

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the proposed Waimakariri District Plan

Hearing Stream 8: Subdivision - Rural

STATEMENT OF EVIDENCE OF STEPHANIE STYLES

FOR

DAIKEN NEW ZEALAND LTD

25 March 2024

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1.0 SUMMARY

- 1.1 This evidence relates to the submission lodged by Daiken New Zealand Ltd (“**Daiken**”), submission number 145. This planning evidence focusses on responding to matters raised in the Hearing Stream 9 in relation to Industrial Zones. Subsequent planning evidence will be prepared for other hearing streams as required.
- 1.2 This evidence seeks to address the issue of reverse sensitivity in the context of the subdivision provisions.

2.0 QUALIFICATIONS, EXPERTISE AND INVOLVEMENT

- 2.1 My name is Stephanie Styles. I have provided a description of my qualifications, expertise and involvement in previous briefs of evidence to this panel. I have also provided a summary of the role of Daiken in the District, and Daiken’s interest in the District Plan review. This evidence provides a planning assessment in relation to the matters raised in the Daiken submission.

3.0 CODE OF CONDUCT

- 3.1 I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note. I agree to comply with this Code. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

4.0 CONTEXT

- 4.1 As set out in the Daiken submission, the industrial processing activity has been established on this site since 1976. The operative District Plan identifies this ongoing use of the land through a Business 3 zoning that recognises the unique nature (as well as the large scale and the nature of the effects) of the activities undertaken on the site, as well as the functional need for a large area of land on which to undertake those activities.
- 4.2 The proposed District Plan provides a Heavy Industrial zoning for the site, and this is one of only three such zoned areas in the District.

5.0 HEARING STREAM 8

- 5.1 A couple of the submission points within Daiken's submission¹ relate to hearing stream 6. In both cases, the reporting officer has recommended that the submission points be rejected.

SUB-P1 Design and Amenity

- 5.2 The submission point² from Daiken relating to policy SUB-P1 sought the addition of 'existing heavy industrial activities' to clause 2 to recognise the use of setbacks to minimise reverse sensitivity effects. The reporting officer does not consider this to be a necessary addition on the basis of other reverse sensitivity provisions, and because subdivision is a controlled activity enabling consideration of reverse sensitivity. He also states that the policy is "*intended to provide guidance on design and amenity for subdivisions, and is not intended to control reverse sensitivity*"³ despite the fact that clause 2 specifically references reverse sensitivity in relation to infrastructure.
- 5.3 I agree that there are other provisions within the plan that deal with reverse sensitivity issues, and that rules can also deal with this issue. However, I am of the opinion that as this policy addresses reverse sensitivity for a couple of activities (infrastructure and the National Grid) it needs to manage this issue consistently across all relevant activities, including industry. Including heavy industry would not appear to undermine the policy approach in any way and would provide a good connection to other provisions in the plan.

Subdivision rules – additional rule

- 5.4 The submission point from Daiken seeking an additional rule⁴ focussed on protecting heavy industry, was intended to complement other reverse sensitivity provisions and to provide a degree of protection to this long established activity as the surrounding area changes. The rule sought was framed so as to require any new subdivision in close proximity to the HIZ zone to go through a consent process that would enable consideration of reverse sensitivity. This is intended to protect the existing activity but also to ensure that any future users of the adjacent land have a clear understanding of the scale of the existing industrial activity.

¹ Submission points 145.21 and 145.22.

² Submission point 145.21

³ Officer's Report: Wāwāhia whenua – Subdivision (Rural), Mark Buckley, 13 March 2024, paragraph 122, page 20.

⁴ Submission point 145.22

- 5.5 This submission point has been recommended to be rejected on the basis that the reporting officer does not consider there to be any reverse sensitivity effects other than noise⁵ and that the same outcome is achieved through amendments to RURZ-P8(1) and (3) and RLZ-BFS5 as set out in the officer's right of reply⁶.
- 5.6 Having reviewed the right of reply, I continue to have concerns with the approach proposed. The policy RURZ-P8 is recommended to include reference to heavy industrial zones in clause (1) which is acknowledged, however it now appears that clause (3) providing for separation distances is now proposed to be deleted, which would leave that policy approach incomplete. I consider that aligning the policy approach in the rural zone policy with that in the subdivision policy would provide better integration and clarity for users of the plan.
- 5.7 Further, the officer's recommended change to rule RLZ-BFS5 does not make sense to me as it states (if the track changes are removed):

1. Any new sensitive activity shall be set back a minimum of: ...

e. inside the Heavy Industrial Zone Noise Contour.

I assume this is intended to require that new sensitive activities are located outside the Heavy Industrial Zone Noise Contour but if that is the case it needs to be amended.

- 5.8 As I outlined at the rural zone hearing, the Daiken site is a large industrial complex incorporating many different aspects beyond just the noise generating activity, and with a rule regime allowing considerable other industrial activity to be developed within the site. The issue of reverse sensitivity is complex and is a significant risk, similar to that faced by many large scale industries and activities. The application of a buffer rule, not just for new activities moving into the adjacent area but also for subdivision of land, is commonly applied in district plans to industry, quarries, airports and the like. Subdivision is a precursor to development and comes with the expectation that development will be enabled. If subdivision is not designed to enable sufficient separation between activities, it has the potential to lead to adverse impacts that could be avoided through good consideration at an early stage.

⁵ Officer's Report: Wāwāhia whenua – Subdivision (Rural), Mark Buckley, 13 March 2024, paragraph 191-192, page 30.

⁶ Ibid

5.9 As well as noting that the amendments proposed to RLZ-BFS5 (as set out above) at least need to be amended to read correctly, I continue to recommend that the Panel apply an additional rule allowing for consideration of subdivision close to the HIZ zone. Such a consent process would enable surety that future development of the land around the Daiken site can proceed without undue risk to existing operations.

6.0 CONCLUSION

6.1 I consider that the introduction of targeted reverse sensitivity protection rules is appropriate. On this basis I continue to recommend that policy SUB-P1 include reference to industrial activity, the additional rule be incorporated into the subdivision section, and the rural rule (RLZ-BFS5) be corrected. These will in my opinion provide a better planning outcome for Daiken and those who choose to live in the immediately surrounding area in the future.

Stephanie Styles