

PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

Under the Resource Management Act 1991 (RMA)

In the matter of hearing submissions and further submissions on the Proposed Waikato District Plan (Stage 1) – Hearing 10 Residential Zones

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**Summary of evidence (planning) by Chanel Hargrave on behalf of Hynds Pipe Systems Limited**

Dated: February 2020

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This summary of evidence addresses the key points from my statement of evidence prepared in support of the submissions of Hynds Pipe Systems Limited. This summary addresses the Residential Zone provisions of the Proposed Waikato District Plan (**Proposed Plan**).

Hynds Pipes Systems Limited (**Hynds**) is a significant heavy industrial activity within the Pokeno area, utilising approximately 22ha of land and operating 24 hours a day to manufacture and supply concrete construction materials. Locational advantages, land availability, compatible zoning, access to key transport routes and a supportive planning framework have resulted in Hynds investing substantial capital to establish within the Operative Industrial 2 Zone. The nature and scale of the Hynds operation means the activity generates high levels of noise, dust, heavy traffic and lighting.

Hynds are at high risk of being affected by reverse sensitivity from sensitive activities locating in proximity to their site. Hynds have serious concerns about reverse sensitivity effects that would result from the proposed zoning and the zoning requests of submitters. Hynds submission and further submission seek to ensure that Hynds are protected from sensitive activities to maintain the efficient operation of their business.

**16.3.9.2 BUILDING SETBACK – SENSITIVE LAND USE AND 16.4.7 TITLE BOUNDARIES (SUBDIVISION)**

I support the building setback provisions for sensitive land uses (rule 16.3.9.2) and the title boundary setbacks for subdivision (rule 16.4.7) from intensive farming and extractive industry activities. I consider that these are appropriate methods to manage reverse sensitivity for certain types of activities in combination with other methods, including compatible zoning. Hynds will be seeking a heavy industrial setback buffer to restrict residential allotments and sensitive activities within proximity to their

operation. As outlined in my evidence, detailed analysis and technical evidence to support this buffer will be provided at the Rural Zone and Zone Extent hearings.

#### **16.4.1 RD1(b) SUBDIVISION – GENERAL MATTERS OF DISCRETION**

The amendment proposed by the Reporting Officer in the s42A rebuttal evidence, to include reverse sensitivity as a matter of discretion for subdivision, address the submitters concerns that relate to the general subdivision rules.

In summary I support the inclusion of reverse sensitivity as a matter of discretion as this method more appropriately gives effect to proposed policy 4.7.11. Policy 4.7.11(a) states that *“development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment”*. This policy sets an expectation that subdivision design is required to minimise reverse sensitivity effects. To give effect to this, it is my opinion that reverse sensitivity must be included as a matter of discretion for subdivision activities under Rule 16.5.1 RD1(b).

Policy 4.7.11(b) seeks to *“avoid potential Reverse sensitivity effects of locating new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity”*. The setback rules for title boundaries in Rule 16.4.7 and sensitive land uses in Rule 16.3.9.2 partially give effect to policy 4.7.11(b). The rules cover extraction industry and intensive farming, however do not provide setbacks for industrial activities. I acknowledge that industrial activities vary in operation, scale and nature, generating different levels of adverse effects. Lighter industries may be compatible with residential uses, while general and heavy industries may not be. For this reason a standardised setback rule is unlikely to be an appropriate method to manage reverse sensitivity issues for all industrial activities. In my opinion including reverse sensitivity as a matter of discretion for subdivision would appropriately give effect to policy 4.7.11, particularly as it relates to industrial activities.

I agree with the Reporting Officer’s opinion that reverse sensitivity should be addressed through re-zoning to ensure compatible zoning and plan provisions that protect activities and infrastructure from reverse sensitivity. However, reliance on addressing reverse sensitivity at the time of re-zoning will not capture all circumstances where reverse sensitivity may occur. The Proposed Plan includes zoning that may result in reverse sensitivity effects on existing activities. This is not only identified as an issue by Hynds, but also in the submissions raised by Horticulture New Zealand, Ports of Auckland Limited and a number of submissions that relate to the Harrisville Motocross Track.

In my opinion, reliance on policy 4.7.11 without including reverse sensitivity as a matter of discretion for subdivision is flawed. The decision maker must take into account s 104(1) when making a decision on an application, including relevant objectives and policies, but only so far as they relate to matters

over which the discretion is restricted (s 104C). In other words, the policy could not be used to expand the matters of discretion that Council can consider. Therefore, consent conditions could not be imposed to manage reverse sensitivity unless this issue was included as a matter of discretion.

Mr Tollemache's rebuttal evidence states that it would be inefficient to require every subdivision consent to consider reverse sensitivity. In my experience as a planner and urban designer, subdivision design and development involves analysis of the site and wider surrounds. The Residential Subdivision Guidelines in Appendix 3.1 of the Proposed Plan set out best practice directions for residential subdivision design. The site context analysis guidelines include identification of surrounding land uses, as well as identification of constraints and opportunities up to 800m beyond the site boundary. If best practice site and context analysis is undertaken, I fail to see how the consideration of reverse sensitivity would be inefficient. If conflicting activities were not identified in the context analysis, this could be stated in the assessment of effects, without the need for a complex assessment.

## **CONCLUSION**

The Proposed Plan has a clear policy outcome that subdivision and development minimises reverse sensitivity. The policy also seeks to avoid locating sensitive activities in the vicinity of intensive farming, extractive industries or industrial activities. In my opinion a combination of methods, including compatible zoning, setback rules and discretion over reverse sensitivity, should be used to avoid and manage reverse sensitivity.

Chanel Hargrave

19/2/2020