

**BEFORE THE HEARING COMMISSIONERS
WAIKATO DISTRICT COUNCIL**

IN THE MATTER: of the Resource Management Act 1991

AND

IN THE MATTER: of Hearing 9: Business and Business
Town Centre 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 further submission point made by Synlait Milk Limited (Synlait) in support of S578.84 made by Ports of Auckland.

SUBMISSION OF PORTS OF AUCKLAND

- 7 Submission 578.84 is concerned with Rule 17.1.3 which identifies Restricted Discretionary Activities in the Business Zone. The submission seeks the addition of two new assessment matters for multi-unit developments to "provide for the avoidance of reverse sensitivity and protection of lawfully established industrial activities from reverse sensitive effects". The two proposed matters of discretion are:

"Avoidance of reverse sensitivity effects on industrial activities"

and

"Protection of noise sensitive activities from the effects of noise generated by industrial activities"

- 8 Synlait lodged a further submission (FS1110.37) in support of this submission. The submission is consistent with Synlait's concerns that additional provisions are required to ensure reverse sensitivity effects on lawfully established industrial activities are

avoided. Such effects can have significant adverse effects on the efficiency of industrial activities with consequential effects for economic and community wellbeing.

- 9 The s42A report rejects the submission of Ports of Auckland, on the basis that the matters of concern sought by Ports of Auckland are already addressed in Matter of Discretion (a)(vi). That provision enables Council to consider:

“Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout.”

- 10 I would accept that the second assessment matter sought by Ports of Auckland would be covered by the existing Matter of Discretion (a)(vi). I do not agree however that the first assessment matter sought in the submission is addressed in Rule 17.1.3. The existing Matter of Discretion (a)(vi) is focused on the environmental condition of the Business Zone and the wellbeing of its occupants and visitors. It does not provide scope for assessment of reverse sensitivity effects which would concern the operational efficiency of Industrial Zones. I refer the Panel to my evidence prepared for Hearing 7 and the need for the planning framework to recognise and provide for heavy industry. Whilst the Business Zone in Pokeno is separated from the Heavy Industrial Zone by the main trunk railway line, this does not guarantee a sufficient buffer that will ensure any intensification in residential activity in the Business Zone does not, over time, adversely affect the operational environment required for heavy industry.

- 11 In addition, it is necessary that the various chapters of the Proposed District Plan have a consistent approach to resource management issues. If, following Hearing 7, the Panel is considering possible changes to the Heavy Industry Zone provisions to more clearly address matters relating to reverse sensitivity issues, then it is prudent to also consider consequential amendments in other chapters that will address the same issue.

CONCLUSION

- 12 In conclusion I am supportive of Synlait’s further submission point (FS1110.37) and recommend that the Panel accept the submission of Ports of Auckland S578.84 by adding a new Matter of Discretion to Rule 17.1.3 to enable consideration of reverse sensitivity effects on industrial activities from multi-unit development in the Business Zone. The same or similar wording proposed by Ports of Auckland would be appropriate to achieve this.

Nicola Rykers

27th January 2020