

# SUMMARY STATEMENT OF EVIDENCE OF RENEE FRASER-SMITH ON BEHALF OF VAN DEN BRINK LIMITED

## PLANNING

### Topic 7 – Industrial zones

#### Matters of Agreement

1. As identified in my Evidence I am of the opinion that the following changes to provisions as recommended by the Officers Section 42A Report are appropriate:
  - (a) Deletion of the definition of “industrial activity” and replacement with the National Planning standard definition (which is addressed in the Hearing 5 (Definitions) section 42 A report).
  - (b) Rule 20.1.1 Permitted activities (Activity Table): Inclusion of new permitted activities (e.g. hire centres, wholesale, trade supply etc) and specifically clarification that new buildings and/or alterations and additions are also permitted activities.
  - (c) Rule 20.2.1 Servicing and hours of operation: Deletion of rule
  - (d) Rule 20.2.4 Glare and Artificial Light Spill: Addition to text to exclude rule applicability against another Light Industrial or Heavy Industry zoned site.
  - (e) Rule 20.2.5.1 Earthworks general – increased volumes and areas and deletion of maximum depths and setbacks from boundaries;
  - (f) Rule 20.2.8 Outdoor storage of goods and materials: Deletion of rule
  - (g) 20.4.1 Subdivision General: Deletion of rear lot percentage restriction
  - (h) Rule 20.3.3 Daylight Admission: Increase elevation from 2.5m to 3m.
2. Having reviewed the Rebuttal evidence of Council (prepared by Ms Macartney), I can confirm that I concur with the changes and clarifications to text to the following provisions which have been recommended, which align with the submissions made by Van Den Brink Limited and my Evidence:

- (a) There is sufficient certainty that Rule 20.3.3 does not apply to roads (as raised in paragraph 3.4 of my Evidence)
- (b) Amendment to Policy 4.6.9A to make it clear it applies to signage (as raised in paragraphs 4.6-4.7 of my Evidence).

### **Agreement in Principle**

#### ***Rule 20.2.2 Landscape Planting***

- 3. Ms Macartney's rebuttal evidence has identified an agreement in principle (paragraph 252) to amend the activity status of Rule 20.2.2 Landscape Planting from controlled to permitted (which aligns with paragraphs 4.8-4.16 of my evidence). However, Ms Macartney has identified some concern about "subjectivity" and has request that myself on behalf of Van Den Brink Limited and the representatives of Ports of Auckland and Northgate to jointly develop a rule prior to the hearing.
- 4. Therefore, an update on this matter will be presented at the hearing.

#### ***Rule 20.3.4.1 Building Setbacks***

- 5. Ms Macartney's rebuttal evidence has identified a change to Rule 20.3.4.1 Building Setbacks (paragraph 261) to reduce the setback of buildings adjoining 'other zones – excluding Heavy Industry) from 7.5m to 5m.
- 6. This matter was discussed in paragraphs 4.21-4.27 of my evidence. However, Ms Macartney has not identified any reasons for not reducing the yard setback further from 5m to 3m (which was raised in the primary submission of Woolworths – Submitter 588) and also addressed in paragraphs 4.21-4.27 of my evidence.
- 7. Using the applicable height in relation to boundary (which as per the Officers recommendation for Rule 20.3.3 equates to a 45 degree recession plane plus 3m height plus) only a 6m height building could be achieved at a 3m setback. This is less than the allowable height for a residential zone building.
- 8. Furthermore, Rule 20.2.2 only requires a 3m landscape strip adjacent to these other zones.

9. Having the yard setback and the planting setback at the same width (3m) allows the industrial land to be used as efficiently as possible while ensuring that visual effects are appropriately managed by the combination of the daylight and landscape rules. The reduction also fits within the Section 32AA Evaluation assessment rationale provided by Ms Macartney in paragraphs 264-267.

### **Matters of disagreement**

#### **Policy 4.6.2**

10. I note that Ms Macartney did not support the request made in paragraphs 4.3-4.5 of my evidence – although I do note that my evidence has referenced to Policy 4.6.1 when it should be 4.6.2.
11. For ease of reference the change requested is provided below (in red):

#### ***4.6.2 Policy – Provide Industrial Zones with different functions***

*(a) Recognise and provide for a variety of industrial activities to locate and function efficiently within two industrial zones that have different functions depending on their purpose and effects as follows....*

12. Promoting the efficient use of industrial land is an important function of supporting economic growth of industry across the region.
13. As stated in my evidence, the change to the policy is to make it clear that the efficient use of land is an important consideration for industrial sites and future applications. In my opinion this recognition is missing from the policy framework, and without it the framework focuses only on supply and amenity and is therefore entirely reliant on Part 2 of the RMA for promoting efficient use of resources.

#### **Rule 20.3.1 Height**

14. I note that Ms Macartney did not support the request made in paragraphs 4.17-4.20 of my evidence to amend Rule 20.3.1 – Height from 15m to 18m.
15. Paragraphs 259 of Ms Macartney's Rebuttal suggests that examples of industrial buildings be provided to justify the height limit, as in her opinion the list of activities permitted in the zone does not warrant the 18m height requested.

16. However, the operative 18m was justified by section 32 analysis which confirmed that 18m was appropriate for the environment. The list of permitted activities under the Proposed Plan is equal to (if not more permissive) than the operative provisions for the Whangarata Business Park and the environment within which this site has not changed. There is no justification to reduce the height in this location by 3m.
17. In general terms however, the height issues could be applied much broader than just the Whangarata Business Park area. The provisions should be encouraging the efficient use of industrial land and I do not consider that Ms Macartney's rebuttal has appropriately considered the risk of not ensuring a level playing field with land available for this type of activity in neighbouring Territorial Authority area.
18. There is a significant opportunity lost for the Waikato and it's ability to provide for economic growth and development when both the neighbouring Auckland and Hamilton enable a greater development potential though a 20m height limit for the Industrial zones.
19. I note from Ms Macartney's paragraphs 264-267 (Section 32AA) that disincentivising investment and industrial development is an important consideration for establishing appropriate provisions for the Industrial zones, and consider that this justification is suitable for determining a height limit which is more permissive than the proposed 15m.