

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER hearing submissions and further submissions on the **PROPOSED WAIKATO DISTRICT PLAN** Hearing 7: Industrial and Heavy Industrial Zone

STATEMENT OF EVIDENCE OF ADAM WILLIAM CHARLES JELLIE ON BEHALF OF POKENO VILLAGE HOLDINGS LIMITED (SUBMITTER NO. 368 / FURTHER SUBMITTER NO. 1281)

PLANNING

1. INTRODUCTION

Qualifications and experience

- 1.1 My full name is Adam William Charles Jellie. I am a Senior Planner in the consultancy firm of Beca. I have over 10 years' experience in planning.
- 1.2 I hold the qualification of a Bachelor of Planning from the University of Auckland 2011. I am a full member of the New Zealand Planning Institute.
- 1.3 I set out my experience and commitment to adherence with the obligations of expert witnesses under the Environment Court Consolidated Practice Note (2014) in my evidence for Hearing 2.
- 1.4 I have been engaged by PVHL to prepare and present this planning evidence to the Hearings Panel in relation to PVHL's submission and further submission points. PVHL is submitter number 368 and further submitter number 1281.
- 1.5 In preparing this evidence I have reviewed the s42A Report and Attachments relating to Hearing Topic 7: Industrial and Heavy Industrial Zone.

Scope of evidence

- 1.6 My evidence addresses the decision not to incorporate the Pokeno Structure Plan ("PSP") into the PWDP, including the provisions of the Light Industrial and Industrial 2 zones of the Operative Waikato District Plan – Franklin Section, which were introduced as part of the PC24.

1.7 A summary of the PSP and associated provisions was provided in Hearing 3.

2. **POKENO STRUCTURE PLAN**

2.1 PVHL's submission point (386.6) on the inclusion of the Pokeno Structure Plan ("PSP") in the PWDP has been allocated to Hearing 26 Other Matters. As the PSP includes areas of Light Industrial and Industrial 2 zoning (amongst other zoning), I consider that it is appropriate to address the industrial provisions at this Hearing.

2.2 The Light Industrial and Industrial 2 zones of the Waikato District Plan – Franklin Section and provisions of the PSP introduced by PC24 have not been included in the PWDP. Instead a new Industrial Zone and Heavy Industrial Zone apply to the industrial areas previously zoned Light Industrial Zone and Industrial 2 Zone within the PSP area at Pokeno.

2.3 The new zones, as notified, do not carry over all the activities provided for in the Light Industrial Zone and Industrial 2 Zone and include more permissive development standards. The Section 42A author has subsequently recommended in response to a submission that some of the activities, (but not all) provided for in the Light Industrial Zone be included in the Industrial Zone of the PWDP¹. I consider that this does not fully address the relief sought by PVHL, which requested that the PSP provisions of PC24 and PC21 be fully reinstated in the PWDP.

2.4 Activities which have not been carried over into the Industrial Zone, or recommended for inclusion by the section 42A author include:

- (a) Fitness centres;
- (b) Service stations;
- (c) Child care and learning centres;
- (d) School;
- (e) Active recreation and entertainment;
- (f) Funeral services premises;
- (g) Health centres;
- (h) Hospitals; and

¹ Paragraph 195, Section 42A Report for Hearing 7: Industrial Zone and Heavy Industrial Zone

- (i) Community facility

I note that the Light Industrial Zone included a specific standard which limited the above activities to sites located 100 metres away from the Industrial 2 Zone. I understand the purpose of this setback is to protect Heavy Industrial activities from reverse sensitivity effects.

- 2.5 As set out at **Attachment A**, I have recommended a development area be included in the PWDP to reintroduce the activities and development standards of the Light Industrial Zone and Industrial 2 Zone into the PWDP. This will form part of a larger development area, which will carry over the PSP and associated provisions (such as the residential zoning and subdivision requirements of the PSP) into the PWDP. I will provide track changes on the wider development area at subsequent hearings, relevant to the topic matter.

Light Industrial Zone at Pokeno

- 2.6 By way of background, the Light Industrial Zone was developed by PVHL as part of PC24. The framework of this zone was based on the Business 5 Zone of the legacy Manukau District Plan; which provided for a mix of compatible activities, including commercial activities.
- 2.7 The Light Industrial Zone was developed to include activities anticipated within the PSP area. This included activities which could service the wider residential area, such as commercial and community facilities, which provide for a mix of employment opportunities for Pokeno residents.
- 2.8 Furthermore, the Light Industrial Zone acted as a buffer between residential and heavy industrial activities, whilst protecting heavy industrial activities from reverse sensitivity effects. This was done in two ways in Pokeno:
 - (a) By the application of the zones, i.e. the Light Industrial Zone between the Industrial 2 Zone and the Residential 2 Zone; and
 - (b) The inclusion of interface controls which restrict commercial and non-industrial activities from locating near Industrial 2 zoned sites, encouraging these activities to locate closer to the boundary of the Residential 2 Zone.

These interface controls are also not included in the Industrial Zone of the PWDP.

- 2.9 I have reviewed the Section 32 reports prepared to support the PWDP and I note that there is no discussion on the decision to not include the PSP in the PWDP. However, there is discussion on the decision to not include the Light Industrial Zone² in the PWDP, which states:

The Franklin Section includes a Light Industrial Zone at Pokeno. In terms of managing activities, this zone enables non-industrial uses to establish rather than restricting it to just industrial uses. It also implements more stringent controls over performance standards relating to amenity such as height and noise limits.

The difference between light industry and general industry activities can be difficult to distinguish and effects on sensitive surrounding land uses are likely to be similar or be able to be controlled through performance standards that relate to the interface with adjacent sites depending on their land use category. By restricting non-industrial activities from locating within the industrial zone, as per the direction of the WRPS, the level of amenity within the zone is expected to be lower than if a range of nonindustrial activities were allowed to establish. Taking the above into account, it is considered that there is no need to include a light industrial zone in the PWDP.

- 2.10 Policy 6.16 of the Waikato Regional Policy Statement, which is being referenced in the above quote, states:

Policy 6.16 Commercial development in the Future Proof area Management of the built environment in the Future Proof area shall provide for varying levels of commercial development to meet the wider community's social and economic needs, primarily through the encouragement and consolidation of such activities in existing commercial centres, and predominantly in those centres identified in Table 6-4 (section 6D). Commercial development is to be managed to:

...

f) maintain industrially zoned land for industrial activities unless it is ancillary to those industrial activities, while also recognising that specific types of commercial development may be appropriately located in industrially zoned land; and

- 2.11 Pokeno is not currently included in the Future Proof area, and as such this Policy does not apply to Pokeno. However, I acknowledge that the Industrial

² Page 28, Section 32 Report for Industrial Zone and Heavy Industrial Zone

and Heavy Industrial zones have a wider geographic application and are applied to areas within Future Proof, where this Policy would apply.

2.12 In principle, it is my view that Policy 6.16 recognises that commercial development can be located on industrially zoned land. I note that the Policy does not restrict the zone to only industrial activities outright. Furthermore, the section 42A author has now recommended that further commercial activities, which were provided for a permitted activity in the Light Industrial Zone at Pokeno be included in the Industrial 2 Zone. I agree with this recommendation, and in my opinion, this is consistent with Policy 6.16.

2.13 However, it is my view that this recommendation does not address the full relief sought by PVHL, which has requested the full inclusion of the PSP in the PWDP, including associated provisions.

2.14 I consider, as a consequence of the limited suite of PWDP zones, and their respective generic provisions, the new PWDP zones do not take into account the localised circumstances described at Paragraph 1.14. It is my view that this can be resolved through methods set out in the National Planning Standards such as "Precincts" and "Development Areas" which are purposed to implement localised planning provisions.

2.15 The National Planning Standards describe Precincts as:

*"A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s). In combined plans with district plan and regional plan components, a precinct can be both seaward and landward of mean high water springs."*³

2.16 Development Areas are described as:

*A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.*⁴

³ Page 50, National Planning Standards, MfE, 2019.

⁴ Page 50, National Planning Standards, MfE, 2019.

- 2.17 I consider that the activities in the Light Industrial Zone and Industrial 2 Zone at Pokeno, which have not been carried over into the PWDP, could be implemented by way of a development area.
- 2.18 I have provided example provisions of a development area at **Attachment 1** which carry over the Light Industrial Zone provisions. However, these example provisions only reintroduce part of the PSP back into the PWDP, being the Light Industrial Zone provisions, and I will provide more comprehensive track changes of the development area to reintroduce the PSP at a subsequent hearing. This will include all the zone provisions (industrial zones included), and requirements of the PSP.
- 2.19 This approach only reintroduces the provisions as they apply to Pokeno and the PSP area, and does not amend the Industrial Zone, which I recognise has a wider geographical application. I consider that the use of a development area avoids any situations arising where a non-industrial activity, which has been assessed as being appropriate for Pokeno, leads to potential adverse effects in another location.
- 2.20 Alternatively, as a form of secondary relief, the activities of the Light Industrial and Industrial 2 zone could be included in the activity tables for the Industrial and Heavy Industrial zones respectively, with an activity specific standard limiting the activities to the PSP area only.
- 2.21 However, I note that the development area approach has already been recommended by the section 42A author for the Horotiu Business Park⁵. For plan integrity and consistency purposes, I therefore recommended the use of the development area approach to include the PSP provisions in the PWDP, rather than including all the Pokeno specific provisions in the Industrial and Heavy Industrial activity tables.
- 2.22 I consider the use of a development area is an appropriate method to achieve the objectives of the PWDP and implement the PSP, for the reasons set above.

Adam William Charles Jellie
10 December 2019

⁵ Paragraph 334, Section 42A Report for Hearing 7: Industrial Zone and Heavy Industrial Zone

ATTACHMENT A: EXAMPLE DEVELOPMENT AREA FOR POKENO INDUSTRIAL ZONED LAND

20.X.1 Application of rules

(a) The rules in Chapter 20 for the Industrial Zone and Development Area 20.X apply to the Pokeno Gateway Industrial Park identified on the planning maps, except for all land use activity rules listed as Rules 20.1.1, 20.1.1A, 20.1.2 and 20.1.3).

(b) The rules in Development Area 20.X take precedence where there is any inconsistency with the rules in Chapter 20.

20.X.2 Land Use – Activities

20.X.2.1 Permitted Activities

Activities	Activity-specific conditions
P1 Industrial activity	Nil
P2 Trade and industry training activity	Nil
P3 Truck stop for refuelling	Nil
P4 Office ancillary to a permitted activity	(a) Less than 100m ² gross floor area; or (b) Does not exceed 30% of all buildings on the site
P5 Food outlet	(a) Less than 200m ²
P6 Ancillary retail	(a) Does not exceed 10% gross floor area of all buildings on the site
P7 Hire centres	Nil
P8 Wholesale	Nil
P9 Trade supply outlet	Nil
P10 Transport depot	Nil
P11 Garden centres	Nil
P12 Retailing of agricultural and industrial motor vehicles and machinery	Nil
P13 Emergency services training management activities	Nil
P14 Ancillary activity	Nil
P15 Fitness centres	On sites, other than those located within 100 metres of the Heavy Industrial Zone
P16 Service stations	On sites, other than those located within 100 metres of the Heavy Industrial Zone
P17 Child care and learning centres	On sites, other than those located within 100 metres of the Heavy Industrial Zone
P18 School	On sites, other than those located within 100 metres of the Heavy Industrial Zone
P19 Active recreation and entertainment	On sites, other than those located within 100 metres of the Heavy Industrial Zone
P20 Funeral services premises	On sites, other than those located within 100 metres of the Heavy Industrial Zone
P21 Health centres	On sites, other than those located within 100 metres of the Heavy Industrial Zone

P22	<u>Hospitals</u>	<u>On sites, other than those located within 100 metres of the Heavy Industrial Zone</u>
P23	<u>Community facility</u>	<u>On sites, other than those located within 100 metres of the Heavy Industrial Zone</u>
P24	<u>Construction or demolition of, or alteration or addition to, a building</u>	<u>Nil</u>

20.X.2.2 Restricted Discretionary Activity

RD1	<p>(a) Residential unit for a caretaker or security personnel that meets the following condition:</p> <p>(i) Does not exceed 70m² gross floor area</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Reverse sensitivity effects including noise, odour, dust, glare and light spill</p>
RD2	<p>(a) Any permitted activity in Rule 20.X.2.1, including a building located within 30 metres of a Residential Zone</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Site layout, design and external appearance with regard to potential adverse effects on neighbouring residents.</p>
RD3	<p>(a) A building with a height exceeding 15 metres as specified in Rule 20.3.1(a) but no greater than 20 metres.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) The visual appearance of the building(s) as viewed from publicly accessible locations.</p>

20.X.2.3 Discretionary Activities

D1	<u>Any permitted activity that does not comply with an activity specific conditions in Rule 20.X.2.1</u>
D2	<u>Any activity that does not comply with Land Use – Effects Rule 20.2 or Land Use Building Rule 20.3 unless the activity status is specified as controlled, restricted discretionary, discretionary or non-complying</u>
D3	<u>A waste management facility</u>
D4	<u>Hazardous waste storage, processing or disposal</u>
D5	<u>An extractive industry</u>
D6	<u>Offices not ancillary to a permitted activity</u>
D7	<u>Personal and commercial services</u>

20.X.2.4 Non-Complying Activities

NC1	<u>Any activity that is not listed as a permitted, restricted discretionary or discretionary activity</u>
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20.X.3.X Land Use - Building

20.X.3.X Building setbacks – All boundaries

P1	<p>(a) A building must be set back at least:</p> <p>(i) 7.5m from a road boundary;</p> <p>(ii) 5m from any other boundary where the site adjoins another zone, other than the Heavy Industrial Zone</p>
RD1	<p>(a) A building that does not comply with Rule 20.X.3.X P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) effects on amenity values;</p> <p>(ii) effects on streetscape; and</p> <p>(iii) traffic and road safety.</p>

20.X.3.X Fences and Walls

P1	<u>A fence erected within the setback from the road boundary shall be of a transparent nature.</u>
RD1	<u>(a) A fence that does not comply with Rule 20.X.3.X P1</u>

	<p><u>(b) Council's discretion shall be restricted to the following matters:</u> <u>(i) effects on amenity values; and</u> <u>(ii) effects on streetscape.</u></p>
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