

**BEFORE THE HEARINGS COMMISSIONERS FOR THE WAIKATO DISTRICT
COUNCIL**

UNDER the Resource Management Act 1991
AND
IN THE MATTER of hearing submissions and further submissions
on the Proposed Waikato District Plan
Hearing 18 – Rural Zone

PARTIES REPRESENTED **STEVEN AND TERESA HOPKINS (451)**
Submitters

**SUMMARY STATEMENT OF REBUTTAL EVIDENCE FROM SIR WILLIAM
FRANCIS BIRCH AND JAMES GILBERT OAKLEY FOR STEVEN AND
TERESA HOPKINS**

25 SEPTEMBER, 2020

Introduction

1. This summary concerns the rebuttal evidence produced on behalf of Steven and Teresa Hopkins (**submitters**). This rebuttal was in response to evidence prepared by Chanel Hargrave and Dharmesh Chhima on behalf of Hynds Pipes Systems Limited and the Hynds Foundation (**Hynds**), and evidence prepared by Nicola Rykers on behalf of Synlait Milk (**Synlait**).
2. The primary matter which the evidence addressed was the proposal to establish buffers from the industrial activities undertaken by Hynds and Sylait in Pokeno. In the case of the Hynds evidence, the extent of the buffer would partially encroach into the submitters land affecting their ability to undertake sensitive land uses/subdivide in the affected area. Whilst the submitters neighbours did not make submissions on the Proposed Waikato District Plan (**PWDP**) or provide evidence for Hearing 18 (Rural Zone), they expressed support for the thrust of the rebuttal opposing the potential application of the Hynds buffer across their land.

Key points of rebuttal evidence

3. The key points of the rebuttal relate to the following matters:
 - a. The land adjoining the industrial operations in question is owned by Hynds; and
 - b. The lack of technical support for the extent of the buffer proposed by Hynds.
4. These points are summarised in turn:

The existing land buffer

5. Hynds Pipes undertake their heavy industry activities at 9 McDonald Road, Pokeno. This site is adjoined by 62 Bluff Road and 10 Bluff Road which are sizeable parcels both in the ownership of the Hynds Foundation. These parcels occupy the land between the Hynds Pipes operations all the way up to Bluff Road. The fact that both of these properties are owned by Hynds means that they have the unrestricted ability: 1) to control the activities undertaken on the land so as to avoid affecting their own operations and 2)

they are able to alter the land to enhance its ability to function as a buffer from the adverse industrial effects.

6. It is noted that this is consistent with the use of zoning as a first step to managing effects which is an accepted land use planning approach. Also, the Heavy Industry Zone and Rural Zone are considered to be a compatible combination in light of the purpose and function of each zone.

Lack of technical support for the buffer

7. No specific technical support has been provided to justify the location of the buffer by Hynds. The focus of the buffer appears to be based on eliminating sightlines toward the Heavy Industry Zone as this would avoid views of the operational lighting at night and emissions of dust which could lead to complaints about these effects.
8. In our rebuttal, we opined that there needs to be a more robust technical assessment justifying the location of the buffer. Given the buffer is some 400m-500m away from the Hynds operations it is integral that there is supporting material to explain why the effects of the operations are sufficiently noisome to warrant such a large buffer. To provide a meaningful response to the buffer it would be worthwhile to see the technical basis for its location.

Conclusion

9. The need to manage the effects from heavy industry activities to safeguard their operations is acknowledged. However, the implementation of the proposed Hynds buffer would unnecessarily burden the affected landowners in light of the fact that Hynds own the bulk of the land between their industrial activities. This forms a natural land buffer on which Hynds have the control to enhance to further mitigate any adverse effects from their operations.
10. We also note the Council response from the reporting planner recommending that the matter of setbacks/buffers be determined after Hearing 25 (Zone Extents) when the zoning pattern is resolved.

Sir William Francis Birch and James Gilbert Oakley

Dated: 25 September 2020