



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Decision No. 22**

**Seaport Zone**

### **Hearings Committee**

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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## **INTRODUCTION**

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to the Seaport Zone.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"FS" means Further Submission.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"Hearings Committee" or "Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"The Oil Companies" means Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"South Port" means South Port NZ Ltd.

"South Port" means South Port New Zealand Limited.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

## **THE HEARING**

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers on 10 - 11 November 2014.

### **Section 42A Report**

The Committee received a report from William Watt of William J Watt Consulting Ltd. In his report, Mr Watt highlighted that the aerial extent of the Seaport Zone was reduced from that of the Seaport Sub-Area in the Operative District Plan to exclude land east of the Island Harbour bridge between Gore Street and the harbour waters. The land was rezoned as a consequence of a tsunami risk study carried out for the smelter area of Tiwai Peninsula which suggested a high risk to parts of Bluff as well. Mr Watt also suggested that the rezoning was undertaken to provide a more attractive outlook from nearby residential land, and assist in improving linkages to the coastal margins.

It was the view of Mr Watt that the Council should undertake a risk assessment for Bluff to natural hazards, in particular tsunamis. He added that a plan change may then be required with particular reference to the zoning of the Industrial 1A land and the range of activities appropriate within that area. He considered it premature at this time to simply extend the Seaport Zone over the area covered by the Industrial 1A Zone.

Mr Watt also recommended the addition of "fish processing" and "freight depot" to the list of permitted activities in the Seaport Zone, recognising that these activities are currently undertaken within the Zone.

## **Submitters Attending the Hearing**

### South Port

John Kyle, planning consultant and partner at Mitchell Partnerships, appeared together with Hayden Mikkelsen, the Infrastructure and Environmental Health and Safety Manager at South Port.

Mr Kyle presented written evidence in which he gave an overview of the activities of South Port and their significance regionally and nationally, and stated that with the exception of matters referred to in the evidence South Port supported the recommendations in the Section 42A Report.

Mr Kyle advised the Committee that what was of most concern to South Port was the introduction of the Industrial 1A Zone and the narrow range of activities provided for in it. In particular, heavy industry is non-complying and activities other than those which are permitted or non-complying are discretionary. It is his view this does not provide for the future operational requirements of the Port, nor recognise the flexibility needed to support activities undertaken on the Island Harbour which has very little capacity left. As an example, Mr Kyle referred to the temporary storage of logs on land proposed to be rezoned, an activity that has been undertaken periodically for a number of years.

Mr Kyle considered the restriction on the times when activities in the Industrial 1A Zone were permitted did not recognise the need for 24 hour operation by the port. As a consequence, he did not support adding to the list of permitted activities in the Industrial 1A Zone, rather he considered it appropriate to rezone the land to Seaport, much of which is owned by the company.

Mr Kyle did not agree with the view of Mr Watt with regard to natural hazards risk, referring to the NZ Coastal Policy Statement Policy 9 which recognises the strategic importance of ports and the need to provide for their efficient and safe operation. In his view these operational matters overrode issues such as coastal hazards and the provision of public access. Nor did he accept that rezoning would reduce the barrier experienced by people seeking to get to the coastal margins, as the main highway and railway, together with any development regardless of zoning, will provide an impediment in any case. Mr Kyle also stressed that there were no physical features that justified retention of views through the land by nearby residents.

Mr Kyle referred to submissions seeking expansion of the activities permitted in the Seaport Zone, stating that more than loading and unloading of ships occur. He referred to the commercial and industrial activities that support the ongoing and efficient operation and use of the port, such as warehousing, engineering facilities and fuel depots. He also considered the Seaport Zone as entirely appropriate for commercial and/or commercial recreational

activities which facilitate recreation and tourist activities within the coastal environment, given the presence of the Bluff moorings and the Stewart Island ferry, which uses the existing wharf off Foreshore Road. Mr Kyle also noted that as a result of recommendations on other submissions it would appear that infrastructure would not be permitted in the zone and he considered this an essential adjunct to the port activities.

Finally, Mr Kyle referred to the recommended new policy referring to reverse sensitivity effects, noting that this will not have the intent of what was sought. He requested that a new policy be included as sought in the South Port submission.

Mr Mikkelsen made an oral presentation referring to the growth that had occurred in port activities at Bluff in recent years, and stressing the need for a flexible approach to be provided to avoid a requirement to obtain consent for normal operations of the company. He also referred to the associated companies that had established various operations on the port land, including the maintenance services of Real Journeys and the storage facilities of various oil companies. In his view these activities were appropriate to the location and assisted in port users operating efficiently. Mr Mikkelsen also noted that scope was needed for future new activities, for example, servicing oil and gas exploration in the Great South Basin.

## **Material Tabled at the Hearing**

### The Oil Companies

Karen Blair of Burton Consultants forwarded written evidence on behalf of the Oil Companies indicating that while her clients supported the presentation to be made by South Port there were additional matters they wanted to raise, in particular:

- The Section 42A Report gives insufficient regard to the functional dependency of port related activities and the need for them to be located proximate to the port.
- Policy 9 of the NZCPS clearly supports retaining the full extent of the port related activities.
- The proposed zoning is contrary to Objective 1 of the Zone which stresses the importance of a viable seaport.
- The Seaport zoning does not permit terminal facilities, while the Industrial 1A Zone has limits on hours of operation. The rezoning therefore is not an efficient use of the land.
- The rezoning of the land which contains a range of port related activities will not improve linkages in a manner described in the Section 42A Report.

The Oil Companies supported a submission seeking amendment of Policy 2.42.3.4 Glare. Ms Blair considered that the amendment recommended did not give effect to the further submission lodged in that requiring freedom from glare is a high test with zero tolerance, and referring to "avoid, remedy or mitigate" provides little guidance. She asked that the latter part of the policy refer to "minimising the potential for nuisance from glare on nearby residential areas".

Similarly, Ms Blair advised that the new policy recommended on reverse sensitivity did not give effect to the submissions lodged in that sensitive activities could inappropriately constrain seaport activities and activities such as the terminal facilities which are already constrained by nearby inappropriate activities. The Committee was invited to include a further clause in the policy to the effect of "protecting Seaport Activities from sensitive activities that are vulnerable to a range of adverse effects generated within and from the Seaport Zone".

Ms Blair attached a table to her statement commenting on each of the further submissions lodged by the Oil Companies. Other than referred to above these generally indicated acceptance of the changes recommended.

## **MATTERS REQUIRING PARTICULAR CONSIDERATION**

### **Risk Assessment by Council**

Mr Watt in his Section 42A Report recommended that the Council engage a suitably qualified expert to undertake investigations of the risk of natural hazards, and in particular tsunami, impacting upon the Bluff area. That recommendation arises as a consequence of a study undertaken for the NZ Aluminium Smelter which highlighted risks to Bluff from natural hazards.

The Committee noted the request of Mr Watt. The issue raised however was one that extended beyond the scope of the current District Plan process, and which had wider implications for the Council and the people of Bluff. However, the organisation with most interest in this matter is South Port and the Committee expects that it has considered the Report prepared for NZAS and if any action is to be taken in the short term then South Port is the body to lead that in collaboration with Environment Southland and the City Council. The Committee therefore concluded that the request was beyond the scope of matters it could act on. If Council staff consider further action is required then it is an issue that should be raised by way of a formal report to Council, preferably at the time of preparing the Council's Annual Plan.

### **Reverse Sensitivity**

South Port in Submission 24.59 has requested an additional policy to ensure that reverse sensitivity effects on port operations are avoided or minimised as far as is practicable. South Port states that such a policy is necessary to also provide for the existing and future growth of the Port facilities. The submission is supported by the Oil Companies.

Mr Watt in his Section 42A Report recommended that the original submission be accepted in part by the inclusion of a new policy worded differently to that sought. Mr Kyle expressed the view that the recommended policy will not have the intent of what was sought. He requested that a new policy be included as sought in the South Port submission. This was supported by the Oil Companies which sought the addition of a further clause as well.

The Committee agreed that it was appropriate to include a new policy referring to the potential for reverse sensitivity effects. However, it was concerned that such a provision could be used to frustrate the establishment of activities which are permitted by the rules of the zone in which they are locating. For example, it would not be appropriate to exclude residential activities from land zoned for such a purpose. It is for the District Plan to determine the appropriate activities that may establish in each zone.

The Committee accepts however that the amenity experienced within the residential areas in close proximity to the port can be impacted upon from time to time by port activities, and persons moving into those areas should be aware of that. In the same way that people within the area affected by aircraft noise (Outer Control Boundary) are to be given advice and recommended to acoustically insulate buildings within which noise sensitive activities are undertaken, the Committee considers the same should apply to the affected area at



Bluff. That requires identification of the affected area in the first instance and advice to landowners thereafter. A policy to this effect has been included in the revised provisions.

The Committee also reached the view that in considering any application for an activity to locate out-of-zone within the environs of the port area then regard should be given to any reverse sensitivity effects that could arise. The Committee accepted the point made by the Oil Companies that such effects are potentially more than noise and odour. For example, vibration and glare may also be relevant considerations.

With regard to South Port submission 24.59, it was the view of the Committee that the operation of the port was already provided for in Policy 1, and having regard to the discussion above, and the matters raised by the Oil Companies, a more generic approach should be adopted than sought in the bullet point (a). Bullet point (b) referred to the provision of a buffer, and in the Committee's view that relates to the zoning of the land and the activities that are permitted. The Committee did not see a need for this to be included as part of a policy, and indeed saw it as a justification to retain and expand the proposed Industrial 1A zoning over some of the operational port area. Bullet point (c) relating to future expansion goes beyond the reverse sensitivity issues and gives rise to a wider range of considerations than can be considered as part of the current review.

The Oil Companies suggested a further bullet point for a new policy and the Committee considered the revised policy in Decision 22/10 provides for that.

### **Scope of Activities Allowed in the Seaport Zone**

South Port in Submission 24.66 notes that the list of permitted activities has been reduced from what is within the Operative District Plan for activities permitted within the existing Seaport Zone. South Port considers that infrastructure, commercial and industrial activities (both heavy and light) also need to be provided for within the zone as they currently exist there and are likely to expand in the future. It argues that restricting these uses will severely compromise the operational viability of the Port. It also requests that Commercial Recreational Activities and Reserves also be permitted.

Mr Watt in his Section 42A Report recommended that "fish processing" be added to the list of permitted activities for the Seaport Zone and "freight depots" be included as part of the definition of "Seaport Activities". He also recommended additions to the Introduction to the Seaport Zone in Section 2.42 of the Plan.

Mr Watt considered that commercial activities beyond those directly related to Seaport activities would not be appropriate within the port area. Equally he opposed provision of heavy industry as a permitted activity in a zone because of its vulnerability to natural hazards. He considered it reasonable for all industrial activities in the zone to be a discretionary activity and that would enable any functional need for a coastal location to be considered. He also noted infrastructure is subject to Rule 3.9 and it is a permitted activity in the Seaport zone.

At the hearing, Mr Kyle on behalf of South Port stated in response to the Section 42A Report comments:

2.27 In my opinion, this shows something of a fundamental misunderstanding of the types of activities that occur within Port facilities (i.e. limiting this to the loading and unloading of goods and materials to and from ships and boats). Many commercial and industrial activities support the ongoing and efficient operation and use of the port, such as warehousing, engineering facilities and fuel depots. This is a common situation at all commercial ports in New Zealand.

It is therefore essential that these services continue to be appropriately provided for within the Seaport Zone.

- 2.28 Applying a wider purview, the Seaport Zone is also an entirely appropriate location for commercial and/or commercial recreational activities which facilitate recreation and tourist activities within the coastal environment given the presence of the Bluff moorings and the Stewart Island ferry, which uses the existing wharf off Foreshore Street.

The Committee readily accepted the argument by the submitters that the range of activities provided for within the Seaport Zone was narrow and did not adequately provide for many of the activities currently undertaken there. In particular, the Committee accepted that provision was required for those activities that provide support to the main function of the port to provide for the efficient movement of goods and people. Consistent with Policy 9 of the New Zealand Coastal Policy Statement, the Committee did not consider the risk of natural hazards as a matter that should constrain activities within the Bluff port as promoted by Mr Watt in his Section 42A Report, given its presence and scale already in the area, but it did recognise the potential impact of port activities on nearby residential areas. In that regard there is a direct relationship between the activities provided for in the Bluff port and the extent of zoning providing for port activities, which is considered below. The Committee was also mindful that all of the land within the "Island Harbour", and much of the remaining land within the notified Seaport Zone and adjoining Industrial 1A Zone, was owned by South Port. As a consequence, it was highly unlikely that South Port would enable the long term occupation of this land by activities unrelated to the port. For, as noted in evidence presented at the hearing, there is a threat of a shortage of land for port related activities.

In considering the range of activities that should be provided for within the Seaport Zone, the Committee was mindful of the activities permitted in the Industrial 1A Zone. These are Essential services; Light industry; Motor vehicle sales; Takeaway food premises not exceeding 150 square metres and Land transport facility. Other than motor vehicle sales, the Committee considered these activities compatible within the entire port area, noting in particular that light industry was included, and through Decision 36 the restrictions on hours of operation and site size had been removed from the definition of light industry and associated rules.

A more difficult decision for the Committee was whether to enable heavy industry to locate within the Seaport Zone. The Committee considered that heavy industry could be located on the Island Harbour at Bluff without giving rise to adverse effects on the nearest residential land, but it was concerned with the location of such a use within that part of the Seaport Zone on "the mainland". The approach in the Proposed Plan seeks to provide a "good" separation between heavy industry and residential areas, but recognising existing uses and the nature of the area, it considered heavy industry should be a discretionary activity within that area. Given this, the Committee believe that there is a need to identify those areas where heavy industry is allowed and those where these types of activities require further consideration. The Committee has decided to reconfigure the zoning of the land that was notified as Industrial 1A and Seaport.

The Committee concluded that activities allowed within the area identified as Industrial 1A, excluding motor vehicle sales, were also appropriate within the land identified as the Seaport Zone and that "fish processing" should also be enabled within the Industrial 1A zone area. Therefore, these activities should be permitted on all of the land identified as the Seaport and Industrial 1A Zones.

It is appropriate that that land known locally as the Island Harbour is zoned for the full range of Seaport and industrial activities. This land is separated from the residential and business

zones. It is land that has been purpose built for these types of activities. While there may be natural hazards risks, this land has a history of use for these activities and there is a functional need for this range of activities to be carried out there, particularly due to the location in relation to the Harbour.

The Committee considered that the area of land located to the landward side of the Island Harbour, that was zoned Industrial 1A and Seaport in the Proposed District Plan, is different. This land is located closer to the residential and business areas of Bluff, and the Committee felt that there was a need to manage heavy industries in this environment. Rather than retaining the two zones, the Committee has decided that this land be amalgamated into one zone called the Seaport 2 Zone. The range of uses allowed in the Industrial 1A Zone was too narrow having regard to the location of the land immediately adjacent to the port of Bluff, land ownership, the zoning in the Operative District Plan, existing uses and its physical characteristics. A new Seaport Zone would broaden the range of activities permitted. As well as the activity status for heavy industry and motor vehicle sales, given the location of this area in relation to the Bluff township and the community's concerns over the links between the township and the coast, it is appropriate to differentiate this area from the Seaport 1 Zone through controls over the height of structures, and to introduce different standards for the management of hazardous substances.

South Port sought through their submissions for "commercial activities" to be permitted in the Seaport Zone. The Committee noted that "commercial activities" are not provided for in the Proposed Plan as a standalone use, rather these activities are dealt with in component parts, such as retail sales, supermarkets etc. As a consequence, it would be inconsistent with the provisions of the Proposed Plan to include this term in either Seaport Zone. In any event, the Committee considered that there was no functional need for standalone commercial activities, other than takeaway premises, to be provided for within these Seaport Zones. The Proposed Plan has adopted a centres-based approach for business activities and promotes the location of commercial activities within the Business Zones.

In summary, the land previously zoned Industrial 1A and the Seaport zoned land to the landward side of the Island Harbour is to be amalgamated into a new Zone called the Seaport 2 Zone. In this Zone the range of permitted activities will be expanded to include activities such as seaport activities, light industry and fish processing. There will be controls over the height of structures. The Island Harbour will be zoned Seaport 1. The range of activities will be similar to the Seaport 2 Zone, although heavy industry will also be permitted. There are fewer controls on hazardous substances and no environmental standards in terms of height of structures. The noise provisions for the notified Seaport Zone will apply to both the Seaport 1 and Seaport 2 Zones. Existing use rights would continue to apply to existing legally established activities.

The Committee noted that "infrastructure" as referred to by the submitters is considered in separate provisions in the Proposed Plan. As a consequence, it did not need to be provided for in the Seaport Zone.

## **SECTION 32 MATTERS**

### **Requirements**

The Committee was advised by Mr Watt that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions.

The Committee was also advised that 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, with the detail of the assessment corresponding with to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
  - Identifying 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)
  - Identifying other reasonably practicable options for achieving the objectives; and
  - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and/or explanatory text of provisions.

## **Assessment**

Mr Watt advised the Committee that the “Seaport” section of the original Section 32 report (pages 237 - 241) is relevant and the changes he recommended are within the scope of the original evaluation findings and do not raise any additional matters for consideration.

Where this decision reflects Mr Watt’s recommendations, the Committee agrees with that approach and adopts the previous evaluations. However, there are a number of changes in this decision that have not been evaluated under Section 32 in previous reports. These changes include the following:

- Introduction of 2.42.3 Policy 12 – Reverse sensitivity.
- Amendment to Rule 3.40.1 Permitted activities – the inclusion of a number of permitted activities in the Seaport 1 Zone.
- Removal of the Industrial 1A Zone and the introduction of the Seaport 2 Zone.

### Introduction of 2.42.3 Policy 12 – Reverse Sensitivity

Mr Watt recommended that a policy on reverse sensitivity be introduced to the Seaport provisions in response to a submission from South Port NZ Ltd (Submission 24.59). The differences between the recommended policy and the policy introduced by this decision are relatively minor in that both recognise that seaport activities can generate adverse effects and that reverse sensitivity effects are a valid consideration. The approach to the reverse sensitivity effects in this decision is different to that promoted by Mr Watt, placing more responsibility on the affected parties outside the seaport zones to address the adverse effects. Essentially the differences are of such a minor nature that it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

The policy seeks to achieve the Objective of providing for the operational requirements of the Port, without reverse sensitivity issues, or serious operational impediments. The other policies for the Seaport Zone address the interface of the Zone with the neighbouring residential areas putting the impetus on the seaport operators to manage the effects of their activities. This policy is the only provision that recognises that it is appropriate for prospective owners of affected properties to also take into account the seaport operations when determining whether to live there and to take practical steps to minimise the impact of those effects. The provision of information and encouragement are non-regulatory methods that may cost the Council in terms of time and resources, however the methods promoted by this policy will not impose an unreasonable cost on land owners. Given the potential adverse effects from activities in the Seaport 1 Zone on activities outside the Zone, it is reasonable to consider the potential for reverse sensitivity effects. Landowners and occupiers in areas around Bluff and the Bluff Harbour should already be aware of the presence of seaport related activities so this policy will not impose an unreasonable expectation on them. This policy is an effective means of achieving the Objectives for the Seaport Zone.

#### Amendment to Rule 3.40.1 Permitted activities – the inclusion of a number of permitted activities in the Seaport 1 Zone

Mr Watt recommended that Fish Processing be included as a permitted activity in the Seaport Zone and that freight depots be included in the definition of Seaport Activities. This decision extends the list of permitted activities even further to include activities such as heavy industry, but not quite as far as sought in submission 24.66 received from South Port NZ Ltd.

The Objectives for this Zone refer to the ability to house facilities and services available for commercial shipping, the fishing industry, enterprises and activities involved in cargo handling, security and biosecurity agencies and other users of the port. The provisions as notified, with the narrow range of permitted activities, would not be the most appropriate means of achieving the objective for this Zone. The inclusion of the additional activities covers the activities that would otherwise be appropriate in an industrial Zone and that could reasonably be expected to be located in a seaport and that are compatible with the activities in this area of the District. Expanding the activities permitted in the Seaport Zone to reflect the activities that occur there will reduce unnecessary regulation and, therefore, result in better social and economic outcomes.

The alternative offered by the submitter to also include commercial activities is not considered to be appropriate. The Proposed District Plan has adopted a centres-based approach in relation to business activity. Commercial activities are promoted in the business centres and in Bluff this business centre is the Business 2 Zone to the north of Gore Street. The philosophy is to consolidate the area for commercial activities and permitting commercial activities to locate in the Seaport 1 Zone could adversely affect the viability of the business centre. Commercial activities as stand-alone activities would not have a functional need to locate in the Seaport 1 Zone. South Port in its submission and evidence at the Hearing, stated that the Seaport Zone as proposed was not large enough to provide for growth. It is therefore important that the Zone provides for Seaport and industrial activities. The list of permitted activities in the Seaport 1 Zone as listed in this decision is the most appropriate means of achieving the Objectives of the Plan.

## Removal of the Industrial 1A Zone and the Introduction of the Seaport 2 Zone

This decision replaces the Industrial 1A Zone with the introduction of the Seaport 2 Zone.

While the approach to the provisions for this area of land has changed so that the Seaport 2 Zone provisions are spelt out, rather than a general reference to the Industrial 1 Zone provisions, the objectives themselves are very similar to the Industrial 1A Zone, with the inclusion of an Objective very similar to the Seaport 1 Zone, seeking a balance of enabling activities and managing effects. The Objectives for this Zone achieve the purpose of the RMA by enabling the community to provide for their social and economic well-being whilst managing effects.

The Policies achieve the purpose of the Objectives. They set out the purpose of the Zone and identify the environmental expectations. These policies identify this Zone as a mix between the Industrial 1 (Light) Zone and the Seaport 1 Zone. They recognise the range of activities anticipated in this area, as well as the desire to manage the interface between the Seaport and waterfront and the more sensitive residential and business environments of Bluff.

The range of activities permitted has been increased for this area of the District to allow for Seaport Activities and Fish Processing. A number of the amenity standards differ from what was provided for in the Industrial 1A Zone. For example, the infrastructure rules relating to electricity and communications lines, electricity substations and telecommunications facilities for the Seaport 2 Zone will be the same as the Seaport 1 Zone. The provisions change to no limit on lightspill. The hazardous substances provisions allow for greater levels of hazardous substances on sites than the Industrial 1A provisions did. There are no limits on signage, or requirements for car parking.

The range of activities permitted in the Seaport 2 Zone is consistent with the Objectives of the Zone. The activities permitted in this zone are also consistent with the activities currently undertaken in the area. Under the Operative District Plan, part of this new zone was identified in the Seaport Sub-Area and the remainder was in the Enterprise Sub-Area. These Sub-Areas were permissive in terms of activities permitted and there were few amenity standards. The Seaport 2 Zone provisions are less relaxed than the Operative District Plan approach to this area of the District, but are more permissive than the Proposed Plan provisions as notified.

The changes will increase the number of industrial and business activities that could potentially locate within this area. This will enable some growth and development. The landowners within this area, in particular, will benefit economically from the change.

The amenity standards seek to manage the effects of the activities in this Zone on the residential and business areas of Bluff. The area will to some degree act as a buffer between the Seaport 1 Zone and these other areas of Bluff recognising the values that the community places on access to the coast. The changes will reduce controls on amenity within the Zone, however the provisions continue to address effects across Zone boundaries to a similar degree as the provisions in the Proposed Plan as notified.

When consulting with the community in developing the Proposed District Plan, some sectors of the Bluff community were wanting to see public access to the harbour and waterfront improved for the community with a move towards the area becoming more accessible for recreational uses. The vistas across the area from the Bluff township were also identified by these groups as being a feature of the Bluff townscape that some wanted to be enhanced. While these changes to the Proposed Plan will increase the range of permitted activities and

include increased hazardous substances, heavy industrial activities are not permitted in this Zone and public access to the waterfront is retained as an objective and policy. Standards on height of structures are also retained as notified.

The Objectives for the Residential 2 Zone recognise that Bluff is a seaport town. This change acknowledges the importance of the port facilities to the community, whilst managing the effects of these facilities on the wider environment. The provisions in the Seaport 2 Zone are consistent with this approach.

Not making this change could result in a number of activities requiring resource consent for land uses that are suitable in the context of the Port and the harbour environment. The environmental standards seek to internalise any adverse effects on amenity values as much as possible. It is considered that this change is an appropriate method of achieving the Objectives of the Plan.

#### Amending the zoning of the Seaport zoned land on the landward side of the Island Harbour

This decision changes the zoning of the land immediately to the landward side of the Island Harbour to Seaport 2 Zone. This land was notified as being within the Seaport Zone.

The objectives themselves are very similar to the Industrial 1A Zone, with the inclusion of an Objective very similar to the Seaport 1 Zone, seeking a balance of enabling activities and managing effects. The Objectives for this Zone achieve the purpose of the RMA by enabling the community to provide for their social and economic well-being whilst managing effects.

The Seaport 2 Zone enables a wider range of activities than the Seaport Zone as originally notified. This provides for the social and economic well-being of the community, enabling greater opportunities for land use activities in the area.

There are more controls over the quantum of hazardous substances permitted and over the height of structures. For example, in the Seaport Zone, as notified, there is no threshold for HSNO class 3.1D substances (e.g. diesel) stored above ground in containers greater than 450 litres, whereas for the same substances in the Seaport 2 Zone there is a limit of 10,000 litres (for SWRI tanks). This decision means that the tank farm, that was originally zoned as the Seaport Zone in the notified version of the Plan (to provide for the tank farm), is now restricted to 10,000 litres, meaning they would need consent for any new or larger tanks, where previously they would not. Under the Operative Plan there was a note attached to the Hazardous Substance appendix that exempted the tank farm; this has not been carried over to the Proposed District Plan. While existing use rights would apply, this change in zone will affect the landowners and operators of the tank farm. The change though benefits the health and well-being of the community by ensuring that the potential adverse effects of storing these quantities of hazardous substances are considered, particularly given the location of the Seaport 2 Zone in relation to the residential and business areas of Bluff.

Retaining the provisions as originally notified would mean that the only activities permitted in this land are Seaport Activities. With no control over the height of structures, there is the potential for a reduction in the visual link between the residential and business areas of Bluff and the Harbour. There are also risks associated with the storage of significant quantities of hazardous substances in the vicinity of residential activities that would not be managed through the Proposed District Plan.

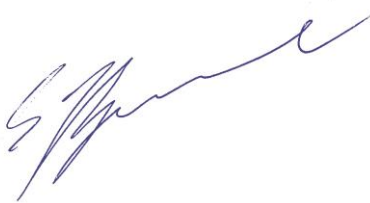
Dated at Invercargill this 11<sup>th</sup> day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell



## APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<b>GENERAL ISSUES</b>	
<p><b>24.1(a) South Port NZ Ltd</b>  <b>Section 2:</b> 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><b>FS24.16 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> support Submission 24.1.</p>	<p><b>Decision 22/1</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><u>Reason:</u>  This is a general submission. Specific matters are raised by South Port in other submissions points and these are dealt with elsewhere in this Decision.</p>
<b>SECTION 2.42 ISSUES, OBJECTIVES, POLICIES</b>	
<p><b>24.44 South Port NZ Ltd</b>  Introduction: Oppose in part. The submitter does not consider this to 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 well-being of the surrounding community. 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><u>Decision Sought:</u> Amend the introduction as follows:  The Seaport Zone is located adjacent to and within the Bluff Harbour adjacent to the</p>	<p><b>Decision 22/2</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  The Introduction to the Seaport Zone is amended as follows:</p> <p><b>2.42 Seaport 1 Zone</b>  The Seaport 1 Zone is located adjacent to and within the Bluff Harbour adjacent to the township of Bluff. It provides the opportunity for a <u>variety of land use activities including seaport and related activities, and fish processing, engineering industries, slipway facilities, cool stores, boat charters and commercial offices.</u> 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</u></p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<p>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><del>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.</del></p> <p><del>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.</del></p> <p><b>FS24.1 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> Supports Submission 24.44. The further submitter considers that the relief sought accurately describes the port activities and recognises the significant contribution the port activities and facilities provide to the social, economic and cultural well-being 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><u>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. <del>An area of higher, less hazard-prone land is included within this zone.</del></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 also must be carefully managed. Traditionally Bluff has been tolerant of port-related effects, reflecting the strong links between the port and the Bluff community.</u> Bluff is a port town and a moderate level of port-related environmental effects is acceptable and are generally accepted. However, experience elsewhere in the country indicates that some port-related effects, such as noise, can become a vexed issue.</p> <p><u>Reason:</u></p> <p>The additions to the introductory text suggested by the submitter are consistent with Section 5 of the RMA and provide a sound setting for the provisions that follow, however not all of the text is appropriate in the District Plan.</p>
<b>2.42.1 ISSUES</b>	
<p><b>24.45 South Port NZ Ltd</b></p> <p><b>Issue 2:</b> 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. Revise Issue 2 as follows:</p> <p><u>Activities within the Seaport Zone must balance the operational requirements of the</u></p>	<p><b>Decision 22/3</b></p> <p>This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>Include an additional issue as follows:</p> <ol style="list-style-type: none"> <li><u>The port of Bluff is part of the essential infrastructure of the</u></li> </ol>

## APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<p>port with achieving an acceptable level of amenity for those residing within neighbouring zones.</p> <p><b>FS24.3 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> 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 the Port and its various activities are required to operate 24/7, and to ensure further encroachment by sensitive activities is avoided.</p>	<p><u>Southland region and it is necessary to provide for its continuing operation.</u></p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. Issue 2 recognises a valid resource management issue associated with activities undertaken at the Port of Bluff.</li> <li>2. It is appropriate to recognise the role of the port as part of the essential infrastructure and for that to be the first issue given its importance.</li> </ol>
<b>2.42.2 OBJECTIVES</b>	
<p><b>24.46 South Port NZ Ltd</b> Objective 1: The submitter supports this objective as it adequately provides and protects the activities and operations undertaken within the port. Retain.</p> <p><b>FS24.2 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> support 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><b>53.69 NZ Transport Agency</b> Objective 1(B) Support. Retain Objective 1(B) as proposed.</p>	<p><b>Decision 22/4</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><u>Reason:</u> The submitters support the provision and seek no change to it.</p>
<p><b>24.47 South Port NZ Ltd</b> Objective 2: Oppose. The submitter believes 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 are balanced with achieving an acceptable level of amenity for those residing on adjacent land. Amend the objective as follows:</p> <p>Provision for the operational requirements of the Port is appropriately balanced with achieving an acceptable level of amenity for those residing on neighbouring land.</p>	<p><b>Decision 22/5</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Objective 2 is reworded to read:</p> <p><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><u>Reason:</u> The rewording provides consistency with the revised issues.</p>
<b>2.42.3 POLICIES</b>	
<p><b>24.48 South Port NZ Ltd</b> 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><b>Decision 22/6</b> This submission is noted.</p>

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<p>Retain.</p> <p><b>FS24.5 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> Support Submission 24.48. The further submitter considers that the policy presents an accurate description of the activities that are undertaken within the Seaport Zone. Retain.</p> <p><b>24.49 South Port NZ Ltd</b>  <b>Policy 2 – Noise:</b> 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. Retain.</p> <p><b>FS24.6 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> 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. Retain.</p>	<p><b>Amendments to District Plan</b> None required.</p> <p><u>Reason:</u> The submitters support the provisions and seek no change to it.</p>
<p><b>24.50 South Port NZ Ltd</b>  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. Amend the policy as follows:</p> <p>“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><b>FS24.7 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> Support Submission 24.50</p>	<p><b>Decision 22/7</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Policy 3 is amended to read:</p> <p><b>Policy 3 - Odour:</b> To accept moderate levels of odour emissions associated with port operations whilst also ensuring the absence of nuisance from objectionable odour <u>within residential areas.</u></p> <p><u>Reason:</u> The submitter raises a valid point, but the word ‘sensitive’ is not necessary.</p>
<p><b>24.51 South Port NZ Ltd</b>  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><u>Decision Sought:</u> Amend the policy to read:</p> <p>To accept glare within the Seaport Zone <del>associated with large structures</del>, whilst ensuring <del>freedom from</del> <u>that</u> nuisance from glare for nearby residential areas <del>is</del> <u>appropriately managed.</u></p> <p><b>FS24.8 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> support Submission 24.51. The further submitter considers that the Port operates on a 24/7 basis and</p>	<p><b>Decision 22/8</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Policy 4 is amended as follows:</p> <p><b>Policy 4 - Glare:</b> To accept <del>that glare within the Seaport Zone associated with large structures</del> <u>may be an effect from activities in the Seaport 1 Zone</u> <del>whilst ensuring that nuisance from glare for</del> <u>and seek to minimise its effect on the amenity of nearby residential areas.</u></p> <p><b>Explanation:</b> <del>Large structures or buildings can normally be coated or</del></p>

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<p>that it will not always be possible to ensure freedom from nuisance from glare for nearby residential areas.</p>	<p><del>treated to mitigate glare nuisance.</del> The port of Bluff operates 24 hours a day at times and lighting required to enable operations to be carried out safely may impact on adjoining nearby residential areas. Consideration <del>should</del> <u>needs</u> to be given to <del>the effects of glare effects</del> <u>in undertaking activities in the zone and in designing and locating such structures.</u> Where complaints are received in relation to glare from port activities the Council in the first instance will work with operators to assess and reduce its impact as far as practicable.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. Glare from within the Seaport Zone arises from a range of sources.</li> <li>2. While it is not practical to avoid glare from port operations all practical steps should be taken to minimise its effects on adjoining residential areas.</li> </ol>
<p><b>24.55 South Port NZ Ltd</b> Policy 8 – Hazardous Substances - Support. Retain.</p> <p><b>FS24.10 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> Support Submission 24.55. The further submitter considers adequate provision must be made for the storage and transhipment of hazardous substances associated with Port related activities. Retain.</p> <p><b>24.56 South Port NZ Ltd</b> Policy 9 – Dilapidated structures and ill-maintained lands: Support. The submitter accepts that the Port is a gateway into the Southland Region and therefore a reasonable level of amenity needs to be upheld. Retain.</p>	<p><b>Decision 22/9</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><u>Reason:</u> The submitters support the provisions and seek no change to it.</p>
<p><b>24.59 South Port NZ Ltd</b> 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. Insert an additional policy which seeks:</p> <p><u>To enable the efficient and effective operation, use and development of the Port of Bluff by:</u></p> <ol style="list-style-type: none"> <li>(a) <u>Ensuring that any adverse effects arising from noise sensitive activities located in the adjoining zones are appropriately avoided or mitigated;</u></li> <li>(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></li> </ol>	<p><b>Decision 22/10</b> This submission is accepted in part</p> <p><b>Amendments to District Plan</b> Add a new policy in section 2.42.3 as follows:</p> <p><u>Policy 12 Reverse sensitivity: To recognise the adverse effects that may be generated within and from the Seaport 1 Zone activities and:</u></p> <ol style="list-style-type: none"> <li>(a) <u>identify the effects and the area that these can impact on;</u></li> <li>(b) <u>provide information to owners and prospective owners on those effects;</u></li> <li>(c) <u>encourage owners of affected land to mitigate those effects on the occupiers of those properties; and</u></li> </ol>

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<p>(c) <u>Providing for the future expansion of the Port by zoning an appropriate area of land for such purposes.</u></p> <p><b>FS24.12 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> supports in part / opposes in part Submission 24.59. 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. However, the further submitters consider that the consideration of adverse effects from 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>(d) <u>when considering resource consents for subdivision, use and development have regard to potential for reverse sensitivity effects that may impact on port related activities.</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><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. It is not practical to avoid all potential adverse effects from port operations impacting on nearby residential areas, and to avoid reverse sensitivity effects it is appropriate for prospective owners of affected properties to take that into account when determining whether to live there, and notwithstanding the District Plan rules which seek to manage the effects to an acceptable level for owners to take practical steps to minimise the impact of those effects.</li> <li>2. The policy suggested by the submitter deals with wider issues than reverse sensitivity and they are not appropriate as part of the policy.</li> </ol>
<b>SECTION 3.40 RULES</b>	
<p><b>24.66 South Port NZ Ltd</b></p> <p>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.</p> <p><u>Decision Sought:</u> Amend the list of permitted activities as follows:</p> <ol style="list-style-type: none"> <li>(A) <u>Seaport activities</u></li> <li>(B) <u>Infrastructure</u></li> <li>(C) <u>Commercial Activities</u></li> <li>(D) <u>Commercial Recreational Activities</u></li> <li>(E) <u>Industrial Activities – Both Heavy and Light Industry</u></li> <li>(F) <u>Reserves</u></li> </ol>	<p><b>Decision 22/11</b></p> <p>This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <ol style="list-style-type: none"> <li>(i) The District Plan provisions are amended as shown in Appendix 2, with provision made for Seaport 1 and Seaport 2 Zones.</li> <li>(ii) The Seaport Zone shown on the District Planning Maps is amended to Seaport 1 and Seaport 2 as shown on Appendix 3.</li> </ol> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. As discussed on pages 4 - 6 of this Decision, it is appropriate to extend the range of activities permitted within the port area, but as heavy industry locating on the landward side of Bluff Harbour has the potential to give rise to adverse effects on the nearby Residential Zone a different status for that activity has been provided within that area. As a consequence, the Industrial 1A Zone is removed and a second Seaport Zone has been created.</li> </ol>

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<p><b>FS24.13 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> 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. 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 or the Industrial 1A Zone.</p>	<ol style="list-style-type: none"> <li>2. There is no functional need for many commercial activities to be located within the port area, and that activity is not appropriate as a permitted activity.</li> <li>3. Arising from the rezoning of the Industrial 1A land to Seaport 2 other consequential changes are also required to the District Plan provisions.</li> </ol>
<p><b>24.67 South Port NZ Ltd</b> 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. Retain.</p> <p><b>FS24.14 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> Support Submission 24.67. The further submitter considers the default activity status for activities not listed as permitted should be discretionary. Retain.</p> <p><b>24.68 South Port NZ Ltd</b> 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. Retain.</p> <p><b>FS24.15 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> support Submission 24.68. 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><b>Decision 22/12</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><u>Reason:</u> The submitters support the provisions of the Proposed Plan and seek no change to them.</p>
<b>ZONING</b>	
<b>Seaport Zone</b>	
<p><b>24.1(b) South Port NZ Ltd</b> 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</p>	<p><b>Decision 22/13</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend the zoning of all Industrial 1A land, and Seaport land that is not in the Island Harbour, to Seaport 2 as shown on the plan attached as Appendix 3.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. The majority of the land subject to this submission is owned by South Port Ltd and is suitable for port related activities.</li> </ol>

## APPENDIX 1 - DECISIONS BY SUBMISSION

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<p>to Rule 3.29.1(A) which seeks to impose a limit of operational hours for activities in this zone to between 7.00 am and 10.00 pm. 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.</p> <p><b>FS24.16 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> support Submission 24.1. 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. 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>2. As discussed on pages 4 - 6 of this Decision, the Committee considered the range of uses allowed in the Industrial 1A Zone was too narrow having regard to the location of the land immediately adjacent to the port of Bluff, land ownership, the zoning in the Operative District Plan, existing uses and physical characteristics.</p>
<b>Industrial 1A Zone</b>	
<p><b>116.5 Kylie Fowler</b>  <b>Zoning Boundaries:</b> The submitter does not support the Industrial 1A (Marine) Zone. 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><b>Decision 22/14</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. Decisions 22/11 and 22/13 rezone this area Seaport 2.</li> <li>2. The area of land subject to the Industrial 1A zoning has been used for industrial and port related activities for many years, and existing use rights enable those activities to continue. The majority of the land is owned by South Port and it is not practical to expect a reduction in the intensity of use of this land.</li> <li>3. Under the RMA, the Council cannot direct the use of land for particular purposes. Commercial activities of the type referred to if established at Bluff will be of low intensity and are more appropriately located on land intended for commercial activities, such as the Business 2 Zone areas of Bluff.</li> </ol>



## SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

### 2.1 Introduction

#### ZONE SPECIFIC

~~2.30 Industrial 1A (Marine)~~

~~2.42 Seaport 1~~

~~2.42A Seaport 2~~

### ~~2.30 Industrial 1A (Marine) Zone<sup>1</sup>~~

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

~~— 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.~~

#### 2.30.1 Issues

##### **The significant resource management issues for the Industrial 1A (Marine) Zone are:**

- ~~1. Lack of controls on effects of activities in the Industrial 1A Zone may result in an appropriate level of amenity within the Industrial 1A Zone and in the nearby Residential Zone.~~
- ~~2. Vistas from the residential areas of the town and from State Highway 1 may be blocked or otherwise adversely affected.~~
- ~~3. Public access along the waterfront could be compromised by development.~~

**Note:** ~~All Objectives and Policies that apply to the Industrial 1 Zone also apply to the Industrial 1A Zone.~~

~~The following are the additional Objectives and Policies that apply within the Industrial 1A Zone:~~

#### 2.30.2 Objectives

**Objective 1:** ~~Industries and activities servicing the boat and marine industry, in particular the repair and maintenance of boats and associated equipment, are enabled to locate at Bluff in close proximity to the existing fishing boat berths, the existing slipway, the existing Maritime Museum and the area that has the potential for future development as a marina.~~

**Objective 2:** ~~Public access along the waterfront is maintained and enhanced.~~

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<sup>1</sup> Decision 22/13 deletes this zone in its entirety

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### 2.30.3 Policies

**Policy 1 Industrial 1A (Marine) Zone:** ~~To establish and implement the Industrial 1A Zone at Bluff to enable and encourage its development by industries and activities servicing boats and associated equipment.~~

*~~Explanation: Bluff is home port for a sizeable local fishing fleet, and is also the largest servicing port for boats normally based at Stewart Island, Riverton or Fiordland. An increasing number of visiting yachts call at Bluff, seeking secure mooring and repair facilities. For years there have been calls for development of a marina at Bluff. While it acknowledges that any marina would be in the CMA and outside the boundary of the District Plan, the Council wishes to encourage the development of a marina and boat servicing facilities at Bluff. This is the reason for the establishment of the Industrial A Zone, in close proximity to an area of water suited for future development of marine facilities. The zone is also in close proximity to the existing fishing boat berths.~~*

**Policy 2 Waterfront Access:** ~~To maintain and make a feature of pedestrian access along the waterfront.~~

*~~Explanation: This is the one area near to the Port of Bluff where the public currently has access to the foreshore and can view the port activity. It needs to be retained and has the potential to be developed into a significant townscape feature of Bluff.~~*

### 2.30.4 Methods of Implementation

**Method 1** ~~Delineate the Industrial 1A Zone on the District Planning Maps.~~

**Method 2** ~~Apply the methods of implementation for the Industrial 1 Zone within the Industrial 1A Zone.~~

**Method 3** ~~Initiate environmental advocacy for:~~

~~(A) The promotion of the area for light industry associated with boat and yacht maintenance and servicing.~~

## 2.31 Industrial 2 (Urban) Zone

**Objective 2:** The protection of the integrity and amenity of the Residential, the Suburban Shopping and Business, the Central Business District, and the Industrial 1 and 1A Zones by making specific provision for a range of industrial, warehousing and service activities in appropriate areas of the city.

## 2.42 Seaport 1 Zone<sup>2</sup>

The Seaport 1 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.

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<sup>2</sup> Decision 22/2 amends the Introduction

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

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 also 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 are 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 1 Zone:**

1. The port of Bluff is part of the essential infrastructure of the Southland region and it is necessary to provide for its continuing operation.<sup>3</sup>
- ~~2. 4.~~ Without appropriate protection the operational requirements of the seaport can be compromised.
- ~~3. 2.~~ The environmental effects from activities carried out within the Seaport 1 Zone can have adverse effects on the township of Bluff.

### 2.42.2 Objectives

**Objective 1:** A viable seaport facility at Bluff ~~which~~ that meets the varied needs of the region in terms of:

- (A) The facilities and services available for commercial shipping, the fishing industry, enterprises and activities involved in cargo handling (both export and import), security and biosecurity agencies, and other users of the port.
- (B) The ability to operate without reverse sensitivity issues or serious operational impediments.
- (C) The ability to respond quickly to changed demands and market opportunities.

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<sup>3</sup> Decision 22/3

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

**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.<sup>4</sup>

### 2.42.3 Policies

**Policy 1 Seaport 1 Zone:** To establish and implement a Seaport 1 Zone at Bluff to enable the construction and operation of services and facilities to meet seaport and cargo handling needs of the Southland region and such other cargoes as may be handled through the Port of Bluff.

**Explanation:** *The ability to import and export goods economically is an important factor in maintaining and enhancing the economic critical mass of the Southland region. The region needs efficient seaport facilities and associated cargo handling facilities. There is nowhere else in the Invercargill City District or the Southland region where a general commercial port could be located.*

**Policy 2 Noise:** To provide for the opportunity to generate levels of noise in keeping with the operation of the seaport, whilst also recognising that residential areas in Bluff are entitled to reasonable residential amenity in terms of freedom from excessive noise.

**Explanation:** *Noise is an inevitable by-product of port and cargo handling operations and operational requirements can necessitate that these operations continue 24 hours a day, seven days a week. Traditionally the township of Bluff has been tolerant of port related noise, reflecting the strong links between the port and the Bluff community. Experience elsewhere in the country indicates that port noise can become a vexed issue. Noise standards will need to be imposed, and implemented; recognising that Bluff is a port town and a level of port related noise is acceptable and generally accepted.*

**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 residential areas.<sup>5</sup>

**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<sup>6</sup>:** ~~To accept that glare within the Seaport Zone associated with large structures may be an effect from activities in the Seaport 1 Zone whilst ensuring that nuisance from glare for~~ and seek to minimise its effect on the amenity of nearby residential areas.

**Explanation:** ~~Large structures or buildings can normally be coated or treated to mitigate glare nuisance.~~ The port of Bluff operates 24 hours a day at times and lighting required to enable operations to be carried out safely may impact on

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<sup>4</sup> Decision 22/5

<sup>5</sup> Decision 22/7

<sup>6</sup> Decision 22/8

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nearby residential areas. Consideration should needs to be given to the effects of glare effects in undertaking activities in the zone and in designing and locating such structures. Where complaints are received in relation to glare from port activities the Council in the first instance will work with operators to assess and reduce its impact as far as practicable.

**Policy 5 Electrical Interference:** To ensure ~~freedom~~ avoid nuisance<sup>7</sup> from electrical interference.

**Explanation:** ~~People expect not to be bothered by electrical interference. Electrical interference may have adverse effects on the efficient operation of the Seaport Zone. The possibility of electrical interference is an environmental effect that needs to be considered in the placement and maintenance of electrical equipment and machinery, including transmitting aerials.~~

**Policy 6 Lightspill:** To manage the effects of lightspill from seaport and associated operations on nearby residential areas.

**Explanation:** Floodlighting and security lighting are an essential feature of port and cargo handling facilities, but it is both possible and necessary to avoid nuisance to residential areas. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.<sup>8</sup>

**Policy 7 Signage:** To provide for signage to enable the clear identification and promotion of places of business.

**Explanation:** It is important that transport operators and other users can find their way around the Seaport 1 Zone easily.

**Policy 8 Hazardous Substances:** To provide for the storage and transport of hazardous substances.

**Explanation:** Provision must be made for the storage and transshipment of hazardous substances and the Seaport 1 Zone is the appropriate place to do so.

**Policy 9 Dilapidated structures and ill-maintained lands:** To require that buildings and land in the Seaport 1 Zone shall be sound, well-maintained and tidy in appearance.

**Explanation:** Derelict industrial properties and poorly maintained industrial land could significantly detract from the amenities of the neighbouring town.

**Policy 10 Demolition or removal activities:** To manage 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.

**Explanation:** Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.

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<sup>7</sup> Decision 11/4

<sup>8</sup> Decision 3/10

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**Policy 11 Connectivity and circulation:** To promote excellent connectivity between the internal roads and rail lines within the Seaport 1 Zone, and the State Highway and the Bluff Branch Railway.

**Explanation:** *Safe, efficient and direct links between transport systems are a priority to enable the safe and efficient transport of goods and also to minimise any side effects or risk on the adjacent town. Identifying and if necessary signposting unambiguous and safe routes for vehicles carrying hazardous substances is an important implication of this policy.*

**<sup>9</sup>Policy 12 Reverse sensitivity:** To recognise the adverse effects that may be generated within and from the Seaport Zone 1 activities and:

- (a) identify the effects and the area that these can impact on;
- (b) provide information to owners and prospective owners on those effects;
- (c) encourage owners of affected land to mitigate those effects on the occupiers of those properties; and
- (d) when considering resource consents for subdivision use and development have regard to potential for reverse sensitivity effects that may impact on port related activities.

**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** Delineate the Seaport 1 Zone on the District Planning Maps.

**Method 2** Include rules identifying activities that are appropriate within the Seaport 1 Zone.

**Method 3** Identify the anticipated amenity values for the Seaport 1 Zone, include environmental standards to protect and enhance them, and implement through enforcement under the RMA, education, advocacy and collaborating with other Territorial Authorities.

**Method 4** Include rules addressing District wide issues.

**Method 5** Require all applications for resource consent to include an analysis of the proposal on the defined amenity values of the Seaport 1 Zone, as well as the principles of good urban design.

**Method 6** Initiate environmental advocacy 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.

**Method 7** Identify cross boundary issues e.g. odour.

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<sup>9</sup> Decision 22/10

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**Method 8** Consult with landowners and occupiers, iwi, Central Government organisations, internal Council departments and local community and business groups.

**Method 9** Recognise sectorial responses, such as NZTA published guidelines, and hazardous substances standards and guidelines.

### **2.42A Seaport 2 Zone**<sup>10</sup>

The Seaport 2 Zone occupies land along the Bluff foreshore between the township and Bluff Harbour. It provides a convenient location for the development of light industries and land use activities that support the Port and marine industries.

In order not to unduly affect nearby residential areas, activities within the Seaport 2 Zone will be required to manage their operations subject to performance standards compatible with the nearby residential and business areas.

The Seaport 2 Zone provides a link between the township and the harbour and provides opportunities for public viewing of Port activities. Maintaining and enhancing public access through the zone is important, where it is safe and practical to do so.

#### **2.42A.1 Issues**

**The significant resource management issues for the Seaport 2 Zone:**

1. Without appropriate protection the operational requirements of the seaport can be compromised.
2. Lack of controls on effects of activities in the Seaport 2 Zone may result in an inappropriate level of amenity within the nearby Business and Residential Zones.
3. Vistas from the business and residential areas of the town and from State Highway 1 may be blocked or otherwise adversely affected.
4. Public access along the waterfront could be compromised by development.

#### **2.42A.2 Objectives**

**Objective 1:** Light industries and activities servicing the seaport and the boat and marine industry are conveniently provided for at Bluff.

**Objective 2:** Provision for the operational requirements of Port and marine related activities is balanced with achieving an acceptable level of amenity for those carrying out activities on neighbouring land

**Objective 3:** Where it can be safely provided, and is practical, public access along the waterfront is maintained and enhanced.

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<sup>10</sup> Decision 22/11

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### 2.42A.3 Policies

**Policy 1 Seaport 2 Zone:** To establish and implement the Seaport 2 Zone at Bluff to enable the construction and operation of industries, services and facilities that support the Port of Bluff and that service the boat and marine industry.

**Explanation:** Bluff is home port for a sizeable local fishing fleet, and is also the largest servicing port for boats normally based at Stewart Island, Riverton or Fiordland. An increasing number of visiting yachts also call at Bluff, seeking secure mooring and repair facilities. While it acknowledges that any marina would be in the coastal marine area and outside the boundary of the District Plan, the Council wishes to encourage the development of a marina and boat servicing facilities at Bluff. The Seaport 2 Zone also accommodates facilities servicing connections between the South Island and Stewart Island.

**Policy 2 Waterfront Access:** To maintain and make a feature of pedestrian access along the waterfront.

**Explanation:** At present the public has access through part of the Seaport 2 Zone and the Council seeks to maintain that for amenity reasons and to also enable viewing of port activities.

**Policy 3 Connectivity:** To promote excellent connectivity between the internal roads and rail lines within the Seaport 2 Zone, and the State Highway and the Bluff Branch Railway.

**Explanation:** Safe, efficient and direct links between transport systems are a priority to enable the safe and efficient transport of goods and also to minimise any side effects or risk on the adjacent town. Identifying and if necessary signposting unambiguous and safe routes for vehicles carrying hazardous substances is an important implication of this policy.

**Policy 4 Noise:** To provide for the opportunity to generate levels of noise in keeping with the operation of the seaport and associated industries and activities, whilst also recognising that residential areas in Bluff are entitled to reasonable residential amenity in terms of freedom from excessive noise.

**Explanation:** Noise is an inevitable by-product of port and cargo handling operations and operational requirements can necessitate that these operations continue 24 hours a day, seven days a week. Traditionally the township of Bluff has been tolerant of port related noise, reflecting the strong links between the port and the Bluff community. Experience elsewhere in the country indicates that port noise can become a vexed issue. Noise standards will need to be imposed, and implemented; recognising that Bluff is a port town and a level of port related noise is acceptable and generally accepted.

**Policy 5 Odour:** To accept moderate levels of odour emissions whilst also ensuring the absence of nuisance from objectionable odour within residential areas.

**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.

Note: Underline indicates additions, strikethrough indicates deletions.



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**Policy 6 Glare:** To accept that glare may be an effect from activities in the Seaport 2 Zone and seek to minimise its effect on the amenity of nearby residential areas.

**Explanation:** By their nature and scale, some glare from large building surfaces can be expected within the Seaport 2 Zone. Glare can become a major nuisance or even a hazard if not considered in the operation of a site, the design of buildings, or in the design of moving signage, and the Council needs the ability to take enforcement action. Although minor and transient inconvenience from glare is part of normal urban life, the effects of glare from within the Seaport 2 Zone should be managed. Large structures or buildings can normally be coated or treated to mitigate glare nuisance. Consideration should be given to glare effects in undertaking activities in the zone and in designing and locating structures. Where complaints are received in relation to glare from port activities the Council in the first instance will work with operators to assess and reduce its impact as far as practicable.

**Policy 7 Electrical Interference:** To avoid nuisance from electrical interference.

**Explanation:** The possibility of electrical interferences is an environmental effect that needs to be considered in the placement and maintenance of electrical equipment and machinery, including transmitting aerials. Electrical interference may have adverse effects on the efficient operation of the Seaport 1 and 2 Zones.

**Policy 8 Lightspill:** To manage the effects of lightspill from seaport and associated operations on nearby residential areas.

**Explanation:** Floodlighting and security lighting are an essential feature of port and cargo handling facilities and can be a necessary part of other light industries, but it is both possible and necessary to avoid nuisance to residential areas.

**Policy 9 Signage:** To provide for signage to enable the clear identification and promotion of places of business.

**Explanation:** It is important that transport operators and other users can find their way around the Seaport 2 Zone easily.

**Policy 10 Hazardous Substances:** To provide for the manufacture, storage and use of hazardous substances, whilst having regard to the safety needs of the general public.

**Explanation:** Provision for the storage and transshipment of hazardous substances is appropriate in the Seaport 2 Zone. Hazardous substances are also part of the normal operation of many light industrial activities. Use, manufacture and storage of hazardous substances may impose a risk constituting an adverse environmental effect. The Zone's location in respect of the coastal environment, the potential risks of natural hazards, and the interface with more sensitive urban environments are among relevant considerations when assessing hazardous substances matters.

**Requiring activities that utilise significant quantities of hazardous substances to co-locate within the Seaport 2 Zone will contain the potential environmental, and health and safety, effects away from more sensitive urban environments.**

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

**Policy 11 Dilapidated structures and ill-maintained lands:** To require that buildings and land in the Seaport 2 Zone shall be sound, well-maintained and tidy in appearance.

**Explanation:** *Derelict industrial properties and poorly maintained industrial land could significantly detract from the amenities of the neighbouring town.*

**Policy 12 Demolition or removal activities:** To manage 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.

**Explanation:** *Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.*

**Policy 13: Height and location of structures:** To control the height of structures in order to avoid adverse effects on the adjoining business and residential areas.

**Explanation:** *The Seaport 2 Zone is located between the town of Bluff and the Bluff Harbour. Structures in this Zone are expected to be kept in scale with the adjoining residential and business areas. Management of the height of structures recognises the community values relating to physical and visual connections with the coast and the waterfront.*

**Policy 14 Reverse sensitivity:** To recognise the adverse effects that may be generated within and from the Seaport 2 Zone activities and:

- (a) identify the effects and the area that these can impact on;
- (b) provide information to owners and prospective owners on those effects;
- (c) encourage owners of affected land to mitigate those effects on the occupiers of those properties; and
- (d) when considering resource consents for subdivision use and development have regard to potential for reverse sensitivity effects that may impact on port related activities.

**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.*

### **2.42A.4 Methods of Implementation**

**Method 1** Delineate the Seaport 2 Zone on the District Planning Maps.

**Method 2** Include rules identifying activities that are appropriate within the Seaport 2 Zone.

**Method 3** Identify the anticipated amenity values for the Seaport 2 Zone, include environmental standards to protect and enhance them, and implement through enforcement under the RMA, education, advocacy and collaborating with other Territorial Authorities.

**Method 4** Include rules addressing District wide issues.

Note: Underline indicates additions, strikethrough indicates deletions.

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**Method 5** Require all applications for resource consent to include an analysis of the proposal on the defined amenity values of the Seaport 2 Zone, as well as the principles of good urban design.

**Method 6** Initiate environmental advocacy for:

- (A) Promotion of the area for light industry associated with boat and yacht maintenance and servicing.
- (B) Promotion of opportunities to maintain and enhance public access to the waterfront.
- (C) Mitigation or avoidance of nuisance arising from glare and windflow effects.
- (D) Promotion of well maintained structures and land.
- (E) Connectivity – connections between places.

**Method 7** Identify cross boundary issues e.g. odour.

**Method 8** Consult with landowners and occupiers, iwi, Central Government organisations, internal Council departments and local community and business groups.

**Method 9** Recognise sectorial responses, such as NZTA published guidelines, and hazardous substances standards and guidelines.

## SECTION THREE - RULES

### 3.7 Hazardous Substances

3.7.1 The following activities are permitted activities:

- (E) The transit and two hour storage maximum of tracked hazardous substances, and the transit and 72 hour storage maximum of non-tracked hazardous substances within the Smelter, Seaport 1, Seaport 2<sup>11</sup>, and Industrial 2, Industrial 3 and Industrial 4 Zones. Where this involves the transit and storage of anhydrous ammonia and chlorine gas, an emergency management plan must be supplied to the Council in advance.
- (F) The storage of hazardous substances (excluding fixed installations) within the Seaport 1 and Seaport 2<sup>12</sup> Zones with either a Hazardous Substance Location Certificate or Transit Depot Certificate issued pursuant to the Hazardous Substances (Classes 1 to 5) Regulations 2001 and for Classes 6, 8, 9 in compliance with the Hazardous Substances and New Organisms Act 1996.

<sup>11</sup> Consequence of Decision 22/11 and 22/13

<sup>12</sup> Consequence of Decision 22/11 and 22/13

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### 3.9 Infrastructure<sup>13</sup>

#### Electricity lines

**3.9.810** It is a permitted activity to erect new electricity lines up to (and including) 110kV in all Zones of the District, subject to the following standards:

- (A) Other than where existing support structures are used, new lines are to be located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 4~~6~~, Industrial 1, ~~1A~~ and 2, Otatara and Hospital Zones.
- (B) Any lines crossing a navigable water body are located more than 10 metres above the level of the water body.

#### Electricity Substations

**3.9.1315** ~~It is a permitted activity to erect electricity substations subject to the following standards:~~

- ~~(A) Except in the Rural 1 and 2, Seaport, Industrial 2, 3 and 4, and Smelter Zones, no ground-mounted structure shall exceed six square metres in area or two metres in height.<sup>14</sup>~~

It is a permitted activity to erect ground-mounted electricity substations in the Rural, Seaport 1 and 2, Industrial 2, 2A, 3 and 4, and Smelter Zones.<sup>15</sup>

#### Communications – Line reticulation

**3.9.18** Lines used for the conveying of telecommunications, television, electronic data and other such communications are a permitted activity in all zones of the District, subject to the following standard:

- (A) Other than where existing support structures are used, such lines are located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 4~~6~~, Industrial 1, ~~1A~~ and 2, Otatara and Hospital Zones.<sup>16</sup>

#### Telecommunication and Radiocommunication Facilities

**3.9.21** Telecommunication and radiocommunication facilities are permitted activities subject to the following standards:

- (D) No antenna attached to a building or mast shall extend above the building or mast more than:
  - (a) 5 metres in the Industrial 2, 2A, 3 and 4 Zones, Seaport 1 and 2 Zones, or Rural Zone or
  - (b) 3.5 metres in the Airport Protection Zone, Business Zones, Hospital Zone, Industrial 1 Zone, Otatara Zone and Residential Zones.

<sup>13</sup> Refer to Decision 19 Infrastructure

<sup>14</sup> Decision 19/68

<sup>15</sup> Decision 19/68

<sup>16</sup> Decision 19/69

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### 3.11 Lightspill

3.11.2 The generation of lightspill, measured at the boundary of the site, shall not exceed the following:

	<b>Sunset through midnight to sunrise</b>
Industrial 1, <del>1A</del> <sup>17</sup>	5 lux
Seaport <u>1 and 2</u>	No limit

### 3.13 Noise

#### 3.13.2 Noise Levels from Activities

(A) All activities are to be designed and operated so that the following noise limits are not exceeded:

	<b>Day time 0700 - 2200</b>		<b>Night time 2200 - 0700</b>	
	<b>L<sub>Aeq</sub></b>	<b>L<sub>Amax</sub></b>	<b>L<sub>Aeq</sub></b>	<b>L<sub>Amax</sub></b>
<b>When measured at or within the boundary of any other site within a zone:</b>				
Industrial 1, <del>1A</del> <sup>18</sup>	65dB	85dB	40dB	70dB

#### 3.13.8 Seaport 1 and 2 Zones

(A) Long Term Noise Limit - The night-weighted sound exposure from activities undertaken in the Seaport 1 and 2 Zones shall not exceed:

- (a) An average sound level of 65dBA L<sub>dn</sub> beyond the Inner Control Boundary calculated over five consecutive days.
- (b) An average sound level of 68dBA L<sub>dn</sub> beyond the Inner Control Boundary calculated over any continuous 24 hour period.

(B) Short Term Noise Limits - Sound from activities undertaken shall not exceed the following noise limits at any point beyond the Inner Control Boundary:

- (a) 2200 to 0700 the following day 60 dBA L<sub>eq(9hr)</sub> provided that:
  - (1) No single 15 minute sound measurement shall exceed 65dBA L<sub>eq</sub>.
  - (2) No single sound measurement shall exceed 85dBA L<sub>max</sub>.
- (b) For the purpose of this rule:

<sup>17</sup> Consequence of Decision 22/11 and 22/13

<sup>18</sup> Consequence of Decision 22/11 and 22/13

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

- (1) Sound will be measured using a representative 15 minute Leq value when calculating the L<sub>dn</sub> or nine hour L<sub>eq</sub> values.
- (2) Sound will be measured and assessed in accordance with the provisions of NZS6809:1999 Acoustics – Port Noise: Management and Land Use Planning.

### 3.16 Signage

3.16.1 It is a permitted activity to erect signage that complies with the following maximum levels:

Industrial 1, 2, 3 and 4 Zones	(a) Signage painted on, or attached parallel to, buildings: Maximum area: 1m <sup>2</sup> per metre of street frontage (b) Freestanding signage and signage attached at an angle to buildings: (i) Maximum combined area: 14m <sup>2</sup> (ii) Maximum height: 12m
Seaport <u>1 and 2</u> <sup>19</sup> Zones	No limit <u>to size of signage</u> <sup>20</sup>

### 3.17 Soils Minerals and Earthworks

3.17.1 Rules 3.17.2 – 13.17.8 do not apply to:

(A) Land and activities in the Smelter Zone, Seaport 1 and 2 Zones or Industrial 1, 2, 3 and 4 Zones.<sup>21</sup>

### 3.18 Subdivision

3.18.12 Esplanade strips will not be required in relation to the ~~Island Harbour of the~~<sup>22</sup> Seaport 1 Zone and in relation to the Smelter Zone.

### 3.20 Transport

3.20.1<sup>23</sup> **Off-Street Car parking Requirements:** All land use activities specified in the table below, ~~except within the Seaport, Smelter and the City Centre Priority Development Precinct in the Business 1 Zone,~~ shall provide the following minimum off-street car parking facilities except:

(A) Within the Seaport 1 and 2 Zones, Smelter Zone and the City Centre Priority Development Precinct in the Business 1 Zone

<sup>19</sup> Consequence of Decision 22/11 and 22/13

<sup>20</sup> Decision 8/10

<sup>21</sup> Decision 26/23 replaces 3.17 in its entirety unless otherwise stated

<sup>22</sup> Consequence of Decisions 22/11 and 22/13

<sup>23</sup> Decision 13/41

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### 3.29 ~~Industrial 1 (Light) and Industrial 1A (Marine) Zones~~

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

...

**3.29.2 Discretionary activities:** The following are discretionary activities in the Industrial 1 Zone ~~and 1A Zones~~:

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

**3.29.3 Non-complying activities:** The following are non-complying activities in the Industrial 1 Zone ~~and 1A Zones~~:

...

### 3.40 Seaport 1 Zone

**3.40.1 Permitted Activities:** The following are permitted activities in the Seaport 1 Zone:

(A) Seaport activities

(B) Essential services

(C) Light industry

(D) Heavy Industry

(E) Takeaway food premises not exceeding 150 square metres

(F) Land transport facility<sup>24</sup>

**3.40.2 Discretionary Activities:** The following are discretionary activities in the Seaport 1 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 1 Zone:

(A) Any noise sensitive activity.

### 3.40A Seaport 2 Zone<sup>25</sup>

**3.40A.1 Permitted Activities:** The following are permitted activities in the Seaport 2 Zone:

(A) Seaport activities

(B) Fish Processing

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<sup>24</sup> Decision 22/11

<sup>25</sup> Decision 22/11

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

(C) Essential services

(D) Light industry

(E) Takeaway food premises not exceeding 150 square metres

(F) Land transport facility

**3.40A.2 Discretionary Activities:** The following are discretionary activities in the Seaport 2 Zone:

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

**3.40A.3 Non-complying Activities:** The following are non-complying activities in the Seaport 2 Zone:

(A) Any noise sensitive activity.

(B) Commercial Service Activity

(C) Office Activity

(D) Supermarkets

### **Height of Structures**

**3.40A.4** All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

(A) Maximum height: 12 metres.

(B) Recession plane: Infogram 4 applies in relation to any boundary with any residential zone.

**3.40A.5** Where an activity does not comply with Rule 3.40A.4 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

(A) Reasons for the building or structure height.

(B) The compatibility of the proposed building or structure with the scale of development and character of the local area.

(C) The degree of overshadowing of neighbouring properties.

(D) The degree of overlooking of neighbouring properties.

(E) The ability to mitigate any adverse effects of the increase in building or structure height.

Note: Underline indicates additions, strikethrough indicates deletions.



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### SECTION FOUR 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.<sup>26</sup>

**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.<sup>27</sup>

### APPENDIX VII – HAZARDOUS SUBSTANCES

<b>HSNO SUB-CLASS AND HAZARD CLASSIFICATION</b>	<b>GROUP 2:</b> INDUSTRIAL 1, <del>4A</del> <sup>28</sup> , BUSINESS 1, 2, 3, 4, <del>AND 5</del> AND <del>6</del> ZONES EXCLUDING RESIDENTIAL ACTIVITIES	<b>GROUP 3 :</b> INDUSTRIAL 2, <del>2A</del> , 3, AND 4 AND <del>SEAPORT 2</del> <sup>29</sup> <del>SMELTER ZONES, EXCLUDING RESIDENTIAL ACTIVITIES</del>	<b>GROUP 6:</b> SEAPORT 1 <sup>30</sup> ZONE, EXCLUDING RESIDENTIAL ACTIVITIES
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### PLANNING MAPS

Amend District Planning Maps 27, 28, 29 and 30 to reflect the following rezoning:<sup>31</sup>

- Industrial 1A to Seaport 2
- Seaport to either Seaport 1 or Seaport 2

<sup>26</sup> Decision 22/11

<sup>27</sup> Decision 22/11

<sup>28</sup> Consequence of Decisions 22/11 and 22/13

<sup>29</sup> Consequence of Decisions 22/11 and 22/13

<sup>30</sup> Consequence of Decisions 22/11 and 22/13

<sup>31</sup> Decision 22/11 and 22/13