

BEFORE INDEPENDENT COMMISSIONERS

UNDER

the Resource Management Act 1991

AND

IN THE MATTER

of Proposed Plan Change 26 to the Operative Waipā
District Plan

**REBUTTAL STATEMENT OF EVIDENCE OF MARK BULPITT CHRISP
ON BEHALF OF FONTERRA LIMITED**

PLANNING

19 APRIL 2023

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1. INTRODUCTION

- 1.1 My full name is Mark Bulpitt Chrisp.
- 1.2 My qualifications and experience are set out in my evidence in chief dated 6 April 2023.
- 1.3 I have been engaged by Fonterra Limited ("**Fonterra**") to present planning evidence in relation Plan Change 26 ("**PC26**") to the Waipā District Plan.

Scope of rebuttal evidence

- 1.4 My rebuttal evidence responds to various matters raised in the planning evidence of Mr Michael Campbell for Kainga Ora dated 6 April 2023 relating to the outcomes sought by Fonterra.

Code of Conduct

- 1.5 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. My qualifications as an expert are set out in my evidence in chief. 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. THE NATURE OF REVERSE SENSITIVITY EFFECTS AND THEIR IMPORTANCE UNDER THE WAIKATO REGIONAL POLICY STATEMENT

- 2.1 At paragraphs 8.39 and 8.40 of his evidence, Mr Campbell discusses the additional qualifying matter (relating to reverse sensitivity) sought by Fonterra (abbreviated to "**RS-QM**"). He considers that the relief sought by Fonterra is inappropriate for the same reasons he discusses in relation to reverse sensitivity-based controls along rail corridors (which he discusses at paragraphs 6.7 – 6.27 of his evidence). In that regard, Mr Campbell states¹:

"... any rules should only be required to manage the actual or potential effects on noise sensitive uses. In my view, any significant adverse health and safety effects should be dealt with, but I have not seen any evidence that reverse sensitivity effects arise in the context of the rail corridors and the transport

¹ Mr Campbell's evidence at [6.14].

authorities have not provided evidence of the road or rail network having to constrain or cease its operations as a result of complaints."

- 2.2 I am surprised that Mr Campbell has never seen evidence of reverse sensitivity effects from a dairy factory (or from transport infrastructure).
- 2.3 My very first involvement with one of Fonterra's predecessors, New Zealand Dairy Group, was in relation to the Waitoa Site where noise associated with the operation of the railway line extending into the site was the cause of complaints from neighbouring residential landowners on the opposite side of State Highway 26. More than three decades later (in which time Fonterra has purchased many of the houses on the opposite side of State Highway 26), noise from the Waitoa Site, including from the operation of the railway line, remains a source of complaint and therefore a source of reverse sensitivity effects. Ms O'Rourke sets out a number of examples of reverse sensitivity in her evidence.
- 2.4 However, more importantly and contrary to the evidence of Mr Campbell, noise is only one type of effect or characteristic associated with the operation of a dairy factory that can give rise to reverse sensitivity effects. As noted in my evidence in chief, there are other characteristics or environmental effects associated with a dairy factory that cannot be internalised including 24/7 heavy vehicle traffic generation and visual effects associated with tall buildings, lighting required for safety purposes and discharges to air. These aspects of a dairy factory are commonly the subject of complaints from sensitive surrounding land uses and the basis of objections to any proposed expansion of dairy factory operations. Furthermore, it is not always the actual effects of large-scale industrial activities which give rise to reverse sensitivity issues, but rather the perception of an adverse effect caused by higher expectations of amenity being imposed on the environment by sensitive neighbouring land use activities. As set out in my evidence in chief, the Waikato Regional Policy Statement ("**WRPS**") itself defines reverse sensitivity as arising from potential effects or perceived effects (emphasis added):²

"Is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes **potential**, actual or **perceived adverse environmental effects** on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity."

²

Evidence in chief at [3.12].

- 2.5 The outcome sought by Fonterra is in a different context from KiwiRail. Fonterra is not seeking new controls through PC26 but is instead simply seeking that the MDRS not apply to the same extent under the RS-QM.

3. WAIKATO REGIONAL POLICY STATEMENT

- 3.1 At paragraph 10.3 of his evidence, Mr Campbell states, as one of his conclusions, that:

"I consider that the amended provisions as set out in my evidence will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the WRPS, Te Ture Whaimana and other relevant statutory documents including the NPS-UD. In my opinion they will assist in striking an appropriate balance in managing the effects of intensification, while enabling greater opportunities to facilitate growth within and around centres."

- 3.2 I disagree. When Mr Campbell refers to the amended provisions set out in his evidence, I assume that includes the absence of the RS-QM sought by Fonterra (on the basis that he considers it to be inappropriate). The conclusion expressed by Mr Campbell (quoted above) refers to the outcome he seeks achieving the relevant objectives of the WRPS. However, Mr Campbell appears to have ignored the significant number of strongly worded provisions in the Waikato RPS relating to the built environment, Regionally Significant Industry, and reverse sensitivity. These matters are addressed in my evidence in chief (at paragraphs 3.8 – 3.15).

4. CONCLUSION

- 4.1 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.
- (b) The WRPS 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.

Mark Chrisp
19 April 2023