Before the Hearing Panel

Under	the Resource Management Act 1991
In the Matter of	the Waikato District Council Proposed District Plan - Hearing 25: Zone extents
And	Rezoning proposals by Havelock Village Limited and Rainbow Water Limited in Pokeno

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Statement of Evidence of Jason Christopher Jones
in support of a further submission by Yashili New Zealand Dairy Co Ltd

Date: 10 March 2021

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EXECUTIVE SUMMARY

1 I have undertaken an assessment of the amendments to the Proposed District Plan ("**PWDP**") proposed by Havelock Village Limited ("**HVL**") which are relevant to the further submissions made by Yashili New Zealand Dairy Co Ltd ("**Yashili**").

2 In this evidence, I identify aspects of the evidence underpinning the HVL proposal which I consider are unclear. I express the view that additional information should be provided by HVL so that a conclusion can be reached as to the appropriateness of the proposed amendments in the following respects:

2.1 it is unclear how HVL's air quality expert, Mr Curtis, has calculated the separation distances achieved by the buffer area proposed by HVL to address reverse sensitivity effects; and

2.2 it is unclear whether HVL's proposed methods for managing future reverse sensitivity effects includes any noise screening assumed to be in place by the noise model described in the evidence of HVL's acoustic expert, Mr Styles.

3 Having considered the evidence of other experts for Yashili and HVL, I also propose alternative (or additional) methods to those proposed by HVL that I believe will better implement the notified PWDP objectives and policies relevant to the Yashili further submissions, including:

3.1 rules limiting the amount of development that should be authorised on the HVL site until necessary transport network upgrades are completed;

3.2 a more generous separation distance between existing industrial activities and proposed future sensitive activities and/or additional acoustic mitigation to effectively avoid reverse sensitivity effects; and

3.3 reclassification of the activity status proposed by HVL for future sensitive activities within the proposed buffer area from discretionary to non-complying.

ABBREVIATIONS AND ACRONYMS

4 This evidence uses the following abbreviations and acronyms:

4.1 **Council –** Waikato District Council;

4.2 **HVL** – Havelock Village Limited (submission #862);

4.3 **NPS-UD –** National Policy Statement on Urban Development 2020;

4.4 **OWDP** – Operative Waikato District Plan;

4.5 **PWDP** – Proposed Waikato District Plan;

4.6 **RMA** – Resource Management Act 1991;

4.7 **RPS** – Waikato Regional Policy Statement 2016;

4.8 **RWL** – Rainbow Water Limited (submission #205);

4.9 **S32AA** – Section 32AA of the RMA; and

4.10 **Yashili** – Yashili New Zealand Dairy Co., Limited (further submission #1086)

INTRODUCTION

Introduction

5 My full name is Jason Christopher Jones. I am a Principal Consultant for Resource Management Group Ltd (**RMG**), an urban and environmental planning practice with offices in Wellington, Christchurch, Nelson and New Plymouth.

Qualifications and experience

6 I hold a Bachelor's Degree in Science from the University of Georgia's School of Geology (USA), and a Post-Graduate Diploma in Science (Geography) from the University of Canterbury.

7 I am an Associate Member of the New Zealand Planning Institute, and have fifteen years' experience in resource management planning in New Zealand, the majority of which has been in the employment of RMG. Among other areas of focus, my experience as a consultant has included a range of planning and decision-making roles on land development and urban growth projects. A brief summary of my experience of relevance to this proposal is set out in **Appendix A**.

8 Prior to joining RMG, I worked for three years in the City Planning Unit at Wellington City Council. My experience there included the development of District Plan changes and other planning policy projects, including rezoning proposals and plan changes which required management of sensitive interface issues.

9 I also hold a commissioner accreditation under the 'Making Good Decisions' programme administered by the Ministry for the Environment and Local Government New Zealand.

Code of conduct

10 I have read the code of conduct for expert witnesses in the Environment Court practice note. While this hearing is not in front of the

Environment Court, I agree to comply with this code. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might detract from the opinions I express.

11 In preparing this statement of evidence I have read the draft evidence of Yashili's other witnesses, Mr McKenzie and Mr Hegley. I draw on that evidence in part at junctures below.

Involvement in the Proposal

12 I have been involved with this proposal since July of 2020. At that time, I was asked by Yashili to prepare planning evidence in relation to the further submissions it made on the PWDP on 24 June 2019.

13 I visited the Yashili site and wider locality most recently in September 2020 when I was also provided a detailed briefing on the layout and operations of Yashili's facility.

14 I am aware from that site visit and briefing that Yashili is actively planning for future expansion options on the land it owns to the rear (west) of the existing facility (hereafter "**the Yashili development site**"). Details of the nature and timing of the expansion are yet to be finalised; however, my understanding is that Yashili is proposing to develop a UHT milk processing facility in this area over the next 3-5 years. Indications from Yashili are that this would increase its current employment numbers by 60 additional staff, and add a further estimated $65M to the $24M it has already invested in the site. As I discuss below, the existence of the Yashili development site is relevant to the Panel's understanding of the existing environment for the purposes of its s32AA(1)(b) evaluation.

15 I have reviewed the relevant parts of the PWDP, submissions filed by HVL and RWL, the Council framework reports, and expert evidence called by HVL in relation to this hearing. In particular I have reviewed

the briefs of Messrs Tollemache, Styles, Hills and Curtis for HVL and comment on their evidence below.

Scope of evidence

16 My evidence is structured in the following way:

16.1 Yashili's further submissions;

16.2 Council Framework Reports;

16.3 HVL's evidence;

16.4 Overall assessment and s32AA implications; and

16.5 Conclusions.

Yashili's further submissions

17 Yashili's further submissions relate to the submissions from HVL and RWL, which sought rezoning of the rural land immediately west and south of the Yashili site for urban purposes. Yashili expressed support for both submissions "subject to the inclusion of adequate mitigation measures and/or an appropriate setback distance between the proposed residential development and its industrial site(s) within the Proposed Plan to address any potential adverse reverse sensitivity effects, in particular in respect of noise, related to this interface."[1]

18 The Yashili submission went on to note that the approach for addressing potential reverse sensitivity effects from development of the RWL block may be different to the approach for the HVL block given the relative difference in proximity and size. [2]

[1] See paras 1 and 8 of Yashili further submission notice

[2] At para 11

19 I understand that, since the time Yashili lodged its further submission, HVL has secured an interest in the RWL land and is now promoting comprehensive redevelopment of both blocks.

20 My evidence therefore focusses on HVL's combined proposal as described in the evidence of its various experts, with my focus being on the appropriateness of buffers and other measures for the mitigation of potential reverse sensitivity effects as identified in the Yashili further submission.

Council Framework Reports

21 The Framework Report prepared by Mr Davey and the peer review by Mr Hill identify the significant growth pressures facing the Waikato District, underscoring one of many challenges the Panel is faced with in determining where and how the District is to grow over the next 30+ years.

22 The demand for housing and the associated need for the PWDP to implement the NPS-UD will be one of the most important factors for the Panel's determination of the rezonings being considered in Hearing 25.

23 Given the limited scope of Yashili's further submission, however, my focus is of a site-specific nature rather than the whole-of-district level addressed in the Framework Reports. I have not turned my mind to any District-wide (or even Pokeno-wide) analysis of the quantum of land needed to meet future growth demands, or of the most appropriate areas to be rezoned to cater for that demand.

24 Rather, my evidence is focussed on appropriate provisions that I consider should be adopted for the HVL development, should the Panel find it appropriate to rezone the land for urban purposes.

HVL's evidence

25 HVL has commissioned evidence from 11 experts in support of its rezoning proposal. In general, I consider the disciplines represented are

commensurate with the issues relevant for urbanisation of the block, consistent with other rezoning proposals I have been involved with.

26 I have not reviewed all of HVL's evidence, nor have I considered the HVL proposal as a whole. Rather, my approach has been to audit the HVL evidence relevant to the scope of Yashili's further submission.

27 To that end, I make some general observations here about the HVL evidence relating to the following matters:

27.1 the existing environment for the purposes of Mr Curtis' air quality evidence;

27.2 the lack of any proposed rules or other methods to implement Mr Styles' recommendations for noise screening within the HVL site;

27.3 the Map notation for HVL's proposed industry buffer.

27.4 the lack of any proposed rules or methods to implement the necessary transportation network upgrades identified by Mr Hills; and

27.5 the default activity status for proposed land use and subdivision rules relating to sensitive activities in HVL's proposed industry buffer.

Mr Curtis' evidence and the existing environment

28 As I detail below, it is unclear from Mr Curtis' evidence how he has derived the separation distance from existing activities achieved by the HVL industrial buffer. In my view, this should be clarified with some dimensioning and/or further explanation.

29 Mr Curtis' evidence has assessed the efficacy of HVL's proposed industrial buffer, noting that it serves to address potential sensitivities of

new urban land uses at the HVL block to both noise and air quality effects from existing industrial activities to the east.

30 In Mr Curtis' view, the proposed buffer is "better than the notified version of Chapter 16 of the PWDP, which would permit sensitive activities to build in the existing residential developments adjacent to industrial activities in the Industrial Zone in Pokeno, which includes the Yashili Dairy factory."[3] In his expert opinion, it is appropriate to have some buffer between industrial and sensitive activities in order to significantly reduce the potential for reverse sensitivity[4]. I share Mr Curtis' view in this respect, for the reasons he has expressed in his evidence.

31 The use of buffers, catered to the nature and scale of local effects and to the specific local meteorological conditions, is common to other subdivision and land use consents, plan changes and regional permit applications relating to similar issues that I have previously been involved with in Canterbury, Otago, Nelson and Wellington.

32 Drawing on the spatial information attached to Mr Tollemache and Mr Styles' evidence for the current proposal, Mr Curtis has assessed the separation distance between 'existing industrial activities' and possible sensitive land uses outside the proposed HVL industrial buffer as being between 166 and 330 metres.[5] This is a more generous buffer than the separation distance of 150 metres Mr Curtis considers is reasonable between residential activities and industry to deal with the inevitable residual dust and odour effects that can occur, even for activities that are operating in accordance with requirements of their resource consents.[6]

33 In my reading of Mr Curtis' evidence, however, it is unclear whether his derived buffer distance calculations relate to the existing facilities at

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[3] At para 4.1

[4] At para 6.3

[5] At para 6.1

[6] At para 4.1

Yashili's site – or whether he has taken account of the likely future state of the Yashili development site as part of the existing environment.

34 This is in contrast to Mr Styles, who has expressly factored in a realistic and reasonable level of noise to be generated from industrial activity on the Yashili development site.[7] In the event that Mr Curtis' assessment has not factored in future industrial activity on the Yashili development site, then the HVL industrial buffer adjacent to that site may need to be extended to the west to accommodate Mr Curtis' general recommendation of a 150-metre separation distance.

35 In my understanding of accepted legal principles and associated planning practice, the existing environment – including for the purposes of any evaluation under s32AA – should countenance the likely future state of the environment as it may be modified by activities permitted by a relevant plan. In this case, a reasonably-sized industrial activity could be established as a permitted activity on the Yashili development site under the OWDP and PWDP.

36 As far as air quality matters associated with future industrial activities on the site are concerned, additional air discharge permits *may* be required from Waikato Regional Council; however, this and any other regional or district consent requirements would be dictated by the nature and scale of the activity proposed. In any event, I understand Mr Curtis' evidence to suggest that a 150m buffer is appropriate even for industrial activities that have obtained discharge permits and operate within the limits of associated conditions imposed.

37 In my view, it would assist the Commissioners' understanding of the HVL proposal if HVL's witnesses could update their plans/figures with dimensioning to indicate the actual separation distances achieved by the proposed industrial buffer – including consideration of the existing

[7] As stated in section 2.1.2 of Attachment A to Mr Styles' evidence

environment as it may be modified by permitted activities on the Yashili development site.

Provisions to implement Mr Styles' acoustic screening

38 Also relevant to the proposed HVL industrial buffer, there is an apparent disconnect between Mr Styles' noise modelling and the proposed location of the industrial buffer line in proximity of the Yashili development site. As I detail below, I consider this should be clarified to assist with the Panel's assessment of effects.

39 At Attachment A to his evidence, Mr Styles has clarified that the noise modelling underpinning his assessment and recommendations "takes into account future screening on the eastern boundary of the [HVL] Site (adjacent to the boundary with Yashili)". He adds that the screening "may take the form of future buildings (10m high), noise barriers or bunds, or a combination thereof." [8]

40 This description corresponds to noise contour diagram attached as Appendix 1 to that Attachment to Mr Styles' evidence, which indicates a long black rectangle labelled "Buildings on HVL Site to form acoustic barrier" adjacent to the Yashili development site.

41 In contrast, the maps and annotated Plan provisions attached to Mr Tollemache's planning evidence do not indicate:

41.1 the position of any noise screening;

41.2 the minimum performance requirements, dimensions or physical composition of the screening; or

41.3 the need for the screening to be established prior to any future noise-sensitive activities being developed on the HVL site.

[8] As described in section 2.2 of Attachment A to Mr Styles' evidence

42 Rather, Mr Tollemache's evidence projects a solid line for the industrial buffer further to the southwest of the screening proposed by Mr Styles.

43 In my view, this discrepancy needs to be clarified before a conclusion can be reached as to the appropriateness of HVL's proposed mitigation. If noise screening is proposed by HVL and is necessary to achieve the level of mitigation recommended by Mr Styles, the screening should be codified in the proposed rules and other methods in my opinion.

44 If no such screening is proposed, then clarification should be provided as to the efficacy of the setback proposed by Mr Tollemache with no screening in place. That result could then be compared with the efficacy of the noise screening identified by Mr Styles to adopt the most appropriate suite of provisions.

45 I note also the evidence of Mr Hegley, who considers that a more generous buffer distance is warranted at this interface than proposed by HVL. I discuss this further in the assessment section below.

Map notation for HVL's proposed industrial buffer

46 Related to the above, I consider that the industrial buffer notation would be more clearly expressed as a polygon than the line proposed by Mr Tollemache.

47 As currently drawn, the buffer requires an inference as to both the direction the buffer should be measured from and the extent of land affected. While that inference is unlikely to be misinterpreted, a relatively simply change to the map projection could be adopted to avoid the risk of misinterpretation altogether.

Provisions to address potential impacts on the transport network

48 As I discuss here, Mr Hills[9] has identified several upgrades that will be required to the existing transportation network in order to ensure the network can continue to function safely and efficiently with the added traffic from the HVL development. Based on the evidence of Mr McKenzie and my experience with other greenfield developments of this nature, I consider that greater regulatory certainty should be applied to the delivery of necessary upgrades than what is proposed by HVL.

49 Also as expanded on below, Mr McKenzie has recommended additional matters for further investigation prior to the development of the HVL land to ensure the overall impact of the development on the transport network is acceptable.

50 Addressing these matters in turn, I firstly note that neither Mr Hills nor Mr Tollemache have proposed any rules or other methods to ensure that the network upgrades identified by Mr Hills are implemented prior to the point at which the proposed HVL development is of such a scale that the relevant upgrades will be necessary. Rather, the approach anticipated by Mr Hills is that such upgrades will be Council-led, with HVL funding its share through development-contributions.[10]

51 Mr McKenzie has given the view that it would be appropriate for the HVL-related rules/provisions to include specific requirements to enable consideration of potential effects on the safety and operation of the transport network arising from the traffic generation associated with future development of the HVL land.[11] I share Mr McKenzie's view and note this is consistent with other greenfield rezoning and subdivision proposals I have been involved with.

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[9] Appendix A to Mr Hills' evidence. Sections 10 and 11, page 37-45

[10] At para 5.22

[11] At para 59

52 The main shortcoming of the Council-led approach identified by Mr Hills and Mr Tollemache, in my view, is the low certainty it provides that upgrades will precede development before it reaches a scale that impacts parts of the network that are vulnerable to the effects of development.

53 There are several unknowns associated with that approach that, in my view, reduce the efficacy of the HVL proposal's ability to integrate with necessary infrastructure[12] and to ensure adverse network safety and efficiency effects are appropriately avoided, remedied or mitigated[13]. For example:

53.1 any upgrades will first need to be planned, funded and constructed through Council's Long-Term Plan, Annual Plan and/or Infrastructure Strategy – these are subject to multiple variables, community input and political processes that will dictate the timing and overall design of any upgrades Council decides to carry out;

53.2 related to that, there is no guarantee that the upgrades would be funded or constructed by Council at all, let alone in time to ensure effects from the HVL development are suitably accommodated before they impact the network locations relevant.

54 In my opinion, a more effective way to ensure the HVL development is integrated with necessary infrastructure and appropriately manages any network effects associated with its traffic generation would be to include a rule that requires the identified upgrades to be in place prior to development getting to a scale that results in inappropriate effects on the relevant parts of the network. This could include descriptions and/or plans of the upgrades required, synched with a specified number of

[12] Per Objectives 6.4.1 and 6.5.1 and Policy 4.7.6 in the PWDP, for example

[13] Per Policy 6.1.9 and 6.4.4 in the PWDP, for example

household units[14] within the HVL development that correspond to each upgrade.

55 In my view, these requirements should be added to the permitted activity land use rules in chapters 16 and 23. A restricted discretionary default rule for land use proposals that fail to meet the permitted standards would be appropriate, in my view – with Council's discretion being limited to effects on the safe, efficient operation of the transport network (or similar).

56 Such rules are commonly used in my experience. They can be drafted in a way that is focussed on each upgrade itself, rather than on who funds it. This enables flexibility for the Council-led approach favoured by HVL to be adopted where any Council-led upgrade precedes the quantum of HVL development that would otherwise dictate a need for the upgrade.

57 Should HVL wish to proceed ahead of any planned Council upgrade, however, it would have the option of funding, or part funding the necessary works itself to enable the associated scale of development more quickly.

58 In either case, the necessary upgrades would occur at the appropriate time. As I discuss further below, I consider this to be a more effective way to implement the PWDP's policy expectations for integration and effects management than the Council-led approach favoured by HVL's experts.

59 Furthermore, determining proposals that contravene the permitted activity requirement as a restricted discretionary activity amounts to an efficient way of assessing the appropriateness of such activities based on up-to-date information about the safety and efficiency of the network that will be available at the time such proposals are made.

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[14] This will require appropriate household number 'trigger points' to be identified for each network upgrade.

60 Turning to the second point I identified at the outset of this section above, Mr McKenzie has recommended additional matters that should be considered prior to the HVL development proceeding. These include:

60.1 a level crossing safety assessment for the North Island Main Trunk Railway[15]; and

60.2 evidence that an appropriately sized collector access road and intersection can be provided within the HVL-controlled land at its connection to Yashili Drive[16].

61 Mr McKenzie's view on the level crossing assessment is consistent with current guidance on the matter used by Waka Kotahi and KiwiRail[17]. That guidance states (my ***emphasis***):

> *Local authorities should take careful note of any proposed new developments that could increase user volumes over a nearby level crossing.* ***The local authority should request that a LCSIA is performed on the level crossing using the projected traffic volumes from any Integrated Transport Assessments, submitted with the consent application.*** *This way, if the increase in user volumes for vehicles or pedestrians does trigger the need for a higher form of control at the level crossing, the local authority should request a development contribution to allow them to programme the level crossing for an upgrade.*[18]

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[15] At para 62

[16] At para 68

[17] *Level Crossing Risk Assessment Guidance (2020). Final Guide for Industry Use (Version 3), November 2020.*

[18] *Level Crossing Risk Assessment Guidance (2020). Final Guide for Industry Use (Version 3), November 2020.*

62 In my view, this safety assessment could be carried out at this stage to inform the need or otherwise to incorporate any measures into the PWDP provisions to respond to any recommendations of the assessment. Alternatively, the matter could be addressed by including a requirement for the first subdivision consent application of the HVL land to submit a safety assessment, with Council's discretion including any measures necessary to address safety issues identified and to accommodate any advice from KiwiRail.

63 Similar to the view I expressed above regarding the network upgrades identified by Mr Hills, I share Mr McKenzie's view that greater certainty should be provided for with respect to the HVL collector road and intersection at Yashili Drive.

64 This can be addressed by way of including a rule (or rules) requiring an appropriate road connection and intersection design to be implemented prior to any traffic from HVL directly accessing Yashili Drive. In my view, it is appropriate to include such a rule to ensure the design of these network connections cater for the safe, efficient flow of vehicles from the HVL site.

65 I note also, however, Mr McKenzie's view[19] about the mixing of residential and heavy industrial traffic – and his preference for a greater utilisation of the Hitchen Road route to accommodate flows from the HVL development. Adopting Mr McKenzie's preference in this respect could also mitigate potential risks with appropriately-designed connections to Yashili Drive ultimately being unavailable to HVL due to land ownership or other issues.

Default activity status for sensitive activities in the proposed buffer

66 Summarising the discussion that follows, it is unclear from Mr Tollemache's evidence or associated s32AA evaluation whether the discretionary activity default rule he has proposed for future sensitive

[19] At para 59

activities *within* the HVL industrial buffer has informed his conclusion that the proposed buffer rules are the most appropriate to implement Policy 4.7.11. As I discuss here and in the section of my evidence that follows, I consider that non-complying activity status is more appropriate for implementing a directive policy seeking the avoidance of the reverse sensitivity effects such activities could entail.

67 Mr Tollemache's s32AA evaluation of the proposed buffer rules concludes that they will "avoid reverse sensitivity effects on the Pokeno Gateway Business Park". [20]

68 This conclusion is relevant to the implementation of Policy 4.7.11(b), which, as notified reads (my ***emphasis***):

> ***4.7.11 Policy – Reverse sensitivity***
>
> *(a) Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and*
>
> *(b)* ***Avoid potential reverse sensitivity effects of locating new dwellings in the vicinity of an*** *intensive farming, extraction industry or* ***industrial activity****.*

69 Mr Tollemache's evaluation in this respect appears to be primarily related to the permitted land use rule and restricted discretionary rule for subdivision he has proposed to manage sensitive uses *outside* the proposed HVL buffer. On my reading of his assessment, Mr Tollemache has not directly addressed the use of a discretionary activity status for sensitive activities that contravene those rules as being the most

[20] At section 3.1.1. Page 19

appropriate to implement Policy 4.7.11(b) - neither in isolation nor in conjunction with other relevant direction in the PWDP.

70 In my understanding of established legal principles and associated planning practice, a policy as directive as Policy 4.7.11(b) should be applied greater weight than provisions using less directive language. Furthermore, where a policy adopts a direction to 'avoid' a particular action or outcome, the expectation is that such actions or outcomes should not be allowed.[21]

71 On that understanding, my view is that a non-complying activity status would be more appropriate to implement the 'avoid' outcome anticipated by the Policy as notified.

72 I am aware that HVL and other submitters have sought for the 'avoid' direction of Policy 4.7.11(b) to be softened, and that the Panel will have received evidence on those submissions at Hearing 7. At the time of writing, no decision has been made by the Panel on the drafting of Policy 4.7.11(b), and I have focussed on the notified phrasing above rather than any alternatives sought by others.

73 Should the Panel ultimately decide that a less directive policy direction is appropriate, and/or that the notified 'avoid' direction should be qualified, then I consider the discretionary default status proposed by Mr Tollemache would likely be appropriate.

74 Irrespective of the ultimate drafting of Policy 4.7.11, I note Mr Styles' expectation that the proposed HVL rules will have the effect of precluding noise-sensitive activities within the HVL buffer and that the buffer distance he has proposed is the appropriate distance to adopt to manage interface issues and reverse sensitivity.[22]

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[21] See *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38 SC82/13

[22] At para 6.3

75 If the intent of the buffer is to preclude such sensitive activities, again, a non-complying activity status would be more appropriate for proposals that contravene the associated permitted activity rules in my view.

76 I discuss the HVL proposal's fit with the PWDP direction on reverse sensitivity further in the section that follows.

Overall assessment and s32AA implications

Scope of assessment

77 Consistent with my approach above, my overall assessment here is focussed on the matters relevant to the Yashili further submissions. It is not a full appraisal of the HVL proposal akin to Mr Tollemache's assessment, but is more targeted.

78 Given my focus being on the matters within the scope of the Yashili further submissions, I acknowledge that my evidence will be considerably narrower than the Panel's own District-wide s32AA evaluations for the rezoning topic.

79 Furthermore, I expect there is a reasonable likelihood that one or more of the relevant objectives and policies will be amended as a result of this or other hearings on the PWDP. In the absence of any indication from the Panel about such amendments at this stage, however, I consider it appropriate that my assessment addresses the provisions as notified.

80 I generally consider Mr Tollemache's s32AA assessment is commensurate with the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the HVL proposal.

81 Except where I have identified below, I consider Mr Tollemache has identified the relevant proposed objectives and policies that the HVL proposal should be assessed against.

82 I also agree with Mr Tollemache's general appraisal of the HVL proposal with the objectives and policies he has identified, again with a small number of exceptions outlined below. In particular, I share his view that the proposal could assist with the effective implementation of Council's aims for housing provision[23] and consolidated urban development in and around existing towns[24].

83 As I have discussed above and detail in turn below, however, I consider that alternatives to the HVL proposal would be more appropriate for achieving relevant direction in the PWDP for infrastructure and reverse sensitivity.

Implementing the Plan's direction on infrastructure

84 Of particular relevance here are Objectives 4.7.1, 6.4.1 and 6.5.1 and Policies 4.7.6, 4.7.8, 6.4.2, 6.5.2 and 6.5.4.

85 I provide a comparative assessment of the HVL proposal and the alternatives I have proposed against these provisions in **Table 1** below. For the reasons stated in in the 'summary evaluation' column of the table, I consider the alternatives identified to be more appropriate than the corresponding HVL approach.

[23] Per Objective 4.1.1

[24] Per Objective 4.1.2

TABLE 1: Options for implementing transport infrastructure direction.

Provision	HVL approach	Alternative	Summary evaluation
Objectives 4.7.1 & 6.4.1 and supporting policies – Integration of subdivision and infrastructure			
4.7.1 Objective – (a) Subdivision layout and design facilitates the land use outcomes sought for the residential, business, industrial, reserve and specific purpose zones	• Council-led funding and construction of network infrastructure upgrades necessary to accommodate HVL growth • HVL to pay development contribution at time of subdivision/development for relevant upgrades	• Permitted activity rule enabling households to be constructed at HVL where necessary upgrades are completed – each upgrade to be synched with the stage or number of households which result in the need for the upgrade	The alternative better ensures that development and subdivision is located in areas where network capacity has been planned and funded. It does not preclude HVL funding necessary upgrades ahead of Council-led upgrade programmes if desired, but does not require HVL to fund the upgrade either if already programmed by Council. By synching each upgrade to the associated scale of development at HVL that generates the need for the upgrade (by staging or household numbers), the alternative better promotes
4.7.6 Policy – (a) Ensure development and subdivision: (i)Is located in areas where infrastructural capacity has been planned and funded;			

Provision	HVL approach	Alternative	Summary evaluation
(ii) Is located in areas subject to an approved structure plan and provide sufficient infrastructure capacity to meet the demand identified in the structure plan; (iii) Achieves the lot yield anticipated in an approved structure plan; and (iv) Includes infrastructure provision for both the strategic infrastructure network and local infrastructure connections	• No staging limitations or methods to integrate scale of development with construction of necessary upgrades	• Restricted discretionary activity rule for household construction that precedes necessary upgrades • Requirement for adequate or alternative connection to Yashili Drive	efficient development and integration of infrastructure, consistent with the expectations of Policy 4.7.8. In contrast, the HVL proposal provides no certainty that necessary upgrades will precede HVL development that may have an adverse effect on the safe, efficient function of the network. Requiring a suitable intersection design and collector road corridor width for the HVL connection to Yashili drive will better ensure Policies 6.4.2 and 6.4.5 are implemented. The alternative proposed by Mr McKenzie – being greater concentration of HVL flows to Hitchen Road – would avoid any risks associated with land ownership issues or other factors limiting appropriate standard of design for the Yashili Road connection. It would have the
4.7.8 Policy – (a) Require any staging of subdivision to be undertaken in a manner that promotes efficient development and integration of			

Provision	HVL approach	Alternative	Summary evaluation
infrastructure and community facilities. **6.4.1 Objective –** (a) Infrastructure is provided for, and integrated with, subdivision, use and development. **6.4.2 Policy –** (a) Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided or its use intensified. **6.4.5 Policy –** (a) Ensure that roading infrastructure is developed so that: (i) The design, location, alignment and dimensions of new roads provide safe vehicle, pedestrian			added benefit of reducing the mixture of residential and heavy industrial traffic, a concern identified by Mr McKenzie.

Provision	HVL approach	Alternative	Summary evaluation
and cycling access and manoeuvring to every site; (ii) The roading pattern provides good connectivity to the site and integrates with adjacent land identified as future growth areas including public transport such as bus stops; (iii) There is adequate provision of on-site parking and manoeuvring for land use activities; and (iv) Contaminants generated are appropriately mitigated.			

Provision	HVL approach	Alternative	Summary evaluation
Objective 6.5.1 & supporting policies – Effects management & function			
6.5.1 Objective – (a) An integrated land transport network where: (i) All transport modes are accessible, safe and efficient; and (ii) Adverse effects from the construction, maintenance and operation of the transport network are managed.	• Indicative road locations on precinct maps, including at Yashili Drive • No detail of roading corridor, typology or intersection design	• Rule (or rules) requiring an appropriate road connection and intersection design to be implemented at Yashili Drive prior to any traffic from HVL directly accessing Yashili Drive • Permitted activity rule enabling households to be constructed at HVL where necessary	The proposed alternative will better ensure the safety and efficiency of the transport network is not inappropriately affected by development of the HVL land, compared to the HVL proposal. The proposed alternative is more express in its requirements for corridors, carriageways and intersections to be designed / constructed to the corresponding road function as specified in the road hierarchy and in accordance with relevant guidelines. The HVL proposal relies upon investment and decision-making processes to be led by Council, which may occur at a slower rate than the proposed HVL development – or may not occur at all. At the proposed HVL Yashili Drive access
6.5.2 Policy – (a) Promote the construction and operation of an efficient, effective, integrated, safe, resilient and sustainable land transport network through:			

Provision	HVL approach	Alternative	Summary evaluation
(i) Corridor, carriageway and intersection design which is appropriate to the road function as specified in the road hierarchy and in accordance with relevant guidelines; (ii) The appropriate design and location of sites accesses; (iii) Traffic signage, road marking, lighting, rest areas and parking as appropriate; (iv) Provision for pedestrians and cyclists that addresses accessibility, including off-road facilities and connections;		network upgrades are completed – each upgrade to be synched with the stage or number of households which result in the need for the upgrade	point, the HVL proposal also relies upon an uncertain future land acquisition process to provide a suitably-wide corridor and sufficient space for an appropriate intersection design to accommodate post-development flows.

Provision	HVL approach	Alternative	Summary evaluation
(v)Corridor and carriageway design which is sufficient to enable provision of public transport; (vi)Provision for other infrastructure, including where suitable low impact design stormwater facilities; (vii)Provision for stock underpasses where suitable access is not readily available; (viii)Discouraging the installation of new at grade road and pedestrian rail level crossings: A.Controlling the location of buildings and other visual obstructions within the			

Provision	HVL approach	Alternative	Summary evaluation
sightline areas of rail level crossings; and B.Railway crossing design in accordance with the requirements of the rail operator.			
6.5.4 Policy – (a)Ensure that the construction and operation of roads is consistent with their function in the road hierarchy			

Implementing the Plan's direction on reverse sensitivity

86 I have already addressed Policy 4.7.11 in the previous section of my evidence. Policy 4.4.2 is also relevant to the consideration of reverse sensitivity effects. As notified, it reads (my ***emphasis***):

> ***4.4.2 Policy – Noise***
>
> *(a) The **adverse effects of noise on residential amenity are minimised** by:*
>
> *(i) Ensuring that the maximum sound levels are compatible with the surrounding residential environment;*
>
> *(ii) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;*
>
> *(iii) **Maintaining appropriate setback distances between high noise environments and sensitive land uses**;*
>
> *(iv) **Managing the location of sensitive land uses, particularly in relation to lawfully-established high noise generating activities**; and*
>
> *(v) **Requiring acoustic insulation where sensitive activities are located within high noise environments.***

87 For the reasons I have expressed in my discussion of the HVL evidence above it is difficult to gauge the extent to which the HVL proposal is consistent with the above direction under Policy 4.4.2 or the related avoid direction under 4.7.11. Based on the current information available,

and for the reasons I have expressed above, I consider the HVL proposal can only be said to be partially effective.

88 Mr Hegley[25] has recommended that a more generous buffer should be adopted than that proposed by HVL. His recommendation would align the HVL buffer with the OWDP, PWDP and consent conditions imposed on the current Yashili operation which enable noise to be generated within the Yashili site provided it does not exceed 40dB during night time hours when received by any site in the Residential Zone (or 50dB during daytime hours).

89 Mr Styles' recommended use of the noisier 45dB contour as the basis for establishing the HVL industrial buffer essentially allows sensitive activities and industrial facilities to be more closely co-located than the operative and proposed Plans and existing consents anticipate. Were the HVL development to be existing, and the Yashili facilities to be newly proposed, Yashili would either need to generate less noise than it currently is able to (to comply), or obtain a resource consent to enjoy the operational limits it currently does.

90 Based on my understanding of Mr Styles and Mr Hegley's evidence, the intensity of noise received by new receivers will clearly be lessened with greater separation from the existing noise generators. By extension, I understand there to be a corresponding reduction in likelihood for reverse sensitivity to arise under Mr Hegley's preferred arrangement. In this way, there are clear benefits to the implementation of Policies 4.4.2 and 4.7.11 by adopting the more generous buffer proposed by Mr Hegley.

91 Overall, I consider Mr Hegley's recommended buffer distance is more appropriate, given:

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[25] At para 4.6-4.7

91.1 the 40dB benchmark set in the OWDP, PWDP and consent conditions as the preferred separation distance for industry and sensitive activities;

91.2 the ‘avoid’ direction for reverse sensitivity effects in Policy 4.7.11, and the associated weighting to be applied to such a directive policy;

91.3 the corresponding management direction in Policy 4.4.2, which emphasises achieving appropriate separation between existing lawfully-established high noise environments and newly established sensitive ones; and

91.4 the absence of noise screening, acoustic building insulation and ventilation requirements or other compensatory measures to address the noisier co-location proposed by HVL.

92 Should the Panel ultimately find that the rezoning of the HVL site is necessary to implement the PWDP objectives as a whole, and/or higher order direction from the RPS and NPS-UD, I recommend a greater level of acoustic mitigation be applied than proposed by HVL to ensure the PWDP direction discussed above is also effectively implemented – either through the more generous setback proposed by Mr Hegley or via other appropriate mitigation measures that enable the ongoing efficient operation and sustainable development of the Yashili facility and wider Industrial Zone at Pokeno.

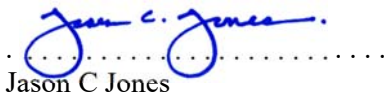
Conclusion

93 For the reasons set out above, I consider additional clarification should be provided by HVL’s air quality, noise and planning advisors as to the basis for assumptions they have adopted to inform their view on the appropriateness of HVL’s proposed amendments to the PWDP.

94 I also recommend that amendments be adopted the HVL proposal to ensure reverse sensitivity effects are avoided, other adverse effects are

appropriately avoided, remedied or mitigated and the efficient integration of land use and infrastructure is achieved.

Date: 10 March 2021



Jason C Jones

APPENDIX A

Relevant project experience

Relevant project experience –

- **Draft proposed Nelson Unitary Plan –** author of draft noise, air quality, infrastructure and energy and temporary event chapters (2017-present);
- **Draft proposed Wellington District Plan –** author of draft chapters for Mixed Use and General Industrial Zones, including measures to manage noise and reverse sensitivity effects (2020-present);
- **Proposed rural residential subdivisions in Cromwell –** independent Commissioner appointment to determine limited notified subdivision proposals involving noise and reverse sensitivity effects (2020-present);
- **Proposed amendments to National Environmental Standards for Air Quality 2020 –** author of draft s32 Report on proposed amendments to national standards for air quality (2020);
- **Nelson Tasman Future Development Strategy –** co-author of Future Development Strategy for the Nelson-Tasman Regions prepared under the National Policy Statement for Urban Development Capacity, including measures to integrate future urban growth with necessary infrastructure provision and upgrades (2018-2019);
- **Christchurch Replacement District Plan –** expert witness for submitters seeking appropriate provisions to be applied to greenfield residential growth areas, including integration of necessary upgrades to network infrastructure with development staging (2014-2015);
- **Plan changes 44, 64, and 83 to the Wellington District Plan** – reporting officer for various plan changes relating to the operation and remediation of Kiwi Point Quarry in Wellington, including buffer areas and management of noise and other nuisance effects (2008-2019);
- **Plan change 7 to the Selwyn District Plan –** expert witness for two submitters seeking appropriate provisions to be applied to greenfield residential growth areas, including integration of necessary upgrades to network infrastructure with development staging appropriate, and buffers from the Lincoln oxidation ponds and the urban-rural boundary at Lincoln and Rolleston (2010-2011);
- **Plan changes 11 & 12 to the Waimakariri District Plan –** prepared two private plan changes to rezone rural land at Kaiapoi for residential use, including measures to avoid or mitigate noise effects, and reverse sensitivity effects on Christchurch International Airport and the Kaiapoi Wastewater Treatment Plant and to achieve integration of necessary upgrades to network infrastructure with development staging (2009-2011);
- **Plan change 30 to the Christchurch City Plan –** expert planning witness for private plan change proponent seeking the rezoning of rural land at Marshlands for residential, commercial and community activities, including recommended provisions for the integration of necessary upgrades to network infrastructure with development staging, and buffers/setbacks between new suburban activities and the adjoining rural area (2009-2011).