

**BEFORE INDEPENDENT COMMISSIONERS**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER**

of Proposed Plan Change 26 to the Operative Waipā  
District Plan

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**SUMMARY OF EVIDENCE OF MARK CHRISP  
ON BEHALF OF FONTERRA LIMITED**

**PLANNING**

**28 APRIL 2023**

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## SUMMARY OF EVIDENCE

1. I have prepared a primary statement and rebuttal statement of planning evidence on Proposed Plan Change 26 ("**PC26**") to the Waipā District Plan ("**WDP**") on behalf of Fonterra Limited ("**Fonterra**").
2. Fonterra has eight dairy factories located in the Waikato Region. Two of Fonterra's dairy factories, Te Awamutu and Hautapu, are located in the Waipā District and are affected by PC26.
3. The Te Awamutu Dairy Factory has operated at the site for almost 140 years and employs more than 330 people. The Te Awamutu Dairy Factory is located within the urban area of Te Awamutu and is surrounded by residential activities, including residential zoned land immediately to the east, south and west.
4. Fonterra's submission supports the intent of PC26 in giving effect to the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("**RMA-EHS**") and the May 2022 update of the National Policy Statement on Urban Development 2020 ("**NPS-UD**"). The submission states that Fonterra considers that further refinement is required to ensure that urban development and intensification occurs in a manner that minimises land use conflicts as far as practicable, including avoiding or minimising the potential for reverse sensitivity effects. The key amendments to PC26 sought by Fonterra are in respect of the addition of a Reverse Sensitivity Qualifying Matter ("**RS-QM**") to apply to all of the land within the 55 dBA Ldn noise contour surrounding the Te Awamutu Dairy Factory to enable potential reverse sensitivity effects to be assessed and mitigated.
5. In my statement of evidence, I provide an overview of the relevant policy provisions of the NPS-UD, Waikato Regional Policy Statement ("**Waikato RPS**") and the WDP. In my opinion, there is strong policy direction in these statutory planning instruments recognising the importance of the Te Awamutu Dairy Factory (including as a "Regionally Significant Industry") and the need to avoid or minimise the potential for reverse sensitivity effects.
6. The direction of these planning documents, in my view, is that development of the built environment should be enabled (for example, through residential intensification), while also ensuring that adverse effects (including adverse reverse sensitivity effects) be avoided, remedied and/or mitigated.

7. The existing WDP rules (within the Residential Zone) provides for one principal dwelling and one secondary dwelling per site as a permitted activity, subject to compliance with relevant standards. When viewed in the context of the Te Awamutu Site, the intensification plan change proposes to permit three dwellings per site, potentially tripling the number of principal dwellings in proximity to this existing asset (compared to existing district planning rules), and subsequently, the number of residents who will have an interest in protecting residential amenity values (an outcome higher than that expected in an industrial environment). It is my opinion that this is not appropriate in such proximity to established dairy manufacturing sites. I am of the opinion that an increase in residential intensity around established industrial activities has the potential to result in reverse sensitivity issues which, in turn, can significantly curtail Fonterra's current and future operations at these affected sites.
8. In my evidence, I provide an analysis of the proposed RS-QM against the requirements of sections 77J and 77L of the Resource Management Act 1991 ("**RMA**"). I note that the proposed RS-QM still provides for some intensification – two dwellings as a permitted activity rather than the three permitted by the MDRS. Fonterra is not seeking for the MDRS to not apply within the RS-QM at all. Rather, Fonterra is seeking a middle ground, which I consider to be appropriate as it enables some intensification while also minimising the potential for reverse sensitivity effects. This is consistent with the effect of the Infrastructure Constraint and Stormwater Constraint Qualifying Matters.
9. Overall, it is my opinion that the level of development permitted by the MDRS, in the absence of the RS-QM, is incompatible with sound planning practice, and that the RS-QM is appropriate.
10. In my rebuttal evidence, I respond to the planning evidence of Mr Campbell on behalf of Kainga Ora where Mr Campbell expresses the opinion that reverse sensitivity is limited to actual noise and/or health and safety effects. Contrary to the evidence of Mr Campbell:
  - (a) Reverse sensitivity effects can, and do, arise in relation to a range of characteristics and environmental effects associated with the operation of a dairy manufacturing site. Noise is not the only matter to consider in district planning provisions.
  - (b) The Waikato RPS includes strongly worded provisions that recognise the importance of Regionally Significant Industry and the need to address reverse sensitivity effects, including as part of any changes to district plans.

11. Since preparing my primary statement of evidence, and my rebuttal statement, an addendum section 42A report has been prepared by Mr McGahan, whereby Mr McGahan agrees with the appropriateness of the RS-QM proposed by Fonterra in respect to the Te Awamutu Dairy Factory. Mr McGahan has also proposed some amendments to the planning provisions relating to the RS-QM. I agree with the recommendations of Mr McGahan.