BEFORE INDEPENDENT COMMISSIONERS

AT HAMILTON

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

STATEMENT OF EVIDENCE OF MARK CHRISP ON BEHALF OF FONTERRA LIMITED

PLANNING

24 JULY 2024

Russell McVeagh

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1. INTRODUCTION

1.1 My full name is Mark Bulpitt Chrisp.

1.2 I am a Partner and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016).

1.3 In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners.

1.4 I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 34 years' experience as a Resource Management Planning Consultant.

1.5 I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.

1.6 I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.

1.7 I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry (most recently as the Expert Planning Witness for the Hawke's Bay Regional Investment Company Ltd's proposed Ruataniwha Water Storage Scheme).

1.8 I have undertaken a substantial amount of work within the dairy sector working for New Zealand Dairy Group and then Fonterra Ltd ("**Fonterra**") over the last 30 years. Over that time, I have undertaken planning work in respect to all of Fonterra's dairy manufacturing sites in the Northland, Auckland, Waikato and Bay of Plenty regions. This has included re-consenting existing dairy manufacturing operations and/or associated spray irrigation of wastewater (eg the Hautapu and Edgecumbe sites) and major capacity expansion projects.

1.9 I have assisted Fonterra in resource management matters relating to the Te Rapa Dairy Factory ("**Te Rapa Site**") over the last three decades. This has included:

(a) Project managing and being the principal author of the resource consent applications and the Assessments of Environmental Effects ("**AEE**"), for the Te Rapa Capacity Expansion and Co-generation Plant Project in 1996 – 1997. This project included the cream cheese plant, the largest drier on the site, a dry-store extension, the grade separated interchange, the wastewater treatment plant, and the co-generation plant (until recently owned and operated by Contact Energy Ltd) and associated discharges to land, water and air.

(b) Preparation and implementation of the Mangaharakeke Pa Site Management Plan. This included restoration of the pa site (partially located on the Te Rapa Site), the commissioning of seven carved pou whenua, a substantial planting programme, and a visit from the then Prime Minister, The Honourable Helen Clark;

(c) Consents for an upgrade of the water intake structure;

(d) Submissions and appeals on the Waikato Proposed District Plan;

(e) Involvement in the process of the Te Rapa Site and the surrounding land being transferred from the Waikato District to Hamilton City;

(f) Assistance with the development of the Te Awa River Ride as it passes through the Te Rapa Site;

(g) Submissions and appeals on the Hamilton City Proposed District Plan;

(h) Preparation of resource consent applications to Waikato Regional Council for the on-going operation of the Te Rapa Site (ie water take, and discharges to land, air and water);

(i) Submissions and an appeal on Plan Change 2 ("**PC2**") to the Hamilton City District Plan (Te Awa Lakes);[1]

(j) Submissions on PC12 to the Hamilton City District Plan; and

[1] PC2 / Te Awa Lakes Private Plan Change included a Medium Density Residential Zone which allows construction of up to 1,100 residential units within a Strategic Industrial Node, only 325 m away from the heaviest industrial site in Hamilton City.

(k) Submissions and now an appeal on Plan Change 13 to the Hamilton City District Plan ("**PC13**") in relation to proposed residential activities in proximity to Fonterra's Crawford Street Distribution Centre and Canpac site.[2]

1.10 I have had extensive experience assisting operators of large-scale industrial activities and / or energy infrastructure seeking to avoid the creation of potential reverse sensitivity effects. This includes work undertaken for Fonterra in respect to its dairy manufacturing sites and work undertaken for Contact Energy in relation to its geothermal power stations and associated steamfield activities (including 24/7 drilling activities and steam venting) in the Central North Island.

1.11 I was a co-author of the Horotiu Industrial Study (which included the Te Rapa North area) prepared for Waikato District Council in July 2004 as part of the preparation of the (now operative) Waikato District Plan.

Scope of evidence

1.12 I have been engaged by Fonterra to present planning evidence in relation to PC12. My evidence will:

(a) present an executive summary including key conclusions;

(b) provide an overview of Fonterra's submission on PC12 and the rationale for the outcomes sought;

(c) outline key aspects of the statutory planning framework applicable to PC12 and the Te Rapa Site;

(d) summarise the current position in relation to Fonterra's submission and further submission; and

(e) respond to matters raised in Hamilton City Council ("**HCC**") evidence.

1.13 The evidence of Ms Suzanne O'Rourke provides a summary of Fonterra's manufacturing assets in the Hamilton District, which I do not repeat in my statement of evidence.[3]

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[2] PC13 applies to a 6 ha portion of Te Rapa Racecourse in proximity to Fonterra operations and seeks, among other things, to rezone land from (a) Major Facilities to Industrial along Te Rapa Road to Industrial Zone, and (b) from Major Facilities to Medium Density Residential to allow for a mix of housing.

[3] Evidence of Suzanne O'Rourke dated 24 July 2024 at [3].

Code of Conduct

1.14 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.

1.15 My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I have relied on the evidence of other persons. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

2. EXECUTIVE SUMMARY

2.1 Fonterra seeks that urban development and intensification occurs in a manner that minimises land use conflicts as far as practicable, including avoiding or, at worst, minimising the potential for reverse sensitivity effects (the latter having been proven to not be sufficient).

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

2.3 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.

2.4 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 the risk of reverse sensitivity effects.

2.5 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.

2.6 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.

2.7 It is my opinion that the Hearing Panel should accept the HCC staff recommendations that seek to retain the status quo (as sought in Fonterra's submission and further submission) in relation to:

(a) the Te Awa Lakes Precinct (and all associated planning provisions);[4] and

(b) the matters which are the subject of appeals in relation to PC13.[5]

2.8 Attached to my evidence (as **Attachment A**) is a table setting out the relief sought by Fonterra that it wishes to pursue (and the Hearing Panel to accept) which is not the subject of a positive recommendation by HCC staff. This does not include all points of submission in that category (ie this is a refined set of relief sought from Fonterra's original and further submission).

3. FONTERRA'S SUBMISSIONS

3.1 Fonterra lodged a submission and further submission on PC12.

3.2 Fonterra's submission and the evidence of Ms O'Rourke explain the importance of Fonterra's activities within Hamilton City and the reasons why it lodged submissions on PC12.[6]

3.3 In summary, Fonterra seeks that urban development and intensification occurs in a manner that minimises land use conflicts as far as practicable, including avoiding or, at worst, minimising the potential for reverse sensitivity effects (the latter having been proven to not be sufficient).

3.4 One of the most fundamental and well-established principles of sound resource management planning practice is the separation of incompatible activities. As a good example of this in practice, is the planning provisions in the Waipā and Waikato District Plans that restrict the establishment or expansion of noise sensitive activities in proximity to the Hamilton Airport.

3.5 The Horotiu / Te Rapa North area has been the site of heavy industrial activities for over 100 years. The Horotiu Freezing Works opened in 1916 and the Te

[4] Evidence of Denzil Govender dated 26 June 2024 at Appendix B at p 9 - 10; Evidence of Mark Hector Roberts dated 26 June 2024.
[5] Evidence of Mark Hector Roberts dated 26 June 2024 at Appendix B at pp 57, 60 and 138.
[6] Evidence of Suzanne O'Rourke dated 24 July 2024 at [3] and [5].

Rapa Dairy Factory opened in 1967. Fonterra regards the Te Rapa Dairy Factory as its North Island Flagship Site.

3.6 Over a long period of time (prior to PC2), the planning provisions relating to the Horotiu / Te Rapa North area have provided a level of planning certainty which has provided the operators of industrial activities and the New Zealand Transport Agency ("**NZTA**") the confidence to invest significant sums of money in the area (hundreds of millions of dollars). This has included:

(a) major capacity expansions and a co-generation power plant project on the Te Rapa Site;

(b) the establishment of RX Plastics;

(c) the development of the Northgate Business Park;

(d) Open Country Dairies establishing adjacent to the Horotiu Freezing Works;

(e) Ports of Auckland establishing a large inland port; and

(f) NZTA investing in the construction of the Te Rapa Bypass on the basis of an agreed land use pattern in the Horotiu / Te Rapa North area (being for industrial purposes).

3.7 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.

3.8 The practical reality is that, despite their best efforts, many large-scale industrial activities cannot internalise all their adverse effects. With reference to the Te Rapa Site as an example, this includes the visual effects of buildings up to 55 m in height, noise associated with heavy industrial activities, and traffic generation including a large volume of Heavy Commercial Vehicles traveling on the adjacent roading network and further afield. These are the type of effects on the environment that, while lawfully able to occur, are often perceived to be incompatible with more sensitive activities such as residential activities. When those sensitive activities are allowed to locate or intensify in proximity to previously established lawfully operating industrial activities (or major infrastructure) reverse sensitivity effects are almost always inevitable.

That has certainly been the experience of Fonterra (as discussed in the evidence of Ms O'Rourke)[7] and other large-scale industrial activities.

3.9 It is important, in my opinion, that the Hearing Panel is fully cognisant of the seriousness of the potential magnitude and consequences of reverse sensitivity effects. Too often they are brushed off as only being the labour cost of dealing with a few complaints or a greater number of objections on a resource consent application (not appreciating that the costs of these outcomes can be significant or even fatal to a proposal in the case of a resource consent application). As explained in the evidence of Ms O'Rourke, they can also be a reason for further investment in a site to not occur.[8]

3.10 There are numerous examples of residential encroachment throughout New Zealand which have given rise to reverse sensitivity effects, often resulting in the demise of the pre-existing activity. Examples include Bay Park Raceway at Mt Maunganui (which had to relocate) and Western Springs in Auckland. The RNZAF Base at Whenuapai is an example of a neighbouring landowner seeking a rezoning of land adjacent to the air force base for residential purposes and then seeking to constrain activities at the base due to concerns about noise (a classic example of reverse sensitivity in action).

3.11 If you look at the Te Rapa Site in isolation, it is well placed for a major investment in the expansion of dairy processing activities (which was previously planned to be the case prior to the approval of the Te Awa Lakes proposal) on the basis that it:

(a) is zoned for heavy industrial purposes wherein the processing of dairy products is a permitted activity;

(b) has land available for further development;

(c) is centrally located within the heart of New Zealand's dairy industry;

(d) has its own water supply;

(e) has a tertiary wastewater treatment plant; and

(f) has a grade separated interchange which, as far as I am aware, is the highest standard of vehicular access to any private landholding in the country.

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7 Evidence of Suzanne O'Rourke dated 24 July 2024 at [4].
8 Evidence of Suzanne O'Rourke dated 24 July 2024 at [4.9].

3.12 However, despite all the positive attributes noted above, the approval of PC2 and the pending development of the Te Awa Lakes residential development 300 m to the north has already effectively foreclosed any significant additional development of the Te Rapa Site.[9] Despite being located within a Strategic Industrial Node (as set out in the Waikato Regional Policy Statement ("**Waikato RPS**"), which must be "given effect to"), the approval of Te Awa Lakes was able to occur, at least in part, because of weak policy provisions on which significant weight was placed by decision makers. Strong policy guidance, backed up with rules that can deliver appropriate outcomes, are required to ensure that incompatible activities are not able to develop (or expand / intensify) in close proximity to one another thereby avoiding the risk of reverse sensitivity effects.

3.13 In line with the above, and as result of bitter experience, Fonterra's points of submission and further submission on PC12 roughly fall into two categories:

(a) seeking to introduce new provisions or strengthen existing provisions with a view to avoiding the development or expansion / intensification of incompatible activities and associated reverse sensitivity effects; and

(b) opposing provisions, particularly those advanced in submissions by other parties, which would weaken the planning regime and increase the risk of incompatible activities being allowed to develop (or expand / intensify) in close proximity to one another thereby increasing the risk of reverse sensitivity effects.

4. CURRENT PLANNING FRAMEWORK

4.1 The following summarises some key elements of the current planning framework which are relevant to the outcomes sought by Fonterra as a result of its submissions on PC12.

Future Proof

4.2 Future Proof (the Waikato Sub-Regional Growth Strategy) identifies the Horotiu / Te Rapa North area as a Strategic Industrial Node.[10] The key aspects of Future Proof (including the land use pattern) have been given statutory weight by way of provisions incorporated into the Waikato RPS, Waikato

[9] This significantly compounded the issues that Fonterra has experienced over the years since the Waikato District Council zoned and allowed rural residential activities on the opposite site of the Waikato River.

[10] "2024 Future Proof Strategy – part B: Our growth management approach" at p 82.

District Plan and the Hamilton City District Plan. The Future Proof Strategy is also now a Future Development Strategy under the National Policy Statement for Urban Development.

4.3 As a result of a recent review of the Future Proof Strategy, in response to a submission from Fonterra, the provisions in relation to reverse sensitivity have been strengthened whereby the provisions have moved from seeking to "minimise" to "avoiding or minimising" reverse sensitivity effects. While this is a positive move in the right direction, it still falls short of the desired outcome. The reality is that once reverse sensitivity effects have occurred (even if they are minimised), it is too late to then try and remedy the situation. This is in line with the analogy of the horse bolting and the barn door being shut too late.

Waikato RPS

4.4 The Te Rapa Site is identified in the Waikato RPS as a 'Regionally Significant Industry', defined in the Waikato RPS as follows:

> Regionally significant industry - means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

4.5 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.
>
> …

Hamilton City District Plan

4.6 The Te Rapa Site is within the Te Rapa North Industrial Zone. Following an objective that "Industrial land uses are able to establish and operate within the zone in an efficient and effective manner", there are a large number of policies and other objectives which recognise and provide for industrial activities and seek to avoid the establishment of incompatible activities in industrial areas. These policies seek to achieve outcomes such as:

> Policy 12.2.1a - Industrial land is used for industrial uses.
>
> Policy 12.2.1b - Non-industrial uses establish and operate only where they are ancillary to industrial activities, supporting industrial activities, or are consistent with industrial land uses.
>
> Policy 12.2.1c - Non-industrial uses do not adversely affect the industrial use of the Te Rapa North Industrial Zone, or impact adversely on the strategic role of the Central City as the primary office, retail, and entertainment centre, and the other commercial centres in the City.

4.7 Despite these strongly worded policies, the Te Rapa North (and Horotiu) Strategic Industrial Nodes have been undermined by sensitive residential activities being allowed to be established. Fonterra cannot realistically seek that those decisions be reversed, but it can, in my opinion, seek that the present situation is not made any worse.

5. AMENDMENTS TO PC12

5.1 I have reviewed the amendments to PC12 recommended by HCC staff in response to submissions which were released on 27 May 2024. The result of Fonterra's primary submission (assuming the staff recommendations are accepted) can be characterised as follows:

(a) Fonterra has achieved a positive recommendation in relation to points of submission seeking to retain provisions as notified in PC12; and

(b) All of Fonterra's points of submission seeking additional provisions (including particularly in relation to strengthening provisions relating to reverse sensitivity effects) have been recommended for rejection.

5.2 A similar pattern appears to have emerged in relation to Fonterra's points of further submission. However, in relation to the latter it is pleasing to see that Fonterra's further submissions opposing the liberalisation and intensification of the residential provisions relating to the Te Awa Residential Precinct have found favour with HCC's planners.[11] It is my opinion that the Hearing Panel should accept the HCC staff recommendations that seek to retain the status quo in relation to the Te Awa Lakes Precinct (and all associated planning provisions).[12]

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[11] Evidence of Mark Hector Roberts dated 26 June 2024 at Appendix B at pp 112 and 118.

[12] Evidence of Mark Hector Roberts dated 26 June 2024 at Appendix B at pp 112 and 118; Evidence of Laura Thomson dated 26 June 2024 at p 9 and Appendix B at pp 15-16.

6. RESPONSE TO COUNCIL EVIDENCE AND RELIEF SOUGHT

Reverse sensitivity

6.1 The following responds to aspects of the evidence of Mr Mark Roberts on behalf of HCC.

6.2 Mr Roberts makes the following statements (emphasis added):[13]

> It is considered that the management of reverse sensitivity effects is necessary to ensure a well-functioning urban environment that provides for the health and safety of residents. Future development needs to ensure that it is protected against effects from existing infrastructure.
>
> Chapter 4 contains provisions that seek to manage reverse sensitivity effects from regionally significant infrastructure, roads, and from non-residential activities on residential development. The level of consideration for reverse sensitivity effects currently provided for in Chapter 4 is considered appropriate.

6.3 It is important to clarify what reverse sensitivity effects are.

6.4 Reverse sensitivity effects are not effects "from regionally significant infrastructure, roads, and from non-residential activities on residential development" (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). The manner in which those effects manifest themselves in relation to Fonterra's activities are discussed in the evidence of Ms O'Rourke.[14]

6.5 For the reason presented earlier in my evidence, I would invite the Hearing Panel to ensure that the planning provisions will achieve the separation of incompatible activities and the avoidance of reverse sensitivity effects.

6.6 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. Attached to my evidence (as **Attachment A**) is a table setting out the relief sought by Fonterra that it wishes to pursue (which I support) which is not the subject of a positive recommendation by HCC staff. This does not include all

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13 Evidence of Mark Hector Roberts dated 26 June 2024 at Appendix B at p 54.
14 Evidence of Suzanne O'Rourke dated 24 July 2024 at [4.3]-[4.12].

points of submission in that category (ie this is a refined set of relief sought from Fonterra's original and further submission).

Te Awa Lakes

6.7 One aspect of the relief sought by Fonterra needs some specific comments (the rest of the matters relate to reverse sensitivity otherwise addressed in my evidence). With reference to the Te Awa Lakes Residential Precinct, the current height limit in the Business 6 Zone is 10 m but increased to 11 m in the notified version of PC12 to match the maximum heights in the adjoining Residential Zones (that relatively minor change being acceptable to Fonterra).[15]

6.8 Te Awa Lakes JV, Perry Group and Horotiu Farms Limited sought that this limit be increased to 15 m, which was opposed by Fonterra. Ms Junqueira has recommended that the height limit be 16 m in the Business 6 Zone where it is adjacent to a Medium Density Residential Zone.[16] However, her final summary of the recommended changes shows the height limit being 18 m for the Business 6 Zone (that might just be a typo).[17] For the reasons stated in Fonterra's further submission, including the need to adhere to the outcome of the Consent Order resolving Fonterra's appeal on PC2, the height limit should be no greater than 11 m.[18]

6.9 The approval of PC2, allowing up to 1,100 residential units within a Strategic Industrial Node only 325 m away from the heaviest industrial site in Hamilton City, is evidence of the fact that the provisions of the Hamilton City District Plan (and other policy and planning documents) are not strong enough to ensure that only industrial activities occur in industrial areas and that the potential for reverse sensitivity effects is avoided.

6.10 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 to 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.

15 See "Plan Change 12 – Chapter 6 Business 1 to 7 Zones: Officers' Recommendations" (27 May 2024) Hamilton City Council at 6.4.1.
16 Evidence of Dr Juliana Reu Junqueira dated 26 June 2024 at Appendix B at p 15.
17 Evidence of Dr Juliana Reu Junqueira dated 26 June 2024 at Appendix B at p 16.
18 Attachment A at [2(a)(i)]; Fonterra Limited's Further Submission at p 5.

6.11 One of the major 'selling points' forming part of PC2 was the inclusion of provisions requiring a certain amount of affordable housing. I support the recommendation in Mr Robert's evidence that those provisions are retained.[19]

PC13

6.12 Finally, I agree with the position advanced by Mr Roberts whereby matters that are the subject of appeals on PC13 should be resolved in that context rather than PC12.[20]

7. CONCLUSION

7.1 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.

7.2 It is my opinion that the Hearing Panel should accept the HCC staff recommendations that seek to retain the status quo (as sought in Fonterra's submission and further submission) in relation to:

(a) the Te Awa Lakes Precinct (and all associated planning provisions); and

(b) the matters which are the subject of appeals in relation to PC13.

7.3 Attached to my evidence (as **Attachment A**) is a table setting out the relief sought by Fonterra that it wishes to pursue (and the Hearing Panel to accept) which is not the subject of a positive recommendation by HCC staff.

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24 July 2024

[19] Evidence of Mark Hector Roberts dated 26 June 2024 at Appendix B at p 49.
[20] Evidence of Mark Hector Roberts dated 26 June 2024 at Appendix B at pp 57, 60 and 138.

ATTACHMENT A:

FONTERRA RELIEF SOUGHT (WHERE NOT RECOMMENDED TO BE ACCEPTED BY HCC STAFF)

Fonterra seeks to insert <u>underlined</u> text and delete ~~strikethrough~~ text.

1. Chapter 4 Residential

Non-residential activities

(a) Amend Policy 4.1.2.2d:[21]

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

(b) Amend Policy 4.1.2.2.e:[22]

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

(c) Amend policy 4.2.1.6c by adding an additional point as (xiv):[23]

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

(d) Amend Objective 4.4.2.2 by adding Policy (d):[24]

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

Te Awa Lakes Residential Precinct

Insert new Policy 4.3.2.4f that reads:

<u>The development ensures reverse sensitivity mitigation measures avoid or minimise effects, including reverse sensitivity effects, on lawfully established industrial sites and activities, including dairy manufacturing and associated sites.</u>

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21 Proposed in the submission by Z Energy, BP Oil New Zealand Ltd and Mobil Oil New Zealand Ltd ("**Fuel Companies**"), submission point 296.3.

22 Fuel Companies, submission point 296.4.

23 Fuel Companies, submission point 296.5

24 Fuel Companies, submission point 296.12, with an amendment to use the word "surrounding" rather than adjoining.

2. ***Chapter 6 (Business 1 – 7 Zones)***

(a) Fonterra seeks to retain Chapter 6 as notified, in particular rules:

(i) 6.4.1d: *Buildings must not exceed 11 metres in height*;[25]

(ii) 6.4.4: *Business Zones 1, 3, 5, 7 allowed maximum ratio of floor area to net site area of 2:1. Business Zones 2, 4 and 6 allowed maximum ratio of floor area to net site area of 1:1*; and

(iii) 6.4.3: Te Awa Lakes Business 6 Zone: *All single dwellings and suplex dwellings, apartments, ancillary residential units and residential centres, including outdoor living areas associated with any of the foregoing but excluding garages and storage sheds (which are not used as habitable rooms) associated with the foregoing, shall be set back at least 25m from the boundary of Hutchinson Road. Non-compliance with this setback shall be a prohibited activity*.

3. ***Appendix 1.3 Assessment Criteria***

(a) Amend the Assessment Criteria for 'Context' in Section B – Design and Layout to include the following additional matter as Item (j):

Context

B2 Whether the proposal:

…

(*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.*

(b) Amend the Assessment Criteria in '1.3.2 Controlled Activities – Matters of Control' Section G – Subdivision to include the following additional standard:

G. Subdivision

…

(iv) The extent to which the subdivision will result in reverse sensitivity effects.

[25] See paragraphs [6.7]-[6.8] of my Statement of Evidence.