

Before the Auckland Unitary Plan Independent Hearings Panel

in the matter of The Proposed Auckland Unitary Plan (31 September 2013)

and

in the matter of Topics 081 – Rezoning and Precincts (Geographic)

**PRIMARY STATEMENT OF EVIDENCE OF ANDREA RICKARD
AND MATT LINDENBERG**

**ON BEHALF OF NEW ZEALAND LIMITED
868, FS 2368**

Statement of primary evidence of **Andrea Rickard** and **Matt Lindenberg**
on behalf of **New Zealand Steel Limited**

Dated: 10 February 2016

INDEX

SUMMARY OF THIS EVIDENCE.....	3
INTRODUCTION	4
SCOPE OF THIS EVIDENCE.....	4
IRON AND STEEL PRODUCTION PRECINCT	5
SPATIAL APPLICATION OF THE HEAVY INDUSTRY ZONE - GLENBROOK	16
CONCLUSION	20

**PRIMARY STATEMENT OF EVIDENCE OF ANDREA RICKARD AND
MATT LINDENBERG ON BEHALF OF NEW ZEALAND STEEL
LIMITED (868, FS 2368)**

10 February 2016

SUMMARY OF THIS EVIDENCE

- A. Our full names are Matthew Armin Lindenberg and Andrea Judith Rickard. We are both planners and respectively hold the positions of Associate, and Senior Technical Director at Beca Limited. We are providing planning evidence on behalf of New Zealand Steel's (NZ Steel's) submissions (868, FS2368) on Topic 081 – Rezoning and Precincts (Geographic) of the Proposed Auckland Unitary Plan ("PAUP").

- B. In summary, the key points addressed in our evidence are:
 - B.1 The need for an 'Integrated Iron and Steel Production' Precinct, reflecting the existing site-specific planning framework which applies to the site (under the 'legacy' Franklin District Plan), which is appropriate given the unique operational requirements of the Glenbrook Steel Mill, including:
 - (a) The need to retain existing development controls (such as noise and yard / building location controls) which have played a key role in establishing the existing level of amenity afforded to land adjoining the Steel Mill site as well as the wider local community;

 - B.2 The need to extend the Heavy Industry Zone over the land owned by NZ Steel at 35 Higgins Road, Glenbrook; and

 - B.3 Consistency of the requested Precinct and zone change with the IHP's Interim Guidance regarding 'Best practice

approaches to re-zoning, precincts and changes to the Rural Urban Boundary (RUB), 31 July 2015’.

INTRODUCTION

- 1 Our full names are Matthew Armin Lindenberg and Andrea Judith Rickard. We are both planners and respectively hold the positions of Associate, and Senior Technical Director at Beca Limited. We have the qualifications and experience set out in our individual statements of evidence dated 04 November 2014, on the Regional Policy Statement (“RPS”) Topic 007 and dated 17 October 2014, on the RPS Topic 005.
- 2 We are familiar with the national, regional and district planning documents relevant to the PAUP.
- 3 We have been engaged by New Zealand Steel Limited (NZ Steel) since 2013 to provide planning advice on both the Draft and Proposed Auckland Unitary Plan. We are providing planning evidence on behalf of the NZ Steel in relation to the ‘Rezoning and Precincts (Geographic)’ Topic (081) of the PAUP.
- 4 We have read the Environment Court’s Code of Conduct for Expert Witnesses, including amendments. We agree to comply with this Code. We confirm that the issues addressed in this statement of evidence are within our area of expertise and we have not omitted to consider any material facts known to us that might alter or detract from our opinions expressed in this statement.

SCOPE OF THIS EVIDENCE

- 5 This evidence sets out:
 - 5.1 Our reasons for supporting NZ Steel’s submission to establish an ‘Integrated Iron and Steel Production’ Precinct at Glenbrook; and

- 5.2 Our reasons for supporting NZ Steel's submissions to extend the Heavy Industry Zone to cover the land owned by NZ Steel at 35 Higgins Road, Glenbrook.
- 6 We have referred to and used as a basis for our evidence, the statements of primary evidence of:
 - 6.1 Todd Webb, on behalf of Auckland Council (Glenbrook 1 Precinct), dated 26 January 2016;
 - 6.2 Craig Cairncross, Patrick Clearwater, Joy La Nauze, Michael Luong and Cindy Yin, on behalf of Auckland Council (South – Rezoning – Rural), dated 26 January 2016 (uploaded to AUPHP website on 28 January 2016);
 - 6.3 Joy La Nauze, on behalf of Auckland Council (Industry rezoning South – Takanini and Glenbrook - Planning), dated 27 July 2015 in relation to Topics 051-054; and
 - 6.4 The IHP's Interim Guidance regarding 'Best practice approaches to re-zoning, precincts and changes to the Rural Urban Boundary (RUB), 31 July 2015'.

IRON AND STEEL PRODUCTION PRECINCT

- 7 NZ Steel made a primary submission (868-70) seeking to establish an 'Iron and Steel Production Precinct' at the Glenbrook Steel Mill site.
- 8 We consider that this Precinct is necessary in order to recognise both the existing planning framework which currently applies to the site, as well as the nature of the specialised operational activities undertaken on the site, which are not directly provided for through the more generic provisions of the Heavy Industry Zone.
- 9 In addition, we consider a precinct to be an appropriate means of providing for the long-term operation and management of one of Auckland's and New Zealand's most significant industrial sites. The

Glenbrook Steel Mill site is somewhat unique in terms of its size and scale of operations, and as such, does not represent a typical 'heavy industry' operation in the context of Auckland's other heavy industry operators. We consider that the generic 'Heavy Industry' zone provisions do not sufficiently recognise the existing planning framework which has applied to the Glenbrook site for many years, nor do they recognise the strategic significance of the Glenbrook Steel Mill operation to the social and economic well-being of the local community, the Auckland region, as well as New Zealand as a whole.

- 10 As referred to in the evidence of Mr Webb (on behalf of Auckland Council), direct discussions were held between Auckland Council and NZ Steel to discuss the details of the submissions requests relating to the establishment of the new Precinct, as well as the request for a zone change at 35 Higgins Road, Glenbrook.
- 11 To inform these direct discussions, we sought to undertake a review of the content of the proposed Precinct provisions originally set out in the NZ Steel submission – in light of various hearing topics which have already been concluded (e.g. Topics 035, 038, 039, 040, 041, 042, 051-054, 064 and 065). The outcomes of that review process are outlined in Attachment D to the EIC of Mr Webb.
- 12 We note that the evidence of Mr Webb concludes that the requested Precinct is not supported by Council at this stage, as it is considered to be inconsistent with the IHP's Interim Guidance regarding best practice approaches to Precincts. We set out below the reasoning for why we support the requested Precinct (albeit in an amended, reduced form) and consider the request is consistent with the IHP's Interim Guidance.

History of Iron and Steel Zone

- 13 Under the current Auckland Council District Plan (Operative Franklin Section, 2000) the Glenbrook Steel Mill has a site-specific zoning of 'Iron and Steel Production', which is a unique zone

developed to recognise the specialised nature of operations at the Steel Mill.

- 14 NZ Steel have been operating under this site-specific operative planning framework for well over 15 years and, as identified in the evidence of Mr Hegley on behalf of NZ Steel, the former Franklin District Council had been considering the site-specific operational requirements (in particular, those relating to noise) of the Steel Mill as far back as 1984.
- 15 The provisions of the operative 'Iron and Steel Production Zone' in the Franklin District Plan were originally developed, and subsequently implemented, with a particular focus on considering the potential adverse effects (specifically related to the nature of operations at the site) on the surrounding environment – primarily in relation to amenity effects (such as the screening of structures and 'operational' buildings, as well as the management of odour and noise emissions which may create nuisance effects). This led to the development of some specific controls (such as the 'production buildings' yard and coastal protection yard setbacks, as well as the noise controls with their associated six monitoring locations).
- 16 Over time, this 'operative' planning framework has provided a great deal of certainty to both NZ Steel, as operators of the site, as well as the local community in relation to the type and nature of activities which are anticipated and provided for at the Steel Mill. It has also provided certainty as to the level of amenity the surrounding community can appropriately expect – particularly in relation to how the 'operative' planning framework manages issues which may lead to potential incompatibilities between adjoining land uses, most notably noise.
- 17 In our view, this existing 'operative' planning framework has been very successful in managing, and largely avoiding the creation of such potential incompatibilities. This is evident in the example noted in the evidence of Mr Hegley where he states that, to the best

of his knowledge, there have only been three noise related complaints in the last 30 years.

- 18 Given the success the existing 'operative' provisions have had in assisting to manage potential adverse incompatibility and nuisance effects at the Steel Mill site, we consider it is very important for the key elements of the existing provisions of the 'Iron and Steel Production' zone to be carried forward into the Unitary Plan.

Purpose of the Proposed Precinct

- 19 The purpose of the proposed Precinct is to support and enable the continued operation and sustainable management of the Glenbrook Still Mill site, and associated facilities and activities, in a manner that avoids, remedies or mitigates any actual or potential adverse effects on the environment, or on the amenities of the surrounding area.
- 20 As noted above, the proposed Precinct also seeks to continue the application of an existing planning framework for the site which both NZ Steel, as well as the surrounding community, have over time come to understand and be familiar with.

Differences between the Proposed Precinct and the relevant overlays, Auckland-wide rules and the Heavy Industry Zone

- 21 The proposed Precinct consists of two sub-Precincts – Areas A and B. Area A consists of the area currently used for iron and steel production as well as a range of associated activities. Area B includes the land to the north of Brookside Road and to the east of Mission Bush Road (see Diagram B in **Attachment A**).
- 22 Area A has an underlying zoning of Heavy Industry. The key differences between Area A of the Precinct and the relevant overlays, Auckland-wide rules and the Heavy Industry zone relate to:

22.1 Workers accommodation;

- 22.2 Landfills/cleanfills/managed fills;
 - 22.3 Farming;
 - 22.4 Mitigation planting (more onerous);
 - 22.5 Any activity not specifically provided for (the Precinct provisions propose a Discretionary Activity status, while the underlying Heavy Industry Zone proposes a Non-Complying Activity status); and
 - 22.6 Development controls relating to noise, location of buildings and landscaping, parking and traffic, and coastal protection yards.
- 23 Area B has a range of underlying zones, being Rural Production, Rural Coastal and Mixed Rural. The key differences between Area A of the precinct and the relevant overlays, Auckland-wide rules and the relevant rural zones relate to:
- 23.1 Workers accommodation;
 - 23.2 Landfills;
 - 23.3 Activities not specifically provided for;
 - 23.4 Mitigation planting (more onerous); and
 - 23.5 Development controls relating to noise, location of buildings and landscaping, parking and traffic, and coastal protection yards.
- 24 The EIC of Mr Webb provides a summary outline of these key areas of difference (paragraph 7.6). Part D of Mr Webb's EIC then undertakes an assessment of the key areas of difference.
- 25 Following the direct discussions held with Auckland Council, as well as a review of the evidence provided by Mr Webb, the remaining

matters not yet agreed can be summarised under the below themes:

25.1 Activities considered to be 'accessory to' industrial activities;

25.2 The need to retain the existing 'legacy' planning framework approach in relation to noise controls (noting this matter is addressed in detail in the evidence of Mr Hegley on behalf of NZ Steel) and yards.

Activities accessory to an 'Industrial Activity'

26 Paragraphs 9.3 – 9.8 of Mr Webb's EIC addresses the issues of the specialised nature of industrial (and associated) activities which the proposed Precinct provisions seek to specifically provide for.

27 Mr Webb identifies (at paragraph 9.5) proposed activities which he considers are already provided for through the definition of 'Industrial Activities'. I generally agree that these proposed activities would fall within the PAUP definition for 'Industrial Activities' and, as a result, need not be specifically provided for through a Precinct approach.

28 At paragraph 9.6 of his EIC, Mr Webb identifies those other proposed activities which he considers would meet the PAUP definition for 'Industrial Activities', as a result of the reference within the definition which applies to "...other accessory activities".

29 The key issue here is one of interpretation. Mr Webb has taken a pragmatic approach in considering that the Heavy Industry zone, along with the definition of 'Industrial Activities', would provide for (as activities accessory to Industrial Activities) the specific proposed Precinct activities listed under paragraph 9.5 of his EIC.

30 While specified activities such as 'public viewing areas' or 'show homes' could be considered to be simply 'buildings' (and thus provided for as a Permitted activity in the underlying HIZ), differing plans may have differing interpretations as to whether a land use

activity such as a Landfill would be considered to be “accessory to and Industrial Activity”. Should a planner not consider a Landfill to be an activity accessory to an Industrial Activity, then – in accordance with the underlying HIZ provisions – a Landfill (or managed fill or cleanfill) could be considered to be a Non-Complying activity, in accordance with the HIZ activity table, by virtue of being an “activity not provided for” in the zone.

- 31 Leaving this level of interpretation open, on a case-by-case basis, would not provide the level of certainty to a plan user in being able to assess and determine what kind of activity may require resource consent or not. As a result, the proposed Precinct provisions (refer to **Attachment A** to this statement) continue to seek to provide for a limited number of specific activities, as a means of avoiding the need for a case-by-case interpretation going forward.

Site-specific controls

Operational Noise

- 32 The evidence of Mr Hegley, on behalf of NZ Steel, addresses in detail the specific issue relating to the proposed noise controls for the Precinct.

- 33 Mr Webb (paragraph 9.13 of his EIC) notes:

The submitter has not presented any evidence suggesting the inability to comply with noise levels for activities in the Heavy Industrial zone contained in Chapter H6.2 or evidence that requiring compliance with this standard would affect daily operations at the site.

- 34 The evidence of Mr Hegley specifically addresses this issue. We understand that the impact of NZ Steel needing to comply with the ‘Auckland-wide’ noise controls of Chapter H6.2 would mean that there would be an immediate non-compliance in relation to the operation of the steel mill. Mr Hegley also notes it would not be practicable to upgrade the plant in a way which would achieve compliance with the noise controls of Chapter H6.2. Undertaking

such upgrades would likely impose significant and prohibitive costs on NZ Steel in order to achieve compliance.

35 We also note, as outlined by Mr Hegley, that the existing noise controls were specifically developed some 30 years ago taking into account the operational requirements of the site, as well as the local environmental conditions.

36 The evidence of both Mr Webb and Mr Hegley confirms that Council's records for the site have not indicated any historical non-compliances with the existing noise controls, and that there have been only three noise related complaints over the last 30 years.

37 In light of this information, we consider there has been no evidence provided to date which would suggest that the existing noise controls applying to the site are no longer appropriate – that is, there has been no suggestion that the existing noise management approach has led to any noticeable adverse noise effects on the local environment.

38 We therefore do not consider there is justification to warrant the removal of an existing noise management framework, for the site and surrounding environment, which clearly appears to have been very effective in balancing the operational needs of the site's operation, with the protection of amenity values of adjoining land owners.

39 For these reasons, we strongly support the retention of the existing noise management framework which currently applies to the site, including the minor amendments recommended in the EIC of Mr Hegley.

Building location, landscaping and coastal protection yards

40 Mr Webb addresses the building location and yard setback development controls proposed for the Precinct in paragraphs 9.9 and 9.10 of his EIC.

- 41 As we have noted above (paragraphs 15-18), there are a number of existing development controls which currently apply under the operative 'legacy' planning framework which have played a key role in reducing the potential for adverse effects from activities associated with the Steel Mill on the surrounding environment, including adjoining landowners.
- 42 The existing development controls with regards to the location of buildings (in particular 'production' buildings) as well as the 'coastal protection yard' control were specifically developed to address the somewhat unique environmental setting of the Steel Mill site. As noted by Mr Webb (paragraph 9.10), there are only a handful of Heavy Industry zones across the Auckland Region which sit within a wider rural setting. Given these circumstances, we consider the setting of the Steel Mill site does warrant retention of the existing 'legacy' building setback and yard controls. These existing controls have ensured that any development of the Steel Mill site occurs at an appropriate setback distance from both the site boundaries, as well as the coastal environment, to reduce as much as possible any potential for adverse visual amenity effects on the surrounding area.
- 43 The 'yard' controls for the underlying Heavy Industry zone are unclear as to whether they would apply to a Heavy Industry zoned site which adjoins a Rural zone. In this instance, it would appear the underlying Heavy Industry zone would enable the location of new production buildings right up to the boundary of a site zoned Heavy Industry, where it adjoins a Rural zone. This could be a significant change from the way the Steel Mill site has been developed and operated over the last 15+ years and could lead to a reduction in the level of amenity which surrounding land owners have come to expect, as a result of the existing 'legacy plan' building location and yard development controls.

- 44 For this reason, we consider it is appropriate to retain these existing building location and yard development controls and provide for these within the requested Precinct.

Consistency with the IHP Best Practice Guidance

- 45 In light of the IHP's Interim Guidance regarding best practice approaches to Precincts, we provide the following comments:

- 45.1 The purpose of the proposed Precinct has been clearly set out and is consistent with the purpose of the RMA;
- 45.2 There are no recent plan changes relevant to the Precinct request however, as previously noted, the basis for the Precinct request is the existing 'Iron and Steel Production' zone from the operative 'legacy' Franklin District Plan. We also note that, where existing 'legacy' District Plans provided site-specific planning frameworks through the use of 'Concept Plans' – those existing concept plans were often 'rolled-over' into the PAUP as a 'Precinct'. However, as the Steel Mill operated under a site-specific zone, this existing 'tailored' planning framework was lost as part of the wider consolidation and simplification of zone provisions as part of the early development of the Draft Unitary Plan;
- 45.3 The proposed Precinct provisions are not intended to override any Overlay or 'regional' Auckland-wide provisions of the Unitary Plan. The proposed Precinct addresses only 'District Plan' provisions;
- 45.4 The use of the more generic underlying Heavy Industry zone would not achieve the purpose of the Precinct, nor the purpose of the existing site-specific zone framework which has applied to the Steel Mill site for over 15 years. The above discussion regarding building location and yard controls identified a key difference where the underlying zone provisions would not provide for the purpose of the proposed

Precinct, not the purpose of the existing 'legacy' District Plan provisions;

- 45.5 The evidence of Mr Webb has discussed the issue of existing use rights and the potential use of resource consents as an alternate approach to the proposed Precinct. We note the existing activities undertaken on the site either benefit from existing use rights, or are provided for through the necessary resource consent approvals. However, on the matter of operational noise, NZ Steel has not been required to date to seek resource consent approval in relation to noise emissions, as the Steel Mill had always sought to operate within the limits of the existing noise controls set out in the 'legacy' Franklin District Plan. We do not consider a sufficient justification has been provided as to why it is no longer appropriate for the existing operational noise controls to apply to the site, and as such we do not consider that the appropriate response to this matter would be to remove the existing noise management framework applying to the site, and instead required NZ Steel to have to seek resource consent to infringe the 'Auckland-wide' noise controls of the Unitary Plan;
- 45.6 The proposed Precinct provisions, as amended as part of this evidence, now focus on a limited number of key matters and as such would not justify the need for the creation of a new zone; and
- 45.7 The proposed Precinct provisions have sought to be as simple as possible; remove any uncertainty as to what activities would be provided for within the Precinct; are consistent with property and road boundaries; and do not seek to introduce new definitions into the Unitary Plan.

- 46 As such, we consider the request for a Precinct to apply to the Steel Mill is consistent with the matters identified in the IHP's Interim Guidance.

SPATIAL APPLICATION OF THE HEAVY INDUSTRY ZONE - GLENBROOK

- 47 NZ Steel made a primary submission (868-74) seeking to rezone the site at 35 Higgins Road from 'General Coastal Marine' and 'Rural Coastal' to 'Heavy Industry'. NZ Steel has also made a submission seeking to include this site within the proposed 'Iron and Steel Production' Precinct.
- 48 NZ Steel seeks an extension of the currently proposed Heavy Industry zone at Glenbrook, northwards over the site at 35 Higgins Road. This is in order to better reflect the nature of existing and authorised activities (both landfill and managed fill) being undertaken within this area of land owned by NZ Steel, as well as to seek that the zoning more appropriately reflects and provides for the types of activities which may be undertaken on this site into the future.
- 49 In her evidence for Topic 051-054 Ms La Nauze, on behalf of Auckland Council, specifically addressed this request, opposing the proposed rezoning on the basis that she considers no case has been provided by NZ Steel as to why the Heavy Industry zoning should be extended in this area, and due to the potential impact of the proposed zone change on the adjoining coastal area, as well as adjoining landowners.
- 50 In relation to the issue of potential impacts on the adjoining coastal area, we note that – as the site at 35 Higgins Road is proposed to be included within the proposed Precinct – the particular coastal protection yard and associated 'production buildings' yard controls proposed in the Precinct will mean that the existing situation of all buildings and structures being setback some 150m from the outer boundaries of the site will be maintained. We therefore do not

consider that the proposed extension of the Heavy Industry zone over the property at 35 Higgins Road would have the potential to adversely impact the adjoining coastal area.

- 51 Furthermore, it is noted that the site at 35 Higgins Road would be included within the north-western tip of the proposed Precinct 'Area A' (as shown on Diagram B). There would then be the full extent of the proposed Precinct 'Area B' – which is all land held within NZ Steel ownership – and as such, this proposed Precinct 'Area B' would provide an appropriate buffer between the site at 35 Higgins Road and the nearest adjoining sites not owned by NZ Steel (some 750m+ from the intersection of Higgins Road and Brookside Road to the corner of the intersection between Brookside Road and Glenbrook Beach Road).
- 52 During the hearing process (particularly in topic 013 B3.1 – commercial and industrial growth) it has been acknowledged that Auckland is not only facing a housing shortage, but also a severe scarcity of industrial land. The PAUP provides clear direction in providing for the anticipated levels of growth in Auckland, however we have observed that most of the discussion around this growth has been related to the provision of new housing.
- 53 The NZ Steel request to include the site at 35 Higgins Road within the Heavy Industry Zone seeks to provide an appropriate extent of industrial zoned land to support the on-going growth and operation of the Glenbrook Steel Mill into the future.
- 54 In addition, we note that the evidence of Ms La Nauze for Topic 051-054 states that a "Group 1 Business Land Assessment" was undertaken by Harrison Grierson Consultants Ltd (on behalf of Auckland Council) in June 2011, and that this assessment was used to inform the Auckland Plan. Ms La Nauze notes (in paragraph 6.7 of her EIC) that this assessment considered a 112ha area of rural land in Glenbrook – located to the south of the railway line, "which forms the southern boundary of the land for which

rezoning is sought by Brookdale Ltd (3599-3) and Brookside Farms Ltd (5698-3)".

- 55 Ms La Nauze also states, in paragraph 6.10(b) of her EIC, that (in response to the rezoning requests by Brookdale Ltd and Brookside Farms Ltd):

"One of the principles for rezoning land for Heavy Industry is that it should have quick and efficient access to freight routes, rail or freight hubs, ports and airports. Glenbrook was the lowest scoring location in the 2011 "Group 1 Business Land Assessment" prepared by Harrison Grierson, with its major constraints being distance and accessibility".

- 56 The Glenbrook area may be considered to be constrained by distance and accessibility – in the context of distance from the City Centre or general urban isthmus of Auckland.
- 57 However, since the assessment undertaken by Harrison Grierson in 2011, there has been a significant intent demonstrated by Auckland Council – through the Auckland Plan, PAUP, as well as the Special Housing Areas (SHAs) – for an increase in residential growth opportunities in the 'legacy' Franklin District Council area. This is most evident through the intention for Pukekohe to potentially double in size by 2040 (growing from an existing population of approximately 25,000 people, to a 'satellite town' of some 50,000 people).
- 58 This intention is further supported by the announcement, to date, of three SHAs in the vicinity of Pukekohe, a number in the vicinity of Papakura, as well as a newly announced SHA at McLarin Road, Glenbrook. The three Pukekohe SHAs, along with the newly announced SHA at McLarin Road, are intended to provide for somewhere in the order of an additional 6,000+ dwellings over the next 10-20 years. Coupled with other growth opportunities which will be provided by the areas of residential zoning in Pukekohe and Waiuku, we are of the opinion that this anticipated level of future

residential growth needs to be supported by a commensurate provision of appropriately zoned business land.

- 59 This will be critical to ensure that the provision of new residential growth in the south is supported by the provision of local employment opportunities, in order to limit as far as practicable the existing constraints and pressures on the roading and state highway network – should the majority of the residents in these new dwellings need to predominantly head north (towards Manukau or the City Centre) in order to access employment.
- 60 In this context, we consider it is critical for decisions regarding requests for rezoning of additional business and industrial land in the south to be considered – first and foremost – against the latest Council directions which seek to provide for significant additional residential growth opportunities in the ‘legacy’ Franklin District Council area. It would not be appropriate to base such decisions upon an assessment made in 2011 – which may now be out of date in the context of the planned future growth of this area, as indicated through the Auckland Plan, Unitary Plan and the SHAs.
- 61 Finally, we also consider that the requested zone change is consistent with the IHP’s Interim Guidance regarding best practice approaches to rezoning, as follows:
 - 61.1 The requested change is consistent with the purpose, objectives and policies of the Heavy Industry zone, as well as the wider Regional Policy Statement;
 - 61.2 There are no relevant plan changes in relation to the request;
 - 61.3 Existing use rights on resource consent approvals are not determining the requested change. However, the requested zone change is now seeking to align the zoning of this site with the nature of activities which have been established on the site by way of existing resource consent approvals;

61.4 The requested zone change has still sought to maintain adequate separation distances from the nearest land capable of containing potentially incompatible land uses; and

61.5 The request would not constitute 'spot-zoning' and is also consistent with defined road and property boundaries.

CONCLUSION

62 In light of the matters set out above, we support NZ Steel's submissions to establish an 'Iron and Steel Production' Precinct in the Unitary Plan to manage the future growth and operation of the Glenbrook Steel Mill site, as well as to extend the Heavy Industry Zone to cover NZ Steel's site at 35 Higgins Road.

Andrea Rickard and Matt Lindenberg
10 February 2016

Attachment A – Proposed Precinct Provisions

RED TEXT = indicates amends proposed by NZ Steel, following direct discussions with Auckland Council and in light of a review of Council's EIC in relation to Topic 081. The proposed amendments intend to reflect the most recent Council positions in relation to those hearing topics already completed, addressing issues relevant to these Precinct provisions (e.g. land disturbance, veg management, Business zones provisions, transport, infrastructure etc).

BLUE TEXT = a carry-over of provisions from the existing legacy Franklin District Plan 'Iron and Steel Production' zone, which currently apply to the site.

Integrated Iron and Steel Production Precinct

Precinct objectives and policies

The objectives and policies which apply to the precinct are set out below. Refer to planning maps for the location and extent of the precinct.

1 Precinct description

The purpose of the precinct is to support and enable the continued operation and sustainable management of the existing integrated steel mill and associated facilities in a manner that avoids, remedies or mitigates any actual and potential effects on the environment, or on the amenities of the surrounding area.

The precinct applies to the Glenbrook Steel Mill site, located on Mission Bush Road, Glenbrook. The integrated ~~S~~steel ~~M~~mill is a significant industrial resource in Auckland, and is one of the largest single employment sites in New Zealand. ~~The Steel Mill~~ It has operated at the current site since 1968 and the precinct seeks to provide for its growth and operation in a way that continues to support the local, regional and national economy.

The precinct consists of two sub-precincts – areas A and B. Area A consists of the area currently used for iron and steel production and associated activities including future development. Area B includes the land to the north of Brookside Road which is used for industrial landfill and rural production activities, where the landfill is rehabilitated to pasture; and the block to the east of Mission Bush Road.

Area A has an underlying zoning of Heavy Industry. Area B has a range of underlying zones, being Rural Production, Rural Coastal and Mixed Rural.

2 Objectives

The objectives for the precinct are specified below:

- ~~1. To manage the effects of site-specific industrial activities in ways which recognise:~~
 - ~~a. The significant contribution these activities make to the economy of Auckland and New Zealand;~~
 - ~~b. That appropriate controls and management practices are in place to avoid adverse effects on rural and coastal areas;~~
 - ~~c. That the products and by-products produced on the site provide a positive environmental benefit to New Zealand.~~

- ~~The efficiency of the industrial processes and associated activities are maximised, without being unreasonably constrained by activities in the surrounding area.~~
- The integrated ~~S~~steel ~~M~~ill is recognised as an important part of the local community and makes a positive contribution to the community's social and economic well-being.

3 Policies

The policies for the precinct are specified below:

- ~~Enable industrial activities to operate with a level of certainty that operations will not be unreasonably constrained by adverse reverse sensitivity effects associated with other activities in the surrounding area;~~
- That the operator of the industrial activity will continue regular meetings~~communications~~ with community representatives, to present outcomes of environmental monitoring and adopt a consultative approach on dealing with environmental concerns.
- That the activities within the Precinct be subject to the following "general duty" policies:
 - ~~that the operator of the industrial activity continues to investigate, and put into effect as appropriate, ways of avoiding, remedying and mitigating adverse effects of point and non-point source discharges to air, land and water;~~
 - that the operator of the industrial activity continues to investigate, and put into effect as appropriate, ways of reducing noise levels and disturbances beyond the boundary of its property;
 - that areas of indigenous and amenity planting, including that required as ecological compensation, are maintained and protected to enhance the local ecology.

Precinct rules

The activities, controls and assessment criteria which apply to the precinct are identified below. Auckland-wide and underlying zone rules apply in the following precinct unless otherwise specified. Refer to planning maps for the location and extent of the precinct.

1. **Activity table**

- The activities applying in the Integrated Iron and Steel Production precinct are specified in Tables 1 and 2 below. Areas A and B are mapped in the attached Diagram B.

Activity table 1 – <u>Integrated</u> Iron and Steel Production Precinct, Area A	
Activity	Activity status
Accommodation	
Residential accommodation not exceeding 10 household units for persons engaged in farming the Company's property, or for persons whose duties require them to live within the Precinct area.	P
Commerce	
Food and beverage	P

Offices that are accessory to an industrial activity on the site, where the office GFA does not exceed 30% of all buildings on the site	P
Retail accessory to an industrial activity on the site, where the retail GFA does not exceed 10% of all buildings on the site.	P
Show homes	P
Community	
Public viewing areas, open space recreational facilities and structures (including signs) incidental thereof provided that access to such viewing areas from the adjoining public road shall be sited and constructed to the satisfaction of the Chief Executive or officer(s) acting under delegated authority.	P
Visitor centre <u>and display facilities</u>	P
Industry	
Industrial activities	P
Hazardous substance storage	P
Landfills, cleanfills and managed fills	P
The manufacture of iron and steel including storing, stockpiling and processing of materials used in the manufacture of iron and steel or other industrial activity on the site.	P
The manufacture and treatment of materials required or produced during iron and steel manufacturing, including oxygen, nitrogen, other process gases, vanadium oxides, titanium oxides, ferro vanadium, slag and other by-products of manufacturing.	P
Rolling, drawing and fabricating of ferrous and aluminium products including the manufacture of metallic pipe, coil, plate, sheet and long products.	P
Galvanising and surface coating of ferrous and aluminium products.	P
Electric power supply and distribution systems including substations and capacity for electricity generation from gas, waste heat or other heat sources.	P
Natural gas supply and distribution systems for industrial and automotive purposes including any necessary compressor stations and all related pipework. This use includes a CNG filling station for company use.	P
Network Utilities	P
Warehousing, packaging, storage and loading finished products, by-products and also recyclable and waste material.	P

Workshops, laboratories and other buildings and structures for the maintenance and repair of, or used in connection with any plant, machinery, equipment or means of transport, whether road, rail or water, for any of the foregoing purposes.	P
Buildings and structures associated with treatment or monitoring of water used in manufacturing and associated activities and discharges to air.	P
Earthworks associated with the maintenance or installation of buried services and for the establishment of greenfield sites within the Precinct.	P
Stockpiling of concentrated iron sand for forward shipment.	P
Installation of groundwater bores for the supply of potable water within the Company's property and the monitoring or treatment of subterranean groundwater	P
Adequate parking within the site for passenger vehicles conveying persons to work, or visitors to the site, or vehicles associated with transport of equipment or goods.	P
Rural	
Farming of any kind including the erection of any building used for farming purposes.	P
Planting, maintenance and harvest of forest production trees with appropriate sediment control.	P
Plant nursery for development and maintenance of the plantings required within the Precinct.	P
Animal and plant pest control by various methods, including aerial spraying and approved ground-based operations including sprays, firearms, traps and bait poisons.	P
Removal of existing vegetation that is required for mitigation / ecological compensation planting.	D
Development	
Accessory buildings for any of the foregoing purposes.	P
Administrative buildings and the provision of staff amenities and training facilities.	P
Construction of buildings	P
Construction of buildings using zinc alloy cladding, spouting and roofing	P
Demolition of buildings	P
Infringing a development control in this Precinct	RD

Roadways, railway lines, other material conveying systems, and structures incidental thereto, and hard standing for vehicles.	P
Temporary construction facilities including huts, storage buildings and areas of hard standing.	P
Water reservoirs, lakes and water courses not naturally occurring (subject to any necessary consents from the Auckland Council).	P
Water, sewage and effluent treatment facilities and pipework, both above-ground and buried.	P
Vehicular entrances that provide safe and convenient access for those required to attend the site for work, for construction, as a visitor, or for the transport of goods into or from the site.	P
Subdivision	
Subdivision for the adjustment of boundaries and the consent to the subdivision is made subject to a provision requiring the issue of one Certificate of Title on a boundary adjustment	D
Subdivision for the disposal of land for the purposes of a public work within the meaning of the Public Works Act 1981, or a public reserve within the meaning of the Reserves Act 1977.	D
Subdivision required to provide a separate title for production facilities and the application for subdivision is accompanied by a certificate from the owner of the Steel Mill to the effect that such separate title is a security requirement of those investing in the production facilities to be constructed on that land, and provided that the owner of the mill shall retain a significant interest in the lands.	D
General	
Any activity not provided for in this activity table	D

Activity table 2 – <u>Integrated</u> Iron and Steel Production Precinct, Area B	
Activity	Activity status
Accommodation	
Residential accommodation not exceeding 10 household units for persons engaged in farming on Company's property, or for persons whose duties require them to live within the Precinct area.	P
Community	

Public viewing areas, open space recreational facilities and structures (including signs) incidental thereof provided that access to such viewing areas from the adjoining public road shall be sited and constructed to the satisfaction of the Chief Executive or officer(s) acting under delegated authority.	P
Development	
Buildings accessory to an activity in this table	P
Construction of buildings	P
Construction of buildings using zinc alloy cladding, spouting and roofing	P
Demolition of buildings	P
General	
Any activity not provided for in this activity table	D
Rural	
Farming of any kind including the erection of any building used for farming purposes.	P
Planting, maintenance and harvest of forest production trees with appropriate sediment control.	P
Plant nursery for development and maintenance of the plantings required within the Precinct.	P
Animal and plant pest control by various methods, including aerial spraying and approved ground based operations including sprays, firearms, traps and bait poisons.	P
Removal of existing vegetation that is required for mitigation / ecological compensation planting.	D
Land disturbing activities	
Landfills, cleanfills and managed fills	D
By-product treatment, handling or storage subject to consents for discharge to air, land or water.	D

2. Development controls

The underlying zone and Auckland-wide development controls applying in the Integrated Iron and Steel Production precinct, unless otherwise ~~are~~ specified below.

Any development which does not comply with the following controls is a Restricted Discretionary Activity

Location of buildings and landscaping

1. All new "production" buildings are to be sited at least 150 metres from the outer boundaries of the precinct (meaning the outer boundary inclusive of both Area A and Area B as a whole). "Production" buildings includes all buildings except the following (which are deemed to be "non-production" buildings):
 - a. buildings related to security.
 - b. buildings related to providing public information, viewing areas, conveniences or facilities.
 - c. dwelling houses and accessory buildings related to farming or whose duties require them to live within the Precinct.
 - d. buildings solely for storage but not any dangerous goods or hazardous substances.
 - e. buildings or structures not exceeding 100 square metres related to any underground supply of energy or water.
 - f. temporary buildings or structures.
 - g. buildings related to recreation for or training of employees.
 - h. rail lines, roadways and similar ancillary works, services or areas, including accessory buildings necessary for their effective operation.
 - i. weighbridges
2. The site area contained within this building line and the site boundaries shall be landscaped in accordance with the following standards:
 - a. LOCATION AND DESIGN: The area to be planted may be along the boundary, or at the edge of the building/s on the site, or in a combination of the two positions. It may be at ground level or in raised beds or retained areas.
 - b. EFFECT REQUIRED AT FRONT BOUNDARIES: The planting must at maturity achieve a significant amenity enhancing effect, particularly if the site faces non-Business zoned sites, or be such as complements the design and significantly softens the appearance of the building or front yard and any parking/loading/driveway or service areas when viewed from the road.
 - c. SPECIES: All plants must be pre-grown, long-life, suitable for the locality and generally of low maintenance.
 - d. PLANTING: All required planting areas shall be maintained, including with plant and animal pest management and replacement of dead plants within the nearest planting season reasonably practicable.
3. Subject to the Coastal Protection Yard control which follows, all "non-production" buildings shall be sited at least 30 metres from the outer boundaries of the precinct, and the resultant yard shall be landscaped as per above.

Coastal Protection Yard

1. No building or part of any building shall be erected closer than 60 metres from mean high water springs of the Waiuku Estuary provided that this restriction shall not apply to any stormwater and waste water discharge facilities.
2. Earthworks in this yard unrelated to stormwater and waste water discharge facilities, shall not exceed a total volume of 25 cubic metres or a total area of 250 square metres without a consent.

3. Any bare ground arising from earthworks, which is not proposed for further use or development, shall be revegetated as soon as practicable.

Parking & Traffic

- ~~1. The parking, loading, manoeuvring and accessways (excluding turning bays) of all vehicles associated, with any activity in the precinct, whether on a temporary or ongoing basis, shall be accommodated wholly within the precinct.~~

Operational Noise (*updated in light of evidence of Nevil Hegley*)

- ~~1. All activities in the precinct shall be conducted or managed to ensure that the average corrected noise level as measured by NZS801:2008 and assessed by NZS6802:2008 (or latest revision) at the six monitoring locations shown in Diagram A does not exceed:~~
 - ~~• 55 dBA (L_{Aeq}) for Monday to Saturday excluding public holidays, 0700 to 2200 hours.~~
 - ~~• 45 dBA (L_{Aeq}) for all other times, including Sunday and Public Holidays.~~

1. All activities in the precinct shall be conducted and managed to ensure that the average noise level at the six monitoring locations shown in Diagram A does not exceed:

- 0700 to 2200 55dB $L_{Aeq(15min)}$
- 2200 to 0700 45dB $L_{Aeq(15min)}$
75dB L_{AFmax}

2. Subject to the following the noise shall be measured in accordance with the requirements of NZS801:2008 and assessed in accordance with the requirements of NZS6802:2008

Averaging of Noise Levels:

3. Noise levels at any one monitoring location which exceed the aforementioned limits will be acceptable only where such exceeded levels can be clearly attributed to meteorological conditions.
4. In no case shall the measured noise level at any one monitoring location exceed the permitted maximums by more than 5 dBA.
5. For the purpose of calculating any one average noise level, measurements from the six monitoring locations shall be taken consecutively over a continuous 6 hour period.
6. A correction of 2 dBA shall be added to any measurements taken at monitoring locations 5 and 6.

Noise Monitoring:

- ~~7. Weather permitting, the Company, shall monitor regularly the night time noise level generated by activities on the site. This monitoring shall be at intervals of no greater than three months and shall be from the 6 monitoring locations shown in Diagram A. All information obtained from monitoring shall be forwarded to Council. The Council reserves the right to require monitoring at shorter intervals and/or from additional locations as the need arises.~~

Assessment

Restricted discretionary activities

Assessment Criteria

1. In assessing an application for a Restricted Discretionary activity to infringe a **building** development control the Council will assess the activity in terms of the following matters over which it has restricted the exercise of its discretion, and conditions of consent will only relate to these matters:
 - a. The necessity for the building or structure to be in the yard (set back area).
 - b. The visual impact of the structure/s in terms of the character of any surrounding public areas.
 - c. The extent to which the structure/s will be screened or could be screened so as to complement, or avoid any detracting from, the amenities of the locality.
 - d. The extent of shading that might occur for any adjoining site.
 - e. The extent to which the proposal would interfere with the safe and efficient use of any nearby road.
 - f. The extent to which any related earthworks:
 - would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers;
 - would increase any risk of land instability or erosion; and
 - include proposals to revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff.

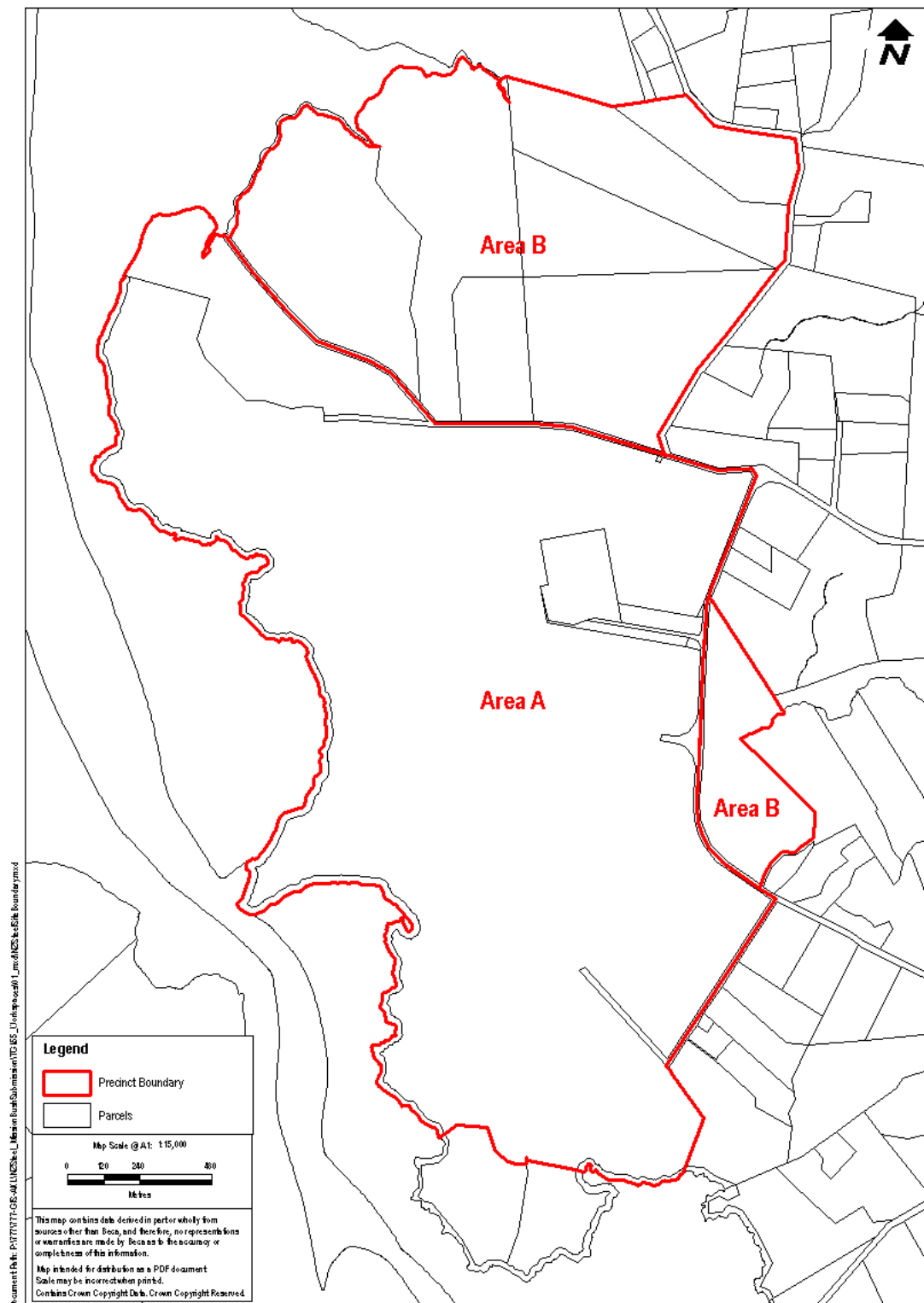
Diagram A – Location of Noise Monitoring Stations

SCHEDULE OF NOISE MONITORING STATIONS (as shown on Diagram below):

- Station 1. Glenbrook Beach Road - 130 metres north of West Road intersection.
- Station 2. Reg Bennett Road - 100 metres north of Glenbrook Road intersection.
- Station 3. Mission Bush Road - 140 metres east of Williams Road intersection.
- Station 4. Williams Road - on dog leg bend.
- Station 5. Rangiwheia Road, Waiuku - at boat ramp adjacent to Sandspit Reserve.
- Station 6. Maraetahia Road - at north-eastern (no-exit) end.



Diagram B – Location of Precinct Areas A and Area B



**Attachment B – Area of Requested zone change to Heavy Industry Zone,
35 Higgins Road Glenbrook**

