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## HEARING SUMMARY STATEMENT - ANDREW JAMES CUMBERPATCH ON BEHALF OF ALLEN FABRICS LIMITED

3 June 2021

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### 1.0 INTRODUCTION

1. My name is Andrew James Cumberpatch and I am a Principal Planner at Boffa Miskell Limited and I am acting for Allen Fabrics Limited (AFL) in support of the rezoning of their land to the proposed Kimihia Lakes Zone.
2. I outlined my qualifications, experience, project background and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief (EIC) dated 17 February 2021.
3. The purpose of this statement is to provide:
  - a. Comment on the statement of rebuttal evidence prepared by Robert van Duivenboden (dated 10 May 2021) on behalf of Council; and
  - b. An update on a proposed minimum floor level for the site based on the statements of evidence on behalf of submitters (Waka Kotahi NZ Transport Agency and Waikato Regional Council).

### 2.0 COUNCIL REBUTTAL EVIDENCE

4. I have read the rebuttal evidence prepared by Robert van Duivenboden.
5. His rebuttal makes comment on Rule KLZ-R11 (g) which was introduced through my statement of rebuttal evidence (dated 3 May 2021) to address signage facing the Waikato Expressway, and reflects discussions between Mike Wood of Waka Kotahi and myself.
6. Mr van Duivenboden concludes there are no significant matters arising from a S32AA assessment of the inclusion of proposed new rule, and that it is efficient and effective and meets the purpose of the Act.
7. I agree with Mr van Duivenboden and have no further comments on his rebuttal evidence.

### 3.0 ENGAGEMENT WITH WAKA KOTAHI / FLOOD INFORMATION

8. In response to the concern raised by Mr Wood in his evidence (dated 10 March 2021) around the downstream effects arising from potential blockage or failure of the

culvert(s) that adjoin the site, the Kimihia Lakes project team has considered further the inclusion of a rule for the Kimihia Lakes Zone which would set a minimum floor level.

9. To provide some context on this matter, the invert level of existing culvert under the Waikato Expressway, which flows into Lake Kimihia to the east, will effectively set the future lake level at around RL 8m. During a blockage or failure, a 100 year flood level within the site of RL 9.35m has been established based on Waka Kotahi's design report for the culvert<sup>1</sup>.
10. Within the updated provisions for the Kimihia Lakes Zone (attached as Appendix A), Rule KLZ-R1 (e) is now proposed which would require all buildings or structures for occupation by people to be set at a floor level above RL 9.35m; with freeboard requirements depending on whether the building is to accommodate Sensitive land uses (as defined in the Proposed Waikato District Plan (PDP)) or not.
11. Existing Rule KLZ-R1 (d)(iv) already proposes a minimum 25m setback from the margin of the lake, which will provide additional controls against the potential for flooding. This is illustrated on the map included as Appendix B.
12. Proposed Rule KLZ-R1 (e) has been circulated to both Mr Wood and Mr Warren Bird of WSP, Waka Kotahi's stormwater advisor, for review. In an email dated 1 June 2021, Mr Wood confirmed Waka Kotahi are supportive of this proposed approach. A copy of this email trail is attached as Appendix C.

#### **4.0 OVERALL CONCLUSION**

13. The proposed rezoning of the rural land owned by AFL to a new special purpose zone called the "Kimihia Lakes Zone" will help enable the vision for the site which is to develop it into a multi-purpose facility that will significantly benefit both Huntly but also the wider community.
14. The proposed rezoning will enable such development by specifically supporting Project activities that have been identified for the site.
15. The proposed rezoning is consistent with the purpose of the RMA and the proposed objectives are the most appropriate and effective means of achieving the purpose of the RMA.
16. The proposed provisions are consistent with the strategic directions of the PDP (as notified), as well as higher-level policy documents, including the Waikato Regional Policy Statement, the Vision and Strategy for the Waikato River, the Waikato Tainui Environmental Plan and the National Policy Statement on Urban Development Capacity and the Waikato 2070 - Growth and Economic Development Strategy.

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<sup>1</sup> NZ Transport Agency, "Waikato Expressway Huntly Section, Culverts and Stream Diversion Package 3 Design Report, Design Report - 100%, HUN-4-C-RP-2120 + 2320 - Rev B," 2016.

17. The likely and potential effects of the development of the proposed rezoning have been considered and can be managed through the use of appropriate rules and performance standards.
18. Mr van Duivenboden's reporting on behalf of Council indicates a high level of alignment with these conclusions and recommends the Kimihia Lakes Zone be accepted.

## **Appendix A – updated provisions**



## Kimihia Lakes Zone (KLZ)

**Table 1 - KLZ Objectives**

<b>KLZ-O1</b>	The Kimihia Lakes Zone develops into a regionally significant facility, that provides for the recreational needs and well-being of people and communities.
<b>KLZ-O2</b>	Buildings, structures and activities do not adversely affect the amenity values or landscape character of the surrounding environment.

**Table 2 – KLZ Policies**

<b>KLZ-P1:</b> Operation and development	<ul style="list-style-type: none"> <li>(a) Provide for buildings, facilities and infrastructure that will enable the development of the Kimihia Lakes Zone.</li> <li>(b) Provide for a range of activities that enable the operation of the Kimihia Lakes Zone, including recreation, sporting, educational and environmental activities.</li> </ul>
<b>KLZ-P2:</b> Development Precinct	<ul style="list-style-type: none"> <li>(a) The Development Precinct is characterised by a cluster of buildings, facilities, associated infrastructure and landscaping which forms an attractive, central lakeside hub for the Kimihia Lakes development.</li> <li>(b) The location of compatible activities within the Development Precinct supports the operational needs of the zone and its visitors.</li> </ul>
<b>KLZ-P3:</b> Open Space	Areas of the Kimihia Lakes Zone outside of the Development Precinct are characterised by vegetated areas and open space that are retained for a range of rural, recreation and environmental enhancement activities.
<b>KLZ-P4:</b> Environmental Enhancement	Environmental initiatives are provided within the Kimihia Lakes Zone to enable the ongoing enhancement of the lake and surrounding natural environment.
<b>KLZ-P5:</b> Education	Educational initiatives which provide learning opportunities for students and youth are encouraged.
<b>KLZ-P6:</b> Tourism Significance	The on-going development of the Kimihia Lakes Zone as a regionally significant facility is enabled, whilst providing for the general public to use and enjoy the facilities.
<b>KLZ-P7:</b> Management of Adverse Effects	<p>Adverse effects are managed to ensure the operation of the site does not detract from the amenity of surrounding land uses, and in particular by:</p> <ul style="list-style-type: none"> <li>(a) Encouraging development to occur within the Development Precinct, so that it is located centrally on site and away from neighbouring land uses;</li> <li>(b) Managing the interface of the zone with other zones so that adverse noise and lighting effects on the surrounding zones are minimised; and</li> <li>(c) Managing the adverse traffic effects to ensure the safe and efficient operation and functioning of the adjacent transport network and efficient access to surrounding facilities is maintained at all times; and</li> <li>(d) Ensuring signs that are visible from, or located in close proximity to, a public road are sited to ensure the safe functioning of the public road.</li> </ul>

**Table 3 - Kimihia Lakes Zone (KLZ) – Rules**

All permitted activities must comply with the relevant activity specific conditions, as well as the general performance standards listed in Table 6.

Activity		Activity specific conditions
<b>Permitted activities</b>		
<b>KLZ-R1</b>	Buildings and structures	<p>All buildings and structures must comply with the following standards:</p> <p>(a) The maximum height of any building must not exceed 10m.</p> <p>(b) The maximum building coverage of any individual building must not exceed 150m<sup>2</sup>.</p> <p>(c) A building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p> <p>(d) A building must be setback a minimum of:</p> <ul style="list-style-type: none"> <li>i. 12m from the boundary of a road (except East Mine Road where it is located within the Kimihia Lakes Zone);</li> <li>ii. 25m from the designation of the Waikato Expressway;</li> <li>iii. 12m from the boundary of a site that is within a separate zone;</li> <li>iv. 25m from the margin of any water body.</li> </ul> <p>(e) <u>A building or structure intended for occupation by people must:</u></p> <ul style="list-style-type: none"> <li>i. <u>Be set at a floor level that is greater than:</u> <ul style="list-style-type: none"> <li>(a) <u>500mm (for a building or structure for Sensitive land uses) clear of RL 9.35m (New Zealand Vertical Datum 2016) at the proposed structure location in a 1% AEP flood event; or</u></li> <li>(b) <u>300mm (for a building or structure not for Sensitive land uses) clear of RL 9.35m (New Zealand Vertical Datum 2016) at the proposed structure location in a 1% AEP flood event;</u></li> </ul> </li> <li>ii. <u>Demonstrate at the time of building consent, with suitable stormwater commentary, how the floor level design is set to ensure the building or structure is not subject to a flood hazard (allowing for the projected rainfall effects of climate change).</u></li> </ul>
<b>KLZ-R2</b>	Construction of structures in and/or over the lake, including (but not limited to) jetties, piers, pontoons and walkways	Nil
<b>KLZ-R3</b>	Up to two dwellings	(a) The dwellings must be only for the use of a manager, caretaker, or other employee on the Kimihia Lakes site, and their household.
<b>KLZ-R4</b>	Operational facilities	Nil

<b>KLZ-R5</b>	Recreation activity and facilities	Nil
<b>KLZ-R6</b>	Outdoor education	Nil
<b>KLZ-R7</b>	Farming	Nil
<b>KLZ-R8</b>	Conservation activities	Nil
<b>KLZ-R9</b>	Bee keeping	Nil
<b>KLZ-R10</b>	Temporary event	<p>(a) The duration of each event must be less than 72 hours;</p> <p>(b) The event may operate between 7.30am to 8:30pm Monday to Sunday;</p> <p>(c) Temporary structures must be removed no more than 3 days after the end of the event;</p> <p>(d) The site must be returned to its previous condition no more than 3 days after the end of the event;</p> <p>(e) Any activity attracting more than 1,100 people in any given hour must provide a Traffic Management Plan (TMP) for approval by the Road Controlling Authority. The TMP must include, but is not limited to:</p> <ul style="list-style-type: none"> <li>i. Proposed timing and scale of activities, including the contact details for the event organiser;</li> <li>ii. Consideration of potential conflict with events at the Huntly Speedway;</li> <li>iii. Details of active traffic management at the Great South Road / East Mine Road intersection;</li> <li>iv. Details of journey management initiatives reducing traffic demand at the Great South Road / East Mine Road intersection;</li> <li>v. Details of temporary on-site parking provision; and</li> <li>vi. Details of how off-site parking is to be controlled to avoid parking occurring on the local road network.</li> </ul>
<b>KLZ-R11</b>	Signs	<p>(a) A sign must not exceed 3m<sup>2</sup>;</p> <p>(b) The sign height must not exceed 10m;</p> <p>(c) Illuminated signs visible from the outside of the site must not:</p> <ul style="list-style-type: none"> <li>i. Have a light source that flashes or moves;</li> <li>ii. Contain moving parts or reflective materials;</li> </ul> <p>(d) Signs must be set back at least 7.5m from an external zone boundary;</p> <p>(e) Signs must be set back at least 15m from the designation of the Waikato Expressway;</p> <p>(f) Any sign visible from the outside of the site must relate to:</p> <ul style="list-style-type: none"> <li>i. An event within the Kimihia Lakes Zone; or</li> <li>ii. A property name sign.</li> </ul> <p>(g) <u>No more than one sign shall be directed at users of the Waikato Expressway and must:</u></p>

		<ul style="list-style-type: none"> <li>i. <u>Not imitate the content, colour or appearance of any traffic control sign; or</u></li> <li>ii. <u>Contain no more than 40 characters and no more than 6 symbols; and</u></li> <li>iii. <u>Have lettering that is at least 200mm high.</u></li> </ul>
<b>KLZ-R12</b>	Earthworks	<ul style="list-style-type: none"> <li>(a) Areas exposed by earthworks are re-vegetated must achieve 80% ground cover within 6 months of the commencement of the earthworks except where earthworks are for the purposes of creating infrastructure or facilities for recreation, events and access, no re-vegetation is required;</li> <li>(b) Sediment resulting from the earthworks must be retained on the site through implementation and maintenance of erosion and sediment controls;</li> <li>(c) The importation of fill material to site must meet the following conditions: <ul style="list-style-type: none"> <li>i. Does not restrict the ability for land to drain;</li> <li>ii. Is not located within 1.5m of public sewers, utility services or manholes;</li> <li>iii. The sediment from fill material is retained on the site.</li> </ul> </li> </ul>
<b>KLZ-R13</b>	The use, storage or disposal of hazardous substances	<ul style="list-style-type: none"> <li>(a) The aggregate quantity of any hazardous substances of any hazard classification on a site must be less than the quantity specified for the Kimihia Lakes Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances);</li> <li>(b) The storage or use of radioactive materials must be in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</li> </ul>
<b>Restricted Discretionary Activities</b>		
<b>KLZ-R14</b>	Buildings and structures that do not comply with a condition listed in KLZ-R1	<u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> <li>(a) Effects on amenity values;</li> <li>(b) Building location, bulk and design;</li> <li>(c) Proximity to the road and Waikato Expressway;</li> <li>(d) Effects on landscape character; and</li> <li>(e) Flooding effects.</li> </ul>
<b>KLZ-R15</b>	Dwellings that do not comply with a condition in KLZ-R3	<u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> <li>(a) Effects on amenity values</li> </ul>
<b>KLZ-R16</b>	Signs that do not comply with a condition listed in KLZ-R11	<u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> <li>(a) Effects on amenity values;</li> <li>(b) Effects on traffic safety;</li> <li>(c) Effects of glare and light spill;</li> <li>(d) Content, colour and location of the sign; and</li> <li>(e) Proximity to the road.</li> </ul>
<b>KLZ-R17</b>	Earthworks that do not comply with a condition listed in KLZ-R12	<u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> <li>(a) Contamination of fill material;</li> <li>(b) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</li> <li>(c) Flood risk, including natural water flows ad established drainage paths;</li> </ul>

		(d) Land instability, erosion and sedimentation; and (e) Proximity to underground services and service connections.
<b>Discretionary Activities</b>		
<b>KLZ-R18</b>	Events that do not comply with a condition in KLZ-R10	
<b>KLZ-R19</b>	The storage, use or disposal of hazardous substances that do not comply with a condition in KLZ-R13	
<b>KLZ-R20</b>	Any permitted activity that does not comply with a general performance standard in Table 6.	
<b>Non-complying activities</b>		
<b>KLZ-R21</b>	Any activity that is not listed as permitted, restricted discretionary or discretionary	

**Table 4 - Kimihia Lakes Zone (KLZ) – Rules – Subdivision**

<b>Activity</b>	<b>Activity specific conditions</b>	
<b>Restricted Discretionary Activities</b>		
<b>KLZ-R22</b>	General subdivision	<p>General subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(a) The Record of Title to be subdivided must be at least 20 hectares in area;</li> <li>(b) The proposed subdivision must create no more than one additional lot, excluding an access allotment;</li> <li>(c) The additional lot must have a proposed area of between 8,000m<sup>2</sup> and 1.6ha; and</li> <li>(d) Land containing high class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person) must be contained within the boundaries of only two lots as follows: <ul style="list-style-type: none"> <li>i. one lot must contain a minimum of 80% of the high class soil; and</li> <li>ii. the other lot may contain up to 20% of high class soil.</li> </ul> </li> </ul> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(a) Subdivision layout and design including dimensions, shape and orientation of the proposed lot;</li> <li>(b) Effects on character and amenity values;</li> <li>(c) Effects on landscape values;</li> <li>(d) Potential for reverse sensitivity effects; and</li> <li>(e) Extent of earthworks including earthworks for the location of building platforms and accessways.</li> </ul>
<b>KLZ-R23</b>	Boundary relocation	<p>The boundary relocation must:</p> <ul style="list-style-type: none"> <li>(a) Not result in any additional lot;</li> <li>(b) The Records of Title must form a continuous landholding; and</li> <li>(c) Create one lot of at least 8,000m<sup>2</sup></li> </ul> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(a) Subdivision layout and design including dimension, shape and orientation of the proposed lots;</li> <li>(b) Effects on character and amenity values;</li> </ul>

	(c) Effects on landscape values; and (d) Potential for reverse sensitivity effects.
<b>Discretionary Activities</b>	
<b>KLZ-R24</b>	A boundary relocation that does not comply with a condition in KLZ-R23.
<b>Non-complying activities</b>	
<b>KLZ-R25</b>	General subdivision that does not comply with a condition in KLZ-R22 .
<b>KLZ-R26</b>	Any subdivision not provided for.

**Table 5 - Development Precinct (DPREC) – Rules**

Activity		Activity specific conditions
<b>Permitted activities</b>		
<b>DPREC-R1</b>	Any activity that is permitted in the KLZ in Table 3.	Refer to the activity specific condition as listed in Table 3, except that the activity specific conditions for KLZ-R1 do not apply to buildings and structures within the Development Precinct.
<b>DPREC-R2</b>	Buildings and structures	All buildings and structures within the Development Precinct must comply with the following standards: (a) The maximum height of any building must not exceed 15m. (b) A building must be set back a minimum of 25m from the margin of a lake.
<b>DPREC-R3</b>	Travellers accommodation	Nil
<b>DPREC-R4</b>	Restaurants and cafes	Nil
<b>DPREC-R5</b>	Ancillary retail	Retail activities must: (a) Be ancillary to any permitted activity within the KLZ; and (b) Not exceed 50m <sup>2</sup>
<b>DPREC-R6</b>	Community facility	Nil
<b>DPREC-R7</b>	Museums	Nil
<b>DPREC-R8</b>	Ancillary office	Offices must: (a) Be ancillary to any permitted activity within the KLZ; and (b) Not exceed 50m <sup>2</sup>
<b>Restricted Discretionary Activities</b>		
<b>DPREC-R9</b>	Buildings and structures that do not comply with a condition listed in DPREC-R2	<u>Council's discretion is restricted to the following matters:</u> (a) Effects on amenity values; (b) Building location, bulk and design; (c) Effects on landscape character; and (d) Flooding effects.
<b>Discretionary Activities</b>		

<b>DPREC-R10</b>	Retail activities that do not comply with a condition in DPREC-R5
<b>DPREC-R11</b>	Offices that do not comply with a condition in DPREC-R8
<b>DPREC-R12</b>	Any permitted activity which does not comply with a general performance standard in Table 6.
<b>Non-complying activities</b>	
<b>DPREC-R13</b>	Any activity that is not listed as permitted, restricted discretionary or discretionary.

**Table 6 – General Performance Standards**

<i>Rules KLZ(1) – (4) are general performance standards for all permitted and restricted discretionary activities in the KLZ.</i>	
<b>KLZ(1)</b>	<b>Noise - General</b>
	<p>All activities must comply with the following noise standards:</p> <p>(a) Noise measured within the notional boundary on any site in the Residential Zone and Rural Zone must not exceed:</p> <ol style="list-style-type: none"> <li>i. 55dB (LAeq), 7am to 7pm every day;</li> <li>ii. 45dB (LAeq), 7pm to 10pm every day; and</li> <li>iii. 40dB (LAeq) and 65dB (LAm<sub>ax</sub>), 10pm to 7am the following day.</li> </ol> <p>(b) Noise measured within any site in any other zone not specified above must meet the noise levels permitted for that zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise.</p>
<b>KLZ(2)</b>	<b>Noise – Construction</b>
	<p>(a) Construction Noise must meet the limits in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise.</p>
<b>KLZ(3)</b>	<b>Noise – Noise Management Plan</b>
	<p>(a) Prior to development, a Noise Management Plan must be prepared and in place at all times that details the measures to be implemented to ensure that noise within the site does not exceed the limits specified in Rule KLZ(1).</p> <p>(b) The Noise Management Plan must as a minimum, provide details of the following measures:</p> <ol style="list-style-type: none"> <li>i. Procedures and protocols for the setting up, installation and monitoring responsibilities (including reporting) of the noise monitoring device (microphone) located within the Kimihia Lakes development;</li> <li>ii. Procedures for the ongoing testing and calibration of the noise monitoring device (microphone);</li> <li>iii. The erection of any necessary barriers for the purpose of reducing noise emissions;</li> <li>iv. The design and operation of any public address system with respect to management of noise emissions;</li> <li>v. Procedures to monitor all activities and events that may meet the noise levels specified in Rule KLZ(1).</li> </ol>
<b>KLZ(4)</b>	<b>Glare and artificial light spill</b>
	<p>(a) Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically from the boundary of a site that is within a separate zone;</p>

	(b) Rule KLZ(4)(a) does not apply to streetlights, navigation lights or from vehicles or equipment used in farming activities.
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**Table 7 - Amendments to Chapter 14: Infrastructure and Energy**

Rule reference	Existing Rule	Proposed Amendment
14.12.1.1	All activities must comply with the following vehicle access conditions: ... (e) On a site with legal access to two roads, the activity only accesses the road with the lower classification in the road hierarchy in Tables 14.12.5.5 and 14.12.5.6 (where the roads have the same classification, access is only to the road with the lower average daily traffic movements);	Add underline: ... (e) On a site with legal access to two roads, the activity only accesses the road with the lower classification in the road hierarchy in Tables 14.12.5.5 and 14.12.5.6 (where the roads have the same classification, access is only to the road with the lower average daily traffic movements) <u>except in the Kimihia Lakes Zone where this rule does not apply;</u>
14.12.1.4	Any activity must comply with the following traffic generation conditions: ...	Add underline: ... <u>(j) Within the Kimihia Lakes Zone there is a maximum of 850 vehicle movements per hour and no more than 15% of these vehicle movements are heavy vehicle movements.</u>
14.12.1.8	Off-road pedestrian and cycling facilities that comply with all of the following conditions: ...	Add underline: ... (a) <u>In the Kimihia Lakes Zone there must be no activity specific conditions.</u>

#### **Amendments to Appendix 5: Hazardous Substances**

Add the Kimihia Lakes Zone to the table with the standards for Rural and Reserve Zone.

#### **New proposed definitions:**

**Recreation activity and facilities:** Means any non-motorised indoor or outdoor passive or active leisure, sports, games or recreational pursuits and buildings in the Kimihia Lakes Zone for participants and/or spectators, whether or not they are undertaken for profit or reward or for which no charge is made, and must include such activities on or in water or land, or in the air and includes but is not limited to:

- Walking, running and cycling tracks
- Training or education
- Club Days and practise activities
- Outdoor skate parks and playgrounds
- Informal Recreation
- Outdoor Pursuits

**Outdoor education:** Means in the Kimihia Lakes Zone, land or buildings used for the formal or informal education or training and includes (but is not limited to) confidence courses.

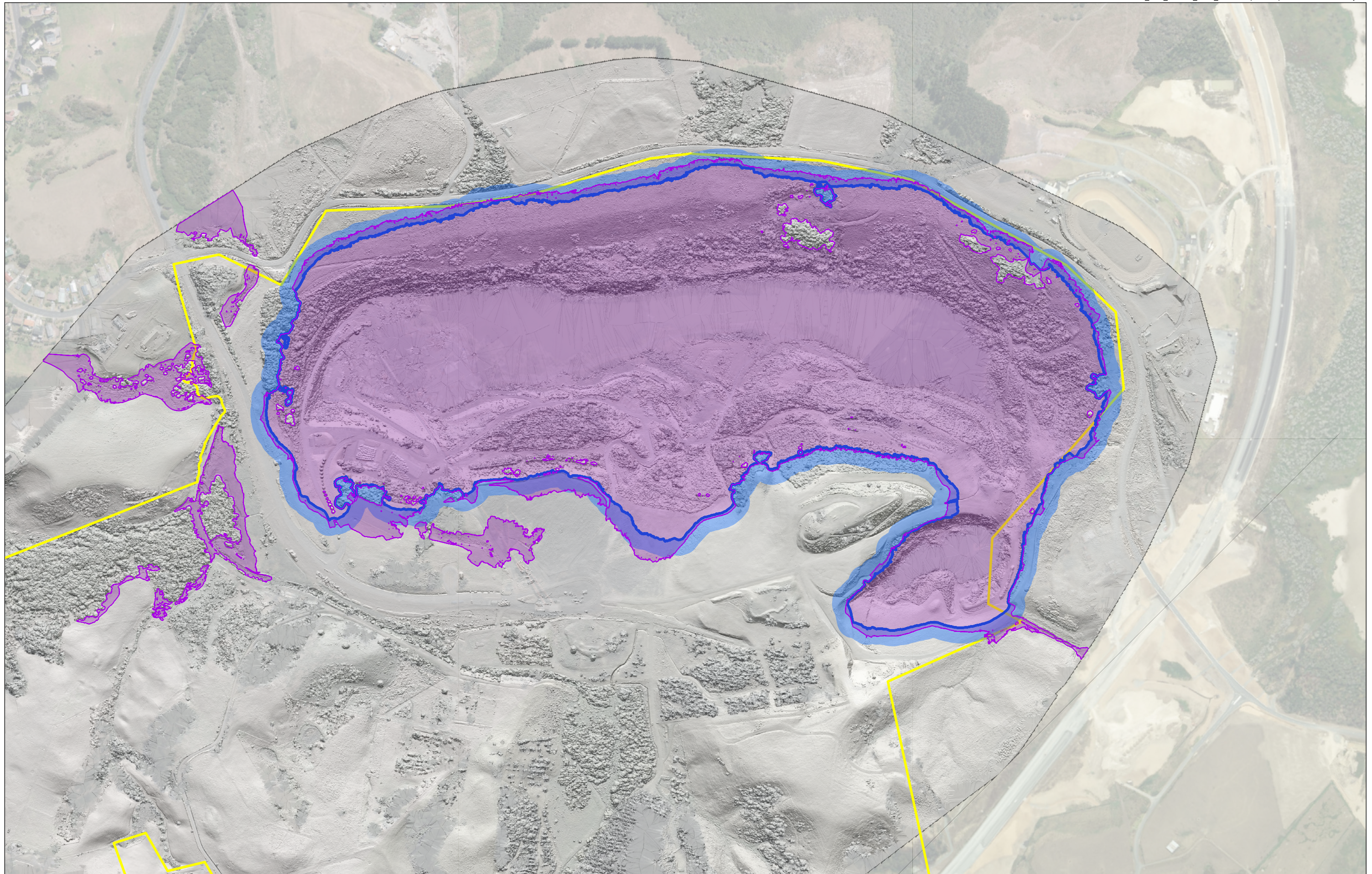


**Operational Facilities:** Means the construction and use of facilities and/or infrastructure to assist in the day to day operation of the Kimihia Lakes Zone, including but not limited to carparking, internal access, ticketing offices, storage and maintenance sheds, ablution facilities, and helipads.

**Community facility (as proposed in the National Planning standards):** Land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.

## Appendix B – Flood Extent Map







## **Appendix C – Email correspondence with Waka Kotahi NZ Transport Agency**

## Andrew Cumberpatch

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**From:** Mike Wood <Mike.Wood@nzta.govt.nz>  
**Sent:** Tuesday, 1 June 2021 12:46 PM  
**To:** Andrew Cumberpatch  
**Cc:** Bird, Warren; Daniel Hight  
**Subject:** RE: Kimihia Lakes Re-zoning

Hi Andrew, on the basis that the additional text provided below is included, Waka Kotahi is supportive of this approach.

Thank you for considering our feedback on this matter.

Regards  
Mike

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**From:** Andrew Cumberpatch <Andrew.Cumberpatch@boffamiskell.co.nz>  
**Sent:** Tuesday, 1 June 2021 10:38 AM  
**To:** Mike Wood <Mike.Wood@nzta.govt.nz>  
**Cc:** Bird, Warren <warren.bird@wsp.com>; Daniel Hight <daniel@lysaght.net.nz>  
**Subject:** RE: Kimihia Lakes Re-zoning

Hi Mike,

Thank you for your email and follow up phone call yesterday morning.

To provide you a bit of an update as to where we have got to, Rule KLZ-R1 (e) attached is what we are currently thinking. Things to note are:

- RL 9.35m as the 100 year flood level is based on the report *NZ Transport Agency, "Waikato Expressway Huntly Section, Culverts and Stream Diversion Package 3 Design Report, Design Report - 100%, HUN-4-C-RP-2120 + 2320 - Rev B," 2016;*
- Minimum freeboard is now incorporated in a manner (500mm for habitable / 300mm for non-habitable). Please note that given the Proposed DP does not have an equivalent habitable building or structure definition, the term 'Sensitive land uses' has been adopted for consistency; and
- The attached plan has been updated to include the already proposed 25m lake setback (Rule KLZ-R1 (d) (iv)) which further narrows down the likelihood of any buildings being located within this RL 9.35m extent.

We welcome your feedback prior to Thursday morning

Kind regards,  
Andrew

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**From:** Mike Wood <[Mike.Wood@nzta.govt.nz](mailto:Mike.Wood@nzta.govt.nz)>  
**Sent:** Wednesday, 26 May 2021 3:04 PM  
**To:** Andrew Cumberpatch <[Andrew.Cumberpatch@boffamiskell.co.nz](mailto:Andrew.Cumberpatch@boffamiskell.co.nz)>  
**Cc:** Bird, Warren <[warren.bird@wsp.com](mailto:warren.bird@wsp.com)>  
**Subject:** FW: Kimihia Lakes Re-zoning

Hi Andrew, Warren has provided a response. In summary, he still retains a concern that the proposed RL9.35m isn't enough and isn't backed by any substantive analysis (at least from what we have seen). Warren has suggested that a minimum floor level based on meaningful lake levels and incorporating suitable freeboard is appropriate.

Given the timing, can I suggest that your stormwater expert (if you have retained one) speaks directly to Warren to try and reach an agreed position. In the alternative, can I suggest that a condition/rule is included that requires our input (not necessarily approval as that would be ultra vires) at a later stage on this matter. If you do some drafting on this I am happy to review.

Mike

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**From:** Andrew Cumberpatch <[Andrew.Cumberpatch@boffamiskell.co.nz](mailto:Andrew.Cumberpatch@boffamiskell.co.nz)>  
**Sent:** Thursday, 20 May 2021 10:53 AM  
**To:** Bird, Warren <[warren.bird@wsp.com](mailto:warren.bird@wsp.com)>  
**Cc:** Charlotte MacDonald <[Charlotte.MacDonald@boffamiskell.co.nz](mailto:Charlotte.MacDonald@boffamiskell.co.nz)>; Mike Wood <[mike.wood@nzta.govt.nz](mailto:mike.wood@nzta.govt.nz)>  
**Subject:** Kimihia Lakes Meeting  
**Importance:** High

Hi Warren,

I am writing to you on behalf of the Kimihia Lakes project team, with Mike Wood of Waka Kotahi suggesting I liaise with yourself as their stormwater specialist.

By way of background, our team are seeking to rezone the former Huntly East Mine site, as part of the Proposed Waikato District Plan process, to allow for the development of the site as a recreational, educational and environmental hub based around the future freshwater lake formed by the filling mine pit.

Our team has been in discussion with Waka Kotahi, who are a submitter, around a number of matters relating to the proposed rezoning. We understand these are resolved with the exception of some residual concerns relating to stormwater. As per 10.5a) of Mr Wood's evidence, Waka Kotahi are seeking further clarification on the effects relating to a potential blockage or failure of the culvert (underneath the Huntly Section of the Waikato Expressway) and whether a minimum floor level is required for future buildings at our site (specifically applicable to our 'Development Precinct' as shown on the proposed zoning map – attached).

We have previously had a report prepared by Tonkin + Taylor which outlines expected water quality of the new Kimihia Lake, lake dimensions and filling time, as well as flood lake levels. The report states that the final lake level is expected to be the elevation of the invert of the culvert (CU09) which exits the new Kimihia Lake and connects to the existing Lake Kimihia. The invert culvert elevation of CU09 is around 8 m RL, which has been taken from the "Culverts and Stream Diversions Package 3 Design Report 2016" prepared for the Waikato Expressway Huntly Section. This report also indicates headwater elevation at CU09 during a 100 year ARI event with 10 year ARI Waikato River tailwater, would be around 9.35 m RL. This has been adopted as the 100 year flood lake level and is shown in Appendix A of the T+T report.

The T&T and Expressway reports, Mr Wood's evidence and a copy of the reports supporting our re-zoning, are available to view via this link: <https://www.dropbox.com/sh/b7oyrsbregfan2s/AAAfo8pXWAOzG1fZrd3ZV5X8a?dl=0>

Since the T+T report was prepared in 2019, there has been some bulk earthworks undertaken at the site and recent drone surveys have provided us with a better understanding of the existing site contours. We have had a map prepared which shows the lake extent based on this updated information and the expected 100 year ARI flood level at 9.35 m RL. This map is attached.

Based on the modelling already undertaken as part of the culvert design, we are now considering the inclusion of a minimum floor level of 9.35 m RL in our proposed District Plan provisions. Before we proceed with this we would like to obtain your feedback on behalf of Waka Kotahi and ascertain whether this would likely resolve the concerns raised by Mr Wood.

If you could please be able to come back to us with your thoughts by the end of next week it would be much appreciated. I apologise for the short notice but our hearing is taking place on 3 June.

Please contact me if you have any questions.

Many thanks,  
Andrew



**Andrew Cumberpatch** | Planner | Principal

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**From:** Mike Wood <[Mike.Wood@nzta.govt.nz](mailto:Mike.Wood@nzta.govt.nz)>

**Sent:** Wednesday, 7 April 2021 3:37 PM

**To:** Andrew Cumberpatch <[Andrew.Cumberpatch@boffamiskell.co.nz](mailto:Andrew.Cumberpatch@boffamiskell.co.nz)>; Claudia Jones <[Claudia.Jones@nzta.govt.nz](mailto:Claudia.Jones@nzta.govt.nz)>

**Cc:** Charlotte MacDonald <[Charlotte.MacDonald@boffamiskell.co.nz](mailto:Charlotte.MacDonald@boffamiskell.co.nz)>

**Subject:** RE: Confirmed- Kimihia Lakes Meeting

Hi Andrew, thanks for sending that through. To address any sign proliferation we would like to retain the original request but with the suggested amendment below –

g) ~~Any sign directed at users of the Waikato Expressway must:~~ **No more than one sign shall be directed at users of the Waikato Expressway and must:**

- i. Not imitate the content, colour or appearance of any traffic control sign; or
- ii. Contain no more than 40 characters and no more than 6 symbols; and
- iii. Have lettering that is at least 200mm high.

Any additional signage with this intention would require consent as a restricted discretionary activity.

In terms of the stormwater, I have advised Warren Bird ([warren.bird@wsp.com](mailto:warren.bird@wsp.com)) that further work is being done. Warren was involved in the design of the culverts for the Expressway. If Tonkin and Taylor want to liaise directly with Warren that may expediate things. Can you copy me into any discussions if that occurs.

Thanks  
Mike

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**From:** Andrew Cumberpatch <[Andrew.Cumberpatch@boffamiskell.co.nz](mailto:Andrew.Cumberpatch@boffamiskell.co.nz)>

**Sent:** Wednesday, 7 April 2021 2:17 PM

**To:** Mike Wood <[Mike.Wood@nzta.govt.nz](mailto:Mike.Wood@nzta.govt.nz)>; Claudia Jones <[Claudia.Jones@nzta.govt.nz](mailto:Claudia.Jones@nzta.govt.nz)>

**Cc:** Charlotte MacDonald <[Charlotte.MacDonald@boffamiskell.co.nz](mailto:Charlotte.MacDonald@boffamiskell.co.nz)>

**Subject:** RE: Confirmed- Kimihia Lakes Meeting

Hi Mike and Claudia

Hope you had a good Easter and thanks for your time last week.

As discussed, we have contacted T&T in relation to updating the previous Catchment Assessment report for the site which would provide further details based on the more recent site survey information. We will ensure this update addresses the stormwater/flooding concerns raised in Waka Kotahi's evidence and will keep you updated on progress/findings.

In relation to the signage amendments sought and to ensure Waka Kotahi have comfort around signs in proximity to the WEX, we have incorporated the relevant standards from the generic Signs – Effects on Traffic rule (with some tweaks) in the attached provisions as we discussed at meeting. Please let us know if this will work for you.

Kind regards,

Andrew



**Andrew Cumberpatch** | Planner | Principal

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-----Original Appointment-----

**From:** Claudia Jones <[Claudia.Jones@nzta.govt.nz](mailto:Claudia.Jones@nzta.govt.nz)>

**Sent:** Tuesday, 23 March 2021 11:03 AM

**To:** Claudia Jones; Mike Wood; Sandy Ke; Charlotte MacDonald; Andrew Cumberpatch

**Cc:** Peter Murphy; Di Messent; CHARLIE YOUNG

**Subject:** Confirmed- Kimihia Lakes Meeting

**When:** Thursday, 1 April 2021 11:00 AM-12:00 PM (UTC+12:00) Auckland, Wellington.

**Where:** HLZ 1.27 Waipa (VC+EWB, 12 seats, public) - TEAMS

Hi all,

This meeting has been confirmed for this time/date.

Waka Kotahi offices are located at:

Level 1, Deloitte Building  
24 Anzac Parade  
Hamilton East  
Hamilton 3216

If you have any issues, please do not hesitate to contact me.

Kind regards,

Claudia

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