

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 18 Rural Zone

Summary of evidence (planning) by Dharmesh Chhima on behalf of Hynds Pipe Systems Limited and the Hynds Foundation

Dated: September 2020

INTRODUCTION

This summary of evidence outlines the key points from the joint Statement of Evidence in Chief (**EIC**), prepared by myself and Ms Hargrave in support of the submissions of Hynds Pipe Systems Limited and the Hynds Foundation (**Hynds**). More specifically, it outlines Hynds' concerns over reverse sensitivity issues that are likely to result from the proposed rural zoning and associated provisions.

Hynds Pipes Systems Limited 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, and other large industrial companies, investing substantial capital to establish within the Operative Industrial 2 Zone. These industrial activities generate important economic and employment opportunities for Pokeno, the Waikato and Auckland regions and New Zealand in general.

OPERATIVE PLAN FRAMEWORK

One of the primary reasons that Hynds located to and developed its Industrial 2 Zone site (**Hynds factory site**) was the comprehensive planning framework in the Operative Plan that not only enabled the activity to occur but also protected the activity from reverse sensitivity effects. This planning framework was comprised of 3 elements being:

- the Industrial 2 Zone;
- the adjoining Aggregate Extraction and Processing (**AEP**) Zone; and
- a buffer which prevents dwellings locating within 500m of the AEP zone without Resource Consent or the written approval of the operator of the extraction site.

The net effect of the above provisions is that new dwellings have to be located some 600m-900m or more from the Hynds factory site (being the combination of the 500m buffer plus the distance of the AEP Zone). The operative planning framework provides a high level of assurance to Hynds that there will be limited opportunity for sensitive activities to locate south and west of the Industrial 2 Zone.

PROPOSED PLAN PROVISIONS

The Proposed Plan removes the AEP Zone and its buffer. That is, it removes 2 of the 3 elements of the operative planning framework that had attracted Hynds to the site and facilitated the development of their current operation.

The net effect of the Proposed Plan provisions is that dwellings and other sensitive land uses could locate directly to the west of and adjacent to the Heavy Industrial Zone, and as close as approximately 300m to the south / southeast of the Hynds factory site. This is a very clear and substantial decrease in the level of protection afforded to the Heavy Industrial Zone and the Hynds factory site from reverse sensitivity effects. We consider that this reduction in protection contradicts the clear policy outcomes in the Proposed Plan (Strategic Policy 4.7.11) which seeks to **avoid** locating sensitive land uses in the vicinity of industrial activities.

Whilst we have reviewed the background material and section 32 reports relating to the Proposed Plan, we have seen no justification for this reduction in protection. Equally, we have seen no evidence on behalf of submitters which justifies why land that is currently part of the reverse sensitivity buffer should be developed for residential use.

AMENDMENTS SOUGHT BY HYNDS

Our EIC seeks the inclusion of a Heavy Industrial Buffer Line on the planning maps and to implement the buffer through the land use setback rule (22.3.7.2) and rural subdivision rules. The buffer sought in this evidence is not as extensive as that in the operative provisions as it relates to the ridgeline to the south and west of the Heavy Industrial Zone rather than a 500m offset from the AEP zone. Nonetheless, if the Council accepts Hynds submissions and evidence, this will effectively restore 2 of the 3 elements of the operative planning framework. In our view, this represents an up to date and balanced approach to give effect to Strategic Policy 4.7.11.

With reference to the section 32AA evaluation provided in Appendix 4 of our EIC, it is our opinion that the amendments sought by Hynds are the most appropriate way to achieve the objectives of the Proposed Plan and address Hynds' concerns relating to reverse sensitivity issues.

COMMENTS ON COUNCIL REBUTTAL EVIDENCE PREPARED BY MR CLEAVE AND MS OVERWATER

Paragraph 155 of Mr Cleave's rebuttal evidence agrees with our view that reverse sensitivity needs to be addressed and that Heavy Industrial zoned land needs to be protected from reverse sensitivity effects. Mr Cleave considers that the first step in determining an appropriate rule framework is to resolve what the zoning of adjacent land will be via Hearing 25 (zone extents). Ms Overwater concurs with this.

We acknowledge the comments made by Mr Cleave regarding the proposed buffer needing to be considered in light of any rezoning of surrounding land. Hynds will be presenting further evidence to assist this matter at the zone extent hearings. Our evidence presented to date addresses the Rural Zone hearing and the proposed rural zoning of the surrounding land should this eventuate.

COMMENTS ON REBUTTAL EVIDENCE BY SIR WILLIAM BIRCH AND JAMES OAKLEY ON BEHALF OF STEVEN AND TERESA HOPKINS

In Appendix 2 of the Hopkins rebuttal evidence, concerned properties owners have signed a letter which refers to the future expansion of the Hynds operation as being unacceptable. The very existence of this letter confirms the need to protect the activities within the Heavy Industrial Zone from reverse sensitivity effects. It also raises a serious concern for Hynds in that the effects produced from the future expansion of its operations will be perceived by neighbours as being adverse, even where these effects are lawful. In our opinion, reactions to those effects, or perceived effects, by way of complaints would be increased by allowing additional sensitive land uses to establish within the proposed buffer.

As outlined in our EIC, the activities undertaken within the Heavy Industrial Zone are visually prominent from the surrounding land identified within the buffer. The nature and scale of the Hynds operation involves visually intrusive activities and the generation of noise, dust, heavy traffic and lighting effects. Given the visibility of Hynds factory site from the surrounding land, and the future expansion of this site for industrial activities, there is an increased likelihood that neighbours will perceive adverse effects leading to a higher potential for reverse sensitivity.

Dharmesh Chhima
25 September 2020