

Before an Independent Hearings Panel of the Waikato District Council

Under the Resource Management Act 1991

In the matter of the Waikato IPIs – Waikato District Council Variation 3

**SUMMARY STATEMENT OF SARAH NAIRN ON BEHALF OF HYNDS PIPE SYSTEMS LIMITED
AND THE HYNDS FOUNDATION**

31 JULY 2023



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1. INTRODUCTION

1.1 My name is Sarah Nairn. I am a professional planner with over 20 years' experience in New Zealand and the United Kingdom. I am currently employed by The Subdivision Company (also known as TSC).

1.2 I have providing planning advice to Hynds Pipe Systems and the Hynds Foundation Limited (together **Hynds**) and presented evidence on behalf of Hynds at a range of hearings on the Proposed Waikato District Plan (**PWDP**).

1.3 In relation to Variation 3, on behalf of Hynds, I have:

- (a) participated in expert conferencing in relation to the Havelock Precinct held on 17 May 2023 resulting in a JWS;
- (b) filed a statement of primary evidence dated 4 July 2023 and a statement of rebuttal evidence dated 19 July 2023; and
- (c) participated in further expert conferencing with Mr Tollemache, the planning expert for Havelock Village Limited (**HVL**), resulting in an agreed position between myself and Mr Tollemache in relation to how, in particular, the reverse sensitivity qualifying matter should be applied to Area 1 of the HVL site. This is set out in our JWS dated 25 July 2023, and is recorded in the legal submissions for both Hynds and HVL.

1.4 The purpose of this summary statement is to assist the Hearing Panel by providing a summary of my position, as set out in my primary evidence, rebuttal evidence and the JWS of 25 July 2023.

1.5 I have framed this summary around the following matters:

- (a) Hynds and its manufacturing activities in Pookeno;
- (b) Hynds' concerns regarding potential reverse sensitivity effects from residential development of the HVL site;

- (c) The potential effect of the Medium Density Residential Standards (MDRS) on Hynds;
- (d) the agreed position now reached between myself and Mr Tollemache (on behalf of HVL), as set out in the JWS of 25 July 2023; and
- (e) Remaining matters arising from my primary evidence.

2. HYNDS AND ITS MANUFACTURING ACTIVITIES AT POOKENO

2.1 Hynds operates a large-scale manufacturing plant on its site at 9 McDonald Road, Pookeno, in the Heavy Industry zone. The site contains a series of manufacturing halls/factory buildings (including batching plant and silo), laboratory, offices, outdoor storage areas, carparking and stormwater pond.

2.2 The Hynds operation is Regionally Significant Infrastructure under the Waikato Regional Policy Statement (**WRPS**) because it utilises that natural resources of the region (lime, sand and aggregate) for manufacturing to generate significant economic and employment benefits (200 people) for the Waikato. Furthermore, Hynds' products are essential for building the infrastructure that keeps the country running such as supplying products for the Central Interceptor (stormwater project) and City Rail link in Auckland.

2.3 Hynds site at 9 McDonald Road is part of the Pookeno Strategic Industrial Node identified in the WRPS. The other activities within the node are the Synlait and Yashilli operations and a number of other smaller industrial operations. Collectively, these industrial operations play an important role in providing employment for the people of Pookeno and the wider Waikato / Auckland regions and also in terms of economic productivity.

2.4 The WRPS recognises the importance of Regionally Significant Industry and the Strategic Industrial Node. The requirement to protect these

activities from reverse sensitivity effects is recognised in policy (IM-P4) of the WRPS which seeks to ensure the continued operation of Regionally Significant Industry and to avoid or minimise the potential for reverse sensitivity effects.

3. HYNDS' CONCERNS IN RELATION TO POTENTIAL REVERSE SENSITIVITY EFFECTS FROM RESIDENTIAL DEVELOPMENT OF THE HAVELOCK VILLAGE LIMITED SITE

3.1 The PWDP, as notified, zoned the HVL site Rural. HVL in its submission on the PWDP sought that this be re-zoned residential to enable residential development on the hillslopes behind Hynds, Synlait, Yashilli and the other industrial activities in the Strategic Industrial Node at Pookeno.

3.2 In my opinion, the proximity of the proposed residential activity to the industrial activities and the topography which means that residential activities will overlook the Heavy Industry zone, results in the potential for reverse sensitivity effects, unless the issue is carefully considered and managed.

3.3 This is particularly so in relation to Area 1, the portion of land immediately behind and overlooking Hynds. This area can be seen in the photo below (included as Figure 3 in my primary evidence):



Figure 1 View of Area 1 looking south west from the Hynds Factory Site (photo taken by Boffa Miskell 7 December 2020)

3.4 In particular, given the topography, in my opinion, future residents of Area 1 and in particular residents with views of the Heavy Industrial zone (or at least some of them), may complain that not all of the effects of the Hynds operation are being “internalised” and that instead they are experiencing adverse noise, dust, lighting and visual effects.

3.5 In addition, in my opinion, residents, and in particular residents with views of the Heavy Industrial zone could also decide to submit in opposition to applications for resource consent for development within the Heavy Industrial zone in the future. This could have implications on Hynds’ ability to obtain resource consents in the future (bearing in mind that they have 13+ ha yet to develop).

4. THE EFFECT OF THE MEDIUM DENSITY RESIDENTIAL STANDARDS

4.1 Unless modified by a qualifying matter, the Medium Density Residential Standards intensify the level of development in Area 1 by enabling higher buildings (up to 11m), increased building coverage, and up to 3 dwellings per site. In my opinion, the increased height of residential development to 11m will enable increased views of the Heavy Industry zone, potentially creating reverse sensitivity effects on those heavy industrial activities.

4.2 As set out in the JWS dated 17 May 2023, and explained in my primary evidence,¹ I support the application of reverse sensitivity as a qualifying matter to limit the application for the MDRS in Area 1 to address this.

5. THE AGREED POSITION IN RELATION TO AREA 1 SET OUT IN THE JOINT WITNESS STATEMENT DATED 25 JULY 2023

¹ Paragraph 11.2 of my primary evidence.

- 5.1** As is clear from my evidence, a key part of my concern in relation to residential development within Area 1 is that the visibility of the Heavy Industrial zone from Area 1 will result in reverse sensitivity effects.
- 5.2** Since lodging my primary evidence and rebuttal evidence there have been on-going discussions between Hynds and HVL. Part of these discussions included expert conferencing between Mr Tollemache and myself. The outcome of this conferencing was an agreed set of provisions to be included in Variation 3 in respect of the Havelock Precinct dated 25 July 2023.
- 5.3** The most notable provision that was agreed is the 5m height limit for dwellings within Area 1 of the HVL development. Both Mr Tollemache and I agreed that the combination of this height limit and the 3m wide band of planting proposed would ensure that dwellings within Area 1 would not have direct views to the Heavy Industrial zoned land and consequently, the potential for reverse sensitivity effects would be minimised.
- 5.4** I consider the agreed position in relation to Area 1 to be a good planning outcome in that:
- (a) It will enable increased housing supply compared to if the Pookeno Industry Buffer was extended over Area 1 as I originally proposed (which would exclude residential development); and
 - (b) The 5m height restriction and proposed planting will ensure that the Strategic Industrial Node is protected from reverse sensitivity effects.
- 5.5** In addition, as the Hearing Panel will be aware, Hynds and HVL have entered into a Side Agreement. While the matters contained in the Side Agreement sit outside of the Variation 3 process, they provide me with

a further level of comfort that Hynds will be protected from potential reverse sensitivity effects.

6. REMAINING MATTERS ARISING FROM MY PRIMARY EVIDENCE

6.1 The joint witness statement dated 25 July 2023 has resolved the differences in planning opinion between myself (on behalf of Hynds) and Mr Tollemache (on behalf of HVL) in relation to the Havelock Precinct.

6.2 In relation to the other matters raised in my primary evidence:

(a) With respect to the management of stormwater effects, I note my proposed amendment to the matters of discretion for subdivision creating vacant lots in Rule SUB153 to refer to “consistency with the relevant stormwater catchment management plan” is now supported by the WDC; and²

(b) The amendments outlined in the Section 42A report (rebuttal evidence) prepared on behalf of the Council have resolved the concerns that I had raised in relation to the use of “natural ground level”³ to measure building height.

Sarah Nairn

31 July 2023

² As set out in the Rebuttal Evidence of Ms Hull, at paragraph 30.

³ Section 42A Report Rebuttal Evidence paragraph 129.