

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the proposed Waimakariri District Plan

STATEMENT OF EVIDENCE OF STEPHANIE STYLES

FOR

DAIKEN NEW ZEALAND LTD

22 September 2023

Contents

1.0	SUMMARY	2
2.0	QUALIFICATIONS, EXPERTISE AND INVOLVEMENT	2
3.0	CODE OF CONDUCT	2
4.0	HEARING STREAM 6	2
5.0	REVERSE SENSITIVITY.....	3
6.0	CONCLUSION	6

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 6. Subsequent planning evidence will be prepared for further hearing streams as required.
- 1.2 The recommendations of the Council officer are acknowledged, and this evidence seeks one additional policy to better recognise the issue of reverse sensitivity effects for the existing large scale industrial activity operated by Daiken.

2.0 QUALIFICATIONS, EXPERTISE AND INVOLVEMENT

- 2.1 My name is Stephanie Amanda Louise 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 HEARING STREAM 6

- 4.1 A number of the submission points within Daiken’s submission¹ relate to hearing stream 6. For some of these, the section 42A reporting officer

¹ Submission points 145.4-145.6, and 145.29-145.32

has recommended the submission points be accepted or accepted in part and that is acknowledged². I have not prepared evidence on those points.

- 4.2 I note that while allocated to this hearing stream, the reporting officer's report does not appear to address submission points 145.4-145.6. These submission points sought the retention of some key definitions³. It would appear these definitions have been retained and therefore no evidence is required on those points.
- 4.3 The following assessment relates to the remaining submission points in relation to the request for new rules to manage the risk of reverse sensitivity.

5.0 REVERSE SENSITIVITY

- 5.1 The submission points from Daiken relating to reverse sensitivity within the rural zone context⁴ sought the addition of two new rules relating to the development of a residential unit or a minor residential unit close to the Daiken Heavy Industrial Zone land. The purpose of these rules was to give effect to Rural policies P6 and P8 and to provide protection to Daiken from reverse sensitivity effects.
- 5.2 Reverse sensitivity is defined as "*the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity that may be sensitive to the actual, potential or perceived adverse environmental effects generated by the existing activity*"⁵. It is a commonly understood resource management issue where new sensitive activities impact on existing activities and is often more exaggerated in situations where the existing activity is out of character with its surrounding environment.

² Submission points 145.29 and 145.30

³ Definitions of primary production, reverse sensitivity and rural production.

⁴ Submission points 145.31 and 145.32.

⁵ Current definition as recommended by the reporting officer, Rural Zones Section 42A report, Appendix A Recommended Amendments to Rural Chapters.

- 5.3 Daiken is a major employer for the Waimakariri District and has been established on this site for many years. Its establishment is recognised through the Heavy Industrial zoning (HIZ) of the land and relevant rules that manage activities and effects. It needs to be noted however that the factory and operations within the wider site have the potential to generate a range of effects. For example, the factory has a visual character that differs from the surrounding rural area, it generates numerous vehicle movements, and produces noise related to the activity (that complies with noise limits). In addition, a range of activities occur beyond the factory itself e.g. irrigation⁶. While all of these activities will operate within the relevant district and regional controls (and consent conditions), the use of the site as a whole will be different from surrounding rural land uses and thus has the potential to be subject to reverse sensitivity effects.
- 5.4 Under the current rural zone provisions, it would be possible for a residential unit, or minor residential unit to be established very close to the boundary of the HIZ land (subject to compliance with other provisions such as minimum site area). The addition of rules such as those sought by Daiken is not intended to stop such activities occurring outright. It is twofold: one to protect Daiken from reverse sensitivity issues and the other to ensure that current and future landowners and occupiers who establish in proximity to the site are well aware of what is permitted to occur on the adjacent land.
- 5.5 The Council's reporting officer seems to think that the rules sought are intended to provide a noise buffer or some kind of leniency in meeting noise standards⁷ – that is not the case and has not been sought by Daiken. This issue is not limited to noise but to the full ambit of reverse sensitivity effects. The purpose of the rules is awareness and protection of an existing important facility, and it would be inappropriate to enable new activities to jeopardise that operation. He also refers to this as a 200m setback and that is not the case – it is a trigger for assessment of

⁶ In accordance with consents and conditions approved by Environment Canterbury.

⁷ Section 42A report for the Rural Zones, dated 8 September 2023, paragraph 581.

specific activities within this area to avoid future reverse sensitivity issues.

- 5.6 Mr Buckley has accepted the relief sought by Daiken to amend Policy RURZ-P8⁸ to specifically include reference to the heavy industrial zones. This means that the relevant part of the policy now states:

Minimise the potential for reverse sensitivity effects by:

1. avoiding the establishment of any new sensitive activity near existing intensive indoor primary production activities, intensive outdoor primary production activities, waste management facilities, quarrying activities, mining activities, heavy industrial zones and rural industry in circumstances where the new sensitive activity may compromise the operation of the existing activities; ...

- 5.7 To implement this policy in relation to the Daiken site, it is necessary to avoid new sensitive activities establishing in circumstances that may compromise the existing Daiken activity. This is exactly the reason why the rules were sought to be included and without the inclusion of rules this policy would not be appropriately implemented.
- 5.8 However, Mr Buckley states “*While the amended Policy RURZ-P8 avoids the establishment of new sensitive activities near heavy industrial areas where they compromise the operation of existing activities, the policy does not enable constraints to be placed on adjoining land where no justification has been provided.*”. I disagree, the policy does enable targeted rules to be inserted to implement the policy in cases where it is appropriate. I consider this to be such a case. Further I note that these rules do not necessarily mean that residential activities would be precluded but that due consideration should be given to their location.
- 5.9 In my experience it is becoming more common for district plans to recognise this issue through rules in a plan. I have attached a few examples as **Appendix One** below. In this regard I note that there does not appear to be any common distance used in such rules. In the

⁸ Section 42A report for the Rural Zones, dated 8 September 2023, paragraphs 181-184.

context of large open rural areas, I do not consider that 200m is an unreasonable distance but if the panel were of the opinion this should be reduced, that would be within scope.

6.0 CONCLUSION

- 6.1 I consider that the introduction of targeted reverse sensitivity protection rules is appropriate. On this basis I recommend that these additional rules be incorporated into the rural zone rules. These will in my opinion provide a better planning outcome for Daiken and those who choose to live in the immediately surrounding area.

Stephanie Styles

APPENDIX ONE: EXAMPLES OF REVERSE SENSITIVITY RULES

Ashburton District Plan – Rural Zones

[03-Rural-Zones.pdf \(ashburtondc.govt.nz\)](#)

3.9.5 Setback from Neighbours

- a) Minimum setback of buildings from internal boundaries of any site held in separate ownership shall be:

...	
Buildings designed and/or used for the housing and/or shelter of livestock as part of any intensive farming activity Buildings (over 100m ² in area) designed and/or used for the housing and/or shelter of stock Feedpads Dairy/milking sheds	80m
Buildings designed and/or used for the housing of any other animals	30m
...	

Note: Zone Standards 3.10.2 and 3.10.3 relate to setbacks for buildings and residential units in relation to Intensive Farming Activities and similar activities.

3.10.2 Setback of Residential Units from Intensive Farming Activities and similar activities

- a) The minimum setback for new residential units from the following activities shall be 400m:
- existing feedpads;
 - existing dairy/milking sheds;
 - existing buildings designed and/or used for the housing and/or shelter stock;
 - existing buildings designed and/or used for any intensive farming activity;
and
 - existing areas used for farm-related effluent storage or disposal.

Note: The standard does not apply to buildings on the same site.

[Failing to comply with this rule falls to a Non-Complying activity under clause 3.8.6 a)]

Selwyn District Plan – General Rural Zone**District Plan - Partially Operative Selwyn District Plan (Decisions Version)**

GRUZ-REQ10 Sensitive Activity Setback From Intensive Primary Production		
	<p>1. Any newly established <u>sensitive activity</u> shall be set back 300m from the closest outer edge of any paddocks, <u>structures</u>, or <u>buildings</u>, and areas of paved or otherwise impervious material used to hold or house stock, and <u>wastewater</u> treatment systems used for <u>intensive primary production</u>.</p> <p>Notes:</p> <p><i>1. The establishment of <u>residential units</u>, <u>seasonal worker accommodation</u>, or <u>minor residential units</u> on the same <u>site</u> as the <u>intensive primary production</u> are exempt from this rule requirement.</i></p> <p><i>2. The establishment of an <u>educational facility</u> that is part of a <u>primary production research activity</u> is exempt from this rule requirement.</i></p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with <u>GRUZ-REQ10.1</u> is not achieved: <u>NC</u></p> <p>Notification:</p> <p>3. Any application arising from <u>GRUZ-REQ10.2</u> shall not be subject to public notification.</p>
GRUZ-REQ11 Sensitive Activity Setback From Mineral Extraction		
	<p>1. Any <u>sensitive activity</u> established after 19 August 2023 shall be set back from any lawfully established, authorised or operational mine or <u>quarry</u>, or any operational mine or <u>quarry</u> located on any property listed in <u>GRUZ-SCHED1</u> at least:</p> <ol style="list-style-type: none"> 200m to any authorised excavation associated with <u>mining</u>, extracting or winning aggregate 500m to any authorised processing or aggregate recovery; and 500m to any authorised activity that involves blasting. <p>Notes:</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with <u>GRUZ-REQ11.1</u> is not achieved: <u>NC</u></p>

	<p>1. The establishment of <u>residential units</u>, or <u>minor residential units</u> on the same <u>site</u> as the mine or <u>quarry</u> are exempt from this rule requirement.</p> <p>2. Existing <u>residential units</u> or <u>minor residential units</u> within the specified <u>setback</u> that are rebuilt on their existing <u>site</u> but no closer to the mine or <u>quarry</u> are exempt from this requirement.</p>	
--	--	--

South Taranaki District Plan

[Section 11 Noise Rules.pdf \(southtaranaki.com\)](#)

11.2.2 RURAL ZONE AND TOWNSHIP ZONE

...

6. Any habitable room in a new building containing a noise sensitive activity located within the Noise Area Boundary identified for the Fonterra Whareroa Dairy Manufacturing Site or Fonterra Kāpuni Dairy Manufacturing Site shown in Sections 8.5.1 or 8.8.2 of this Plan shall be designed, constructed and maintained to achieve an internal design level of 35 dB LAeq (1 hour) with the windows closed.

[Failing to comply with this rule falls to a Restricted Discretionary activity under clause 11.1.3 (a)]