



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Report No. 46**

**Variation 7**

**Industrial 3 (Heavy) and Industrial 4 (Awarua) Zones**

**14 March 2016, 9.00 am  
COUNCIL CHAMBERS  
CIVIC ADMINISTRATION BUILDING**

**Reporting Officer: Gareth Clarke  
SENIOR POLICY PLANNER**

**Peer Reviewed by: Liz Devery  
SENIOR POLICY PLANNER**

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

# TABLE OF CONTENTS

	<b>Page</b>
<b>1. Executive Summary</b> .....	1
<b>2. Introduction</b> .....	2
2.1 Report Author.....	2
2.2 Peer Review.....	2
2.2 How to read this report.....	2
2.3 Interpretation .....	2
2.4 The Hearing Process.....	3
<b>3. Background</b> .....	5
<b>4. Statutory Context / Legislative Requirements</b> .....	6
4.1 Resource Management Act 1991 .....	6
4.1.1 Part 2 of the RMA.....	6
4.1.2 Functions of Territorial Authorities under the RMA .....	7
4.1.3 Consideration of alternatives, benefits, and costs.....	7
4.2 Relevant Planning Policy Documents.....	7
4.2.1 New Zealand Coastal Policy Statement 2010.....	7
4.2.2 National Policy Statements .....	7
4.2.3 National Environmental Standards .....	7
4.2.4 Operative Regional Policy Statement .....	8
4.2.5 Proposed Regional Policy Statement .....	8
4.2.6 Regional Plans .....	9
4.2.7 Iwi Management Plans .....	9
4.2.8 Management Plans and Strategies Prepared under other Acts .....	9
<b>5. Analysis of Submissions</b> .....	10
<b>6. Discussion of Section 32 Matters</b> .....	12
6.1 Section 32AA Further Evaluation .....	12
<b>7. Concluding comments</b> .....	13
<b>Appendix 1: Recommendations in response to individual submissions</b> .....	15
<b>Appendix 2: Recommended changes to Variation</b> .....	21

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

## **1. EXECUTIVE SUMMARY**

This report addresses submissions relating to Variation 7 – Industrial 3 (Heavy) and Industrial 4 (Awarua) Zones.

The following report includes discussion and recommendations on the four submissions received relating to this Variation. No further submissions were received.

The majority of the submissions received on this Variation were in opposition to the proposals. The opposition of two of the submitters stems from a perceived lack of action on landscaping work that was agreed to during the development of Plan Change 8, the planning process that established the Industrial A Sub-Area under the Operative District Plan (now proposed to be renamed the Industrial 4 Zone under the Proposed District Plan). A third opposing submission cites a number of concerns relating to the overall development of the area for industrial activity.

Recommendations in this report support the approach in the Variation and recommend it is accepted, subject to some minor amendments clarifying access requirements under the Concept Plan for the Industrial 3 Zone.

## **2. INTRODUCTION**

### **2.1 Report Author**

My name is Gareth James Clarke. I am a Senior Policy Planner at the Invercargill City Council, a position I commenced in May 2015. I have eight years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom, including four years as a Policy Planner at the Invercargill City Council. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of BA in Geography.

### **2.2 Peer Review**

This report has been peer reviewed by Liz Devery. Liz is a Senior Policy Planner at the Invercargill City Council, a position she has held since 2003. Liz has over 15 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. Liz holds the qualifications of LLB/BA (Hons I) in Geography.

### **2.3 How to Read this Report**

This report is structured as follows:

- Interpretation (an explanation of some of the terms used) and explanation of the Hearing process.
- Background to the development of the Variation
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions.

To see my recommendation on an individual submission please refer to the table at the end of Appendix 1. The table sets out the name and relevant submission number of those who submitted on the Variation 7 – Industrial 3 and Industrial 4 Zones provisions and a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

### **2.4 Interpretation**

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

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

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

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

“RMA” means the Resource Management Act 1991

“Submitter” means a submitter to the Variation

## **2.5 The Hearing Process**

A hearing is to be held to consider the submissions lodged on Variations 1 - 8 to the Proposed Invercargill City District Plan 2013. This report applies to Variation 7 – Industrial 3 (Heavy) and Industrial 4 (Awarua) Zones.

This report does not necessarily reflect the recommendations made by staff in response to submissions and further submissions on the Proposed District Plan notified in August 2013. Decisions on original submissions and further submissions have yet to be notified. It is anticipated that decisions on the Proposed District Plan, as notified, will be released at the same time as decisions on this Variation. All submissions and further submissions on these issues will be considered in the final drafting of the Proposed District Plan.

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

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

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

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

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

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

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

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

Except on points of law, the decision of the Environment Court is final.



### 3. BACKGROUND

The Operative District Plan included an Industrial Zone in the Awarua area called the Industrial A Sub-Area, which was developed through a Plan Change process (Plan Change 8) as an extension to the existing Industrial Sub-Area at Awarua. Having been through a Plan Change process, including an appeal that was resolved by Consent Order, it was intended that the general tone of the final provisions for the Industrial A Sub-Area in the Operative District Plan would be carried over to the Proposed District Plan, recognising that some minor amendments would need to be made to the provisions to ensure they were consistent with the language and format of the new Plan. It has now come to the Council's attention that not all the relevant provisions from the Operative District Plan have been correctly transferred to the Proposed District Plan, and this needs to be addressed through a Variation to the Proposed District Plan.

There are two main errors that need to be rectified. They are:

1. The provisions that are listed under the heading "Access" in the Industrial 4 Zone section of the Plan (Rules 3.32.8 – 3.32.10) relate to a Concept Plan that was included in the Operative District Plan to guide development of the land on the western side of State Highway 1 at Awarua (which has now been zoned as Industrial 3 Zone in the Proposed District Plan). This Concept Plan has been carried over into the Proposed District Plan and so these rules are still of relevance, but they are currently sitting in the wrong place and have no relevance to the Industrial 4 Zone.
2. The Plan Change 8 decision sets a maximum height of structures in the Industrial A Sub-Area at 25m, however, Rule 3.32.11 of the Proposed District Plan lists the maximum height as being 35m.

Additionally, amendments may be required to the subdivision provisions of the Proposed District Plan which generally treats subdivision as a discretionary activity, with an extensive list of matters which will be taken into account by the Council. However, the matters included in this list are quite general in nature so as to provide for the range of subdivision activities occurring across the whole district, and they therefore do not provide the level of detail contained in the Industrial A Sub-Area specific provisions that were introduced into the Operative District Plan following Plan Change 8.

The "Landscapes" rule within the Industrial 4 Zone provisions is also considered unnecessary as landscaping is already required under the Concept Plan as it is, compliance with which is directed Rule 3.32.6.

## 4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

In developing the Proposed District Plan there are a number of statutory requirements guiding the process and outlining what must be considered.

### 4.1 Resource Management Act 1991

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

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

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

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

#### 4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out the purpose and principles of the Act.

The purpose of the RMA is set out in Section 5. The matters addressed within this report fall within the purpose of the RMA. In particular, the provisions provide for the people and community to provide for their social, economic and cultural well-being, whilst also seeking to avoid, remedy or mitigate adverse effects on the environment in accordance with Section 5(2)(c) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. I do not consider that any of these matters are particularly relevant to this subject, however, there are areas within the Industrial 4 Zone that are identified as having historic heritage values. Heritage is addressed in the Proposed District Plan through the District Wide provisions. This Variation does not affect the heritage provisions or directly affect the heritage values of the Zone.

Section 7 sets out “other matters” for which particular regard shall be had. Those that are most relevant and that have been had regard to in the drafting of this Variation are:

- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*

Section 8 of the RMA obliges persons exercising functions and powers under the Act to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama have been involved in discussions on the matters raised in this Variation, raising no significant concerns.

#### **4.1.2 Functions of Territorial Authorities under the RMA**

Section 31 of the RMA states the functions of a territorial authority under that Act. Section 31(1)(b)(i) specifically states that territorial authorities have the function of controlling any actual or potential effects of the use, development or protection of land. The provisions addressed in this Variation fall within the Council's functions under the RMA.

#### **4.1.3 Consideration of alternatives, benefits, and costs**

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

Whilst a Section 32 report was released at the time of notification of the Variation, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making changes on the Proposed District Plan. A further Section 32 assessment of any changes recommended is included in this report.

#### **4.2 Relevant Planning Policy Documents**

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

##### **4.2.1 New Zealand Coastal Policy Statement 2010**

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement. The New Zealand Coastal Policy Statement 2010 (NZCPS) is not of direct relevance to the matters addressed in this Variation. It is acknowledged that there are areas within the Awarua and Ocean Beach Industrial 3 Zone that are within the Coastal Environment. However, the natural character of these areas is minimal given historical use of the properties and the Proposed District Plan does not change the extent of these areas.

By enabling the continued use of the infrastructure and built development in these areas the provisions of the Proposed District Plan provide for the needs of the population whilst being consistent with the NZCPS. This Variation does not propose to significantly alter those provisions. Where resource consent is required for development within these areas, consideration of effects on the Coastal Environment will be required through the Proposed District Plan provisions.

##### **4.2.2 National Policy Statements**

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements (NPS). There is no NPS that is particularly relevant to this Variation.

##### **4.2.3 National Environmental Standards**

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard (NES). The provisions subject to this Variation do not conflict with any NES.

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 is relevant to land use and development in industrial zones as many industrial activities would be considered HAIL activities likely to cause land contamination resulting from hazardous substance use, storage or disposal. The Proposed District Plan includes the NES and potential subdivisions and changes of use of land in these zones may require some consideration of the NES.

#### **4.2.4 Operative Regional Policy Statement**

Under Section 75 of the RMA, a District Plan must give effect to an Operative Regional Policy Statement (RPS). The relevant RPS is the Southland Regional Policy Statement 1997. The Operative RPS included provisions on the built environment. It has four Objectives. The three of most relevance to this Variation seek to achieve the sustainable management of the built environment to meet the needs of future generations, maintain and enhance the environmental quality of the built environment, and minimise the adverse effects of the built environment on natural and physical resources.

There are seven policies relating to the built environment in the Operative RPS. Of these only one is of relevance to this Variation. This policy seeks to recognise that changes to one component of the built environment can have adverse effects on other components of the built environment.

The intention of this Variation is to manage activities in one zone that may impact on another zone, ensuring the sustainable use and development of the built environment as a physical resource. In that regard I consider the Variation gives effect to the Operative RPS.

#### **4.2.5 Proposed Regional Policy Statement**

In accordance with Section 74 of the RMA, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. Decisions were released on the Proposed RPS on 6 June 2015. In developing this Variation, the decisions on submissions to that policy statement form part of the considerations.

The Proposed RPS includes a chapter on Rural issues (Chapter 5). The Objective of the Rural chapter provisions is to achieve the sustainable use of Southland's rural land resource and protect the Region's soils. In developing this Variation particular regard has been had to Policy RURAL.1, which requires recognition that use and development of Southland's rural land resource enables people and communities to provide for their social, economic and cultural well-being; Policy RURAL.2, which requires activities in rural areas to be managed in a way that maintains and enhances rural amenity values and character; and Policy RURAL.5, which requires the effects of rural land development to be sustainably managed.

I believe this Variation ensures that industrial development is undertaken in an integrated and sustainable way that does not adversely impact on the rural zones, and in doing so, has regard to the Proposed RPS.

#### **4.2.6 Regional Plans**

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. There are no Regional Plans that are directly relevant to the issues covered by this Variation. The proposed Variation is not inconsistent with any of the Regional Plans.

#### **4.2.7 Iwi Management Plans**

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an Iwi authority and lodged with the territorial authority. Ngāi Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauira*. Section 3.5.4 Industry outlines the expectations of iwi with respect to these matters and the Variation is considered consistent with those policies.

#### **4.2.8 Management Plans and Strategies Prepared under other Acts**

A District Plan is required to have regard to management plans and strategies prepared under different Acts.

Regard has been had to *The Big Picture*, Council's spatial plan prepared under the Local Government Act 2002. The importance of Industrial areas at Awarua is identified through the Spatial Plan and I believe the importance of these areas to the District is reflected in this Variation.

## 5. ANALYSIS OF SUBMISSIONS

This report addresses approximately five submission points. Recommendations on these submissions are included in **Appendix 1**. This part of the report discusses the issues raised in the submissions in more detail.

Two of the submitters, Herman Thys (submission No. 1.1) and G and H McLellan (submission No. 4.1), raised concerns around the landscaping of the Industrial 4 Zone, or rather the lack of it. Both submitters have called on the Council to honour the landscaping plans that were agreed on during the development of Plan Change 8 which established the original industrial zone under the Operative District Plan (known as the Industrial A Sub-Area).

The issue of the Council honouring any earlier agreements surrounding the landscaping of the site is one for the parties to resolve outside of this Variation process. While the Concept Plan for the zone does provide an indication of the intended landscaping, within the decision on Plan Change 8 or in the Operative District Plan there is no rule linking to it that actually directs its implementation. It should also be noted that there is nothing within the policy and rule framework for Plan Change 8 that would stop the Council from completing all the landscaping work ahead of any development proposals being initiated, if that is what has been agreed to, but conversely it does not appear that there is anything in the Plan Change 8 decision that compels them to do so. Apart from listing “landscaping” as a matter to be taken into account when deciding resource consents for development in the Industrial 4 Zone, Policy 3.16.8(B) of the Operative District Plan (Industrial 4 Zone Policy 6(B) under the Proposed District Plan) appears to be the only provision from Plan Change 8 which provides any sort of direction on the landscaping issue. That policy requires *“the provision of landscaping on each site within the Industrial A Sub-Area to mitigate the visual effects of development on that site.”* This appears to place the focus of landscaping more on an individual site-by-site basis rather than the wider Industrial zone as a whole.

The issue of landscaping in the Industrial 4 Zone was raised previously in Section 42A Report 38 – Industrial Zones. In that report, a recommendation was made to amend Rule 3.32.16 by clarifying that landscaping of any site in the Industrial 4 Zone should be carried out prior to the erection of any buildings or structures on the site, in accordance with Policy 3.16.8(B) as mentioned above. This Variation now proposes removing that rule entirely as the requirement to landscape in accordance with Concept Plan is already covered elsewhere under Rule 3.32.6 (which requires all land uses in the Industrial 4 Zone to comply with the Concept Plan in Appendix X). Furthermore, sub clauses (A) - (B) of Rule 3.32.16 go beyond and, to an extent, contradict the landscaping requirements shown on the Concept Plan. While Rule 3.32.6 did not form part of the original decision on Plan Change 8 and is of more relevance to the Industrial 3 Zone, this Variation does not recommend removing it from the Proposed District Plan. The reason for recommending Rule 3.32.6 be retained is that it is considered to add value by providing a directive that did not previously exist in the Operative District Plan to require development within the Industrial 4 Zone to be carried out in accordance with the adopted Concept Plan, including any landscaping requirements.

In terms of the timing of when that landscaping is required, removal of Rule 3.32.16, and the associated amendments that were recommended by the aforementioned Section 42A report, will mean that the uncertainty surrounding the issue will remain. In keeping with the recommendations made in Section 42A Report 38 – Industrial Zone, and in accordance with Industrial 4 Zone Policy 6 (B), it would be appropriate to amend Rule 3.32.6 to clarify that landscaping on individual sites is to be completed at the time of the development of that site,

with the trigger being a building consent for the erection of any buildings or structures on the site.

Todd Meikle (submission No. 3.1) also submitted in opposition to the Variation citing concerns around the lack of information available on the bulk and height of buildings, and the effects on landscapes, roading layout and traffic safety along Bluff Highway, noise pollution and vibration effects, and air pollution and odour. The submitter also notes a concern around the lack of definition about what and where light and heavy industrial activities can locate, and where waste water and other contaminants are to be disposed of. The submitter requests withholding making any decisions on the grounds of more consultation being undertaken.

While the submitter has valid concerns in relation to the above points, the consideration of most of the issues he has referred to are beyond the scope of this Variation, and have been addressed as part of the development of Plan Change 8 under the operative District Plan.

Ballance Agri-Nutrients (submission No. 2.1 and 2.2) submitted in general support of the Variation, although they have requested an amendment to the provisions relating to the Concept Plan for the Industrial 3 Zone at Awarua, noting that access to their site had not been appropriately provided for. The wording of Rule 3.31.15 requires access to the sites shown on the Concept Plan to come via the illustrated access road. The submitter is concerned that as their site is shown on the Concept Plan, it is required to comply with Rule 3.31.15, which they do not consider practicable. The submitter has suggested amending the Concept Plan to show the existing accesses to their site so as to provide a practicable means of compliance with Rule 3.31.15. I do not believe it was ever the intention to control access to the Ballance site to such a degree, and extending the rule to apply with their site would seem unnecessary. An alternative amendment is recommended whereby the wording of the rule is changed to clarify that it only applies to that part of the zone located on the western side of Bluff Highway.

## **6. DISCUSSION OF SECTION 32 MATTERS**

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report.

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

The second step is for policies and rules to be examined to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those in the Proposed District Plan. This assessment includes requirements to:

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

A Section 32 evaluation report was included with the material released at the time of notification of the Variation.

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 Variation was notified.

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

### **6.1 Section 32AA Further Evaluation**

A minor change has been recommended to Rule 3.31.15 to clarify that only that part of the Industrial 3 Zone that is located on the western side of Bluff Highway is required to comply with the vehicle access layout shown on the approved Concept Plan. The recommended amendment is considered appropriate in providing greater certainty around access requirements for all landowners in the Industrial 3 Zone at Awarua. The changes are considered consistent with Objectives and Policies of the Proposed District Plan.

Due to the minor nature of the recommended changes, further evaluation of this change under Section 32AA is therefore not considered necessary.



## **7. CONCLUDING COMMENTS**

Variation 7 – Industrial 3 (Heavy) and Industrial 4 (Awarua) Zones, corrects errors that were made in the drafting of the Proposed District Plan and ensures that the new District Plan more accurately reflects the provisions of the Operative District Plan that were intended to be carried over. It is considered that the most effective and efficient method to achieve the Objectives of the Proposed District Plan is to amend the subdivision rule and the rules for the Industrial 3 and Industrial 4 Zones so that they better align with the outcomes of previous planning processes that established the Awarua industrial zones under the Operative District Plan.

This report includes discussion and recommendations on the four submissions that were received on the Variation. It is recommended that the Variation be accepted subject to some minor amendments clarifying access requirements under the Concept Plan for the Industrial 3 Zone.

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

## APPENDIX 1: Recommendations in response to submissions

Submitter	Submission	Recommendation
<b>GENERAL</b>		
<p><b>1.1</b> <b>Herman Thys</b></p>	<p>Oppose.</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.</p> <p>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><b>Reject</b></p> <p>While the submitter's concerns regarding the execution of Plan Change 8 may be legitimate, the amendments proposed by this Variation do not alter any earlier undertakings made with regard to the responsibilities and timing of landscaping works necessary in the Industrial 4 Zone. 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. The issue of the Council honouring any earlier agreements surrounding the landscaping of the site is one for the parties to resolve outside of this Variation process.</p>

Submitter	Submission	Recommendation
	<p>RELIEF SOUGHT:</p> <p>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</p> <p>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><b>3.1</b> <b>Todd Meikle</b></p>	<p>Oppose.</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>RELIEF SOUGHT:</p> <p>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><b>Reject</b></p> <p>The Industrial zones at Awarua were initially developed through earlier Variation and Plan Change processes under the Operative District Plan, which were then carried over into the Proposed District Plan. These earlier processes involved consultation with affected parties and the general public, and provided a lot of information that addressed the issues listed as being of concern to the submitter, such as height of structures, landscape effects, buffer zones, water quality, traffic safety and access issues etc. They also included the development of Concept Plans which show access and internal roading layouts, as well as landscaping requirements and restrictions on the bulk and location of development, where appropriate. Together these provisions establish the anticipated intensity and minimum standard of development, and the environmental effects that are considered acceptable as a result of such development. It is therefore considered unnecessary to provide anymore specific information or direction beyond what has already been included in the provisions of the Proposed District Plan and the Concept Plans for Awarua.</p> <p>It is not considered appropriate to withhold decisions on the grounds of undertaking further consultation, given the number of public consultation processes that have been undertaken to get the provisions to where they are now.</p>

Submitter	Submission	Recommendation
	<p>AND</p> <p>Withhold making decision on the grounds of more consultation.</p>	<p>It should be noted that any development that does not meet the requirements set out under the Proposed District Plan will require resource consent, at which point the need for public notification will be considered under the relevant provisions of the RMA.</p>
<p><b>4.1 G C and H V McLellan</b></p>	<p>Oppose in part.</p> <p>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>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>RELIEF SOUGHT:</p> <p>That Council take responsibility to plant the full length of the boundary as soon as possible.</p>	<p><b>Reject</b></p> <p>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. With Rule 3.32.6 requiring all land use activities to adhere to the approved Concept Plan, including any necessary landscaping, Rule 3.32.16 could be considered to duplicate, and in fact be contrary to, Rule 3.32.6. Rule 3.32.16 is therefore considered superfluous to requirements and the deletion of this provision will mean that the landscaping requirements for any land use activities in the Industrial 4 Zone are better aligned with what was originally approved under Plan Change 8.</p> <p>The submitter's concerns regarding any agreements made with the Council during the Plan Change 8 process around the landscaping issue are duly noted. The issue of the Council honouring any earlier agreements surrounding the landscaping of the site is one for the parties to resolve outside of this Variation process.</p> <p>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 25m.</p>

Submitter	Submission	Recommendation
<b>SECTION THREE - RULES</b>		
<b>3.31 Industrial 3 (Heavy) Zone</b>		
<p><b>2.1</b> <b>Ballance Agri-Nutrients Ltd</b></p>	<p>Support in part.</p> <p>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.</p> <p>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>RELIEF SOUGHT:</p> <p>That Concept Plan 3 be amended to include both of the submitter’s vehicle crossings on to Bluff Highway;</p> <p>AND</p> <p>Any similar amendments with like effect;</p> <p>AND</p> <p>Any consequential amendments that stem from the amendment set out above.</p>	<p><b>Accept in part</b></p> <p>It is accepted that the current wording of the rule is confusing and could result in the unintended consequence of requiring resource consent for any new access to the submitter’s site that would otherwise be a permitted activity. The rule was originally developed to manage access to the Industrial zoned land on the seaward side of Bluff Highway, and does not appear to have been intended to apply to the Ballance site. It is not practical to require the access to the Ballance site to be located on the other side of the State Highway, and would be unreasonable to now impose the rule on a site that it was unlikely to have been intended to cover.</p> <p>It is also accepted that the reference to the Industrial 4 Zone should be amended to refer to the Industrial 3 Zone.</p> <p>RECOMMENDATION:</p> <p>Amend Rule 3.31.15 as follows:</p> <p><b>“3.31.15</b> Within that part of the Industrial <del>4</del><u>3</u> 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>

Submitter	Submission	Recommendation
<b>3.32 Industrial 4 (Awarua) Zone</b>		
<p><b>2.2</b> <b>Ballance Agri-Nutrients Ltd</b></p>	<p>Support.</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>RELIEF SOUGHT:</p> <p>Retain Rule 3.32.11 Height of Structures as notified as part of the Variation;</p> <p>AND</p> <p>Any similar relief with like effect.</p>	<p><b>Accept</b></p> <p>RECOMMENDATION:</p> <p>It is recommended that Rule 3.32.11 Height of Structures be retained as notified.</p>

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]



## APPENDIX 2 - RECOMMENDED CHANGES TO VARIATION

(Underline indicates recommended additions to the Variation, ~~strikethrough~~ indicates recommended deletions.)

Note: The wording proposed below does not necessarily reflect the recommendations made by staff in response to submissions and further submissions on the Proposed District Plan. Decisions on original submissions and further submissions have yet to be notified. It is anticipated that decisions on the Proposed District Plan as notified will be released at the same time as decisions on this Variation and all submissions and further submissions on these issues will be considered in the final drafting of the Proposed District Plan.

### SECTION THREE - RULES

#### 3.31 Industrial 3 (Large) Zone

...

##### **Access**

**3.31.15** 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.
- (B) All on-site lighting shall be directed away from the State Highway and shielded to avoid glare reaching the State Highway.

**3.31.16** Any activity that does not comply with any of the rules and environmental standards referred to in Rule 3.31.15 above is a discretionary activity.

**3.31.17** Applications under Rule 3.31.16 above shall address the following matter, which will be among those taken into account by the Council:

- (A) Effects on the State Highway and the wider transportation network.