

**BEFORE THE HEARING COMMISSIONERS
WAIKATO DISTRICT COUNCIL**

IN THE MATTER: of the Resource Management Act 1991

AND

IN THE MATTER: of Hearing 10: Residential Zone in the
Proposed Waikato District Plan

STATEMENT OF EVIDENCE OF NICOLA JOANNE RYKERS

INTRODUCTION

- 1 My name is Nicola Joanne Rykers.
- 2 I am a Director of Locality Ltd, a company I established in 2016 to provide planning consultancy services. I am a sole practitioner. Prior to this role I held the position of Director of Urban Design and Engagement at the Central City Development Unit of the Canterbury Earthquake Recovery Authority (CERA), and was previously a Partner of Boffa Miskell Limited, a planning, design and ecology consultancy.
- 3 I have a Bachelor of Regional Planning (Honours) degree from Massey University and I am a full member of the New Zealand Planning Institute.
- 4 I have practiced in the planning profession for 30 years, working on a broad range of projects that have included policy analysis and development, the development of rules, the scoping and preparation of environmental assessments and resource consents, and the provision of strategic planning advice to organisations and individuals on land use development. I have provided planning advice and services to Synlait since 2010 (excluding my time at CERA).
- 5 I have read, understood and will comply with the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014. This evidence has been prepared in accordance with this Note and I agree to comply with it.
- 6 My evidence shall address two further submission points made by Synlait Milk Limited (Synlait). Synlait submitted in opposition to Housing New Zealand S749.114 and in opposition to the Waikato Regional Council S81.3.

SUBMISSION OF HOUSING NEW ZEALAND

- 7 Submission 749.114 made by Housing New Zealand sought the deletion of Rule 16.3.9.2 Building setback – Sensitive land use. The rule requires any new building or an alteration to an existing building for a sensitive land use to be set back specified distances from identified infrastructure including roads, rail and wastewater facilities.
- 8 Synlait made a further submission (FS1110.36) opposing the relief sought by Housing New Zealand. Synlait expressed concern that deleting the setback for sensitive land uses has the potential to create reverse sensitivity effects on services which are essential to the community and represent regionally significant infrastructure. Synlait is concerned that such infrastructure remain efficient into the future, servicing the needs of communities and business. In addition, the further submission of Synlait notes that encroaching sensitive land uses may experience a lower standard of environmental quality.

- 9 I am supportive of Synlait's position. The matter of reverse sensitivity is a significant planning issue that requires a consistent approach within the district plan. In my opinion, this is of particular importance for a growth area such as the Waikato where there needs to be clear guidance to inform the layout of future settlement patterns. Maintaining Rule 16.3.9.2 would be a part of that framework. In this context I agree with the s42A report recommendation that S749.114 be rejected.

SUBMISSION OF THE WAIKATO REGIONAL COUNCIL

- 10 The original submission (S81.3) of the Waikato Regional Council seeks to amend the "permitted activity standards for earthworks to provide for a minimum 5 metre distance from any waterbody or overland flow path". The original submission sought that this change be applied in all zones, including but not limited to Chapters 16, 20, 21 and 22. The submission then gave an example of its preferred text, using Chapter 16 as the basis of the example. It appears however, that in the allocation of this submission point that the Council has only allocated it to the Residential Zone, rather than being a matter that should have been allocated for consideration in all of the chapters as listed in the original submission.
- 11 Synlait has opposed this submission point (FS1110.25) on the basis that the setback has not been sufficiently justified and within the context of a Heavy Industrial Zone, the setback may impact flexibility in the efficient use of the site. Clearly, the interests of Synlait in this matter are not related to the Residential Zone, and the hearing for the Industrial Zone has passed without consideration of S81.3.
- 12 I have referred back to the s42A report for Hearing 7 relating to the Industrial Zone and the recommendations for earthworks and setbacks. I note that the report author did not recommend any change to the permitted activity condition which concern waterways and overland flow paths. This condition requires that earthworks do not divert or change the nature of natural water flows, water bodies or established drainage paths (Rule 21.2.5.1 (a) (ix) Earthworks - General).
- 13 Synlait has not opposed Rule 21.2.5.1 (a) (ix), and is therefore supportive of the status quo as set out in the s42A report for the Heavy Industrial Zone. In my opinion, Rule 21.2.5.1(a)(ix) balances the interests of maintaining overland flow paths and the efficient use of industrial land without the imposition of a new rule for a setback. I note that the S42A report writer for Hearing 10 Residential concludes (paragraph 191) that "rather than widening the setback, the better way to manage sediment entering waterbodies is for the earthwork area to be stabilised and revegetated". For these reasons the S42A report recommends that S81.3 is rejected.

- 14 I would concur with the S42A report writer and support the recommendation. I would also note that the s42A report for Hearing 7 recommends that the requirement for landscape planting alongside a stream be reduced from 8m to 4m to enable efficient use of industrial land (paragraph 746). Considering the package of rules applying to waterways in the Heavy Industrial Zone, the introduction of a new setback would appear unnecessary.
- 15 Due to the way in which the original submission S81.3 was allocated it is unclear if the further submission point (FS1110.25) of Synlait can or will be considered. In conclusion, I am supportive of Synlait's position that S81.3 be rejected.

Nicola Rykers

3rd February 2020