

**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

**SUPPLEMENTARY EVIDENCE OF SARAH NAIRN AND DHARMESH CHHIMA ON
BEHALF OF HYNDS PIPE SYSTEMS LIMITED AND THE HYNDS FOUNDATION**

PLANNING

11 June 2021

 **Simpson Grierson**
Barristers & Solicitors

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1. INTRODUCTION

- 1.1** Our names are Dharmesh Chhima and Sarah Nairn and we are Senior Planners at The Surveying Company (**TSC**) in Pukekohe.
- 1.2** We have outlined our qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in our evidence in chief.
- 1.3** We provided evidence on behalf of Hynds Pipe Systems Limited and the Hynds Foundation (together, **Hynds**) supporting the application of the Heavy Industry zone to the lower portion of the property at 62 Bluff Road, Pokeno. We also provided evidence on behalf of Hynds in opposition to the Havelock Village Limited (**HVL**) rezoning proposal and the Hopkins' rezoning proposal.
- 1.4** This supplementary evidence is filed in response to the supplementary evidence prepared by Mr Robert Pryor on behalf of HVL of 8 June 2021 and the rebuttal evidence of Mr Bryan King on behalf of HVL of 3 May 2021. As signaled in our evidence summary, we did not have time to fully assess and prepare a substantive response to Mr King's rebuttal evidence as part of that document and so we are providing these comments now. They are directly relevant to our response to Mr Pryor's supplementary evidence.

2. VIEWS AND LINES OF SIGHT FROM THE HVL LAND TO HYNDS' SITE

- 2.1** Mr Pryor's supplementary evidence includes a number of photographs that demonstrate the extent of views from HVL's site onto the heavy industrial land below, including Hynds' site. In our view, the photos that Mr Pryor has provided taken from Area 1 of Hynds' proposed buffer confirm that houses on this land will directly overlook the Hynds and Synlait operations.
- 2.2** Mr Pryor also provided some photos from Area 2. In our opinion, these photos do not provide a comprehensive or representative analysis of the views from Area 2 to the Heavy Industrial zoned land. For example, views 9, 10 and 11 actually face away from the Hynds and Synlait properties.
- 2.3** Mr King's rebuttal evidence included line-of-sight analysis from the HVL site. Mr King's analysis suggested that "there is unlikely to be a 'substantial number' of new dwellings proposed directly overlooking Hynd's (sic) operations because of

the location of the 45 dB noise contour line illustrated in the Havelock Precinct Plan”.¹

2.4 In our opinion, Mr King’s line-of-sight analysis is flawed because it:

- (a) does not provide any sections or views to Hynds;
- (b) only assesses views to a 10m high light source rather than taking account of the fact that buildings up to 35m may occur in the Heavy Industrial zone;
- (c) provides views from a “proposed ground line” but yet no consent has been obtained for those levels and nor are those levels included in the planning provisions. Therefore, there can be no certainty the levels included in the sections will occur in reality. Furthermore, even if the levels were put in place through consents obtained by HVL, there is no control on what ground levels individual landowners may establish as part of constructing a dwelling on the future lots;
- (d) does not take account of future development on either the Synlait or Hynds land; and
- (e) does not take account of the fact that views will be from one or two story buildings, rather than ground level.

2.5 To respond to Mr Pryor and Mr King’s evidence, we have prepared (with the assistance of our engineering colleagues at TSC) a line-of-sight analysis which is attached to this evidence as **Appendix 1**. This analysis shows that there will be clear lines-of-sight from one and two storey dwellings located on natural ground level within the additional buffer areas proposed in Ms Rachel de Lambert’s rebuttal evidence. The analysis also shows that there are lines-of-sight to the vast majority of the Heavy Industrial zoned land and the future development that will occur on it (not just to the one existing Synlait building as set out by Mr King). We verified the lines-of-sight from the additional buffer areas and the wider Heavy Industrial zoned land on a site visit to the HVL land on 9 June 2021.

2.6 We also note that the Area 1 photographs provided in Mr Pryor’s supplementary evidence suggest that the line-of-sight analysis we have provided is correct.

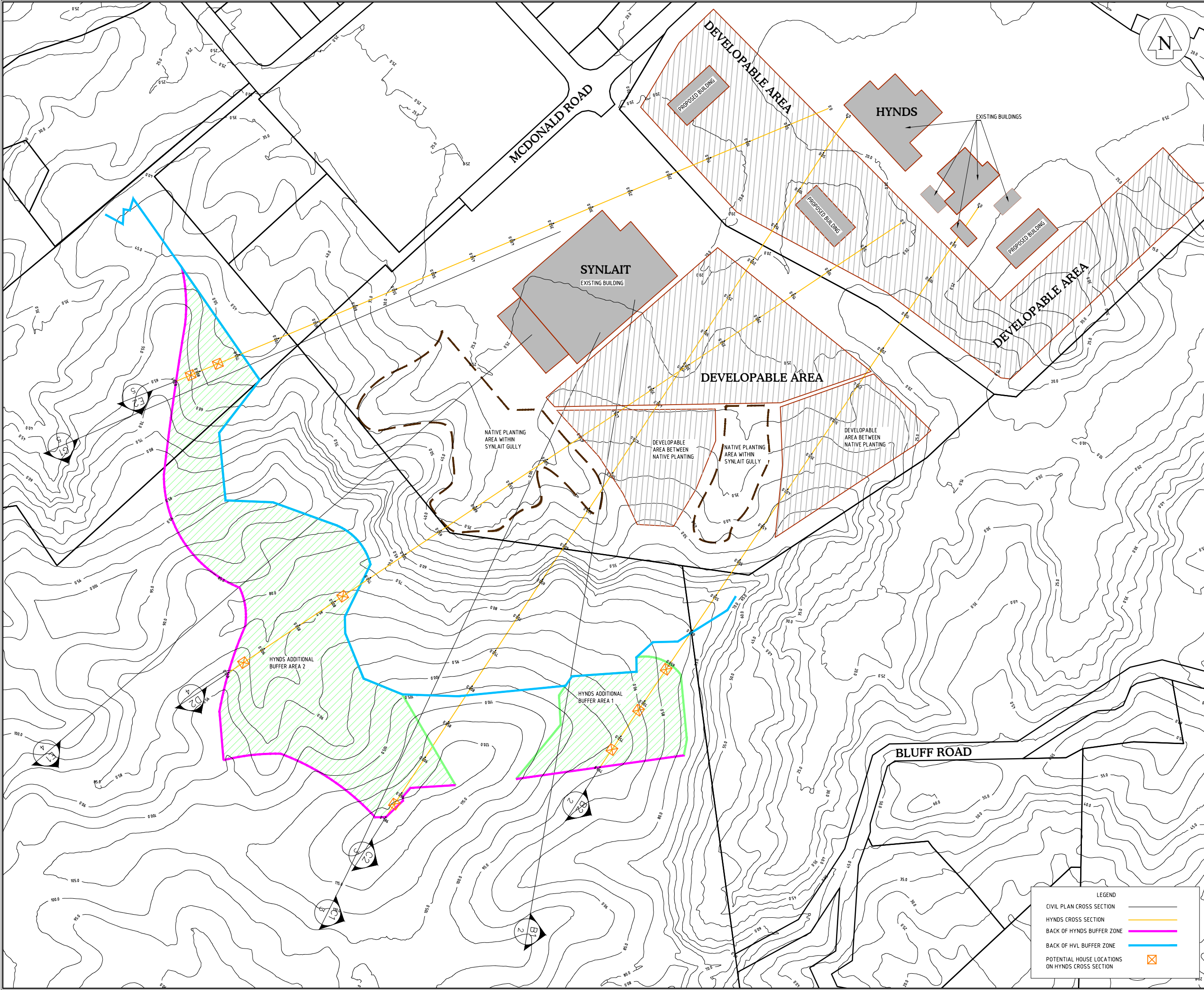
1 Rebuttal evidence of Brian King (3 May 2021) at paragraph 5.7.

2.7 This confirms the opinion that we expressed in our rebuttal evidence which is that if the Panel was minded to accept the HVL proposal we consider the buffer area proposed by HVL needs to be amended to include the additional buffer areas proposed in Ms de Lambert's rebuttal evidence.

Sarah Nairn and Dharmesh Chhima

11 June 2021

Appendix 1: Lines of sight from the HVL site



GENERAL NOTES
CONTOURS SOURCED FROM WAIKATO DISTRICT COUNCIL GIS

Amendments	Name	Date

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Contractor to:
Verify all dimensions on site before commencing any work.
Refer to all figured dimensions. Refer to discrepancies to TSC Ltd.

	Name	Date
Surveyed		
Designed		
Drawn	Sam Furniss	06/21
Checked	Warren Boag	06/21
Approved		



TSC
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Job Title
DEVELOPMENT AT McDONALD ROAD, POKENO

Client
HYNDS

Sheet Title
LAYOUT PLAN

Project	J549	Drawing	J549-1
Cad Ref. File	C-503-01	Council Ref.	S
Scale (A1 Original)	1:2000	Amendment	A

LEGEND

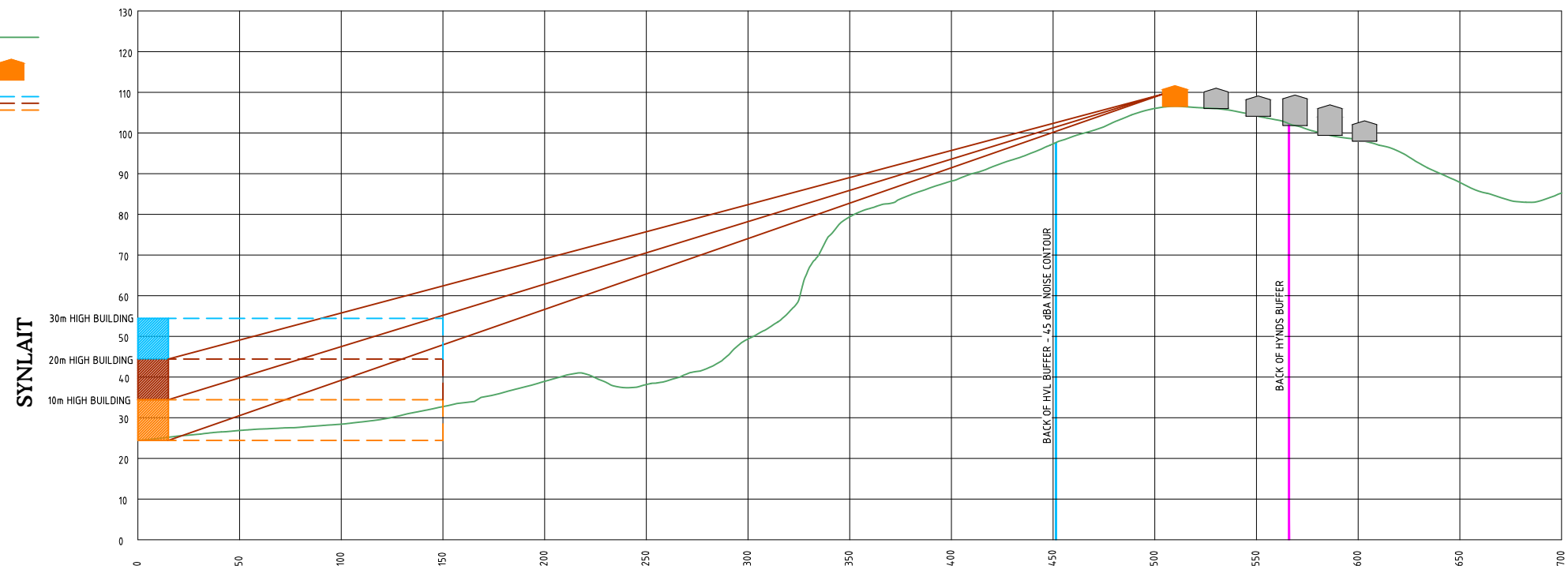
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HYNDS CROSS SECTION ———

BACK OF HYNDS BUFFER ZONE ———

BACK OF HVL BUFFER ZONE ———

POTENTIAL HOUSE LOCATIONS ON HYNDS CROSS SECTION ☒

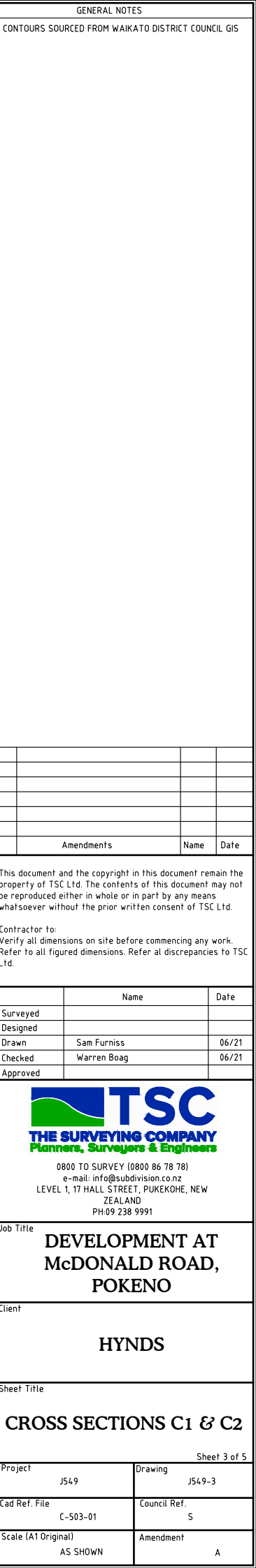
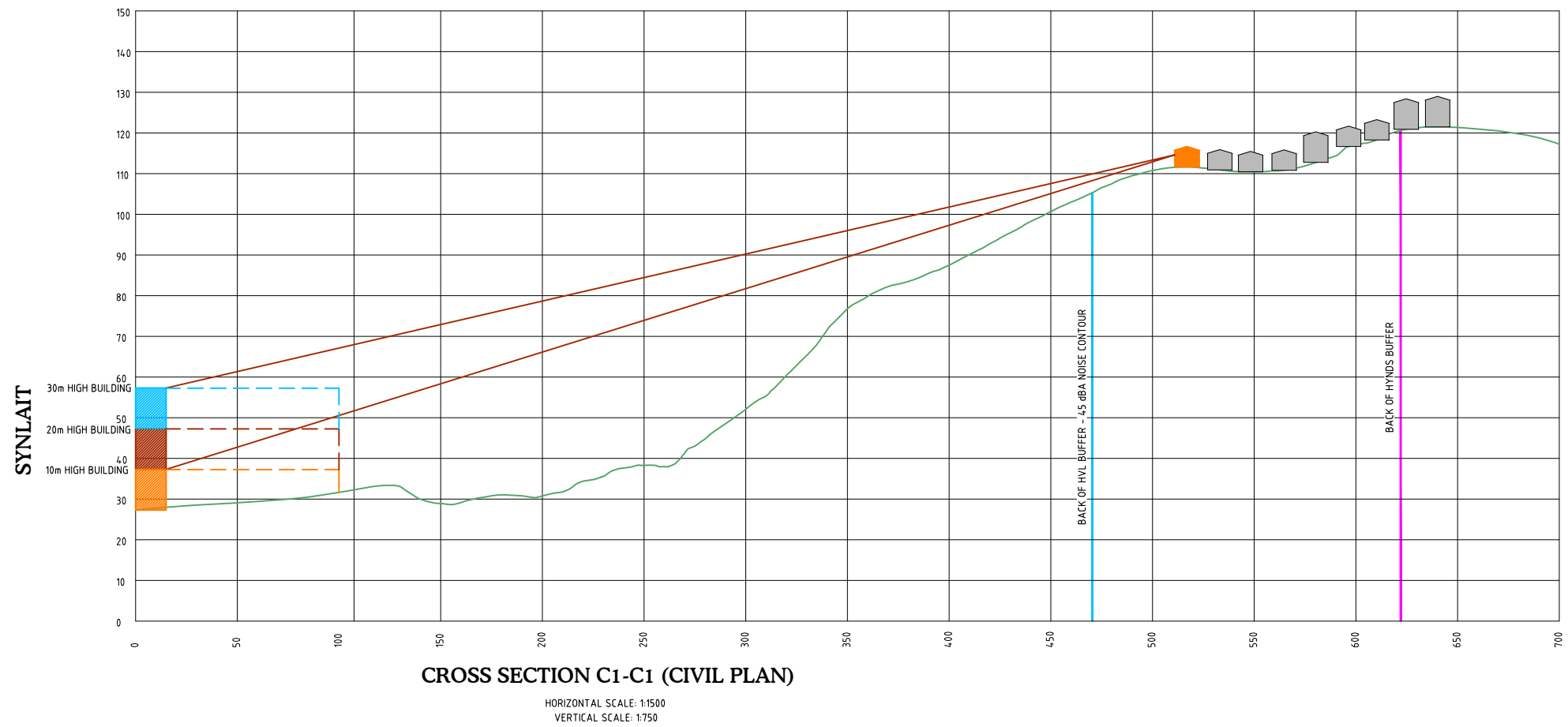


HORIZONTAL SCALE: 1:1500
VERTICAL SCALE: 1:750



HORIZONTAL SCALE: 1:1500
VERTICAL SCALE: 1:750

Scale (A1 Original)	Amendment
AS SHOWN	A

[illegible]

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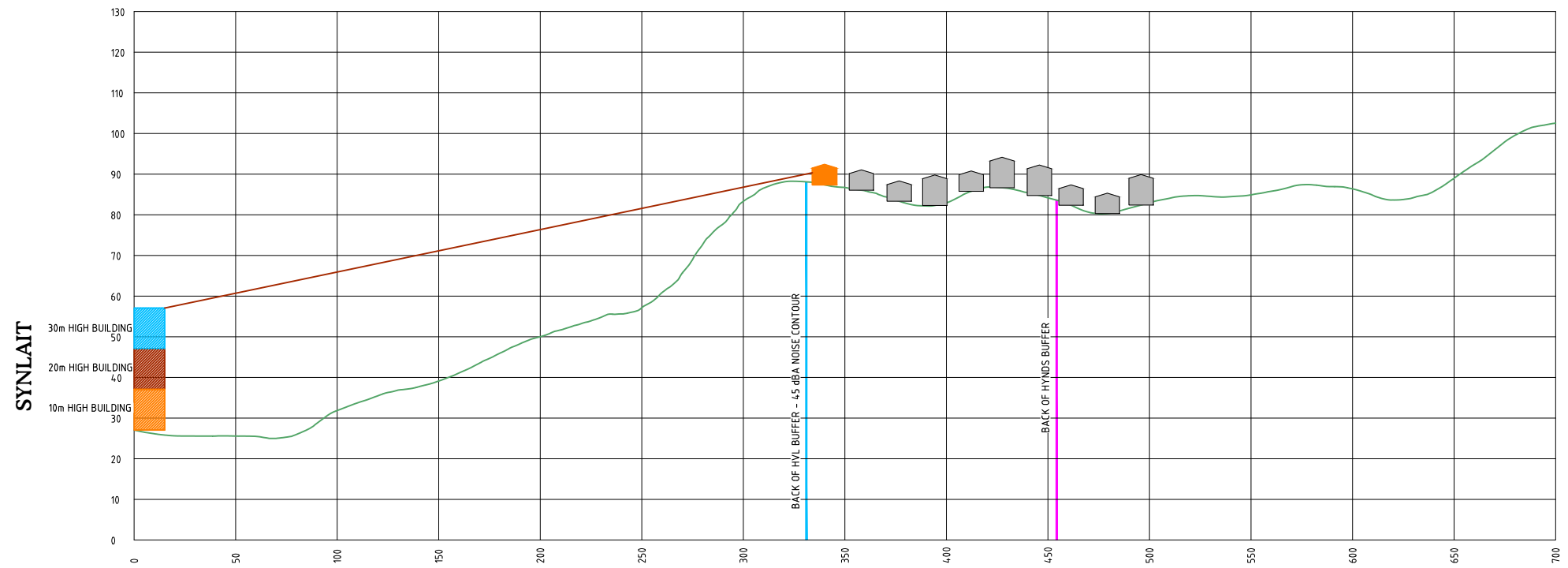
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McDONALD ROAD,
POKENO**

Client

HYNDS

Sheet Title

CROSS SECTIONS C1 & C2



HORIZONTAL SCALE: 1:1500
VERTICAL SCALE: 1:750



HORIZONTAL SCALE: 1:1500
VERTICAL SCALE: 1:750

[illegible]

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Approved		

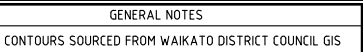
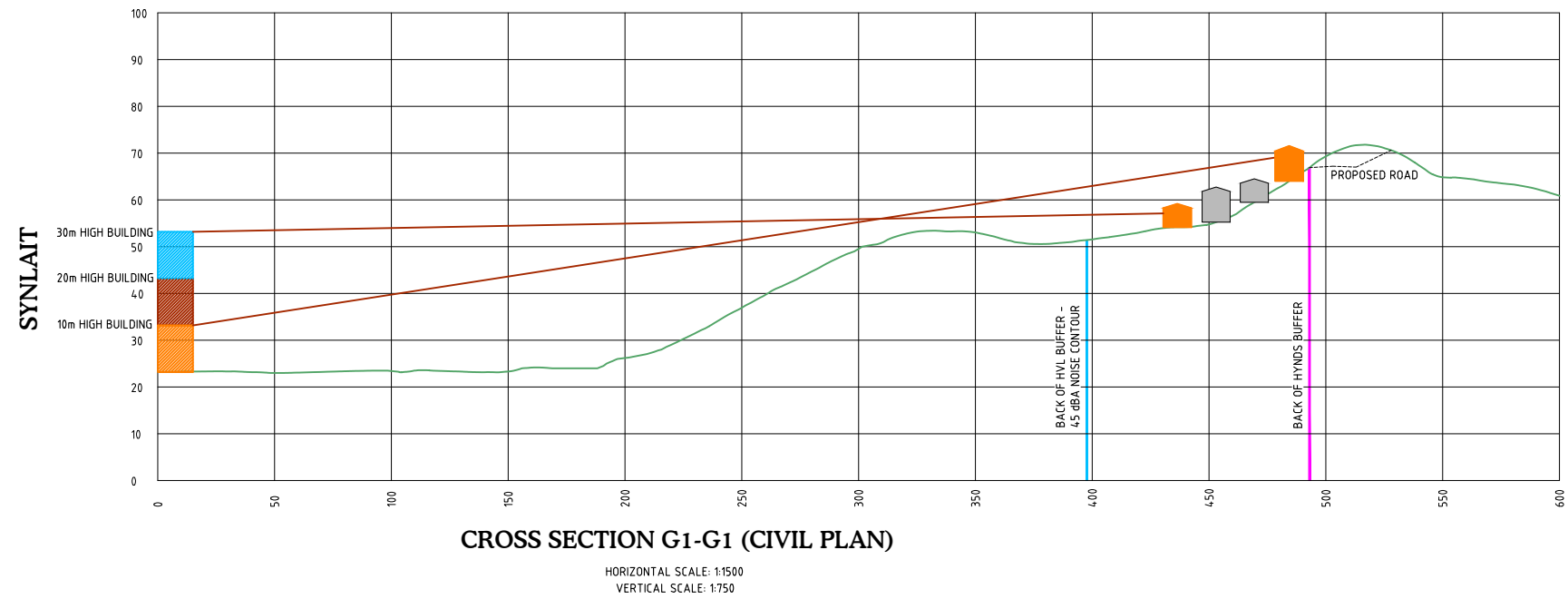


Client

HYNDS

Sheet 4 of 5

Project	J549	Drawing	J549-3
Cad Ref. File	C-503-01	Council Ref.	S
Scale (A1 Original)	AS SHOWN	Amendment	A



Sheet 5 of 5	
Project J549	Drawing J549-3
Cad Ref. File C-503-01	Council Ref. S
Scale (A1 Original) AS SHOWN	Amendment A