Before the Hearings Panel
At Waimakariri District Council

Under	Schedule 1 of the Resource Management Act 1991
In the matter of	the Proposed Waimakariri District Plan
Between	**Various**
	Submitters
And	**Waimakariri District Council**
	Respondent

Council Officer's Preliminary Response to written questions on the Industrial Zones on behalf of the Waimakariri District Council

Date: 12 April 2024

INTRODUCTION:

1 My full name is Andrew Peter Willis. I am a planning consultant engaged by the Council to support the development of the industrial zone chapters.

2 The purpose of this document is to respond to the list of questions published from the Hearings Panel in response to my s42A report. In preparing these responses I note that I have not had the benefit of hearing questions or comments from the Panel at the hearing on the various pieces of tabled evidence. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.

3 Following the conclusion of this hearing, a Right of Reply report will be prepared outlining any changes to my recommendations as a result of evidence tabled at the hearing and in response to these questions, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.

4 I am authorised to provide this evidence on behalf of the Council.

Date: 12 April 2024

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Paragraph or Plan reference	**Question**

	Have you considered whether heavy industrial activities may involve discharges that do not need consent from the regional council. Would the recommended amendment still be appropriate if this was the case?
	Response Yes, this was considered. The difference between heavy industrial and industrial activities is not always clear as industrial activities lie on a continuum. I consider that heavy industrial activities may involve activities that do not need consent from the regional council. In addition, I note that regional council rules change over time so pegging the definition to a potentially moving target brings additional challenges to an activities-based district plan (as opposed to an effects-based district plan). For these reasons the suggested re-wording of the heavy industry definition states these are activities that <u>may</u> require regional discharge consents. For clarity, the proposed amended definition in the s42A report Appendix A is set out below. 'heavy industry' means as follows: a. … j. any industrial activity which <u>may require regional discharge consents; and</u> k. <u>ancillary activities to the industrial activity</u> ~~involves the discharge of odour or dust beyond the site boundary~~.
Para 77	Could the word "screening" be made clearer by changing to "screening including fences and vegetation"? And how do you envisage screening that is not a fence be a least 45% visually permeable between 1.2m and 1.8m?
	Response

	I agree that the word "screening" could be made clearer by changing it to "screening including fences and vegetation". I will consider this change within my Right of Reply report. The question has raised a good point regarding visual transparency for non-fence screening. The fencing rule was changed late in the process on the basis of advice from the Council's transport team. The application of district plan rules to vegetation that requires ongoing maintenance needs to be carefully considered. I note that the Proposed Plan has proposed rules in relation to vegetation planting and maintenance for traffic safety requirements (e.g. visibility and ice hazards). For this rule, should a transparency issue arise the landowner would be required to either apply for consent or trim the screening to meet the rule. However, calculating the transparency of a hedge is likely not easily done. On balance I recommend that clause 2 of the rule that refers to screening 2m of a site boundary with a public reserve, footpaths, shared use paths, or cycle trails, where it is greater than 1.2m in height, should only apply to non-vegetative screening.
Para 91	Please set out how replacing intensive with extensive is within scope of the submission, and what the meaning of intensive vs extensive is.
	Response A space 'intensive' activity would be an activity with a high density of activity over a smaller area, including a higher built form density. Typically these activities exclude associated at grade carparking. Examples would include multi level office and apartment blocks. Space 'extensive' activities usually involve lower density activity over a larger area and include such activities as warehousing, yard based activities and manufacturing and usually include associated at grade carparking and onsite storage. Space 'intensive' areas often have small or no minimum subdivision site sizes.

	When LIZ-O1 was drafted space 'intensive' was intended to apply to activities that require larger areas of land – i.e. a the land component was critical to the functionality of the activity and lot of land was required. On reflection, that interpretation is not correct, and the word 'extensive' is more accurate for these situations. In my s42A report (paragraph 91), I recommended changes to LIZ-O1 (to be consistent with recommended changes to INZ-O2 (which was to include the need to demonstrate a functional need to locate within the zone in response to a submission from Woolworths [282.19]). I stated that a space 'extensive' commercial activity would likely be able to demonstrate a functional need to establish in the LIZ and would therefore be consistent with INZ-O2 as recommended to be amended, whereas a space 'intensive' activity would be expected to occur in the commercial zones. In my recommended amendments to LIZ-O1, I attributed this change to Woolworths [282.19] to provide scope for the change. I accept that whether the Woolworths [282.19] submission provides sufficient scope for the change is debatable. However, if the change to LIZ-O1 was not made then it would be inconsistent with the amended INZ-O1 and the intent of the Woolworths submission which was to provide a pathway for activities that could demonstrate a functional (or operational) need to establish in the LIZ. My understanding is that supermarkets are usually space 'extensive' activities, hence why they have difficulty establishing within town centre zones and often seek an 'out of centre' location. In my opinion a defendable argument can be made that the proposed change to LIZ-O1 is consistent with the intent and resolution of the Woolworths [282.19] submission on INZ-O1 and consequential to it.
Para 102	Applying supermarkets to those amendments, would that mean there is a potential consenting pathway for supermarkets (even as NC activity) if they can establish that they have a functional need to locate in a particular Industrial Zone, AND their economics assessment can establish that they will not have significant adverse effects on the Town Centre?

	Response Yes, supermarkets would need to demonstrate a functional need to locate within the zone AND that this will not result in significant adverse effects on the Town Centre. In my opinion supermarkets provide an important service to their communities. I note that communities grow over time and it is not always possible to establish a large supermarket within an existing town centre (with limited vacancies or existing small parcel sizes) to service the new or expanded community. The recommended approach seeks to provide a merits based pathway for the establishment of supermarkets in recognition of the benefits they provide.
Para 130	On this assessment, would an onsite managers residential unit would be achievable under the policy and rule framework?
	Response In my opinion sensitive activities are generally not appropriate within an industrial zone. For this reason residential units are non-complying across all three industrial zones. There is not a separate rule for custodial or manager's residential units and so these would also be treated as non-complying. Whether to provide for onsite manager's residential units was considered during plan drafting. Whilst it can be acceptable to provide for manager's units, this can create issues if, over time the accommodation becomes separately tenanted, or the manager's accommodation pathway is used to support non-managerial accommodation through a consent. Whilst non-complying, I anticipate that a successful argument could be made under Policy INZ-P5 that an onsite manager's residential unit would not hinder or constrain the establishment or ongoing operation or development of industrial activities. I consider this is an acceptable approach, enabling the consideration of manager's residential units on their

	merits, but still within the context that sensitive activities are not anticipated by the Plan in industrial zones.
Para 136	Should this be "within the noise control contours…"?
	Response No. The recommended amendments to INZ-P6 seek to manage the effects of industrial development, with such management focussed at the interface with non-industrial zones or interface with noise control contours. The noise control contours principally seek to manage sensitive activities within the contour, rather than manage the industrial activities themselves. As such, the management of industrial activities under INZ-P6 is intended to apply at the interface and beyond the noise control boundary, not within it.
Para 163	From a plan useability perspective, is it not better to have all relevant bulk and location type standards for an activity listed within the zone rules? While it is appropriate to have all rules that relate to the use, development etc of infrastructure located in just the infrastructure chapter, should rules that relate to use, development etc of non-infrastructure activities (which are provided for in zones) be located in the infrastructure chapter? And does the argument against repeating such provisions in each zone hold water now that we use an electronic plan as opposed to the hard copy plans of the past.
	Response In my opinion an e-plan format makes repetition arguments largely redundant. For a home owner / landowner, I think having all the relevant bulk and location type standards for an activity listed within the zone rules is easier and provides greater usability when navigating a plan if you begin at the zone rules. However, I also think there is value in having all the infrastructure related provisions in one location for usability reasons. I note that this latter approach allows the co-location of the related objectives,

	policies and rules, rather than pulling out the bulk and location rules to put in each zone. The issue is a question of plan style. I note that the plan includes built form requirements for residential noise insulation in the noise chapter (e.g. NOISE-R16 and R18 for roads and centres), requirements for floor levels in the Natural Hazards Chapter (e.g. NH-R1), waterway setback requirements in the Natural Character Chapter (e.g. NATC-R9 and NATC-S1), built form requirements in the Natural Features and Landscapes Chapter (e.g. NFL-S1), water supply requirements for firefighting in the Energy and Infrastructure Chapter (EI-R48), built form requirements and earthworks in relation to the national grid in the Energy and Infrastructure Chapter (e.g. EI-R51 and EI-R54) and built form requirements in the Transport Chapter (e.g. TRAN-7 for access and TRAN-10 for carparking and manoeuvring). I also note that the earthworks and sign rules are sometimes different depending on the zone they are located in and could potentially also be located within the zone rules. If the built form rules for significant electricity distribution lines were in each zone, then I consider similar rules in other district wide provisions should also be re-assessed as to the best location for them. If the bulk and location rules were removed from the district wide topic chapters (e.g. infrastructure and energy, transport and noise) to put in each zone, but non bulk and location rules remained in the district wide chapters, I consider this could cause confusion and useability issues, also noting that the related objectives and policies would presumably remain in the district wide topic chapters. I note that in my Right of Reply response to the Panel on Kainga Ora and KiwiRail submissions on the CMUZ chapter (paragraphs 36 to 39), I recommended relocating rail corridor setback requirements from all individual zone chapters to the Infrastructure and Energy Chapter to resolve potential future issues arising if new zones are created or the rail corridor location changes such that it crosses zones where it currently does not exist and there are no relevant setback rules in those zone chapters. This also

	resolved concerns that rail corridor setback rules were proposed in zones that did not border the corridor. The same future issues would arise for major electricity distribution lines – i.e. if their location changed such that they crossed zones where they did not previously exist then a plan change would likely be required to introduce the setback requirements. I note MainPower's argument in submission [249.128] to locate the rules in each zone was so that they are clearly visible to landowners. I remain of the view that cross referencing and using the property search will help the visibility of these rules, although I accept that if your starting point is the zone provisions and you do not use the property search function then locating significant electricity distribution line setbacks in the district wide plan section is less visible to a homeowner / landowner (consistent with the other relevant district wide provisions identified earlier in this response). Noting the various matters discussed above, I prefer locating the infrastructure setback requirements in the district wide rules section of the plan (Energy and Infrastructure Chapter), rather than the specific zone chapters.
Para 195	Are there any implications from making Rural Production a permitted activity in terms of does the PDP then have appropriate controls for any future expansions/additions to the existing Daiken plant?
	Response For the Daiken site, appropriate controls on future expansions / additions is probably not relevant as the submitter owns all the land in the zone and controls all the land uses on the site. Future expansions/additions to the Daiken plant are controlled by the zone's activity standards. I am not aware of any relationship issues between future expansions/additions to the Daiken plant and rural production activities.