



# **Proposed Timaru District Plan**

## **Section 42A Report: Hearings B2 – Urban Zones: General Industrial Zone (GIZ) and Port Zone (PORTZ)**

**Report on submissions and further submissions**

**Author: Alanna Hollier**

**Date: 20 June 2024**

## Contents

List of Submitters and Further Submitters Addressed in this Report:.....	7
Original Submitters .....	7
Further Submitters.....	8
Abbreviations used in this Report:.....	9
1. Introduction .....	10
1.1 Experience and Qualifications.....	10
1.2 Purpose and Scope of this Report.....	10
1.3 Procedural Matters .....	11
2. Topic Overview .....	11
2.1 Summary of Relevant Provisions of the PDP .....	11
General Industrial Zone (GIZ).....	11
Port Zone (PORTZ).....	12
2.2 Background to Relevant Provisions .....	12
3. Overview of Submissions and Further Submissions .....	13
4. Relevant Statutory Provisions .....	15
5. Statutory Instruments.....	16
5.1 Overview .....	16
5.2 Resource Management Act 1991 (RMA) .....	16
5.3 National Policy Statement on Urban Design 2020 (NPSUD) .....	17
5.4 New Zealand Coastal Policy Statement 2010 (NZCPS).....	17
5.5 National Planning Standards 2019 (NP Standards).....	18
5.6 Canterbury Regional Policy Statement 2013 (CRPS).....	18
6. Analysis and Evaluation of Submissions .....	19
6.1 Approach to Analysis.....	19
6.2 Provisions where no change sought .....	20
7. General Industrial Zone.....	22
7.1 GIZ - General matters and Introduction.....	22
Submissions.....	22
Analysis .....	22
Conclusions and Recommendations .....	23
7.2 GIZ-O1 The purpose of the General Industrial Zone.....	23
Submissions.....	24
Analysis .....	24
Conclusions and Recommendations .....	26
7.3 GIZ-O2 Character and qualities of the General Industrial Zone .....	26
Submissions.....	26
Analysis .....	28

Conclusions and Recommendations .....	30
7.4 GIZ-O3 Use and development in the General Industrial Zone.....	30
Submissions.....	31
Analysis .....	32
Conclusions and Recommendations .....	34
7.5 PREC3-O1 Washdyke industrial expansion precinct .....	34
Submissions.....	34
Analysis .....	35
Conclusions and Recommendations .....	35
7.6 New provisions for proposed Redruth Precinct.....	35
Submission .....	35
Analysis .....	35
Conclusions and Recommendations .....	36
7.7 GIZ-P1 Industrial Activities .....	36
Submissions.....	36
Analysis .....	37
Conclusions and Recommendations .....	40
7.8 GIZ-P2 Off-site industrial ancillary activities .....	40
Submissions.....	40
Analysis .....	41
Conclusion and Recommendations.....	41
7.9 GIZ-P3 Streetscape and amenity values.....	41
Submissions.....	42
Analysis .....	43
Conclusions and Recommendations .....	44
7.10 GIZ-P5 Offensive Trades.....	44
Submissions.....	44
Analysis .....	45
Conclusions and Recommendations .....	46
7.11 GIZ-P6 Other Activities.....	46
Submissions.....	46
Analysis .....	48
Conclusions and Recommendations .....	50
7.12 PREC3-P1 Residential amenity of adjoining Residential Zones.....	50
Submissions.....	50
Analysis .....	50
Conclusions and Recommendations .....	51
7.13 GIZ-R1 Industrial Activities .....	52

Submissions.....	52
Analysis .....	54
Conclusions and Recommendations .....	60
7.14 GIZ-R2 Industrial ancillary activities.....	61
Submissions.....	62
Analysis .....	63
Conclusions and Recommendations .....	64
7.15 GIZ-R3 Convenience stores, restaurants, cafes and takeaway food outlets .....	65
Submissions.....	65
Analysis .....	65
Conclusions and Recommendations .....	66
7.16 GIZ-R4 Offensive trades, including associated buildings and structures .....	66
Submissions.....	67
Analysis .....	67
Conclusions and Recommendations .....	68
7.17 GIZ New discretionary rule for new activities in the zone.....	68
Submissions.....	68
Analysis .....	68
Conclusions and Recommendations .....	71
7.18 GIZ-S1 Height in relation to boundary .....	71
Submissions.....	71
Analysis .....	72
Conclusions and Recommendations .....	72
7.19 GIZ-S2 Maximum height of buildings .....	73
Submissions.....	73
Analysis .....	73
Conclusions and Recommendations .....	74
7.20 GIZ-S3 Setbacks of buildings and structures excluding fences .....	74
Submissions.....	74
Analysis .....	75
Conclusions and Recommendations .....	75
7.21 GIZ-S4 Building colour and reflectivity.....	75
Submissions.....	75
Analysis .....	75
Conclusions and Recommendations .....	78
7.22 GIZ-S5 Outdoor Storage .....	79
Submissions.....	79
Analysis .....	79

Conclusions and Recommendations .....	80
7.23 GIZ-S6 Landscaping and bund(s) .....	81
Submissions.....	81
Analysis .....	82
Conclusions and Recommendations .....	83
7.24 GIZ New Standard for water supply servicing.....	85
Submission .....	85
Analysis .....	85
Conclusions and Recommendations .....	86
7.25 GIZ New Standard for rail corridor setbacks.....	86
Submission .....	86
Analysis .....	86
Conclusions and Recommendations .....	86
7.1 GIZ – SCHED16 Schedule of Precincts and Specific Control Areas.....	86
Submission and analysis.....	87
Conclusions and Recommendations .....	87
7.2 GIZ Maps .....	87
Submissions and analysis .....	87
Conclusions and Recommendations .....	93
8. PORTZ Zone.....	94
8.1 PORTZ General .....	94
Submissions.....	94
Analysis .....	94
Conclusions and Recommendations .....	95
8.2 PORTZ-P1 Compatible activities in the Port Zone.....	95
Submissions.....	95
Analysis .....	95
Conclusions and Recommendations .....	95
8.3 PORTZ Maps - Height Specific Control Area Overlay .....	96
Submissions.....	96
Analysis .....	96
Conclusions and Recommendations .....	96
8.4 PORTZ Maps – Port Zone .....	96
Submissions.....	97
Analysis .....	97
Conclusions and Recommendations .....	97
9. Definitions arising from Hearing A.....	97
9.1 Reverse Sensitivity .....	97

10. Conclusion.....	98
11. Appendices.....	98

**Appendices**

Appendix A	Recommended Amendments to the GIZ and PORTZ chapters
Appendix B	Recommended Responses to Submissions on the GIZ and PORTZ chapters
Appendix C	Expert Witness, Urban Design Matters by Deb Lee Sang, Isthmus.

## List of Submitters and Further Submitters Addressed in this Report:

### Original Submitters

Submitter Ref	Submitter Name	Abbreviation
12	Steve Fraser	Fraser, S
42	Timaru District Council	TDC
52	Canterbury Woodchip Supplies Ltd-BL & NJ Coleman and QA Trustees 2012 Ltd	Canterbury Woodchip et al
56	Property Income Fund 2 Limited	Property Income
104	Port Bryson Property Limited	Port Bryson
106	Ministry/Minister of Education	MoE
107	Lineage Logistics New Zealand Limited	Lineage Logistics
116	Z Energy	Z Energy
131	Fire and Emergency New Zealand	FENZ
140	Southern Proteins Limited	Southern Proteins
143	Waka Kotahi NZ Transport Agency	Waka Kotahi
148	Simon Enterprises Limited	Simo Enterprises
159	Transpower New Zealand Limited	Transpower
162	Enviro NZ Services Limited (formerly EnviroWaste Services Limited)	Enviro NZ
163	Synlait Milk Limited	Synlait
165	Fonterra Limited	Fonterra
166	Penny Nelson, Director General of Conservation, Tumuaki Ahurei	Dir. General Conservation
168	Hilton Haulage Limited Partnership	Hilton Haulage
169	Road Metals Company Limited	Road Metals
170	Fulton Hogan Limited	Fulton Hogan
172	Silver Fern Farms Limited	Silver Fern Farms
173	Alliance Group Limited	Alliance Group
174	Rooney Holdings Limited	Rooney Holdings
175	PrimePort Limited	PrimePort
179	Barkers Fruit Processors Limited	Barkers
183	Canterbury Regional Council	ECan
186	Timaru District Holdings Ltd	TDHL
187	KiwiRail Holdings Limited	KiwiRail
190	North Meadows 2021 and Thompson Engineering (2002) Limited	North Meadows
191	GJH Rooney	Rooney, GJH
196	BP Oil, Mobil Oil Ltd, Z Energy	BP Oil et al
204	Paul Smith Earthmoving Limited	P S Earthmoving
205	Hilton Development Trust	Hilton Development
219	Timaru City Centre Ratepayers Action Group	Timaru TC Ratepayers
229	Kāinga Ora – Homes and Communities	Kāinga Ora
237	Aitken, Johnston & RSM Trust Limited	Aitken et al
239	Ara Poutama Aotearoa, The Department of Corrections	Dept. Corrections
241	J R Livestock Limited	J R Livestock
242	Woolworths New Zealand limited	Woolworths

249	Rooney Group Ltd	Rooney Group
250	Rooney Farms Ltd	Rooney Farms
251	Rooney Earthmoving Limited	Rooney Earthmoving
252	Timaru Developments Ltd	TDL

**Further Submitters**

<b>Submitter Ref</b>	<b>Further Submitter Name</b>	<b>Abbreviation</b>
116	Z Energy	Z Energy
152	Radio New Zealand	Radio NZ
156	Royal Forest and Bird	Forest and Bird
165	Fonterra Limited	Fonterra
169	Road Metals Company Limited	Road Metals
170	Fulton Hogan Limited	Fulton Hogan
172	Silver Fern Farms Limited	Silver Fern Farms
175	PrimePort Limited	PrimePort
196	BP Oil; Mobil Oil; Z Energy Limited	BP Oil et al
229	Kāinga Ora – Homes and Communities	Kāinga Ora
247	NZ Pork Industry Board	NZ Pork
252	Timaru Developments Limited	TDL
278	Rooney Group Limited, Rooney Holdings Limited, Rooney Earthmoving limited and Rooney Farms Limited	Rooney Group et al

## Abbreviations used in this Report:

Abbreviation	Full Text
TDC	Timaru District Council
CRPS	Canterbury Regional Policy Statement 2013
NPSHPL	National Policy Statement for Highly Productive Land 2022
NPSUD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
NP Standards	National Planning Standards
ODP	Operative Timaru District Plan
PDP	Proposed Timaru District Plan
RMA	Resource Management Act 1991
HSCA	Height Specific Control Area
IND H	Industrial Heavy Zone
IND L	Industrial Light Zone
GIZ	General Industrial Zone
PORTZ	Port Zone
GRZ	General Residential Zone
GRUZ	General Rural Zone
MUZ	Mixed Use Zone
OSZ	Open Space Zone
RLZ	Rural Lifestyle Zone
MRZ	Medium Density Residential Zone
LCZ	Local Centre Zone
TCZ	Town Centre Zone
LFRZ	Large Format Retail Zone
CCZ	City Centre Zone
WIEP	Washdyke Industrial Expansion Precinct
CDMS	Clandeboyne Dairy Manufacturing Site
CCAs	Community Corrections Activities

# 1. Introduction

## 1.1 Experience and Qualifications

- 1.1.1 My full name is Alanna Marise Hollier. I am a Senior Planner for Timaru District Council (TDC). I hold the qualifications of a Master of Arts in Coastal Geography from the University of Auckland. I am an associate member of the New Zealand Planning Institute.
- 1.1.2 I have worked in the field of planning and resource management for seven years and have experience in plan making and policy analysis. For six of those years I was a policy planner at the Canterbury Regional Council, where I worked with some of the Canterbury district councils around the implementation of the Canterbury Regional Policy Statement 2013 (CRPS). In this role I drafted submissions on district council plan changes and district council notified consents. I also have experience providing expert planning evidence at district council hearings. For the last year I have worked at TDC, primarily involved in the Timaru District Plan Review and development of the Proposed District Plan (PDP).
- 1.1.3 My role in preparing this report is that of an expert in planning. I was not responsible for the drafting of any chapters of the PDP.
- 1.1.4 Although this is a Council hearing, I have read the Code of Conduct for Expert Witness contained in the Practice Note issued by the Environment Court effective 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence.
- 1.1.5 Other than when I state that I am relying on the evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this report.
- 1.1.6 Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

## 1.2 Purpose and Scope of this Report

- 1.2.1 The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
- 1.2.2 This report is prepared under Section 42A of the Resource Management Act 1991 (RMA) in relation to the General Industrial Zone (GIZ) and the Port Zone (PORTZ) to the PDP. It covers the following matters:
- a. All provisions in the GIZ and PORTZ chapters;
  - b. The Height Specific Control (HSCA) Overlay in the GIZ and PORTZ;

- c. The Washdyke Industrial Expansion Precinct (WIEP);
- d. Provisions for 16 Martin Street, Washdyke, Lot 2DP 462905 (and its successor);
- e. Zoning of properties in the GIZ, including requests to rezone specific properties to GIZ.

1.2.3 This report considers the submissions and further submissions that were received in relation to the GIZ and PORTZ. It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix A** to this Report, or, in relation to mapping, through spatial amendments to the mapping. **Appendix B** to this report contains a summary of submissions and the officers recommended position on each submission. Footnoted references to the relevant submission points identify the scope for each recommended change.

1.2.4 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

### 1.3 Procedural Matters

1.3.1 There have been no pre-hearing conferences or expert witness conferencing in relation to submissions on this topic.

1.3.2 In order to better understand matters raised in their submissions, there have been informal discussions with the Dept. Corrections [239.17], Enviro NZ [162.9, 162.10, 162.11 and 162.12], Fonterra [165.2, 165.4, 165.137, 165.139], Port Bryson [104.3] and Hilton Developments [205.3].

## 2. Topic Overview

### 2.1 Summary of Relevant Provisions of the PDP

2.1.1 This section of the report provides a brief summary of the provisions relevant to the topics of this Section 42A Report.

#### ***General Industrial Zone (GIZ)***

2.1.2 There is only one industrial zone in the PDP, being the GIZ, which primarily provides for both light and heavy industrial activities. These activities have significant economic benefits but can also have adverse effects on the environment. The GIZ also provides for a range of ancillary and other activities that are generally compatible with the anticipated effects of industrial activities. The GIZ includes provisions to manage the interface of the GIZ with sensitive zones such as the Residential and Open Space Zones.

- 2.1.3 GIZ land is primarily connected to, and concentrated around existing urban areas, with the exception being the Clandeboye Dairy Manufacturing Site (CDMS). By far the bulk of the GIZ land is located in the Timaru township to the north and south of the town and adjacent to the coast. The largest area of GIZ land lies to the north of the Timaru Township, with part of this GIZ land identified as the WIEP. Another sizeable area of GIZ is located on the Milford Clandeboye Road which is the CDMS. There are also areas of GIZ land located in Temuka. Pleasant Point contains two very small areas and there is a smaller area of GIZ located off Ferrier Road in Winchester. Lastly three small pockets of GIZ can be found in Geraldine.
- 2.1.4 The GIZ identified in the PDP largely mirrors the combined IND H (Industrial H) and IND L (Industrial Light) zoning in the Operative District Plan (ODP) with some small areas of GIZ added through the PDP. The PDP introduced a different management approach in only providing for one industrial zone. Under the ODP the only distinct difference between the IND H and IND L, was that offensive trades only occurred in the IND H Zone. As the PDP combines these two zones into the GIZ, new provisions have been added to the PDP to specifically manage the effects, and location of, offensive trades. The PDP also applied a more stringent approach regarding sensitive and commercial or retail activities than the ODP in order to protect the operation and establishment of industrial activities within the GIZ.
- 2.1.5 There is a HSCA overlay applied to some of the GIZ land located within the Timaru Township including over the WIEP and the CDMS. The GIZ introduced the HSCA to cover the IND H areas in the ODP which had no height limit. The HSCA increases the maximum height limit for buildings and structures from 15m to 35m.
- 2.1.6 The WIEP indicated on planning maps has its own objective, policy and particular standards relating to it. The purpose of this precinct is to manage the adverse effects from new GIZ development on adjoining residential areas. The provisions of the precinct primarily relate to amenity and set a higher standard for boundary treatment than the provisions that apply broadly across the GIZ.

### **Port Zone (PORTZ)**

- 2.1.7 The PDP includes a Special Purpose Port Zone (PORTZ). The provisions of this zone are designed to provide for the effective and efficient operation of the Port and supporting activities. The provisions recognise the locational and operational constraints of the Port, port activities and ancillary activities to the Port. The PORTZ enables the continued operation and development of the Port while also ensuring any significant adverse effects from the Port, or other activities occurring within the zone are appropriately managed.

## **2.2 Background to Relevant Provisions**

- 2.2.1 The ODP has two zones for industrial activities; the IND L zone and the IND H zone which allows for heavy noxious industries. The IND L zone has a height limit of 10m except that communication and hose drying towers for Emergency Services Facilities may be erected to 20m. The IND H has no height limit and building heights are only restricted by recession planes

where the site shares a boundary with a residential zone. It is the IND H areas to which the HSCA has been applied in the PDP, allowing for a 35m height limit.

- 2.2.2 There is no Port Zone under the ODP, instead the IND H zone applies to the Port and surrounding area.

### 3. Overview of Submissions and Further Submissions

- 3.1.1 The full list of submission points addressed in this report are set out in **Appendix B**. The following table provides a brief summary of the key issues raised in submissions, which are discussed in more detail in the 'Analysis and Evaluation of Submissions' section of this report.

ISSUE NAME	SUMMARY OF ISSUE	POSITION OF SUBMITTERS
Management of industrial activities and ancillary activities in the GIZ	Whether only industrial activities should be enabled within the GIZ, with few or no conditions, as the GIZ is the only zone within which these activities are permitted.	<p>Synlait seeks that only industrial activities are enabled within the zone, and that the operational needs and efficiency of industrial activities are specifically recognised in the GIZ objectives.</p> <p>Various submitters seek recognition of ancillary activities to industrial activities within the objectives and policies and that GIZ-R1 and GIZ-R2 are combined as these two sets of activities are considered together in the National Planning Standards (NP Standards) definition of 'industrial activity'</p> <p>Silver Fern Farms and Alliance Group seek deletion of GIZ-P2 as they oppose the strict regulatory stance taken towards offsite ancillary industrial activities.</p>
Management of reverse sensitivity in the GIZ	Whether reverse sensitivity effects from non-industrial activities on industrial activities are avoided, particularly from sensitive activities.	<p>Synlait seek amendment to GIZ-O3 so that sensitive activities are not inadequately separated from industrial activities.</p> <p>Waka Kotahi request that various provisions are amended so that development in the GIZ does not compromise the safe operation of existing infrastructure.</p>

Maintenance of amenity of zones adjoining the GIZ	Whether the provisions of the PDP manage the maintenance of amenity of adjacent zones broadly or specifically.	<p>Various submitters seek that amenity values are 'maintained' as opposed to 'do not compromise'.</p> <p>Silver Fern Farms, Alliance Group and Fonterra seek that the various provisions only broadly consider the management of adverse effects on adjacent recreational, open space and residential zones rather than providing specific direction.</p> <p>Kāinga Ora seeks that adverse effects from development in the WIEP on amenity are avoided, remedied and mitigated versus minimised.</p> <p>Kāinga Ora also seek that offensive trades should be restricted, or effectively prohibited, along zone boundaries with residential, recreational and open space zones.</p>
Management of air quality effects from activities within the GIZ	Concern is raised that the management of effects on air quality are a matter of regional council jurisdiction and not that of a district council.	Southern Proteins seek amendments to GIZ-R1 and GIZ-R2 as the management of effects on air quality are a regional council matter.
New non-industrial activity requests to the GIZ	Whether the GIZ has capacity to include new activities and whether the activities are compatible with industrial activities.	<p>Dept. Corrections seek changes to an objective and Woolworths and Dept. Corrections seek changes to policy in relation to this. Dept. Corrections seeks a Permitted activity status for Community Correction Activities (CCAs) while, Woolworths and MoE seek Discretionary activity status instead of Non-Complying to allow for supermarkets and educational facilities respectively, to be specified within the GIZ.</p>
Zoning	Zoning changes to GIZ from General Residential Zone (GRZ)	Port Bryson seek 16A, 16D and 16E Hilton Highway to be rezoned from GRZ to GIZ to

	<p>and General Rural Zone (GRUZ) have been sought.</p> <p>A new precinct is sought in Washdyke, Timaru to recognise the particular type of businesses that can be found on either side of SH1.</p> <p>Various submitters support their general industrial zoning.</p>	<p>recognise existing use, and future desired development of their site.</p> <p>Hilton Development seek part of 18 Hilton Highway to be rezoned from GRZ to GIZ to recognise existing use of the site.</p> <p>Simo Enterprises seek to add a precinct to various properties adjoining SH1 in Washdyke, Timaru with the underlying zone remaining GIZ or alternatively, a rezoning from GIZ to Mixed Use Zone (MUZ).</p> <p>Canterbury Woodchip seek a rezone 2-8 Arowhenua Street and 61 Bridge Street from GRUZ to GIZ to recognise the existing use of their site.</p> <p>Fonterra seek to rezone 37 Rolleston Road, 2 and 10 Kotuku Place from GRUZ to GIZ to allow for future GIZ development associated with the CDMS on these sites as alternative relief to their request for a Special Purpose Zone for the CDMS as addressed within the Rural Zones Section 42A report.</p>
--	---	--

## 4. Relevant Statutory Provisions

4.1.1 The assessment required under the RMA for the PDP includes whether:

- the provisions are in accordance with the Council's functions (Section 74(1)(a));
- the provisions are in accordance with Part 2 of the RMA (Section 74(1)(b));
- the provisions will give effect to any national policy statement or operative regional policy statement (Section 75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (Section 32(1)(a));
- the provisions are the most appropriate way to achieve the objectives of the District Plan (Section 32(1)(b)).

4.1.2 In addition, assessment of the PDP must also have regard to:

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (Section 74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (Section 74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

## 5. Statutory Instruments

### 5.1 Overview

5.1.1 The Section 32 report for the GIZ and PORTZ, sets out the statutory requirements and relevant planning context for these topics in more detail. The section below sets out, in summary, the provisions in planning documents that are considered to be particularly relevant to the GIZ and PORTZ.

### 5.2 Resource Management Act 1991 (RMA)

5.2.1 In relation to the GIZ and PORTZ there are various sections of the RMA that are directly relevant.

5.2.2 Section 5 RMA sets out the Purpose of the Act which seeks the promotion of sustainable management of natural resources through managing the use, development and protection of natural resources. There is a focus on people and communities being able to provide for their well-being (social, economic, and cultural) and health and safety while ensuring that the sustainable management of natural and physical resources is able to meet the reasonably foreseeable needs of future generations, the life-supporting capacity of air, water, soil, and ecosystems is safe-guarded and any adverse effects of activities on the environment are avoided, remedied, or mitigated. This is relevant to the GIZ and PORTZ as these areas when functioning and operating well positively impact the economic wellbeing of the District. However, activities occurring within these areas can generate a variety of adverse effects, including significant adverse effects that can undermine amenity values of adjacent zones. Sensitive activities locating within the GIZ can give rise to reverse sensitivity effects that undermine the operation and establishment of industrial activities in the GIZ.

5.2.3 Section 7 RMA outlines the other matters that the Council must give particular regard to. Those of particular relevance are the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and maintenance and enhancement of the quality of the environment.

5.2.4 Section 31 RMA outlines the functions of territorial authorities of the Act. Of particular relevance to the development of the GIZ and PORTZ provisions is the requirement *'to achieve the integrated management of the effects of the use, development, or protection of land and*

*associated natural and physical resources of the district'* to ensure that industrial and port activities are enabled in their respective zones, while due management of their adverse effects on other zones, activities or the environment are achieved. Integrated management is also important to consider the effects on industrial activities from other activities establishing within the zone. The CRPS sets out how integrated management in Canterbury is achieved on a regional basis. A number of methods within the CRPS relate to district council responsibilities administered through the District Plan and associated consents.

### **5.3 National Policy Statement on Urban Design 2020 (NPSUD)**

5.3.1 The NPSUD is relevant to this topic as it provides direction relating to urban environments. Under the NPSUD, Timaru is a Tier 3 urban authority, and is therefore not required to implement all provisions of the NPSUD, however the NPSUD strongly encourages Tier 3 authorities to do the things that Tier 1 and 2 authorities are obliged to do under the NPSUD. Broadly, the NPSUD seeks that urban environments are well-functioning, integrated with infrastructure, and directs that a minimum amount of housing and business capacity is provided, relative to anticipated demand. Key directions to be given effect to in the PDP that relate to the GIZ and PORTZ includes:

- Enabling more businesses to be located in areas of an urban environment which are in or near areas with many employment opportunities (Objective 3).
- Providing for urban environments, including amenity values, to develop and change over time in response to changing needs (Objective 4 and Policy 6).
- Ensuring that planning decisions contribute to well-functioning urban environments, including that they have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; (Policy 1).
- That the objectives for urban zones describe the development outcomes intended for the zone over the life of the plan and beyond (clause 3.35).

### **5.4 New Zealand Coastal Policy Statement 2010 (NZCPS)**

5.4.1 The NZCPS is relevant to this topic as Policy 9 specifically relates to Ports and seeks that development in the coastal environment does not adversely affect the efficient and safe operation of these ports. Direction under this policy also ensures that plans provide for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.

## 5.5 National Planning Standards 2019 (NP Standards)

- 5.5.1 The NP Standards direct the zones that can be used in the District Plan and includes a description of each zone. The NP Standards describes the GIZ and PORTZ as follows:

General industrial zone	Areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities.
Port zone	Areas used predominantly for the operation and development of ports as well as operational areas and facilities, administrative, commercial and industrial activities associated with ports.

- 5.5.2 The descriptions of the proposed GIZ and PORTZ are consistent with the descriptions for those zones stated in the NP Standards. The NP Standards also set out the spatial layers that can be used within the PDP. These allow for the use of overlays, precincts and specific controls areas to manage activities occurring within the zones. Within this topic, one precinct and one specific control area apply.

## 5.6 Canterbury Regional Policy Statement 2013 (CRPS)

- 5.6.1 Chapter 5 of the CRPS is particularly relevant to this topic, as it provides direction in relation to land-use and infrastructure. It directs that development is located and designed so that it functions in a way that: achieves consolidated, well designed and sustainable growth focussed primarily in and around existing urban areas, and that this is achieved in a way that avoids conflicts between incompatible activities (Objective 5.2.1). Policy 5.3.1 directs that growth patterns must also: promote energy efficiency in urban forms and include the maintenance and enhancement of amenity values. The latter of which is particularly relevant when considering the effects of use and development within the GIZ on neighbouring residential, recreational and open space zones. Policy 5.3.2 seeks that development, including of regionally significant infrastructure, is enabled where, reverse sensitivity effects and conflicts between incompatible activities are avoided or mitigated. This policy is particularly relevant regarding the establishment of non-industrial activities in the GIZ where their effects are not seen as compatible with industrial activities, and regarding the establishment of sensitive activities in the GIZ.
- 5.6.2 Chapter 8 of the CRPS relates to the coastal environment and is relevant to this topic as it includes provisions relating to the Port. Specifically, Objective 8.2.3 directs that *'subdivision, use or development in the coastal environment does not adversely affect the efficient development and use of regionally significant infrastructure and other commercial maritime activities'*. This is relevant to the Port as it is captured as regionally significant infrastructure. Policy 8.3.3 extends this outcome by seeking that a framework is developed to manage the coastal marine area that remedies or mitigates adverse effects on the *'efficient and effective operation, maintenance and development of regionally significant infrastructure or other commercial maritime facilities'*.

## 6. Analysis and Evaluation of Submissions

### 6.1 Approach to Analysis

- 6.1.1 The submissions on the GIZ and PORTZ chapters raised some general issues, but for the most part related to specific provisions. I have therefore structured this report principally on a provision-by-provision basis (as opposed to a topics basis), following the layout of the GIZ chapter and the PORTZ chapter. Finally, there are some submissions to the GIZ requesting the inclusion of non-industrial activities as either a permitted or discretionary level activity within the GIZ. These requests are assessed within the provisions to which the amendments to insert these new activities relate.
- 6.1.2 The assessment of submissions generally follows the following format:
- A brief summary of the relevant submission points.
  - An analysis of those submission points.
  - Recommendations, including any amendments to plan provisions and the related assessment under Section 32AA.
- 6.1.3 With respect to rezoning requests, the analysis of each rezoning sought is set out immediately following the summary of the request.
- 6.1.4 Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.
- 6.1.5 Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.
- 6.1.6 Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Further submissions are not listed within **Appendix B**. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:
- Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.

- Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission is recommended to be accepted, the further submission is recommended to be rejected.
- Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

6.1.7 This report only addresses definitions that are specific to the GIZ and PORTZ. All submissions on these definitions were in support, with no amendments sought. These submissions are referenced in Section 6.2 below.

## 6.2 Provisions where no change sought

6.2.1 The following provisions included within the GIZ or PORTZ chapters were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified:

- GIZ – General and/or Introduction<sup>1</sup>
- GIZ-P4<sup>2</sup>
- GIZ-R5<sup>3</sup>
- GIZ-S7
- Definition of ‘Industrial and Trade Waste’<sup>4</sup>
- Port Zone General and/or Introduction<sup>5</sup>
- PORTZ-O1<sup>6</sup>
- PREC7-O1<sup>7</sup>
- PREC7-P1<sup>8</sup>
- PORTZ-P2<sup>9</sup>
- PORTZ-P3<sup>10</sup>
- PORTZ-R1<sup>11</sup>

<sup>1</sup> Supported by Fonterra [165.130], Silver Fern Farms [172.134] and Alliance Group [173.129]

<sup>2</sup> Supported by Hilton Haulage [168.16], Silver Fern Farms [172.140], Alliance Group [173.136], North Meadows [190.19] and J R Livestock [241.21]

<sup>3</sup> Supported by Silver Fern Farms [172.147] and Alliance Group [173.143]

<sup>4</sup> Supported by Silver Fern Farms [172.4] and Alliance Group [173.4]

<sup>5</sup> Supported by Lineage Logistics [107.19], BP Oil et al [196.80], PrimePort [175.78], TDHL [186.53]

<sup>6</sup> Supported by Fonterra [165.140], PrimePort [175.79], TDHL [186.54]

<sup>7</sup> Supported by Dir. General Conservation [166.132], PrimePort [175.80], TDHL [186.55]

<sup>8</sup> Supported by PrimePort [175.81], TDHL [186.56]

<sup>9</sup> Supported by Dir. General Conservation [166.133], PrimePort [175.83], TDHL [186.58]

<sup>10</sup> Supported by PrimePort [175.84], TDHL [186.59]

<sup>11</sup> Supported by PrimePort [175.85], TDHL [186.60], BP Oil et al [196.83]

- PORTZ-R2<sup>12</sup>
- PORTZ-R3<sup>13</sup>
- PORTZ-R4<sup>14</sup>
- PORTZ-R6<sup>15</sup>
- PORTZ-S1<sup>16</sup>
- PORTZ-S2<sup>17</sup>
- PORTZ-S3<sup>18</sup>
- PORTZ-S4<sup>19</sup>
- Definition of 'Port Activity'<sup>20</sup>
- PREC7 Planning Map<sup>21</sup>

6.2.2 A number of submitters seek the retention of their GIZ zoning as follows:

- Fonterra [165.3] seeks to retain the GIZ for 110 Donehue Road.
- Steve Fraser [12.1] seeks to retain the re-zoning to GIZ of Washdyke Flat Road.
- Z Energy [116.27] supports the GIZ at 55 Sheffield Street and wishes it to be retained.
- Southern Proteins [140.1] seeks to retain the GIZ zoning including of land at Lot 2 DP 397304 as notified.
- PS Earthmoving [204.4] seeks to retain the GIZ of 86 Sheffield Street and surrounding properties as notified.
- Aitken et al [237.10], [237.11], [237.12], and [237.13] seeks to retain the GIZ at 9 Wilmshurst Rd, 1 Thomas Street, Lots 3, DP 25238 and Lots 368 and 371, DP25, and 2,2A,2B, and 4A King Street all in Temuka.
- JR Livestock [241.1] seeks to retain the GIZ at 841 Winchester-Geraldine Road.

6.2.3 As no further submissions were lodged on these submissions, I recommend they be accepted.

<sup>12</sup>Supported by PrimePort [175.86], TDHL [186.61]

<sup>13</sup>Supported by PrimePort [175.87], TDHL [186.62], Fonterra [165.142]

<sup>14</sup>Supported by PrimePort [175.88], TDHL [186.63]

<sup>15</sup>Supported by PrimePort [175.89], TDHL [186.64]

<sup>16</sup>Supported by PrimePort [175.90], TDHL [186.65], Fonterra [165.143]

<sup>17</sup>Supported by PrimePort [175.91], TDHL [186.66]

<sup>18</sup>Supported by PrimePort [175.92], TDHL [186.67]

<sup>19</sup>Supported by PrimePort [175.93], TDHL [186.68]

<sup>20</sup>Supported by TDHL [186.6], PrimePort [175.13]

<sup>21</sup>Supported by PrimePort [175.9]

## 7. General Industrial Zone

### 7.1 GIZ - General matters and Introduction

- 7.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix B.

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
PS Earthmoving	204.5
Timaru TC Ratepayers	219.1
ECan	183.1, 183.4

#### *Submissions*

- 7.1.2 P S Earthmoving [204.5] seeks clarification on the HSCA and what it is intended to achieve. They consider there is a lack of explanation for why buildings are permitted up to 35m within the area, compared to 15m for the remaining GIZ. No specific change is sought to the PDP.
- 7.1.3 Timaru TC Ratepayers [219.1] note that the naming of industrial and port zone have been changed in the PDP from those in the ODP, and the variation in the zoning in the central area of Timaru rationalised. They state that the changes are not well illustrated in the PDP and considers the summary information is inadequate. They request that property owners are provided with a comparison of how they will be affected by the changes.
- 7.1.4 ECan [183.1] is concerned that various rules in the PDP use variable terminology to define floor areas of buildings, often with the term undefined, so that it is not clear what is being measured. The submitter considers that it is necessary to review all references to size of buildings and consider whether a clear definition is required linking development to either the "building footprint" or "gross floor area", which are defined NP Standard terms, and then create exclusions from those terms within the rules if necessary.
- 7.1.5 ECan [183.4] seeks that references to the height of buildings across the PDP are reviewed, to ensure that height is measured from ground level, with consistent expression of height rules. It is concerned that across the PDP, references to "height" of buildings or structures do not make reference to where height is measured from.

#### *Analysis*

- 7.1.6 The HSCA recognises that some parts of the IND H Zone in the ODP contain buildings up to 35m in height. This has eventuated from the IND H Zone in the ODP including no height limit. The HSCA reflects the heights of buildings and structures already present within these areas and allows future development to this height. I agree that there is no explanation in the GIZ introduction of the height difference between the HSCA at 35m and the remainder of the GIZ which has a height limit of 15m. However, I do note that other chapters containing Specific Control Areas do not include a description in the chapter introduction. Therefore, I do not recommend any changes.

- 7.1.7 In terms of the changes to the industrial zone, I note that these are summarised in the Section 32 report.<sup>22</sup> In particular, this sets out where the PDP zones are applied, and provides a summary comparison of the rule framework for each zone between the ODP and the PDP. I do not consider that it is appropriate for changes between the ODP and PDP to be set out in the PDP itself, as the PDP is forward looking.
- 7.1.8 With respect to floor areas of buildings, I have reviewed the rules and standards in the GIZ chapter as they relate to building footprints, floor area or building coverage. GIZ-R2 and GIZ-R3 both refer to gross floor area, although I note the word 'area' is missing in GIZ-R3 PER-1 and as such I recommend this is added to PER-1.
- 7.1.9 With respect to height standards for buildings and structures, I have reviewed the relevant standards in the GIZ chapter. For the GIZ, I note that GIZ-S5.2 does not include a height reference point. Clause 3 is already being amended to align with the drafting of similar standards within the commercial and mixed use zones and these amendments are consistent with that sought by ECan, in that they still include a height reference point from ground level. GIZ-S6.1.3, GIZ-S6.2.2, GIZ-S6.2.3.b and c, and GIZ-S6.3 also require a height reference point to be specified. I also note that a minor correction under RMA Schedule 1, Clause 16(2) to add 'in width' is required to specify within GIZ-S6.2.5 that the grassed maintenance strip requirement relates to a width, not a height.

### **Conclusions and Recommendations**

- 7.1.10 No amendments are recommended to the PDP in response to these submissions.

## **7.2 GIZ-O1 The purpose of the General Industrial Zone**

- 7.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix B.

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Synlait	163.3
Silver Fern Farms	172.135
Alliance Group	173.130
Dept. Corrections	239.15
Fonterra	165.131
Hilton Haulage	168.10
Barkers	179.7
North Meadows	190.14
J R Livestock	241.16

<sup>22</sup> [https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0010/668701/31-Section-32-General-Industrial-and-Port-Zone.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0010/668701/31-Section-32-General-Industrial-and-Port-Zone.pdf)

## Submissions

- 7.2.2 Synlait [163.3] is concerned that GIZ-O1 to GIZ-O3 as a package fails to convey that a key purpose of the GIZ is to provide a location where the operational needs and efficiency of industrial activities are assured or can be optimised. In this context, the submitter requests the GIZ objectives be amended to address their concerns. Synlait [163.3] seeks to amend GIZ-O1 as follows:

### ***GIZ-O1 The purpose of the General Industrial Zone***

~~The~~A General Industrial Zone where the operational needs and efficiency of provides ~~for a wide range of industrial activities are enabled and other compatible activities that contribute to~~ benefit the economic wellbeing of the district.

- 7.2.3 Silver Fern Farms [172.135] and Alliance Group [173.130] consider the objective appropriately recognises the economic contribution of industry and provides for a 'range' of industry. The objective should also recognise ancillary activities. They seek to amend GIZ-O1 as follows:

### ***GIZ-O1 The purpose of the General Industrial Zone***

*The General Industrial Zone provides for a range of industrial activities, ancillary activities and other compatible activities that contribute to the economic wellbeing of the District.*

- 7.2.4 Dept. Corrections [239.15] considers that the objective does not recognise the acceptability of, or enable CCAs in the GIZ. Dept. Corrections considers that CCAs are compatible with industrial activities and are not prone to reverse sensitivity. Dept. Corrections [239.15] seek to amend GIZ-O1 as follows:

### ***GIZ-O1 The purpose of the General Industrial Zone***

*The General Industrial Zone provides for a range of industrial activities and other compatible activities that contribute to the social and economic wellbeing of the District.*

- 7.2.5 Fonterra [165.131], Hilton Haulage [168.10], Barkers [179.7], North Meadows [190.14] and J R Livestock [241.16] seek to retain GIZ-O1 as notified.

## Analysis

- 7.2.6 In my view the amendments sought by Synlait do not recognise that the GIZ can provide for activities beyond industrial activities. The NP Standards specifically anticipate other activities to occur within general industrial zones where the adverse effects are compatible with that of industrial activities<sup>23</sup>. In some instances, such as provided through GIZ-R3, this can include activities that provide for the wellbeing of people working in or frequenting the zone. This not only reflects that anticipated by the NP Standards, but also works towards achieving the

<sup>23</sup> Ministry for the Environment (2019) National Planning Standards, Standard 8 Zone Framework Standard, Table 13, Page 37.

purpose of the RMA, where it relates to wellbeing, and UFD-O1.v which seeks consolidated and integrated development that is attractive and functional to business.

- 7.2.7 Regarding the insertion of *'where the operational needs and efficiency of'* requested by Synlait [163.3], I do not see this amendment as appropriate for two reasons. Firstly, GIZ-O1 and GIZ-O2 have been drafted in the same manner as the first and second objectives for other zones of the PDP, where the first objective for each zone outlines the purpose of the zone, and the second objective outlines the anticipated character and qualities. The amendment sought by Synlait diverges from the drafting style applied across the PDP. Secondly, this inserts a level of detail that is not suitable at an objective level, in that it is too specific. When coupled with the addition of the word 'enable' the amendments sought by Synlait are more reflective of policies (which outline actions to be taken to implement an objective, i.e. to enable, or to only allow where) rather than objectives (which set the outcome to be achieved, i.e. to provide for).
- 7.2.8 Specifically, regarding the use of the word 'enable', this inappropriately sets the tone for a permissive framework for any activity. Allowing entirely for a permissive framework across the GIZ is not appropriate. Firstly, not all industrial activities are provided for as permitted or controlled activities within the GIZ, and secondly the zone allows for other activities (through a non-complying activity status pathway) that are not appropriate to allow as permitted activities as they will undermine achievement of GIZ-O2 and GIZ-O3. Allowing a permissive framework as such would also undermine achievement of RMA Section 5 and Section 17. Lastly, this wording duplicates, and contradicts with policies GIZ-P1, GIZ-P2, GIZ-P5 and GIZ-P6 which set the direction for activities within the GIZ:
- GIZ-P1 enables industrial activities; and
  - GIZ-P2 only allows off-site industrial ancillary activities where certain clauses are met; and
  - GIZ-P5 only allows offensive trades where certain clauses are met; and
  - GIZ-P6 avoids the establishment of other activities unless specific clauses are met.
- 7.2.9 I consider that the current wording of GIZ-O1 promotes a more balanced approach rather than the proposed wording by Synlait which I consider suggests that there should be no restrictions.
- 7.2.10 Silver Fern Farms [172.135] and Alliance Group [173.130] wish to include ancillary activities into GIZ-O1. The drafting of GIZ-O1 very closely reflects the purpose of the GIZ as described within the NP Standards. As per the NP Standards definition of 'industrial activity', ancillary activities are already included as, *'means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity'*. For this reason, inserting ancillary activities into GIZ-O1 will result in duplication as they are already captured.
- 7.2.11 Dept. Corrections [239.15] seek that the word 'social' in relation to wellbeing is included in GIZ-O1. This submission is to set up a policy hierarchy to enable CCAs in the GIZ as a permitted

activity. While I agree that social wellbeing is as important as economic and cultural wellbeing as there is no hierarchy between these three facets of wellbeing in RMA Section 5, I consider that the predominant wellbeing coupled with industrial activities is economic. The purpose of the GIZ as set out in the NP Standards is for industrial activities, it is not to provide for social infrastructure and activities, such as recreational or community activities.

### ***Conclusions and Recommendations***

7.2.12 For the reasons given above I recommend that GIZ-O1 is retained as notified.

### **7.3 GIZ-O2 Character and qualities of the General Industrial Zone**

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Synlait	163.3
Southern Proteins	140.20
Barkers	179.8
Hilton Haulage	168.11
Fonterra	165.132
Silver Fern Farms	172.136
Alliance	173.131
North Meadows	190.15
J R Livestock	241.17

### ***Submissions***

7.3.1 Synlait [163.3] considers the objectives GIZ-O1 – GIZ-O3 as a package fail to convey that the key purpose of the GIZ is to provide a location where the operational needs and efficiency of industrial activities are assured or can be optimised. Synlait seeks to amend GIZ-O2 as follows:

#### ***GIZ-O2 Operational needs and cCharacter and qualities of the General Industrial Zone***

*The operational environment and character and qualities of the General Industrial Zone comprise:*

*[...]*

- 7.3.2 Southern Proteins [140.20], Barkers [179.8], Hilton Haulage [168.11] and North Meadows [190.15] consider the term 'maintain' is more appropriate in sub-clause 7 and aligns with GIZ-O3 (4). They seek to amend GIZ-O2 as follows:

***GIZ-O2 Character and qualities of the General Industrial Zone***

*The character and qualities of the General Industrial Zone comprise:*

*[...]*

*7. buildings and activities that ~~do not compromise~~ maintain the amenity of adjoining Residential and Open Space and Recreation Zones; and*

*8. landscape planting and screening along road frontages and Open Space and Recreation zones*

*[...]*

- 7.3.3 Silver Fern Farms [172.136] and Alliance Group [173.131] consider that clause 7 is too prohibitive and instead an objective that provides better direction for adverse effects beyond the GIZ boundaries to be managed is more appropriate. The submitter considers this will enable all forms of mitigation to be considered and removes the inflexible requirement to 'not compromise' residential amenity. The submitters also consider the requirement to landscape all road frontages is impractical. They seek to amend GIZ-O2 as follows:

***GIZ-O2 Character and qualities of the General Industrial Zone***

*The character and qualities of the General Industrial Zone comprise:*

*[...]*

*7. the management of adverse effects on existing activities in adjoining Residential, Open Space and Recreation and Special Purpose zones. ~~buildings and activities that do not compromise the amenity of adjoining Residential and Open Space and Recreation Zones; and~~*

*~~8. landscape planting and screening along road frontages and Open Space and Recreation Zones.~~*

- 7.3.4 Fonterra [165.132] and J R Livestock [241.17] seek to retain GIZ-O2 as notified.

## Analysis

- 7.3.5 In relation to Synlait [163.3], I note that GIZ-O1 relates to the purpose of the zone, whereas GIZ-O2 relates to the character and qualities of the zone. My understanding is that qualities are individual features which, combined, form a particular character or set of values. GIZ-O2 contains the list of the qualities that are to characterise the GIZ with the eight clauses collectively describing the industry working environment anticipated by the zone, with a balance on wellbeing of the working population and anticipated amenity. In my view, the word 'qualities' is therefore a fundamental part of this objective. All zones of the PDP have been set up in this manner to provide a sense of how the zone will appear. Setting up the zones in a similar manner and using the same drafting style helps plan readers to understand the PDP through use of a consistent approach.
- 7.3.6 With respect to submissions from Southern Proteins [140.20], Barkers [179.8], Hilton Haulage [168.11] and North Meadows [190.15], the PDP defines 'maintenance' in relation to values as 'the act of making a state or situation continue'. The PDP does not define 'compromise'. The dictionary defines 'compromise' as follows: *'to risk having a harmful effect on something'*.<sup>24</sup>
- 7.3.7 Case law provides some guidance as to the definition of 'maintain'. Dictionary definitions similar to that above were referred to in Port Otago Ltd v Dunedin City Council C0004/02. It held that the requirement to 'maintain' allows a council to 'protect' rather than 'preserve' or 'enhance', where 'protect' means to 'keep safe from harm or injury'. It does not require prevention or prohibition. This approach to the definition of 'maintain' was recently confirmed by the Court of Appeal in Canyon Vineyard Ltd v Central Otago District Council [2023] NZCA 74, which accepted that the weight of recent authority supported the concept that 'to maintain' does not require a landscape to be frozen in time and anticipates land use change in a way that can maintain amenity.
- 7.3.8 I am not aware of specific case law that has considered the phrase 'do not compromise'. Having regard to the dictionary definition alongside the case law on the word 'maintain', it appears that there is not likely to be much difference in the general meaning between the two terms. I do note that "maintain" implies doing something active to maintain amenity, whereas "do not compromise" implies avoiding doing something that would affect the continuation of the current state of amenity. It therefore seems to me that if the objective is to maintain amenity, then it would be appropriate to achieve that by only allowing buildings that do not compromise that amenity.
- 7.3.9 It is also worth noting that RMA Section 7 seeks the maintenance and enhancement of amenity values, and this direction is reflected in both the CRPS (5.3.1(5) and 5.3.3(2)) and the PDP Strategic Directions (UFD-O1v).

---

<sup>24</sup> Fourth definition in Cambridge Oxford dictionary.

- 7.3.10 Based on the above I consider that the word 'maintain' has a more direct meaning and has the benefit of case law to support it, and that it is consistent with GIZ-O3(4). I therefore recommend accepting this submission.
- 7.3.11 With respect to the Silver Fern Farms [172.136] and Alliance Group [173.131], the 'management of adverse effects' does not in my opinion indicate a positive move towards actively maintaining amenity of adjoining residential, open space and recreation zones, nor does it provide direction as to which level effects on the amenity of these zones must be considered. In my view, the combination of the drafting of the notified provisions and the recommended amendments in line with the Southern Proteins [140.20], Barkers [179.8], Hilton Haulage [168.11] and North Meadows [190.15] submissions result in a more certain, effective and efficient clause than the amendments sought by Silver Fern Farms [172.136] and Alliance Group [173.131].
- 7.3.12 The second part of the submission is to delete sub-clause 8 of GIZ-O2 for the reason that it is impractical. One of the adverse effects of the GIZ is visual effects of the buildings (dominance) and activities (outdoor storage, noise) on public spaces or neighbouring sensitive zones or activities, such as residential zones. Landscaping and screening are common methods used to soften or obscure the adverse visual effects that can be caused by industrial activities. In some cases, roads mark the boundaries between the GIZ and open space or recreation zones (as referred to in clause 8). Clause 8 also informs the following GIZ standards including GIZ-S5 and GIZ-S6.
- 7.3.13 Advice from Ms Deb Lee Sang (Associate Urban Designer) of Isthmus states:
- 'Whilst there is a broad expectation that the General Industrial Zones (GIZ) will have less amenity than more sensitive zones, the General Industrial Zone does have residential, open space, mixed use and (some) city centre zone interfaces. Some of these interfaces are at side and rear boundaries and others are across roads.*
- In addition to the management of activities between zones - streetscape/street character and broader environmental outcomes with regard to tree coverage, climate change and biodiversity are aspects that can receive benefits from landscaped edges. Increasing planted area generally across the district is considered positive and planted front boundaries in General Industrial areas are seen as a boost to amenity for a range of groups such as adjoining sensitive uses, pedestrians, birdlife and fauna.'*
- 7.3.14 Ms Sang's advice clearly supports the need for landscaping and screening in the GIZ as it has benefits that go wider than just visual amenity. The maintenance and enhancement of amenity values is also a matter to be provided for under s7(c) RMA. Removing this matter from consideration within GIZ-O2 will, in my opinion, undermine achievement of this clause of the RMA in relation to open space and recreation zones bordering the GIZ.

### Conclusions and Recommendations

7.3.15 For the reasons given above I recommend that GIZ-O2 is amended as follows:

#### GIZ-O2 Character and qualities of the General Industrial Zone

The character and qualities of the General Industrial Zone comprise:

1. utilitarian buildings, often with large sites, large yard spaces and external storage; and
2. large volumes of light and heavy vehicle traffic; and
3. activities that may generate a range of adverse effects including significant adverse effects; and
4. activities that may operate 24 hours per day; and
5. good vehicle accessibility from major transport routes and centres; and
6. a safe and functional working environment; and
7. buildings and activities that ~~do not compromise~~ maintain<sup>25</sup> the amenity of adjoining Residential and Open Space and Recreation Zones; and
8. landscape planting and screening along road frontages and Open Space and Recreation Zones.

7.3.16 Section 32AA: I consider the recommended amendment to GIZ-O2 is minor in nature and improves plan consistency and clarity. It will not have any greater environmental, economic, social, and cultural effects than the notified provisions. In addition, this amendment is better supported by existing definitions in the PDP and case law and gives better effect to RMA Section 7(c) and UFD-O1v. As such, I consider that the changes are more appropriate to achieve the purpose of the RMA.

### 7.4 GIZ-O3 Use and development in the General Industrial Zone

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Synlait	163.3
Waka Kotahi	143.172
Alliance	173.132
Fonterra	165.133
Southern Proteins	140.21
Hilton Haulage	168.12
Barkers	179.9
North Meadows	190.16
Kainga Ora	229.166
L R Livestock	241.18

<sup>25</sup> Southern Proteins [140.20], Barkers [179.8], Hilton Haulage [168.11] and North Meadows [190.15].

## Submissions

- 7.4.1 Synlait [163.3] is concerned that GIZ-O1 to GIZ-O3 as a package fails to convey that a key purpose of the GIZ is to provide a location where the operational needs and efficiency of industrial activities are assured or can be optimised. In this context, the submitter requests the objectives of the GIZ be amended to address their concerns. Synlait [163.3] seek to amend GIZ-O3 as follows:

### ***GIZ-O3 Use and development in the General Industrial Zone***

#### *Use and development in the General Industrial Zone:*

- 1. is located so that it can be appropriately serviced by infrastructure; and*
- 2. is not compromised by the establishment of, or inadequate separation from, sensitive activities within and adjoining the General Industrial Zone; and*
- [...]*

- 7.4.2 Waka Kotahi [143.172] considers that the GIZ-O3 be amended to recognise that the GIZ shall not compromise the safe and efficient operation of the transport network. Waka Kotahi [143.172] seeks to amend GIZ-O3 as follows:

### ***GIZ-O3 Use and development in the General Industrial Zone***

#### *Use and development in the General Industrial Zone:*

- 1. is located so that it can be appropriately serviced by infrastructure and does not compromise the safe operation of existing infrastructure; and*
- [...]*

- 7.4.3 Alliance Group [173.132] considers that their site and operations should not be compromised by the establishment of sensitive activities as described in clause (2), but the sites should not have to comply with clause (3), particularly when activities in these other zones have been established after the submitters' industrial activity was established. The submitter considers the requirement to maintain the amenity of adjacent Residential and Open Space zones is also inconsistent with the inherent characteristics and qualities of industry described in sub-clause (1) to (4) of GIZ-O2. Alliance Group [173.132] seek to amend GIZ-O3 as follows:

### ***GIZ-O3 Use and development in the General Industrial Zone***

#### *Use and development in the General Industrial Zone:*

- 1. is located so that it can be appropriately serviced by infrastructure; and*
- 2. is not compromised by the establishment of sensitive activities;~~;~~ and*
- ~~3. does not compromise the strategic role and function of any of the Commercial and Mixed Use Zones; and~~*
- ~~4. maintains the amenity values of adjacent Residential and Open Space and Recreation Zones are minimised.~~*

- 7.4.4 Fonterra [165.133], Southern Proteins [140.21], Hilton Haulage [168.12], Barkers [179.9], North Meadows [190.16], Kāinga Ora [229.166] and J R Livestock [241.18] all seek to retain GIZ-O3 as notified.

## Analysis

7.4.5 Synlait [163.3] seeks additional wording to be included in GIZ-O3 largely to manage reverse sensitivity effects from the establishment of sensitive activities within adjacent zones to the GIZ. The purpose of GIZ-O3 is not to manage the establishment of sensitive activities in zones adjoining the GIZ. The provisions contained within the GIZ chapter manage activities occurring within the GIZ and their effects on the environment and adjoining zones. The effects of the establishment of sensitive activities in other zones, and their effects on activities occurring within the GIZ are managed through the relevant zone provisions, where appropriate. For example:

- MRZ-P1.4 requires that any potential reverse sensitivity effects from residential activities on the GIZ are minimised; and
- PREC1-O1 Low density development [general residential] is provided for in a way that minimises reverse sensitivity effects on the GIZ; and
- PREC1-P1 requires a low density of [general residential] development and separation distances from industrial development; and
- MUZ-P4 Residential activities are designed to minimise potential reverse sensitivity effects on existing industrial activities.

7.4.6 It is my view that the amendments sought by Synlait limit the consideration of reverse sensitivity effects from sensitive activities on activities occurring in the GIZ. Firstly, inclusion of *'or inadequate separation from'* alerts the plan user that this is the primary, or only, matter when considering the establishment of new sensitive activities. Ensuring adequate separation between sensitive activities and industrial activities is only one way that reverse sensitivity effects can be managed to prevent industrial activities from being compromised. Other methods include mitigation measures put in place at the building design and establishment phase. This can include anything from sound insulation, screening, paved surfaces, increased recession plane angles or placement of windows (height and location on a building). I see this amendment as less effective in ensuring the most appropriate methods are applied to manage reverse sensitivity effects on other activities based on the proposed activity. Additionally, this wording moves away from a desired outcome (purpose of objectives) towards how the objective is achieved (purpose of policies). Additionally, GIZ-P6 addresses reverse sensitivity, and is sufficiently broad in that all approaches to managing reverse sensitivity can be considered.

7.4.7 Waka Kotahi [143.172] seeks that GIZ-O3(1) is amended to include the words: *'...and does not compromise the safe operation of existing infrastructure...'*. I note that while their amendment is broad and applies to infrastructure generally, the reasons associated with their submission relate specifically to the transport network. Additional objectives and policies within the Transport chapter of the PDP would also apply to ensure that effects on the safe operation of the transport network is not compromised. TRAN-O3 states:

*Land transport infrastructure is not compromised by incompatible activities that may result in conflict or reverse sensitivity effects.*

7.4.8 Furthermore, TRAN-P6 states:

*Require subdivision, use and development to be designed in a way that supports the safe and efficient operation and development of land transport infrastructure, including by locating activities on the most appropriate road in the District's road classification.*

7.4.9 In terms of effects on infrastructure broadly, there are provisions contained within the Energy and Infrastructure chapter that manage effects that could constrain the safety and operation of infrastructure broadly, specifically regionally significant infrastructure which would include parts of the transport network. For example, EI-O4 and EI-P3 manage effects on regionally significant infrastructure. The plan drafting approach for the PDP was also to avoid repeating district wide matters in zone chapters in the interests of brevity.

7.4.10 It is my view that the above objectives and policies are sufficient to address the concerns raised by Waka Kotahi in their submission, and along with the definition of reverse sensitivity are a more certain, and effective means to ensure the ongoing safety and operation of the transport network.

7.4.11 Alliance Group [173.132] considers GIZ-O3 (3) and (4) should be deleted. GIZ-O3 (3) ensures that use and development in the GIZ does not compromise the strategic role and function of any of the Commercial and Mixed Use Zones. In the reasons to their submission point Alliance Group reason that *'the site should not have to comply with clause (3), particularly where activities in these other zones have been established after the submitter's industrial activity was established'*. The desired outcome of this clause is not to manage reverse sensitivity effects from activities establishing in commercial and mixed use zones, but rather to ensure that new activities or development occurring within the GIZ does not undermine the strategic role and function of commercial and mixed-use zones. The issue being addressed is that the proliferation of retail or commercial activities within the GIZ can draw customers and businesses out of commercial and mixed use zones and into the GIZ, resulting in vacant lots and undermining business operation, and establishment, in the commercial and mixed use zones.

7.4.12 In terms of managing development within the GIZ so it does not undermine the strategic role and function of commercial and mixed-use zones and whether this is an appropriate outcome, this clause implements various higher-order provisions, being:

- RMA Section 5 calls for social, economic and cultural wellbeing, ensuring that the commercial and mixed use zones remain centres for retail and commercial activities can improve social wellbeing as it concentrates people within these zones and can improve economic wellbeing as businesses can thrive and develop as have a consistent customer base;

- RMA Section 5 also calls for sustainable management, including for health and safety, commercial zones are better designed to ensure customer health and safety as they tend to be designed as pedestrian friendly environments;
- NPSUD Objective 1 seeks well-functioning urban environments that enable people and communities to provide for their wellbeing and health and safety, now and into the future.
- CRPS Objective 5.2.1.c seeks to ensure that development is located and designed in a way that encourages sustainable economic development by enabling business activities in appropriate locations and Objective 5.2.1.d seeks that energy use is minimised and/or energy efficiency is improved. Policy 5.3.1 seeks sustainable development patterns that promote coordinated patterns of development and that maintain and enhance a sense of identity and character of urban areas.

7.4.13 With respect to the deleting subclause (4) I recommend rejecting this part of the submissions for the same reasons as provided under GIZ-O2 to amend that objective to refer to ‘maintain’ in clause 7.

### **Conclusions and Recommendations**

7.4.14 For the reasons given above I recommend that GIZ-O3 is retained as notified.

## **7.5 PREC3-O1 Washdyke industrial expansion precinct**

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Kāinga Ora	229.167
Hilton Haulage	168.13
North Meadows	190.17

### **Submissions**

7.5.1 Kāinga Ora [229.167] supports development in this precinct to the extent that new activities avoid, remediate and/or mitigate adverse environmental effects on nearby residential activities as far as reasonably practicable. Kāinga Ora [229.167] seeks to amend PREC3-O1 as follows:

#### ***PREC3-O1 Washdyke industrial expansion precinct***

*Development in the Washdyke Industrial Expansion Precinct ~~minimises~~ avoids, remediates and/or mitigates adverse effects on nearby residential activities the adjoining residential zone.*

7.5.2 Hilton Haulage [168.13] and North Meadows [190.17] seek to retain PREC3-O1 as notified.

### ***Analysis***

- 7.5.3 I believe the relief sought by Kāinga Ora [229.167] adds confusion and ambiguity. Replacing the word ‘minimises’ with the words ‘avoids, remedies and/or mitigates’ brings three options to the table as to what the outcome of the objective is to be, instead of one crystallised outcome, to minimise. The use of the word ‘minimise’ over avoid, remedy and mitigate was a drafting choice that has been applied to various objectives and policies across the PDP. The use of avoid, remedy and mitigate simply repeats the RMA and creates a lot of repetition within clauses across provisions. The common meaning of the word ‘minimise’ is to reduce something undesirable to its smallest possible amount. Use of the word ‘minimise’ makes it clear that it is not the expectation that effects will always be avoided. It provides greater clarity regarding expectation than the word mitigate, which essentially means less severe or reduce.
- 7.5.4 Furthermore, the word ‘nearby’ is vague and could be interpreted to mean various distances away. Whereas the proposed ‘adjoining residential zone’ is clear and measurable. As such, it is my view that the notified wording should be retained.
- 7.5.5 The reference to ‘residential activities’ significantly narrows the objective, as residential activities are only one activity that can occur within residential zones. The reference to the zone in its entirety is about aligning the outcomes sought in the GIZ with the outcomes sought in residential zones (which relate to the zone in its entirety, not just one specific activity). I do not see it as appropriate to limit PREC3-O1 to only considering effects on residential activities, as activities provided for within the WIEP could have adverse effects on other activities, including other sensitive activities occurring within residential zones.

### ***Conclusions and Recommendations***

- 7.5.6 For the reasons given above I recommend that PREC3-O1 is retained as notified.

## **7.6 New provisions for proposed Redruth Precinct**

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Enviro NZ	162.9, 162.10, 162.11, 162.12

### ***Submission***

- 7.6.1 Enviro NZ [162.10] submitted to include a new objective, policy and rule to the GIZ to provide for a new precinct for the Redruth Landfill.
- 7.6.2 Enviro NZ [162.9] also seeks a new precinct on the maps to include the Redruth Landfill and Resource Recovery Facility at 23 Shaw Street and 55A-55C Redruth Street and any consequential changes to SCHED16.

### ***Analysis***

- 7.6.3 Enviro NZ confirmed by way of correspondence on the 3 May 2024 that they do not wish to proceed with the request to add a new precinct through the PDP and consequently a new objective, policy and rule to provide for the precinct is not required.

## Conclusions and Recommendations

7.6.4 No amendments are recommended to the PDP in response to these submissions.

## 7.7 GIZ-P1 Industrial Activities

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.173
Silver Farms	172.137
Alliance Group	173.133
Kāinga Ora	229.168
Dept. Corrections	239.16
Fonterra	165.134
Hilton Haulage	168.14
Barkers	179.10
North Meadows	190.18
J R Livestock	241.19

### Submissions

7.7.1 Waka Kotahi [143.173] wants to acknowledge the potential effects industrial activities can have on the transport network and as such seek to amend GIZ-P1 as follows:

#### ***GIZ-P1 Industrial activities***

*Enable a range of industrial activities and associated activities where:*

*[...]*

*3. do not adversely affect the safe and efficient operation of the transport network; and*

*3, 4 they are compatible and complementary to the purpose, character and qualities of the General Industrial Zone.*

7.7.2 Silver Fern Farms [172.137] and Alliance Group [173.133] consider that GIZ-P1 does not adequately support industry, particularly as there are no other industrial zones besides the GIZ. The submitters consider that as industrial activities are permitted by GIZ-R1, it is therefore inappropriate to qualify the circumstances when ancillary activities to industry are allowed. Silver Fern Farms [172.137] and Alliance Group [173.133] seek to amend GIZ-P1 as follows:

#### ***GIZ-P1 Industrial activities***

*Enable ~~a range of industrial activities and ancillary associated activities, where:~~*

*~~1. ancillary activities are conducted on the same site as the primary industrial activity; and~~*

*~~2. does not include residential activities; and~~*

*~~3. they are compatible and complementary to the purpose, character and qualities of the General Industrial Zone.~~*

- 7.7.3 Kāinga Ora [229.168] supports GIZ-P1 subject to amendments to ensure that offensive trades and hazardous facilities are not permitted to establish adjacent to a site with an open space and recreation or residential zoning. Kāinga Ora [229.168] seeks to amend GIZ-P1 as follows:

***GIZ-P1 Industrial activities***

*Enable a range of industrial activities and associated activities where:*

- 1. ancillary activities are conducted on the same site as the primary industrial activity; and*
- 2. the activity does not include residential activities; and*
- 3. they are compatible and complementary to the purpose, character and qualities of the General Industrial Zone; and*
- 4. Offensive trades and hazardous facilities are not permitted to establish on a site, adjacent to another site with an open space and recreation, or residential zoning.*

- 7.7.4 Dept. Corrections [239.16] considers CCAs are compatible with the industrial environment and requests that GIZ-P1 be amended to recognise the acceptability of, or enable CCAs in the GIZ. It is important to note that this request sits alongside other amendments to provisions to enable these activities. Dept. Corrections [239.16] seeks to amend GIZ-P1 as follows:

***GIZ-P1 Industrial activities***

*Enable a range of industrial activities, ~~and~~ associated activities, and community corrections activities where:*

- 1. ancillary activities are conducted on the same site as the primary ~~industrial~~ activity;*
- [...]*

- 7.7.5 Fonterra [165.134], Hilton Haulage [168.14], Barkers [179.10], North Meadows [190.18] and J R Livestock [241.19] seek to retain GIZ-P1 as notified.

***Analysis***

- 7.7.6 As discussed above under the analysis of submissions on GIZ-O3 (Section 7.4) I consider that the combination of objectives and policies that apply within the Strategic Directions and Transport chapters of the PDP are sufficient to address the concerns raised by Waka Kotahi in their submission [143.173], and are a more certain, and effective means to ensure the ongoing safety and operation of the transport network.
- 7.7.7 In my view, the amendments to GIZ-P1 sought by Silver Fern Farms [172.137] and Alliance Group [173.133] are inappropriate as they seek to enable industrial activities without any controls. Allowing industrial activities to establish and operate in the GIZ without any control would be contrary to GIZ-O2 and GIZ-O3 as these objectives seek that amenity of specific adjoining zones is maintained, that landscape planting and screening occurs in certain

circumstances and that use and development can be appropriately serviced by infrastructure. I consider clauses 1, 2 and 3 are necessary because they give guidance to the plan reader in terms of how the objectives are to be achieved.

- 7.7.8 For clause 1, the definition of 'industrial activity' includes activities that are ancillary to them. Additionally, clause 1 relates specifically to ancillary activities, and makes it clear that this clause only relates to industrial activities through the end of the clause reading '*on the same site as the primary industrial activity*'. For these reasons, I do not see it as necessary to specify 'ancillary' within the beginning of GIZ-P1. For the reasons described above, I also do not see it as appropriate to remove the word 'industrial' from clause 1. This policy relates to 'industrial activities', the purpose is not to enable ancillary activities associated with any activity that could be established within the GIZ, rather it is only to allow ancillary activities to industrial activities, as per both the definition of 'industrial activities' and the purpose of the GIZ zone as described in the NP Standards.
- 7.7.9 For clause 2, this clause specifically relates to GIZ-O3.2 which seeks that the zone is not compromised by sensitive activities and assists in ensuring the qualities and characteristics of the zone, as described in GIZ-O2, are not undermined. Residential activities are one sensitive activity that can compromise industrial activities and as such this clause aids in achievement of GIZ-O3. For this reason, I also do not view the deletion of clause 2 as appropriate.
- 7.7.10 For clause 3, this clause specifically relates back to the purpose of the zone being to provide for industrial and other compatible activities. Removing this clause will reduce the effectiveness of GIZ-P1 in achieving GIZ-O1. Additionally, this clause specifically reflects GIZ-O2 and makes it clear to plan users that the activities enabled through this policy are still expected to be consistent with the anticipated character and qualities of the zone. Together with rules GIZ-R1 – GIZ-R3 these provisions collectively implement GIZ-O1 and GIZ-O2 and removing this clause would undermine the achievement of these objectives and reduce clarity across the GIZ provisions.
- 7.7.11 The purpose of GIZ-P1 is to provide direction on which activities are enabled within the GIZ as permitted activities. The amendments proposed by Silver Fern Farms [172.137] and Alliance Group [173.133] also inappropriately narrow the policy to only applying to industrial activities. As explained within the analysis of GIZ-O1 the NP Standards anticipate activities beyond industrial activities within general industrial zones where the effects from these other activities are compatible with those anticipated from industrial activities. As some of these other activities are appropriate to enable as permitted activities, I do not see it as appropriate to exclude their consideration from GIZ-P1. Their consideration under GIZ-P1, particularly clause 3, aids in ensuring that GIZ-O1 and GIZ-O2 will be achieved.
- 7.7.12 In relation to Dept. Corrections [239.16], I do not see removing the words 'a range of' from GIZ-P1 as suitable for the GIZ framework. The wording 'a range of' directly reflects GIZ-O1 which sets the purpose of the GIZ as providing for a range of industrial activities. This wording is directly taken from the zone description of the GIZ within the NP Standards. For this reason,

I see the amendments sought by Dept. Corrections [239.16] as diverging from the outcome sought in GIZ-O1 and national guidance developed to ensure consistency in zoning across district plans nationally.

- 7.7.13 Dept. Corrections [239.16] also seek that CCAs be included in GIZ-P1. The purpose of GIZ-P1 is to enable activities that are anticipated within the GIZ through GIZ-O1 and which would be suitable to occur as permitted activities within the zone. GIZ-O1 specifically captures industrial activities and compatible activities as described above. CCAs are separately defined in the NP Standards to industrial activities and as such would not be captured as industrial activities by GIZ-P1 or GIZ-O1. Secondly, it is my view that CCAs would not be considered associated activities that are compatible and complementary with the zone (as directed by GIZ-P1.3) and by extension amending this policy as such would conflict with GIZ-O1. The reasons to which I consider CCAs to not be compatible or complementary to the zone and should not be considered a permitted activity are specifically outlined within the analysis section of GIZ-R1 and also apply here. As I do not consider that CCAs are appropriate to allow as permitted activities within the GIZ, I do not consider that they should be specifically referred to within GIZ-P1 as this policy provides direction to the permitted activity rules of the zone.
- 7.7.14 In relation to Kāinga Ora's [229.168] submission, I agree that adding the words '*the activity*' to the beginning of clause 2 improves the reading of the notified version of GIZ-P1.
- 7.7.15 I do not consider the addition of a new clause relating to offensive trades within GIZ-P1 as appropriate. GIZ-P5 already specifically deals with offensive trades and specifies that the activity must be located in a manner that will maintain the amenity value of adjacent zones and that nuisance effects are contained or minimised. I consider that collectively with GIZ-R4 which provides a discretionary consent pathway for these activities, GIZ-P5 is appropriate to achieve GIZ-O2.6 and GIZ-O3.4. Furthermore, the drafting style used within the PDP applies a different drafting approach for policies that direct discretionary activities, compared to permitted activities. I therefore do not view it as best plan drafting to begin mixing these approaches within GIZ-P1.
- 7.7.16 Specifically, regarding the management of Hazardous Facilities and their adverse effects on other activities or zones are managed under the Hazardous Substances chapter. Specifically, HS-P4. As required by the NP Standards, provisions relating to hazardous substances are to be contained within the Hazardous Substances chapter. Hazardous facilities are broadly defined as, '*means a facility or activity that involves the use, storage or disposal of any hazardous substance...*' with the definition specifying a number of exclusions. Based on this definition it is appropriate to include provisions relating to these facilities within the Hazardous Substances chapter. As such, I do not see it as appropriate to amend GIZ-P1 to refer to Hazardous Facilities.

## Conclusions and Recommendations

7.7.17 For the reasons given above I recommend that GIZ-P1 is amended as follows:

GIZ-P1	Industrial activities
Enable a range of industrial activities and associated activities where:	
1. ancillary activities are conducted on the same site as the primary industrial activity; and	
2. <u>the activity</u> <sup>26</sup> does not include residential activities; and	
3. they are compatible and complementary to the purpose, character and qualities of the General Industrial Zone.	

7.7.18 Section 32AA: I consider the recommended amendment to GIZ-P1 is minor in nature and will not have any greater environmental, economic, social, and cultural effects than the notified provisions. There will also be benefits from plan consistency and improved plan clarity.

## 7.8 GIZ-P2 Off-site industrial ancillary activities

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.174
Silver Fern Farms	172.138
Alliance Group	173.134

## Submissions

7.8.1 Waka Kotahi [143.174] considers off-site industrial activity ancillary to the primary activity has the potential to adversely affect the safe and efficient operation of the transport network such that Waka Kotahi requests an amendment to the policy to address these potential effects. Waka Kotahi [143.174] seeks to amend GIZ-P2 as follows:

### ***GIZ-P2 Off-site industrial ancillary activities***

*Only allow industrial ancillary activities on a different site of the primary industrial activity where:*

*[...]*

*3. they do not adversely affect the safe and efficient operation of the transport network; and*

*3. 4. they are compatible and complementary to the purpose, character and qualities of the General Industrial Zone.*

7.8.2 Silver Fern Farms [172.138] and Alliance Group [173.134] seek to delete GIZ-P2. The submitters oppose the strict regulatory stance towards offsite ancillary industrial activities, especially as it is unsupported by Section 32 analysis. They state that there are a number of examples where it could be appropriate to locate an ancillary industrial activity on a different

<sup>26</sup> Kāinga Ora [229.168]

site (e.g. offsite storage to support a processing or manufacturing activity, or waste disposal areas separate to the site on which the principal activity is undertaken). They consider that if the Council's concern is about encroachment by non-industrial activities into the GIZ, the matter can be addressed by a directive policy and associated rules. Any concerns about conversion of industrial sites to non-industrial use can be addressed by limiting the scale of ancillary activities.

### ***Analysis***

- 7.8.3 For the same reasons as provided in the analysis section of GIZ-O3 and GIZ-P1, I recommend rejecting the submission by Waka Kotahi [143.174].
- 7.8.4 With respect to Silver Fern Farms [172.138] and Alliance Group [173.134] submissions', I note that the purpose of GIZ-P2 is to ensure that sites within the GIZ are primarily providing for industrial activities, in order to achieve GIZ-O1. Enabling ancillary industrial activities to establish on sites to the same extent as industrial activities has the ability to foreclose development options for industrial activities in the zone, and over time could result in undermining the functionality and effectiveness of the zone overall. In my view, the establishment of industrial activities has to be given primacy over all other activities, as providing for industrial activities is the primary purpose of the zone as described within GIZ-O1. Ancillary activities to industrial activities can still occur on other sites than the primary industrial activity under GIZ-R2 as a restricted discretionary activity. However, allowing for this as a restricted discretionary activity allows the Council to consider the most appropriate location for these activities, as well as the effects of these activities on the role and function of the GIZ and commercial and mixed use zones. As such, I do not see it as appropriate to delete GIZ-P2.

### ***Conclusion and Recommendations***

- 7.8.5 For the reasons given above I recommend that GIZ-P2 is retained as notified.

## **7.9 GIZ-P3 Streetscape and amenity values**

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Fonterra	165.135
Silver Fern Farms	172.139
Alliance Group	173.135
P S Earthmoving	204.6
Hilton Haulage	168.15
Barkers	179.11
J R Livestock	241.20

## Submissions

- 7.9.1 Fonterra [165.135] acknowledges that the amenity of the zone should be maintained, but consider it is important that the purpose of the zone is not undermined by maintaining the amenity for adjoining zones and consequently seeks to amend GIZ-P3 as follows:

### ***GIZ-P3 Streetscape and amenity values***

*Maintain the amenity of the zone, while providing additional controls at the road boundary and zone boundary to manage the zone interface. values of the streetscape, the Residential Zones, and Open Space and Recreation Zones, by requiring:*

- 1. storage areas to be screened from road boundaries and Residential Zones; and*
- 2. landscaping along road boundaries and boundaries that adjoining the Open Space and Recreation Zones; and*
- 3. buildings and structures to be a height and setback that will ensure adjoining Residential zones and Open Space and Recreation Zones:*
  - a. have a reasonable standard of sunlight access; and*
  - b. are not unreasonably dominated by built form; and*
  - c. maintain privacy of adjoining Residential Zones; and*
- 4. buildings to be a colour and reflectivity that does not detract from the amenity of Residential Zones.*

- 7.9.2 Silver Fern Farms [172.139] and Alliance Group [173.135] consider the clarity of the policy could be improved and seek to amend GIZ-P3 as follows:

### ***GIZ-P3 Streetscape and amenity values***

*Maintain the amenity values of the streetscape, the Residential Zones, and Open Space and Recreation Zones, by requiring:*

- 1. outdoor storage areas to be screened from road boundaries and Residential Zones; and*
- 2. landscaping along road boundaries and boundaries that adjoining the Open Space and Recreation Zones; and*
- 3. buildings and structures to be a height and setback that will ensure activities in adjoining Residential zones and Open Space and Recreation Zones:*
  - a) have a reasonable standard of sunlight access; and*
  - b) are not unreasonably dominated by built form; and*
  - c) maintain privacy of residential activities in any adjoining Residential Zones; and*
- 4. buildings to be a colour and reflectivity that does not detract from the amenity of Residential Zones.*

- 7.9.3 P S Earthmoving [204.6] seeks that clarity be provided on what the HSCA intends to achieve, and why height limits are increased by 20m within this area. P S Earthmoving [204.6] is concerned that as their site adjoins the Open Space Zone (OSZ) and considers it is difficult to

achieve this policy which requires that at the interface, a 'reasonable' standard of sunlight be maintained and not 'unreasonably' dominated by built form, where buildings up to 35m are allowed under GIZ-S2.

- 7.9.4 Barkers [179.11], J R Livestock [241.20] and Hilton Haulage [168.15] seek to retain GIZ-P3 as notified.

### **Analysis**

- 7.9.5 I consider the Fonterra [165.135] submission too broad and general. The level of detail required within GIZ-P3 is appropriate to ensure that various aspects of GIZ-O2 are achieved. In particular GIZ-P3.1 and GIZ-P3.2 manage screening and landscaping along road and zone boundaries and collectively with GIZ-S5 and GIZ-S6 work to achieve the outcomes sought in GIZ-O2.8. GIZ-P3.3 and GIZ-P3.4 manage building bulk, form and design and collectively with GIZ-S1 - GIZ-S4 work to achieve the outcomes sought in GIZ-O2.7.
- 7.9.6 Furthermore, this amendment does not give direction to plan users. Policies can be used to guide the analysis of a consent application, therefore in this regard it is better to be more specific in a policy rather than general, to make it clear what should be assessed. Further, the lack of specific details for determining amenity and streetscape does not provide sufficient context for the standards that follow regarding height, height in relation to boundary, outdoor storage, landscaping and bunding.
- 7.9.7 The Silver Fern Farms [172.139] and Alliance Group [173.135] submissions raise a valid point in clarifying that only outdoor storage areas require screening. This amendment aligns with standards GIZ-S5 and GIZ-S6 and continues to achieve the outcome sought in GIZ-O2.8 and reflects the anticipated character of the zone described in GIZ-O2.
- 7.9.8 I disagree with adding the words '*activities in*' into clause 3., and '*residential activities in any*' into clause 3.c., prior to referring to any adjoining residential zone. The approach taken to drafting to GIZ-P3 aligns with the outcomes sought in the GIZ objectives, particularly GIZ-O2.7 and GIZ-O3.3 - 4. The residential zones provide for a number of activities beyond residential activities where privacy is a matter that should be considered when considering a new activity within the GIZ, such as community facilities and educational facilities.
- 7.9.9 The matters raised within the submission by P S Earthmoving [204.6] have been assessed under a similar submission point by the submitter [204.5] in the section titled GIZ - General matters and Introduction. That assessment also applies here. In regard to the concern regarding shadowing of built structures onto neighbouring properties the matters of discretion will apply if the height of buildings and structures exceed 35m in height. At this stage any dominance and overlooking matters would be considered through a restricted discretionary consent process. Also, with the OSZ there is a lower level of anticipated built development within this zone compared to other zones such as the residential or commercial zones.

### Conclusions and Recommendations

7.9.10 For the reasons set out above I recommend the following amendments to GIZ-P3:

GIZ-P3	Streetscape and amenity values
<p>Maintain the amenity values of the streetscape, the Residential Zones, and Open Space and Recreation Zones, by requiring:</p> <ol style="list-style-type: none"> <li>1. <u>Outdoor</u><sup>27</sup> storage areas to be screened from road boundaries and Residential Zones; and</li> <li>2. landscaping along road boundaries and boundaries that adjoining the Open Space and Recreation Zones; and</li> <li>3. buildings and structures to be a height and setback that will ensure adjoining Residential zones and Open Space and Recreation Zones:               <ol style="list-style-type: none"> <li>a. have a reasonable standard of sunlight access; and</li> <li>b. are not unreasonably dominated by built form; and</li> <li>c. maintain privacy of adjoining Residential Zones; and</li> </ol> </li> <li>4. buildings to be <u>of a colour and</u><sup>28</sup> reflectivity that does not detract from the amenity of Residential Zones.</li> </ol>	

7.9.11 Section 32AA: I consider the recommended amendments to GIZ-P3 are minor in nature. These amendments will result in benefits from plan consistency and improved plan interpretation. They also result in a more efficient and effective provision framework overall as it is clear how this policy relates to the relevant standards, and then a clear line can be drawn to the associated objectives. Additionally, the provisions overall will be more effective as they are specifically limited to the issue being managed, being that more development is expected within the precinct as opposed to across the GIZ broadly, which is largely already developed. The amendment to clause 4., will result in economic benefits outside of the precinct in terms of reduced controls.

### 7.10 GIZ-P5 Offensive Trades

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Enviro NZ	162.13
Silver Fern Farms	172.141
Alliance Group	173.137

### Submissions

7.10.1 Enviro NZ [162.13], Silver Fern Farms [172.141] and Alliance Group [173.137] all note that the GIZ is the only zone available in the District for offensive trades and as such offensive trades should be enabled within the zone subject to the appropriate management of effects.

<sup>27</sup> Silver Fern Farms [172.139] and Alliance [173.135]

<sup>28</sup> Z Energy [116.29], Silver Fern Farms [172.150] and Alliance Group [173.146]

7.10.2 Enviro NZ [162.13] seeks to amend GIZ-P5 as follows:

***GIZ-P5 Offensive trades***

~~Only Allow~~ *offensive trades to establish in the General Industrial Zone where:*

*1. the activity is located in a manner that will maintain the amenity values of adjacent zones; and*

*[...]*

7.10.3 Silver Fern Farms [172.141] and Alliance Group [173.137] seek to amend GIZ-P5 as follows:

***GIZ-P5 Offensive trades***

*Ensure offensive trades manage adverse effects on other activities and any adjacent non-industrial zone(s).*

~~Only allow~~ *offensive trades to establish in the General Industrial Zone where:*

~~*1. the activity is located in a manner that will maintain the amenity values of adjacent zones; and*~~

~~*2. the activity and buildings is designed in a way that contains or minimises nuisance effects.*~~

***Analysis***

7.10.4 The drafting approach applied to the PDP, is for the direction 'allow' to be used within policies which support permitted and controlled activities. Within the GIZ chapter, this is reflected in policies supporting rules that enable activities anticipated in the zone, being industrial activities, and some compatible activities. Conversely, where activities are not expected to be appropriate in all instances (for example due to the extent and significance of effects they can generate), the drafting approach for policy direction used is 'only allow... where', with the policy then directing matters that must be satisfied in order for such an activity to be allowed. This is then generally implemented through restricted discretionary and discretionary activity pathways for such activities, with the policy providing clear guidance as to what must be met for consent to be granted. I consider that enabling these activities to the extent sought by Enviro NZ [162.13] is inappropriate as offensive trades can produce a variety of effects, sometimes significant, to the extent that if not appropriately managed through a consent pathway can undermine the achievement of GIZ-O2 and GIZ-O3. The use of 'only allow... where' coupled with the listed matters is a more certain way to achieve GIZ-O2.6 and 7, GIZ-O3.1, and GIZ-O3.4 and in my view should be retained.

7.10.5 Similarly, in my view, the word 'manage' is not sufficiently specific within the context of GIZ-P5 as this could mean, avoid, remedy, mitigate, minimise or maintain and in my view does not provide sufficient guidance for assessment of any resource consent, and does not

appropriately reflect the outcome sought in GIZ-O2.6 and 7, GIZ-O3.1 and GIZ-O3.4. This drafting is also unspecific to the adverse effects being considered.

### **Conclusions and Recommendations**

7.10.6 For the reasons given above I recommend that GIZ-P5 is retained as notified.

### **7.11 GIZ-P6 Other Activities**

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Transpower	159.99
Synlait	163.4
Silver Fern Farms	172.142
Alliance Group	173.138
Woolworths	242.39
FENZ	131.105
Enviro NZ	162.14
Fonterra	165.136
Hilton Haulage	168.17
Barkers	179.12
North Meadows	190.20
J R Livestock	241.22

### **Submissions**

7.11.1 Transpower [159.99] generally supports the policy but considers that the GIZ is an appropriate location for the National Grid (when compared to the residential zones), yet the policy framework does not direct this outcome. Transpower [159.99] seeks to amend GIZ-P6 as follows:

#### ***GIZ-P6 Other activities***

*Avoid the establishment of other activities including residential activities unless:*

*x. the activity is regionally significant infrastructure; or*

*1. there is a functional need or operational need for the activity to occur in the General Industrial Zone; or ~~and~~*

*2. the activity is not provided for in another zone; and*

*[...]*

7.11.2 Synlait [163.4] considers GIZ-P6 can be strengthened to provide clearer policy direction in respect of reverse sensitivity, clarifying that other activities have the potential to undermine the purpose, efficiency or function of the GIZ. The submitter considers that GIZ-P6 should clarify that industrial activities are to be protected from reverse sensitivity effects in relation

to all aspects of the operating environment within the GIZ. Synlait [163.4] seeks to amend GIZ-P6 as follows:

***GIZ-P6 Other activities***

*Avoid the establishment of other activities including residential activities unless:*

*[...]*

*3. the activity does not undermine the purpose, viability and function of any of the Commercial and Mixed Use Zones; and*

*4. the activity avoids ~~would not result in~~ any reverse sensitivity effects on industrial activities having regard to all elements of the operational environment and does not undermine the purpose, efficiency or function of the General Industrial Zone that may constrain industrial activities.*

7.11.3 Silver Fern Farms [172.142] and Alliance Group [173.138] considers the clarity of the policy could be improved and seek to amend GIZ-P6 as such:

***GIZ-P6 Other activities***

*Avoid the establishment of non-industrial ~~other activities including residential activities~~ unless:*

*[...]*

7.11.4 Woolworths [242.39] seek amendments to reflect the proposed new discretionary rule for supermarkets. The submitter considers the policy as drafted enables consideration of operational and functional needs while also retaining recognition of the centres hierarchy however needs to be amended to reflect the corresponding activity status. Woolworths [242.39] seek to amend P6 as follows:

***GIZ-P6 Other Activities***

*Enable ~~Avoid~~ the establishment of other activities including residential activities where it is demonstrated that unless:*

*1. there is a functional need for the activity to occur in the General Industrial Zone; ~~and~~ or*

*2. the activity is not provided for in another zone; ~~and~~ or*

*3. the activity does not undermine the purpose, viability and function of any of the Commercial and Mixed-Use Zones; ~~and~~ or*

*[...]*

- 7.11.5 FENZ [131.105], Fonterra [165.136], Hilton Haulage [168.17], Barkers [179.12], North Meadows [190.20], Enviro NZ [162.14] and J R Livestock [241.22] seek to retain GIZ-P6 as notified.

### **Analysis**

- 7.11.6 With respect to Transpower's submission [159.99] for an additional clause to cover Regionally Significant Infrastructure. I do not see it as necessary to specifically refer to Regionally Significant Infrastructure within GIZ-P6 as most of the provisions (Sections A – F) of the Energy and Infrastructure take precedence over the zone chapters. Sections A – F each specifically manage a sub-set of activities that fall within the definition of Regionally Significant Infrastructure. I believe that these provisions provide sufficient certainty regarding the use and development of Regionally Significant Infrastructure within the GIZ.
- 7.11.7 In relation to expanding GIZ-P6 to include operational need alongside functional need, I see merit in this submission. GIZ-P6 refers to other activities (i.e. not industrial or compatible activities) that might wish to establish within the GIZ. Operational need and functional need are defined differently within the PDP. Operational need is defined as, *'means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints'*, whereas functional need is defined more tightly as *'means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment'*.
- 7.11.8 Functional need therefore relates to an activity only being able to occur in that place, while operational need relates to the need to locate in a particular environment because of technical, logistical or operational characteristics or constraints. In my view, functional need has a very narrow application that is suitable to a policy that supports a non-complying activity rule. However, I do not view including the consideration of 'operational need' as contrary to the objectives of the GIZ or the other clauses of GIZ-P6. Even where an activity could demonstrate an 'operational need' to establish within the GIZ, it would still need to meet other clauses of GIZ-P6, namely that the activity did not undermine the commercial and mixed use zones and did not give rise to reverse sensitivity effects that constrain industrial activities. In my view, collectively these clauses still ensure achievement of GIZ-O1, GIZ-O2.7, GIZ-O2.8 and GIZ-O3. Furthermore, the activity would still be assessed as a non-complying activity.
- 7.11.9 My main concern is that if numerous activities were to establish within the GIZ over time through demonstrating an operational need, this could cumulatively undermine the character and qualities of the GIZ as outlined in GIZ-O2.1 – O2.6. As these activities would be establishing under non-complying resource consent it is probable that not all of the characteristics of these activities would meet the anticipated character set out in these clauses of GIZ-O2. However, GIZ-O1 and GIZ-O2, the latter of which relates to the character and qualities of the zone, have to be considered for all activities intending to establish within the zone via resource consent. In this way, the alignment with the characteristics and qualities of the activity to that anticipated by the zone would be assessed.

- 7.11.10 Synlait [163.4] seeks to amend GIZ-P6(4) to ensure protection from reverse sensitivity effects and seeks the avoidance of any reverse sensitivity effects. It is my view the words *'would not result in'* are sufficiently certain within the context of GIZ-P6 which seeks avoidance of other activities in the first instance, unless all four clauses are met.
- 7.11.11 Regarding Synlait's [163.4] request to insert *'on industrial activities having regard to all elements of the operational environment and does not undermine the purpose, efficiency or function of the General Industrial Zone'* into clause 4, I also see this amendment as broadly inappropriate. Firstly, based on my recommended amendments to the definition of 'reverse sensitivity' and the beginning of clause 4, reverse sensitivity effects would be considered in relation to the operation of existing activities. It is my view that as this is already applied through this clause, it does not need to be duplicated by inserting *'on industrial activities having regard to all elements of the operational environment and...'*.
- 7.11.12 Regarding the addition of *'does not undermine the purpose, efficiency or function of the General Industrial Zone'*, I do not see this addition as necessary. With the consideration of functional and operational needs within clause 1, and that an activity would not result in reverse sensitivity effects that may constrain industrial activities within clause 4, the drafting of GIZ-P6 already broadly addresses that sought by the submitter. Furthermore, this addition does not wholly reflect the drafting of the preceding objectives, specifically GIZ-O3. The addition as sought by the submitter, would depart from that expressed within GIZ-O3.
- 7.11.13 Regarding the submissions by Silver Fern Farms [172.142] and Alliance Group [173.138], I disagree with replacing 'other' with 'non-industrial'. GIZ-O1, GIZ-P1, GIZ-R1 and GIZ-R3 all include provision for 'non-industrial' activities that are not associated with GIZ-P6. Replacing the word 'other' with 'non-industrial' would add ambiguity to the GIZ provisions overall. Secondly, deleting the words 'including residential activities' removes the emphasis that residential activities are considered under GIZ-P6 as an 'other activity'. Removing specific reference to 'residential activities' reduces plan clarity.
- 7.11.14 Woolworths [242.39] is seeking to set up a policy framework that will enable supermarkets in the GIZ. In my view it is inappropriate to amend GIZ-P6 to replace 'avoid' with 'enable' and the words 'and' with 'or' at the end of the clauses. GIZ-P6 provides the policy direction to non-complying activities within the GIZ. The drafting style applied within the PDP is to use words such as 'enable' where they relate to permitted activities. Retaining the application of GIZ-P6 to non-complying activities, rather than permitted activities, is required to ensure achievement of GIZ-O2 and GIZ-O3.

## Conclusions and Recommendations

7.11.15 For the reasons set out above I recommend the following amendments to GIZ-P6:

GIZ-P6	Other activities
Avoid the establishment of other activities including residential activities unless:	
1. there is a functional <u>or operational</u> <sup>29</sup> need for the activity to occur in the General Industrial Zone; and	
2. the activity is not provided for in another zone; and	
3. the activity does not undermine the purpose, viability and function of any of the Commercial and Mixed Use Zones; and	
4. the activity would not result in reverse sensitivity effects that may constrain industrial activities.	

7.11.16 Section 32AA: I consider the amendments to GIZ-P6 are appropriate. The addition of a new clause two is more efficient as it provides a pathway for activities to establish via operational needs while still ensuring the objectives are met. The addition of the limitation to the end of the clause ensures GIZ-P6 is effective in achieving GIZ-O2, and GIZ-O1 by extension. This change has greater economic benefits but no additional costs.

## 7.12 PREC3-P1 Residential amenity of adjoining Residential Zones

SUBMITTER NAME	SUBMITTER POINT NUMBER(S)
Kāinga Ora	229.169
Southern Proteins	140.22

### Submissions

7.12.1 Kāinga Ora [229.169] supports PREC3-P1 to the extent that other amendments are adopted, and seeks to amend PREC3-P1 as follows:

#### ***PREC3-P1 Residential amenity of adjoining Residential Zones***

*Maintain the amenity values of adjoining Residential Zones by requiring:*

*[...]*

*3. safe ingress and egress to the site without compromising vehicle and pedestrian safety in the adjoining Residential Zones; and*

*4. Offensive trades and hazardous facilities to establish on sites that are not adjacent to another site with an open space and recreation, or residential zoning.*

7.12.2 Southern Proteins [140.22] seeks to retain PREC3-P1 as notified.

### Analysis

7.12.3 I disagree with amending PREC3-P1 as sought by Kāinga Ora [229.169]. The drafting of the proposed additional clause would, in my view, require the establishment of any offensive trade or hazardous facility on the boundary of a residential, open space or recreation zone to be specified as a prohibited activity. In my view, this amendment does not recognise that

<sup>29</sup> Transpower [159.99]

mitigation measures may allow the reduction of adverse effects from these activities to a level that is compatible with locating adjacent to these zones. As such, I do not consider that the approach sought by the submitter is necessary to achieve PREC3-O1, which seeks that adverse effects on adjoining residential zones are minimised, not avoided altogether.

7.12.4 Furthermore, for the same reasons as provided in the analysis section of GIZ-P1, the introduction of a new clause relating to offensive trades and hazardous facilities duplicates other provisions within the GIZ and Hazardous Substances chapters. This proposed amendment in the context of PREC3-P1 also does not recognise that the anticipated adverse effects from offensive trades and hazardous facilities differ. The primary anticipated adverse effects from offensive trades that are under the jurisdictional consideration of TDC relate to amenity effects on neighbouring properties. For hazardous facilities, the primary anticipated adverse effects are from spills, explosions or leakage of hazardous substances and their effects on human health and the environment.

7.12.5 The amendment proposed by Kāinga Ora [229.169] is also inconsistent with higher order direction from the RMA (Section 7(c)) and CRPS (Policy 5.3.1.5) which seek maintenance and enhancement of amenity values, not complete avoidance of adverse effects that may affect amenity values. Furthermore, UFD-O1(v) focusses on recognition of existing amenity. This strategic directive is reflected in PREC3-P1 by its focus only on maintaining amenity and it is my view that the amendment sought by Kāinga Ora [229.169] will depart from this strategic directive.

### ***Conclusions and Recommendations***

7.12.6 For the reasons given above, and in response to submissions on GIZ-S4 I recommend that PREC3-P1 is amended as follows:

PREC3-P1	Residential amenity of adjoining Residential Zones
	<p>Maintain the amenity values of adjoining Residential Zones by requiring:</p> <ol style="list-style-type: none"> <li>1. buildings to be suitably separated from any sites within a Residential Zone; and</li> <li>2. buildings and activities to be designed, operated, screened and landscaped in a manner that minimises the adverse effects on the adjoining Residential Zones; and</li> <li>3. safe ingress and egress to the site without compromising vehicle and pedestrian safety in the adjoining Residential Zones; <u>and</u></li> <li>4. <u>buildings to be a colour and reflectivity that does not detract from the amenity of Residential Zones.</u><sup>30</sup></li> </ol>

7.12.7 Section 32AA: I consider the recommended amendment to PREC3-P1 is minor in nature and consequential to submissions on GIZ-S4. The amendment focusses on areas of the GIZ where development is expected, being the WIEP. It is worth noting that this amendment does not alter how GIZ-S4 relates to the WIEP, but instead aligns the policy framework to make it clear

<sup>30</sup> Z Energy [116.29], Silver Fern Farms [172.150] and Alliance Group [173.146]

to plan users that controls on building colour apply within the WIEP specifically, and not broadly across the GIZ.

### 7.13 GIZ-R1 Industrial Activities

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Z Energy	116.28
Southern Proteins	140.23
Hilton Haulage	168.18
Road Metals	169.47
Fulton Hogan	170.49
Silver Fern Farms	172.143
Alliance Group	173.139
Barkers	179.13
North Meadows	190.21
Dept. Corrections	239.17
J R Livestock	241.23
FENZ	131.106

#### Submissions

- 7.13.1 Road Metals [169.47] and Fulton Hogan [170.49] oppose GIZ-R1 as it appears to exclude some activities such as the submitters' yards, where maintenance and servicing of machinery and plant are conducted. They seek to add 'transport, storage, maintenance, cleaning or repair of goods and vehicles and the hire of commercial and industrial equipment and machinery' to the rule title.
- 7.13.2 Dept. Corrections [239.17] considers that it is appropriate to provide for CCAs in the GIZ as a permitted activity under GIZ-R1 and seeks amendments to GIZ-R1 to achieve this.
- 7.13.3 Z Energy [116.28] considers GIZ-R1, PER-1 which requires any building and structures to be located more than 50m from any residential zone is not effects based, hence is not supported. Z Energy [116.28] supports various other parts of GIZ-R1, being that:
- Service Stations are a permitted activity;
  - GIZ-R1, PER-3 makes it clear that activities under GIZ-R1 must comply with all relevant standards in the chapter to maintain the Permitted Activity status;
  - Service Stations are a restricted discretionary activity where there is non- compliance with the general development standards.
- 7.13.4 Z Energy [116.28] seeks to amend GIZ-R1 to delete PER-1, the related matters of control where it is not met (and make consequential changes to the numbering within the rule).
- 7.13.5 Silver Fern Farms [172.143] and Alliance Group [173.139] consider it is appropriate to permit industrial and compatible activities and to provide fallback controlled or restricted discretionary consenting pathways for activities that breach the permitted activity standards.

However, they consider outdoor storage should be exempt from the setback specified in PER-1.

- 7.13.6 Southern Proteins [140.23] is opposed to listing effects on air quality as a matter of control or discretion. It considers that any potential effects on air quality are better addressed by the regional plan and an air discharge permit. Southern Proteins [140.23] also opposes PER-2 as it captures all activities which require a trade waste connection, even if the site has an existing available connection. The submitter considers that PER-2 should only be concerned with activities that require a trade waste connection on a site not currently serviced, or not able to be serviced by the trade waste network. Southern Proteins [140.23] seeks to amend GIZ-R1 as follows:

***Activity status: Permitted***

***Where:***

***PER-1***

*The activity and its buildings and structures (excluding fences) are located more than 50 metres from any Residential Zones or Rural Lifestyle Zone; and*

***PER-2***

*If The activity ~~does not~~ requires a new industrial and trade waste connection and a trade waste connection is available; and*

***PER-3***

*The activity and its buildings and structures, complies with all the Standards of this chapter.*

***Activity status when compliance not achieved with PER-1: Controlled***

***Matters of Control are restricted to:***

*[...]*

*~~4. Effects on air quality; and~~*

*[...]*

- 7.13.7 Hilton Haulage [168.18], Barkers [179.13], North Meadows [190.21] and J R Livestock [241.23] request to amend GIZ-R1 to delete the exclusion of industrial ancillary activity as they consider it is at odds with the definition of 'Industrial Activity', which includes any ancillary activity. They also propose to combine GIZ-R1 with GIZ-R2, to streamline the rule framework. They consider that GIZ-R2 is at odds with the definition and this creates confusion for plan users.
- 7.13.8 Hilton Haulage [168.18], Barkers [179.13], North Meadows [190.21] and J R Livestock [241.23] also suggest that PER-2 should target those activities that require a new trade waste connection and should not apply to sites that already have an existing connection. They are also concerned that resource consent is required where a trade waste connection is required, even if the site has an existing available connection. They seek to amend GIZ-R1 as follows:

***GIZ-R1 - Industrial activity, Trade supplier, Laboratories, Service stations, Motor garage, Emergency services facilities, Veterinary clinics, excluding ~~any industrial ancillary activity and offensive trades.~~***

*Note: Industrial ancillary activity is provided in GIZ-R2*

*Offensive trades are provided in GIZ-R4*

**Activity status: Permitted**

Where:

**PER-1** -The activity and its buildings and structures (excluding fences) are located more than 50 metres from any Residential Zones or Rural Lifestyle Zone; and

**PER-2** - If the activity ~~does not~~ requires a new industrial and trade waste connection, and a trade waste connection is available; and

**PER-3** -The activity and its buildings and structures, complies with all the Standards of this chapter; and

**PER-4** - Any ancillary activity does not include a residential activity; and

**PER-5** -Any ancillary activity(s):

1. are located on the same site of the primary industrial activity; and

2. has a maximum combined gross floor area of 15% of the primary industrial buildings on the site.

7.13.9 FENZ [131.106] seeks to add an additional assessment matter to GIZ-R1 to implement the new standard they are seeking to be added to the GIZ to provide for firefighting water supply.

**Analysis***Scope of activities in rule title*

7.13.10 Road Metals [169.47] and Fulton Hogan [170.49] seek to add the following further activities to GIZ-R1, 'transport, storage, maintenance, cleaning or repair of goods and vehicles and the hire of commercial and industrial equipment and machinery'. For context, the definition of 'Industrial activity' in the PDP is as follows:

*'Means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed or partly [processed materials] or goods. It includes any ancillary activity to the industrial activity.'*

7.13.11 It is my view that this definition covers storage and repair, and transport would be captured under the term 'distributes'. In regards to cleaning, this could commonly be understood as included within 'processing'. It is my view that applying these amendments would reduce certainty within the rule as it would duplicate, some but not all of the activities covered by the definition of 'industrial activity'.

7.13.12 Regarding the hire of commercial and industrial equipment and machinery, GIZ-R1 also includes 'trade supplier' which captures these activities and is defined as:

*'Means a retail activity that involves the sale of wholesale goods to businesses, as well as limited retail sales to the general public, which fall into the following categories:*

- a. automotive and marine suppliers;*
- b. building suppliers;*
- c. catering equipment suppliers;*
- d. farming and agricultural suppliers;*
- e. garden and patio suppliers;*

- f. **hire premises** [emphasis added] (except hire or loan of books, video, DVD and other home entertainment items);*
- g. industrial clothing and safety equipment suppliers;*
- h. landscape suppliers; and*
- i. office furniture, equipment and systems suppliers.'*

7.13.13 Regarding maintenance, presumably this relates to the maintenance of items on their site. I believe this would be captured under the definition of ancillary activity, which is, *means an activity that supports and is subsidiary to a primary activity*'.

7.13.14 In summary, I consider that the amendments sought by Road Metals [169.47] and Fulton Hogan [170.49] are already provided for within GIZ-R1.

7.13.15 Dept. Corrections [239.17] seek to add CCAs to the list of activities listed under GIZ-R1. Currently, CCAs are considered a non-complying activity under GIZ-R5 as they are classed as an 'other activity'. The definition in the PDP for CCAs is very broad and includes a number of different activities. The definition is:

*'Means the use of land and buildings for non-custodial services for safety, welfare, and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.'*

7.13.16 Informal discussions between Dept. Corrections and TDC indicate that the request to have CCAs as a permitted activity is primarily informed by the need to:

- enable another/alternative hub site (where both the office type activities and the community service/training activities can take place on the same site) without the difficulties of seeking a consent where notification may be required; and
- allow Dept. Corrections to be nimble in the renting of suitable sites, with a preference for renting versus owning sites;
- at the time of the discussion, Dept. Corrections wishes to continue operating as a hub (currently a 'hub site' is run out of 55 North Street, which has an MUZ zoning), and have no plan to relocate or find an alternative site.

7.13.17 These discussions also confirmed that activities they would expect to establish in the GIZ, align with the PDP definition of CCAs in that they would provide for probation, rehabilitation and integration services. They may also be used for administrative bases for staff that work in community-based activities or as a place of therapeutic services such as psychological assessments. Dept. Corrections outlined that the overall activity they wish to enable in the GIZ is one of an office where meetings and workshop type sessions are held, and where community services are based.

- 7.13.18 The purpose of GIZ-R1 is to provide for industrial activities, and other activities compatible with the anticipated adverse effects of industrial activities. The NP Standards consider compatible activities within the GIZ as '*compatible with the adverse effects generated by industrial activities*', and GIZ-P1 considers that 'associated' activities are those that are considered '*compatible and complementary to the purpose, character and qualities of the General Industrial Zone*'. Industrial activities generate a variety of adverse effects that in my view are potentially incompatible with the activities Dept. Corrections expects to establish as a CCA within the GIZ. Industrial sites can generate high levels of noise, odour, dust, light and vibration and can also result in minimal levels of privacy. Roads servicing industrial areas are commonly used by heavy vehicles and can include a high volume of traffic. All of these effects can continue overnight. I consider that these effects will likely be incompatible with the use of buildings primarily for office-based work (including meetings) and the provision of counselling services. Accordingly, I do not consider CCAs as compatible with industrial activities.
- 7.13.19 As the definition of CCAs is very broad, there is uncertainty in the scale, nature and characteristics of the activity that may establish. This could be a single office block, comprising a few offices and a meeting room through to a hub with a conglomeration of activities that fall under the definition of CCAs. Due to this, I do not consider that a permitted activity status is appropriate for CCAs broadly, nor is a controlled or restricted discretionary activity status as it would be difficult to identify specific matters of discretion to appropriately manage the activity.
- 7.13.20 One of the primary reasons Dept. Corrections wishes for CCAs to be permitted within the GIZ is to allow various activities that are captured under the definition of CCAs to be consolidated together on one site as a 'hub site'. The appeal of the GIZ is that it allows for some activities, such as employment training (with heavy machinery), that are inappropriate within the centre zones. The establishment of a 'hub site' presents extra complexity, as the nature and extent of effects are less certain and can be broader. A hub site is likely to bring a higher level of traffic (both pedestrian and automotive) into the zone, as well as activities that are not permitted within the zone currently. Dept. Corrections also noted in a meeting with TDC staff that most of their clients do not have private vehicles and rely on public transport.
- 7.13.21 The main complication with the establishment of a 'hub site' is that the identification of the zones across the District have been undertaken in accordance with the NP Standards, which broadly group activities together that are similar in the anticipated effects they generate, scale and density, and allow for associated compatible and ancillary activities. Due to this, establishing a 'hub site' within the GIZ would potentially introduce a number of activities that are not permitted within the zone, but instead are classified as non-complying activities. A similar situation would also apply to establishment of a 'hub site' within any MUZ zone. While activities captured under the CCAs definition that are more industrial in nature could be a permitted activity within the GIZ, allowing for CCAs broadly as a permitted activity, or a 'hub site' will in my opinion be inappropriate based on the purpose, and anticipated character and qualities of the GIZ.

7.13.22 Dept. Corrections believes they can mitigate any adverse effects from industrial activities in the choosing of a site/building by design and consideration of neighbouring industries e.g. they would not want to locate adjacent to a 'heavy industrial' type industrial activity. However, ownership of adjacent sites can change, or they can be re-developed, or intensified and materially change the suitability of the site. The policy direction for the GIZ is clear in that other activities establishing within the zone should *'not result in reverse sensitivity effects that may constrain industrial activities'*. As CCAs could give rise to a variety of reverse sensitivity effects that may constrain industrial activities, I do not see CCAs as an appropriate activity to occur in the GIZ as a discretionary activity.

7.13.23 A sub-set of CCA's may be able to establish within the GIZ as a permitted activity where it met the definition of industrial activity.

7.13.24 I note that Ms White has made the recommendation to permit CCAs within TCZ-R2, CCZ-R2 and MUZ-R5 in the Section 42A report for Residential and Commercial Zones. I agree with the conclusions reached in this report as I view CCAs as similar in nature to both community and commercial activities which are also permitted within these rules.

7.13.25 For the reasons described in the preceding paragraphs, the allowance of CCAs broadly within the GIZ is contrary to the following CRPS and PDP provisions:

- CRPS Objective 5.2.1.2c which seeks the enablement of business activities in appropriate locations and CRPS Policy 5.3.2.2.b which seeks that reverse sensitivity effects between incompatible activities are avoided or mitigated; and
- SD-07ii which seeks that the District's city and town centres are the primary focus for retail, office and other commercial activities; and
- UFD-O1v and x which seeks a consolidated and integrated settlement pattern which is well designed and recognises existing character and amenity and that the location of activities is controlled primarily by zoning to minimise conflicts between incompatible activities and avoid these where there may be significant adverse effects; and
- GIZ-O1, GIZ-O2 and GIZ-O3 which together seek the enablement of industrial activities and activities compatible and complementary with the character and qualities of the zone in a way that they are not constrained by sensitive activities and do not compromise the commercial and mixed use zones; and
- GIZ-P6 which seeks the avoidance of other (non-industrial, or incompatible) activities within the zone unless specific conditions are met (where the activity has a functional need to establish in GIZ, isn't provided for in another zone, will not undermine the commercial or mixed use zones or result in reverse sensitivity effects that may constrain industrial activities.

7.13.26 It is my view, that the notified GIZ provisions are the most appropriate way to manage CCA's within the GIZ. Where captured as a non-complying activity, a consent pathway still applies for these activities, but through an appropriate pathway that can address effects on industrial activities in the GIZ and on other commercial zones. The RMA Section 104D gateway test for non-complying activities provides two gateways for applications, either to demonstrate that the effects on the environment will be minor or that the activity will not be contrary to the objectives and policies of the PDP.

#### *Merging GIZ-R1 and GIZ-R2*

7.13.27 A number of submitters seek to combine GIZ-R1 and GIZ-R2 on the basis that the PDP definition of 'industrial activities' includes ancillary activities and that separating these activities across two rules conflicts with the PDP definition. I disagree with this. A plan rule can narrow the application of a defined term, and in this case, GIZ-R1 has narrowed the application of the term to only apply to industrial activities (excluding ancillary activities). It is also common practice within plans to manage industrial activities and ancillary activities under different rules.

7.13.28 The nature, scale and characteristics of industrial activities can be materially different from ancillary activities and both have different effects that require a different management approach through plan provisions. As such, GIZ-R2 is a distinctly different rule due to the size and role of ancillary activities. Furthermore, the separation of ancillary activities from industrial activities provides clarity in the implementation of GIZ-P1.1 and GIZ-P2. GIZ-P1.1 specifies that ancillary industrial activities have to occur on the same site as the primary industrial activity, this clause is specifically implemented through GIZ-R2. GIZ-P2 then relates to off-site industrial ancillary activities and outlines specific clauses that require achievement for an off-site industrial activity to establish. This allows the conditions of GIZ-R2 to be tailored to achievement of GIZ-P2, with the restricted discretionary pathway applied when PER-3 is not met, directly implementing this policy. Lastly, combining these two rules would result in a lengthy, complex rule, particularly within the third column that details associated consent pathways when the rule conditions are not met. For these reasons, I view retaining GIZ-R1 and GIZ-R2 as separate rules as a more certain and effective means of implementing GIZ-P1.1 and GIZ-P2.

#### *GIZ-R1 PER-1*

7.13.29 Before discussing the submissions points that relate to GIZ-R1, PER-1 I wish to provide some background to the drafting of this condition, as the Section 32 assessment does not provide this level of detail. Under the ODP permitted industrial development was occurring, which was subsequently found to be non-compliant once operational. This was mainly due to sole reliance on performance standards (e.g. for noise) to manage effects. Some of these non-compliances were then subject to complaints from residential neighbours, who were adversely affected, and subsequently enforcement action occurred. Monitoring compliance of some performance standards was difficult (e.g. noise) as it could only be measured when it

was occurring which was not constant and therefore created extended monitoring requirements. Other approaches could be used, for example requiring acoustic assessment for each industrial activity, but these approaches were not effective or efficient in managing the issue. This monitoring, compliance and enforcement process was costly for the businesses and neighbours involved and potentially jeopardised the significant capital investment in establishing the building. As a solution to this issue, the approach of providing a 50m setback threshold for industrial activities from residential activities was applied, and confirmed as a valid approach by the Environment Court in Plan Change 14 to the ODP. This boundary setback threshold, if contravened, triggers a controlled activity consent process that requires new industrial development within the setback to demonstrate how development is designed to protect the amenity of the adjoining residential properties. This approach has been similarly proposed in the PDP.

7.13.30 Z Energy [116.28] requests the deletion of PER-1 and the associated Controlled Activity status and matters of control when compliance is not achieved with PER-1 as they consider boundary setbacks are not effects based. I consider that there are potential adverse effects arising from the location of industry in close proximity to residential activities, which are those listed in the matters of control in GIZ-R1 and include hours of operation, noise, vibration, light spill, privacy, landscaping and privacy. The 50m set back is to ensure that such effects can be controlled. As consent has to be granted for controlled activities, there is certainty that these activities can occur, but the matters of control are necessary so that conditions may be put on the consent if required to manage these adverse effects.

7.13.31 Silver Fern Farms [172.143] and Alliance Group [173.139] seek outdoor storage be excluded from PER-1 along with fences. I note that GIZ-R1, PER-1 only applies to buildings and structures and as the definition of 'structure' requires these to be fixed to land, outdoor storage would not be captured by this condition and therefore no exemption is required. For clarity, fences are already excluded from PER-1.

7.13.32 Southern Proteins [140.23] request deletion of matter of control 4 that relates to the effects on air quality. I agree that the primary responsibility for managing air quality under RMA Section 30, lies with regional councils and therefore managing air quality should be left to the regional council. While dust and odour are generally considered air quality issues and subject to provisions administered by the regional council, district councils are responsible for the management of amenity effects, and dust and odour can adversely impact amenity. For example, dust can be blown over adjoining properties, or into nearby residential zones and subsequently affecting residential amenity. Dust from industrial activities is a particular issue, as industrial activities often have stockpiles of raw materials and unsealed manoeuvring areas. Odour can have similar effects, affecting the use of outdoor spaces, including within residential, recreational or commercial areas. I therefore recommend that the rule is amended to refer directly to amenity effects from odour and dust.

#### *GIZ-R1 PER-2*

7.13.33 A few submitters raised concerns with PER-2 as capturing all activities that have a trade waste connection. It is my opinion that PER-2 is clear that it only captures activities requiring a 'new' trade waste connection, and not activities that already have an existing trade waste connection. The purpose of PER-2 is to manage the location of activities that require a trade waste connection, and therefore is included to ensure a resource consent process applies when a trade waste connection is required. Trade waste connections are usually required for heavy industrial activities, or offensive trades. As the PDP only applies one industrial zone, provisions for both light and heavy industrial activities need to be included within the GIZ framework. GIZ-R1, PER-2 has specifically been included in order to ensure GIZ-P4 is achieved, without this condition, the policy will not be able to be fully implemented. For these reasons I do not see it as appropriate to amend PER-2.

#### *Other amendments*

7.13.34 Regarding the additional assessment matter FENZ [131.106] seeks to add to GIZ-R1, as I do not recommend to insert the new standard, there is no need for a new assessment matter to be added to this rule.

#### **Conclusions and Recommendations**

7.13.35 For the reasons given above I recommend that GIZ-R1 is amended as follows, and that footnote [1] is deleted:

<b>GIZ-R1</b>	<b>Industrial activity</b> <b>Trade supplier</b> <b>Laboratories</b> <b>Service stations</b> <b>Motor garage</b> <b>Emergency services facilities</b> <b>Veterinary clinics</b> <b>Excluding any industrial ancillary activity and offensive trades</b>	
<b>General Industrial Zone</b>	<p><i><b>Note:</b> Industrial ancillary activity is provided in GIZ-R2</i></p> <p><i>Offensive trades are provided in GIZ-R4</i></p> <p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>  The activity and its buildings and structures (excluding fences) are located more than 50 metres from any Residential Zones or Rural Lifestyle Zone; and</p>	<p><b>Activity status when compliance not achieved with PER-1:</b>  <b>Controlled</b></p> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li>hours of operation; and</li> <li>noise and vibration; and</li> <li>light spill; and</li> <li>effects on air quality<sup>[41]</sup>; <u>amenity from dust and odour;</u><sup>31</sup> and</li> </ol>

<sup>31</sup> Southern Proteins [140.23]

	<p><b>PER-2</b> The activity does not require a new industrial and trade waste connection; and</p> <p><b>PER-3</b> The activity and its buildings and structures, complies with all the Standards of this chapter.</p>	<p>e. length, height and alignment of boundary landscaping and bunds; and</p> <p>f. landscaping; and</p> <p>g. privacy.</p> <p><b>Activity status when compliance not achieved with PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. design and location of network extensions; and</p> <p>b. location of connections; and</p> <p>c. the volume or loading of discharge; and</p> <p>d. adverse effect on adjacent residential zoned sites.</p>
--	--	--

7.13.36 Section 32AA: I consider that the changes recommended are minor and will be more efficient as narrowing the matters of control will avoid duplication of regional council functions and ensure a more targeted consent process. There will be benefits in terms of plan clarity and jurisdictional alignment with regional plan provisions.

#### 7.14 GIZ-R2 Industrial ancillary activities

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Southern Proteins	140.24
Waka Kotahi	143.175
Hilton Haulage	168.19
Silver Fern Farms	172.144
Alliance	173.140
Rooney Holdings	174.89
Barkers	179.14
North Meadows	190.22
GJH Rooney	191.89
JR Livestock	241.24
Rooney Group	249.89
Rooney Farms	250.89
Rooney Earthmoving	251.89
TDL	252.89

## Submissions

- 7.14.1 Southern Proteins [140.24] opposes listing effects on air quality as a matter of control or discretion. Any potential effects on air quality are better addressed by the regional plan and an air discharge permit. As such the submitter seeks to delete matter of control 4.
- 7.14.2 Hilton Haulage [168.19], Barkers [179.14], North Meadows [190.22] and J R Livestock [241.24] seek to delete GIZ-R2. Submitters propose to combine GIZ-R1 with GIZ-R2, to streamline the rule framework.
- 7.14.3 Silver Fern Farms [172.144] and Alliance Group [173.140] support the permitted, and fallback controlled or restricted discretionary consenting pathways for ancillary activities. However, they consider the restriction on residential activity under PER-2 should be refined to provide a discretionary consenting pathway for seasonal workers accommodation. They seek to amend R2 as follows:

### ***GIZ-R2 Industrial ancillary activities***

#### ***General Industrial Zone***

#### ***Activity status: Permitted***

*[...]*

#### ***PER-2***

*The activity does not include:*

- 1. a residential activity;*
- 2. seasonal workers accommodation; and*

*[...]*

*Activity status when compliance not achieved with PER-2.1: Non-complying.*

*Activity status when compliance not achieved with PER-2.2: Discretionary.*

- 7.14.4 Rooney Holdings [174.89], GJH Rooney [191.89], Rooney Group [249.89], Rooney Farms [250.89], Rooney Earthmoving [251.89] and TDL [252.89] oppose GIZ-R2 as it does not provide for residential activities that are ancillary to an industrial site. They consider that the rule should provide for residential units and residential activities that are ancillary to the primary industrial activity. They consider that the rule should also apply to separate adjoining sites that are in the same ownership of that as the principal site. They seek to amend GIZ-R2 as follows:

### ***GIZ-R2 Industrial ancillary activities***

#### ***Activity status: Permitted***

#### ***Where:***

#### ***PER-1***

*The activity and its associated buildings and structures (excluding fences) are located more than 50 metres from any Residential Zone unless the ancillary activity is a residential activity on the site, or on an adjoining site in the same ownership as that of the primary industrial activity site; and*

#### ***PER-2***

*~~The activity does not include a residential activity; and~~*

**PER-3**

*Any ancillary activity(s):*

*1. are located on the same site of the primary industrial activity or on an adjoining site in the same ownership as that of the primary industrial activity site; and*

*2. has a maximum combined gross floor area of 15% of the primary industrial buildings on the site; and*

*[...]*

7.14.5 Waka Kotahi [143.175] supports GIZ-R2.

**Analysis**

7.14.6 Southern Proteins [140.24] requests that matter of control 4., be removed as effects on air quality are a regional council matter. Analysis on this matter has been provided within the analysis section of GIZ-R1 and also applies here. I similarly recommend this is amended in the same way as recommended in relation to GIZ-R1.

7.14.7 Hilton Haulage [168.19], Barkers [179.14], North Meadows [190.22], and J R Livestock [241.24] seek to combine GIZ-R1 with GIZ-R2. Analysis on this matter has been provided within the analysis section of GIZ-R1 and for the reasons set out there, I do not consider it appropriate to combine these rules.

7.14.8 Rooney Holdings [174.89], GJH Rooney [191.89], Rooney Group [249.89], Rooney Farms [250.89], Rooney Earthmoving [251.89] and Timaru Developments [252.89] seek to delete PER-2 and seek to allow residential activities within the GIZ as an activity ancillary to an industrial activity where on the same site, or an adjoining site owned by the primary industrial activity. Silver Fern Farms [172.144] and Alliance Group [173.140] seek to add 'seasonal workers accommodation' to GIZ-R2, PER-2.

7.14.9 Currently, GIZ-R2, PER-2 states, '*the activity does not include a residential activity*', and the activity status when compliance is not achieved with PER-2 is non-complying. Seasonal workers accommodation is captured as a residential activity within the PDP, and is defined as:

*'the use of land and buildings for the sole purpose of accommodating the short-term labour requirement of a primary production activity, rural industry or post-harvest facility'.*

7.14.10 Seasonal workers accommodation is captured as a sensitive activity as it constitutes a residential activity. The presence of seasonal workers accommodation, or any form of residential activity is likely to give rise to reverse sensitivity effects. This has the ability to undermine the establishment, operation and future development of industrial activities, and the functioning of the zone more broadly. This will undermine achievement of GIZ-O3 and GIZ-P6. It is my view that it is inappropriate to allow these activities to establish as a permitted activity.

7.14.11 I believe an industrial site is not an appropriate location for any type of residential activity, particularly as a permitted activity. GIZ areas are often noisy into the night, may have glare/lighting throughout the night, may emit odour, and/or dust, and heavy vehicles can be moving around at any time. In addition, there is no differentiation between GIZ areas that contain heavy industry vs light industry. Obnoxious discharges can occur in the GIZ and activities can operate 24/7 within the zone. Therefore, I believe there is little amenity and safety in the GIZ in comparison to residential zones and some commercial zones where residential activities are enabled. I consider the adverse effects of activities in the GIZ are not amenable to sleep or a healthy environment for people to reside in.

7.14.12 Regarding the submissions by Rooney Holdings [174.89], GJH Rooney [191.89], Rooney Group [249.89], Rooney Farms [250.89], Rooney Earthmoving [251.89] and TDL [252.89] to amend PER-1, to allow an exemption to the 50m setback to residential zones if the activity considered is a residential activity, I still see this as inappropriate. As already discussed in my view it is inappropriate to allow for residential activities in the GIZ. The framework of the GIZ promotes the establishment of industrial activities, and over time the expectation would be that residential activities across the zone are reduced as lots are sold and re-development occurs. Furthermore, this amendment creates a loophole that would allow residential activities to slowly encroach into GIZ land along residential zone boundaries.

### **Conclusions and Recommendations**

7.14.13 Based on the reasons given above I recommend that GIZ-R2 is amended as follows:

<b>GIZ-R2</b>	<b>Industrial ancillary activities</b>	
<b>General Industrial Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The activity and its associated buildings and structures (excluding fences) are located more than 50 metres from any Residential Zone; and</p> <p><b>PER-2</b></p> <p>The activity does not include a residential activity; and</p> <p><b>PER-3</b></p>	<p><b>Activity status when compliance not achieved with PER-1: Controlled</b></p> <p><b>Matters of control are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. hours of operation; and</li> <li>b. the effects of noise and vibration; and</li> <li>c. light spill; and</li> <li>d. effects on <del>air quality</del> <u>amenity from dust and odour</u><sup>32</sup>; and</li> <li>e. length, height and alignment of boundary landscaping and bunds; and</li> <li>f. landscaping; and</li> <li>g. privacy.</li> </ul>

<sup>32</sup> Southern Proteins [140.24]

<p>Any ancillary activity(s):</p> <ol style="list-style-type: none"> <li>1. are located on the same site of the primary industrial activity; and</li> <li>2. has a maximum combined gross floor area of 15% of the primary industrial buildings on the site; and</li> </ol> <p><b>PER-4</b></p> <p>The activity and its associated buildings and structures, complies with all the Standards of this chapter.</p>	
---	--

7.14.14 Section 32AA: I consider that the changes recommended are minor and will be more efficient as narrowing the matters of control will avoid duplication of regional council functions and ensure a more targeted consent process. There will be benefits in terms of plan clarity and jurisdictional alignment with regional plan provisions.

## 7.15 GIZ-R3 Convenience stores, restaurants, cafes and takeaway food outlets

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Enviro NZ	162.15
Silver Fern Farms	172.145
Alliance Group	173.141
J R Livestock	241.25

### **Submissions**

7.15.1 Enviro NZ [162.15] seeks clarification on GIZ-R3 with no relief specified. The submitter queries whether the 200m<sup>2</sup> gross floor area in PER-3 is too large. They consider that a restaurant or takeaway business of this size has the potential to cause reverse sensitivity effects on existing and proposed industrial activities.

7.15.2 Submissions from Silver Fern Farms [172.145], Alliance Group [173.141] and J R Livestock [241.25] seek to retain GIZ-R3 as notified.

### **Analysis**

7.15.3 I note that the 200m<sup>2</sup> is a gross floor measurement. Hence it includes not only the customer seating area or customer side of the business but also the storage, kitchen, preparation and packaging areas as well. The front of house section of a restaurant, convenience store or café could not take up the entire 200m<sup>2</sup>, as part of that gross floor area would be used for the business side of operations.

7.15.4 In my view the limit on the gross floor area for these activities is suitable to limit the scale of such activities, in order to ensure that they are complementary to the purpose of the zone and achieve GIZ-P1.3, as well as ensure that these activities do not compromise commercial zones, as sought in GIZ-O3.3. Furthermore, the presence of these activities within the GIZ are to service and support the working community within the GIZ, which is an important component to provide a functional working environment (GIZ-O2.6), especially for those areas where closest commercial zones are outside of walking distance.

### **Conclusions and Recommendations**

7.15.5 In response to the submission by ECan [183.1], as discussed in Section 7.1 of this report, I recommend that GIZ-R3 is amended as follows:

<b>GIZ-R3</b>	<b>Convenience stores, restaurants, cafes and take away food outlets</b>	
<b>General Industrial Zone</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved with PER-1: Non-complying</b>
	<b>Where:</b>  <b>PER-1</b> The gross floor <u>area</u> <sup>33</sup> of the activity is 200m <sup>2</sup> or less; and  <b>PER-2</b> The activity and its buildings and structures, complies with all the Standards of this chapter.	<b>Activity status when compliance not achieved with PER-2: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>

7.15.6 Section 32AA: I consider the recommended amendment to GIZ-O2 is minor in nature and improves plan consistency and clarity. It will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### **7.16 GIZ-R4 Offensive trades, including associated buildings and structures**

<b>SUBMITTERS NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Southern Proteins	140.25
Silver Fern Farms	172.146
Alliance Group	173.142

<sup>33</sup> ECan [183.1]

## Submissions

7.16.1 Southern Proteins [140.25] supports the provision for offensive trades, including associated buildings and structures. However, the submitter considers a restricted discretionary activity status would be more appropriate. Southern Proteins [140.25] also considers that any effects on air quality should be managed through the regional plan. Southern Proteins [140.25] seek to amend GIZ-R4 as follows:

***Activity status: Restricted Discretionary***

***Matters of discretion are restricted to:***

*[insert matters of description such as hours of operation, noise and separation distances from sensitive activities]*

***Activity status when compliance not achieved: Not applicable***

7.16.2 Silver Fern Farms [172.146] and Alliance Group [173.142] seek to retain GIZ-R4 as notified.

## Analysis

7.16.3 By seeking a change to Restricted Discretionary activity status for GIZ-R4, the submitter is seeking to limit the matters TDC may consider and impose conditions on, if a consent is granted. The definition for 'Offensive trades' in the PDP is set out below:

*'means activities listed as offensive trades in Schedule 3 of the Health Act 1956 (as set out in the box below)*

- a. Blood or offal treating
- b. Bone boiling or crushing
- c. Collection and storage of used bottles for sale
- d. Dag crushing
- e. Fellmongering
- f. Fish cleaning
- g. Fish curing
- h. Flax pulping
- i. Flock manufacturing, or teasing of textile materials for any purpose
- j. Gut scraping and treating
- k. Nightsoil collection and disposal
- l. Refuse collection and disposal
- m. Septic tank desludging and disposal of sludge
- n. Slaughtering of animals for any purpose other than human consumption
- o. Storage, drying, or preserving of bones, hides, hoofs, or skins
- p. Tallow melting
- q. Tanning
- r. Wood pulping
- s. Wool scouring'

7.16.4 I consider that not all adverse effects from these industries may be known at the time of writing the PDP and that keeping the broader Discretionary activity status means that any adverse effect or matter within the jurisdiction of Council can be considered and conditions attached to the consent if necessary. Furthermore, the list of offensive trades is extensive

and therefore the effects from these activities could vary considerably, with numerous effects anticipated to be significant. I would not want to limit the matters that Council can consider with respect to offensive trades.

- 7.16.5 As I am not recommending amending GIZ-R4 from a discretionary activity status to a restricted discretionary activity status there is no need to specify how discretion is applied in relation to effects on air quality.

### **Conclusions and Recommendations**

- 7.16.6 For the reasons given above I recommend that GIZ-R4 is retained as notified.

### **7.17 GIZ New discretionary rule for new activities in the zone**

SUBMITTERS NAME	SUBMISSION POINT NUMBER(S)
Woolworths	242.1, 242.40
MoE	106.1, 106.46

### **Submissions**

- 7.17.1 Woolworths [242.1, 242.40] supports the centres approach taken in the PDP but seeks relief to allow for supermarkets to be a consented activity within urban zones, specifically a discretionary activity consent pathway for supermarkets in the GIZ and seeks the insertion of a new discretionary activity rule to achieve this. The submitter is not aware of any economic evidence prepared by the Council that identifies industrial land supply as being so significantly scarce relative to demand that non-industrial activities cannot be countenanced.
- 7.17.2 MoE [106.1, 106.46] considers that Educational Facilities should be provided for in the GIZ (and urban areas broadly) to give effect to the NPSUD, including because they are essential social infrastructure that may need to be located within industrial areas, particularly training facilities and seeks the insertion of a new Discretionary Activity rule to achieve this. MoE [106.46] considers discretionary activity status is appropriate in this zone to provide flexibility without unreasonable restrictions for Education Facilities that may be best placed within his zone.

### **Analysis**

- 7.17.3 MoE [106.46] seeks for Educational Facilities to be provided for as a discretionary activity within the GIZ, while Woolworths [242.40] seek the same allowance for supermarkets. Educational Facilities are defined in the PDP as *‘means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities’*.
- 7.17.4 As explained previously under GIZ-O1, GIZ-O3, GIZ-P1 and GIZ-R1, the primary purpose of the GIZ is to provide for industrial activities, and other activities compatible with the anticipated adverse effects of industrial activities. The NP Standards consider compatible activities within the GIZ as *‘compatible with the adverse effects generated by industrial activities’*, and GIZ-P1

considers that ‘associated’ or ‘compatible’ activities are those that are considered ‘compatible and complementary to the purpose, character and qualities of the General Industrial Zone’.

- 7.17.5 Industrial activities generate a variety of adverse effects that are potentially incompatible with Educational Facilities. Industrial sites can generate high levels of noise, odour, dust, light and vibration and can also result in minimal levels of privacy and sunlight. Roads servicing industrial areas are commonly used by heavy vehicles and can include a high volume of traffic. GIZ-O2 specifically outlines the character and qualities of the zone, and broadly describes some of the effects above. NOISE-P5 also recognises the GIZ as a higher noise environment. Regarding Education Facilities I do not consider the adverse effects of industrial activities are compatible with play and sleep (in the case of preschools) or learning through classes or lectures (in the case of primary, secondary or tertiary schooling).
- 7.17.6 Educational facilities are defined as both sensitive activities and noise sensitive activities within the PDP. GIZ-O3 ensures that use and development within the GIZ is not compromised by sensitive activities, while GIZ-P6 directs that other activities establishing within the zone should *‘not result in reverse sensitivity effects that may constrain industrial activities’*. Based on the recognition of the GIZ as a higher noise environment, the various anticipated effects of industrial activities and the identification of Educational Facilities as a sensitive, and noise sensitive activity, their presence within the GIZ could give rise to reverse sensitivity effects that could constrain the development of existing industrial activities and the establishment of new industrial activities. I therefore see the allowance of Educational Facilities as a discretionary activity within the zone as inappropriate and contrary to the aforementioned GIZ provisions. Furthermore, I also note that ‘education facilities’ encompasses a range of facilities, from a small preschool, to a high school or tertiary institute. These can be very different in scale, and accordingly create a different scale of adverse effects.
- 7.17.7 Regarding the NPSUD, Objective 1 and Policy 1 seek that planning decisions result in the development of well-functioning urban environments. As discussed above, the presence of educational facilities have the potential to undermine the purpose, character and qualities of the GIZ and constrain the development of industrial activities. As such, I view the approach taken to the management of educational facilities within the GIZ as consistent with the NPSUD.
- 7.17.8 As the policy direction is clear around the treatment of sensitive activities within the zone, and that educational activities are provided for in other zones (for example the MUZ, GRZ, Medium Density Residential Zone (MRZ), GRUZ and Rural Lifestyle Zone (RLZ)), I do not see it as appropriate to enable educational facilities as a discretionary activity within the GIZ.
- 7.17.9 In terms of supermarkets, the PDP includes a definition which recognises supermarkets as a retail activity. Supermarkets require large sites to establish, result in high levels of traffic (both automotive and pedestrian) and can result in the congregation of other retail or commercial activities around them. The traffic generated by these activities is predominantly private motor vehicles and pedestrian, which differs from the prevalence of heavy vehicles that can

occur within general industrial zones (GIZ-O2.2). I do not see supermarkets as compatible with numerous adverse effects expected within the zone, particularly odour, noise and dust. These effects are likely to generate complaints from supermarket shoppers (i.e. odour while food shopping, or dust on vehicles) and could constrain the operation of supermarkets (i.e. from dust on footpaths, food or entering the store). For this reason, I see the establishment of supermarkets within the GIZ as contrary to the purpose of the zone outlined in GIZ-O1. Furthermore, as the nature and effects of industrial activities and supermarkets differ it is my view that the establishment of supermarkets within the GIZ would undermine achievement of various clauses of GIZ-O2, specifically clauses 1, 2 and 6.

7.17.10 The presence of supermarkets, and the effects generated by them, could result in constraints on neighbouring industrial activities (to further mitigate effects) or compromise the establishment of new industrial activities within the GIZ. Supermarkets attract large volumes of people to them. People tend to frequent supermarkets temporarily, i.e. visit, just long enough to do their shopping. Drawing large volumes of visitors to the GIZ increases the risk of reverse sensitivity effects on nearby industrial activities and could compromise the establishment of new industrial activities. More complaints are likely to be received from supermarket shoppers based on the effects of nearby industrial activities. This could result in further mitigation measures imposed on industrial activities through compliance monitoring processes or during consent processing. In my view this is inappropriate as increased potential for reverse sensitivity effects, and constraints on industrial activities is contrary to GIZ-O1 and GIZ-P6.4. I also note that industrial zones tend to have lower land values than other commercial land which could incentivise supermarkets to occupy these areas given a more permissive consent pathway. This could then in turn crowd out and constrain the establishment of new industrial activities within the GIZ in this manner also and would not assist in achieving GIZ-O1.

7.17.11 Regarding Woolworths [242.40] reasoning that they are not aware of any economic evidence prepared by the Council that identifies industrial land supply as being so significantly scarce relative to demand that non-industrial activities cannot be countenanced. The TDC Growth Management Strategy has identified a shortfall of industrial land supply in coming years. Regardless, the key issue around providing for supermarkets to establish in the GIZ as a discretionary activity is less about industrial land supply, and more about ensuring that the establishment of retail or commercial activities within the GIZ does not undermine the functioning of commercial zones in the District (as sought in SD-O6.ii, GIZ-O3.3 and GIZ-P6.3). I consider that allowing supermarkets to seek a discretionary consent to locate within GIZ areas would undermine Commercial and Mixed-Use Zones as they are destination and anchor stores. Taking supermarkets out of these zones could impact on other stores by withdrawing foot traffic and drawing retail opportunities out of these zones. This is contrary SD-O6.ii, GIZ-O3.3 and GIZ-P6.3 and also would not assist in achieving GIZ-O1. It will also undermine zones that include specific policy direction or rules enabling supermarkets, such as through LCZ-O2.2 and LFRZ-R8.

7.17.12 GIZ-P6 is the policy that directs non-complying activities within the GIZ. Clause 2 outlines that the activity must not be provided for within another zone. This clause is included as one approach to ensure that GIZ-O3.3 can be achieved. Allowing for supermarkets as discretionary activities within the GIZ would prevent GIZ-P6 from applying and undermine achievement of GIZ-O3.3. Supermarkets are enabled within the Local Centre Zone (LCZ) and the Town Centre Zone (TCZ). One supermarket is also enabled within the Large Format Retail Zone (LFRZ). The anticipated character and qualities of the LCZ and TCZ reflect the characteristics of supermarkets in that they allow for activities that generate larger numbers of people, require large floor areas and car parking areas and require moderate building scales. These zones also provide for pedestrian friendly environments. Supermarkets are permitted activities within these zones.

7.17.13 For the reasons above, I consider it is most appropriate for educational facilities and supermarkets to be captured as non-complying activities within the GIZ. This still allows a consent pathway for these activities, but through an appropriate pathway that can address effects on industrial activities in the GIZ and on commercial and mixed use zones. The RMA Section 104D gateway test for non-complying activities provides two gateways for applications, either to demonstrate that the effects on the environment will be minor or that the activity will not be contrary to the objectives and policies of the PDP.

### ***Conclusions and Recommendations***

7.17.14 No amendments are recommended to the PDP in response to these submissions.

### **7.18 GIZ-S1 Height in relation to boundary**

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
FENZ	131.107
Simo Enterprises	148.2
P S Earthmoving	204.7
Hilton Haulage	168.20
Barkers	179.15
J R Livestock	241.26

### ***Submissions***

7.18.1 FENZ [131.107] seeks the insertion of an advice note to GIZ-S1 to exclude towers and poles associated with Emergency Services Facilities to appropriately provide for the operational requirements of Fire and Emergency services, such as hose drying, communications and training purposes on station.

7.18.2 Simo Enterprises [148.2] and P S Earthmoving [204.7] seek to amend GIZ-S1 to simplify height in relation to boundary parameters (i.e. 2.5m height+ 45 degree angle) in order to provide

certainty in assessments and not unnecessarily confuse the public when trying to interpret the District Plan.

- 7.18.3 Hilton Haulage [168.20], Barkers [179.15] and J R Livestock [241.26] seek to retain GIZ-S1 as notified. They consider that GIZ-S1 is appropriate.

#### ***Analysis***

- 7.18.4 I agree with creating an exemption to exclude towers and poles that are associated with Emergency Service Facilities from GIZ-S1. The purpose of this standard is to primarily manage effects on shading and access to sunlight on neighbouring properties. In my view, these structures will not cause unreasonable adverse effects on shading and access to sunlight. I note in the Section 42A report for the residential and commercial zones, Ms White is recommending amendments to APP8 – Recession Planes to address similar relief sought by FENZ for the commercial and mixed use zones, which will apply across all zones. I believe this amendment is suitable for the GIZ.
- 7.18.5 I disagree with the insertion of simplified height in relation to boundary parameters, as it is a less effective and efficient means to manage shadowing effects from buildings and structures in a consistent manner. APP8 – Recession Planes ensures nuanced consideration of building or structure height based on the position of the sun. The position of the sun can determine how much shadowing a neighbouring property would get. For example, the angle to the south is shallower so that houses to the south of it would get more sun. A 45-degree angle to the south would mean less protection from shadowing. A 45degree angle to the north would reduce the permitted size of buildings on the site unnecessarily. Therefore, a simplified standard would be inefficient in that it would place unnecessary restrictions on buildings and structures. Further, it would be ineffective in that it would not protect other properties from overshadowing and loss of sunlight. As a simplified standard would apply to GIZ across the district, these issues would be potentially significant. A simplified standard would also be inconsistent with how recession planes are dealt with in other zones of the PDP and therefore potentially create confusion. I also understand that having nuanced angles for height in relation boundary rules is standard across Councils.
- 7.18.6 Nuanced height in relation to boundary parameters provide more certainty in achieving maintenance of amenity values in adjoining residential, open space and recreation zones in GIZ-P3, PREC3-P1 and GIZ-O3.4, specifically that there is a reasonable standard of sunlight access independent of the location and positioning of buildings and structures on a site.

#### ***Conclusions and Recommendations***

- 7.18.7 For the reasons given above I recommend that GIZ-S1 is retained as notified.

### 7.19 GIZ-S2 Maximum height of buildings

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Fonterra	165.4, 165.137
Hilton Haulage	168.21
North Meadows	190.23
FENZ	131.108
Enviro NZ	162.16
Silver Fern Farms	172.148
Alliance Group	173.144
Barkers	179.16
J R Livestock	241.27

7.19.1 This section also includes analysis of submissions relating to the HSCA as they are associated with this standard.

#### **Submissions**

7.19.2 As an alternative to their request for a Special Purpose Zone to be applied to their site at Clandeboye, Fonterra [165.137] seek to amend the height limit of GIZ-S2 from 35m to 55m to reflect the current maximum building height on their site. The submitter states that the CDMS includes buildings (and may require further buildings in the future) that exceed the notified permitted height limit.

7.19.3 Fonterra [165.4] also seeks that the HSCA be deleted and replaced with the requested Special Purpose Zone for the CDMS.

7.19.4 FENZ [131.108], Hilton Haulage [168.21], North Meadows [190.23], FENZ [131.108], Enviro NZ [162.16], Silver Fern Farms [172.148], Alliance Group [173.144], Barkers [179.16] and J R Livestock [241.27] all seek to retain GIZ-S2 as notified.

#### **Analysis**

7.19.5 Regarding Fonterra's [165.137] submission, I do not see it as appropriate to amend a standard that applies across the GIZ when the reasons associated with their submission only relate to their CDMS. This is not an effective or efficient means to achieve that which is sought by the submitter.

7.19.6 Section 32AA analysis was requested from Fonterra on a number of occasions to provide justification for the increase in the maximum height limit for buildings and structures at the CDMS from 35m to 55m. While a set of provisions for a new precinct to apply to the CDMS was supplied by Fonterra on 10 June 2024, this did not include any Section 32 analysis supporting the provisions for the precinct, or an Outline Development Plan. While a new clause is sought to GIZ-S2 as part of the precinct request, no specific height limit is referenced in this proposed clause, rather the proposed clause refers to the Outline Development Plan.

- 7.19.7 Based on the reasons associated with submission 165.137, and the lack of Section 32AA or Section 32 analysis justifying this change for the CDMS itself, or the GIZ broadly, I do not see it as appropriate to amend this standard based on the information available.
- 7.19.8 Fonterra [165.4] seek to remove the HSCA from the CDMS to provide for the Special Purpose Zone they have requested. As discussed in the Rural Zones Section 42A, Mr MacLennan has recommended to reject the request for a new Special Purpose Zone for the CDMS. The set of provisions supplied by Fonterra on 10 June 2024 did not include any Section 32 analysis justifying removal of the HSCA on their site.
- 7.19.9 It is my understanding that requesting removal of the HSCA is to allow for the higher maximum height limit. As I do not recommend amending GIZ-S2 based on the information currently available, I do not believe removing the HSCA at this time will achieve that which is sought by Fonterra. Removing the HSCA from their site will mean that GIZ-S2.1 applies which sets a lower height limit than that of the HSCA (through GIZ-S2.2). If sufficient further information (i.e. Section 32AA analysis) is supplied by the submitter to justify a maximum height limit that exceeds that provided through the HSCA in GIZ-S2.2, then this submission point can be revisited.

### ***Conclusions and Recommendations***

- 7.19.10 For the reasons given above I recommend that GIZ-S2 is retained as notified.

## **7.20 GIZ-S3 Setbacks of buildings and structures excluding fences**

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
FENZ	131.109
Southern Proteins	140.26
Fonterra	165.138
Hilton Haulage	168.22
Silver Fern Farms	172.149
Alliance Group	173.145
Barkers	179.17
J R Livestock	241.28
North Meadows	190.24

### ***Submissions***

- 7.20.1 Southern Proteins [140.26], Hilton Haulage [168.22], Barkers [179.17], J R Livestock [241.28] and North Meadows [190.24] seek to amend the minimum setback for buildings and structures from road boundaries from 5m to 3m. The submitters state that GIZ-S3 requires any building or structure be setback 5m from a road boundary whereas GIZ-S6 requires a 3-metre-wide landscaping strip along the road boundary. The submitter considers that a 3-metre setback (comprising the required landscaping) is an appropriate width to establish the species set out in GIZ-S6 and provide the screening and amenity anticipated.

- 7.20.2 FENZ [131.109], Silver Fern Farms [172.149], Alliance Group [173.145] and Fonterra [165.138] seek to retain GIZ-S3 as notified.

### **Analysis**

- 7.20.3 I disagree with reducing the setback of buildings and structures to the road boundary to 3m. The 5m setback from road boundaries allows for 3m of planting to enhance streetscape amenity, so as to achieve GIZ-O2.8 and GIZ-P3, while allowing an additional 2m to allow for access to any buildings and structures for alteration or maintenance purposes.

### **Conclusions and Recommendations**

- 7.20.4 For the reasons given above I recommend that GIZ-S3 is retained as notified.

## **7.21 GIZ-S4 Building colour and reflectivity**

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Z Energy	116.29
Fire and Emergency	131.110
Silver Fern Farms	172.150
Alliance	173.146

### **Submissions**

- 7.21.1 Z Energy [116.29], Silver Fern Farms [172.150] and Alliance Group [173.146] seek to amend sub-clause 1 of GIZ-S4 to remove the colour limitations as the submitters question how the colour restrictions achieve a level of visual amenity and consider that they are unlikely to foster good visual amenity outcomes. They consider the key effect to be managed is reflectivity and seek that the standard be modified as follows to focus on that:

#### ***GIZ-S4 Building colour and reflectivity***

##### ***1. General Industrial Zone***

*1. The façade(s) of any building that is visible from and within 50 metres of the General Residential Zone must ~~be painted or finished in a green, grey or tertiary (brown) colour~~ and have a reflectivity value not exceeding 25%; and*

*[...]*

- 7.21.2 FENZ [131.110] seek an exemption from GIZ-S4 as in some instances the colour red may be used as part of an identifying feature of fire stations. They do note that often they do meet colour limitations provided in this standard as notified.

### **Analysis**

- 7.21.3 The colour and reflectivity standard has been adopted from the final court decision from Plan Change 14 to the ODP which related to the Washdyke Industrial Expansion Area. I do note

that this plan change only applied to the Washdyke Industrial Expansion Area and did not apply to other industrial areas under the ODP. The PDP has retained the Washdyke Industrial Expansion Area as the Washdyke Industrial Area Precinct. During the Draft Plan consultation, I note this standard was included within the GIZ provisions but the standard only applied to the precinct, not broadly across the entire GIZ. As the GIZ Section 32 report did not assess the proposed rules specifically, it is unclear why this standard was applied to the entire GIZ in the PDP.

- 7.21.4 Building colours are considered within this standard to deal with corporate colours, some of which can be incongruous with residential amenity, such as the use of bright blue or bright orange. Advice from Ms Deb Lee Sang (Associate Urban Designer) of Isthmus states:

*The appearance of expansive roof and building face areas can impact visual amenity values, particularly in sensitive receiving environments. Controls on colour and reflectivity are ways to manage this.*

*The management of large expanses of façade and roof in the GIZ from sensitive receptors which can include outstanding or cultural landscape areas, residential character/heritage areas and/or other identified areas, has merit. Typically controls on colour seek to ensure development can better integrate into landscape/visual receiving environments or ensure they are visually recessive (rather than dominant).*

*In terms of managing reflectivity, the desire to control this can be attributed to the brightness or whiteness of highly reflective colours that can then also appear in contrast to their visual surroundings.*

*It is understood via discussion with the Timaru District Council Policy team that this rule has its origins in the Washdyke Industrial Area Plan Change.*

- 7.21.5 In particular, this standard manages the use of building colours in close proximity to the General Residential Zone. An appropriate exception to this is in respect to the submission by FENZ [131.110] where I agree that the colour red is typically used in relation to fire stations, and that this colour helps make them easily recognisable. However, exemptions cannot be applied through notes, so instead I recommend changes in line with the relief sought to the standard conditions.
- 7.21.6 PREC3-P1 is the policy that directly applies to the WIEP but does not specifically manage building colour through the clauses of the policy. GIZ-S5 (as it relates to the precinct) and PREC3-P1 collectively work to achieve the outcomes sought in PREC3-O1 which seeks that adverse effects from development in the precinct minimise adverse effects on the adjoining residential zone. This direction sets a higher bar than that of the broader GIZ framework where amendments recommended to GIZ-O2 seek that amenity of adjoining residential, open space and recreation zones are maintained.

- 7.21.7 GIZ-P3.4, in this case, applies to both the WIEP and the GIZ broadly, as it specifically refers to building colours and reflectivity which are the matters managed through this standard.
- 7.21.8 It is worth acknowledging the agreement that was reached through Plan Change 14 and the court decision that followed. It is my view that this standard is still reflective of the current context as it applies to the WIEP and as such, I believe it is appropriate that the building colours only apply to the WIEP. This amendment reflects the higher bar that is set for managing activities within the precinct as compared to the GIZ broadly and still allows achievement of the outcomes sought in both GIZ-O2 and PREC3-O1.
- 7.21.9 To ensure consistency across the provisions, consequential amendments are required to both GIZ-P3.4 and PREC3-P1 to ensure clarity across the policies and standard collectively as to how GIZ-O2 and PREC3-O1 are achieved. I have also restructured the standard for ease of readability.

### Conclusions and Recommendations

7.21.10 Based on the reasons given above I recommend that GIZ-S4 is amended as follows:

GIZ-S4	Building colour and reflectivity	
<b>General Industrial Zone</b>	<ol style="list-style-type: none"> <li>1. The façade(s) of any building that is visible from and within 50 metres of the General Residential Zone must <del>be painted or finished in a green, grey or tertiary (brown) colour and</del><sup>34</sup> have a reflectivity value not exceeding 25%; and</li> <li>2. Any roof of any building that is visible from and within 50 metres of the General Residential Zone must have a reflectivity value not exceeding 15%.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. visual amenity effects on the General Residential Zone; and</li> <li>2. any glare effects on the General Residential Zone;</li> <li>3. mitigation measures.</li> </ol>
<b><u>Washdyke Industrial Area Precinct</u></b>	<ol style="list-style-type: none"> <li>1. <u>The façade(s) of any building that is visible from and within 50 metres of the General Residential Zone must have a reflectivity value not exceeding 25%; and</u></li> <li>2. <u>Any roof of any building that is visible from and within 50 metres of the General Residential Zone must have a reflectivity value not exceeding 15%; and</u></li> <li>3. <u>Except for Emergency Services Facilities, the façade(s) of any building that is visible from and within 50 metres of the General Residential Zone must be painted or finished in a green, grey or tertiary (brown) colour.</u><sup>35</sup></li> </ol>	<p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>visual amenity effects on the General Residential Zone; and</u></li> <li>2. <u>any glare effects on the General Residential Zone;</u></li> <li>3. <u>mitigation measures.</u><sup>36</sup></li> </ol>

7.21.11 Section 32AA: I consider the recommended amendment to GIZ-S4 is minor in nature. The amendment focusses on areas of the GIZ where development is expected and acknowledges that other areas of the GIZ that border residential zones are largely already developed. I note the removal of the building colour control for other areas of the GIZ, retains the status quo under the ODP. The retention of control of building colours on the boundary of the Washdyke Industrial Area Precinct continues to give effect to PREC3-O1 and PREC3-P1 which call for a higher level of boundary treatment than the wider GIZ objectives and policies. This amendment will have economic benefits outside of the precinct in terms of reduced controls.

<sup>34</sup> Z Energy [116.29], Silver Fern Farms [172.150] and Alliance Group [173.146]

<sup>35</sup> Z Energy [116.29], Silver Fern Farms [172.150] and Alliance Group [173.146], FENZ [131.110]

<sup>36</sup> Z Energy [116.29], Silver Fern Farms [172.150] and Alliance Group [173.146]

## 7.22 GIZ-S5 Outdoor Storage

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Z Energy	116.30
FENZ	131.111
Silver Fern Farms	172.151
Alliance Group	173.147
J R Livestock	241.29

### Submissions

- 7.22.1 FENZ [131.111] seeks to add a new advice note to GIZ-S5 so that the screening required does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities, as follows:

#### ***GIZ-S5 Outdoor storage***

[...]

*Note: Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.*

- 7.22.2 Silver Fern Farms [172.151] and Alliance Group [173.147] consider the standard should provide greater clarity and should enable flexibility in the method of screening beyond fences. They also recommend a minor grammatical amendment.

- 7.22.3 Z Energy [116.30] and J R Livestock [241.29] seek to retain GIZ-S5 as notified.

### Analysis

- 7.22.4 I do not consider that the exemption requested by FENZ is necessary. The requirement applies within private sites, requiring that storage areas are screened from adjoining sites and roads. It is not clear to me how such fencing could obscure the identified emergency response facilities, given such facilities would not, to my understanding, be located on the private site where the screening is required. Additionally, where there is health and safety signage present, it is likely to be specific to the site, rather than for the purposes of FENZ. In addition, the fencing is to ensure that outdoor storage is not visible; it does not require that these areas are made inaccessible.

- 7.22.5 I agree with the minor amendment by Silver Fern Farms [172.151] and Alliance Group [173.147] to correct the omission of the word 'be'. I do not agree on amending clause 3 with the proposed wording of, 'to a height...', as the drafting style of this standard is similar to that of outdoor storage standards in the commercial and centre zones (being NCZ-S5, LCZ-S4, LFRZ-S4, MUZ-S4, TCZ-S4 and CCZ-S2). I do, however, recommend a minor change to clause 3., of GIZ-S5 to clarify that the 'view' the screening applies to is that set out in sub-clauses a., and b., rather than from ground level immediately adjacent to the fence. I recommend this change

through RMA Schedule 1 Clause 10(2)(b) in response to Z Energy [116.19] which is discussed in the Residential; and Commercial and Mixed Use Zones Section 42A report. This change will ensure consistency across the Proposed Plan.

- 7.22.6 The second part of their submission requests that screening is not dictated to be in the form of a fence, so that some flexibility in the type of screening may be considered. The submitters provide no specificity on which other methods are preferred. I agree that, for example, hedging may also suffice to act as screening. However, a hedge 2m in height will take time to establish and the planting density would require control to ensure that outdoor storage areas are fully screened. The benefit of fencing is that it provides immediate, and permanent screening and the level of visual permeability can be easily controlled.
- 7.22.7 Regarding the removal of the word 'fully' in reference to screening. This rule, as it is worded, ensures that the type of fencing to be used is not visually permeable and that it is continuous so that the outdoor storage area is not visible from adjoining residential zones, or residential units in the GRUZ. The use of the word 'fully' in reference to screening will mean that some building materials and designs for fencing will be inappropriate. Removal of the word 'fully' would, in my view, undermine the effectiveness of this standard, and the achievement of GIZ-P3.

### **Conclusions and Recommendations**

- 7.22.8 Based on the reasons given above I recommend that GIZ-S5, and in response to the submission by ECan [183.4], as discussed in Section 7.1 of this report, is amended as follows:

GIZ-S5	Outdoor storage	
<b>General Industrial Zone</b>	<ol style="list-style-type: none"> <li>Any outdoor storage areas must <u>be</u><sup>37</sup> set back 15m from any boundary that adjoins the Residential Zones; and</li> <li>Any outdoor storage area that is located between 15m to 18m from any boundary that adjoins any Residential Zones must not exceed a maximum height of 6m <u>from ground level</u><sup>38, 39</sup> and</li> <li>Any outdoor storage areas must be fully screened <del>from view at ground level</del><sup>40</sup> by a fence of no less than 2m in height <u>from ground level</u><sup>41</sup> so that it is not visible from:               <ol style="list-style-type: none"> <li>any adjoining or adjacent site in the Residential Zones, and</li> </ol> </li> </ol>	<b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>visual amenity effects; and</li> <li>shading on property and public spaces; and</li> <li>noise effects; and</li> <li>lighting effects; and</li> <li>dust effects.</li> </ol>

<sup>37</sup> Silver Fern Farms [172.151] and Alliance Group [173.147]

<sup>38</sup> Ecan [183.4]

<sup>39</sup> Minor correction applied under RMA Schedule 1, Clause 16(2).

<sup>40</sup> Z Energy [116.19]

<sup>41</sup> Z Energy [116.19], ECan [183.4]

	b. any residential unit in the General Rural Zone within 50m of the storage.	
--	--	--

7.22.9 Section 32AA: I consider the recommended amendment to GIZ-S5 is minor in nature and will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency and improved plan interpretation.

### 7.23 GIZ-S6 Landscaping and bund(s)

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Southern Proteins	140.27
Fonterra	165.139
Hilton Haulage	168.23
Silver Fern Farms	172.152
Alliance	173.148
Barkers	179.18
North Meadows	190.25
J R Livestock	241.30

#### **Submissions**

7.23.1 Southern Proteins [140.27], Hilton Haulage [168.23], Barkers [179.18] and North Meadows [190.25] consider that GIZ-S6 is generally appropriate, however clause 4 should allow for planting to occur in the following planting season. They seek to amend GIZ-S6 as follows:

#### ***GIZ-S6 Landscaping and bund(s)***

##### ***1. General Industrial Zone***

*[...]*

*4. The landscaping strip must be permanently maintained and if any plants die or become diseased, the must be replaced in the next available planting season immediately.*

*[...]*

7.23.2 Fonterra [165.139] does not consider that a 3m landscape strip is effective to mitigate against the scale of activities existing and anticipated at their CDMS and seek amendment to GIZ-S6 so that the standard does not apply within the HSCA. Furthermore, the submitter considers that birds are problematic for a milk processing/sanitation perspective and seek to avoid nesting opportunities on the site.

- 7.23.3 Silver Fern Farms [172.152] and Alliance Group [173.148] consider landscaping along all road frontages and zone boundaries simply because land is zoned GIZ, is unnecessary. They consider that landscaping should only be required where there is a development/activity with visual effects requiring mitigation. They seek to amend GIZ-S6 as follows:

***GIZ-S6 Landscaping and bund(s)***

***1. General Industrial Zone***

*1. A landscaping strip is required to mitigate visual effects must have a ~~with~~ minimum depth of 3m where located along any road boundary or boundary of a Residential Zone or Open Space and Recreation Zone; and*

*[...]*

- 7.23.4 J R Livestock [241.30] seeks to retain GIZ-S6 as notified.

***Analysis***

- 7.23.5 I agree that it is best to replace plants in the next planting season as plants are more likely to survive. No detail is provided by the submitter as to when the planting season occurs and there is ambiguity in the use of the word 'available'. However, I do see merit in the submission and am aware that it is standard practice to allow planting in the next planting season.
- 7.23.6 As such I propose that the standard be amended to allow for planting within the next planting season. The amendments to this standard have been adopted from the Mackenzie District Plan and are seen as appropriate here as they control when the planting must occur based on when development or an activity occurs.
- 7.23.7 Regarding Fonterra's [165.139] submission, I do not see it as appropriate to amend a standard that applies across the GIZ when the reasons associated with their submission only relate to their CDMS. This is not an effective or efficient means to achieve what is sought by the submitter. Regarding the concern that birds are problematic from a milk processing / sanitation perspective raised by Fonterra, it is unclear based on the submission point, why this is problematic. The CDMS already includes landscaped areas, particularly along the corner of Rolleston and Donehue roads, and a shelterbelt along Clandeboye Settlement Road. Additionally, the site is surrounded by rural areas which attract birds and have higher levels of habitat for birds. Furthermore, food safety requirements would likely require sufficient measures to ensure that no bird faeces or material makes it into the processing of milk or milk products at the CDMS.
- 7.23.8 While landscaping as a boundary treatment will not totally obscure views of the CDMS, due to the dominance of building structures, it will soften the view and be more consistent with the surrounding rural character of the site. Furthermore, this standard implements the outcome sought in GIZ-O2.8 which is identified as a character and quality of the GIZ.

7.23.9 Regarding the submissions by Silver Fern Farms [172.152] and Alliance Group [173.148], the purpose of GIZ-S6 is to outline how landscaping and bund(s) are to be designed based on the boundary considered and any adjacent zones. It is not about detailing which effects are being managed through this standard, instead this is outlined within GIZ-P3. I see no need to duplicate this within the standard. Furthermore, a standard has to be certain, and the amendment sought by the submitters introduces a subjective element to the standard. For these reasons I do not see the amendment as appropriate.

### **Conclusions and Recommendations**

7.23.10 For the reasons given above I recommend that GIZ-S6 is amended as follows:

GIZ-S6	Landscaping and bund(s)	
<b>1. General Industrial Zone</b>	<ol style="list-style-type: none"> <li>1. A landscaping strip is required with minimum depth of 3m along any road boundary or boundary of a Residential Zone or Open Space and Recreation Zone; and</li> <li>2. The landscaping strip required above must be planted with one tree every 15 metres excluding access ways; and</li> <li>3. Any tree that is planted must have a minimum stem diameter of 40mm at the time of planting and be capable of reaching a height <u>from ground level</u><sup>42</sup> of at least five metres at maturity; <u>and</u></li> <li>4. <u>All landscaping required in 1., 2. and 3. above shall be:</u> <ol style="list-style-type: none"> <li>a. <u>The landscaping strip must be permanently maintained; and</u></li> <li>b. <u>replaced if any plants die or become diseased, the must be replaced immediately; and</u></li> <li>c. <u>undertaken and completed by the end of the first planting season (1 May to 30 November) following any activity being established on the site; or</u></li> <li>d. <u>undertaken and completed within 12 months of the activity commencing on the site when an activity commences during the months of October or November.</u><sup>43</sup></li> </ol> </li> </ol>	<b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>1. visual amenity; and</li> <li>2. maintenance of landscaping;</li> <li>3. mitigation measures.</li> </ol>
<b>2. Washdyke Industrial Expansion Precinct</b>	<p>In addition to GIZ-S6.1, any development within 50 metres of a boundary with the General Residential Zone must provide a landscaped bund within 15 metres of the boundary with the</p>	<b>Matters of discretion are restricted to:</b> <p>adverse effects on properties in the adjoining Residential zone.</p>

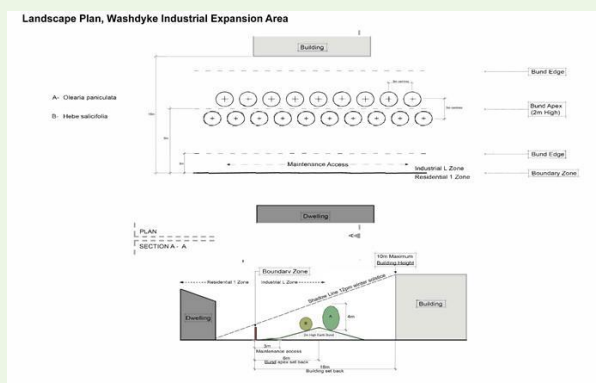
<sup>42</sup> ECan [183.4]

<sup>43</sup> Southern Proteins [140.27], Hilton Haulage [168.23], Barkers [179.18] and North Meadows [190.25]

General Residential Zone in accordance with the following:

1. the apex of the bund must be located no closer than 8 metres from the boundary of the General Residential Zone; and
2. the bund must be two metres high from ground level<sup>44</sup>; and
3. the bund must be planted with vegetation that:
  - a. Is in accordance with the Landscape plan, in Figure 20 – Landscape plan, Washdyke Industrial Expansion Area.
  - b. is no less than 1.8m from ground level<sup>45</sup> at the time of planting; and
  - c. reaches a minimum mature height of 3m from ground level<sup>46</sup> and does not exceed a maximum mature height of 4m from ground level<sup>47</sup>; and
  - d. is spaced at no more or less than 3m between plants; and
4. the bund and landscaping must be established prior to development commencing; and
5. a grassed maintenance strip of not less than three metres in width<sup>48</sup> must be provided directly along the boundary with the General Residential Zone.

**Figure 20 – Landscape plan, Washdyke Industrial Expansion Area**



3.

In addition to GIZ-S6.1, a single line of Podocarpus totara must be planted parallel with and for the entire length of the northern boundary of Lot 2

**Matters of discretion are restricted to:**

<sup>44</sup> ECan [183.4]

<sup>45</sup> ECan [183.4]

<sup>46</sup> ECan [183.4]

<sup>47</sup> ECan [183.4]

<sup>48</sup> RMA Schedule 1, Clause 16(2) amendment to correct minor error.

<b>Seadown Road, Washdyke Lot 2 DP 337699 (and its successor)</b>	DP 337699 (and its successor). The plants must be spaced five metres apart and be 1.8 metres high <u>from ground level</u> <sup>49</sup> at the time of planting.	adverse effects on Lot 2 DP 69264 (and its successor).
---	---	--

7.23.11 Section 32AA: I consider the recommended amendment to GIZ-S6 is minor in nature and will not have any greater environmental, economic, social, and cultural effects than the notified provisions. Instead greater certainty is provided as to when planting must occur, and it can be undertaken within an appropriate planting season. I see this amendment as effective in achieving GIZ-O2 and GIZ-P3 and as more efficient than the notified standard. In terms of the amendments to refer to ground level, I see this as also adding greater certainty and effectiveness with the provisions in achieving GIZ-O2.7 and GIZ-O2.8 as it is clear where the height is measured from.

## 7.24 GIZ New Standard for water supply servicing

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
FENZ	131.112
FENZ	131.106

### *Submission*

7.24.1 FENZ seek that a new standard is added to the GIZ, to be implemented through GIZ-R1, requiring the provision of firefighting water supply for activities (such as the construction of a new building) not subject to subdivision. The standard would require that all new developments requiring a water supply be connected to a public reticulated water supply, where one is available; and where not connected, or where an additional level of service is required that exceeds that provided by the reticulated system, that an alternative and satisfactory water supply can be provided to each lot.

### *Analysis*

7.24.2 In responding to this submission point, advice was sought from the TDC Infrastructure Team. The key point is that between the Timaru District Consolidated Bylaw 2018 as well as service consent and building consent processes, there are already sufficient requirements to connect to Council's network and to confirm fire-fighting supply is provided, to address the matters raised in FENZ's submission. The Infrastructure Team also expressed concerns that the proposed standard could imply that any new activity would require a new water supply connection. However, in an instance where multiple businesses are proposed on a single allotment, TDC does not permit multiple water connections to a single title as the rating system does not allow for multiple charges for a single record of title. Additionally, even where

<sup>49</sup> ECan [183.4].

permitted activities are concerned, water for fire-fighting purposes is provided for in the reticulated network through public and private hydrants.

- 7.24.3 As the recommendation is to reject the introduction of a new standard for servicing as sought by FENZ no consequential amendments are required to GIZ-R1 to implement the proposed standard within this rule.

### ***Conclusions and Recommendations***

- 7.24.4 For the reasons given above I do not recommend any changes to the PDP in response to these submissions.

## **7.25 GIZ New Standard for rail corridor setbacks**

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
KiwiRail	187.85

### ***Submission***

- 7.25.1 KiwiRail [187.85] seek that for health and safety reasons, a consistent 5m setback is applied to all zone chapters which are adjacent to the rail corridor. This includes the GIZ and PORTZ. It states that a 5m setback from the rail corridor is appropriate in providing for vehicular access to the backs of buildings (e.g. a cherry picker) and allowing for scaffolding to be erected safely.

### ***Analysis***

- 7.25.2 I have concerns with the efficiency of applying a 5m setback to any boundary with a rail corridor. This could result in a fairly substantial area being unable to be developed (in absence of applying for a resource consent) for what seems to be very limited purposes, i.e. only in relation to when vehicular access or scaffolding may be required where a building adjoins the railway corridor. It is also not clear what policy such a standard would be intended to implement or what objective it would be achieving. Overall, I consider that the costs of this approach outweigh what appears to be a limited benefit.

### ***Conclusions and Recommendations***

- 7.25.3 For the reasons given above I do not recommend any changes to the PDP in response to this submission.

## **7.1 GIZ – SCHED16 Schedule of Precincts and Specific Control Areas**

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Silver Fern Farms	172.161
Alliance Group	173.154

***Submission and analysis***

- 7.1.1 Silver Fern Farms [172.161] and Alliance Group [173.154] both seek to retain the HSCA on their respective sites as notified. For Silver Fern Farms this is 111 The Avenue, Pareora. As no change is proposed, I recommend to accept these submissions

***Conclusions and Recommendations***

- 7.1.2 For the reasons given above I do not recommend any changes to the PDP in response to these submissions.

**7.2 GIZ Maps**

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Fonterra	165.2, 165.8
Canterbury Woodchip	52.1
Port Bryson	104.3
Hilton Development	205.3
Simo Enterprises	148.1

***Submissions and analysis***

- 7.2.1 Fonterra [165.2] seeks as alternative relief, that if the request for a new Special Purpose Zone is not accepted then the land depicted in Attachment C to their evidence is zoned GIZ. This equates to rezoning 37 Rolleston Road, 2 and 10 Kotuku Place from GRUZ to GIZ. Further information was requested from Fonterra to allow analysis of this zoning change. This included an assessment against the NPSHPL as part of one of the lots includes versatile soils. Some information was provided in terms of the future intended use of the properties being for the establishment of a biomass plant, however no detailed information as to what this entails, Section 32 analysis or assessment against the NPSHPL has been provided. As such, it is my view that it is inappropriate to rezone these properties from GRUZ to GIZ based on the information available. I propose to revisit this analysis if that information is provided at the hearing.
- 7.2.2 On 10 June 2024 Fonterra provided a set of provisions for a new precinct for the CDMS. As this information was supplied without any Section 32 analysis supporting the provisions and very late into the development of this report, the suite of provisions has not been assessed for their suitability. I propose to undertake that assessment following the hearing, if a Section 32 analysis is provided by Fonterra to the Panel.
- 7.2.3 Fonterra [165.8] seeks to retain the GIZ zoning for 2, 2A and 6 King Street, Temuka. NZ Pork [247.11FS] lodged a further submission seeking that details are provided on the NPSHPL in relation to primary production. 2A and 6 King Street are zoned IND L under the ODP and so assessment under the NPSHPL is not relevant. 2 King Street is zoned Rural 1 under the ODP. 2 King Street has not been identified as having versatile soils as per the Non-District Plan Layer, 'Transitional Highly Productive Land – Proposed District Plan'. As such, the NPSHPL does not apply to this property.

7.2.4 Canterbury Woodchip et al [52.1] seeks to re-zone 2-8 Arowhenua Street and 61 Bridge Street, Arundel from GRUZ to GIZ. The submitter considers that the GIZ zoning would better reflect the sites' consented and existing use as a wood processing facility for woodchip production and ancillary transport and storage of the woodchip and ancillary wood/timber materials.

7.2.5 Regarding the Canterbury Woodchip submission [52.1], the site contains a long-standing business that has been in operation under consent since the 1960s. The site is not contiguous with other GIZ land but is instead identified as GRUZ and is surrounded by GRUZ land. I note that Rural Industry is a restricted discretionary activity (GRUZ-R21) within the GRUZ with an enabling policy framework for Rural Industry provided through GRUZ-O1. Rural Industry is defined as:

*'means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.'*

7.2.6 It is clear from the definition of Rural Industry, that the GRUZ specifically anticipates the type of activity that is operating at 2-8 Arowhenua Street, and 61 Bridge Street (Canterbury Woodchip site). Rural industry is also supported at a policy level within the GRUZ through GRUZ-P7. As such, I believe this is the appropriate zone for this site and activity.

7.2.7 It is my view that zoning this property GIZ would be contrary to various provisions of the PDP, and that spot zoning this site GIZ is inconsistent with the overall approach to zoning applied in the PDP, as:

- GIZ is an urban zoning type, and requires urban infrastructure, specifically trade waste connections to be available, with GIZ-O3.1 specifying that use and development in the GIZ is located so that it can be appropriately serviced by infrastructure;
- The wider GIZ provisions would apply, allowing other industrial activities to establish on the site beyond those already existing, which allows for development potential inconsistent with the surrounding environment;
- It would be inconsistent with the current PDP approach to zoning GIZ land, being that it is not connected to existing urban areas, as sought in UFD-O1 i, ii and x.
- It would not be integrated with, or connected to existing urban areas, and thereby be contrary to CRPS Objective 5.2.1.1 and Policy 5.3.1.1 which both seek that developmental growth is concentrated, or attached to, existing urban areas;

7.2.8 Port Bryson [104.3] seek to re-zone 16A, 16D and 16E Hilton Highway from GRZ to GIZ as the property has a very long history of commercial and industrial 'business' park style activities (offices, retail, storage/warehousing, light industrial). The submitter notes that the original Draft Growth Management Strategy hearing chaired by Commissioner Bill Wasley (8th December 2017) recommended in their decision that the combined property should be zoned

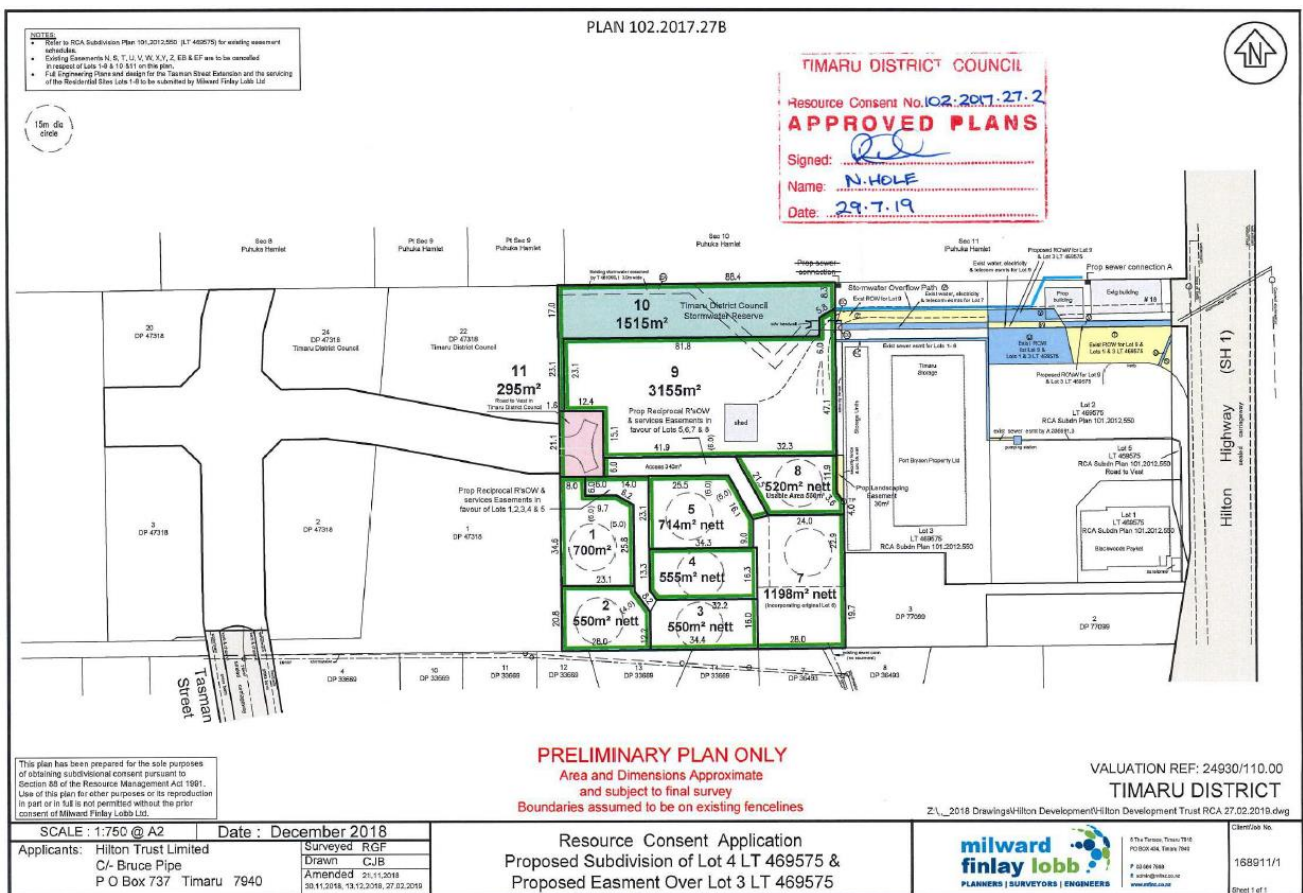
to reflect the current land use. The submitter considers that the most compatible zone in the PDP is the GIZ.

- 7.2.9 Regarding Port Bryson [104.3], my understanding is that resource consents have been granted to establish the activities which are currently operating from the 16A-16E Hilton Highway sites. This includes a commercial building comprising a warehouse, showroom and ancillary office; and another building consisting of on-site sales; a service area; a warehouse and toilet, and a first floor office. I also understand the site includes storage units. Prior to this the property was used as a concrete batching plant, and for boat fabrication. At the time the current development was consented (in 2007), the sites to the north and west were largely undeveloped. I agree with the submitter that the current GRZ zoning does not reflect the activities established on the site, nor its historic use.
- 7.2.10 Application of GIZ would allow for a greater range of activities than the current ones. I do note however, that the site is surrounded on three sides by GRZ, so development that would be enabled by the GIZ would have the potential to impact on these residential areas. The existing consents are subject to a suite of conditions which control matters such as hours of operation, noise limits and lighting standards, as well as landscaping and parking requirements.
- 7.2.11 Any redevelopment for an industrial activity or trade supplier would likely require a controlled activity consent under GIZ-R1, as it would be located within 50m of a Residential Zone. This would allow for consideration of hours of operation, noise, light spill and landscaping (amongst other things) and for conditions to continue to be imposed in relation to these matters. The bulk and location requirements of the GIZ are greater than that of the GRZ, so if rezoned, a greater scale of built development would be provided for. However, the GIZ framework includes standards for managing this, with new buildings required to be setback 3m from the boundary with any residential zone (GIZ-S3.1.2), meet reflectivity requirements (GIZ-S4), and outdoor storage areas would need to be setback and screened from adjoining residential sites (GIZ-S5).
- 7.2.12 Under the GIZ framework, activities not captured by rules GIZ-R1 – GIZ-R4 (such as industrial activities or trade suppliers) would be non-complying under GIZ-R5. As such, while the existing office is consented, additional offices (not ancillary to an industrial activity) would require non-complying consent. In general, I consider this appropriate as it allows for consideration of the effects of offices being established outside of commercial centres. Similarly new retail uses would only be permitted if ancillary to an industrial activity (GIZ-R2) and meeting specified limits in that rule (PER-3), or if defined as a ‘trade supplier’ activity. New retail activities not ancillary to any industrial activity or defined as a ‘trade supplier’ activity would require non-complying consent under GIZ-R5.
- 7.2.13 Following initial discussions with the submitter, MUZ zoning for the site was also considered. However, this zoning limits existing industrial activities, (expansions are limited under MUZ-R7 PER-2) and new industrial activities are non-complying. Residential activities are also anticipated in the MUZ, which could lead to conflicts with the established activities on this

site. Commercial activities are also permitted in the MUZ, reflecting that the areas of MUZ proposed in the PDP are located around the City Centre Zone (CCZ), with the intention that permitting these in the zone will support the overall function of the CCZ as the district's key commercial and civic centre, i.e. it consolidates commercial activities around the key centre. Providing for commercial activities on the Hilton Highway sites would in my view not align with this, i.e. it would not assist in achieving MUZ-O1.

- 7.2.14 On balance, I therefore consider that a GIZ zoning is most appropriate for these sites. This better reflects the current and historic uses of the site and takes into account that while the surrounding area is residential, the effects of any redevelopment can be managed through the proposed GIZ framework. While additional commercial or office uses are generally not anticipated through the GIZ framework, I consider this is appropriate given the need to carefully consider potential effects of such activities on commercial areas.
- 7.2.15 Advice was sought from Waka Kotahi surrounding traffic entering and exiting the site from SH1. A slip lane has been installed in the past to assist left-hand turning traffic into the site from SH1. As part of consideration of this rezoning request advice was sought from Waka Kotahi as to whether further action would need to be taken to provide for safe access entering and exiting the site from any future industrial development. This is pertinent as the GIZ allows for industrial development to occur as a permitted activity through GIZ-R1 and GIZ-R2, and therefore a traffic assessment would not be required. On 13 June, advice from Waka Kotahi is that there is unlikely to be an issue for Waka Kotahi from the proposed rezoning as the provisions of the transport chapter are generally sufficient to ensure that any adverse effects from development on that site will likely be captured if it is of a large scale.
- 7.2.16 Advice was also sought from the TDC Infrastructure Team regarding stormwater management from the sites, as to whether further control would be required for any future GIZ development on the sites. Mr Kemp, Stormwater Team Leader, advised that the stormwater provisions of the PDP are sufficient to capture any stormwater requirements from any future development on these sites.
- 7.2.17 Hilton Development [205.3] seeks to rezone 18 Hilton Highway from GRZ to GIZ as the property has an approved land use consent for commercial storage activities. The submitter considers that based on the zone options in the PDP that the most appropriate zone would be GIZ as it is the most compatible with the land use consent. 18 Hilton Highway is located to the west of 16D Hilton Highway.
- 7.2.18 Subdivision consent was granted in 2018 by an Independent Hearing Commissioner to create eight allotments (with one allotment to be vested as a road). This decision included a land use consent that approved the use of the adjacent site at 16 Hilton Highway as a self-storage facility. Following the approval of the subdivision consent, a variation was applied for and subsequently approved to provide for TDC to acquire land for infrastructure provision purposes. An amended subdivision layout was required for this and approved.

7.2.19 Through further discussions with the submitter on the 20 May 2024, it was clarified that the rezoning request for 18 Hilton Highway from GRZ to GIZ only relates to lot 9, as depicted on the subdivision plan below. No individual legal descriptions have been allocated for the lots on the subdivision plan as there are wastewater infrastructure servicing matters outstanding with TDC. Lot 9 has a land use consent for the establishment of a self-storage building, which has been constructed. The remainder of 18 Hilton Highway has been subdivided into residential lots, with the plan for this part of the subdivision to be established once the wastewater servicing requirements are sorted. I consider that rezoning lot 9 as GIZ, as depicted on the subdivision plan for 18 Hilton Highway is appropriate for the same reasons as I have recommended a zoning change for 16A, 16D and 16E Hilton Highway. The surrounding environment is the same and the consented activities align with the activities anticipated by the GIZ, and as such the same analysis applies. While lot 9 is surrounded by residential lots, I believe that the adverse effects from this property on the residential zone can be managed through the GIZ framework.



**Fig 1:** Subdivision plan for 18 Hilton Highway, Washdyke, Timaru, depicting Lots 1 – 10. Lot 9 being the lot proposed to be rezoned GIZ.

- 7.2.20 Simo Enterprises [148.1] seeks that a large area of the GIZ in Washdyke, as per the below map, has a new precinct applied to reflect the commercial nature of this area of the GIZ. In the event that a light industrial/commercial precinct is not applied they are seeking the properties be re-zoned to MUZ. The precinct or change in zoning is sought as the submitter considers the general industrial zoning is not reflective of the businesses in this area, and any new development of these businesses would be considered a non-complying activity.



**Fig 2:** GIZ properties subject to the submission by Simo Enterprises [148.1].

- 7.2.21 I agree that the area identified in the map provided in Simo Enterprises' [148.1] submission has a unique character. This area is characterised by trade retail businesses that often have large sites, which can include a mix of commercial retail, workshops and warehouses. As identified by the submitter, these properties are zoned IND L under the ODP. The PDP does not apply distinct zoning for heavy and light industrial activities like the ODP, instead the one zone, GIZ applies. The nature of these activities, and their compatibility with industrial activities (as per GIZ-O1), has been recognised within the GIZ framework through the inclusion of a permitted activity status for trade supplier, which is defined as:

*Means a retail activity that involves the sale of wholesale goods to businesses, as well as limited retail sales to the general public, which fall into the following categories:*

- a. automotive and marine suppliers;*
- b. building suppliers;*
- c. catering equipment suppliers;*
- d. farming and agricultural suppliers;*
- e. garden and patio suppliers;*
- f. hire premises (except hire or loan of books, video, DVD and other home entertainment items);*
- g. industrial clothing and safety equipment suppliers;*
- h. landscape suppliers; and*
- i. office furniture, equipment and systems suppliers.*

- 7.2.22 As such, I do not see the need to apply a precinct to this area as they are already provided for under GIZ-R1 as permitted activities (where the conditions are met). With respect to the

alternate request to rezone these properties to MUZ, I do not consider this to be necessary to provide for trade supplier activities, for the reason set out above. I further note that the MUZ also limits the expansion of industrial activities (under MUZ-R7), and the establishment of new industrial activities would be non-complying. Residential activities are also anticipated in the MUZ, which could lead to conflicts with existing industrial activities within this area. I therefore do not consider the MUZ framework is the appropriate fit for this area.

### ***Conclusions and Recommendations***

7.2.23 For the reasons given above I recommend a change to the zoning of:

- a. 16A, 16D and 16E Hilton Highway from GRZ to GIZ; and
- b. Lot 9, as depicted on the subdivision plan, for 18 Hilton Highway from GRZ to GIZ.

7.2.24 The area I recommend to be rezoned to GIZ is shown below in orange shading:



7.2.25 Section 32AA: I consider that this zoning is the 'best fit' taking into account the historic, current and consented uses of the site. Given these uses, I do not consider that a GRZ zoning would align with achievement of GRZ-O1, and that the existing uses better align with GIZ-O1 and GIZ-O2. I consider that the GIZ framework, which includes additional controls for activities located near residential zones, will still achieve UFD-O1.x.

## 8. PORTZ Zone

### 8.1 PORTZ General

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
BP Oil et al	196.81, 196.82

#### *Submissions*

- 8.1.1 BP Oil et al [196.81 and 196.82] seek that the objectives and policies are retained but that labelling errors for PREC7-O1 and PREC7-P1 are corrected.
- 8.1.2 Timaru TC Ratepayers [219.1] note that the naming of industrial and port zone have been changed in the PDP from those in the ODP, and the variation in the zoning in the central area of Timaru rationalised. They state that the changes are not well illustrated in the PDP and considers the summary information is inadequate. They request that property owners are provided with a comparison of how they will be affected by the changes.
- 8.1.3 ECan [183.1] is concerned that various rules in the PDP use variable terminology to define floor areas of buildings, often with the term undefined, so that it is not clear what is being measured. The submitter considers that it is necessary to review all references to size of buildings and consider whether a clear definition is required linking development to either the "building footprint" or "gross floor area", which are defined NP Standard terms, and then create exclusions from those terms within the rules if necessary.
- 8.1.4 ECan [183.4] seeks that references to the height of buildings across the PDP are reviewed, to ensure that height is measured from ground level, with consistent expression of height rules. It is concerned that across the PDP, references to "height" of buildings or structures do not make reference to where height is measured from.

#### *Analysis*

- 8.1.5 The provisions PREC7-O1 and PREC7-P1 relate to a Precinct (PREC7 – Port Operational Area) within the Port Zone to manage the core port operational area as opposed to the rest of the PORTZ. These provisions set the purpose (PREC7-O1) and the operation, use and development (PREC7-P1) of this precinct. As the label for the provisions PREC7-O1 and PREC7-P1 is not an error I do not see it as appropriate to amend the rule titles.
- 8.1.6 In terms of the changes to the port zone, I note that these are summarised in the Section 32 report.<sup>50</sup> In particular, this sets out where the PDP zones are applied, and provides a summary comparison of the rule framework for each zone between the ODP and the PDP. I do not consider that it is appropriate for changes between the ODP and PDP to be set out in the PDP itself, as the PDP is forward looking.

<sup>50</sup> [https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0010/668701/31-Section-32-General-Industrial-and-Port-Zone.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0010/668701/31-Section-32-General-Industrial-and-Port-Zone.pdf)

8.1.7 With respect to floor areas of buildings, I have reviewed the rules and standards in the PORTZ chapter as they relate to building footprints, floor area or building coverage. No amendments are recommended to the PORTZ chapter as there are no references to floor area or footprint within the rules or standards.

8.1.8 With respect to height standards for buildings and structures, I have reviewed the relevant standards in the PORTZ chapter. No amendments are recommended to the PORTZ chapter as all relevant standards include a reference to ground level.

### ***Conclusions and Recommendations***

8.1.9 For the reasons given above I do not recommend any changes in response to this submission.

## **8.2 PORTZ-P1 Compatible activities in the Port Zone**

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Property Income	56.3
Fonterra	165.141
PrimePort	175.82
TDHL	186.57

### ***Submissions***

8.2.1 Property Income [56.3] seeks to broaden the range of permitted activities allowed for within the Port Zone through amending PORTZ-P1 to align with the General Industrial Zone. The submitter refers to the definition of 'industrial activities'.

8.2.2 Fonterra [165.141], PrimePort [175.82] and TDHL [186.82] seek to retain PORTZ-P1 as notified.

### ***Analysis***

8.2.3 The purpose of the Port Zone is to recognise the existing character and qualities of the port while recognising the functional and operational requirements and constraints that apply to port activities needing to establish near the Port (PREC7-O1, PREC7-P1). The provisions of this zone are also designed to manage competing activities (PORTZ-P1) and manage significant adverse effects from port activities themselves (PORTZ-P2). In my view, enabling industrial activities broadly within the Port Zone is contrary to the purpose of the zone, and has the ability to undermine the operation of the port by foreclosing opportunities for port activities and port related activities to establish and develop within this zone.

### ***Conclusions and Recommendations***

8.2.4 For the reasons given above I do not recommend any changes to PORTZ-P1.

### 8.3 PORTZ Maps - Height Specific Control Area Overlay

Lineage Logistics	107.2
PrimePort	175.10
Fonterra	165.7
TDHL	186.5

#### **Submissions**

- 8.3.1 Four submissions were received on the HSCA within the Port Zone. Lineage Logistics [107.2] support the HSCA in the Port Zone.
- 8.3.2 PrimePort [175.10], Fonterra [165.7] and TDHL [186.5] seek to delete the HSCA within the Port Zone. They seek its deletion as it is not applied within the Port Zone provisions (and therefore has no purpose) and is inconsistent with Schedule 16B which states that the HSCA is located in the GIZ.

#### **Analysis**

- 8.3.3 PORTZ-S1 manages the height of buildings and structures within the Port Zone and sets a 35m height limit measured from ground level. It was an error that the HSCA Overlay was applied to the PORTZ, which is why it is not reflected in the zone provisions or Schedule 16B. Additionally, PORTZ-S1 applies the same height limit as the HSCA and there is no need for the standard to be duplicated with controls through the HSCA. As this was an error, I recommend that the HSCA is removed from the PORTZ.

#### **Conclusions and Recommendations**

- 8.3.4 For the reasons given above I recommend that the HSCA overlay is removed from the PORTZ zone.
- 8.3.5 Section 32AA: I consider the recommended amendment to remove the HSCA overlay from the PORTZ map is minor in nature. The amendment focusses on correcting an error to the plan provisions where the HSCA overlay has been applied to the PORTZ but is not implemented, or necessary, within the PORTZ provisions. This amendment has benefits in terms of plan consistency and clarity and will not have any greater environmental, social, economic or cultural effects than the notified provisions.

### 8.4 PORTZ Maps – Port Zone

SUBMITTER NAME	SUBMISSION POINTS NUMBER(S)
PrimePort	175.1
TDHL	186.1
BP Oil et al	196.79
TDC	42.78
Lineage Logistics	107.1

### **Submissions**

- 8.4.1 Five submissions were received on the PORTZ zoning. Four submissions support the mapping of the PORTZ zone and seek its retention as notified<sup>51</sup>.
- 8.4.2 TDC [42.78] seek to amend the title of the map layer that depicts the PORTZ from 'Port Purpose Zone' to 'Port Zone' as the latter is the correct name for the zone.

### **Analysis**

- 8.4.3 The Port Zone is the name of the zone and to ensure plan consistency and accuracy, I recommend that the title of the map layer is amended in line with the relief sought by TDC [42.78].

### **Conclusions and Recommendations**

- 8.4.4 For the reasons given above I recommend that the title of the map layer is amended from 'Port Purpose Zone' to 'Port Zone'.
- 8.4.5 Section 32AA: I consider the recommended amendment to title of the map layer for the Port Zone is minor in nature. The amendment focusses on correcting an error. This amendment has benefits in terms of plan consistency and clarity and is equally effective in achieving the zone objectives and policies as the notified version of the map title.

## **9. Definitions arising from Hearing A**

### **9.1 Reverse Sensitivity**

- 9.1.1 In my Section 42A report for Hearing A, 5 April 2024, I highlighted that each Section 42A officer would need to consider how the amendments I proposed to the definition of reverse sensitivity interacted with the provisions within their chapters. In response to this, I view the amendments to the definition of 'reverse sensitivity' as appropriate to the GIZ and PORTZ chapters.
- 9.1.2 For the GIZ, GIZ-O3 broadly addresses reverse sensitivity without specifically referencing the term, where use and development within the GIZ is not compromised by the establishment of sensitive activities. GIZ-P6.4 specifically implements this objective and provides direction if a sensitive activity were wishing to establish within the GIZ. GIZ-P6.4 directs that the establishment of other activities would not result in reverse sensitivity effects that constrain industrial activities. The recommended definition of reverse sensitivity means that GIZ-P6.4 would protect industrial activities that are lawfully established (by way of consent or existing use rights) or allowed for as permitted activities in the zone. In my view, it would also be appropriate to protect against reverse sensitivity effects that could constrain the future development of industrial activities (whether existing or not) in the GIZ. That is the intention

---

<sup>51</sup> PrimePort [175.1], TDHL [186.1], DP Oil et al [196.79], Lineage Logistics [107.1]

of that part of the recommended definition that refers to 'other activities otherwise anticipated by the plan', although I recognise that that phrase may lack some clarity.

- 9.1.3 For the PORTZ, PORTZ-P1 includes specific direction to the management of reverse sensitivity effects on the Port. PORTZ-P1.1.b directs that industrial activities (which are not port activities) will not undermine the efficient and effective operation of the Port including by avoiding activities that may give rise to reverse sensitivity effects on the Port. This clause of the policy provides a narrow interpretation of reverse sensitivity where it is limited to the operation of the Port (i.e. does not include reverse sensitivity effects on its future development). PORTZ-P1.3.c on the other hand applies a broad application of reverse sensitivity where residential activities are only allowed for where they have measures to avoid reverse sensitivity effects on the Port and industrial activities. Here reverse sensitivity effects to the Port and industrial activities could be on those lawfully established (by way of consent or existing use rights) or allowed for as permitted activities in the zone. Again, I consider it appropriate to protect against reverse sensitivity effects that constrain the future development of the Port and industrial activities, which is the intention of the definition. I see the amended definition as appropriate to the PORTZ chapter as a whole as it allows the full range of reverse sensitivity effects sought in PORTZ-P1 to be considered.

## 10. Conclusion

- 10.1.1 This report has considered the zone framework for the General Industrial Zone and Port Zone within the PDP. A number of recommendations have been made to improve the provisions, but which do not alter the intent and outcomes sought for each zone, and instead are expected to result in a more efficient and effective framework to achieve these outcomes. Several of these relate to better ensuring that industrial activities are enabled and not constrained by other activities occurring in the GIZ.
- 10.1.2 In relation to the zoning of properties, rezoning has been recommended where the application of an alternate zone is considered to better align with the existing use of a site, or provide for development opportunities that are appropriate in that location, and which still achieve the overarching outcomes of the Plan.
- 10.1.3 This report also recommends the removal of the Height Specific Control Area within the Port Zone as its application to this zone was in error.
- 10.1.4 Overall, I consider that the recommended suite of provisions provides clear guidance on the outcomes sought in each zone, and ultimately how the purpose of the RMA is to be achieved in each area. I consider that the recommended approach to how these outcomes are to be achieved is the most appropriate way to achieve the GIZ and PORTZ objectives, taking into account their efficiency, effectiveness, costs and benefits.

## 11. Appendices

Appendix A	Recommended Amendments to the GIZ and PORTZ chapters
Appendix B	Recommended Responses to Submissions on the GIZ and PORTZ chapters
Appendix C	Expert Witness, Urban Design Matters by Deb Lee Sang, Isthmus.