

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) Hearing 7:
Topic 7 – Industrial

**PRIMARY EVIDENCE OF MARK SEYMOUR MANNERS TOLLEMACHE
ON BEHALF OF HAVELOCK VILLAGE LIMITED**

10 December 2019

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1. EXECUTIVE SUMMARY

- 1.1 I have reviewed Section 42A Report and agree with the recommendations of Ms Macartney regarding the submission by Waikato District Council (**WDC**) (697.688) on Rule 21.2.3.1 Noise – General. The submission identified an error in the drafting of Rule 21.2.3.1, whereby standards P3 and P4 rather than being a subset of P2 were standalone standards. The correction of this error confirms that the proposed zone interface noise limits are relevant to activities subject to P2 to ensure a reasonable level of noise between industrial and other activities.

2. INTRODUCTION

- 2.1 My full name is Mark Seymour Manners Tollemache. I am an independent planning consultant and Director of Tollemache Consultants Limited. I confirm that I have the qualifications and expertise previously set out in my primary planning evidence for Topic 1.¹
- 2.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Scope of evidence

My evidence provides planning assessment and commentary on the further submissions by Havelock Village Ltd (**HVL**) (FS1291 and FS1377) on submissions by WDC (697.688) and Waikato District Health Board (**WDHB**) (923.154) requesting amendments to Rule 21.2.3.1 Noise – General.

3. INTERFACE RULE

- 3.1 I agree with the Section 42A assessment by Ms Macartney regarding the submission by WDC (697.688) on Rule 21.2.3.1 Noise – General. The submission identified an error in the drafting of Rule 21.2.3.1, whereby standards P3 and P4 rather than being a subset of P2 were standalone standards. This could create a conflict between the noise

¹ See paragraphs 2.1 – 2.4, Tollemache primary planning evidence for Havelock Village Limited for Hearing Topic 1 dated 16 September 2019.

standard in P2 and the requirement to adopt the adjoining zone standard at the boundary in P3.

- 3.2 Read individually P2 allowed noise to be generated to 75 dB (LAeq) within any other site. This is not appropriate where the Heavy Industry Zone adjoins a zone such as Industry, Business, Residential or Rural where a higher aural amenity expectation is identified in the objectives and policies for these zones. P3 being relocated as P2(b) resolves this, and new P2(c) and P2(d) confirm the manner in which measurements are to be undertaken consistent with the relevant New Zealand Standards.
- 3.3 HVL supports the proposed zone interface noise limits (P3 becoming P2(b)) to ensure a reasonable level of noise between industrial and other activities.
- 3.4 I support the reasons for accepting the submission outlined by Ms Macartney and the use of the interface rule (P2(b)) between zones. I consider that this type of rule is best practice and is common to many district plans that I am familiar with, including the Auckland Unitary Plan.
- 3.5 I also support the analysis provided by Mr Styles on behalf of HVL. Mr Styles has identified that the wording of new rule P2(b) (old P3) could have issues in respect to interpretation. I agree with this concern, and support Mr Styles' recommended amendment to P2(b) as follows:

Where noise generated by any activity on a site in one zone is received by any activity on a site in a different zone, the activity generating the noise must comply with the noise limits and standards of the zone at the receiving site.

- 3.6 The section 42A report (para 769) discusses the further submission by HVL but concludes that HVL may not have scope in respect of the requested changes to the rules. To clarify, HVL is a further submitter in support of the changes sought by WDC and WDHB. HVL's further submission simply supported the changes sought by those submitters and did not seek any additional amendments over and above what was sought by those submitters. As a result, the scope is set by those original submissions.

4. NOISE LIMIT IN THE HEAVY INDUSTRY ZONE

- 4.1 Mr Styles has identified that the Proposed Waikato District Plan (**PWDP**) noise limits for the proposed Heavy Industrial Zone are 5 dB higher than the Operative District Plan (Franklin Section) noise limits applying to the Industrial 2 Zone, and that the PWDP Industrial Zone day time noise limits are 10 dB higher than the Operative District Plan (Franklin Section) Light Industrial Zone noise limits. Mr Styles recommends that the

operative noise limits of between 65 dB L_{Aeq} to 70 dB L_{Aeq} (at any time) between sites in the two industrial zones are appropriate to adequately provide for and protect the range of noise generating activities anticipated and provided for within the zones. Mr Styles recommends that the Operative District Plan (Franklin Section) rule should be maintained within the PWDP. I agree with Mr Styles' assessment, and with the zone interface rule above, consider that this approach is more efficient and effective in providing for the operation of activities in the Industry Zones, while also ensuring reasonable aural amenity at the interface with adjoining zones.

- 4.2 HVL did not make a specific original submission on these noise limits but did make general submissions about enabling residential development of its site. In any event, the original submission by Pokeno Village Holdings Limited (386.4) sought the reinstatement of the provisions of Plan Change 21 and 24 to the Operative District Plan. Those provisions included a noise limit of 70dBA Leq for the Operative District Plan (Franklin Section) Industrial 2 Zone (which is the equivalent of the Heavy Industry Zone of the PWDP) and a noise limit of 65dBA Leq for the Light Industrial Zone (which is the equivalent of the Industrial Zone). Both of these provisions apply to the area of industrial zoned land in southern Pokeno. Accordingly, if the Panel considers on the basis of Mr Styles expert evidence that limits of 70dBA Leq and 65dBA Leq are the more appropriate planning provisions for the heavy industrial and industrial zoned areas of Pokeno, then it has scope to make those changes.

Mark Tollemache

10 December 2019