

Melanie Hunkin

From: Chanel Hargrave <chanel@subdivision.co.nz>
Sent: Friday, 24 April 2020 11:33 a.m.
To: Jane Macartney
Cc: Sarah Mitchell; Bill Loutit; John Gasson; Adrian Hynds
Subject: Hearing 7 Hynds Feedback Attachment 5
Attachments: Hynds response to revised provisions for Industrial Zones.pdf

Hi Jane

Thanks for the opportunity to provide feedback on the revised provisions. The attached letter set out the provisions which are supported by Hynds and points of disagreement.

Hynds key concern remains the lack of policy direction to protect the Heavy Industrial Zone from reverse sensitivity. I have proposed an amendment to policy 4.6.3., "protect heavy industrial activities from reverse sensitivity". The wording of a potential reverse sensitivity policy was discussed with the Panel at Hearing 7 and the proposed wording was viewed as a clear and concise.

Please let me know if you have any questions.

Kind Regards

In accordance with the Prime Minister's announcement on Monday 23 March, we will join other New Zealand businesses to play our part to limit the spread of COVID-19. From 5.00pm on Wednesday 25 March, our offices will be closed.

However, from closure our people will all be working remotely and are able to conduct business without disruption to clients and will continue to monitor emails as normal.

Chanel Hargrave

Senior Planner | Urban Designer
Int.NZPI



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21st April 2020



Jane Macartney
Senior Policy Planner
Waikato District Council
Via email: jane.macartney@waidc.govt.nz

The Surveying Company LTD
Level 1
17 Hall Street
PO Box 466 Pukekohe 2340
Phone 09 238 9991
Fax 09 238 9307
email: info@subdivision.co.nz
web: www.subdivision.co.nz

Hearing 7 - Industrial Zones Revised Provisions

Hynds Pipe Systems Limited (S983, FS1341) and the Hynds Foundation (FS1306)

Dear Jane

Hynds Pipe Systems Limited and the Hynds Foundation are thankful for the opportunity to provide feedback on the revised provisions for the Industrial Zones. Hynds have outstanding concerns relating to the following provisions:

- Objective 4.6.1(a) - Economic Growth of Industry;
- Policy 4.6.2(a)(ii)A – Provide for Industrial Zones with different functions;
- Policy 4.6.3(a) - Maintain industrial land for industrial purposes; and
- Rule 21.2.2.1A – Noise Pokeno.

The key outstanding issue for Hynds is the lack of policy direction to protect the Heavy Industrial Zone from sensitive activities. Without appropriate policy direction the integrity of the zone may be compromised and existing, expanded or new heavy industry is at risk of being curtailed rather than enabled.

The Heavy Industrial Zone covers a small portion of the Waikato District. Outside Horotiu Industrial Park, Huntly Power Station and the former Meremere Power Station, Pokeno is the only area with land zoned for heavy industry. Hynds submission seeks to protect the Heavy Industrial Zone, recognising there is limited supply within the District. The proposed zoning surrounding the Hynds site will result in significant changes to permitted sensitive uses that can occur adjacent to the Heavy Industrial Zone. Proposed zoning and the residential rezoning request of submitters, such as Havelock Village Limited, will significantly increase the likelihood of reverse sensitivity. To enable efficient use of the Heavy Industrial Zone, Hynds seek compatible zoning and sensitive activity setbacks to protect their existing and future operation from reverse sensitivity. Fundamental to this is the need for a policy that ensures the Heavy Industrial Zone is protected from sensitive land uses to avoid reverse sensitivity. The current plan does not provide this and therefore fails to adequately enable heavy industry.

The table below sets out areas of agreement and outstanding areas of disagreement.

Yours faithfully

Chanel Hargrave BPlan(Hons.) MURbDes(Hons.) Int.NZPI
Senior Planner / Urban Designer

Chapter 4: Urban Environment

4.6 – General and Heavy Industrial Zones

Provision	Recommended amendments to Chapter 4 in response to submissions and evidence 13 January 2020	Revised Chapter 4 for liaison with submitters post Hearing 7	Hynds Comments	Outstanding relief sought by Hynds
4.6.1(a) Objective – Economic Growth of Industry	The economic growth of the district's industry is supported and strengthened in industrial zones.	Remains Unchanged: The economic growth of the district's industry is supported and strengthened in industrial zones.	Hynds support the intent of this objective. A minor amendment is proposed which seeks the recognition of employment benefits. The amendment sought will give better effect to the strategic objective, 1.12.6, which seeks to maximise employment and economic growth.	<u>The economic growth of the district's industry is supported and strengthened in industrial zones, recognising the positive employment and economic benefits of industrial activities.</u>
4.6.2(a)(ii)A Policy – Provide Industrial Zones with different functions	Recognise and provide for a range of heavy industrial and other compatible activities that may generate <u>potentially significant effects on more sensitive zones, including relatively</u> high levels of visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and heavy traffic, subject to appropriate separation distances.	Recognise and provide for a range of heavy industrial and other compatible activities that may generate potentially high levels of visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and heavy traffic.	Do not support. The policy should reference <u>potentially significant effects to align with the National Planning Standards and the zone description now included in Chapter 21.</u> The policy is unclear and currently reads as if visual impact from the matters listed is the effect. The order should be reworded to make the policy clear.	Recognise and provide for a range of heavy industrial and other compatible activities that may generate <u>potentially high levels of visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and heavy traffic, significant levels of outdoor storage, lighting, noise, odour, heavy traffic, and visual impact from buildings and associated parking and loading spaces.</u>

<p>4.6.3(a) Policy – Maintain industrial land for industrial purposes</p>	<p>Maintain a sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the <u>different</u> requirements of <u>different general</u> and heavy industries <u>to avoid the need for industrial activities to locate in non-industrial zones.</u></p>	<p>Maintain a sufficient supply and the integrity of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the different requirements of general and heavy industries and the location of any sensitive land use or noise-sensitive activity.</p>	<p>We support the retention of this policy with the additional amendment proposed.</p> <p>The changes do not appropriately protect the heavy industrial zone. For land supply to be sufficient for foreseeable future demand it needs to be protected from sensitive activities. This is important given the very limited supply of heavy industrial land within the district. It is vital that the resource is protected to enable those activities that generate potentially significant effects.</p>	<p>Addition sought:</p> <p>b) <u>Protect the heavy industrial activities from reverse sensitivity.</u></p>
<p>4.6.4(a) / (a) – (d)</p>	<p>Maintain industrial zones for industrial activities unless a development is ancillary to an on-site industrial activity and does not undermine the integrity of those zones.</p>	<p>(a) Maintain industrial zones for industrial activities unless a development is ancillary to an on-site industrial activity and does not undermine the integrity of those zones. (b) Avoid the unnecessary development of any sensitive land use or noise-sensitive activity in industrial zones, including residential activities. (c) Provide for retail activities and offices in the General Industrial Zone that are ancillary to industrial activities and/or, because of their size, design or operational characteristics, are incompatible with the function and character of a town centre. (d) Avoid retail activities and offices in the Heavy Industrial Zone that are not ancillary to industrial activities.</p>	<p>Support</p>	<p>N/A</p>
<p>4.6.5(a)</p>	<p>Manage activities within specific sites containing lawfully established industrial activities that are not immediately adjacent to towns or villages.</p>	<p>Remains unchanged: Manage activities within specific sites containing lawfully established industrial activities that are not immediately adjacent to towns or villages.</p>	<p>Support</p>	<p>N/A</p>
<p>4.6.6(a)</p>	<p>The amenity values of sensitive activities and ecosystem values outside of industrial zones are protected from the significant</p>	<p>Remains unchanged: The amenity values of sensitive activities and ecosystem values outside of industrial zones</p>	<p>Support</p>	<p>N/A</p>

Manage Adverse Effects	adverse effects of industrial activities.	are protected from the significant adverse effects of industrial activities.		
4.6.7 (a) / (a - b) Management of adverse effects within industrial zones	Manage adverse effects including visual impact from buildings, parking, loading spaces and outdoor storage, lighting, noise, odour and traffic by managing the location of industrial uses, bulk and form of buildings, landscaping and screening at the interface with roads and environmentally sensitive areas.	Management of adverse effects on adjoining sensitive zones (a) Manage adverse effects from the visual dominance of buildings, structures and ancillary parking and loading spaces on adjoining sensitive zones. (b) Manage adverse effects from the operation of industrial activities, including lighting, noise, odour and traffic, on adjoining sensitive zones.	Support if policy 4.6.3(b) is amended as proposed. The revision of this policy reinforces the need for an addition to policy 4.6.3 to ensure heavy industry is protected from sensitive activities. If sensitive activities were to locate near the Heavy Industry Zone this policy would significantly curtail heavy industry rather than enable it.	Amend policy 4.6.3 as proposed.

Chapter 21: Heavy Industrial Zones

Provision	Recommended amendments to Chapter 4 in response to submissions and evidence 13 January 2020	Revised Chapter 4 for liaison with submitters post Hearing 7	Hynds Comments	Outstanding relief sought by Hynds								
Zone Description	N/A	Areas used predominantly for industrial activities that generate potentially significant adverse effects. The zone may also be used for associated activities that are compatible with the potentially significant adverse effects generated from industrial activities.	We support the inclusion of the Zone Description. This aligns with the NPS.	N/A								
21.1.3 Non-complying activities	NC1 Any activity that is not listed as a permitted, restricted discretionary or discretionary activity is a NC Activity.	<p>21.1.4 Non-complying Activities</p> <p>(1) The activities listed below are non-complying activities.</p> <table border="1"> <tr> <td>NC1</td> <td>A noise-sensitive activity, except for a residential unit provided by [redacted]</td> </tr> <tr> <td>NC2</td> <td>A sensitive land use, except for a residential unit provided by [redacted]</td> </tr> <tr> <td>NC3</td> <td>An office not provided by [redacted]</td> </tr> <tr> <td>NC4</td> <td>A retail activity not provided by [redacted]</td> </tr> </table>	NC1	A noise-sensitive activity, except for a residential unit provided by [redacted]	NC2	A sensitive land use, except for a residential unit provided by [redacted]	NC3	An office not provided by [redacted]	NC4	A retail activity not provided by [redacted]	Support the revised NC Activities.	N/A
NC1	A noise-sensitive activity, except for a residential unit provided by [redacted]											
NC2	A sensitive land use, except for a residential unit provided by [redacted]											
NC3	An office not provided by [redacted]											
NC4	A retail activity not provided by [redacted]											

21.2.2. Landscape Planting	<p>21.2.2.2 Landscape planting [581.24, FS1306.34, FS1341.41]</p> <p>CI</p> <p>(a) Any activity on a lot that has a side and/or rear boundary adjoining any Residential, Village, Country Living or Reserve Zone shall provide a 3m wide landscaped strip running parallel with the side and/or rear boundary; and</p> <p>(b) Any activity on a lot that contains, or is adjacent to, a river or a permanent or intermittent stream shall provide a 5m wide landscaped strip measured from the top edge of the closest bank and extending across the entire length of the watercourse.</p> <p>(c) Council's control is reserved over the following matters:</p> <p>(i) the adequacy of the width of landscaping strip;</p> <p>(ii) type, density and height of plantings conducive to the location;</p> <p>(iii) maintenance measures;</p> <p>(iv) amenity values; and</p> <p>(v) natural character and cultural values of a river or stream.</p> <p>RD1</p> <p>(a) Any activity that does not comply with 21.2.2.2 CI</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) adequacy of the width of landscaped strip;</p> <p>(ii) type, density and height of plantings conducive to the location;</p> <p>(iii) maintenance measures;</p> <p>(iv) amenity values; and</p> <p>(v) natural character and cultural values of a river or stream.</p>	<p>21.2.1 Landscape planting</p> <p>PI</p> <p>(a) Any building or land use activity on a record of title that has a side and/or rear boundary adjoining any Residential, Village, Country Living or Reserve Zone that is landscaped to the following minimum standards:</p> <p>(i) a 3 metre depth measured from the side and/or rear boundary</p> <p>(ii) comprises a mixture of indigenous shrubs and trees planted a maximum of 1.5 metres apart</p> <p>RD1</p> <p>(a) Any building or land use activity that does not comply with 21.2.1 PI</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) type, density and scale of indigenous plantings</p> <p>(ii) the extent to which the amenity of the adjoining Residential, Village, Country Living or Reserve Zone is maintained.</p> <p>P2</p> <p>(a) Any building or land use activity on a record of title that contains, or adjoins, a river or a permanent or intermittent stream, that is landscaped to the following minimum standards:</p> <p>(i) a 4 metre depth measured from the bank and extending across the entire length of the water body</p> <p>(ii) comprises mixed indigenous vegetation planted a maximum of 1.5 metres apart</p> <p>RD2</p> <p>(a) Any building or land use activity that does not comply with 21.2.1 P2</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) type, density and scale of indigenous plantings</p> <p>(ii) the extent to which the natural character and cultural values of a river or stream are maintained.</p>	N/A
21.2.2.1A Noise - Pokeno	<p>21.2.2.1 Noise - General [697.688, 697.689, 697.690]</p> <p>PI</p> <p>Noise generated by emergency generators and emergency sirens.</p> <p>P2</p> <p>(a) Noise measured within any other site:</p> <p>(i) In the Heavy Industrial Zone must not exceed:</p> <p>A. 75dB (LA_{eq}) at any time.</p> <p>(ii) In the Industrial Zone must not exceed:</p> <p>A. 75dB (LA_{eq}); 7am to 10pm; and</p> <p>B. 55dB (LA_{max}) 10pm to 7am the following day.</p> <p>(b) Noise measured within a site in any zone, other than the Heavy Industrial Zone and Industrial Zone, must not exceed the permitted noise levels for that zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of NZ 6801:2008 "Acoustics Measurements of Environmental Sound"</p> <p>(d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics Environmental Noise"</p>	<p>21.2.2.1A Noise - Pokeno</p> <p>PI</p> <p>Noise generated by emergency generators and emergency sirens.</p> <p>P2</p> <p>(a) Noise measured within any other site:</p> <p>(i) In the Heavy Industrial Zone in Pokeno that does not exceed:</p> <p>A. 70dB (LA_{eq}) at any time</p> <p>(ii) In the General Industrial Zone in Pokeno that does not exceed:</p> <p>A. 65dB (LA_{eq}) at any time</p> <p>(b) Noise measured within a site in any zone, other than the Heavy Industrial Zone in Pokeno and the General Industrial Zone in Pokeno, that does not exceed the permitted noise levels for that zone.</p> <p>(c) Noise levels that are measured in accordance with the requirements of NZ 6801:2008 "Acoustics Measurements of Environmental Sound"</p> <p>(d) Noise levels that are assessed in accordance with the requirements of NZS 6802:2008 "Acoustics Environmental Noise"</p> <p>RD1</p> <p>(a) Noise that does not comply with 21.2.2.1 PI or P2</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) effects on amenity values</p>	Retain noise standards as recommended in the Reporting Office s42A rebuttal evidence and as recommended in the peer review of noise matter by acoustic engineer Malcolm Hunt.
21.2.3.3 Noise - Construction	Hynds supported the recommendations as setout in Attachment 4 of the Reporting Officers rebutal s42A Report.	Remains unchanged.	Support
21.2.3.5 Earthworks - General	Hynds supported the recommendations as setout in Attachment 4 of the Reporting Officers rebutal s42A Report.	Remains unchanged.	Support

21.2.7.1 Signs- General	Hynds supported the recommendations as setout in Attachment 4 of the Reporting Officers rebutal s42A Report.	Provisions remain the same but format changed.	Support- the reformatting is clearer.	N/A
21.2.7.2 Signs -- Effects of traffic	Hynds supported the recommendations as setout in Attachment 4 of the Reporting Officers rebutal s42A Report.	Provisions remain the same but format changed and reinclusion of: (vi) is at least 130m from a site entrance, where the sign directs traffic to that entrance.	Support- the reformatting is clearer.	N/A
21.3.1 Building Height	Hynds supported the recommendations as setout in Attachment 4 of the Reporting Officers rebutal s42A Report.	Remains unchanged.	Support	N/A
21.3.3 Daylight admission	Hynds supported the recommendations as setout in Attachment 4 of the Reporting Officers rebutal s42A Report.	Rule name change to Height in relation to boundary. Provisions remain unchanged.	Support -- height in relation to boundary aligns with the NPS.	N/A