

**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

**EVIDENCE OF ADRIAN DAVID HYNDS ON BEHALF OF HYNDS PIPE SYSTEMS
LIMITED AND THE HYNDS FOUNDATION IN OPPOSITION TO REZONING
REQUESTS**

CORPORATE

17 March 2021

 **Simpson Grierson**
Barristers & Solicitors

W S Loutit / S J Mitchell
Telephone: +64-9-358 2222
Facsimile: +64-9-307 0331
Email: sarah.mitchell@simpsongrierson.com
Private Bag 92518
Auckland

1. INTRODUCTION

- 1.1 My name is Adrian David Hynds.
- 1.2 I have been a director of Hynds Pipe Systems Limited for twenty-nine years.
- 1.3 I am also the managing director for Hynds Holdings Ltd, which includes our charitable trust organisation, Hynds Foundation. I have been the managing director of Hynds Holdings for five years.
- 1.4 For the past five years, I have also sponsored the construction programme for Hynds' new precast concrete factory located on land owned by Stuart Property off 9 McDonald Road, Pokeno. Stuart Property is a business unit of Hynds Holdings Ltd.
- 1.5 I am authorised by Hynds Pipe Systems and the Hynds Foundation to give this statement of evidence on their behalf.

2. SCOPE OF EVIDENCE

- 2.1 I have been asked to provide evidence on behalf of the Hynds Pipe Systems Limited and the Hynds Foundation in relation to their submissions/further submissions on the Proposed Waikato District Plan (**Proposed Plan**). Hynds Pipe Systems Limited and the Hynds Foundation are referred to collectively as **Hynds** in this evidence unless the distinction is made between the two organisations.
- 2.2 The focus of this evidence is on the submissions lodged by other parties, in particular Havelock Village Limited (**HVL**) and Steven and Teresa Hopkins (**Hopkins**), seeking that land in proximity to Hynds' site be rezoned from Rural (as per the notified Proposed Plan) to the Residential or Village Zone.
- 2.3 My evidence will cover the following matters:
- (a) Overview of Hynds' operations;
 - (b) Hynds' reverse sensitivity concerns;

- (c) Comments on evidence filed by HVL and the Hopkins; and
- (d) Conclusions

3. HYNDS' OPERATIONS AND PLANS FOR ITS SITES

- 3.1** The evidence I prepared in support of Hynds' rezoning proposal provided a detailed explanation of Hynds' operations. I rely on that explanation and do not repeat it here. As I have previously explained, the purpose of Hynds' involvement in the hearings on the Proposed Plan has been to ensure that the Proposed Plan provides adequate protection for Hynds' existing and future activities so that it can continue to operate and adapt or grow its operations if necessary. This includes protection from encroachment by sensitive activities establishing in proximity.

Background

- 3.2** As I explained in the evidence that I gave at Hearing 7, Stuart Property purchased the Hynds Factory Site in 2004, participated in the Plan Change 24 process and then undertook design and consenting processes to provide for the Hynds Factory, within a wider heavy industrial zone (Industrial 2 as it was then described) in the southern area of the enlarged Pokeno village.
- 3.3** The Industrial 2 zone was protected from incompatible land uses establishing nearby, with future residential housing to be positioned well to the north of the heavy industrial area. The current Pokeno Structure Plan was designed (with the agreement of the Council and participating landowners) to have all new sensitive uses (i.e. residential developments) located away from the industrial zone. The plan for the development of Pokeno was that new residential development was to be positioned the furthest away from the Industrial 2 zone (where Hynds then built its plant). The Light Industrial zone was positioned adjacent to the Industrial 2 zone (across McDonald Road) while Business Zoning was to the north. The majority of new residential land was positioned further north of the Light Industrial zone and Pokeno town centre. The Industrial 2 zone was also to be positioned in proximity to the North Island Main Trunk Rail Corridor, State Highway 1 motorway and on/off ramps, and in a bowl beneath quarry land that was zoned for Aggregate Extraction and Processing (**AEP**). As is explained in the evidence of Mr Chhima and Ms Nairn for Hynds, the Operative

Plan has restrictions on the ability to build housing within 500m of the AEP zone. A resource consent or Hynds' prior approval is required. The Industrial 2 zone is at the lowest position across the whole Pokeno township, meaning it is tucked away and able to be self-contained and as far as possible not disturb its neighbourhood.

- 3.4** When developing the structure plan for Pokeno we worked with Fletcher, the owner of the AEP zoned land to the west of the Hynds Factory Site. Fletcher and ourselves placed suitable covenants on each other's land to ensure that neither party objected to what we both planned to develop as heavy industrial businesses. At Hynds we felt that the combination of the Industrial 2 zone, the future quarry and the separation from residential activity meant that the Hynds operation would not affect others and, in turn, others would not affect us.
- 3.5** As part of our involvement in the structure plan and Plan Change 24 process, we had always understood that Iwi and WDC's position was that development of the surrounding hills that form the back drop to Pokeno should not be permitted and that this would be ensured by the various planning documents. Our understanding was that restrictions had been put in place preventing the hills behind us from being developed, so that we could rely on them to provide a buffer protection against sensitive development forever – that is what we thought since it was placed in the Structure Plan. Hynds then commenced to build our new North Island industrial base, an 80+ year industrial hub development on the land.
- 3.6** Hynds has made a significant investment in Pokeno by establishing our principal concrete precast and pipe making facility here. We were the first business to establish on the Heavy Industrial zoned land.

Hynds' development plans for its McDonald Road site

- 3.7** Hynds have firm plans to continue to develop all of our remaining industrial zoned land off McDonald Road to not only expand our existing concrete products business, but also to introduce new industrial businesses to Pokeno. These new business manufacture/assemble, store and sell a range of products to suit New Zealand's urban and rural sectors. The existing land holding at 9 McDonald Road was initially designed to contain our concrete pipe making business in a central position, with room to expand and bring other (non-concrete) business

activity around it. Since the original 2012 design many changes in market demands have changed the type of pipeline and infrastructure products needed to build New Zealand's infrastructure projects.

- 3.8** For example, for Watercare's Central Interceptor tunnel project Hynds makes products weighing 12.5 tonnes each, which were originally planned to be purchased by the contractor from overseas – but now are 'Pokeno/NZ made' instead. This change has meant the concrete manufacturing halls were changed and required more space to make and store delicate and bulky products. This change in demand has consumed a further 4.54 hectares of land for the Hynds concrete products business, over and above land considered with the original 2012 design (see Figures 1 and 2 below).

Figure 1. 2012 Land Use Consent – original planned development for concrete products facility

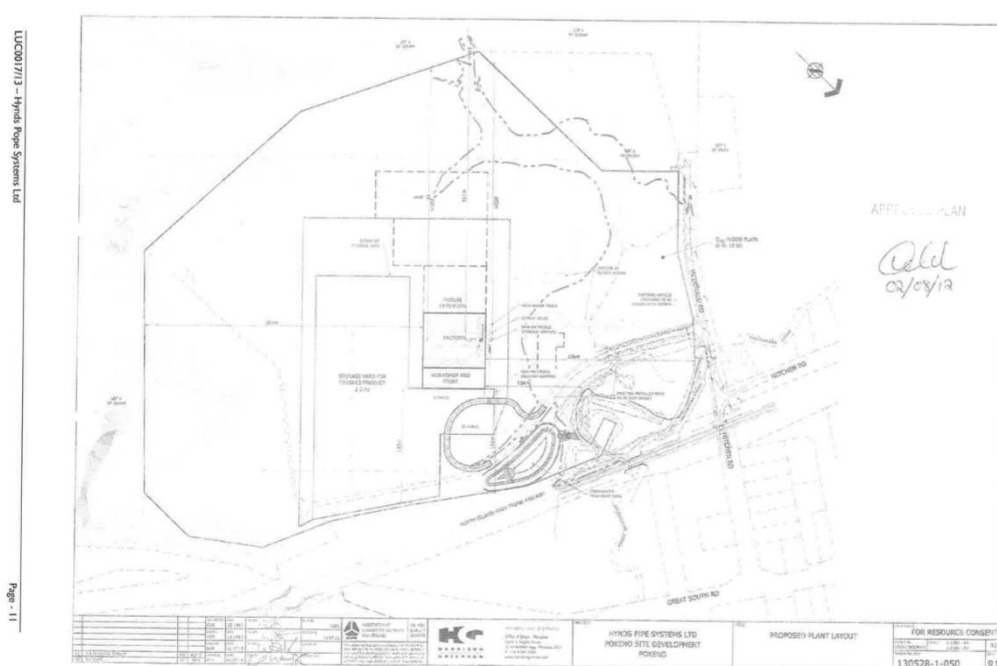
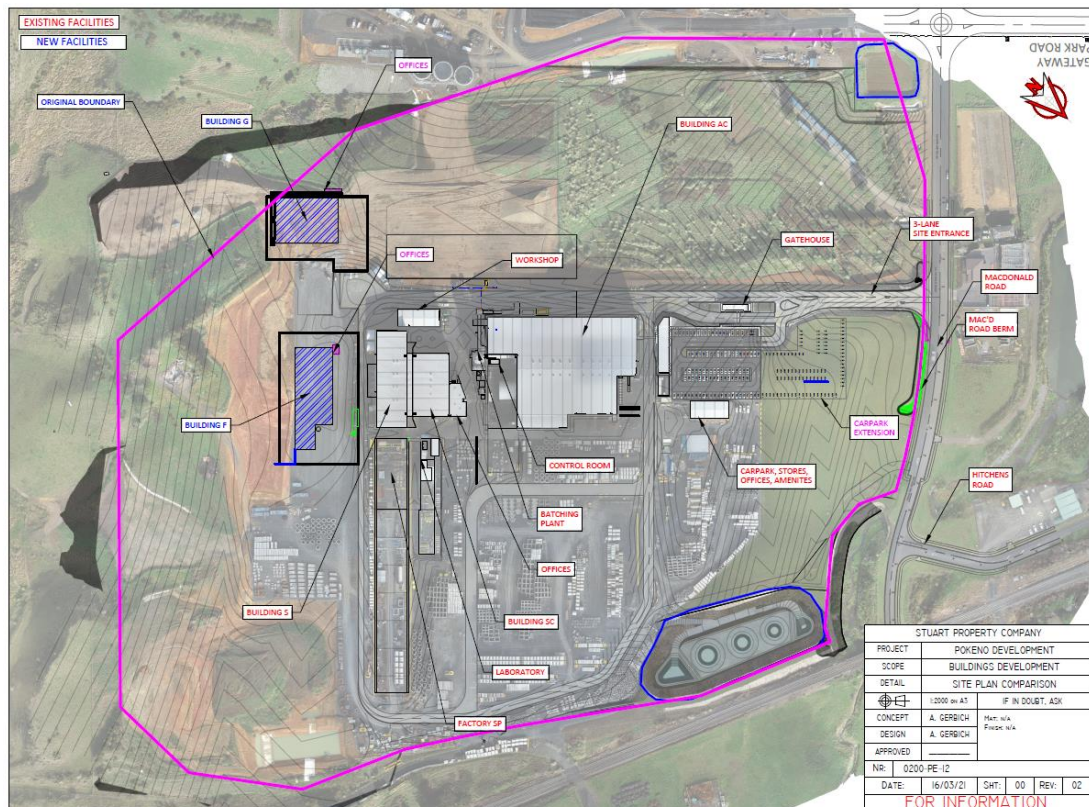


Figure 2. 2021 Land Use Consent – current development



3.9 Note: Figure 2 above shows that the current construction is considerably different to what was originally considered in Figure 1. This was due to the change in market demands and machinery technology, to then respond to infrastructure project needs.

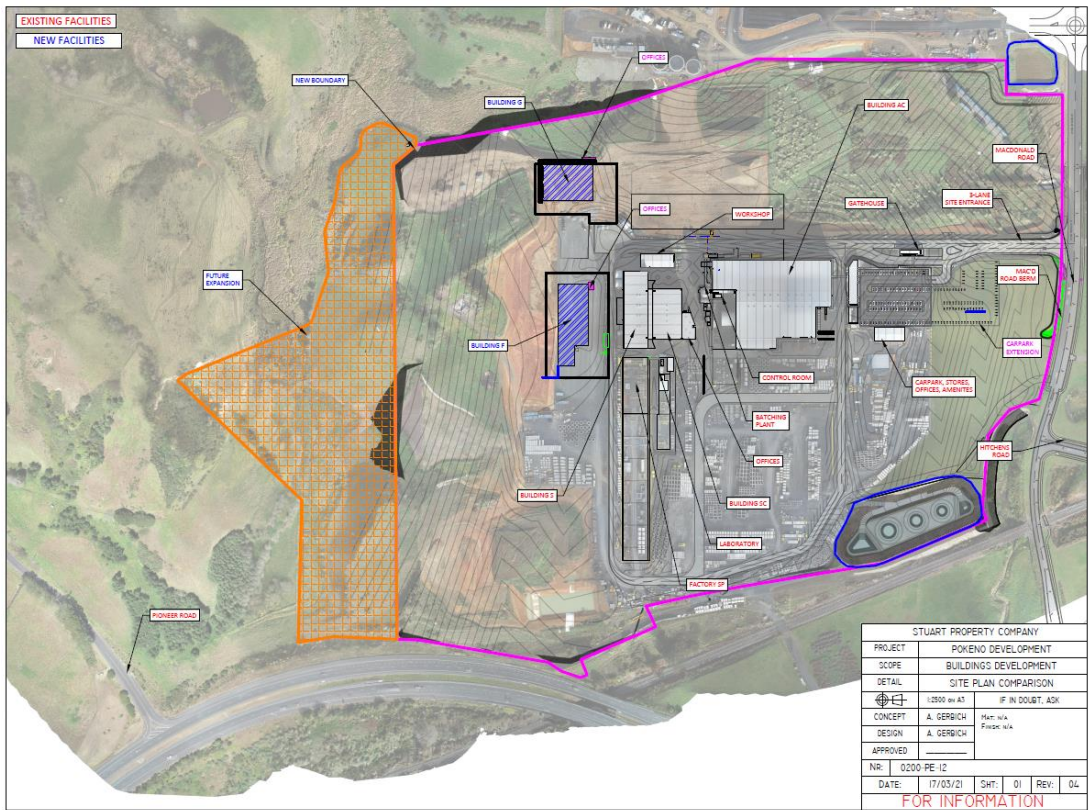
3.10 The new business activities planned for our McDonald Road site seek to optimise synergies of operating a single site with shared infrastructure (roads, power, gas, workforce specialisation). We are planning to introduce several additional factory halls, an inland container devanning and loading facility, logistics/warehousing, and extended outside yard storage, all on the McDonald Road site. It will be akin to an inland port facility mixed with onsite manufacturing. With this investment we would add new machinery, mobile plant, manufacturing and supply chain processes, and increased yard movements and storage. This would bring new and additional employment across a range of skills (software control, maintenance, supervision, administration, electricians, boiler makers, truck drivers, warehouse and dispatch, labouring personnel, management, and quality and health/safety skills), all needed to operate an extension to our current business activities on site. More working people at our

industrial site will grow demand for Pokeno-supplied food, catering, and temporary accommodation.

Hynds’ development plans for 62 Bluff Road

3.11 The remaining land area on the 9 McDonald Road site is now insufficient to bring the remaining other Hynds businesses to the industrial hub unless we can expand the common operation space, and this requires the proposed 4.27 hectare extension of the adjacent property at 62 Bluff Road (owned by the Hynds Foundation) (as illustrated in Figure 3 below).

Figure 3. Future development area



3.12 I have addressed Hynds’ rezoning proposal in my previous evidence for Hearing 25. However, there are some matters that I wish to highlight as they are directly relevant to the rezoning requests that are the focus of this evidence.

3.13 62 Bluff Road connects directly with the Hynds Factory Site off McDonald Road. It is currently zoned AEP, with a thin strip of Industrial 2 land along the full length of the northern boundary of the site adjoining Hynds’ factory and Synlait. When the land was purchased Hynds inherited the prior owners’ submission seeking

to have the whole site rezoned as Heavy Industrial and their resource consent application (still unresolved) to fill all of the gullies with cleanfill. Hynds' intention from the time of its purchase was to develop and plant the higher parts of the land as a Ecological Nature and Arts/Sculpture park (**Proposed Park**) and to control this southern neighbour to prevent any possibility of future housing being built on the site.

- 3.14** When it became clear that Hynds did not have sufficient industrial land for its future needs, Hynds sought to extend the existing earthworks consent passing already over part of 62 Bluff Road, through the normal design and consenting procedure. Hynds engaged experts to assist with the Proposed Park project to incorporate an area of industrial zoned land along the adjoining length of the common boundary with McDonald Road at the lowest point (**Industrial Expansion Land**). The final amount of land now requested as heavy industrial zoning is only 15.5% of that originally sought in the previous owner's submission with the balance to be zoned rural.
- 3.15** The proposed Industrial Expansion Land is immediately connected to McDonald Road, with adjoining rural land before meeting Pioneer Road or Bluff Road.
- 3.16** Hynds is advancing the development of the Proposed Park with investment already made on planting (47,000 native plants already planted) and improvement of the access and service roads to allow all weather access (most of the access roads are too steep for winter). Hynds has commissioned landscape and ecological consultants to assist us with design of the Proposed Park.

4. HYNDS' OPPOSITION TO RESIDENTIAL REZONING PROPOSALS

- 4.1** As I have discussed above, the Hynds Factory Site at McDonald Road is presently protected by the surrounding AEP zone. This zone restricts the development of housing on our doorstep. Hynds' ongoing investment programme at Pokeno will be jeopardised if the Proposed Plan does not provide adequate protection for activities in the Heavy Industrial Zone so that Hynds and our associated Hynds Group businesses can continue to operate and adapt or grow our operations as necessary.

- 4.2** Figure 4 below shows the Hynds Factory Site in the foreground, with the hills that HVL is proposing to rezone to residential in the background behind.

Figure 4. 2020 Image of concrete manufacturing site (east end of McDonald Road site)



Relevant submissions

- 4.3** Hynds lodged further submissions against the rezoning proposals that have been put forward by the following submitters:

- (a) Submission 89 - CSL Trust & Top End Properties Limited;
- (b) Submission 97 - Annie Chen Shiu (now Pokeno West);
- (c) Submission 205: Rainbow Water Limited (now HVL);
- (d) Submission 451 – Steven and Teresa Hopkins;
- (e) Submission 524 - Anna Noakes;
- (f) Submission 574 – TaTa Valley Limited;
- (g) Submission 598 - Withers Family Trust;
- (h) Submission 668 - Clem and Alison Reeve; and
- (i) Submission 862 – HVL.

- 4.4** The focus of this evidence is on HVL and the Hopkins' rezoning proposals, as those are the proposals that will have the most significant effects on Hynds' existing and future operations. I explain the reasons for this opposition in my evidence below.

Reverse sensitivity

- 4.5** I have reviewed the rezoning proposals by HVL and the Hopkins and I am very concerned about reverse sensitivity effects on Hynds' current and future operations. Hynds wants to ensure that land with Heavy Industrial zoning (like the Hynds Factory Site) is protected from encroachment by sensitive activities and proposals for rural and residential re-zoning in proximity. Hynds' operations, like many in the Heavy Industrial Zone, are noisy, visually intrusive and generate dust, odour, and heavy vehicle movements. The site yard and buildings are highly lit when dark to allow safe and reliable access for forkhoists, cranes, and heavy truck and trailer units. It is a heavy industrial operation that operates 24/7 and is not compatible with residential uses.
- 4.6** When Hynds designed the plant layout we deliberately located the noisier, dustier and more visually intrusive activities in the southern part of the Hynds Factory Site, adjoining the AEP zone and Synlait, to minimise effects on Pokeno village.
- 4.7** I am concerned that residential development on the hills above the Hynds Factory Site, as HVL has proposed in its submission and in its evidence, and further on Pioneer Road, as proposed by the Hopkins, would have a significant effect on Hynds' day-to-day business activities. The topography will create a natural amphitheater, with the residents (many of whom may not be familiar with Hynds' operations) looking down (and experiencing the effects) from our day to day activities. For example, if half of the dwellings that would be enabled by HVL's proposed rezoning overlook the Hynds Factory Site, that would be approximately 300 homes (or 780 people, if we assume 2.6 people per house) looking down on us.
- 4.8** Hynds has already experienced the issues that can arise from residents living in proximity to our operations. The Hynds Factory Site is only partly developed, complies with the requirements of its resource consents, and already we have received verbal complaints from the residents of the small number of houses nearby. In particular, we have received complaints from three property owners already living along Bluff Road, about lights waking them in their bedroom, another about unpleasant sounding factory noises disturbing the peaceful night, and another about more generally not wanting Hynds here. Hynds works hard to ensure that its effects are internalised, but the reality is that this is not always

possible for a heavy industrial operation like ours. We eventually purchased 10 Bluff Road to permanently address the complaints about lighting that had been made by the residents of that property.

- 4.9** This problem will be made much worse if the residential zoning is approved. In my opinion the new residents are very likely to complain about Hynds' operations (both existing and if expanded in the future). As well as complaining about the activities that take place on our site, I think it is very likely that if Hynds needs to make any changes to its operations that require resource consent in the future, these residents will object to any future consent applications and make it very difficult for us to adapt and pivot our business if required.
- 4.10** This will have significant implications for the operation of the Hynds Factory and puts at risk the substantial investment Hynds has made in Pokeno, both in its site and the wider community.
- 4.11** I understand that HVL has proposed an "Industrial Buffer" but that only comes part way up the hill, which in my opinion defeats the purpose. The buffer needs to prevent dwellings from being constructed anywhere on that hill – a restriction that only goes half way up will not protect residents from the lawfully generated effects of the industrial operations, and it will not protect the industrial operations from complaints.
- 4.12** Hynds understands that growth needs to be provided for in Pokeno. However, this needs to occur in a managed and well thought out way that works for existing activities as well as the new activities that are proposed. It does not make any sense to have Heavy Industrial placed underneath two sides of a "grandstand" of houses looking right down on top of us, especially when there is plenty of developable land on the outskirts of Pokeno and over on the eastern side of State Highways 1 and 2. This land is located away from the Heavy Industrial zone and does not have the same outlook towards the Hynds Factory site.

Traffic

- 4.13** Hynds is also concerned about the use of the road network around the Hynds Site, including McDonald Road, the rural Bluff Road, and the rural Cole Road, to service any new residential development. Mr Langwell has prepared traffic evidence on behalf Hynds for this hearing. However, I also have some

comments to make, in the context of my participation in the structure planning process and experience with Hynds' sites and existing operations:

- (a) My understanding is that McDonald Road was not designed as a wide multi-use road that would be suitable for both heavy trucks and trailers in combination with higher loading of private cars, bicycles, and pedestrians. The road was designed for the heavy industrial users firstly, with it also being an alternative access from the south into the existing Pokeno village. The road width is less than the internal entry road for the Hynds Factory Site and as far as I am aware it was never considered that the McDonald Road width might obstruct heavy transport access because it was mainly servicing the industrial zone.
- (b) I am concerned that McDonald Road will become the main access road to service the proposed HVL residential developments and that public safety and suitable access for heavy industry has not been considered with the small existing road. This is discussed further in Mr Langwell's evidence.
- (c) A significant section of McDonald Road remains in private ownership (Stuart Property) and has not yet been transferred to public ownership. This relates to incomplete town infrastructure built by WDC to support the lower catchment of roads and stormwater. That issue needs to be resolved in advance of any rezoning.
- (d) Mr Langwell's evidence notes the unsuitability of McDonald Road to carry the expected level of traffic, and suggests that HVL should be giving greater consideration to access to Cole Road (noting that substantial upgrades would be required). HVL's masterplan shows a Cole Road access but HVL's traffic evidence says that it is not intended to provide this connection initially. I am concerned about the inconsistency in the information that is being provided and I have significant concerns about Cole Road being used to service HVL's development. Cole Road is constructed on top of an extremely steep bluff, with a near vertical cliff to the north and a steep and unstable slope to the south. Part of Cole Road passes completely across Hynds' land. Hynds has not given permission to access, or given away, its

land to allow Cole Road to be developed as an access road to HVL's proposed development.

Stormwater

- 4.14** In addition, the stormwater management for the industrial area of Pokeno village has already been designed and installed to manage the existing McDonald Road size and surrounding industrial land. I have concerns as to whether this infrastructure could cope with upstream development of the type proposed by HVL.
- 4.15** The stormwater development necessary for the current Pokeno Village (as identified in the Stormwater Management Plan (**SMP**) as part of the current structure plan) has still not been constructed and remains incomplete at the lowest point of the Tanitewhoira Stream catchment. Hynds has requested that WDC complete the public works to allow stormwater hook up and to prevent flooding of the now built roads and businesses that operate over the McDonald Road bridge. WDC have not been able to supply a date when the stormwater work identified in the SMP will be completed.
- 4.16** In the meantime, Hynds' land has been flooded twice due to heavy rainfalls falling on the land in its current state. I am very worried about what will happen with the addition of the significant and large residential development HVL is proposing.
- 4.17** I refer to the evidence of Campbell McGregor on behalf of Hynds in relation to this issue. I understand that his opinion is that comprehensive catchment-wide modelling needs to be undertaken in advance of any rezoning of this scale being approved, and that there are a number of gaps in the information that has been provided as to how HVL will address the stormwater effects of its rezoning proposal.

5. COMMENTS ON EVIDENCE FILED BY SUBMITTERS

HVL

- 5.1** I have reviewed the evidence prepared by Karl Ye on behalf of HVL. I have already discussed my concerns about the need to prevent housing on the side

of the ridge line of Transmission Hill that faces the industrial operators. I have also discussed my concern about the inadequacy of existing the McDonald Road roading and stormwater infrastructure for such a significant and large urban development as proposed by HVL. HVL's development will add loads that were never anticipated – infrastructure which remains incomplete and is compromised already.

- 5.2** Permission has not been given to HVL to gain access across and into Hynds land to enable their proposed development. HVL's masterplan shows a walking track connecting into Hynds' Proposed Park, which would be access into private land. HVL's masterplan shows construction of Cole Road connecting to the formed portion of road within the boundary of 62 Bluff Road. We have not given this permission and we do not know how this road could be a viable option without accessing and reshaping Hynds' land.

Hopkins

- 5.3** I have reviewed the evidence prepared by Sir William Birch on behalf of the Hopkins, both in support of the Hopkins' rezoning proposal and in opposition to Hynds' rezoning proposal for 62 Bluff Road. It is totally incorrect that Hynds does not intend to build the Proposed Park. It is also totally incorrect that Hynds has excess/enough land already for its business purposes. Hynds' concrete products businesses needs to expand further and Hynds' other business activities need more room. There is no additional supply or availability of heavy industrial zoned land anyway in Pokeno.
- 5.4** The Proposed Park will incorporate a new wetland pond area on rural zoned land on 10 Bluff Road, adjacent to Pioneer Road. This will also contain new and additional native planting between the proposed Industrial Expansion Land and Pioneer Road.
- 5.5** As I have noted above, 62 Bluff Road is currently zoned AEP (with a small strip of Industrial 2 zoning) and enjoys a 500m buffer from its boundary whereby residential development cannot occur currently without a resource consent or Hynds' prior approval. This existing restriction affects the Hopkins' property. Hynds' focus for these hearings is on ensuring that residential development is not enabled on the northern face of the Hopkins' site overlooking Hynds' operations.

6. CONCLUSION

- 6.1** If the original Structure Plan had of placed houses right above and circling the then proposed heavy industrial zone – no heavy industry would have established in this location. Hynds would not have selected Pokeno for its 80+ year business investment and future employment for up to 200 people. But it is too late now for second thoughts – we are here for 80+ years and we cannot move away.
- 6.2** The current structure plan and Operative Plan placed Industrial 2 Zone against a proposed quarry with a 500m buffer line from its boundary. Development was not to occur on Transmission Hill. Now adjoining property developers want to build hundreds of houses in the area that was to be a quarry and within the buffer area, on the hills looking down on the Heavy Industrial zone. For HVL, their proposal is similar in height to building a stretch of 40-storey high apartments (but up on the hillside) around an inland port and heavy works below with hundreds of residents looking into it.
- 6.3** Plans for our heavy industrial development have changed since we received our first industrial Land Use Consent in 2012. The Hynds Factory Site currently occupies more of the land holding than first planned, and we are underway with additional new factory halls now with our 2021 Land Use Consent. We have plans to bring more manufacturing and a full logistics and distribution transport hub to the site to supply the North Island and overseas export infrastructure projects. This future development will bring additional separate businesses and employment opportunities to Pokeno and the North Waikato region.
- 6.4** This investment would always be in response to market demands but it is also confidence-based since heavy industry is not liked by sensitive private home owners. Pokeno has a heavy industrial zone and it must be protected so that Hynds continues to invest. We cannot do this if sensitive housing developments occur immediately above and adjacent to our McDonald Road operating site.
- 6.5** Hynds is the only submitter to propose additional Heavy Industrial land in Pokeno within all of the submitters in this Hearing process. The other submitters want to provide for residential uses. Hynds wants to expand its business activity on industrial zoned land and this adds to the employment zone of Pokeno. A small low-level portion of the Hynds Foundation property (only 15.5% of the total,

which is currently AEP zone under the Operative Plan) immediately adjoining the Hynds Factory Site is required for our expansion.

- 6.6** The Hynds Foundation is committed to developing the balance of the Hynds Foundation land on 62 Bluff Road for its Proposed Park. It is not seeking to retain the AEP zoning for most of the land area but is requesting to return this to Rural zoning.
- 6.7** I am very concerned about the implications of HVL and the Hopkins' rezoning proposals on Hynds' existing and future operations. I ask that the Commissioners refuse the rezoning request, retain the notified rural zoning, and introduce the buffer line just beyond the ridgeline that Hynds has sought in the previous hearings.

Adrian David Hynds

17 March 2021