

### **Variation 3 (V3) to the Proposed Waikato District Plan**

#### **Havelock Precinct – Initial Section 77I and 77L assessment**

Three specific matters associated with the Havelock Precinct are considered relevant to section 77I. These are:

1. Slope Residential Area<sup>1</sup> (section 77I(a) applies)
2. Pokeno Industry Buffer and sensitive land uses<sup>2</sup> (section 77I(j) considered to apply)
3. Cultural Landscape features (hilltops<sup>3</sup> and ridgelines) (section 77I(j) considered to apply)

If a Precinct section in the Proposed Waikato District Plan (“PWDP”) was adopted for Havelock through the appeals process on the PWDP then these provisions may be renumbered as PREC33.

The approach to V3 is to identify the characteristics associated with the Havelock Precinct that make it inappropriate to apply MDRS to specific mapped overlays/areas (ie. these are areas where aspects of MDRS are inappropriate, and the consequential intensification opportunity should be restricted).

The Havelock Precinct was based on an integrated design approach presented in the evidence and recommendations associated with the hearing process for the PWDP. This includes expert evidence relating to acoustics, air quality, lighting (all three matters relating to the adjoining Pokeno industry zones), ecology, landscape, urban design, civil engineering, geotechnical, transportation and planning.

The Havelock Precinct Plan (in the Decisions Version of the PWDP) reflects recommendations to establish areas for enhancement, areas where development is limited/restricted and areas where protection should apply (for example the SNAs). It was developed to provide a comprehensive response to site context and opportunities. HVL considers that key aspects of this precinct approach / integrated design should not be compromised by full implementation of the MDRS, particularly as they relate to the management of site specific sensitivities. As a result it has proposed a number of Precinct/site specific qualifying matters for Havelock, pursuant to sections 77I and 77L of the RMA. These are in addition to qualifying matters that Council may identify in V3 on a district-wide basis or for Pokeno, including restrictions relating to SNAs.

#### ***Slope Residential Area***

The overlay of the Slope Residential Area is specific to the Havelock Precinct and is considered to relate to sections 77I(a) and 6(h) of the RMA (*‘the management of significant risks from natural hazards’*).

In the PWDP hearing, evidence was prepared by Mr Shane Lander (geotechnical engineer) on behalf of HVL identifying where high risk stability areas exist within the Havelock Precinct. The ‘Zone C’ in that evidence reflects the Slope Residential Areas. Rule SUB-R20 manages this issue through a subdivision standard that requires lots to have a minimum area of 2500 m<sup>2</sup> <sup>4</sup>.

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<sup>1</sup> PWDP Decisions Version – Rule SUB-R20 in Part 2 Subdivision

<sup>2</sup> PWDP Decisions Version – Rules SUB-R19 and SUB-R21(1)(a)(v) in Part 2 Subdivision, Rules PREC4-S2 and PREC4-S3 in Part 3 General Residential Zone

<sup>3</sup> PWDP Decisions Version – Rule PREC4-S1 in Part 3 General Residential Zone

<sup>4</sup> The Havelock appeals package circulated 19 April 2023 proposes to limit dwelling to one per lot in the Slope Residential Area

## ***Pokeno Industry Buffer and sensitive land uses***

### *Pokeno Industry Buffer*

Variation 3 already contains an existing qualifying matter entitled Reverse Sensitivity which is applied to the Pōkeno Industry Buffer. The Council's section 32 Report<sup>5</sup> identifies that this is a qualifying matter under section 771(j) and provides an assessment of why section 77L is satisfied. The Report outlines the purpose of the qualifying matter, in general terms, as follows:

Residential activities are sensitive to effects arising from other activities such as noise, odour, dust vibration and lighting. Facilities such as Heavy industry have the potential to create effects which cannot be controlled within the boundary of the site. Enabling residential activities in close proximity to existing facilities is likely to result in reverse sensitivity effects.

HVL supports the identification of the Pōkeno Industry Buffer as a qualifying matter to manage incompatibility between residential and industrial activities and in light of the following factors:

- The existing acoustic environment to the west of the Pokeno industry zones requires residential buildings to be located outside the mapped Pokeno Industry Buffer. This is to ensure an appropriate level of amenity for new residents in Havelock. The Pokeno Industry Buffer also manages other potential reverse sensitivity considerations such as light spill and glare, air quality and provides a separation distance between the industrial and residential activities.
- The extent of Pokeno Industry Buffer is based on the acoustic modelling and evidence by Jon Styles for HVL at the PWDP hearings.
- The Pokeno Industry Buffer is a mapped overlay in the PWDP. It relates to rules (SUB-R19 and PREC4-S2) which make noise-sensitive activities non-complying within the Pokeno Industry Buffer. In this sense, the s32AA evaluation associated with the PWDP hearings identified that residential development is inappropriate within the Pokeno Industry Buffer.
- Consequently, the level of development provided for by V3 / MDRS is inappropriate in the Pokeno Industry Buffer.

### *Sensitive land uses*

- For the area between the 40 dba acoustic contour illustrated on the Havelock Precinct Plan and the Pokeno Industry Buffer, buildings that are to accommodate noise-sensitive activities are required to be designed with acoustic attenuation measures (Rule PREC4-S3).
- It is proposed to retain this control, regardless of MDRS, for the same reasons above. The acoustic attenuation measures associated with new dwellings (or any other noise-sensitive activities) protects the residents from adverse health impacts, ensures residential amenity and will also prevent potential reverse sensitivity effects arising for existing industrial activities .
- HVL proposes to restrict the height of buildings within the 40 dba acoustic contour to 8m (two storeys) which is consistent with the modelling and evidence of Jon Styles. This will ensure the same noise outcome for residents as presented at the PWDP hearing and maintain the effectiveness of the Pokeno Industry Buffer irrespective of any additional density.

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<sup>5</sup> Section 32 Report – Volume 2 Qualifying Matters – September 2022 – Pages 96 – 101.

***Cultural Landscape features (hilltops and ridgelines) and associated height controls***

- Evidence at the PWDP hearings from Ngati Te Ata and Ngati Tamaoho noted that the HVL site has a number of cultural landscape values associated with the hilltops and ridgelines. This is notwithstanding that the Operative District Plan (Franklin Section) includes the site within an Aggregate Extraction and Quarrying Zone.
- Rule PREC4-S1 of the PWDP restricts buildings to 5m in height where they are located within 50m of the mapped hilltop parks. It is proposed that this height restriction is maintained, notwithstanding MDRS, as part of an integrated approach to address these cultural landscape values.
- As part of the appeals process, Bridget Gilbert (expert landscape architect for HVL) has mapped the hilltops and key ridgelines (primary and secondary) and identified the key roles they play in the landscape setting.
- It is considered appropriate to restrict MDRS associated with residential development within 50m of the hilltop parks, ridgelines and Pokeno Industry Buffer (the latter two restrictions being proposed by HVL in its circulated appeals text and a mapped Height Restriction Overlay). This is because a lower building height is considered to manage effects on these cultural landscape features and the visibility of these features from Pokeno town centre itself, recognising that lower building heights are more appropriate to this site's context than the MDRS's 11m height (three storeys) in proximity to these features.