

SUBMISSION ON PROPOSED WAIKATO DISTRICT PLAN 2018 (STAGE 1)

Clause 6 of Schedule 1 of the Resource Management Act 1991 (RMA)

To: District Plan Manager
Waikato District Council
Private Bag 544
Ngaruwahia 3742

ECM Project: DPRPh5-03
ECM #
Submission #
Customer #
Property #

Name of submitter: Hynds Pipe Systems Limited (**Hynds**)

1. This is a submission made by Hynds on the Proposed Waikato District Plan 2018 (Stage 1) (**Proposed Plan**).
2. Hynds supplies over 40,000 product types for drainage, watermain, environmental, industrial process and rural applications. Hynds operates concrete manufacturing and distribution sites across New Zealand, one of which is located at 9 McDonald Road, Pokeno (**Hynds Site**) and zoned 'Heavy Industrial' under the Operative Waikato District Plan (**Operative Plan**). A map showing the Hynds Site is **attached** to this submission.
3. Hynds is not a trade competitor in the context of this submission.
4. Hynds makes this submission in relation to the proposed zoning of all the land adjacent to the "Industrial Zone Heavy" land in Pokeno (which includes the Hynds site) (**Adjacent Land**). The Adjacent Land has been identified to change from 'Aggregate Extraction' under the Operative Plan, to 'Rural' under the Proposed Plan. The map attached to this submission also shows the Adjacent Land.
5. The specific provisions of the Proposed Plan that the submission relate to are the proposed Rural zoning and rules applying to the Adjacent Land.
6. Hynds opposes the Rural zoning of the Adjacent Land on the basis that those provisions:
 - (a) will not promote sustainable management of natural and physical resources, and are not the most appropriate way to achieve the purpose of the RMA;
 - (b) do not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions, and in particular the assessment of the benefits and costs of the environmental, economic, and social effects that are anticipated from the implementation of the provisions; and

- (c) without the necessary and appropriate controls the Rural zone will not ensure that Hynds can continue its lawful operations without potential reverse sensitivity effects arising from potential redevelopment of the former aggregate extraction land.
- 7. Without limiting the generality of the above reasons, further reasons for the submission are set out below:
 - (a) the rezoning of the Adjacent Land may enable rural residential development that in turn has the potential to affect Hynds' ability to carry out its day-to-day business activities on the Hynds Site;
 - (b) there will be reverse sensitivity effects on Hynds business operations due to effects of Hynds activities (on the Heavy Industrial zoned land) on any new neighbouring rural residential subdivisions that may be developed under the new 'Rural' zone.
- 8. Hynds seeks the following decision from the Council:
 - (a) Opposes the Rural zoning of the Adjacent Land, and proposes to apply an appropriate or new zoning, which restricts residential activity.
 - (b) In the alternative;
 - (i) that the Rural zone provisions be amended to include appropriate activity rules and land use rules for residential development adjacent to land zoned Industrial Zone Heavy (including the Hynds Site);
 - (ii) Residential development or subdivision on Rural zoned land adjacent to the Industrial Zone Heavy land be prohibited or restricted;
 - (c) Any additional relief considered necessary or desirable as a consequence of the issues and concerns raised in this submission.
- 9. Hynds **opposes** the Proposed Plan in relation to the proposed rezoning of the land adjacent to the Adjacent Land from 'Aggregate Extraction' to 'Rural' zone. In the alternative Hynds seeks that changes are made and restrictions imposed that appropriately address the matters raised in this submission.
- 10. Hynds wishes to be heard in support of its submission.

11. If others make a similar submission, Hynds will consider presenting a joint case with them at a hearing.

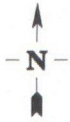
DATED at Auckland this 5th day of April 2019



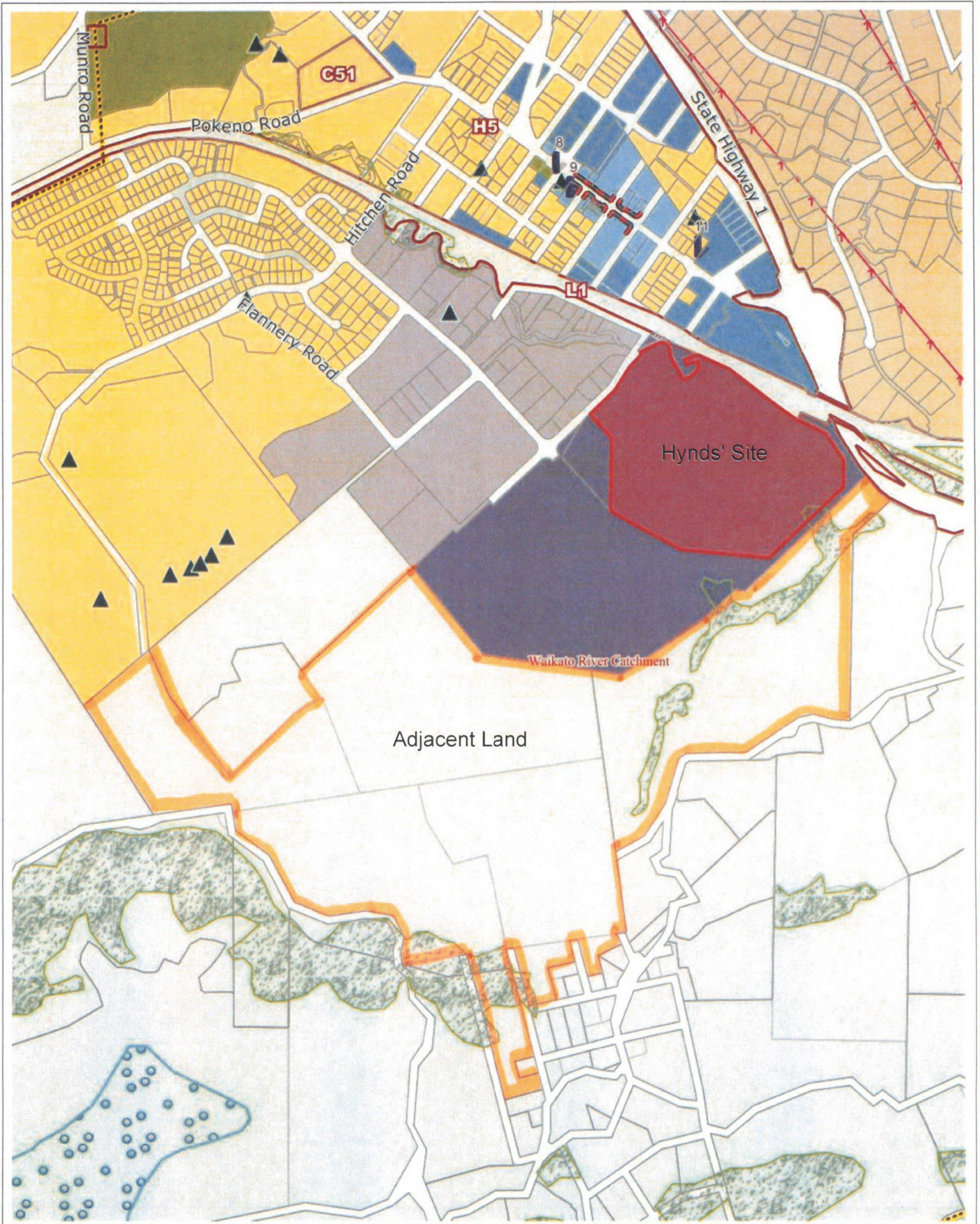
W S Loutit / K M Stubbing
Counsel for Hynds Pipe Systems Ltd

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Waikato Proposed Plan





RECEIVED

10 APR 2019

Waikato District Council

5 April 2019

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Partner Reference
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Dear Sir/Madam

Request for an extension of time under s 37 of the Resource Management Act 1991 (RMA) in relation to a late submission by Hynds Pipe Systems Limited on Proposed Waikato District Plan 2018 (Stage 1)

1. On Wednesday 18 July 2018, the Proposed Waikato District Plan 2018 (Stage 1) (**Proposed Plan**) was notified. The submission period closed on Tuesday 9 October 2018. At the time of closing, Hynds Pipe Systems Limited (**Hynds**) had not made a submission on the Proposed Plan.
2. Hynds seeks a decision from the Waikato District Council (**Council**) under s 37 of the RMA, extending the time period for lodging a submission on the Proposed Plan.
3. Section 37 of the RMA provides for extensions of time limits as follows:

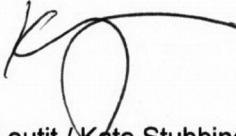
Power of waiver and extension of time limits

(1) A consent authority or local authority may, in any particular case,—
(a) extend a time period specified in this Act or in regulations, whether or not the time period has expired; or...

4. Hynds seeks an extension of the 9 October 2018 deadline for the following reasons:
 - (a) Hynds was not previously aware of the potential implications of the Proposed Plan on the day-to-day activities of its business and in particular its manufacturing and distribution site in Pokeno. Hynds has only recently received legal advice and is concerned about the impact on its property in Pokeno.
 - (b) All submissions on the Proposed Plan have not yet been made publicly available by the Council, therefore no party will be prejudiced by any late submission made by Hynds.
5. If the Council grants the request for an extension of time, please find attached the submission on behalf of Hynds on the Proposed Plan as **Attachment A**.

6. Please let us know if you have any questions.

Yours faithfully,
SIMPSON GRIERSON



Bill Loutit / Kate Stubbing
Partner / Senior Associate

**ATTACHMENT A – HYNDS SUBMISSION ON PROPOSED WAIKATO DISTRICT PLAN 2018
(STAGE 1)**