

BEFORE ENVIRONMENT CANTERBURY

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Council Hearing for the Proposed
Canterbury Air Regional Plan

STATEMENT OF EVIDENCE OF KELLY ANDREW

18 September 2015

1.0 INTRODUCTION

- 1.1 My full name is Kelly Marie Andrew. I hold a Bachelor of Planning degree from the University of Auckland. I am a graduate member of the New Zealand Planning Institute and I am an Intermediate Planner with Harrison Grierson Consultants Limited.
- 1.2 I have four years planning experience in district and regional policy planning and consent processing. I am familiar with the provisions of the Proposed Canterbury Air Regional Plan (the 'Air Plan').
- 1.3 I appear in relation to a submission lodged by TIM Nominees. TIM Nominees own the property at 4 – 20 (even numbers) Izone Road (Lot 3 DP 319719) and 36 Izone Road (Lot 2 DP 342459) (the 'site'). The site has an area of 10.012 hectares and currently contains a large format retail activity with an associated storage area on Lot 3 DP 319719.

2.0 CODE OF CONDUCT

- 2.1 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses (Consolidated Practice Note 2014) in giving this evidence. In that regard, I confirm that this evidence is within my area of expertise (except where otherwise stated) and I have

not omitted to consider material facts known to me that could alter or detract from the opinions I express in this statement of evidence.

3.0 SCOPE

3.1 My evidence focuses on the following chapters:

- a) Definitions;
- b) Chapter 5, Objectives;
- c) Chapter 6, Policies; and
- d) Policy 6.19, Industrial and Large Scale Discharges to Air.

3.2 My evidence is set out as follows:

- a) Site description and background;
- b) TIM Nominees submission;
- c) Areas of support; and
- d) Requested changes

3.3 In preparing my evidence I have read the following documents:

- a) Notified Proposed Canterbury Air Regional Plan;
- b) Further submissions received on TIM Nominees submission points; and
- c) Proposed Canterbury Air Regional Plan – Section 42A Report.

3.4 I consider that the recommendations in the s42A report go some way in addressing TIM Nominees concerns with the notified provisions.

4.0 SITE DESCRIPTION AND BACKGROUND

4.1 The subject site is part of the Izone Industrial Park, New Zealand's largest industrial park. Given Izone's success, Selwyn District Council re-zoned approximately 49ha of rural land (Outer Plains Zone) to Business 2 Zone (similar zoning to the Izone Industrial Park). This demonstrates that the Selwyn District Council is providing for more industrial activities and anticipating growth amongst the industrial sector in the area.

4.2 The TIM Nominees site sits within the Izone Industrial Park which is bordered by a variety of differing zones, such as Inner Plains, Living 1, Living and Business zones. This is evident in the land use patterns which surround the subject site where to the south is the established suburb of Rolleston which contains denser development than that which exists north and west

of the subject site in the lifestyle blocks zoned Inner Plains (refer Figure 1 below).

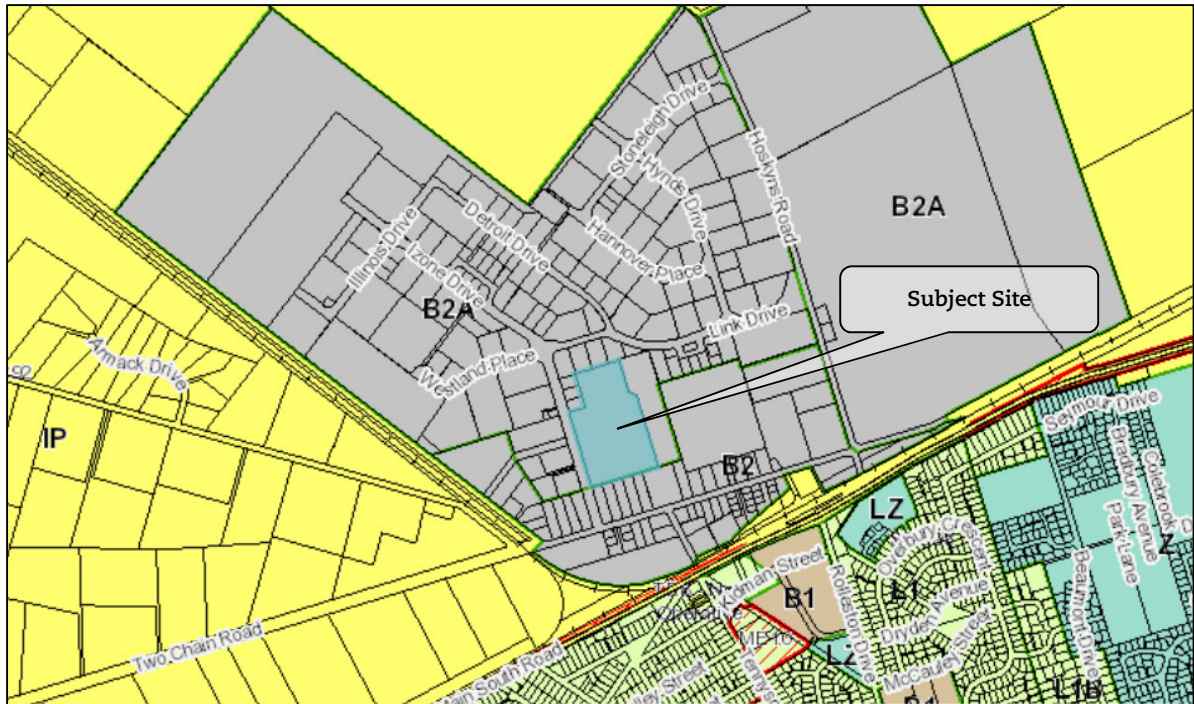


Figure 1: Zoning Map (Source: Canterbury Maps)

5.0 TIM NOMINEES SUBMISSION

5.1 TIM Nominees submission was made in respect of:

- a) The relationship between the Air Plan and the District Plan;
- b) Industrial amenity; and
- c) Economic, cultural and social wellbeing.

6.0 AREAS OF SUPPORT

6.1 TIM Nominees made a further submission in support of a definition of reverse sensitivity as requested by Horticulture New Zealand.¹ I acknowledge that the reporting officer does not recommend a definition for reverse sensitivity but simultaneously notes that if the Panel decides on a definition that they use the simplified definition suggested by Horticulture New Zealand.

6.2 I agree with the planning officer that the definition is simplified, and continue to support the inclusion of this definition suggested by Horticulture New Zealand.

¹ Chapter 4, page 16 of s42A report.

6.3 In their submission, TIM Nominees supported Objective 5.4. I note that this objective has been amended in the s42A report to reflect the changes sought by Ravensdown Fertiliser Co-operative Group as follows:

Discharges to air are managed ~~to maintain~~ in accordance with the amenity values of the relevant receiving environment.²

6.4 In my opinion the changes to this wording are appropriate as they refer to management of amenity values of the existing environment.

6.5 TIM Nominees also supported Objective 5.9 as part of their original submission. I note that the planning officer has amended this objective based on the relief sought by Carter Holt Harvey Pulp and Paper Limited as follows:

Discharging and sensitive activities are spatially located so that they result in appropriate air quality outcomes are being achieved both at present and in the future.³

6.6 I consider that this amendment is an improvement as it now refines and specifies the type of activities to which the objective applies and will therefore ensure that discharging and sensitive activities are not located near each other. In my opinion, this change to the objective will prevent incompatible land uses and zoning from being located adjacent to each other.

6.7 In their submission, TIM Nominees supported Policy 6.6 as it gives effect to Objective 5.9. I agree with the planning officer's recommendation to retain the policy as proposed. I consider that the policy in its current form will provide alignment between the regional and district plan, which is particularly important for the TIM Nominees site as it is located in an industrial area.

6.8 TIM Nominees made a submission to recognise that industrial and discharging activities are a valuable resource. I note that the reporting planner has recommended that a new policy (Recommendation-5) is added as follows:

Locational constraints of discharging activities, including heavy industry and infrastructure are recognised so that operational discharges into air are enabled where the best practicable option is applied.⁴

6.9 This proposed new policy goes some way to acknowledging that industrial activities are a valuable resource as it recognises that industrial activities result in a level of air discharge associated with its operations and cannot relocate. However, I am of the opinion that this new policy can be strengthened to acknowledge that industrial activities are valuable for the

² Chapter 9, Pg 4 of s42 report.

³ Chapter 9, Page 6 of s42A report.

⁴ Chapter 16, Page 16 of s42A report.

economy and have a lower level of amenity in comparison to more sensitive activities.

- 6.10 In my opinion, Recommendation-5 Policy 6.11, contradicts Policy 6.7 which could potentially require lawfully established discharging activities to relocate. I will discuss this in more detail in 7.11 below.

7.0 REQUESTED CHANGES

- 7.1 TIM Nominees sought to include industrial activities in Objective 5.7 as part of their original submission. TIM Nominees requested that the objective be amended as industrial activities also positively contribute to the economic, cultural and social wellbeing, and therefore requested the following amendment:

Industrial activities and nationally and regionally significant infrastructure are ~~is~~ enabled and ~~is~~ are resilient and positively contributes to economic, cultural and social wellbeing through ~~its~~ their efficient and effective operation, on-going maintenance, repair, development and upgrading.

- 7.2 During the further submission period, TIM Nominees request to amend Objective 5.7 was supported by Ravensdown Fertiliser Co-operative Limited and Canterbury Aggregate Producers Group. The planning officer noted that 10 other submissions were made to expand the objective to apply to a wider range of activities than what is stated i.e. commercial and industrial activities to be included.⁵ However, the planning officer states that this request is better addressed by Recommendation-5, Policy 6.11A. Nonetheless, as this recommendation is only a policy, I consider that there should still be a related objective that addresses the recognition of industrial activities in the same way as Objective 5.7 recognises the importance of infrastructure.

- 7.3 In their submission, TIM Nominees supported Objective 5.8 in principle as it recognises that air quality expectations throughout the region will differ depending on the location and the characteristics of the receiving environment. However, it was noted that the objective is too narrow in scope as it only focuses on the amenity of the receiving environment.

- 7.4 I have reviewed the reporting planner's report and note that Objective 5.8 has been amended as follows:

It is recognised that air quality expectations throughout the Region differ depending on the location and the characteristics of the receiving environment, including the

⁵ Chapter 9, Page 5 of s42A report.

underlying land use patterns or zoning, and discharging activities are located appropriately within the receiving environment.⁶

7.5 The amendment shown underlined above, references that it is from the relief sought by TIM Nominees. This policy appears to be referenced incorrectly and does not achieve the change sought by TIM Nominees. In my opinion, the wording of the above amendment is unclear and therefore this change is opposed and I consider the original wording should be retained.

7.6 In respect to this objective, TIM Nominees concerns were around recognising that industrial activities are a valuable resource, and protection against the encroachment of sensitive activities is required. I therefore consider that the relief sought by TIM Nominees as part of their original submission should be retained. The following objective and policy (as set out in the submission) is requested to be included as follows:

Objective #?: It is recognised that industrial activities are a valuable resource in the Canterbury Region and that that air quality expectations for industrial areas will be lower than other sensitive activities.

Policy #?: When considering whether there are any adverse effects on air quality from an established industrial area, recognise that any expansion or growth of the surrounding land uses has taken place in the context of this existing environment.

7.7 The requested policy was also supported by Ravensdown Fertiliser Co-operative Group during the further submission period. I consider that the above objective and policy will acknowledge that it is appropriate for industrial activities to locate in industrial areas and that they have a lower level of amenity which is acceptable in comparison to sensitive activities.

7.8 TIM Nominees made a further submission on Policy 6.7 and sought the deletion of this policy as it authorises the potential for reverse sensitivity by requiring a lawfully established discharging activity to relocate. I note that the reporting planner accepts that these situations may be unfair to discharging activities but justifies it by arguing that everyone located in the area has the right to a quality of air that provides for their health, safety and wellbeing. While the health, wellbeing and safety of individuals is important, Policy 6.7 penalises and potentially limits the operation of lawfully established discharging activities.

7.9 The planning officer's report notes that six submissions sought the inclusion of other types of activities such as 'infrastructure' or 'industry' to Policy 6.11.⁷ TIM Nominees sought the inclusion of 'industrial activities' to this policy. The planning officer has recommended that Recommendation-5 (Policy 6.11A) addresses this concern. While this partly addresses TIM

⁶ Chapter 9, Page 16 of s42A report.

⁷ Chapter 10, Pg 10 of s42A report.

Nominees concern, the intention of Policy 6.11 and Policy 6.11A are different. Policy 6.11 recognises the economic contribution of these activities and provides for their operation and development. Policy 6.11A on the other hand recognises the operational discharges of industrial activities and their locational constraints.

- 7.10 The relief sought by TIM Nominees in their original submission is still applicable and it is therefore requested that it is amended to include industrial activities as it too is an activity which contributes to the economy. I consider that 6.11 should be amended as follows;

Recognise the contribution of industrial activities and nationally and regionally significant infrastructure to the regional and national economy and provide for the operation and development of these activities and that infrastructure.

- 7.11 As mentioned in section 6.10 of this evidence, Recommendation 5 – Policy 6.11A accepts that there are locational constraints for existing industrial activities, meaning that in many circumstances it is uneconomically viable for these activities to relocate elsewhere.

- 7.12 TIM Nominees supported Policy 6.19 as part of their original submission and the inclusion of a sub-policy was requested to take into account the growth and expansion of surrounding land uses as follows:

When considering whether there are any adverse effects on air quality from an established industrial area, recognise that any expansion or growth of the surrounding land uses has taken place in the context of this existing environment.

- 7.13 It is considered that this proposed policy helps to protect established industrial operations from the growth of nearby receiving environments. This is particularly important for the site and the wider Izone area which is zoned in the Selwyn District Plan as Business 2 and which enables its expansion of industrial activities.

8.0 CONCLUSION

- 8.1 I consider that the following provisions should be included in the proposed plan as follows:

- Include definition of reverse sensitivity.
- Amend Objective 5.4.
- Amend Objective 5.9.
- Retain Policy 6.6.
- Include Recommendation-5 – Policy 6.11A.

8.2 I consider that the following changes should be made to the proposed plan (or alternative relief that achieves these outcomes) as follows:

- Amend Objective 5.7 as per section 7.1 above.
- Retain the original wording of Objective 5.8 as per section 7.4 and 7.5 above and provide alternative relief as per section 7.6 above.
- Include an additional objective and policy as per section 7.6 above.
- Amend Policy 6.11 as per section 7.10 above.
- Provide a sub-policy as discussed in section 7.12 above.

8.3 On the basis of including these relevant changes, I consider that the matters raised on behalf of TIM Nominees will generally be addressed.

Kelly Andrew

18 September 2015