

Before an Independent Hearings Panel

The Proposed Waikato District Plan (Stage 1)

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

IN THE MATTER OF hearing submissions and further submissions on the Proposed
Waikato District Plan (Stage 1):

Topic 25 – Zone Extents

**JOINT WITNESS STATEMENT OF EXPERTS IN RELATION TO PLANNING MATTERS
RELATING TO YASHILI NEW ZEALAND DAIRY CO LTD AND HAVELOCK VILLAGE
LTD**

12 May 2021

1. INTRODUCTION

- 1.1 As signalled in Mr Tollemache's rebuttal evidence, the acoustic and planning expert witnesses for Yashili New Zealand Dairy Co Ltd and Havelock Village Ltd have video conferenced and discussed a rule for an acoustic barrier between the Havelock and Yashili sites, the default activity status for the Pokeno Industry Buffer¹, the building acoustic design rule² and the consequential amendments to Rules 20.2.2.1A.P2.(b) and Rule 21.2.2.1A P2.(b) that apply to the location for the measurement of noise between the Industry Zones and the Havelock Precinct.
- 1.2 The default activity status for the Pokeno Industry Buffer and the building acoustic design rule are agreed between the planners.
- 1.3 The rebuttal evidence of Mr Tollemache included rule 16.4.18 RD1 (a) (iv) regarding the acoustic barrier between the Havelock and Yashili sites. Mr Tollemache signalled that Messrs Hegley and Styles were discussing an alternative to this rule, based on specifying the minimum height of the acoustic barrier.
- 1.4 Messrs Jones and Tollemache agree on the replacement of the earlier rule with amended rule 16.4.18 RD1 (a) (iv) in **Annexure 1**. The planners consider that the rule is more efficient and effective than the earlier draft of rule 16.4.18 RD1 (a) (iv) as it outlines:
- a) The minimum height and length of the acoustic wall.
 - b) That the acoustic wall is to be supported by appropriate acoustic assessment certifying that it meets the rule.
 - c) That the acoustic barrier can be a bund, wall, structure or building (including its roof) or any combination of these.
 - d) That the acoustic barrier shall be proposed and constructed with the first stage of subdivision in the Havelock Precinct.
 - e) That the performance of the acoustic barrier will be based upon achieving a level of noise reduction that takes account of future development of the Yashili land to the rear of its current facility.
- 1.5 The default activity status remains non-complying where the rule is not met.

¹ Rules 16.3.9.2 NC1 and 16.4.12 NC1 of Mr Tollemache's rebuttal evidence

² Rule 16.3.9.3 of Mr Tollemache's rebuttal evidence

- 1.6 Consequential amendments to Rules 20.2.2.1A.P2.(b) and Rule 21.2.2.1A P2.(b) are also agreed as per **Annexure 1**.
- 1.7 The planners also record their agreement with the discretions in rule 16.4.18 RD1 (b) (v), (viii), (ix) and (x) in Annexure 1 (as per the version in Mr Tollemache's rebuttal evidence). These amendments address transport-related matters raised in the evidence in chief of Messrs Jones and McKenzie.
- 1.8 The agreed provisions from Mr Tollemache's rebuttal evidence are included in **Annexure 2**.
- 1.9 The agreed planning maps are included in **Annexure 3**.



Jason Jones
For Yashili New Zealand Dairy Co Ltd



Mark Tollemache
For Havelock Village Ltd

Annexure 1

HVL YASHILI NOISE REVISIONS

HVL amendments dated 17 February in [blue track changes](#).

HVL amendments dated 3 May responding to Evidence and Section 42A Report in [green track changes](#).

Yashili boundary amended rule in [orange track changes](#)

Amendments to Chapter 16 Residential Zone

16.4.18 Subdivision: Havelock Precinct Plan Area

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| <u>RD1</u> | <p>(a) <u>All subdivision within the Havelock Precinct Plan area (Appendix XX), must comply with all of the following conditions:</u></p> <ul style="list-style-type: none">(i) <u>The first subdivision to create residential lots must include the indicative road connections as a road to vest, from Hitchen Road and Yashili Drive.</u>(ii) <u>The proposal must include the indicative roads as roads to vest, provided that this can be constructed and vested in stages.</u>(iii) <u>The proposal must include the provision of the Hilltop Park.</u>(iv) <u>Either prior to or concurrent with subdivision in Lot 2 DP199997, an acoustic barrier (being a bund, building (including its roof) or structure, or any combination thereof) must be constructed within the Havelock Precinct Plan's General Industry Zone to mitigate potential noise from the adjoining Light Industry Zone (Lots 3 and 4 DP 492007) to achieve noise levels no greater than 45 dB L_{Aeq} between 10pm and 7am in the Havelock Precinct Residential Zone. The specification of the acoustic barrier must be at a height of no less than that illustrated on figure 16.4.18A below and a length along the entire common boundary between Lot 2 DP199997 and Lots 3 and 4 DP 492007 (excluding the Collector Road on the Precinct Plan and 5m front yard setback – Rule 20.3.4.1). The application shall be accompanied by an acoustic design report to ensure that the acoustic barrier will meet the requirements listed in this rule and that it will perform as an effective acoustic barrier. The design and effectiveness of the acoustic barrier shall be based on the requirement to reduce the extent of the unmitigated 45 dB L_{Aeq} noise contour illustrated on figure 16.4.18B below. The Pokeno Industry Buffer illustrated on Lot 2 DP199997 is based on compliance with and implementation of this rule.</u> |
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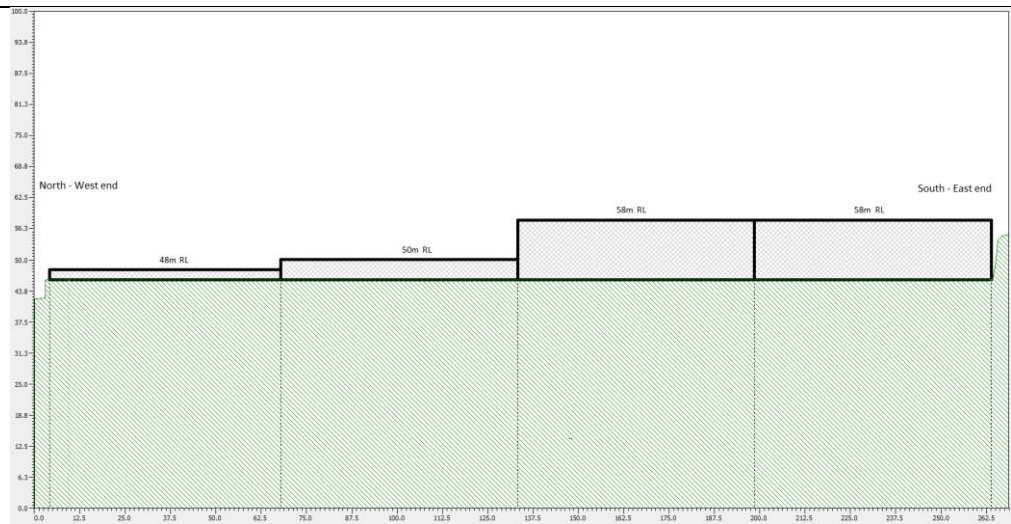


Figure 16.4.18A

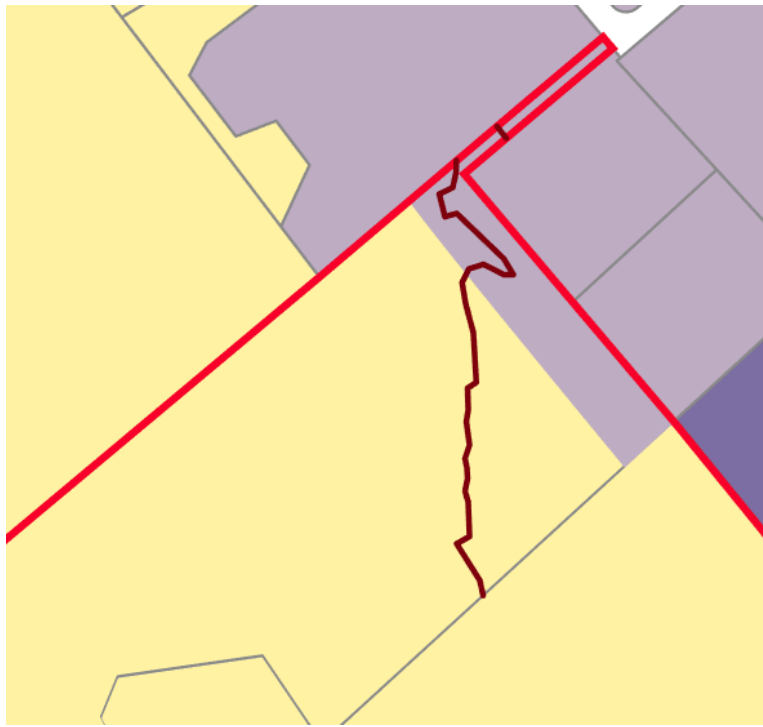


Figure 16.4.18B

(b) Council's discretion is restricted to the following matters:

- (i) Consistency with the Havelock Precinct Plan;
- (ii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines);
- (iii) Design and construction of the indicative roads and pedestrian networks;
- (iv) Design, location and timing of construction of the acoustic barrier within the Havelock Precinct Plan's General Industry Zone.
- (v) The design of, and potential effects on the safe and efficient operation of the intersection of the Havelock Precinct Plan's Collector Road and Yashili Drive.

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| | <p><u>including the design to accommodate safe vehicle access and egress for activities in the adjacent General Industrial Zone.</u></p> <p>(vi) <u>Design of the Hilltop Park and adjoining roads;</u></p> <p>(vii) <u>Potential effects on the safe and efficient operation of Bluff and Pioneer Roads (including where these intersect with State Highway 1) from roading connections to Cole Road.</u></p> <p>(viii) <u>The design of, and potential effects on, the safe and efficient operation of the intersections of:</u></p> <p style="padding-left: 40px;">a. <u>Yashili Drive and Gateway Park Drive;</u></p> <p style="padding-left: 40px;">b. <u>Gateway Park Drive and Hitchen Road; and</u></p> <p style="padding-left: 40px;">c. <u>Gateway Park Drive and McDonald Road.</u></p> <p>(ix) <u>Potential effects on the safe and efficient operation of the McDonald Road railway crossing.</u></p> <p>(x) <u>Accessible, safe and secure pedestrian and cycling connections within the Precinct and to the existing transport network and public facilities.</u></p> <p>(xi) <u>Provision within the Precinct design for future public transport.</u></p> <p>(xii) <u>Ownership and ongoing management of the Environmental Protection Area</u></p> |
| <u>D1</u> | <u>Subdivision that does not comply with Rule 16.4.18(a)(i) – (iii) RD1.</u> |
| <u>NC1</u> | <u>Subdivision that does not comply with Rule 16.4.18(a)(iv) RD1.</u> |

Consequential amendment to Rules 20.2.2.1A.P2.(b) and Rule 21.2.2.1A P2.(b) from the Council Section 42A Report Reply Version from Hearing 7:

(b) Noise measured within any site in any zone, other than the General Industrial and Heavy Industrial Zone, that does not exceed the permitted noise limits for that zone. For sites adjoining the Havelock Precinct (Appendix XX), the noise rating level from any activity must not exceed:

- i. 55dB L_{Aeq} from 7am to 10pm every day, 45 dB L_{Aeq} from 10pm to 7am the following day and 75 dB L_{AFmax} from 10pm to 7am the following day measured from any site outside of the Pokeno Industry Buffer illustrated on the planning maps (compliance with the noise standard must not be measured from the Residential Zone boundary for this Precinct).
- ii. Until the acoustic barrier has been constructed and made acoustically effective in accordance with Rule 16.4.18 RD1 (a)(iv), the noise rating level from activities on Lots 3 and 4 DP 492007 must not exceed 55dB L_{Aeq} from 7am to 10pm every day, 45 dB L_{Aeq} from 10pm to 7am the following day and 75 dB L_{AFmax} from 10pm to 7am the following day measured from the unmitigated 45 dB L_{Aeq} noise contour illustrated on figure 16.4.18B. When Rule 16.4.18 RD1 (a)(iv) has been satisfied, clause (b)(i) above applies.

Annexure 2

RELEVANT PROVISIONS FROM REBUTTAL EVIDENCE

HVL amendments dated 17 February in [blue track changes](#).

HVL amendments dated 3 May responding to Evidence and Section 42A Report in [green track changes](#).

Amendments to Chapter 16 Residential Zone

16.3.9.2 Building setback – Sensitive land use

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| P1 | (a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: (i) 5m from the designated boundary of the railway corridor; (ii) 15m from the boundary of a national route or regional arterial; (iii) 25m from the designated boundary of the Waikato Expressway; (iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and (v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and . (vi) <u>300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaruawahia.</u> |
| <u>P2</u> | (a) <u>Any new building or alteration to an existing building for a Sensitive land use must be located outside the Pokeno Industry Buffer illustrated on the planning maps.</u> |
| D1 | Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P1 or <u>P2</u> . |
| <u>NC1</u> | <u>Any building for a Sensitive land use that does not comply with Rule 16.3.9.2. P2.</u> |

16.3.9.3 Building Design – Sensitive land use – Havelock Precinct Plan Area

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| <p><u>P1</u></p> | <p>(b) <u>Any new building or alteration to an existing building for a sensitive land use located outside the Pokeno Industrial Buffer but within the 40 dB LAeq noise contour illustrated on the planning maps must:</u></p> <p><u>(i) be designed and constructed so that internal noise levels do not exceed 25 dB LAeq in all habitable rooms;</u></p> <p><u>(ii) where compliance with clause (a)(i) above requires all external doors of the building and all windows of these rooms to be closed, the design and construction as a minimum must:</u></p> <ul style="list-style-type: none"> • <u>Be 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. Mechanical cooling must be available for all habitable rooms provided that at least one mechanical cooling system shall service every level of a dwelling that contains a habitable room; or</u> • <u>Provide a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:</u> <ul style="list-style-type: none"> - <u>6 air changes per hour for rooms less than 30% of the façade area glazed;</u> - <u>15 air changes per hour for rooms with greater than 30% of the façade area glazed;</u> - <u>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.</u> • <u>Shall be provided with relief for equivalent volumes of spill air.</u> • <u>Where mechanical ventilation and / or cooling systems are installed, they must be individually controllable across the range of airflows and temperatures by the building occupants in the case of each system.</u> <p><u>(iii) be certified by a suitably qualified and experienced person as meeting that standard prior to its construction; and</u></p> <p><u>(b) Compliance with (a) shall be confirmed as part of any building consent application.</u></p> |
| <p><u>D1</u></p> | <p><u>Any building or alteration to an existing building for a sensitive land use that does not comply with Rule 16.3.9.3. P1</u></p> |

16.4.12 Subdivision - Building platform

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| RD1 | <p>(a) Every proposed lot, other than one designed specifically for access, <u>or is a</u> utility allotment must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</p> <ul style="list-style-type: none"> (i) a circle with a diameter of at least 18m exclusive of yards; or (ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of allotments; (iii) Ability of allotments to accommodate a practical building platform; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Geotechnical suitability for building; and (vii) Ponding areas and primary overland flow paths. |
| <u>RD 2</u> | <p>(a) <u>Every proposed lot, other than one designed specifically for access, or is a utility allotment must be capable of containing a building platform complying with Rule 16.4.12 RD1 located outside the Pokeno Industry Buffer illustrated on the planning maps.</u></p> <p>(b) <u>The Council discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>(i) The discretions of Rule 16.4.12 RD1</u> |
| D1 | Subdivision that does not comply with Rule 16.4.12 RD1. |
| <u>NC1</u> | <u>Subdivision that does not comply with Rule 16.4.12 RD2.</u> |

Insert new Policy in Chapter 4 as follows:

Policy 4.1.11 Policy - Pokeno

(iv) Subdivision and development shall minimise the potential for reverse sensitivity effects to arise on the Havelock Precinct's eastern boundary with Heavy and Industrial zoned land through a combination of physical separation, landscape treatment and building design.

Annexure 3 Planning Map (v2 10 May 2021)

