



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No.

Seaport Zone

**10 November 2014, 9.00am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

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1. Executive summary

In preparing this report my brief was to analyse, consider and make recommendations on the Seaport provisions of the Proposed District Plan. In doing so, I found I had to consider the aerial extent of the Seaport Zone, which differed from the aerial extent of the Seaport Sub-Area in the Operative District Plan. In turn, this means that some of my recommendations have implications for the Industrial 1A zone, most but not all of which replaced part of the previous Seaport Sub-Area along the Bluff foreshore.

I have concluded that there is tension between the weight of national and regional policy and the aspirations of the Port Company and the need to build economic critical mass in the Bluff community. On the one hand, there are strong directives in the NZ Coastal Policy Statement and particularly in the Proposed Regional Policy Statement calling for a conservative approach to the way the coastal environment is used – that no more of the coastal environment should be used than necessary, that preference should be given to activities with a functional need of a coastal location, that planning should take account of the implications of sea level rise, and that land use planning should discourage intensification of development in Areas prone to natural hazard. On the other hand, the Port of Bluff has had to adapt, often quickly, to be able to meet niche markets in the shipping industry. There is a perceived need to attract industrial activity in order to maintain economic critical mass in the town.

That tension is most evident along the foreshore of Bluff Township, to the west of the western channel. This area has been zoned for ‘heavy industry’ since at least the 1970’s and possibly earlier. Uses, such as fuel storage, have established on what is now understood to be hazard-prone land. Large buildings have blocked off views from the town and other areas remain vacant. Remaining linkages between the town and the waterfront are recognised as important.

I believe that it would be responsible and useful for Council to undertake, in the near future, a further study of the natural hazard risks in this area, in particular tsunami hazard. The provisions in the Proposed District Plan are based in part on conclusions inferred from a tsunami risk study carried out for the smelter area of Tiwai Peninsula. An expert commentary on hazards and focussed on Bluff itself would be helpful. This may lead to a future need to undertake a plan change for this area, which may also provide an opportunity to resolve tensions between the port, surrounding uses, and issues such as public access.

In the meantime, I am recommending some additions to the permitted activities in the Seaport Zone – “*fish processing*” and “*freight depot*” - to address some anomalies between what actually happens there and what is classed as a permitted activity in the Proposed District Plan.

In this report:

- Part 2 considers several key procedural issues
- Part 3 provides background information on the Airport Operations Zone and Airport Protection Zone provisions
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan
- Part 5 assesses the relevant issues raised by the submitters

- Part 6 provides a discussion on the Section 32 matters
- Part 7 sets out the overall conclusions
- Appendix 1 sets out the recommendations on each of the submission points.
- Appendix 2 sets out the recommended changes to the text of the Proposed District Plan.
- Appendix 3 contains maps – of the Seaport Sub-Area under the Operative District Plan, and the Seaport Zone in the Proposed District Plan, and also showing the 3m and 5m contours.

2. INTRODUCTION

2.1 Report Author

This report has been prepared by William J. Watt. My company, William J Watt Consulting Ltd, offers consultancy services in planning and resource management including research, consultation facilitation, policy formulation and evaluation, hearings commissioner and mediation roles. I am currently the sole practitioner in that company.

I hold the qualifications of Bachelor of Arts and Diploma of Town Planning. I am a Full Member of the New Zealand Planning Institute and also a Fellow of the New Zealand Institute of Management. I am an accredited Hearings Panel Chairman under the MfE 'Making Good Decisions' programme and have mediator accreditation with LEADR. Before setting up my consultancy I had 40 years' experience in local government in regional, local and project planning and senior management roles. I have been practising as a planning consultant for four years.

2.2 Peer Review

This report has been peer reviewed by Dan Wells from John Edmonds and Associates Ltd. Dan Wells is a practising resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the Natural Features, Landscapes and Townscapes topic, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions relating to Natural Features, Landscapes and Townscapes

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on the Natural Features, Landscapes and Townscapes provisions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“*AEE*” means Assessment of Environmental Effects

“*Council*” means the Invercargill City Council

“*FS*” means further submitter - someone who made a Further Submission to the Proposed District Plan

“*Hearing Committee*” means the District Plan Hearing Committee

“*ICC*” means Invercargill City Council

“*NES*” means National Environmental Standard

“*NPS*” means National Policy Statement

“*Operative District Plan*” means the Invercargill City District Plan 2005

“*Proposed District Plan*” means the Proposed Invercargill City District Plan 2013

“*Provisions*” is a term used to collectively describe Objectives, Policies and Rules

“*PSRPS*” means the Proposed Southland Regional Policy Statement 2012.

“*RMA*” means the Resource Management Act 1991

“*Submitter*” means a submitter to the Proposed District Plan.

2.5 The Hearing Process

Several hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been arranged in such a way as to ensure that submissions on similar issues are grouped together, and to enable the District Plan Hearing Committee to make decisions on the provisions relating to those issues. This report applies to the Natural Features, Landscapes and Townscapes provisions of the Proposed District Plan.

The Hearings Committee is comprised of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “*RMA*”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report after having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared, or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served, if they wish, may become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners. Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

3.1 Overview – a brief history and context.

Bluff is one of the oldest towns in New Zealand and has always been a port town. In the initial years it competed with the then port of Invercargill, but by the 1920's the operational advantages of Bluff were becoming increasingly important. In the 1920's through to the 1960's (in the era of conventional shipping) Bluff developed as the port of the Southland region, and rivalled Dunedin as the principal southern port. At one point there was a weekly passenger steamer service to Melbourne, and for a very short while in the 1940's Ansett operated a flying boat service to Melbourne from Bluff.

In the 1950's it became apparent that the lack of flat land immediately adjacent to the port facility was going to be an increasing problem, and that future shipping trends were likely to demand a complete review of the port layout. In response to this need, the Island Harbour was reclaimed and constructed in the 1960's, on what had previously been mostly a sandbank, with a single access bridge (road and rail) across the westernmost channel. Innovation continued, in particular with the development of 'all weather' meat loaders for conventional shipping.

The development of the port has always been constrained by the depth of the entrance channel which limits the size of ships that can use the port. In the 1960's the New Zealand Aluminium Smelter at Tiwai Point, with its associated wharf, were built. Downstream industries were expected and it was confidently planned that Invercargill would have a population of 100,000 by the turn of the century, and Bluff 10,000. This was not to be. Industries downstream from the aluminium smelter did not eventuate. Larger ships, the container shipping revolution and deregulation of coastal shipping have meant that the port has had to diversify, specialise (e.g. in the export of wood chips) and innovate (a minor but significant part of the business of the Port of Bluff is now assembling cargos for the container terminal at Port Chalmers.)

Bluff has always been, and continues to be, the operational and processing base for the significant southern fisheries. A significant amount of the cargo through the Port of Bluff is associated with imports of alumina to Tiwai Point and export of aluminium product from Bluff. It could be said that in the 1970's and 1980's the corporatisation of many government activities, the changes in agriculture resulting in the closure of several meat processing works including Ocean Beach, changes in fisheries management and the creation of 'quota' which have given power and prominence to larger companies, changes in company structure, and deregulation were all forces that affected Bluff and posed challenges for the Port.

This very brief history illustrates why the over-arching resource management issue facing Bluff is, very clearly, the maintenance and enhancement of economic critical mass. Bluff is a port town and it has had to fight for its economic survival. Addressing this critical mass issue needs to be reflected in the planning responses to issues at Bluff.

3.2 The Operative District Plan (2005)

The Operative District Plan notes in Section 2 (Significant Resource Management Issues) at 2.10.6 that

The commercial port facilities at Bluff and Tiwai are the region's primary focus for commercial maritime activity.

The significant resource management transportation issues are stated as being;

- *Enabling the safe and efficient use and development of the transport networks*
- *Avoiding, remedying or mitigating the adverse effects of or on transportation networks*

The commercial port facilities at Bluff and Tiwai are within the Coastal Environment delineated on the Planning Maps. The significant resource management issue for the coastal environment is stated as:

The preservation and protection of the natural character of the coastal environment from inappropriate subdivision, use and development.

The relevant Coastal Environment objective in Section 3 has a similar wording, and the policy focus is on the 'natural character' of the coastal environment. Strangely, seaport activities are not mentioned at policy level under this heading, although under 3.3.5 – *Reasons* – it is recognised that parts of the coastal environment are extensively modified.

The relevant Transportation Objective in Section 3 is:

To provide for the development and sustainable management of transportation networks.

The only directly relevant Policy is:

- (C) Seaport Operations – *To control noise associated with seaport operations.*

On the District Planning Maps the Inner Control Boundary for the Seaport Sub-Area is identified.

Within the "Urban Area" the Operative District Plan delineates the "Seaport Sub-Area", seen as providing *the opportunity for:*

- A variety of land uses including seaport activities, fish processing, engineering industries, slip-way facilities, cool stores, boat charters, recreational activities and commercial offices.*
- High frequency of visitation from vehicles, including heavy vehicles.*

- (c) *High frequency of visitation from ocean-going and coastal ships, including cargo ships, charter vessels and fishing boats.*
- (d) *Opportunities for recreational activities.*
- (e) *Berthage, loading and unloading of ships and cargo vessels, and fishing boats.*
- (f) *The opportunity to locate vessels and structures housing materials and substances; and*
- (g) *The opportunity to locate hazardous substances.*

From the Activity Table, permitted activities in the Seaport Zone were

- *Seaport activity*
- *Recreational activity*
- *Commercial recreation activity*
- *Reserves*
- *Infrastructure*
- *Industrial Activity*
- *Commercial Activity*
- *Educational Activity*

Rule 4.34.6 defined the noise limits in relation to the Seaport. An Inner Control Boundary was delineated on the Planning Maps which generally followed the landward boundaries of the Seaport Sub-Area.

Other rules in the Plan apply to activities and structures in the Seaport Zone. Examples are Transportation (4.27) and Lightspill (4.36). There is no limit to height of structures in the Seaport Zone, and no limits on signage. There are rules around hazardous substances.

The aerial extent of the Seaport Subarea in the Operative District Plan is as shown in **Appendix 3 - MAPS**

3.3 The Proposed District Plan - Issues, Objectives and Policies, and Methods

The Proposed District Plan makes specific provision for the seaport at Bluff in the Seaport Zone.

Compared with the Seaport Subarea under the Operative District Plan, the Seaport Zone in the proposed District Plan excluded an area along the mainland foreshore of Bluff to the east of the Island Harbour Bridge. (See **Appendix 3** for relevant maps.) There were several reasons for this:

- It was noted that past decisions had resulted in significant developments and fuel storage tanks being located in what is now understood to be a hazard prone area, at risk from tsunami, storm surge, sea level rise and liquefaction. It was felt it would not be land use planning for wise long-term management and sustainability to enable this trend to continue.
- During consultation, concern was expressed by Bluff residents about the frequent movements of large trucks, often carrying hazardous substances, down the main street of Bluff. Concern was expressed that planning in the

past had not resulted in a better separation of transport bound for the port and associated industry from the main street of the town. In part, the creation of the Industrial 1A zone was intended to address that concern by focussing the future location of activities likely to be associated with transport of hazardous substances away from this area.

- It was also noted that although zoning had enabled heavy industry along much of this foreshore land for nearly half a century, much of the area was still vacant.
- Another consideration, with strong national policy direction, is public access along the foreshore. It was accepted, in drafting the Plan, that public access to and around the Island Harbour was quite impracticable and not necessarily desired (the views from such a walk that excluded operational areas would be less than inspiring, compared with other walking opportunities in the Bluff area.). However, in compensation, the importance of improving the pedestrian and visual links between the main street of Bluff and the foreshore, and the importance of developing access along the foreshore as 'public domain', were stressed in consultation during preparation of the Plan.
- It was also considered that the area of the western channel near the public slipway, to the east of the bridge to the Island harbour, and in front of the Bluff Yacht Club may be the most practicable location in Bluff Harbour for development of mooring facilities for smaller craft. This was one of the conclusions from consideration of an Auckland to Bluff yacht race proposed a couple of years ago, when the lack of berthage facilities at Bluff for smaller craft became very apparent.

The following is a summary of the relevant provisions:

2.42 Seaport Zone

The Seaport Zone is seen as the opportunity for a variety of land use activities including seaport activities, fish processing, engineering industries, slipway facilities, cool stores, boat charters and commercial offices. The zone provides for high frequency of visitation from vehicles, ocean going and coastal ships and boats.

It was recognised that although much of the zone is at risk from multiple hazards, there is nowhere else in the Invercargill City District or the Southland region where a general commercial port could be located and the seaport has a functional need to be located in the coastal environment. An area of higher, less hazard-prone land is included within this zone.

It was noted that the zone is a working environment where activities may need to operate 24 hours a day, seven days a week. This creates the possibility of effects (particularly noise) on the township of Bluff.

Objective 1 stresses the importance of a viable seaport facility at Bluff which meets the varied needs of the region

There are policies on the following:

- Creation of a Seaport Zone at Bluff to enable the construction and operation of services and facilities to meet seaport and cargo handling needs
- Providing for noise associated with port operations whilst also recognising that residential areas in Bluff are entitled to reasonable residential amenity in terms

- of freedom from excessive noise.
- Managing the effects of odour, glare, electrical interference and light spill.
- Providing for signage to enable the clear identification and promotion of places of business.
- Providing for the storage and transport of hazardous substances, noting that this is part of the functioning of the port.
- Requiring that buildings and land in the Seaport Zone shall be sound, well-maintained and tidy in appearance, and managing the adverse effects of demolition or removal activities on amenity values by ensuring the clean-up, screening and maintenance of sites, and the proper management of relocation activities.
- Promoting excellent connectivity between the internal roads and rail lines within the Seaport Zone, and the State Highway and the Bluff Branch Railway.

Methods of Implementation include:

- Delineation of the Seaport Zone on the District Planning Maps.
- Rules identifying activities that are appropriate within the Seaport Zone.
- Identifying the anticipated amenity values for the Seaport Zone, setting environmental standards to protect and enhance them, and implement through enforcement under the RMA, education, advocacy and collaborating with other territorial authorities.
- Environmental advocacy is advocated for
 - (A) Mitigation or avoidance of nuisance arising from glare and windflow effects.
 - (B) Promotion of well-maintained structures and land.
 - (C) Connectivity – connections between places.

In Section 3 of the Proposed District Plan the Zone Activity status rules are:

3.40.1 Permitted Activities: The following are permitted activities in the Seaport Zone:

- (A) *Seaport activities.*

3.40.2 Discretionary Activities: The following are discretionary activities in the Seaport Zone:

- (A) *Any activity not listed as permitted or non-complying.*

3.40.3 Non-complying Activities: The following are non-complying activities in the Seaport Zone:

- (A) *Any noise sensitive activity.*

Noise management at Bluff is not done by way of designation. *The Inner Control Boundary* is defined in the Definitions as follows:

Inner Control Boundary: *Means a boundary along the Bluff waterfront, the location of which represents the 65dB Ldn contour based on the average night-weighted sound exposure (from aircraft noise) over a 24 hour period. The location of the boundary is shown on District Plan Maps 27, 28, 29 and 30.*

(This is explanatory to assist in understanding the planning provisions regarding the port. Noise provisions in the Proposed District Plan will be considered in a separate

report).

Rule 3.13.8 is the relevant rule.

Note: Although several parts of the Proposed District Plan have relevance to the seaport at Bluff (e.g. “coastal environment”) the focus of this report is the provisions relating to the proposed Seaport Zone.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

4.1 Resource Management Act 1991

In reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (Clause 5) and further submissions (Clause 8), holding a hearing into submissions (Clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (Clause 10).

Clause 29(4) of the First Schedule to the RMA states that, after considering a plan, the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the RMA (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (Sections 5-8) sets out the purpose and principles of the Act. The purpose of the RMA is set out in Section 5. I confirm that the provisions for managing the Seaport at Bluff fall within the purpose of the Act. In particular, the designations and the parallel policies and rules are designed to enable the airport as a physical resource to better promote the social and economic wellbeing of the Southland communities and to avoid effects on the environment in accordance with Section 5(2)(a) and (c) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and for which provision must be made. One of these matters is (d) – *the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers*. It has to be recognised from the outset that the operational requirements of a seaport and security considerations are likely to preclude public access to the coastal marine area in a seaport area. Conversely, because the matter is a national priority, public access to the coastal marine area should not be precluded unnecessarily and needs to be actively planned for.

Section 7 of the RMA sets out “other matters” for ‘particular regard’. The most relevant matters are:

- (b) *the efficient use and development of natural and physical resources*
- (c) *the maintenance and enhancement of amenity values*
- (f) *maintenance and enhancement of the quality of the environment*
- (g) *Any finite characteristics of natural and physical resources*
- (i) *the effects of climate change*

It is considered that the provisions relating to the Seaport in the Proposed District

Plan demonstrate particular regard to these matters.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of the Council's Plan Group that worked on developing the Proposed District Plan. Consultation with Iwi has also occurred. The seaport subject was not identified as an issue of particular cultural significance.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. One of the functions set out in Section 31(1)(a) is:

"The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district."

Under Section 31(1)(b) of the RMA a territorial authority is required to "... control ... any actual or potential effects of the use, development, or protection of land ..."

The seaport-related provisions in the Proposed District Plan include policies, and methods intended to manage the actual or potential effects of airport related activities and reverse sensitivity issues.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making its decision on the Plan Change. Section 6 of this report includes my evaluation of the Proposed District Plan Provisions in accordance with Section 32AA.

4.2. Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. These are addressed in this following section.

4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand Coastal Policy Statement.

The following are the Provisions of the NZ Coastal Policy Statement which have relevance to the Seaport Zone:

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- *recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and*
- *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland:*

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards.*

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;.....*

Policy 6 Activities in the coastal environment:

(1) *In relation to the coastal environment:*

(a) – (d).....

(e) *consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area*

(f) – (j)

(2) *Additionally, in relation to the coastal marine area:*

(a) – (b).....

(c) *recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places*

(d) – (e)

Policy 9 Ports

Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:

- (a) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and*
- (b) considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.*

Policy 19 Walking access

- (1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.*
- (2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:*
 - (a) identifying how information on where the public have walking access will be made publicly available;*
 - (b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
 - (c) identifying opportunities to enhance or restore public walking access, for example where:*
 - (i) connections between existing public areas can be provided; or*
 - (ii) improving access would promote outdoor recreation; or*
 - (iii) physical access for people with disabilities is desirable; or*
 - (iv) the long-term availability of public access is threatened by erosion or sea level rise; or*
 - (v) access to areas or sites of historic or cultural significance is important; or*
 - (vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.*
- (3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:*
 - (a) to protect threatened indigenous species; or*
 - (b) to protect dunes, estuaries and other sensitive natural areas or habitats; or*
 - (c) to protect sites and activities of cultural value to Māori; or*
 - (d) to protect historic heritage; or*
 - (e) to protect public health or safety; or*
 - (f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
 - (g) for temporary activities or special events; or*
 - (h) for defence purposes in accordance with the Defence Act 1990; or New Zealand Coastal Policy Statement 2010 21*
 - (i) to ensure a level of security consistent with the purpose of a resource consent; or*

(j) in other exceptional circumstances sufficient to justify the restriction.

- (4) *Before imposing any restriction under (3), consider, and where practicable, provide for alternative routes that are available to the public free of charge at all times.*

Obviously, the Seaport Zone at Bluff is in the “coastal environment”. Equally obviously, the Port of Bluff has a “functional need” of space in the coastal environment.

In my view, the provisions in the Proposed District Plan relevant to the Seaport Zone give effect to the relevant provisions of the NZCPS.

4.2.2 National Policy Statements and National Environmental Standards

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements. Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard. There are no National Policy Statements or National Environmental Standards that directly relate to the Seaport at Bluff.

4.2.3 Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an Operative Regional Policy Statement.

The Transportation provisions of the Operative Regional Policy Statement are broad in compass and high-level in nature. This is an example:

Policy 11.4

Require district and regional plans to include provisions that avoid, remedy or mitigate the adverse effects of transportation and transportation infrastructure on natural and physical resources, so that these resources can be managed in such a way that they are able to meet the needs of future generations.

The provisions of the Operative Regional Policy Statement pertaining to the Coast generally support the use of the coastal environment for activities which have a functional need of a coastal location. The following are examples:

Objective 13.9

To ensure that only those activities and developments that require a location in the coastal marine area are situated there.

Explanation

The coastal marine area is public space and as such it should generally be available for use to all people. However, there are some activities and developments that require a coastal marine area location, and have an operational necessity for the exclusive or preferential occupation of space within that area.

This objective seeks to ensure that unnecessary activities and development are excluded from the coastal marine area.

Policy 13.26

Require that activities, uses, developments and structures in the coastal marine area justify the functional necessity for that location.

Explanation

Principles 1 and 2 of the New Zealand Coastal Policy Statement stress that some activities require a coastal location and that the protection of values need not preclude appropriate use and development. Uses and developments locating in the coastal area could have the effect of precluding other activities from locating there, so it is important to consider what are the appropriate activities to locate there. In determining what is appropriate use and development, consideration is required as to those uses and developments which actually require a coastal location. In some instances it would be appropriate to utilise adjoining land areas, or areas in another location altogether.

Policy 13.28

Recognise that some activities will require exclusive or preferential occupation, notwithstanding the fact that the public have a right to use the coastal marine area.

Explanation

In considering any activity or development in the coastal marine area that seeks exclusive or preferential occupation of the coastal marine area, it is first necessary to determine how actual or potential use of that public space will be affected.

There are circumstances, however, where it is appropriate to consider the alienation of that public right.

In my opinion, the provisions of the proposed Seaport Zone give effect to the operative Regional Policy Statement.

4.2.4 Proposed Regional Policy Statement

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012.

The most directly relevant provisions are in Section 7 – Coast.

Objective COAST.2 – Activities in the coastal environment

Infrastructure, port, energy projects, aquaculture, subdivision, use and development in the coastal environment are provided for and able to expand, where appropriate, while maintaining and enhancing public access and preserving natural character.

Policy COAST.1 - Direction on locations for activities

Identify in regional and district plans locations within the coastal environment where particular activities and forms of subdivision, use and development:

- (i) are appropriate;*
- (ii) are inappropriate; and*

- (iii) *may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or a Schedule 1 process under the Act*

Policy COAST.2 – Management of activities in the coastal environment

Ensure adequate measures or methods are utilised within the coastal environment when providing for subdivision, use and development to:

- (a) *protect amenity, social, intrinsic, ecological, cultural, historic heritage, natural character, natural features and landscape values and coastal dune systems;*
- (b) *maintain and enhance public access;*
- (c) *avoid or mitigate the impacts of natural hazards; and*
- (d) *avoid the impact of predicted sea level rise and climate change.*

Policy COAST.4 – Infrastructure, port, aquaculture and energy projects

Recognise and provide for infrastructure, port, aquaculture and energy projects that must be located within the coastal environment.

Territorial authorities will

Method COAST.4 – District Plans

Establish and maintain provisions in district plans that:

- (e) *(identify) those locations within the coastal environment that are appropriate for subdivision, use and development*
- (i) *ensure that the effects of climate change and in particular sea level rise are taken into account when determining the appropriateness or otherwise of subdivision, use and development within the coastal environment.*

Method COAST.5 – Public Access

Ensure that existing public access corridors to the coastal marine area are maintained at all times when assessing proposals for subdivision, use and development within the coastal environment.

In my opinion, the establishment and implementation of a Seaport Zone that provides for the continued use and development of an area that has already been developed for seaport activities and facilities, would have regard to the relevant provisions of the Proposed Regional Policy Statement.

4.2.5 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. The most relevant regional plan is considered to be the Regional Coastal Plan.

There are numerous references throughout the Regional Coastal Plan to the Port of Bluff. The following draws attention to the more important ones and indicates the tenor of the document, which is to enable the continued use, maintenance and development of the seaport at Bluff.

3.9.12 Values and Issues of Specific Areas of Bluff Harbour and Awarua Bay

Values:

- (1) *The port area is located adjacent to the township of Bluff and includes Tiwai wharf which services the New Zealand Aluminium Smelter. The facilities contained in this area are economically important to all of the Southland Region*

Issues:

- (iv) *Port facilities and activities can affect the natural values of the harbour, water quality, amenity, views and noise*

4. Fundamental principles

Objective 4.2.1 *To ensure that only those activities and developments that have a functional need to be located in the coastal marine area and for which there is no practicable alternative location outside the coastal marine area are situated there.*

Policy 4.6.1 *Encourage concentration of compatible activities in areas of existing uses and developments, where adverse effects can be avoided, remedied or mitigated, in preference to using undeveloped areas in the coastal marine area*

5. General matters

Issue 5.2.14 *A certain amount of noise is expected from port areas. However, noise from port areas can affect people's enjoyment of the coastal marine area, or the health of people, in residential areas. It can also affect the amenity of the area*

Rule 5.3.5 Bluff Port Zone Noise Limits

11. Structures

Policy 11.2.9 – Construction within the Bluff Port Zone in preference to other areas. *Avoid the erection or placement of structures associated with ships, or the import or export of cargo outside of the Bluff Port Zone, except where*

- (i) *there is a functional need*
(ii) *it is not practicable to use an area in the Bluff Port Zone*
(iii) *it is not practicable to use an existing facility in the Bluff Port Zone.*

Pursuant to Rules 7.3.2.10 and 8.2 in the Regional Coastal Plan, it should be noted that there is a Discharge Agreement, between South Port and Environment Southland. The purpose of this agreement is to provide methods of management that are alternatives to resource consents for discharges that can be incidental to port activities, and to provide for self-regulation by South Port of discharge of contaminants.

The Agreement applies as follows:

4.1 *This Agreement applies to discharges of contaminants into air, into water and onto land where they may enter water, within the Bluff Port Zone that are incidental to the following activities undertaken by South Port or its notified port users within or managed within the South Port Operation Area:*

- (a) *The loading, unloading, transport, conveyance and storage of cargo;*
- (b) *Within the area along the Island Harbour face and/or over the coastal marine area, the erection, placement, repair, alteration, extension, or demolition of any structures or any building, equipment, device or other facility attached to any structure.*

The discharges covered by the agreement are limited to those occasioned by the day to day operation of the port and without significant cumulative or adverse effects.

South Port is required to maintain a Code of Practice setting out its duties and obligations.

In my opinion the Proposed District Plan in its provisions for the Seaport Zone has regard to the Regional Coastal Plan for Southland.

4.2.6 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an Iwi authority and lodged with the territorial authority

Ngai Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Taurira*.

This document would be highly relevant if it were proposed, now, to reclaim a portion of Bluff Harbour and create an “Island Harbour” for seaport purposes. Bluff Harbour has a number of attributes and localities that are of significance to Iwi, and some of those values and sites have been compromised by the port development that has occurred to date.

However, the main policy thrust of the Proposed District Plan is to enable best use of areas already developed, and that is generally compatible with the conservative management approach advocated in the Iwi Management Plan.

The main focus of *The Cry of the People – Te Tangi a Taurira* would be to manage the effect of the seaport on the environment.

That is the focus and intent of the relevant provisions of the Proposed District Plan.

4.2.7 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts. For the District Plan review, the Big Picture (prepared under the Local Government Act) is considered relevant.

The *Big Picture* recognises as a 'value' *'the Port of the Southland Region, with deep water access for shipping'*, and that *"it is vitally important to maintain the functionality of the Port of Bluff"* as an issue at Map 27. At Map 30 it is recognised as a value that *'The non-residential area of the Bluff township and the Island Harbour accommodate a wide range of activities and industries on which the region depends'*. *"Maintaining the critical mass of the Bluff area – in terms of both population numbers and jobs/activities"* and *'Maintaining the functionality of the port of Bluff'* are seen as issues.

4.3 Summary

It is considered that the purpose and principles of the RMA are met by the Seaport provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities. The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification and in this report. The various documents required to be considered have been appropriately addressed in the preparation of provisions relating to the seaport and its operation.

5. ANALYSIS OF SUBMISSIONS

This report covers submissions on the Seaport Zone.

There are a few major issues brought to light by these submissions.

5.1 The 'extent' of the Seaport Zone

The "Island Harbour" is shown as being within the Seaport Sub-Area of the Operative District Plan and within the Seaport Zone in the Proposed District Plan. There is no debate about the inclusion of the Island Harbour within the Seaport Zone.

However, there is debate about the extent of the Seaport Zone on the landward side of the western channel. In the Operative District Plan the Seaport Sub-area extends along the Bluff foreshore between the railway and the western channel, largely following what appears to have been an earlier shoreline along its southern margin. East of Slaney Street, there is a band in the "Enterprise Sub-Area" between the railway and the Seaport Sub-area. (See Appendix 3.) In the Proposed District Plan, the Seaport Zone extends west from the Island Harbour Bridge. To the east of the bridge, between Gore St and the Western Channel, the area is zoned Industrial 1A.

The following is the Proposed District Plan vision for this area, previously Seaport Sub-Area, now Industrial 1A Zone.

"This zone specifically anticipates the growth of light industry associated with boat and yacht servicing adjacent to possibly the only area in Bluff Harbour with potential for further development for boat and yacht berthage and ultimately a marina."

One reason for this zoning can be found in the introductory comments in Section 2.30 – Industrial A.

"For the town of Bluff the location of the Zone, between State Highway 1 and the railway, and the waterfront, is important from an urban design perspective. Making practical use of the area (much of which is currently vacant), whilst maintaining attractive vistas from the residential areas of the town, will require careful planning and management."

Other reasons for this re-zoning lie in the greater appreciation of natural hazards that infuses the whole of the Proposed District Plan. During the course of the preparation of the Plan, New Zealand Aluminium Smelters Ltd shared with the Council, modelling it had commissioned with respect to the Tiwai Peninsula. This showed significant damage, even devastation, for much of the Peninsula but not affecting directly the established site of the smelter. Very strong currents would be experienced in Bluff harbour. In preparing the Proposed District Plan, the Council has to ask itself; if this was the effect on the Tiwai Peninsula, what would then be the effect of an event of this magnitude on Bluff? Although no further study was

commissioned, it was felt that a cautious approach in the proposed District Plan is warranted because:

- Much of this area is reclaimed and prone to liquefaction.
- Much is below 5 m in elevation above mean sea level and hence sea level rise should be considered. (See Appendix 3 – Maps)
- It seems, inferring from the Tiwai Study, that the whole area may be susceptible to tsunami risk.

There has been one submission from the general public concerning the extent of the Industrial 1A zone which I have included in Appendix 1. Although opposing the provisions of the Industrial 1A zone, this submission (by inference) supports this area not being in the Seaport Zone.

I have concluded that the provisions of the Industrial 1A zone will need to be considered further at a future hearing with respect to that proposed zone, and that it would be premature at this time to simply extend the Seaport Zone in response to submissions over the area covered by the Industrial 1A zone. Further, I tend to the view that amendments to the Industrial 1A zone provisions in response to submissions would be preferable to extending the Seaport Zone at this point.

5.2 Activity Status

Another related matter that has been brought up in submissions is the range of activities provided for as permitted activities. The following table compares the activity status in the Seaport Zone under the Operative District Plan, with the Seaport Zone under the Proposed District Plan, and the Industrial 1A Zone.

SEAPORT SUB-AREA (Operative District Plan)	SEAPORT ZONE (Proposed District Plan)	INDUSTRIAL 1A ZONE (Proposed District Plan)
PERMITTED ACTIVITIES	PERMITTED ACTIVITIES	PERMITTED ACTIVITIES
Seaport Activity	Seaport Activities	Essential services
Recreational activity		Light industry
Commercial recreational activity		Motor vehicle sales
Reserves		Takeaway food premises not exceeding 150 sq m
Infrastructure		Land transport facility
Industrial Activity		
Commercial Activity		
Educational Activity		
DISCRETIONARY AND RESTRICTED DISCRETIONARY ACTIVITIES	DISCRETIONARY AND RESTRICTED DISCRETIONARY ACTIVITIES	DISCRETIONARY AND RESTRICTED DISCRETIONARY ACTIVITIES
Noise sensitive activities	Any activity not listed as permitted or non-complying	Any activity not listed as permitted or non-complying
NON-COMPLYING ACTIVITIES	NON-COMPLYING ACTIVITIES	NON-COMPLYING ACTIVITIES

Any industry not listed as permitted	Any noise-sensitive activity	Heavy industry
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While there is a line of logic in this, in the sense of responding to national and regional policy regarding ‘functional need’ of a coastal location and also in trying to respond to an increased awareness of natural hazard by limiting activities that can locate as of right in this area, in my view there are also some gaps in that line. An obvious ‘gap’ is fish processing. Some fish processing operates ‘across the wharf; catch is unloaded from the fishing boat (fresh or frozen) and taken straight into the adjacent factory for processing. Other operations require a short transfer from the boat to the fish processing facility. This constitutes a ‘functional need’ of coastal space in the vernacular of the Plan. However, “fish curing and preserving” is a “heavy industry” (as defined in Appendix IX of the Proposed District Plan), and is non-complying in the Industrial 1A Zone and Discretionary in the Seaport Zone.

“Fish curing and preserving” seems a rather dated concept. “Curing” is generally understood to be any of various food preservation and flavouring processes of foods such as meat, fish and vegetables by the addition of a combination of salt, nitrates, nitrite or sugar. Many curing processes also involve smoking, the process of flavouring, or cooking. The use of food dehydration was the earliest form of food curing. Traditional forms of ‘fish curing’ involved dehydrating the fish in the open air for up to two weeks.

‘Fishing curing’ has the connotations of a larger industry with potentially noxious characteristics, hence its inclusion in Appendix IX as a ‘heavy industry’.

Modern practice in the industry is better described by the term “fish processing” which I have suggested can be defined as follows:

***Fish Processing** : means the processes associated with fish and fish products between the time fish are caught or harvested, and the time the final product is delivered to the customer and covers any aquatic organisms harvested for commercial purposes, whether caught in wild fisheries or harvested from aquaculture or fish farming.*

A comparison with examples from elsewhere in New Zealand may be helpful:

- In Dunedin the zoning provisions for the port area at Port Chalmers are different from and more restrictive than the zonings around the wharf area of Dunedin. It should also be noted that other options for parts of this Dunedin foreshore area are being promoted and considered. At Port Chalmers the permitted activities list (DCC Rule 11.5.1) broadly parallels the provisions for the Seaport Zone in the Proposed District Plan
- Timaru allows a full range of industrial and similar activities in their Industrial H Zone (Rule 4.2.2), but the portion of the waterfront devoted to the port is physically separate from the ‘civic’ waterfront (Caroline Bay) and Timaru seems to be working hard at improving linkages between the shopping area and Caroline Bay.
- At a larger scale, the tension between port requirements and the wish for cities to improve their linkages with, and public use and enjoyment of, the waterfront is very evident in both Auckland and Wellington.

This comparison suggests that the approach taken in the Proposed District Plan

was neither unreasonable nor unusually restrictive compared with other ports.

5.3 Conclusion

In my opinion the submitters have raised legitimate concerns. While responses to submissions can address many matters appropriately at this stage, a future plan change to reconsider these matters and undertake further community consultation may be helpful. That opportunity may arise as and when there is consideration of the natural hazard issue in more detail, which I recommend below.

I recommend that Council, as a priority, commission a study to better define the susceptibility to natural hazard of the Bluff Township, the Bluff foreshore and the Island Harbour, to complement the study carried out for New Zealand Aluminium Smelters Ltd on the tsunami risk in these areas. This study should also encompass other threats from natural hazards such as sea level rise and storm surge. This will strengthen whatever policy response the District Plan takes to this risk. As it stands, the Plan response is based on an understanding of tsunami risk *inferred* from the Tiwai Study, and what is known about other natural hazards (in particular sea level rise, storm surge and liquefaction). The result of this study may lead to the need to undertake a plan change (at very least, to update the hazard maps) which can afford the opportunity to look more holistically at the wider zoning issues if there are residual community or stakeholder concerns.

Submissions on the Industrial 1A Zone provisions have yet to be heard. However, in my view it would be premature to simply extend the Seaport Zone, effectively doing away with the Industrial 1A Zone, prior to hearing those submissions.

In the meantime, one important change that I would recommend in response to submissions on the Seaport Zone is the inclusion of “fish processing” as a permitted activity in the Seaport Zone and in the Industrial 1 Zone.

Knowing that a significant part of the business of South Port is assembly of cargoes for shipment out of other ports, I also consider that “freight depots” should be included in the definition of “seaport activities”

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth);
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Committee recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

6.1 Relevant Section 32AA Matters

The following are the matters considered relevant for further evaluation under Section 32AA of the RMA:

- Minor changes to the text.
- Additions to the list of permitted activities in the Seaport Zone.

6.2 Section 32AA Further Evaluation

The “Seaport” section of the original Section 32 report (pages 237 - 241) is relevant to this report. The changes proposed are within the scope of the original evaluation findings and do not raise any additional matters for consideration.

The changes that are recommended are minor. It follows that the environmental, economic, social or cultural effects anticipated to arise as a consequence of the changes are minor. A detailed assessment or quantification of costs and benefits is neither practical nor necessary. It is sufficient to note that broadening the activities enabled in the Seaport Zone to reflect the activities that occur there will reduce

unnecessary regulation and, therefore, result in better social and economic outcomes. With respect to the issue of the extent of the Seaport Zone, it is considered that the extent as notified achieves an appropriate balance between the community's social

and environmental values while not unduly constraining the economic capacity of the Port (due to there still being the ability to use the Industrial 1A area for port related activities and there being other land zoned for heavy industry at Awarua and at Ocean Beach).

APPENDIX 1 - RECOMMENDATIONS IN RESPONSE TO SUBMISSIONS

SUBMITTER	PLAN PROVISION/SUBMISSION	RECOMMENDATION
GENERAL ISSUES		

<p>24.1(a) South Port NZ Ltd</p>	<p>Section 2: The submitter does not consider that the more general objectives and policies within the Proposed Plan that relate to infrastructure and transportation provide adequate and appropriate recognition of the Port as significant infrastructure. The submitter considers that as drafted, objectives and policies relating to infrastructure and transportation do not provide sufficient, specific recognition for the Port. Instead these objectives and policies read more like higher level objectives and policies that would normally be set out in a Regional Policy Statement. The submitter considers that the current approach to objectives and policies within the Proposed Plan contravenes the direction required by these higher level planning documents.</p> <p>The submitter notes that there are specific objectives and policies relating to the Port operations within the Seaport Zone, however this only provides for activities within the Seaport Zone, and does not serve to adequately protect the Port from incompatible activities or reverse sensitivity effects that might be proposed adjacent to the Port and outside the Seaport Zone.</p> <p>DECISION SOUGHT Not stated.</p> <p>It is considered the submitter requests the following:</p> <p>To include as part of the District Wide objectives and policies, specific provisions relating to the Port of Bluff that explicitly recognise the contribution of the Port to the economic and social wellbeing of the City and Region, and to also effectively provide for its ongoing operation and future growth.</p>	<p>Accept in Part</p> <p>The submitter's concern is addressed, at least partially, in the response to submission 24.44 below.</p> <p>N.B. This submission also raised the matter of boundaries of the Seaport Zone, and this is part of this submission is considered under "Zoning" (below).</p>
<p>FS24.16 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Zoning boundaries: The further submitter supports submission 24.1</p>	<p>This submission point is addressed under "Zoning" (below)</p>

SECTION 2.42 ISSUES, OBJECTIVES, POLICIES

<p>24.44 South Port NZ Ltd</p>	<p>Introduction: Oppose in part. The submitter does not consider this be an accurate description of the port activities and sufficient recognition of the significant contribution the port activities and facilities provide to the social, economic and cultural wellbeing of the surrounding community.</p> <p>The submitter believes it is inappropriate to focus this description on coastal hazards – ports by design and nature are located in such environments and are managed to ensure there are appropriate risk management strategies in place to manage such effects. The reference to hazards should be deleted.</p> <p>The submitter also suggests that there should be recognition that the Bluff area has been influenced by the presence of the Port.</p> <p>DECISION SOUGHT</p> <p>Amend the introduction as follows:</p> <p>“The Seaport Zone is located adjacent to and within the Bluff Harbour adjacent to the township of Bluff. It provides the opportunity for a variety of land use activities including seaport activities, fish processing, engineering industries, slipway facilities, cool stores, boat charters and commercial offices. The zone provides for high frequency of visitation from vehicles, ocean going and coastal ships and boats.</p> <p><u>The Port of Bluff has served the sea transport needs of the District and the region for over a century. It is a major gateway to the Southland region for goods transported by sea. Economic activity which is directly or indirectly dependent on trade through the Port makes a significant contribution to the local, regional and national economy.</u></p> <p>Although much of the zone is at risk from multiple hazards, there is nowhere else in the Invercargill city district or the Southland region where a general commercial port could be located and the seaport has a functional need to locate in the coastal environment. An area of higher, less hazard-prone land is included within this zone.</p> <p>The zone is a working environment where activities may need to operate 24 hours a day, seven days a week. This can create a number of environmental effects, which may extend into the township of Bluff. <u>Therefore the establishment of sensitive land use activities near the Port has the potential to generate conflicts, which must be carefully managed.</u></p> <p>Traditionally Bluff has been tolerant of port-related effects, reflecting the strong links between the port and the Bluff community. Bluff is a port town and a moderate level of port-</p>	<p>Accept in part</p> <p>It is accepted that additions to the introductory text suggested by the submitter would be consistent with Section 5 of the RMA, however some of the text that the submitter suggests should be deleted has merit in introducing the issues and how the plan intends to address them.</p> <p>It is recommended that the introduction to the Seaport Zone be amended as follows:</p> <p>2.42 Seaport Zone</p> <p><i>The Seaport Zone is located adjacent to and within the Bluff Harbour adjacent to the township of Bluff. It provides the opportunity for a variety of land use activities including seaport and related activities, and fish processing, engineering industries, slipway facilities, cool stores, boat charters and commercial offices. The zone provides for high frequency of visitation from vehicles, ocean going and coastal ships and boats.</i></p> <p><u><i>The Port of Bluff has served the sea transport needs of the District and the region for over a century. It is a major gateway to the Southland region for goods transported by sea. Economic activity which is directly or indirectly dependent on trade through the Port makes a significant contribution to the local, regional and national economy.</i></u></p> <p><i>Although much of the zone is at risk from multiple hazards, there is nowhere else in the Invercargill city district or the Southland region where a general commercial port could be located and the seaport has a functional need to locate in the coastal environment. An area of higher, less hazard-prone land is included within this zone.</i></p> <p><i>The zone is a working environment where activities may need to operate 24 hours a day, seven days a week. This can create a number of environmental effects, which may extend into the township of Bluff. Therefore the establishment of sensitive land use activities near the Port has the potential to generate conflicts, which must be carefully managed. Traditionally Bluff has been tolerant of port-related effects, reflecting the strong links between the port and the Bluff community. Bluff is a port town and a moderate level of port-related environmental effects is acceptable and generally accepted. However, experience elsewhere in the country indicates that some port-related effects, such as noise, can become a vexed issue.”</i></p>
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<p>FS24.1 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Introduction: The submitter <i>Supports submission 24.44</i></p> <p>The further submitter considers that the relief sought accurately describe the port activities and recognise the significant contribution the port activities and facilities provide to the social, economic and cultural wellbeing of the surrounding community.</p> <p>The further submitter notes that they have existing terminal facilities that are functionally a part of the Port Operations. The further submitter believes that it is important to ensure further encroachment of sensitive activities is avoided.</p> <p>DECISION SOUGHT: Not Stated</p>	<p>Accept</p> <p>It is considered that the recommended response to submission 24.44 largely meets the concerns of the submitter.</p>
<p>2.42.1 ISSUES</p>		
<p>24.45 South Port NZ Ltd</p>	<p>Issue 2: The submitter supports this provision in part. The submitter agrees that a balance between the requirements of the seaport with achieving an acceptable level of amenity for those residing within adjacent zones needs to be achieved and that this should be reflected in the drafting of the issue.</p> <p>DECISION SOUGHT Amend Issue 2. as follows: <u>“Activities within the Seaport Zone must balance the operational requirements of the port with achieving an acceptable level of amenity for those residing within neighbouring zones.”</u></p>	<p>Accept</p> <p>The submitter’s suggestion is a better way of expressing the issue.</p> <p>It is recommended that Issue 2 be reworded to read:</p> <p><i><u>2. The environmental effects from activities carried out within the Seaport Zone can have adverse effects on the township of Bluff. Managing the effects of activities within the Seaport Zone must balance the operational requirements of the port with achieving an acceptable level of amenity for those residing within neighbouring zones.</u></i></p>

FS24.3 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	<p>Issues: The further submitter supports submission 24.45 The further submitter accepts that there is a need to balance the requirements of the Port with achieving an acceptable level of amenity for those residing within adjacent areas. However, the further submitter considers it necessary to recognise that Port and its various activities are required to operate 24/7, and to ensure further encroachment by sensitive activities is avoided.</p> <p>DECISION SOUGHT Not stated</p>	<p>Accept</p> <p>It is considered that the recommended response to submission 24.45 largely meets the concerns of the submitter.</p>
2.42.2 OBJECTIVES		
24.46 South Port NZ Ltd	<p>Objective 1: The submitter supports this objective as it adequately provides and protects the activities and operations undertaken within the port.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
FS24.2 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	<p>Objective 1 The further submitter supports submission 24.46 The further submitter considers that objective adequately provides for and protects the activities and operations undertaken within the port, including the Oil Companies bulk storage operations.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
53.69 NZ Transport Agency	<p>Objective 1(B) Support</p> <p>DECISION SOUGHT. Retain Objective 1(B) as proposed.</p>	<p>Accept</p>

<p>24.47 South Port NZ Ltd</p>	<p>Objective 2: Oppose. The submitter believe there to be an error in the drafting of this objective in that it does not seem complete. The submitter considers that this objective should be complementary to the amendments being sought with respect to the issue identified above and that the objective should seek that the requirements of the Port is balanced with achieving an acceptable level of amenity for those residing on adjacent land.</p> <p>DECISION SOUGHT The objective should be amended as follows: <u>“Provision for the operational requirements of the Port is appropriately balanced with achieving an acceptable level of amenity for those residing on neighbouring land.”</u></p>	<p>Accept</p> <p>It is recommended that Objective 2 be reworded:</p> <p>Objective 2: <u>Provision for the operational requirements of the Port is appropriately balanced with achieving an acceptable level of amenity for those residing on neighbouring land.”</u></p>
<p>2.42.3 POLICIES</p>		
<p>24.48 South Port NZ Ltd</p>	<p>Policy 1: - Seaport Zone: Support. The submitter considers this policy to be an accurate description of the activities that are undertaken within the Seaport Zone.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
<p>FS24.5 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Policy 1: - Seaport Zone: <i>Support submission 24.48</i> The further submitter considers that the policy presents an accurate description of the activities that are undertaken within the Seaport Zone</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>

<p>24.49 South Port NZ Ltd</p>	<p>Policy 2 – Noise: Support. The submitter considers this policy to be appropriate in that it recognises that the port activities are by nature noisy activities, but that a balance needs to be struck in accordance with managing the effects on amenity values on adjacent land.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
<p>FS24.6 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Policy 2 – Noise: Support submission 24.49. The further submitter considers the policy accurately recognises that the port activities are by nature potentially noisy activities, but that a balance needs to be struck in accordance with managing the effects on adjacent land, and to ensure further encroachment by sensitive activities is avoided.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
<p>24.50 South Port NZ Ltd</p>	<p>Policy 3 – Odour: Support in part. The submitter considers that this policy should be clear in that it seeks that nuisance odour is not received on adjacent or neighbouring land uses.</p> <p>DECISION SOUGHT Amend the policy as follows: “To accept moderate levels of odour emissions associated with port operations whilst also ensuring the absence of nuisance from objectionable odour <u>within sensitive neighbouring zones.</u>”</p>	<p>Accept in part</p> <p>The submitter’s point is accepted with the proviso that the addition of the word ‘sensitive’ adds an element of unnecessary uncertainty to the policy.</p> <p>It is recommended that the following be added to Policy 3:</p> <p><i>Policy 3 - Odour: To accept moderate levels of odour emissions associated with port operations whilst also ensuring the absence of nuisance from objectionable odour <u>within neighbouring zones.</u></i></p>
<p>FS24.7 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Policy 3 – Odour: Support submission 24.50</p> <p>DECISION SOUGHT Retain</p>	<p>Accept in part</p> <p>On the same basis and for the same reasons as 24.50.</p>

<p>24.51 South Port NZ Ltd</p>	<p>Policy 4 - Glare The submitter believes it will not always be possible to ensure freedom from nuisance from glare for nearby residential areas.</p> <p>DECISION SOUGHT Amend the policy to read: To accept glare within the Seaport Zone associated with large structures, whilst ensuring freedom from that nuisance from glare for nearby residential areas <u>is appropriately managed</u>.</p>	<p>Accept in part</p> <p>It is recommended that Policy 4 be modified as follows:</p> <p><i>Policy 4 - Glare: To accept that glare within the Seaport Zone associated with large structures may be an effect from activities in the Seaport Zone whilst ensuring that nuisance from glare for nearby residential areas is avoided, remedied or mitigated.</i></p> <p>Use of the words' avoided, remedied or mitigated' is stronger policy and less ambiguous than "appropriately managed".</p>
<p>FS24.8 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Policy 4 Glare The further submitter supports submission 24.51</p> <p>The further submitter considers that the Port operates on a 24.7 basis and that it will not always be possible to ensure freedom from nuisance from glare for nearby residential areas.</p> <p>DECISION SOUGHT Not specifically stated</p>	<p>Accept</p> <p>It is considered that the recommended response to submission 24.51 largely meets the concerns of the submitter.</p>
<p>24.55 South Port NZ Ltd</p>	<p>Policy 8 – Hazardous Substances Support.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
<p>FS24.10 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Policy 8 – Hazardous Substances Support submission 24.55.</p> <p>The further submitter considers adequate provision must be made for the storage and transshipment of hazardous substances associated with Port related activities.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>

<p>24.56 South Port NZ Ltd</p>	<p>Policy 9 – Dilapidated structures and ill-maintained lands: Support.</p> <p>The submitter accepts that the Port is a gateway into the Southland Region and therefore a reasonable level of amenity needs to be upheld.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
<p>24.59 South Port NZ Ltd</p>	<p>New Policy The submitter considers that an additional policy is needed to ensure that reverse sensitivity effects are avoided or minimised as far as is practicable. This would give effect to the Proposed Objective which seeks that this be achieved. The submitter states that such a policy is necessary to also provide for the existing and future growth of the Port facilities</p> <p>DECISION SOUGHT Insert an additional policy which seeks: “<u>To enable the efficient and effective operation, use and development of the Port of Bluff by:</u></p> <p>(a) <u>Ensuring that any adverse effects arising from noise sensitive activities located in the adjoining zones are appropriately avoided or mitigated;</u></p> <p>(b) <u>Ensuring that areas which can be used to buffer the Port from activities that may result in reverse sensitivity effects on the Port are utilised;</u></p> <p><u>Providing for the future expansion of the Port by zoning an appropriate area of land for such purposes.”</u></p>	<p>Accept in part</p> <p>It is recommended that a new Policy 12 be added:</p> <p><u>Policy 12 Reverse sensitivity. To enable the efficient and effective operation, use and development of the Port of Bluff by:</u></p> <p>(a) <u>Providing for the future development of the Port through the Seaport Zone</u></p> <p>(b) <u>Encouraging the establishment of land uses situated between the Seaport Zone and the Residential 2 Zone that can act as a buffer between the Seaport Zone and the Residential 2 Zone</u></p> <p>(c) <u>Constraining the establishment of noise-sensitive activities in the Seaport Zone and discouraging them from establishing within the vicinity of the Port</u></p> <p><u>Explanation: The operational requirements of a seaport have the potential to give rise to reverse sensitivity effects with respect to other land uses in the vicinity which may seek a coastal location for other reasons, such as views of the coast and the ambience of a port town.</u></p> <p>This Policy would be relevant to the upcoming hearing on the Industrial 1A Zone.</p>

<p>FS24.12 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>New Policy <i>The further submitter supports in part / opposes in part submission 24.59.</i></p> <p>The further submitter supports the inclusion of a policy addressing reverse sensitivity effects on the grounds that it is considered necessary to provide for the existing operation of, and future growth of, the Port and to protect it from the adverse effects arising from sensitive users in close proximity.</p> <p>However, the further submitters considers that the consideration of adverse effects from sensitive activities should be extended beyond noise and amenity effects to also include other adverse effects such as risk. Examples raised by the further submitter include the constraints and potential effects of a residential or Business 2 Zone adjoining the Seaport Zone</p> <p>DECISION SOUGHT Not specifically stated.</p>	<p>Accept in Part</p> <p>On the same basis and for the same reasons as Submission 24.59 (above).</p>
<p>SECTION 3.40 RULES</p>		

24.66 South Port NZ Ltd

Rule 3.40.1 - Oppose.

The submitter notes that this list of permitted activities has been reduced from what is within the operative District Plan for activities permitted within the existing Seaport Zone. The submitter considers that certain activities including infrastructure, commercial and industrial activities also need to be provided for within the zone. Such activities currently exist in the zone and are likely to expand in the future. Putting undue constraints on the activities that can be undertaken within the Seaport Zone is likely to severely compromise the operational viability of the Port.

DECISION SOUGHT

Amend the list of permitted activities as follows:

- (A) Seaport activities

- (B) Infrastructure

- (C) Commercial Activities

- (D) Commercial Recreational Activities

- (E) Industrial Activities – Both Heavy and Light Industry

- (F) Reserves

Accept in Part

It is recommended that the following be added to the list of permitted activities in the Seaport Zone:

1.40.1 Permitted Activities: *The following are permitted activities in the Seaport Zone:*

- (A) *Seaport Activities*

- (B) *Fish processing*

It would follow that “Fish processing” would be included in the definitions. I am recommending the following:

Fish Processing : means the processes associated with fish and fish products between the time fish are caught or harvested, and the time the final product is delivered to the customer and covers any aquatic organisms harvested for commercial purposes, whether caught in wild fisheries or harvested from aquaculture or fish farming.

It would also follow that *fish curing and preserving* should be deleted from Appendix IX – Schedule of Heavy Industries.

Further, it is recommended that the definition of *Seaport Activities* be modified to include *Freight depot*, as follows:

“Seaport Activities: *Means those activities, buildings and structures associated with, and necessary for, the loading and unloading of goods and materials to and from ships and boats and their associated storage, handling, consolidation and distribution. This includes, but is not limited to, associated administration activities (including ancillary offices), staff facilities and infrastructure, freight depots, and also includes the repair, maintenance and servicing of ships and boats, border control activities, and facilities for the use of passengers including associated vehicle parking.”*

It is not considered that commercial activities beyond those directly related to Seaport activities would be appropriate to locate within the port. An amendment to make it clear that ancillary offices fall within the definition of Seaport Activities is recommended.

It is not considered appropriate to provide for heavy industry as permitted activities in an area considered more vulnerable than other parts of the Invercargill City District to natural hazards. As the Plan stands, industry

<p>FS24.13 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Rule 3.40.1 - The further submitter supports submission 24.66. The further submitter considers that the activity list has been reduced from that in the Operative Plan and that certain activities including infrastructure, commercial and industrial activities need to be provided for within the Zone. According to the further submitter these currently exist in the Zone.</p> <p>The further submitter considers constraining the types of activities permitted in the Zone will compromise the operational viability of the Port and the activities that would otherwise be located within the Seaport of the Industrial 1A Zone.</p> <p>DECISION SOUGHT Not specifically stated.</p>	<p>Accept in Part On the same basis and for the same reasons as 24.66.</p>
<p>24.67 South Port NZ Ltd</p>	<p>Rule 3.40.2 - Support. The submitter considers that the default activity status for activities not otherwise provided for in the Zone should be discretionary.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
<p>FS24.14 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Rule 3.40.2 - Support submission 24.67 The further submitter considers the default activity status for activities not listed as permitted should be discretionary.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>

<p>24.68 South Port NZ Ltd</p>	<p>Rule 3.40.3 - Support. The submitter considers that noise sensitive activities should be strongly dissuaded in this Zone. A non-complying activity status is appropriate. This would ensure that the adverse effects from Port noise operations are appropriately avoided in such areas.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
<p>FS24.15 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Rule 3.40.3 - The further submitter <i>supports submission 24.68</i></p> <p>The further submitter considers that a non-complying activity status for noise sensitive activities is appropriate to ensure that the adverse effects from Port noise operations are appropriately avoided in such areas.</p> <p>DECISION SOUGHT Retain</p>	<p>Accept</p>
<p>ZONING</p>		
<p>Seaport Zone</p>		

24.1(b) South Port NZ Ltd

Zoning boundaries: Support (in part).
The Submitter supports the retention of the Seaport Zone and Inner Control Boundary (Port Noise) as shown on Maps 28 and 30, but considers that the large section of the Foreshore Road land (east of Shannon Street) that has been allocated the Industrial 1A (Marine) Zoning as shown on Planning Map 30 should remain in the Seaport Zone. The submitter owns the majority of this land and it is earmarked for future cargo related business. The submitter considers that the Industrial 1A Zoning places undue uncertainties and restrictions on such activities and compromises the Port's current and future forward planning with respect to its existing landholdings. As an example the submitter refers to Rule 3.29.1(A) which seeks to impose a limit of operational hours for activities in this zone to between 7am and 10pm. The submitter considers that this is inappropriate as there are existing engineering industries in this area which do at times require a 24 hour operation. The proposed height limit of 12m for this zone is also considered unduly onerous and should be at least 25m, which is more characteristic of the type of activities that are likely to occupy this area.

DECISION SOUGHT

Not stated. It is considered that the submitter requests the following:

That the large section of the Foreshore Road land (east of Shannon Street) that has been allocated the Industrial 1A (Marine) Zoning as shown on Planning Map 30 be retained in the Seaport Zone.

Accept in part, reject in part

The submitter's support for the concept of the Seaport Zone and for the noise control provisions specified in the submission is noted.

The submitter's concerns regarding the provisions of the Industrial 1A Zone should be considered at the hearing which considers the provisions of the Industrial zonings.

The submitter's concerns regarding the aerial extent of the Seaport Zone in relation to the proposed Industrial 1A Zone should be considered here.

Because of the need to respond to national and regional policy regarding development in coastal areas and in areas subject to natural hazard, because of the perceived need to improve linkages between the town and the foreshore, and because of the perceived need for a buffer between the Seaport Zone and the township of Bluff, it is not considered that area covered by the Industrial 1A Zone should be re-zoned to be within the Seaport Zone.

It is possible to respond to this submission by increasing the range of activities that are permitted activities in the Industrial 1A Zone. It is recommended that the following be added to Rule 3.29:

3.29 INDUSTRIAL 1 (LIGHT) AND 1A (MARINE) ZONES

3.29.1 Permitted Activities: *The following are permitted activities in the Industrial 1 and Industrial 1A Zones:*

- (A) *Essential services*
- (B) *Light industry*
- (C) *Motor vehicle sales*
- (D) *Take away food premises not exceeding 150 square meters*
- (E) *Land transport facility*
- (F) *Fish processing in the Industrial 1A Zone*

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In my view this should be considered further when submissions are heard regarding the provisions of these zones, with a view to fish processing being permitted also in the Industrial 1 Zone.

Other matters such as building height can be considered at the time of the hearing into the Industrial 1A Zone.

<p>FS24.16 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</p>	<p>Zoning boundaries: The further submitter supports submission 24.1</p> <p>The further submitter is concerned with the rezoning of its properties from Seaport to Industrial 1A. They consider that the reasons for the rezoning are unclear and that the proposed zoning would place undue restrictions and uncertainties. The further submitter considers that the rezoning fails to recognise the relationship that the terminal facilities have with the Port. It is also considered that the rezoning will compromise the Port's current and future forward planning and the viability of a number of existing land uses.</p> <p>The rezoning will create inconsistencies with the way that bulk oil facilities are dealt with at the Port.</p> <p>The further submitter also considers that the rezoning would lead to the risk that development in the adjoining area fails to take into account and recognise this, thereby resulting in adverse reverse sensitivity effects.</p> <p>DECISION SOUGHT Not specifically stated.</p>	<p>As for submission 24.1</p>
<p>Industrial 1A Zone</p>		

<p>116.5 Kylie Fowler</p>	<p>Zoning Boundaries: The submitter does not support the Industrial 1A (Marine) Zone.</p> <p>The submitter states the importance of the maintenance of the vista between the Bluff town and the water. The submitter believes that to regain a connection with the marine environment, this area would be best zoned for dive shops, bait and tackle, cafes and tourism providers, rather than industrial activities that could potentially result in large buildings.</p> <p>DECISION SOUGHT Not specifically stated.</p>	<p>Accept in part</p> <p>Although this submission opposes the provisions of the Industrial 1A Zone and should also be considered at that hearing, the submission by inference supports the stance taken in the Plan in that the area is not included within the Seaport Zone. That point needs to be considered here.</p>
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APPENDIX 2: RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

2.42 Seaport Zone

The Seaport Zone is located adjacent to and within the Bluff Harbour adjacent to the township of Bluff. It provides the opportunity for a variety of land use activities including seaport and related activities, and fish processing, engineering industries, slipway facilities, cool stores, boat charters and commercial offices. The zone provides for high frequency of visitation from vehicles, ocean going and coastal ships and boats.

The Port of Bluff has served the sea transport needs of the District and the region for over a century. It is a major gateway to the Southland region for goods transported by sea. Economic activity which is directly or indirectly dependent on trade through the Port makes a significant contribution to the local, regional and national economy.

Although much of the zone is at risk from multiple hazards, there is nowhere else in the Invercargill City District or the Southland region where a general commercial port could be located and the seaport has a functional need to locate in the coastal environment. An area of higher, less hazard-prone land is included within this Zone.

The Zone is a working environment where activities may need to operate 24 hours a day, seven days a week. This can create a number of environmental effects, which may extend into the township of Bluff. Therefore the establishment of sensitive land use activities near the Port has the potential to generate conflicts, which must be carefully managed. Traditionally Bluff has been tolerant of port-related effects, reflecting the strong links between the port and the Bluff community. Bluff is a port town and a moderate level of port-related environmental effects is acceptable and generally accepted. However, experience elsewhere in the country indicates that some port-related effects, such as noise, can become a vexed issue.

2.42.1 Issues

The significant resource management issues for the Seaport Zone are:

- 1. Without appropriate protection the operational requirements of the seaport can be compromised.*
- 2. The environmental effects from activities carried out within the Seaport Zone can have adverse effects on the township of Bluff. Managing the effects of activities within the Seaport Zone must balance the operational requirements of the port with achieving an acceptable level of amenity for those residing within neighbouring zones.*

2.42.2 Objectives

Objective 1: *(No change)*

Objective 2: ~~*Identification, maintenance and enhancement of the amenity values,*~~

Provision for the operational requirements of the Port is appropriately balanced with achieving an acceptable level of amenity for those residing on neighbouring land.

2.42.3 Policies

Policy 1 Seaport Zone: (No change).

Policy 2 Noise: (No change)

Policy 3 Odour: To accept moderate levels of odour emissions associated with port operations whilst also ensuring the absence of nuisance from objectionable odour within neighbouring zones.

Explanation: Odour can be an inevitable by-product of seaport activities, including cargo handling operations. However, odours can be excessive or unpleasant and could potentially have adverse effects on the working environment and on the residents of Bluff. Council needs the ability to take enforcement action when necessary.

Policy 4 Glare: To accept ~~that glare within the Seaport Zone associated with large structures,~~ may be an effect from activities in the Seaport Zone whilst ensuring freedom from nuisance from glare for nearby residential areas is avoided, remedied or mitigated.

Explanation: Large structures or buildings can normally be coated or treated to mitigate glare nuisance. Consideration should be given to glare effects in designing and locating such structures.

Policy 5 Electrical Interference: (addressed in another report)

Policy 6 Lightspill: (addressed in another report)

Policy 7 Signage: (addressed in another report)

Policy 8 Hazardous Substances: (No change)

Policy 9 Dilapidated structures and ill-maintained lands: (No change)

Policy 10 Demolition or removal activities: (addressed in another report)

Policy 11 Connectivity: (Addressed in another report)

Policy 12 Reverse sensitivity. To enable the efficient and effective operation, use and development of the Port of Bluff by:

(a) Providing for the future development of the Port through the Seaport Zone

(b) Encouraging the establishment of land uses situated between the Seaport Zone and the Residential 2 Zone that can act as a buffer between the Seaport Zone and the Residential 2 Zone

(c) Constraining the establishment of noise-sensitive activities in the Seaport Zone and discouraging them from establishing within the vicinity of the Port

Explanation: The operational requirements of a seaport have the potential to give rise to reverse sensitivity effects with respect to other land uses in the vicinity which may seek a coastal location for other reasons, such as views of the coast and the ambience of a port town.

2.42.4 Methods of Implementation

Method 1 (No change)

Method 2 (No change)

Method 3 (No change)

Method 4 (No change)

Method 5 (No change)

Method 6 (No change)

Method 7 (No change)

Method 8 (No change)

Method 9 (No change)

3.29 INDUSTRIAL 1 (LIGHT) AND 1A (MARINE) ZONES

3.29.1 Permitted Activities: The following are permitted activities in the Industrial 1 and Industrial 1A Zones:

(A) Essential services

(B) Light industry

(C) Motor vehicle sales

(D) Take away food premises not exceeding 150 square meters

(E) Land transport facility

(F) Fish processing in the Industrial 1A Zone

3.40 SEAPORT ZONE

3.40.1 Permitted Activities: The following are permitted activities in the Seaport Zone:

(A) Seaport activities.

(B) Fish Processing

3.40.2 Discretionary Activities: *The following are discretionary activities in the Seaport Zone:*

(A) *Any activity not listed as permitted or non-complying.*

3.40.3 Non-complying Activities: *The following are non-complying activities in the Seaport Zone:*

(A) *Any noise sensitive activity.*

DEFINITIONS

Fish Processing : *means the processes associated with fish and fish products between the time fish are caught or harvested, and the time the final product is delivered to the customer and covers any aquatic organisms harvested for commercial purposes, whether caught in wild fisheries or harvested from aquaculture or fish farming.*

Seaport Activities: *Means those activities, buildings and structures associated with, and necessary for, the loading and unloading of goods and materials to and from ships and boats and their associated storage, handling, consolidation and distribution. This includes, but is not limited to, associated administration activities (including ancillary offices), staff facilities and infrastructure, freight depots, and also includes the repair, maintenance and servicing of ships and boats, border control activities, and facilities for the use of passengers including associated vehicle parking.*

APPENDIX IX –SCHEDULE OF HEAVY INDUSTRIES

(Delete) Fish curing and preserving

APPENDIX 3: Maps