

**BEFORE THE HEARING COMMISSIONERS
WAIKATO DISTRICT COUNCIL**

IN THE MATTER: of the Resource Management Act 1991

AND

IN THE MATTER: of Hearing 7: Industrial and Heavy
Industrial 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 the submission and further submission points made by Synlait Milk Limited (Synlait) in relation to the objectives, policies and rules relating to the Heavy Industrial Zone. My evidence is structured as follows:
- 7 Consideration of Synlait submissions in relation to Chapter 4 objectives and policies:
 - Signage (new Objective and Policy)
 - Distinction between industrial and heavy industrial zones (Objective 4.6.1 and Policy 4.6.2)
 - Supply of industrial land (Policy 4.6.3)
 - Management of adverse effects (Objective 4.6.6 and Policy 4.6.7)
- 8 Consideration of Synlait submissions in relation to the following rules in Chapter 21:
 - Rule 21.1.1 Permitted activities
 - Rule 21.2.1 Servicing and hours of operation
 - Rule 21.2.2. Landscape planting
 - Rule 21.2.3.1 Noise – General
 - Rule 21.2.3.3 Noise – Construction
 - Rule 21.2.5.1 Earthworks – General

- Rule 21.2.7.1 Signs – General
- Rule 21.2.7.2 Signs – Effects on traffic
- Rule 21.3.1 Building height and daylight admission
- Rule 21.3.3 Daylight admission

CHAPTER 4

Policies Regarding Signage

9 Synlait has lodged a further submission (**FS1110.20**) in support of **S785.58** made by the “Oil Companies” – Z Energy Limited, BP Oil NZ Limited and Mobil Oil. The submission seeks the addition of a new policy in relation to signage along with any consequential amendments. The s42A report notes that the absence of an appropriate policy (and corresponding objective) is an over-sight and recommends a new objective and policy. As a developer of large industrial complexes I note that Synlait requires signs to achieve statutory compliance in relation to matters such as the storage and use of hazardous substances, fire, health and safety requirements, as well as way-finding. I am supportive of the recommendation made in the s42A report (Section 6.3, paragraph 55) and understand that Synlait also agrees with the recommendation.

Objective 4.6.1 and Policy 4.6.2: Distinction Between Industrial and Heavy Industrial Zones

10 Synlait has made a number of submission points seeking greater clarification between industrial and heavy industrial activities.

11 **S581.4** seeks that the wording of Objective 4.6.1 is altered to read as follows (as shown in track changes):

The economic growth of the district’s industry is supported and strengthened ~~in industrial zones~~ by providing for heavy and general industrial activities.

12 The s42A report writer considers that the wording of Objective 4.6.1 is already sufficiently generic, and accordingly there is no need for further refinement, noting that in their view Policy 4.6.2 provides the necessary guidance.

13 I would accept this point regarding the wording of Objective 4.6.1 if Policy 4.6.2 did provide sufficient clarity on the different types of industrial zone. In my opinion, however, Policy 4.6.2 does not provide appropriate guidance on the differences between the two zones in terms of either the activities anticipated or the environmental outcomes sought.

14 The matter of distinction between the Industrial and Heavy Industrial Zones is identified in Synlait’s submission **S581.5**. For companies such as Synlait, a significant capital

investment has been made on the basis of the planning framework and there is a reliance that the environment prescribed for the zone is not subject to modification over time in a way that reduces operational efficiency. In this context the distinction between the two industrial zones is important to maintain the integrity and purpose of each zone.

15 Currently Policy 4.6.2 provides for a “range of industrial and other compatible activities” in both the Industrial and Heavy Industrial Zones. The distinguishing factors between the two zones rely not on the activities described in the policies, but on the significance or severity of potential adverse environmental that may be experienced beyond the zones:

16 Policy 4.6.2 states that activities in the Industrial Zone “can operate in close proximity to more sensitive zones due to the nature and relatively limited effects of these activities”, whilst activities in the Heavy Industrial Zone “generate potentially significant effects on more sensitive zones”.

17 My concern is that this distinction relies entirely on how the two zones may affect, or be experienced by, adjoining zones and does not clearly articulate the environmental outcomes or character for either of the specific zones. On the planning maps, the Heavy Industrial Zone is much more spatially constrained or targeted, whereas the scale of the Industrial Zone is geographically much broader. The expectation is that heavy industry, within these defined areas, should be able to operate without pressure to meet compliance standards of more sensitive zones, noting the scale of the activities and relative importance to regional economies. In my opinion, the proposed wording of Policy 4.6.2 does not sufficiently define the character of the Heavy Industrial Zone, which should be self-standing, and able to be achieved without reference to standards that are applicable in more sensitive zones.

18 In considering how other Plans have defined Heavy Industrial Zones, I have had regard to the objectives and policies in the Auckland Unitary Plan. In that Plan, the objectives describe an environmental outcome where:

- heavy industry operates efficiently and is not constrained by other activities; and
- Heavy Industry Zoned land and activities that are required to locate there are protected from the encroachment of activities sensitive to air discharges and noise.

19 The objectives are focused on the purpose of the Heavy Industrial Zone itself and the protection of this environment for achieving operational efficiency. It is not about the relativity of potential effects on other zones. I have provided the full wording of these objectives and policies in Appendix 1 of this evidence.

20 In Synlait’s case, the operational efficiency of the plant is reflected by its large physical scale, and the ability to process perishable product around the clock. The focus on

operational efficiency in the Auckland Plan is consistent with industry objectives and provides guidance on matters that need to be expressed as outcomes for the zone.

21 The s42A report writer queries “why Synlait considers that this policy fails to provide for heavy industry, noting that Synlait Milk is already operational”. As noted above, Synlait’s operation is reliant on maintenance of the planning framework to realise its investment and to maintain its operational efficiency. In addition, I note that the Synlait site is not fully developed and the company has further development plans which would be determined under the proposed new planning framework. The submission is seeking greater certainty within the policies on the environmental outcomes for the Heavy Industrial Zone to ensure that as land use changes occur over time, the purpose of the Heavy Industrial Zone and the nature of its operating environment remain effective . The s42A report writer suggests that Synlait could offer alternative text at the hearing. In that context I would like to make two possible suggestions.

22 Accepting the current approach in Policy 4.6.2, a pragmatic amendment to the wording could simply involve the deletion of the reference to more sensitive zones as follows:

23 *Recognise and provide for a range of industrial and other compatible activities that generate potentially ~~significant effects on more sensitive zones, including relatively highly~~ levels of visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and heavy traffic, subject to appropriate separation distances.*

24 A more comprehensive change would recognise that heavy industrial activities require an environment of lower amenity value in order to achieve operational efficiency. Suggested wording is as follows:

25 *Recognise and provide for a range of heavy industrial and other compatible activities that require an operational environment where generate potentially significant effects on more sensitive zones, including relatively higher levels of visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and heavy traffic are anticipated, subject to appropriate separation distances.*

26 In my opinion, this wording, together with the plan’s delineation of the Heavy Industrial Zone boundaries offers a better description of the anticipated outcomes for the Zone. This in turn, will assist administration of the District Plan.

Policy 4.6.3 Supply of industrial land

27 Synlait’s submission **S581.6** seeks to amend the wording of Policy 4.6.3 which is concerned with the sufficient supply of industrial land. Policy 4.6.3 reads as:

28 *“Maintain a sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial areas”.*

- 29 I am confused by wording in the second half of the policy *“having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial areas”*. I am unclear if there should be a comma or an “and” between the words “industries” and “to avoid”. I note that the wording of Policy 16.2.1.1 in the Christchurch District Plan (which is also concerned with sufficient land supply) has very similar wording and includes a comma and the word “and” (as underlined below). I am therefore assuming that Policy 4.6.3 contains a typographical error:
- 30 *Maintain a sufficient supply of industrial land to meet future demand up to 2028, having regard to the requirements of different industries, and to avoid the need for industrial activities to locate in non-industrial areas”*.
- 31 The Synlait submission seeks that the policy is clarified so that the supply of land recognises that any further industrial zoned land is “appropriately located”, and that this is further qualified by noting that there are different locational requirements between general and heavy industrial activities. The s42A writer has rejected the submission on the basis that it is preferable to tie the supply of industrial land to strategic nodes, and that reference to the locational requirements of the two industrial zones is duplicating Policy 4.6.2.
- 32 The s42A writer also refers to the Strategic Industrial Nodes in Table 6-3 of the Waikato Regional Policy Statement¹. With respect to Pokeno, I note that Table 6-3 includes a total of 92 ha for Pokeno. Table 6-3 has allocated and staged this land for delivery between 2010 and 2021.
- 33 It is therefore unclear if Policy 4.6.3 is intended to apply to just that land in Table 6-3 or if it relates to a scenario where additional land (beyond that identified to 2021) is required. In that scenario, Policy 4.6.3, which is seeking to maintain the supply of industrial land within the strategic growth node of Pokeno, is pitched at a very generic level, and offers no guidance on what kind of land may be required to fulfil supply.
- 34 In my opinion, retaining the reference to “strategic nodes” would be appropriate if that were further qualified by the factors that need to be considered when assessing the supply of land. Relying on the current wording of Policy 4.6.2 to provide that direction would not be sufficient. In my view, the policy framework would be more robust if Policy 4.6.2 clarified the outcomes for Heavy Industrial activities (as per my evidence in paragraphs 22 to 26 above), and Policy 4.6.3 was clear that “sufficiency” also requires consideration of “appropriateness” for the activities contemplated. For these reasons I support Synlait’s submission **S581.6** that the wording of Policy 4.6.3 be amended as sought, or with wording that achieves a similar effect.

¹ Page 6-34 Waikato Regional Policy Statement

35 For these same reasons I also support the further submission (**FS1110.21**) of Synlait
in opposition to the submission of NZTA. That submission seeks to amend Policy
4.6.3 by deleting reference to “the requirements of different industries”.

Objective 4.6.6 – Manage adverse effects

Policy 4.6.7 – Management of adverse effects within industrial zones

36 Synlait has made three submissions relevant to consideration of this objective and
policy.

37 Synlait is a further submitter opposing **S81.141** a submission made by the Waikato
Regional Council. The Regional Council supports Objective 4.6.6 “as it assist with
giving effect to the WRPS direction relating to the need to have regard to reverse
sensitivity effects”. Synlait notes that Objective 4.6.6 is concerned with the protection
of sensitive activities and ecosystems outside industrial zones. I understand that
Synlait has no objection to that environmental outcome, but does have a concern that
the Regional Council considers the objective is addressing reverse sensitivity. That is
not the case, as reverse sensitivity is about protecting the function of legitimately
established industrial activities.

38 Policy 4.6.7 is concerned with “Management of adverse effects within industrial
zones”. Synlait (**S581.9**) seeks that this policy is amended to require “significant”
adverse effects from heavy industrial activities be managed and mitigated where
practicable, but otherwise acknowledge that the environmental outcomes for Heavy
Industrial Zones have a lower level of environmental quality (or management of
effects) than for industrial zones.

39 This submission point is rejected by the s42A report writer on the basis that Policy
4.6.2 already adequately describes the two industrial zones and adequately describes
“the need to manage adverse effects from industry when received at sensitive
locations”. I do not agree. I note that the purpose of Policy 4.6.2 (as described by its
title) is to “provide industrial zones with different functions”. The title does not suggest
that the policy is also intended to address the management of adverse effects arising
from industrial activities on sensitive activities. In my opinion, there is insufficient
specificity within Policy 4.6.2 to suggest that this policy provides sufficient guidance
on not only the function of the zone, but also the management of adverse effects
within the zone and the management of adverse effects external to the zone.

40 These are quite different policy topics which if not clearly identified and expressed will
not result in a clear linkage between the policy and the rules. If the policy is too
generic it becomes ambiguous and unhelpful in the consideration of resource
consents.

41 Synlait also seeks in **S581.8** that Policy 4.6.7 be amended to identify that the
management of adverse effects on sites outside industrial zone boundaries can be

managed through the location of zones, and in particular that the General Industrial Zone can provide an appropriate transition between Heavy Industrial and other zones. I note that in the Christchurch District Plan, the General Industrial Zone is recognised as having this role at a policy level².

- 42 I also refer back to my discussion in paragraphs 27 to 35 on the Supply of industrial land. If Policy 4.6.3 does not require the supply of industrial land to be “appropriately located” then there is limited policy guidance within the proposed district plan on appropriate zoning patterns. The Strategic Objectives, as set out in the Strategic Directions Rebuttal Report, requires future settlement patterns to be consolidated and consistent with indicative urban growth areas in Future Proof Strategy Planning for Growth 2017 and industry is to be located in identified Industrial Zones and the industrial strategic growth nodes. The specific policy for Pokeno (Policy 4.1.11) seeks that new growth areas do not compromise the potential further growth and development of the town. In my opinion, the Future Proof Strategy and strategic objectives are all at a higher level and do not assist with identifying a preferred zoning pattern.
- 43 In this context, the expansion of Policy 4.6.7 to identify that it also has a function as a transition between heavy industrial and other zones would positively contribute to the achievement of sound land use planning outcomes for growth townships. The policy would provide an appropriate policy check for consideration of future land use changes without being directive.
- 44 **S581.7** seeks a new objective and policy to identify that different management approaches are required between the Heavy and General Industrial Zones. This additional policy may not be required if the concerns with Policy 4.6.2 and Policy 4.6.7 discussed above can be addressed i.e., require revised wording that provides greater clarity on the differences between the activities and environmental outcomes between the two industrial zones.

CHAPTER 21

Rule 21.1.1 Permitted Activities

- 45 Synlait’s submission **S581.23** seeks to broaden the range of ancillary activities provided for in the Heavy Industrial Zone. Examples of ancillary activities at a dairy processing plant include:
- security facilities and buildings
 - rail infrastructure and activities
 - car parking

² Policy 16.2.1.3., Chapter 16 Industrial, Christchurch District Plan.

- truck and tanker depot and servicing
- energy generation
- laboratories and testing facilities
- research and development
- marketing, sales, packaging, distribution and logistics

46 The s42A report recommends adopting the definitions for Industrial Activity and Ancillary Activity from the National Planning Standard. I note that for very large facilities such as a dairy processing plant, an ancillary activity may still be of a larger scale than the same activity conducted on its own independent site. Provided scale does not result in any later issues of interpretation, I would support the recommendation of the s42A report. I understand that Synlait agrees with the recommendations.

Rule 21.2.1 Servicing and hours of operation

47 Housing New Zealand Corporation has submitted on Rule 21.2.1 seeking to limit servicing and hours of operation for industrial activities where adjoining any residential activity (which is more restrictive than adjoining a residential zone). Synlait has opposed this submission (**FS1110.39**) on the basis that a dwelling in an adjoining rural zone would have the potential to significantly limit the operation of an industrial activity. The s42A report recommends that the rule be deleted on the basis that rules relating to noise, glare and light spill already satisfactorily address the primary effects. I support the recommendation made in the s42A report and I understand that Synlait also agrees with the recommendation.

Rule 21.2.2 Landscape planting

48 Synlait has submitted **S581.24** on Rule 21.2.2 seeking that the requirement for landscape planting alongside a stream be reduced from 8m to 4m. The s42A report recommends that the submission be accepted to enable efficient use of heavy industrial zoned land. I support the recommendation made in the s42A report and I understand that Synlait also agrees with the recommendation.

Rule 21.2.3.1 Noise - General

49 Synlait has submitted (**S581.25**) supporting Rule 21.2.3.1 Noise - General. The s42A report, in response to other submissions, recommends a re-formatted and amended rule. I support the recommendation made in the s42A report and I understand that Synlait also agrees with the recommendation.

Rule 21.2.3.3 Noise – Construction

50 Synlait has submitted (**S581.26**) supporting Rule 21.2.3.1 Noise - Construction. The s42A report, in response to other submissions, recommends a re-formatted and

amended rule. I support the recommendation made in the s42A report and agree that an approach similar to that in the Proposed New Plymouth District Plan represents the most efficient option. I understand that Synlait also agrees with the recommendation.

Rule 21.2.5.1 Earthworks- General

51 Synlait has submitted in opposition (**S581.27**) to the Earthworks – General standard. The submission requests that the rules for total depth of cut or fill, the area and volume of material and any limitations on fill required for a consented building are deleted. Synlait considers that as the buildings anticipated in a Heavy Industrial Zone are often large, that the volume and extent of earthworks permitted should also be greater.

52 The earthworks to establish the Synlait Plant at Pokeno were significant. The volume of existing topsoil stripped was 20,000m³, the cut volume was 200,000m³ and the fill volume (including replacement of unsuitable materials) was 190,000m³. The maximum cut was 9m and the total earthworks area was approximately 15.0ha. I would not expect the District Plan standards to provide for earthworks of this scale as a permitted activity.

53 It is possible however, that over time there will be earthworks required to establish new core dairy processing activities, buildings, roads, hardstand, infrastructure or car parks. These may require a resource consent for earthworks dependent on scale.

54 At Synlait's Dunsandel plant in Selwyn District there have been on-going consents required for the types of activities listed in paragraph 53 above. These resource consents have all been approved and over time, have increasingly become a rubber-stamping exercise rather than an effective management tool related to adverse effects on the environment. In the Selwyn District context:

- the geophysical characteristics of the site are well understood;
- the proposed earthworks follow straight-forward engineering and construction practices;
- a dust management plan is in place;
- similar assessments are duplicated by Council out under the Building Act;
- the applications have been non-notified;
- the consent conditions are always limited, only requiring that the works are carried out in accordance with the application; and
- there have been no situations where adverse effects have arisen as a result of mis-management of the earthworks.

55 At the end of the consent process it is unclear what additional environmental benefits have been achieved by the resource consent process compared with the Building Act. The answer is, very little, but Synlait has had to expend time and money preparing a resource consent application and wait for it to be processed. In my opinion, a similar

scenario may well happen at Pokeno if there is on-going development and diversification of activities at the Synlait plant.

56 I refer to the recommendations of the s42A report. The amendment of P1 to an area of 10,000m² is acknowledged and supported. I would agree with Synlait however that the proposed volume of 500m³ and depth of excavation at 1.5m are insufficient and will trigger resource consents for activities which are quite straight-forward from an engineering/construction perspective and can be effectively managed without the imposition of a resource consent. I would support Synlait's request that these requirements are increased to 5m for total depth of excavation and 10,000m³ for the volume under both P1 and P3. I understand that Synlait accepts, that even with these volumes, the scale of some buildings, such as drier towers, will require earthworks that will exceed the permitted activity standard. Larger volumes in the rules will however enable ancillary activities and smaller scaled projects to proceed without a resource consent.

57 In my view, it is only at these larger thresholds that it would be reasonable to impose consenting costs in order to manage potential effects. Below these thresholds there is the potential to require consents which do not offer any more effective management of the environment than would be achieved under a building consent.

Rule 21.2.7.1 Signs – General

58 Synlait has submitted (**S581.29**) requesting that a new rule is added to permit signs for way-finding, health and safety and regulatory compliance. The s42A report is sympathetic to the submission, noting that such a rule already exists in Chapter 14 Infrastructure and Energy, permitting these types of signs in association with infrastructure. The report recommends that Rule 14.3.1 P11 is amended so that it applies to all signage required for health and safety or regulatory purposes, and not just infrastructure.

59 Whilst I support the s42A report recommendation to enable this signage across the district, I do not agree that amending Rule 14.3.1 P11 is an appropriate solution. Chapter 14 only applies to infrastructure and is not applicable to the Heavy Industrial Zone. There is no proposed cross-referencing between Chapter 14 and Chapter 21, so I am unclear how an industrial developer would know to look at the sign rules in Chapter 14. In my opinion, it would be preferable to duplicate the text of Rule 14.3.1 P11 by inserting a new Permitted Activity, (P4, under Rule 21.2.7.1) in the Heavy Industrial Zone provisions. This would maintain consistency in the structure of the Proposed Plan and provide ease of navigation for Plan users trying to identify relevant rules.

Rule 21.2.7.2 Signs – Effects on traffic

60 I note that submission **S581.29** duplicates the request above to permit signs for way-finding, health and safety and regulatory purposes. It was not intended that this submission point be applied to both Rule 21.2.7.1 and 21.2.7.2. No further discussion on the submission point is therefore required in respect of Rule 21.2.7.2 and the recommendation of the s42A report is accepted.

Rule 21.3.1 Building height and daylight admission

61 With respect to **S581.30** the recommendation of the s42A report is acknowledged. No further evidence in respect of building height is proposed.

Rule 21.3.3 Daylight admission

62 Synlait has submitted on the requirement for recession planes to apply to all buildings in the Heavy Industrial Zone (**S581.31**). The submission seeks that a recession plane only be imposed on boundaries with residential zones. The s42A report accepts the submission in part, simplifying the format of the rule but still requiring compliance with a recession plane on any zone that is not an industrial zone.

63 The s42A report considers the approach to height in relation to boundary in the Auckland and Operative Franklin Section of the District Plan. The Franklin Section has a recession plane control measured at a height 3m above the boundary shared with a Rural, Recreation, Residential, Rural-Residential or Village Zone. In Auckland the control is measured at a height 6m above the boundary with a residential, open space, Maori Purpose or School Zone. I have also considered a number of other district plans. Christchurch City³ applies a height to boundary control on its heavy industrial zones only in relation to residential zones, whilst Dunedin⁴ applies a control to the boundary with residential and recreation zones and special amenity routes. The Proposed New Plymouth District Plan⁵ is similar to Franklin, controlling the height in relation to boundaries in the industrial zones where they adjoin Commercial, Residential, Open Space, Recreation, Rural and Maori Purpose Zones.

64 In summary, there is some considerable variation across New Zealand as to the approach and no clear “best practice”. In my view, the key matters relevant to adoption of this type of rule are the relative sensitivity of the particular receiving environment or zone, and the relative cost that is imposed on the use of the industrial zoned land.

65 In my opinion, a residential zone is clearly the most sensitive as that is where people expect to be able to enjoy access to sunlight and enjoy an outlook where there is space

³ Rule 16.5.2.4 Sunlight and outlook at boundary with a residential zone, Christchurch District Plan

⁴ Rule 19.6.4.1 Height in relation to boundary, Dunedin City Second Generation District Plan Appeals Version

⁵ Rule GIZ-S4 Height in relation to boundary, Proposed New Plymouth District Plan

between buildings. I would also agree that the same outcome should be ensured for schools or places where people congregate such as a marae. In those examples, the cost to persons from loss of sunlight and outlook would be greater than the costs to the industrial land-owner who is complying with the height to boundary control.

66 However, I am not convinced that the same assessment applies to rural zoned land. Heavy industrial land has a very high value, and accordingly, land-owners within the Heavy Industrial Zone need to achieve a high level of land use efficiency. District Plan setbacks therefore have the consequential effect of potentially making land unavailable for a productive use. In this scenario, the question needs to be asked if the cost of imposing the height to control boundary on heavy industrial zoned sites where they adjoin the rural zone, results in higher costs (or loss) to the industrial land owner, than the costs that would be experienced by the rural land owner, whose land is less valuable and still capable of productive use.

67 When considering this scenario, it is also appropriate to consider the standards for buildings as a package. So it is not just the height to boundary control, but the effect of this rule in combination with the building setback, building height and landscape planting provisions. I note that the Proposed District Plan does not require any landscape planting on the Industrial/Rural Zone boundary, but it does for Residential, Village, Country Living or Reserve Zones. My interpretation of this rule is that Council has assessed the rural zone boundary as less sensitive than the boundaries of those zones where people are living. I would therefore question if the Rural Zone is really as equally sensitive to the effects of development in the Heavy Industrial Zone as a Residential Zone. I note that the minimum allotment size in the Rural Zone is 20ha. Accordingly, any shading is only going to affect an extremely small percentage of site area, with minimal impact on the potential productive use of that land.

68 Accepting a 7.5m setback and a maximum 20m high building, the height to boundary control proposed (measured at 3m above the boundary) has the effect of increasing the building setback to approximately 20m.

69 From a land- owner perspective, this raises the question of what to do with this setback. Does it become an area for parking or storage? And does the siting of buildings further away from the affected zone boundary create consequential effects for use of the balance of the site? This will largely depend on the size and shape of the property and cannot be assumed to be a standardised effect. In my opinion, the consequential setback created by the proposed height to boundary control creates potentially significant costs for efficient and economic use Heavy Industrial zoned land, that exceeds any costs to the rural land in terms of economic or efficient use and a negligible effect on outlook as the Rural zone is not occupied in the same way as a Residential Zone.

- 70 A height to boundary control on a Rural Zone boundary has the effect of decreasing flexibility for development within a Heavy Industrial zoned site. A 7.5m setback on its own balances the considerations relating to the efficient use of the Heavy Industrial zoned land and maintenance of the productive use of Rural land.
- 71 For these reasons I am supportive of Synlait's submission that Rule 21.3.3 should only apply to the boundary between the Heavy Industrial and Residential Zones.

CONCLUSION

- 72 In conclusion I am supportive of Synlait's submission points. With respect to the proposed objective and policies, I consider that Policy 4.6.2 requires amendment to describe the operational distinction between the General Industrial and Heavy Industrial Zones. In addition, I have recommended that Policy 4.6.3 should be amended to recognise that sufficiency of the supply of industrial land should also consider "appropriateness" in order to achieve a pattern of land use that avoids incompatible activities being located together. Further, Policy 4.6.7 should be expanded to identify that one function of the General Industrial Zone is to provide a transition between Heavy Industrial Zones and more sensitive zones.
- 73 With respect to the rules, I am supportive of a number of the recommendations in the s42A report, but consider that Rule 21.2.5.1 Earthworks General should enable higher volumes in the Heavy Industrial Zone to avoid resource consents, where the effects could otherwise be equally effectively managed under the Building Act. With respect to Rule 21.3.3 Daylight Admission, consideration should be given to the costs on the efficient use of Heavy Industrial Zone land. It is recommended that this rule should only apply at the Residential Zone boundary.

Nicola Rykers

9th December 2019

APPENDIX 1

OBJECTIVES AND POLICIES FOR THE HEAVY INDUSTRIAL ZONE

AUCKLAND UNITARY PLAN

H16.2. Objectives

- (1) Heavy industry operates efficiently and is not unreasonably constrained by other activities.
- (2) Business – Heavy Industry Zone zoned land, and activities that are required to locate there because of the nature of their operation, are protected from the encroachment of:
 - (a) activities sensitive to air discharges and activities sensitive to noise; and
 - (b) commercial activities that are more appropriately located in other business zones.
- (3) The supply of large sites within the zone is not reduced by inappropriate fragmentation of those sites by subdivision.
- (4) Adverse effects on the natural environment within the zone and on the amenity values of neighbouring zones are managed. H16.3.

Policies

- (1) Avoid activities which do not support the primary function of the zone.
- (2) Manage subdivision so that it preserves the integrity of the zone for industrial use while allowing the creation of sites for established activities.
- (3) Require development adjacent to open space zones, residential zones and special purpose zones to manage adverse amenity effects on those zones.
- (4) Restrict maximum impervious area within the riparian yard in order to ensure that adverse effects on water quality, water quantity and amenity values are avoided or mitigated.