

**BEFORE THE HEARING COMMISSIONERS
WAIKATO DISTRICT COUNCIL**

IN THE MATTER: of the Resource Management Act 1991

AND

IN THE MATTER: of Hearing 3: Strategic Objectives of the
Proposed Waikato District Plan

STATEMENT OF EVIDENCE OF NICOLA JOANNE RYKERS

INTRODUCTION

- 1 My name is Nicola Joanne Rykers.
- 2 I am a Director of Locality Ltd, a company I established in 2016 to provide planning consultancy services. I am a sole practitioner. Prior to this role I held the position of Director of Urban Design and Engagement at the Central City Development Unit of the Canterbury Earthquake Recovery Authority (CERA), and was previously a Partner of Boffa Miskell Limited, a planning, design and ecology consultancy.
- 3 I have a Bachelor of Regional Planning (Honours) degree from Massey University and I am a full member of the New Zealand Planning Institute.
- 4 I have practiced in the planning profession for 30 years, working on a broad range of projects that have included policy analysis and development, the development of rules, the scoping and preparation of environmental assessments and resource consents, and the provision of strategic planning advice to organisations and individuals on land use development. I have provided planning advice and services to Synlait since 2010 (excluding my time at CERA).
- 5 I have read, understood and will comply with the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014. This evidence has been prepared in accordance with this Note and I agree to comply with it.

Further Submission 1322.28 by Synlait

- 6 I have been engaged by Synlait to provide a planning statement in support of its further submission in opposition to a submission made by the Waikato District Council.
- 7 The Waikato District Council **submission S697.538** is concerned with Chapter 4: Urban Environment – 4.1.7 Objective – Character of towns. As notified, the objective states:

"Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns".

- 8 **S697.538** from the Waikato District Council seeks to amend the wording of Objective 4.1.7 by adding Industrial Heavy and Town Centre zones to the list of relevant zones in the Objective. The new objective would read as follows – with new words underlined:

"Development in the Residential, Village, Industrial, Industrial Heavy, Business Town Centre and Business zones is attractive, connected and reflects the existing character of towns".

- 9 The reasons provided for the amendment are to provide "additional clarification ...to ensure all relevant zones are considered¹".

¹ Submission Point Number 62, page 41 of the Waikato District Council original submission document

- 10 Synlait lodged a further submission **in opposition (FS1322.28) to s697.538**.
- 11 Synlait has recently commissioned a new dairy processing plant on a 28ha site at Pokeno. This is a substantial facility with a dryer tower and stacks up to 45m high. The plant is very utilitarian in appearance and the site layout is focused on optimisation of the functionality of internal activities. These include milk reception and treatment facilities, dry storage, packaging, canning, blending, tanker facilities and associated utilities including an electricity substation, chemical storage and security.
- 12 Synlait is concerned that the Strategic Objectives for the Urban Environment recognise the role of the Industrial Heavy Zone and the importance of providing a zone where processing activities, such as its Pokeno facility, can efficiently function. A heavy industrial zone thereby needs to provide for those activities which may be less attractive, noisier and with heavier traffic than would be anticipated in other zones such as a Residential, Village or Town Centre zone.
- 13 Synlait chose Pokeno specifically because of the attractiveness of the heavy industrial zoning, access to waste water treatment facilities and the State Highway network. It acknowledges the importance of being part of the Pokeno community and the amenities that Pokeno may offers its workforce as a place to live. Whilst Synlait supports the development of a Town Centre and residential areas which are attractive and have character, it considers these are key outcomes for those particular environments and are not the primary outcomes fundamental to heavy industrial zones. These are areas where businesses seek to undertake economic activities that would otherwise be unable to locate or operate in other zones due to community expectations relating to matters such as attractiveness and character. On this basis, attractiveness and character are not strategic matters influencing the key outcomes in industrial zones by either the community or business.
- 14 In this context, Synlait is concerned that the amended Strategic Objective sought by the District Council in **s697.538** is describing an outcome where character and attractiveness are concepts that apply to industrial and heavy industrial zones in the same way as a Residential, Village or Town Centre Zone. This creates a concern that the amended Strategic Objective may potentially shape the provisions of the Industrial Heavy Zone such that they unreasonably restrict heavy industrial activities, or influence future decision-making on resource consents to restrict or prevent reasonable industrial use.
- 15 The s42A report (paragraph 151) supports the requested amendment. The report states that “Industrial Heavy” is an omission and that the objectives and policies in the respective zone chapters, including Section 4.6 Industrial and Industrial Heavy Zones, will in turn “set out the existing character of the towns and how reflection of that character is to be addressed in each zone”.

- 16 I am supportive of Synlait's further submission. In my opinion, it is inappropriate to expect that a heavy industrial zone will be attractive. Whilst industrial zones must have environments where people can work and travel through without experiencing adverse environmental effects, it is not expected that they will have the same level of amenity value or environmental quality as zones where people live, congregate as pedestrians or where areas are used for public assembly, enjoyment or recreation.
- 17 In my opinion, it is inappropriate to have a Strategic Objective which anticipates that the existing character of a town, such as Pokeno will continue to be reflected in the future growth of its industrial and heavy industrial zones. In March 2019 the Waikato District Council produced "Waikato Blueprint - District and Local Area Blueprints". This includes a blueprint for Pokeno's future growth, and in particular, I note that it identifies a potential Advanced Food Processing Cluster at Pokeno². If this Food Processing Cluster were to develop, it can be anticipated that the buildings and development would be more consistent with the scale and/or appearance of Synlait's facilities and unlikely to reflect the scale and appearance of Pokeno as it existed at the time of notification of the Proposed District Plan. In this context, the submission of the Waikato District Council, which seeks to put all urban zones into the one Strategic Objective for character and amenity does not align well with the direction indicated in the Waikato District Blueprint.
- 18 Specific aspects of Synlait's development which are inconsistent with other zones in terms of character are:
- 18.1 Dryer towers at approximately 45 metres in height – well beyond the height of any buildings in the commercial and residential town centre;
 - 18.2 Flat concrete structures, housing the dryer, usually painted in neutral pastel colours – but with uniform finish.
 - 18.3 Lower level (ca 16m) gabled drystores of a size and scale for an export-orientated business, distinctive from the scale of buildings in the Pokeno Town Centre.
 - 18.4 The 24/7 operations associated with milk delivery/ processing.
 - 18.5 The space required to deal with traffic movements, waste water treatment, and to provide buffering to a limited extent from other Heavy Industrial users in relation to noise from the overall operations.
 - 18.6 At the McDonald Road level, Synlait is a food producer for export and requires security perimeter fencing to be a functional, high, and with a degree of uniformity not associated with the Pokeno Town Centre.

² "Waikato Blueprint - District and Local Area Blueprints", pages 40 and 65

- 18.7 Landscaping also provides habitats for rodents and other pests, and accordingly is very limited and carefully managed on the site and the environs.
- 19 Synlait is unable to mask or blend these features to a scale that is reflected in the balance of the Pokeno environment.
- 20 Based on experience with District Plan administration, it is my opinion that including all urban zones into one Strategic Objective that provides direction on the character of towns will not provide appropriate guidance to future decision-makers on either policy development or resource consents. There are important differences between industrial activities and other types of urban activities that require the environmental outcomes to be clearly identifiable at the strategic level. This is necessary to avoid the Strategic Objective providing ineffective guidance or being so generic or obscure in terms of the outcome, that it becomes redundant.
- 21 I do acknowledge that connectivity is an important matter for industrial zones in terms of anticipating and providing for heavy vehicles and access for people working in these zones. The accessibility of industrial zones is however more a functional aspect of a town, rather than a matter of character, which is the title of Objective 4.1.7.
- 22 In my opinion, a more appropriate Strategic Objective for industrial activities would anticipate and enable industry and heavy industry in locations where the functionality and efficiencies of the industrial activities can be optimised.
- 23 I would agree that a Strategic Objective which describes amenity values and character is appropriate for Residential, Village and Town Centre zones. This is because these are places where people expect to experience high levels of amenity values and environmental quality.
- 24 The recommendation of the s42A report writer is relying on the zone specific chapters to provide the appropriate interpretation or guidance as to what Objective 4.1.7 really means. I note that Synlait has submitted on Chapter 4.6 on the basis that it provides insufficient clarity or guidance on the differences between industrial and heavy industrial zones, including in terms of environmental outcomes. In this context, it is unclear how Objective 4.1.7, as sought to be amended by the Council, will assist any considerations of the future character of industrial environments. This makes it difficult for Synlait to understand how Objective 4.1.7 would provide guidance or direction to the Hearing Commissioners on its submissions.
- 25 For the above reasons I am supportive of Synlait's **FS1322.28** which opposes **S697.538** and seeks to retain the wording of Objective 4.1.7 as notified, excluding reference to industrial or heavy industrial zones.

Nicola Rykers

10th October 2019