

Memo

To:	HCC Private Plan Change 2 Hearing Panel	Job No:	1011973
From:	Grant Eccles - s42A reporting planner	Date:	25 November 2019
Subject:	Section 42A Report update		

Introduction

This memorandum provides a brief summary to the Hearing Panel of the principle issues in contention at the beginning of the hearing, and an update on the interim recommendations made in my section 42A report dated 14 October 2019.

Principle Issues in Contention

The principle issues in contention for PPC2 (“Te Awa Lakes Plan Change”) are as follows:

Industrial Use Feasibility – whether the site can feasibly be developed for its currently zoned Industrial purpose is a crucial matter. In that regard, the relevant experts for the applicant and HCC are aligned in their view that the site cannot feasibly developed for Industrial use. Fonterra has provided evidence to the contrary, however, I am advised that the Fonterra evidence does not adequately address the full range of matters relevant to feasibility.

Strategic Landuse – The landuse allocations in the Future Proof Sub-regional growth strategy are embedded in the Waikato Regional Policy statement (RPS), to which the Hamilton City District Plan must give effect. In that regard, the operative Industrial zoning of the site is part of a wider industrial land zoning in the Te Rapa North area. The RPS provides a set of development principles and criteria to guide alternative land release proposals such as PPC2. Consistency with the RPS provisions is an important matter. There is alignment amongst the planning experts (save for Mr Chrisp for Fonterra) that PPC2 is generally consistent with the relevant RPS provisions, and on that basis can be accepted. Here I note that Future Proof have provided evidence in support of PPC2 through Mr Tremaine who will appear later in the hearing.

Reverse Sensitivity – The WRPS Development Principle h) requires that new development should be directed away from (amongst other things) regionally significant industry. In this case the Te Rapa dairy factory complex holds regionally significant industry status. This principle is consistent with the RPS Objective 3.12[g]) that landuse conflicts including the potential for reverse sensitivity are minimised (see also WRPS Policy 4.4). After examining all of the technical effects related matters, and the measures proposed by the applicant to address reverse sensitivity, I remain of the view that there is no reason to reject PPC2 on reverse sensitivity grounds.

Transportation/Traffic – Whether the vehicle movements generated by PPC2 will absorb enough capacity in the existing roading network such that the planned staged release of industrial land in the Te Rapa North area is jeopardised through lack of network capacity is a key contested matter. As is the appropriateness of the mitigation package proposed by the applicant, particularly with regards to provisions for walkers and cyclists.

Biosecurity – the site contains Alligator Weed and is a Restricted Place under the Biosecurity Act, administered by Waikato Regional Council. Whether the site can be developed in a manner that will

prevent the spread of Alligator Weed from the site is an important issue, especially given the proximity of the Waikato River. The applicant has proposed a Management Plan approach to address this issue, however the Waikato Regional Council has provided evidence challenging this approach.

Flood Hazard – there was uncertainty at the time of completing my 42A report as to the design flood level to be used for formation of development at the site. That has been resolved with confirmation from WRC of the latest 100yr flood level for the Waikato River as it may affect the site. The applicant has responded to this by inserting a rule into planning provisions that will apply to the site requiring a building freeboard clearance above the design 100 year flood level. This “freeboard” provision imports the effect of the existing Flood Hazard Overlay provisions in the Hamilton City District Plan, without actually applying the overlay to the site. In my view, this is an effective and efficient response which adequately addresses the uncertainty I expressed in the 42A report with regards to flood level matter.

Geotechnical - at the time of completion of my 42A report, uncertainty existed as to the risk, effectiveness and efficiency of acting to apply the requested residential zoning to the site in the knowledge that significant components of the geotechnical risk of doing so will need to be resolved at later resource consent stages without an adequate understanding of whether geotechnical solutions are achievable; and

the risk of acting to zone the landform dam area (now known as Areas Q and R, as well as an area noted as Area X that immediately adjoins Areas Q and R) for residential development without an adequate understanding of the severity of geotechnical risk associated with long term urban development that could arise from the requested zoning in that part of the site.

Since the issue of my 42A report, the applicant and HCC advisors have further discussed this issue. As a result of those discussions ,and the draft plan provisions that have arisen from them, I and my relevant advisors are satisfied that the geotechnical risk of zoning the Residential components of the site (apart from Areas Q, R and X) is manageable to acceptable levels. The same cannot be said for Areas Q, R and X. In those areas, I and my advisors continue to hold unresolved concerns about the resilience of the landform to accommodate long term urban development without an unacceptable level of risk being created. This is the realm of a low probability but significant impact effect.

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