

**BEFORE AN INDEPENDENT HEARINGS PANEL
OF THE WAIKATO DISTRICT COUNCIL**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the proposed Waikato
District Plan (Stage 1)
Hearing 25

**MEMORANDUM OF COUNSEL ON BEHALF OF HYNDS PIPE SYSTEMS LIMITED
AND THE HYNDS FOUNDATION**

DATED: 11 AUGUST 2021

 **Simpson Grierson**
Barristers & Solicitors

Bill Loutit / Sarah Mitchell
Telephone: +64-9-977-5092
Facsimile: +64-9-307 0331
Email: bill.loutit@simpsongrierson.com
DX CX10092
Private Bag 92518
Auckland

MAY IT PLEASE THE COMMISSIONERS:

1. We act for Hynds Pipe Systems Limited and the Hynds Foundation (together, **Hynds**).
2. We refer to the Hearing Commissioners' request for information from Havelock Village Limited (**HVL**) dated 2 August 2021, in which the Commissioners requested that counsel for HVL provide photographs overlain with the various development areas, buffer zones, and indicative road locations proposed on the Havelock Village site.
3. Counsel on behalf of HVL filed a memorandum dated 6 August 2021 which attached the 'Havelock Location Plan Image' file which included photographs with the various development areas and buffer zones overlain.
4. Hynds' experts have reviewed those photographs and memorandum and have noted a number of issues:
 - (a) the indicative road locations as requested by the Commissioners are not shown, and in particular the indicative road between the Hilltop Park and the EPA;
 - (b) no technical information as to the camera settings has been provided and nor is there a bar scale on the location plan for the viewpoint photographs to enable distance to be determined;
 - (c) it is not clear from the photo from location 1 whether the tree line to the right of the Hilltop Park is to be retained. This is a Japanese Cedar shelterbelt which is likely to be seen as inappropriate in respect of the adjacent future residential area and / or the future character, amenity and biodiversity of the parkland. Hynds' understanding is that this tree line is located on land proposed to be zoned Residential, therefore it is likely those trees would be removed and replaced with housing. Such houses will either be 5m in height or could be two storey if a discretionary activity resource consent is obtained, and in either situation, residential properties adjacent to the boundary will most likely have views to the Heavy Industrial zoned land. This area of Residential land should be shown on the location 1 photo; and

(d) the photo from location 2 shows an area of 'Slope Residential' zoning immediately to the right of the EPA/Hilltop Park area. The proposed Havelock Precinct Plan appears to indicate that this area is to be zoned Residential.

5. Hynds and its expert team have misgivings about the completeness of information provided, and accuracy of the photos for the above reasons and so Hynds respectfully requests that the Commissioners require that HVL provide further information that clarifies the points raised above. Hynds also respectfully requests that HVL be directed to provide a 2D plan applying the contours used on the photographs to the map on page 6 of the 'Havelock Location Plan Images' to assist in reconciling the images and maps provided. It would also be helpful if HVL provided a 2D plan using the same colours used in the photographic overlay for ease of comparison.

DATED at Auckland this 11th day of August 2021



Bill Loutit / Sarah Mitchell
Counsel for Hynds Pipe Systems Limited
and the Hynds Foundation