

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
WAIMAKARIRI DISTRICT COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on the Proposed Waimakariri
District Plan (**PWDP** or **the Proposed Plan**)

AND

IN THE MATTER OF

Submissions and Further Submissions on the
Proposed Waimakariri District Plan by
SOUTHERN CAPITAL LTD

AND

IN THE MATTER OF

Hearing of submissions relating to
INDUSTRIAL REZONINGS STREAM 12A

**EVIDENCE OF CLAIRE MCKEEVER FOR SOUTHERN CAPITAL LTD
(SUBMISSION #131)**

Dated: 20 MAY 2024

INTRODUCTION

- 1 My name is Claire Andrea McKeever.
- 2 I hold a Bachelor of Surveying with Honours from Otago University and I have 23 years experience in land development in both surveying and planning disciplines. I have had 17 years of experience working in Resource Management (as a Planner) in both local government and private consultancy (since 2006).
- 3 I am a full Member of the New Zealand Planning Institute.
- 4 I have been an Associate at Eliot Sinclair Limited since 2019 and currently hold the position of Principal since 2023.
- 5 My expertise relates primarily to land development Resource Management for subdivision, rezoning and land use contexts across the Greater Christchurch and wider Canterbury region. Recently (in 2023) I presented evidence and attended hearings before the Independent Hearing Panel for the Proposed Selwyn District Plan. This will be the first hearing requiring my attendance for the Proposed Waimakariri District Plan (PWDP). More recently I have attended and participated in Expert conferencing and Joint Witness Statements in relation to Hearing Stream 10A for the PWDP, a Joint Witness Statement in relation to Stream 12A relating to Rezoning in Oxford, and I have provided correspondence comments to Council's reporting Planner on the Hearing Stream 9A in relation the LIZ s.42A report.
- 6 I have written and been involved in various resource consent applications in the Waimakariri District since 2012, including in relation to the Land Use Recovery Plan (LURP) rezoning of residential land in Rangiora under Canterbury Earthquake legislation.
- 7 I also have a small amount of experience (in early – mid 2023) engaged as a Consultant processing subdivision resource consent applications on behalf of Waimakariri District Council's District Plan Implementation (Consents) Team to assist with Council workload at that time.
- 8 I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

SCOPE OF EVIDENCE

9 In my evidence I address the following issue:

- (a) The 3 May 2024 S42A Report relating to the Commercial and Industrial rezonings Hearing Stream 12A, recommendation to reject the rezoning submission.

CONTEXT

10 This evidence is provided on behalf of Southern Capital Ltd [submission #131] to support their submission that requested Light Industrial Zone (LIZ) for their site at 726, 732, 734 Main North Road, Kaiapoi.

11 The site consists of three parcels of land being Lot 1 DP 342061, with an area of 4569m²; Lot 1 DP 23217 with an area of 2491m²; and Lot 2 DP 342061 with an area of 2890m², giving a total land area of 9,950m² for the site which is currently zoned as Rural in the Operative Waimakariri District Plan.

12 The site is located adjoining State Highway 1 (Main North Road), the Pines Holiday Park, a tavern, quarrying activities and adjacent to land that is designated for the future Woodend State Highway 1 bypass as shown in Figure 2 below.



Figure 2: Location of Site, North Kaiapoi, located between SH1 and Potential future Woodend Bypass designations

- 13 In conjunction with my Eliot Sinclair colleagues, I was involved with the preparation of the technical planning report submission to support the Southern Capital Ltd Rezoning submission to request Light Industrial Zone (LIZ) S.32AA lodged with WDC in November 2021 (submission #131) and further submission in November 2022 (FS#53).
- 14 I have prepared this evidence in relation to the s.42A Report recommendation for Industrial rezoning Hearings, dated 3 May by Mr Andrew Willis.
- 15 The Southern Capital property, as notified by the Proposed Waimakariri District Plan (PWDP), is proposed to be Rural Lifestyle Zone (RLZ). No changes were proposed by Council with the notification of Variation 1 in respect of the submission site.
- 16 This evidence is prepared in relation to matters that remain in contention between the submitter and Council with respect to the s.S42A rezoning recommendation.
- 17 In preparing this statement of evidence I have reviewed the following documents:
- The s.42A report for Hearing Stream 12A: Commercial and Industrial Rezonings prepared by Mr Andrew Willis dated 3 May 2024;
 - The s.42A report prepared for Hearing Stream 9A: Industrial Zones by Mr Andrew Willis dated 13 March 2024;
 - The Right of Reply on the Industrial Zone Chapters for Hearing Stream 9A by Mr Willis dated 6 May 2023
 - The Council Officer's Preliminary response to Written Questions on the Industrial Zones on behalf of Waimakariri District Council dated 12 April 2024;
 - Section 32 Report Commercial, Mixed Use, Industrial and Special Purpose Zones 18 September 2021.
 - The S.42A report for Hearing Stream 6: Rural Zones & Appendix A Recommended Amendments to Rural Chapters prepared by Mr Mark Buckley dated 8 September 2023,
- 18 I have used the following abbreviations:
- SCL (being Southern Capital Limited the submitter)
 - The Panel (being the Independent Hearing Panel)
 - The Council (being Waimakariri District Council)
 - PDP (being the Proposed District Plan)
 - RLZ (being the Rural Lifestyle Zone)
 - LIZ (being the Light Industrial Zone)
 - The original submission (being submission #131 dated 21 November 2021)

- CRPS (being the Canterbury Regional Policy Statement)
- NPS- HPL (being the National Policy Statement for Highly Productive Land)
- NPS- UD (being the National Policy Statement for Urban Development)

THE PROPOSAL ENVIRONMENT

Site location and context

- 19 The submission site is 726, 732 and 734 Main North Road, Kaiapoi and consists of 3 parcels of land with an area totalling 9,950m².
- 20 The site obtains access from the Williams Street extension and not directly from Main North Road (SH1) as shown below in Figure 3.



Figure 3: Location of Site: Sourced from Google Maps

- 21 The site remains unchanged from the time of the original submission. The site has a garage building toward the rear of the site and is otherwise vacant, is covered in gravel hardfill, is serviced onsite for wastewater and stormwater disposal and the use of the site can operate under an existing resource consent for retail (hire) activities (a resource consent that was issued in 2008 on a notified basis).
- 22 As noted in the submission, the review of the Council property file indicates that the site has not been used for productive rural activities since the 1970's, some 54 years ago.
- 23 As shown in Figures 2 & 3 above, the site is located adjoining the Pines Holiday Park, tavern, settlement ponds and quarrying activities. While the site is located at the Northernmost end

of Kaiapoi, it is separated from surrounding residential and rural activities by designations to Waka Kotahi for the current SH1 location (NZTA – 1) and the designation for the future Woodend Bypass (NZTA – 3). Site access is from a side access of Main North Road (an extension of Williams Street) and is not accessed directly from SH1.

Strategic context

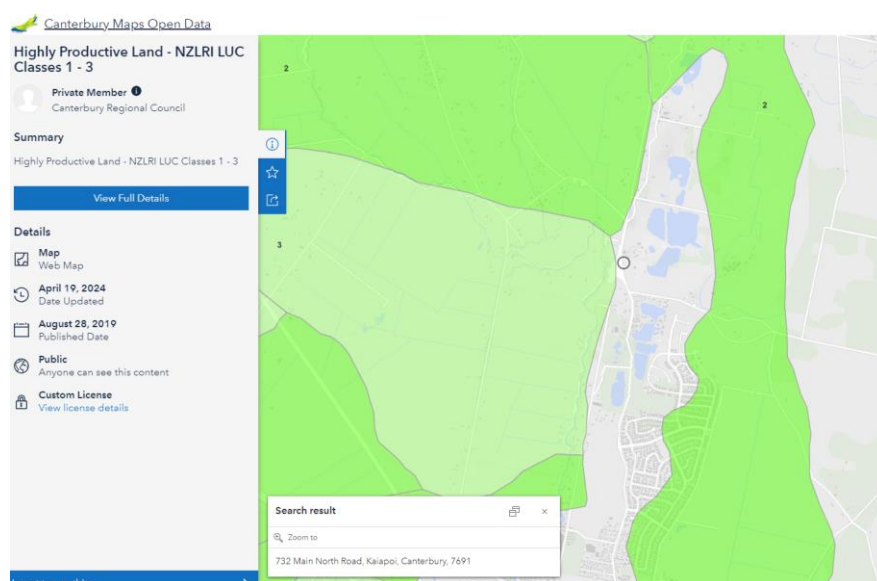
24 The strategic context remains unchanged from that assessed in the Submission report. The submission included a s.32AA assessment of the option to rezone the site as requested by the submission to LIZ and the alternate option (as proposed by Council) the status quo, to retain the proposed RLZ.

Clarification: No proposed changes to the submission

25 There are no specific changes proposed to submission #131 that have been lodged on behalf of SCL.

26 No further submissions were received either supporting or opposing SCL's original submission requesting rezoning.

27 For completeness, I note that since the submission was lodged in 2021, the NPS-HPL came into force to protect productive soils from development. Canterbury Maps shows the site as white (unclassified)¹ in Figure 2 below, meaning that it is not considered to have highly productive soils (which are specified as being Land Use Classification 1 – 3 (LUC1-3)). I consider that NPS – HPL is therefore not a relevant consideration for the site.



¹ <https://opendata.canterburymaps.govt.nz/maps/ecan::highly-productive-land-nzlr-luc-classes-1-3/explore>

Figure 2: Canterbury Maps Circled area of site is unclassified in relation to LUC 1-3.

- 28 Further, I note that NPS-HPL states that it does not apply to land that is notified by Council to be zoned as Rural Lifestyle zone, (regardless of LUC classification). Given Council's proposed zoning of the site as RLZ, NPS-HPL does not apply and therefore does not prevent the rezoning of the site for urban purposes.

MATTERS RAISED IN SECTION 42A REPORT

Recommendation by Section 42A Report Industrial Rezoning May 2023 by Mr A. Willis

(Assessment 3.9.2; pages 29 -31)

- 29 The s.42A report Mr Willis has assessed the submission against the framework that was identified in the s.32 report for PDP re-zoning of commercial and industrial sites; has considered NPS-UD Policy 8 with particular regard for significant development capacity and has given careful consideration to the planning framework in the Canterbury Regional Policy Statement (CRPS) with regard to the site.
- 30 Mr Willis's conclusion, *on balance*, recommends the Panel reject the submission request on the basis that Mr Willis would *prefer to not create a small spot zone for these relatively isolated and already consented activities. and, consider that the resource consent pathway is an appropriate pathway for such activities to establish and evolve.*
- 31 Mr Willis concludes his assessment noting that *the Hearing Panel may well come to a different decision on this matter in light of the evidence presented.*
- 32 It appears that Mr Willis and I agree that:
- NPS – HPL does not apply to the site.
 - That the site is outside of the existing Urban Area, Greenfield Priority areas and Future Development Areas for Kaiapoi and Woodend identified by Map A of the CRPS and the "Growth Areas" identified by the recent Greater Christchurch Spatial Plan.
 - That the proposed site rezoning does not fully satisfy the Policy 8 test of the NPS-UD given the rezoning does not add *significantly to development capacity due to its size and because the site is already in industrial use.*
 - We both consider the site is located within the 'Urban Environment' (under the NPS-UD) given its close proximity to Kaiapoi, that the site is already being used for urban activities and, that the rezoning can contribute to a well-functioning environment given the site location.

- That we agree that despite the above, the rezoning has merit on the basis that the Submission demonstrates that it is not seeking approval for a new urban area, rather it seeks recognition of existing consented activities.
- In this regard, I confirm that I agree with Mr Willis' comment² that the rezoning of the site would be *less significant than rezoning an entirely new Greenfield area to an urban use*.
- We also agree that the initial S.32 PDP rezoning criteria are useful when considering the merits of a rezoning proposal using an overall judgement approach. The agreed criteria considered by both the submission and the S.42A report are shown below in **bold**³
 - 1. The existing zone clearly does not provide for / match the existing activity;**
 - 2. The new zone better recognizes existing activities and provides for future growth, whilst maintaining acceptable amenity at site boundaries;**
 3. There is adequate separation between land uses (especially for residential / rural interfacing with heavy industrial);
 4. The zone change is consistent with the objective and policies of the proposed zone. This applies to the zone, and zone boundary (interface effects and controls);
 5. *The existing activities are significant in scale (considering the physical extent of the activity and number of separate activities);*
 - 6. The existing activities are well established and are unlikely to change in the medium term;**
 7. The new zone is consistent with the centres-based hierarchy approach
 8. The new zone provides significant development opportunities (e.g. it is greenfield land with good transport links and visibility) for large formal retail activities that are in demand, but currently have limited ability to establish;
 9. *The zone boundaries are defensible (e.g. they follow geographic features such as roads, or align with existing zone boundaries);*
 10. *Zoning is not determined by existing resource consents and existing use rights, but these should be taken into account,*

² At 131. page 30 of the s.42A report

³ with the particular criteria that s.42A report has specifically commented further on shown in *italics*;

11. *Spot zoning should be avoided unless it is clearly the best option given the above criteria*, and

12. Stakeholder requests

33 I note that in relation to the above Framework Criteria there are a number of criteria which were not commented on by the original submission, which, having read Mr Willis' s.42A recommendation, I consider the submitter position should be clarified for the Panel and further comment made.

34 I note neither of us have commented on Criteria 12 Stakeholder requests. I consider that means we agree that criteria 12 is not as relevant as the other criteria for consideration for this site rezoning.

35 When considering an overall balance of judgment, the area of disagreement between the submitter and Council appears to be finely balanced, coming down to whether or not *a spot zoning is the best option given the above criteria* or alternatively whether it *should be avoided* (under Criteria 11). The overall outcome is the extent to which it is (or isn't) appropriate for resource consents to continue to be used to manage site activities (in the RLZ) into the future. Mr Willis considers the consent pathway is the most appropriate while not agreeing to spot zoning, while I consider the resource consent pathway is not the most appropriate, favouring the spot zone in this particular instance.

36 I therefore agree with Mr Willis's closing comments that the Hearing Panel may decide a different outcome on this submission given the evidence for the site and I would like to take the opportunity to encourage the Panel undertake a site visit during deliberations.

37 The matters listed in criteria above that I would like to provide further comment on are as follows:

- Significant development opportunity (Criteria 5, 7 & 8)
- Separation between land uses, amenity at boundaries and interface effects and controls (Criteria 2, 3, 4 and 9)
- Existing resource consent (Criteria 10)
- Resource consent pathway for activities to establish and evolve. (RLZ v LIZ)

Significant Development Opportunity (Criteria 5, 7 & 8)

- 38 I confirm we agree that the existing site activities are not significant in scale, particularly considering that the physical extent of the activity is limited to one activity at a time within the site, based on the existing resource consent from 2008 and earlier (criteria 5).
- 39 Further, the site does not provide for 'significant development opportunities', as it is not 'Greenfield' nor intended to accommodate 'large format retail activities' as anticipated by criteria 8.
- 40 Given both of the above, it is not surprising that the site is not entirely consistent with the 'centres-based hierarchy approach' mentioned by criteria 7. The centres-based hierarchy is set out in Chapter 6 of the CRPS for Key Activity Centres which was inserted in 2013 (post-Canterbury earthquakes) to ensure that business related activities were appropriately located at identified locations, to direct new commercial activities to business zones as focal points for commercial, community and service activities. However, the site's existing and consented activities all predated this 2013 change to the CRPS. Given this, the use of the site is not intended to, nor has ever been intended, to promote a 'new' business centre, or provide 'significant development opportunities' that could otherwise detract from the hierarchy of Key Activity Centres elsewhere in the District such as in Kaiapoi, Woodend, Ravenswood or Rangiora.
- 41 Given this, I agree with Mr Willis' assessment that the rezoning of this site outside of the urban areas in the CRPS Map A is less significant than rezoning an entirely new greenfield area to an urban use. I would go further to say that the limited size, scale and specific location of the site for its existing (and potential future activities) if rezoned is unlikely to detract from urban areas shown in CRPS Map A, given the site was used for these activities before Map A (and chapter 6 of the RPS) existed.

Separation of Land Use, Amenity, interface effects and controls (Criteria 2, 3, 4 & 9)

- 42 There is no doubt the LIZ zone would better recognize the use of the site for existing activities (under criteria 2) than the RLZ, which anticipates a minimum site size of 4ha and does not anticipate sites less than a quarter of the minimum size at 9,950m².
- 43 Amenity effects, site interface to other zones and separation of land uses (ie reverse sensitivity) effects are interlinked and related matters that will have previously been considered by the Council and the community for the site through the notified resource consent process when the most recent consented activity onsite was established. Given the passage of time since 2008, the use of the site and its activities have become part of the

consented environment. While the site is currently consented for a particular use, the site has previously been used for a petrol station which likely included retail and workshop activities. The location of the activity adjoining both the State Highway for access, adjoining holiday park accommodation and its existing separation from rural uses to the west would have been considered and must have been considered appropriate in regard to amenity, interface and reverse sensitivity related effects for consent to have been successfully granted.

- 44 I note from Figure 3 that there is vegetation on the northern boundary of the site, and fronting the western and southern boundaries is not landscaped or screened at all, which implies that the effects of the consented activity on the surrounding environment in respect of amenity, interface and edge effects related to the use, must have been considered to be acceptable.
- 45 In addition, to this, the site as it currently stands does not contribute a rural character or rural amenity to the immediate environment surrounding it.
- 46 In regard to Criteria 9 and whether the zone boundary would be defensible, I consider that Figure 3 above clearly shows the site is already bordered by roading features and Figure 2 shows that the proposed⁴ Woodend Bypass for the State Highway will heighten the dominance of adjoining road layouts to reinforce this edge.
- 47 Further to these observations, the Proposed District Plan review is a publicly notified process, where a submitter is able to take the opportunity to request an alternate zone to better accommodate existing site activities, and; further submissions may also be made by the community to voice any concerns they may have with that submission request. The submission request for LIZ zone in preference to RLZ for this site has not attracted any opposing or supporting further submissions from either Waka Kotahi or adjoining landowners. Nor have there been any adjoining submitters from other sites seeking to rezone their land nearby.
- 48 Overall in regard to criteria 2, 3 and 4, I consider the site has already been considered for amenity and interface related effects for the consented activity a number of years ago, which now form part of the existing environment as the site is now. In relation to rezoning the site to a zone that more accurately describes the site activity, which is not 'rural' and is not 'lifestyle'

⁴ The Woodend bypass is subject to Government discretion and currently not identified in the Roads of National Significance project list, however the designation is still proposed to be included in the PDP which will outlast the term of the current Government.

the rezoning itself I consider to be of low risk in respect of potential edge effects related to LIZ zone permitted activities.

- 49 In respect of criteria 9 for a defensible zone boundary I consider that the unique location of the site and dominance of roading activities (both existing and proposed) will enable the site to have a suitable zone boundary that follows the geographic road edge.

Existing Consent (Criteria 10)

- 50 In regard to Criteria 10, *that zoning is not determined by resource consents..., but that these should be taken into account*, I consider that Council and I have both taken the existing consent into account, however have come to different conclusions on the basis of the weight we have each given to it.

- 51 As discussed above, I consider that the notified consent process from 2008 considered the industrial use, the amenity, rural character and edge related effects as part of that consent process for the rural zone. I have no doubt that the notified consent process was robust and with the passage of 15-16 years of time, I consider that the use of the site has become part of the consented environment, noting that this is the first subsequent opportunity for the landowner to reasonably be able to request a zone change.

- 52 I also note that the use of the site prior to 2008, whether they were under existing use provisions or provided for by other resource consents, also stretch back to the 1970s. Given the lack of further submissions to this rezoning request, it appears that the community accepts the site industrial use that they have more recently been used to as part of the current environment.

- 53 Therefore I have given more weight to the consideration of continuing to use the site for industrial purposes based on its recent consent history, and I consider that weighting to be appropriate in conjunction with consideration of the rest of the applicable criteria.

Resource consent pathway

- 54 Given the use of the site is already established, the submission has sought the change to LIZ for the site in order to avoid the need for ongoing applications for resource consent with each change of tenant or lease where the activity is different, or requires different consent conditions to apply (such as hours of operation or staff). The District Plan Review process is the opportune (and most cost effective time) to request such a change, given the small scale of the site and potential activities that could seek to establish.

- 55 The Light Industrial zone has been requested because it is most closely related to existing and consented activities. I note it is the objective and policy framework where most of the distinction lies in respect of Light industrial versus General Industrial zone activities. The submitter does not seek for the more 'heavy' type industrial activities to apply to the site and has given feedback on this matter to Council in respect of another submission's request to remove Light Industrial Zone from the PWDP altogether⁵.
- 56 Conversely, the Council's recommendation to reject the submission and leave the site as the proposed Rural Lifestyle Zone does not take account of the likely ongoing administration and cost to a landowner or tenant that this might represent, nor the inefficiency of District Plan administration in the wider context. In particular, the types of activities that have been consented on the site in the past would be considered "Industrial" or "Retail" (depending on definitions) and would start at either Discretionary for the former or Non-complying for the latter.
- 57 A residential unit, for example in the RLZ (if retained by the by the Panel for the site), would not be permitted, not only due to the size of the existing land parcels being less than 4Ha at 9,965m² but also because the title dates do not meet the legacy criteria proposed in the PWDP because they were not created between 1 October 1991 and 24 February 2001. In this regard, a proposed residential unit on the property would require a resource consent and fall to be a Discretionary activity (RLZ-R3) even before the built form standards apply.
- 58 In regard to other Rural Lifestyle zone activities, I note that a primary production activity would be permitted (RLZ – R2) as would a residential activity (RLZ – R5)⁶, however, the following activities would not be permitted primarily because they rely on a residential unit, living on the site, or because they limit the production and retail scale for the type of the activity, or simply the size of the site could not accommodate the activity;
- Residential Unit (RLZ-R3 non-complying)
 - Minor Residential Unit (RLZ-R4 non-complying)
 - Visitor Accommodation (RLZ- R7 discretionary)
 - Home Based Business (RLZ – R8 discretionary)
 - Rural Industry (RLZ-R11 discretionary)
 - Farm Quarry (RLZ-R12 discretionary)

⁵ Referred to in s.42A recommendation report for Hearing Stream 9A, also recommended by Mr Willis

⁶ Noting that a Residential unit itself is not permitted.

- 59 The submitter has no intention of undertaking recreation, conservation, rural tourism or free range poultry farming activities that would be permitted by the RLZ.
- 60 This leaves the submitter in the position of the uncertainty of needing a resource consent for activities for the site which will be assessed under the RLZ rules, guided by the Objectives and Policies of the Rural zone and RLZ which do not provide any support for recognition of the current site consented activities.
- 61 In particular, **Objective RURZ-O2 Activities in Rural Zones** states:
Rural Zones support primary production activities, activities which directly support primary production, and activities with a functional need to be located within Rural Zones.
- 62 The site is not used for, nor currently capable of, providing for primary production activities. Further, the activities the site provided for are not currently limited to only those that support primary production. It is the convenient site location and ease of accessibility that has, over time, created a functional need for the previous activities to seek consent to be located onsite.
- 63 Rural Policies **RURZ-P2 Rural Land** and **RURZ – P6 Industrial Activity**⁷ in conjunction with the specific **Objectives and Policies for the RLZ** are attached in full in Appendix A below. These clearly do not support the site when considered in light of the expectation that the RLZ activities are intended to be reliant on the primary production capability and natural and physical resources from the rural environment. The RLZ objective and policies expect that activities maintain a rural character, openness, fencing and domestic planting suited to a recognition of the majority of the zone that enables some production and lifestyle choice of living. This site in its current form clearly does not contribute to rural character in the way that the rest of the zone would be expected to under this proposed framework.
- 64 The assessment in the s.42A report for Stream 6 Rural Chapter recommendation by Mr Mark Buckley, in relation to a suite of submissions requesting changes to the RLZ zone provisions, notes⁸ that: *While some industrial activities can only be located within rural environments, most industrial activities are a Discretionary Activity within the RLZ area. Policy provisions are worded around supporting land use activities associated with primary production and those activities that have a functional need to be within the rural zones (RURZ-O2) and activities that are reliant on the natural and physical resources (RLZ-P1(3)). As well as being a discretionary activity any industrial building would need to be meet a GFA of 550m², otherwise they would*

⁷ As specified in Appendix A from S.42A Hearing Stream 6 Rural Zone Chapter Report

⁸ 520. page 73 s.42A

be a restricted discretionary activity and would be assessed against RURZ-MD3 Character and amenity values.

- 65 Noting all of the above, I consider it would be difficult to demonstrate existing or past activities for the site to be consistent with proposed RLZ objectives and policies for any future resource consent purposes.
- 66 Conversely, the most recent version of proposed LIZ rules⁹ would permit the following activities on the site (that have previously existed or there has been interest from potential tenants for) if the submitter's relief were to be granted:
- Industrial activity (LIZ-R2)
 - Trade Supplier (LIZ-R3)
 - Yard-based Activity (LIZ-R4)
 - Service Station (LIZ-R6)
 - Parking Lots and Parking buildings (LIZ- R9)
- 67 Other activities that would be permitted in the LIZ but have not been previously considered in respect of the site are; Community Corrections activity, Emergency Service facility, Food and Beverage outlets, ancillary retail activity, ancillary office, funeral related services and facilities, trade and industry training facility and recreation activities. Whether or not these activities would be suitable permitted activities for the site would relate to the application of LIZ built form standards, to determine whether other resource consent may be needed.
- 68 Noting the concern raised by Mr Willis¹⁰ in relation to consented activities becoming permitted if relief is granted, and the potential for existing consent conditions to be set aside such that this could lead to the potential for additional adverse effects that could occur on the site, I consider that additional effects to be 'adverse' would be a low risk if similar activities (such as yard or trade based activities) were to establish.
- 69 However, if a new activity were to establish on the site that it has not been previously used for, (such as those listed in 67. above), then the new activity would be expected to comply with all of the built form standards for the Light Industrial zone. It may be that a resource consent may still be required even if the activity is permitted. In such cases those potential effects would be considered via the consent process, which is appropriate.

⁹ As specified in Appendix A of s.42A Hearing Stream 9A Industrial Zone Chapter Report

¹⁰ Section 134. on page 31 of s.42A Report

70 I have reviewed the objectives and policies proposed of the Industrial zone Chapter¹¹, and those proposed by the PDP as notified were fully assessed in Appendix D of the original submission and I consider the existing and potential activities suitable for the site would more easily be able to demonstrate consistency with them, rather than those of the Rural Lifestyle Zone should any new activity seek to establish on the site.

KEY ISSUES AND SUMMARY OF CONCLUSIONS

71 Overall, given all of the above, I consider that given the unique context, size and location of the site, while taking into account the existing resource consents and past site uses, the 'spot zoning' is clearly the best option in this instance when considering Criteria 11.

72 I do not consider rezoning in this instance would lead to the potential for precedent for other sites in the District. This site is distinctly unique as it has been demonstrated as being able to fit Criteria 1, 2, 3, 4, 5, 6, 9, 10 and 11.

73 I therefore consider that it is the most efficient and appropriate option as it will lead to simpler and more cost effective District Plan administration for both Council and the landowner into the future.

74 Overall, I consider that the Panel will be suitably able to see the merits of the submission to support and recommend approval of the proposed Light Industrial zoning for the site.

75 Thank you for the opportunity to present my evidence.

Claire McKeever



Date: 20 May 2024

¹¹ As updated and specified in Appendix A of s.42A Hearing Stream 9A Industrial Zone Chapter Report

APPENDIX A:

**RURAL ZONE PROPOSED RURAL POLICIES¹² AND RURAL LIFESTYLE
INTRODUCTION OBJECTIVES AND POLICIES SOURCED FROM APPENDIX A S.42
STREAM 6 RURAL CHAPTER**

¹² With emphasis added in italics

Policy RURZ-P2 Rural land

Maintain the availability and life supporting capacity of land in recognition of its importance for undertaking primary production, and to maintain or enhance natural environment values in Rural Zones, including by:

1. ~~providing~~ enabling for primary production activities;
2. ~~providing~~ enabling for those activities that directly support primary production, or those activities with a functional need to be located within Rural Zones, where:
 - a. adverse effects on versatile soils and highly productive land are minimised;
 - b. the amenity values and character of Rural Zones are maintained; and
 - c. to the extent practicable, adverse effects are internalised within the site where an activity is being undertaken.
3. ensuring subdivision and subsequent development is managed so that it does not foreclose the ability for rural land to be utilised for primary production activities including not diminishing the potential for rural land to meet the reasonably foreseeable needs of future generations.

Policy RURZ-P6 Industrial activity

In relation to industrial activity:

1. provide for rural industry where the scale of the activity is compatible with the character and amenity values of the rural zone;
2. limit the establishment of industrial activity (other than rural industry) to circumstances where:
 - a. there is no reasonable and available site for the activity within any Industrial Zones;
 - b. amenity values and character of the Rural Zones can be maintained;
 - c. the scale of the industrial activity is such that it will not affect the availability of highly productive land within the zone to be used for primary production, to the extent that the productive potential of rural land to meet the reasonably foreseeable needs to future generations is undermined; and
 - d. the nature, scale and degree of permanent changes that will occur on the land and soil resources on the site where the activity is located is minimised.
3. ensure that any rural industry or other industrial activity does not limit or constrain the operation of any existing primary production activity in the zone, and does not have adverse effects on any sensitive activity;
4. provide for existing large-scale industrial activities outside of urban environments where these are well established and have been in continuous industrial use, in order to recognise their existing environmental effects; and
5. to the extent practicable, manage adverse effects of rural industry or other industrial activity so that they are internalised within the site and any adverse effects not internalised are minimised.

Rural Lifestyle Zone

Introduction

The *purpose of the Rural Lifestyle Zone is to provide for primary productive activities, those activities that support rural activities and those that rely on the natural resources that exist in the zone*, while recognising that the predominant character is derived from smaller sites.

The Rural Lifestyle Zone, focused in the east of the District, recognises that this area comprises the densest residential unit and development site pattern in the rural areas of the District. This rural area is defined by its fine grained pattern of development and human induced characteristics.

The provisions in this chapter are consistent with the matters in Part 2 – District Wide Matters – Strategic Directions and give effect to matters in Part 2 – District Wide Matters – Urban Form and Development.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

Objectives

RLZ-O1 Purpose of the Rural Lifestyle Zone

Primary production activities and activities reliant on the natural and physical resources of the rural environment occur while recognising that the predominant character is small rural sites with a more intensive pattern of land use and buildings than the General Rural Zone.

Policies

RLZ-P1 Character of the Rural Lifestyle Zone

Maintain the character in the Rural Lifestyle Zone which comprises:

1. a highly modified landscape strongly influenced by fine grained patterns and processes of human induced activity, including a *predominance of small rural lots with a resulting pattern of residential units, buildings, fencing, amenity and domestic planting mixed with smaller scale primary production activities*;
2. a *dominance of human modified open space and vegetation, including paddocks and trees over buildings*; and
3. a zone supporting activities reliant on the natural and physical resources of the Rural Lifestyle Zone.

RLZ-P2 Activities in the Rural Lifestyle Zone

Retain opportunities for land within the zone to be used for primary production activities while maintaining the predominant character of small rural lots by avoiding new sites being created, or residential units being erected on sites, that are less than 4ha, unless:

1. associated with the development of infrastructure which reduces the size of the balance lot or site to below 4ha;
2. associated with the establishment of a bonus residential unit or creation of a bonus allotment;
3. the erection of a residential unit *is protected by a legacy provision in this Plan*; and
4. is the establishment of a minor residential unit, where the site containing a residential unit is 4ha or greater, or is protected by a legacy provision in this Plan.