

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 REVERSE
SENSITIVITY AND STORMWATER MATTERS FOR SYNLAIT MILK LTD AND
HAVELOCK VILLAGE LIMITED**

19 July 2023

1. INTRODUCTION

1.1 The planning expert witnesses for Synlait Milk Ltd and Havelock Village Ltd have video conferenced and discussed the qualifying matter for reverse sensitivity and stormwater as it applies to the Havelock precinct. This includes the methods associated with the Pokeno Industry Buffer (Rules SUB-R19 and PREC4-S2 of the Proposed District Plan) and the 40 dba acoustic contour (Rule PREC4-S3). These are also illustrated on the Havelock precinct plan.

1.2 Ms Rykers and Mr Tollemache agree for the reverse sensitivity matter:

- (a) Reserve sensitivity is a qualifying matter in respect to section 77L(j) of the RMA.
- (b) The methods of the Pokeno Industry Buffer and the 40 dba acoustic contour are necessary in respect to section 77L of the RMA. The methods meet the 'tests' of section 77L and are appropriate from a planning perspective.
- (c) The level of development provided for by the Medium Density Residential Standards is inappropriate in the Pokeno Industry Buffer. The retention of Rules SUB-R19 and PREC4-S2 is supported.
- (d) With reference to the evidence of Mr John Styles (dated 4 July 2023), the 11m height of development provided for by the Medium Density Residential Standards is inappropriate within the 40 dba acoustic contour and should be restricted to 8m.

1.3 The agreed amendment to Rule PREC4-S3, with numbering reflecting that in the Council's Section 42A Report (Appendix 2) is included in Annexure 1.

1.4 Ms Rykers has addressed the relief sought regarding stormwater in her evidence in chief dated 4 July 2023 and rebuttal dated 19 July 2023. Mr Tollemache agrees to the inclusion of additional text in the matter of discretion in rule SUB-R19 sub-clause g) as follows:

g) Ponding areas and primary overland flow paths within and adjoining the Precinct.

1.5 Stormwater has been subject to three expert conferences. Amendments have been recommended in the relevant Joint Witness Statements. Ms Rykers and Mr Tollemache agree that it would be appropriate to clarify the intention of sub-clause g) in the context of the amendments proposed by those Joint Witness Statements to rule SUB-153.

1.6 Ms Rykers and Mr Tollemache agree it is appropriate to continue discussions on the wording of policies for the Havelock Precinct as part of the resolution of appeals to the Proposed District Plan.



Nicola Rykers

For Synlait Milk Ltd



Mark Tollemache

For Havelock Village Ltd

Annexure 1

PREC4-SX	Building design – sensitive land use with PREC4 – Havelock precinct	
<p>(3) Activity status: PER</p> <p>Where:</p> <p><u>(a) A building or structure with a maximum height not exceeding 8m, measured from the natural ground level immediately below that part of the structure, where it is located outside the Pōkeno Industry Buffer and the 'Height Restriction Area' (Rule PREC4-SX) but within the 40 dB L_{Aeq} noise contour shown on the planning maps</u></p> <p>(b) Any new building or alteration to an existing building for a sensitive land use located outside the Pōkeno Industry Buffer but within the 40 dB L_{Aeq} noise contour shown on the planning maps that is designed and constructed so that internal noise levels do not exceed 25 dB L_{Aeq} in all habitable rooms.</p> <p>(c) Provided that if compliance with clause (b) above requires all external doors of the building and all windows of these rooms to be closed, the building design and construction as a minimum:</p> <p>(i) Is mechanically ventilated and/or cooled to achieve an internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1 °C and wet bulb 20.1 °C.</p> <p>(ii) Includes either of the following for all habitable rooms on each level of a dwelling:</p> <p>(1) Mechanical cooling installed; or</p> <p>(2) A volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:</p> <p>(a) 6 air changes per hour for rooms with less than 30% of the façade area glazed;</p> <p>(b) 15 air changes per hour for rooms with greater than 30% of the façade area glazed;</p> <p>(c) 3 air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.</p> <p>(iii) Provides relief for equivalent volumes of spill air.</p> <p>(iv) All is certified by a suitably qualified and experienced person.</p>		<p>(4) Activity status where compliance not achieved: DIS</p>