

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the proposed Waimakariri District Plan

RESPONSE TO MATTERS RAISED AT HEARING

FROM STEPHANIE STYLES

FOR DAIKEN NEW ZEALAND LTD

11. October 2023

1.0 SUMMARY

- 1.1 I presented evidence in relation to Hearing Stream 6, and specifically the matter of reverse sensitivity, as raised in the submission lodged by Daiken New Zealand Ltd (“**Daiken**”), submission number 145. This response relates to matters raised in questions from the Hearings Panel and provides some options for consideration by the Panel in integrating a rule(s) to manage reverse sensitivity that are appropriate to this activity and context.

2.0 REVERSE SENSITIVITY

- 2.1 As noted in the evidence provided, Daiken operates a substantial operation (and is a large employer) within the district. The nature of the activity is not typical of its surrounding rural context. Reverse sensitivity impacts of new sensitive activities (particularly residential activities) locating in close proximity to the Daiken operation is a legitimate resource management concern. The purpose of the rule(s) requested by Daiken is to give effect to Rural policies P6 and P8¹ and to provide protection to Daiken from reverse sensitivity effects.
- 2.2 The key activities of concern are residential units and minor residential units. The relief sought in the submission lodged by Daiken aimed to work within the framework of the notified proposed District Plan by requesting an additional sub clause under rules RLZ-R3 and RLZ-R4. This sub clause would impose a setback for residential units and minor residential units of 200m from the zone boundary or applicable noise contour. Failing to meet this rule would fall to a non-complying activity under the context of the rule structure of the proposed District Plan. This rule approach would deal with the reverse sensitivity issue and is what was put forward in my evidence.
- 2.3 Two potential options were raised in the course of questions from the Panel in the hearing:

¹ Noting the s42A reporting officers’ recommendation to include the Heavy Industrial Zone within Policy P8 which is supported.

- a) Apply a Restricted Discretionary Activity status to a breach of these rules with associated matters of discretion.
 - b) Amend built form standard RLZ-BFS5 instead to include a setback distance for this matter. This would apply to more widely to all sensitive activities. If this standard is breached the activity would fall to Non Complying status based on the s42A reporting officers recommended changes to this standard or could fall to Restricted Discretionary Activity as discussed below.
- 2.4 I consider that amending the activity specific rules (RLZ-R3 and RLZ-R4) or the built form standard (RLZ-BFS5) would have essentially the same outcome and would both appropriately manage this reverse sensitivity issue. I have provided in **Appendix One** an outline of what the three options could look like within the Plan framework. I consider both options to be in scope as they both deal directly with the issue raised in the submission.
- 2.5 In my opinion, non-complying activity status could be considered excessive to deal with this specific issue. Restricted discretionary activity status would be more targeted to managing reverse sensitivity in this context as opposed to requiring consideration of the merits of the entire application. I have incorporated this also as a choice in the options in **Appendix One**. I consider this change in activity status to be within scope as it manages the issue raised in the submission and has a less stringent activity status than what was provided for in the submission.
- 2.6 As noted in my evidence and at the hearing, there does not appear to be any commonly used distance for such reverse sensitivity rules within other District Plans. In the context of large open rural areas, and in my experience, a distance of at least 100m and no more than 300m would provide sufficient management of the issue, hence the rationale for the proposed 200m sought in the Daiken submission. I consider that here is scope for the Panel to reduce the 200m setback proposed by Daiken if this was deemed to be appropriate.

Stephanie Styles

APPENDIX ONE: EXAMPLES OF REVERSE SENSITIVITY RULE RESPONSES

Option 1: as sought by the Daiken submission

Incorporating the amendments from the s42A report in black track changes and proposed amendments for Daiken in red.

RLZ-R3 Residential unit This rule does not apply to any minor residential unit provided for under RLZ-R4 or any bonus residential unit provided for under RLZ-R17.	
Activity status: PER Where: 1. each residential unit shall be located on a site ... 6. <u>the residential unit is located outside the HIZ Processing Noise Contour and/or at least 200m from the boundary of any Heavy Industrial Zone.</u>	Activity status when compliance with RLZ-R3 (2)(b) or RLZ-R3 (2)(c) not achieved: DIS Activity status when compliance with RLZ-R3 (1), RLZ-R3 (2)(a), RLZ-R3 (3), RLZ-R3 (4), RLZ-R3 (5), not achieved: NC

RLZ-R4 Minor residential unit	
Activity status: PER Where: 1. the maximum GFA of the minor residential unit... 6. <u>the residential unit is located outside the HIZ Processing Noise Contour and/or at least 200m from the boundary of any Heavy Industrial Zone.</u>	Activity status when compliance not achieved: NC

Option 2: as sought by the Daiken submission, but amended to Restricted Discretionary Activity status for a breach of the rule

Incorporating the amendments from the s42A report in black track changes and proposed amendments for Daiken in red.

RLZ-R3 Residential unit This rule does not apply to any minor residential unit provided for under RLZ-R4 or any bonus residential unit provided for under RLZ-R17.	
Activity status: PER Where: 1. each residential unit shall be located on a site ... 6. <u>the residential unit is located outside the HIZ Processing Noise Contour and/or at least 200m from the boundary of any Heavy Industrial Zone.</u>	<u>Activity status when compliance with RLZ-R3 (6) not achieved: RDIS</u> <u>Matters of discretion are restricted to: RURZ-MD9 Reverse sensitivity</u> Activity status when compliance with RLZ-R3 (2)(b) or RLZ-R3 (2)(c) not achieved: DIS

	Activity status when compliance with RLZ-R3 (1), RLZ-R3 (2)(a), RLZR3 (3), RLZ-R3 (4), RLZ-R3 (5), not achieved: NC
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RLZ-R4 Minor residential unit	
Activity status: PER Where: 1. the maximum GFA of the minor residential unit ... <u>6. the residential unit is located outside the HIZ Processing Noise Contour and/or at least 200m from the boundary of any Heavy Industrial Zone.</u>	<u>Activity status when compliance with RLZ-R4 (6) not achieved: RDIS</u> <u>Matters of discretion are restricted to: RURZ-MD9 Reverse sensitivity</u> Activity status when compliance with RLZ-R4 (1), RLZ-R2 (2), RLZ-R2 (3), RLZ-R2 (4), RLZ-R2 (5), not achieved: NC

RURZ-MD9 Reverse sensitivity

1. The extent to which the activity may result in conflict and/or reverse sensitivity effects with other existing activities occurring on adjacent Heavy Industrial zone land.
2. The extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site.
3. The extent to which the new activity is located in the most appropriate part of the site to avoid or minimise potential for reverse sensitivity effects.
4. The effectiveness of any proposed methods for mitigation of reverse sensitivity effects.

Option 3: as an amendment to built form standard RLZ-BF5

Incorporating the amendments from the s42A report in black track changes and proposed amendments for Daiken in red.

RLZ-BFS5 Separation distances to and from intensive indoor primary production or intensive outdoor primary production activity or quarry	
1. Any new residential unit or minor residential unit or accessory building used for overnight accommodation <u>sensitive activity</u> shall be set back a minimum of: a. 20m from any existing intensive indoor primary production, intensive outdoor primary production activity where it is located on the same site; b. 300m from any existing intensive indoor primary production or intensive outdoor primary production	<u>Activity status when compliance with RLZ-BFS5 (1) (e) not achieved: RDIS</u> <u>Matters of discretion are restricted to: RURZ-MD9 Reverse sensitivity</u> Activity status when compliance with RLZ-BFS5 (1) (a-e), RLZ-BFS5 (2) not achieved: RDIS NC Matters of discretion are restricted to: RURZ-MD2 — Housing of animals RURZ-MD8 — Setbacks126

<p>activity where it is located on a site in different ownership;</p> <p>c. 300m from any existing farm quarry where it is located on a site in different ownership;</p> <p>d. 500m from any existing quarry where it is located on a site in different ownership;</p> <p>e. <u>200m from the boundary of any Heavy Industrial Zone HIZ or from the Processing Noise Contour.</u></p> <p>2. Setback distances shall be measured from the building footprint of any permanent building, enclosure or yard in which animals or poultry are held, or any area of the site where compost is produced, stored or used, or any area of the site where quarrying activity occurs.</p>	
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RURZ-MD9 Reverse sensitivity

1. The extent to which the activity may result in conflict and/or reverse sensitivity effects with other existing activities occurring on adjacent Heavy Industrial zone land.
2. The extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site.
3. The extent to which the new activity is located in the most appropriate part of the site to avoid or minimise potential for reverse sensitivity effects.
4. The effectiveness of any proposed methods for mitigation of reverse sensitivity effects.