

**BEFORE THE HEARING COMMISSIONERS
AT WHANGAREI**

IN THE MATTER of the Resource Management Act 1991
(RMA or the Act)

AND

IN THE MATTER of proposed Plan Change 88H – Heavy
Industrial Zone to the Whangarei District Plan

**STATEMENT OF EVIDENCE OF LUKE FAITHFULL (PLANNING) ON BEHALF
OF THE NATIONAL INSTITUTE OF WATER AND ATMOSPHERIC RESEARCH
LIMITED**

7 NOVEMBER 2019



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EXECUTIVE SUMMARY

1. Seventeen years ago, the National Institute of Water and Atmospheric Research Limited (**NIWA**) established a facility at Bream Bay to further research and develop opportunities for aquaculture and marine science (now known as the Northland Marine Research Centre (**NMRC**)). Both aquaculture and marine science are of significant national importance with extensive local benefits.
2. The NMRC site has been used since the 1960s to allow the pursuit of nationally beneficial opportunities – initially power generation and now aquaculture and marine science.
3. NIWA has lodged both a Primary and Further Submission on the parts of the Whangarei District Council (**WDC**) proposed Urban Plan Changes applying to its site – primarily Plan Change 88H – Heavy Industrial Zone (**PC88H**).¹ NIWA's submissions sought that PC88H:
 - (a) appropriately recognise and provide for the existing development at the NMRC, as well as planned future development; and
 - (b) only require consent for activities where there are likely to be more than minor effects on the environment.
4. In October 2019, WDC released the section 42A reports for all of the urban plan changes, including PC88H. The section 42A reports accepted some of the relief sought by NIWA, particularly regarding the recognition of commercial and industrial activities. NIWA considers that further amendments to PC88H are necessary to appropriately recognise and provide for the existing, lawfully established activities, and planned future activities, noting that they have a functional need to be located adjacent to the coastal environment and within the Heavy Industrial Zone (**HI Zone or HIZ**).
5. The additional relief sought, as outlined in this brief of evidence, primarily relates to:

¹ NIWA also sought such changes as may be necessary to the Strategic Direction and Definitions chapters to give effect to the relief sought in its submission.

- (a) amending the 'General Industry' definition, so it fully encompasses the current and planned future activities at the NMRC site;
 - (b) the new HIZ-NewO1 and HIZ-NewP1 which should be deleted or amended to fully encompass the current and planned future activities at the NMRC site;
 - (c) amending the permitted activity standards relating to building setback and boundary planting so they recognise and accommodate the unique circumstances of the NMRC site; and
 - (d) providing minor amendments to the HI Zone objectives and policies to better recognise and provide for large scale industrial activities which are not 'noxious'.
6. In addition to the amendments to PC88H recommended in the section 42A reports, I consider that the additional amendments outlined in my evidence are necessary to ensure that NIWA's existing and future operations at the NMRC will be appropriately provided for.
7. Further, the proposed amendments to the Whangarei District Plan (**WDP**) will not result in an activity status that will be more restrictive than that which is already provided for in the underlying zone rules of the WDP.
8. Overall, I consider that:
- (a) the provision for NIWA's activities, including future developments at the site, will provide significant local and regional benefits in terms of employment and the economy;
 - (b) the proposed amendments to PC88H will ensure that any potential adverse effects can be appropriately controlled; and
 - (c) the relief sought is consistent with the overall direction of the relevant statutory planning documents.

INTRODUCTION

1. My full name is Luke Christopher James Faithfull.
2. I hold a Bachelors' degree in Geography and Environmental Science. I am employed by Mitchell Daysh Limited as an Associate.
3. I have worked as a resource management professional throughout New Zealand in both the public and private sectors. My previous work experience includes Senior Consents Officer positions at both the Greater Wellington and Bay of Plenty Regional Councils where most of my work involved processing both non-notified and notified resource consent applications for a wide range of activities.

Involvement in the Project

4. I was engaged by NIWA to provide resource management planning advice with respect to their submission on PC88H and to provide this evidence brief. I was also involved in NIWA's submission on Plan Change 87 to the WDP and assisted in preparing the planning evidence.
5. In preparing this evidence I have read and considered:
 - (a) NIWA's filed primary submission (dated 28 June 2019) (**Primary Submission**) and further submissions (dated 15 August 2019) (**Further Submission**) on PC88H.
 - (b) The Urban Plan Changes suite of section 32 reports relevant to PC88H including:
 - i. Urban Plan Changes: Technical Introduction Section 32 Report, March 2019 (**Urban Plan Changes s32 Report**); and
 - ii. Plan Change 88H: [Heavy Industrial Zone], Section 32 Report, March 2019 (**PC88H s32 Report**).
 - (c) The Urban and Services suite of section 42A reports relevant to PC88H prepared in response to submissions on the PC88H provisions, as well as relevant appendices and their reports including:
 - i. Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions

Section 42A Hearing Report, October 2019
(Part 1 s42A Report);

- ii. Part 2 – Strategic Direction and Subdivision, proposed Plan Change 148, Section 42A Hearing Report, October 2019 **(Part 2 s42 Report);**
- iii. Part 5 – Industry, Section 42A Hearing Report, October 2019 **(Part 5 s42A Report);** and
- iv. Part 8 – Zoning Submissions Proposed Plan Changes 88A, 88B, 88C, 88D, 88E, 88F, 88G, 88H, 88I and 115, Section 42A Hearing Report, October 2019 **(Part 8 s42A Report).**

Code of conduct

- 6. I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 7. In my evidence, I will:
 - (a) outline NIWA's key concerns and the relief sought with respect to PC88H;
 - (b) identify where I disagree with the recommended provisions as contained in the section 42A reports;
 - (c) identify where further relief is needed including justification for this relief to address the NIWA submissions and further submissions;
 - (d) provide a high level summary of the statutory considerations; and
 - (e) provide a conclusion.
- 8. To assist the Commissioners, I have set out the changes I consider should be made to the provisions of the s42A reports in **Attachment A** of my evidence ('**my strikethrough version**').

I have used the version of provisions supported by the Council's s42A reports (hereafter referred to as '**Officers' strikethrough version**') as the base document, with my changes shown in redline.

9. The evidence of Mr Kenneth Becker, Regional Manager – Bream Bay, at NIWA provides an overview of the NMRC site, the current and planned future operations on the site, and NIWA's concerns about the implications of PC88H on their operations. I adopt that evidence and do not repeat it.
10. Nor have I discussed the purpose of the Urban Plan Changes as Section 1.2 of the Urban Plan Changes s32 Report provides an overview and description of the background of PC88H which the Panel will be familiar with.

OVERVIEW OF NIWA'S SUBMISSION POINTS

11. NIWA operates the NMRC, an aquaculture and marine science research and development facility, at 33 Station Road, Ruakaka.
12. The NMRC is the largest of its kind in the country. The site is 'fit for purpose' given its proximity to the coastal environment and the availability of land and water supply.
13. The NMRC is located within the Business 4 zone of the Operative WDP which provides for activities associated with commercial and heavy industry in the Whangarei district. Under the present zoning, NIWA's current and future activities at the site are generally provided for as permitted activities.
14. As set out in the Urban Plan Change s32 Report, the general purpose of PC88H is to introduce a new zone into the WDP to replace portions of the existing Business Environments with the HI Zone. Under the provisions of PC88H the NMRC will be located within the proposed HI Zone.
15. NIWA's submissions accept that HI zoning is appropriate for the site but seek that the provisions of the HI Zone better recognise and provide for the specific nature of the activities undertaken at the NMRC - being activities associated with marine science, research and aquaculture.
16. As outlined in the Primary Submission and Further Submission, NIWA's requested relief includes:

- (a) amending the definition of Industrial Activity in Chapter 4 to include marine science and research activities;²
- (b) amendments to Objective HI-01,³ HI-04⁴ and HI-05⁵ so that they more appropriately recognise and provide for the types of activities NIWA carries out at its NMRC site, and to amend text which suggests only industrial activities which are both large scale and noxious should locate in the HI Zone;
- (c) amending Policy HI-P1⁶ to clarify its intent and to remove confusing language;
- (d) amending Policy HI-P2⁷ so that it more appropriately recognises and provides for the types of activities NIWA carries out at its NMRC site, and to remove text which suggests only industrial activities which are both large scale and noxious should locate in the HI Zone;
- (e) deletion of Policy HI-P3⁸ because it duplicates the concern under Policy HI-P7 regarding fragmentation of land and fails to acknowledge that co-location of individual industrial activities on a large site may be appropriate;
- (f) amending Policy HI-P4⁹ addressing non-industrial activities so that the operation of existing facilities as well as planned expansions within the zone are protected;
- (g) amending Policy HI-P5¹⁰ addressing edge effects so it acknowledges that there may be situations where

² Submission 77-13.

³ Submission 77-5; Further submission X353 on submission point 217-2.

⁴ Submission 77-5; Further submission X353 on submission point 217-4.

⁵ Submission 77-5; Further submission X353 on submission point 217-5.

⁶ Submission 77-9; Further submission X353 on submission point 217-8.

⁷ Submission 77-6; Further submission X353 on submission point 217-9.

⁸ Further submission X353 on submission point 217-10.

⁹ Further submission X353 on submission point 217-21.

¹⁰ Submission 77-10.

setbacks and landscaping of a heavy industrial site are not appropriate;

- (h) amending Policy HI-P6¹¹ so it recognises that some activities, such as NMRC, have both a functional and operational need to locate near the coastal water resource, and that building setbacks from the Mean High Water Springs will not always be appropriate;
- (i) amending Policy HI-P7 addressing subdivision so that it more appropriately recognises and provides for the types of activities NIWA carries out at the NMRC;¹²
- (j) amending the rules for the HI Zone so that they make specific provision for existing large-scale marine science, research and aquaculture facilities as a permitted activity;¹³
- (k) amending Rule HI-R2 – Building Height so that activities which do not comply with permitted height limits are a restricted discretionary activity;¹⁴
- (l) amending Rule HI-R3 – Building Setbacks so that:
 - i. the permitted activity standards do not require 20m building setback from conservation zones, or from green space zones where these are associated with a road;¹⁵ and
 - ii. activities which do not comply with permitted setback limits are a restricted discretionary activity;¹⁶
- (m) amending Rule HI-R7 – Industrial Activity by:
 - i. deleting reference to 'individual' so that it would clearly allow the various marine science, research and aquaculture activities

¹¹ Further submission X353 on submission point 161-6.

¹² Submission 77-6.

¹³ Submission 77-7.

¹⁴ Further submission X353 on submission point 161-8.

¹⁵ Submission 77-11.

¹⁶ Further submission X353 on submission point 161-8.

undertaken at the NMRC to be considered as a collective when determining whether the activity is greater than 7,000 m² and in turn 'large scale', or alternatively deleting this performance standard in its entirety;¹⁷

- ii. including an exemption from the proposed boundary planting standard for existing activities, and for sites located in the coastal area adjoining the conservation zone, or roads which have been included within a green space zone;¹⁸
 - (n) amending Rule HIZ-R14 Commercial Services by deleting the permitted activity ground floor area standard of 100m² for ancillary commercial activities;¹⁹
 - (o) removing the Sport and Active Recreation Zoning from Station and Ruakanohi Roads which run on the southern boundary of the NMRC, and to the extent there is any remaining open space (in between the roads) that it be rezoned as Open Space;²⁰ and
 - (p) changes to the Strategic Direction chapter as may be necessary to address the concerns raised above and appropriately recognise and provide for the regional and national significance of the NMRC and its continued operation amongst other things.²¹
17. The section 42A reports have recommended a number of amendments to the HI Zone provisions which, in my view, adequately address the planning issues raised in the majority of the submission points above. However, there are four key matters which I consider need further consideration being:
- (a) changes are needed to the Officers' strikethrough version of the 'General Industry' definition, so it fully

¹⁷ Submission 77-12.

¹⁸ Submission 77-12.

¹⁹ Further submission X353 on submission point 161-12.

²⁰ Submission 77-14.

²¹ Submission 77.15.

encompasses the current and future activities planned for the NMRC;

- (b) the new HIZ-NewO1 and HIZ-NewP1 included in the Officers' strikethrough version should be deleted or amended to fully encompass the activities currently undertaken and planned for the NMRC;
- (c) the permitted activity rules which apply to the NMRC should be amended so that they accommodate the unique circumstances of this site; and
- (d) various changes to the Officers' strikethrough version of the policies for the HI Zone should be made so that they recognise and provide for large scale industrial activities which are not 'noxious'.

18. I note that these matters are consistent with the key remaining concerns in Mr Becker's evidence²² and I address each below.

Areas of Disagreement with the s42A Reports

- 19. For the reasons outlined in the Primary Submission and the evidence of Mr Becker, the NMRC is ideally located for the current and planned future marine science, research and aquaculture activities at the site. I do not understand there to be any challenge to this conclusion on the part of any submitter or WDC.
- 20. However, under the proposed wording in the Officer's strikethrough versions, the use of the NMRC for marine science, research and aquaculture activities does not sit comfortably with the PC88H planning framework which applies to the site, and which is much more prescriptive and restrictive than the Operative Plan (Business 4 Zone).
- 21. NIWA's submissions seek to rectify this by retaining the HI Zone but making changes to the objectives, policies and rules of the HI Zone.
- 22. The Part 5 s42A Report generally supports NIWA's proposed approach and recommends various changes to PC88H to

²² Evidence of Kenneth Becker on behalf of NIWA, dated 5 November 2019, paragraph 33.

accommodate the NMRC. I understand that WDC intends PC88H to provide for the NIWA's interest and the NMRC facility by:

- (a) encompassing marine science, research and aquaculture activities at the NMRC into the PC88H definition of 'General Industry' as follows²³:

General Industry means any industrial activity which is not manufacturing and storage, repair and maintenance services, artisan industrial activities, marine industry, waste management facilities, or a landfill. It includes any research laboratories used for scientific, industrial or medical research, or any training facilities for an industrial activity. This definition is included within the Industrial Activities definition grouping.

which in turn is also encompassed by the PC88H definition of 'Industrial Activities'.²⁴

- (b) the objective and policy support afforded Industrial Activities in the HI Zone chapter would also apply to the marine science, research and aquaculture activities undertaken at the NMRC.²⁵
- (c) the marine science, research and aquaculture activities undertaken at the NMRC being afforded objective and policy support by the following new objective and policy:²⁶

HIZ-NewO1 Research and Training

Recognise the relationship of industrial activities with research laboratories used for scientific, industrial or medical research with training.

HIZ-NewP1 Research and Training

To provide for research laboratories used for scientific, industrial or medical research, and training facilities where they are designed, located and managed to operate symbiotically with industrial activities.

²³ Part 5 Industry, Section 42A Hearing Report 15 October 2019, paragraph 49.

²⁴ By virtue of the new nesting table included in the definitions section.

²⁵ Including Objectives HIZ-O1 - HIZ-O5, and Policy HIZ-P1 – HIZ-P7.

²⁶ Part 5 Industry, Section 42A Hearing Report 15 October 2019, paragraphs 66 and 86.

- (d) the marine science, research and aquaculture activities undertaken at the NMRC being subject to Permitted Activity Rule HIZ-R7 Industrial Activity.²⁷
23. I agree with the intent of the approach from WDC but in my view:
- (a) the text inserted into the definition of 'General Industry' does not adequately encompass the specific nature of the current and planned future marine science, research and aquaculture activities at the NMRC;
- (b) it is not clear to me that the new objective and policy apply (HIZ-NewO1 and HIZ-NewP1) to the NMRC as they seem to recognise and provide for research laboratories which are ancillary to industrial activities but not a stand-alone, large scale marine science, research and aquaculture facility within the HI Zone; and
- (c) Rules HIZ-R3 and HIZ-R7 include new, more restrictive permitted activity standards, which when applied to the NMRC, its current and planned future use of the site will not meet, and which will trigger unnecessary resource consent processes.
24. I address each below as well as some other (consequential) matters.

Definition of General Industry

25. The most important change to ensure PC88H provides for both the current and future marine science, research and aquaculture activities undertaken at the NIWA site is to ensure those activities clearly fall within the definition of an 'Industrial Activity' and are therefore, subject to the objectives, policies and rules which provide for industrial activities in the HI Zone.
26. I agree with the Part 5 s42A Report approach, that a sensible way of doing this is to include such activities in the 'General Industry' definition. However, in my view, changes are needed to the Officers' strikethrough version of that definition

²⁷ Part 5 Industry, Section 42A Hearing Report 15 October 2019, paragraph 202.

to better achieve this as follows [my changes in red underline / ~~strikethrough~~]:

Definitions

General Industry means any industrial activity which is not manufacturing and storage, repair and maintenance services, artisan industrial activities, marine industry, waste management facilities, or a landfill. It includes any research laboratories facilities used for scientific, industrial or medical research, and onshore aquaculture production, including their commercialisation, or any training facilities for an industrial activity. This definition is included within the Industrial Activities definition grouping.

27. The amendment clearly captures NIWA's activities onsite and is appropriately general that it also captures the other ancillary activities which were proposed in the Officer's ~~strikethrough~~ version of the definition.
28. Adoption of the amended definition would provide the certainty that NIWA's activities are adequately captured in the HI Zone provisions as the term 'General Industry' is commonly used throughout.

The New Objective and Policy (HIZ-NewO1 / HIZ-NewP1)

29. The suggested amendment of the 'General Industry' definition would mean the activities at the NMRC would be afforded broad objective and policy support under HI Zone Objectives HIZ-O1 – O5 and HI Zone Policies HIZ-P1 – P7. In that respect I do not consider the new standalone provisions (HIZ-NewO1 / HIZ-NewP1) are strictly necessary and propose that they are deleted.
30. However, if HIZ-NewO1 and HIZ-NewP1 are to be included, it is important that these more specific provisions do not narrow the type of research facility anticipated to something less than that currently in place and/or planned for at the NMRC. I consider that the Officers' ~~strikethrough~~ version of HIZ-NewO1 and HIZ-NewP1 does just this and, as currently worded, can be interpreted as contemplating something more akin to the small scale research laboratories which often support large scale heavy industrial activities e.g. a site specific water or air testing laboratory.
31. Therefore, in my view:
 - (a) both HIZ-NewO1 and HIZ-NewP1 should be deleted; or,

- (b) in the alternative, if retained, amended, as follows:

HIZ-New O1 Research and Training

Recognise the ~~role that facilities relationship of industrial activities with research laboratories~~ used for scientific, industrial or medical research, onshore aquaculture production, and associated training have within the Heavy Industrial Zone.

HIZ-New P1 Research and Training

To provide for ~~facilities research laboratories~~ used for scientific, industrial or medical research, onshore aquaculture production and for training facilities where ~~the training facility is~~ they are designed, located and managed to operate symbiotically with industrial activities.

The Rules Which Apply to the NMRC

32. Under the operative WDP, NIWA's current and planned future activities at the site are generally provided for as permitted activities.
33. The Officer's strikethrough version of the provisions includes new permitted activity standards which, when applied to the NMRC, would be more restrictive than those in the operative WDP. The three key standards are:
- (a) the requirement that an individual industrial activity on a site must operate within buildings and/or an outdoor area with a combined area greater than 7,000m² for that individual activity;²⁸
 - (b) the requirement that in respect of the coastal and southern boundary of the NIWA site bordering the Conservation and Open Space zones:²⁹
 - i. buildings and major structures are set back at least 20 m;³⁰ and

²⁸ Permitted Activity Rule HIZ-R7 (3)

²⁹ There are no setback or planting requirements on the sites northern or western boundary as the adjacent land is also in the Heavy Industrial Zone.

³⁰ Permitted Activity Rule HIZ-R3 (c).

- ii. the site boundary to be planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m.³¹

Individual Industrial Activity on 7,000m²

34. In their Primary Submission, NIWA requested that the word 'individual' was deleted from Rule HIZ-R7 as it does not recognise the current status of the NMRC which currently provides for multiple activities being undertaken by NIWA and Moana NZ on the site. Also, as outlined in Mr Becker's evidence³², there is potential for new marine science or aquaculture interests to be established at the NMRC in the future.
35. Therefore, under the Officer's strikethrough version of Rule HIZ-R7, a resource consent as a discretionary activity would be required for the additional industrial activities at the site, because they would not be part of an 'individual' industrial activity.
36. The Part 5 s42A Report³³ does not support NIWA's relief on the basis that it will "restrict the rule further resulting in a cumulative maximum gross floor area for sites".
37. I understand the rationale for the 7,000 m² standard and the concern with the potential cumulative effects resulting from the fragmentation of land suitable for large scale industrial activities however, in my opinion, there is no planning reason why this should be of concern at the NMRC given there are currently multiple general industrial operations located onsite, there is a need for these activities to be located on this site adjacent to the coast, and the site provides existing infrastructure (outfall pipes to the coast) which are imperative to the operations on the site. The rule is also significantly more restrictive than the operative district plan whereby the activities at the NMRC are permitted. Therefore, I do not consider that there is appropriate justification for Rule HIZ-R7 to trigger the need for a resource consent application.
38. As this issue is foreseeable, and noting the Part 5 s42A report position, I consider that a specific exemption for the NIWA site

³¹ Permitted Activity Rule HIZ-R7 (4).

³² Evidence of Kenneth Becker on behalf of NIWA, paragraphs 29 - 30.

³³ Part 5 Industry section 42A Hearing Report, paragraph 207.

should be included in permitted activity rule HIZ-R7(3) as follows:

3. Except for the marine science, research and aquaculture activities at Lot 1 DP 478281, any individual industrial activity operates within buildings and/or an outdoor area with a combined area greater than 7,000m².

39. Adoption of such relief will not result in any additional adverse effects – other than those which are already experienced at the site or those which are anticipated within the HI Zone.

Building Setback and Boundary Planting

40. The building setback and boundary planting are new requirements for the site, and the current site development meets neither.
41. To provide the Panel with some context, I have included an aerial photo of the NMRC below. It shows numerous buildings on both the coastal and southern boundary setback between 3 and 5 metres from the boundary, in line with the 3m building setback which applies to this site under the Operative Plan.³⁴



³⁴ There are default 20m building setbacks in the operative plan for the Business 4 Zone in which the site sits, but a specific exemption is included for this site in those rules (which is located on Lot 1 DP 478281).

42. I have also included below a photo showing the southern boundary of the site where it borders the proposed new Open Space Zone. I note that, as outlined in the Part 8 s42A Report³⁵, the zoning of the land immediately to the south of the NMRC has changed from the Notified Sport and Recreation Zone to Open Space as a result of NIWA's Primary Submission. The change was made to better reflect the nature of the adjoining land.



43. As noted in its submission, NIWA³⁶ sought changes to these setback and boundary planting standards to exempt them from applying to the coastal and southern boundary of its site where there are existing structures located within these areas and limited existing planting.
44. The Part 5 s42A report has recommended these NIWA submission points be rejected because:
- (a) the exemption for existing buildings is unnecessary as they already have existing use rights³⁷; and
 - (b) the interface between the Heavy Industry and more sensitive zones (such as the Open Space Zones)

³⁵ Part 8 – Zoning Submissions, Section 42A Report, October 2019, paragraph 268.

³⁶ NIWA's Primary Submission, Paragraph 15(c).

³⁷ Part 5 Heavy Industry section 42A Hearing Report, paragraph 202.

should be carefully managed to ensure adverse effects on sensitive activities and natural environment are minimised.³⁸

45. I acknowledge the point in respect of existing use rights however, to the extent such rights exist, they are limited to the development in its current form. As outlined in Mr Becker's evidence, there will be changes to the built form on site over the coming years (including potentially to existing structures), and each time that occurs the activity will need to be assessed against the applicable HI Zone rules including its building setback and boundary planting performance standards. Under the Officer's strikethrough version of the rules, resource consent would be required.
46. There is often uncertainty and debate between a council and an applicant, in determining what the existing use rights are for a site, and the extent of change on a site that could be accommodated before the permitted standards are breached. Additionally, in that respect, requiring a site like the NMRC to rely on existing use rights to authorise its development is undesirable for both the occupier and WDC, as the site is specifically suited for the type of activities NIWA and its tenant undertake onsite. I consider it is much more certain for the permitted development entitlements to be set out in the HI Zone provisions as this will avoid unnecessary consenting processes – as well as the resources and costs associated with such processes.
47. For the reasons set out in my s32AA analysis included as **Attachment B** to this evidence, it is my opinion that it would also be more appropriate that the performance standards which apply to the NIWA site under the Operative Plan be retained (3m building setback and no boundary planting requirement), as opposed to the site being subject to the default new building setback and boundary planting requirements proposed in the HI Zone rules.
48. To address the above, I have included the following changes to the rules for the HI Zone in my strikethrough version:

³⁸ Part 5 Heavy Industry section 42A Hearing Report, paragraph 113.

HIZ-R3	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The All buildings and major structures are set back at least: <ol style="list-style-type: none"> a. 4.5m from any road boundaries. b. 3m from any Light Industrial Zone boundary. c. 20m from any Rural Production or Green Open Space and Recreation Zone boundary, <u>provided always that in relation to the property being Lot 1 DP 478281, construction and alteration of a building or major structure is a permitted activity if the building or major structure is setback at least 3 meters from any boundary of the property.</u> d. 27m from Mean High Water Springs or and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance with rule HIZ-R3.1 (a) - (c) not achieved: <u>Restricted Discretionary</u></p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Any special or unusual characteristic of the site which is relevant to the rule. 2. The functional and operation needs of industrial activities. 3. The effects on the amenity of neighbouring sites; 4. The characteristics of the development; <p>Activity Status when compliance with rule HIZ-R3.1 (d) not achieved: <u>Discretionary</u></p>

HIZ-R7	Industrial Activity	
	<p>Activity Status: <u>Permitted</u></p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is a primary activity or ancillary activity. 2. The industrial activity is classified by the ANZSIC06 as one of the following: <ol style="list-style-type: none"> a. <u>Petroleum and Coal Product Manufacturing;</u> b. <u>Basic Chemical and Chemical Product Manufacturing;</u> 	<p>Activity Status when compliance not achieved: <u>Restricted Discretionary</u></p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Cumulative effects resulting from the fragmentation of land suitable for large scale industrial activities. 2. Mitigation measures to manage adverse effects on adjacent Rural Production or Green Open

	<p><u>c.Primary Metal and Metal Produce Manufacturing;</u></p> <p><u>d.Fabricated Metal Product Manufacturing;</u></p> <p><u>e.Transport Equipment Manufacturing;</u></p> <p><u>f. Electricity Supply;</u></p> <p><u>g.Gas Supply;</u></p> <p><u>h.Water Supply, Sewerage and Drainage Services</u></p> <p><u>i. Waste Collection, Treatment and Disposal; or</u></p> <p>3.<u>Except for the marine science, research and aquaculture activities at Lot 1 DP 478281,</u> gAny individual industrial activity operates within buildings and/or an outdoor area with a combined area greater than 7,000m²; <u>or</u></p> <p>4. <u>Except for the marine science, research and aquaculture activities at Lot 1 DP 478281,</u> Any gAll site boundaries which is <u>are</u> adjoining a Rural Production or Green <u>Open Space and Recreation Zone</u> is <u>are</u> planted with trees or shrubs to a minimum height of 1.8m <u>above ground level</u> and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m <u>above ground level</u>.</p> <p><u>Note: ANZSIC06 is the Australian and New Zealand Standard Industrial Classification 2006</u></p>	<p>Space <u>and Recreation</u> Zones.</p>
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Other (Consequential) Matters

49. The “issues” section of the HI Zone chapter³⁹ contains statements, which based on my reading of the s32 report,

³⁹ Part 5 Industry Section 42A Hearing Report, 15 October 2019, Attachment 4.

accurately reflect the intention of the role and importance of the HI Zone. The 'Issues' section states:

The HI Zone (HIZ) provides for large scale industrial activities which contribute to the economic wellbeing of Whangarei District and the wider Northland Region. Industrial activities in the ~~HI~~ Heavy Industrial Zone generally require large allotments with few constraints, access to freight routes, separation from sensitive land uses, and protection from the development of sensitive activities and other non-industrial land uses.

Industrial activities often produce objectionable odour, dust and noise emissions, and use, store or produce hazardous materials. Consequently, the ~~HI~~ Heavy Industrial Zone has a lower level of amenity when compared to other Zones and often comprises large buildings, stockpiles of materials, fenced concreted yards and restricted public access to sites.

The ~~HI~~ Heavy Industrial Zone is and should continue to be located away from more sensitive zones such as Living Residential and Green Open Space and Recreation Zones, to ensure ~~that~~ adverse effects on sensitive activities are minimised, as well as to prevent reverse sensitivity and increased risk effects that may limit the operation and expansion of industrial activities. To support this approach, it is critical to protect industrial activities from the encroaching development of sensitive activities.

Industrial activities have potential adverse effects on the environment that must be managed. These activities should not be located in significant natural, cultural or historic areas, or the Coastal Area unless they have a functional or operational need to do so (such as ports).

While industrial activities are the primary focus within the ~~HI~~ Heavy Industrial Zone, the Zone also provides for ancillary activities which are inherently a part of industrial activities, such as small scale food and beverage activities and ~~ancillary~~ offices and retail activities, but only to the extent that they are required to facilitate the operation of industrial activities. The HI also provides for research laboratories used for scientific, industrial or medical research, and training facilities for an industrial activity.

50. I note the last sentence of the last paragraph of the 'Issues' section, was added specifically in response to NIWA's submission.⁴⁰ However, a consequential change to this sentence is required in order for it to be consistent with NIWA's relief sought to the 'General Industry' definition as discussed in paragraphs 25 - 28 above. Therefore, I propose the following change:

⁴⁰ Part 5 Industry Section 42A Hearing Report, 15 October 2019, paragraph 49

While industrial activities are the primary focus within the ~~##~~ Heavy Industrial Zone, the Zone also provides for ancillary activities which are inherently a part of industrial activities, such as small scale food and beverage activities and ~~ancillary~~ offices and retail activities, but only to the extent that they are required to facilitate the operation of industrial activities. The HI also provides for ~~research laboratories facilities~~ used for scientific, industrial or medical research, and onshore aquaculture production, including their commercialisation, and for training facilities associated with an industrial activity.

51. In addition to the above, I consider that the importance of the types of activities undertaken at the NMRC have been lost somewhat in the Officer's strikethrough version of the provisions where changes have been made to reinforce the importance of the HI Zone for the more 'noxious' types of industrial activity. There needs to be recognition within the provisions that the zone is also a suitable location for the other general industry activities. I have proposed a number of minor amendments to the objectives and policies for the HI Zone which, in my opinion, capture this while also promoting the wider intention of the HI Zone. My proposed amendment are as follows:

- (a) the following changes to Objective HIZ-O1:

HIZ-O1 – Effective and Efficient Functioning

~~Large scale and noxious~~ Industrial activities, particularly including those which are noxious or generate objectionable odour, dust or noise, function effectively and efficiently without constraint from non-compatible activities.

- (b) the following changes to Objective HIZ-O4:

HIZ-O4 – Reverse Sensitivity

Activities that may compromise the operation of ~~noxious or large scale~~ industrial activities, particularly including those which are noxious or generate objectionable odour, dust or noise, within the ~~##~~ Heavy Industrial Zone, or generate reverse sensitivity or increased risk effects, are avoided.

- (c) the following changes to Objective HIZ-O5:

HIZ-O5 – Subdivision

The supply of large allotments within the ~~##~~ Heavy Industrial Zone is preserved for ~~large scale~~ industrial activities, including particularly those which are noxious or generate objectionable odour, dust or noise.

(d) the following changes to Policy HIZ-P2:

HIZ-P2 – Industrial Activities

To enable ~~larger scale and~~ industrial activities, ~~particularly~~ including those which are potentially noxious or generate objectionable odour, dust or noise industrial activities to locate and operate in the ~~##~~ Heavy Industrial Zone without ~~unreasonable~~ constraint from other activities.

52. The NIWA submission⁴¹ also raises concern with the wording of HIZ-P1 and, when read on its face, I agree that it is not immediately clear what the policy is trying to achieve. I expect that it is intended to identify and recognise the character and amenity values anticipated within the HI Zone. However, this is not clear from the proposed wording which, in my view, could be interpreted as almost discouraging industrial activities which do not contribute to degrading the environment through provision for nuisance or heavy traffic issues. A large industrial activity (such as the NMRC facility) which is able to largely internalise its noise and air emissions would be an example of this.
53. This could be better addressed by making a change to the introductory text of the policy along the following lines:

HIZ-P1 – Character and Amenity

To recognise the following as part of the anticipated character and amenity values of the HI Zone, when considering land use inside and adjacent to these areas and protect maintain the character and amenity values of the HI Zone including, but not limited to:

1. ~~High levels of noise and heavy traffic activity.~~
2. Large allotment sizes, often with restricted public access.
3. Moderate to high levels of exposure to potential nuisances such as noise, odour and other air emissions.
4. High levels of heavy traffic, particularly on arterial routes and during daytime hours.
5. A low presence of active building frontages and landscaping.

⁴¹ NIWA's Primary Submission, paragraph 15(a)

Alternative approach

54. While not previously raised, an alternative approach to providing for activities at the NRMC is through a site specific set of provisions under a NMRC precinct within the HI Zone. This is consistent with the approach used for the Marsden Point Refinery under PC88H.
55. The first set of National Planning Standards⁴² identifies the *Function of a Precinct* as:
- A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).*
56. While the NMRC is not recognised as Regionally Significant Infrastructure under the Regional Policy Statement for Northland 2016 (updated 2019)⁴³, the Part 2 s42A Report⁴⁴ acknowledges the local and national significance of the facility to the aquaculture industry. I consider that this, alongside the uniqueness of the site (with its existing infrastructure and proximity to the coast) and the need to align with the economic development priority areas (which include aquaculture) in the Tai Tokerau Northland Economic Action Plan 2016 (and the 2019 Refresh of that document), provide adequate justification to pursue this matter further.
57. Therefore, if the Commissioners and Council saw value in such an approach and considered there was scope, NIWA would be happy to commit to drafting a specific set of precinct provisions for the NMRC site.

Summary

58. I consider that adopting the relief sought by NIWA as outlined above is appropriate and is consistent with the wider policy direction of the relevant statutory documents.

⁴² Ministry for the Environment, National Planning Standards, April 2019 – Tables 17 and 18.

⁴³ Regional Policy Statement for Northland May 2016 (Updated May 2019), Appendix 3 Regionally significant Infrastructure

⁴⁴ Part 2 – Strategic Direction and Subdivision, Proposed Plan Change 148, Section 42A Hearing Report, 18 October 2019, paragraph 53.

59. To assist the Panel, I have provided a complete version of the relief sought as **Attachment A** to this evidence.

Statutory Assessment

60. Section 2 of the Urban Plan Changes s32 Report provides an overview of the statutory matters that influence the outcome of Urban Plan Changes which include PC88H and how the proposed changes give effect to the relevant higher order statutory documents.
61. On the basis that the amendments / relief identified in this evidence is accepted, I consider that the conclusions of the s32 Report PC88: Report Urban Technical Introduction are appropriate.

CONCLUSION AND RECOMMENDATIONS

62. In addition to the amendments to PC88H recommended in the Part 5 s42A Reports, I consider that the additional amendments outlined in my evidence are necessary to ensure that NIWA's operations at the NMRC site will be appropriately recognised and provided for.
63. Further, the proposed amendments will not result in an activity status that is more restrictive than that which is already provided for in the existing zone (Business 4) rules of the WDP.
64. I consider that provision for the NMRC activities, including future developments at the site, will provide significant local and regional benefits in terms of employment and the economy and that the proposed amendments will ensure that any potential adverse effects are appropriately controlled.



Luke Christopher James Faithfull

7 November 2019

ATTACHMENT A – NIWA’S PROPOSED RELIEF NOT PROVIDED FOR IN THE S42A REPORT.

Note: The base document used for the provisions below is the version of those which includes the s42A Report amendments with the NIWA relief is shown as **red underline / strikethrough**.

Definitions

General Industry means any industrial activity which is not manufacturing and storage, repair and maintenance services, artisan industrial activities, marine industry, waste management facilities, or a landfill. It includes any ~~research laboratories facilities~~ used for scientific, industrial or medical research, and onshore aquaculture production, including their commercialisation, or any training facilities for an industrial activity. This definition is included within the Industrial Activities definition grouping.

Heavy Industrial Zone – Issues

...

While industrial activities are the primary focus within the ~~HI~~ Heavy Industrial Zone, the Zone also provides for ancillary activities which are inherently a part of industrial activities, such as small scale food and beverage activities and ~~ancillary~~ offices and retail activities, but only to the extent that they are required to facilitate the operation of industrial activities. The HI also provides for ~~research laboratories facilities~~ used for scientific, industrial or medical research, and onshore aquaculture production, including their commercialisation, and for training facilities associated with an industrial activity.

HIZ-O1 – Effective and Efficient Functioning

Large scale and noxious Industrial activities, particularly including those which are noxious or generate objectionable odour, dust or noise, function effectively and efficiently without constraint from non-compatible activities.

HIZ-O4 – Reverse Sensitivity

Activities that may compromise the operation of ~~noxious or large scale~~ industrial activities, particularly including those which are noxious or generate objectionable odour, dust or noise, within the ~~HI~~ Heavy Industrial Zone, or generate reverse sensitivity or increased risk effects, are avoided.

HIZ-O5 – Subdivision

The supply of large allotments within the ~~HI~~ Heavy Industrial Zone is preserved for ~~large scale~~ industrial activities, including particularly those which are noxious or generate objectionable odour, dust or noise.

HIZ-New O1 Research and Training

Delete but if retained:

~~Recognise the role that facilities relationship of industrial activities with research laboratories used for scientific, industrial or medical research, onshore aquaculture production, and associated training have within the Heavy Industrial Zone.~~

HIZ-P1 – Character and Amenity

To recognise ~~the following as part of the anticipated character and amenity values of the HI Zone, when considering land use inside and adjacent to these areas and protect maintain the character and amenity values of the HI Zone including, but not limited to:~~

- ~~1. High levels of noise and heavy traffic activity.~~
2. Large allotment sizes, often with restricted public access.
3. Moderate to high levels of exposure to potential nuisances such as noise, odour and other air emissions.
- ~~4. High levels of heavy traffic, particularly on arterial routes and during daytime hours.~~
- ~~5. A low presence of active building frontages and landscaping.~~

HIZ-P2 – Industrial Activities

To enable ~~larger scale and industrial activities, particularly including those which are potentially noxious or generate objectionable odour, dust or noise industrial activities~~ to locate and operate in the ~~HI~~ Heavy Industrial Zone without ~~unreasonable~~ constraint from other activities.

HIZ-New P1 Research and Training

Delete but if retained:

To provide for ~~facilities~~ ~~research laboratories~~ used for scientific, industrial or medical research, ~~onshore aquaculture production~~ and ~~for~~ training facilities where ~~the training facility is they are~~ designed, located and managed to operate symbiotically with industrial activities.

Rules

HIZ-R3	<u>Building and Major Structure Setbacks</u>	
	Activity Status: Permitted Where: 1. The All buildings and major structures are is set back at least:	Activity Status when compliance with rule HIZ-R3.1 (a) - (c) not achieved: <u>Restricted Discretionary Matters of discretion:</u>

	<p>a. 4.5m from any road boundaries.</p> <p>b. 3m from any Light Industrial Zone boundary.</p> <p>c. 20m from any Rural Production or Green Open Space and Recreation Zone boundary, <u>provided always that in relation to the property being Lot 1 DP 478281, construction and alteration of a building or major structure is a permitted activity if the building or major structure is setback at least 3 meters from any boundary of the property.</u></p> <p>d. 27m from Mean High Water Springs or and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</p>	<p><u>1. Any special or unusual characteristic of the site which is relevant to the rule.</u></p> <p><u>2. The functional and operation needs of industrial activities.</u></p> <p><u>3. The effects on the amenity of neighbouring sites;</u></p> <p><u>4. The characteristics of the development;</u></p> <p><u>Activity Status when compliance with rule HIZ-R3.1 (d) not achieved: Discretionary</u></p>
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HIZ-R7	Industrial Activity	HIZ-R7
	<p>Activity Status: <u>Permitted</u></p> <p>Where:</p> <p><u>1. The activity is a primary activity or ancillary activity.</u></p> <p><u>2. The industrial activity is classified by the ANZSIC06 as one of the following:</u></p> <p><u>a. Petroleum and Coal Product Manufacturing;</u></p> <p><u>b. Basic Chemical and Chemical Product Manufacturing;</u></p> <p><u>c. Primary Metal and Metal Produce Manufacturing;</u></p> <p><u>d. Fabricated Metal Product Manufacturing;</u></p> <p><u>e. Transport Equipment Manufacturing;</u></p> <p><u>f. Electricity Supply;</u></p> <p><u>g. Gas Supply;</u></p> <p><u>h. Water Supply, Sewerage and Drainage Services</u></p> <p><u>i. Waste Collection, Treatment and Disposal; or</u></p>	

	<p>3. <u>Except for the marine science, research and aquaculture activities at Lot 1 DP 478281, a</u>Any individual industrial activity operates within buildings and/or an outdoor area with a combined area greater than 7,000m².; <u>or</u></p> <p>4. <u>Except for the marine science, research and aquaculture activities at Lot 1 DP 478281, Any a</u>All site boundaries which <u>is are</u> adjoining a Rural Production or Green <u>Open Space and Recreation Zone is are</u> planted with trees or shrubs to a minimum height of 1.8m <u>above ground level</u> and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m <u>above ground level</u>.</p> <p><u>Note: ANZSIC06 is the Australian and New Zealand Standard Industrial Classification 2006</u></p>	
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ATTACHMENT B – S32AA ANALYSIS

Option	Costs	Benefits	Efficiency	Effectiveness
Building Setback Rule HIZ-R3				
<p>Option 1: Officers' strikethrough version:</p> <ul style="list-style-type: none"> • 20m setback for buildings and major structures applies to southern and coastal boundary of Lot 1 DP 478281; or • Restricted discretionary activity consent needed. 	<ul style="list-style-type: none"> • If the permitted activity setback is abided by for any new building or major structure, there would be a significant cost in not being able to use large areas of this important site for marine science, research and onshore aquaculture production buildings or major structures. • Alternatively, any new building or major structure associated with those activities which is located within 20m of the southern or coastal boundary of the site, would require resource consent as a restricted discretionary activity. • A RD resource consent would also be needed for any alternation to an existing building or major structure within 20m of the southern or coastal boundary. • The requirement to obtain a resource consent for these activities would add uncertainty, 	<ul style="list-style-type: none"> • No readily identifiable benefits in requiring building setbacks on this site in excess of 3m. • The nature of the activity undertaken onsite does not warrant such a setback to manage noise, odour or dust. There are also standards in the District Plan, and Regional Plans to ensure these things are appropriately managed. • A need to mitigate visual amenity of dominance effects of onsite built form on the neighbouring Open Space area also does not warrant such a setback, noting the already significant 230m of development between 3 and 5m of the southern boundary, which is currently used as a road, and propensity of small buildings along the coastal edge of the site. 	<ul style="list-style-type: none"> • Applying the default setback rules to this site is an inefficient means of achieving the objectives for the HI Zone. • They trigger costly resource consents for little benefit. 	<ul style="list-style-type: none"> • This option would be effective in achieving proposed Objective HIZ-O2 (Adverse Effects). • It would be not as effective as Option 2 (my strikethrough version) in achieving proposed Objective HIZ-O1 (Efficient and Effective Functioning).

Option	Costs	Benefits	Efficiency	Effectiveness
	time and cost to the development process.			
<p>My strikethrough version</p> <ul style="list-style-type: none"> • 3m setback for buildings and major structures applies to the southern and coastal boundary of Lot 1 DP 478281; or • Restricted discretionary activity consent needed. 	<ul style="list-style-type: none"> • Small cost in requiring 3m setback from boundary of the site. • Small cost to landowner of adjacent site on southern boundary of potentially having the existing building envelope extend across the full extent of this boundary. However, given the Open Space zone recommended by the Officer this cost would be minimal given the nature of the development that could be undertaken here. 	<ul style="list-style-type: none"> • The uncertainty, time and cost to the development process associated with obtaining a resource consent to retain the status quo would be avoided. 	<ul style="list-style-type: none"> • This option is more efficient for both WDC and the applicant. 	<ul style="list-style-type: none"> • This option would be effective in achieving proposed Objective HIZ-O2 (Adverse Effects). A 3m building setback on this site is sufficient to manage effects on the amenity of the adjacent Open Space zones. • It would also be effective in achieving proposed Objective HIZ-O1 (Efficient and Effective Functioning).
Boundary Planting Rule HIZ – R7				
<p>Officers' Strikethrough Version:</p> <ul style="list-style-type: none"> • Southern and coastal boundary of Lot 1 DP 478281 are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m; or • Resource consent required as a RD activity. 	<ul style="list-style-type: none"> • Establishing a planted strip along the southern boundary of the site would be impractical given the small building setback from the site edge, and the existing boundary fence. • If it were able to be established, doing so, and maintaining the strip would also be very costly. • The requirement to obtain a resource consent to authorise development which does not 	<ul style="list-style-type: none"> • Minimal benefit to be gained by planting 1.8m high trees along the southern boundary behind the existing chain link fence. • Minimal benefit to be gained by establishing a planted strip on the coastal boundary adjacent to the extensive coastal vegetation which borders the site. • No readily identifiable benefit in triggering a resource consent process which gives WDC the ability to 	<ul style="list-style-type: none"> • This option is inefficient as it requires either ineffective and unnecessary boundary planting, or an unnecessary consent process. 	<ul style="list-style-type: none"> • This option would be no more effective than my strikethrough version in achieving proposed Objective HIZ-O2 (Adverse Effects). • It would be not as effective as Option 2 (my strikethrough version) in achieving proposed Objective HIZ-O1 (Efficient and Effective Functioning).

Option	Costs	Benefits	Efficiency	Effectiveness
	<p>include a planted strip would add uncertainty, time and cost to the development process.</p> <ul style="list-style-type: none"> • This would occur each time new or revised development of the site occurs. 	<p>impose an alternative boundary treatment.</p>		
<p>My Strikethrough Version – Retain the permitted activity standards in the Operative Plan which apply to this site:</p> <ul style="list-style-type: none"> • No boundary planting required. 	<ul style="list-style-type: none"> • Existing level of boundary treatment, and amenity retained. 	<ul style="list-style-type: none"> • The uncertainty, time and cost to the development process associated with obtaining a resource consent to retain the status quo would be avoided. 	<ul style="list-style-type: none"> • This option is more efficient for both WDC and the applicant. 	<ul style="list-style-type: none"> • This option would be more effective than my strikethrough version in achieving proposed Objective HIZ-O2 (Adverse Effects). • It would be more effective in achieving proposed Objective HIZ-O1 (Efficient and Effective Functioning).

**BEFORE THE HEARING COMMISSIONERS
AT WHANGAREI**

IN THE MATTER of the Resource Management Act 1991
(RMA or the Act)

AND

IN THE MATTER of proposed Plan Change 88H – Heavy
Industrial Zone to the Whangarei District
Plan

**STATEMENT OF EVIDENCE OF KENNETH BECKER ON BEHALF OF THE
NATIONAL INSTITUTE OF WATER AND ATMOSPHERIC RESEARCH
LIMITED**

5 NOVEMBER 2019



ATKINS | HOLM | MAJUREY

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INTRODUCTION

Qualifications and experience

1. My full name is Kenneth Maxwell Becker.
2. I obtained a BSc (Hons) in Marine Biology, from the University of Liverpool, U.K and a Post Graduate Diploma in Professional Ethics from the University of Auckland.
3. I am currently the Regional Manager – Bream Bay at the National Institute of Water and Atmospheric Research Limited (**NIWA**) and have held that position since July 2019. Prior to that I was Regional Manager – Auckland from July 2005.
4. I have 24 years' experience in water and wastewater science and water resource management at the Auckland Regional Council before joining NIWA.

Purpose and scope of evidence

5. The purpose of this evidence is to explain how proposed Plan Change 88H – Heavy Industrial zone (**PC88H**) will affect the operation of NIWA's Northland Marine and Research Centre (**NMRC**) and to outline the benefits the NMRC offers to Northland and New Zealand.
6. This evidence will address:
 - (a) the history of the site and the surrounding area;
 - (b) the current NMRC activities;
 - (c) planned future development of the NMRC site;
 - (d) NIWA's concerns about the implications of PC88H on its current operations and future development; and
 - (e) the changes NIWA is seeking to PC88H.

HISTORY

7. The NMRC is located on land bordered by Station Road and Te One Street in Ruakaka, as shown in **RED** on **Figure 1** below.



Figure 1 – NRMC site

8. NIWA has occupied the site since 2002 – initially under lease from the (then) owner Mighty River Power (**MRP**) and subsequently as owner after NIWA purchased the site in 2014. The 8.4 hectares (**ha**) NIWA now owns was part of a larger 42 ha plot of land owned by MRP and the balance of the land was sold to the Office of Treaty Settlements.
9. Since the 1960's the site has been used for industrial purposes. Initially the site was developed by the Electricity Corporation New Zealand to build key power station infrastructure for New Zealand. The land was heavily developed and at its peak contained two power stations, extensive warehousing, service buildings, roading, internal light rail and even housing for key personnel at the southern end of the property adjacent to Ruakaka village.
10. To create the flat area required for the site, the natural landscape of low lying sand dunes was levelled, pushing the sand east toward the shoreline and west toward the area now occupied by the supermarket in Ruakaka. The NIWA owned portion of that larger property was used for four large fuel storage tanks, two of which are now located next to the road just before the refinery. When the fuel tanks were removed, the area was dressed with a layer of sand but the extensive foundations for fuel tanks were left *in situ* and can be seen whenever site excavations are carried out. Also covering this area is an extensive earth net of sizable copper wire cables which were required for the power station when it was in

operation, but which were left behind when it ceased power generation in 1997. From then until 2010, support components of the abandoned infrastructure - in particular the synchronous condenser - were used to provide voltage support to Transpower who own and continue to operate the transfer station directly adjacent to the NMRC, as shown in **Figure 1** above.

11. The entire site was purchased by MRP in 1999 with a view to recommissioning the Marsden B power station to use coal rather than its original oil-fired configuration.
12. In 2001 NIWA began leasing the site from MRP. After construction the site was operational in 2002.
13. In 2012 the Marsden B power station, on the land adjacent to the NMRC, was dismantled and shipped to India, followed by the complete demolition of the Marsden A power station in 2013. Both operations left behind the exposed foundation mega-structures and sub-surface cooling water galleries deemed too expensive to remove, as well as the four large concrete pipelines which extend out into Bream Bay. NIWA recognised the value of the pipeline assets and the exposed foundation platforms to future aquaculture operations and, as noted above, purchased this industrial site in 2014.

CURRENT OPERATION

14. NIWA, along with its commercial tenant on site, have developed approximately 5 of the 8.4 ha available. Over the next five years NIWA expects that all or most of the remaining 3.4 ha will be developed.
15. The NMRC is currently the largest aquaculture and marine science facility of its kind in New Zealand, and in my view, also the most fit for purpose, given the availability of land and water supply.

Research and Consultancy Activities

16. Over the last 15 years NIWA's activities have covered a wide range of services and research activities to support both the aquaculture sector and the marine sciences sector in New Zealand.
17. The largest activity continues to be research and development into the hatchery and early on-growing phase for two commercially potent marine finfish, the yellowtail kingfish and Hāpuku or groper. NIWA has also carried out

extensive research and opportunity assessment for several other species that are commercially significant for aquaculture. These include snapper, eel or tuna, butterfish, yellow belly flounder, mussel, oyster, and red and pack horse lobster.

18. To support activities in aquaculture, NIWA carries out research into:
 - (a) nutrition and feed development for internal and external clients;
 - (b) system and technical development for recirculating aquaculture systems (**RAS**), for our current and future commercial operations;
 - (c) waste-water treatment using marine anaerobic digestion systems;
 - (d) genetics and selective breeding for NIWA's finfish species; and
 - (e) commercial consultancy services for NIWA's partners. This includes the current commercial tenant but also commercial entities and other scientific institutions from abroad who require our facilities and expertise.
19. Other wider marine science activities include research on the impacts of global climate change and ocean acidification, using existing species on site. This research goes beyond the work on bivalves and molluscs into new areas including coastal erosion, biophysical processes, biosecurity and mitigation of invasive species.

Use as a Diving Base

20. In addition to research and commercial aquaculture activities, the site is used as a base for NIWA's research diving operation. This activity contributes significantly to the monitoring, risk mitigation and deployment of the services supplied by Biosecurity New Zealand, tasked with the constant vigilance of New Zealand's coastal waters to identify and prevent or mitigate biological threats.

Commercial Tenant

21. The current commercial tenant on site - Aotearoa Fisheries Limited, trading as Moana New Zealand Limited (**Moana NZ**), is New Zealand's largest fisheries and aquaculture company.

The area occupied by Moana NZ is shown on **Figure 1** above bordered in **BLACK**. Moana NZ leases 2ha from NIWA and produces 120 tonnes of pāua annually. Over the next three years Moana NZ plan to double their production, to meet the growing demand for this iconic seafood product.

Current Employment

22. Total employment combining both NIWA and Moana NZ personnel is currently 50 full time equivalent employees. This employment is dominated by Ruakaka locals.
23. The number of personnel is expected to increase by at least 50% over the next five years (due to the planned expansions), with seasonal increases of 10% to 20% made up of visiting students and scientists from New Zealand and abroad.

Other Contributions

24. NIWA currently spends around \$4.5 million per year on the NMRC, with Moana NZ spending several million on the pāua facility. The planned new fish farm expansion will be a \$45 million per annum operation.
25. In addition, NIWA offers a programme of student training in aquaculture from Bachelor and Masters of Science to Doctorate level, both nationally and internationally.
26. NIWA also has an MOU with Patuharakeke hapū, one component of which is to seek opportunities for members of the hapū to become involved in its operations.

PLANNED DEVELOPMENT

27. The importance of developing aquaculture to the Northland Region was recognised in the Tai Tokerau Northland Economic Action Plan (February 2016), where aquaculture and, in particular, NIWA's Kingfish farm development was recognised as a "priority area of opportunity".¹ The 2019 Refresh of the Action Plan included the Kingfish farm

¹ Section 3.2, page 5 and section 5.2 page 16 of the *Tai Tokerau Northland Economic Action Plan*. Available from: <http://s3-ap-southeast-2.amazonaws.com/nnzlibrary/documents/Tai-Tokerau-Northland-Prosperity-Roadmap-February-2016.-Web.pdf?mtime=20160203141217>.

development as a project which aims to include capability, opportunities, and productivity within the aquaculture sector.²

28. NIWA has commenced a programme of significant infrastructure investment (some \$9.6 million) to develop the site in order to fully enable NIWA's research activities in aquaculture and marine sciences, and the endeavours of its existing (Moana NZ) and planned commercial partners.
29. NIWA is well down the track to be able to engage a commercial partner to make use of its technology developed for the production of kingfish. NIWA has earmarked 2.5 ha for development of a RAS facility and associated infrastructure (including roading, water and wastewater treatment, seawater supply, water discharge and storage/office space), with the option to increase the footprint if required. The available technology is a direct derivation from NIWA's extensive publicly funded research to develop new high value aquaculture species opportunities for New Zealand's aquaculture sector. The opportunity is sizable and NIWA expects that it would add in excess of \$45 million dollars per annum to the Northland economy directly through kingfish sales. It would also support industries such as trades, catering, material supplies, and feed manufacture which are all expected to flourish as a direct result of NIWA's planned investment in facilities and science.
30. Based on current projections, the infrastructure upgrades are expected to be complete by June 2020, and the RAS facility installed and established within two years. It is expected that the commercial entity will be marketing its first farm-grown kingfish within 3 years following completion of the facility.

CONCERNS WITH THE PROPOSED PLAN

31. NIWA made a submission (and further submissions) noting the concerns it had with PC88H. NIWA sought changes to better provide for the NMRC's current operation as well as the planned future development.
32. The planners' report recommended a number of changes to address the concerns raised by NIWA. While the changes go part of the way towards addressing NIWA's concerns, NIWA

² Land and Water Projects, page 17 of the *Tai Tokerau Northland Economic Action Plan 2019 Refresh*. Available from: <https://www.northlandnz.com/northland-inc/resource-hub-documents/tai-tokerau-northland-economic-action-plan/>.

considers that further amendments to PC88H are necessary to appropriately recognise and provide for the NMRC's existing, lawfully established activities, as well as planned future activities.

33. NIWA's key remaining concerns with PC88H relate to:
- (a) the definition of General Industry;
 - (b) the need for the new research and training objective and policy to more appropriately capture the NRMC activities;
 - (c) the setbacks proposed for buildings and major structures from open space areas adjoining its site; and
 - (d) the planting requirements proposed for sites adjoining open space zones as part of the industrial activity permitted activity standards.
34. The detail of these concerns, the changes sought and the reasons for the changes are set out in the evidence of Mr Luke Faithfull. However, I provide some further information here about the effects of the proposed setbacks and planting requirements on our operation.

Setbacks and planting

35. I understand that PC88H currently includes both a requirement to setback buildings and major structures 20m from "green" zones, as well as plant those boundaries.
36. The proposed 20m setback would :
- (a) impact on our ability to repurpose existing buildings alongside the eastern boundary;
 - (b) limit design and development options for existing buildings currently owned by NIWA and leased by Moana NZ;
 - (c) impose significant financial penalties on NIWA and Moana NZ in terms of land value and future use – particularly having regard to the planned new kingfish and RAS facility.
37. In terms of planting, I request an exemption be included in the plan for the NIWA site. The 1.8m high planting requirement:

- (a) would not be effective in fully screening the site from view – given the height of the buildings and the height limit (20m+) in the zone;
- (b) is not necessary given the dunes along the coastal edge already perform a partial screening function;
- (c) does not apply to boundaries with roads – and would only apply here because the existing road is a private road that Council is proposing to zone open space;
- (d) would also add unnecessary costs. NIWA recently completed landscaping including trees along a new access way to the site, this cost \$60k and planting along both of NIWA's boundaries (Ruakanohi Street and the coastal frontage) is estimated to exceed that by a factor of three.



KENNETH BECKER

5 November 2019