



Statement to Waimakariri District Council Hearing on the Proposed District Plan, Stream 12A, Industrial Zoning

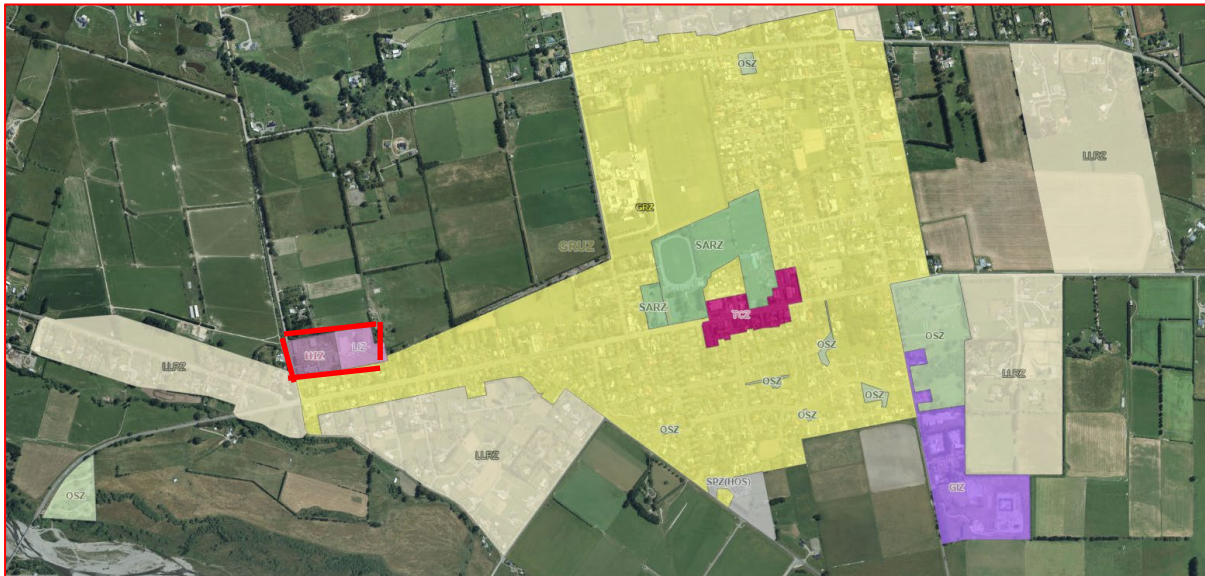
Summary

1. Ashley industrial Services Ltd (AIS) is zoned rural in the Operative District Plan (ODP) and Heavy Industrial (HIZ) and Light Industrial (LIZ) in the Proposed District Plan (PDP). Confirming the industrial zonings of the PDP will achieve the Objectives and policies of the PDP, give effect to the Canterbury Regional Policy Statement (CRPS) and the National Policy Statement- Urban Development 2020 (NPS-UD). It will give AIS the certainty to continue to invest, provide employment and reduce our environmental impact.
2. Our response to the s42A report is in **Appendix 1**.
3. Two submitters have opposed the industrial zoning, seeking that the rural zoning of the ODP be retained. Our responses to their submissions are in **Appendix 2**.
4. The Panel have posed a question the s42A reporting officer, and our response to that question is in **Appendix 3**.

Background

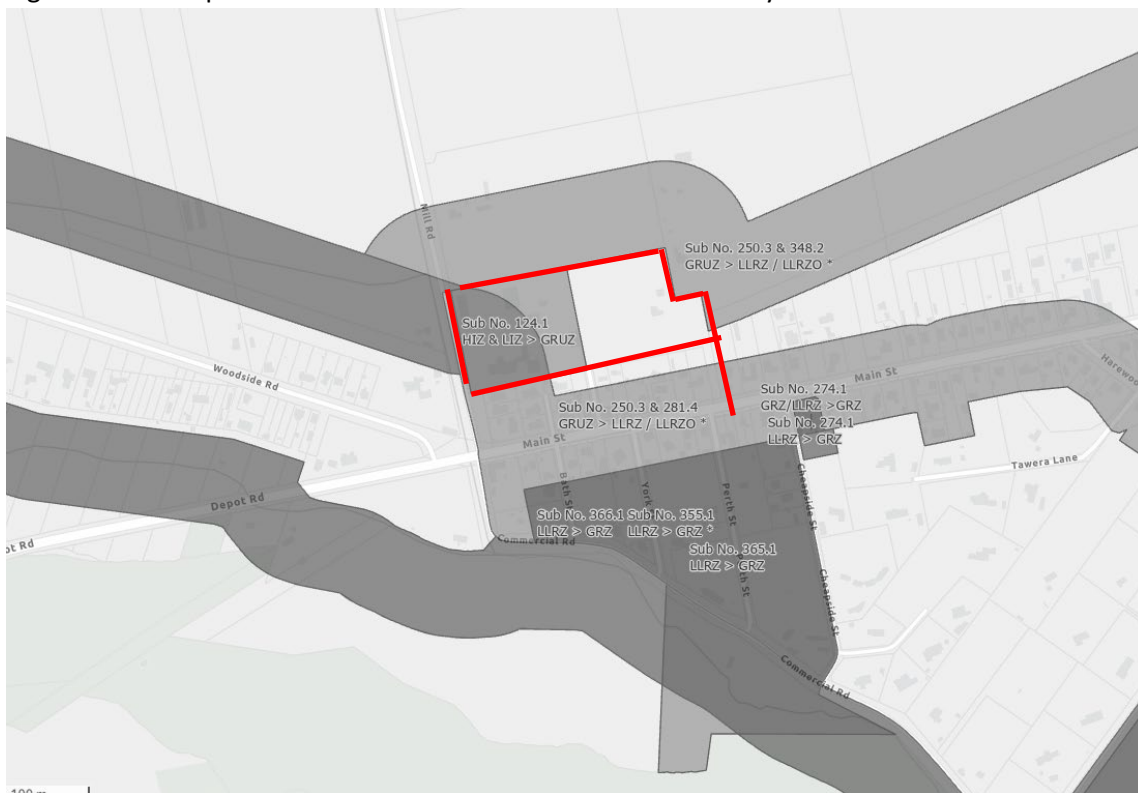
5. AIS is a sawmill and timber tanalisation plant and manufacturer of industrial packaging, operating at 8 Mill Rd Oxford, with ancillary support on 138 High St (the two sites are adjacent). Both sites are zoned Rural in the operative plan, and we operate under a resource consent from 1979. The sites have been in continuous industrial use since the 1880s, being the former West Oxford Railway Station. Our sites have been zoned Heavy and Light Industrial in the proposed plan.
6. Established in 1984, AIS is the largest private employer in Oxford, with 40-plus employees, and has been operating in Oxford since 2006, after relocating from Rangiora/Ashley on the purchase of the existing sawmill that had operated on the site since the 1970s and so pre-dates the zonings under the RMA. That sawmill had relocated from Coney St, Oxford after residential expansion of West Oxford and Oxford (previously separate towns) resulted in its former isolated site being surrounded by residential activity. AIS is the last sawmill in a town that once had 26 sawmills.
7. In 2008 and 2012 residential subdivision was undertaken on our southern boundary by way of non-notified resource consents and house purchasers were apparently told that we were closing down. We are on the northern edge of town, with residential activity on our southern boundary and rural zoning and rural/rural residential activity on our northern, eastern and western boundaries, as shown in Figure 1 below. There are proposals to enable increased residential activity on our northern, eastern and western boundaries, and in the wider surrounding area, through the PDP process, as shown in Figure 2 below. We are aware that various neighbours have recently considered subdivision for residential purposes. Confirming the industrial zonings will give us and our activities greater visibility through any future subdivision/development process, assist with managing reverse sensitivity issues, and avoid the problems that arose with the non-notified consents on our southern boundary.
8. We have always operated within our resource consent and the district and regional plan rules, have very good dust controls, and, over time, have upgraded our site, including the southern boundary, and modernised our plant, significantly reducing noise and improved our dust control.
9. Our location and zoning with respect to the rest of Oxford and the surrounding rural zoning is shown on Figure 1 below, with our site outlined in red. 8 Mill Rd is RS 39254 and 138 Main St is RS39255

10. Figure 1 Location of Ashley Industrial Services¹



11.

12. Figure 2 PDP Proposals for increased urbanisation around Ashley Industrial Services²



13.

Proposed District Plan

14. The proposed plan has the following relevant objectives and policies (including those changes sought by Variation One). (***Bolding italic*** emphasis added).

SD-O2 Well-functioning urban environments

1 PDP E-Plan maps, 28/5/24

2 Waimakariri District Rezone Requests, 28/5/24

Waimakariri District contains well-functioning urban environments that enable **all people** and communities to provide for their social, **economic**, and cultural wellbeing, and for their health and safety, now and into the future.

SD-O3 Urban development

Urban development and infrastructure that

...

2. that recognises **existing character, amenity values**, and is attractive and functional to residents, businesses and visitors

...

6. provides opportunities for business activities to establish and prosper within a network of business and **industrial areas zoned appropriate** to their type and scale of activity and which support district self-sufficiency;

15. A well-functioning urban environment will enable existing, long- and legally-established industrial activities to prosper in an appropriate industrial zone that recognises the existing character of those businesses.

16. These strategic objectives are supported by policies:

UFD-02 Feasible development capacity for commercial activities and industrial activities

Sufficient feasible development capacity to meet commercial and **industrial development demand**

UFD-P5 Identification/location and extension of Industrial Zones

Provide for the **extension of existing Industrial Zones** and locate and develop new industrial activities to implement the urban form identified in the Future Development Strategy or WDDS.

UFD-P9 Mechanism to provide additional Industrial Zones

If proposed, ensure any plan change to create new, or expanded existing Industrial Zones:

...

3. locates new [Industrial Zones](#) in locations **adjacent to existing [urban environments](#)** where it can be efficiently serviced by [infrastructure](#).

17. These policies require the provision of capacity to meet industrial development demand and to provide for industrial zones to implement the Future Development Strategy (FDS) or the Waimakariri District Development Strategy (WDDS). A FDS for the district has not yet been produced, and the WDDS remains the appropriate reference document. Under the strategic aim of **employment and business opportunities that enhance District self-sufficiency**³ the WDDS has the following:

- Provide for continued business activities appropriate for their location within existing towns
- Provide for new greenfield business land in Rangiora, Kaiapoi and Oxford if demand warrants

18. Although AIS is the largest private employer in Oxford, we do not appear in the *WDDS Oxford Snapshot of where we are now or where we are going*⁴. The PDP proposed industrial zoning would remedy that omission and give effect to the above strategic aims of the WDDS and the strategic objectives and policies of the PDP.

AIS is located adjacent to the existing Oxford township and is serviced by appropriate infrastructure.

19. The PDP Objectives and Policies specific to industrial zones include (relevantly):

3 Our District, our Future, Waimakariri 2048 district Development Strategy July 2018 (WDDS) p26

4 WDDS p 43-44

INZ-O1 Support and growth of industry

Sufficient, feasible and available industrial zoned land to meet demand and to support employment and economic growth.

INZ-O2 Role and function of industrial zones

1. provide opportunities for light, general and heavy [industrial activities](#) in identified zoned areas to meet the diverse needs of a range of [industrial activities](#); and
2. avoid adverse [effects](#) on the role and function of Town Centres; and ...

INZ-O3 Managing the effects of industrial activities

...

2. at the interface with non-industrial zones to achieve the anticipated amenity values for those adjacent zones

INZ-P1 Anticipate activities in industrial zones

Provide for a range of industrial activities to occur in identified industrial zones...

INZ-P4 Intensification of existing industrial zones

Enable industrial activities in industrial zones to redevelop, intensify, and expand provided they do not have a significant adverse effect on the character and amenity values of adjacent zones

INZ-P6 Managing the adverse effects within industrial zones

Manage the effects of development and activities in industrial zones...Such management is to be focused:

...

2. at the interface with adjacent non-industrial zones, so that the amenity values of those adjacent zones are maintained or enhanced, ***recognising that amenity values may be lower than that experienced in zones that are not close to industrial activities.***

20. These objectives and policies point to industrial activities being located in appropriate zones rather than out of zone, that the effects are managed at the interface with adjacent zones, and that industrial activities develop within industrial zones. We have no knowledge of why the AIS sites were not zoned industrial from the beginning of RMA planning processes, but it is clear from the history of the site as industrial since the 1880s and the existence of a sawmill on the site since the 1970s, that an industrial zoning should have been applied in the past.
21. It is clear from the industrial objectives and policies that an industrial zoning for the AIS sites fits well within the PDP, and that an industrial zoning will meet the demand for industrial zoned land and provide for economic and employment growth. To not appropriately zone our sites would be contrary to the industrial Objectives INZ-O1 and INZ-O2 in not providing zoned land to meet the industrial demand and not supporting employment and economic growth, and failing to provide zoned areas for light and heavy industry.

Canterbury Regional Policy Statement (CRPS)

22. Oxford is outside the scope of Greater Christchurch, so CRPS Chapter 6 does not apply. Chapter 5 is relevant. As such I disagree with the planning experts when they agreed⁵ “*that urban growth and development is covered by Chapter 6, CRPS*”.
23. While Chapter 6 has been updated to give effect to the NPS-UD, Chapter 5 has not yet been updated to give effect to the NPS-UD.⁶ Given the infrastructure, changing land use and regional integration focus⁷ of

5 Joint Witness Statement – Urban Growth and Development (Planning), Day 2 26 March 2024, para 8.

6 CRPS p4

7 CRPS Chapter 5 Introduction

Chapter 5 it is not particularly relevant to the zoning of a specific , existing activity that is at issue today. Of relevance are:

Obj 5.2.1 Location, Design and Function of Development

Development is located and designed so that it functions in a way that:

1. achieves consolidated, well designed and **sustainable growth in and around existing urban areas** as the primary focus for accommodating the region’s growth; and
2. enables people and communities, including future generations, to provide for their social, **economic** and cultural well-being and health and safety; and which:
...
c. encourages sustainable economic development by **enabling business activities in appropriate locations**;

Pol 5.3.1 Regional growth

To provide, as the primary focus for meeting the wider region’s growth needs, sustainable development patterns that:

- ...
2. **encourage within urban areas**, housing choice, recreation and community facilities, and **business opportunities** of a character and form that **supports urban consolidation**;

24. These objectives and policies highlight that business growth should be encouraged around existing urban areas in a consolidated manner. The industrial zoning of the AIS sites gives effect to the CRPS.

National Policy Statement – Urban Development 2020

25. Given that Chapter 6 of the CRPS does not apply to Oxford, and that Chapter 5 has not been updated to give effect to the NPS-UD, the NPS-UD itself has direct relevance to Oxford and to the issue of the industrial zoning of the AIS sites.

26. I am aware of the dispute within the planning experts as to the scope of “urban environment” and whether it would encompass Oxford. The PDP as notified very clearly included Oxford within the district’s urban environment. The Introduction stated that Oxford was “*the largest town in the west of the District*”⁸, Oxford was listed as one of three Key Activity Centres that “*are focal points for employment...and which are suitable for more intensive mixed-use development*”⁹, and the PDP definition of Urban Environment repeated the NPS-UD definition and then stated that this encompassed Oxford¹⁰. Since then the s42A report and various planners have envisaged the urban environment to be confined within Map A of CRPS Chapter 6¹¹, although this discussion seems to have framed solely in the context of housing.

27. With respect to the planners, the NPS-UD is unambiguous:

- Urban environment is any area of land (regardless of any local authority or statistical boundaries) that is urban in character and part of a labour and housing market of at least 10,000 people.¹²
- Oxford is clearly urban in character, and you only have to travel Tram Rd or Oxford Rd during the commuter peaks to know that it is part of the labour and housing markets of both Christchurch City and the Waimakariri District.

8 PDP as notified, Introduction

9 PDP as notified definition of Key Activity Centre

10 PDP as notified definition of Urban Environment. Note that the Planning JWS (Day 1) marks the notified statement of which areas are the Waimakariri urban environments as deleted. this is in error.

11 Joint Witness Statement – Urban Growth and Development (Planning), Day 1 26 March 2024, para 7-9.

12 NPS-UD at 1.4

- Christchurch (not Christchurch City and not Greater Christchurch) is identified as a Tier 1 urban environment¹³ and Waimakariri District Council (WDC) is identified as a Tier 1 local authority¹⁴.
- WDC covers the entirety of the Waimakariri District, not just part of it.

Clearly Oxford is an urban environment that is part of the Christchurch urban environment, and so is part of a Tier 1 urban environment and part of a Tier 1 local authority under the NPS-UD. The NPS-UD applies to Oxford as much as it does to Rangiora or suburbs of Christchurch City.

28. NPS-UD has minimum requirements to provide a variety of sites for different business activities in terms of location¹⁵, good accessibility to employment¹⁶, at least sufficient development capacity to meet demand for business land¹⁷. Development capacity is required to be plan-enabled. There is also the requirement to prepare a Housing and Business Capacity Assessment (HBA) for relevant urban environments¹⁸, estimate demand for business land from each sector, including as a minimum the industrial sector¹⁹ and assess the capacity to meet that demand from the industrial sector²⁰.
29. In terms of Housing, Oxford was initially in the HBA done for Greater Christchurch, then excluded in a 2021 update²¹, and not considered to be part of the Urban Environment in the 2023 update prepared for this process²². Oxford residential capacity was then assessed on the side as an afterthought in March of this year in preparation for this hearing.²³
30. For Business land it is unclear to what extent Oxford industrial land has been included in any HBA. The original 2019 Waimakariri Business Land Assessment seems to have only considered the Oxford B1 zone, other than a mention of our proposed industrial zoning.²⁴ Oxford land zoned industrial in the ODP was presumably included in the base data, but industrial activities located in non-business zones (like AIS) were excluded²⁵. There was no assessment of the need for industrial land at Oxford, with the assessment being done at a district level.
31. The 2021 update to the business assessment²⁶ seems to have again focused on the B1 Zoned area. The only mention of Oxford is in relation to the B1 zoned area. The only comments on industrial land were at the district-wide level.²⁷ It did not change the basic method of only considering land zoned business.²⁸ AIS activity is not included in the assessment.
32. The 2021 update to the Greater Christchurch Housing and Business Development Capacity Assessment excluded Oxford²⁹. Although the Greater Christchurch Business Development Capacity Assessment 2023 expanded its “study area” to include the entire Waimakariri District to enable the District to do strategic

¹³ NPS-UD Appendix, Table 1 Column 1

¹⁴ NPS-UD Appendix, Table 1 Column 2

¹⁵ Policy 1(b)

¹⁶ Policy 1(c)

¹⁷ Policy 2

¹⁸ NPS-UD 3.19(2)

¹⁹ NPS-UD 3.28(1) & (3)

²⁰ NPS-UD 3.30

²¹ See s42A Report: Urban Form and Development, 3 April 2023 para 74

²² Waimakariri Residential Capacity and Demand Model – IPI 2023, 8 December 2023, Appendix B NPS-UD Requirements, p41

²³ See s42A Report: Rezoning – Oxford and Settlement Zone, 3 May 2024. Appendix D

²⁴ Waimakariri District Business Land Assessment, 25 June 2019 - final

²⁵ Waimakariri District Business Land Assessment, 25 June 2019 – final at 4.4.2

²⁶ Waimakariri Business Land Assessment Update 8 Sept 2021

²⁷ See Waimakariri Business Land Assessment Update 8 Sept 2021 at 3.1 for example.

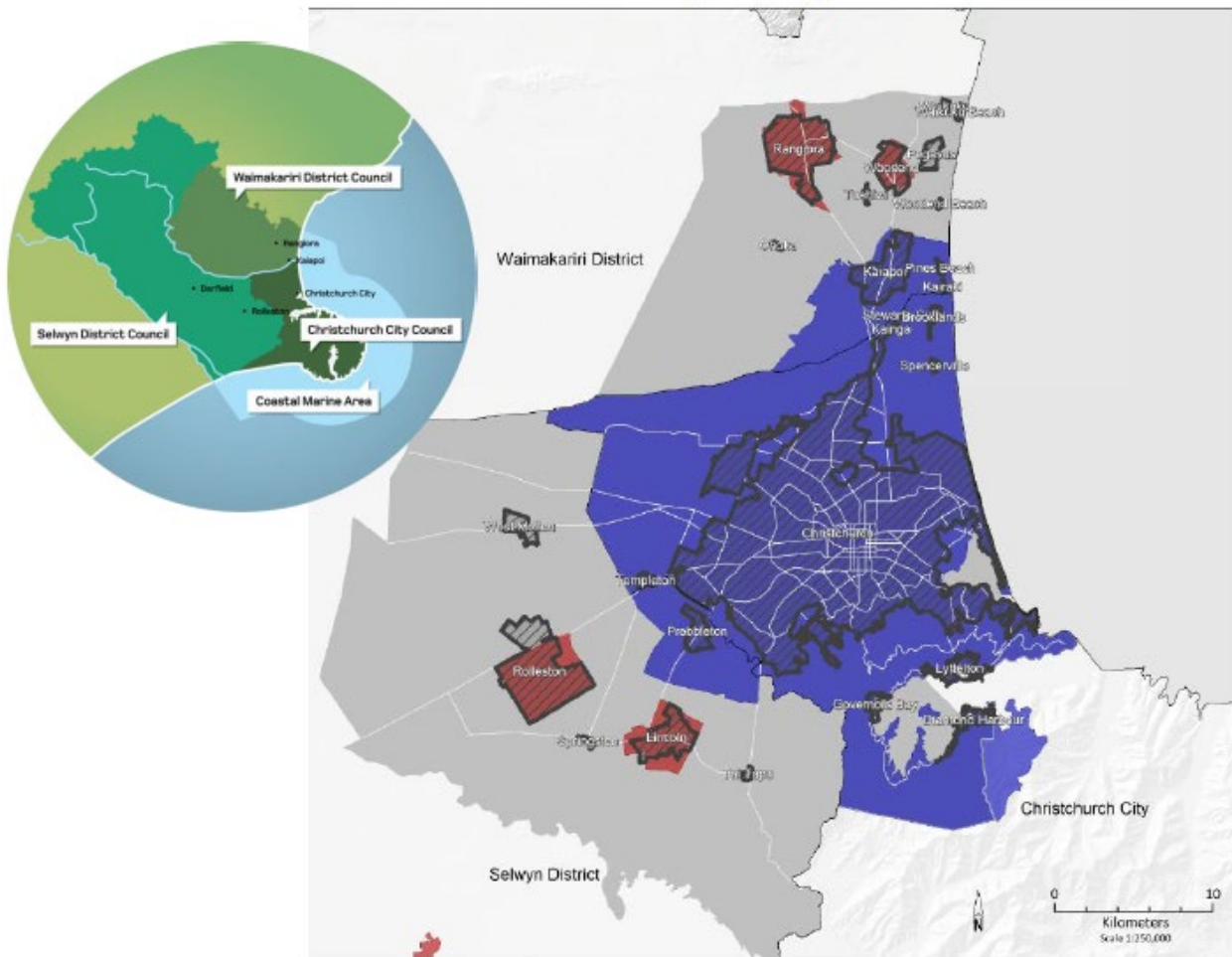
²⁸ Waimakariri Business Land Assessment Update 8 Sept 2021 at 2, p3

²⁹ S42A Report: Strategic Directions, 13 April 2023 at 76

planning “at some point”³⁰, the business capacity assessment was explicit that it covered only the area within Greater Christchurch³¹. This can be clearly seen in the Figure 3 below that does not include Oxford. The red areas are minor urban areas³², and Oxford is not included. These assessments also only considered land zoned industrial³³, and have omitted all industrial activity that is on non-business zoned land.

33. Figure 3

Figure 1: High Growth Urban Area and BCA Study Area



34. It was only in the s42A Report for this hearing that any assessment of business land in Oxford has been done, and this was limited only to those proposals with potential for “significant commercial distribution matters...or require justification under NMPS-UD for capacity matters”³⁴. The zoning of the AIS sites was not one of the proposals assessed³⁵, but the evidence of Mr Foy does have some relevance.

35. Mr Foy draws on the Greater Christchurch Partnership (2023) Business Capacity Development Assessment³⁶ (which does not cover Oxford or industrial activity that is not zoned business as noted above). He concludes that there is only a small margin of capacity for industrial land in the district in the medium

30 Greater Christchurch Housing Development Capacity Assessment, July 2021 p9
 31 Greater Christchurch Business Capacity Assessment April 2023 at 2.4
 32 Greater Christchurch Business Development Capacity Assessment, April 2023 p14
 33 Greater Christchurch Business Development Capacity Assessment, April 2023 at 2.4
 34 s42A Report CMUZ & INZ 3 May 2024 at 23
 35 s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 1.8
 36 s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 2.1, footnote 1

term³⁷, which he then qualifies as an overstatement due to a recent rezoning of Ravenswood industrial land to town centre zoning not included in the modelling, resulting in there being no surplus of industrial land in the district in the medium term. He advises that this hearing should approve a small net gain in industrial land³⁸. He states that the “...rezoning of more vacant industrial land may be beneficial”³⁹.

36. Mr Foy notes that modelling around the main towns has been commissioned (without any indication that this includes Oxford), but comments that this is of less value for industrial land as this operates at a wider spatial level⁴⁰. He goes on to state⁴¹ that this:

“...mean(s) that the appropriate location for additional business activities, and particularly industrial activities, should be determined with consideration of how to achieve a well-functioning urban environment, rather than necessarily seeking to provide supply in every town for every type of activity.”

37. In the context of his district-wide assessment, Mr Foy expresses the view that the appropriate location for additional business activities in particular should be determined through the lens of achieving a well-functioning urban environment.⁴² He repeats this point in relation to his assessment of Frew’s site in Oxford in suggesting that the Frew’s proposal is better assessed through the planning lens rather than the economic assessment.⁴³

38. Although Mr Foy was not tasked to assess the AIS zoning, he did assess the proposal to rezone the area around Frew’s Transport yard from rural (GRUZ) to industrial (GIZ). As such, his comments are relevant to the zoning of the AIS sites. In regards to Frew’s he stated⁴⁴:

- There was no evidence presented about the need of additional industrial land to meet demand in Oxford;
- Modelling did indicate some potential for future industrial land in Oxford, but that should be treated cautiously due to the small size of the market;
- There may be economic justification to allow the rezoning;
- An industrial zoning on the site would recognise the existing activities on the site;
- The additional industrial land would be of some benefit to the local economy.

39. Reflecting Mr Foy’s comments about Frew’s onto the zoning of the AIS sites, the following are relevant:

- AIS has demonstrated demand for the zoning of industrial land to provide certainty for on-going investment and future growth;
- The existing activities have been on the site since the 1970s, and the sites have been in continual use for industrial activity since the 1880s;
- The economic justification to allow the rezoning of Frew’s yard applies even more so to AIS;
- The enabled on-going investment and employment will be of benefit to the local economy.

40. From this, it is apparent that if Mr Foy had been asked to assess the zoning of the AIS sites, he would have supported it. We note that the s42A report recommends rejecting the Frew rezoning due to transport and

³⁷ s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 2.19
³⁸ s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 2.20
³⁹ s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 2.22
⁴⁰ s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 2.23
⁴¹ s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 2.24
⁴² s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 2.24
⁴³ s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 14.17
⁴⁴ s42A Report CMUZ & INZ 3 May 2024, Appendix D Evidence of Mr Foy at 14.4-14.7

infrastructural issues, and that an assessment against the NPS-HPL is required⁴⁵. None of these factors apply to the AIS sites.

41. Mr Foy also suggests that any expansion of industrial land in Oxford should be considered through a planning lens, with a view to achieving a well functioning urban environment.
42. The NPS-UD requires that there be a business capacity assessment covering industrial land for Oxford as a Teir 1 urban environment. This has not been done. What has been done for Waimakariri has only included that in industrially zoned land, and has not included the significant amount of industrial activity that is occurring in outside industrial zones (largely in the rural zones). The 2018 WDDS identified that 45% of the Districts construction and manufacturing activities were located in the rural zones⁴⁶. The various assessments considered only land zoned for business. As a result, the assessment that has been done of the demand for industrial land in Waimakariri has almost certainly underestimated the current actual demand for industrial land in the district. The assessment that has been made concluded that in the medium term there was effectively no surplus capacity over expected demand. The demand for zoned industrial land represented by AIS has not been included in the assessments.
43. The NPS-UD requires that WDC provide at least sufficient capacity to meet the demand for industrial land⁴⁷. The AIS industrial demand for zoned land in Oxford is real and current, but is not yet being provided for. The industrial zoning of the AIS sites will give effect to this requirement.
44. The NPS-UD requires that planning decisions as a minimum provide or enable sites suitable for industrial activities in a range of locations⁴⁸ that are accessible to the community⁴⁹. The NPS-UD is focused on plan-enabled land – i.e. zoned land, not out-of-zone activity⁵⁰. The industrial zonings of the AIS sites will give effect to this requirement.
45. The industrial zoning of the AIS sites will consolidate industrial activity within a zone that is on the edge of the Oxford urban area. The HIZ zoning of the Mill Rd site will reflect the activity that already is legally established on the site. Many of the activity that AIS would be undertaking on the adjacent site can be undertaken as of right under a rural zoning, as is currently happening. The LIZ zoning for the adjacent site will reflect the lighter level of activity that will allow AIS scope to expand its assembly activities in a way that avoids location at the boundary with the neighbouring residential zones, and will enable the transition of the heavy industrial activity (the sawmill) in a way that will reduce the impact on the residential boundary. This would contribute to the well-functioning urban area of Oxford, as required by the NPS-UD
46. In summary, the industrial zoning of the AIS sites will give effect to the NPS-UD, whereas a planning decision to not zone the sites for industrial activity will be to fail to give effect to the NPS-UD, and would be contrary to the requirements of the NPS-UD

National Policy Statement – Highly Productive Land 2022 (NPS-HPL)

47. As a site zoned rural in the ODP an assessment against the NPS-HPL would normally be required. NPS-HPL 3.6 allows rezoning to provide sufficient industrial development capacity where there are not reasonable practical alternatives and the economic benefits outweigh the costs associated with the loss of highly productive land. These apply in the AIS situation. However this assessment is not required as the CRPS

⁴⁵ s42A Report CMUZ & INZ 3 May 2024 para 270-272

⁴⁶ WDDS 2018 p27

⁴⁷ NPS-UD 3.3

⁴⁸ NPS-UD Policy 1(b)

⁴⁹ NPS-UD Policy 1(c)

⁵⁰ NPS-UD 3.4

does not yet include maps of the regions highly productive land and the sites are subject to the Council initiated plan change zoning the AIS sites as urban. The exemption in NPS-HPL 3.5(7)(b)(ii) applies.

48. Further exemptions in NPS-HPL also apply. The AIS Mill Rd site has both a legally established existing use under our resource consent⁵¹ and there are long-term constraints (the buildings and hard-surfacing) that prevent the land being used for primary production⁵². The adjacent site also has long term constraints in the form of buildings – the house that was originally the West Oxford Station Master’s residence and its associated sheds, and the large dry goods storage building.

49. An assessment against the NPS-HPL is not required.



Ken Fletcher for Ashley Industrial Services Ltd

4 June 2024

⁵¹ NPS-HPL 3.11

⁵² NPS-HPL 3.10

Appendix 1 - S42A Report, CMUZ & INZ

51. The s42A report⁵³ gives a brief background to some of the thinking that went into the PDP zoning the AIS sites as HIZ and LIZ, including the establishment of the residential activity on the southern boundary of the long-established sawmill generating some reverse sensitivity effects. It states that the decision to include the zonings in the PDP was “*finely balanced*”.⁵⁴ It outlines the concerns of the two submitters in opposition to the proposed zoning. Mindful of the original reasons for including the industrial zoning in the PDP the report concludes that the proposed zonings are the most appropriate, although it is considered an “*on balance*” recommendation.
52. Other than noting the rezoning was requested⁵⁵ the s32 Report makes no mention of the zoning of the AIS sites. It does report that industrial rezonings proposed within the PDP were based on a set of listed criteria⁵⁶, but there is no assessment of the proposed AIS zonings against the criteria recorded.
53. The s42A report has no assessment of the proposed zonings against the Objectives and Policies of the PDP, no assessment against Chapter 5 of the CRPS and no assessment against the NPS-UD. Unlike the assessment for the Frew’s yard proposal⁵⁷, there was no assessment against the WDDS and no economic modelling by Mr Foy. There was no discussion of the effect of the proposed zoning in achieving a well-functioning urban environment.
54. With all respect to the s32 and s42A reporting officers, this indicates that the proposed zoning was not “*finely balanced*” or an “*on balance*” recommendation. Rather it was so obviously the appropriate zoning that no further analysis was needed or undertaken.

Appendix 2 – Submitters in Opposition

55. The submitters in opposition to the PDP zonings are Debbie Duke (#124) and Jack Patterson (#341), who are immediate neighbours to the south and north respectively.
56. Debbie Duke acknowledges that she bought the house knowing that it was next door to the sawmill. She states that the mill was a basic mill operation when they purchased next to it, and that the noise and other effects were barely noticeable and acceptable. She claims that the mill has expanded, with a large sawdust conveyor, new kiln and new machinery added. She claims this has led to increased sawdust adjacent to her property and increased noise.
57. Jack Patterson outlines what he considers to be the history of the Mill Rd site, including the purchase by the Fisher family nine years prior to Jack moving next door. He stated that the operation under the Fishers had “minimal impact on the neighbouring properties and ground impact”. He then claims the operation has grown to become a “noise and air pollutant” and “more than just pallet making that we purchased next to”. He envisages some form of catastrophic event flowing from the site into the downstream residences.
58. In response we make the following comments:
- The sawmill and treatment plant are those that were originally consented in 1979. The capacity of these plants has not changed. There has been no expansion of the sawmill.
 - The sawdust conveyor Debbie refers to was a replacement of the original one that was at the end of its service life, not a new activity. We note that her submission states there has been increased sawdust

⁵³ S42A Report CMUZ & INZ, 3 May 2024 para 259-266

⁵⁴ S42A Report CMUZ & INZ, 3 May 2024 para 261

⁵⁵ S32 Report Commercial, Mixed Use, Industrial and Special Purpose Zones Chapters, Sept 2021 at 2.6.3

⁵⁶ S32 Report Commercial, Mixed Use, Industrial and Special Purpose Zones Chapters, Sept 2021 at 5.5.1 p 34

⁵⁷ S32 Report Commercial, Mixed Use, Industrial and Special Purpose Zones Chapters, Sept 2021 at 267-272

adjacent to her property (which is incorrect, the volume has not changed), not that they have experienced sawdust crossing the boundary into their property.

- The “new” kiln is a wood-fired kiln, utilising our own by-product and replaced a decommissioned diesel-fired kiln. It meets the ECAN requirements as a permitted activity.
- Monitoring by Marshall Day on behalf of WDC in 2019 showed that we were operating within the noise limit of our resource consent.
- Since that monitoring, we have installed further noise abatement on the southern side of the sawmill building nearest Debbie’s residence, which has further reduced the noise impact at the residential boundary. This was done as part of planned development and before we were made aware of the Marshall Day monitoring.
- More recently we have replaced the three jumpsaws that were in the vicinity of the residential boundary with a state-of-the-art optimiser that is quieter in its own right, enclosed within an integral sound shell and located more centrally on the site, so more distant from the residential boundary and Debbie’s house.
- AIS has always been a manufacturer of industrial packaging – pallets, crates boxes etc. We have undertaken that on site since we moved there in 2006. With that move we were able to supply part of our timber needs through the sawmill, as well as continue the treatment of timber, manufacture industrial packaging and the supply timber of and timber products and related hardware to the local market, as had been done on site from the original consent in 1979. Butter boxes and similar packaging were produced on site by the original operators.
- The fabrication of industrial packaging is light industry, with lower levels of noise and sawdust creation than the sawmill itself.
- The heavy industrial activities of the sawmill and treatment plant are legally consented and we operate within the conditions of our consent. These will remain on the Mill Rd site under the HIZ zoning.
- The packaging fabrication is light industry and if this is undertaken on the adjacent site under a LIZ zoning it will meet the zone requirements, and the noise levels at the boundary of the neighbouring residential zone as required.

59. Both Debbie and Jack bought next door to AIS at about the same time (Debbie circa 2012 and Jack circa 2013). Although AIS has grown since then, as any business must to be successful, the activities undertaken on site have not changed, and our environmental impact in terms of both noise and dust would have reduced considerably over that time, as we have introduced more modern machinery, facilities and equipment. We suggest that any impressions they have of increased noise and dust are perceptible and increased sensitivity rather than reality.

60. The reverse sensitivity issues evidenced by Debbie and Jack, who both bought in full knowledge of the operation of heavy industry on their boundary is exactly why we seek the greater visibility of industrial zoning going forward so that any future residential development around us has due regard to our operation.

Appendix Three - Panel Question to the s42A Officer

61. We note the Panel’s question and the Officer’s response, and make the following comments.

62. We were not aware of the Marshall Day monitoring when it occurred, and only became so when we received a copy of their report from WDC some 6 months after the monitoring occurred. It is obvious from the report that Marshall Day were unaware that our resource consent provided for 55dBA_{L10} “at the

nearest boundary". This has obviously affected the tone of their comments that we may be exceeding the plan noise limits. Despite that, they "...*(did) not consider this to be a significant issue at present*"⁵⁸.

63. In the period between the monitoring (which we were unaware of) and receiving the report we had independently installed further sound barriers on the southern wall of the sawmill which will have significantly reduced the noise levels at the residential boundary.
64. Our resource consent provides for the 55dBA_{L10} between 7:30 am and 5:30 pm Monday to Friday, and 7:30 to 12:30 Saturday (not 8:00-12:30 as stated in the Officer's response). Our standard operating hours are 8:00-5:00 Monday-Thursday and 8:00-2:30 Friday. In the lead-up to the Christmas shutdown we may extend these to 7:30-5:30, and 8:00-12:30 Saturday. However, the first half hour and last half hour of each day do not entail any sawmill operation due the set up and clean up requirements. As such, even if we operated a 7:00-6:00 day we would be within the PDP noise limits or operating within our resource consent at all times.

⁵⁸ Waimakariri District Plan Review – Noise Deliverable 2 – Noise Monitoring, Marshall Day Acoustics, 8 October 2019 at 4.3