

Tabled 27/11

**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).

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

**November 27 2019**

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## **Introduction**

1. My full name is Thomas Robert Keogh. I am a planning consultant employed by Reyburn and Bryant in Whangarei.
2. I prepared the original submission and subsequent evidence for Circa Marine and Industrial Limited (CIRCA). These documents have been pre-circulated and are taken as read. The purpose of my attendance is to summarise the key points of my evidence, and to answer questions where possible.

## **Context – Circa Marine and Industrial Limited**

3. CIRCA is a long establish family operated boat building company with over 40 years of history. They specialise in commercial vessels, production boats, custom luxury yachts, aluminium products and boat refits.
4. CIRCA own, and operate their business from four individual titles located on Port Road and Hewlett Street, Whangarei. The sites have a combined area of 1.2956ha. CIRCA have made significant investments in first purchasing these properties to accommodate their business long-term, and secondly in developing the sites with buildings and infrastructure suitable for their business needs. The sites now accommodate multiple large scale buildings, with potential for expansion if ever required. A key driver for this investment and development has been the zoning and associated rules applicable under the Whangarei District Plan, which have signalled this land as appropriate to accommodate their activity.
5. CIRCA are interested in the plan changes as they will have a significant impact on the long-term sustainability and viability of their business operations, and as they will have a significant impact on the value of their land and associated assets.

## **The primary submission**

6. The relief sought in the original submission (in order of preference) was as follows:
  - a. That the 7,000m<sup>2</sup> limit applying to activities listed under LI-R7 – LI-R11 in



the Light Industrial Zone is removed (PC88G); or

- b. The words “per site” are added to the end of the 7,000m<sup>2</sup> limit applicable to activities listed under LI-R7 – LI-R11 (PC88G); or
  - c. That the subject land is included in the Heavy Industrial Zone (PC88H).
7. Two further submissions were received in support of the original – these submissions are summarised in point 7 of my evidence.

**Council’s recommendation (Section 42A report)**

8. Notwithstanding some initially conflicting comments, the outcome of the Council’s s42A reports was the removal of the 7,000m<sup>2</sup> limit applying to activities under LI-R7 – LI-R11.
9. While the limit was removed, this was replaced with a reference to AINZSIC06, with any one of the hundreds of activities on the nine relevant lists requiring resource consent in the Light Industrial Zone, but not requiring resource consent in the Heavy Industrial Zone. The lists include ship repairing, ship building, boat trailer building, boat repairing, motor boat building, sailboat manufacturing and yacht construction.
10. The reason provided by Council for the recommended approach was that any industry that is noxious or that will generate objectionable odour, noise or dust should be located in the Heavy Industrial Zone, with the nine referenced lists from AINZSIC06 employed to specify what industrial activities meet this threshold. It is noted that none of the activities listed under the relevant AINZSIC06 categories are specifically defined in the Proposed Whangarei District Plan.

**Reasons for the submission and key evidence points**

11. In my evidence, I outlined that I had read and agreed with the evidence prepared by Brett Lewis Hood for Port Nikau Three Joint Venture in relation to the Light Industrial Zone. The following summarises the main points of agreement and the reasoning for this.



- a. A maximum/minimum GFA limit is not an appropriate approach to differentiating what activities should be associated with the respective industrial zones as the area of land occupied has no direct relationship to the effects on the environment, and as it will create unnecessary consenting requirements for activities that would otherwise be appropriate if not for the area they occupy.
- b. The recommended inclusion of a reference to AINZSIC06 is not appropriate as it will introduce a complicated regime that is unfriendly for plan users and administrators, it will introduce undefined terms by proxy, and it will result in the District Plan being inconsistent with the National Planning Standards.
- c. As an alternative to the notified and recommended approaches, the adverse effects associated with activities located within the respective industrial zones can be managed by a combination of activity restrictions (restricting the type and scale of sensitive, as opposed to industrial activities that can establish) and effects based rules (which the respective industrial zones already include, and which are included in District Wide chapters such as the Operative NAV, and Proposed 'Hazardous Substances' chapters of the Whangarei District Plan).

### **Conclusion**

12. Overall, the changes sought to the Light Industrial Zone 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 27th day of November 2019

