

SUMMARY STATEMENT OF EVIDENCE OF MARK TOLLEMACHE ON BEHALF OF HAVELOCK VILLAGE LIMITED (HVL)

TOPIC 7 INDUSTRIAL

Malcolm Hunt Peer Review

1. The noise peer review by Malcolm Hunt was not available at the time of writing this summary. Consequently I cannot comment fully on some of the outstanding matters in the absence of the peer review and I would expect further discussion once the Council's position becomes clear.

Notified Interface provisions

2. 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, whereby standards P3 and P4 rather than being a subset of P2 were standalone standards. This could create a conflict between the noise standard in P2 and the requirement to adopt the adjoining zone standard at the boundary in P3.
3. I also support the analysis provided by Mr Styles on behalf of HVL in support of this zone interface noise standard. Mr Styles has identified that the wording of proposed rule P2(b) (old P3) could have issues in respect to interpretation. I 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.

Noise Limits Heavy Industry Zone

4. The original submission by Pokeno Village Holdings Limited (386.4) (PVHL) sought the reinstatement of the provisions of Plan Changes 21 and 24 to the Operative District Plan. I generally agree with the evidence of Mr Jellie for PVHL that the Operative District Plan provisions of the Pokeno Structure Plan (Plan Change 24 and those for the Light Industry and Industry 2 Zones) could be maintained within the PWDP. Ms Macartney has identified that a bespoke set of provisions could be retained for the Horotiu Business Park, and I agree with Mr Jellie that this provides an effective template for maintaining the Pokeno specific industry zone(s) activity tables and performance standards.

5. Mr Styles has identified that the 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 Light Industrial Zone noise limits. Mr Styles recommends that the Operative District Plan rule should be maintained within the PWDP for Pokeno. I agree with Mr Styles, and 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 in this area. I agree with Mr Jellie on behalf of Pokeno Village Holdings Limited that a development area or precinct could be an appropriate planning mechanism to include Pokeno specific controls into the PWDP.
6. Ms Macartney has identified that this matter may be more appropriately addressed in hearings relating to Pokeno. I am comfortable with this approach if hearing time was available to address Pokeno matters as a whole. At this point I am not aware of any proposed Pokeno-specific hearing topic.

Evidence of Adrian Hynds for Hynds Pipe Systems Ltd

7. Mr Hynds' evidence addresses submissions for rezoning land within Pokeno. The issues raised are more appropriately addressed during the rezoning topic (October 2020) where evidence regarding reverse sensitivity, noise, traffic and stormwater effects between proximate land uses can be addressed in substantive terms. Havelock Village Ltd understands the matters raised by Mr Hynds and are proposing to prepare a comprehensive package of provisions and assessments to assist the rezoning hearings in October 2020, this includes noise modelling to provide setbacks of residential activities from the Heavy Industry Zone.

Evidence of Nicola Rykers for Synlait Milk Ltd and Anna McLennan and Chanel Hargrave for Hynds Pipe Systems Ltd

8. The evidence by Ms Rykers, Ms McLennan and Ms Hargrave on Policy 4.6.7 seeks that only 'significant effects' on the interface need to be addressed and implies that Heavy Industry zoned land should be surrounded by the Light Industry Zone.
9. While the Light Industry Zone may act as a buffer in some settlements between the Heavy Industry Zone and other more sensitive land uses and zones, this is not universal across the District or on the distributions of zones. Consequently, the recommendations that all Heavy Industry Zones should be surrounded by the Light

Industry Zone is not practically achieved, nor could it be practically achieved through future rezoning. I consider that there are several methods available to manage reverse sensitivity effects, and not just the distribution of zones. These include setbacks which create separation between sensitive activities and Heavy Industry Zones or interface controls to manage certain sensitive activities as provided for under the Operative District Plan for Pokeno.

10. Legal submissions for Synlait Milk Ltd in paragraphs 18 to 25 discuss whether the Rural Zone offers a buffer and then responds to my evidence. The legal submissions comment that either the Rural or the Light Industry zone could provide an appropriate buffer. The legal submissions indicate that set backs can be problematic for existing industry but are aware of situations where buffer zones/external setbacks have been used successfully in other district plans, like at the Synlait Dunsandel plant which has a Noise Control Boundary ((which is Rule E26.1.17 of the Selwyn District Plan).
11. I agree that set backs can be an appropriate tool. Havelock Village will be proposing at the rezoning hearing in October 2020 that such a setback occur on its land, not in the Heavy Industry Zone. The set backs would be based on noise contour modelling and so has a similar outcome to a noise control boundary. Again, these matters relate to land and zones outside of the Industry Zones and therefore the matter is more appropriately addressed in the hearings scheduled for October 2020. However, as I general point, I would note that both Synlait and Havelock Village appear to agree as a matter of principle that appropriate setbacks can effectively manage reverse sensitivity noise effects as between adjacent land uses.

Evidence Of Mark Arbouthnot For Ports Of Auckland And Damian Ellerton For Genesis Energy

12. Both Messrs Arbouthnot and Ellerton propose that the noise control be applied to dwellings constructed at a specific date. While this may be applicable for a specific scheduled activity, I do not support the use of this approach on a District-wide basis. This is because:
 - (a) It does not protect dwellings constructed after the identified dates in the adjoining zones (potentially as permitted activities).
 - (b) It would allow noise standards to exceed relevant amenity standards based on the date of construction of the dwelling. The effects of this may not be realised until well into the industrial use or adjoining residential development, as the noise

generator could change from a benign operation to one which exceeds reasonable standards at any point in the future because the rule would reserve that right. This is inconsistent with the overarching statutory duty on occupiers to manage noise emission levels from their land to a reasonable level.

- (c) It allows industrial activities to externalise their adverse effects, and where this relates to land where dwellings can be constructed as a permitted activity, it limits activities that could reasonably occur on these sites.
- (d) It creates a first in first served situation, which rewards the generator of adverse effects and penalises the party that arrives second. Although this is a relevant factor to consider, it should not be determinative in deciding how to manage a reasonable level of noise between activities.
- (e) The date when the PWDP becomes operative is unknown, so its effect on future development cannot be accurately understood or modelled. It is an arbitrary date.