

BEFORE AN INDEPENDENT HEARINGS PANEL

THE PROPOSED WAIKATO DISTRICT PLAN

IN THE MATTER OF the Resource Management Act 1991 (**RMA**)

IN THE MATTER OF hearing submissions and further submissions on Variation 3
Enabling Housing Intensification to the Proposed Waikato District
Plan (Stage 2)

**JOINT WITNESS STATEMENT OF PLANNING EXPERTS RELATING TO THE
HAVELOCK PRECINCT FOR HYNDS PIPE SYSTEMS LTD AND THE HYNDS
FOUNDATION AND HAVELOCK VILLAGE LIMITED**

25 July 2023

1. INTRODUCTION

1.1 The planning expert witnesses for Hynds Pipe Systems Ltd and The Hynds Foundation, and Havelock Village Ltd have conferenced following the exchange of rebuttal evidence and discussed the qualifying matters and provisions for reverse sensitivity applying to the Havelock precinct.

1.2 Firstly, in respect to the qualifying matter of reserve sensitivity, Ms Nairn and Mr Tollemache agree:

(a) Reserve sensitivity can be a qualifying matter in respect to section 77L(j) of the RMA where it responds to site specific characteristics and meets the relevant legal tests. Reverse sensitivity relates to managing incompatibility between activities. The outcome of Variation 3 should ensure compatibility between land uses and that reverse sensitivity is managed, including through a reduction in MDRS opportunities in certain locations.

(b) The methods of the Pokeno Industry Buffer and the 40 dba acoustic contour are site specific approaches to manage reverse sensitivity and are necessary in respect to section 77L of the RMA. Rules SUB-R19 and PREC4-S2 meet the tests of section 77L and are appropriate from a planning perspective. Specifically:

(i) The Pokeno Industry Buffer is a mapped overlay in the Proposed District Plan (PDP) and relates to rules SUB-R19 and PREC4-S2 which make noise-sensitive activities a non-complying activity within the Pokeno Industry Buffer.

(ii) The Pokeno Industry Buffer rules require residential development (noise-sensitive activities) to be located outside of the overlay. This is to ensure an appropriate level of aural amenity for new residents in the Havelock Precinct. The Pokeno Industry Buffer also manages other potential reverse sensitivity considerations such as light spill and glare, air quality and provides a separation distance between the industrial and residential activities. These are specific characteristics that are considered to meet section 77L(a) of the RMA.

(iii) Within the Pokeno Industry Buffer, if residential development was to occur there is the potential for any resident to be exposed to unacceptable levels of noise, and consequently also for reverse

sensitivity effects that could curtail the operation of activities within the adjoining General and Heavy Industry Zones. The Pokeno Industry Buffer seeks to avoid this. This is a specific characteristic that justifies the level of development enabled by Medium Density Residential Standards (MDRS) as being inappropriate, consistent with Section 77L(b) of the RMA.

- (iv) In respect to Section 77L(c) of the RMA, it is considered that no range of densities or heights of buildings are appropriate in the Pokeno Industry Buffer in light of the elevated noise environment. There are no alternatives that would address the matter of reserve sensitivity while providing for MDRS or a range of MDRS outcomes.
- (v) Outside the Pokeno Industry Buffer and within in the 40dBA contour residential development can occur but buildings need to be no higher than 8m.

1.3 Ms Nairn and Mr Tollemache agree that the level of development provided for by the MDRS is inappropriate in the Pokeno Industry Buffer. It is agreed that reverse sensitivity should be identified as a qualifying matter in Variation 3 for the Havelock Precinct. The retention of Rules SUB-R19 and PREC4-S2 is supported.

1.4 Secondly, the conferencing considered Mr Tollemache's "Alternative approach to Area 1" (from section 6 and Attachments 4 and 5 of Mr Tollemache's rebuttal evidence dated 19 July 2023).

1.5 In respect to Area 1, Ms Nairn and Mr Tollemache agree:

- (a) The proposed 'Height Restriction Area' can be extended to cover all of Area 1.
- (b) It is appropriate to restrict building height to 5m within this Height Restriction Area'.
- (c) The Environmental Protection Area (EPA) can be deleted from Area 1 in light of the above measures.

1.6 Ms Nairn and Mr Tollemache agree that the proposed provisions for Area 1 meet the tests of section 77L of the RMA and are appropriate from a planning perspective. The detailed assessment of the section 77L matters is outlined in paragraph 6.7 of Mr Tollemache's rebuttal evidence.

1.7 The agreed provisions and amendments to the provisions are:

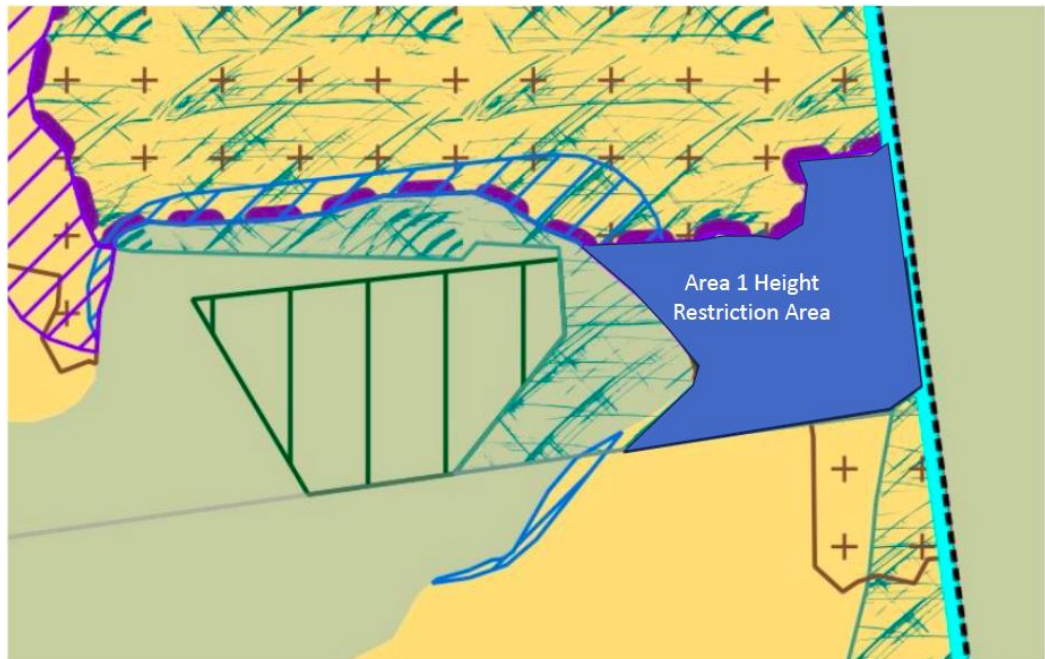
(a) Height Restriction Area

[addition in purple]

PREC4-SX	<u>Height – Havelock height restriction areas</u>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>A building or structure with a maximum height not exceeding 5m, measured from the ground level, where it is located within any of the following height restriction areas identified on the planning maps the:</u></p> <p>(i) <u>Havelock industry buffer height restriction area; and/or</u></p> <p>(ii) <u>Havelock hilltop park height restriction area; and/or</u></p> <p>(iii) <u>Havelock ridgeline height restriction area; and/or</u></p> <p>(iv) <u>Area 1 height restriction area.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>

(b) Planning Maps and Precinct Plan - Area 1 Height Restriction Area

Amend to apply a new 'Height Restriction Area' to the area identified as 'Area 1' below.



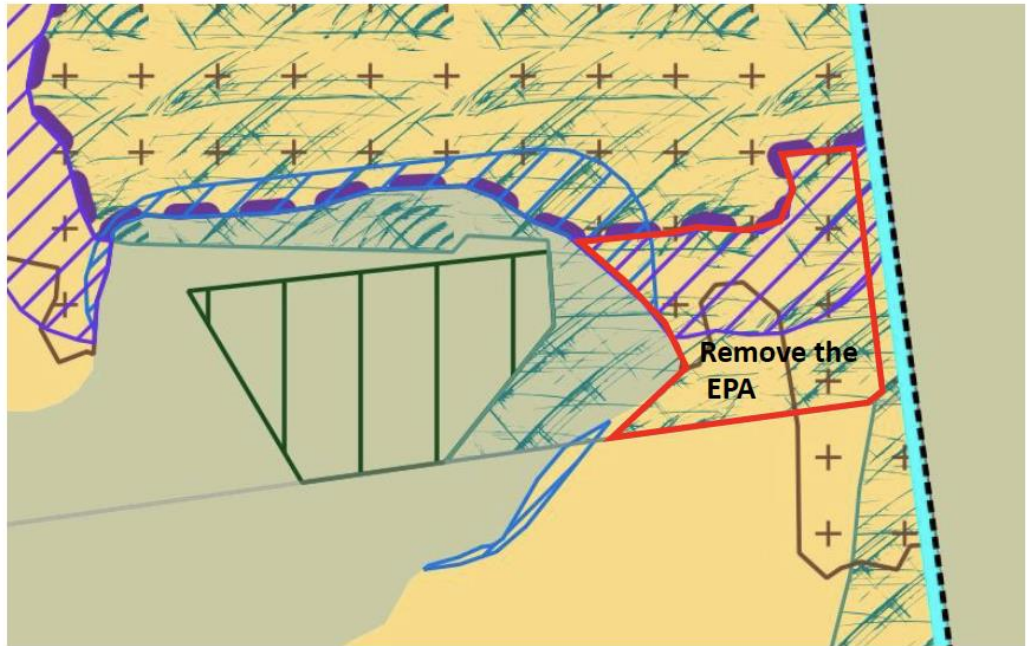
(c) Rule SUB-R21 Havelock Precinct

Amend discretion (m) as follows:

(m) Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area, including a 3m width band of fast growing evergreen indigenous species along the upper edge of the Pōkeno Industry Buffer to provide a planting screen within the short term;

(d) Environmental Protection Area

Deletion of the Environmental Protection Area from Area 1 as below:



S. Nairn

Sarah Nairn

For Hynds Pipe Systems Ltd and The Hynds
Foundation



Mark Tollemache

For Havelock Village Ltd