

BEFORE THE MANAWATU DISTRICT COUNCIL

IN THE MATTER OF of the Resource Management Act 1991

AND Plan Change 52 to the Manawatu District Plan

STATEMENT OF EVIDENCE BY MEGAN JUSTICE

5 DECEMBER 2016

1. INTRODUCTION

- 1.1 My name is Megan Justice. I hold a Masters Degree in Regional and Resource Planning from Otago University, obtained in 1999. I am a full member of the New Zealand Planning Institute.
- 1.2 I am a Senior Environmental Consultant with the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand. I have been employed as an Environmental Consultant for 14 years and was previously employed by the Department of Conservation as a Permissions Advisor for one year.
- 1.3 My experience includes consultancy resource management work and in recent years I have focused on providing consultancy advice with respect to resource consents, policy advice on regional and district plans, plan changes, designations and environmental effects assessments. This includes extensive experience with large-scale projects involving inputs from multidisciplinary teams.
- 1.4 Recent projects in which I have been involved with are set out within **Attachment A** to this evidence.
- 1.5 Mitchell Partnerships Limited¹ has provided resource management planning advice to HW Richardson Group Ltd ("**HWRG**") on a variety of matters over the last seven years. I have been commissioned by HWRG to provide resource management planning advice with respect to the Plan Change 52 hearing.
- 1.6 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

¹ Mitchell Partnership's Limited has undergone a company restructure and is now called Mitchell Daysh Limited.

2. OVERVIEW OF HWRG'S SUBMISSION

- 2.1 HWRG is owned and operated by the Richardson family and has its head office located in Invercargill. The company originally operated in the construction and transport sectors, and now controls a number of divisions which operate more than 35 companies in throughout New Zealand and Australia.
- 2.2 HWRG is primarily comprised of five operating divisions of concrete, contracting/aggregates, petroleum, transport and waste. The scope of business undertaken by these divisions results in HWRG being involved with wide ranging industrial activities and developments, one of such businesses falls with the Kawakawa Industrial Park Growth Area which is directly impacted by Plan Change 52.
- 2.3 HWRG's submission on the Plan Change 52 relate predominantly to the requirement to enhance amenity values within the industrial zone. Primarily, HWRG is concerned with the onerous expectations around landscaping, screen planting, and streetscape design promulgated by Plan Change 52 for industrial areas. In my view, these provisions may restrict the efficient use of space on industrial lots in the Kawakawa Industrial Park Growth Area, and may impose substantial upfront and ongoing maintenance costs on the owners and occupiers of industrial land in the area.
- 2.4 More specifically, HWRG's submission sought amendments to the description of the issues, the objectives and policies and the rules that would apply to industrial activities in the Industrial Zone. The amendments requested by HWRG opposed the strong focus on enhancing amenity values of the new Kawakawa Industrial Park Growth Area and surrounding properties, and sought changes to the performance standards to better enable the types of the activities which the zoning is seeking to encourage. I agree with the amendments sought by HWRG and consider that, as notified, the provisions will likely be a deterrent to new industrial activities establishing in the zone.

3. SECTION 42A REPORT

3.1 The section 42A report for Plan Change 52 is largely supportive of HWRG's submission points. In my view the recommended changes to the following provisions are appropriate and will assist in ensuring that the proposed new areas of industrial zoning facilitate the development of new industrial activities. The recommended amendments will, in my view, manage the actual and potential adverse environmental effects of development and use in a manner appropriate for an industrial zone by recognising the reduced amenity values in these areas:

- The amendments recommended to paragraph 7 of the Introductory statement at section 16.1;
- The retention of Objective 1 as notified;
- The amendment recommended for Policy 1.2;
- The amendment to Policy 2.2, relating to historic heritage;
- The reduction of the setback requirements for outdoor storage of goods from 15m to 5m where adjoining a road or the boundary of land zoned Residential or Village (in Setback Rule 16.4.2(a));
- The reduction of the setback requirements for outdoor storage of goods to 2m where adjoining a land zoned Rural, Recreational or Flood Channel (Setback (Rule 16.4.2(a));
- The amendment made to performance standard 16.4.2 (b.iii.a) 'Screening of Interface Areas';
- The amendments to Rule 16.4.3(a.i);
- The change to the Kawakawa Industrial Park Growth Area structure plan to include the words 'indicative only';

3.2 However, I do not consider the recommended wording for Policy 2.4 to be appropriate. The s42A report recommends that this policy be amended as follows:

To require new industrial activities to locate with the Industrial Zone, to ensure that effects of these activities where the associated effects on the environment, particularly related to infrastructure, traffic, noise and amenity values are anticipated, provided for and, as far as practicable confined o the Zone.

- 3.3 In my opinion, it is overly onerous to *require* all new industrial activities to locate in the Industrial Zone. While I agree that in most situations new industries will find suitable sites within the Industrial Zone, where a suitable site cannot be found in the Industrial Zone, this policy may have the effect of precluding the development of activities, without the opportunities to undertake the appropriate assessment of the effects of an activities as required under the RMA. For this reason, I prefer the use of the word ‘encourage’ rather than ‘require’ in Policy 2.4.

4. CONCLUSION

- 4.1 Through involvement in the Plan Change 52 development by comments on the draft provisions and a submission on the notified plan change, HWRG seeks to ensure that the provisions of this plan change adequately recognise and provide for existing and new industrial activities in this location. HWRG is concerned that the proposed provisions do not unnecessarily impede new and existing industrial activities which locate in the area impacted by Plan Change 52. In my opinion, the recommendations made on the Plan Change 52 provisions in the section 42A report goes most of the way to achieving this outcome. However, I do consider the wording of Policy 2.4 as recommended in the s42A report to be unnecessarily restrictive, and as worded, this policy may have the effect of preventing any new industrial activities from locating outside of an Industrial Zone.

ATTACHMENT A

Summary of Recent Project Experience

- Ryman Healthcare Limited – Submissions on the Proposed Christchurch Replacement District Plan
- Ryman Healthcare Limited – Halswell Retirement Village, Christchurch
- Ryman Healthcare Limited – Shirley Retirement Village, Christchurch
- Ryman Healthcare Limited – Howick Retirement Village, Auckland City
- Ryman Healthcare Limited – New Retirement Village, Rangiora
- HW Richardson Group – evidence on the Proposed Invercargill City Plan
- Chorus – South Island Planning Manager, Fibre to the Node Rollout, ultrafast Broadband Rollout and Rural Broadband Initiative Rollout
- Ryman Healthcare Limited – New Retirement Village, Dunedin
- Port Marlborough New Zealand Limited – Plan Change 21 Marina and Mooring Management Areas, Waikawa Bay
- Port Marlborough New Zealand Limited –submissions on the Proposed Marlborough Environment Plan
- Imagine Property Group Limited – Apartment Developments in Sumner, Christchurch
- Otago Regional Council – submissions and notices of requirement for the Dunedin City Council Proposed Plan
- Avalon Estate Limited – Winery Development, Queensberry
- Ravensdown Fertiliser Limited – Coastal and Air Discharge Consent Renewal
- Imagine Property Group Limited – Apartment Developments in Frankton
- New Zealand Transport Agency – Contract Consultant
- Orchard Road Holdings – Apartment Development in Wanaka
- Infinity Investment Group – Riverside Stage 6 Variation

- Department of Child Youth and Family – Youth Justice Facilities, Upper North, Lower North and South and General Advice
- Telecom Mobile Limited – Mobile Phone and Landline Infrastructure Developments, South Island