

**BEFORE AN INDEPENDENT HEARINGS PANEL
OF THE WAIKATO DISTRICT COUNCIL**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the proposed
Waikato District Plan
(Stage 1) Hearing 25

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

PLANNING

12 May 2021

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1. INTRODUCTION

1.1 Our names are Dharmesh Chhima and Sarah Nairn and we are Senior Planners at The Surveying Company (**TSC**) in Pukekohe.

1.2 We have prepared three statements of evidence for Hearing 25 on behalf Hynds Pipe Systems Limited and the Hynds Foundation (together, **Hynds**) in relation to their submissions/further submissions on the Proposed Waikato District Plan (**Proposed Plan**):

- (a) Evidence in chief dated 17 February 2021 in support of Hynds' request that the lower portion of its site at 62 Bluff Road (**Expansion Land**) be zoned Heavy Industrial whilst retaining the notified Rural zone on the upper portion of the land;
- (b) Evidence in chief 17 March 2021 in opposition to submissions and evidence lodged by other parties, in particular Havelock Village Limited (**HVL**) and Steven and Teresa Hopkins (**Hopkins**); and
- (c) Rebuttal evidence dated 4 May 2021 regarding the s42A report.

2. SUMMARY OF EVIDENCE

Evidence in support of Hynds' rezoning request

2.1 Our evidence in chief dated 17 February 2021 sought that the Expansion Land be zoned Heavy Industrial. We identified that this zoning would have the following positive planning outcomes:

- (a) It will take land which is currently lying fallow and is not overly suitable for a rural use and give it an economic purpose through enabling the expansion of a regionally significant industrial operation. The expansion will recognise the substantial investment that has been made in the Hynds Factory Site to date, will allow the manufacturing plant to remain competitive and will likely avoid the need for all or part of the operation to move to a new location;
- (b) The increase in Heavy Industrial zoned land is important and will help to reinforce the role of Pokeno as the premier industrial hub in the

northern Waikato. It will also ensure that Hynds continues to act as an “anchor point” for the Pokeno township;

- (c) The various specialists that have reviewed the proposal on behalf of Hynds have confirmed that the proposal will not be impactful on the surrounding environment, given the limited scale and extent of the land to be zoned Heavy Industry and as the expansion will likely be consumed into the wider Hynds Factory Site when viewed or experienced from surrounding land; and
- (d) The upper hillslopes of 62 Bluff Road are protected from large scale development and quarrying and, in fact, will be significantly enhanced by the revegetation / sculpture park project.

2.2 We also consider that the proposal is the most appropriate means of achieving the objectives and policies in the Proposed Plan and the Waikato Regional Policy Statement (**WRPS**) relating to supporting and growing the region’s industry, increasing the supply of industrial zoned land in the Strategic Industrial Growth Node at Pokeno, and protecting the wider rural landscape and rural productivity. This analysis was accepted in paragraph 3.16 of the s42A report prepared by Mr Mead.

Evidence opposing the Hopkins’ rezoning request

2.3 The evidence in chief we submitted on 17 March 2021 identified that the submission by the Hopkins to rezone the land at 67 Pioneer Road from Rural to Village or Country Living has the potential to generate reverse sensitivity effects on the Hynds site. For that reason we do not consider that the rezoning proposed is appropriate. We note that this submission is not supported by the s42A report on the basis that the only connection between the site and the town centre is the State Highway and as there is no need to rezone this land to address growth pressures¹. Mr Mead’s recommendation to reject the submission inherently addresses any reverse sensitivity concerns.

¹ Paragraphs 364 and 365 on page 101 of the s42A report.

Evidence opposing the Havelock Village rezoning request

- 2.4** We do not support HVL's rezoning proposal.
- 2.5** Our earlier evidence to the Panel identified that Hynds purchased the Hynds Factory Site, in part, due to the 'trifecta' of planning provisions created by the comprehensive planning framework in the Operative Waikato District Plan (**Operative Plan**) being:
- (a) The Industrial 2 zone applied to the Hynds Factory Site (this zone enabled the operation that we see today);
 - (b) The application of the Aggregate Extraction and Processing (**AEP**) zone to land adjoining and surrounding the Hynds Factory Site to the south and west (this ensured that sensitive activities were not located in these areas); and
 - (c) A setback which required dwellings to be located 500m from the AEP zone boundary unless resource consent or written approval of the operator of the extraction site was obtained.
- 2.6** This 'trifecta' has been turned on its head. First the Proposed Plan removed the AEP zone and the setback and replaced it with a Rural zoning. Now, HVL are proposing a substantial residential development for the site overlooking the Hynds Factory Site. To give some context to the size of HVL's proposed development we note that there were 942 homes in Pokeno at the time of the 2018 census and the HVL is proposing approximately 600 homes.
- 2.7** The HVL rezoning proposal (as set out in its submission) was opposed by Hynds (and others) and, as a consequence, the HVL proposal was amended to reduce in scale to approximately 550 urban dwellings and 50 country living dwellings and to also include the Pokeno Industry Buffer (**Buffer**). In reducing the scale and including the Buffer, HVL confirmed that placing residential homes on the boundary of the premier industrial hub in the Waikato has the potential to generate reverse sensitivity and other effects.

2.8 Our evidence in chief dated 17 March 2021 acknowledged the reduced scale and the inclusion of a buffer but confirmed that we still do not support HVL's rezoning proposal. We identified that:

- (a) there were visual/landscape, lighting, traffic and stormwater issues that had not been adequately addressed;
- (b) the provisions associated with the Buffer did not give a clear direction that residential development should not occur in the Buffer due to reverse sensitivity concerns; and
- (c) that the Buffer only addressed noise reverse sensitivity issues (as it is based on noise contours) and therefore did not address visual or lighting concerns resulting from Hynds' 24/7 operation. We noted that these reverse sensitivity concerns had a high likelihood of occurring given the overlooking nature of future homes on the upper hillslopes and as out of 550 homes there are likely to be people that are sensitive to lighting and the general intrusive nature of large and utilitarian buildings/industrial operations. We also noted that people are likely to accept the effects of the activities as they stand now but may well have concerns when Hynds and the other activities undertake future development (which may well entail additional areas of outdoor lighting and buildings up to 35m in height). If complaints impact upon the ability to obtain future resource consents or curtail operations in other ways, we consider this to be 'high impact' given the importance of these activities to Pokeno, the Waikato and Auckland.

2.9 The s42A report acknowledges these issues but supports the HVL rezoning proposal because of the housing that it will provide.

2.10 Our rebuttal evidence to this concluded that we remain of the view that the HVL proposal has the potential to result in significant visual, traffic, stormwater and reverse sensitivity effects and, as such, should be rejected. That is Hynds' primary position.

2.11 However, if the Panel was minded to accept the proposal we consider that the Buffer needs to be extended as per the Boffa Miskell plan attached to Rachel de Lambert's rebuttal evidence to include all HVL land which will have clear views of the Strategic Industrial Node at Pokeno. The proposed EPA should also be applied to the extended Buffer area.

- 2.12** We also proposed two options for putting in place planning provisions which will give effect to the Buffer – we prefer the option of applying the Reserve zone as it is a robust and enduring solution. The alternative would be to use Residential zoning but with amendments to the provisions to provide clear directions as to what can (and cannot) take place in the buffer.
- 2.13** We recognise that HVL has made some further amendments to their proposal in their extensive rebuttal evidence. This includes revisions to the provisions that have been proposed and the provision of additional information (including line of sight analysis). We need to assess this evidence in detail before we can form an opinion on it. As such, we will provide comment on this at the Hearing. We do note however, that despite submitting 3 rounds of evidence HVL has not provided a full assessment (from a landscape architect) of views from their land to the industrial activities or provided renders/montages of the HVL development. They have also not demonstrated how houses on this land can be designed to mitigate north facing views of the industrial land. Without this information, we do not see how HVL’s witnesses can conclude that the landscape, visual, and reverse sensitivity effects will be acceptable (or non-existent).
- 2.14** Overall, we have given careful consideration to the rezoning proposal put forward by HVL and have tried to be constructive to provide the greatest assistance to the Panel. We acknowledge that residential growth needs to occur in Pokeno. Our concern is that residential development should be carefully planned and located so that it respects the existing development pattern in Pokeno and it does not occur at the expense of industrial activities which are of regional and national significance. We consider that rejecting the rezoning proposals and retaining the notified zoning will give effect to the policies within the WRPS and the Proposed Plan which all seek to avoid or minimise reverse sensitivity effects generated by locating sensitive activities next to regionally significant industry. In our view, HVL’s proposed provisions are not the most appropriate provisions for this site and will not give effect to the higher order planning documents.

Sarah Nairn and Dharmesh Chhima
12 May 2021