

**BEFORE THE HEARINGS PANEL
HUTT CITY COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of the Proposed Lower Hutt District Plan
Hearing Stream 2: Business

**STATEMENT OF EVIDENCE OF KAAREN ROSSER (PLANNING) ON
BEHALF OF ENVIRO NZ SERVICES LTD – SUBMITTER (323)**

8 MAY 2026

1. Introduction

- 1.1 My full name is Kaaren Adriana Rosser.
- 1.2 I am an Environmental Planner with Enviro NZ Services Limited (Enviro NZ). My qualifications and experience are detailed at **Attachment 1**.
- 1.3 My evidence is given on behalf of Enviro NZ in relation to those matters to be heard within Hearing 2 of the Proposed Lower Hutt District Plan (PDP). Within my evidence I have addressed the matters relating to the provision of waste collection, treatment, and disposal relevant to the Hearing 2 topics.
- 1.4 I have reviewed the S42A Hearing Reports completed for the Council with respect to:
- the Commercial and Mixed Use Zone chapter of the PDP, definitions of the Definitions chapter that primarily relate to Commercial and Mixed Use Zones, and strategic directions UDSD-O12 (Centres as Community Focal Points) and UDSD-O13 (Centres Hierarchy) prepared by Stephen Davis;
 - the Hazardous Substances and Contaminated Land chapters of the PDP prepared by Hamish Wesney;
 - the Industrial Zones and Seaview Marina Zone chapters of the PDP, definitions that primarily relate to Industrial Zones and the Seaview Marina Zone, and strategic direction UDSD-O14, prepared by Stephen Davis.
- 1.5 I have reviewed the S32 Reports, and the Summary of Submissions document for each topic within Hearing 2.
- 1.6 I am generally familiar with the Lower Hutt area.

Code of Conduct

- 1.7 While this matter is being heard at Council level, I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Consolidated Practice Note (2023) and I agree to comply with it (as if I was presenting to the Environment Court). I can confirm that the issues addressed in this statement are within my area of expertise and that in preparing my evidence, I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. Scope of Evidence

- 2.1 This statement of evidence will, in the context of Enviro NZ's submission, address the following matters:
- (a) The background and reasons for the submission;
 - (b) Comments on those submission points occurring in the Business chapters outlined above;
 - (c) Conclusion.

3. Background and Reasons for Submission

- 3.1 As stated in my evidence for Hearing 1, Enviro NZ Services Limited is the second-largest solid and liquid waste management company in New Zealand.
- 3.2 Enviro NZ owns and/or operates significant portions of the Country's waste management infrastructure including landfills, waste treatment facilities, recycling facilities and waste transfer facilities. Enviro NZ also provides waste and recycling collection services for Councils, businesses and households throughout New Zealand. Within Hutt City, Enviro NZ operates waste, waste diversion, and recycling collection services within Hutt City. It operates these services from a site in Gracefield.
- 3.3 Nationwide, significant work is now focussed on shifting NZ to a circular economy, with addressing waste a key component of that work. Enviro NZ considers that District Plans have a key part to play in enabling and maintaining waste resource recovery and infrastructure.
- 3.4 To enable a circular economy, waste must be separated, collected and sorted and/or processed for re-use of the constituent materials. As waste management specialists and operators of transfer stations, recycling facilities and landfills, the continued operation and future diversification of these waste facilities is necessary to achieve a circular economy.
- 3.5 As stated in the submission, waste facilities can take significant resources to design, consent and construct to ensure that potential harmful effects of odour, dust, contamination, and noise do not affect surrounding sites or freshwater resources. This often requires specialist equipment and considerable infrastructure. Such sites can be the subject of reverse sensitivity and their establishment and continued operation needs management with a variety of stakeholders. Therefore, ensuring that the zones appropriately provide for waste facilities through various provisions ensures their ongoing operation, along with the safe collection of material.
- 3.6 By virtue of dealing with waste, some waste has hazardous properties. Therefore, Enviro NZ has an interest in the hazardous substances topic, and has facilities elsewhere in the country that are considered under the definition of significant hazardous facility.

4.0 Commercial and Mixed Use Zones

- 4.1 The s42A report for the Commercial and Mixed Use Zones covers submissions received on these Chapters, any definitions related to these chapters and two strategic direction objectives.
- 4.2 Enviro NZ sought amendments to some definitions relevant to this topic which are discussed below.
- 4.3 Co-location benefits – Enviro NZ (323.7) sought that this definition be amended to describe the co-location benefits clause (3) "*easier trip-chaining*" with "*easier trip length and coordination*".

- 4.4 The reason for amended this wording was that the word trip-chaining appears to be jargon that may confuse readers and should be re-worded for ease of use of the District Plan.
- 4.5 The recommendation by the reporting planner is that the submission point be rejected as the term (after providing an explanation) is the clearest term for the concept of reducing overall travel by conducting multiple tasks in a series of journeys, rather than returning home between tasks. Mr Davis outlines (at Paragraph 637) that "the term is only used in objectives, policies, and matters of discretion, in a scenario where it is inviting a resource consent applicant in a complex commercial application to provide potential positive effects of their activity. In my view these plan users can be expected to know or easily figure out what trip chaining is."
- 4.6 While guidance for the national planning standards states that sentences should avoid unnecessary words and jargon, if the Panel considers that trip-chaining is necessary in this context then I have no objection to its use in this context of commercial activities. However, I do consider the word to be jargon and peculiar to the transportation specialism. I therefore consider that alternative wording that most users would understand is preferable. I have not read the word trip-chaining in other District Plans, of which I have read more than half throughout the country.
- 4.7 Light manufacturing and servicing – Enviro NZ (323.12) sought an amendment to the definition to add the word "repurposed" in order to include recycling/re-use activities that would be contained within a building and not require resource consents.
- 4.8 The S42A recommendation was to accept the submission point with a slight grammatical correction, where an extract of the recommended definition is as follows:
- "means an industrial activity where articles, goods or produce are made, prepared, ~~and/or~~ repaired and/or repurposed for sale or rent and [...]"*
- 4.9 I agree with the proposed amendment. This would allow, for example, the sorting of textiles for re-sale.
- 4.10 Pedestrian Dignity – Enviro NZ (323.82) (along with Urban Edge and Pandion Limited) opposed the term "pedestrian dignity" in an urban design policy covered by the evidence of Miriam Moore. Enviro NZ submitted in relation to GIZ-P9 where clause 1 refers to vehicle areas providing for pedestrians.
- 4.11 I accept the proposed amended wording to this clause as below:
- "Vehicle parking and loading areas, accessways, and garages are designed to provide safe, convenient, legible and accessible access between the public footpath, site and building entrances."*
- 4.12 The recommended amendment aligns with the intent of the Enviro NZ submission point.

5.0 Contaminated Land and Hazardous Substances Chapters

- 5.1 Enviro NZ made submission points in relation to these chapters. Enviro NZ operates hazardous waste facilities elsewhere in the country, where some hazardous materials from the Hutt area are treated for disposal or shipped offshore for treatment or disposal.
- 5.2 Policy HS-P1 - Submission Point 323.34 supported Policy HS-P1 but requested a slight amendment to clause 3 to tighten the location of significant hazardous facilities to outside zones where activities sensitive to hazardous substance risks are permitted, rather than 'sensitive environments' as the wording proposed.
- 5.3 An *activity sensitive to hazardous substance risks* is defined in the PDP as being 12 listed types of activities, either residential or having a pastoral care nature.
- 5.4 The reporting planner has accepted the submission point in part, noting that with the amendments recommended, the linking of the location of significant hazardous facilities to zones where activities sensitive to hazardous substance risks are permitted is already adequately provided for in clause 2.
- 5.5 I accept in general the recommended amendments to the policy but note that while clause 3 will only apply to new significant hazardous facilities, they need to be outside sensitive environments which I would assume includes existing sensitive activities in the immediate area of the new facility, and natural areas for example, given the broad meaning of environment. This may make it exceedingly difficult to establish a necessary facility unless the focus is narrowed or detailed. I therefore consider the wording 'sensitive environments' should be considered further to strike a balance of which sensitive environments are in consideration. I leave this to the Panel for their consideration.
- 5.6 Policy HS-P3 – Enviro NZ supported this policy as notified (323.35). I support the recommended amendments to the policy arising from the Fuel Companies submission point (471.164) in relation to including "the intensification or expansion of existing activities sensitive to hazardous substance risks".
- 5.7 Significant hazardous facilities are generally of critical or strategic importance to the functioning of the region. Reduction of operational ability or closure due to encroachment would have a serious adverse effect on the social or economic wellbeing of the area. There are very few locations, if any, that these types of facilities could be relocated to and therefore it is crucial that controlling the intensification of existing sensitive activities in proximity of the facility is managed.
- 5.8 HS-R3 (New activities sensitive to hazardous substance risks within the Hazardous Substances Risk Management Overlay) - Enviro NZ supported this rule (323.37). However, the recommended amendments to add additions or alterations to an 'existing activity sensitive to hazardous substance risks where they may increase risk of exposure to hazardous substances' is also supported. I agree that the purpose of the overlay would be undermined if intensification is not considered in this manner.
- 5.9 Definition: Significant hazardous facility. Enviro NZ supported the definition as notified (323.18).
- 5.10 I note the submission by FENZ on this definition seeking further activities on the list and the further submission by Waste Management opposing these additions.

I support the Mr Wesley's view that these additional activities in the definition may risk shifting the definition away from the risk-based focus, and duplicate controls more appropriately managed by other legislation.

- 5.11 As an example, in terms of the waste disposal, reuse or recycling facilities requested by FENZ as an addition to the definition, most waste transfer stations do not accept hazardous waste and incidental amounts found within the waste stream are stored in locked containers meeting HSNO regulations and bunding. Materials are removed to an appropriate facility regularly. It is unlikely that there would be sufficient quantities to result in risk that meets the intent of the Hazardous Substances chapter.

6.0 Industrial Zones and the Seaview Marina Zone Chapters

- 6.1 Enviro NZ made a number of submission points in relation to the three industrial zones, which are commented on below.
- 6.2 LIZ-O2 (Activities in zone) – The Enviro NZ submission (323.71) opposed this objective, requesting the following amendments to the objective by deleting clauses 4(c)(iii)-(v), stating that this would open the door to non-industrial activities and cause reverse sensitivity effects:

The Light Industrial Zone:

1. *Primarily provides for industrial activities and research activities,....*
4. *Provides for other activities that:*

- a. *Are compatible with the purpose, the planned character, and the planned urban environment of the zone,*
- b. *Do not undermine the role of commercial centres, and*
- c. *One or more of the following:*
 - i. *Have a functional need or operational need to locate in an Industrial Zone, or*
 - ii. *Have significant co-location benefits when located in the area, or*
 - iii. *Are a commercial activity that is not suited to being in a commercial centre, or*
 - iv. *~~Due to the size, layout, or operation of the activity, would have difficulty finding a suitable site in any other zone, or~~*
 - v. *~~Are otherwise better located in an Industrial Zone than in any other type of zone, or~~*
 - vi. *Are an interim use and do not create obstacles to re-using their sites for industrial activities or research activities in future.*

- 6.3 While I note Mr Davis's comments about the balance of industrial and non-industrial activities at Section 5.2.1 of the S42A report, I do not consider the balance when flowing through to this objective favours the prime purpose of the zone being for industrial and research activities. In this respect I support the submissions by Z Energy and the Fuel Companies to amend the purpose of the zone under LIZ-O1 so that compatible activities do not compromise the efficiency and functionality of the zone.
- 6.4 With respect to paragraph 82 of the S42A, I do not support the reasoning that "there is limited additional value in restricting sensitive activities within the zone as the zone is generally in close proximity to residential areas or other areas with sensitive activities regardless of the zone's internal policy". While I agree

that industrial activities need to be capable of internalising their effects in this zone, this does not infer that sensitive activities are therefore accepted in the zone.

- 6.5 Industrial activities are confined to industrial zones given the structure of District Plans, but other non-industrial activities have options for which zone they may establish in. The Wairarapa-Wellington-Horowhenua Industrial Land Supply¹ details there is a current and future shortfall of industrial land and existing supply should be safeguarded. Ensuring the tests for non-industrial activities are robust so that industrial uses may prevail I consider to be important for this objective. If almost 10% of the land use in the zone are non-industrial uses, then encouraging more is not supported.
- 6.6 The wording for LIZ-O2 under (iii) where commercial activities are “not suited” to being in a commercial centre is already dealt with under (i) where a functional or operational need applies. This test is more appropriate and allows less discretion than the wording “not suited” which is too broad in its application.
- 6.7 Similarly, the size, layout, or operation, clause under (iv) is similarly covered by functional or operational need under (i). “Difficulty finding a suitable site in any other zone” is a commercial decision based on land or lease availability at the time and does not support long-term planning decisions, also given the likely longevity of the commercial activity once established. Industrial is often cheaper than commercial land and “suitable” can be taken to mean price, which I do not consider sufficient reason to provide for non-industrial activities in the zone.
- 6.8 I also consider clause (v) is also covered by functional or operational need under (i). Thinking of a potential example of why a commercial activity would be “better located” in an Industrial zone than other zones, one may consider a noisy activity where the industrial zone has a higher permitted noise level. However, this type of activity would also be covered under functional or operational need. “Better located” leads to broad interpretations and has the ability to undermine the zone functionality.
- 6.9 GIZ-O1 Purpose of zone – Enviro NZ (323.73) opposed this objective and requested a deletion of some wording as follows, in order to acknowledge the difficulty of industrial activities locating elsewhere in the city. Enviro NZ considered the words proposed to be deleted could be interpreted as a default for commercial activities to locate there.

The General Industrial Zone is used ~~primarily~~ to meet the needs of industrial and research activities and their supporting activities, particularly those activities that due to their adverse effects should be separated from residential activities and other activities sensitive to industry.

The Zone also provides for other compatible activities that support this role or do not interfere with the primary purpose, ~~including commercial activities that are not appropriately located outside industrial areas because of their effects on amenity values or co-location benefits with industrial and research activities~~

- 6.10 I do not support the S42A recommendation to leave the wording of this objective as notified. I do accept, as alternative wording, the relief proposed by the

¹ Wairarapa-Wellington-Horowhenua Industrial Land Study January 2025 by the Wellington Regional Leadership Committee https://wrlc.org.nz/assets/Documents/2025/08/Industrial-Land-Study_Final-Report_Draft-2-201224.pdf

submissions by Z Energy and the Fuel Companies to amend the purpose of the zone so that compatible activities 'do not compromise the efficiency and functionality of the zone for general industrial activities'.

- 6.11 The zone is also important as a buffer to the Heavy Industrial zone and therefore minimising commercial activities will aid the functionality of the Heavy Industrial Zone.
- 6.12 GIZ-O2 Activities in the zone – Enviro NZ (323.74) opposed this objective and sought some amendments (as below) to emphasis the main activities in the zone and tighten the clauses which provide for non-industrial activities.

The General Industrial Zone:

1. ~~Primarily provides for industrial activities and research activities, ...~~
3. *Is supported by other activities that:*
 - a. *Are compatible with the purpose, the planned character, and the planned urban environment of the zone,*
 - b. *Do not create ~~unreasonable~~ reverse sensitivity effects that constrain the use of the General Industrial Zone for industrial activities and research activities,*
 - c. *Do not create ~~unreasonable~~ reverse sensitivity effects that constrain the use of the Heavy Industrial Zone for heavy industrial activities,*
 - d. *Do not undermine the role of commercial centres, and*
 - e. *Support the industrial activities and research activities in the zone, including the needs of workers at those activities.*
4. Only allow ~~Provides for~~ other activities that:
 - a. *Are compatible with the purpose, the planned character, and the planned urban environment of the zone,*
 - b. *Do not create ~~unreasonable~~ reverse sensitivity effects that constrain the use of the General Industrial Zone for industrial activities and research activities,*
 - c. *Do not create ~~unreasonable~~ reverse sensitivity effects that constrain the use of the Heavy Industrial Zone for heavy industrial activities,*
 - d. *Do not undermine the role of commercial centres, and*
 - e. *One or more of the following:*
 - i. *Have a functional need or operational need to locate in the General Industrial Zone, or*
 - ii. *Have significant co-location benefits when located in the area, or*
 - iii. *Are better located in an Industrial Zone than in any other zone, or*
 - iv. ~~*Due to the size, layout, or operation of the activity, would have difficulty finding a suitable site in any other zone, or*~~
 - v. *Are an interim use and do not create obstacles to re-using their site for industrial activities or research activities in future... ..*

- 6.13 As for LIZ-O2, clauses (4)(e)(iii) and (iv) are inherent in whether the activity has a functional or operational need under clause (4)(e)(i). Ensuring the tests for non-industrial activities are robust so that industrial uses may prevail I consider to be important for this objective, with the clauses proposed to be deleted providing broad interpretation.

- 6.14 In terms of the proposed deletion of the word "unreasonable", I accept Mr Davis's view that this would have the effect of requiring all reverse sensitivity to be avoided, which may be impossible. However, I consider the word 'unreasonable' to be too difficult in practice to establish what an unreasonable effect would be. Therefore, if a qualifier is still preferred, then the word **adverse**

has known characteristics and would allow better judgement of reverse sensitivity effects.

- 6.15 I consider a stronger statement that the zone is for industrial activities and research activities, rather than primarily for these activities (as also for GIZ-O1) does not affect the balance of activities in the zone unduly. It rather establishes that industrial zones are the only zones for these activities and other activities are subsidiary.
- 6.16 HIZ-O2 Activities in the Zone – Enviro NZ submitted on this objective (323.97) to amend the clauses referring to 'unreasonable reverse sensitivity effects', by only referring to 'reverse sensitivity effects'. As for GIZ-O2, a qualifier may still be preferable. If this is the case, the word 'unreasonable' is preferred to be amended to "**adverse**".
- 6.17 LIZ-P2 (Residential activities and other activities sensitive to industry) – Enviro NZ opposed this policy without providing any reason.
- 6.18 My view of this policy is that "providing for" new residential activities and activities sensitive to industry is the wrong perspective for this policy, even while qualifiers set out some provisions they must meet. The presumption to avoid residential activities unless certain circumstances exist, as detailed in the Z Energy and Fuel Companies submission, is supported. This reinforces the purpose of the zone for industrial activities. "Limiting" would also be preferable as alternative wording rather than providing for.
- 6.19 Overall, Enviro NZ does not support residential activities in industrial zones. Industrial activities are discretionary or non-complying in any non-industrial zones. Sensitive activities have the most potential to be incompatible with industrial activities and the Light Industry zone focus in particular, does not pay sufficient attention to their incompatibility.
- 6.20 Residential activities in the industrial zone have proved extremely problematic to Enviro NZ. Enviro NZ has a liquid waste facility (not within HCC area) which has often been subject to complaints from these owner-occupier industrial units (considered to be ancillary). The units were originally built as a permitted activity where an owner lived above a business they owned or operated. Over the years many of these sites have progressively become completely residential and it is extremely difficult and costly for the enforcement arm of the Council to prove that the residential occupants are not involved in a business to challenge their occupancy. These residential occupants put significant pressure on operations by requiring their activities to comply with a higher level of amenity that could reasonably be expected in the subject industrial zone, and they compromise the ongoing operation.
- 6.21 GIZ-P2 (Residential activities and other activities sensitive to industry) – Enviro NZ made a submission point on this policy (323.76) to amend the policy as below:
Avoid new residential activities and other activities sensitive to industry unless they are:
- 1. Ancillary to and support an industrial activity, research activity or emergency facility (such as a caretaker residence),*
 - 2. ~~Managed so that they do not adversely impact the long term development capacity of the zone for industrial development, including through managing the design of new buildings, and~~*
 - 3. Require no complaints covenants to ~~Managed to minimise~~ reverse sensitivity effects for industry, including existing heavy industry*

- 6.22 Notwithstanding the points at 6.18 and 6.19 above, I agree with the recommendation to include caretaker residences to help with interpretation, as this will at least limit the type of residential activities that may establish.
- 6.23 I am not clear on why the second clause was proposed to be deleted, and do not support its deletion.
- 6.24 In relation to the proposed amendments for clause 3, I consider that no complaints covenants are a tool that can be used to control reverse sensitivity and therefore accept the rejection of not including them in the clause. However, I consider the emphasis of the clause on minimising reverse sensitivity effects is valid rather than 'managing to minimise'. It is a stronger emphasis in line with 'avoid'.
- 6.25 GIZ-P3 (Heavy Industrial Activities) – Enviro NZ sought an amendment (323.77) that the language in the policy be reversed from "Avoid ... unless" to "Allow ... if".
- 6.26 I do not agree with the recommendation to reject the proposed amendment. "Allow .. if" provides the presumption that in certain circumstances heavy industrial activities are suitable, which the word avoid carries a strong presumption against such an activity. I consider the semantics matter when testing whether an activity is appropriate at the proposed location and support Enviro NZ's amendment.
- 6.27 GIZ-P4 Other potentially incompatible activities – Enviro NZ sought some amendments to this policy (323.78) as follows:

Avoid commercial and community activities unless they:

1. Are ancillary to an industrial or research ~~permitted~~ activity and support the purpose of the zone, or
2. Primarily serve the immediate area within the zone, or
3. Have similar adverse effects and requirements to industrial activities that mean they are better located in an Industrial Zone than anywhere else (for example, small-scale trade supply retail activities and yard-based retail activities), or
4. ~~Primarily serve surrounding suburbs but a suitable available site is unlikely to be available for the activity in a commercial centre (for example, supermarkets), or~~
5. Have significant co-location benefits with existing industrial activities or research activities in an Industrial Zone.

When these activities are not avoided, they are designed managed to avoid significant reverse sensitivity issues for industry, including heavy industry that is an existing activity

- 6.28 I agree with the recommendation to limit ancillary activities to industrial or research activities or emergency service facilities for the reason specified in the S42A report.
- 6.29 For clause 3, I consider that emphasising small-scale commercial or community activities is appropriate in order to limit footprints and take up scarce industrial land, however I accept the rejection of this wording.

- 6.30 I disagree with the premise in the s42A report for clause 4 that *"Where a commercial activity faces equivalently strong constraints, and is compatible with the industrial zone generally, it has just as strong a reason to use the protected land"*. As referenced in the Industrial Land Supply report, this thinking limits the ability of industrial uses to secure land for their businesses and results in the shortfalls currently experienced. It can also lead to encroachment creating operational issues with reverse sensitivity. I support the deletion of this clause to tighten the test for other activities wishing to establish in the zone.
- 6.31 For this policy clause, changing significant to adverse, as for GIZ-O2 would better manage non-industrial activities in the zone.
- 6.32 GIZ-P6 (Role of network of commercial and industrial areas) - Enviro NZ (323.79) sought to delete this policy in their submission as they considered the policy would apply only to very few commercial activities.
- 6.33 While Mr Davis differentiates between P6 relating to the (potential beneficial) effects of the distribution of commercial activities around the city as a whole and district-wide constraints in the location of commercial activity, versus the impact of commercial activities on industrial activities in the zone in P4, I do not consider this, in itself, is sufficient reason to have a standalone policy. In my view P4 adequately deals with those commercial activities with adverse effects or co-location benefits but also provides tests for their suitability in the zone, whereas Policy 6 provides a presumption without meeting these tests. I support that the policy be deleted.
- 6.34 GIZ-P7 (Support of centres hierarchy) – Enviro NZ requested an amendment (323.80) to this policy to change the word 'manage' to 'restrict' the scale and location of commercial activities to avoid negative impacts on the intended purpose, viability, vibrancy, and co-location benefits of commercial centres.
- 6.35 I consider 'restrict' is stronger wording than 'manage' and supports the commercial policy framework, along with the purpose of the industrial zone. Having a tighter policy may result in the example given to be better dealt with as a plan change, where all factors would be examined. The proposed wording may reduce encroachment of scarce industrial land.
- 6.36 GIZ-P9 (Urban design outcomes (by meeting standard or assessment)) – Enviro NZ made a submission point (323.81) querying pedestrian dignity. As detailed at paragraph 4.10 and 4.11 above, I accept the recommended amendment to the policy.
- 6.37 The submission point also requested clause 4 be amended to consider adjacent zones rather than sites where activities sensitive to privacy intrusion occur. This clause reinforces the suitability of activities sensitive to industry occurring in the zone and I do not support its wording as written. Consideration needs to be given to the functional needs of an industrial activity in the first instance (rather than other sensitive activities), given their necessity to be in the zone.
- 6.38 GIZ-P10 (Urban design outcomes (other than industrial activities and research activities)) – I support the deletion of this policy (323.83) promoting a number of urban design outcomes for non-industrial uses. While some of the design outcomes are appropriate for any development, the zone outcomes should be predicated on the buildings and developments required for industrial uses. Clauses 1-4 (generally) could be appropriate for all uses in the zone, however I consider clauses 5 and 7 particularly inappropriate for reasons given above. The

policy could be merged with P9 to better reflect the purpose of the zone if urban design outcomes are desired for all new development.

- 6.39 HIZ-P2 (Residential activities and other activities sensitive to industry) – Enviro NZ(323.101) requested an amendment to this policy to change the word “managed” to “designed” and delete “significant” when referring to reverse sensitivity effects.
- 6.40 Noting that the availability of suitable locations for heavy industrial activities to occur is limited and regionally this is one of the largest contiguous areas available, it should not be compromised by encroachment of more sensitive activities. “Significant” tips the weight in favour of the residential activity, and I would prefer no qualifier in this instance given the critical role this area has to the region. The qualifier is already in the sentence as it is referring to those reverse sensitivity effects that constrain the use of heavy industrial activities.
- 6.41 “Design” relates to the development process whereby the building housing the new residential activity or activity sensitive to industry is designed to avoid reverse sensitivity effects at the outset, however this does not control the movement of people and I therefore accept the rejection of the submission point but would prefer a stronger word such as ‘control’.
- 6.42 HIZ-P3 (Other incompatible or potentially incompatible activities) – Enviro NZ had the same submission point as for HIZ-P2 (323.102) and therefore I reiterate the comments above.
- 6.43 HIZ-P5 (Role in network of commercial and industrial areas) - Enviro NZ (323.104) sought that this policy be deleted, questioning its rationale.
- 6.44 I support the deletion of this policy as recommended and do not agree with the statement in the S42A report that “if the Heavy Industrial Zone is the only suitable location, then it needs to be in the Heavy Industrial Zone”. This is insufficient reason to allow an activity that would reduce the supply of unique heavy industrial land which is crucial to the functioning of the region.
- 6.45 HIZ-P6 (Support of centres hierarchy) – Enviro NZ (323.105) sought an amendment to this policy to change the word “manage” to “restrict”. As for GIZ-P7, I support the proposed amendment, particularly for the Heavy Industry zone, noting its regional importance for industry.
- 6.46 GIZ-R10 (Grocery stores and supermarkets) - Enviro NZ (323.84) sought that the activity status for grocery stores and supermarkets over 200m² be shifted from Restricted Discretionary to Discretionary.
- 6.47 I accept the rejection of the submission point for this rule given that reverse sensitivity is covered by the matters of discretion, but as a point of principle would prefer a higher bar to assess this activity within a constrained supply of industrial land.
- 6.48 GIZ-R11 (Food and beverage activities) - Enviro NZ (323.85) sought that the activity status for food and beverage activities over 200m² be shifted from Restricted Discretionary to Discretionary.
- 6.49 I support the discretionary status as 200m² has the potential to result in a reasonably large restaurant and therefore provide a location for patrons that might otherwise not come to the industrial area, resulting in the potential for

adverse reverse sensitivity effects. There have been examples of other Enviro NZ sites where adjacent cafes have resulted in reverse sensitivity effects. Having a higher activity status in this instance signals the potential incompatibility of larger food and beverage activities.

- 6.50 GIZ-R14 (Yard-based retailing) – I accept the rejection of the Enviro NZ submission points (323.86, 323.87) for the reasons given in the S42A report.
- 6.51 GIZ-R15 (Trade supply retail activities) – I accept the rejection of the Enviro NZ submission points (323.88, 323.89, 323.90). However, I do not agree that a retail activity can be considered an interim use. Once established, these types of activities take capacity from the supply of industrial land for many years.
- 6.52 GIZ-R17 (Other activities not provided for) – Enviro NZ requested that the activity status of this rule become discretionary (323.91) for those activities ancillary to an industrial activity that are not otherwise provided for, on the basis that ancillary activities may be too broad and should be tightened.
- 6.53 I consider common examples of other ancillary activities for industrial activities include employee offices, staff cafeterias, and security offices. I accept that these types of activities should be permitted. For other permitted activities it opens the door for abuse as there is no floor area to limit the ancillary activity. Conceivably a commercial recreation activity could have a café ancillary to it which is not restricted in floor area.
- 6.54 I therefore consider the rule needs further consideration with potentially a 100m² floor area applied as a standard for the permitted activity status. Most of the permitted activities must be ancillary to the industrial activity and the definition for industrial activities includes any ancillary activity to the industrial activity. It becomes confusing as to how it applies and is a potential loophole for non-industrial activities to establish.
- 6.55 GIZ-R18 (Heavy Industrial Activities) - Enviro NZ (323.92) requested that the activity status of this rule be amended from discretionary to restricted discretionary. The reasons were that “the General Industrial zone is one of two zones available in the City for heavy industrial activities. Heavy industrial activities include waste transfer stations and resource recovery parks. These activities should be enabled if they can minimise or contain their effects. As NZ moves towards a more circular economy more waste recovery facilities are likely and their establishment should be accepted with appropriate design to best industry standards for environmental compliance.”
- 6.56 Regarding the S42A comments, I accept that there may be further policies that would need to be referenced to provide for a restricted discretionary status, however I consider this is appropriate given the limited locations that heavy industry activities can be located. The benefit lies in providing greater clarity of when a heavy industrial activity is suitable in the zone and it is considered that many resource recovery facilities, for example, can meet the necessary matters of discretion.
- 6.57 GIZ-R24 (Servicing) – Enviro NZ opposed clause (1)(b) of this rule (323.94) requesting the deletion of the restriction in servicing between 10pm – 7am. This submission point was made in error, as the “or” statement was not read correctly. It therefore withdraws the submission point.

- 6.58 I do note that a rule which limits servicing this way is better dealt with under the noise provisions as these are the test for the effects generated. Experience from other sites, sometimes greater than 40m away from residential properties, is that depending on topography and other factors, sometimes compliance with noise limits is difficult to achieve, therefore the proposed rule may not achieve the intended outcome.
- 6.59 GIZ-S4 (Overlooking – adjoining zones) – Enviro NZ (323.95) requested that Standard GIZ-S4 be deleted. I accept the recommendation of the S42A report that the standard does not apply to Rural, Open Space or Recreation Zones. If the standard is to remain for residential zones, then a 10m setback appears to be excessive. Standard outlook spaces for residential to residential are 4m in width, so the 10m setback is perplexing. There is a 5m setback for buildings in the zone that adjoin a sensitive zone. The 10m should be reduced to 5m.
- 6.60 Definition (Activity sensitive to industry) – Enviro NZ (323.2) sought that early childhood education activity be added to the list of activities sensitive to industry. I accept that this should be instead “child-care services”.
- 6.61 I accept the recommended change to the definition to add child-care services.
- 6.62 Definition (Heavy Industrial Activity) – Enviro NZ accepts the rejection of this submission point (323.9).
- 6.63 Definition (Reverse Sensitivity) – Enviro NZ (323.16) requested that this definition be replaced with an alternative definition, primarily on the grounds that the proposed definition was difficult to read and interpret by plan users.
- 6.64 I am satisfied with the amended recommended wording of the definition. I only point out that the submission did not posit that reverse sensitivity is caused by complaints. The submission merely gave an example of another District Plan definition where the definition recognises that the evidence of reverse sensitivity is via complaints.

7.0 Conclusion

- 7.1 I support those submission points which have been accepted within the s42A reports.

Commercial and Mixed Use Zones

- 7.2 Under the Commercial and Mixed Use Zones chapters, the definitions that Enviro NZ submitted upon were Co-location benefits and Light manufacturing and servicing. The S42A reasoning around the word trip-chaining under the Co-location benefits is accepted, however alternative wording that most users would understand is preferable. The amendment for adding “repurposed” to the Light manufacturing and servicing definition is accepted.

Contaminated Land and Hazardous Substances Chapters

- 7.3 For the submission point on HS-P1, an amendment was sought to Clause 3. I consider the wording ‘sensitive environments’ should be considered further to

strike a balance of which sensitive environments are in consideration, so as to better define where hazardous facilities must avoid. I leave this to the Panel for their consideration.

- 7.4 The other submission points in these chapters supported the notified version of Policy HS-P3, Rule HS-R3 and the definition for Significant Hazardous Facility. The recommended amendments to these provisions are supported as significant hazardous facilities are generally of critical or strategic importance to the functioning of the region. Reduction of operational ability or closure due to encroachment would have a serious adverse effect on the social or economic wellbeing of the area.

Industrial Zones

- 7.5 The main thrust of the discussion regarding the industrial zones is that sites handling waste can only be located in industrial zones and sometimes rural locations. Industrial land overall, as quoted by the Industrial Land Supply Study is facing a shortfall of supply and recommends that existing industrial land should be safeguarded. They state there is a need to have the right planning framework in place to allow for the on-going efficient operation of industrial activities.
- 7.6 I consider that the objectives, policies and rules for the industrial zones need to give primacy to the industrial activities as their establishment in other zones is difficult and actively discouraged, given the lower level of amenity from the industrial activities. In some instances, it is considered that under the current proposed framework non-industrial activities are almost encouraged in the industrial zones. The submission points seek to address this and tip the balance in favour of industrial activities.
- 7.7 Thank you for your consideration.

Kaaren Rosser
Kaaren.rosser@environz.co.nz

Attachment 1

Qualifications and Experience

I hold a Bachelor of Science (Earth Sciences) from the University of Waikato and a Post-Graduate Diploma in Natural Resources from the University of Canterbury, along with a Certificate of Proficiency in Planning from the University of Auckland. I am an Associate Member of the New Zealand Planning Institute.

I have over 25 years' experience, which includes both working in local government and the private sector. I have undertaken policy analysis and the preparation of submissions for a wide range of clients as a consultant planner and I have also written precinct provisions for the Auckland Unitary Plan (Clevedon Waterways Precinct). I have advised clients on a wide range of planning matters, but with a particular focus on water and air discharge matters relating to industrial sites and airport infrastructure. I have also processed complex planning applications for Auckland Council including chicken farms and large multi-unit developments.

I currently specialise in waste management sites and processes, undertaking consenting and policy analysis for this specialised sector.