BEFORE INDEPENDENT COMMISSIONERS
AT HAMILTON

UNDER	the Resource Management Act 1991 ("**RMA**")
AND	
IN THE MATTER	of Hamilton City Council Plan Change 12 ("**PC12**")

HEARING STATEMENT OF MARK CHRISP
ON BEHALF OF FONTERRA LIMITED

30 AUGUST 2024

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INTRODUCTION

1. My full name is Mark Bulpitt Chrisp.

2. I am a Partner and Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd. My qualifications and experience are set out in my Statement of Evidence dated 24 July 2024.

3. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it.

REVERSE SENSITIVITY EFFECTS

4. My evidence focuses on reverse sensitivity effects in relation to Fonterra's activities, particularly the Te Rapa Dairy Manufacturing Site ("**Te Rapa Site**").

5. One of the most fundamental and well-established principles of sound resource management planning practice is the separation of incompatible activities.

6. The emergence and recognition of reverse sensitivity effects as a type of effect has only occurred (in most instances) because the basics of sound land use planning have not been implemented, ie incompatible sensitive activities have been allowed to develop (or expand / intensify) in close proximity to pre-existing industrial activities or major infrastructure.

7. Strong policy guidance, backed up with rules that can deliver appropriate outcomes, is required to ensure that incompatible activities are not able to develop (or expand / intensify) in close proximity to one another thereby avoiding, or at least minimising, the risk of reverse sensitivity effects.

8. The current planning framework includes some strong policy guidance in relation to the separation of incompatible activities and the avoidance of reverse sensitivity effects. However, experience over many years has proven that it is either not strong enough, or not taken seriously enough, to ensure that appropriate outcomes are achieved.

9. The simplest and easiest way to avoid reverse sensitivity effects is by ensuring the separation of incompatible activities. Where incompatible activities already exist in proximity one another (or are allowed to occur as in the example of PC2 / Te Awa Lakes being approved), it is important to

ensure that there is no ability for the more recent sensitive activity to increase in intensity or density.

10. As outlined in my evidence the Te Rapa Site is identified in the Waikato RPS as a 'Regionally Significant Industry'. The Development Principles in Appendix 11 of the Waikato RPS include that “new development” is:

> …
>
> (h) … directed away from … regionally significant industry …; and
>
> […]
>
> (o) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure.

11. This approach is carried through into the Hamilton City District Plan, including through Policies 12.2.1(a), (b) and (c).

Reverse Sensitivity Provisions

12. As outlined in my evidence, I consider that there are gaps in the way that reverse sensitivity is considered under PC12. In that respect, the evidence of Mr Roberts for the Council appears to misinterpret the nature of reverse sensitivity effects.

13. Reverse sensitivity effects are not effects “from regionally significant infrastructure, roads, and from non-residential activities on residential development”[1](emphasis added). Reverse sensitivity effects are effects on existing lawfully established activities (such as regionally significant infrastructure, roads, and other non-residential activities) that arises from conflict (eg complaints and objections) from more recently developed land uses that are sensitive to the existing activities (such as residential activities).

14. It is my opinion that the current provisions in the Hamilton City District Plan are not sufficiently strong enough to ensure that reverse sensitivity effects on large-scale industrial activities, such as the Te Rapa Site, will be avoided. I consider that the following amendments should be made to Chapter 4 Residential to address this:

1 Evidence of Mark Hector Roberts dated 26 June 2024, Appendix B at p 54.

(a) Amend Policy 4.1.2.2d:

> *New buildings and activities shall mitigate effects on and from regionally significant infrastructure and existing non-residential activities.*

(b) Amend Policy 4.1.2.2.e:

> *Residential land uses should be managed to avoid ~~potential~~ unreasonable effects, such as noise, from arterial transport corridors, ~~and~~ state highways and existing non-residential activities.*

(c) Amend policy 4.2.1.6c by adding an additional point as (xiv):

> *Design measures to minimise reverse sensitivity effects on adjoining non-residential activities and zones, including acoustic insulation and mechanical ventilation.*

(d) Amend Objective 4.4.2.2 by adding Policy (d):

> *Ensure development uses design techniques to minimise reverse sensitivity effects on surrounding non-residential activities and zones, including acoustic insulation and mechanical ventilation.*

15. I support the recommendation in Mr Hattingh's rebuttal evidence[2] to accept the additional criterion as proposed by Fonterra as follows:

> *(j) Has been designed in a manner that considers reverse sensitivity effects on lawfully established industrial sites and activities, including dairy manufacturing and associated sites including the Te Rapa Dairy Manufacturing site.*

Te Awa Lakes

16. I agree with Mr Govender and Mr Roberts to the extent that the Te Awa Lakes Precinct (and all associated provisions) is retained as notified.

17. As set out in Attachment A of my evidence, I consider that the following new Policy 4.3.2.4f should be included in relation to the Te Awa Lakes Precinct that reads:

> *The development ensures reverse sensitivity mitigation measures avoid or minimise effects, including reverse*

2 Evidence of Colin Andrew Hattingh dated 14 August 2024, at paragraphs 11 – 12.

sensitivity effects, on lawfully established industrial sites and activities, including dairy manufacturing and associated sites.

18. I do not agree with the recommendation by Ms Junqueira that the height limit be 16m or 18m in the Business 6 Zone where it is adjacent to a Medium Density Residential Zone, at least insofar as this relates to the Business 6 Zone in the Te Awa Lakes Precinct. The rules of the Business 6 Zone allow residential activities above the ground floor as a Permitted Activity.[3] The proposed increase in height limit would therefore allow a greater number and density of residential units in proximity to the Te Rapa Site (which is the heaviest industrial site in Hamilton City).

19. As an alternative to retaining the 11m building height limit, the concerns addressed above could be addressed through the status of residential activities above ground level within the Te Awa Lakes Precinct of the Business 6 Zone reverting to restricted discretionary (rather than permitted as proposed by PC12).

PC13

20. I agree with Mr Roberts on matters that are the subject of appeals on PC13 being resolved in that context rather than PC12.

Mark Chrisp

3 Chapter 6.3 Rules – Activity Table.