



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 38

Industrial Zones

Industrial 2 (Urban) Zone

Industrial 3 (Large) Zone

Industrial 4 (Awarua) 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 Industrial 2 - 4 Zones. Decision 36 considers the General submissions lodged in relation to the Industrial Zones and submissions lodged to the Industrial 1 and 1A Zones.

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 them. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"Alliance" means Alliance Group Ltd.

"Ballance" means Ballance Agri-Nutrients Ltd.

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

"HWRG" means H W Richardson Group Ltd.

"Niagara" means Niagara Sawmilling Ltd, previously known as Niagara Properties 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.

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

THE HEARING

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers on 13 and 14 July 2015.

Section 42A Report

The Hearings Committee received a report from Gareth Clarke, Senior Policy Planner at the Invercargill City Council in which he set out the overall approach to the management of activities in the industrial zones, as follows:

- The Industrial 2 Zone is intended to provide for those activities that, due to their scale and the effects they may generate, require a location physically separated from residential areas
- The Industrial 3 Zone provides for large industrial, processing, warehousing, service and transport activities that are likely to need to operate 24 hours a day, and which, because of their scale, are inappropriate within the urban area. The Zone is intended to provide for activities that require sites larger than one hectare, and may require

large buildings and structures, together with a significant amount of outside storage.

- The Industrial 4 Zone provides for the future development of large scale industrial processing and servicing activities and service-oriented industrial activities at Awarua. The land has the advantage of being close to both Invercargill and the port of Bluff, and adjacent to State Highway 1 and the Bluff branch railway.

Mr Clarke noted that while there is some overall support for the proposed approach to the zoning of the Industrial areas in the District Plan, submitters have raised a number of issues including a preference for the more permissive Enterprise Sub-Area approach in the Operative Plan and opposition to the one hectare minimum site size in the Industrial 2 Zone. Submitters also seek better recognition of potential reverse sensitivity effects and the rezoning of specific properties.

Mr Clarke referred to the staff recommendation in the Section 42A report for the Industrial 1 and 1A Zones (Report 36) to remove the one hectare maximum site size requirement for subdivision and development in those Zones. He agreed with that approach and considered the requirement should also be deleted from the Industrial 2 Zone. The same report also assessed submissions seeking the reintroduction of the Enterprise Sub-Area approach and he shared the concern of adverse amenity impacts on residential areas of the District adjacent to the Enterprise Sub-Areas should that zoning be carried over to the Proposed Plan. He agreed with the approach of enabling light industrial activities near residential areas, but excluding other industry, in the Proposed Plan was appropriate.

Mr Clarke referred to the submissions of Niagara Properties Ltd requesting rezoning of properties in the Kennington area from Rural 1 Zoning to Industrial 3. He did not consider it appropriate to provide for any further expansion of industrial activities in that area as it would increase the degradation of the amenity of the area. He stated that if the ownership of the rural zoned properties along Kennington Road transferred to an industrial operator with the intention of disestablishing the residential activity occurring on all of these sites, then it may be appropriate to reconsider rezoning of the land, where it could be done in such a way that it does not threaten the amenity values of the wider Kennington area.

In response to Submission 90.59 H W Richardson Group Ltd, Mr Clarke agreed that 16 Lake Street and 2 Station Road should be rezoned from Rural 2 so as to be consistent with a request made through Plan Change 11. He noted however, some modification of the provisions is necessary in order for the additions to align with the style and format of the Proposed Plan. He also considered that a new Zone should be created covering this land and he suggested it be called the "Industrial 2A Zone" due to its proximity to the Industrial 2 Zone and its location adjoining the urban area of Invercargill.

Mr Clarke also referred to Submission 5.1 by the Alliance Group Ltd which requested the rezoning of their land in Crowe Road, from Rural 1 to Industrial 3. The land in question adjoins land zoned in the Southland District Plan as the "Lorneville Industrial Resource Area", upon which Alliance's Lorneville Plant operates. It was his view that while the land has consents for the occasional storage and disposal of treated wastewater as part of the industrial activity on the adjoining property, the character and amenity of the area remains predominantly rural in nature, and therefore, should remain within the Rural 1 Zone. It was of concern to Mr Clarke that rezoning the land to Industrial 3 would enable any industrial activities as of right, and this could significantly degrade the rural character of the area and the amenity of adjoining properties. It is his view that such impacts are best assessed on a case-by-case basis through the resource consent process.

Submitters Attending the Hearing

Niagara Sawmilling Ltd

Christine McMillan, a planner employed by Bonisch Consultants, presented written evidence, with David Blue, Property Manager for Niagara in attendance. Ms McMillan supported the submission seeking the rezoning of land at Kennington on the eastern side of Kennington Road and northern side of First Street (adjacent to the railway) from Rural 1 to Industrial 3. She noted that six further submitters, being the owners of residences on the eastern side of Kennington Road, opposed the Niagara submission, while J M Stephens of 41 Kennington Road had signed a note agreeing to the inclusion of his land in the Industrial 3 Zone.

Ms McMillan described the Kennington area, with the Niagara sawmill, various other industrial activities and a small group of dwellings. The surrounding area is undeveloped rural land. She highlighted that the industrial zoning reflected the existing uses and did not provide for any growth. In her view, the six sites containing dwellings were not suited for such use, given they are surrounded by land zoned for heavy industry and subject to noise from heavy vehicles to and from the Niagara site. She acknowledged that existing use rights for residential use would still remain but future owners would be aware that they are purchasing property in an industrial area.

With regard to 9 and 41 Kennington Road and 7 Kennington Road (referred to as 534 Woodlands Invercargill Highway in the submission), Ms McMillan considered these to be sufficiently separated from any housing, as to be well suited for expansion of the sawmill activity. She added that the site at 21 First Street is located adjacent to the railway line and land zoned for industrial use, so it is less suited for residential use. It was her view, this site could be used for passive industrial use, such as storage or offices.

Ms McMillan also commented on recommended changes to Objective 5 and Policy 16 arising from a submission by Ballance Agri-Nutrients, which was supported by Niagara. She considered the inclusion of the words "or adjacent" to be confusing and requested they be removed.

In response to questions from the Committee Mr Blue advised that no consultation had been undertaken with affected or adjoining land owners advising them of the rezoning request made. He added that it was not practical to relocate the business to another site, so the purpose of the submission was to future-proof the site and enable expansion of activities over the next ten years.

H W Richardson Group Ltd

Megan Justice, a Senior Environmental Consultant with Mitchell Partnerships Ltd, appeared together with Sue Hill, Property Manager at HWRG.

Mrs Justice referred to evidence given at previous hearings opposing the one hectare minimum lot size within the Industrial 2 Zone, and agreed with the recommendation in the Section 42A Report to delete this provision. She also agreed with the zoning of some of the company's land, which she described as "Group 1" from Enterprise in the Operative Plan to Industrial 2 in the Proposed Plan.

However, Mrs Justice did not agree with the changes recommended to the introduction to the Industrial 2 Zone provisions in Chapter 2, suggesting replacing the words referring to physical separation of industrial and residential areas with the phrase "potential effects on residential areas need to be appropriately managed". Nor did she agree that the land fronting Eye and Tyne Streets, and also Otepuni Avenue, be zoned Industrial 1, her "Group 2", as this is in a well-established industrial area not immediately adjoining any

residential land. In her view any adverse effects on residential areas from Industrial 2 activities can be appropriately managed by the proposed rules.

With regard to land fronting Lake Street, Mrs Justice referred to the provisions of approved Plan Change 11 which was now operative. She agreed with Mr Clarke that these provisions should now be incorporated into the Proposed Plan, but opposed any amendments or additions to those provisions as they go beyond the submission lodged. She was particularly concerned in this regard to proposed Objectives 2 - 4, the explanations for each policy, changes to the status of some activities and other changes to the rules recommended by Mr Clarke in his Section 42A Report. She appended to her evidence a revised copy of the provisions recommended by Mr Clarke showing changes required in her view to be consistent with the submission lodged.

Mrs Justice supported the change recommended in the Section 42A Report to the definition of "light industry". With regard to the recommended definition of "heavy industry", to which HWRG did not submit, Mrs Justice noted that the reference to "transport yard" could create confusion with the activity "land transport facility" and suggested that a way be found to amend the definition.

Ms Hill advised the Committee that HWRG is now short of space at the Lake Street property and has recently approved the construction of 930 square metre storage facility and was intending to undertake a multi-million dollar upgrade of the grounds to improve its appearance and prepare for additional expansion.

In reply to questions from the Committee, Mrs Justice indicated that provisions that did not need to be adhered to, such as explanations to policies, may be able to be included in the Proposed Plan without the need for a Variation, but in other cases, such as with Objectives, then what could be included was limited to the submission lodged.

Ms Hill also advised that there were no plans at this stage for the development of the "Group 2 land" fronting Eye and Tyne Streets. Currently, there is a 15 metre high building being used as a transport storage facility, and the company was awaiting the outcome of the submission lodged before considering its use further.

Alliance Group Ltd

John Kyle of Mitchell Partnerships Ltd, appeared together with Frances Wise of Alliance Group Ltd, and provided a summary of the company and its meat processing and exporting operations. He referred to Alliance's Lorneville Plant which is mostly located in the Southland District and provided for by way of industrial zoning. Part of the site however is in the Invercargill City District, and this is used for the disposal of wastewater to land, an emergency wastewater storage facility, and the holding of stock prior to slaughter. The land is zoned Rural, and the company holds resource consents for its activities on that land, one of which expires in 2016 at the same time as various consents expire with Environment Southland.

Mr Kyle highlighted the significance of the Lorneville Plant, referring to the number of jobs there and its importance as an economic driver in the Southland economy. In his view this significance is not recognised appropriately in the Proposed Plan and he considers the objectives and policies for the Rural 1 Zone inconsistent with the activities undertaken on the site. As a consequence, Mr Kyle considers an industrial zoning should apply to the land or an addition made to the Rural Zone rules to provide for the current use. He rejects the comments in the Section 42A Report that future use should be assessed by way of resource consent given that with expiring consents no existing use rights apply, the difficulty of meeting the non-complying activity threshold test in the RMA and the policy framework for

the Rural Zone which does not support industrial activities in rural areas. He also considers there to be a cross-boundary inconsistency between the provisions of the Southland District and Invercargill City District Plans.

In reply to questions from the Committee, Mr Kyle indicated that the key objective was to be able to discharge wastewater and solid waste to the land without the need to obtain any resource consent approval from the City Council, recognising that various consents are required from Environment Southland, and full assessment of effects would take place through that process. Mrs Devery accepted that one option was to provide for this by way of a permitted activity in the Rural Zone, but stressed that considerable care was needed to limit the scope of what was enabled.

New Zealand Transport Agency

Tony MacColl, Senior Planning Advisor with the NZTA, presented written evidence in which he set out the role of the NZTA and explained the strategic significance of the state highway system. In relation to Rule 3.32.8, NZTA agreed with the amendment recommended in the Section 42A Report.

Ballance Agri-Nutrients

Neil Harrison, the Operations Manager at Ballance, provided written evidence in which he provided background on the company and its assets, including its fertiliser manufacturing plant at Awarua. His main concern relates to ensuring the future operation and upgrading of the plant is facilitated by the District Plan, and reverse sensitivity issues do not arise. He also referred to the provisions of the Industrial 4 (Awarua) Zone, noting that the Section 42A Report had recommended amendments to the zone provisions to be consistent with the outcome of the appeal process undertaken when the Council undertook a plan change introducing industrial zoning over that land.

Nigel Bryce, of Ryder Consulting Ltd, also provided written evidence, in which he stated that unless otherwise stated Ballance accepted the recommendations in the Section 42A Report. In relation to the recommendations to reword 2.32 Objective 5 and 2.33 Objective 6, Mr Bryce suggested that the word "avoid" be at the beginning of the objective to give emphasis. Associated with that, he requested that 2.32 Policy 16 be reworded to include "where avoidance is not practicable, reverse sensitivity effects shall be remedied or mitigated".

Mr Bryce also suggested that other provisions be reworded as follows:

2.33.1 Issue 4

Land uses within the Industrial 4 Zone can have adverse effects on each other, ~~including reverse sensitivity,~~ and can be incompatible with lawfully established activities adjacent to the Industrial 4 Zone that may generate adverse effects, including, but not limited to, noise, odour and dust emission

2.31.2 Policy 1

To provide for a range of industrial, wholesaling, warehousing and service activities ~~requiring sites of less than one hectare, with the ability to operate in areas where the effects of these activities are contained and are separated from incompatible land use activities. 24 hours a day seven days a week~~

2.32.3 Policy 3

To provide for the full utilisation of the sites ~~within the Industrial 3 Zone~~ for buildings, outside storage or car parking whilst recognising the need to avoid, ~~remedy or mitigate~~ any additional, or adverse ~~effects on change in the quality and quantity of stormwater runoff by requiring on-~~

~~site collection and retention and, where necessary, treatment of stormwater when industrial sites are developed or redeveloped.~~

2.32.2 Objective 4

The identification, maintenance or ~~and~~ enhancement of the amenity values of the Industrial 2A Zone.

Appendix IX Schedule of Heavy Industries

Fertiliser ~~works~~ manufacture, processing and storage

J R Bullock (17), D A and L D Evans (21), W J and L J Fraser (25), M J and M B Grantham (27), Q and E Stephens (29) and S A DeGarnham (31)¹

Graeme Todd, solicitor, appeared for these submitters, who are residents at Kennington near to the Niagara plant. In attendance was Mr Quenton Stephens.

Mr Todd advised that the submitters supported the Section 42A recommendations in the Section 42A Report applying to the area, in particular those in response to the submissions of Niagara.

Mr Todd also advised that all of the submitters had lived in the area for a number of years and over that time had made a number of complaints to the Council with regard to the Niagara operations, particularly regarding noise and dust emissions. He stated that none of these people were aware that Niagara had sought a rezoning of their land, and while he acknowledged the plan review process did allow that to occur he was surprised that no-one had consulted with them over this. He also noted that Mr Stephens had looked at the summary of submissions prepared by the Council but not been aware that a submission sought to rezone his property. Rather his original submission had referred to another property (31 Kennington Road) which was proposed to be zoned Industrial as notified by the Council.

Mr Todd stressed that none of the people he represents agree to the rezoning of their land. In his view, rezoning has only been sought by Niagara so that additional noise can be generated by the industrial activities and the current owners would not be able to object. Arising from that, these people agree with the recommendations in the current and previous reports not to make the changes sought by Niagara and retain the proposed Rural zoning with its associated noise rules. That would then require Niagara to contain the effects of their activities, including noise, so they do not impinge on the area within the notional boundary of nearby houses.

Material Tabled at the Hearing

Bunnings Ltd

Kay Panther Knight, of Barker and Associates, by way of letter on behalf of Bunnings Ltd, noted the recommendation not to include "building centres" as a permitted activity in the Industrial 2 and 3 Zones. In her view such a zoning is appropriate given the large size of buildings and extensive area of at-grade car parking required with associated traffic impacts, and the difficulty in finding suitable sites in other zones.

Environment Southland

Gavin Gilder, Policy Planner at Environment Southland, advised by email, support for the recommendation on Submission 90.59 by H W Richardson Group, seeking a zoning

¹ The numbers refer to the address of the submitter in Kennington Road

compatible with Plan Change 11. He did add however that Environment Southland would be concerned if changes were made to the provisions given that the site is low lying and at risk from multiple natural hazards.

THE HEARING ON VARIATION 7

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers on 14 March 2016.

Section 42A Report

The Hearings Panel received a report from Gareth Clarke, Senior Policy Planner with the Invercargill City Council in which he noted four submissions and no further submissions were lodged to Variation 7, which sought to correct several errors and omissions in the draft provisions for the Industrial 3 and 4 Zones in the Proposed Plan. In particular, there were various provisions relating to the Awarua Industrial Area which had been the subject of a plan change by the Council under the Operative Plan, that had not been fully incorporated in the Proposed Plan. He advised the Committee that two submitters expressed concern at the perceived lack of action on landscaping work that was agreed to during the development of Plan Change 8 under the Operative District Plan. He referred to a third submitter who cites a number of concerns relating to the overall development of the area for industrial activity. Recommendations in Mr Clarke's report supported the approach in the Variation, noting most of the matters raised related to the implementation of agreements reached at the time of the plan change for the Awarua Industrial Area and these were matters that required resolution outside of the District Plan process. However, arising from submissions from Ballance, he recommended some minor amendments clarifying access requirements under the Concept Plan for the Industrial 3 Zone.

Submitters Attending the Hearing

No submitters attended the hearing.

Material Tabled at the Hearing

No material was tabled at the hearing.

MATTERS REQUIRING PARTICULAR CONSIDERATION

Kennington Zoning

Submission 94.1 Niagara Properties Ltd sought rezoning of various areas of land at Kennington from Rural to Industrial 3. This included six properties used for residential purposes, and the owners of those properties opposed the rezoning request, five of which were by way of further submissions. The sixth owner, Quenton Stephens, lodged a submission referring to the zoning at Kennington as a whole, expressing concern with dust and excessive noise issues from the Niagara Sawmill operations.

At the hearing, Ms McMillan on behalf of Niagara, argued that the six sites containing dwellings were not suited for such use, given they are surrounded by land zoned for heavy industry and subject to noise from heavy vehicles to and from the Niagara site. She acknowledged that existing use rights for residential use would still remain, but with rezoning future owners would be aware that they are purchasing property in an industrial area. In response to questions from the Committee, Mr Blue advised it was not practical to relocate

the business to another site, so the purpose of the submission was to future-proof the site and enable expansion of activities over the next ten years.

Mr Todd made submissions at the hearing on behalf of six residential property owners, expressing the view that rezoning has only been sought by Niagara so that additional noise can be generated by the industrial activities and the current owners would not be able to object. He also stated that none of these people were aware that Niagara had sought a rezoning of their land, and while he acknowledged the plan review process did allow that to occur he was surprised that no-one had consulted with them over this. He also noted that Mr Stephens had looked at the summary of submissions prepared by the Council but not been aware that a submission sought to rezone his property.

Mr Clarke in his Section 42A Report expressed the view that the current zoning pattern in the area was intended to protect the amenity of residentially used properties and manage any further industrial expansion or development in the area. He considered that the Rural 1 zoning is necessary to manage potential conflicts between residential and industrial activities, and should therefore be retained.

In considering the issues before it, the Committee was mindful of the reports and evidence it received in relation to Report 33 Noise and the various conclusions it reached, and decisions it ultimately made in Decision 33 Noise.

At the outset the Committee wishes to record that it is the role of the Proposed Plan through the objectives, policies and rules to set out the noise provisions that are appropriate within the various parts of the City District. The noise limits in the Plan take into account the potential for conflict between residential activities in the Rural Zone, and noise generating activities in other zones, by adopting rules applying to zone boundaries and notional boundaries of noise sensitive activities. If activities are not complying with the rules provided then consideration is required as to whether enforcement action should be taken. Any concerns with regard to industrial activities that are not complying with either the District Plan provisions, or conditions of a resource consent, are more appropriately considered in that context. Resolution of noise issues at Kennington cannot be resolved through the District Plan review process.

With regard to the six properties used for residential purposes in Kennington Road, the Committee agreed with the views expressed by both Mr Todd and Mr Clarke, that it was inappropriate to apply an Industrial 3 zoning. The amenity of the residential uses must be the dominant factor. Notwithstanding the potential environmental impacts arising from such a rezoning, which in effect would enable heavy industry to locate on the individual sections to the further detriment of those adjoining, the Committee was not satisfied that in the absence of appropriate consultation with land owners any rezoning of their land should take place.

Similarly, the Committee considered the request to rezone land fronting First Street lacked merit. It noted the comment of Ms McMillan in her written evidence that this land was suited for passive industrial use, such as storage or offices. This immediately indicated that not all of the activities permitted by the Industrial 3 Zone were suited on this land. To rezone the land as sought would enable extension of the footprint of heavy industrial uses towards houses and reduce the amenity of the area.

With regard to 7, 9 and 41 Kennington Road, Ms McMillan considered these to be sufficiently separated from any housing as to be well suited for expansion of the sawmill activity.

The Committee noted that the owner of 41 Kennington Road had provided his approval of the rezoning in writing. However, the majority of this site is identified as Level 3 Risk of

Riverine Inundation and in such circumstances it is inappropriate to provide for industrial use of this land as a permitted activity. It could result for example, in any stored industrial material, such as logs or cut timber stockpiled on the land, being transported by flood waters towards Kennington Road and beyond. As there are no hazards rules controlling activities within Level 3 areas, other than residential activities, the zoning must be chosen appropriately. That zoning in these circumstances must be Rural. In the event that part of the site can be classed as free from flooding then any proposal for industrial use is more appropriately considered by way of a resource consent under a rural zoning.

The Committee did not agree with Ms McMillan that 9 Kennington Road was sufficiently separated from housing as to justify an industrial zoning. Similarly, the Committee did not favour the zoning of 7 Kennington Road as industrial given its isolation on the eastern side of the road and proximity to the State Highway.

H W Richardson Group Land

HWRG by way of various submissions sought rezoning of land it owned to either mirror the Enterprise Sub-Area in the Operative Plan, or Industrial 2 in the Proposed Plan. At the hearing to consider these submissions, no evidence was presented seeking the relief of the Enterprise Sub-Area. This issue was however raised at a previous hearing and discussed by the Committee in Decision 36. It is not intended to repeat that discussion here.

With regard to properties zoned Industrial 1 fronting Nith Street, Tyne Street, Eye Street and Otepuni Avenue, the Committee saw little merit in the arguments put forward. In effect, the rezonings sought would have resulted in a number of spot zones without appropriate integration with activities in the surrounding area. As noted by Mrs Justice in her statement of evidence at paragraph 3.9, the difference between the Industrial 1 and Industrial 2 Zones is that heavy industry, service stations and veterinary clinics require consent in the Industrial 1 Zone. The Committee, on the information before it, was not satisfied that heavy industry was an appropriate activity on any of the sites referred to because of the environmental effects arising from such activities, potentially including noise, dust, vibration, glare and traffic. Other significant amenity impacts could also occur, the least of which arises from the 25 metre maximum height allowed in the Industrial 2 Zone and the 15 metres allowed in the Industrial 1 Zone.

With regard to land fronting Lake Street, Mrs Justice and Mr Clarke agreed that the Proposed Plan should recognise the provisions of approved Plan Change 11 which was now operative. There was however disagreement between the two planners as to the scope of what should be included in the Proposed Plan. In her written evidence at paragraph 4.5, Mrs Justice expressed the view that legally there was no scope to include anything other than that contained in the submission. In response to questions from the Committee, Mrs Justice modified her position somewhat suggesting that provisions not part of the submission, such as explanations, that had no effect could be included in the Proposed Plan. That corresponded to the position of the Committee which preferred the phrase "neutral in effect". On that basis, many of the additions recommended by Mr Clarke were within the scope of the submission and others subject to minor amendments which the Committee considered "neutral in effect".

The Committee has in response to other submissions, amended the wording of a number of objectives and policies and their explanations. Consequential to those decisions, and for consistency, similar changes are required to the provisions for Lake Street land. The Committee accepts however that the recommended new objectives 2 and 3 go beyond the scope of what could reasonably be anticipated by the submission lodged.

SECTION 32 EVALUATION

Requirements

The Committee was advised by Mr Clarke 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 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 Clarke in his Section 42A Report recommended a number of changes to the provisions of the Proposed Plan and assessed these changes having regard to the matters set out in Section 32AA. For those decisions that reflect the recommendations made by Mr Clarke in his Section 42A Report, the Committee agrees with that approach and adopts it.

This decision makes a number of amendments to Policies and Rules that differ from the recommendations in Mr Clarke's Section 42A Report. These amendments are as follows:

- Amendment to 2.33.3 Policy 3 Site Utilisation to add the words "remedy or mitigate" after the word "avoid".
- Amendment to Rule 3.30.1 to include Trade Retail and Caretaker Accommodation as permitted activities within the Industrial 2 Zone.
- Amendment to Rule 3.38.1 to include the disposal of liquid and solid waste associated with Alliance's operations at Lorneville as a permitted activity.

2.33.3 Policy 3 – Site Utilisation

The Committee accepted that amendments to the Site Utilisation policy in the Industrial 3 Zone, were appropriate in helping to clarify the intent of the policy and provide flexibility in how stormwater runoff is managed in the zone. The amendment is considered minor in nature. The addition of the words “remedy or mitigate” simply reflects the wording of 2.32.2 Objective 3 and provides land owners and developers some flexibility when determining the most practicable way of dealing with stormwater runoff. While the amendment may soften the policy somewhat and allow for some adverse effect on water quality and water quantity, this is anticipated by the Objective and does not mean that the effects of stormwater will not be given due consideration. It is considered impractical to require all adverse water quality and quantity effects of stormwater runoff to be completely avoided. To do so would likely significantly impact on the viability of any potential future development in the area, thereby impacting on the ability of the community to provide for their economic well-being. The amendment is considered the most appropriate means of achieving the objectives of the Plan.

Rule 3.30.1

The Committee saw benefit in adopting a new definition for Trade Retail activities to provide for activities that did not need a central location but that would be suitable as a permitted activity in zones where their presence is not likely to compromise the viability of the different Business centres. The Industrial 2 Zone is considered one such zone where Trade Retail activities are appropriate as a permitted activity.

The amendment will ensure that activities that complement the business centres and that do not require a central location are provided for in an appropriate zone. By not including Trade Retail in the list of permitted activities there would be a cost to developers wishing to provide for retail activities that did not necessarily require or benefit from a central location, but that would in fact require resource consent to establish anywhere outside of the main business centres. The Committee considers that the community benefits from having a regulatory regime that supports the business centres as the main locations for retail activity.

The Committee also considers there is a functional need to provide for caretaker accommodation in association with a number of activities anticipated within the Industrial 2 Zone, subject to provision of appropriate noise attenuation methods. Given the requirement for such activities to provide noise insulation, it is considered that the nature of the amendments is minor. The scale of the noise sensitive activity that will be permitted is not significant as it is limited to only those that are ancillary to predominant industrial uses. Noise insulation requirements ensure that any potential reverse sensitivity effects associated with noise generated elsewhere within the zone will be appropriately managed.

By not including Caretaker Accommodation on the list of permitted activities there would be a cost to developers or industrial operators wanting to provide accommodation for on-site maintenance and/or security staff that may be necessary for their activities.

By including them in the list there is a risk that existing industrial activities may become more vulnerable to potential reverse sensitivity effects. However, by limiting the scale of the noise sensitive activity and including measures to address potential adverse noise effects, this risk is considered very low.

The additions to the list of permitted activities in the Industrial 2 Zone under Rule 3.30.1 are considered the most appropriate means of achieving the objectives of the Plan relating to the Industrial 2 Zone. The amendments will support the viability and development of the Industrial 2 Zone, while ensuring amenity values are maintained or enhanced.

Rule 3.38.1

Alliance presented evidence at the hearing that suggested there was a cross-boundary inconsistency between the provisions of the Southland District Plan, under which Alliance's Lorneville operations are a permitted activity on appropriately zoned industrial land, and the Invercargill City District Plan, under which they are not provided for on land that has an underlying rural zoning. Because of this, Alliance have had to obtain resource consents to for the disposal of wastewater to land, and for an emergency wastewater storage facility on the part of their site that is located within the Invercargill City District. The Committee agreed that it is appropriate to provide for these activities without the need for any resource consent approvals from the Invercargill City Council. An additional sub-clause at the end of Rule 3.38.1 now provides explicitly for the disposal of liquid and solid waste associated with meat processing activities at Lorneville as a permitted activity on that part of the site that is within the Invercargill City District.

The addition to Rule 3.38.1 is considered to be of a minor nature. The amendments limit the scale and nature of non-agricultural activities that can occur on the land to only those that have already been deemed appropriate by ICC by way of resource consent. By providing for these activities the Plan is enabling Alliance to operate in a manner that does not result in undue costs and delays. Managing the activity by way of rules in the District Plan is considered more efficient than requiring resource consents and will result in less administrative costs for the Council.

The alternative suggested by the submitter of rezoning the land Industrial is not considered appropriate. Rezoning the land industrial simply to provide for the disposal of wastewater would have the unintended consequence of opening the area up for any type of industrial activity, regardless of whether it is related to the meat processing activity or not. The addition of a new sub-clause to Rule 3.38.1 is therefore considered the most appropriate means of achieving the objectives of the Plan in that they will provide for Alliance's operations within that part of the site inside the Invercargill City boundaries while ensuring that the amenity values of the Rural Zone are maintained.

Dated at Invercargill this 11th day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

APPENDIX 1 - Decisions on Submissions

| Submission | Decision |
|---|---|
| Industrial 2 (Urban) Zone | |
| SECTION 2.31 – ISSUES, OBJECTIVES AND POLICIES | |
| Introduction | |
| <p>90.16 H W Richardson Group Ltd Oppose Introduction. The submitter considers that the requirement to restrict the site size is unnecessary. The submitter considers these restrictions are not effects based and have the potential to unduly restrict activities with effects that are potentially less than minor. The submitter owns a number of properties in this Zone that are over one hectare and under the proposed provisions would require resource consent for any future growth on these sites.</p> <p><u>Decision Sought:</u> Amend the introduction by deleting the following: “Such activities may require larger and higher buildings than are appropriate in the Industrial 1 Zone but industries that would require sites of greater than one hectare be out of scale with the urban character of Invercargill. These activities may need to operate up to 24 hours a day, seven days a week, and as such they need to be physically separated from residential areas.”</p> <p>FS46.30 Leven Investment Ltd and others support Submission 90.16 stating the restriction on lot size is unnecessary. The further submitter considers this limitation should be removed from the Industrial 1 Zone as well, and the Enterprise Sub-Area should be reinstated.</p> | <p>Decision 38/1 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) Amend the Introduction to Section 2.31 Industrial 2 (Urban) Zone as follows: Such activities may require larger and higher buildings than are appropriate in the Industrial 1 Zone, <u>as well as an ability to generate higher levels of night time noise. Due to the potential effects on residential areas, these activities need to be appropriately managed through zoning and environmental standards, but industries that would require sites of greater than one hectare be out of scale with the urban character of Invercargill.</u> These activities may need to operate up to 24 hours a day, seven days a week, and as such they need to be physically separated from residential areas.</p> <p>(ii) Amend 2.31.3 Policy 1 as follows: To provide for a range of industrial, wholesaling, warehousing and service activities requiring sites of less than one hectare, with the ability to operate in areas where the effects of these activities are contained and are separated from incompatible land use activities 24 hours a day seven days a week.</p> <p>Explanation: ... <i>The activities carried out within the Industrial 2 Zones are <u>intended</u> to be of a scale appropriate to the urban environment. Industrial activities requiring large allotments of land, over one hectare, are encouraged to locate within the Industrial 3 or 4 Zones of the District, which offer even greater protection for more sensitive living and working environments from the potential range of adverse effects created by these larger scale industrial activities.”</i></p> <p>(iii) Adopting Decision 36/44 which deletes clause (C) from Subdivision Rule 3.18.6.</p> |

APPENDIX 1 - Decisions on Submissions

| Submission | Decision |
|--|---|
| | <p>(iv) Amend Rule 3.30.1 as follows:</p> <p>Permitted Activities: The following are permitted activities in the Industrial 2 Zone:</p> <p>Provided that:</p> <p>(A) The total site area shall not exceed one hectare</p> <p>Reasons</p> <ol style="list-style-type: none"> Controlling the maximum size of allotments in the Industrial 2 Zone does not manage the environmental effects. Rather, these are managed by other rules in the Proposed Plan. Buildings within the Industrial 2 Zone have been shown to be of a larger scale than elsewhere, and retention of reference to that is appropriate. |
| 2.31.2 Objectives | |
| <p>15.6 Ballance Agri-Nutrients Ltd</p> <p>Supports Objective 1 in part. The submitter considers the term 'built-up area' to be ambiguous.</p> <p><u>Decision Sought:</u></p> <ol style="list-style-type: none"> That Industrial 2 Zone - Objective 1 be amended and adopted as follows: <ul style="list-style-type: none"> "The ongoing maintenance and development of the areas zoned for industry within the built up area of the Invercargill city district <u>District's urban areas</u> is provided for and encouraged." Any similar amendments to like effect. Any consequential amendments that stem from the amendment set out above. <p>FS46.15 Leven Investment Ltd and others support Submission 15.6.</p> | <p>Decision 38/2</p> <p>This submission is accepted.</p> <p>Amendments to District Plan</p> <p>Amend 2.31.2 Objective 1 as follows:</p> <p>The ongoing maintenance and development of the areas zoned for industry within the built up area of the Invercargill city district <u>District's urban area</u> is provided for and encouraged.</p> <p>Reasons</p> <ol style="list-style-type: none"> The amendment suggested clarifies the intention of the provision. This change is consistent with Decision 36/27 which amends a similar policy in the Industrial 1 Zone. |
| <p>15.7 Ballance Agri-Nutrients Ltd</p> <p>Supports Objective 2 in part. The submitter supports the intent of the outcomes sought to be achieved by Objective 2, however, it considers the current wording of the objective does not provide appropriate focus on the purpose of the Industrial 2 Zone. In this regard, the submitter considers that the principle focus of the objective should be on providing the range of activities anticipated within the Industrial 2 Zone.</p> | <p>Decision 38/3</p> <p>This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>Amend 2.31.2 Objective 2 as follows:</p> <p>The protection of the integrity and amenity of the residential, Business 2 (Suburban Shopping and Business), the Business 1 (Central Business District), and the Industrial 1 (Light) and 1A</p> |

APPENDIX 1 - Decisions on Submissions

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| <p>Decision Sought:</p> <p>i. That Industrial 2 Zone - Objective 2 be amended and adopted as follows:</p> <p style="padding-left: 40px;">"By providing for a range of industrial, wholesaling, warehousing and service activities in appropriate locations within the District's urban areas, while ensuring that any adverse effects on the protection of the integrity and amenity of adjoining Residential, the Suburban Shopping and Business, the Central Business District, and the Industrial 1 and 1A Zones are avoided or mitigated by making specific provision for a range of industrial, warehousing and service activities in appropriate areas of the city."</p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> <p>FS46.32 Leven Investment Ltd and others support Submission 15.7</p> | <p>Zones <u>is protected</u> by making specific provision for a range of industrial, warehousing and service activities <u>to locate</u> in appropriate areas of the city.</p> <p>Reason The revised wording makes the intention of the policy clearer.</p> |
| <p>15.8 Ballance Agri-Nutrients Ltd</p> <p>Supports Objective 3 in part. The submitter is concerned by the outcome sought by Objective 3 that amenity values be maintained <u>and</u> enhanced, which it considers to be inappropriate in areas where lawfully established industrial land use activities already contribute to and have set the character and amenity of the area. Further, given the nature of industrial activities, the submitter considers it may not be possible to provide for the enhancement of amenity values in all instances and therefore the objective should acknowledge this fact through the inclusion of the words "where appropriate".</p> <p>Decision Sought:</p> <p>i. That Industrial 2 Zone - Objective 3 be amended and adopted as follows:</p> <p style="padding-left: 40px;">The identification, maintenance and <u>where appropriate</u> the enhancement of amenity values of the Industrial 2 Zone.</p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> | <p>Decision 38/4 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 2.31.2 Objective 3 as follows:</p> <p>The identification, maintenance and or enhancement of amenity values of the Industrial 2 Zone.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Amending the Objective to refer to "maintenance <u>or</u> enhancement" rather than "maintenance <u>and</u> enhancement" will provide flexibility for plan users by recognising that enhancement may not always be possible. 2. The submitter accepted the change above at the hearing. |
| 2.31.3 Policies | |
| <p>15.9 Ballance Agri-Nutrients Ltd</p> <p>Supports Policy 1 – Industrial 2 (Urban) Zone in part. The submitter supports the intent of the policy but does not support the limitation of sites to one hectare where these sites are occupied by existing lawfully established activities. In the case of the submitter's Invercargill Service Centre, an</p> | <p>Decision 38/5 These submissions are accepted by adopting Decision 38/1 above.</p> <p>Amendments to District Plan No further amendments are required.</p> |

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| Submission | Decision |
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| <p>expansion of this activity to include additional “permitted” activities would require resource consent as a discretionary activity under rule 3.30.2 due to the site exceeding one hectare.</p> <p>The submitter considers that much of the policy framework is aspirational in nature, in that it seeks to alter the amenity and land use patterns of the District’s existing industrial precincts, and that if this change is to be principally driven by allotment size as currently proposed, then this needs to be recognised within the policy framework for subdivision and implemented by the subdivision rule framework.</p> <p>The submitter considers that the land use policy framework should, as a minimum, recognise and enable the limited expansion of existing lawfully established activities on sites within the Industrial 2 Zone.</p> <p><u>Decision Sought:</u></p> <p>i. That Policy 1 – Industrial 2 (Urban) Zone be amended as follows:</p> <p style="padding-left: 40px;">“To provide for a range of industrial, wholesaling, warehousing and service activities requiring sites less than one hectare, with the ability to operate 24 hours a day seven days a week.”</p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> <p>FS11.12 H W Richardson Group Ltd support in part Submission 15.9 insofar as it seeks to provide for the expansion of existing lawfully established activities on sites within the Industrial 2 Zone without limiting the site size to one hectare as proposed.</p> <p>FS46.33 Leven Investment Ltd and others support Submission 15.9 and considers the lot size limitation is unnecessary and that the land use policy should recognise and enable limited expansion of existing lawfully established activities on sites within the Industrial 2 Zone.</p> <p>90.17 H W Richardson Group Ltd Oppose Policy 1 – Industrial 2 (Urban) Zone. The submitter considers that the requirement to restrict the site size is unnecessary. The submitter considers these restrictions are not effects based and have the potential to unduly restrict activities with effects that are potentially less than minor. The</p> | <p>Reason</p> <p>As set out in Decision 38/1, controlling the maximum size of allotments in the Industrial 2 Zone does not manage the environmental effects. Rather, these are managed by other rules in the Proposed Plan.</p> |

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| <p>submitter owns a number of properties in this Zone that are over one hectare and under the proposed provisions would require resource consent for any future growth on these sites. The submitter considers that there should be no limits on the operating hours of industrial activities.</p> <p><u>Decision Sought:</u> Amend Policy 1 as follows:</p> <p>To provide for a range of industrial, wholesaling, warehousing and service activities requiring sites of less than one hectare, with the ability to operate 24 hours a day seven days a week.</p> <p>FS46.34 Leven Investment Ltd support Submission 90.17 stating the restriction on hours and site size are unnecessary and should be deleted.</p> | |
| SECTION 3.30 - INDUSTRIAL 2 ZONE RULES | |
| <p>101.20 NZ Fire Service Commission Support 3.30.1. The submitter supports this provision given that it provides for the establishment of NZFS fire stations. Retain 3.30.1.</p> <p>FS46.38 Leven Investments Ltd support Submission 101.20 stating the Plan should provide for the establishment of NZFS fire stations throughout the Industrial Zones.</p> | <p>Decision 38/6 This submission is noted</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provisions and seeks no change to them.</p> |
| <p>15.28 Ballance Agri-Nutrients Ltd Support 3.30.1 in part. The submitter is supportive of the range of activities prescribed a permitted activity status within Rule 3.30.1. The submitter is, however, concerned by the “proviso” included at point “(A)” of Rule 3.30.1 that sites be limited to a “site area” of no greater than one hectare, with non-compliance requiring resource consent as a discretionary activity under Rule 3.30.2 (A). The submitter’s site has a site area of approximately 1.4 hectares and as such any future development on the site would require resource consent as a discretionary activity. The submitter can find no resource management justification or basis for this rule, with the one hectare figure reflective of the minimum allotment size provided for by the Plan within the Industrial 2 Zone. The submitter considers that the Plan does not take appropriate account for those existing Industrial 2 zoned properties that may be larger than the minimum allotment size promoted under the Plan. The submitter considers that there is no effects-based reason why two identical industrial activities occurring on adjoining allotments (one which complies</p> | <p>Decision 38/7 These submissions are accepted by adopting Decision 38/1 above.</p> <p>Amendments to District Plan No further amendments are required.</p> <p>Reason Controlling the maximum size of allotments in the Industrial 2 Zone does not manage the environmental effects. Rather, these are managed by other rules in the Proposed Plan.</p> |

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| <p>with the one hectare site area and one that does not), being treated any differently. Additionally, there are instances where a number of “separate” industrial activities occupy a single freehold site. The plan rules, as proposed, fail to recognise this.</p> <p>If the rule is aimed at setting the character and amenity for the Industrial 2 Zone, the submitter considers that it is inappropriate to apply it to areas where the existing land use pattern and associated activities have already set both the character and amenity of that industrial precinct. The submitter also notes that the term “site area” has not been defined within Section Four – Definitions, creating additional uncertainty.</p> <p><u>Decision Sought:</u></p> <p>i. In Rule 3.30.1 the following be deleted:</p> <p style="padding-left: 40px;">Provided that:</p> <p style="padding-left: 40px;">(A) ——— The total site area shall not exceed one hectare.</p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> <p>FS11.13 H W Richardson Group Ltd support Submission 15.28 stating there is no resource management justification or basis for this rule, with the 1ha figure reflective of the minimum allotment size provided for in the Proposed Plan within the Industrial 2 Zone. The further submitter states the Proposed Plan does not take appropriate account of the existing industrial activities that may be larger than the minimum allotment size.</p> <p>FS46.35 Leven Investment Ltd and others support Submission 15.28 stating the restriction on site size is unnecessary and should be deleted.</p> <p>90.28 H W Richardson Group Ltd</p> <p>Oppose 3.30.1. The submitter objects to the restriction on the size of sites. The submitter believes the other performance standards will protect the amenity of the surrounding areas and that the limitation on lot size is inefficient and does not promote sustainable development. The submitter considers that existing activities operating on larger sites do not create adverse effects on the surrounding areas.</p> | |

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| <p><u>Decision Sought:</u> Amend Rule 3.30.1 by removing the proviso restricting the size of lots.</p> <p>FS46.37 Leven Investment Ltd and others support Submission 90.28 stating the restriction on site size is unnecessary and should be deleted.</p> | |
| <p>74.6 Bunnings Ltd Oppose 3.30.1 in part. The submitter considers that “Building Improvement Centres” should be permitted in this Zone. The submitter considers that the scale and nature of these activities would fit the expected amenity values of industrial areas and that the location of these activities within Industrial areas will not have adverse effects on the vibrancy of town centres.</p> <p><u>Decision Sought:</u> Amend to include “Building Improvement Centres”</p> <p>FS46.36 Leven Investment Ltd and others support Submission 74.6 stating “Building Improvement Centres” should be permitted in Industrial Zones.</p> | <p>Decision 38/8 This submission is accepted.</p> <p>Amendments to District Plan Add to Rule 3.30.1 Permitted Activities: <u>(G) Trade Retail</u></p> <p>Reasons 1. Decision 32 Definitions provides for an alternate definition to "Building Improvement Centre", being Trade Retail. 2. Trade Retail is considered an appropriate activity in the Industrial 2 Zone for the reasons set out by the submitter.</p> |
| <p>75.4 McDonald’s Restaurants (NZ) Ltd Oppose 3.30.1 in part. The submitter considers that “drive-through restaurants” should be permitted activities in the Zones which have a low expectation of amenity and generally do not generate reverse sensitivity issues due to their separation from residential areas.</p> <p><u>Decision Sought:</u> Amend to include “Drive-through restaurants”.</p> | <p>Decision 38/9 This submission is accepted in part.</p> <p>Amendments to District Plan Add to Rule 3.30.1 Permitted Activities: <u>(H) Takeaway food premises not exceeding 150 square metres.</u></p> <p>Reason It is appropriate to provide for limited takeaway activities to service the needs of the Industrial 2 Zone and this would be consistent with the approach taken in the Industrial 1 Zone.</p> |
| <p>117.47 Southern District Health Board Support 3.30.1 in part. The submitter believes that caretaker/custodian accommodation should be a permitted activity, subject to acoustic insulation rules.</p> <p><u>Decision Sought:</u> Amend 3.30.1 by adding a new item: <u>(M) Caretaker/custodian accommodation complying with Rule 3.13.7</u></p> | <p>Decision 38/10 This submission is accepted in part</p> <p>Amendments to District Plan (i) Add to Rule 3.30.1 Permitted Activities: <u>(I) Caretaker Accommodation</u></p> |

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| | <p>(i) Amend 3.13 Noise as per Decision 36/15, Decision 36/45 and Decision 37/37</p> <p>3.13.10 Business 3 (Specialist Commercial) Zone, Business 4 (Neighbourhood Shops) Zone, Industrial 1 (Light) Zone and Industrial 2 (Urban) Zone–</p> <p>(A) <u>All new noise sensitive activities and additions to existing noise sensitive activities within the Business 3, Business 4, Industrial 1 and Industrial 2 Zones shall be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in AS/NZS2107:2000 Recommended design sound levels and reverberation times for building interiors.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> Decisions 36/45 includes caretaker accommodation as a permitted activity in the Industrial 1 Zone. Pursuant to decisions 36/15, 36/45 and 37/37 a new noise attenuation rule and a new definition for that use have also been introduced into the Proposed District Plan. There is a functional need to provide for caretaker accommodation in association with a number of activities subject to provision of appropriate noise attenuation for the occupants. |
| <p>75.11 McDonald’s Restaurants (NZ) Ltd Support 3.30.2. The submitter supports the default discretionary activity status for activities not otherwise provided for. Retain 3.30.2.</p> <p>15.29 Ballance Agri-Nutrients Ltd Support 3.30.3. The submitter considers that the ongoing operation and development of the Industrial 2 Zone should be protected from inappropriate activities that generate reverse sensitivity effects locating within the Industrial 2 Zone. Retain Rule 3.30.3 – Non Complying Activities as notified.</p> | <p>Decision 38/11 These submissions are noted</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the provisions and seek no change to them.</p> |
| <p>101.21 NZ Fire Service Commission Support 3.30.4. The submitter believes that the height provision allows for the establishment of NZFS fire stations. Retain 3.30.4</p> <p>FS5.44 Invercargill Airport Ltd oppose in part Submission 101.21 stating there should be some recognition that in some locations within the City the</p> | <p>Decision 38/12 This submission is noted</p> <p>Amendments to District Plan Insert in Rule 3.30.4:</p> <p>Note: <u>Parts of the Industrial 2 Zone are also subject to height restrictions under the Airport</u></p> |

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| Submission | Decision |
|---|---|
| <p>height of all structures is limited by Invercargill Airport Ltd's designation which imposes obstacle limitation surfaces (Designation 72).</p> | <p><u>Approach and Land Use Controls Designation. Please refer to Designation 74 in Appendix IV.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitter supports the provisions and seeks no change to them. 2. The point raised by the further submitter goes beyond the original submission. However, a change is able to be made under Clause 16(2) of the First Schedule as it has neutral effect and assists in administering the rules. |
| ZONING | |
| <p>22.2 Rockgas Limited</p> <p>The submitter supports the proposed changes so long as they can continue to operate as they currently do without any need for further compliance, and that the zoning provides for minor alterations to their activities. The submitter considers that its activities are appropriately located in the Industrial 2 Zone and that they are compatible with surrounding activities.</p> | <p>Decision 38/13</p> <p>This submission is noted</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reason</p> <p>The submitter supports the provisions and seeks no change to them.</p> |
| <p>67.8 ICC Drainage Manager</p> <p>The submitter believes it would be more appropriate to rezone the site designated for the Clifton Waste Water Treatment Plant as Industrial 2, rather than the split zoning between Rural 2 and Industrial 2.</p> | <p>Decision 38/14</p> <p>This submission is accepted.</p> <p>Amendments to District Plan</p> <p>Amend District Planning Map 17 so the whole of the Clifton Waste Water Treatment Plant is within the Industrial 2 Zone.</p> <p>Reason</p> <p>The split zoning of the designated land is inefficient and impractical. Given the purpose of the designation is for an activity more industrial in nature, being a Waste Water Treatment Plan and Biosolids Processing, it is appropriate to rezone all the land Industrial 2 Zone.</p> |
| <p>90.35 - 58 H W Richardson Group Ltd</p> <p>Rezone: 41 Bond Street, 59C Bond Street, 59D Bond Street, 16 Bond Place, 40 Bond Street, 44 Bond Street, 48 Bond Street, 54 Bond Street, 8-10 Spey Street (66 Mersey Street), 95 Bond Street, 119 Bond Street, 3 Spey Street, 101 Bond Street, 47 Liddel Street, 55 Liddel Street, 60 Liddel Street, (now 54 Liddel Street), 227 Bond Street, 240 Bond Street, 272 Mersey Street, 276 Mersey Street, 280 Mersey Street, 272-288 Mersey Street, 292</p> | <p>Decision 38/15</p> <p>These submissions are accepted in part by adopting Decision 38/1 above.</p> <p>Amendments to District Plan</p> <p>No further amendments are required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Returning to a planning regime that included the permissive Enterprise |

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| Submission | Decision |
|---|---|
| <p>Mersey Street, 50 Crinan Street, 4 Lake Street, 6 Lake Street, 5 Lake Street, 41 Basstian Street, 51 Basstian Street, 40 Benmore Street and 9 Kinloch Street from Industrial 2 to Enterprise or change the provisions in the Industrial 2 Zone to enable the lot size to be larger than one hectare.</p> <p>90.43, 90.44, 90.52 and 90.53 H W Richardson Group Ltd Rezone: 43 Nith Street, 51 Tyne Street, 53 Tyne Street, 59 Tyne Street, 32 Eye Street, 38 Eye Street, 86 Otepuni Avenue, 84 Otepuni Avenue, and 92 Otepuni Avenue from Industrial 1 to Enterprise, or alternatively to Industrial 2 and change the provisions in Industrial 2 to enable the lot size to be larger than one hectare. Retain the Enterprise Sub-Area zone OR Rezone as Industrial 2 AND Amend Rule 3.30.1 by removing the restriction on the size of sites.</p> | <p>Sub-Area is not in the interests of the District as it has the potential to give rise to adverse environmental effects at an unacceptable level.</p> <p>2. Controlling the maximum size of allotments does not manage the environmental effects. Rather, these are managed by other rules in the Proposed Plan.</p> <p>2. Decision 38/1 removes the maximum site size provisions.</p> |
| <p>90.59 H W Richardson Group Ltd Rezone 16 Lake Street and 2 Station Road from Rural 2 so as to be consistent with request made through Plan Change 11.</p> <p><u>Decision Sought:</u> Retain the Enterprise Sub-Area Zoning within the Proposed Plan and rezone the land as Enterprise Sub-Area 1 as requested under Plan Change 11 OR Insert new Industrial 5 Zone into the Proposed Plan and include the Objective, Policies, Rules and Concept Plan as provided by the submitter, together with any other alternative or consequential relief which better gives effect to the decision sought.</p> <p>FS39.21 Environment Southland oppose in part Submission 90.59 stating the rezoning should be consistent with the decision regarding Plan Change 11, not the request.</p> | <p>Decision 38/16 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) Insert a new section 2.31A Industrial 2A Zone into the Proposed Plan as set out in Appendix 2.</p> <p>(ii) Insert a new row into the table under Rule 3.16.1 as follows:</p> <p style="margin-left: 40px;"><u>Industrial 2A Zone</u></p> <p style="margin-left: 40px;">(a) <u>Signage painted on to, or attached parallel to, buildings:</u></p> <p style="margin-left: 80px;"><u>Maximum area: 1m² per 10m of street frontage (Lake Street only).</u></p> <p style="margin-left: 40px;">(b) <u>Freestanding signage and signage attached at an angle to buildings:</u></p> <p style="margin-left: 80px;">(i) <u>Maximum combined area: 5m²</u></p> <p style="margin-left: 80px;">(ii) <u>Maximum height: 8m</u></p> <p>(iii) Insert a new row into the table under Rule 3.20.1 as follows:</p> <p style="margin-left: 40px;"><u>Land Transport Facility</u></p> <p style="margin-left: 40px;"><u>One car park per 50m² or part thereof up to 200m², and thereafter one car park per 200m² gross floor area or part thereof.</u></p> |

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| Submission | Decision |
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| | <p>(iv) Insert a new Rule 3.12.5 in Section 3.12 Natural Hazards as follows:</p> <p><u>3.12.5 Industrial 2A Zone:</u></p> <p>(A) <u>The following are permitted activities within the Industrial 2A Zone:</u></p> <p>(a) <u>Formation of any areas of hard surfaces (including concrete, asphalt or bitumen) and any surfaces used for the movement and parking of vehicles and the external storage of goods and materials, with a minimum site level of 2.0m AMSL.</u></p> <p>(b) <u>Erection of any buildings with a finished ground level of at least 2.7m AMSL.</u></p> <p>(B) <u>Any activity which does not comply with Rule 3.12.5(A) is a restricted discretionary activity.</u></p> <p>(C) <u>The matters over which the Council shall exercise its control are:</u></p> <p>(a) <u>the adequacy of the methods proposed to avoid any inundation from the New River Estuary.</u></p> <p><u>Note:</u> Applications under Rule 3.12.5(B) need not be publicly notified.</p> <p>(v) Insert a new section within Section 3 to provide for a new Industrial 2A Zone as set out in Appendix 2.</p> <p>(vi) Amend District Planning Map 17 to rezone the land currently zoned Rural 2 at 5 Lake Street and 2* Station Road to Industrial 2A.</p> <p>Reasons</p> <p>As set out on pages 7 and 8 of this Decision:</p> <ol style="list-style-type: none"> 1. The properties the submitter seeks to rezone were the subject of a privately initiated plan change in 2013 which is now operative. 2. It is appropriate to add explanations and other wording to that sought by the submitter that is neutral in effect, to assist understanding of provisions and that is consistent with and consequential to other changes made to similar provisions in the Proposed Plan as a consequence of submissions lodged. |

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| Industrial 3 (Large) Zone | |
| GENERAL | |
| 34.7 Silver Fern Farms Ltd Support. Retain intent of section inasmuch as the recognition of the importance of industry and making the provision to enable it. | Decision 38/17 This submission is noted. Amendments to District Plan None required. Reason The submitter supports the provisions and seeks no change to them. |
| 120.1 Open Country Dairy Ltd The submitter is generally supportive of the Objectives and Policies set out in 2.32.2 and 3.32.3, but is concerned that the rules in 3.31 are not consistent with them. <u>Decision Sought:</u> Ensure that the wording of the rules set out in 3.31 are consistent with the wording of the Objectives and Policies set out in 2.32.2 and 2.32.3. | Decision 38/18 This submission is noted Amendments to District Plan None required. Reason The submitter supports the provisions and seeks no change to them. |
| SECTION 2.32 – ISSUES, OBJECTIVES AND POLICIES | |
| General | |
| 15.18 Ballance Agri-Nutrients Ltd Suggested new Objective and Policy – Reverse Sensitivity. The submitter is concerned that the framework does not include an objective or policy relating to the management of reverse sensitivity effects within the Industrial 3 Zone, which is recognised as a significant resource management issue within Section 2.32.1 - Issues. The submitter considers that the absence of such an objective and policy is made more notable due to the inclusion of specific reverse sensitivity Objective 6 and Policy 13 for the Industrial 4 Zone within Sections 2.33.2 and 2.33.3 of the Plan. The submitter considers that the ongoing operation, and potential expansion, of their existing lawfully established Service Centre at Awarua should be insulated against inappropriate land use activities being located within the Industrial 3 Zone. | Decision 38/19 This submission is accepted in part. Amendments to District Plan 1. Add a new Objective to 2.32.2 as follows: <u>Objective 4: Reverse sensitivity effects are avoided on permitted and lawfully established activities within or adjacent to the Industrial 3 Zone.</u> 2. Add a new Policy to 2.32.3 (renumbered 2.33.3 as a result of other decisions) as follows: <u>Policy 16 Reverse Sensitivity: To locate and design activities to avoid, remedy or mitigate reverse sensitivity effects on permitted and lawfully established activities in or adjacent to the Industrial 3 Zone.</u> |

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| <p>The submitter considers that the absence of any objective or policy on reverse sensitivity exposes its Awarua Plant to significant risk through the resource consent process, particularly in terms of the determination of applications for non-complying activities. It also undermines the basis for the rules relating to the management of reverse sensitivity effects.</p> <p><u>Decision Sought:</u></p> <p>i. That Sections 2.32.2 and 2.32.3 of the plan be amended to include a specific objective and policy for the management of reverse sensitivity effects, as follows:</p> <p><u>Objective</u> Avoid reverse sensitivity effects on permitted and lawfully established activities within the Industrial 3 Zone, particularly as a result of subdivision and land use activities involving residential and other activities sensitive to the lawful operation of industry activities.</p> <p><u>Policy</u> Avoid reverse sensitivity effects on lawfully established activities within the Industrial 3 Zone through the location, siting and design of sensitive land use activities within close proximity to this existing industrial zone.</p> <p>ii. Any similar amendments to like effect. and any consequential amendments that stem from the amendment set out above.</p> <p>FS49.4 Niagara Properties Ltd support Submission 15.18 stating there is a lack of an objective and policy addressing the significant resource management issues for the Industrial 3 Zone.</p> | <p><u>Explanation: Industries and farming activities already established in the area need to be able to continue to operate reasonably and within the parameters set by the District Plan, or by their lawful establishment, without being subjected to reverse sensitivity effects associated with complaints by newcomers to the area who do not understand the current working environment, and the range of noise, dust and odour emissions that may be generated within it.</u></p> <p>Reason</p> <ol style="list-style-type: none"> 1. The Industrial 3 Zone provides for heavy industrial activities that are likely to produce a range of adverse effects, and regard needs to be given to those effects, including reverse sensitivity effects on existing uses. 2. Consideration of reverse sensitivity effects is most likely to be required for those activities requiring resource consent as a discretionary or non-complying activity, and inclusion of the objective and policy will provide for such consideration. |
| 2.32.2 Objectives | |
| <p>15.11 Ballance Agri-Nutrients Ltd</p> <p>Support Objective 1 in part insofar as large industrial, warehousing and service activities are appropriately provided for within the District outside of urban areas. The submitter is, however, concerned that Objective 1 also duplicates the outcomes sought by Objective 2 in relation to maintaining the integrity and amenity of adjoining zone/land use activities. The submitter considers that Objective 1 should have a similar focus to that sought by Objective 1 of the Industrial 2 Zone. In this respect, the submitter considers that the outcome sought should be the maintenance and development of the existing industrial areas located outside of the District's urban areas.</p> | <p>Decision 38/20</p> <p>This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>Delete 2.32.2 Objective 2.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The matters covered in Objective 2 are implicit in the wording of Objective 1 and therefore Objective 2 is unnecessary 2. It is not clear, however, what the submitter is seeking to achieve |

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| <p>Amenity and zone integrity considerations should be the focus of a separate objective (Objective 2).</p> <p><u>Decision Sought:</u></p> <p>i. Amend Objective 1 as follows: Large industrial, warehousing and service activities which, because of their scale and hours of operation, are incompatible with urban areas within the Invercargill city district outside the urban area. The ongoing maintenance and development of the areas zoned for industry within the District's rural areas is provided for and enabled.</p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> <p>FS49.5 Niagara Properties Ltd support Submission 15.11 stating Objectives 1 and 2 seek the same result and that Objective 1 should seek the ongoing maintenance and development of the areas zoned for industry within the District's rural areas is provided for and enabled.</p> | <p>through their proposed amendments to Objective 1, and the proposed wording does not provide any guidance as to the purpose of the Industrial 3 Zone and what its development is intended to achieve.</p> |
| <p>15.12 Ballance Agri-Nutrients Ltd Support Objective 2 in part stating the current wording of the Objective does not provide appropriate focus on the purpose of the Industrial 3 Zone.</p> <p>i. Amend Objective 2 as follows:</p> <p>By providing for a range of large industrial, warehousing and service activities in appropriate locations within the District's rural areas, adverse effects on Protection of the integrity and amenity of the District's urban areas are avoided or mitigated by making specific provision for a range of industrial and service activities outside the urban area.</p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> | <p>Decision 38/21 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason Submission 38/20 deletes this objective.</p> |
| <p>15.13 Ballance Agri-Nutrients Ltd Support Objective 4 in part, but the submitter is concerned by the outcome sought by Objective 4 that amenity values be maintained <u>and</u> enhanced, which it considers to be inappropriate in areas where lawfully established industrial land use activities already contribute to and have set the character and amenity of the area. Further, given the nature of industrial activities, the submitter considers it may not be possible to provide for the enhancement of amenity values in all instances and therefore the objective should</p> | <p>Decision 38/22 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 2.32.2 Objective 4 (renumbered Objective 3 as a result of other decisions) as follows:</p> <p style="padding-left: 40px;">The identification, maintenance and or enhancement of amenity values of the Industrial 3 Zone.</p> |

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| <p>acknowledge this fact through the inclusion of the words ‘where appropriate’.</p> <p><u>Decision Sought:</u></p> <ul style="list-style-type: none"> i. Amend Objective 4 as follows: The identification, maintenance and <u>where appropriate</u>, enhancement of amenity values of the Industrial 3 Zone. ii. Any similar amendments to like effect. iii. Any consequential amendments that stem from the amendment set out above. | <p>Reasons</p> <ul style="list-style-type: none"> 1. Amending the Objective to refer to “maintenance <u>or</u> enhancement” rather than “maintenance <u>and</u> enhancement” will provide flexibility for plan users by recognising that enhancement may not always be possible. 2. The submitter accepted the change above at the hearing. |
| 2.32.3 Policies | |
| <p>15.14 Ballance Agri-Nutrients Ltd</p> <p>Support Policy 1 – Industrial 3 (Large) Zone in part. The submitter supports the broad intent of the direction set by Policy 1 but is concerned that the policy refers only to “heavy industry” where Rule 3.31.1 – Permitted Activities also provides for “light industry” as a permitted activity within the Industrial 3 Zone. The submitter considers that this potentially creates uncertainty for plan users.</p> <p><u>Decision Sought:</u></p> <ul style="list-style-type: none"> i. Amend Policy 1 as follows: “To establish and implement an Industrial 3 Zone in the rural area to provide for a range of heavy industrial and service activities requiring <u>large sites of more than one hectare with operating hours up to and the ability to operate</u> 24 hours a day seven days a week.” ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above. | <p>Decision 38/23</p> <p>This submission is accepted</p> <p>Amendments to District Plan</p> <p>Amend 2.32.3 Policy 1 as follows:</p> <p>Industrial 3 (Large) Zone: To establish and implement an Industrial 3 Zone in the rural area to provide for a range of heavy industrial and service activities requiring <u>large sites of more than one hectare with operating hours up to and the ability to operate</u> up to 24 hours a day seven days a week.</p> <p>Reasons</p> <ul style="list-style-type: none"> 1. Removal of the word “heavy” will avoid confusion for Plan users given that both light and heavy industry are permitted in the Industrial 3 Zone. 2. Size of a property does not impact on the effect of activities that establish there. |
| <p>88.35 Federated Farmers</p> <p>Support Policy 1 – Industrial 3 (Large) Zone in part. The submitter considers that caution and consultation is needed when determining the best rural areas for these large Industrial Zones to be located as impacts on farming management and rural residences could be significant.</p> <p><u>Decision Sought:</u> Amend the wording of the policy as follows:</p> | <p>Decision 38/24</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reason</p> <p>The Industrial 3 Zones generally reflect the Industrial Sub-Areas in the</p> |

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| <p>Policy 1 Industrial 3 (Large) Zone: To establish and implement an Industrial 3 Zone in the <u>an appropriately located rural area, where the impacts of industry on neighbouring rural land can be minimised</u>, to provide for a range of heavy industrial and service activities requiring sites of more than one hectare with operating hours up to 24 hours a day seven days a week.</p> | <p>Operative District Plan and no consultation beyond the submission process is warranted.</p> |
| <p>15.15 Ballance Agri-Nutrients Ltd Support Policy 3 – Site Utilisation in part. The submitter is concerned by the overly prescriptive content within the policy in its reference to on-site collection and treatment. The submitter interprets the principal thrust of the policy to be stormwater quality as opposed to quantity. The associated “explanation” that follows appears to focus predominantly on stormwater quantity. The submitter is concerned by the uncertainty that these inconsistencies create, not only in themselves, but also in relation to Regional Authority responsibilities.</p> <p><u>Decision Sought:</u></p> <p>i. That Industrial 3 Zone - Policy 3 – Site Utilisation be amended and adopted as follows:</p> <p style="padding-left: 40px;">To provide for the full utilisation of the sites <u>within the Industrial 3 Zone</u> for buildings, outside storage and car parking, whilst recognising the need to avoid or mitigating <u>potential adverse effects associated with any additional, or adverse change in the quality of stormwater runoff by requiring on-site collection and retention and, where necessary, treatment of stormwater when industrial sites are developed or redeveloped.</u></p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> | <p>Decision 38/25 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 2.32.3 Policy 3 to read:</p> <p style="padding-left: 40px;">To provide for the full utilisation of the sites <u>within the Industrial 3 Zone</u> for buildings, outside storage or car parking whilst recognising the need to avoid, <u>remedy or mitigate</u> any additional, or adverse effects on <u>change in the quality and quantity of stormwater runoff by requiring on-site collection and retention and, where necessary, treatment of stormwater when industrial sites are developed or redeveloped.</u></p> <p>Reason The amendments, as suggested by Mr Bryce at the hearing, clarify the intent of the Policy.</p> |
| <p>15.17 Ballance Agri-Nutrients Ltd Oppose Policy 15 – Landscaping and Screening in part. The submitter is concerned that the policy seeks to impose landscaping requirements on sites within the Industrial 3 Zone that adjoin State Highways, such as the Awarua Plant. The direction provided by the policy is considered unclear as to whether the key function of such landscaping is to manage effects on the State Highway network by partially screening activities occurring on Industrial 3 Zone sites adjoining the same or whether the purpose is to manage visual amenity effects on properties located on the opposite side of the State Highway.</p> | <p>Decision 38/26 This submission is accepted in part.</p> <p>Amendments to District Plan (i) Amend 2.32.3 Policy 15 as follows:</p> <p style="padding-left: 40px;">Landscaping and screening: To require encourage <u>require</u> landscaping alongside State Highways <u>as part of site development and maintenance in order to avoid, mitigate or remedy potential reverse sensitivity effects on neighbouring land uses</u>, whilst ensuring that there is no adverse effect on the functionality of the transportation networks.</p> |

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| <p>Decision Sought:</p> <p>i. Amend Policy 15 – Landscaping and Screening as follows.</p> <p>To require landscaping alongside State Highways in order to avoid, mitigate or remedy, <u>mitigate potential reverse sensitivity effects on neighbouring land uses, whilst ensuring that there is no adverse effect on the functionality of transportation networks visual effects of development in the Industrial 3 Zone when viewed from the State Highway network.</u></p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> | <p>Explanation: <i>The Industrial 3 Zone is characteristically a working, rather than living, environment which is predominantly visited by vehicles, as opposed to pedestrians. The visual amenity of the properties and activities carried out within this Zone is not a high priority. There is, however, a need for landscaping adjacent to State Highways and principal routes, for both visual amenity and also to minimise driver distraction. Landscaping can, however, act to soften the visual impact of large scale activities and structures on neighbouring land uses and is therefore encouraged.</i></p> <p>(ii) Delete Rules 3.31.10 to 3.31.14.</p> <p>Reasons</p> <ol style="list-style-type: none"> Given the scale of the activities anticipated in the Industrial 3 Zone landscaping for amenity screening purposes would be limited in its effectiveness and as a result rewording is appropriate. A consequential amendment is also required to remove Rules 3.31.10 to 3.31.14. |
| SECTION 3.31 – INDUSTRIAL 3 ZONE RULES | |
| <p>15.30 Ballance Agri-Nutrients Ltd</p> <p>Support 3.31.1 in part. The submitter is supportive of the range of activities prescribed as permitted activity status within Rule 3.31.1. The submitter recognises that there is, in certain circumstances, the need to provide for the “interim” use of land for agricultural purposes (i.e. where supply of greenfield industrial land does outstrip supply), however, they are concerned about potential reverse sensitivity effects that may be generated by the residential dwellings ancillary to agricultural activities. In this respect, the submitter notes that the Section 4 definition of “agriculture” includes “residences”. The establishment of additional dwellings within the Industrial 3 Zone is considered inappropriate due to the potential for such activities to fetter the ongoing operation and development of the Industrial 3 Zone through reverse sensitivity effects. The submitter also considers that it is unclear why “health care” activities have been provided with an exemption to the minimum site area requirement.</p> <p>Decision Sought:</p> <p>i. Amend Rule 3.31.1 as follows:</p> <p>Permitted Activities: The following are permitted activities in the Industrial 3 Zone:</p> | <p>Decision 38/27</p> <p>These submissions are accepted in part.</p> <p>Amendments to District Plan</p> <p>Delete Rule 3.31.1 proviso (A) (renumbered 3.32.1 as a result of other decisions) as follows:</p> <p>(A) The minimum site area is one hectare for any activity other than health care or takeaway food premises; and</p> <p>Reasons</p> <ol style="list-style-type: none"> Decision 32/5 removes "residences" from the definition of "agriculture". Consequential to Decision 38/23, this rule is no longer appropriate, given that size of a property does not impact on the effect of activities that establish there. |

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| <p>(A) Agriculture <u>(with the exception of any associated residential dwellings)</u> Provided that:</p> <p>(A) The minimum site area is one hectare for any activity other than health care or takeaway food premises; and</p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> <p>65.106 ICC Environmental and Planning Services Support 3.31.1(A) subject to amendment of drafting error. The proviso (A) includes reference to health care which is not included in the list of permitted activities. This is inconsistent and confusing.</p> <p><u>Decision Sought:</u> Amend to read:</p> <p>The minimum site area is one hectare for any activity other than health care or takeaway food premises.</p> | |
| <p>34.8 Silver Fern Farms Ltd Support 3.31.1. The submitter considers the use of appropriate permitted activities is supported as it provides certainty and reduces costs by not having to go through the consenting process. Support the inclusion of Heavy Industrial as defined in Section Four and Appendix IX of the proposed Plan as a permitted activity.</p> <p>101.22 NZ Fire Service Commission Support 3.31.1. The submitter supports this provision given that it provides for the establishment of NZFS fire stations. Retain 3.31.1.</p> | <p>Decision 38/28 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the provisions and seek no change to them.</p> |
| <p>74.7 Bunnings Ltd The submitter considers that "Building Improvement Centres" should be permitted in this Zone. The submitter considers that the scale and nature of these activities would fit the expected amenity values of industrial areas and that the location of these activities within Industrial areas will not have adverse effects on the vibrancy of town centres.</p> <p><u>Decision Sought:</u> Amend to include "Building Improvement Centres".</p> <p>75.5 McDonald's Restaurants (NZ) Ltd Oppose 3.31.1 in part. The submitter considers that "drive-through restaurants" should be permitted activities in the Zones which have a low</p> | <p>Decision 38/29 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The Industrial 3 Zone is intended for large scale industrial activities with associated heavy traffic movements that are incompatible with "building improvement centres" and "drive-through restaurants" and high traffic flows by small vehicles. |

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| <p>expectation of amenity and generally do not generate reverse sensitivity issues due to their separation from residential areas.</p> <p><u>Decision Sought:</u> Amend to include “Drive-through restaurants”.</p> | <p>2. The uses sought have been provided for in other zones.</p> |
| <p>117.48 Southern District Health Board Support 3.31.1 in part. The submitter believes that caretaker/custodian accommodation should be a permitted activity, subject to acoustic insulation rules</p> <p><u>Decision Sought:</u> Amend 3.31.1 by adding a new item:</p> <p>(M) Caretaker/custodian accommodation complying with Rule 3.13.7.</p> | <p>Decision 38/30 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason Caretaker accommodation is a noise sensitive activity and provided for as a non-complying activity in the Industrial 3 Zone. Such a use is incompatible with the effects generated by heavy industry which is permitted within the zone, and could give rise to reserve sensitivity issues.</p> |
| <p>75.12 McDonald’s Restaurants (NZ) Ltd Support 3.31.2. The submitter supports the default discretionary activity status for activities not otherwise provided for. Retain 3.31.2.</p> <p>15.31 Ballance Agri-Nutrients Ltd Support 3.31.3. The submitter considers that the ongoing operation and development of the Industrial 3 Zone should be protected from the establishment of inappropriate activities that generate reverse sensitivity effects. Retain 3.31.3 as notified.</p> | <p>Decision 38/31 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the provisions and seek no change to them.</p> |
| <p>15.32 Ballance Agri-Nutrients Ltd Support 3.31.4 Height of Structures. Retain Rule 3.31.4.</p> <p>101.23 NZ Fire Service Commission Support 3.31.4 Height of Structures. The submitter believes that the height provision allows for the establishment of NZFS fire stations. Retain 3.31.4.</p> <p>FS10.2 Open Country Dairy Ltd oppose in part Submission 15.32 and 101.23 stating the height provisions do not reflect the 35m height allowance in the Concept Plan in Appendix X. Amend Rule 3.31.4 to allow for structures up to a height of 35m.</p> <p>120.2 Open Country Dairy Ltd Oppose 3.31.4. The submitter is concerned that the height limit is</p> | <p>Decision 38/32</p> <p>(i) Submissions 15.32 Ballance Agri-Nutrients Ltd and 101.23 NZ Fire Service Commission are noted.</p> <p>(ii) Submission 120.2 Open Country Dairy Ltd is accepted.</p> <p>Amendments to District Plan Add to Rule 3.31.4:</p> <p style="padding-left: 40px;">(B) <u>Within that part of the Industrial 3 Zone illustrated on the Concept Plan in Appendix X the maximum height is 35 metres.</u></p> <p>Reason Rule 3.31.4 as notified conflicts with the Concept Plan developed for the</p> |

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| <p>unreasonable and inconsistent with the Objectives and Policies. The submitter notes that the height rule states the maximum height of structures is 25m which is inconsistent with the Concept Plan which allows for 35m.</p> <p><u>Decision Sought:</u> Amend Rule 3.31.4 to allow for structures up to a height of 35m.</p> | <p>Industrial Sub-Area as part of the Operative District Plan, and included as Appendix X in the Proposed District Plan, which provides for a maximum height of 35m.</p> |
| <p>15.33 Ballance Agri-Nutrients Ltd</p> <p>Oppose Rules 3.31.7, 3.31.8 and 3.31.9 in part. The submitter is concerned that the proposed building coverage limit may unduly limit future development at its Awarua Plant, and is concerned that the figure of 25 per cent is arbitrary and is not based upon any specific resource management reason. It is also unclear whether the site coverage limit is supported by some form of stormwater study. The submitter considers that any site coverage limit intended to manage stormwater run-off effects should be based on sound engineering principles. Additionally, the submitter notes that the current site coverage rule does not include impermeable surfaces such as sealed car parking areas that also contribute to stormwater run-off.</p> <p>The submitter is concerned that the rule also seeks to manage amenity related effects on neighbouring properties and those associated with “large buildings”. Such provisions are considered inconsistent with Policy 3 – Site Utilisation, which seeks to achieve “full utilisation” of Industrial 3 Zone sites subject to managing stormwater effects. The provisions are also considered inconsistent with Industry Overview - Policy 2 – Outside Built-Up Areas, which seeks to limit restrictions on industrial sites located outside built-up areas.</p> <p>With respect to amenity, the submitter is also concerned that the need to manage amenity effects on adjoining sites and Zones to the degree advanced by the current plan provisions, has not been identified or demonstrated through the supporting Section 32 analysis. Additionally, the amenity values of the Industrial 3 Zone have not been clearly identified within the Plan and are already set by existing activities, which have established within a limit on building coverage. The Plan itself recognises that the visual amenity of properties and activities carried out within the Zone “is not a high priority” within the explanation to Policy 15.</p> <p>Given the scarcity of the industrial zoned land resource, the submitter</p> | <p>Decision 38/33</p> <p>This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>Rule 3.31.7 is amended to read:</p> <p style="padding-left: 40px;">The maximum coverage of all buildings on the each site shall not exceed 75²⁵% of the net site area.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The Zone has a long history of industrial use and a high site coverage figure is justified. 2. The rules of the Industrial 3 Zone adequately control potential adverse effects that may arise as a consequence of a 75% site coverage, and will in some cases result in site coverage needing to be less than that figure. |

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| <p>considers that any plan provisions that create limitations on the use of this resource should be based on sound reasoning and be balanced with the need to efficiently utilise this resource. The submitter notes that a number of other District Plans include provision for a much greater percentage of the site to be covered with buildings. Based on a review of other District Plans, the submitter considers that maximum site coverage for buildings in the order of 70 to 75 per cent is more appropriate for Industrial Zones.</p> <p><u>Decision Sought:</u></p> <ul style="list-style-type: none"> i. Amend Rules 3.31.7, 3.31.8 and 3.31.9 – Site Coverage to provide for maximum site coverage of 75 per cent. ii. Should the relief requested not be granted, the maximum site coverage provisions be based on sound resource management and engineering advice. iii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above. <p>FS49.6 Niagara Properties Ltd support Submission 15.33 stating this is inconsistent with policy 3 which seeks to achieve full utilisation of Industrial 3 Zone sites subject to managing stormwater effects.</p> | |
| <p>65.107 ICC Environmental and Planning Services Support 3.31.10 in part. The submitter considers that this provision does not make it clear when the landscaping is to be completed.</p> <p><u>Decision Sought:</u> Amend Rule 3.31.10 to make it clear when the landscaping is to be provided, i.e. at the time of developing the site that adjoins the State Highway.</p> <p>15.34 Ballance Agri-Nutrients Ltd Oppose 3.31.10, 3.31.11, 3.31.12, 3.31.13 and 3.31.14. The submitter is concerned about the implications of the wording used within Rule 3.31.10. The submitter's Awarua Service Centre has an extensive frontage to State Highway 1 South that would be subject to the requirements of Rule 3.31.13. The submitter notes that the rule appears to relate to "sites" and has no "trigger" or linkage to the erection of buildings on Industrial 3 zoned sites. In this respect, it is considered that this rule should be triggered only by new</p> | <p>Decision 38/34 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason Decision 38/26 deletes Rules 3.31.10 to 3.31.14.</p> |

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| <p>buildings constructed after the date the Plan was notified and should be linked to that particular building. The submitter notes that its existing Awarua Service Centre contains extensive landscaping along the State Highway frontage, which has been implemented over a number of years to assist with integrating the plant into its landscape setting. The Plan simply fails to acknowledge existing facilities, which may be unduly penalised given that these facilities have formed part of the existing environment for many years and as such their visual effects are well known and accepted.</p> <p>The submitter is also concerned by the ambiguity of the wording used within Rule 3.31.10. The rule currently requires a landscaping strip but does not specify where on site that strip should be established. Additionally, presuming the rule is amended to include reference to the strip being provided adjacent the site's State Highway road boundary, an exclusion should be explicitly provided for areas used for vehicle access points.</p> <p>The submitter questions the screening value of a landscaping strip of 1.8 metres in height where building and structures of up to 25 metres in height are anticipated within the Industrial 3 Zone as a permitted activity.</p> <p>The submitter considers that the function of such a landscape strip, if retained within the Plan, should be limited to serving a screening/amenity enhancing function in relation to the State Highway only. The wider consideration of amenity effects on other land use activities and/or Zones should be excluded from consideration. In this respect, Ballance considers that the issues would be of a discreet nature, whereby effects could be effectively managed as a Restricted Discretionary Activity through specific matters of discretion.</p> <p><u>Decision Sought:</u></p> <ul style="list-style-type: none"> i. Delete Rules 3.31.10, 3.31.11, 3.31.12, 3.31.13 and 3.31.14. ii. Should the relief requested in 'i' not be granted, Ballance requests that the following amendments be made: <p>3.31.10 <u>Where buildings are proposed on a site the Industrial 3 Zone that adjoins a State Highway, there shall be a three metre wide landscaping strip provided within the Industrial 3 Zone shall be provided within the site contiguous to the boundary adjoining the State Highway.</u></p> | |

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| <p>3.31.13 Where this landscaping is not provided in accordance with Rules 3.31.10. 3.31.11 and 3.31.12 above, the activity is <u>restricted</u> discretionary.</p> <p>3.31.14 In considering aApplications under Rule 3.31.13 Council's discretion is restricted to the consideration of the followingsshall address the following matter, which will be among those taken into account by the Council:</p> <p>(A) The visual effect and any other effect of the activity on the State Highway.'</p> <p>iii. Any similar amendments to like effect. and any consequential amendments that stem from the amendment set out above</p> <p>FS49.7 Niagara Properties Ltd support Submission 15.34 noting it owns property with frontage to a State Highway and considers that the rules as currently set out are ambiguous and that the requirements should only be triggered by new buildings within the Zone.</p> | |
| ZONING | |
| <p>94.1 Niagara Properties Ltd The submitter opposes the zoning of a number of properties in Kennington as Rural. The submitter gives a number of reasons to support this submission, including:</p> <ol style="list-style-type: none"> The location of the land in relation to the existing industrial activity; An industrial zoning would ensure coherent development in an area suited to industrial use with good transportation routes; The industrial history of the area; The land is located on high ground with low susceptibility to hazards. <p>Decision Sought: Rezone from Rural 1 to Industrial 3 the land bound by 21 First Street, 41 Kennington Road, 37 Kennington Road, 9 Kennington Road, 534 Woodlands Invercargill Highway, 17 Kennington Road, 21 Kennington Road, 25 Kennington Road, 27 Kennington Road, 29 Kennington Road, 31 Kennington Road</p> <p>FS15.1 Shannon De Garnham oppose Submission 94.1 stating a change of zoning from Rural to Industrial would have vast effects on the residents'</p> | <p>Decision 38/35 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons As set out on pages 6 and 7 of this Decision:</p> <ol style="list-style-type: none"> Issues associated with any non-compliance with resource consent conditions, or provisions of a district plan, cannot be resolved in the context of the submission process to the Proposed Plan. The rezoning of the six Kennington Road residential properties to Industrial 3 is not appropriate given the resultant environmental impacts, the lack of consultation undertaken with affected landowners and the views of the landowners opposing the rezoning. Land fronting First Street is unsuited for a full range of Industrial 3 activities given the impact on the amenity of nearby dwellings. |

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| <p>mental and general well-being and effects on land resale. The further submitter considers that the area has a long history of residential occupancy of families and that all dwellings should be zoned Rural 1.</p> <p>FS16.1 Dean Evans oppose Submission 94.1 concerned that zoning the properties Industrial will enable noise to be generated 24/7 which will further affect the mental health and well-being of residents of Kennington Road. The further submitter asserts that the industry currently exceeds noise limits and is concerned that this practice will continue. The further submitter considers that the rezoning will devalue his property and affect the health and well-being of his family for the financial gain of a company which the further submitter considers has no thought for the community in which it does business.</p> <p>FS17.1 Leona Evans and FS18.1 Michael and Michelle Grantham oppose Submission 94.1 and considers rezoning the land Industrial will have adverse effects on residents' mental and general well-being. The submitter considers that the submission is for financial gain and expansion of Niagara, which has been expanding for the past 25 years with no regard for the residents or the environmental damage to Kennington Road.</p> <p>oppose submission 94.1</p> <p>FS36.1 Jeanette Bullock oppose Submission 94.1 and <u>strongly</u> opposes the rezoning of Rural 1 properties to Industrial 3. The further submitter believes changing the zoning will make an already intolerable situation in terms of physical and mental health effects and financial implications to current residents even worse. The further submitter considers the Council has an obligation to protect the health and well-being of its residents</p> <p>FS41.1 William Fraser opposes Submission 94.1 and the rezoning of Rural 1 properties to Industrial 3. The further submitter believes changing the zoning will have a detrimental effect on health and values of our houses.</p> | <p>4. The land at 41 Kennington Road is subject to inundation and rezoning of the property is inappropriate given that the zoning would allow for a range of industrial activities on that land that are incompatible with that status.</p> <p>5. Industrial use of the land at 7 and 9 would give rise to adverse impacts on the amenity of the residential activities nearby.</p> |
| <p>59.1 Quenton Stephens The submitter states that the Council needs to carefully consider the zoning approach to Kennington township. He explains that the industrial land use activity in Kennington is having a detrimental impact on residents and the existing sawmill operation gives rise to excessive noise. The submitter considers that the existing and proposed industrial zoning of the land permits</p> | <p>Decision 38/36 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> |

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| <p>the land use activities at the sawmill that give rise to dust issues. The submitter explains that residences at Kennington predate major expansion at the sawmill and continued expansion of industrial activity is eroding the amenity of the area. The submitter considers that the Council needs to progress enforcement around the noise and dust issues and at the same time ensure that the provisions of the District Plan ensure that residential activity is not unduly affected by the operations of the sawmill.</p> <p><u>Decision Sought:</u> Adopt appropriate zoning controls and plan rules to address potential conflict between industrial and rural residential land use in Kennington. Introduce rules that will avoid, remedy or mitigate the emission of noise, dust and other adverse environmental effects from land use activities in the Industrial 3 Zone.</p> <p>FS49.1 Niagara Properties Ltd oppose Submission 59.1 and any additional rules restricting the operation of activities within the Industrial 3 Zone. The further submitter considers that the rules are suitable to control the effects of activities within the Industrial Zone on the Rural Zone. The further submitter does not consider that permitted activities within the Industrial Zone should be subject to reverse sensitivity effects brought about by residential land users locating in dwellings close to an established industrial activity.</p> | <ol style="list-style-type: none"> 1. The submission is not clear in its relief sought, beyond what is already provided for in the Proposed Plan. 2. The proposed zoning reflects the existing use of the land and the environmental standards contained in the Proposed Plan adequately provide for the avoidance, remediation or mitigation of adverse environmental effects from development occurring there. |
| <p>59.2 Quenton Stephens The submitter supports the rezoning of 31 Kennington Road as this property is used for rural residential purposes and should not be zoned for industrial use.</p> <p><u>Decision Sought:</u> Rezone 31 Kennington Road from Industrial Sub-Area to Rural 1 as proposed.</p> <p>FS14.1 Shannon De Garnham supports Submission 59.2 on the grounds that the entire property has been, and still is a rural residence.</p> <p>FS19.3 Michael and Michelle Grantham support Submission 59.2</p> <p>FS49.3 Niagara Properties Ltd oppose Submission 59.2 stating the land surrounded by or adjacent to the established Industrial Zone should be Industrial 3 to ensure coherent development in an area suited to industrial use with good transportation routes. The further submitter considers that the industry in the area is well established and is located in an area on high</p> | <p>Decision 38/37 This submission is noted</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitter supports the provisions and seeks no change to them. 2. 31 Kennington Road is currently used for residential purposes. While it adjoins Industrial 3 zoned land to the south and east, the character of the property is more in keeping with the residential activity occurring on the rural zoned land to the north. |

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| ground with low susceptibility to hazards. Retain 31 Kennington Road as Industrial 3. | |
| <p>5.1 Alliance Group Limited</p> <p>The submitter believes a change from Rural 1 zoning to Industrial zoning would enable the submitter to carry out its activities without the need for a resource consent. The submitter believes that the activities being carried out on its property on Crowe Road are industrial and under the Proposed District Plan their activities would be non-complying. The adjoining land within the Southland District Council territorial boundaries is zoned the Lorneville Industrial Resource Area.</p> <p><u>Decision Sought:</u> Rezone Alliance Group Limited property south of Crowe Road from Rural 1 to Industrial.</p> | <p>Decision 38/38</p> <p>This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>Add to Rule 3.38.1 Rural 1 Zone Permitted Activities:</p> <ul style="list-style-type: none"> (J) On the land legally described as <ul style="list-style-type: none"> (i) Crowe Road (Part Sec 45 Blk XIV Invercargill Hundred), (ii) 159 Crowe Road (Lot 32 Blk II DP 64, Lot 3 DP 10900, Lot 33 Blk II DP 64, Part Sec 36 Blk XIV Invercargill Hundred SO 284, Part Sec 35 Blk XIV Invercargill Hundred SO 284), (iii) 1 Crowe Road (Lot 1 DP 386107, Lot 2 DP 10900, Lot 5 DP 10900) and 183 Steel Road (Lot 4 DP 10900), <p>the disposal of liquid and solid waste associated with meat processing activities undertaken on land legally described as:</p> <ul style="list-style-type: none"> Part Sections 26 – 28, 32, 50 – 58 and 61 Block XIV Invercargill Hundred Part Sections 1 and 2 Block XL Town of Wallacetown Part Section 1 Block XL Town of Wallacetown Lots 2, Part Lot 3 and Lot 4 DP 2156 Lots 1 - 3 DP 6657 Lot 4 DP 6863 <p>Reason</p> <p>The submitter's land is part of a large activity occurring on land located within the Southland District which is appropriately zoned for its use as a meat processing industry. Part of the operation is located within the Invercargill City District and it is appropriate as a cross-boundary issue to provide for all associated activities to be undertaken without the need for any resource consent approvals from the Invercargill City Council.</p> |

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| Industrial 4 (Awarua) Zone | |
| SECTION 2.33 – ISSUES, OBJECTIVES AND POLICIES | |
| 2.33.1 Issues | |
| <p>15.19 Ballance Agri-Nutrients Ltd Oppose Issues 4 and 7 in part. The submitter is concerned that the reverse sensitivity effects that activities within the Industrial 4 Zone can have on lawfully established activities within adjoining zones, such as their Awarua Plant, have not been identified as a significant resource management issue within Section 2.33.1.</p> <p>The submitter notes that the Operative District Plan identifies that activities locating within the Awarua Industrial Zone shall “... <i>be compatible with lawfully established activities that may generate adverse effects including but not limited to noise, odour and dust emission</i>”, and that this wording is taken directly from paragraph 4 of Consent Order ENV-2009-CHC-072 issued in relation to Plan Change 8 to the Invercargill City District Plan.</p> <p>The submitter cannot see any justification for such reverse sensitivity effects to no longer be considered as a “significant” resource management issue, and considers that such potential reverse sensitivity effects continue to be a significant resource management issue. As such, the submitter believes the issue must be recognised and managed within the proposed Plan as per the outcomes reached in relation to Plan Change 8 to the Invercargill City District Plan and set out in Consent Order ENV-2009-CHC-072.</p> <p><u>Decision Sought:</u></p> <p>i. Amend 2.33.1 as follows:</p> <p style="padding-left: 40px;">The significant resource management issues for the Industrial 4 (Awarua) Zone are:</p> <p style="padding-left: 40px;">4. Ensuring Land uses within the Industrial 4 Zone can have adverse effects on each other, including reverse sensitivity <u>are compatible with lawfully established activities that may generate adverse effects, including, but not limited to, noise odour and dust emission.</u></p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> | <p>Decision 38/39 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) Amend 2.33.1 Issue 4 as follows:</p> <p style="padding-left: 40px;">Land uses within the Industrial 4 Zone can have adverse effects on each other, including reverse sensitivity, and can be incompatible with lawfully established activities adjacent to the Industrial 4 Zone that may generate adverse effects, including, but not limited to, noise, odour and dust emission.</p> <p>(ii) Delete 2.33.1 Issue 7 (renumbered 2.34.1 as a result of other decisions):</p> <p style="padding-left: 40px;">Land uses within the Industrial 4 Zone can have adverse effects on each other, including reverse sensitivity.</p> <p>Reasons</p> <ol style="list-style-type: none"> Potential reverse sensitivity effects on existing lawfully established activities in adjoining zones is a significant resource management issue and Issue 4, as recommended by Mr Bryce at the hearing, has been amended to reflect that. Issue 7 duplicates Issue 4 as amended and is not now required. |

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| 2.33.2 Objectives | |
| <p>15.20 Ballance Agri-Nutrients Ltd</p> <p>The submitter opposes the note within Section 2.33.2 and considers that it is both inappropriate and inaccurate. The submitter considers that the Objectives and many of the Policies clearly have a focus on resource management issues that are specific to the Industrial 3 Zone. Policies 4 through 7, 9, 11 and 14 may well be appropriately applied to activities within the Industrial 4 Zone, however it is noted that these relate to the “District Wide” provisions and are repeated in other zone-specific chapters. These “general” policies essentially re-state the policy direction already provided in the corresponding “District Wide” sections (2.2 through 2.18) of the Plan and the submitter considers that the repetition of these policies could be removed entirely from the Plan.</p> <p><u>Decision Sought:</u></p> <ul style="list-style-type: none"> i. That the “note” within Section 2.33.2 either be deleted or amended to identify only those Industrial 3 Zone objectives and policies that also apply to the Industrial 4 Zone. ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above. | <p>Decision 38/40</p> <p>This submission is accepted.</p> <p>Amendments to District Plan</p> <ul style="list-style-type: none"> (i) Amend 2.33.2 Objectives as follows: <ul style="list-style-type: none"> Note: All objectives and policies that apply to the Industrial 3 Zone also apply to the Industrial 4 Zone. The following are the additional Objectives and Policies that apply within the Industrial 4 Zone: Objective 1: Sufficient land is available for future industrial development of large industrial warehousing and service activities which, because of their scale, are encouraged to locate in appropriate areas within the Invercargill City District outside the urban area. Objective 2: The identification, maintenance and enhancement <u>Protection</u> of the specific amenity values of the Industrial 4 Zone. Objective 6: The avoidance, remediation or mitigation of the effects of stormwater runoff from industrial sites on the environment. (ii) Add the following policies to section 2.33.3 (renumbered 2.34.3 as a result of other decisions) with consequential renumbering: <ul style="list-style-type: none"> Policy 2 Noise: To provide within the Industrial 4 Zone for a reasonable level of daytime and night time noise associated with a range of industrial, warehousing and service activities whilst respecting the lower ambient noise levels of adjacent zones. Explanation: <i>By their nature industrial activities can produce moderate to high levels of noise emissions. Whilst the noise controls are not to be exceeded beyond the boundary of the zone, the physical distance of the Industrial 4 Zone from residential areas should enable moderate to high noise emissions during both the day and the night.</i> <i>These areas are working environments so noise limits will be put in place to ensure that the workers and visitors in the areas are not subjected to</i> |

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| | <p><u>unreasonable noise emissions.</u></p> <p><u>Noise sensitive activities are not anticipated within this Zone as they would not be compatible with the industrial nature of the site or with nearby railway and State Highway activities.</u></p> <p>Policy 3 Odour: To accept odour emissions whilst ensuring the absence of nuisance from objectionable odour.</p> <p>Explanation: <u>A variety of odours is an inevitable by-product of industrial activity. However, odours can be excessive or unpleasant and the Council has the ability to take enforcement action when necessary.</u></p> <p>Policy 4 Glare: To accept glare within the Zone associated with large building surfaces, whilst ensuring freedom from nuisance from glare and avoiding the adverse effects of glare on transportation networks.</p> <p>Explanation: <u>By their nature and scale, some glare from large building surfaces can be expected within the Industrial 4 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 a minor and transient inconvenience from glare is part of everyday life, the effects of glare from within the Industrial 4 Zone on the transportation networks should be controlled.</u></p> <p>Policy 5 Electrical Interference: To avoid nuisance from electrical interference.</p> <p>Explanation: <u>Electrical interference is an environmental effect that needs to be considered in the placement and maintenance of electrical equipment and machinery, including transmitting aerials.</u></p> <p>Policy 6 Lighting: To provide for lighting associated with businesses and activities within the area, including security lighting, whilst avoiding nuisance to other activities in the vicinity.</p> <p>Explanation: <u>Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill on to neighbouring properties can be a nuisance and an adverse environmental effect. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians. It</u></p> |

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| | <p><i>is necessary that the District Plan establishes limits around the amount of lightspill that can occur as a by-product of an operational industrial area.</i></p> <p>Policy 7 Signage: To provide for signage associated with business and activities within the Industrial 4 Zone.</p> <p><i>Explanation:</i> <i>Signage is a necessary part of an industrial area, to assist people to identify premises or businesses that they may be looking for and also to help give these premises “presence” in the public realm.</i></p> <p><i>Signs can also reduce the safety and efficiency of the transportation network if they are poorly located, distract drivers’ attention or restrict visibility. Signs should be located and designed in a manner that avoids these effects.</i></p> <p>Policy 8 Hazardous Substances: To provide for the manufacture, storage and use of substances classed as hazardous, whilst having regard to the safety needs of the general public.</p> <p><i>Explanation:</i> <i>Hazardous substances are part of the normal operation of many industrial activities. Use, manufacture and storage of hazardous substances may impose a risk constituting an adverse environmental effect.</i></p> <p><i>Requiring activities that utilise significant quantities of hazardous substances to co-locate within the Industrial 4 Zone will contain the potential environmental, and health and safety, effects away from more sensitive urban environments.</i></p> <p>Policy 9 Dilapidated structures and ill-maintained lands: To require that buildings within the Industrial 4 Zone will be sound, well maintained and tidy in appearance.</p> <p><i>Explanation:</i> <i>The Council needs the authority and ability to take action in relation to any building or facility which becomes dilapidated or unkempt. Unkempt sites discourage redevelopment in the area.</i></p> <p>Policy 10 Demolition or removal activities: To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.</p> |

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| | <p><u>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 with minimal inconvenience to the public in general.</u></p> <p>Policy 11 Height of structures: To enable height of buildings in the Industrial 4 Zone to meet the operational requirements of activities in the Zone, whilst having regard to landscape qualities of the areas within the Invercargill District.</p> <p><u>Explanation: The landscape of the areas surrounding Invercargill is large-scale and expansive, comprising large areas of flat terrain. Large industrial buildings have been established, changing but not destroying the landscape qualities of the area. It is a landscape where large buildings are accepted and do not look out of place. However there is a potential for cumulative effect resulting in destruction of current landscape values. This potential should be recognised and addressed in new development proposals.</u></p> <p>Policy 12 Car Parking and service vehicles: To require the provision of adequate off-street car parking and efficient and convenient provision for service vehicles.</p> <p><u>Explanation: The types of activities anticipated as operating within the Industrial 4 Zone are vehicle oriented, with a need for heavy vehicle access. On-site car parking and efficient and convenient provision for service vehicles will be required as part of any activity carried out within this Zone.</u></p> <p>Reason As the rules applying to the Industrial 3 Zone are not as prescriptive as those applying to the Industrial 4 Zone, it is appropriate to provide a separate set of objectives and policies for the Industrial 4 Zone.</p> |
| <p>15.21 Ballance Agri-Nutrients Ltd Support Objective 6 in part. The submitter is concerned about the nature of activities provided for within the Industrial 4 Zone, principally in terms of the potential to generate reverse sensitivity effects.</p> | <p>Decision 38/41 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 2.33.2 Objective 6 (renumbered Objective 7 as a result of other</p> |

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| <p>The submitter notes that Objective 6 seeks a similar outcome to that prescribed within Objective 7 under Consent Order ENV-2009-CHC-072 issued in relation to Plan Change 8 to the Invercargill City District Plan, however lacks the clear direction provided by the former. The submitter considers that Objective 6 should be amended to be consistent with the wording prescribed within the Consent Order ENV-2009-CHC-072.</p> <p>The submitter considers that the objective should refer not only to permitted activities but also to those existing activities that are lawfully established (such as the Awarua Plant).</p> <p><u>Decision Sought:</u></p> <p>i. Amend Industrial 4 Zone Objective 6 as follows:</p> <p>“Avoid Reverse <u>Reverse</u> sensitivity effects are avoided on permitted <u>and lawfully established</u> activities within or adjacent to the Industrial 4 Zone <u>as a result of any activities associated with subdivision or land use that may locate in the Industrial 4 Zone in the future.</u>”</p> <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> | <p>decisions)as follows:</p> <p>Reverse sensitivity effects are avoided on permitted <u>and lawfully established</u> activities within or adjacent to the Industrial 4 Zone <u>as a result of any future subdivision or land use activities within the Industrial 4 Zone are avoided.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Objective 6 should better align with Consent Order ENV-2009-CHC-072 by including reference to existing lawfully established activities. 2. The submitter’s proposed wording is written more like a policy and amended wording is appropriate. This was accepted by the submitter at the hearing. |
| 2.33.3 Policies | |
| <p>88.36 Federated Farmers</p> <p>Oppose Policy 1 – Industrial 4 (Awarua) Zone. The submitter is concerned that the disadvantages of such a development have not been canvassed, including the loss of rural land for farming, the impacts of having a large industrial park immediately neighbouring land used for agricultural purposes, and the potential loss in value of people’s land. Further consultation with landowners and consideration of the impacts of such a proposal is necessary.</p> <p><u>Decision Sought:</u> Amend the wording of the policy as follows:</p> <p>Policy 1 Industrial 4 (Awarua) Zone: To <u>consider</u> establishing and implement the Industrial 4 Zone in <u>Awarua</u> and to enable its use by industrial activities.</p> <p>FS9.1 Ballance Agri-Nutrients Ltd oppose Submission 88.36 stating the Industrial 4 Zone reflects the Industrial 1A Zone which was established as a result of Plan Change 8 to the Operative District Plan and notes that the Industrial 1A Zone was resolved as a consequence of Environment Court</p> | <p>Decision 38/42</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reason</p> <p>The Industrial 4 Zones reflects the Industrial A Sub-Area in the Operative District Plan and no consultation beyond the submission process is warranted.</p> |

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| <p>mediation. The appeal process was resolved without any party giving notice of intention to become a party under Section 274. As a consequence the further submitter cannot reconcile that the community had concerns with the Zone. The further submitter notes that the submitter did not give notice of its intentions to become a party to the earlier Environment Court process and considers that the provisions acknowledge the need to avoid amenity impacts upon adjoining Zones and to address reverse sensitivity on permitted activities being carried out within the Zone and adjoining Zone. Retain Policy 1.</p> | |
| <p>77.61 Te Runaka o Waihopai and Te Runaka o Awarua Support Policy 6 – Landscape. Retain.</p> <p>77.62 Te Runaka o Waihopai and Te Runaka o Awarua Support Policy 7 – Indigenous biodiversity. Retain.</p> <p>FS8.15 Department of Conservation support Submission 77.62 and considers that it is important that existing wetland and indigenous vegetation values in this Zone are enhanced and protected, and that potential downstream effects on sites of significant ecological value are avoided.</p> | <p>Decision 38/43 These submissions are noted</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the provisions and seek no change to them.</p> |
| <p>15.22 Ballance Agri-Nutrients Ltd Oppose Policy 13 – Reverse Sensitivity in part. The submitter is concerned about the potential reverse sensitivity effects on its Awarua Plant that may be generated by activities occurring within the Industrial 4 Zone and considers that Policy 13 should be amended to be consistent with Consent Order ENV-2009-CHC-072 in that the policy should also refer to lawfully established activities and not just “permitted activities”. Further, the submitter wishes to ensure that this revised policy is renumbered such that it is the first policy applicable to the Industrial 4 Zone, to ensure that it accords with the policy hierarchy established under Consent Order ENV-2009-CHC-072.</p> <p>The submitter is also concerned that the “explanation” accompanying Policy 13 does not provide sufficient direction in relation to reverse sensitivity effects, including the range of effects associated with noise, dust and odour emissions associated with lawfully established activities within and in proximity to the Industrial 4 Zone (such as the submitter's Awarua Plant).</p> | <p>Decision 38/44 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 2.33.3 Policy 13 (renumbered Policy 24 as a result of other decisions) and its explanation as follows:</p> <p>Reverse Sensitivity: To locate and design activities to avoid reverse sensitivity effects on permitted <u>and lawfully established</u> activities on or adjacent to the Industrial 4 Zone.</p> <p>Explanation: <i>Industries and farming activities already established in the area need to be able to <u>continue contribute</u> to operate reasonably and within the parameters set by the District Plan, or by their lawful establishment, without being subjected to <u>reverse sensitivity effects associated with complaints by newcomers to the area who do not understand the current working environment, and the range of noise, dust and odour emissions that may be generated within it.</u></i></p> <p>Reason 1. Policy 13 requires amending to align with Consent Order ENV-2009-</p> |

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| <p><u>Decision Sought:</u></p> <p>i. Amend Policy 13 – Reverse Sensitivity:</p> <p>Policy 13 To locate and design activities to avoid reverse sensitivity effects on permitted and <u>lawfully established activities</u> on or adjacent to the Industrial 4 Zone.</p> <p>Explanation: Industries and farming activities already established in the area need to be able to contribute <u>continue</u> to operate reasonably and within the parameters set by the District Plan or by their lawful establishment without being subjected to <u>reverse sensitivity effects associated with</u> complaints by newcomers to the area who do not understand the current working environment, which includes a range of <u>noise, dust and odour emissions.</u>”</p> <p>ii. That Policy 13 be listed as Policy 1 in the policy hierarchy supporting the Industrial 4 Zone. All other policies be renumbered to reflect this outcome.</p> <p>iii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> | <p>CHC-072 by including reference to existing lawfully established activities.</p> <p>2. The submitter’s proposed amendments to the explanation also add further clarification of the purpose of the proposed policy.</p> <p>3. It is not necessary to alter the order of policies as all are treated equally without any hierarchy in their order.</p> |
| SECTION 3.32 - RULES | |
| <p>117.49 Southern District Health Board</p> <p>Support 3.32.1 in part subject to amendment. Caretaker/custodian accommodation should be a permitted activity, subject to acoustic insulation rules.</p> <p><u>Decision Sought:</u> Amend 3.32.1 by adding a new item:</p> <p>(M) Caretaker/custodian accommodation complying with Rule 3.13.7.</p> <p>15.35 Ballance Agri-Nutrients Ltd</p> <p>Oppose 3.32.1 in part. The submitter is concerned with the potential for activities within the Industrial 4 Zone to generate adverse reverse sensitivity effects on its Awarua Plant.</p> <p>The submitter is generally comfortable that, in combination with other plan provisions (such as controlled activity matter of control 3.32.2(G)), the activities proposed in Rule 3.32.1 are appropriate in terms of potential to generate adverse reverse sensitivity effects, but they are concerned that the definition of “Light Industry” includes “staff facilities”, which could be</p> | <p>Decision 38/45</p> <p>(i) Submission 117.49 Southern District Health Board is rejected.</p> <p>(ii) Submission 15.35 Ballance Agri-Nutrients Ltd is accepted in part.</p> <p>Amendments to District Plan</p> <p>Amend Rule 3.32.1(A) as a as follows:</p> <p>(A) Agriculture (other than dwellings associated with agricultural operations)</p> <p>Reasons</p> <p>1. Decision 32/5 deletes reference to "residence" from the definition of "agriculture". Consequential to that decision, amendment is required to the rule above.</p> <p>2. Caretaker accommodation is a noise sensitive activity and provided for as a non-complying activity in the Industrial 4 Zone. Such a use is incompatible with the effects generated by heavy industry which is permitted within the zone, and could give rise to reserve sensitivity</p> |

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| <p>interpreted as including staff accommodation. The submitter considers it is inappropriate that staff accommodation could be provided for within the Industrial 4 Zone due to the potential for reverse sensitivity effects on its Awarua Plant.</p> <p>The submitter is concerned about potential reverse sensitivity effects that may be generated by the residential dwellings ancillary to agricultural activities. The establishment of additional dwellings within the Industrial 4 Zone is considered inappropriate due to the potential for such activities to fetter the ongoing operation and development of the submitter's Awarua Plant. In this respect, the submitter considers that the plan provisions relating to the Industrial 4 Zone should be consistent with those set out within Consent Order ENV-2009-CHC-072.</p> <p><u>Decision Sought:</u></p> <p>i. Amend Rule 3.32.1 – Permitted Activity Rules as follows:</p> <p>Permitted Activities: The following are permitted activities in the Industrial 3 Zone (<i>N.B. It is considered the intention of the submitter was to refer to the Industrial 4 Zone, not Industrial 3</i>):</p> <ul style="list-style-type: none"> (A) Agriculture (other than dwellings associated with agricultural operations with the exception of any associated residential dwellings) (B) Essential services (C) Freight depot (D) Heavy industry (E) Light industry (<u>excluding any staff accommodation</u>) (F) Specialist facilities for animal husbandry including veterinary clinic (G) Storage and sale of liquid and gaseous fuels (H) Land transport facility <p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> | <p>issues.</p> |
| <p>101.24 NZ Fire Service Commission Support 3.32.1. The submitter supports this provision given that it provides for the establishment of NZFS fire stations. Retain 3.32.1.</p> <p>15.36 Ballance Agri-Nutrients Ltd Support 3.32.2. The submitter supports the inclusion of provisions that are consistent with this Consent Order ENV-2009-CHC-072. They also support</p> | <p>Decision 38/46 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason</p> |

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| <p>the inclusion of the “note”, which sets out that notice may be served on affected persons for applications made under Rule 3.32.2, as this is also consistent with the approach adopted within Consent Order ENV-2009-CHC-072. Retain 3.32.2 as notified.</p> <p>101.25 NZ Fire Service Commission Support 3.32.11 Height of Structures. The submitter believes that the height provision allows for the establishment of NZFS fire stations. Retain 3.3.11.</p> <p>15.37 Ballance Agri-Nutrients Ltd Support 3.32.5 in part. The submitter considers that it is appropriate for those activities not specifically provided for within the Industrial 4 Zone to be subject to the rigours of the resource consent process and the specific tests that are prescribed to a non-complying activity status. In terms of managing potential reverse sensitivity effects, both within the Industrial 4 Zone and on adjoining zones/sites, the submitter considers that the allocation of a non-complying activity status for “noise sensitive activities” is an appropriate resource management response.</p> <p><u>Decision Sought</u>: Adopt Rule 3.32.5 as notified.</p> | <p>The submitters support the provisions and seek no change to them.</p> |
| <p>53.83 NZ Transport Agency Support 3.32.8. The submitter draws attention to the fact that the Transit New Zealand Act was renamed in 2008, and is now known as the Government Rounding Powers Act 1989.</p> <p><u>Decision Sought</u>: Amend the note beneath Rule 3.32.8 to refer to the Government Rounding Powers Act 1989.</p> | <p>Decision 38/47 This submission is accepted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The change corrects an error. However, this note was deleted by way of Variation 7.</p> |
| <p>65.108 ICC Environmental and Planning Services Support 3.32.16 in part. The submitter considers that this provision does not make it clear when the landscaping is to be completed. Amend Rule 3.32.16 to make it clear when the landscaping is to be provided, i.e. at the time of developing the site that adjoins the State Highway.</p> | <p>Decision 38/48 This submission is accepted.</p> <p>Amendments to District Plan This provision has been deleted by way of Variation 7.</p> <p>Reason The Committee accepts that it was not clear from the wording of Rule 3.32.16 as to when the landscaping of the site is expected to be undertaken, however the provision has been deleted by way of Variation 7.</p> |

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| VARIATION 7 - INDUSTRY | |
| General | |
| <p>V1.1 Herman Thys</p> <p>The submitter is concerned with the provisions, particularly as they relate to landscaping. The submitter is concerned that the execution of Plan Change 8 to the Operative District Plan is lagging and well behind what was agreed. <i>(Plan Change 8 was the Plan Change that created the industrial zoning for the area referred to as the Industrial 4 (Awarua) Zone.)</i></p> <p>The submitter understood that when the Industrial 4 (Awarua) Zone was developed as a Plan Change under the Operative District Plan, the responsibility for landscaping was Council's. The submitter is concerned that the Variation shifts the responsibility for the landscaping to future industrial developers. The submitter notes that the landscaping can take some time to establish and should have been carried out so that it has the screening effects anticipated.</p> <p>The submitter questions that if the landscaping is required at the time of building consent how will this be policed. The submitter notes that the buffer zones have been fenced off but there has been no commitment to planting. Recent developments in the area have either removed these fences or been developed within the buffer zone, approved by Council.</p> <p>The submitter is also concerned that there is no provision in place for stormwater and wastewater.</p> <p>The submission includes a number of pages from the reports and evidence of meetings and the Hearing for Plan Change 8.</p> <p><u>Decision Sought:</u> Change the wording of the Proposed District plan to:</p> <p>Landscaping and maintenance of the landscaped area of Industrial 4 Zone will be the responsibility of ICC, this way creating an effective and aesthetical pleasing buffer zone, ready for industrial developers to start and take over responsibility of the maintenance.</p> <p>AND abide by the conditions agreed on during the Plan Change 8 Meetings. 15m and 50m wide buffer zones along the boundary planted with native plants. Planting of the ponds as per plan.</p> | <p>Decision 38/49</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The amendments proposed by Variation 8 do not alter any earlier undertakings made by the Council with regard to the responsibilities and timing of landscaping works necessary in the Industrial 4 Zone. 2. The proposed amendments merely remove landscaping provisions that do not correlate with the Concept Plan that was approved and included in the Operative District Plan as part of Plan Change 8 – Awarua Industrial Area, and which unnecessarily duplicate the directive for compliance with the Concept Plan made under Rule 3.32.6. 3. The issue of the Council honouring any earlier agreements surrounding the landscaping of the site is one for the parties to resolve outside of the Variation process. |

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| <p>V3.1 Todd Meikle</p> <p>The submitter opposes changes to the ICC District Plan in relation to a number of issues including permitted heights, visual effects to scenery and landscape, contamination or large ugly building and chimney or smoke stacks, roading layouts, noise pollution, air pollution, vibration, and odour.</p> <p>The submitter is concerned that it is unclear where, when and how the proposed change is likely to occur.</p> <p>In terms of roading layout issues, the submitter considers that there is more focus on Awarua land than the hot spots on Bluff Road, especially the Greenhills intersection, Clifton, Tiwai turnoff, Ballance, Open Country etc. The submitter notes that there have been a number of accidents and a lot more near misses.</p> <p><u>Decision Sought:</u> To release more information on where certain industry is proposed to be going, heights of structures, buffer zones etc; roading layout and what is going to happen to the rest of Bluff Road; pollution levels and where wastewater and other contaminants are to be disposed of.</p> <p>AND withhold making decision on the grounds of more consultation.</p> | <p>Decision 38/50</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. The Industrial zones at Awarua were initially developed through a Plan Change process under the Operative District Plan, which were then carried over into the Proposed District Plan. 2. These earlier processes involved consultation with affected parties and the general public to the extent that issues of concern, including the height of structures, landscape effects, buffer zones, water quality, traffic safety and access issues were all considered. Given this level of consultation, further such consultation is not justified, nor is the withholding of decisions on the Proposed Plan. 3. Concept Plans will guide development on the land and until specific developments are progressed no additional detail is available, nor necessary for the management of effects within the area. 4. The road safety issues referred to by the submitter are matters dealt with by the NZ Transport Agency rather than the Council through the District Plan. |
| <p>V4.1 G C and H V McLellan</p> <p>Oppose in part. The submitter considers that there was an agreement that the Council would plant native trees and shrubs as screenings for noise and visual impacts of development of the Industrial 4 (Awarua) Zone.</p> <p>The submitter is concerned that the Council now wants to pass the responsibility to the individual occupiers, which will result in haphazard screening and an ineffective outcome.</p> <p>The submitter believes there needs to be a one-off and continuous planting the full length of the boundary carried out by the Council as previously agreed. The submitter states that this needs to be done ASAP as native plants are slow growing and maturing.</p> | <p>Decision 38/51</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. The landscaping provisions for the Industrial 4 Zone contained in the notified version of the Proposed District Plan do not correlate with the Concept Plan that was approved and included in the Operative District Plan as part of Plan Change 8 – Awarua Industrial Area and what is in the Proposed Plan requires updating. 2. The issue of the Council honouring any earlier agreements surrounding |

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| <p>The submitter questions the height provision 3.32.11 (sic).</p> <p>The submission includes a number of pages from the reports and evidence of meetings and the Hearing for Plan Change 8.</p> <p><u>Decision Sought:</u> That Council take responsibility to plant the full length of the boundary as soon as possible.</p> | <p>the landscaping of the site is one for the parties to resolve outside of the Variation process.</p> <p>3. It is not clear what the submitter's concerns are with regard to the height provisions. The Variation proposes to correct an error in the Proposed District Plan whereby the height provisions for the Industrial 3 Zone at Awarua were mistakenly applied to the Industrial 4 Zone. The intent of the Proposed District Plan was to carry over the provisions of Plan Change 8 which set a maximum height for the Industrial A Sub-Area (now proposed to be the Industrial 4 Zone) of 25 metres.</p> |
| SECTION THREE - RULES | |
| 3.31 Industrial 3 (Heavy) Zone | |
| <p>V2.1 Ballance Agri-Nutrients Ltd</p> <p>Support in part. The submitter notes that Rule 3.31.15 refers to the permitted activities within the part of the Industrial 3 Zone illustrated on the applicable concept plan (Concept Plan 3) in Appendix X. The submitter is supportive of the access activities prescribed as a permitted activity. However, the submitter has concerns about the implications of the wording used in relation to the two vehicle crossings that are used by traffic entering and exiting its Awarua Plant located at 1134 Bluff Highway. In this respect, the submitter considers that the Plan fails to acknowledge the existence of the vehicle crossings, in that they are not clearly specified on the applicable Concept Plan. The submitter considers that the Concept Plan should be amended to include both vehicle crossings off Bluff Highway.</p> <p>The submitter is also concerned by what appears to be an error in Rule 3.31.15 where it states "within that part of the Industrial 4 Zone ..." The submitter notes for accuracy that this rule is intended to apply to the Industrial 3 Zone.</p> <p><u>Decision Sought:</u> That Concept Plan 3 be amended to include both of the submitter's vehicle crossings on to Bluff Highway, together with any similar amendments with like effect and any consequential amendments that stem from the amendment set out above.</p> | <p>Decision 38/52</p> <p>This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>Amend Rule 3.31.15 (renumbered 3.31.10 as a result of other decisions) as follows:</p> <p>Within that part of the Industrial 4₃ Zone illustrated on the Concept Plans in Appendix X:</p> <p>(A) Access to the site <u>on the western side of Bluff Highway</u> shall be via the existing formed access road shown on the Concept Plans.</p> <p>Reason</p> <p>The wording of the rule as notified was confusing and contained an error in referring to the Industrial 4 Zone.</p> |

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| <p>V2.2 Ballance Agri-Nutrients Ltd</p> <p>The submitter supports the proposed amendments to Rule 3.32.11, as raised within their original submission dated 15 October 2013. The submitter notes that all new buildings or structures and additions to existing buildings and structures below the maximum height of 25m are a permitted activity within the Industrial 3 Zone. The submitter also notes that any non-compliance with this rule requires resource consent as a discretionary activity under Rule 3.31.5.</p> <p><u>Decision Sought</u>: Retain Rule 3.32.11 Height of Structures as notified as part of the Variation and any similar relief with like effect.</p> | <p>Decision 38/53</p> <p>These submissions are noted.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reason</p> <p>The submitter supports the provision and seeks no change to it.</p> |

SECTION TWO - ISSUES, OBJECTIVES AND POLICIES

2.31 INDUSTRIAL 2 (URBAN) ZONE

...

Such activities may require larger and higher buildings than are appropriate in the Industrial 1 Zone, as well as an ability to generate higher levels of night time noise. Due to the potential effects on residential areas, these activities need to be appropriately managed through zoning and environmental standards. but industries that would require sites of greater than one hectare be out of scale with the urban character of Invercargill.²

~~These activities may need to operate up to 24 hours a day, seven days a week, and as such they need to be physically separated from residential areas.~~³

2.31.2 Objectives

Objective 1: The ongoing maintenance and development of the areas zoned for industry within the ~~built-up area of the Invercargill city district~~ District's urban area is provided for and encouraged.⁴

Objective 2: The ~~protection of the integrity and amenity of the residential, Business 2 (Suburban Shopping and Business), the Business 1 (Central Business District), and the Industrial 1 (Light) and 1A Zones~~ is protected by making specific provision for a range of industrial, warehousing and service activities to locate in appropriate areas of the city.⁵

Objective 3: The identification, maintenance ~~and/or~~ enhancement of the amenity values of the Industrial 2 Zone.⁶

2.31.3 Policies

Policy 1 Industrial 2 (Urban) Zone: To provide for a range of industrial, wholesaling, warehousing and service activities ~~requiring sites of less than one hectare, with the ability to operate in areas where the effects of these activities are contained and are separated from incompatible land use activities 24 hours a day seven days a week.~~⁷

Explanation: ...

The activities carried out within the Industrial 2 Zones are intended to be of a scale appropriate to the urban environment. Industrial activities requiring large allotments of land, ~~over one hectare~~, are encouraged to locate within the Industrial 3 or 4 Zones of the District, which offer even greater protection for

² Decision 38/1

³ Decision 38/1

⁴ Decision 38/2

⁵ Decision 38/3

⁶ Decision 38/4

⁷ Decision 38/1

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*more sensitive living and working environments from the potential range of adverse effects created by these larger scale industrial activities.*⁸

⁹2.31A INDUSTRIAL 2A ZONE

The primary purpose of this Zone is to provide for transport and storage activities, light industrial activities and concrete batching, similar to the adjoining Industrial 2 Zone. However, the Industrial 2A Zone provides for a more restrictive range of activities, and additional rules, in recognition of the need to mitigate the potential effects of natural hazards and to protect the residential amenity of the Clifton residential area.

Such activities may require higher buildings than are appropriate in the Industrial 1 Zone, as well as an ability to generate higher levels of night time noise. As such they need to be physically separated from residential areas.

The Zone's location within urban Invercargill and its strong transport links to Bluff via the adjacent State Highway 1 and Bluff branch railway, contribute to its potential as an industrial site.

A Concept Plan (Appendix X) has been developed to address natural hazard, traffic, amenity and landscape effects of the development.

2.31A.1 Issues

The significant resource management issues for the Industrial 2A Zone:

1. Failure to achieve the location of industries on sites and in areas which are conducive to successful operation is likely to affect the ongoing viability of that industry
2. Lack of controls on effects of activities in the Industrial 2A Zone may result in an appropriate level of amenity within the Industrial 2A Zone and can adversely affect the other Zones nearby.
3. Land uses within the Industrial 2A Zone can have adverse effects on each other, including reverse sensitivity.

2.31A.2 Objectives

Objective 1: Provide for the transport and light industrial activities within the Industrial 2A Zone.

Objective 2: The identification, maintenance and enhancement of the amenity values of the Industrial 2A Zone.

2.31A.3 Policies

Policy 1 Industrial 2A Zone: To provide for a limited range of light industrial activities, industrial activities associated with transport and storage, and for concrete batching operations.

⁸ Decision 38/1

⁹ Decision 38/16

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Explanation: *Industrial activities are important to the economy of the city as they add to the economic well-being, they support and service rural activities and they provide employment. The Industrial 2A Zone has been identified as an area providing for a limited range of light industrial and transport related activities to develop and operate. This Zone has a higher tolerance for the potential adverse environmental effects often generated by these types of activities, while also recognising the need to protect the amenity of the nearby Clifton residential area. The co-location of industrial activities within a defined area and the introduction of a number of controls specific to the environmental context within which the Zone is located, will mean that the adverse effects are contained and appropriate separation from more sensitive activities is achieved.*

To ensure the viability of the city's main commercial areas, retailing and office activities within the Industrial 2A Zone is to be limited to those ancillary to the light industrial or transport related activity being carried out on-site. Residential and other noise sensitive activities are to be excluded from these areas in order to protect the ability of industries to operate free from reverse sensitivity conflicts.

The activities carried out within the Industrial 2 Zones are to be of a scale appropriate to the urban environment. Industrial activities requiring large allotments of land, over one hectare, are encouraged to locate within the Industrial 3 or 4 Zones of the District, which offer even greater protection for more sensitive living and working environments from the potential range of adverse effects created by these larger scale industrial activities.

Policy 2 Strategic Location: To recognise the strategic location of the Industrial 2A Zone as a hub for transport, freight haulage activities and light industrial activities.

Explanation: *The Zone's location within urban Invercargill and its strong transport links to Bluff via the adjacent State Highway 1 and Bluff branch railway, contribute to its potential as an industrial site.*

Policy 3 Rail: To encourage the use of rail for the movement of freight to and from the Industrial 2A Zone.

Explanation: *The availability of easy access to rail is one of the strategic advantages of the Industrial 2A Zone. Rail can be an energy-efficient and cost-effective method of moving bulk goods that can also minimise effects on the efficiency and safety of the State Highway.*

Policy 4 Natural Hazards:

(A) To recognise the effects of natural hazards within the Industrial 2A Zone with regard to:

- (i) remedial measures which protect the site and buildings from the potential effects of liquefaction
- (ii) the protection of the site and buildings from potential inundation from the New River Estuary

(B) To ensure hard stand areas, and especially buildings, are located at a minimum finished ground level to avoid inundation, and foundation design or ground strengthening is undertaken to avoid potential liquefaction hazard.

Explanation: *The Industrial 2A Zone is deemed to have the potential to be at risk from sea level rise/storm surge, and susceptible to liquefaction. Any development within the Zone needs to recognise this risk.*

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Policy 5 Neighbouring Residential Amenity: To protect the amenity of the Clifton residential area.

Explanation: *Given the proximity of Industrial 2A to the residential areas of Clifton, it is important that the Industrial 2A Zone is developed in a way that protects and maintains the amenity values of this more noise sensitive environment.*

Policy 6 View Shaft: To retain a corridor to maintain a view of the New River Estuary from the Clifton residential area.

Explanation: *The Industrial 2A Zone provides for the erection of large industrial buildings and structures. The retention of a view corridor will ensure a visual connection between the Clifton residential area and the New River Estuary is maintained.*

Policy 7 Access: To restrict access to the Industrial 2A Zone from State Highway 1 and Station Road by providing access from Lake Street.

Explanation: *The types of activities anticipated as operating within the Industrial 2A Zone are vehicle oriented, with a need for heavy vehicle access. Efficient and convenient provision of access for service vehicles will be required as part of any activity carried out within this Zone to ensure their effects on the efficiency and safety of the State Highway are minimised.*

Policy 8 Noise: To provide within the Industrial 2A Zone for a reasonable level of daytime and night time noise associated with a range of industrial, warehousing and service activities, recognising that some parts of the Zone are subject to high levels of noise generated by transportation activities. Recognition of the importance of protecting the residential noise environment in the Residential 1 Zone.

Explanation: *By their nature industrial activities can produce moderate to high levels of noise emissions. Whilst the cumulative noise parameters are not to be exceeded beyond the boundary of the Zone, the physical distance of the Industrial 2A Zones from residential areas should enable moderate noise emissions during both the day and the night.*

These areas are working environments so noise limits will be put in place to ensure that the workers and visitors in the areas are not subjected to unreasonable noise emissions and the Council will retain enforcement options under the RMA should the noise created be unreasonable or objectionable.

Policy 9 Odour: To accept some odour emissions associated with transport and storage activities whilst ensuring the absence of nuisance from objectionable odour.

Explanation: *A variety of odours is an inevitable by-product of industrial activity. However, odours can be excessive or unpleasant and the Council needs the ability to take enforcement action when necessary.*

Policy 10 Glare: To accept some glare within the Zone associated with light industrial activities, industrial activities associated with transport and storage, and concrete batching operations, whilst ensuring freedom from nuisance from glare and managing the adverse effects of glare on transportation networks, landscape values and residential amenity.

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Explanation: *By their nature and scale, some glare from industrial and transport related activities can be expected within the Industrial 2A Zone. Glare can become a major nuisance or even a hazard if not considered in the operation of a site, the design of buildings. It can also impact on landscape values. Although a minor and transient inconvenience from glare is part of normal urban life, the effects of glare from within the Industrial 2A Zone on the transportation networks, landscape values and nearby residential activity should be controlled.*

Policy 11 Lightspill: To provide for lightspill associated with the operation of transport and storage and related industrial activities.

Explanation: *Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill on to neighbouring properties can be a nuisance and an adverse environmental effect. Lightspill can also cause a hazard to transportation networks including to aircraft, vehicles, trains, cyclists and pedestrians. It is necessary that the District Plan establishes limits around the amount of lightspill that can occur as a by-product of an operational industrial area.*

Policy 12 Electrical Interference: To avoid nuisance from electrical interference.

Explanation: *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 13 Signage: To provide for signage associated with business and activities within the Industrial 2 Zone and exclude signage that is visually intrusive beyond the boundary of the zone.

Explanation: *Signage is a necessary part of an industrial area, to assist people to identify premises or businesses that they may be looking for and also to help give these premises "presence" in the public realm.*

Signs can also reduce the safety and efficiency of the transportation network if they are poorly located, distract drivers' attention or restrict visibility. Signs should be located and designed in a manner that avoids these effects.

Policy 14 Hazardous Substances: To provide for the opportunity for the storage of hazardous substances in significant amounts.

Explanation: *Hazardous substances are part of the normal operation of many industrial activities. Use and storage of hazardous substances may impose a risk constituting an adverse environmental effect.*

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

Policy 15 Dilapidated structures and ill-maintained lands: To require that land and buildings within the Industrial 2A Zone will be maintained.

Explanation: *While there are remedies available to the Council under the Building Act 2004 with respect to dangerous or earthquake prone buildings, it also needs to be able to take action under the RMA with respect to buildings that are dilapidated and untidy.*

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Policy 16 Demolition and Removal Activities: To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.

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 with minimal inconvenience to the public in general.

Policy 17 Height and Colour of Structures: To provide the opportunity to erect large structures in the Industrial 2A Zone subject to restrictions on their location within the Zone, the height and colour of such structures, and the protection of a view shaft from Clifton.

Explanation: The character of an area is influenced by the scale of buildings and the height of structures is a key component of scale. By their nature, industrial activities can require significant structures in terms of height and bulk. Due to its physical separation from residential areas of the city, the Industrial 2A Zone provides an opportunity to construct these taller structures, subject to restrictions on their location within the Zone, the height and colour of such structures, and the protection of a view shaft from the residential area at Clifton.

Policy 18 Open space and density: To provide the opportunity to create large areas of impermeable surfaces used for intermodal road/rail transport activities, related industrial activities, storage of containers of goods, and parking of vehicles.

Explanation: The Industrial 2A Zone is characterised by the ability to fully utilise the site for industrial and transport related activities.

Policy 19 Landscaping planting and screening: To require enhanced landscaping along the eastern boundary adjacent to the rail corridor.

Explanation: The Industrial 2A Zone is a working environment. Incorporating landscaping into the development of the Zone will soften the eastern edge of the site, and reduce the impact on the amenity of the Clifton residential area.

Policy 20 Transportation:

- (a) To ensure safety and visibility is maintained at the Lake Street, State Highway 1 intersection.
- (b) To avoid congestion and provide adequate parking.
- (c) To enable significant heavy traffic movements to and from the area involving heavy vehicles associated with transport activities and storage, and associated intermodal rail freight operations.
- (d) To maintain ready access along the coastal walkway/cycleway along western side of the site."

2.31A.4 Methods of Implementation

Method 1 Delineate the Industrial 2A Zone on the District Planning Maps.

Method 2 Include rules identifying activities that are appropriate within the Industrial 2A Zone.

Method 3 Identify the anticipated amenity values for the Industrial 2A Zone, include environmental standards to protect and enhance them, and implement through

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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 Industrial 2A Zone, as well as the principles of good urban design.

Method 6 Initiate environmental advocacy for:

(A) Promotion of the use of indigenous vegetation sourced locally as part of landscaping for amenity, screening, and on-site stormwater management.

(B) Promotion of the qualities of good urban design.

(C) Mitigation or avoidance of nuisance arising from glare and accentuation of windflow effects.

(D) Promotion of well maintained structures and land.

(E) Promotion of the provision of rail access to the Industrial 2A Zone.

Method 7 Identify cross boundary issues e.g. discharges.

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.

2.32 INDUSTRIAL 3 (LARGE) ZONE

2.32.2 Objectives

~~**Objective 2:** Protection of the integrity and amenity of the urban area by making specific provision for a range of industrial and service activities outside the urban area.¹⁰~~

Objective 34: The identification, maintenance ~~and or~~ enhancement of the amenity values of the Industrial 3 Zone.¹¹

Objective 4: Reverse sensitivity effects are avoided on permitted and lawfully established activities within or adjacent to the Industrial 3 Zone.¹²

2.32.3 Policies

Policy 1 Industrial 3 (Large) Zone: To establish and implement an Industrial 3 Zone in the rural area to provide for a range of ~~heavy~~ industrial and service activities requiring large sites of more than one hectare with operating hours and the ability to operate up to 24 hours a day seven days a week.¹³

¹⁰ Decision 38/20

¹¹ Decision 38/22

¹² Decision 38/19

¹³ Decision 38/23

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Policy 3 Site utilisation: To provide for the full utilisation of the sites within the Industrial 3 Zone for buildings, outside storage or car parking whilst recognising the need to avoid, remedy or mitigate any ~~additional, or adverse effects on~~ change in the quality and quantity of stormwater runoff ~~by requiring on-site collection and retention and, where necessary, treatment of stormwater when industrial sites are developed or redeveloped.~~¹⁴

Policy 15 Landscaping and screening: To ~~require~~ encourage landscaping alongside State Highways as part of site development and maintenance ~~in order to avoid, mitigate or remedy potential reverse sensitivity effects on neighbouring land uses,~~ whilst ensuring that there is no adverse effect on the functionality of the transportation networks.¹⁵

Explanation: *The Industrial 3 Zone is characteristically a working, rather than living, environment which is predominantly visited by vehicles, as opposed to pedestrians. The visual amenity of the properties and activities carried out within this Zone is not a high priority. ~~There is, however, a need for landscaping adjacent to State Highways and principal routes, for both visual amenity and also to minimise driver distraction. Landscaping can, however, act to~~ softens the visual impact of large scale activities and structures on neighbouring land uses and is therefore encouraged.*¹⁶

Policy 16 Reverse Sensitivity: To locate and design activities to avoid, remedy or mitigate reverse sensitivity effects on permitted and lawfully established activities in or adjacent to the Industrial 3 Zone.¹⁷

Explanation: *Industries and farming activities already established in the area need to be able to continue to operate reasonably and within the parameters set by the District Plan, or by their lawful establishment, without being subjected to reverse sensitivity effects associated with complaints by newcomers to the area who do not understand the current working environment, and the range of noise, dust and odour emissions that may be generated within it.*¹⁸

¹⁴ Decision 38/25

¹⁵ Decision 38/26

¹⁶ Decision 38/26

¹⁷ Decision 38/19

¹⁸ Decision 38/19

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2.33 INDUSTRIAL 4 (AWARUA) ZONE

2.33.1 Issues

The significant resource management issues for the Industrial 4 (Awarua) Zone:

4. Land uses within the Industrial 4 Zone can have adverse effects on each other, including reverse sensitivity, and can be incompatible with lawfully established activities adjacent to the Industrial 4 Zone that may generate adverse effects, including, but not limited to, noise, odour and dust emission.¹⁹
7. ~~Land uses within the Industrial 4 Zone can have adverse effects on each other, including reverse sensitivity.~~²⁰

2.33.2 Objectives

Note: ~~All objectives and policies that apply to the Industrial 3 Zone also apply to the Industrial 4 Zone.~~²¹

~~The following are the additional Objectives and Policies that apply within the Industrial 4 Zone:~~²²

Objective 1: Sufficient land is available for future industrial development of large industrial warehousing and service activities which, because of their scale, are encouraged to locate in appropriate areas within the Invercargill City District outside the urban area.²³

Objective 2: The identification, maintenance and enhancement ~~Protection~~ of the specific amenity values of the Industrial 4 Zone.²⁴

Objective 6: The avoidance, remediation or mitigation of the effects of stormwater runoff from industrial sites on the environment.²⁵

Objective 76: Reverse sensitivity effects are avoided on permitted and lawfully established activities within or adjacent to the Industrial 4 Zone as a result of any future subdivision or land use activities within the Industrial 4 Zone are avoided.²⁶

2.33.3 Policies

²⁷**Policy 2 Noise:** To provide within the Industrial 4 Zone for a reasonable level of daytime and night time noise associated with a range of industrial, warehousing and service activities whilst respecting the lower ambient noise levels of adjacent zones.

¹⁹ Decision 38/39

²⁰ Decision 38/39

²¹ Decision 38/40

²² Decision 38/40

²³ Decision 38/40

²⁴ Decision 38/40

²⁵ Decision 38/40

²⁶ Decision 38/41

²⁷ Decision 38/40

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Explanation: *By their nature industrial activities can produce moderate to high levels of noise emissions. Whilst the noise controls are not to be exceeded beyond the boundary of the Zone, the physical distance of the Industrial 4 Zone from residential areas should enable moderate to high noise emissions during both the day and the night.*

These areas are working environments so noise limits will be put in place to ensure that the workers and visitors in the areas are not subjected to unreasonable noise emissions.

Noise sensitive activities are not anticipated within this Zone as they would not be compatible with the industrial nature of the site or with nearby railway and State Highway activities.

²⁸**Policy 3 Odour:** To accept odour emissions whilst ensuring the absence of nuisance from objectionable odour.

Explanation: *A variety of odours is an inevitable by-product of industrial activity. However, odours can be excessive or unpleasant and the Council has the ability to take enforcement action when necessary.*

²⁹**Policy 4 Glare:** To accept glare within the Zone associated with large building surfaces, whilst ensuring freedom from nuisance from glare and avoiding the adverse effects of glare on transportation networks.

Explanation: *By their nature and scale, some glare from large building surfaces can be expected within the Industrial 4 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 a minor and transient inconvenience from glare is part of everyday life, the effects of glare from within the Industrial 4 Zone on the transportation networks should be controlled.*

³⁰**Policy 5 Electrical Interference:** To avoid nuisance from electrical interference.

Explanation: *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.*

³¹**Policy 6 Lighting:** To provide for lighting associated with businesses and activities within the area, including security lighting, whilst avoiding nuisance to other activities in the vicinity.

Explanation: *Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill on to neighbouring properties can be a nuisance and an adverse environmental effect. Lightspill can also cause a hazard to transportation networks including to aircraft, vehicles, trains, cyclists and pedestrians. It is necessary that the District Plan establishes limits around the amount of lightspill that can occur as a by-product of an operational industrial area.*

²⁸ Decision 38/40

²⁹ Decision 38/40

³⁰ Decision 38/40

³¹ Decision 38/40

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³²**Policy 7 Signage:** To provide for signage associated with business and activities within the Industrial 4 Zone.

Explanation: *Signage is a necessary part of an industrial area, to assist people to identify premises or businesses that they may be looking for and also to help give these premises “presence” in the public realm.*

Signs can also reduce the safety and efficiency of the transportation network if they are poorly located, distract drivers’ attention or restrict visibility. Signs should be located and designed in a manner that avoids these effects.

³³**Policy 8 Hazardous Substances:** To provide for the manufacture, storage and use of substances classed as hazardous, whilst having regard to the safety needs of the general public.

Explanation: *Hazardous substances are part of the normal operation of many industrial activities. Use, manufacture and storage of hazardous substances may impose a risk constituting an adverse environmental effect.*

Requiring activities that utilise significant quantities of hazardous substances to co-locate within the Industrial 4 Zone will contain the potential environmental, and health and safety, effects away from more sensitive urban environments.

³⁴**Policy 9 Dilapidated structures and ill-maintained lands:** To require that buildings within the Industrial 4 Zone will be sound, well maintained and tidy in appearance.

Explanation: *The Council needs the authority and ability to take action in relation to any building or facility which becomes dilapidated or unkempt. Unkempt sites discourage redevelopment in the area.*

³⁵**Policy 10 Demolition or removal activities:** To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.

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 with minimal inconvenience to the public in general.*

³⁶**Policy 11 Height of structures:** To enable height of buildings in the Industrial 4 Zone to meet the operational requirements of activities in the Zone, whilst having regard to landscape qualities of the areas within the Invercargill District.

Explanation: *The landscape of the areas surrounding Invercargill is large-scale and expansive, comprising large areas of flat terrain. Large industrial buildings have been established, changing but not destroying the landscape qualities of the area. It is a landscape where large buildings are accepted and do not look out of place. However there is a potential for cumulative effect resulting in*

³² Decision 38/40

³³ Decision 38/40

³⁴ Decision 38/40

³⁵ Decision 38/40

³⁶ Decision 38/40

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destruction of current landscape values. This potential should be recognised and addressed in new development proposals.

- ³⁷**Policy 12 Car Parking and service vehicles:** To require the provision of adequate off-street car parking and efficient and convenient provision for service vehicles.

Explanation: The types of activities anticipated as operating within the Industrial 4 Zone are vehicle oriented, with a need for heavy vehicle access. On-site car parking and efficient and convenient provision for service vehicles will be required as part of any activity carried out within this Zone.

- ³⁸**Policy 2413 Reverse Sensitivity:** To locate and design activities to avoid reverse sensitivity effects on permitted and lawfully established activities on or adjacent to the Industrial 4 Zone.

Explanation: Industries and farming activities already established in the area need to be able to continue ~~contribute~~ to operate reasonably and within the parameters set by the District Plan, or by their lawful establishment, without being subjected to reverse sensitivity effects associated with complaints by newcomers to the area who do not understand the current working environment, and the range of noise, dust and odour emissions that may be generated within it.

SECTION THREE - RULES

3.11 LIGHTSPILL

- 3.11.1** All activities are to be designed, constructed and operated to comply with the following maximum levels of lightspill:

- (A) Lightspill is to be measured and assessed in accordance with the Australian Standard AS 4282 1997: Control of the Obtrusive Effects of Outdoor Lighting.

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

| | Sunset through midnight to sunrise |
|--|------------------------------------|
| Industrial 2, Industrial 2A ³⁹ Industrial 3, Industrial 4 | 10 lux |

3.12 NATURAL HAZARDS

⁴⁰**3.12.5 Industrial 2A Zone:**

- (A) The following are permitted activities within the Industrial 2A Zone:

- (a) Formation of any areas of hard surfaces (including concrete, asphalt or bitumen) and any surfaces used for the movement and parking of vehicles and the external storage of goods and materials, with a minimum site level of 2.0m AMSL.

³⁷ Decision 38/40

³⁸ Decision 38/44

³⁹ Decision 38/16

⁴⁰ Decision 38/16

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- (b) Erection of any buildings with a finished ground level of at least 2.7m AMSL.
- (B) Any activity which does not comply with Rule 3.12.5(A) is a restricted discretionary activity.
- (C) The matters over which the Council shall exercise its control are:
- (a) The adequacy of the methods proposed to avoid any inundation from the New River Estuary.

Note: Applications under Rule 3.12.5(B) need not be publicly notified.

3.13 NOISE⁴¹

3.13.10 Business 3 (Specialist Commercial) Zone, Business 4 (Neighbourhood Shops) Zone, Industrial 1 (Light) Zone and Industrial 2 (Urban) Zone–

- (A) All new noise sensitive activities and additions to existing noise sensitive activities within the Business 3, Business 4, Industrial 1 and Industrial 2 Zones shall be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in AS/NZS2107:2000 Recommended design sound levels and reverberation times for building interiors.

3.16 SIGNAGE

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

| | |
|---|--|
| ⁴² <u>Industrial 2A Zone</u> | <p>(a) <u>Signage painted on to, or attached parallel to, buildings:</u> <u>Maximum area: 1m² per 10m of street frontage (Lake Street only)</u></p> <p>(b) <u>Freestanding signage and signage attached at an angle to buildings:</u></p> <p>(i) <u>Maximum combined area: 5m²</u></p> <p>(ii) <u>Maximum height: 8m</u></p> |
|---|--|

3.18 SUBDIVISION

Protected Areas and Minimum Lot Sizes

- 3.18.6** Subdivision is a non-complying activity where it would create lots as follows:

- (C) ~~Within Industrial 1, Industrial 1A (Marine) and Industrial 2 Zones:~~
~~Allotments of greater than one hectare.⁴³~~

⁴¹ Decision 38/10

⁴² Decision 38/16

⁴³ Decision 38/1 and Decision 36/44

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3.20 TRANSPORT

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

(Note: Where more than one activity takes place on the site, parking is assessed for each activity separately and be cumulative.)

Where staff parking is to be provided, all such spaces are to be so identified.

| ACTIVITY | PARKING REQUIREMENT |
|--|--|
| ⁴⁴ <u>Land Transport Facility</u> | <u>One car park per 50m² or part thereof up to 200m², and thereafter one car park per 200m² gross floor area or part thereof.</u> |

3.30 INDUSTRIAL 2 (URBAN) ZONE

3.30.1 **Permitted Activities:** The following are permitted activities in the Industrial 2 Zone:

(H) Trade Retail⁴⁵

(I) Takeaway food premises not exceeding 150 square metres⁴⁶

(J) Caretaker Accommodation⁴⁷

~~Provided that:~~

~~(A) The total site area shall not exceed one hectare.~~⁴⁸

Height of Structures

3.30.4 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: 25 metres.

Note: Parts of the Industrial 2 Zone are also subject to height restrictions under the Airport Approach and Land Use Controls Designation. Please refer to Designation 74 in Appendix IV.⁴⁹

⁴⁴ Decision 38/16

⁴⁵ Decision 38/8

⁴⁶ Decision 38/9

⁴⁷ Decision 38/10

⁴⁸ Decision 38/1

⁴⁹ Decision 38/12

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⁵⁰**3.30A Industrial 2A Zone**

3.30A.1 Permitted Activities: The following are permitted activities in the Industrial 2A Zone:

- (A) Freight Depot
- (B) Land transport facility
- (C) Bulk storage of asphalt, tallow, industrial chemicals and scrap metal
- (D) Concrete batching
- (E) Light industry
- (F) Essential Services
- (G) The erection of any building up to and not exceeding 19m in height with finished floor levels of at least 2.7 AMSL, roofs coloured Colorsteel New Denim Blue, and walls coloured with Colorsteel Titania or unfinished concrete.

3.30A.2 Controlled Activities: The following are controlled activities in the Industrial 2A Zone:

- (A) The erection of any building not otherwise permitted up to and not exceeding 19m in height with finished floor levels of at least 2.7 AMSL.

3.30A.3 Restricted Discretionary Activities: The following are restricted discretionary activities in the Industrial 2A Zone:

- (A) The erection of any building exceeding 19m in height and up to and not exceeding 25m in height with finished floor levels of at least 2.7m AMSL

3.30A.4 Discretionary Activities: The following are discretionary activities in the Industrial 2A Zone:

- (A) Any activity not listed as permitted, controlled, restricted discretionary or non-complying

3.30A.5 Non-complying Activities: The following are non-complying activities in the Industrial 2A Zone:

- (A) Noise sensitive activity including Habilitation Centres

Height and Colour of Structures

3.30A.6 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:

19m in height, provided that roofs are coloured Colorsteel New Denim Blue, and walls are coloured either Coloursteel Titania or unfinished concrete.

3.30A.7 Where a building up to 19m in height does not comply with the provisions of Rule 3.30A.6 above, it shall be a controlled activity. The matters over which the Council shall exercise its control are:

- (A) Colour and reflectivity

⁵⁰ Decision 38/16

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3.30A.8 The erection of any building exceeding 19m in height and up to and not exceeding 25m in height with finished floor levels of at least 2.7m AMSL is a restricted discretionary activity. The matters over which the Council shall exercise its discretion are:

- (A) Colour and reflectivity; and
- (B) The degree to which view shafts are maintained across the site, from the Clifton residential area towards the New River Estuary by the use of 6m clear zones around the buildings exceeding 19m in height.

3.30A.9 Where a building exceeds a height of more than 25m, it shall be a discretionary activity (unrestricted).

Concept Plan

3.30A.10 (A) All land use activities shall comply with the Concept Plan ("Industrial 2A Zone") in Appendix X, including:

- (1) All vehicular access to Section 25 Block XIX Invercargill Hundred; Section 24 Block XIX Invercargill Hundred and Lot 1 of 23 Deposited Plan 2612 shall be via a new access road off Lake Street.
- (2) Any buildings located within the Frome Street View Shaft as depicted on the Concept Plan in Appendix X shall not exceed 6m in height.
- (3) Signage within the Industrial 2A Zone shall not be legible beyond the boundary of the Zone.
- (4) The erection of any buildings shall be confined to the area west of the railway siding and shown as "Warehouse Development Zone" or "Building Zone" on the Concept Plan.

(B) Any activity that does not comply with Rule 3.30A.10(A) above is a discretionary activity

3.31 INDUSTRIAL 3 (LARGE) ZONE

3.31.1 Permitted Activities: The following are permitted activities in the Industrial 3 Zone:

- (A) Agriculture

Provided that:

- ~~(A) The minimum site area is one hectare for any activity other than health care or takeaway food premises; and⁵¹~~

Height of Structures

3.31.4 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:

⁵¹ Decision 38/27

APPENDIX 3 CHANGES TO DISTRICT PLANNING MAP 17

- (A) Maximum height: 25 metres.
(B) Within that part of the Industrial 3 Zone illustrated on the Concept Plan in Appendix X the maximum height is 35 metres.⁵²

Site Coverage

- 3.31.7** The maximum coverage of all buildings on ~~the~~ each site shall not exceed ~~75~~25% of the net site area.⁵³

⁵⁴**Landscaping**

- ~~**3.31.10** Where the Industrial 3 Zone adjoins a State Highway there shall be a three metre landscaping strip provided within the Industrial 3 Zone.~~

- ~~**3.31.11** This landscaping strip shall be planted and maintained in such a way as to provide a continuous visual screen of no less than 1.8 metres high when the plantings are mature.~~

- ~~**3.31.12** This landscaping strip shall be provided with barriers inside the industrial property such that the landscaping strip plantings are protected from activities within the Industrial site.~~

- ~~**3.31.13** Where this landscaping is not provided in accordance with Rules 3.31.10, 3.31.11 and 3.31.12 above, the activity is discretionary.~~

- ~~**3.31.14** Applications under Rule 3.31.13 shall address the following matter, which will be among those taken into account by the Council:~~

- ~~(A) The visual effect and any other effect of the activity on the State Highway.~~

- ~~**3.31.15**~~¹⁰ Within that part of the Industrial ~~43~~ Zone illustrated on the Concept Plans in Appendix X:

- (A) Access to the site on the western side of Bluff Highway shall be via the existing formed access road shown on the Concept Plans.⁵⁵

3.32 INDUSTRIAL 4 (AWARUA) ZONE

- 3.32.1 Permitted Activities:** The following are permitted activities in the Industrial 4 Zone:

- (A) ⁵⁶Agriculture ~~(other than dwellings associated with agricultural operations)~~

⁵² Decision 38/32

⁵³ Decision 38/33

⁵⁴ Decision 38/26

⁵⁵ Decision 38/52

⁵⁶ Decision 38/45

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3.38⁵⁷ RURAL ZONE

3.38.1 Permitted Activities: The following are permitted activities in the Rural 1 Zone:

(K) On the land legally described as

(i) Crowe Road (Part Sec 45 Blk XIV Invercargill Hundred),

(ii) 159 Crowe Road (Lot 32 Blk II DP 64, Lot 3 DP 10900, Lot 33 Blk II DP 64, Part Sec 36 Blk XIV Invercargill Hundred SO 284, Part Sec 35 Blk XIV Invercargill Hundred SO 284),

(iii) 1 Crowe Road (Lot 1 DP 386107, Lot 2 DP 10900, Lot 5 DP 10900) and 183 Steel Road (Lot 4 DP 10900),

the disposal of liquid and solid waste associated with meat processing activities undertaken on land legally described as:

Part Sections 26 – 28, 32, 50 – 58 and 61 Block XIV Invercargill Hundred

Part Sections 1 and 2 Block XL Town of Wallacetown

Part Section 1 Block XL Town of Wallacetown,

Lots 2, Part Lot 3 and Lot 4 DP 2156,

Lots 1 - 3 DP 6657

Lot 4 DP 6863⁵⁸

PLANNING MAPS

Amend District Planning Map 17 so the whole of the Clifton Waste Water Treatment Plant as within the Industrial 2 Zone⁵⁹

Amend District Planning Map 17 to rezone the land currently zoned Rural 2 at 5 Lake St and 2* Station Road to Industrial 2A.⁶⁰

⁵⁷ Numbering of provisions may change in the Proposed District Plan – decisions version as a result of decisions

⁵⁸ Decision 38/38

⁵⁹ Decision 38/14

⁶⁰ Decision 38/16