

**UNDER** the the Resource Mangement Act 1991 ("RMA")  
**IN THE MATTER** of Proposed Waikato District Plan (Stage 1) Hearing 25 –  
Zone Extents

**SUMMARY STATEMENT OF EVIDENCE OF ANDREW CURTIS ON BEHALF  
OF 2SEN LTD AND TUAKAU ESTATES LIMITED**

**[Submission 299]**

**AIR QUALITY**

**1. INTRODUCTION**

1.1 My full name is Andrew Ferguson Curtis. I am a Technical Director at Pattle Delamore Partners specialising in Air Quality. I am providing evidence on behalf of 2Sen Limited and Tuakau Estates Limited (**"the Submitters"**) in relation to their joint submission on the Proposed Waikato District Plan (Stage 1) (**"PDP"**). My qualifications and experience are set out in paragraphs 1.2 and 1.3 of my Evidence in Chief dated 15 February 2021 (**"EIC"**). The purpose of this statement is to summarise my EIC and provide general commentary in respect of matters arising in the section 42A reports prepared by Council.

**2. SUMMARY OF EIC**

2.1 One of the primary issues with respect to the relief sought by the Submitters is reverse sensitivity, which is not defined in the PDP. There are definitions in the Franklin section of the Operative Plan and Waikato Regional Plan (**"WRP"**).

2.2 In general, these definitions are acceptable, but it is important to note that where a discharge that gives rise to some form of effect is not lawfully established, or is greater than that consented, then any effects associated with it cannot be considered reverse sensitivity effects.

2.3 In addition, any complaints that might occur in relation to discharges where activities are lawfully established and operating within their

consents, while they may be annoying do not of themselves constitute a reverse sensitivity effect.

- 2.4 If industrial activities are meeting the requirements of Section 6.1.9.1 of the WRP, then they are, with respect to air quality, minimising the potential for reverse sensitivity effects. However, that does not mean that there will not potentially be some air discharges (primarily odour and dust) that are detectable beyond the site boundary. Therefore, there is merit in having some separation between industrial and more sensitive activities to avoid any potential for effects from these residual emissions.
- 2.5 There is currently a separation distance of approximately 140 metres between existing residences in Moira Grove and existing industrial activities, and based on information provided by Waikato Regional Council there have been no complaints or reverse sensitivity issues, despite the fact that the houses were established well after the industry.
- 2.6 In addition, WDC has more recently allowed the development of the Riverside Grove subdivision and has not put in place any form of separation for industry that might establish to the east of the subdivision.
- 2.7 Having considered this, I recommended a distance of 150 metres as being an appropriate separation between industrial activities and residences on the Submitters' land. In making this recommendation I considered, topography, meteorology and typical distances associated with residual effects from odour and dust, which are most likely to give rise to nuisance effects.
- 2.8 My recommendation has been taken into account by the Submitters by the insertion of the "amenity yard" into its Proposal within which a restricted discretionary resource consent would be required to establish any sensitive activities.
- 2.9 This amenity yard results in a separation which is greater than the 150 metres that I have recommended. Consequently, I am comfortable with proposed modification of the amenity yard referenced in Ms Heppelthwaite's summary of evidence, to align it with the setback proposed by Mr Grey for 54 Dominion Road which is measured from the south side of the North Island Main Trunk Railway, as it will not give rise to any perceptible increase in risk of reverse sensitivity effects.

**3. COMMENTS ON SECTION 42A REPORT**

3.1 I have reviewed the relevant sections of the Framework Report and section 42A report in relation to the Tuakau area, and consider that with respects to the Proposal that the separation distance and “amenity yard” mechanism proposed by the Submitters, as modified in the Ms Heppelthwaite’s summary of evidence will be suitable to avoid the potential for conflict between what could be considered incompatible activities.

**4. CONCLUSION**

4.1 I have reviewed the potential for the rezoning of the Properties to result in reverse sensitivity effects on the Bollard Road industrial area.

4.2 It is my opinion that the separation provided within the Rezoning together with the proposed “amenity yard” mechanism as modified in the summary of Ms Heppelthwaite’s evidence is sufficient to avoid the potential for air quality related reverse sensitivity effects to arise from the residual emissions that might arise from the operation of lawful operation of industrial activities within the Bollard Road industrial area.

**Andrew Curtis**

12 May 2021