023

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