

**Before the Independent Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing submissions and further submissions on the
Proposed Wellington City District Plan – Hearing Stream 4

**Statement of supplementary planning evidence of Hannah van Haren-Giles
on behalf of Wellington City Council**

Date: 19 June 2023

INTRODUCTION:

1 My name is Hannah van Haren-Giles. I am employed as a Senior Planning Advisor in the District Planning Team at Wellington City Council.

2 I have read the respective evidence of:

Enviro NZ (previously EnviroWaste) ID 373

- a. Kaaren Adriana Rosser

Restaurant Brands Limited ID 349

- a. Mark Nicholas Arbuthnot

KiwiRail Holdings Limited ID 408 and FS72

- a. Catherine Lynda Heppelthwaite
- b. Michael James Brown

Wellington International Airport Limited ID 406 and FS36

- a. Jo Lester

Woolworths New Zealand Limited ID 359

- a. Kay Panther Knight
- b. Yiqiang (Daniel) Shao

Foodstuffs North Island Limited ID 476

- a. Evita Caroline Key

3 I have prepared this statement of evidence in response to expert evidence submitted by the people listed above to support the submissions and further submissions on the Proposed Wellington City District Plan (the Plan / PDP).

4 Specifically, this statement of evidence relates to the matters of [Hearing Stream 4 - Section 42A Report - General Industrial Zone](#).

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

5 My [section 42A report](#) sets out my qualifications and experience as an expert in planning.

6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

SCOPE OF EVIDENCE

7 My statement of evidence:

- a. Addresses the expert evidence of those listed above; and
- b. Identifies errors and omissions from my s42A report that I wish to address.

RESPONSES TO EXPERT EVIDENCE

Enviro NZ (previously EnviroWaste) ID 373 – Kaaren Adriana Rosser

8 Ms Rosser supports my recommendation to combine GIZ-O2 and GIZ-O3 into a new objective 'Protection of the General Industrial Zone'. Ms Rosser notes that while the wording does not specifically refer to avoiding reverse sensitivity effects, the wording 'not constrained or compromised' is robust enough to encapsulate most impacts on the permitted industrial uses (including waste management facilities).

9 Ms Rosser also supports that my recommendations to the amended objective specifically refer to 'nuisance effects including odour, dust and noise'.

10 Considering Ms Rosser’s evidence in her para 7.4 – I acknowledge and agree that insulation from odour is not appropriate and difficult to achieve for all persons. As referenced by Ms Rosser, the Good Practice Guide for Assessing and Managing Odour by the Ministry for the Environment sets out that maintenance of an appropriate separation distance is the main option to manage reverse sensitivity effects. In my view, relying on the General Industrial Zone provisions goes some way to ensuring there is appropriate separation of industrial activities and sensitive activities.

11 I thank Ms Rosser for supplying an amendment to GIZ-P3 that accounts for odour characteristics. The suggested amendment clarifies the policy framework relevant to GIZ-R5. I am supportive of this revised wording (green text) as follows:

GIZ-P3 Sensitive Activities

Avoid the establishment of sensitive activities in the General Industrial Zone, unless such activities are:

1. Ancillary to a permitted or consented activity on the same site; and
2. Sufficiently insulated or distanced from nuisance effects including odour, dust and noise effects of existing activities or other activities permitted in the Zone.

Restaurant Brands Limited ID 349 – Mark Nicholas Arbuthnot

12 Mr Arbuthnot supports my recommendation that drive-through restaurants are provided for in GIZ-R4 (now GIZ-R5) by way of the definition of service retail.

13 I have not changed my view and continue to recommend per paragraphs 169 of my s42A Report.

KiwiRail Holdings Limited ID 408 and FS72 – Catherine Lynda Heppelthwaite and Michael James Brown

14 For consistency and avoidance of repetition, I refer to paras 12-15 of Ms Hayes Supplementary Planning Evidence that responds to the evidence of KiwiRail. I agree with Ms Hayes' recommendations in relation to these matters and do not consider that further analysis is required.

15 I have not changed my view and continue to recommend per paragraphs 200-201 of my s42A Report that a setback of 1.5m from the rail corridor is appropriate.

Wellington International Airport Limited ID 406 and FS36 – Jo Lester

16 Ms Lester supports my recommendation that the submission point from Shelly Bay Road Limited [324.1] seeking to rezone 3 Shelly Bay Road from General Industrial Zone to Mixed Use Zone is rejected, and that the submission point from The Fuel Companies [372.3] seeking to retain the zoning of Miramar Terminal and adjoining land as General Industrial Zone is accepted.

17 I continue to recommend that this site is retained as General Industrial Zone per paragraphs 61 - 67 of my s42A Report.

Woolworths New Zealand Limited ID 359 – Yiqiang (Daniel) Shao and Kay Panther Knight

18 Mr Shao reiterates the submission point of Woolworths seeking a discretionary activity status for supermarkets. With respect to the *'2020 Commerce Commission Market Study into the Grocery Sector'*, I acknowledge the recommendations of that Report that Mr Shao has provided in his evidence.

19 Ms Knight reiterates the submission point of Woolworths to recognise the functional and operational requirements of supermarkets and seeks discretionary activity status for supermarkets.

20 I have not changed my view and continue to recommend per paragraphs 99-100 and 135-137 of my S42A Report that the provisions should not be amended to include functional and operational requirements of supermarkets.

21 Ms Knight has noted at para 40 of her evidence that she is not aware of any economic evidence to suggest that industrial land supply is so scarce relative to demand that non-industrial activities cannot be countenanced in a consenting framework.

a. At para 101 of my s42 Report I set out the findings of the GIZ s32 Report that *“flat land suitable for industry is entirely finite in nature in the Wellington City context”, and that loss of industrial land during the life of the ODP has seen industrial activities ‘priced out’ of areas given over to higher-value activities.*

b. At para 57 of my s42A Report, I set out land demand projections, relying on the evidence of Mr Kirdan Lees that *“accommodating industrial land will be difficult given the strong demand from other sectors”*.¹

22 Ms Knight has set out on page 23 of her evidence that discretionary activity status is more appropriate and that supermarkets can demonstrate compliance with relevant matters including ‘having regard to form and function, including being car-based activities, requiring servicing and large format buildings’. These are matters addressed in the centres and mixed use zones, of which there is no equivalent considerations in the GIZ. The GIZ does not have the same quality design policy considerations, nor does the GIZ have carparking activity rules and policy directive on the incompatibility of carparking visible at street edge along an active frontage. This is because there is an acceptance that the GIZ has lower levels of amenity, and pedestrian activity within the zone, and as such there is less of a need for quality design outcomes. This should not imply, however, that the GIZ is an ‘easier option’ to develop buildings and undertake activities that have sufficient provision through permitted activity rules and consenting frameworks in other zones where they contribute to a well-functioning urban environment near where people live.

¹ Statement of Evidence, Dr Kirdan Lees, Page 11, Figure 8 and Paragraph 9

23 A Discretionary Activity status for supermarkets in the GIZ would in my view undermine the hierarchy of centres, and the design outcomes sought for those zones. Supermarkets with expansive carparking in the GIZ is inconsistent with the outcomes sought to protect the finite resource of industrial land.

24 As noted at para 27 and 28 of Ms Knights evidence - *supermarkets are preferably located in centres, or adjacent to centres, other commercial activities and importantly, the residential catchment they are designed to serve.* This reinforces that supermarkets are more appropriately located within centres and mixed use zones.

25 I continue to recommend non-complying activity status for commercial activities in order to protect the extent of the GIZ for its primary purpose of enabling industrial activities.

26 Ms Knight has referenced that the Waikato Proposed District Plan (Decisions version) confirmed discretionary activity status for supermarkets, however this decision appears to be in respect of retail and office activities. Nevertheless, the context for industrial land differs in Wellington City in comparison to Waikato, particularly when considered in the context of rural satellite towns.

Foodstuffs North Island Limited ID 476 and FS23 - Evita Caroline Key

27 Ms Key has not specifically responded in their evidence to the rejection of Foodstuffs submission points [476.59] and [476.60] seeking to amend GIZ-P4 (Commercial Activities).

MINOR AND INCONSEQUENTIAL AMENDMENTS

28 Consideration of my recommended GIZ-S7 (Boundary setbacks) in response to KiwiRail [408.130] has identified errors in drafting of the new standard as follows:

- a. The heading of the standard is inconsistent across equivalent standards that have been recommended for the Centres and Mixed Use Zones under the heading 'Boundary setback from a rail corridor'.

To rectify this error, I recommend that the heading of GIZ-S7 is amended as set out below:

<u>GIZ-S7 Boundary setbacks from a rail corridor</u>	
<p>1. <u>Buildings or structures must not be located within a 1.5m setback from a rail corridor boundary.</u></p>	<p><u>Assessment criteria where the standard is infringed:</u></p> <p>1. <u>The extent to which the location and design of the building relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u></p>

19 June 2023

Hannah van Haren-Giles

Senior Planning Advisor

Wellington City Council