

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the proposed Waimakariri District Plan

Hearing Stream 12C: Rezoning Large Lot Residential Zone

STATEMENT OF EVIDENCE OF STEPHANIE STYLES

FOR

DAIKEN NEW ZEALAND LTD

1 July 2024

Contents

1.0	SUMMARY	2
2.0	QUALIFICATIONS, EXPERTISE AND INVOLVEMENT	2
3.0	CODE OF CONDUCT	2
4.0	CONTEXT	2
5.0	HEARING STREAM 12C.....	3

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 12C in relation to Rezoning Large Lot Residential Zone. Subsequent planning evidence will be prepared for other hearing streams as required.
- 1.2 This evidence provides comment on the issue of appropriateness and reverse sensitivity in the context of the proposed rezoning of land to the east of Ashley Village.

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 proposed District Plan provides a Heavy Industrial zoning for the site, and this is one of only three such zoned areas in the District. That zone 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 Daiken site is currently surrounded in pastoral farming activity with scattered rural dwellings. Ashley Village lies to the west of the Daiken land with separation of nearly 1.5km between the factory and the nearest edge of the existing Settlement Zoning.
- 4.3 A submission on the proposed district plan was lodged by Alistair John Douglas Cameron (submission 180) seeking the rezoning of some 8ha of land on the eastern side of Ashley Village from Rural Lifestyle zone to Large Lot Residential zone¹.

5.0 HEARING STREAM 12C

- 5.1 One of the submission points within Daiken's submission² relates to hearing stream 12C and the submission from Mr Cameron. The Daiken submission point sought that the zoning of Ashley Village as notified be retained and not extended towards the Daiken site. The reporting officer in the original s42A report recommended that the rezoning be accepted in part, and the Daiken submission point be rejected³.
- 5.2 I note the requests of the Hearings Panel for additional information from the reporting officer in relation to the planning context and this request also included some queries that relate to the Ashley Village proposed rezoning. It would appear that as a result of responding to these questions, the reporting officer is now recommending that the rezoning be rejected⁴ in the absence of some key information (referred to as "conditions").
- 5.3 I have focussed my consideration in this evidence on the particular rezoning sought at Ashley Village and the issues of concern to my client.

Reverse sensitivity

- 5.4 Reverse sensitivity is a commonly understood term that has been used in resource management for many years and includes interpretation by the Environment Court:

Some lawfully existing activities may produce adverse effects on their surrounding environments, or at least they are perceived to do so. Reactions to those effects, or perceived effects, by way of complaints or actions in nuisance can stifle their growth

¹ With alternatives suggested in the submission that the land could otherwise be rezoned to Settlement Zone.

² Submission point 145.65

³ Section 42A report, paragraphs 310 and 311, page 64.

⁴ Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council, 27 June 2024, unnumbered page 25 responding to the Panel's question on Para 310.

or, in extreme cases, drive them elsewhere. That stifling, or that loss, may be locally, regionally or even nationally significant. If an activity likely to emit adverse effects seeks to come into a sensitive environment, the problem should be manageable by designing appropriate standards and conditions, or by refusing consent altogether. It is when sensitive activities (usually, but not always, residential activities) seek to establish within range of a lawfully established but effect-emitting activity that management may become difficult. This is the concept of reverse sensitivity...

Reverse sensitivity is the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for the land. The "sensitivity" is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as not to adversely affect the new activity.

It is well settled law now that reverse sensitivity is an adverse effect, and is therefore to be avoided, remedied or mitigated.⁵

- 5.5 It is important to note that reverse sensitivity is not just about an existing activity having actual effects on others, as that would require a resource consent (or be a breach of a consent). For example noise must meet permitted standards or obtain a resource consent to breach those standards (and then adhere to the levels provided by in the consent). Reverse sensitivity effects are largely about perception and the impact that permitted or consented activities are perceived to have on others. This turns to issues of character and amenity that are subjective in nature.
- 5.6 While the proposed rezoning is some distance away from the Daiken site and operations, it is close enough that, if the land is rezoned and developed, some people may consider themselves to be affected by the existing activity. Should this be the case, it could lead to ongoing issues for the existing, consented / permitted industrial activity. It would appear to me that even if Daiken continues to operate in their established manner and under their approved consents, there is an increased reverse sensitivity risk to their operation from a rezoning leading to an increase in residents in Ashley Village.
- 5.7 I consider it is appropriate that the Hearings Panel carefully consider the potential reverse sensitivity implications for the Daiken operation, and other surrounding rural land uses,

⁵ Ngatarawa Development Trust Limited v The Hastings District Council W017/2008 [2008] NZEnvC 100 (14 April 2008)

should this land be rezoned to provide for the development of an additional 70 residential properties (or more if no restriction on site area is applied).

National, Regional and District Policy Context

- 5.8 In addition to the reverse sensitivity matter, I also have some concerns regarding the application of the national, regional and district policy context to this site and proposed rezoning.
- 5.9 I have reviewed the reporting officer's response to the Panel's questions⁶ which has provided some more information on how he has considered and applied relevant national and regional policy. However, I remain unclear on how the national and regional policy context has been applied to the rezoning sought, both in the original s42A report and in the response to questions.
- 5.10 I note the conclusion reached in the reporting officer's response to questions⁷ in relation to the Rural Residential Development Strategy that:

Outside Greater Christchurch

Sites identified for proposed rezoning by submitters inside the Greater Christchurch Area in my opinion cannot be considered for rezoning as the Proposed Plan has to give effect to the RPS, unless the panel find that those rezonings do give effect to the relevant sections of the RPS (identified within the s42A). Those outside the Greater Christchurch Area are not subject to Policy 6.3.9, but are still required to be assessed against other provisions or the RPS and Proposed Plan.

- 5.11 It appears to me that this applies to the rezoning sought at Ashley Village (being outside Greater Christchurch) and I cannot see any assessment by the reporting officer of how the Ashley Village proposed rezoning has been assessed against the RPS. It does not appear from the officer's reports that consideration has been given to the appropriateness of this rezoning from a national, regional and district policy context and the focus has instead been on the effects of the proposal.

⁶ Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council, 27 June 2024

⁷ Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council, 27 June 2024, unnumbered seventh page in response to the Panel's question on Overarching / Para 195.

- 5.12 At a national level, the drivers for growth under the NPSUD⁸ seek to ensure that it is strategically located and well connected but most importantly that it fulfils a need. There does not appear to have been any consideration by the reporting officer of whether the proposal is consistent with the NPSUD or not. In some parts of the officer's report consideration is given to consistency with Policies 1, 6 and 8 of the NPSUD but this does not appear to have been applied to this present proposal for rezoning. It is also unclear on how the SETZ zone is considered to fit in the NPSUD framework, with considerable assessment given of the LLRZ zone but none to the SETZ zone despite that being what the officer seems to be leaning towards for that site. I consider that the SETZ is more aligned with urban activity given the anticipated lower lot sizes and greater building intensity.
- 5.13 Another key piece of national direction is the NPSHPL⁹ which is relevant to the conversion of rural land to urban uses. The site proposed is currently zoned RLZ and the submission sought LLRZ, however the officer is recommending SETZ. The land has a LUC Class 3 rating and thus is considered to be highly productive land. Despite the land under the operative District Plan being able to be subdivided to 4ha sites, it is presently used for rural productive activity and converting it to a SETZ zoning will lead to the loss of this section of land from future productive use. Given the ability in Waimakariri District to convert land from rural to urban zoning within the Greater Christchurch area (where there is an expectation of urban zoning being focussed), I question whether the loss of this section of productive land is necessary for the growth of the district. This issue does not appear to have been covered in the assessments undertaken by the reporting officer.
- 5.14 The NPSUD direction does (or should) flow through at a regional and district level in the development of future development strategies. The Greater Christchurch Spatial Plan 2024 (which acts as a future development strategy) envisages a spatial approach to accommodate 1 million people and where growth should be focussed to achieve this at a sub-regional level. Ashley Village is not included in this spatial plan as being an area for urban growth as it is outside the area defined as Greater Christchurch. Due to this it needs to be carefully considered whether there is any necessity for conversion of rural land to 'urban land'¹⁰ in this location. While the Greater Christchurch Spatial Plan does

⁸ National Policy Statement for Urban Development, May 2022

⁹ National Policy Statement on Highly Productive Land September 2022

¹⁰ Section 42A report, paragraphs 64-71, pages 10-11.

provide direction for greenfield development¹¹ this does not appear to have been considered by the reporting officer or applied to the site proposed for rezoning.

- 5.15 The CRPS¹² also provides direction on growth for the Canterbury Region with the focus in the wider region (beyond Greater Christchurch) being on creating limited rural residential development, sustainable development patterns and consolidation around existing urban areas (objective 5.2.1 and policy 5.3.1). While by definition the present Ashley Village provides for some urban uses, rather than being rural land, I am less convinced that growing this village is what is intended to achieve consolidation of urban areas. I also note that the methods for implementing policy 5.3.1 state:

*Set out objectives, and policies, and may include methods in district plans which establish an approach for the integrated management of urban and zoned rural residential development with the primary focus of ensuring consolidated, well-designed and more sustainable urban patterns including the avoidance, remediation or mitigation of reverse sensitivity effects.*¹³ [emphasis added]

- 5.16 At a District level, the Waimakariri District Council produced a District Development Strategy in 2018 to guide growth and development for the District towards 2048. In relation to small settlements, the direction intended was to “*Retain the character of the District’s existing small settlements*”¹⁴. Ashley Village was not indicated at that time as being suitable for growth. Implementation of the District Development Strategy in relation to residential growth and rural residential development was proposed to be through a review of the Rural Residential Development Strategy and the District Plan review¹⁵.
- 5.17 Subsequent to this, the Rural Residential Development Strategy 2019 (RRDS) was produced with the intent of the strategy being to provide a decision-making framework to drive the future of rural residential zones and help inform the review of the District Plan. The strategy provided analysis of the Ashley / Loburn area and determined that the appropriate pattern for growth is “*to the east of Loburn Lea and to the north of Ashley village*”¹⁶ as shown below:

¹¹ Greater Christchurch Spatial Plan 2024, page 66.

¹² Canterbury Regional Policy Statement, July 2021

¹³ Canterbury Regional Policy Statement, method 2, policy 5.3.1, page 49.

¹⁴ Waimakariri 2048 District Development Strategy, July 2018, section 2.5, page 20.

¹⁵ Waimakariri 2048 District Development Strategy, July 2018, part 3, page 49.

¹⁶ Rural Residential Development Strategy 2019, Part 2- Directions for Growth, section 3, pages 17-18.

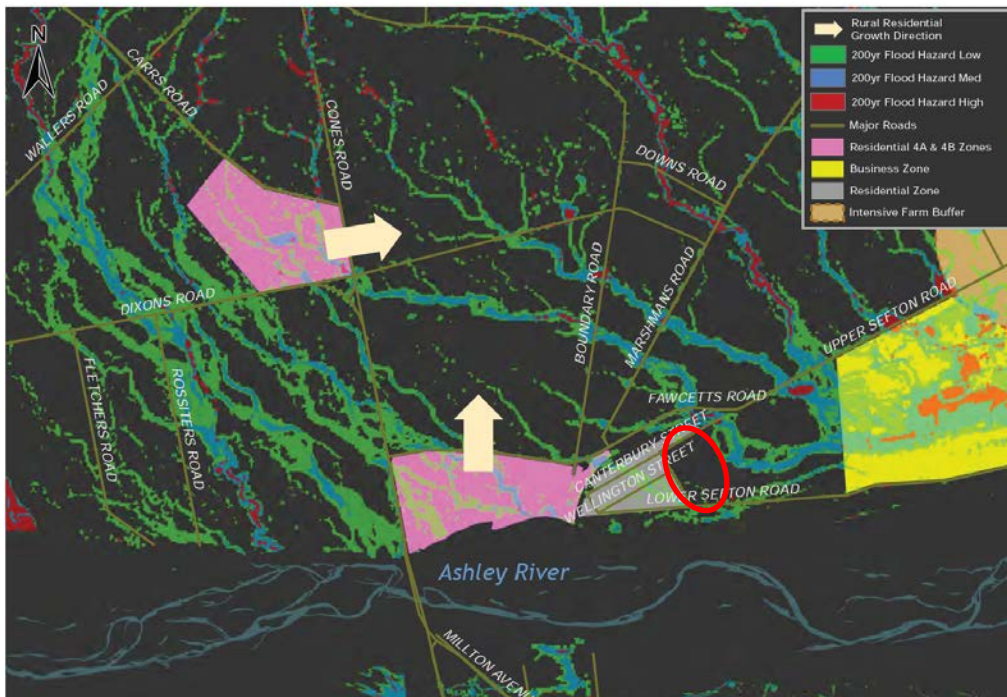


Figure 8: Ashley / Loburn rural residential growth directions

Figure 1: RRDS anticipated growth patterns [location of proposed rezoning indicated by red oval]

- 5.18 I understand that some of the constraints identified at that time may have changed however I am unaware of any overall change in direction for growth at a strategic level. Again I am unable to identify any assessment of this policy direction in the officer's reports. I am interested to understand how this land was not considered to be suitable for rural residential development at the time of the strategy but is now considered by the reporting officer to be generally suitable (if 'conditions' are met), despite no clear assessment of the issue of appropriateness under the RRDS.
- 5.19 In considering the submission seeking rezoning adjacent to Ashley Village, and the general support from the reporting officer, I request that the Hearings Panel consider carefully the implications of additional urban zoning in a rural context. I consider that it is important that the Panel is satisfied that this rezoning is appropriate and necessary under the relevant national, regional and district policy direction.
- 5.20 The key concern from Daiken's perspective, as expressed in their submission seeking to retain the notified zoning for Ashley Village, is the potential for additional residential development in Ashley Village. Such residential activity, especially in the area closer to the Daiken site, could lead to an increase in reverse sensitivity effects. The reporting officer has touched on this but has focussed on separation distance and for some reason has only considered noise and amenity issues.

Associated matters

- 5.21 Despite the primary relief sought in the submission being rezoning to Large Lot Residential zone, the reporting officer has focussed his assessment on the land being rezoned as Settlement Zone. He has then assumed minimum 800m² sites (despite the minimum lot size for the SETZ being 600m²). In providing an initial recommendation that the rezoning be accepted, the reporting officer does not appear to have recommended a change to the minimum lot area that would otherwise apply to the zone. The original assessment appears to allow up to 94 residential allotments under a SETZ zone subject to some 'conditions' being met.
- 5.22 Further the reporting officer states that there are "*sufficient positives associated with the rezoning*" but does not appear to identify what those positives are. Indeed a range of concerns are raised about inadequate information being available and matters ('conditions') remaining to be resolved. This led to an initial recommendation that the submission be accepted in part and a changed recommendation to rejecting the submission until the 'conditions' are met. I am concerned that this brief assessment has not been comprehensive or sufficiently justified a change to LLRZ, let alone SETZ.

Stephanie Styles