

Before the Whangarei District Council Hearings Committee

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter of Proposed Plan Changes 88, 109, 115, 136 and 148
(Whangarei District Plan).

**Evidence of Thomas Robert Keogh on behalf of Circa Marine and Industrial
Limited**

November 7 2019

Reyburn and Bryant 1999 Ltd
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Introduction

1. My full name is Thomas Robert Keogh. I am a planner. I hold a Bachelor of Arts (Major Geography, Minor Economics) and a Masters of Urban Planning from the University of Auckland. I am an intermediate member of the New Zealand Planning Institute (MNZPI).
2. I have 5 years of experience as a planning consultant in the Northland and Auckland regions. My role has typically been to lead project teams through various resource consent and plan change processes, and to provide environmental and strategic planning advice for these projects.
3. I am familiar with the area to which the application for resource consent relates. I have visited the site and surrounds on numerous occasions, most recently on 7 November 2019.
4. I record that I have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2014. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witness as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

5. My evidence will address the following:
 - The primary submission.
 - Any relevant further submissions.
 - Council's recommendation (s42A report).
 - Basis for submitter's position and any additional supporting information.

The primary submission

6. The relief sought in the original submission (in order of preference) was as follows:
 - a. That the 7,000m² limit applying to activities listed under LI-R7 – LI-R11 in

the Light Industrial Zone (LIZ) is removed (PC88G); or

- b. The words “per site” are added to the end of the 7,000m² limit applicable to activities listed under LI-R7 – LI-R11 (PC88G); or
- c. That the subject land is included in the Heavy Industrial Zone (HIZ) (PC88G) as shown on the submission plan, as opposed to the LIZ as shown on Proposed Planning Map 73Z; and
- d. Relief from compliance with provisions in Plan Changes 82A, 82B, 88, 88A-J, 109, 115, 136, 147, and 148 where those provisions are inconsistent with the outcomes sought for the land subject to this submission.

Relevant further submissions

- 7. The following further submissions were made in relation to the primary submission:

Submitter	Support/oppose	Reason
Balance Agri-Nutrients (X361)	Support, specifically point a.	Supports existing activities on site, and is the most efficient and effective use of the land.
Industrial Estates Ltd (X375)	Support in part	Does not undermine outcomes sought as part of original submission, and allows industrial activities to occur at appropriate locations.

Council's recommendation (Section 42A report)

8. As part of the relevant section 42A report, Council have **rejected** the relief sought by Circa Marine and Industrial Limited (CMIL). The reasons for these recommendations are outlined below.
9. Point 6(a): Removing the 7,000m² limit applying to Industrial Activities in the LIZ; and Point 6(b): Adding the words "per site" to the end of the 7,000m² limit:
 - Existing uses will have existing use rights, while a maximum GFA for industrial activities is the most effective method to maintain a difference between the light and heavy industrial zones.
 - Notwithstanding the above, Council also received a number of submissions on the Heavy Industrial Zone, specifically the corresponding rule requiring that industrial activities exceed 7,000m² to be permitted. As a result of those submissions, Council have removed the 7,000m² limit in the LIZ, with the recommended rule now requiring that resource consent is obtained for any activity listed on one of the nine listed classifications in ANZSIC06. Council have stated that the reason for this is that any "industry that is noxious or will generate objectionable odour, noise and dust should be located in the Heavy Industrial Zone".¹
10. Point 6(c): Rezoning the subject land HIZ:
 - Primary relief addressed in Part 5 [of section 42A report] – Council have recommended that the limit is removed.
 - Less consistent with the HIZ zoning criteria set out in the s32 report and the zoning criteria policy SD-25.

Basis for submitter's position and related supporting information/evidence

11. I acknowledge that District Plans prepared in accordance with the format now

¹ Paragraph 210 of Industrial section 42A report

required under the National Planning Standards are more prescriptive and less effects based. As a result, the Council appears to be grappling with writing suitable rules to manage the effects of activities in the Light and Heavy Industry Zones.

12. With regards to the recommended version of the LIZ chapter, I have read the evidence prepared by Brett Lewis Hood on behalf of Port Nikau Three Joint Venture for the Plan Change hearings, specifically points 18 – 26 which relate to the LIZ provisions. I agree with the concerns raised in the evidence relating to the recommended version of the LIZ chapter, specifically the introduction of reference to ANZSIC06 in LIZR7-R11(2), and the retention of LIZ-P2. I agree that LIZ-R7-R11(2) is not the appropriate method for managing the effects of activities in the LIZ, and that rather the effects can be addressed by a combination of activity restrictions and effects-based rules.
13. Overall, I agree with and support the approach adopted by Brett Lewis Hood in point 26 of his evidence – that the proposed activity restrictions in the respective LIZ and HIZ zones, coupled with various effects based rules in these chapters and elsewhere in the District Plan, are generally adequate to manage effects without the need to reference AINZSIC06. CMIL seek the same relief.

Summary

14. Overall, the changes sought to the LIZ will ensure that appropriate industrial activities are facilitated in appropriate locations, that the District Plan remains consistent with National Planning Standards, and that the purpose and principles of the RMA are achieved.



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Thomas Keogh (Planner)

This 7th day of November 2019