

Before an Independent Hearings Panel of the Waikato District Council

Under the Resource Management Act 1991

In the matter of the Waikato IPs - Waikato District Council Variation 3

**EVIDENCE OF ADRIAN DAVID HYNDS ON BEHALF OF HYNDS PIPE SYSTEMS
LIMITED AND THE HYNDS FOUNDATION (CORPORATE)**

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1. INTRODUCTION

1.1 My name is Adrian David Hynds.

1.2 I have been a director of Hynds Pipe Systems Limited for thirty years.

1.3 I am also the managing director for Hynds Holdings Ltd, which includes our charitable trust organisation, Hynds Foundation. I have been the managing director of Hynds Holdings Ltd for six years.

1.4 For the past six years, I have also sponsored the construction programme for Hynds' new precast concrete factory located on land owned by Stuart Property off 9 McDonald Road, Pookeno. Stuart Property is a business unit of Hynds Holdings Ltd.

1.5 I am authorised by Hynds Pipe Systems and the Hynds Foundation to give this statement of evidence on their behalf.

2. SCOPE OF EVIDENCE

2.1 I have been asked to provide evidence on behalf of the Hynds Pipe Systems Ltd and the Hynds Foundation in relation to their further submissions on Variation 3 to the Proposed Waikato District Plan (**Variation 3**). Hynds Pipe Systems Ltd and the Hynds Foundation are referred to collectively as "**Hynds**" in this evidence unless the distinction is made between the two organisations.

2.2 My evidence will cover the following matters:

- (a) Provide an overview of Hynds and its activities;
- (b) Why Hynds chose its Pookeno site and its future development plans;

- (c) Hynds' reverse sensitivity concerns in relation to the Havelock Village Limited (**HVL**) site;
- (d) Hynds' stormwater related concerns in relation to the HVL site;
- (e) Hynds' position in relation to Variation 3; and
- (f) Conclusion.

3. OVERVIEW OF HYNDS AND ITS ACTIVITIES

3.1 Hynds is a family owned and operated business that specialises in the manufacture and supply of construction materials throughout New Zealand, Australia, and the South Pacific Islands.

3.2 Hynds supplies over 40,000 product types for urban and rural infrastructure development. Our products are used to improve environmental water-based waste management, allow development of infrastructure for private and public transport, allow new housing and commercial sites to be built and improve industrial rural businesses.

3.3 In addition to this, Hynds also manufactures and supplies custom-built essential infrastructure for large projects. Examples of essential infrastructure that Hynds has recently supplied in New Zealand include branch pipes and shaft segments for the Central Interceptor (stormwater) project in Auckland, drainage products for the City Rail Link and a new trunk sewer main for Ruakura in Hamilton. Hynds was also involved in the supply of products to Hastings, Gisborne, Whangarei and Warkworth to help with emergency flood repairs, in the aftermath of Cyclone Gabrielle and other storm events earlier this year.

3.4 The Hynds Foundation was established after ten years of charitable giving by John and Leonie Hynds, to coordinate support services and charitable donations assisting pre-determined local community development programs in health, education, the arts, and social well-being.

4. THE SELECTION OF HYNDS' POOKENO SITE AND ITS FUTURE DEVELOPMENT PLANS

4.1 Stuart Property purchased the Hynds Factory Site at 9 McDonald Road in Pookeno in 2004. Stuart Property participated in the Plan Change 24 process and then undertook design and consenting processes to provide for the Hynds Factory, within a wider heavy industrial zone (Industrial 2 as it was then described) in the southern area of the enlarged Pookeno village.

4.2 At that time, the Industrial 2 zone was protected from incompatible land uses establishing nearby, with future residential housing to be positioned well to the north of the heavy industrial area. The then Pookeno Structure Plan was designed (with the agreement of the Council and participating landowners) to have all new sensitive uses (i.e. residential developments) located away from the industrial zone. The plan for the development of Pookeno was that new residential development was to be positioned the furthest away from the Industrial 2 zone (where Hynds then built its plant). The Light Industrial zone was positioned adjacent to the Industrial 2 zone (across McDonald Road) while Business Zoning was to the north. The majority of new residential land was positioned further north of the Light Industrial zone and Pookeno town centre. The Industrial 2 zone was also to be positioned in proximity to the North Island Main Trunk Rail Corridor, State Highway 1 motorway and on/off ramps, and in a bowl beneath quarry land that was zoned for Aggregate Extraction and Processing (**AEP**). As is explained in the evidence of Ms Nairn for Hynds, the Operative Plan has restrictions on the ability to build housing within 500m of the AEP zone. A resource consent or Hynds' prior approval is required. The Industrial 2 zone is at the lowest position across the whole Pookeno township, meaning it is tucked away and able to be self-contained and as far as possible not disturb its neighbourhood.

- 4.3** When developing the structure plan for Pookeno we worked with Fletcher, the owner of the AEP zoned land to the west of the Hynds Factory Site. Fletcher and ourselves placed suitable covenants on each other's land to ensure that neither party objected to what we both planned to develop as heavy industrial businesses. At Hynds, we felt that the combination of the Industrial 2 zone, the future quarry and the separation from residential activity meant that the Hynds operation would not affect others and, in turn, others would not affect us.
- 4.4** As part of our involvement in the structure plan and Plan Change 24 process, we had always understood that Iwi and Waikato District Council's (**WDC**) position was that development of the surrounding hills that form the back drop to Pookeno should not be permitted and that this would be ensured by the various planning documents. Our understanding was that restrictions had been put in place to prevent the hills behind us from being developed, so that we could rely on them to provide a buffer protection against sensitive development forever – that is what we thought since it was placed in the Structure Plan. Hynds then commenced to build our new North Island industrial base, an 80+ year industrial hub development on the land.
- 4.5** Hynds has made a significant investment in Pookeno by establishing our principal concrete precast and pipe making facility here. We were the first business to establish on the Heavy Industrial zoned land.

Hynds' development plans for its McDonald Road site

- 4.6** Hynds has firm plans to continue to develop all of our remaining industrial zoned land off McDonald Road to not only expand our existing concrete products business, but also to introduce new industrial businesses to Pookeno. These new businesses manufacture/assemble, store and sell a range of products to suit New Zealand's urban and rural sectors. The existing land holding at 9 McDonald Road was initially designed to contain our concrete pipe making business in a central position, with room to expand and bring other (non-concrete) business activity

around it. Since the original 2012 design many changes in market demands have changed the type of pipeline and infrastructure products needed to build New Zealand's infrastructure projects.

- 4.7** For example, for Watercare's Central Interceptor tunnel project, Hynds makes products weighing 12.5 tonnes each, which were originally planned to be purchased by a contractor from overseas – but now are 'Pookeno/NZ made' instead. This change has meant the concrete manufacturing halls were changed and required more space to make and store delicate and bulky products. This change in demand has consumed a further 4.54 hectares of land for the Hynds concrete products business, over and above land considered with the original 2012 design (see Figures 1 and 2 below).

Figure 1. 2012 Land Use Consent – original planned development for concrete products facility

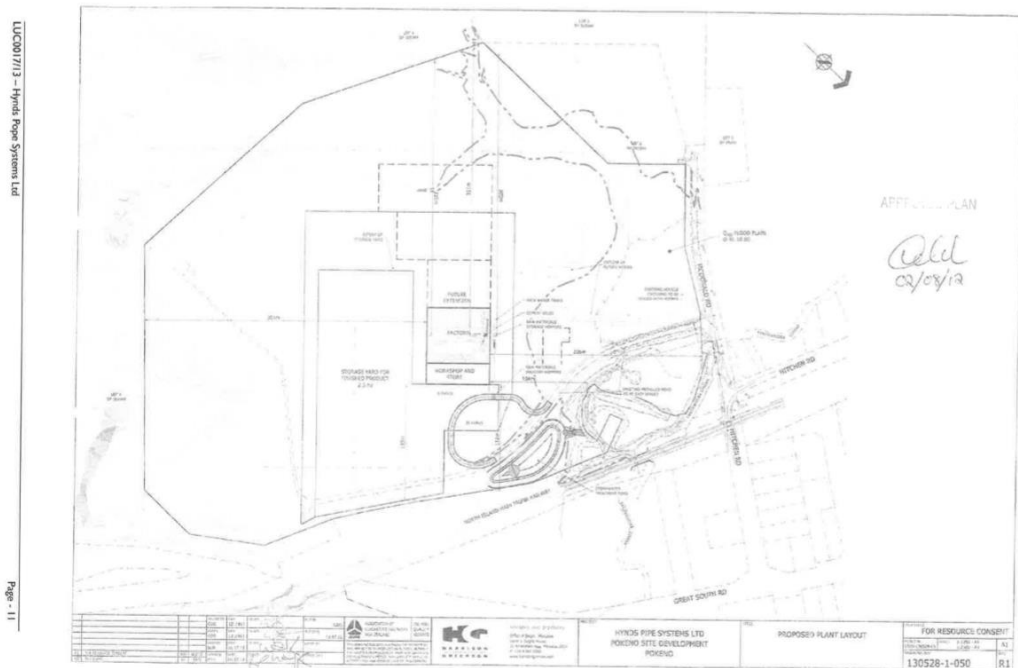
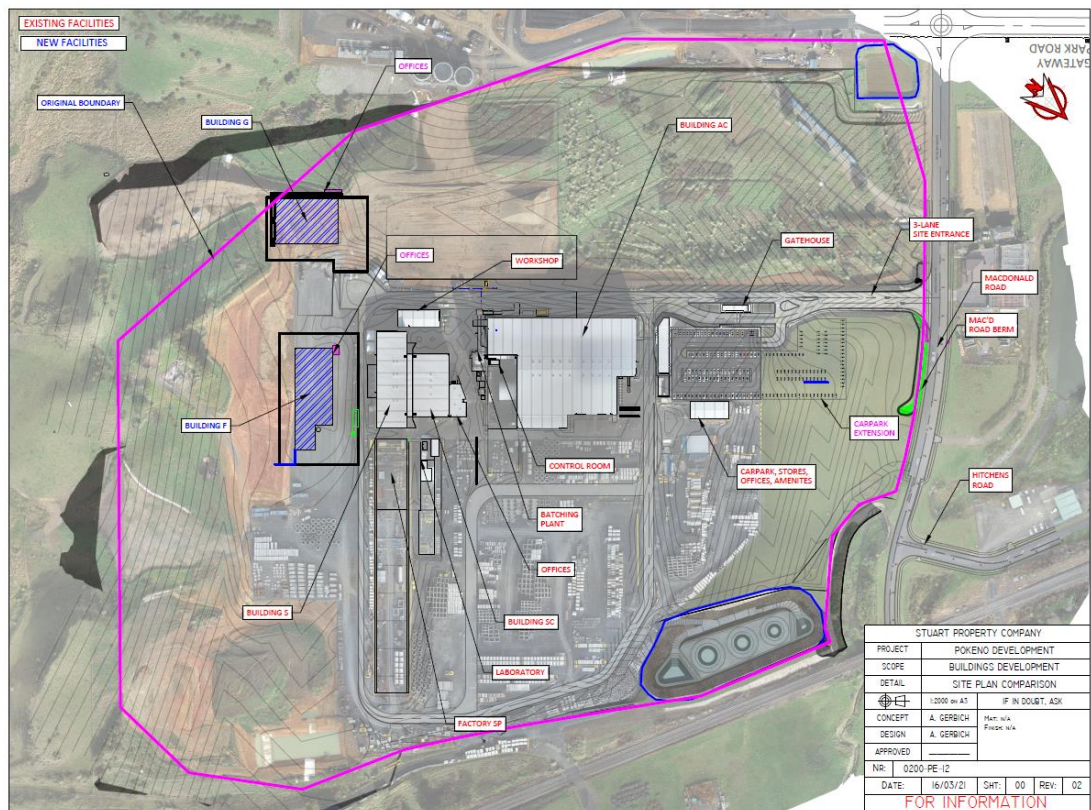


Figure 2. 2021 Land Use Consent – current development



4.8 Note Figure 2 above shows that what has been constructed on site is considerably different to what was originally considered in Figure 1. This was due to the change in market demands and machinery technology, to then respond to infrastructure project needs. Further changes have been made on site since Figure 2 was prepared.

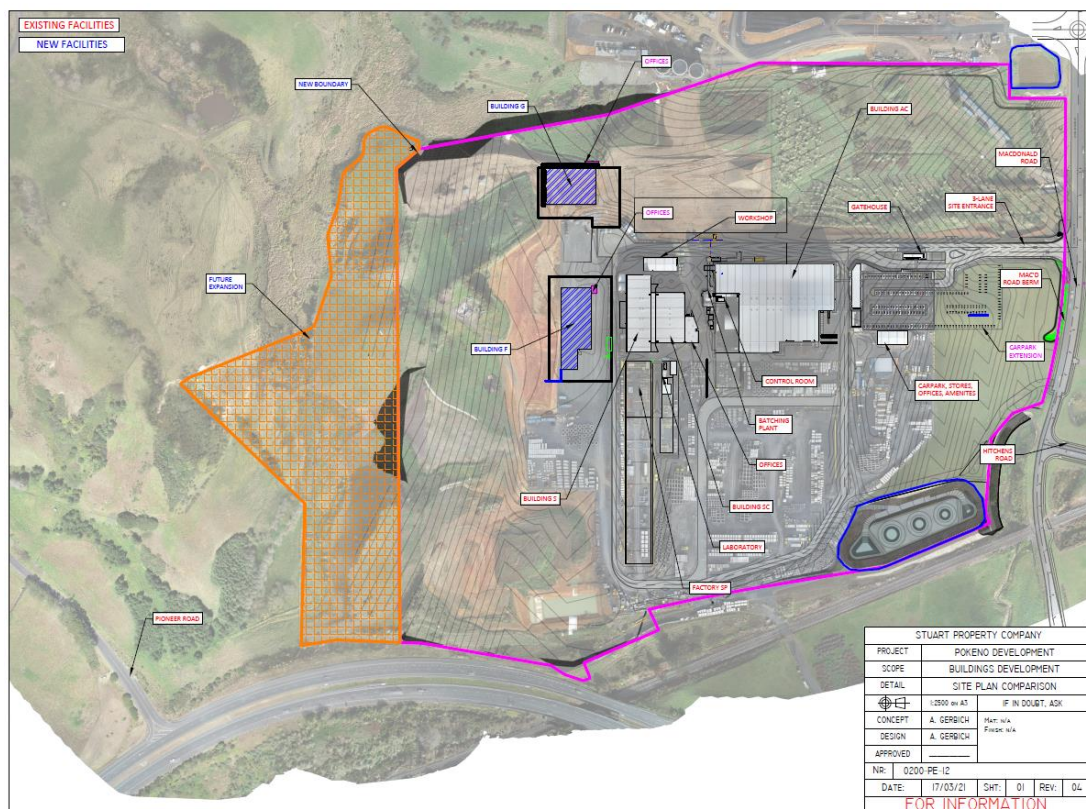
4.9 The new business activities planned for our McDonald Road site seeks to optimise synergies of operating a single site with shared infrastructure (roads, power, gas, and workforce specialisation). We are planning to introduce several additional factory halls, an inland container devanning and loading facility, logistics/warehousing, and extended outside yard storage, all on the McDonald Road site. It will be akin to an inland port facility mixed with onsite manufacturing. With this investment we would add new machinery, mobile plant, manufacturing and supply chain processes, and increased yard movements and storage. This would bring new and additional employment across a range of skills (software

control, maintenance, supervision, administration, electricians, boiler makers, truck drivers, warehouse and dispatch, labouring personnel, management, and quality and health/safety skills), all needed to operate an extension to our current business activities on site. More working people at our industrial site will grow demand for Pookeno-supplied food, catering, and temporary accommodation.

Hynds' development plans for 62 Bluff Road

4.10 The remaining land area on the 9 McDonald Road site is now insufficient to bring the remaining other Hynds businesses to the industrial hub unless we can expand the common operation space, and this requires the proposed 4.27 hectare extension of the adjacent property at 62 Bluff Road (owned by the Hynds Foundation) (as illustrated in Figure 3 below).

Figure 3. Future development area



- 4.11** 62 Bluff Road connects directly with the Hynds Factory Site off McDonald Road. It is zoned AEP under the Operative District Plan, with a thin strip of Industrial 2 land along the full length of the northern boundary of the site adjoining Hynds' factory and Synlait. When the land was purchased, Hynds inherited the prior owners' submission seeking to have the whole site rezoned as Heavy Industrial under the Proposed Waikato District Plan (**PWDP**) and its resource consent application (still unresolved) to fill all of the gullies with cleanfill. Hynds' intention from the time of its purchase was to develop and plant the higher parts of the land as an Ecological Nature and Arts/Sculpture park (**Proposed Park**) and to control this southern neighbour to prevent any possibility of future housing being built on the site.
- 4.12** When it became clear that Hynds did not have sufficient industrial land for its future needs, Hynds sought to extend the existing earthworks consent passing already over part of 62 Bluff Road, through the normal design and consenting procedure. Hynds engaged experts to assist with the Proposed Park project to incorporate an area of industrial zoned land along the adjoining length of the common boundary with McDonald Road at the lowest point (**Industrial Expansion Land**). The final amount of land that Hynds ultimately requested be re-zoned with heavy industrial zoning under the PWDP was only 15.5% of that originally sought in the previous owner's submission with the balance to be zoned rural.
- 4.13** I am pleased to note that the Council's decision on the PWDP has re-zoned the Industrial Expansion Land as Heavy Industry zone, as requested. Although, this part of the Council's decision has now been appealed by Havelock Village Limited (**HVL**) and another nearby resident.
- 4.14** Hynds is advancing the development of the Proposed Park with investment already made on planting (120,000 native plants already planted) and improvement of the access and service roads to allow all weather access (most of the access roads are too steep for winter). Hynds has commissioned landscape and ecological consultants to assist with the design of the Proposed Park.

5. HYNDS' REVERSE SENSITIVITY CONCERNS IN RELATION TO THE HVL SITE

5.1 As I have discussed above, the Hynds' Factory Site at McDonald Road is presently protected under the Operative District Plan by the surrounding AEP zone. This zone restricts the development of housing on our doorstep. Hynds' presented evidence as part of the hearings on the PWDP that its ongoing investment programme at Pookeno will be jeopardised if the Proposed Plan does not provide adequate protection for activities in the Heavy Industrial Zone so that Hynds and our associated Hynds Group businesses can continue to operate and adapt or grow our operations as necessary.

5.2 Hynds presented evidence at the PWDP re-zoning hearings in relation to a number of re-zoning proposals. This included in relation to the submission by HVL seeking to rezone the hillslopes above the Heavy Industrial land at Pookeno to enable a mix of residential and large lot development.

5.3 Figure 4 below shows the Hynds Factory Site in the foreground, with the hills that HVL is proposing to rezone to residential in the background behind.

Figure 4. 2020 Image of concrete manufacturing site (east end of McDonald Road site)



- 5.4** In particular, as I explained in the evidence I presented at the PWDP re-zoning hearings, having reviewed the rezoning proposals by HVL I am very concerned about reverse sensitivity effects on Hynds' current and future operations from HVL developing houses on the land that overlooks Hynds' site. Hynds wants to ensure that land with Heavy Industrial zoning (like the Hynds Factory Site) is protected from encroachment by sensitive activities and proposals for rural and residential re-zoning in proximity. Hynds' operations, like many in the Heavy Industrial Zone, are noisy, visually intrusive and generate dust, odour, and heavy vehicle movements. The site yard and buildings are highly lit when dark to allow safe and reliable access for forkhoists, cranes, and heavy truck and trailer units. It is a heavy industrial operation that operates 24/7 and is not compatible with residential uses.
- 5.5** When Hynds designed the plant layout we deliberately located the noisier, dustier and more visually intrusive activities in the southern part of the Hynds Factory Site, adjoining the AEP zone and Synlait, to minimise the effects on Pookeno village.
- 5.6** I am concerned that residential development on the hills above the Hynds Factory Site will have a significant effect on Hynds' day-to-day business activities. The topography will create a natural amphitheatre, with the residents (many of whom may not be familiar with Hynds' operations) looking down (and experiencing the effects) from our day to day activities.
- 5.7** Hynds has already experienced the issues that can arise from residents living in proximity to our operations. The Hynds Factory Site is only partly developed and complies with the requirements of its resource consents, and already we have received verbal complaints from the residents of the small number of houses nearby. In particular, we have received complaints from three property owners already living along Bluff Road, about lights waking them in their bedroom, another about unpleasant sounding factory noises disturbing the peaceful night, and another about more generally not wanting Hynds here. Hynds works hard to ensure that its effects are internalised, but the reality is that this is not always possible for a heavy industrial operation like ours. We eventually purchased 10 Bluff Road to

permanently address the complaints about lighting that had been made by the residents of that property.

5.8 This problem will be made much worse if residential development of the hillslopes above the Heavy Industrial Land proceeds. In my opinion, the new residents are very likely to complain about Hynds' operations (both existing and if expanded in the future). As well as complaining about the activities that take place on our site, I think it is very likely that if Hynds needs to make any changes to its operations that require resource consent in the future, these residents will object to any future consent applications and make it very difficult for us to adapt and pivot our business if required.

5.9 This will have significant implications for the operation of the Hynds Factory and puts at risk the substantial investment Hynds has made in Pookeno, both in its site and the wider community. Furthermore, it will discourage future investment in the Heavy Industry zone at Pookeno, and the creation of employment and new activities.

6. HYNDS' STORMWATER CONCERNS ARISING FROM THE DEVELOPMENT OF THE HVL SITE

6.1 In addition, as I explained in the evidence I presented as part of the PWDP re-zoning hearings, I have concerns as to whether this infrastructure could cope with upstream residential development of the HVL site.

6.2 I understand that the stormwater development necessary for the current Pookeno Village (as identified in the Stormwater Management Plan (**SMP**) as part of the current structure plan) has still not been constructed and remains incomplete at the lowest point of the Tanitewhoira Stream catchment. Hynds has requested that WDC complete the public works to allow stormwater hook up and to prevent flooding of the now built roads and businesses that operate over the McDonald

Road bridge. WDC has not been able to supply a date when the stormwater work identified in the SMP will be completed.

6.3 In the meantime, Hynds' land has been flooded twice due to heavy rainfalls falling on the land in its current state. I am very worried about what will happen if there is large scale residential development of the HVL site in accordance with the MDRS, given it is uphill from Hynds' sites at 9 McDonald Road and 62 Bluff Road Pookeno. During periods of heavy rain, I have observed large volumes of water coming off HVL's site and onto the 62 Bluff Road property.

7. HYNDS' CONCERNS IN RELATION TO VARIATION 3

7.1 I understand that the Council's decision on the PWDP:

(a) In relation to the HVL land:

- (i) Re-zoned the HVL site General Residential zone, with the exception of land above RL100 which was zoned Rural. The Council in its decision also provided for a number of more detailed planning controls including the Pookeno Heavy Industry Buffer, Environmental Protection Area and proposed noise contours; and
- (ii) Made a finding that Area 1 (being a part of the HVL land from which the Hynds site is particularly visible) should be excluded from residential development.¹

(b) In relation to Hynds Industrial Expansion land, zoned this land Heavy Industrial, as sought by Hynds.

¹ Paragraph 100 of the decision.

7.2 The Council’s decision on the PWDP in relation to re-zoning of land at Pookeno has been appealed by a number of parties to the Environment Court.²

7.3 I understand that due to the HVL site (with the exception of land above RL100) being zoned residential under the Council’s decision on the PWDP, the Council has been required by central government to notify Variation 3 to the PWDP to apply the Government’s Medium Density Residential Standards (**MDRS**) to residential land in the district, unless there are qualifying matters which mean this is not appropriate.

7.4 In relation to Variation 3 Hynds:

(a) Has serious concerns that the application of the MDRS to HVL’s land on the hillslopes above Hynds’ sites will compound its existing concerns in relation to reverse sensitivity (as explained in section 5 of my evidence) by introducing a greater number of dwellings with higher permitted height into these areas, than under the current General Residential Zone.

(b) Likewise, Hynds is concerned that the proposed increase in development under the MDRS will exacerbate its existing concerns in relation to potential stormwater and flooding of its site (as explained in section 6 of my evidence).

7.5 I understand that Variation 3 includes a number of qualifying matters that limit the application of the MDRS on HVL’s site, in part to address reverse sensitivity effects on Hynds and to address cultural landscape and stormwater issues. This includes the Havelock Industry Buffer and the application of height restrictions within 50m of the Havelock Industry Buffer and the Hilltop Park. I am supportive of those matters for the reasons outlined in my evidence above.

² With appeals having been filed against the re-zoning of the HVL site and the re-zoning of the Industrial Expansion land.

7.6 However, I am concerned that the provisions do not go far enough. In this respect I support the amendments to Variation 3 proposed in the evidence of Ms de Lambert, Mr McGregor and Ms Nairn on behalf of Hynds as these will further limit the application of the MDRS to HVL's site to:

- (a) Ensure that (via the application of a qualifying matter) Area 1, the area of HVL's land that overlooks Hynds' site and has the greatest potential to generate reverse sensitivity effects, is not developed for residential uses despite being residentially zoned; and
- (b) Provide greater certainty that the stormwater effects of the development of the majority of HVL's site under the MDRS on Hynds and other downstream users will be appropriately considered and addressed at the resource consent stage.

8. CONCLUSION

8.1 Hynds has made a substantial and long-term investment in its sites in the Heavy Industry zone at Pookeno, employing 200 people and creating manufacturing activities that are significant on a regional and national scale. Hynds has plans to further expand its operations at Pookeno in the future. However, to do that, the Heavy Industry zone must be protected from residential development on the hillslopes overlooking the heavy industry zone, so that Hynds and other heavy industrial businesses are able to continue to invest.

8.2 We cannot do this if medium density sensitive housing with multiple level developments occur immediately above and adjacent to our McDonald Road operating site. Also Hynds' Proposed Park in which the Hynds Foundation has planted 127,000 native trees, could suffer from further silts and changes to flows from dense urban development in the hill slopes above the park land.

- 8.3** Hynds has already constructed an 80-year-lifespan heavy industrial site at the bottom of the catchment of Pookeno town, operating up to 24/7 days, employing 200 people, and supporting local businesses throughout the Waikato and South Auckland regions. At the time Hynds established its activities we were aware, as part of our site selection process, that there was not to be any residential development on the hillside above the Heavy Industrial 2 Zone. The original structure plan and Operative District Plan, placed the heavy Industrial 2 zone against aggregate extraction land which was originally proposed to be a quarry which came with a 500m 'no-residential build' line from its boundary. Development was not to occur on Transmission Hill. This gave the Heavy Industrial zone an important buffer area at a distance from sensitive residential zoning.
- 8.4** If we had known then that medium density housing developments with multiple levels could be permitted to be constructed, this would have ruled out Hynds' choosing this site for long term heavy industrial activity. It is too late now as we are here already, hence we have sought protection against reverse sensitivity effects between the long established Heavy Industry Zone and the newly proposed residential zoned (through the PWDP process) to ensure it can continue to operate.
- 8.5** Hynds has appealed the WDC's decision on the PWDP through the Environment Court process, and seeks changes to Variation 3, as part of this process, to protect the Heavy Industry zone against reverse sensitivity effects from rezoning land on the hills above medium density residential.
- 8.6** In addition, Hynds is concerned that the proposed additional medium housing density will add further impervious surfaces, over and above what was previously considered and designed for. Hynds has already experienced two floods through its property in McDonald Road and the stormwater infrastructure is not sufficient to take further loads. We are also worried about volume controls with the densification of medium density housing on the hill slopes above us, with frequent runoff events repeatedly causing cumulative effects on the 'erode-able' slopes above our land. Our Pookeno Park native park land below now has 30,000 new

native wetland plants which would be vulnerable to flood and silts flowing from a densified urban development above.

8.7 Hynds' is not anti-residential development in Pookeno. However, it is crucial that residential development that does take place is not located in parts of the HVL site that will jeopardize the Heavy Industrial zone by creating reverse sensitivity effects.

8.8 I ask that the Hearing Panel make the amendments to Variation 3 set out in the evidence of Mr McGregor, Ms de Lambert and Ms Nairn that are needed to address Hynds' concerns.

Adrian David Hynds

4 July 2023