

## 39. Industrial 4 (Awarua) Zone

Submission No. and Point / Submitter Name	Plan Provision	Summary of Submission	Decision Requested
	<b>General</b>		
<b>115.1 New Zealand Historic Places Trust</b>	Various provisions 2.33.3(9), 3.32.2(A)(F)(a), 3.32.5(B) &(D)	<p>The submitter supports these provisions.</p> <p>The submitter notes the Council's obligations under the RMA, in particular s6(f).</p> <p>The submitter notes that in addition to the specific heritage provisions, the consideration of heritage values is embedded throughout the Plan.</p> <p>The submitter considers the approach recognises that not all important heritage values are listed in the District Plan Heritage Record or covered by the heritage rules of the Plan. The submitter believes it is appropriate that the Council has the opportunity to consider effects on heritage values even where such values are not particularly identified for protection in Appendix II.</p>	Adopt these provisions as they relate to heritage values: 2.33.3(9), 3.32.2(A)(F)(a), 3.32.5(B) &(D)
<b>SECTION 2.33 – ISSUES, OBJECTIVES AND POLICIES</b>			
	<b>2.33.1 Issues</b>		
<b>15.19 Balance Agri-Nutrients Ltd</b>	Issues 4 and 7	<p>Oppose (in part).</p> <p>The submitter is concerned that the reverse sensitivity effects that activities within the Industrial 4 Zone can have on lawfully established activities within adjoining zones, such as their Awarua Plant, have not been identified as a significant resource management issue within Section 2.33.1.</p> <p>The submitter notes that the Operative District Plan identifies that activities locating within the Awarua Industrial Zone shall “...be compatible with lawfully established activities that may generate adverse effects including but not limited to noise, odour and dust emission.”, and that this wording is taken directly from paragraph 4 of Consent Order ENV-2009-CHC-072 issued in relation to Plan Change 8 to the Invercargill City District Plan.</p>	<p>i. Amend 2.33.1 as follows:</p> <p><b>‘The significant resource management issues for the Industrial 4 (Awarua) Zone are:</b></p> <ol style="list-style-type: none"> <li>1. Failure to achieve location of industries on sites and in areas which are conducive to successful operation is likely to affect the ongoing viability of that industry.</li> <li>2. Lack of controls on effects of activities in the Industrial 4 Zone may result in an inappropriate level of amenity within the Industrial 4 Zone and adversely affect the other Zones nearby.</li> <li>3. The geographic character of the Invercargill city</li> </ol>

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		<p>The submitter cannot see any justification for such reverse sensitivity effects to no longer be considered as a 'significant' resource management issue, and considers that such potential reverse sensitivity effects continue to be a significant resource management issue. As such, the submitter believes the issue must be recognised and managed within the proposed Plan as per the outcomes reached in relation to Plan Change 8 to the Invercargill City District Plan and set out in Consent Order ENV-2009-CHC-072.</p>	<p>district means that some areas within it are not suitable for large industry.</p> <p>4. Ensuring <u>Land</u> uses within the Industrial 4 Zone <del>can have adverse effects on each other, including reverse sensitivity</del> <u>are compatible with lawfully established activities that may generate adverse effects, including, but not limited to, noise odour and dust emission.</u></p> <p>5. The stormwater effects of development at Awarua may have adverse effects on neighbouring farms.</p> <p>6. Failure to stage and manage development in a sequential manner may result in a development which makes inefficient use of land and infrastructure resources.</p> <p>7. Land uses within the Industrial 4 Zone can have adverse effects on each other, including reverse sensitivity.'</p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above</p>
	<b>2.33.2 Objectives</b>		
<b>15.20 Balance Agri-Nutrients Ltd</b>	Objectives	<p>The submitter opposes the note within section 2.33.2 and considers that it is both inappropriate and inaccurate.</p> <p>The submitter considers that the Objectives and many of the Policies clearly have a focus on resource management issues that are specific to the Industrial 3 Zone. Policies 4 through 7, 9, 11 and 14 may well be appropriately applied to activities within the Industrial 4 Zone, however it is</p>	<p>i. That the 'note' within section 2.33.2 either be deleted or amended to identify only those Industrial 3 Zone objectives and policies that also apply to the Industrial 4 Zone.</p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the</p>

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		noted that these relate to the 'District Wide' provisions and are repeated in other zone-specific chapters. These 'general' policies essentially re-state the policy direction already provided in the corresponding 'District Wide' sections (2.2 through 2.18) of the Plan and the submitter considers that the repetition of these policies could be removed entirely from the Plan.	amendment set out above.
<b>15.21 Balance Agri-Nutrients Ltd</b>	Objective 6	<p>Support (in part).</p> <p>The submitter is concerned about the nature of activities provided for within the Industrial 4 Zone, principally in terms of the potential to generate reverse sensitivity effects.</p> <p>The submitter notes that Objective 6 seeks a similar outcome to that prescribed within Objective 7 under Consent Order ENV-2009-CHC-072 issued in relation to Plan Change 8 to the Invercargill City District Plan, however lacks the clear direction provided by the former. The submitter considers that Objective 6 should be amended to be consistent with the wording prescribed within the Consent Order ENV-2009-CHC-072.</p> <p>The submitter considers that the objective should refer not only to permitted activities but also to those existing activities that are lawfully established (such as the Awarua Plant).</p>	<p>i. Amend industrial 4 zone Objective 6 as follows:</p> <p><u>"Avoid Reverse sensitivity effects are avoided on permitted and lawfully established activities within or adjacent to the Industrial 4 Zone as a result of any activities associated with subdivision or land use that may locate in the Industrial 4 Zone in the future."</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>
	<b>2.33.3 Policies</b>		
<b>88.36 Federated Farmers</b>	Policy 1 – Industrial 4 (Awarua) Zone	Oppose. The submitter is concerned that the disadvantages of such a development have not been canvassed, including the loss of rural land for farming, the impacts of having large industrial park immediately neighbouring land used for agricultural purposes, and the potential loss in value of people's land. Further consultation with landowners and consideration of the impacts of such a proposal is necessary.	<p>Amend the wording of the policy as follows:</p> <p><b>Policy 1 Industrial 4 (Awarua) Zone:</b> To <u>consider establishing and implement</u> the Industrial 4 Zone in <u>Awarua and to enable its use by industrial activities.</u></p>

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77.61 Te Runaka o Waihopai and Te Runaka o Awarua	Policy 6 - Landscape	Support	Retain
77.62 Te Runaka o Waihopai and Te Runaka o Awarua	Policy 7 – Indigenous biodiversity	Support	Retain
53.54 NZ Transport Agency	Policy 11 – Road Safety	Support. The submitter suggests the upgrading of an intersection is not an appropriate policy and considers it would be more appropriate for the policy to promote the upgrading of the intersection.	Retain Policy 11 but amend as follows: “To restrict all access to and egress from the Industrial 4 Zone by industrial traffic to Colyer Road and to <u>promote the upgrade of</u> the Colyer Road/State Highway 1 intersection to a standard commensurate with the volume of traffic using it.”
53.55 NZ Transport Agency	Policy 12 – Rail Access	Support.	Retain Policy 12 as proposed.
79.21 KiwiRail Holdings Ltd	Policy 12 - Rail Access	Support. The submitter considers that sidings and rail access should be encouraged in appropriate zones to facilitate the movement of goods by rail	Retain Policy 12
15.22 Ballance Agri-Nutrients Ltd	Policy 13 – Reverse Sensitivity	<p>The submitter is concerned about the potential reverse sensitivity effects on its Awarua Plant that may be generated by activities occurring within the Industrial 4 Zone and considers that Policy 13 should be amended to be consistent with Consent Order ENV-2009-CHC-072 in that the policy should also refer to lawfully established activities and not just ‘permitted activities’. Further, the submitter wishes to ensure that this revised policy is renumbered such that it is the first policy applicable to the Industrial 4 Zone, to ensure that it accords with the policy hierarchy established under Consent Order ENV-2009-CHC-072.</p> <p>The submitter is also concerned that the ‘explanation’ accompanying</p>	<p>i. Amend Policy 13 – Reverse Sensitivity:</p> <p>“Policy 13 To locate and design activities to avoid reverse sensitivity effects on permitted <u>and lawfully established</u> activities on or adjacent to the Industrial 4 Zone.</p> <p><b>Explanation:</b> Industries and farming activities already established in the area need to be able to <u>contribute continue</u> to operate reasonably and within the parameters set by the District Plan <u>or by their lawful establishment</u> without being subjected to</p>

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		<p>Policy 13 does not provide sufficient direction in relation to reverse sensitivity effects, including the range of effects associated with noise, dust and odour emissions associated with lawfully established activities within and in proximity to the Industrial 4 Zone (such as the submitter's Awarua Plant).</p>	<p><u>reverse sensitivity effects associated with complaints by newcomers to the area who do not understand the current working environment, which includes a range of noise, dust and odour emissions.</u></p> <p>ii. That Policy 13 be listed as Policy 1 in the policy hierarchy supporting the Industrial 4 Zone. All other policies be renumbered to reflect this outcome.</p> <p>iii. Any similar amendments to like effect.</p> <p>iv. Any consequential amendments that stem from the amendment set out above.</p>
<b>SECTION 3.32 - RULES</b>			
<p><b>15.35 Ballance Agri-Nutrients Ltd</b></p>	<p>3.32.1</p>	<p>Oppose (in part).</p> <p>The submitter is concerned with the potential for activities within the Industrial 4 Zone to generate adverse reverse sensitivity effects on its Awarua Plant.</p> <p>The submitter is generally comfortable that, in combination with other plan provisions (such as controlled activity matter of control 3.32.2(G)), the activities proposed in Rule 3.32.1 are appropriate in terms of potential to generate adverse reverse sensitivity effects, but they are concerned that the definition of 'Light Industry' includes 'staff facilities', which could be interpreted as including staff accommodation. The submitter considers it is inappropriate that staff accommodation could be provided for within the Industrial 4 Zone due to the potential for reverse sensitivity effects on its Awarua Plant.</p> <p>The submitter is concerned about potential reverse sensitivity effects that may be generated by the residential dwellings ancillary to agricultural activities. The establishment of additional dwellings within the Industrial 4</p>	<p>i. Amend Rule 3.32.1 – Permitted Activity Rules as follows:</p> <p><b>"Permitted Activities:</b> The following are permitted activities in the Industrial 3 Zone:</p> <p>(A) Agriculture (<del>other than dwellings associated with agricultural operations with the exception of any associated residential dwellings</del>)</p> <p>(B) Essential services</p> <p>(C) Freight depot</p> <p>(D) Heavy industry</p> <p>(E) Light industry (<u>excluding any staff accommodation</u>)</p> <p>(F) Specialist facilities for animal husbandry including veterinary clinic</p>

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		Zone is considered inappropriate due to the potential for such activities to fetter the ongoing operation and development of the submitter's Awarua Plant. In this respect, the submitter considers that the plan provisions relating to the Industrial 4 Zone should be consistent with those set out within Consent Order ENV-2009-CHC-072.	(G) Storage and sale of liquid and gaseous fuels (H) Land transport facility"  ii. Any similar amendments to like effect.  iii. Any consequential amendments that stem from the amendment set out above.
<b>101.24 NZ Fire Service Commission</b>	3.32.1	The submitter supports this provision given that it provides for the establishment of NZFS fire stations	Retain 3.32.1
<b>117.49 Southern District Health Board</b>	3.32.1	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 3.32.1 by adding a new item: “(M) Caretaker/custodian accommodation complying with Rule 3.13.7”
<b>15.36 Ballance Agri-Nutrients Ltd</b>	3.32.2	Support.  The submitter supports the inclusion of provisions that are consistent with this Consent Order ENV-2009-CHC-072. They also support the inclusion of the 'note', which sets out that notice may be served on affected persons for applications made under Rule 3.32.2, as this is also consistent with the approach adopted within Consent Order ENV-2009-CHC-072.	Retain 3.32.2 as notified.
<b>101.25 NZ Fire Service Commission</b>	3.32.11 Height of Structures	Support. The submitter believes that the height provision allows for the establishment of NZFS fire stations.	Retain 3.3.11
<b>15.37 Ballance Agri-Nutrients Ltd</b>	3.32.5	Support (in part).  The submitter considers that it is appropriate for those activities not specifically provided for within the Industrial 4 Zone to be subject to the rigours of the resource consent process and the specific tests that are prescribed to a non-complying activity status.  In terms of managing potential reverse sensitivity effects, both within the	Adopt Rule 3.32.5 as notified.

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		Industrial 4 Zone and on adjoining zones/sites, the submitter considers that the allocation of a non-complying activity status for 'noise sensitive activities' is an appropriate resource management response.	
<b>53.83 NZ Transport Agency</b>	3.32.8	Support. The submitter draws attention to the fact that the Transit New Zealand Act was renamed in 2008, and is now known as the Government Roding Powers Act 1989.	Amend the note beneath Rule 3.32.8 to refer to the Government Roding Powers Act 1989.
<b>65.108 ICC Environmental and Planning Services</b>	3.32.16	Support in part. The submitter considers that this provision does not make it clear when the landscaping is to be completed	Amend Rule 3.32.16 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.