

38. Industrial 3 (Large) Zone

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	GENERAL		
34.7 Silver Fern Farms Ltd	General	Support.	Retain intent of section in as much as the recognition of the importance of industry and making the provision to enable it.
94.1 Niagara Properties Ltd	Zoning	The submitter opposes the zoning of a number of properties in Kennington as Rural. The submitter gives a number of reasons to support this submission, including: <ul style="list-style-type: none"> a. the location of the land in relation to the existing industrial activity; b. an industrial zoning would ensure coherent development in an area suited to industrial use with good transportation routes; c. The industrial history of the area d. The land is located on high ground with low susceptibility to hazards 	Rezone from Rural 1 to Industrial 3 the land bound by: 21 First Street, 41 Kennington Road, 37 Kennington Road, 9 Kennington Road, 534 Woodlands Invercargill Highway, 17 Kennington Road, 21 Kennington Road, 25 Kennington Road 27 Kennington Road, 29 Kennington Road, 31 Kennington Road
120.1 Open Country Dairy Ltd	General	The submitter is generally supportive of the Objectives and Policies set out in 2.32.2 and 3.32.3, but is concerned that the rules in 3.31 are not consistent with them	Ensure that the wording of the rules set out in 3.31 are consistent with the wording of the Objectives and Policies set out in 2.32.2 and 2.32.3
SECTION 2.32 – ISSUES, OBJECTIVES AND POLICIES			
	General		
15.18 Ballance Agri-Nutrients Ltd	New Objective and Policy – Reverse Sensitivity	The submitter is concerned that the framework does not include an objective or policy relating to the management of reverse sensitivity effects within the Industrial 3 Zone, which is recognised as a significant resource management issue within section 2.32.1- Issues. The submitter considers that the absence of such an objective and policy is made more notable due to the inclusion of specific reverse sensitivity Objective 6 and Policy 13 for the Industrial 4 Zone within sections 2.33.2 and 2.33.3 of the Plan.	i. That sections 2.32.2 and 2.32.3 of the plan be amended to include a specific objective and policy for the management of reverse sensitivity effects, as follows: <u>‘Objective</u> <u>Avoid reverse sensitivity effects on permitted and lawfully established activities within the Industrial 3 Zone, particularly as a result of subdivision and land use activities involving residential and other</u>

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		<p>The submitter considers that the ongoing operation, and potential expansion, of their existing lawfully established Service Centre at Awarua should be insulated against inappropriate land use activities being located within the Industrial 3 Zone.</p> <p>The submitter considers that the absence of any objective or policy on reverse sensitivity exposes its Awarua Plant to significant risk through the resource consent process, particularly in terms of the determination of applications for non-complying activities. It also undermines the basis for the rules relating to the management of reverse sensitivity effects.</p>	<p><u>activities sensitive to the lawful operation of industry activities.</u></p> <p><u>Policy</u> <u>Avoid reverse sensitivity effects on lawfully established activities within the Industrial 3 Zone through the location, siting and design of sensitive land use activities within close proximity to this existing industrial zone.'</u></p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>
	2.32.2 Objectives		
15.11 Ballance Agri-Nutrients Ltd	Objective 1	<p>Support (in part)</p> <p>The submitter is supportive of some of the outcomes sought by Objective 1, in so far as large industrial, warehousing and service activities are appropriately provided for within the District outside of urban areas. The submitter is, however, concerned that Objective 1 also duplicates the outcomes sought by Objective 2 in relation to maintaining the integrity and amenity of adjoining zone/land use activities.</p> <p>The submitter considers that Objective 1 should have a similar focus to that sought by Objective 1 of the Industrial 2 Zone. In this respect, the submitter considers that the outcome sought should be the maintenance and development of the existing industrial areas located outside of the District's urban areas. Amenity and zone integrity considerations should be the focus of a separate objective (Objective 2).</p>	<p>i. Amend Objective 1 as follows: “Large industrial, warehousing and service activities which, because of their scale and hours of operation, are incompatible with urban areas within the Invercargill city district outside the urban area <u>The ongoing maintenance and development of the areas zoned for industry within the District's rural areas is provided for and enabled.”</u></p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>

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15.12 Ballance Agri-Nutrients Ltd	Objective 2	<p>Support (in part)</p> <p>The submitter considers the current wording of the Objective does not provide appropriate focus on the purpose of the Industrial 3 Zone.</p>	<p>i. Amend Objective 2 as follows:</p> <p><u>“By providing for a range of large industrial, warehousing and service activities in appropriate locations within the District’s rural areas, adverse effects on Protection of the integrity and amenity of the District’s urban areas are avoided or mitigated by making specific provision for a range of industrial and service activities outside the urban area.”</u></p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>
15.13 Ballance Agri-Nutrients Ltd	Objective 4	<p>Support (in part)</p> <p>The submitter is concerned by the outcome sought by Objective 4 that amenity values be maintained <u>and</u> enhanced, which it considers to be inappropriate in areas where lawfully established industrial land use activities already contribute to and have set the character and amenity of the area. Further, given the nature of industrial activities, the submitter considers it may not be possible to provide for the enhancement of amenity values in all instances and therefore the objective should acknowledge this fact through the inclusion of the words ‘where appropriate’.</p>	<p>i. Amend Objective 4 as follows:</p> <p><u>“The identification, maintenance and <u>where appropriate</u>, enhancement of amenity values of the Industrial 3 Zone.”</u></p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>
2.32.3 Policies			
15.14 Ballance Agri-Nutrients Ltd	Policy 1 – Industrial 3 (Large) Zone	<p>Support (in part).</p> <p>The submitter supports the broad intent of the direction set by Policy 1 but is concerned that the policy refers only to ‘heavy industry’ where Rule 3.31.1 – Permitted Activities also provides for ‘light industry’ as a permitted activity within the Industrial 3 Zone. The submitter considers</p>	<p>i. Amend Policy 1 as follows:</p> <p><u>“To establish and implement an Industrial 3 Zone in the rural area to provide for a range of heavy industrial and service activities requiring <u>large sites of more than one hectare with operating hours up to</u></u></p>

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		that this potentially creates uncertainty for plan users.	<p><u>and the ability to operate</u> 24 hours a day seven days a week.”</p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>
88.35 Federated Farmers	Policy 1 – Industrial 3 (Large) Zone	Support in part. The submitter considers that caution and consultation is needed when determining the best rural areas for these large industrial zones to be located as impacts on farming management and rural residences could be significant.	<p>Amend the wording of the policy as follows:</p> <p>Policy 1 Industrial 3 (Large) Zone: To establish and implement an Industrial 3 Zone in the <u>an appropriately located rural area, where the impacts of industry on neighbouring rural land can be minimised</u>, to provide for a range of heavy industrial and service activities requiring sites of more than one hectare with operating hours up to 24 hours a day seven days a week.</p>
15.15 Ballance Agri-Nutrients Ltd	Policy 3 – Site Utilisation	<p>Support (in part)</p> <p>The submitter is concerned by the overly prescriptive content within the policy in its reference to on-site collection and treatment.</p> <p>The submitter interprets the principal thrust of the policy to be stormwater quality as opposed to quantity. The associated ‘explanation’ that follows appears to focus predominantly on stormwater quantity. The submitter is concerned by the uncertainty that these inconsistencies create, not only in themselves, but also in relation to Regional Authority responsibilities.</p>	<p>i. That Industrial 3 Zone - Policy 3 – Site Utilisation be amended and adopted as follows:</p> <p>“To provide for the full utilisation of the sites <u>within the Industrial 3 Zone</u> for buildings, outside storage and car parking, whilst recognising the need to avoiding or mitigating potential adverse effects associated with any additional, or adverse change in the quality of stormwater runoff by requiring on-site collection and retention and, where necessary, treatment of stormwater when industrial sites are developed or redeveloped.”</p> <p>ii. Any similar amendments to like effect.</p>

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			iii. Any consequential amendments that stem from the amendment set out above.
15.16 Ballance Agri-Nutrients Ltd	Policy 9 – Hazardous Substances	Support. The submitter notes that Policy 9 essentially repeats the policy direction set by Hazardous Substances Policy 2 – Public Health and does not appear to relate to any of the three objectives for the Industrial 2 Zone.	Retain Policy 9 – Hazardous Substances as proposed.
53.53 NZ Transport Agency	Policy 13 – Connectivity and Circulation, Car Parking and Vehicle Manoeuvring	Support.	Retain Policy 13 as proposed.
15.17 Ballance Agri-Nutrients Ltd	Policy 15 – Landscaping and Screening	Oppose (in part). The submitter is concerned that the policy seeks to impose landscaping requirements on sites within the Industrial 3 Zone that adjoin State Highways, such as the Awarua Plant. The direction provided by the policy is considered unclear as to whether the key function of such landscaping is to manage effects on the State Highway network by partially screening activities occurring on Industrial 3 Zone sites adjoining the same or whether the purpose is to manage visual amenity effects on properties located on the opposite side of the State Highway.	i. Amend Policy 15 – Landscaping and Screening as follows. 'To require landscaping alongside State Highways in order to avoid, mitigate or remedy, or mitigate potential reverse sensitivity effects on neighbouring land uses, whilst ensuring that there is no adverse effect on the functionality of transportation networks <u>visual effects of development in the Industrial 3 Zone when viewed from the State Highway network.</u> ' ii. Any similar amendments to like effect. iii. Any consequential amendments that stem from the amendment set out above.
SECTION 3.31 – RULES			
15.30 Ballance Agri-Nutrients Ltd	3.31.1	Support (in part). The submitter is supportive of the range of activities prescribed a	i. Amend Rule 3.31.1 as follows: 'Permitted Activities: The following are permitted

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		<p>permitted activity status within Rule 3.31.1.</p> <p>The submitter recognises that there is, in certain circumstances, the need to provide for the 'interim' use of land for agricultural purposes (i.e. where supply of greenfield industrial land does outstrip supply), however, they are concerned about potential reverse sensitivity effects that may be generated by the residential dwellings ancillary to agricultural activities. In this respect, the submitter notes that the Section 4 definition of 'agriculture' includes 'residences'. The establishment of additional dwellings within the Industrial 3 Zone is considered inappropriate due to the potential for such activities to fetter the ongoing operation and development of the Industrial 3 Zone through reverse sensitivity effects.</p> <p>The submitter also considers that it is unclear why 'health care' activities have been provided with an exemption to the minimum site area requirement.</p>	<p>activities in the Industrial 3 Zone:</p> <ul style="list-style-type: none"> (A) Agriculture <u>(with the exception of any associated residential dwellings)</u> (B) Essential services (C) Freight depot (D) Land transport facility (E) Heavy industry (F) Light industry (G) Specialist facilities for animal husbandry including veterinary clinic (H) Storage and sale of liquid and gaseous fuels (I) Takeaway food premises not exceeding 150 square metres <p>Provided that:</p> <ul style="list-style-type: none"> (A) The minimum site area is one hectare for any activity other than health care or takeaway food premises; and (B) The development complies with the relevant Concept Plan in Appendix X.' <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>
34.8 Silver Fern	3.31.1	Support. The submitter considers the use of appropriate permitted	Support the inclusion of Heavy industrial as defined in

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Farms Ltd		activities is supported as it provides certainty and reduces costs by not having to go through the consenting process.	Section Four and Appendix IX of the proposed Plan as a permitted activity.
74.7 Bunnings Ltd	3.31.1	The submitter considers that "Building Improvement Centres" should be permitted in this Zone. The submitter considers that the scale and nature of these activities would fit the expected amenity values of industrial areas and that the location of these activities within Industrial areas will not have adverse effects on the vibrancy of town centres.	Amend to include "Building Improvement Centres"
75.5 McDonalds Restaurants (NZ) Ltd	3.31.1	The submitter considers that "drive-through restaurants" should be permitted activities in the zones which have a low expectation of amenity and generally do not generate reverse sensitivity issues due to their separation from residential areas.	Amend to include "Drive-through restaurants"
65.106 ICC Environmental and Planning Services	3.31.1(A)	Support subject to amendment of drafting error. The proviso (A) includes reference to health care which is not included in the list of permitted activities. This is inconsistent and confusing.	Amend: "The minimum site area is one hectare for any activity other than health care or takeaway food premises"
101.22 NZ Fire Service Commission	3.31.1	The submitter supports this provision given that it provides for the establishment of NZFS fire stations	Retain 3.31.1
117.48 Southern District Health Board	3.31.1	The submitter supports the provision in part subject to amendment. The submitter believes that caretaker / custodian accommodation should be a permitted activity, subject to acoustic insulation rules	Amend 3.31.1 by adding a new item: "(M) Caretaker/custodian accommodation complying with Rule 3.13.7"
75.12 McDonalds Restaurants (NZ) Ltd	3.31.2	The submitter supports the default discretionary activity status for activities not otherwise provided for	Retain 3.31.2
15.31 Ballance Agri-Nutrients Ltd	3.31.3	Support. The submitter considers that the ongoing operation and development of the Industrial 3 Zone should be protected from the establishment of inappropriate activities that generate reverse sensitivity effects.	Retain 3.31.3 as notified.

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15.32 Ballance Agri-Nutrients Ltd	3.31.4	Support.	Retain Rule 3.31.4
101.23 NZ Fire Service Commission	3.31.4 Height of Structures	Support. The submitter believes that the height provision allows for the establishment of NZFS fire stations.	Retain 3.31.4
120.2 Open Country Dairy Ltd	Rule 3.31.4	Oppose. The submitter is concerned that the height limit is unreasonable and inconsistent with the Objectives and Policies. The submitter notes that the height rule states the maximum height of structures is 25m which is inconsistent with the concept plan which allows for 35m.	Amend Rule 3.31.4 to allow for structures up to a height of 35m.
15.33 Ballance Agri-Nutrients Ltd	Rules 3.31.7, 3.31.8 and 3.31.9	<p>Oppose (in part).</p> <p>The submitter is concerned that the proposed building coverage limit may unduly limit future development at its Awarua Plant, and is concerned that the figure of 25 per cent is arbitrary and is not based upon any specific resource management reason. It is also unclear whether the site coverage limit is supported by some form of stormwater study.</p> <p>The submitter considers that any site coverage limit intended to manage stormwater run-off effects should be based on sound engineering principles. Additionally, that submitter notes that the current site coverage rule does not include impermeable surfaces such as sealed car parking areas that also contribute to stormwater run-off.</p> <p>The submitter is concerned that the rule also seeks to manage amenity-related effects on neighbouring properties and those associated with 'large buildings'. Such provisions are considered inconsistent with Policy 3 – Site Utilisation, which seeks to achieve 'full utilisation' of Industrial 3 Zone sites subject to managing stormwater effects. The provisions are also considered inconsistent with Industry Overview - Policy 2 – Outside Built-Up Areas, which seek to limit restrictions on</p>	<ul style="list-style-type: none"> i. Amend Rules 3.31.7, 3.31.8 and 3.31.9 – Site Coverage to provide for maximum site coverage of 75 per cent. ii. Should the relief requested not be granted, the maximum site coverage provisions be based on sound resource management and engineering advice. iii. Any similar amendments to like effect. iv. Any consequential amendments that stem from the amendment set out above.

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		<p>industrial sites located outside built-up areas.</p> <p>With respect to amenity, the submitter is also concerned that the need to manage amenity effects on adjoining sites and zones to the degree advanced by the current plan provisions, has not been identified or demonstrated through the supporting section 32 analysis. Additionally, the amenity values of the Industrial 3 Zone have not been clearly identified within the Plan and are already set by existing activities, which have established within a limit on building coverage. The Plan itself recognises that the visual amenity of properties and activities carried out within the Zone 'is not a high priority' within the explanation to Policy 15.</p> <p>Given the scarcity of the industrial zoned land resource, the submitter considers that any plan provisions that create limitations on the use of this resource should be based on sound reasoning and be balanced with the need to efficiently utilise this resource.</p> <p>The submitter notes that a number of other District Plans include provision for a much greater percentage of the site to be covered with buildings. Based on a review of other District Plans, the submitter considers that maximum site coverage for buildings in the order of 70 to 75 per cent is more appropriate for industrial zones.</p>	
65.107 ICC Environmental and Planning Services	3.31.10	Support in part. The submitter considers that this provision does not make it clear when the landscaping is to be completed	Amend Rule 3.31.10 to make it clear when the landscaping is to be provided, i.e. at the time of developing the site that adjoins the state highway.
15.34 Ballance Agri-Nutrients Ltd	3.31.10, 3.31.11, 3.31.12, 3.31.13 and 3.31.14	<p>Oppose.</p> <p>The submitter is concerned about the implications of the wording used within Rule 3.31.10. The submitter's Awarua Service Centre has an extensive frontage to State Highway 1 South that would be subject to the</p>	<p>i. Delete Rules 3.31.10, 3.31.11, 3.31.12, 3.31.13 and 3.31.14.</p> <p>ii. Should the relief requested in 'i' not be granted, Ballance request that the following amendments be</p>

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		<p>requirements of Rule 3.31.13. The submitter notes that the rule appears to relate to 'sites' and has no 'trigger' or linkage to the erection of buildings on Industrial 3 zoned sites. In this respect, it is considered that this rule should be triggered only by new buildings constructed after the date the Plan was notified and should be linked to that particular building. The submitter notes that its existing Awarua Service Centre contains extensive landscaping along the State Highway frontage, which has been implemented over a number of years to assist with integrating the plant into its landscape setting. The Plan simply fails to acknowledge existing facilities, which may be unduly penalised given that these facilities have formed part of the existing environment for many years and as such their visual effects are well known and accepted.</p> <p>The submitter is also concerned by the ambiguity of the wording used within Rule 3.31.10. The rule currently requires a landscaping strip but does not specify where on site that strip should be established. Additionally, presuming the rule is amended to include reference to the strip being provided adjacent the site's State Highway road boundary, an exclusion should be explicitly provided for areas used for vehicle access points.</p> <p>The submitter questions the screening value of a landscaping strip of 1.8 metres in height where building and structures of up to 25 metres in height are anticipated within the Industrial 3 Zone as a permitted activity.</p> <p>The submitter considers that the function of such a landscape strip, if retained within the Plan, should be limited to serving a screening/amenity enhancing function in relation to the State Highway only. The wider consideration of amenity effects on other land use activities and/or zones should be excluded from consideration. In this respect, Ballance considers that the issues would be of a discreet nature, whereby effects could be effectively managed as a Restricted Discretionary Activity through specific matters of discretion.</p>	<p>made:</p> <p>3.31.10 <u>Where buildings are proposed on a site the Industrial 3 Zone that adjoins a State Highway, there shall be a three metre wide landscaping strip provided within the Industrial 3 Zone shall be provided within the site contiguous to the boundary adjoining the State Highway.</u></p> <p>3.31.13 Where this landscaping is not provided in accordance with Rules 3.31.10, 3.31.11 and 3.31.12 above, the activity is <u>restricted</u> discretionary.</p> <p>3.31.14 <u>In considering a</u> Applications under Rule 3.31.13 <u>Council's discretion is restricted to the consideration of the following shall address the following matter, which will be among those taken into account by the Council:</u></p> <p>(A) The visual effect and any other effect of the activity on the State Highway.'</p> <p>iii. Any similar amendments to like effect.</p> <p>iv. Any consequential amendments that stem from the amendment set out above.</p>