

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 MARK SEYMOUR MANNERS TOLLEMACHE
ON BEHALF OF HAVELOCK VILLAGE LIMITED (HVL)**

(PLANNING)

3 May 2021

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitor Acting: **Vanessa Evitt / Mathew Gribben**

Email: vanessa.evitt@buddlefindlay.com / mathew.gribben@buddlefindlay.com

Tel 64-9-358 2555 PO Box 1433 DX CP24024 Auckland 1140

1. SUMMARY OF REBUTTAL EVIDENCE

1.1 This rebuttal evidence addresses matters raised in the evidence on behalf of Pokeno Village Holdings Ltd (“**PVHL**”), Yashili Dairy Company Ltd (“**Yashili**”), Hynds Pipe Systems Ltd and the Hynds Foundation (“**Hynds**”), Waka Kotahi and the Waikato Regional Council. It also responds to matters raised in the Section 42A Report by Mr Mead.

Pokeno Village Holdings Ltd

1.2 In reviewing the submissions and evidence on behalf of PVHL, the overarching theme is that land should not be live zoned in Pokeno until technical studies have been completed (including those for three waters and transportation), along with a comprehensive structure plan process. If accepted, the consequence of this would be that no additional greenfields land would be identified in the Proposed Waikato District Plan (“**PWDP**”) beyond that zoned through the Plan Changes 20 and 24 to the Operative Waikato District Plan (“**OWDP**”). Based on current growth rates the PVHL approach would result in a greenfields housing supply of approximately 3 years. This does not give effect to the National Policy Statement on Urban Development (“**NPS-UD**”).

1.3 I do not see a scenario, apart from using the current District Plan review process, to support the rezoning of additional land to provide the forecasted capacity required in Pokeno to give effect to the NPS-UD. Deferring the rezoning of land, or utilising a Future Urban Zone (“**FUZ**”) will result in constraining housing supply in the short to medium term.

1.4 In the case of Havelock, I consider that the technical reporting, evidence and Precinct Plan and associated provisions are appropriate to provide for the rezoning of this land. In this respect, I agree with the conclusions of the Section 42A Report.

1.5 If the Commissioners were concerned with the potential for cumulative effects, then I have suggested potential amendments to the general subdivision provisions in Pokeno as a whole to evaluate traffic and stormwater matters at the time of resource consent.

1.6 I do not consider that Mr Mead’s recommendations will result in an oversupply of housing and live zoned land. It is more likely that the reverse is true that even with Mr Mead’s recommendations to support the rezoning of land, this will need to be supplemented within a short time period to maintain a minimum 10 year available capacity.

Reverse Sensitivity

- 1.7 I have caucused with Mr Jason Jones for Yashili, and generally agree with the issues raised in his evidence with respect to the interface between the Yashili site and Havelock proposal. Based on the provisions circulated to Mr Jones, I propose amendments to the Havelock provisions included in **Annexure 1** as follows:
- (a) Rule 16.4.18 RD1 (iv) to establish a method to implement the acoustic barrier adjoining the Yashili site.
 - (b) Default activity status of non-complying for dwellings and building platforms within the Pokeno Industry Buffer (Rules 16.3.9.2, 16.4.12 and 16.4.18).
 - (c) New Rule 16.3.9.3 to address the design of dwellings between the 40 and 45 dba noise contours.
 - (d) Consequential amendment to Rules 20.2.2.1A.P2.(b) and Rule 21.2.2.1A P2.(b) of the Topic 7 Hearing to apply the compliance point for noise from the industrial activities at the 45 dba noise contour of the Pokeno Industry Buffer rather than at the Zone boundary.
- 1.8 Mr Styles continues to discuss the acoustic barrier rules with Mr Hegley to investigate the available options further. An update on these discussions will be provided when this is available.
- 1.9 I do not agree with the evidence for Hynds that the proposed Pokeno Industry Buffer does not minimise reverse sensitivity effects. The evidence is not supported by empirical or expert assessments as relevant, and does not appropriately acknowledge the evidence of Messrs Curtis and Styles in respect to noise and air quality. HVL have commissioned lighting measurements which illustrate that the light spill received beyond the Pokeno Industry Buffer is less than 1/10th of the compliance limit of the OWDP. The assertions of a range of adverse effects emanating from the Hynds site onto the proposed Havelock residential lots, resulting in the potential for neighbour complaints, and consequently the curtailing of Hynds operations, are materially overstated. The evidence does not acknowledge the permitted activity rules of the OWDP or the PWDP applying to the Hynds site, or that sensitive activities and significant residential development opportunities are already located in closer proximity to the Hynds site than the Havelock proposal.
- 1.10 I do not support the argument forwarded by Ms de Lambert that visual effects are a reverse sensitivity concern.

Transportation

1.11 Working with Messrs Jones and Hills, I have proposed additional discretions (refer **Annexure 1**) associated with the Havelock Precinct to address:

- (a) The design and effects of the Havelock Precinct's Collector Road intersection with Yashili Drive.
- (b) The safe and efficient operation of the existing intersections of Yashili Drive and Gateway Park Drive, Gateway Park Drive and Hitchen Road and Gateway Park Drive and McDonald Road, along with the railway crossing on McDonald Road.
- (c) Accessible and safe pedestrian and cycle connections within the Precinct to locations outside of the Precinct.
- (d) The design of roads to provide for future public transport opportunities.

1.12 These are discretions addressing the local network's design and safety issues that would be addressed through a subdivision consent process.

1.13 I also agree with the amendment to Rule 16.4.18 suggested by Michael Woods on behalf of Waka Kotahi.

Protecting land above RL100

1.14 I do not support the argument made by Ms de Lambert that land above RL100 should be protected. This looks to be based on a misunderstanding by Ms de Lambert as to the statutory weighting of the Pokeno Structure Plan document (this being a non-statutory document). The recommendations in that document which accompanied the Private Plan Change request were not included in PC14 or the OWDP.

1.15 I find no requirement in a National Policy Statement, the Waikato Regional Policy Statement ("**RPS**"), the OWDP or the PWDP, nor a recommendation in the Council's Section 42 A report or through the Topic 21 landscape hearings for the protection of land above RL100 from development.

1.16 No land over RL100 associated with Transmission Hill is identified as an Outstanding Natural landscape ("**ONL**"), Outstanding Natural Feature ("**ONF**") or Significant Amenity Landscape ("**SAL**") in the RPS, OWDP or PWDP. The HVL site was identified in the OWDP as an Aggregate Extraction and Processing Zone ("**AEPZ**") for quarrying, which generally results in outcomes that are the antithesis of the protection recommended by Ms de Lambert.

Section 42A Report

- 1.17 I generally agree with the recommendations of Mr Mead, except where specifically identified in this evidence. I have proposed a number of amendments, or redrafts to amendments suggested by Mr Mead.
- 1.18 I do not agree with Mr Mead's concern that new dwellings on the HVL land could give rise to visual amenity reserve sensitivity effects curtailing existing or future industrial development on industrial-zoned land. Mr Mead did not ultimately regard this as a significant effect however. For these reasons I do not consider any additional provisions regarding lot orientation are required.
- 1.19 Mr Mead considers a "*buffer may need to be extended*" in the south-eastern corner (his Figure 33). In my opinion the potential for reserve sensitivity effects in this location has been overstated. This area of land is outside of the 45 noise contour recommended by Mr Styles and the 150m separation recommended by Mr Curtis. The separation from the Hynds site is over 400m.

2. INTRODUCTION

- 2.1 This rebuttal statement relates to evidence filed by:
- (a) Messrs Colegrave, Edwards and Scrafton, and Ms Paice on behalf of Pokeno Village Holdings Ltd
 - (b) Messrs McKenzie and Jones on behalf of Yashili Dairy Company Ltd
 - (c) Messrs Hynds, Cook and Chhima, and Ms Nairn and de Lambert on behalf of Hynds Pipe Systems Ltd and the Hynds Foundation
 - (d) Mr Wood on behalf of Waka Kotahi
 - (e) Ms Foley of behalf of the Waikato Regional Council
- 2.2 This rebuttal statement also addresses matters raised in the Council's section 42A report. Where the same issues arise in both the submitter evidence and the section 42A report, I have addressed both in the same section of this evidence.
- 2.3 I confirm that I have the qualifications and expertise previously set out in paragraphs 2.1, 2.2 and 2.3 of my primary evidence.

2.4 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.

2.5 I have structured my rebuttal statement based on the

- (a) Response to evidence on behalf of Pokeno Village Holdings Ltd
- (b) Response to evidence on behalf of Yashili Dairy Company Ltd
- (c) Response to the evidence of Hynds Pipe Systems Ltd and the Hynds Foundation
- (d) Response to the evidence of Michael Wood for Waka Kotahi
- (e) Response to the evidence of Marie-Louise Foley for the Waikato Regional Council
- (f) Response to the Section 42A Report by David Mead

3. RESPONSE TO EVIDENCE ON BEHALF OF POKENO VILLAGE HOLDINGS LIMITED

3.1 In reviewing the submissions on behalf of PVHL, and the evidence of Messrs Colegrave, Edwards and Scrafton, and Ms Paice, the overarching theme is that land should not be live zoned in Pokeno until technical studies have been completed (including those for three waters and transportation), along with a comprehensive structure plan process. If accepted by the Hearing Commissioners, the consequence of this would be that no additional greenfields land would be identified in the PWDP at this time (beyond that zoned through the PC20 and 24 processes associated with the 2008 Pokeno Structure Plan and the Graham Block).

3.2 Based on this outcome, the PWDP would only provide capacity for approximately 859 greenfield lots¹ as of 2020 based on Table 3 of the Section 42A Framework Report by Dr Davey.

3.3 Based on the NPS-UD growth projection of 215 dwellings per year plus 20% buffer (260 dwellings per year),² there would be approximately 3 years greenfields capacity remaining in Pokeno. I do not consider that infill capacity³ would significantly increase

¹ For the purposes of this analysis I have not included infill housing as I agree with the evaluation of this matter by Mr Mead in paragraph 203 of the Section 42A report where he suggests an infill rate of 10 to 20 dwellings per year may be reasonable, resulting in a feasible capacity of 150 dwellings over a decade.

² Paragraph 58 of the Section 42A Report

³ In this regard, I note that the PVHL titles that I have viewed include land covenants that prevent further subdivision.

available dwelling capacity in the same manner as available greenfields land. Mr Mead suggests an infill rate of 10 to 20 dwellings per year may be reasonable, and I agree with this estimate. This infill estimate equates to between 4 and 7.6% of the annual growth projection, which I do not consider to be a significant contribution to alleviating a potential shortfall in greenfields capacity.

- 3.4 This outcome would provide only for the short term capacity requirements, and therefore would not give effect to the NPS-UD.
- 3.5 Since the preparation of the PWDP and section 32 reports for notification, the Council has had a number of years to consider the technical assessments that may be necessary to support the consideration of infrastructure upgrades, along with comprehensive structure planning in support of rezoning. To my knowledge, while work has been undertaken as part of understanding capital works and growth planning for the Long Term Plan process and Waikato 2070, no technical work to the level recommendation by the witnesses for PVHL has been prepared.
- 3.6 Understandably in the absence of Council led-investigations, submitters have prepared evidence addressing their rezoning requests, or in the case of Pokeno West in support of the rezoning proposed in the PWDP.
- 3.7 I do not see it is a viable or possible outcome for the Hearing Commissioners to accept the submission which only retains the extent of greenfield residential zones contained within the OWDP. This clearly does not give effect to the Tier 1 Local Authority and Tier 3 Urban Environment obligations of the NPS-UD.
- 3.8 Consequently, I support the direction recommended⁴ by Mr Mead in respect to an appropriate way forward in terms of the planning for Pokeno and the manner in which rezoning is addressed by the PWDP and the Topic 25 Hearings.

Implications of the PVHL Approach to Rezoning

- 3.9 The approach proposed by PVHL would either result in rezoning submissions being declined or extensive delays before land can be rezoned.
 - (a) If the Commissioners were to pursue delaying the decisions on all or part of the PWDP then this could add an additional year to 1.5 years to the hearings process as the technical reports are commissioned, and hearings rerun on the

⁴ Paragraph 86 to 89 of the Section 42A Report

matters arising. In addition, it is unclear whether Council has the budget allocated to undertake these studies to the required level of detail.

- (b) A variation would in its own right involve approximately a year for structure planning and community consultation (with reference to the timeframes for the Tuakau Structure Plan 2016), and a two year process of submissions, reporting and hearings (not considering timeframes for resolving appeals)⁵.
- (c) Rezoning land to FUZ would result in further delays. If Council initiated the structure planning and rezoning (though a variation or plan change), then this process would still involve appropriately 3 to 5 years before decisions are made or zones become operative. If a private plan change approach was pursued (as was done for PCs 20 and 24), then first the PWDP would need to become operative (or at least the relevant sections part operative), which could be two years from the time that decisions are released on submissions. This could make a private plan change process longer than a public process.

- 3.10 Given the timeframes involved in preparing technical reports, structure planning and variations/plan changes, there will be little ability to bring forward necessary housing capacity within the timeframes necessary under the NPS-UD given the existing housing capacity from the OWDP.
- 3.11 While not necessarily ideal, the scenario that the District and Pokeno finds itself in is one where immediate relief is necessary to provide for growth in the PWDP, and live zones are an important aspect to that.
- 3.12 Given all the rezoning requests made in Pokeno, I consider that Waikato 2070 assists in prioritising those which broadly fit within Council's growth and infrastructure planning. The issue is then whether there is sufficient technical information associated with the submissions and evidence to achieve the statutory requirements of the NPS-UD, RPS (particularly the 6A Principles) and Section 32 of the RMA.
- 3.13 In my opinion, the Commissioners need to be satisfied that they have sufficient evidence on behalf of the rezoning requests to consider the likely effects of the proposals and to understand the implications for infrastructure. In addition, while the RPS and the PWDP do not require structure plans / precinct plans, I consider that these are best practice and are particularly useful in guiding the pattern of development

⁵ My recent experiences associated with Whenuapai, Pukekohe and Drury in Auckland indicate that these structure plan and plan change processes are more likely to take 5 years to complete through to decision making, particularly where they are Council-led processes.

at resource consent (particularly where integration is required between landowners and between precincts).

- 3.14 Even with this information, in my opinion the Commissioners need to be satisfied that the PWDP provisions (and in particular the subdivision rules relating to the Chapter 16 Residential Zone) are sufficient to support a thorough resource consent process. My review of Chapter 16 indicates that there are potential gaps in the discretions that could assist in ensuring that resource consent applications address the types of matters raised in the evidence on behalf of PVHL. The Havelock provisions also directly address matters resulting from the development of the Precinct Plan, which includes the consideration of effects and design outcomes at the local-scale. In my opinion it is not uncommon for such matters to be addressed as part of subdivision consenting processes.

Use of structure plan maps or precinct plans

- 3.15 Most of the rezoning requests are at a reasonable scale, and would in my opinion normally be accompanied by a structure plan map or precinct plan which would be included in the District Plan as a statutory layer. This is the case in Raglan and Te Kauwhata. However both the Tuakau and Pokeno Structure Plans have not been carried forward. In the case of Tuakau, this is a shortcoming as that Structure Plan addresses new growth opportunities. In the case of Pokeno, it is not entirely necessary as much of the greenfields subdivision pattern in the Helenslee, Hitchen and Graham Blocks has been consented and constructed/titled.
- 3.16 As is proposed in the Havelock land (and exists for Raglan and Te Kauwhata), I consider it is important and within the scope of these District Plan hearings to include structure plans/precinct plans in the PWDP. These can detail opportunities and constraints associated with, for example, transport patterns, land use and environmental enhancement, to name a few of the issues common to many of these documents where within a statutory framework. I note that while Havelock and Thorntree Orchards et al have proposed precinct plans, the other rezoning requests have not included these. I believe the availability of a structure plan or precinct plan (to be included in the PWDP) to support rezoning is important to the achievement of integrated planning outcomes, and could assist the Commissioners in the consideration of the issues raised by PVHL.
- 3.17 I acknowledge that evidence on these issues has been more specific to Pokeno rather than a district-wide approach, and I am comfortable that solutions can be determined on a case-by-case basis in Pokeno.

Alleged lack of integrated transport and stormwater assessments

3.18 Mr Edwards has raised concerns with a lack of integrated transport assessment to support the rezoning, and Ms Paice has raised similar concerns regarding stormwater management. I have been involved in a number of plan changes (including those for PC14 Hobsonville Corridor) where large scale areas of land were rezoned as a consequence of decisions on submissions. In these cases, rules and discretions were established requiring that the equivalent level of information regarding integrated transport and catchment planning (to that provided in support of a plan change) was provided at the time of a resource consent application.

3.19 Notwithstanding that Mr Mead was not concerned because of Pokeno's size, if the Commissioners had concerns with the appropriateness of the current rules and discretions to manage adverse effects and for necessary information to be available to support evaluations of infrastructure and cumulative effects, then the following additional discretions (or similar) could apply to Rule 16.4.1 Subdivision – General:

(xii) For subdivision in Pokeno proposing 25 lots or greater, the safety design for vehicles, pedestrians and cyclists, road network safety and efficiency (particularly at peak traffic times), and contributing to improvements to the road network

(xiii) For subdivision in Pokeno stormwater catchment management, design, modelling and implementation

3.20 The above are examples of the way that PWDP provisions could address the uncertainties associated with rezoning land without necessarily having a Pokeno-wide technical assessment to support the PWDP process.

3.21 The relevant subdivision discretions in Rule 16.4.1 Subdivision – General of the PWDP (as amended in red track changes by the recommendations of the Section 42A Report for Hearing 10) are:

(v) Avoidance or mitigation of natural hazards

(viii) Vehicle and pedestrian networks

(x) Provision ~~of~~ for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water for supply for firefighting purposes

3.22 In the Auckland Unitary Plan, where an Integrated Transport Assessment is not available, traffic impact assessments are required for 100 lots/dwellings or more. This is considered too high in the context of Pokeno, so any relevant scale of development

needs to be comparative to the size of development that may generate effects on the transport network that, in the absence of the comprehensive technical report, need to be reviewed on a case-by-case basis. Mr Hills evidence addresses this threshold in his evidence.

Weighting of Future Proof 2017 and Waikato 2020

- 3.23 Mr Scrafton indicates⁶ that greater weighting should be given to the Future Proof 2017 over Waikato 2070. I consider it is more appropriate to consider which document more accurately addresses the population and growth trends of Pokeno and the northern Waikato.
- 3.24 Future Proof 2017 was drafted prior to the Census of 2018, and did not include accurate information on the building consent data from Pokeno. Both Future Proof 2017 and Waikato 2070 were drafted prior to the NPS-UD.
- 3.25 Future Proof 2017 identified a long term demand for 2,300 dwellings over a period of 30 years. This equates to a housing demand of 76 dwellings per year. With average building consent data indicating an annual demand of 215 dwellings per year there is a significant shortfall in the predictions that Future Proof 2017 is based on (noting Dr Davey utilises the figure of 237 and Mr Thompson identifies 275 building consent issued in 2020). Likewise Mr Scrafton's evidence in respect to the medium term capacity requirements relies on the 2017 HBA Projections. I consider that based on this discrepancy between estimated demand in 2017 and actual building consent data now available to consider real world demand, that Future Proof 2017 is outdated and does not assist in considering future growth trends when compared with Waikato 2070.
- 3.26 Mr Scrafton considers there is very little supporting information to justify the 130% increase between Future Proof 2017 and Waikato 2070. I do not share that view, and evidence of existing growth trends exceeding 76 dwellings per year are available with reference to the building consent data. Utilising Mr Scrafton's preference to give greater weighting to Future Proof 2017 could result in a significant shortfall of housing as an unrealistic and outdated growth projection to support the PWDP process.

Oversupply of Residential Capacity

- 3.27 Messrs Colegrave and Scrafton raise concerns regarding the oversupply of residential capacity if all the rezoning requests were accepted by the Commissioners although Mr Colegrave offered a view on the level of supply he considers necessary to meet

⁶ Paragraph 2.6 to 2.8 of his evidence dated 10 March 2021

demand under the NPS-UD . Helpfully Mr Thompson has updated the relevant capacity calculations to reflect the rezoning recommended in the Section 42A report. These calculations utilise yields based on masterplans prepared by submitters (as opposed to a theoretical yield based on 14/hh/ha) and limit the qualifying sites to those which Mr Mead has supported for rezoning.

3.28 Rather than Mr Colegrave’s estimate of 7002 dwellings, Mr Thompson identifies, based on the Section 42A report, an additional capacity of 2414 dwellings. Utilising Mr Mead’s annual growth rate of 260 dwellings this is a reduction in predicted capacity between Mr Colgrave and Mr Thompson of 26.9 years to 9.2 years. I do not consider that the outcomes of Mr Mead’s recommendations will result in a significant oversupply of zoned land. Based on the evidence of Mr Thompson, if building consent rates were to continue to increase based on the high in 2020 (275 dwellings) then additional zoned land supply would be required.

4. RESPONSE TO EVIDENCE FOR YASHILI DAIRY COMPANY LIMITED

4.1 I have discussed with Mr Jason Jones the recommendations from his evidence dated 10 March 2021 on behalf of Yashili New Zealand Dairy Co Ltd (“**Yashili**”). Mr Styles has also discussed the noise rules with Mr Hegley. Amended provisions have been circulated and, while discussions are ongoing, I understand there is common ground in respect to addressing the matters raised. I will provide an update on any agreement on provisions, or alternative provisions at the hearing.

4.2 The headings below are based on the headings from Mr Jones’ evidence.

Provisions to implement Mr Styles’ acoustic screening⁷

4.3 Mr Jones raised concerns with the specific method to implement acoustic screening of the Residential Zone within the HVL General Industry Zone. Mr Styles and I have circulated to Mr Jones the following rule as an option to implement the proposed acoustic barrier within 5 Yashili Drive (located within the HVL land). Mr Styles has also discussed with Mr Hegley an alternative to this rule which is based on specifying the design of the acoustic barrier in the rule, and the investigation of this alternative and any rule drafting is ongoing.

4.4 The proposed rule (below) is based on the acoustic barrier being designed and implemented prior to, or in parallel with, the subdivision of the Havelock Precinct for residential lots. The acoustic barrier could be achieved by a building, bund or acoustic

⁷ Paragraphs 38 to 45 of Mr Jones’ evidence

wall (or combination of these) within the HVL General Industry Zone, ensuring that noise from the adjoining Yashili operation is mitigated and the acoustic environment to the west of the HVL General Industry Zone is appropriate for residential development.

- 4.5 The rule is associated with restricted discretionary activity subdivision in the Havelock Precinct.

16.4.18 Subdivision: Havelock Precinct Plan Area

RD1 (iv) Either prior to or concurrent with subdivision in Lot 2 DP199997, an acoustic barrier (being a bund, building or structure, or any combination thereof) must be constructed within the Havelock Precinct Plan's General Industry Zone to mitigate noise from the adjoining General 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 application shall be accompanied by an acoustic design report to address compliance with this rule, including the design and location of the acoustic barrier. The design of the acoustic barrier shall be based on the noise levels from Lots 3 and 4 DP 492007 complying with the noise limits in 20.2.2.1A Noise in Pokeno. The sources of noise used in the noise modelling shall be as follows:

A point source located centrally on each lot, approximately two metres high, and with a sound power level of L_w 111dBZ. The spectrum shall be as follows:

Frequency (Hz)	63	125	250	500	1000	2000	4000	8000	Total
L_w [dBZ]	79.1	89.1	105.1	106.1	104.1	103.1	97.1	87.1	111.0

- 4.6 As resource consent is required for subdivision, the rule provides the following matter of discretion to allow an evaluation of the proposed method to achieve the acoustic barrier.

(b)(iv) Design, location and timing of construction of the acoustic barrier within the Havelock Precinct Plan's Light Industry Zone

Map notation for HVL's proposed industrial buffer⁸

- 4.7 The Pokeno Industry Buffer can be annotated as a polygon shape as opposed to a line.

⁸ Paragraphs 46 and 47 of Mr Jones' evidence

Provisions to address potential impacts on the transport network⁹

4.8 The matters raised by Messrs McKenzie and Jones regarding traffic generation and the ability of the road network to accommodate additional traffic generation from the Havelock Precinct have been considered by Mr Hills in his evidence in chief and rebuttal evidence.

4.9 In terms of the district planning matters, the assessment of the traffic generation effects on the roading network from subdivision and land use activity is a matter commonly addressed in district-wide subdivision provisions as a matter of discretion associated with resource consents. For example, the relevant subdivision discretions in Rule 16.4.1 Subdivision – General of the PWDP (as amended in red track changes by the recommendations of the Section 42A Report for Hearing 10) are:

(viii) Vehicle and pedestrian networks

(x) Provision ~~of~~ for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water for supply for firefighting purposes

4.10 Traffic generation from land use activities is addressed by Rule 14.12.1.4 of the PWDP.

4.11 Acknowledging that traffic generation from the Havelock Precinct would likely be the only significant new contributor to traffic generation within the Gateway Business Park, Mr Hills and I propose the following additional discretions associated with restricted discretionary activity subdivision to identify specific assessments and considerations associated with subdivision and traffic generation from this Precinct. This is based on the ability, because of Mr Hills' assessments to date, to determine areas where additional regard should be had during the assessment of subdivision resource consent applications.

4.12 The proposed additional discretions in 16.4.18 Subdivision: Havelock Precinct Plan Area are:

(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, including the design to accommodate safe vehicle access and egress for activities in the adjacent General Industrial Zone.

(viii) The design of, and potential effects on, the safe and efficient operation of the intersections of:

a. Yashili Drive and Gateway Park Drive;

⁹ Paragraphs 48 to 65 of Mr Jones' evidence

- b. Gateway Park Drive and Hitchen Road; and
- c. Gateway Park Drive and McDonald Road.

(ix) Potential effects on the safe and efficient operation of the McDonald Road railway crossing.

(x) Accessible, safe and secure pedestrian and cycling connections within the Precinct and to the existing transport network and public facilities.

(xi) Provision within the Precinct design for future public transport.

- 4.13 These discretions focus on the safe and efficient operation of four intersections, the railway crossing and the design for pedestrian and cyclist safety. While a new intersection design is required for the Havelock Precinct's Collector Road with Yashili Drive, the other intersections already exist. Mr Hills has identified that these intersections can accommodate a reasonable increase in traffic generation as they were designed to Council's codes of engineering practice. Likewise, the McDonald Road rail crossing has recently been upgraded with barrier arms. Therefore, no specific list of upgrades can be identified at this time, but rather an evaluation through the proposed discretions is identified as to whether the intersections are functioning safely and efficiently as a result of the proposed additional traffic generation from the Havelock Precinct. This would be addressed at the time of resource consent application, and would enable an application to acknowledge upgrades to the roading network, if any, planned by Council as part of its Long Term Plan.
- 4.14 I note that the capital projects list of the draft Long Term Plan 2021-2031 identifies funded roading projects associated with improvements to the arterial road network that traffic generation from the Havelock Precinct would utilise, including the railway crossing (2023-2025), Great South Road (2023) and Pokeno Road (2022-2024). These would contribute to upgrades to the capacity and safety of the roading network beyond the Gateway Business Park. Havelock would contribute to these projects through the Development Contributions Policy.
- 4.15 In addition, the future proofing of the road network within the Precinct for public transport is considered appropriate (and was assessed within the evidence prepared by Mr Hills) and is a matter which should also be included within the relevant discretions.

Default activity status for sensitive activities in the proposed buffer¹⁰

- 4.16 Mr Jones raises the issue as to the activity status of residential lots or dwellings within the proposed Pokeno Industrial Buffer. I accept Mr Jones' rationale and recommendation that infringements of Pokeno Industry Buffer be identified as a non-complying activity. **Annexure 1** includes the amendments to Rules 16.3.9.2, 16.4.12 and 16.4.18 to achieve this.
- 4.17 While Mr Mead¹¹ has identified that there is not a need to shift to a non-complying activity status, this is a matter that is agreed between HVL and Yashili.

Implementing the Plan's direction on reverse sensitivity¹²

- 4.18 Mr Jones indicates support for Mr Hegley's recommended buffer distance based on a 40 dba benchmark (rather than the 45 dba proposed by Mr Styles and included in the HVL provisions). In response, Mr Mead has recommended¹³ a building design rule for buildings located between the 40 and 45 dba noise contours.
- 4.19 Mr Styles addresses the technical basis of the 45 dba noise contour as being acceptable for residential development beyond this. I note that 45 dba is the standard adopted in the Auckland Unitary Plan for the interface between residential, business and industrial zones. I do not consider there are any material factors that would necessitate a different approach to acoustic environments Pukekohe or urban Auckland and Pokeno which is in close proximity to these urban areas.
- 4.20 I also consider that in the context of the NPS-UD, land within close proximity to a town centre and public transport opportunities is a scarce resource. The NPS-UD seeks to utilise urban land resources in an efficient manner and in particular to support intensification of urban activities. While potential reverse sensitivity issues need to be appropriately managed, in my opinion, the growth imperatives of the NPS-UD should be afforded significant weight. Consequently, I consider there should be an compelling reason why a land resource should be sterilised or made unavailable for urban development.
- 4.21 In mixed use urban environments it is not generally possible to avoid all adverse effects, including those relating to reverse sensitivity. This is because the urban land resource is valuable, scarce and there usually is not the luxury of segregating urban

¹⁰ Paragraphs 66 and 67 of Mr Jones' evidence

¹¹ Paragraph 346 of the Section 42A Report

¹² Paragraphs 86 to 92 of Mr Jones' evidence

¹³ Paragraphs 341 and 344 of the Section 42A Report

land uses by extensive buffers (the consequence of which would be the inefficient use of the land and infrastructure resources).

- 4.22 The RPS includes a position in Policy 4.4 of 'avoiding or minimising' the potential for reverse sensitivity. In rural environments there clearly are opportunities to avoid reverse sensitivity because of the large spatial areas involved, however in an urban environment where more complex planning outcomes are sought (with often many overlapping policy imperatives) it may not be possible or desirable to adopt an 'avoid' approach, but rather to utilise methods to minimise the potential for reverse sensitivity effects. The Auckland Unitary Plan utilises the approach of 'managing' reverse sensitivity in acknowledging the complexity of urban environment. In my opinion, Havelock has proposed appropriate methods to minimise the potential for reverse sensitivity and the buffer distances involved are significant in achieving this.
- 4.23 In the case of whether the Pokeno Industrial Buffer should be based on a 40 or 45 dba noise contour, I consider it is important to consider whether the 45 dba contour appropriately minimises the potential for reverse sensitivity, while also providing residential zoned land for urban development. The Buffer based on the 40 dba contour would sterilise a larger area of land that would be unavailable to contribute towards housing capacity. Consequently, I support Mr Mead's suggestion of a building design standard to address the issues raised by Mr Hegley in respect to the internal amenity of dwellings between the 40 and 45 dba noise contours.
- 4.24 Mr Styles and I suggest amendments to the rule proposed by Mr Mead to provide for mechanical ventilation where windows and doors are required to be closed to achieve the necessary internal design standard. For technical reasons explained by Mr Styles this cannot practicably be achieved with windows open.
- 4.25 Mr Styles is modelling and mapping the 40 and 45 dba noise contours so the rules can be applied based on a single model. This is instead of the 45 dba noise contour being derived from Mr Styles and the 40 dba noise contour from Mr Hegley as potentially Mr Mead has suggested in paragraph 441 of the Section 42A Report. The updated maps will be provided shortly.

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

<u>P1</u>	<p><u>(a) 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 bB LAeq in all habitable rooms;</u></p>
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	<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>
<u>D1</u>	<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>

4.26 In addition, it is not proposed to include a design standard in the Pokeno Industrial Noise Buffer rule as this acts as a yard or buffer separation rule (with a default non-complying activity status), but rather in a rule specific to the acoustic design of dwellings within the land between the 40 and 45 dba noise contours.

4.27 Mr Styles outlines the technical basis for the rule, including the matters relating to the design of mechanical ventilation.

4.28 An additional consequential matter relevant to the package of HVL rules to address reverse sensitivity is a provision to clarify the location where noise from industrial

activities in the General and Heavy Industrial Zones is to be measured from. Based on the rezoning of the HVL land to residential, the noise standards applicable to the zone boundary would be those of the Residential Zone.¹⁴ As the HVL approach proposes a buffer to accommodate noise from the OWDP as it applies to the HVL site, noise compliance for the industrial activities needs to be measured from the 45 dba Pokeno Industrial Noise Buffer as opposed to the property or zone boundary between the HVL and Yashili/Synlait sites.

- 4.29 To address this matter and ensure that industrial activities are not unduly constrained by rezoning adjoining land to residential, the following consequential amendment to Rules 20.2.2.1A.P2.(b) and Rule 21.2.2.1A P2.(b) is proposed:

(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 permitted noise must not exceed 55dB (LAeq) 7am to 10pm every day, 45 dB (LAeq) 10pm to 7am every day and 75 dB (LAFmax) 10pm to 7am every day measured from the western edge 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).

5. RESPONSE TO EVIDENCE ON BEHALF OF HYNDS PIPE SYSTEMS LTD AND THE HYNDS FOUNDATION

Evidence of Adrian Hynds (Corporate)

Noise sensitive activities in proximity to the Hynds site

- 5.1 The framework that Mr Hynds explains for the Pokeno Structure Plan and PC24 requires further analysis as the provisions of the OWDP, including the spatial distribution of Zones, provide for a variety of sensitive land uses in closer proximity to the Hynds site than the Havelock proposal. I consider that it is important to appreciate that a mixed use environment was always envisaged within Pokeno as a whole, and that the separation distances from those activities and zones provided by the OWDP are closer to the Hynds site than the rezoning requests. I have not been able to identify an acknowledgement of this in the expert evidence for the submitter.
- 5.2 In terms of the spatial distribution of zones, the closest residential dwellings and zones to the Hynds site are those on Walter Rodgers Road (within approximately 150m) and Crickett Lane (within approximately 180m). I estimate that there are already 35 dwellings in Pokeno on residential or village zoned lots closer to the Hynds site than the closest extent of residential development proposed by HVL outside of the Pokeno

¹⁴ Refer Rule 20.2.2.1A.P2.(b) Noise in Pokeno and Rule 21.2.2.1A P2.(b) Noise in Pokeno from the Council Section 42A Report Reply Version from Hearing 7

Industry Buffer. Those sites zoned Residential would generally be capable of redevelopment to allow second dwellings, or for integrated residential development (multi-unit housing). Therefore the number of existing dwellings on those sites does not necessarily represent their potential development.

- 5.3 The Business Zones in Pokeno, including the 2.3 ha site at 3 Great South Road (corner of McDonald Road and Great South Road) provide for residential development above ground level as a permitted activity¹⁵, and at ground level as a restricted discretionary activity¹⁶. Significant residential development can occur within 70m of the Hynds site. On Cambridge Road, within 250 to 450m of the Hynds site, there is an additional 2.1ha of Business zoned land where the same rules apply allowing for residential development.
- 5.4 In addition, the Business Zone does not contain rules that would restrict other activities that are sensitive to noise.
- 5.5 The closest residential sites¹⁷ rezoned by PC24 are located approximately 510m to the north-west of the Heavy Industry/Industrial 2 Zone, and are immediately opposite the Light Industry Zone.
- 5.6 The Light Industrial Zone rules of the OWDP provide for a range of activities sensitive to noise including childcare and learning centres, schools, health centres, community facilities and hospitals provided they are located at least 100m away from the Industrial 2 Zone¹⁸ (the Synlait and Hynds sites).
- 5.7 These zoned opportunities already constrain the existing Industrial 2 Zone / Heavy Industry Zone. Compliance with the noise, vibration, light spill, and nuisance effects¹⁹ is already required at the adjoining Business and Residential Zones.

Complaints

- 5.8 Concerns have been raised in respect to future residents of Havelock complaining regarding the operation of the Hynds site and that this could curtail activities²⁰. A LGOIMA request to Council²¹ has identified that there have been no complaints made

¹⁵ Rule 29.1 of the OWDP. Noting that new buildings require consent as a restricted discretionary activity while land uses are permitted (Rule 29.3.3 of the OWDP)

¹⁶ Rule 29.3.3 of the OWDP

¹⁷ On Flannery Road and Yashili Drive

¹⁸ Rule 29C.1.2 of the OWDP.

¹⁹ Rules 29B.5.1, 29B5.2, 29B5.3, 29B.5.4 of the OWDP

²⁰ Paragraphs 48 and 4.9 of Mr Hynds' evidence

²¹ Council reply dated 23 April 2021

regarding operational lighting from the site, and the only complaint Council records is regarding the illumination of site signage²².

- 5.9 In a planning framework, reverse sensitivity is more than just the inconvenience of receiving complaints from adjoining residents. These reasonably need to either relate to a non-compliance with a consent or rule or a breach of obligations pursuant to sections 16 and 17 of the RMA. The OWDP defines reverse sensitivity to be:

REVERSE SENSITIVITY is used to refer to the effects of the existence of sensitive activities on other activities in the vicinity, particularly by leading to restraints in the carrying on of those other activities. An example of reverse sensitivity would be where the establishment of an educational facility in proximity to a long established manufacturing plant caused the closure of the manufacturing plant as a result of the adverse effects of odour and noise

- 5.10 There is no evidence that I am aware of or that is presented in the evidence of the submitters that complaints, including legitimate complaints, have resulted in the restriction or curtailing of industrial operations in Pokeno.
- 5.11 In the case of Hynds the OWDP provides for their activity and buildings as a permitted activity²³, and specific performance standards apply in respect to noise, vibration, light spill and nuisance effects. I believe it is important to identify that unsubstantiated complaints for activities that comply with District Plan rules will not result in that activity's operations being curtailed through a resource consent or those applicable rules.

Cole Road

- 5.12 Mr Hynds in paragraph 4.13(d) raises concerns regarding the connection to Cole Road illustrated on the Havelock Precinct Plan. To clarify, this is not intended as a principal route within the site but rather an opportunity to connect the residents of Bluff Road with a route to the Havelock neighbourhood centre and to Pokeno that does not rely on access to SH1. The site's principal access routes are to Yashili Drive and Hitchen Road which provide direct routes to the town centre and future public transport opportunities. The design of any Cole Road connection and road upgrades would be subject to the discretions for restricted discretionary activities in Rule 16.4.18 RD1 (b) (iii) relating to the design and construction of the indicative road and pedestrian networks, along with the Council's code of practice in terms of road engineering standards. It is acknowledged that the existing gravel driveway running along Cole Road deviates from the alignment of the paper road, and this would be resolved with any upgrades to the

²² made on 27 August 2020, request number COM0114/21

²³ Rule 29B.1.1 of the OWDP

roading network in the normal manner. Noting Mr Hynd's concerns regarding topography, the final form of the road may not accord with Council's standard cross sections, however these matters can be explored through the resource consent process. I remain supportive of this connection being illustrated on the Precinct Plan because of the ability for this access to provide a safe and more convenient route to Pokeno for the existing residents of Bluff Road.

Evidence of Laurie Cook (Lighting)

- 5.13 Mr Bryan King has prepared a statement of rebuttal evidence regarding lighting. This includes onsite measurements associated with light spill and glare from the Pokeno Gateway Business Park. The evidence concludes that in the worst case scenario the lux levels received beyond the 45 dba noise contour (the Pokeno Industry Buffer) are less than one tenth (1/10th) of the compliance limit of the OWDP.
- 5.14 Mr Cook acknowledges compliance of the Hynds operation with the conditions of consent and the rules of the OWDP and PWDP. I note that Mr Cook has not made any comment on the effects of the Hynds operation on the residential and business zoned properties (including those on Great South Road and Walter Rodgers Road) located closer to the Hynds site than the Havelock proposal.
- 5.15 Mr Cook does not provide any measurements or analysis of the lux levels received by sites in proximity to the Hynds site. The extent of purported glare and light spill effects is not quantified in the evidence.
- 5.16 Mr Cook does not consider it best practice to locate new dwellings in such close proximity to a heavy industrial operation with lighting effects of this nature. This is notwithstanding that Mr Cook confirms that the Hynds operation complies with the requirements of the consents and district plans. When I compare the proximity of Hynds to the adjoining residential, village and business zoned sites to the distance of the Havelock proposal to Hynds, there is a significant level of separation afforded. The Synlait site is located between Hynds and Havelock, and the distances between the corner of the Hynds site and the closest corner of the land beyond the 45 dba noise contour is approximately 400m. I do not agree that this is close proximity. This, in an urban context, is a significant distance between activities.
- 5.17 With reference to the evidence of Mr King, I consider Mr Cook has overstated the nature of the potential effects on the Havelock land, and the potential for legitimate complaints. In my opinion, there is also no potential for legitimate reverse sensitivity effects.

Evidence of Rachel de Lambert (Landscape)

5.18 Ms de Lambert makes a number of assertions regarding the protections applied to the land above RL100 on the Havelock site by the Pokeno Structure Plan document. There is planning subtlety to the status of the Pokeno Structure Plan document which the evidence does not acknowledge, and for the benefit of the Commissioners I explain this below:

- (a) In the context of the OWDP and PC24, there is a distinct difference between the Structure Plan document used as an information document to support PC24, and the structure plan map include in PC24 (as Appendix 54.15A). The structure plan map in the OWDP limited the geographic extent of the rezoning and the Pokeno Structure Plan provisions.
- (b) The Pokeno Structure Plan document was prepared as part of a Private Plan Change request made by PVHL and included a number of technical reports in support of that request. The recommendations of the landscape and visual report along with the Pokeno Structure Plan document regarding RL100 were not included in the PC24 zone or structure plan maps (Appendix 54.15A), and did not form part of the notified provisions of PC24.
- (c) Any land outside the PC24 boundary and above RL100 had been identified since 2004 to be zoned Rural or AEPZ in the Rural Plan Change 14, which was subject to appeal to the Environment Court at the time of the notification of PC24. There was no scope for recommendations associated with a Private Plan Change request to affect land outside of the physical extent of land which PC24 proposed to rezone. There was no variation to PC14 to achieve this.
- (d) The Pokeno Structure Plan document is a non-statutory document and any statement to protect the rural setting by excluding all land above RL100 for development did not form an objective, policy, rule or other method in a statutory planning document. Nor could it have been a matter able to be considered in the PC24 hearings as the scope of PC24 was limited to a defined geographic area.

5.19 Ms de Lambert has not identified any objectives or policies from a National Policy Statement, the RPS, the OWDP or the PWDP that would support restricting urban development to below RL100.

5.20 No land over RL100 is identified as an ONL, ONF or SAL in the RPS, OWDP or PWDP. No landscape study associated with the Section 32 evaluation of the PWDP has

identified the landscape qualities of Transmission Hill as needing to be protected. The geoscience evidence of Dr Bruce Hayward did not identify Transmission Hill as an ONF.

- 5.21 In fact, the Havelock site has been identified for at least the last two decades as an AEPZ to support large scale quarrying and mineral extraction. I find that activity to be at odds with the assertion that the Pokeno Structure Plan document provided protections to a rural backdrop, as a reasonable extent of Transmission Hill is the rock resource the Zone was based upon. I have reviewed Chapter 35 of the OWDP which includes the rules for the AEPZ and no such limitation exists. A quarrying activity could have resulted in significant change to the rural and visual backdrop of Pokeno. The relevant discretions relate to landscape treatment and screening and effects on outstanding natural features and landscapes (of which none are identified on the site).
- 5.22 Ms de Lambert's assessment also looks to be based on views reached in 2007 in the Pokeno Structure Plan without acknowledging:
- (a) PC24 was based on Pokeno reaching a population of at least 5,200 people by 2051. In contrast Waikato 2070 anticipates a population of 16,000 people based on the low growth rate of 115 households per year.
 - (b) The Franklin District Growth Strategy ("**DGS**") of 2007, which provided the growth framework for PC24, has been replaced by subsequent strategies (including Future Proof 2017 and Waikato 2070).
 - (c) Since PC24 was notified in 2009, there has been a new RPS notified and made operative, a gazetted National Policy Statement – Urban Capacity 2016 (now replaced by the NPS-UD) and new census and building consent information of actual population growth. None of these statutory documents has required additional protections associated with Transmission Hill, and of more relevance each has required more consideration of the capacity to accommodate growth.
- 5.23 Council has adopted Waikato 2070 without any reference to continuing a recommendation from the Pokeno Structure Plan document limiting development above RL100.
- 5.24 I consider that Ms de Lambert has failed to consider the changes in the statutory framework since the Pokeno Structure Plan document was prepared. I consider the document provides little in the way of additional matters for consideration in the context

of the District Plan review, and note that the Council has chosen not to bring forward the Pokeno Structure Plan or its recommendations into the PWDP.

- 5.25 Messrs Munro and Pryor have provided rebuttal evidence to the matters raised by Ms de Lambert. I agree with their assessments and conclusions.

Evidence of Dharmesh Chhima and Sarah Nairn (Planning)

- 5.26 I utilise the headers from the evidence prepared by Mr Chhima and Ms Nairn on behalf of Hynds to respond to the matters raised.

HVL Rezoning Proposal

- 5.27 Mr Chhima and Ms Nairn assert²⁴ that the HVL proposal is contrary to the Pokeno Structure Plan and does not meet the statutory tests. They expand on this matter in paragraphs 5.48 to 5.54 of their evidence.
- 5.28 As I outline above in reply to Ms de Lambert, the Pokeno Structure Plan document 2008 is a non-statutory information document that supported PC24. The document itself was not included in PC24, nor did it include objectives and policies that would apply outside the geographic extent of land rezoned with PC24. I do not see how a proposal for rezoning as part of the District Plan review process could be considered contrary to a non-statutory document.
- 5.29 Mr Chhima and Ms Nairn provide no references to objectives or policies of the OWDP that would apply the Pokeno Structure Plan to the Havelock site. There are no objectives or policies that would support their references to the quote from the PC24 hearing attributed to Ms Lauren White.
- 5.30 There also seems to be no acknowledgement that the OWDP provided for a quarry zone on the Havelock site.

Reverse sensitivity effects - Background

- 5.31 Mr Chhima and Ms Nairn describe reverse sensitivity based on recent caselaw in paragraph 5.4. An element of these descriptions is the *established activity is causing adverse environmental impacts to nearby land*. It is also based on a perception that complaints about the established activity would result in its operations being curtailed. Evidence confirms that Hynds is operating in accordance with its resource consents or relevant consent limits. HVL has proposed appropriate buffer distances to manage any

²⁴ Paragraph 5.3

residual effects, and therefore the potential for Hynds' operations to be curtailed appears remote.

- 5.32 In terms of the Hynds own industrial rezoning expansion I note that Mr Chhima and Ms Nairn do not see any reverse sensitivity conflicts arising with respect to the Havelock proposal.

Reverse sensitivity effects and the existing Hynds operation

- 5.33 In my opinion Mr Chhima and Ms Nairn have not correctly described the existing environment or the planning framework which provides for both residential development and sensitive activities to locate substantially closer to the Hynds site than the 600-900m described in their evidence. The previously described rules of the OWDP would allow residential development at 3 Great South Road within 70m of the Hynds site. Likewise residential development opportunities are available on the residential, village and business zoned sites within 400m of the Hynds site. I do not consider that the assurance described by Mr Chhima and Ms Nairn in paragraph 5.13 matches with the pattern of development which exists and is possible under the OWDP.

Potential for reverse sensitivity effects arising from HVL's proposal

Lighting

- 5.34 Mr King and I have responded to the evidence of Mr Cook. Based on the site measurements undertaken by Mr King, I do not consider there is adequate expert evidence to sustain Mr Chhima and Ms Nairn concerns with respect to potential reverse sensitivity effects.

Visual effects

- 5.35 Mr Chhima and Ms Nairn provide no evidence as to the likelihood of complaints because residents could see a building. They have not acknowledged that, in the OWDP and the PWDP, buildings are permitted activities in the Industry 2/ Heavy Industry Zones. I agree with Mr Munro that it is difficult to imagine visual amenity objections from neighbours successfully curtailing activities and buildings provided in the industry zones as permitted activities.
- 5.36 There are numerous examples of large scale buildings in industrial and commercial areas in close proximity to residential activities. I do not consider there is a compelling case to indicate that because a building is visible it is likely to be complained about, and that this complaint will curtail activities occurring within that building.

- 5.37 I agree with Mr Munro's assessment that the elevated position of the HVL land makes the land less-susceptible to visual-amenity related objections than most of the existing zoned residential land abutting the industrial zone where, being on the same or a similar land-level, they are much more directly exposed to views of industrial activity and its vertical height or scale.
- 5.38 The Synlait and Yashili buildings are visible from the majority of Pokeno and its surrounds, and are in close proximity to the residential areas in the Hitchen and Graham Blocks. I am not aware from Council that complaints have been made about these buildings.
- 5.39 The separation distances that will be achieved between Hynds and the HVL site mean that, although the proposed dwellings would sit higher than the industrial zoned land, and occupants would be able to look out above the industrial activities. I agree with Mr Munro that it would not be correct to characterise the view as one of residents looking directly down on the top of those activities or that their views will be dominated by large, close-by industrial buildings.

Noise and Dust

- 5.40 Mr Chhima and Ms Nairn assert a number of potential reverse sensitivity effects without the expert evidence, or analytical analysis and measurements of direct effects from Hynds operations to support these statements. HVL has provided evidence on the issues of air discharges by Mr Curtis and noise by Mr Styles. In the absence of opposing expert opinion, I do not understand how Mr Chhima and Ms Nairn reached those conclusions.

Effectiveness of the Pokeno Heavy Industry Buffer proposed by HVL

- 5.41 Mr Chhima and Ms Nairn consider that the buffer is not effective because it does not create sufficient separation to address visual, lighting, dust or noise reverse sensitivity effects.
- 5.42 The matters of lighting have been addressed above. The light spill received at the Pokeno Industry Buffer is less than 1/10th of the OWDP standard. I consider the Buffer more than adequately addresses light spill, and I acknowledge Mr Cook's evidence that the Hynds operation complies with the conditions of consent and the standards of the OWDP and PWDP.

- 5.43 Mr Curtis recommends a separation distance of 150m from heavy industry activities to address reverse sensitivity from air discharges. The Buffer provides separation distances well exceeding this from the Hynds site.
- 5.44 Mr Styles has modelled the Buffer based on the 45 dba contour, which is consistent with the noise environment expected within the Auckland Unitary Plan where residential zones interface with business and industry zones.
- 5.45 In respect to the criticisms of the Buffer in paragraph 5.36, I reply as follows:
- i. I accept Mr Mead's recommendation (apart from one drafting matter) for a Policy associated with reverse sensitivity and the Havelock Precinct. This does not alter that reverse sensitivity polices are already included in the PWDP.
 - ii. I accept Mr Jones' recommendation regarding non-complying activity status for dwellings or buildings platforms within the Buffer. The amendments to achieve this are in **Annexure 1**.
 - iii. I do not accept that the Buffer provides an impression it will be used for residential purposes. The same could be said of Residential Zones with an SNA overlay, however clearly that is not the case. The overlay in both cases adds a matter of particular importance that would alter the manner in which any activities are considered in a zone.
 - iv. I do not consider a reserve zoning to be appropriate as this could result in Council needing to purchase significant areas of land that do not provide opportunities for active or passive recreation. As with the example of the SNA, these are not identified as Reserve Zones in the District Plan.
 - v. The use of the EPA overlay is to establish a clear purpose for land within the Buffer. This is outlined in the proposed Havelock Precinct provisions. The EPA rule is a district-wide standard that Council already utilises in subdivisions such as Te Kauwhata. The criticism of the EPA rule has little to do with the separation distances afforded by the Buffer.
- 5.46 I do not share the opinion of Mr Chhima and Ms Nairn that there is a real possibility that dwellings could be consented in the Buffer particularly with a non-complying status.
- 5.47 I also do not share their opinion that there are likely to be reverse sensitivity effects even with the separation distances proposed.

Assessment of the HVL proposal against the WRPS and PWDP

5.48 I have previously provided in my EIC an assessment of the proposal against the objectives and policies of the WRPS and the PWDP. I note in particular that policy 4.4(f) of the RPS requires ‘avoiding or minimising’ the potential for reverse sensitivity, and the Section 42A amendments to Policy 4.7.11 of the PWDP seek to minimise the potential or reverse sensitivity, and minimise the potential for reverse sensitivity effects where avoidance is not practicable. It appears that Mr Chhima and Ms Nairn have focussed entirely on an approach of ‘avoiding’ perceived reverse sensitivity effects without considering the scarcity of land resources and the imperative to address housing capacity in the NPS-UD.

6. RESPONSE TO EVIDENCE OF MICHAEL WOOD FOR WAKA KOTAHI (“NZTA”)

6.1 I agree with Mr Wood’s suggested amendment in paragraph 7.14 of his evidence. The following amendment is included in Rule 16.4.18 of **Annexure 1**:

*(v) Potential effects on the safe and efficient operation of Bluff and Pioneer Road
(including where these intersect with SH1) from roading connections to Cole Road.*

7. RESPONSE TO EVIDENCE OF MARIE-LOUISE FOLEY FOR THE WAIKATO REGIONAL COUNCIL

7.1 Table 21.9 of Ms Foley’s evidence outlines the response to the HVL proposal. The matters in contention are:

- (a) SNA should be excluded from residential zoned area i.e. retain rural zoning
- (b) Preference for no new rural residential as per section 17.

7.2 The PWDP utilises SNAs as an overlay to a variety of zones. Each zone includes relevant standards for SNAs, and in the case of the Residential Zone there are rules 16.2.4.3 (Earthworks – Significant Natural Areas), 16.2.8 (Indigenous vegetation clearance inside a Significant Natural Area) and 16.4.8 Title boundaries - Significant Natural Areas. These rules are equivalent to those in the Rural Zone, and therefore I do not consider it necessary to spot zone SNAs as Rural Zone where land outside the SNA is zoned Residential.

7.3 In respect to new rural residential development and the evaluation provided by Ms Foley in section 17 of her evidence I provide the following comments. While Dr Davey recommended in the Section 42A Framework Report that generally rural-residential rezoning (renamed as Rural Lifestyle Zone in Hearing 12) should be

rejected, I do not agree that this is an appropriate resource management approach. Contrary to the interpretation identified by Dr Davey and Ms Foley's preference, the RPS does not preclude rural-residential zones, but rather indicates they need to be considered against the principles of 6A of the RPS.

7.4 It is also important to note that Policy 6.17 (Rural-residential development in Future Proof area) relates to the 'Future Proof area' identified in 2010 and relating to Map 6.2. This excludes the former Franklin area of Waikato District Plan, which includes Pokeno and the subject site. Therefore the imperatives of Policy 6.17 as they relate to rural-residential would not apply to Pokeno until that map was updated through a plan change.

7.5 The Havelock proposal for a Rural Lifestyle Zone:

- (a) Is not located within the RPS mapped Future Proof 2010 area.
- (b) Is not located on high class soils.
- (c) Would only displace low density grazing in a number of paddocks, whereas a large area of the site is in overgrown scrub and does not support significant primary production activities.

7.6 An assessment of the principles of 6A of the RPS was provided in my EIC. Ms Foley has not provided a detailed assessment of the Havelock proposal, and therefore has not provided an overall assessment of the benefits of the proposal as undertaken by Mr Mead.²⁵

8. RESPONSE TO SECTION 42A REPORT BY DAVID MEAD

8.1 I address Mr Mead's evaluation and recommendations in the Section 42A Report based on the following sub-headings and, where relevant, cross reference to matters addressed in rebuttal evidence to the submitters and further submitters on the Havelock proposal.

- (a) Pokeno growth figures;
- (b) Pokeno-wide structure planning;
- (c) Pokeno south industrial interface;
- (d) Pokeno structure plan and RL100;

²⁵ Paragraph 285 of the Section 42A Report

- (e) Hilltop park;
- (f) Transportation; and
- (g) Havelock rural lifestyle.

Pokeno growth figures

- 8.2 In part of his report Mr Mead has adopted the Council's projections for growth based on the medium-growth scenario²⁶ of the Population, Household and Land Supply Capacity Report²⁷. This utilises a growth scenario of 165 dwellings per year. This is notwithstanding that new building consents in Pokeno have averaged 225 per year. The Council's medium-growth scenario is only 73% of actual real world growth which has been consistently maintained since the issue of titles from the PVHL developments. However in another part of the Report he has adopted a figure of 215 dwellings per year. This is nearly consistent with the building consent data of 225 dwellings per year.
- 8.3 If the 165 dwelling figure is used I maintain the concern I raised in my EIC that the Council has underestimated household growth in Pokeno, and that this is not consistent with Policy 3.4 of the NPS-UD. I find no policy direction in any statutory document which would support a reduced provision for annual housing capacity compared to actual annual building consents issued. I consider that such an approach does not give effect to the NPS-UD, and has the potential to result in a significant underestimate of housing demand and growth.
- 8.4 To illustrate this, based on a 10 year period there would be a 600-household shortfall in Pokeno based on the comparison between average annual building consents and Council's medium-growth scenario. This represents a significant potential shortfall from adopting growth projections that are less than actual recorded growth, and in my opinion would only serve to create a constrained housing market.
- 8.5 This may be less of a concern if Mr Mead has in fact adopted the 215 figure. In relation to housing demand, I note Mr Thompson's evidence that the 2020 building consent information is that 270 dwellings were approved and Dr Davey's Supplementary section 42A Report has adopted a demand figure of 237 dwellings.
- 8.6 It may be that caucusing can serve to narrow the gap between parties on the appropriate growth scenarios and projections to be utilised.

²⁶ Paragraphs 18, 19, 35 and 58 (and footnote 10) of the Section 42A Report

²⁷ Waikato District Council, December 2020

- 8.7 Overall the increasing demand figures and upward growth trend reflected in the building consent data further strengthen the need and the planning imperative (through the NPS-UD) to rezone the Havelock Site for residential development.

Pokeno-wide structure planning

- 8.8 I generally agree with Mr Mead's assessment²⁸ of PVHL's submissions 386.3 and 386.4. One of the matters I consider relevant to the Commissioners' decision as to whether to utilise live residential zones or a FUZ is the resources and capacity of the Council to undertake this technical work in a timely manner. This is relevant to what are the most efficient and effective provisions and the risks of acting or not acting now.
- 8.9 To date plan changes associated with Pokeno have all been instigated by Private Plan Change requests. Conversely in Tuakau, as an example, Council prepared the Tuakau Structure Plan and notified Plan Change 16 in 2016. This Plan Change was withdrawn in 2017 and as a result Tuakau has not been the subject of Council-led rezoning since the notification of the then Proposed Franklin District Plan in 1996. In looking at the draft Long Term Plan 2021-2031, I have identified resourcing associated with the continued process of the PWDP, however, I have not been able to identify resourcing associated with Council leading structure planning and technical studies outside of the existing identified infrastructure and planning projects. This indicates that Council may not be in a position to prepare a range of technical reports which, if live zones were not utilised, could support additional plan variations to rezone land in Pokeno for residential development.
- 8.10 I agree with Mr Mead's indication²⁹ that waiting for a comprehensive structure plan for Pokeno to be prepared may see needed rezoning delayed. I consider that the matters that would normally be addressed by a comprehensive structure plan can be considered through this hearing process when there is sufficient information (such as for Havelock) in combination with the subsequent resource consent processes, with assessment for example of stormwater planning and traffic infrastructure provided with subdivision resource consent applications. Existing discretions in Chapter 16 Residential Zone of the PWDP would support this approach, although I have identified gaps in those discretions and recommended amendments to ensure that the concerns raised by the submitters would be adequately addressed through the resource consent process for Havelock (in lieu of not live zoning additional residential land and waiting for a Council-led comprehensive structure plan process/plan variation).

²⁸ Paragraphs 80 to 89 and 109 to 115 of the Section 42A Report.

²⁹ Paragraphs 86 to 88 and 110 to 112 of the Section 42A Report.

Pokeno south industrial interface

8.11 Mr Mead addresses reverse sensitivity matters relevant to the Havelock Precinct in paragraphs 318 to 347. I have addressed the relevant matters associated with Yashili earlier in this rebuttal evidence, which includes amended and additional rules to address reverse sensitivity concerns. These include:

- (a) Rule 16.4.18 RD1 (iv) addressing the interface between 5 Yashili Drive and the Yashili site (including the design and construction of an acoustic barrier prior to or in parallel with subdivision within the Havelock Precinct);
- (b) Rule 16.3.9.3 relating to building design for dwellings between the 40 and 45 dba noise contour in the Havelock Precinct (this being an alternative to Mr Mead's proposed standard in Rule 16.3.9.2³⁰). The maps of the 40 dba noise contour will be distributed when these are available from Mr Styles; and
- (c) Consequential amendments to Rules 20.2.2.1A.P2.(b) and 21.2.2.1A P2.(b) from the Hearing 7 Council Section 42A reply, providing for industrial noise compliance to be measured from the 45 dba noise contour (Pokeno Industry Buffer) within the Havelock Precinct rather than the zone boundary as is currently required by the PWDP.

8.12 These are in addition to the proposed standards in Rules 16.3.9.2 P2 and 16.4.12 RD2 locating dwellings and building platforms outside of the Pokeno Industry Buffer.

8.13 I agree with Mr Mead's recommendation³¹ for the introduction of following policy (except for the reference to lot orientation which I address later in this evidence):

"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, ~~lot orientation~~, landscape treatment and building design".

8.14 Mr Mead recommends³² that the Pokeno Industry Buffer is reviewed once earthworks are confirmed. I do not consider that this is necessary or appropriate in the context of setting district plan methods. It is proposed that the 45 dba noise contour is recorded as a map annotation in the PWDP, and linked to Rules 16.3.9.2 P2 and 16.4.12 RD2. Given these will have the status of rules, neither of them could be reviewed or altered without a plan change as it is proposed to establish each of these elements as a

³⁰ Paragraph 344 (Bullet 3) of the Section 42A Report

³¹ Paragraph 344 of the Section 42A Report

³² Paragraph 344 (Bullet 2) of the Section 42A Report

development standard rather than a discretion. This is to provide certainty that no dwellings or building platforms could be developed within the Pokeno Industry Buffer.

8.15 I do not agree with Mr Mead's recommendation³³ for additional discretions associated with earthworks and lot orientation and an extension of the EPA over the eastern portion of the Havelock site (as shown on Figure 3.3 of his report). Mr Mead indicates effects of concern include light spill, odour, air discharges and visual amenity. I address the matters relating to land above RL100 in this evidence above and respond to the remaining matters as follows:

- (a) Mr Bryan King has undertaken site analysis of the actual light spill from the Pokeno Gateway Business Park area on the HVL site. This includes a series of topographical cross-sections that highlight those parts of the HVL site, beyond the 45 dba noise contour of the Pokeno Industry Buffer, that would have direct line of sight to the Pokeno Gateway Business Park. Mr King indicates that light spill at the worst case scenario location of visibility and proximity is 1/10th of the performance standard of the Operative Waikato District Plan and will have negligible effects on those residential receivers.
- (b) The separation distances between the HVL land outside the Pokeno Industry Buffer and the Pokeno Gateway Business Park are significant. Based on Mr Munro's Attachment 4, between the Synlait factory and the Pokeno Industry Buffer the separation is between 259 and 333m. Between the Hynds site boundary the separation distances are between 400 and 580m, and from the existing Hynds plant the distances are between 500m and 860m.
- (c) Mr Mead indicates there is the potential for residents to seek input into future resource consents and plan changes. In respect to resource consents, in reviewing the OWDP and PWDP rules for the industrial zones, industrial activities and their buildings are permitted activities. Noise and light spill are managed by performance standards. Mr Styles identifies that the compliance reporting associated with the existing industrial activities establishes that those activities comply with the existing noise standards. Given the extensive range of permitted activities associated with the industrial zones, I do not see how a resident could input into, for example, a certificate of compliance for a permitted use or building.

³³ Paragraph 344 (Bullet 4) of the Section 42A Report

- (d) I do not find any evidence that residents have constrained the existing operations through their complaints, and when reviewing the separation distances between the existing dwellings in Pokeno and those resulting from Havelock, there are already a large number of residents located closer to the Pokeno Gateway Business Park than the Havelock Precinct's Pokeno Industry Buffer.
- (e) I do not consider that visibility of buildings and yards from Transmission Hill is going to accentuate reverse sensitivity effects. There is no evidence that this effect exists as is asserted by Ms de Lambert. I am familiar with many examples of business, industry and residential interfaces where residents view large yards, buildings and areas of car parking (any in many cases only separated by a 5m landscape yard). This is not unusual, or considered in this context likely to result in residents seeking to constrain buildings which are permitted activities. The avenue for such as outcome is uncertain given that resource consents are not required for permitted buildings.
- (f) I do not consider a direct line of sight over a distance of approximately 400m to result in the potential for adverse visual amenity effects or reverse sensitivity. I have not come across an example of this being an effect which has curtailed the operation of an industrial activity, and no evidence has been provided to substantiate that line of sight should be avoided. When looking at Pokeno, there are many dwellings and public roads in the PVHL's Helenslee, Hitchen and the Graham Blocks that have direct views of the buildings and structures in the Pokeno Gateway Business Park. I see no equivalent limitations proposed on development within these areas to avoid sight lines to industrial buildings or yards. Nor do I see equivalent rules being applied to the dwellings on Great South Road, Walter Rodgers Road or Crickett Lane where residential activities can be developed in closer proximity to the Hynds site than the HVL site.
- (g) Mr Mead's suggested 'no building area', shown at Figure 3.3 of the section 42A report, is outside the 45 dba noise contour of the Pokeno Industry Buffer, and is significantly separated from operations such as Hynds (greater than 400m even though Mr Mead indicates this is relatively close). These sites would not be limited to views of just the Hynds site, and depending on design would enjoy almost 270 degree views from Bombay in the north through to the Waikato River in the south.

- (h) Mr Mead also recommends discretions on the orientation of lots and outdoor living courts. I do not consider this is necessary given the separation distances involved and that Messrs Styles, Munro, Pryor and Curtis are comfortable that future dwellings would be outside a specific separation distance or that the alleged visual amenity effects of overlooking are overstated by submitter experts. Further, at the time of subdivision the design of dwellings and location of outdoor living areas would not be known, rather that consent process focuses on lot size and location of the appropriately sized building platform. Limiting direct visual interaction from building platforms and outdoor living areas would then rely on having knowledge of the house design, the owners' preference for house orientation and that they would prefer not to have expansive views, or would prefer to plant or fence those views. As explained by Mr Munro, a future landowner could chose to plant or fence out a view to the Gateway Business Park is they wish to.
- (i) In response to Mr Mead's consideration of no-complaints covenants³⁴, I consider these are unnecessary for similar reasons.
- (j) Mr Curtis has confirmed that there are no air discharges of concern from the Hynds site that would affect residential development beyond the Pokeno Industry Buffer.

8.16 The Havelock Precinct Plan utilises the EPA overlay and Rule 16.4.16 Subdivision of land containing and Environmental Protection Area of the PWDP. Mr Mead suggests an additional matter of discretion regarding "ownership and ongoing management ...". While I disagree with Mr Mead's recommendation to extend the EPA over the 'no build area' where there are sight lines, I do consider that either the discretions in the EPA Rule 16.4.16 or those in Rule 16.4.18 for the Havelock Precinct Plan Area could be expanded to include reference to ownership and ongoing management as follows:

(xii) Ownership and ongoing management of the Environmental Protection Area

8.17 The discretions in district-wide Rule 16.4.16 are not specific in respect to these matters, with only a discretion for management plans and vesting. It may be that the EPA is not vested, and I agree the discretions should cover this eventuality.

³⁴ Paragraph 342 of the Section 42A Report

Pokeno structure plan and RL100

- 8.18 As I have outlined previously in this rebuttal evidence in response to Ms de Lambert, the Pokeno Structure Plan document was prepared as part of a Private Plan Change request and included a number of technical reports in support of that request. The recommendations of the landscape and visual report along with the Pokeno Structure Plan document regarding RL100 were not included in the PC24 planning or structure plan maps, and did not form part of the notified provisions of PC24.
- 8.19 Mr Mead has not identified any objectives of policies from a National Policy Statement, the RPS, the OWDP or the PWDP that would support restricting urban development to below RL100. In fact, the Council did not roll over any of the specific details of the Pokeno Structure Plan (apart from the extent of rezoned land in PC24) into the PWDP.
- 8.20 No land over RL100 is identified as an ONL, ONF or SAL in the RPS, OWDP or PWDP.
- 8.21 I agree with the evidence of Messrs Munro and Pryor regarding the merits of the RL100 contour. I consider there is no compelling reason to limit development based on a contour line.

Hilltop park

- 8.22 Mr Mead identifies³⁵ that it is important for the hilltop park to have sufficient visual presence to retain its landmark-type role. Mr Mead recommends extending the park so it sits clearly above the roofs of surrounding houses.
- 8.23 The establishment of reserves is governed to a significant degree through the acquisition of land pursuant to the Local Government Act 2002. While Mr Mead is seeking a larger size of reserve, it is unknown whether that is a matter which Council would agree to at the time of subdivision, or would prioritise in terms of the allocation of budgets to reserve acquisition.
- 8.24 Mr Munro and I recommend that a better approach to ensure the park has sufficient presence would be to require buildings within 50m of the boundary of the hilltop park to have a maximum height of 5m (effectively one storey above ground level), and for those lots adjoining the hilltop park to provide a 9m yard setback.

³⁵ Paragraph 375 of the Section 42A Report

8.25 I also consider it is necessary to include a rule which makes dwellings (residential activities) within the hilltop park a non-complying activity to address an eventuality where land use precedes subdivision.

8.26 The proposed rules are as follows:

16.3.3.5 Height – Buildings or structures adjoining Hilltop park – Havelock Precinct Plan Area

<u>P1</u>	<u>The maximum height of a building or structure must not exceed 5m above ground level where it is located within 50m (horizontal distance) of the boundary of the Hilltop park identified on the Havelock Precinct Plan.</u>
<u>D1</u>	<u>A building or structure that does not comply with Rule 16.3.3.5 P1.</u>

16.3.9.5 Setback and Buildings – Hilltop park – Havelock Precinct Plan Area

<u>P1</u>	<u>A building must be set back a minimum of 9m from the boundary of the Hilltop park identified on the Havelock Precinct Plan.</u>
<u>D1</u>	<u>A building that does not comply with Rule 16.3.9.5 P1.</u>
<u>NC</u>	<u>A residential activity within the Hilltop park identified on the Havelock Precinct Plan.</u>

8.27 The north-east face of Transmission Hill is proposed as an EPA. As outlined by Messrs Munro and Pryor, this ensures a strong presence of Transmission Hill as viewed from Pokeno. The Hilltop park annotation addresses the highest point of the Hill associated with the transmission towers, along with the north-east face above the EPA. I consider Mr Munro’s recommendation for a 5m height restriction (effectively one storey) in proximity to the Hilltop park to be an appropriate method to ensure that the roofs of dwellings are lower than the park, and the 9m yard separation contributes to ensuring a greater level of spaciousness within the lots adjoining the park.

Transportation

8.28 Mr Mead supports³⁶ additional discretions in respect to the Havelock Precinct and traffic generation to be considered at the time of subdivision. As outlined in the response to Yashili, additional discretions are proposed in Rule 16.4.18 to provide for these matters as part of the assessment of subdivision applications at the time of resource consent. These expand on the issues that Mr Mead has raised.

³⁶ Paragraphs 381 and 382 of the Section 42A Report

Havelock rural lifestyle

8.29 While Mr Mead supports the proposed Havelock Rural Lifestyle proposal, he considers³⁷ that the conditions should be expanded to clarify that more substantial replanting and restoration works are needed in the EPA.

8.30 The rules managing subdivision associated with land that has an EPA are outlined in 23.4.11 of the PWDP. These address planting and management requirements. Similar to the equivalent rule for EPAs in the Residential Zone, I agree that the drafting could be more comprehensive to address matters raised by Mr Mead. I suggest the following additional text to discretion (vi) and a new discretion in proposed rule 23.4.2A
Subdivision: Havelock Rural Lifestyle Precinct Plan:

(vi) Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area.

(vii) Provision of planting and management plans to mitigate and offset the landscape and ecological effects earthworks and vegetation removal associated with road construction.

8.31 Likewise earthworks and vegetation removal in an SNA is already addressed by Rules 23.2.3.3 and 23.2.8 of the PWDP. The discretion (vii) above serves to highlight an integrated approach between the proposed Precinct Plan and the overlays of the PWDP.

Relevant planning documents

8.32 I agree with Mr Mead³⁸ that the Franklin District Growth Strategy 2007, as referenced by the RPS, is no longer relevant and that it has been effectively replaced by Future Proof 2017 and Waikato 2070. I also agree with Mr Mead³⁹ that Waikato 2070 provides more assistance than Future Proof 2017 because it provides a more up to date and finer grained look at Pokeno's growth options.

8.33 I agree with Mr Mead⁴⁰ that the location of Havelock accords with Waikato 2070, and is partly within the indicative urban limits of Future Proof 2017.

³⁷ Paragraphs 383 to 385 of the Section 42A Report

³⁸ Paragraph 28 of the Section 42A Report

³⁹ Paragraph 32 of the Section 42A Report

⁴⁰ Paragraph 368 of the Section 42A Report

9. CONCLUSION

- 9.1 I remain of the view (which I outlined in my primary evidence) that rezoning the Havelock site as Residential and Rural Residential is the most efficient and effective outcome for the site and best implements the higher order documents.
- 9.2 For completeness I have considered the proposed amendments outlined in Annexure 1 in terms of section 32AA of the Act. In light of the new material provided through the section 42A report and submitter evidence I consider that the amended Havelock provisions are the most appropriate way to achieve the purpose of the Act and to implement the objectives and policies of the Plan.
- 9.3 I remain in support of relief sought by HVL subject to minor amendments outlined in attached amended provisions.

Mark Tollemache

3 May 2021

Annexure 1 - Havelock Village Ltd amendments to Chapter 16 Residential Zone, Chapter 23 Rural Lifestyle Zone and Consequential Amendments

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](#).

Other amendments ([red track changes](#)) are recommendations from s42A reports for Topics 10 and 12.

Amendments to Chapter 16 Residential Zone

16.3.9.2 Building setback – Sensitive land use

P1	(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"> (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

<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>

16.3.3.5 Height – Buildings or structures adjoining Hilltop park – Havelock Precinct Plan Area

<u>P1</u>	<u>The maximum height of a building or structure must not exceed 5m above ground level where it is located within 50m (horizontal distance) of the boundary of the Hilltop park identified on the Havelock Precinct Plan.</u>
<u>D1</u>	<u>A building or structure that does not comply with Rule 16.3.3.5 P1.</u>

16.3.9.5 Setback and Buildings – Hilltop park – Havelock Precinct Plan Area

<u>P1</u>	<u>A building must be set back a minimum of 9m from the boundary of the Hilltop park identified on the Havelock Precinct Plan.</u>
<u>D1</u>	<u>A building that does not comply with Rule 16.3.9.5 P1.</u>
<u>NC</u>	<u>A residential activity within the Hilltop park identified on the Havelock Precinct Plan.</u>

16.4 Subdivision

(1) Rule 16.4.1 provides for subdivision ~~density and apply across~~ within the Residential Zone, ~~subject to compliance with the following:~~

- ~~(a) Rule 16.4.7 Subdivision – Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;~~
- ~~(b) Rule 16.4.8 Title boundaries – Significant Natural Areas;~~
- ~~(c) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance;~~
- ~~(d) Rule 16.4.10 Subdivision of land containing heritage items;~~
- ~~(e) Rule 16.4.11 Subdivision – Road Frontage;~~
- ~~(f) Rule 16.4.12 Subdivision – Building Platform;~~
- ~~(g) Rule 16.4.3 Subdivision creating reserves;~~
- ~~(h) Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;~~
- ~~(i) Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and~~
- ~~(j) Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.~~

~~(2) Rule 16.4.1 Subdivision – General does not apply where the following specific areas and/or activities rules apply:~~~~The following rules apply to specific areas and/or activities:~~

- ~~(a) Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area;~~
- ~~(b) Rule 16.4.3 - Subdivision - Te Kauwhata West Residential Area); and~~
- ~~(c) Rule 16.4.4 (Subdivision – Multi-Unit development);~~
- ~~(d) Rule 16.4.5 Subdivision – Boundary adjustments; and~~
- ~~(e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.~~

[\(f\) Rule 16.4.17 – Subdivision – Havelock Slope Residential Area](#)

(3) The following rules apply to specific areas and/or activities:

- (a) Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area (refer to Rule 16.4(4)):
- (b) Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area (refer to Rule 16.4(4)):
- (c) Rule 16.4.4 Subdivision – Multi-unit development;
- (d) Rule 16.4.5 Subdivision – Boundary adjustments;
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold;
- (f) Rule 16.4.7 Subdivision – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;
- (g) Rule 16.4.8 Title boundaries - Significant Natura Areas, heritage items, archaeological sites, sites of significance to Maaori;
- (h) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of significance;
- (i) Rule 16.4.10 Subdivision of land containing heritage items;
- (j) Rule 16.4.13 – Subdivision reserves;
- (k) Rule 16.4.14 – Subdivision esplanade reserves and esplanade strips;
- (l) Rule 16.4.15 – Subdivision of land containing mapped off-road walkways; and
- (m) Rule 16.4.16 – Subdivision of land containing Environmental Protection Area
- (n) [Rule 16.4.17– Subdivision – Havelock Slope Residential Area](#)
- (o) [Rule 16.4.18 – Subdivision Havelock Precinct Plan area](#)

(4) Rule 16.4.4 Subdivision – Multi-unit development does not apply in the following areas:

- (a) Rule 16.4.2 – Subdivision – Te Kauwhata Ecological Area; and
- (b) Rule 16.4.3 – Subdivision – Te Kauwhata West Residential Area.
- (c) [Rule 16.4.17 – Subdivision – Havelock Slope Residential Area](#)

16.4.12 Subdivision - Building platform

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
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	<p>(ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards.</p> <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"> (i) <u>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>

16.4.17 Subdivision of land in the Havelock Slope Residential Area

<u>RD1</u>	<p>(a) <u>Proposed lots, except where the proposed lot is an access allotment, utility allotment or reserve to vest, within the Havelock Slope Residential Area must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) <u>Be a minimum net site area of 2500m²;</u> (ii) <u>Be connected to public-reticulated water supply and wastewater;</u> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Ability of lots to accommodate a practical building platform, including geotechnical stability for building;</u> (ii) <u>Likely location of future buildings and their potential effects on the environment;</u> (iii) <u>Avoidance or mitigation of natural hazards;</u> (iv) <u>Amenity values and streetscape landscaping;</u> (v) <u>Landscaping of steeper slopes to manage erosion and stability;</u> (vi) <u>Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines);</u> (vii) <u>Vehicle and pedestrian networks;</u> (viii) <u>Consistency with the Havelock Precinct Plan; and</u>
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	(ix) <u>Provision of infrastructure, including water supply for firefighting purposes.</u>
<u>D1</u>	<u>Subdivision that does not comply with 16.4.17 RD1</u>

16.4.18 Subdivision: Havelock Precinct Plan Area

<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 or structure, or any combination thereof) must be constructed within the Havelock Precinct Plan’s Light Industry Zone to mitigate noise from the adjoining Light Industry Zone (Lots 3 and 4 DP 492007) to achieve noise levels no greater than 45 dB LAeq between 10pm and 7am in the Havelock Precinct Residential Zone. The application shall be accompanied by an acoustic design report to address compliance with this rule, including the design and location of the acoustic barrier. The design of the acoustic barrier shall be based on the noise levels from the Lots 3 and 4 DP 492007 complying with the noise limits in 20.2.2.1A Noise in Pokeno. The sources of noise used in the noise modelling shall be as follows:</u> <u>A point source located centrally on each lot, approximately two metres high, and with a sound power level of LW 111dBZ. The spectrum shall be as follows:</u> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Frequency (Hz)</th> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1000</th> <th>2000</th> <th>4000</th> <th>8000</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Lw[dBZ]</td> <td>79.1</td> <td>89.1</td> <td>105.1</td> <td>106.1</td> <td>104.1</td> <td>103.1</td> <td>97.1</td> <td>87.1</td> <td>111.0</td> </tr> </tbody> </table>	Frequency (Hz)	63	125	250	500	1000	2000	4000	8000	Total	Lw[dBZ]	79.1	89.1	105.1	106.1	104.1	103.1	97.1	87.1	111.0
Frequency (Hz)	63	125	250	500	1000	2000	4000	8000	Total												
Lw[dBZ]	79.1	89.1	105.1	106.1	104.1	103.1	97.1	87.1	111.0												
	<p>(b) <u>Council’s discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Consistency with the Havelock Precinct Plan;</u> (ii) <u>Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines);</u> (iii) <u>Design and construction of the indicative roads and pedestrian networks;</u> (iv) <u>Design, location and timing of construction of the acoustic barrier within the Havelock Precinct Plan’s General Industry Zone.</u> 																				

	<p>(v) <u>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, 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> <ul style="list-style-type: none"> a. <u>Yashili Drive and Gateway Park Drive;</u> b. <u>Gateway Park Drive and Hitchen Road; and</u> c. <u>Gateway Park Drive and McDonald Road.</u> <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 permitted noise must not exceed 55dB (LAeq) 7am to 10pm every day, 45 dB (LAeq) 10pm to 7am every day and 75 dB (LAFmax) 10pm to 7am every day measured from the western edge 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).

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.

Amendments to Chapter 23 Rural Lifestyle Zone

23.4 Subdivision rules

~~(1) Rule 23.4.1 lists Prohibited Subdivision in the Country Living Zone.~~

(1) Rule 23.4.2 provides for General Subdivision in the ~~Country Living~~ **Rural Lifestyle** Zone and is subject to the following specific rules:

- (i) Rule 23.4.3 - Subdivision within identified areas
- (ii) Rule 23.4.4 - Title Boundaries – contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities and aggregate extraction areas
- (iii) Rule 23.4.5 - Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori
- (iv) Rule 23.4.6 - Subdivision of land containing heritage items
- (v) Rule 23.4.6B- Subdivision of land within the National Grid Corridor
- (vi) ¹Rule 23.4.7 - Subdivision - Road frontage
- (vii) Rule 23.4.8 - Subdivision Building platform
- (viii) Rule 23.4.9 – Subdivision for a Reserve
- (ix) Rule 23.4.10 - Subdivision of land containing mapped off-road walkways
- (x) Rule 23.4.11 - Subdivision of land containing all or part of an Environmental Protection Area
- (xi) Rule 23.4.12 - Esplanade reserves and esplanade strips

In the Havelock Rural Lifestyle Precinct Plan area, subdivision is subject to Rule 23.4.2A (as a replacement to the General Subdivision standards in 23.4.12) and is subject to the specific rules in 23.4.3 to 23.4.12 (as identified above), with the exception that Rule 23.4.8 – Building Platform has a specific standard for the Havelock Rural Lifestyle Precinct Plan (RD2).

23.4.2A Subdivision: Havelock Rural Lifestyle Precinct Plan

<u>RD1</u>	<p><u>(a) Subdivision within the Havelock Rural Lifestyle Precinct Plan area (Appendix XX) must comply with all of the following conditions:</u></p> <p><u>(i) The number of lots, whether in a single or several applications, must not exceed a total of 55 and must not exceed the maximum number identified in each cluster (Appendix XX).</u></p>
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	<p><u>(ii) All proposed lots must have a net site area of at least 2500m² (which may include land within the Environmental Protection Area) and the building platform located entirely within the cluster (Appendix XX).</u></p> <p><u>(iii) The proposal must include the indicative road as a road to vest, provided that this can be constructed and vested in stages to provide the connection to Bluff Road.</u></p> <p><u>(iv) The proposal must offer the provision of the walkway (complying with Rule 23.4.10), provided that this can be constructed in stages.</u></p> <p><u>(v) The proposal must include a 5m planted landscape yard adjoining any road or indicative road.</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <p><u>(i) Consistency with the Precinct Plan</u></p> <p><u>(ii) Adverse effects on amenity values;</u></p> <p><u>(iii) The provision of infrastructure, including water supply for firefighting where practicable;</u></p> <p><u>(iv) Standard of design and construction of the walkway;</u></p> <p><u>(v) Standard of design and construction of the indicative road;</u></p> <p><u>(vi) Measures proposed for planting and management. Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area.</u></p> <p><u>(vii) Provision of planting and management plans to mitigate and offset the landscape and ecological effects earthworks and vegetation removal associated with road construction.</u></p>
<u>D1</u>	<u>Subdivision that does not comply with Rule 23.4.2A(a)(iv) and (v) RD1.</u>
<u>NC1</u>	<u>Subdivision that does not comply with Rule 23.4.2A(a)(i) to (iii) RD1.</u>

23.4.8 Subdivision - Building platform

RD1	<p>(a) Subdivision, other than an access allotment or utility allotment, must provide a building platform on every the proposed lot that: <u>The building platform must meet all of the following conditions:</u></p> <p>(i) has an area of 1000m² exclusive of boundary setbacks;</p> <p>(ii) has an average gradient no steeper than 1:8;</p> <p>(iii) has vehicular access in accordance with Rule 14.12.1 P1;</p>
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	<p>(iv) is certified by a geotechnical engineer as geotechnically stable; <u>and suitable for a building platform;</u></p> <p>(v) is not subject to inundation in a 2% AEP storm or flood event;</p> <p>(vi) a dwelling could be built on as a permitted activity in accordance with Rule 23.3.</p> <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Earthworks and fill material required for building platform and access; (ii) Geotechnical suitability for a building; (iii) Avoidance or mitigation of natural hazards; (iv) Effects on landscape and amenity; (v) Measures to avoid storm or flood events.
RD2	<p>(a) <u>Subdivision in the Havelock Rural Lifestyle Precinct Plan area, other than an access allotment or utility allotment, must provide a building platform on every proposed lot. The building platform must meet all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) <u>has an area of 500m² exclusive of boundary setbacks;</u> (ii) <u>has an average gradient no steeper than 1:8;</u> (iii) <u>has vehicular access in accordance with Rule 14.12.1 P1;</u> (iv) <u>is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform;</u> (v) <u>is not subject to inundation in a 2% AEP storm or flood event;</u> (vi) <u>a dwelling could be built on as a permitted activity in accordance with Rule 23.3.</u> <p>(b) <u>Council’s discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Earthworks and fill material required for building platform and access;</u> (ii) <u>Geotechnical suitability for a building;</u> (iii) <u>Avoidance or mitigation of natural hazards;</u> (iv) <u>Effects on landscape and amenity;</u> (v) <u>Measures to avoid storm or flood events.</u>
D1	<p>Subdivision that does not comply with Rule 23.4.8 RD1 <u>and RD2.</u></p>