

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

**REBUTTAL EVIDENCE OF ANDREW CURTIS
ON BEHALF OF HAVELOCK VILLAGE LIMITED**

(Air Quality)

3 May 2021

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1. SUMMARY OF REBUTTAL EVIDENCE

- 1.1 I have reviewed evidence submitted on behalf of Hynds and do not consider from an air quality perspective that there is potential for visible dust or steam emissions to result in reverse sensitivity effects.
- 1.2 I am comfortable that the proposed HVL light industrial buffer adjacent to the Yashili site is appropriate for activities that are being undertaken within the existing Industrial zone.

2. INTRODUCTION

- 2.1 This rebuttal statement relates to evidence filed by:
- (a) Joint Statement of Evidence of Dharmesh Chhima and Sarah Nairn on behalf of Rebuttal Evidence of Hynds Pipe Systems Ltd and Hynds Foundation
 - (b) Jason Jones on behalf of Yashili New Zealand Dairy Co Ltd
- 2.2 I confirm that I have the qualifications and expertise previously set out in paragraphs 2.2 and 2.3 of my primary evidence.
- 2.3 I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and that my evidence has been prepared in accordance with that Code.

3. EVIDENCE OF DHARMESH CHHIMA AND SARAH NAIRN FOR HYNDS PIPE SYSTEMS LIMITED AND HYNDS FOUNDATION

- 3.1 In paragraph 5.9 Chhima and Nairn raise concerns about the potential for reverse sensitivity effects from dust, despite the fact that the Hynds operation “complies with the relevant resource consents and standards within the OWDP”.
- 3.2 They also indicate that Hynds cannot internalise all adverse effects within its site. I agree that it is not possible for Hynds to totally internalise all its effects and consequently it is appropriate for it be located in the Industrial Zone Heavy which allows for the lower level of amenity that might characterise this environment.
- 3.3 However as I discussed in paragraph 7.5 of my primary evidence, there is also a requirement for Hynds to also meet the requirements set out for permitted activities in section 6.1.8 of the Waikato Regional Plan.

3.4 In addition to the matters, I specifically discussed with in my primary evidence, there is clause d which states

The discharge shall not significantly impair visibility beyond the boundary of the subject property.

3.5 Specifically this allows for dust within sites, to the extent that it does not result in off-site effects. An example of what this is trying to prevent is an activity that generates a visible plume that results in reduced visibility for drivers on an adjacent road.

3.6 As far as I am aware there are no visible plumes generated by Hynds that might give rise to this type of effect, and consequently any visible plumes that Hynds may generate are meeting the permitted activity rule.

3.7 Therefore, while it is possible that residents of HVL, and other locations within Pokeno might see dust or steam within Hynds site and potential make complaints, these complaints do not of themselves constitute a reverse sensitivity effect, as they are not putting any form of constraint on Hynds' activity.

3.8 Even if for some reason, it was considered by the Waikato Regional Council (WRC) that Hynds was not meeting the permitted activity requirements and required Hynds to implement some form of mitigation this would not constitute reverse sensitivity as Hynds discharge would have been unlawful at that point in time.

3.9 However, given that WRC consider the FIDOL factors (WRP Section 6.4) when assessing compliance with the requirements of Rule 6.1.8, the fact that the site is located in a Industrial Zone Heavy, would be an important factor that would be taken into consideration by WRC.

3.10 Consequently I consider that it would be extremely unlikely that WRC would consider the visibility of dust or steam plumes to be anything other than part of normal operations and therefore compliant with the rules.

4. EVIDENCE OF JASON JONES FOR YASHILI

4.1 In paragraphs 28 to 37, Mr Jones discusses the buffer distances I set out in paragraphs 6.1 to 6.5 of my primary evidence, and indicates it is unclear (paragraph 33) whether I have factored in the proposed future activities of Yashili on land it owns to the west of its current plant when I considered my buffer distances.

- 4.2 For the benefit of the Panel I can confirm that I was aware of the potential for future activities to be undertaken on this piece of Industry zone land and was comfortable that the separation distances between it were commensurate with those the Council proposed between residential land and the Industry zone to north west adjacent to Yashili Drive and Flannery Road. It is also similar to that which will exist between Pokeno Nutritional Park Limited and residential properties.
- 4.3 In addition, HVL has proposed to include a small piece of Industrial land immediately adjacent to the Yashili land, which has been designed to act as physical buffer between the residential areas of HVL and the existing Industry zone.
- 4.4 In my opinion, given my understanding of the types of activities which might occur on the Yashili site, the proposed HVL industrial zone will be beneficial in further reducing the potential for any form of reverse sensitivity effects to occur on Yashili.

5. CONCLUSION

- 5.1 I have reviewed evidence submitted on behalf of Hynds and do not consider from an air quality perspective that there is potential for visible dust or steam emissions to result in reverse sensitivity effects.
- 5.2 I am comfortable that the proposed HVL light industrial buffer adjacent to the Yashili site is appropriate for activities that are being undertaken within the existing Industrial zone.

Andrew Curtis

3 May 2021