

Decision on Submissions

Proposed Plan Changes 39 – 41A to the Clutha District Plan

Balclutha, Stirling and Milton Zones Changes

Commissioner Colin Weatherall

January 2020

CONTENTS

Contents	2
1 Introduction	4
2 Hearing.....	6
3 Decisions on Submissions.....	9
Plan Change 39: Balclutha Zonings	
3.1 General: Benefits of Primary Production etc.....	9
3.2 General: Reverse Sensitivity.....	10
3.3 General: Fire Fighting and Emergency Service Infrastructure	10
3.4 PC 39 Planning maps	11
3.5 General: Expand the Zone.....	14
Plan Change 40: Stirling Zoning	
3.6 General: Benefits of Primary Production etc.....	16
3.7 General: Reverse Sensitivity.....	16
3.8 General: Fire Fighting and Emergency Service Infrastructure	17
3.9 PC 40 Planning maps	18
3.10 Rule NSE.1	19
3.11 Objective RRA.7 and Policy RRA.13	20
3.12 Rule RRA.3(iv)	21
3.13 Rule RRA.10(iv)	22
3.14 Rule RRA.10(iv) to (v).....	24
3.15 Rule RRA.10(v).....	24
3.16 Rule IND.2(2).....	25
3.17 General: Sensitive Activity.....	26
Plan Change 41: Milton Zoning	
3.18 General: Benefits of Primary Production etc	27
3.19 General: Reverse Sensitivity	28
3.20 General: Fire Fighting and Emergency Service Infrastructure	28
3.21 PC 41 Planning Maps	29
3.22 General: Loss of Productive Rural Land.....	32
Plan Change 41 and 41A: Tokomairiro Industrial Resource Area	
3.23 General: Retain the Rezoning in its Entirety	35
3.24 General: Alternatives Locations.....	38
3.25 General: Release of More Residential Land... ..	39

3.26 General: Buffer Zones and Reverse Sensitivity	40
3.27 General: Loss of Rural Amenity and Visual Amenity Effects.....	44
3.28 General: Stormwater Management.....	53
3.29 General: Loss of Productive Rural Land.....	60
3.30 General: Traffic Effects (including Rail)	63
3.31 General: Amenity Effects – Noise; Vibration; Air Quality and Lighting.....	68
3.32 General: Property Values.....	75
3.33 General: Water Quality, Allocation and Treatment.....	77
3.34 General: Infrastructure.....	80
3.35 General: Definition of Industrial Activity.....	81
3.36 Objective IND.3.....	82
3.37 Policy IND.5.....	85
3.38 Rule IND.1.....	88
3.39 Rule IND.2.....	89
3.40 Rule IND.3.....	90
3.41 Rule IND.4.....	93
3.42 Section 3.7 Subdivision.....	104
3.43 Section 3.9 Natural Hazards	104
3.44 Rule TRAN.6 Parking.....	105
3.45 Rule TRAN.7 Vegetation.....	106
4 Recommendation	108

Appendix 1 – Balclutha Zone Map as Amended by Decisions

Appendix 2 – Stirling Zone Map as Amended by Decisions

Appendix 3 – Milton Zone Map as Amended by Decisions

Appendix 4 – Joint Witness Statements on landscape matters

Appendix 5 – Joint Witness Statements on transportation matters

1. INTRODUCTION

The Clutha District Council's District Plan was publicly notified on 14 January 1995 and became operative on 30 June 1998. Since that time, a number of plan changes have been undertaken while the first review of the plan began in early in 2007. Changes to the RMA in 2010 removed the need for an overall review of the Plan after ten years and replaced it with a requirement to review any provisions that have not already gone through a review or plan change within the last ten years.

These plan changes are part of the rolling review approach that Council decided to adopt at that time. Council has been conscious of the need to ensure an adequate supply of industrial and residential land was available to meet the needs of the district, given the plan has been operative since 1998 and no land supply review had been undertaken since that time. To address this matter, a review of the available capacity of such land within the District, with a particular focus on the Balclutha, Milton and Stirling, was undertaken. This work was given impetus with the gazetting of the National Policy Statement on Urban Development Capacity 2016 (NPSUDC). This National Policy Statement requires Council to ensure that there is adequate residential and business land development capacity within the District. Council also considers it important that such development capacity is available so that the District can continue to attract people and businesses without compromising the amenity values of the District's urban areas.

The Plan Changes subject to this decision are as follows:

Plan Change 39: This relates to Balclutha and identifies both new Urban and Transitional Resource Areas, to allow for residential development, and new Industrial Resource Area zones within the town.

Plan Change 40: This plan change relates to Stirling and identifies both new Transitional and Urban Resource Areas, to allow for residential development, and new Industrial Resource Area zones within the town. The new Industrial zonings merely reflect existing industrial development. The Plan Change also introduces a 'Noise Control Boundary' (NCB) around the Fonterra Stirling Dairy Factory site along with some associated planning provisions.

Plan Change 41 and 41A: These plan changes relate to Milton and the surrounding area. They provide for new Transitional Resource Areas on the north-east outskirts of Milton and at Tokoiti in the south, to allow for residential development. A new Industrial Resource Area has been identified at the north-west boundary of Milton which sits between existing industrial areas at Park Road and the State Highway in this location. A large area of the Tokomairiro Plain (approximately 330ha) stretching from Milburn in the north to the outskirts of Milton in the South is also to be rezoned Industrial. This location has long been earmarked for industrial purposes given its locational attributes.

The provisions in Plan Change 41 relating to the Tokomairiro Plain Industrial Resource Area put in place a mechanism to allow development in accordance with a Structure Plan.

However, because that structure plan had not yet been developed, a further plan change would have been required sometime in the future. The submission of the largest land owner within the land proposed to be rezoned, Calder Stewart, included a structure plan that they requested be incorporated through the original Plan Change 41 process thereby avoiding the need for a future plan change. However, given the detail of the proposed structure plan, it was agreed that Plan Change 41 be split into two parts so that the structure plan could be incorporated by way of a variation to Plan Change 41, becoming Plan Change 41A.

Hence, Plan Change 41A relates to the Tokomairiro Plain Industrial Resource Area, while Plan Change 41 remains the same with the exception of the provisions that relate to the Tokomairiro Plain Industrial Resource Area.

Proposed Plan Changes 39 to 41 were publicly notified on 3 November 2017, with submissions closing on 11 December 2017. Twenty-one (21) submissions were received during the first notification period. Submissions on Plan Change 41 led to the preparation of a variation to that Plan change, being Plan Change 41A. That Plan Change was notified on 17 January 2019 with submissions closing on Monday 25 February 2019. Nineteen (19) submissions were received on this variation.

I was appointed by the Clutha District Council to consider the submissions received, the evidence presented at the hearing, and the advice of the Council Planner before deciding on the submissions. In this capacity, I have the option to accept or reject the submissions, or accept the submissions in part. I have chosen to address the submissions by grouping them according to the matter to which they relate as was done in the Section 42A report. As required by the Act, my decision must give reasons for accepting or rejecting the submissions and must include the consequential alterations to the Plan Changes arising from the decision.

Once the appeal period has ended, the full Council provides final approval to the plan change and any subsequent amendments to the plan change that have been made.

2. THE HEARING

The hearing on the plan change and submissions received was conducted at the Clutha District Council Offices in Balclutha on the 9th and 10th of October, 2019.

Wednesday the 9th October, 2019

The following appearances were recorded:

Clutha District Council Staff

- Allan Cubitt – Consultant Planner and s42A Report author
- Ian McCabe – Group Manager Planning and Regulatory

Submitters

- Mr R Cowie
- Fonterra represented by:
 - Hannah Furze, Environmental Manager, Stirling
 - Morgan Watt, Site Manager, Stirling
 - Rob Hay, Consultant Acoustic Engineer
 - Carmen Taylor, Consultant Planner
- The New Zealand Transport Agency, represented by Richard Shaw, Team Leader – Consents and Approvals (South Island).
- Nigel Bryce, Consultant Planner for Pan Pac Forest Products Ltd.

At the conclusion of the hearing on Day One, I undertook a number of site visits including the more contentious sites proposed for rezoning around Balclutha and Milton, along with the environs of the Fonterra Dairy Plant at Stirling, and the area proposed for industrial zoning on the Tokomairiro Plain. I was accompanied by Mr McCabe and Mr Cubitt.

Thursday the 19th October, 2019

Clutha District Council Staff

- Allan Cubitt – Consultant Planner and s42A Report author
- Ian McCabe – Group Manager Planning and Regulatory
- Renee Davis – Consultant Landscape Architect
- Gary Dent – Consultant Environmental Engineer

Submitters

- South Otago Heritage Society, represented by Mr B Alison
- Calder Stewart represented by:
 - Donald Stewart, Company Director

- Mark Weaver, Project Director
- Eoghan O’Neil, Environmental Engineer
- Mike Moore, Landscape Architect
- Nigel Bryce, Consultant Planner
- Pan Pac Forest Products Ltd represented by:
 - Dennis Hall, Company Secretary
 - Chris Rossiter, Transportation Engineer
 - Nigel Bryce, Consultant Planner
- Anzide Properties Limited represented by:
 - Doug Hall, Company Director
 - Nigel Bryce, Consultant Planner

At the conclusion of the Hearing on the 10th of October 2019, I adjourned the hearing in order to assess whether I needed further information in relation to the issues raised and discussed. I considered that there was potential to resolve, or at least narrow, the issues in contention with regard to the following two matters:

- The Structure Plan landscaping response for Plan Change 41A
- The amendment to the Structure Plan that would enable an access to the State Highway from the northern portion of the Pan Pac property.

To that end, I issued a Minute on 11 October 2019 that directed various expert witnesses to caucus in an attempt to achieve agreement on issues of contention and report back to me. I received the Joint Witness Statements of the transport and landscape experts on 8 November 2019. The Planners Joint Witness Statements were received on 11 November (on transportation matters) and 15 November (on landscape matters) 2019. The Planners Joint Witness Statement in response to the Landscape Architects JWS noted that an issue in relation to large scale specimen trees had not been addressed and I issued a further minute directing that this be addressed. This was provided on 24 January 2020. Mr Cubitt provided his review on the 18 November 2019.

In addition to the site visits I undertook during the hearing, I have also taken the opportunity over the deliberation period to visit most areas to be rezoned again. This has included several visits to the Tokomairiro Industrial Zone environs.

I also advise that I requested that the Council seek an extension from the Minister for the Environment in relation to the decision deadline of 3 November 2017 for Plan Changes 39, 40 and 41 (those parts of which do not relate to Plan Change 41A). The extension date sought was the 15th February 2020. While the decision on submissions to those Plan Changes could be released by that date, the Council’s preference is to release decisions on all Plan Changes at the same time for administrative efficiency reasons. An extension to the 14th February 2020 was granted by the Minister on 25 November 2019.

The decision adopts a similar format to that contained within the Section 42A report for ease of reference. The only differences are that the 'Decision' section (previously the 'recommendation' section) comes before the 'Reason' (previously the 'Discussion and Evaluation' section) and that Appendix 3 to the Section 42A Report has been incorporated into the main decision document. The decision also adopts the reasoning of the s42A report where I agree with it.

The full Council provides final approval to the proposed plan change after the appeal period has ended, and any subsequent amendments to the plan change have been made.

3. DECISION ON SUBMISSIONS

PLAN CHANGE 39: BALCLUTHA ZONING

3.1. General – Benefits of Primary Production etc.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Federated Farmers of NZ (OS15.1-3)	Generally supports	<p>Seeks to underline the continuing significant importance of primary production to the District, both in direct and indirect terms, and in relation to economic and other benefits.</p> <p>Recognise the marginal benefits of development of rural land for alternative purposes, where this is justified by demand for these land uses.</p> <p>Seeks to ensure provisions associated with land use in the rural areas recognise the need for primary production to be relatively unencumbered.</p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Federated Farmers of NZ (OS15.1-3.)	Accept

Reason

As the s42A report noted, the submission is relatively general and does not address any specific areas affected by the zone changes. My site visits confirmed that the land to be rezoned around Balclutha do not involve highly productive rural land but generally reflect areas of existing development on the boundary of the town or areas that are already fragmented or unproductive.

My review of the current Clutha District Plan also confirmed that the current planning provisions affecting land use in the rural area are relatively enabling in comparison to other district plans I have been involved with. There are no changes proposed to those provisions under this plan change process.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

3.2 General – Reverse Sensitivity

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Federated Farmers of NZ (OS15.4)	Oppose in part	Requests careful consideration of the potential reverse sensitivity issues likely to arise from the zoning review and how these may impact primary production activities.
Kiwirail Holdings Limited OS17.1 <i>Further Submitter:</i> NZ Transport Agency	Support Supports that part of general submission that refers to issue of reverse sensitivity	KiwiRail seeks to protect itself from reverse sensitivity issues and also advises that new crossings of the rail network will be at its discretion

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Federated Farmers of NZ (OS15.4)	Note
Kiwirail Holdings Limited OS17.1	Note

Reason

The s42A report advised that *“Reverse sensitivity is generally a matter for consideration between activities within a zone, rather than between zones. In this case, the proposed rezoning’s generally reflect areas of existing development on the boundary of the town. They will not generate reverse sensitivity effects over and above what could potentially occur under the current zoning regime”*. I agree with that reasoning and adopt it accordingly.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

3.3 General - Fire Fighting and Emergency Service Infrastructure

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fire Emergency NZ (OS11.1 and 2)	Neutral	Ensure any new zoning provides adequate firefighting water supply, access to the supply, and access and manoeuvring for firefighting appliances. Provision to be made for additional emergency service facilities should there be a subsequent need arise from the rezoning.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Fire Emergency NZ (OS11.1 and 2)	Note

Reason

My experience agrees with the position stated in the s42A report that the rules of the zone will determine how firefighting infrastructure is provided. Where a zone is fully reticulated with Council services, the fire hydrants are provided within public streets. Where a new zone is not reticulated, this issue is dealt with through the subdivision process. It is not considered necessary to address this matter further through the proposed zone changes.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

3.4 PC39 Planning Maps

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
KiwiRail Holdings Ltd OS17.2	Support	Retain as notified
Wilson, Russell OS06.1	Oppose	Seeks that no additional residential zoned land on Golfer's Drive due to concerns regarding adverse effects on amenity and native wildlife.
Otago Regional Council OS19.2	Supports in part	Ensure zoning changes continue to prevent the exacerbation of flood hazards. Ensure the plan directs users to ORC Flood Protection By-law 2012.
New Zealand Transport Agency	Supports in part	<p>NZTA supports the rezoning in principle because:</p> <ul style="list-style-type: none"> • It will ensure Balclutha will have sufficient residential and industrial development capacity and long-term supply will be maintained; • It will ensure Balclutha has appropriate provision to grow sustainably; • It will formalise some existing zonings to reflect current land use • It will ensure efficiency and integration of services while minimising effects of urban development. <p>NZTA does not support that component of the Plan Change that involves changing the zoning on the north-west of SH 1 at the north eastern end of Balclutha, south of Johnston Road as it will contribute to ribbon zoning that will adversely affect the safety, efficiency and functionality of the SH. NZTA consider it will be difficult to achieve safe access to this land given the vertical and horizontal</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<p>alignment of the SH. NZTA requests this area remains Rural.</p> <p>NZTA suggests that the proposed Transitional RA adjacent to and south of SH 1 at the north-eastern end of Balclutha should not have direct access to SH 1 but should be accessed from Cherry Lane and Nelson Road, and rules should be included to provide for this.</p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
KiwiRail Holdings Ltd OS17	Accept
Wilson, Russell OS06	Reject
Otago Regional Council OS19	Note
New Zealand Transport Agency	Accept

Reason

1. The submission of Mr Wilson

Mr Wilson requested that no additional residential land be provided on Golfer's Drive. The s42A report assumed this submission is made in relation to *'the woodlot at the southern end of Golfers Drive'* (to be rezoned from 'Rural' to 'Transitional'), which is the only logical assumption to make given Mr Wilson did not attend the hearing. Mr McCabe advised that this land is owned by the Council itself but was unable to confirm the reasons behind the proposed rezoning as that decision was made by a previous administration within the Council.

My site visit confirmed that the plantation had been cleared, which illustrates the point made in the s42A report that the current Rural zoning *"is no guarantee that the plantation will be maintained on the site and as a consequence, existing amenity and wildlife values cannot be guaranteed."*

While I noted that there are some steep parts within this site, there is the opportunity for a number of rural residential type blocks that would have relatively flat building platforms. As I agree with the s42A report that *"for a rural block, it is relatively small and is isolated from other rural land"* and that *"these factors indicate that the land is more suited to an urban use as opposed to a rural use"*, I am comfortable with the rezoning of the site.

2. The Otago Regional Council Submission

The ORC submission did not oppose the rezoning's but highlighted their concern that the CDC must ensure that the rezoning's continue to prevent the exacerbation of flood hazards. In this

context I was advised by the s42A report that the extension of the Barnego Road Industrial zone does have a flood hazard overlay (as does parts of the adjoining existing Industrial zone) but is within an area protected by flood banks. I accept that there is the potential for a residual effect in such circumstances but given the less sensitive nature of industrial activities, and the existing regulatory framework within the provisions of the Building Act and the Natural Hazard section of the District Plan, the issue can be adequately managed.

With respect to the submission relating to the ORC's flood protection assets and the Flood Protection By-law 2012, the s42A report considered that there was merit in ensuring plan users are aware of these things. However, because it is not clear from the submission on how the ORC would like this implemented in the plan, the report considered that there is little scope to make any changes to the plan through this process. I agree with that position.

3. The Submission of the New Zealand Transport Agency

While the NZTA supported the plan change in principle, they were concerned with two of the areas to be rezoned from Rural to Transitional at North Balclutha on the State Highway entry the town. The s42A report advised that these parcels of land did not appear to be included in the Plan Change maps used in the consultation process with NZTA and at the hearing, Mr Cubitt highlighted a number of different versions of the planning maps that were initially prepared. Hence, it was not clear whether the issues raised in the submission had been previously discussed with the Agency.

The State Highway that passes through the area in question is a 'Limited Access Road' (LAR) and my site visit confirmed NZTA's concern that the vertical and horizontal alignment of the State Highway is not ideal in this location achieve safe access. With respect to the northern most Transitional zone, Mr Shaw's evidence at the hearing also advised that this issue is compounded by the speed environment at the site and the potential for a developer to seek multiple access points to allotments (ribbon development) rather than a single access point, noting alternative access is not available by way of side roads. For these reasons, he considers a lifestyle type zoning as proposed would not be appropriate here.

I agree with NZTA's position regarding the northern zoning. I also note that the land itself is essentially a steep gully formation which would make it rather difficult to develop. As a consequence, I agree with the s42A reports recommendation to accept the submission of NZTA and remove the Transitional Resource Area zoning from this location.

Turning to the Transitional zone to the south of the State Highway, given that the State Highway is a LAR at this point, I accept that it is appropriate to restrict direct State Highway access where there are existing legal roads connecting with the State Highway. Furthermore, the topography indicates that direct access to the State Highway would again be difficult in this location. The s42A report recommended a new rule to provide for this, which was accepted as appropriate by the Agency.

Mr Shaw noted in his evidence that a connection from Nelson Road to Cherry Lane could be encouraged to direct vehicles through the Cherry Lane intersection (given Cherry lane is the

most suited) but considered this something best addressed through any subdivision proposal. I agree with Mr Shaw that this is best left to the subdivision process as I am unsure whether the current ownership of the land here would allow for such an arrangement at this time. As a consequence, any rule requiring that to be mandatory would not be appropriate.

Amendments to Proposed Plan Change

- (a) Remove the Transitional Resource Area zoning over the area of land north-west of SH 1 at the north eastern end of Balclutha, south of Johnston Road. See Appendix 1.
- (b) That the following new rule be added to Section 4.5 Transitional Resource Area:

Rule TRA.4 ACCESS

That no residential activity, subdivision or other development within the Transitional Resource Area that adjoins Cherry Lane or Nelson Road in North Balclutha (Map U2) shall have direct vehicular access to State Highway No.1.

Any activity that does not comply with this rule shall be a non-complying activity.

Reason

The State Highway is a Limited Access Road in this location and the topography is such that direct physical access to it would be difficult to safely construct. Given that both Cherry Lane and Nelson Road already connect to the State Highway in this location, the safety, efficiency and functionality of the State Highway will be protected by ensuring development utilises these existing connections.

3.5 General – Expand Zone

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Hollows Timber Company Ltd OS05.1	Supports	Seeks feedback on additional industrial land being rezoned adjoining existing timber mill to provide for future expansion of business.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Hollows Timber Company Ltd OS05.1	Note

Reason

The s42A report assumed that this submission relates to the sawmill site located at Kakapuaka and advised that the “current sawmill site has been rezoned from Rural Settlement and Rural Resource Area to Industrial Resource Area through this process. However, no further land can be rezoned through this process unless a variation is proposed. The submitter has not provided

any information that could support a variation at this stage.” As a consequence of this, no further rezoning can occur under this process but as the s42A report noted, the Council is undertaking a plan wide review in the near future, so there will be the opportunity to revisit this issue at that point.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

PLAN CHANGE 40: STIRLING ZONING

3.6 General – Benefits of Primary Production

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Federated Farmers of NZ (OS15.1)	Oppose in part	<p>Seeks to underline the continuing significant importance of primary production to the District, both in direct and indirect terms, and in relation to economic and other benefits.</p> <p>Recognise the marginal benefits of development of rural land for alternative purposes, where this is justified by demand for these land uses.</p> <p>Seeks to ensure provisions associated with land use in the rural areas recognise the need for primary production to be relatively unencumbered.</p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Federated Farmers of NZ (OS15.1)	Accept

Reason

As the s42A report noted, the submission is relatively general and does not address any specific areas affected by the zone changes. My site visits confirmed that much of the land to be rezoned around Stirling reflect areas of existing development on the boundary of the town or areas that are already fragmented. I note that area accessed by Anderson Street is currently utilised for farming purposes, but this site would appear to be a logical extension of the town.

My review of the current Clutha District Plan also confirmed that the current planning provisions affecting land use in the rural area are relatively enabling in comparison to other district plans I have been involved with. There are no changes proposed to those provisions under this plan change process.

Amendments to Proposed Plan Change

No changes are required as a result of this submission.

3.7 General - Reverse Sensitivity

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Federated Farmers of NZ (OS15.4)	Oppose in part	Requests careful consideration of the potential reverse sensitivity issues likely to arise from the

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		zoning review and how these may impact primary production activities.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Federated Farmers of NZ (OS15.4)	Reject

Reason

The s42A report advised that *“Reverse sensitivity is generally a matter for consideration between activities within a zone, rather than between zones. In this case, the proposed rezoning’s generally reflect areas of existing development on the boundary of the town. They will not generate reverse sensitivity effects over and above what could potentially occur under the current zoning regime”*. I agree with that reasoning and adopt it accordingly.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

3.8 General – Fire Fighting and Emergency Service Infrastructure

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fire Emergency NZ (OS11.1 and 2)	Neutral	Ensure any new zoning provides adequate firefighting water supply, access to the supply, and access and manoeuvring for firefighting appliances. Provision to be made for additional emergency service facilities should there be a subsequent need arise from the rezoning.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Fire Emergency NZ (OS11.1 and 2)	Note

Reason

My experience agrees with the position stated in the s42A report that the rules of the zone will determine how firefighting infrastructure is provided. Where a zone is fully reticulated with Council services, the fire hydrants are provided within public streets. Where a new zone

is not reticulated, this issue is dealt with through the subdivision process. It is not considered necessary to address this matter further through the proposed zone changes.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

3.9 PC40 Planning Maps

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
KiwiRail Holdings Ltd OS17.2	Support	Retain as notified
Fonterra Limited OS16.1,2,3.	Support in part and Opposes in part	<ol style="list-style-type: none"> 1. Supports the rezoning of Lot 1 DP301857 and Lots 1 and 2 DP394882 from Rural Resource Area to Industrial Resource Area as notified. 2. Opposes the rezoning of Part Lot 1 DP2254 and seeks to retain Rural Resource Area zoning in accordance with the operative District Plan planning maps. 3. Supports the establishment of a Noise Control Boundary around Fonterra’s Stirling site subject to either the boundary being amended in accordance with the map included at Appendix 1 of the submission; or amend the NCB to reflect the 50bBLAeq (15 min) noise contour, plus any consequential amendments.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
KiwiRail Holdings Ltd OS17.2	Accept in part
Fonterra Limited OS16.1,2,3.	Accept in part

Reason

1. Rezoning Submissions

Both KiwiRail and Fonterra are generally supportive of the proposed rezoning. However, Fonterra opposes the rezoning of a small slither of land that they own on Baker Street, which is part of a larger landholding held under one title. The s42A report advised that Fonterra “consider that this land should remain the same zone as the land adjoining to the west and north, which is Rural. As we understand it, the land was only rezoned to Urban to be consistent with the rest of the land on Baker Street. However, as the land is under the control of the submitter, we do not see any value in continuing with the Urban rezoning when they prefer it being retained a Rural.” I agree with that position and have accepted Fonterra’s submission accordingly.

2. Noise Control Boundary

Fonterra's submission initially sought an amendment to the 'Noise Control Boundary' (NCB) in relation to the inclusion of 47 Mount Wallace Road within that boundary. As an alternative, Fonterra have also promoted the application of an NCB at the 50 dBL_{Aeq(15)} boundary. Because the reasoning behind Fonterra's submission was unclear, the s42A report made no recommendation in relation to the NCB.

Mr. Cubitt's review confirmed that Mr. Hay (Fonterra's acoustic consultant) clarified this issue at the hearing. Mr. Hay advised that there was initially some concern that upgrade work at the site may lead to the noise level from the site exceeding the 45 dB L_{Aeq(15 min)} at this boundary. However, Mr. Hay advised that he no longer has concerns in relation to this matter. He advised that they now consider it unlikely that the 'somewhat conservative model scenario' will in fact occur and that over the 2017 and 2018 period, Fonterra have undertaken several noise mitigation projects at the factory that have reduced noise levels (referred to in paragraphs 4.6 and 4.7 of Ms. Furze's evidence). Mr. Hay also noted that they have identified a range of additional practical noise mitigation measures that can be undertaken should noise become a problem at 47 Mount Wallace Road.

As a consequence of these factors, Mr Hay confirmed that the NCB can remain as notified. On the basis of Mr Hay's experience and expertise in acoustical engineering, Mr Cubitt accepted this recommendation as appropriate, as do I.

Changes to Proposed Plan Change

Remove the Urban Resource Area zoning over Part Lot 1 DP 2254 so that it reverts back to Rural Resource Area. See Appendix 2.

3.10 Rule NSE.1 Noise Measurement (i)

The notified provision reads as follows:

Amend Rule NSE.1 Noise Measurement (i) as follows:

(i) Except where otherwise stated, all noise will be measured and assessed in accordance with the requirements of ~~NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound~~. New Zealand Standards NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with NZS 6802:2008 "Acoustics – Environmental noise".

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
KiwiRail Holdings Ltd OS17.3	Support	Retain as notified

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fonterra Limited OS16.4	Support	Amend Rule NSE.1 as notified.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
KiwiRail Holdings Ltd OS17.3; Fonterra Limited OS16.4	Accept

Reason

The submitters support the proposed change.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

3.11 Objective RRA.7 and Policy RRA.13

The notified provisions read as follows:

Objective RRA.7

That the ongoing operation of existing farming, rural based or industrial activities located within the Rural Resource Area or in other adjoining resource areas is not compromised by the establishment, upgrade or extension of sensitive activities within the Rural Resource Area.

Policy RRA.13

To ensure that the establishment, upgrade or extension of sensitive activities are located and/or designed so that they will not be significantly affected by existing activities that generate noise, dust, traffic and odour effects so that reverse sensitivity effects will not occur.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
KiwiRail Holdings Ltd OS17.3	Support	Retain as notified
Fonterra Limited OS16.5,6.	Supports subject to amendments	Retain new Objective RRA.7 as notified. Retain Policy RRA.13 as notified, subject to inserting new Policy RRA.14 as follows: <u><i>"To ensure that new sensitive activities or additions to existing sensitive activities in the rural environment do not result in reverse sensitivity effects on operations at the Stirling dairy factory site</i></u>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<i><u>by requiring such activities within the noise control boundary to meet minimum standards for acoustic insulation.</u></i>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
KiwiRail Holdings Ltd OS17.3	Accept
Fonterra Limited OS16.5,6.	Accept

Reason

The s42A report considered the new policy recommended by Fonterra to be appropriate as it is specific to the Noise Control Boundary developed for the Stirling dairy factory, and in terms of the evaluation required under Section 32AA of the Act, it was seen as the most appropriate way to achieve the objective of managing potential reverse sensitivity issues involving the Stirling dairy factory. I agree that the policy is appropriate and have accepted the submission accordingly.

Changes to Proposed Plan Change

Include the following new policy as Policy RRA.14:

“To ensure that new sensitive activities or additions to existing sensitive activities in the rural environment do not result in reverse sensitivity effects on operations at the Stirling dairy factory site by requiring such activities within the noise control boundary to meet minimum standards for acoustic insulation.”

3.12 Rule RRA.3(iv) Discretionary Activities

The notified provision reads as follows:

Amend Rule RRA.3 Residential activities (iv) discretionary activities by amending subsection (b) as follows:

(b) Any residential activity which is to locate within 1 kilometre of any activity that:

- generates excessive or nuisance noise types
- is defined as an intensive farming activity
- requires a licence in terms of Section 15 of the Dangerous Goods Act 1974
- requires a license as an offensive trade within the meaning of the Third Schedule of the Health Act 1956, or
- uses, produces or stores commercial quantities of hazardous substances

OR any residential activity which is to locate within a “Noise Nuisance Area” boundary as shown on the planning maps, is a discretionary activity

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fonterra Limited OS16.7	Oppose	Delete the proposed amendment to Rule RRA.3(iv) as follows: <i>"...uses, produces or stores commercial quantities of hazardous substances OR any residential activity which is to located within a "Noise Nuisance Area" boundary as shown on the planning maps is a discretionary activity."</i> Delete any remaining references (if any) to 'Noise Nuisance Area' and replace with ' <u>Noise Control Boundary</u> '.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Fonterra Limited OS16.7	Accept in part

Reason

The s42A report advised that the *"amendment proposed to Rule RRA.3(iv) relates to the existing 'Noise Nuisance Areas' on the planning maps and provides clarity around the operation of those areas. It does not relate to the Stirling dairy factory NCB and this should be made clear in the proposed amendment."* The report went on to say that *"While we understand Fonterra's point regarding the inconsistency of the terminology, this is a historical issue that can only be rectified when a full review of the District Plan takes place in the future"*.

Ms Taylor in her planning evidence on behalf of Fonterra considered that the recommendation of the s42A report addressed the issue they raised appropriately. I agree and have adopted that recommendation accordingly.

Changes to Proposed Plan Change

Amend the proposed change to Rule RRA.3(iv)(b) as follows:

OR any residential activity which is to locate within a "Noise Nuisance Area" boundary as shown on the planning maps, excluding the 'Noise Control Boundary' for the Stirling dairy factory (see Rule RRA.10(iv)).

3.13 Rule RRA.10(iv) Noise Standards

The notified provision reads as follows:

Amend Rule RRA.10 Noise Standards by inserting a new subsection (iv) as follows:

(iv) Any new sensitive activity, or additions that increase the floor area of an existing sensitive activity located within the Noise Control Boundary associated with the Stirling

Dairy Manufacturing Site shall be constructed to achieve an internal design level of 35dB_{LAeq}(1hr) in all habitable rooms with the windows closed.
Any application for non-compliance with this rule shall only require written approval from the operator of the Stirling Dairy Manufacturing Site.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fonterra Limited OS16.8	Support subject to amendments	Amend Rule RRA.10(iv) as follows: “Any new sensitive activity, or additions that increase the flood area of an existing sensitive activity located within the Noise Control Boundary associated with the Stirling Dairy Manufacturing Site shall be constructed to achieve an internal design level of 35dB _{LAeq} (1hr) in all habitable rooms with the windows closed. <u>Any activity that fails to comply with this standard is a discretionary activity.</u> application for non-compliance with this rule shall only require written approval from the The Operator of the Stirling Dairy Manufacturing Site shall be considered an affected party in relation to any application arising from non-compliance with this standard.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Fonterra Limited OS16.8	Accept

Reason

Fonterra’s submission highlighted that this rule did not identify the activity status where the insulation criteria is not met, and also recommended some changes to the affected persons clause of the rule. They recommended that non-compliance should be treated the same as it is with Rule RRA.3(iv) (a discretionary activity) while rephrasing the affected persons clause so that it notes that they are an affected party rather than identifying the need for written approval. The s42A report considered the changes recommended to be appropriate. I agree and have accepted the submission accordingly.

Amendments to Proposed Plan Change

Amend Rule RRA.10(iv) to read as follows:

“Any new sensitive activity, or additions that increase the flood area of an existing sensitive activity located within the Noise Control Boundary associated with the Stirling Dairy Manufacturing Site shall be constructed to achieve an internal design level of 35dB_{LAeq}(1hr) in all habitable rooms with the windows closed. Any activity that fails to comply with this standard is a discretionary activity.
~~application for non-compliance with this rule shall only require written approval from the~~
~~The Operator of the Stirling~~

Dairy Manufacturing Site shall be considered an affected party in relation to any application arising from non-compliance with this standard.”

3.14 Rule RRA.10 - renumber(iv) to (v)

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fonterra Limited OS16.9	Support	Renumber as notified

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Fonterra Limited OS16.9	Accept

Reason

The submitter supports the change.

Amendments to Proposed Plan Change

No changes are required as a result of this submission.

3.15 Rule RRA.10(v)

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fonterra Limited OS16.10	Support subject to consequential amendments	Amend Rule RRA.10(v) as follows: <i>“Any activity that fails to comply with these standards (i) to (iii) above, is a restricted discretionary activity.”</i>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Fonterra Limited OS16.10	Accept

Reason

As the submitters notes, a consequential change to this rule is required if the change made to Rule RRA.10(iv) is adopted.

Amendments to Proposed Plan Change

Amend Rule RRA.10(v) as follows:

“Any activity that fails to comply with ~~these~~ standards (i) to (iii) above, is a restricted discretionary activity.”

3.16 Rule IND.2(2)

The notified provision reads as follows:

(2) On the Stirling Dairy Manufacturing Site located on Pt Lot 1 DP 2254, Lot 2 DP 19577, Lot 3 DP 18037, Pt Section 382R, Lot 1 DO 24460 and Lot 1 DP 301857, noise from operations, including all ancillary equipment, maintenance activities, and operation of all vehicles on site (including those entering and exiting the site), shall not exceed the following limits when measured at or beyond the Noise Control Boundary:

Weekdays and Weekends

7am – 10pm 55dB_{L_{Aeq}} (15 min)

10pm – 7am 45 dB L_{Aeq} (15 min) and 75 LAF_{max}

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fonterra Limited OS16.11	Support subject to amendments	Amend Rule IND.2(2) as follows: “On the Stirling ...10pm – 7am 45bBL _{Aeq} (15 min) and 75 LAF _{max} . <u>Non-compliance with this requirement shall be considered as a restricted discretionary activity. Council shall restrict the exercise of its discretion to the operational requirements of the site, and the effect of noise on adjoining sensitive activities within the Noise Control Boundary.</u> ”

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Fonterra Limited OS16.11	Accept

Reason

The initial recommendation of the s42A report was to make non-compliance with this standard a discretionary activity to be consistent with the activity status for the establishment of new or extended sensitive activities located in the Noise Control Boundary. Upon review, Mr Cubitt accepted Ms Taylor position that this is a different scenario as it applies to an existing and permitted industrial activity. Ms Taylor highlighted that the current approach of the industrial zone is that where an industrial activity does not meet a performance standard, Councils discretion is restricted to the effects of that. Mr Cubitt agrees that the approach

proposed by Fonterra is entirely consistent with that and as a consequence, accepted that their suggested amendment should be adopted.

Having reviewed the provisions of the Industrial Resource Area as it relates to the non-compliance with standards, I also agree with Ms Taylors position and accept Fonterra’s submission accordingly.

Amendments to Proposed Plan Change

Amend Rule IND.2(2) as follows:

“On the Stirling ...10pm – 7am 45bBLA_{eq} (15 min) and 75 LAF_{max}.

Non-compliance with this requirement shall be considered as a restricted discretionary activity.

Council shall restrict the exercise of its discretion to the operational requirements of the site, and the effect of noise on adjoining sensitive activities within the Noise Control Boundary.”

3.17 General - Sensitive Activity

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fonterra Limited OS16.12	Support	Retain the use of the operative definition

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Fonterra Limited OS16.12	Accept

Reason

The submitter supports the use of the current definition.

Amendments to Proposed Plan Change

No changes are required as a result of this submission.

PLAN CHANGE 40: MILTON ZONINGS

Note: All submissions on the original Plan Change 41 that addressed the Tokomairiro Plain Industrial Resource Area are dealt with under Plan Change 41A below, while the submissions dealing with the Tokomairiro Sports Ground are dealt with here.

3.18 General – Benefits of Primary Production etc.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Federated Farmers of NZ (OS15.1,2,3.)	Generally support	<p>Seeks to underline the continuing significant importance of primary production to the District, both in direct and indirect terms, and in relation to economic and other benefits.</p> <p>Recognise the marginal benefits of development of rural land for alternative purposes, where this is justified by demand for these land uses.</p> <p>Seeks to ensure provisions associated with land use in the rural areas recognise the need for primary production to be relatively unencumbered.</p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Federated Farmers of NZ (OS15.1,2,3.)	Accept

Reason

As the s42A report noted, the submission is relatively general and does not address any specific areas affected by the zone changes. My site visits confirmed that much of the land to be rezoned reflects areas of existing development on the boundary of the town or areas that are already fragmented. I did note that there are some large areas of farmland within the Transitional zone but in the context of the wider district, the eventual loss of this land to residential development is not seen as significant in terms of the overall rural productivity of the Clutha District. I consider this issue further in relation to the submission of Mr Murdoch at Decision 3.21 below.

My review of the current Clutha District Plan also confirmed that the current planning provisions affecting land use in the rural area are relatively enabling in comparison to other district plans I have been involved with. There are no changes proposed to those provisions under this plan change process.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

3.19 General – Reverse Sensitivity

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Federated Farmers of NZ (OS15.4)	Oppose in part	Requests careful consideration of the potential reverse sensitivity issues likely to arise from the zoning review and how these may impact primary production activities.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Federated Farmers of NZ (OS15.4)	Reject

Reason

The s42A report advised that *“Reverse sensitivity is generally a matter for consideration between activities within a zone, rather than between zones. In this case, the proposed rezoning’s generally reflect areas of existing development on the boundary of the town. They will not generate reverse sensitivity effects over and above what could potentially occur under the current zoning regime”*. I agree with that reasoning and adopt it accordingly.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

3.20 General - Fire Fighting and Emergency Service Infrastructure

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fire Emergency NZ (OS11.1 and 2.)	Neutral	Ensure any new zoning provides adequate firefighting water supply, access to the supply, and access and manoeuvring for firefighting appliances. Provision to be made for additional emergency service facilities should there be a subsequent need arise from the rezoning.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Fire Emergency NZ (OS11.1 and 2)	Note

Reason

My experience agrees with the position stated in the s42A report that the rules of the zone will determine how firefighting infrastructure is provided. Where a zone is fully reticulated with Council services, the fire hydrants are provided within public streets. Where a new zone is not reticulated, this issue is dealt with through the subdivision process. It is not considered necessary to address this matter further through the proposed zone changes.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

3.21 PC41 Planning Maps

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Anzide Properties Limited OS08.1	Supports	Supports the rezoning in its entirety
KiwiRail Holdings Ltd OS17.2	Support	Retain as notified
Clark, Andrew OS01.1	Supports in part	Supports the rezoning of land at 23 Back Road, Milton to Urban
Murdoch, Evan OS07.1 <i>Calder Stewart Land Holdings Limited</i>	Opposes in part <i>Opposes</i>	Opposes change from Rural to Urban for land adjacent to his property at 2 Cherry Lane Milton.
Frost, Larry OS36.1 and 2. <i>Calder Stewart Land Holdings Limited</i> <i>Calder Stewart Land Holdings Limited</i>	Opposes in part <i>Opposes</i> <i>Opposes</i>	Opposes rezoning of Tokomairiro Sports Ground and paddocks behind to Industrial Resource Area as sufficient industrial land provided in rest of industrial park area. Seeks this area to be further developed for recreation purposes – e.g. soccer fields, BMX or cycle track, heritage park, Milton Hub for social gardening project.
South Otago Heritage Society Inc OS35.1 and 2. <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Opposes in part <i>Opposes</i> <i>Opposes</i>	Opposes rezoning of Tokomairiro Sports Ground and paddocks behind to Industrial Resource Area and seeks this area to be retained for recreation purposes. Seeks for Part Section 104 Block 12 Tokomairiro SD retain current status of Recreation Reserve.
Toko Rugby Club OS37.1 and 2. <i>Calder Stewart Land Holdings Limited</i>	Opposes <i>Opposes</i>	Opposes rezoning of Tokomairiro Sports Ground and paddocks behind to Industrial Resource Area. Seeks this area to be further developed for recreation purposes.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<i>Pan Pac Forest Products Limited</i>	<i>Opposes</i>	

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Anzide Properties Limited OS08; KiwiRail Holdings Ltd OS17; Clark, Andrew OS01	Accept
Murdoch, Evan OS07	Reject
Frost, Larry OS36; South Otago Heritage Society Inc OS35; Toko Rugby Club OS37	Accept in principle noting that the submissions are out of scope but that the plan change is procedural flawed.

Reason

1. Mr Murdoch's submission

The submission of Mr Murdoch relates to the proposed Transitional zone that stretches from Forsyth Road down to Stewart Road on the eastern boundary of Milton, where it joins the existing Transitional zone in this area. The s42A report commented as follow on the issue:

“As the plan change documentation noted, “the last few years has seen an increase in more intensive development of existing Transitional Resource Areas and rural areas around the fringe of Milton and Tokoiti (for example, the Constitution Avenue/Highgate location in north Milton...”. Hence, it is an area that is seen as desirable to live in by residents. The plan change documentation goes on to say that “...the objective of the proposed plan change is to replace this lost residential capacity to provide for the needs of current and future generations.”

My site visit confirmed that the area already contains a degree of rural residential development. Given this, and its position adjoining the Milton urban zone, I agree that it is an appropriate location for the growth of Milton. My understanding is that the area has good roading connections and can be readily serviced if need be in the future. These factors, along with the amenity provided by the area, make it suitable of residential development.

I agree with the s42A report that *“the extension of any urban settlement will inevitably lead to an impact on the people who live on the edge of the settlement and enjoy the amenity provided by looking over rural land. That is unfortunate but cannot be helped if a town is to grow.”* Mr Murdoch suggests a number of other areas for rezoning, but the same issue would present itself in those locations. The positive circumstances for rezoning outlined in the paragraph above do not exist at Springfield Road (where Mr Murdoch suggested the zone should be) to the same degree.

However, I do note that a large area of land to the south of Springfield Road has been rezoned 'Transitional'. This area does adjoin the existing Transitional zones in the area but it is a significant area that has been rezoned and I did question whether such a large area was necessary. But in the end, I accept that it is appropriate and responsible to ensure that there is sufficient capacity available to meet demand, something that the majority of local authorities in New Zealand have not been successful at.

2. Tokomairiro Sports Ground

Three submissions were made on the Tokomairiro Sports Ground rezoning, with Mr Barry Allison appearing on behalf of the South Otago Historical. He outlined the history of the area, noting that it was gazetted for recreation reserve and had always been used for that purpose (which Mr McCabe confirmed through his research). He and his organisation were against the underlying zone being changed to Industrial and questioned the legality of the plan change documentation given the confusion in the documentation. Mr Allison noted that the plan change wording stated the zoning was to change to 'transitional' but the actual planning map identified it as 'industrial. Mr Cubitt confirmed that this did appear to be the case. In his review, Mr Cubitt stated:

"Mr Barry Allison of the South Otago Historical Society attended Day 2 of the hearing (being the 10th October 2019) to discuss the rezoning proposed for the Tokomairiro Sports Ground. Mr Allison outlined the history of the reserve and noted some anomalies with the notification of this proposed change. In particular, he highlighted the fact that the wording of the proposed change indicated the area was to change from "Rural Resource Area to Transitional Resource Area", whereas the associated planning map indicated that the area should be rezoned 'Industrial Resource Area'.

In my initial s42A report, I noted that that the South Otago Historical Society submission, along with that of Larry Frost and the Toko Rugby Club, raised a procedural issue as they were made in relation to Plan Change 41A which does not deal with this part of Milton and that the Commissioner will need to make a decision on whether to accept these submissions.

However, that may not be necessary as the Plan Change is not clear on what the proposed rezoning is of the site. While my comment that the change in the underlying zone for the reserve does not affect its current usage as a sports ground remains valid, I do not think it is appropriate that this change be pursued given the confusion around what is being proposed. Hence, by default the outcome sought by the submitters would be achieved."

After reviewing the relevant documentation, I agree with Mr Cubitt's final position on the matter. It is unclear what the objective of the plan change is in relation to this piece of land. The submissions do appear to be out of scope given they do not relate to the correct plan change. However, that does not matter here as procedurally the plan change is flawed. In

these circumstances, my view is that the current plan provisions should remain in place for this land.

3. Supporting Submissions

Anzide Properties, KiwiRail and Mr Clark support the rezoning proposals. These submissions are accepted except to the extent that the Tokomairiro Sports Ground zone remains unchanged.

Changes to Proposed Plan Change

That the proposed zone change for the Tokomairiro Sports Ground site be removed and that the operative District Plan provisions continue to apply to this land (see Appendix 3).

3.22 General – Loss of productive rural land

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Cowie, Ronald OS22.2 <i>Further submitter - Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Loss of rural, productive farmland.
Gray, Glenda OS09.1 <i>Further submitter - Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Loss of productive rural farmland with high quality soils which are a non-renewable resource due to aeons it takes these to form.
Hutton, Graham OS10.2 <i>Further submitter - Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Loss of productive, rural farmland with high quality soils which are a non-renewable resource due to aeons it takes these to form.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Gray, Glenda OS09.1 Hutton, Graham OS10.2 Cowie, Ronald OS22.2	Reject

Reason

In relation to the industrial zone proposed for the Tokomairiro Plain, the s42A report made the following comments in relation to this matter:

“All land essentially begins as ‘rural’ land until such time as communities require it for other purposes. The Tokomairiro Plain has long been earmarked for industrial development because of its locational attributes. This was highlighted in the Section 32 report with the Plan change where it stated “The site has access to both State Highway One and the railway; is flat and generally flood free; and is not near a major residential area. The site is also located within close proximity to a large forestry resource, which is evidenced by the fact that two wood processing facilities, PanPac and City Forests have set up in the northern part of this area. Calder Stewart have also established their headquarters and steel manufacturing facility at the southern end of the area while two smaller industrial activities have established near Circle Hill Road. There is unlikely to be very little land of this size available in the Clutha/Dunedin area that is zoned “Industrial”.”

The submitter is concerned with the loss of productive farmland with high quality soils. While the loss of high-quality soil from food production is an issue that Council needs to be concerned about, the Clutha District (and indeed the wider Clutha/Dunedin area) is well served with land of this nature while there is limited land with such locational attributes available for industrial use. On balance, we consider the negatives of losing this land from pastoral farming is outweighed by benefits that will accrue from developing the land for industrial purposes.

This position accords with my many years of experience in the resource management field around the South Island. The availability of land zoned industrial for land intensive industry has been in short supply in many of the Districts I have knowledge of, in particular within Dunedin City. While some land will be lost to productive rural activities, communities do need to make provision for industrial land to enable the processing and distribution of the many products produced in the rural zone. I agree with the s42A report that this particular land is ideally placed to provide for this, given its locational attributes.

With respect to the new Transitional Resource Areas identified on the north-east outskirts of Milton and at Tokoiti in the south, I have addressed that above at 3.18 and 3.21. Again, I agree with the s42A report and find that on balance, the negatives of losing this land from pastoral farming is outweighed by benefits that will accrue from developing the land for residential purposes.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

PLAN CHANGE 41and 41A: Tokomairiro Plain Industrial Resource Area

3.23 General – Retain Rezoning in its Entirety

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Anzide Properties Limited OS08.1	Support	Retain
Calder Stewart Land Holdings Limited OS13.1 and 4, OS38.1 and 2 <i>Further Submitter –</i> NZTA <i>Anzide Properties Ltd</i> <i>Pan Pac Forest Products Limited</i>	Support in part <i>Supports use of Structure Plan</i> <i>Support in part</i> <i>Support in part</i>	Supports rezoning of 330ha of land to Industrial Resource Area (Toko Plains) subject to various amendments sought. Supports use of Structure Plan. Seeks correction of section 2.1 of s32 evaluation report and PC41A zone boundary to include Allotment 75-78 Deeds Plan 121 Block VI Tokomairiro Survey District (contained within Record of Title OT252/182); and Lot 4 Deposited Plan 390540 (contained within Record of Title 363906).
Cowie, Ronald OS22.1 <i>Further Submitter –</i> <i>Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Opposes plan change in its entirety.
McElrea, Gary & Lisa OS29.1 <i>Further Submitter –</i> <i>Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Opposes PC41 rezone of land from rural to industrial & PC41A structure plan.
Bedford, Mark OS12.4 <i>Further Submitter –</i> <i>Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Area to be rezoned is approximately 5x beyond projected industrial demand and should therefore be reduced in area.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Anzide Properties Limited OS08	Accept
Calder Stewart Land Holdings Limited OS13, OS38	Accept
Cowie, Ronald OS22; McElrea, Gary & Lisa OS29; Bedford, Mark OS12	Reject

Reason

This group of submissions either support the Tokomairiro Plain Industrial rezoning or they oppose it. Mr Bedford questions the size of the area to be rezoned. The s42A report made the following comments in relation to this group of submissions:

As the Plan Change documentation highlighted, this location “has long been earmarked for industrial purposes due to its locational attributes. The site has access to both State Highway One and the railway; is flat and generally flood free; and is not near a major residential area. The site is also located within close proximity to a large forestry resource, which is evidenced by the fact that two wood processing facilities, PanPac and previously City Forests have set up in the northern part of this area. Calder Stewart have also established their headquarters and steel manufacturing facility at the southern end of the area while a smaller industrial activity has established near Circle Hill Road.”

Another key factor is that the land subject to the plan change is, for the most part, owned by one entity. Given the size of the area, this is relatively unusual but is significant because it will enable the development of the zone to be co-ordinated and integrated, particularly in relation the sustainable provision of roading, stormwater detention and other infrastructure. The Structure Plan provides for the development to be staged, allowing for the sustainable provision of this infrastructure.

The submission of Mark Bedford raises the size of the area to be rezoned. On the face of it, when the Rationale report is considered, the area to be rezoned does seem excessive. However, it is anticipated that this area will not only serve the Clutha District but will serve the wider Dunedin and Otago region, given it has direct access to both the State Highway and the main trunk railway line. These attributes are likely to be attractive to Port Otago (as an inland port) and transport/distribution-based industry that serve the wider region. Not only do these industries require safe and efficient connection to the transportation network, they also require relatively extensive areas of land.

An extensive land area will also assist with managing the effects of developing the area for industrial as follows:

- *It will enable the onsite stormwater and flood hazard risk management identified in the Milton 2060 Strategy to be appropriately managed;*
- *It will enable significant landscaping opportunities on the boundary and within the zone, thereby providing adequate screening of development within the zone.*
- *It will enable the provision of open space within the zone, thereby providing for internal amenity and also reducing the dominance of the built development within the zone.*
- *It will enable the provision of greater setback distances between the proposed industrial activity areas and surrounding properties, should this be necessary.*
- *It will ensure there is sufficient room to establish the necessary roading and infrastructure networks required to service the area, along with any rail sidings that may be necessary.*

The plan change area covers an area of approximately 289ha but will only yield around 150ha of land for industrial development once provision has been made for the matters listed above.

Our understanding is that there is very little land of this size available in the Clutha/Dunedin area that is zoned "Industrial" and which has the strategic transportation connections available here. In our view, the location and size of site is ideally suited to cater for both the short and long-term industrial needs of both the Clutha District and the wider region."

I note the planning evidence of Mr Bryce in support Calder Stewart (and also Anzide and Pan Pac) was in agreement with the reporting officers' comments on this matter, advising that to his knowledge, there are very few areas of existing industrial zoned land either in Dunedin or the Clutha District that can accommodate larger scale development. He went on to give examples of industries that need large areas of land, highlighting the already established activities within the zone. In his experience, it would not be uncommon for some industrial activities, such as container/log storage areas, to need in excess of 30 hectares to accommodate their activities efficiently. Mr Bryce considered it a major advantage that the majority of the undeveloped land is under the control of a signal entity as that will ensure the land is developed efficiently, in an integrated and logical manner.

As I stated in Decision 3.22 above, my experience around the availability of land zoned for large, land intensive industry is in short supply in many of the Districts I have knowledge of. This includes Dunedin City. As I have said before in previous decisions, I agree with the s42A report that this particular land is ideally placed to provide for land intensive industry, given its locational attributes. In my view, the proposal shows great foresight as I envisage that this development will be of significant strategic importance to the Otago region in years to come.

I note that the Calder Stewart submission highlights an omission in the plan change documentation. The linkage between the zone and North branch Road was inadvertently omitted from the documentation. This has been rectified.

Changes to Proposed Plan Change

Amend s32 report and relevant PC 41A planning map to include Allotment 75-78 Deeds Plan 121 Block VI Tokomairiro Survey District (contained within Record of Title OT252/182); and Lot 4 Deposited Plan 390540 (contained within Record of Title 363906) within PC41A.

2.24 General – Alternative Locations

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Bedford, Wendy OS02.4 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Consideration of alternative locations away from main access routes to our main settlements and towns
Department of Corrections OS14.1 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose (in part) <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Seeks alternative location for industrial park and retention of Rural Resource Area zoning
McElrea, Barbara OS28.4 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Insufficient consideration of alternative locations which do not affect rural productive land and existing residential activity. Seeks an alternative location for the industrial zone.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Bedford, Wendy OS02.4; Department of Corrections OS14.1; McElrea, Barbara OS28.4	Reject

Reason

As set out in Decision 3.23 above, this site has been earmarked for Industrial development for some time now due to its locational attributes. The s42A report advised that *“No other sites investigated have the attributes of this site. Other areas within Milton itself (in particular, Tower Road and Lowery Street) have been considered but were discounted due to flooding issues; proximity to residential development; and the over allocation of the Milton airshed.”* The s42A report went on further to say that *“the Clutha District is not considered to have a shortfall in productive farm land so removing this site from that use will have limited impact of rural productivity.”*

My review of the process to date confirms that this particular area has been earmarked for industrial development for some time and has already attracted a number of industries. I am aware that other locations have been investigated and to my knowledge, none of those sites retain the attributes of this location.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

3.25 General – Release of More Residential Land to match Industrial Development

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
McElrea, Rob & Kath OS31.1	Oppose	Milton requires release of residential land to match industrial development.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
McElrea, Rob & Kath OS31.1	Accept in part through adopting the Transitional rezoning proposed by Plan Change 41.

Reason

As the s42A report noted, a large area of rural land that adjoins the eastern boundary of Milton has been rezoned ‘Transitional’ by Plan Change 41. The new zoning stretches from Forsyth Road north of Milton, south to Springfield Road and Tokoitī. The ‘Transitional Resource Area’ essentially enables large lot residential development without the need to connect to Councils reticulated services. However, more intensive residential development can occur where that development is connected to Councils reticulated services.

I agree with the 242A report that this rezoning will give effect to the request of the submitter.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

3.26 General – Buffer zones and Reverse Sensitivity

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Bedford, Mark OS12.1 OS12.3 OS12.5</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Seeks the provision of a buffer zone between Industrial zone and Milburn settlement zone.</p> <p>Zone change contradicts Policy IND.5(a): “compatibility with neighbouring activities/ Resource Areas”. Department of Corrections appear to support either locating industrial activity elsewhere or having a buffer zone.</p> <p>Reverse sensitivity effects.</p>
<p>Bedford, Wendy OS02.5</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Incompatibility of industrial activity with existing residential activity.</p>
<p>Black, Gilbert & Judith OS21.2</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects</i></p>	<p>Suggests use of buffer zone, screening and performance standard controls to address visual issues etc.</p>
<p>Brown, Alan John OS39.2</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p>	<p>Suggests use of buffer zone, screening and performance standard controls to address visual issues etc.</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<i>Pan Pac Forest Products Limited</i>	<i>Oppose in part. Allow for further mitigation of visual effects.</i> <i>Oppose in part. Allow for further mitigation of visual effects</i>	
Department of Corrections OS41.2 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose (in part) <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Concerned about reverse sensitivity issues arising.
Federated Farmers of NZ OS24.4 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Neutral <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Seeks rules to manage reverse sensitivity effects (including no-complaint covenant).
Flannery, Bernard & Christine <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose in part. Allow for further mitigation of visual effects.</i> <i>Oppose in part. Allow for further mitigation of visual effects.</i>	Suggests use of buffer zone, screening and performance standard controls to address visual issues etc.
McElrea, Rob & Kath OS.6 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Reverse sensitivity effects
Thomas, Mark & Penny OS03.1, OS03.4	Oppose	Concerned with the management of health and safety of nearby residents, stock and vegetation.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<i>Further Submitter – Anzide Properties Ltd</i>	<i>Oppose</i>	Seeks to ensure there are no adverse effects from rezoning on existing properties.
<i>Calder Stewart Land Holdings Limited</i>	<i>Oppose</i>	
<i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>	

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Bedford, Mark OS12.1, OS12.3, OS12.5	Reject
Bedford, Wendy OS02.5	Reject
Black, Gilbert & Judith OS21.2	Reject
Brown, Alan John OS39.2	Reject
Department of Corrections OS41.2	Reject
Federated Farmers of NZ OS24.4	Reject
Flannery, Bernard & Christine	Reject
McElrea, Rob & Kath OS.6	Reject
Thomas, Mark & Penny OS03.1, OS03.4	Reject

Reason

This group of submitters raises concerns about reverse sensitivity, with many of them suggesting the use of buffer zones to deal with the issue. The s42A report helpfully set out what reverse sensitivity means:

“Reverse sensitivity arises when an established use creates adverse effects that do not constitute a nuisance given the current state of neighbouring land. However, if the neighbouring land is put to a proposed new use, then the effects of the activity will constitute an actionable nuisance. Future residents may complain about the effects-creating use and this may result in restrictions being placed on the activity or it may lead to the closure of the activity. Therefore, reverse sensitivity can be regarded as the ‘legal vulnerability of an established activity to complaint from new land use’.”

The s42A report did not think that this situation would occur here as the proposed industrial uses will not be sensitive to the what is currently occurring in the environment and what can occur as of right. The report went on to note that *“reverse sensitivity is generally a matter for consideration between activities within a zone, rather than between zones. An area of land is*

zoned for a specific purpose because it has attributes that suit that purpose. As we have highlighted 3.23.1, this area is considered to have attributes ideally suited to industrial development.”

The report then addressed Mark Bedford’s submission in relation to Policy.IND.5(a), which requires the Structure Plan to locate activities having regard to their effect on neighbouring activities and Resource Areas (zones). The s42A report highlighted the fact that the Plan Change documentation considered the location “*suitable because it was not near a large residential area*” and that “*the Structure Plan has identified two different areas based on a maximum height limit. The lower height of 16m adjoins the areas of settlement that adjoin the site and the State Highway while the 25m height area is restricted to an area on the western boundary (adjoining the railway line), which is reasonably well separated from development.*”

I agree with the s42A report that this approach is in accordance with the direction of the Policy IND.5. The report noted that “*the zone is to be developed in accordance with a Structure Plan that provides for the appropriate mitigation of effects that may impact on properties that adjoin the site, including visual effects. This is in addition to the existing controls in the District Plan.*” That Structure Plan requires landscaping around much of the edge of the zone, which has been strengthened through the post hearing causing process (see Decision 3.27 below). Furthermore, much of the land within the zone is separated from adjoining properties by the State Highway and the railway line.

As a consequence, I agree that further buffer zones are not considered necessary with the exception of a buffer to those existing residential properties highlighted by the s42A Report and addressed by Mr Bryce for Calder Stewart at the hearing. I am satisfied that the buffer zone created by the Rule proposed by Calder Stewart will adequately address amenity effects on these boundaries.

With respect to the Department of Corrections concern regarding reverse sensitivity, I note the correctional facility is over 200m from the State Highway so is very unlikely to be impacted on by any activities within the Industrial zone. In terms of the potential for sensitive activities to establish within the zone, I would expect them to be more affected by the activities occurring within the zone itself (and will therefore be designed accordingly) than anything the correctional facility may do.

Changes to Proposed Plan Change

Add the following to Rule IND4.1(b):

(b) Rear and side yards of 4.5 metres shall be provided where a site adjoins any Urban, Transitional or Rural Settlement Resource Area without intervention of a road *except that within the Industrial Resource Area (Toko Plains) Structure Plan, where the site of a building adjoins the site of a residential activity that existed at the time that the Industrial Resource Area (Toko Plains) was made operative (date x), the bulk and location requirements of this building shall provide for the following:*

(i) *Be set back a minimum distance of 10 metres from the common boundary with the*

adjoining residential property;

- (ii) The maximum height shall be determined by an inclined plane which originates from 3.5 metres at any point on the common boundary of the residential property and then slopes upwards at an angle of 25 degrees to the horizontal into the adjoining Industrial Resource Area (Toko Plains) zoned property;
- (iii) A landscape buffer zone of 10 metres shall be planted within the 10 metre space identified in (a) in order to screen / soften the visual effects of industrial activities and shall be implemented before occupation of the adjoining industrial building.

This rule shall also apply to the storage of outdoor containers.

For the purpose of this rule chimneys and stacks with a diameter of 2.5 metres or less are exempt from this height restriction.

For the purposes of this rule, where it can be demonstrated that the residential use of the residential property has ceased and the property is no longer being utilised for residential occupation and use, this rule shall not apply.

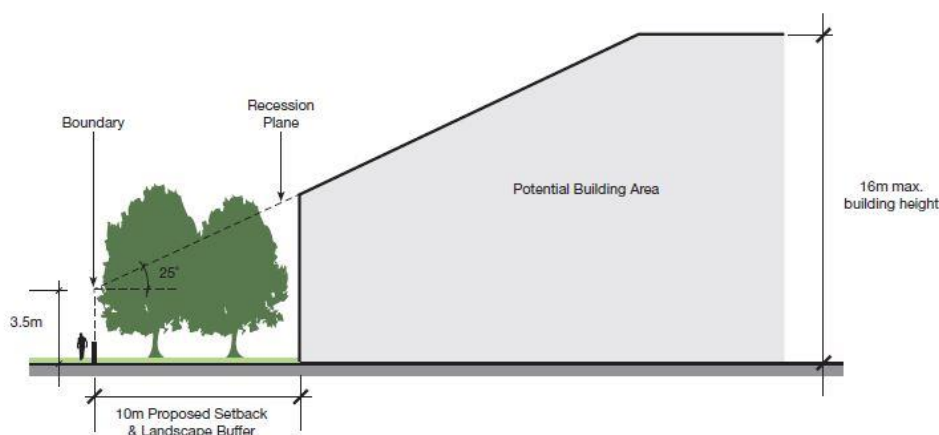


Figure 23 – Height Recession Line and Landscape Buffer to Support RuleIND.4.1(f)

3.27 General – Loss of Rural Amenity and Visual Amenity Effects

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Bedford, Wendy OS02.1, OS02.2, OS02.3, OS02.6	Oppose	Loss of rural amenity particularly on approach to Clutha.
<i>Further Submitter – Anzide Properties Ltd</i>	<i>Oppose</i>	Visual effects – industrial areas are ugly – necessary for providing work and income but not places people want to live, stay or stop for a cuppa – people go to industrial areas because they are paid to be on-site.
<i>Calder Stewart Land Holdings Limited</i>	<i>Oppose in part. Allow for further mitigation of visual effects.</i>	Value placed on visual impact of our towns, settlements and landscapes.
<i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>	Adverse effects of amenity and visual.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Black, Gilbert & Judith OS21.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects</i></p>	<p>Concerned about visual impact and amenity values. Suggests use of buffer zone, screening and performance standard controls to address visual issues etc.</p>
<p>Brown, Alan John OS39.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects</i></p>	<p>Concerned about visual impact and amenity values. Suggests use of buffer zone, screening and performance standard controls to address visual issues etc.</p>
<p>Crowther, David OS40.5</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>Effects on visual amenity.</p>
<p>Flannery, Bernard & Christine OS25.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p>	<p>Concerned about visual impact and amenity values. Suggests use of buffer zone, screening and performance standard controls to address visual issues etc.</p>
<p>Gray, Glenda OS09.2</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>The plan change will result in cumulative effects that are more than minor with respect to open space amenity</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<i>Pan Pac Forest Products Limited</i>		
<p>Hutton, Graham OS10.41.3</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>The plan change will result in cumulative effects that are more than minor with respect to open space amenity</p>
<p>Kalb, Peter & Ainslie OS26.4, OS26.5 and OS26.7</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>Visual effects of 25m buildings & no height limit for stacked containers particularly because it will take 20-30 years for trees to provide effective screening...Maximum height limit of 10m for buildings.</p> <p>Concern regarding installation of additional water treatment plant. Screening of existing water treatment plant is ineffective.</p>
<p>McElrea, Anna OS27.6</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>Visual impact and inadequacy of proposed screenings.</p>
<p>McElrea, Barbara OS28.1 and 3</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>Loss of rural amenity values and adverse visual impacts</p>
<p>McElrea, Gary & Lisa OS29.8</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p>	<p>Oppose</p> <p><i>Oppose</i></p>	<p>Concerns about the nature, scale and intensity of industrial activities including 25m building height all of which will have a negative impact on rural character and amenity values as well as visual effects. The significant visual effects from Finch</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>Road have not been addressed.</p> <p>Seeks screen planting along railway line.</p>
<p>McElrea, Richard OS23.7</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>Significant adverse visual effects. Seeks additional screening from plantings.</p>
<p>McElrea, Rob & Kath OS31.4</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>Visual effects. No screening of development from Finch Road</p>
<p>Ritchie, Ian & Wendy OS34.3,4 and 5.</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	<p>Visual effects particularly ability of mitigation planting to be effective – buildings will be put up quicker than the plantings can grow tall enough to screen buildings.</p> <p>Loss of rural amenity.</p> <p>Concern that plan change will not adequately govern scale and intensity of future industrial activity changes in scale and intensity.</p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Bedford, Wendy OS02.1, OS02.2, OS02.3, OS02.6	Accept in part
Black, Gilbert & Judith OS21.1	Accept in part
Brown, Alan John OS39.1	Accept in part
Crowther, David OS40.5	Accept in part

Flannery, Bernard & Christine OS25.1	Accept in part
Gray, Glenda OS09.2	Accept in part
Hutton, Graham OS10.41.3	Accept in part
Kalb, Peter & Ainslie OS26.4, OS26.5 and OS26.7	Accept in part
McElrea, Anna OS27.6	Accept in part
McElrea, Barbara OS28.1 and 3	Accept in part
McElrea, Gary & Lisa OS29.6 and 8	Accept in part
McElrea, Richard OS23.7	Accept in part
McElrea, Rob & Kath OS31.4	Accept in part
Ritchie, Ian & Wendy OS34.3,4 and 5.	Accept in part

Reason

One of the key concerns raised by submitters revolved around the visual impact of the rezoning. That is not surprising given the rezoning will obviously facilitate a complete change of character for this area. That is the inevitable consequence of rezoning the land 'Industrial'. The 'Structure Plan' has been developed to deal with the change that will occur and contains provision for significant landscaping. But I agree with the s42A report that it would be impractical to attempt to completely screened the entire site and do not think the change in landscape/amenity is significant enough to override the benefits of what is proposed.

This group of submitters raised a number of issues in relation to visual amenity values. This included the following matters:

- Loss of rural amenity and open space
- Adverse visual impact
- Lack of screening from Finch Road
- Ineffectiveness of screening proposed
- Use of buffer zones.

The further submission of Calder Stewart has also recognised this issue and they engaged an independent landscape architect that supported the need for additional landscape mitigation to be identified along the western boundary of the plan change boundary and northern boundary to mitigate the visual effects of future industrial activity. Council also commissioned the landscape architect, Ms Renee Davies, who provided the original technical landscape input to the structure plan process, to assess the submissions received and provide any recommendations necessary to address the concerns raised. Ms Davies also recommended a number of changes to the structure plan.

While there were a number of matters that Mr Moore and Ms Davies did not agree on, there was enough common ground for me to direct that Mr Moore and Ms Davies caucus in an attempt to achieve agreement on issues of contention. The results of that conferencing are attached as Appendix 4 and are not repeated here. I also directed that Mr. Bryce for Calder

Stewart, Anzide and Pan Pac, and Mr Cubitt for the Council to caucus on any planning provisions/ amendments to the Plan Change that may be needed as a result of any agreement between Mr. Moore and Ms. Davies. The result of these discussions (with the exception of the comment from the landscape architects on large scale specimen trees) is also attached at Appendix 4 and again, are not repeated here.

The upshot is that I have reviewed both JWS's and the changes proposed by the planners to address the concerns raised by submitters. I am satisfied that what has been proposed in the Planners JWS will appropriately address those concerns while ensuring the viability of the zone is not compromised. I have also accepted Mr Bryce's submission that it is necessary to build into Rule IND.3(f) the need for an exemption for situations where gaps in the western boundary landscape strip may be needed for siding access requirements or to provide for the safe and efficient operation of existing road and rail networks.

In relation to the issue that the Planners raised regarding the percentage of larger species necessary to assist with integrating future industrial development, the landscape architects responded as follows:

"In response to the hearing commissioner's minute 3, we respond as follows:

We understand that the issue identified is that the Landscape JWS (and the proposed design guide) does not discuss or provide further guidance on what percentage of landscaping would need to be provided at 'large scale'.

We believe that there is a misunderstanding about what is meant by 'large scale specimen tree'. Our use of the term in the design guide refers to the final scale of the trees, not the grade at planting. Our evidence is that the percentage of large scale specimen trees that is appropriate in planting plans will vary with the particular situation and should be guided by the objectives outlined in Rules IND 4.1.6 and SUB.4 rather than a generic number. We note too, that given the potential scale of buildings in this area, the growth rates of trees is likely to be significantly more important in mitigating managing amenity effects than initial size at the time of planting.

We acknowledge that the design guide does not specify the grade of trees at the time of planting but this is not considered an issue in that Rules IND4.1.6 (viii) and SUB.4 (viii) require landscape plans that specify plant size at time of planting. We consider that the appropriateness of the proposed plant grades can and should be assessed at that time in the context of the particular site and development. We assume that the reviewing Council Officer can refuse to approve the plan if grades are considered inadequate.

If however, it is considered that minimum grades should be included in the design guide, we recommend as follows:

- New Zealand native tree species – Pb5 or equivalent

- Eucalyptus species – 15 – 20cm root trainer
- Poplar species – bare rooted
- Other exotic tree species – 35L / 2.5m height
- Native and exotic shrub and groundcover species – Pb3 or equivalent

We trust that we have addressed the issue sufficiently.”

Having considered the landscape architects response, I consider that a degree of flexibility should be maintained around this issue. Hence, I agree that this issue does not need to be defined in the Design Guideline.

Changes to Proposed Plan Change

(a) Amend Rule IND 4.1.6 as follows:

“All sites, including within the Industrial Resource Area (Toko Plains), adjoining public roads, reserves or other public land, or adjacent resource areas shall be landscaped to mitigate any adverse visual effects of industrial activities from these places ~~screened from the view of those sites.~~ Such landscaping screening shall be designed and implemented ~~erected or planted~~ to a suitable height and density so as to mitigate the visual dominance of future industrial development and the adverse visual and amenity effects that have the potential to occur and shall not impede visibility on adjacent roads. Any such landscaping screening shall be appropriately maintained.

In the Industrial Resource Area (Toko Plains), all landscaping shall be designed in accordance with the following design principles and outcomes:

(i) Landscaping and any associated mounding shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;

(ii) Where adjacent to rural zoned land, integrate the industrial zone with the surrounding rural character;

(iii) Enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) in order to complement future industrial activities; ~~to facilitate a high quality industrial landscape;~~

(iv) Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;

(v) The green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;

(vi) Where appropriate, plantings shall seek to enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate).

(vii) Plantings and other landscape treatments are to be appropriate to their intended mitigating function and specific situation. Further detail on appropriate landscape approaches plant species and mounding design is provided in the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines; ~~Planting shall be undertaken using the range of species identified in Table 1 attached at page X;~~

(viii) All development stages shall be underpinned with a landscape plan that is informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;

(ix) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme) and must provide for replacement and successful establishment of plants that die or fail to thrive.

(x) All landscaping shall be implemented prior to occupation of the development or where completion of the development occurs outside of a planting season then landscaping shall be undertaken within the first planting season following.

(xi) For the purposes of the 10-metre landscape strip fronting the property legally described as Section 1 SO 465421 and Lot 2 DP 23974 and identified within the Industrial Structure Plan, the landscaping strip shall comprise a minimum landscaping strip of 4.5 metres from the front State Highway boundary with associated naturalised mounding. Note: For the purposes of this rule, mounding may extend outside of this 10-metre landscape strip and naturalised mounding is encouraged along the State Highway frontage.

Documentation requirements

(i) All development stages shall be underpinned with a landscape plan informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines that spatially identifies areas to be planted and/or mounded. Details are required as to plant species, plant sourcing, plant sizes at the time of planting, plant locations, density of planting, and timing of planting; and

(ii) A documented programme of establishment and post establishment protection and maintenance is required addressing such matters as site preparation, fertilizing, watering, weed control, control of pest animals, replacement of dead or non-thriving plants and the length of the maintenance period. The proposed maintenance programme must provide for replacement and successful establishment of plants that die or fail to thrive.

(b) Amend Rule SUB.4 as follows:

D. Matters Specific to the Industrial Resource Area (Toko Plains)

1. Any subdivision of land contained within the Industrial Resource Area (Toko Plains) shall be supported with a comprehensive landscape plan that seeks to mitigate any adverse visual effects of industrial development over the proposed lots being created and provides for a high quality industrial landscape. Council's control shall be limited to the following considerations:

(i) Landscaping shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;

- (ii) Where adjacent to rural zoned land, the degree to which landscaping will integrate the industrial zone with the surrounding rural character;
- (iii) Enhance the internal visual amenity of the Industrial Resource Area (Tokomairiro Plains) and provides for a high quality industrial landscape in order to complement future industrial activities.
- (iv) Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;
- (v) The green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;
- (vi) The degree to which landscaping will enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate);
- (vii) Planting shall be informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines. attached at page X.;
- (viii) All development stages shall be underpinned with a landscape plan that is informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;
- (ix) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme) and must provide for replacement and successful establishment of plants that die or fail to thrive.
- (x) All landscaping shall be implemented prior to certification under section 224C of the Resource Management Act, where planting occurs within a planting season or alternatively within the first planting season following section 224C approval where this extends outside of a planting season.

(c) Adopt the 'Tokomairiro Plains Industrial Zone Landscape Design Guidelines' dated November 2019 as attached to the Joint Witness Statement of the Landscape Architects, modified as follows:

- (a) Page 5 (iii) amend reference to 'facilitate a high-quality industrial landscape' to 'complement future industrial activities'.
- (b) Page 10 and 11 roading design responses: retain option B only but remove turning median and parking identified, and show the roading corridor at the minimum Clutha District Council Industrial road width standard. Amend the reference to '5.0 landscape strip' fronting the development to 'Indicative Landscape Strip'
- (c) Pages 12-14 and 19: delete the landscape area identified in the 'private space' from Figures 10, 11, 12 and 17.

(d) Page 15 – Figure 13 should be retitled ‘Figure 13: 20m Western Boundary – Adjoining Large Format Area’.

(e) Page 16 – Figure 14 should be retitled ‘Figure 14 – 10m Western Boundary for 16 metre height area up to Limeworks Road (and excluding Pan Pac site legally described as Section 1 SO 465421 and Lot 2 DP 23974)’.

(d) That the Structure Plan is amended to incorporate the following landscaping strips:

- That a Landscape Strip of 20m in width shall be provided along the Western Boundary of the zone where this adjoins the Large Format Area.
- That a Landscape Strip of 10m in width shall be provided along the Western Boundary south of Limeworks Road where this adjoins that part of Industrial Resource Area that has a 16m height maximum.

Note: No Landscape Strip shall be shown along the Western Boundary north of Limeworks Road (Pan Pac’s land) or within the central spine access road.

(e) Amend Rule IND 3 as follows:

(f) Activities or development that are not in general accordance with the Structure Plan for the Industrial Resource Area (Toko Plains).

Note: For the purposes of Rule (f), the following activities and amendments do not constitute a breach of the Industrial Resource Area (Toko Plains) Structure Plan:

- *movement of the central spine road identified within the Industrial Resource Area (Toko Plains) Structure Plan by 25 metres in an eastern or western direction;*
- *the provisions for breaks in the western boundary landscape strip in order to accommodate entry and egress of rail sidings into and out of the Industrial Resource Area (Toko Plains) or where landscaping is required to be reduced in order to achieve the safe and efficient operation of existing road and rail networks.*

3.28 General – Stormwater Management

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Bedford, Mark OS12 <i>Further submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> Pan Pac Forest Products Limited	Oppose <i>Oppose</i> <i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i> <i>Oppose</i>	Effects on drainage systems from new development as there are existing stormwater ponding during high rainfall events due to existing changes to drainage systems.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Black, Gilbert & Judith OS21.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Concerned about stormwater management.</p>
<p>Brown, Alan John OS39.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Concerned about stormwater management.</p>
<p>Cowie, Ronald OS22.4</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Impermeable surfaces and stormwater management.</p>
<p>Crowther, David OS40.3</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Flooding risk and storm water management.</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Flannery, Bernard & Christine OS25.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Concerned about stormwater management.</p>
<p>Kalb, Peter & Ainslie OS26.2</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose in part</i></p>	<p>Whether proposed stormwater management will be effective.</p>
<p>McElrea, Anna OS27.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Stormwater management: concerned regarding potential change in hydrology during flood events including capacity of existing infrastructure.</p>
<p>McElrea, Gary & Lisa OS29.2,3,4 and 5.</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p>	<p>Proposed 85% impermeable surfaces & stormwater management will have major impact on their farming operation due to diversion of water from drains G1 & G11 into G9 which runs through their farm. This will change the flood flow from 2m³/sec to 17m³/sec.</p> <p>Risk of pollutants entering the waterways via the stormwater system.</p> <p>Require further evidence that stormwater management components (e.g. detentions basins</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p><i>Pan Pac Forest Products Limited</i></p>	<p><i>Oppose</i></p>	<p>and culverts) will be designed to accommodate high flow events and allow gradual release after peak flows so as not to cause damage to their property and others in area 1A and also in a way which does not prolong flood events.</p> <p>Seeks assurances regarding maintenance of existing and proposed stormwater infrastructure.</p>
<p>McElrea, John OS30.3</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Stormwater management and maintenance. Seeks upgrade of the many culverts in the main ditch to take the extra flow from development to Gorge Creek.</p>
<p>McElrea, Richard OS23.1, 2 and 3</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Concerned over increase in flood flow from 2m3 to 17m3 from development. Photos of flood from November 2018 flood event.</p> <p>On-going maintenance of drainage system, particularly Drain G9 – needs to be maintained to adequate standard.</p> <p>Seeks further hydrological investigation and analysis. Potential to prolong flooding event depending on timing of release of stormwater from development.</p>
<p>McElrea, Rob and Kath OS31.2</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Concerned about stormwater management and the potential to prolong flood events, changes to drainage patterns and ongoing maintenance of stormwater management systems.</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Otago Regional Council OS19.1 and OS32.3</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Supports (in part)</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Supports submission point 1 and opposes submission point 3</i></p>	<p>Seeks that future activities in newly zoned low-lying areas do not exacerbate flood hazard.</p> <p>Seeks to ensure plan provisions provide good control over stormwater management and water quality.</p>
<p>Thomas, Mark & Penny OS03.3</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose in part. Allow for further amendments to Rule SUB.4.A.3 and any other relevant provisions overlapping with stormwater and flooding controls.</i></p> <p><i>Oppose</i></p>	<p>Seeks sufficient stormwater management/drainage to ensure no flooding of existing properties.</p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Black, Gilbert & Judith OS21.1	Reject
Brown, Alan John OS39.1	Reject
Cowie, Ronald OS22.4	Reject
Crowther, David OS40.3	Reject
Flannery, Bernard & Christine OS25.1	Reject
Kalb, Peter & Ainslie OS26.2	Reject
McElrea, Anna OS27.1	Reject
McElrea, Gary & Lisa OS29.2,3,4 and 5.	Reject
McElrea, John OS30.3	Reject
McElrea, Richard OS23.1, 2 and 3	Reject

McElrea, Rob and Kath OS31.2	Reject
Otago Regional Council OS19.1 and OS32.3	Accept
Thomas, Mark & Penny OS03.3	Reject

Reason

Given flood history in this catchment, many submitters were concerned with how the development of the site for industrial purposes would impact on the behaviour of stormwater across the site and how it would affect their properties. Mr Cowie addressed the hearing on this issue and gave a number of examples where previous development in the area had impacted on natural drainage systems and affected neighbouring properties. He was very concerned with the downstream effects on his neighbours, the McElrea's, and wanted some clarification around how the current drainage system in the area was going to be affected by the development of the site.

In reviewing the plan change documentation, it was clear to me that Council was aware of the implications of developing the area for industrial purposes having recently changed the District Plan to reflect and respond to the recent Milton 2060 Flood Risk Management Strategy document that applies to the area. That document was developed to guide the nature and extent of land use development in the area, and to ensure that flood risk does not increase. As the s42A report noted, Council commissioned specialists reports from Block Seven Consultancy and Fluent Solutions to ensure stormwater could be managed appropriately.

The executive summary of the Block Seven report advised that the *“area generally has a low risk associated with flooding, as it lies at a slightly higher elevation than more flood prone areas to the southwest. A number of important floodway corridors do cross this part of the floodplain however, and water level in these channels can rise very quickly during heavy rainfall events.”* The report made a series of recommendations on how a positive flood risk outcome can be achieved through the development of the site. The structure plan approach to managing stormwater proposed by Fluent Solutions was considered practical by Block Seven. The stormwater management system is to be implemented prior to any development occurring on the site.

Despite these reports, a number of submissions questioned the approach to stormwater management. Council commissioned Fluent Solutions to review and analysis these submissions. They concluded that:

The development of the Stormwater Management Structure Plan concept presented in the FS Review used a stormwater modelling approach that would identify primary flow magnitudes. A more detailed approach to flood assessment and design should be applied for the subsequent stages of developing solutions within the Structure Plan.

Sufficient understanding exists that the Structure Plan can be developed and implemented within the resource consent and approval processes that are required by the Otago Regional Council and CDC.

Mr O’Neil was commissioned by Calder Stewart to peer review the technical material relating to stormwater management and he addressed that at the hearing. His review found that the methodology and assumptions used by Fluent Solutions to calculate runoff were consistent with good practice and appropriate for the estimation of runoff from the contributing area. Mr O’Neil did find some issues in respect to the approach that was followed for sizing the storage basins. In his opinion, the storage locations and relative areas indicated for stormwater detention within the Structure Plan will potentially change following a more detailed hydraulic assessment of the proposed development. Mr Bryce presented planning evidence on this and suggested a number of amendments to the Rule IND.3 that provide the flexibility necessary to accommodate any changes in design as the result of the detailed hydraulic assessment. He also suggested some amendments to Rule SUB.4A to provide better clarity around the requirements of the stormwater management plan.

On the basis of Fluent’s report and Mr O’Neil’s evidence, I am satisfied that there is scope to adequately deal with stormwater under the existing structure plan. The finer details of how that will occur, will come through the resource consent processes needed in the future to implement the structure plan. However, I do accept Mr Bryce evidence that flexibility should be maintained in respect of the location and size of the detention ponds and I have accepted the amendments he has proposed accordingly.

Changes to Proposed Plan Change

(a) Amend Rule IND 3 as follows.

(f) Activities or development that are not in general accordance with the Structure Plan for the Industrial Resource Area (Toko Plains).

Note: For the purposes of Rule (f), the following activities and amendments do not constitute a breach of the Industrial Resource Area (Toko Plains) Structure Plan:

- *movement of the central spine road identified within the Industrial Resource Area (Toko Plains) Structure Plan by 25 metres in an eastern or western direction;*
- *resizing and the provision of additional dry and wet detention ponds;*

(b) Amend Rule SUB.4A as follows:

“3. Drainage Systems

Where significant drainage systems are located within the land to be subdivided, or the site is located within the area provided for by the “Milton 2060 strategy: A Flood Risk Management Strategy for Milton and the Tokomairiro Plain”), a structure plan shall be prepared that sets out the measures to be put in place that ensure the efficiency of the drainage system and its associated overland flow paths are not compromised by the subdivision design and any subsequent development.

Such structure plans shall provide for the following:

- A subdivision design that recognises and protects the integrity of the drainage system.
- Measures that ensure any subsequent development does not accelerate worsen or significantly change the pattern of the existing overland flows. Such measures may include the control of earthworks within the subdivision; the design and orientation of fences, retaining walls; the location and orientation of dwellings and ancillary buildings; the location and orientation of infrastructure, including roading and reserves.
- On-site stormwater management systems (retention/detention and secondary flow paths) that are designed for a 1 in 100 years average recurrence interval event. Stormwater retention/detention measures shall be provided on-site as part of the overall development.
- A rate of stormwater discharge that remains equal to or less than that of the predevelopment up to the 1 in 100 years average recurrence interval event.
- The integration of infrastructure, including roading and reserves, with the stormwater management systems.
- ~~In the case of the Industrial Resource Area (Toko Plains)~~ Any subdivision within the Industrial Resource Area (Toko Plains) shall be supported by a Stormwater Management Structure Plan relevant to the area being subdivided and relevant for all areas identified in the Industrial Resource Area (Toko Plains) annotated structure plan and shall provide for those matters set out above”

3.29 General – Loss of productive rural land

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Cowie, Ronald OS22.2 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Loss of rural productive farmland.
Federated Farmers of NZ OS24.2 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Neutral <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Identifies a lack of high-quality farmland

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Gray, Glenda OS09.1 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Loss of productive, rural, farm land with high quality soils which are a non-renewable resource due to aeons it takes these to form.
Hutton, Graham OS10.2 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Loss of productive, rural, farm land with high quality soils which are a non-renewable resource due to aeons it takes these to form.
McElrea, Barbara OS28.1 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Loss of rural productive farmland.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Cowie, Ronald OS22.2	Reject
Federated Farmers of NZ OS24.2	Reject
Gray, Glenda OS09	Reject
Hutton, Graham OS10	Reject
McElrea, Barbara OS28.1	Reject

Reason

The s42A report made the following comments in relation to this matter:

“All land essentially begins as ‘rural’ land until such time as communities require it for other purposes. The Tokomairiro Plain has long been earmarked for industrial development because of its locational attributes. This was highlighted in the

Section 32 report with the Plan change where it stated “The site has access to both State Highway One and the railway; is flat and generally flood free; and is not near a major residential area. The site is also located within close proximity to a large forestry resource, which is evidenced by the fact that two wood processing facilities, PanPac and City Forests have set up in the northern part of this area. Calder Stewart have also established their headquarters and steel manufacturing facility at the southern end of the area while two smaller industrial activities have established near Circle Hill Road. There is unlikely to be very little land of this size available in the Clutha/Dunedin area that is zoned “Industrial”.”

The submitter is concerned with the loss of productive farmland with high quality soils. While the loss of high-quality soil from food production is an issue that Council needs to be concerned about, the Clutha District (and indeed the wider Clutha/Dunedin area) is well served with land of this nature while there is limited land with such locational attributes available for industrial use. On balance, we consider the negatives of losing this land from pastoral farming is outweighed by benefits that will accrue from developing the land for industrial purposes.

As I have stated in previous decisions, this position accords with my many years of experience in the resource management field around the South Island. The availability of land zoned for land intensive industry has been in short supply in many of the Districts I have knowledge of. This particularly so within Dunedin City. While some land will be lost to productive rural activities, communities do need to make provision for industrial land to enable the processing and distribution of the many products produced in the rural zone. I agree with the s42A report that this particular land is ideally placed to provide for this, given its locational attributes.

The s42A report also highlighted the Calder Stewart further submission which addressed the provisions of the Regional Policy statement. Their submission noted that:

*“Although the proposed structure plan will convert farmland to industrial land, this is considered to be acceptable, as it is consistent with the Partially Operative Regional Policy Statement for Otago 2019 (PORPS). Objective 5.3 of the PORPS seeks to ensure sufficient land is managed and protected for economic production. Supporting Policy 5.3.3 of the PORPS relates to industrial land, and seeks to manage the finite nature of land suitable and available for industrial activities, by providing specific areas to accommodate the effects of industrial activities; providing a range of land suitable for different industrial activities, **including land-extensive activities**; and restricting the establishment of activities in industrial areas that are likely to result in reverse sensitivity effects or inefficient use of industrial land or infrastructure.*

The provision of industrial land in this structure plan is considered consistent with these objectives and policies.”

I concur with that analysis.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

3.30 General - Traffic Effects (including Rail)

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Bedford, Wendy OS02.6 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Adverse effects of traffic
Crowther, David OS04.1 OS40.4 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Supports in part (OS04.1) Oppose (OS40.4) <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Identifies that there are adverse effects associated with industrial activity, particularly if 24/7 operation, which need careful consideration but also identifies opportunity to design a world class, environmentally friendly Industrial estate which controls ... traffic effects. Effects on safety of access to private property via Anicich Road.
Kalb, Peter & Ainslie OS26.6,8. <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Traffic effects Effects of shunting lines Options for rail considered
McElrea, Anna OS27.3 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i>	Traffic generation
McElrea, Gary & Lisa OS29.7 <i>Further Submitter –</i>	Oppose	Concerns regarding traffic generation particularly on North Branch Road.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p><i>Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	
<p>McElrea, John OS30.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p>	<p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Traffic effects including dust</p>
<p>McElrea, Richard OS23.4</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Traffic effects particularly on North Branch Road and the one-lane bridge. Reduction in speed from 100km/hr to 30km/hr required for safe operation of bridge.</p>
<p>Pan Pac Ltd OS20.1</p>	<p>Supports (in part)</p>	<p>Seeks inclusion of existing access point from Pan Pac owned land onto SH1 not included in CS structure plan</p>
<p>Ritchie, Ian & Wendy OS34.2</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Increase in train numbers and safety of North Branch Road rail crossing.</p>
<p>Thomas, Mark & Penny OS03.2</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Seeks all roads near rezones to be tarsealed or at minimum dust effects from un-sealed roads to be managed.</p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Bedford, Wendy OS02.6	Reject
Crowther, David OS04.1, OS40.4	Reject
Kalb, Peter & Ainslie	Reject
McElrea, Anna OS27.3	Reject
McElrea, Gary & Lisa OS29.7	Reject
McElrea, John OS30.1	Reject
McElrea, Richard OS23.4	Reject
Pan Pac Ltd OS20.1	Accept in part
Ritchie, Ian & Wendy OS34.2	Reject
Thomas, Mark & Penny OS03.2	

Reason

This group of submitters made a number of comments in relation traffic, most submitting that the proposal will have adverse traffic effects without being specific. As the s42A report advised, traffic matters were assessed in the Stantec report (dated 24 September 2018), which concluded that the zone can be developed in a staged manner that allows for progressive improvements to the road network that services the zone and that the proposal can be supported from a transport perspective. Having reviewed that report and the proposed staging plan, I concur with this position.

A number of specific traffic concerns were also raised by submitters. North Branch Road was of concern to some submitters, but the Stantec report indicated that there would be very little usage of any access off this road (see Figures 9-10 and figures 12-17 of that report which compared current traffic numbers with the forecast numbers). With respect to the existing bridge on North Branch Road, my site visit confirmed that this is well past the area to be rezoned so will not be affected by industrial traffic.

The submission of Mr Crowther identifies concerns with safe property access to the property at the end of Anicich Road. Because Anicich Road is an existing public road, the developer is entitled to utilise it as part of their development of the zone. However, as the s42A report noted, all existing property access from this road will need to be retained unless other arrangements are made. It is likely that the road will need to be upgraded to a standard appropriate to reflect the change to industrial use and this will need to include appropriate provision for existing accessways.

Turning to the dust issues raised by some submitters, this relates to the construction standard of the road. This is a matter that is addressed at the time of subdivision or when a specific

development is proposed. There was also a request for a lowering of speed limits in the area. However, this outside the scope of this plan change.

With respect to the concerns raised in relation to the operation of the railway line and the rail siding, the s42A report made the following comments:

“With respect to the railway line, we note that there are few train movements on the line currently and there is potential for an increase in train numbers as the result of this proposal. However, the railway is designated by Kiwi Rail and is not affected by the zone change. An increase in the use of the railway line, and associated improvements to the line and any crossings, could occur at any time, without recourse to the resource consent process or adjoining property owners. Furthermore, the District Plan currently contains standards in relation to development near rail crossings that ensure safety concerns are addressed (see Rule TRAN.9).

With respect to the development of a rail siding within the zone, we note that this is proposed to be a controlled activity, with Council control limited to the following:

- a. The effects of noise, vibration, glare and dust effects.*
- b. The effects on the safe and efficient operation of the roading network and other infrastructure in the area*
- c. The method of construction, in particular,*
 - measures to avoid, remedy, or mitigate:*
 - loss of or damage to soil; and*
 - movement of vegetation, soil, or debris, into any water body.*
 - Stormwater runoff.*

This process should ensure issues of concern to the submitters are appropriately addressed.”

I agree with that position and highlight the fact that both New Zealand Transport Agency (NZTA) and KiwiRail support the proposed zone change and did not raise any safety and efficiency concerns. One of the key reasons for this particular site being selected for large scale industrial development, is its strategic connections to the transport network.

The only point of contention raised in relation to this matter at the hearing, was the submission of Pan Pac, who requested that a further access point onto SH 1 to the northern part of their land (already existing) be included within the Structure Plan. This land is held in an independent title and currently retains a farm gate access on to the State Highway, which is a Limited Access Road at this point. While NZTA did not submit directly on this issue, they were asked to address the matter at the hearing given they supported the Plan Change as notified and, on this basis, were considered to have standing on the matter.

Pan Pac commissioned a traffic engineer, Mr Chris Rossiter, to address this issue at the hearing. Mr Rossiter's evidence confirmed that a safe and efficient access could be constructed for this site, subject to a number of conditions being included in the structure plan. The evidence of Mr Hall for Pan Pac was that this access is critical to the successful expansion of Pan Pac's business at the site. However, Mr Shaw for NZTA was not supportive of this access point being shown on the structure plan. His position was largely based on the existing visibility issues in the area.

At the conclusion of the hearing, I felt that there was benefit in this issue being examined further and directed that Mr. Rossiter for Pan Pac and the relevant traffic engineer for the NZTA, caucus in an attempt to achieve agreement on issues of contention. Again, I also directed the planners (in this case, Mr. Bryce for Pan Pac, Mr. Shaw for the NZTA, and Mr Cubitt for the Council) to caucus on any planning provisions/ amendments to the Plan Change that may be needed as a result of any agreement between Mr. Rossiter and the NZTA traffic engineer.

The outcome of these witness conferences is attached at Appendix 5. This records that the Planners have agreed that the matter can be addressed by way of the inclusion of a rule specific to access to the State Highway in this location as opposed to amending the structure plan. In their view, this will provide a degree of certainty to Pan Pac while ensuring that the matters of concern to NZTA are appropriately addressed.

Having reviewed the various JWS prepared by the experts, I agree with the recommendation of the planners that a rule specific to this issue is the most appropriate way to deal with the matter.

Changes to Proposed Plan Change

1. Amend Rule TRAN.4 (iii) of the Transportation rules of the District Plan by adding the following:

(f) That any future development north of Limeworks Road involving access onto the State Highway is a Restricted Discretionary Activity. Council's discretion shall be limited to the following matters:

- a) *Safe systems compliant access design;*
- b) *Practicality of alternative access options to Limeworks Road;*
- c) *The intensity and duration of the activity utilising the access;*
- d) *Any effect on the safety and efficiency of the State Highway;*
- e) *The level and type of roading intervention required on the adjoining roading network;*

(Note: Evidence of consultation undertaken with the New Zealand Transport Agency with respect to any proposed intervention identified in (e) above is required);

f) The timing of the proposed intervention identified in (e) and the need for these measures to be implemented before development occurs on site.

In order to assess matters a) to f) any resource consent application shall be supported with an Integrated Transport Assessment.

2. Amend Rule IND.3 as follows:

Rule IND.3 (Discretionary Activities):

(f) Activities or development that are not in general accordance with the Structure Plan for the Industrial Resource Area (Toko Plains).

Note: For the purposes of Rule (f), the following do not constitute a breach of the Industrial Resource Area (Toko Plains) Structure Plan:

- *movement of the central spine road identified within the Industrial Resource Area (Toko Plains) Structure Plan by 25 metres in an eastern or western direction;*
- *Access to the State Highway for land to the north of Limeworks Road, which is to be assessed in accordance with Rule TRANS 4(iii) (f).*

3.31 General – Amenity Effects: Noise, Vibration, Air Quality and Lighting

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Bedford, Wendy OS02.6 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Adverse effects of noise, smell, pollutants
Black, Gilbert & Judith OS21.1 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Concerned about noise, vibration, lighting, air quality
Brown, Alan John OS39.1 <i>Further Submitter – Anzide Properties Ltd</i>	Oppose <i>Oppose</i> <i>Oppose</i>	Concerned about noise, vibration, lighting, air quality

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p><i>Oppose</i></p>	
<p>Cowie, Ronald OS22.3</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Effects of air pollution.</p>
<p>Crowther, David OS04.1 OS40.2</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Supports in part (OS04.1)</p> <p>Oppose (OS40.4)</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Identifies that there are adverse effects associated with industrial activity, particularly if 24/7 operation, which need careful consideration but also identifies opportunity to design a world class, environmentally friendly Industrial estate which controls noise, and light effects.</p> <p>Noise & light pollution, cumulative effects with activities of Pan Pac and City Forest</p>
<p>Federated Farmers of NZ OS24.5</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Neutral</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Effects on air quality - Milton frequently exceeds national air quality standards. Future industrial activity needs to be consistent with the Otago Air Plan.</p>
<p>Flannery, Bernard & Christine OS25.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Concerned about noise, vibration, lighting, air quality</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Gray, Glenda OS06.4 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Cumulative effects on air quality
Hutton, Graham OD10.5 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Cumulative effects on air quality
Kalb, Peter & Ainslie OS26.3 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Effects from heliports and shunting lines particularly noise, dust & vibration; potential mitigation by restricting activities to 8am-5pm & regular monitoring and enforcement
McElrea, Anna OS27.5 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Noise effects
McElrea, Barbara OS28.2 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Noise and light pollution and health effects on nearby residents.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>McElrea, Gary & Lisa OS29.6</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Concerns about the nature, scale and intensity of industrial activities including effects of noise, lighting, 24/7 operation, all of which will have a negative impact on rural character and amenity values</p>
<p>McElrea, Richard OS23.8</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Significant noise and lighting effects particularly from night-time operations.</p>
<p>Otago Regional Council OS19.6</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Support (in part)</p> <p><i>Support</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Structure plan should advise community of other controls including ORC Flood Protection By-law 2012 and Regional Plans for Air, Waste and Water</p>
<p>Ritchie, Ian & Wendy OS34.1, 5</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Noise pollution.</p> <p>Concern that plan change will not adequately govern scale and intensity of future industrial activity changes in scale and intensity.</p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Bedford, Wendy OS02.6	Reject
Black, Gilbert & Judith OS21.1	Reject

Brown, Alan John OS39.1	Reject
Cowie, Ronald OS22.3	Reject
Crowther, David OS04.1, OS40.2	Reject
Federated Farmers of NZ OS24.5	Reject
Flannery, Bernard & Christine OS25.1	Reject
Gray, Glenda OS06.4	Reject
Hutton, Graham OD10.5	Reject
McElrea, Anna OS27.5	Reject
McElrea, Barbara OS28.2	Reject
McElrea, Gary & Lisa OS29.6	Reject
McElrea, Richard OS23.8	Reject
Otago Regional Council OS19.6	Reject
Ritchie, Ian & Wendy OS34.1, 5	Reject

Reason

(i) Noise and Vibration

Many submitters were concerned about the noise effects that will be generated by industrial activities, particularly from night time operation. The s42A report helpfully set out the current Industrial zone provisions that address noise emission from activities within the Industrial Resource Areas. These provisions differentiate between daytime and night-time so that the 24-hour operation of any activity is addressed, without unnecessarily constraining activities that require a 24/7 operation. The relevant provisions are as follows:

RULE IND.4 PERFORMANCE STANDARDS

(a) The provisions of Section 3.13 shall apply unless otherwise stated by this Rule.

(b) Corrected noise level, shall not exceed the following limits:

At the boundary of any Residential activity within the Urban, Transitional or Rural Settlement Resource Area

Weekdays and Weekends

<i>7am - 10pm</i>	<i>L10</i>	<i>55dBA</i>
<i>10 pm - 7 am</i>	<i>L10</i>	<i>45dBA</i>

PROVIDED THAT where a residential activity or a noise sensitive non-residential activity locates with the Industrial Resource Area, it shall be the responsibility of the developer of the newly located activity to ensure that the buildings associated with that activity

are designed in such a manner that the noise levels listed here are met within those buildings.

At the boundary of any site within the Industrial Resource Area, and any non-residential activity within the Urban, Transitional or Rural Settlement Resource

Area At all times L10 65dBA

At the boundary of any site within the Rural Resource Area

- as provided for in Rule RRA.10.

REASON

When industrial activities adjoin more sensitive activities, limits are lower to reduce any adverse effects.

The Rule RRA.10 noise standards are as follows:

(i) The provision of Section 3.13 shall apply unless otherwise stated by these rules
Clutha District Plan 30 June 1998

(ii) Corrected noise levels (L10) at the boundary of a site shall not exceed 65dBA provided that corrected noise levels (L10) shall not exceed the following limits at the boundary of any Urban Transitional or Rural Settlement Resource Area or at the notional boundary of any residential, hospitality, tourist, educational or health activity site located in the Rural Resource Area provided this rule does not apply to temporary short duration emissions of noise that are a one off occurrence:

Weekdays and Weekends

7am to 10pm	L10	-	55dBA
10 pm to 7 am	L10	-	45dBA

“Notional boundary” in respect of a residential activity means a line 20 metres from the facade of the building or the legal boundary of the site on which the building is located where the boundary is closer to the building than 20 metres. “Notional boundary” in respect of hospitality, tourist, educational or health activities, means the legal boundary of the site.

(iii) Where an activity is established and a new activity locates where it will be affected by the 65dBA noise maximum level (referred to in (ii) above), it shall be the responsibility of the developer of the newly located activity to ensure that buildings associated with that use are designed in such a manner that the day time and night time noise levels are met within that new activity.

(iv) Any activity that fails to comply with these standards is a restricted discretionary activity. Council shall restrict the exercise of its discretion to this matter. In considering any application under this rule, regard will be had to Method NSE.2.

REASON

These noise levels have been established by Council's 1993 Noise Study of the District. Standard (iii) has been added to ensure that noise sensitive activities cannot locate within close proximity to an established activity and claim to be affected by the noise it generates.

The s42A report acknowledged that the use of the L10 measurement standard (which allows noise to exceed the dBA sound level for 10% of the time) is now out of date, with the Leq method now the preferred (which averages the noise level over a stated timeframe). However, the report considered that these standards will still ensure that noise generated from within the zone is appropriately managed until such time as the noise standards are revisited during the full review of the District Plan that is to be commenced in the near future.

With respect to vibration, the s42A report advised that Rule NSE.3 addresses the use of explosives but that there is no New Zealand Standard for vibration. However, the report went on to say that *“there are standards that are commonly applied and it is likely that these will be reviewed and introduced, if appropriate, through the District Plan review process.”*

The s42A report also highlighted Method NSE.4 of the District Plan which draws attention to the general noise provisions set out in the Act that impose an obligation on occupiers of land to ensure the noise they emit does not exceed a reasonable level.

Having reviewed the provisions highlighted by the s42A report, I agree that they, in conjunction with the zone's separation from most adjoining sites by the State Highway and the railway, will ensure that noise is not a significant issue in this location.

(ii) Air Quality

As the s42A report noted, air quality is a Regional Council matter so any controls over air quality are outside of the scope of this plan change. Any discharges to air from any future activities will either need to comply with permitted standards of the Regional Plan: Air or will need a resource consent.

I note in this context that the Otago Regional Council submission requested that the Structure Plan advise people of their duties under the relevant Regional Council planning documents. However, as the s42A report rightly noted, this is *“not the role of a structure plan and if such an inclusion was to be made, it would be more appropriately included within the actual zone provisions.”* The report went on to highlight that Policy AME.1 and Method AME.1 of the District Plan already largely achieve the request made by the ORC. Hence, no further amendments to the District Plan are considered necessary.

With respect to the submission that stated that the area already has poor quality, the s42A report clarified that *“one of the reasons for selecting this area was because it is outside the Milton Airshed as identified in the Regional Plan. Milton is located within Airshed 2 and does not always meet the NESAQ standard for PM10 concentration (Air Shed 1 applies to those urban areas within the region that have the poorest air quality). Some of the alternative locations considered are located within that Airshed and this counted against any expansion of industrial zones in those locations. This particular location is within Airshed 3, which does not breach the ambient air quality standards for PM10 set by the NESAQ. Any future (and successive) industrial activities proposed for the site will need to maintain this standard.”* That explanation accords with my understanding of the situation and I adopt it accordingly.

(iii) Lighting

With respect to the concern raised about lighting impacts, particularly night time lighting, the s42A report highlighted Policy AME.1 and Rule AME.2 GLARE of the District Plan, which already address this issue. I note that Calder Stewarts submission (dealt with at Decision 3.41) promotes a similar rule that falls specifically within the Design Guidelines for the zone. Hence, I agree with the s42A report that *“these standards, in conjunction with the extensive landscaping proposed and the distance between the zone and adjoining sensitive activities, will ensure any adverse effects night-time lighting will be relatively minor.”*

Changes to Proposed Plan Change

No changes are required as a consequence of this submission

3.32 General – Property Values

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Crowther, David OS40.1 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Negative impact on property values.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Crowther, David OS40.1	Reject

Reason

As the s42A report noted, the impact of a proposal on property values is not generally a matter for consideration in resource management assessment. The s42A report helpfully set out the relevant case law around this matter as follows:

“Environment Court has considered whether property values can be considered in assessing applications under the RMA, although generally in relation to resource consent applications. These principles are well-settled and stem from a line of cases in the 1990s. The case law is clear that the effects of proposed activities on property values should not be considered separately when assessing activities under the RMA, as the effect on property values is the quantification of relevant amenity effects. To consider the property values separately would be double-counting the relevant effects.

The Environment Court (in the context of an appeal against a notice of requirement, which is similar to a plan change application) helpfully summarised the relevance of property values in RMA cases in Tram Lease Ltd v Auckland Transport:

[57] The starting point is that effects on property values are generally not a relevant consideration, and that diminution of property values will generally simply be found to be a measure of adverse effects on amenity values and the like: Foot v Wellington City Council.

[58] Similarly in Bunnik v Waikato District Council, the Court held that if property values are reduced as a result of activities on an adjoining property, then any devaluation experienced would no doubt reflect the effects of that activity on the environment. The Court held that it was preferable to consider those effects directly rather than the market's response, because the market can be an imperfect measure of environmental effects.

[59] In Hudson v New Plymouth District Council, the Court held that people concerned about property values diminishing were inclined to approach the matter from a rather subjective viewpoint. The Court held that such people become used to a certain environment, and might consider that property values would drop after physical changes occurred, however a purchaser who had not seen what was there before, would take the situation as he/she/it found it at the time of purchase, and might not be greatly influenced by matters of moment to the present owner or occupier.

[60] We agree with the findings in those cases and the reasoning behind them.

In citing previous authority on the matter, the Environment Court has held:

The Courts have held in cases involving disputes as to valuation effects that the evidence is often speculative and unhelpful, and that physical effects on the environment are usually of more importance to the case.

In a situation where no evidence was called to support the concern about a reduction in property values, the Court found it was impossible to quantify such an outcome, and therefore restricted itself to considering only the direct effects on the environment.

Giles v Christchurch City Council helpfully summarised the issue as follows:

A consent authority, and this Court on appeal, is required to have regard directly to the likely effects on the environment of allowing the activity. A valuer's appraisal of the way those effects might impact on market value would duplicate the consent authority's function in an indirect way. We prefer to rely on the evidence of qualified resource management planners about the effects themselves."

I agree with the s42A report that these principles are also relevant in this case. I also agree that *"while the environment will change as the result of the Plan Change, the Structure Plan and the rules of the District Plan will ensure that amenity values are adequately protected."*

Changes to Proposed Plan Change

No changes are required as a consequence of this submission

3.33 General – Water Quality, Allocation and Treatment

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Federated Farmers of NZ OS24.6 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Neutral <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Effects on water quality.
Gray, Glenda OS09.4,5. <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Cumulative effects of industrial land rezoning on water quality. Seeks monitoring of water quality.
Hutton, Graham OS10.5,6. <i>Further Submitter –</i>	Oppose	Cumulative effects of industrial land rezoning on water quality. Seeks monitoring of water quality.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p><i>Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	
<p>Kalb, Peter & Ainslie OS26.1,5,9.10.</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose except for 5 (additional water treatment)</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Concerned about sustainability of water allocation particularly during periods of low flow.</p> <p>Concern regarding installation of additional water treatment plant. Screening of existing water treatment plant is ineffective.</p> <p>Regular compliance monitoring.</p> <p>Options to reduce water allocation.</p>
<p>McElrea, Anna OS27.2,4.</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose except for 4 (additional water treatment)</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Water intake: potential risk to water quality as a result of change in land use, concern regarding effect of quantum of water intake, concern no requirement to capture rainwater from roof surfaces for use.</p> <p>Potential increase in water treatment station.</p>
<p>McElrea, Gary & Lisa OS29.7,9.</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Seeks more detailed information regarding proposed water treatment upgrades.</p> <p>Seek reduction of the proposed water intake via capture of stormwater from roof surfaces.</p>
<p>McElrea, John OS30.2</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Increase to water treatment plant</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<i>Pan Pac Forest Products Limited</i>		
McElrea, Richard OS23.5,6 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Concerned over discharges to settling ponds and potential upgrades to treatment plant. Overall water quality and use. Ecological impact assessment on river from proposed water take required. Opportunity for rainwater capture from roof surfaces and re-use to reduce water take.
McElrea, Rob & Kath OS31.7 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Ecological impact of increased water take on river.
Otago Regional Council OS32.3 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Support <i>Oppose</i> <i>Oppose</i> <i>Support in part</i>	Seeks to ensure plan provisions provide good control over stormwater management and water quality

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Federated Farmers of NZ OS24.6	Reject
Gray, Glenda OS09.4,5.	Reject
Hutton, Graham OS10.5,6.	Reject
Kalb, Peter & Ainslie OS26.1,5,9.10.	Reject
McElrea, Anna OS27.2,4.	Reject
McElrea, Gary & Lisa OS29.7,9.	Reject
McElrea, John OS30.2	Reject

McElrea, Richard OS23.5,6	Reject
McElrea, Rob & Kath OS31.7	Reject
Otago Regional Council OS32.3	Reject

Reason

As the s42A report noted, the issue of water quality (including ecological effects) along with its allocation and treatment, is again a matter for consideration by the Regional Council in their Regional Plan: Water and are outside the scope of the Plan Change. The report also noted that matters relating to any upgrades required for the Milton water supply will be addressed through any resource consent process that might be necessary and cannot be addressed in this forum.

As the s42A report advised, the Fluent infrastructure report did consider the potential impact on the Milton water treatment plant while an aquatic ecological report was prepared by Ryder Consulting that assessed the existing aquatic communities in the water courses within the subject area. No particular concerns were raised by those reports.

Changes to Proposed Plan Change

No changes are required as a consequence of these submissions.

3.34 General - Infrastructure

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Pan Pac Ltd OS20.2	Supports in part	Opposes the transfer of costs associated with installation of public infrastructure supporting the new industrial zone on to private owners. This should be the responsibility of Clutha District Council. Costs related to these installations will be recovered over time through the rates charges applied to new industrial land use activities.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Pan Pac Ltd OS20.2	Note

Reason

The s42A report noted that *“this is a matter that will be addressed at the time of subdivision or when infrastructure upgrades are undertaken and is not a matter that is addressed by this plan change. How the costs of these upgrades are funded will be a matter for consideration in terms of Councils existing financial contribution provisions.”* This accords with my

understanding of the process. The s42A report set out the relevant policy framework in that regard and it is reasonably clear from that policy framework that any financial contributions levied on developers in relation to infrastructure works will recognise both the private and public benefits of the work.

Changes to Proposed Plan Change

No changes are required as a consequence of this submission

3.35 General – Definition of industrial Activities

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Federated Farmers of NZ OS24.7	Neutral	Seeks definitions for the industrial zone and industrial activities. Identify industrial activities permitted in the industrial zone and those activities not anticipated within the zone.
Kalb, Peter & Ainslie OS26.7	Oppose	Seeks industrial activity to be restricted to dry industry only
<i>Further Submitter – Anzide Properties Ltd</i>	<i>Oppose</i>	
<i>Calder Stewart Land Holdings Limited</i>	<i>Oppose</i>	
<i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>	

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Federated Farmers of NZ OS24.7	Reject
Kalb, Peter & Ainslie OS26.7	Reject

Reason

In relation to this issue, the s42A report highlighted the District Plans effects-based approach to resource management. It advised as follows:

“The current approach of the Industrial Resource Area of the Clutha District Plan is to list activities that require resource consent as opposed to activities that are permitted. That rule is as follows:

RULE IND.3 DISCRETIONARY ACTIVITIES

The following activities are discretionary activities:

(a) Any activity that requires a license as an offensive trade within the meaning of the third schedule of the Health Act 1956.

(b) Residential activities except where ancillary to an industrial activity.

(c) Commercial service activities.

(d) Community support activities. For the purpose of this rule, "emergency service facilities as defined in Section 5 of this Plan are not considered community support activities.

REASON

Council considers that all noxious activities should require a resource consent to ensure that all potential effects are considered. Licences under the Health Act are more concerned with health and safety aspects as opposed to environmental effects. Requiring a resource consent process for noxious activities enables the environmental effects to be dealt with. Residential, commercial service and community support activities generally expect a high level of amenity, which is not compatible with the effects generated by industrial activities. Allowing such activities can lead to significant conflict which puts unreasonable pressure on the legitimate operation of existing and future industrial activities within the zone.

Commercial Service Activities and Community Support Activities are defined as follows:

'COMMERCIAL SERVICE ACTIVITIES' include but are not limited to tourist, hospitality, accommodation and motorist service activities.

'COMMUNITY SUPPORT ACTIVITIES' means activities whose primary purpose is supporting the health, safety, welfare, education, cultural and spiritual well-being of the community.

This is an 'effects based' approach to resource management and has not caused any particular concerns to date..."

On that basis, the report did not see any need to depart from this approach and I agree. Furthermore, the report went on to say that introducing a list of what constitutes 'industrial activities' would be 'out of scope' as that has not been defined by the Federated Farmers submission. The report did note that the submission of Peter & Ainslie Kalb sought "a restriction based on 'dry industry', although that is not defined but appears to be connected to water allocation issues as opposed to what kind of industrial activity it may be." The Kalb's did not attend the hearing to expand on this.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

3.36 Objective IND.3

The notified provision reads as follows:

Objective IND.3

That development within the Industrial Resource Area (Toko Plains) is efficient, co-ordinated and supported by adequate services; integrates with adjoining infrastructure; and does not compromise the existing drainage systems.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Department of Corrections OS14.3 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose in part. <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Amend Objective IND.3 as follows: <i>That development within the Industrial Resource Area (Toko Plains) is efficient, coordinated and supported by adequate services; integrates with adjoining infrastructure; and does not compromise <u>surrounding land uses</u>, and the existing drainage systems.</i>
Kiwirail Holdings Ltd OS17.4 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Support <i>Support</i> <i>Support in part</i> <i>Support</i>	Retain as notified
New Zealand Transport Agency OS18.2 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Supports in part <i>Support</i> <i>Support</i> <i>Support</i>	Amend Objective IND.3 to include underlined wording as follows: "... and does not compromise the existing drainage systems <u>and the safety and efficiency of the transport system.</u> "
Otago Regional Council OS19.3 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i>	Supports in part <i>Oppose</i> <i>Oppose</i>	Amend Objective IND.3 to include underlined text "...and does not compromise the existing drainage systems, <u>including overland flow paths</u> "

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>	

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Department of Corrections OS14.3	Accept
Kiwirail Holdings Ltd OS17.4	Accept in part
Otago Regional Council OS19.3	Reject
New Zealand Transport Agency OS18.2	Accept

Reason

1. Department of Corrections

As noted in the s42A report, the Department of Corrections submission relates to the reverse sensitivity issue discussed earlier in this report. The report went on comment that *“Policy IND.5(a), which gives effect to the objective, refers to activities being located to take into account compatibility with neighbouring activities/ Resource Areas, which essentially requires activities within the zone to ensure they do not adversely affect the amenity of neighbouring properties, which is consistent with the current policy framework of the DP. This is reinforced by PC41A by the introduction of the Structure Plan which introduces landscaping requirements and the management of building heights. These matters address compatibility issues (along with the existing DP rule framework) and hence, it is considered appropriate that the Objective be amended to support this approach.”* I agree with the s42A report on this matter and have accepted the submission accordingly.

2. New Zealand Transport Agency

With respect to NZTA’s recommended amendment, the s42A report had no objection to this in principle as it is an outcome sought by the District Plan and is specifically referred to in policy IND.5. However, the report considered that the reference in the objective to *‘integrates with adjoining infrastructure’* essentially deals with this issue because the transportation network is considered infrastructure and is dealt with in this way in the infrastructure section of the District Plan (see Section 3.14). Upon hearing from NZTA at the hearing, Mr Cubitt advised that he was comfortable with including the wording sought given the significance of the issue at hand. On that basis, I have accepted NZTA’s submission on the point.

3. Otago Regional Council

With respect to the amendment proposed by the ORC, the s42A report agreed with the submitters in opposition on this matter. They oppose the ORC submission *“on the basis that*

there is likely to be further changes to the existing overland flow paths contained within PC41A structure plan area, which will be integrated into the proposed Stormwater Management Structure Plan, approved in accordance with Rule SUB.4.A.3. The relief sought by the submitter essentially means that no physical works can be undertaken within the PC41A structure plan within the overland flow paths, which is not considered an effective or efficient response when these areas could potentially be redirected by way of an effective engineered outcome assessed at the time of subdivision.”

The s42A report stated that *“provided the appropriate stormwater/flood management outcome is achieved for the area, without compromising adjoining land, then how those overland flow paths are reconfigured is irrelevant as the ecological report has indicated that there are no ecological values to protect here. Hence, flexibility should be maintained around this issue.”* I agree.

4. Kiwi Rail

As some changes are proposed to the objective, Kiwi Rail's request to retain the provision as notified can only be accepted in part.

Changes to Proposed Plan Change

Objective IND.3

That development within the Industrial Resource Area (Toko Plains) is efficient, co-ordinated and supported by adequate services; integrates with adjoining infrastructure; does not compromise surrounding land use; and does not compromise the existing drainage systems and the safety and efficiency of the transport system.

3.37 Policy IND.5

The notified provision reads as follows:

Policy IND.5

All development within the Industrial Resource Area (Toko Plains) to be undertaken in accordance with the Industrial Resource Area (Toko Plains) Structure Plan in order to establish:

(a) The location of activities taking into account:

- the effects they generate;
- compatibility with neighbouring activities/ Resource Areas;
- the location and efficiency of infrastructure, including transportation infrastructure;
- the location and efficiency of the existing drainage systems within the Structure Plan area.

(b) The provision of the primary roading structure within the Structure Plan area;

(c) The staging of development, having regard to the efficient and co-ordinated provision of services including internal roading;

(d) Safe and efficient connections with adjoining infrastructure, in particular the State Highway and the Main South Railway Line.

(e) Appropriate areas of landscaping and open space;

- to mitigate any adverse visual effects of industrial development;
- to protect existing drainage systems within the Structure Plan area or provide an appropriate alternative management response;
- and to provide for an appropriate level of amenity within the Structure Plan area;
- The provision of stormwater management areas, including stormwater detention ponds.

Explanation.

The Industrial Resource Area (Toko Plains) comprises a large (approximately 330ha), tract of generally undeveloped rural land on the Tokomairiro Plain that stretches from Milburn in the north down to the outskirts of Milton in the South. The zone is bordered by the Main South railway line to the west and State Highway One to the east. To achieve co-ordinated and integrated development of this site, a Structure Plan is considered necessary.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Department of Corrections OS14.3</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p>Opposes in part</p> <p>Oppose</p> <p>Oppose</p> <p>Oppose</p>	<p>Amend Policy IND.5 as follows:</p> <p>To use a Structure Plan for development within the Industrial Resource Area (Toko Plains) to establish:</p> <p>(a) <u>The location, character, scale, and intensity</u> of activities taking into account:</p> <p>...</p> <p>(f) Where land use controls within Rule IND.4 may need to be amended or included for activities within the Structure Plan.</p> <p><u>Explanation.</u></p> <p><u>The Industrial Resource Area (Toko Plains) comprises a large (approximately 330ha), tract of generally undeveloped rural land on the Tokomairiro Plain that stretches from Milburn in the north down to the outskirts of Milton in the South. The zone is bordered by the Main South railway line to the west and State Highway One to the east. To achieve co-ordinated and integrated development of this site, in a way which does not comprise surrounding land uses, a Structure Plan is considered necessary</u></p>
<p>Kiwirail Holdings Ltd OS17.4</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p>	<p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p>	<p>Retain as notified</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<i>Pan Pac Forest Products Limited</i>		
New Zealand Transport Agency OS18.3 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Supports in part <i>Support</i> <i>Support</i> <i>Support</i>	Retain Policy IND.5(a)-(f) as notified excepting correction to typographical error in Policy IND.5 Explanation “compromises” to “ <u>comprises</u> ”.
Otago Regional Council OS19.3 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Supports in part <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Amend Policy IND.5(e) to include the underlined text “...to protect existing drainage systems <u>and overland flow paths within the Structure Plan area</u> ”. These changes are required to make it clear that both the functions of the manmade and natural drainage systems are to be protected.

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Department of Corrections OS14.3	Reject
Kiwirail Holdings Ltd OS17.4	Accept in part
New Zealand Transport Agency OS18.3	Accept

Reason

The s42A report noted that the majority of the changes requested by the Department of Corrections submission are no longer relevant as they relate to the original Policy IND.5, which required the future development of a structure plan. PC41A has now introduced the Structure Plan, along with landscaping requirements and the management of building heights, amongst other things. The s42A report considered that these measures may well address the concerns raised by the Department of Corrections as no subsequent submission on PC41A was made by the Department of Corrections. They did not attend the hearing to clarify their position.

With respect to the ORC submission, the same reasoning set out in 3.35 above applies.

NZTA’s submission has merely highlighted a typographical error while Kiwi Rails submission also related to the original PC 41 provisions. Kiwi Rail did not submit on PC41A and did not attend the hearing.

Changes to Proposed Plan Change

Amend the Explanation to replace “compromises” with “comprises”.

3.38 Rule IND.1 General Section

The notified provision reads as follows:

Rule IND.1 GENERAL SECTION

1. General Section Rules.

All activities shall comply with the rules contained in Section 3 of this Plan.

....

2. Toko Plains Structure Plan.

All development occurring on any site not already developed for industrial purposes within the Industrial Resource Area (Toko Plains), shall be undertaken in accordance with the Industrial Resource Area (Toko Plains) Structure Plan (attached at page X), including the associated Staging Plan.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Department of Corrections OS14.4	Support	Retain Rule IND.1
New Zealand Transport Agency OS18.4	Support	Retain Rule IND.1
<i>Further Submitter – Anzide Properties Ltd</i>	<i>Support</i>	
<i>Calder Stewart Land Holdings Limited</i>	<i>Oppose</i>	
<i>Pan Pac Forest Products Limited</i>	<i>Support</i>	
Otago Regional Council OS19.4	Support in part	Amend Rule IND.1 bullet point 6 to include the underlined text “... <u>within the Structure Plan area to ensure there is no increase in flood hazards;</u> ” to clarify that the purpose of the policy is to avoid increases in flood hazards and subsequent adverse effects.
<i>Further Submitter – Anzide Properties Ltd</i>	<i>Support</i>	
	<i>Oppose</i>	

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Calder Stewart Land Holdings Limited Pan Pac Forest Products Limited	Support	

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Department of Corrections OS14.4	Accept in part
New Zealand Transport Agency OS18.4	Accept in part
Otago Regional Council OS19.4	Reject

Reason

These submissions relate to the originally notified Plan Change 41. The provision in question is no longer part of the plan change so the submissions are obsolete. The issue raised by the ORC has been addressed under 3.36.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

3.39 Rule IND.2

The notified provision reads as follows:

Any activity that conforms with the rules contained in Rule IND.4 Performance Standards (except as provided in Rule IND.3) and where the activity is located in the Industrial Resource Area (Toko Plains) and the Structure Plan for that Resource Area, is a permitted activity.

Reason

The performance standards of Rule IND.4 are intended to avoid, minimise or mitigate adverse effects of any activity. Development of the Industrial Resource Area (Toko Plains) in general accordance with the Structure Plan will ensure:

- the efficient and integrated development of the land for industrial purposes;
- the provision of a connected, safe, and efficient transportation network;
- the ongoing efficiency of the existing drainage system within the area;
- the provision of water, sewer and stormwater infrastructure on a coordinated basis;
- the mitigation of any adverse effects visual effects of industrial development.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Department of Corrections OS14.3</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Opposes in part</p> <p><i>Opposes</i></p> <p><i>Opposes</i></p> <p><i>Opposes</i></p>	<p>Amend Rule IND.2 as follows:</p> <p><i>Any activity that conforms with the rules contained in Rule IND.4 Performance Standards (except as provided in Rule IND.3) and where the activity is located in the Industrial Resource Area (Toko Plains), the Structure Plan for that Resource Area, is a permitted activity.</i></p> <p><i>Reason</i></p> <p><i>The performance standards of Rule IND.4 are intended to avoid, minimise or mitigate adverse effects of any activity. Development of the Industrial Resource Area (Toko Plains) in general accordance with the Structure Plan will ensure:</i></p> <ul style="list-style-type: none"> <i>☐ the efficient and integrated development of the land for industrial purposes;</i> <i>☐ the provision of a connected, safe, and efficient transportation network;</i> <i>☐ the ongoing efficiency of the existing drainage system within the area;</i> <i>☐ the provision of water, sewer and stormwater infrastructure on a coordinated basis;</i> <i>☐ the mitigation of any adverse effects visual effects of industrial development</i>
<p>New Zealand Transport Agency OS18.4</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Support</p> <p><i>Support</i></p> <p><i>Oppose</i></p> <p><i>Support</i></p>	<p>Retain Rule IND.2</p>
<p>Otago Regional Council OS19.5</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Supports in part</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Amend Rule IND.2 - Reasoning to include the underlined words to bullet point 3 "...<u>and overland flowpaths</u>" after the words "drainage system".</p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Department of Corrections OS14.3	Reject
New Zealand Transport Agency OS18.4	Accept
Otago Regional Council OS19.5	Reject

Reason

As the s42A report noted, the Department of Corrections submission is no longer relevant as the structure plan has now been introduced. The s42A report considered that these measures may well address the concerns raised by the Department of Corrections as no subsequent submission on PC41A was made by the Department of Corrections. They did not attend the hearing to clarify their position.

With respect to the ORC submission, the same reasoning set out in 3.35 above applies.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

3.40 Rule IND.3

The notified provision reads as follows:

- (a) Amend Rule IND.3 Discretionary activities as follows:

The following are discretionary activities:

...

(e) Unless otherwise stated, non-compliance with any standard within Rule IND.4;

(f) Activities or development that are not in general accordance with the Structure Plan for the Industrial Resource Area (Toko Plains).

Note: For the purposes of Rule (f), the movement of the central spine road identified within the Industrial Resource Area (Toko Plains) Structure Plan by 25 metres in an eastern or western direction does not constitute a breach of the Industrial Resource Area (Toko Plains) Structure Plan.

(g) Any development within Stage 2 and 3 identified within the Industrial Resource Area (Toko Plains) Staging Plan that occurs before any underlying subdivision of these areas in accordance with Rule SUB.4 D.2

Any development advanced under this rule must be supported with an Integrated Transport Assessment, which considers the transportation effects of the proposed development and shall include but not be limited to the following matters:

- (i) The level and type of roading intervention required on the adjoining roading network;

(ii) Evidence of consultation undertaken with the New Zealand Transport Authority with respect to any proposed intervention identified in (i) above; and

(iii) The timing of the proposed intervention identified in (i) and the need for these measures to be implemented before development occurs on site.”

(h) Any development that occurs before implementation of landscaping response required under Rule IND.4.6 Landscaping.

(i) Any development that does not comply with the design controls required under Rule IND.4.8 Design Controls.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comments / decision sought
Department of Corrections OS41.3 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Opposes in part <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Amend Rule IND.3 as follows: <i>The following activities are discretionary activities:</i> <i>(a) Any activity that requires a license as an offensive trade within the meaning of the third schedule of the Health Act 1956.</i> <i>(b) Residential activities except where ancillary to an industrial activity.</i> <i>(c) Commercial service activities.</i> <i>(d) Community support activities. For the purpose of this rule, “emergency service facilities” as defined in Section 5 of this Plan are not considered community support activities.</i> <i>(e) Unless otherwise stated, non-compliance with any standard within Rule IND.4.</i> <i>(f) Activities or development that is not in general accordance with the Structure Plan for the Industrial Resource Area (Toko Plains).</i> <i>(f) Any industrial or commercial development within the Industrial Resource Area (Toko Plains), that occurs prior to the preparation and incorporation of a Structure Plan into the District Plan under the First Schedule RMA process.</i>
NZ Transport Agency OS18.4 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Support <i>Support</i> <i>Oppose</i> <i>Support</i>	Retain Rule IND.2

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Department of Corrections OS41.3	Reject

Reason

As the s42A report noted, the Department of Corrections submission is no longer relevant as the structure plan has now been introduced. The s42A report considered that these measures may well address the concerns raised by the Department of Corrections as no subsequent submission on PC41A was made by the Department of Corrections. They did not attend the hearing to clarify their position.

NZTA's submission can only be accepted in part as the provision has changed from that originally notified under PC41.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

3.41 Rule IND.4

The notified provision reads as follows:

(i) Amend Rule IND 4.1(I)(c) to read as follows:

"The maximum height for buildings and structures in the area shall be 12 metres provided that where the site adjoins an Urban, Transitional or Rural Settlement Resource Area, Rule URB 4 (2) shall apply. In the case of the Industrial Resource Area (Toko Plains) maximum building heights shall be in accordance with the structure plan for this zone which provides for a maximum building height of 25 metres for Large Format Industrial and a maximum building height of 16 metres for Industrial Resource Area (Toko Plains). For the purpose of this rule, chimneys and stacks with a diameter of 2.5 metres or less are exempt from the height restriction; Fire Station hose drying towers up to a maximum height of 15 metres and maximum width of 1.5 metres; and radio and television aerials up to a maximum of 3.0 metres in height above the building to which it is attached, are exempt from the height restriction."

(ii) Add the following to Rule IND 4.1(III).5 Storage:

"This rule does not apply to the storage of shipping containers within the Industrial Resource Area (Toko Plains) Structure Plan."

(iii) Amend Rule IND 4.6 to read as follows:

"All sites, including within the Industrial Resource Area (Toko Plains), adjoining public roads, reserves or other public land, or adjacent resource areas shall be screened from the view of those sites. Such screening shall be erected or planted

to a suitable height and density so as to mitigate the visual dominance of future industrial development and the adverse visual effects that have the potential to occur and shall not impede visibility on adjacent roads. Any such screening shall be appropriately maintained. For the purpose of this rule, the public rail corridor to the west of the Industrial Resource Area (Toko Plains), shall not constitute 'other public land'.

In the Industrial Resource Area (Toko Plains), all landscaping shall be designed in accordance with the following design principles and outcomes:

(xii) Landscaping and any associated mounding shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;

(xiii) That the green spaces identified within the Structure Plan are provided for.

(xiv) Planting shall be undertaken using the range of species identified in Table 1 attached at page X;

(xv) All development stages shall be underpinned with a landscaping plan that identifies planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting; and

(xvi) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme). The proposed maintenance programme shall seek to ensure a survival rate of at least 90% of all landscaping within the first 5 years.

(iv) Amend Rule IND 4.7 Earthworks to read as follows:

“Earthworks not required for construction of a building for which a building consent has been issued that exceed the following:

(a) An excavation depth or fill height exceeding 3 metres, or

...

(d) involve the use of explosives

(e) In the case of the Industrial Resource Area (Toko Plains) the following earthworks thresholds apply:

(i) An excavation depth or fill height exceeding 3 metres, or

(ii) the removal or the depositing of material exceeding 5,000m³, or

(iii) an area of earthworks exceeding 30,000 m²,

(iv) Clauses (ii) to (iii) apply in any consecutive 12-month period.

are a restricted discretionary activity..

This rule does not apply to earthworks associated with the construction of utility services and roads (including works within road reserves for footpaths, drainage systems etc.) authorised by this plan or appropriate resource consents or

earthworks associated with subdivision activities within the Industrial Resource Area (Toko Plains) ...”

(v) Add the following new Rule:

8. Design Controls

All buildings within the Industrial Resource Area (Toko Plains) that exceed 8m in height shall be designed in accordance with the following external design controls:

(i) Exterior building wall colours: The external materials and colours of buildings, including but not limited to walls, spouting, joinery, doors etc., and water tanks shall be of a recessive colour within the natural tones of grey, green or cool browns with a light reflectivity value (LRV) of no more than 40%.

(ii) Roofing: Rooftop materials shall have a colour which has a reflectivity value of no more than 30% LRV.

(iii) Accessory buildings: to be constructed in similar materials and colours to principal buildings (unless below 8m in height, in which case these design controls do not apply).

(iv) Glazing: mirror glazing not permitted.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Black, Gilbert & Judith OS21.1 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Concerned about height of buildings.
Brown, Alan John OS39.1 <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	Oppose <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Concerned about height of buildings.
Calder Stewart Land Holdings Limited S38.3	Supports in part	Rule IND 4.1(l)(b): “(b) Rear and side yards of 4.5m shall be provided where a site adjoins any Urban, Transitional, or Rural Settlement Resource area without intervention of a road or railway line.” Rule IND 4.1(l)(c):

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Further submitter - NZTA</p> <p>Anzide Properties Ltd</p> <p>Pan Pac Forest Products Limited</p>	<p>Supports submission on signage rules provided minimum symbol/lettering height of any signage shall be 300mm and no more than 30 letters and/or symbols shall be displayed on each building frontage.</p> <p>Support in part – suggest additional wording</p> <p>Support in part – provided additional wording promoted in original submission is included.</p>	<p>“The maximum height for buildings and structures in the area shall be 12 metres <u>from ground level</u> provided that where the site adjoins an Urban, Transitional or Rural Settlement Resource Area, Rule URB 4 (2) shall apply. <u>In the case of the Industrial Resource Area (Toko Plains) maximum building heights shall be in accordance with the structure plan for this zone which provides for a maximum building height of 25 metres from ground level for Large Format Industrial and a maximum building height of 16 metres from ground level for Industrial Resource Area (Toko Plains).</u> For the purpose of this rule, chimneys and stacks with a diameter of 2.5 metres or less are exempt from the height restriction <u>and within the Large Format area contained within the Industrial Resource Area (Toko Plains) Industrial Structure Plan chimneys and stacks with a diameter of 3.5 metres or less are exempt from the height restriction</u>; Fire Station hose drying towers up to a maximum height of 15 metres and maximum width of 1.5 ...”</p> <p>Rule IND 4.3:</p> <p>“Signs shall conform with the following:</p> <p>(a) One sign per road frontage for industrial buildings or where no buildings exist on the site, one sign per road frontage. In the case of a multi-occupancy building one directory type sign is permitted per road frontage.</p> <p>(b) Illuminated signs are permitted provided that no signs are flashing <u>and in the Industrial Resource Area (Toko Plains) all illumination of signage is directed downwards.</u></p> <p>(c) No sign shall exceed the following dimensions:</p> <p>(i) For horizontal signs - the length of the building frontage and a width of 1.2 metres.</p> <p>(ii) <u>In the Industrial Resource Area (Toko Plains) for horizontal signs - the length of the building frontage and a width of 3 metres.</u></p> <p>(iii) For vertical signs - the height of the building frontage and a width of 1.2 metres.</p> <p>(iv) <u>In the Industrial Resource Area (Toko Plains) for vertical signs - the height of the building frontage and a width of 3 metres.</u></p> <p>(v) For pole signs - an area of 3m² not exceeding 6 metres in height, with a separation distance of 10 metres between such signs.</p> <p>(vi) <u>In the Industrial Resource Area (Toko Plains) for pole signs - an area of 8m² not exceeding 8 metres in height, with a maximum of 2 per site or 1 per 50 metres of street frontage, whichever is lesser and with a minimum distance of 10 metres between such signs.</u></p> <p>(vii) Directory Signs - the height of the building it refers to, with a width of no more than 3 metres.</p> <p>Any activity that exceeds these standards shall be considered as a restricted discretionary activity.</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<p><i>Council shall restrict the exercise of its discretion to the effect on amenity values and the effect on the safe and efficient operation of the roading network.”</i></p> <p>IND.4 (4) Servicing and Financial Contributions, Section 3.7 Subdivision and Section 3.8 Financial and Reserve Contributions (Rule FIN.3 WHEN PAYABLE): <u>“Unless otherwise agreed in writing by Council, where subdivision and development is implemented within the Industrial Resource Area (Toko Plains) all infrastructure servicing and financial contributions shall be provided for in accordance with the staging plan for the Industrial Resource Area (Toko Plains) and financial contributions are sought at a time when demand is generated on Council infrastructure.”</u></p> <p>IND.4 (8) Design Control <u>(iv) No activities shall result in any light spill onto any adjoining property beyond Industrial Resource Area (Toko Plains) exceeding 10 lux (horizontal and vertical).”</u> <u>“Note: For the purposes of compliance with Rule IND.4 (8) (ii) Design Control (30% LRV for roofing materials:</u> <u>(i) untreated zincalume is discouraged as a roofing material;</u> <u>(ii) this rule does not apply to solar panels erected on the roof of Industrial Buildings located within the Industrial Resource Area (Toko Plains), however the intention within the Industrial Resource Area (Toko Plains) is that low reflectivity solar panels are selected in order to minimise glare effects.”</u></p> <p>And the following amendment is made to Section 11.4.2 Other Environmental Issues (Glare): <u>“In the case of glare and illumination controls within the Industrial Resource Area (Toko Plains), the controls under Rule IND.4 (8) Design Control prevail for all development within the Industrial Resource Area (Toko Plains).”</u></p>
<p>Flannery, Bernard & Christine OS25.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Concerned about height of buildings.</p>
<p>NZ Transport Agency OS18.5</p> <p><i>Further Submitter –</i></p>	<p>Supports in part</p>	<p>Amend Rule IND.4 to ensure screening/landscaping of the Industrial Resource Area (Toko Plains) as required by Rule IND.4 does not result in shading of</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p><i>Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p><i>Support</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>State Highway between 10am and 2pm on the shortest day of the year.</p>
<p>Kalb, Peter & Ainslie OS26.4,7.</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Visual effects of 25m buildings & no height limit for stacked containers particularly because it will take 20-30 years for trees to provide effective screening.</p> <p>Maximum height limit of 10m for buildings</p>
<p>McElrea, Gary & Lisa OS29.6</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p> <p><i>Pan Pac Forest Products Limited</i></p>	<p>Oppose</p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Concerns about the nature, scale and intensity of industrial activities including 25m building height which will have a negative impact on rural character and amenity values as well as visual effects.</p>
<p>Pan Pac Limited OS20.1 OS33.2</p>	<p>Supports in part</p>	<p>Supports the 10m landscape buffer.</p> <p>Seeks a 20 metre rather than 16 metre maximum height</p> <p>IND.4.1 (6) be amended as follows: <i>In the Industrial Resource Area (Toko Plains), all landscaping shall be designed in accordance with the following design principles and outcomes:</i> ... <i>(iv) All development stages shall be underpinned with a landscaping plan that identifies <u>mounding areas</u>, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting; and</i> ... <i>(vi) For the purposes of the 10 metre landscape strip fronting the property legally described as Section 1 SO 465421 and Lot 2 DP 23974 and identified within the Industrial Structure Plan, the landscaping strip shall comprise a minimum landscaping strip of 4.5 metres from the front State Highway boundary with</i></p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<i>associated naturalised mounding. Note: For the purposes of this rule, mounding may extend outside of this 10 metre landscape strip and naturalised mounding is encouraged along the State Highway frontage."</i>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Black, Gilbert & Judith OS21.1	Accept in part
Brown, Alan John OS39.1	Accept in part
Calder Stewart Land Holdings Limited S38.3	Accept
Flannery, Bernard & Christine OS25.1	Accept in part
NZ Transport Agency OS18.5	Accept in part
Kalb, Peter & Ainslie OS26.4,7.	Accept in part
McElrea, Gary & Lisa OS29.6	Accept in part
Pan Pac Ltd OS20.1 OS33.2	Accept

Reason

1. Rule 4.1(l)(b) – Side Yards

The submission of Calder Stewart highlighted that Rule IND 4.1(l)(b) only relates to the intervention of a ‘road’ when considering rear and side yard setback requirements. The concern raised in the submission is that the western boundary of the PC41A area is bounded by proposed railway sidings, and due to operational requirements, it will be necessary for buildings to be located close to these sidings. The s42A report agreed that this may well be necessary and considered it appropriate that Rule IND 4.1(l)(b) be amended to exempt rear and side yards from applying where adjoined by a railway line. I agree with that approach and have adopted the recommendation accordingly.

2. Rule 4.1(l) (c) - Building Height

The Calder Stewart submission also addressed some minor issues with the proposed height rules. In relation to the maximum height of 25 metres proposed within the Large Format area, the submitter was concerned that the exemption that applies to chimneys and stacks with a diameter of 2.5 metres or less (that are exempt from having to comply with the maximum height limits) may be too small. I note that the evidence of Mr Moore supported this increase as it was unlikely to create a significant increase in the overall impact given the scale of the buildings we are dealing with.

I note that Ms Davies also addressed this matter and commented that any increase in diameter should be accompanied by some *“form of control on the number and/or proximity to each other of such chimney stacks or other features to ensure that the combination of these structures do not have the potential to be viewed as one larger structure.”*

In agreeing with Calder Stewarts position on the matter, the s42A report suggested that it would be unusual for an activity to have a large number of stacks that would create the look of concern to Ms Davies. That is my experience also and I consider the amendment proposed by Calder Stewart to be appropriate.

In relation to the outdoor storage issue raised by the Kalb submission, I also consider the amendments proposed by Calder Stewart to address this as being appropriate. I note that both landscape architects considered it necessary to have controls over outdoor container storage while ensuring some flexibility for temporary activities that may exceed that height. For example, Mr Bryce highlighted the need for container cranes to exceed the height limit, which I accept given the purpose and likely use of this particular zone.

The Calder Stewart submission also highlighted an issue with Rule IND 4.1(I)(c), which does not cross reference to ‘ground level’. This leaves the rule open to interpretation by plan users and have I accepted the submission to address this issue accordingly.

A number of submitters have raised concern, from a visual amenity perspective, with the maximum building heights that zone rules allow. In this context, some submitters were concerned around inadequacy of proposed screening and the length of time for trees to reach mature height to effectively screen. The further submissions of both Calder Stewarts and Pan Pac’s oppose any reduction in height, with the Pan Pac further submission making the following comments:

Pan Pac notes that the plan change, including the integration of the structure plan through PC41A, provides for appropriate landscape mitigation and design controls that seek to ensure that visual effects of future industrial development are mitigated to an acceptable level.

Pan Pac opposes a maximum height of 9m within 200m of existing residential activity. Pan Pac generally complies with the existing permitted maximum building height of 12m across the site, with the exception of those buildings consented under RMA/LUC/2147 and RMA/LUC/2147A, which have a maximum height of 15m. Existing and proposed landscaping and design controls seek to mitigate the effects of building heights on the amenity of other properties.

Pan Pac opposes the majority of the relief sought by the submitter, however, the Company considers that it may be appropriate to include an appropriate setback from any existing residential property boundary that directly adjoins, or is located within the PC41A structure plan area, for the purpose of establishing landscaping mitigation.

Pan Pac also sought the 16m height limit proposed under the original PC 41 to be changed to a 20m height limit but advised at the hearing that they were no longer pursuing that outcome.

Overall, I agree with the s42A report that *“it is appropriate to retain the building heights proposed to ensure maximum flexibility and efficiency is retained for development within the zone”*. Additional screen planting is now required while the timing of screen planting is dealt with by the existing Rule 4.6.

3. Rule 4.3 – Signs

The Calder Stewart submission proposed a number of amendments to the sign rules as they relate to the large-scale development enabled by the zone change. The s42A report advised that *“their submission is based on a review of other district plans that cater for these activities and suggests a number of provisions that reflect the large-scale nature of future development”* and on that basis considered them reasonable, noting that the extensive landscaping would mean most signage will not be particularly noticeable outside the zone. The s42 report also agreed that greater flexibility can be provided for signage fronting the internal spine road.

I note that NZTA supported this submission in part but requested that for signage orientated towards the State Highway, minimum symbol/lettering height of any signage should be 300mm and no more than 30 letters and/or symbols shall be displayed on each building frontage.

Mr Cubitt advised that Rule SIGN.1 of the operative District Plan already contains a table that sets out the minimum lettering size for signage adjacent to roads. The table originates from a guideline of the NZTA’s predecessor, Transit NZ, and is likely to be out of date. However, as it applies across the district, it is considered more appropriate to review this standard as part of the full District Plan review that will be commenced shortly rather than undertake piecemeal changes through this process.

4. Rule 4.6 – Landscaping and Section 11.4.2 Glare

The submission of Calder Stewart also sought a number of amendments to rule IND.4 (8) Design Control provisions, as well as Section 11.4.2 OTHER ENVIRONMENTAL ISSUES (GLARE). The submission notes that Section 11.4.4 AME.2 GLARE currently provides restrictions on light spill to adjoining properties that is greater than 10 lux, with non-compliance with this standard being treated as a non-complying activity. The submitter has proposed a similar rule that would be incorporated within the Design Guidelines for the Industrial Resource Area (Toko Plains), with non-compliance becoming a discretionary activity as opposed to a non-complying activity. The submitter also promotes a minor amendment to ensure that the design controls governing reflectivity of roofing material does not restrict the installation of solar panels. The evidence was that solar panels are low on the reflectivity scale, so this should not present any concern. I agree with the s42A report that these are appropriate amendments and have accepted the submission accordingly.

In relation to Pan Pac’s submission on the landscaping around their property, both planners agree that *“as the Pan Pac Otago Plant already has an existing landscape response to the state*

highway frontage that this landscape response forms part of the consented environment and should inform the landscape response for the remaining state highway frontage to the Pan Pac owned land to the north of Limeworks Road.” The amendment sought by Pan Pac reflects their current resource consent, which predates PC41A. On that basis, I have accepted Pan Pac’s submission on the issue.

I also note that the amendment sought by NZTA in relation to shading is dealt with by Rule TRAN.7 of the District Plan. However, in this case the landscape plans to be prepared for the structure plan area are exempt from this rule (see Decision 3.45 below) but the approval process for the landscape plans will address this matter.

Changes to Proposed Plan Change

(a) Amend Rule IND 4.1(l)(b) as follows:

“(b) Rear and side yards of 4.5m shall be provided where a site adjoins any Urban, Transitional, or Rural Settlement Resource area without intervention of a road or railway line. [see further amendment at Decision 3.26]

(b) Amend Rule IND 4.1(l)(c) as follows:

“The maximum height for buildings and structures in the area shall be 12 metres from ground level provided that where the site adjoins an Urban, Transitional or Rural Settlement Resource Area, Rule URB 4 (2) shall apply. In the case of the Industrial Resource Area (Toko Plains) maximum building heights shall be in accordance with the structure plan for this zone which provides for a maximum building height of 25 metres from ground level for Large Format Industrial and a maximum building height of 16 metres from ground level for Industrial Resource Area (Toko Plains). For the purpose of this rule, chimneys and stacks with a diameter of 2.5 metres or less are exempt from the height restriction and within the Large Format area contained within the Industrial Resource Area (Toko Plains) Industrial Structure Plan chimneys and stacks with a diameter of 3.5 metres or less are exempt from the height restriction; Fire Station hose drying towers up to a maximum height of 15 metres and maximum width of 1.5 ... The maximum building heights shall also apply to outdoor storage activities. For the purposes of this rule, container cranes shall be exempt from this rule.”

(c) Amend Rule IND 4.3 as follows:

“Signs shall conform with the following:

(a) One sign per road frontage for industrial buildings ...

(b) Illuminated signs are permitted provided that no signs are flashing and in the Industrial Resource Area (Toko Plains) all illumination of signage is directed downwards.

(c) No sign shall exceed the following dimensions:

(i) For horizontal signs - the length of the building frontage and a width of 1.2 metres.

(ii) In the Industrial Resource Area (Toko Plains) for horizontal signs - the length of the building frontage and a width of 3 metres.

(iii) For vertical signs - the height of the building frontage and a width of 1.2 metres.

(iv) In the Industrial Resource Area (Toko Plains) for vertical signs - the height of the building frontage and a width of 3 metres.

(v) For pole signs - an area of 3m² not exceeding 6 metres in height, with a separation distance of 10 metres between such signs.

(vi) In the Industrial Resource Area (Toko Plains) for pole signs - an area of 8m² not exceeding 8 metres in height, with a maximum of 2 per site or 1 per 50 metres of street frontage, whichever is lesser and with a minimum distance of 10 metres between such signs.

(d) Amend IND.4 (4) Servicing and Financial Contributions, Section 3.7 Subdivision and Section 3.8 Financial and Reserve Contributions (Rule FIN.3 WHEN PAYABLE) by adding the following:

“Unless otherwise agreed in writing by Council, where subdivision and development is implemented within the Industrial Resource Area (Toko Plains) all infrastructure servicing and financial contributions shall be provided for in accordance with the staging plan for the Industrial Resource Area (Toko Plains) and financial contributions are sought at a time when demand is generated on Council infrastructure.”

(e) Amend IND.4.6 as follows:

In the Industrial Resource Area (Toko Plains), all landscaping shall be designed in accordance with the following design principles and outcomes:

(iv) All development stages shall be underpinned with a landscaping plan that identifies mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting; and

(vi) For the purposes of the 10-metre landscape strip fronting the property legally described as Section 1 SO 465421 and Lot 2 DP 23974 and identified within the Industrial Structure Plan, the landscaping strip shall comprise a minimum landscaping strip of 4.5 metres from the front State Highway boundary with associated naturalised mounding. Note: For the purposes of this rule, mounding may extend outside of this 10-metre landscape strip and naturalised mounding is encouraged along the State Highway frontage.”

(f) Amend IND.4 (8) Design Control by adding the following:

(iv) No activities shall result in any light spill onto any adjoining property beyond Industrial Resource Area (Toko Plains) exceeding 10 lux (horizontal and vertical).”

“Note: For the purposes of compliance with Rule IND.4 (8) (ii) Design Control (30% LRV for roofing materials:

(i) untreated zincalume is discouraged as a roofing material;

(ii) this rule does not apply to solar panels erected on the roof of Industrial Buildings located within the Industrial Resource Area (Toko Plains), however the intention within the Industrial Resource Area (Toko Plains) is that low reflectivity solar panels are selected in order to minimise glare effects.”

(g) Amend Section 11.4.2 Other Environmental Issues (Glare) by adding the following:

“In the case of glare and illumination controls within the Industrial Resource Area (Toko Plains), the controls under Rule IND.4 (8) Design Control prevail for all development within the Industrial Resource Area (Toko Plains).”

3.42 Section 3.7 Subdivision.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comments / decision sought
Gray, Glenda OS09.3	Oppose	Seeks site size restrictions on residential (1 acre) and lifestyle (20 acre) lots
Hutton, Graham OS10.4	Oppose	Seeks site size restrictions on residential (1 acre) and lifestyle (20 acre) lots

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Gray, Glenda OS09.3	Reject
Hutton, Graham OS10.4	Reject

Reason

As the s42A report noted, these submissions are not relevant to the Plan Change.

Changes to Proposed Plan Change

No changes are required as a result of these submissions.

3.43 Section 3.9 Natural Hazards

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Calder Stewart Land Holdings Limited OS38.3	Supports in part	Rule 3.9.4 (NHZ.2 Activities Located Within an Area Identified as Hazard Prone): “1. LANDFILLS, WASTE DISPOSAL, OR THE STORAGE OR USE OF COMMERCIAL QUANTITIES OF HAZARDOUS GOODS OR SUBSTANCES Landfills, waste disposal, or the storage or use of commercial quantities of hazardous goods or

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<p><i>substances are non-complying activities in any area identified as being a natural hazard site where the site is not protected from the natural hazard by floodbanks or erosion protection. <u>For the purposes of this rule, where hazard mitigation responses have been implemented on sites located within the Industrial Resource Area (Toko Plains) and implemented in accordance with an approved Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3 and where stored in accordance with Hazardous Substances and New Organisms (HSNO) Act, the storage of commercial quantities of hazardous substances is a permitted activity.</u></i></p>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Calder Stewart Land Holdings Limited OS38.3	Accept

Reason

The s42A advised that “because the site will be developed in accordance with a Structure Plan that will specifically address the natural hazard risk within the zone, the amendment is considered appropriate.” I agree and have accepted the submission accordingly.

Changes to Proposed Plan Change

Amend Rule NHZ.2.1 as follows:

1. LANDFILLS, WASTE DISPOSAL, OR THE STORAGE OR USE OF COMMERCIAL QUANTITIES OF HAZARDOUS GOODS OR SUBSTANCES

Landfills, waste disposal, or the storage or use of commercial quantities of hazardous goods or substances are non-complying activities in any area identified as being a natural hazard site where the site is not protected from the natural hazard by floodbanks or erosion protection. For the purposes of this rule, where hazard mitigation responses have been implemented on sites located within the Industrial Resource Area (Toko Plains) and implemented in accordance with an approved Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3 and where stored in accordance with Hazardous Substances and New Organisms (HSNO) Act, the storage of commercial quantities of hazardous substances is a permitted activity

3.44 Rule TRAN.6 Parking (ii)(b)

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Calder Stewart Land Holdings Limited OS38.3	Supports in part	Amend Rule TRAN.6 PARKING (ii)(b) as follows: <i>“(b) Stormwater originating from parking areas shall be adequately disposed of within the confines of the site <u>with the exception of the Industrial Resource Area (Toko Plains), where all stormwater will be managed accordance with an approved Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.”</u></i>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Calder Stewart Land Holdings Limited OS38.3	Accept

Reason

The s42A advised that *“because the site will be developed in accordance with a Structure Plan that will specifically address stormwater management within the zone, the amendment is considered appropriate.”* I agree and have accepted the submission accordingly.

Changes to Proposed Plan Change

Amend Rule TRAN.6 PARKING (ii)(b) as follows:

“(b) Stormwater originating from parking areas shall be adequately disposed of within the confines of the site with the exception of the Industrial Resource Area (Toko Plains), where all stormwater will be managed accordance with an approved Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.”

3.45 Rule TRAN.7 Vegetation (i)

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Calder Stewart Land Holdings Limited OS38.3	Supports in part	Amend Rule TRAN.7 Vegetation (i) as follows: <i>“(i) Road Reserve Vegetation – no vegetation shall be planted on a road reserve or on a property that allows it to overhang the legal roadside boundary, <u>with the exception of the Industrial Resource Area (Toko Plains), where landscaping located within the road reserve approved under SUB.4.D.1 is exempt from this rule.”</u></i>

Decision

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Calder Stewart Land Holdings Limited OS38.3	Accept

Reason

The s42A advised that *“because the site will be developed in accordance with a Structure Plan that will specifically address landscaping within the zone, the amendment is considered appropriate.”* I agree and have accepted the submission accordingly. The amendment needs to apply to all the provisions of Rule TRAN.7.

Changes to Proposed Plan Change

Amend Rule TRAN.7 Vegetation by adding the following exemption:

*“(IV) Industrial Resource Area (Toko Plains).
This rule does not apply to the Industrial Resource Area (Toko Plains), where landscaping is to be approved under SUB.4.D.1.”*

4. RECOMMENDATION



1. For the reasons set out in the decisions above, I recommend that the Clutha District Council approve, with the modifications made by the above decisions, Proposed Plan Changes No 39 to 41A to the Clutha District Plan.
2. I also confirm that I am satisfied that this decision, including where I have adopted the analysis and evaluations of the s42A Report, includes sufficient detail to satisfy the requirements of s32AA(1)(d)(ii) of the Act.

Dated this 29th day of January 2020

Commissioner Colin Weatherall

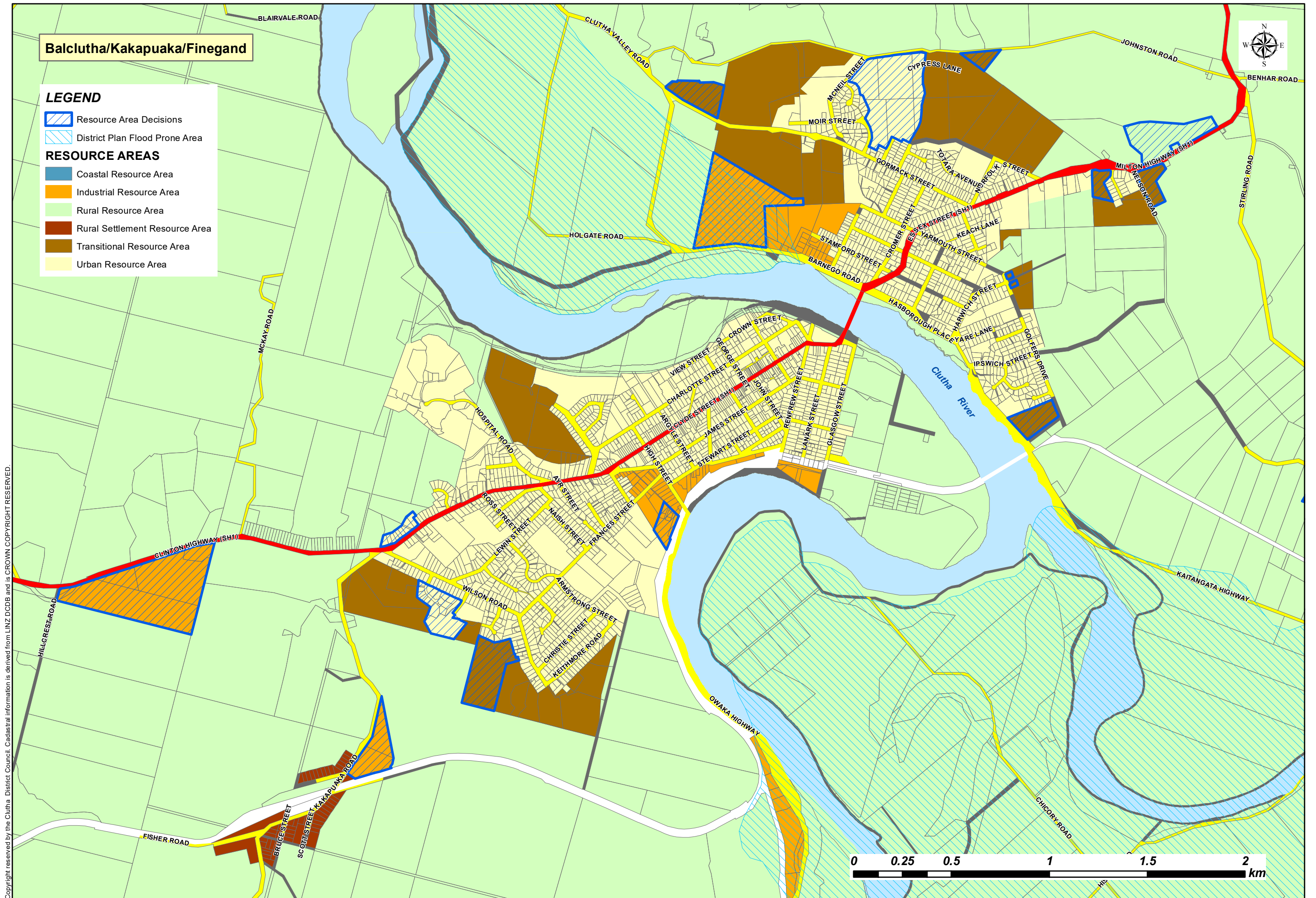
Balclutha/Kakapuaka/Finegand

LEGEND

-  Resource Area Decisions
-  District Plan Flood Prone Area

RESOURCE AREAS

-  Coastal Resource Area
-  Industrial Resource Area
-  Rural Resource Area
-  Rural Settlement Resource Area
-  Transitional Resource Area
-  Urban Resource Area

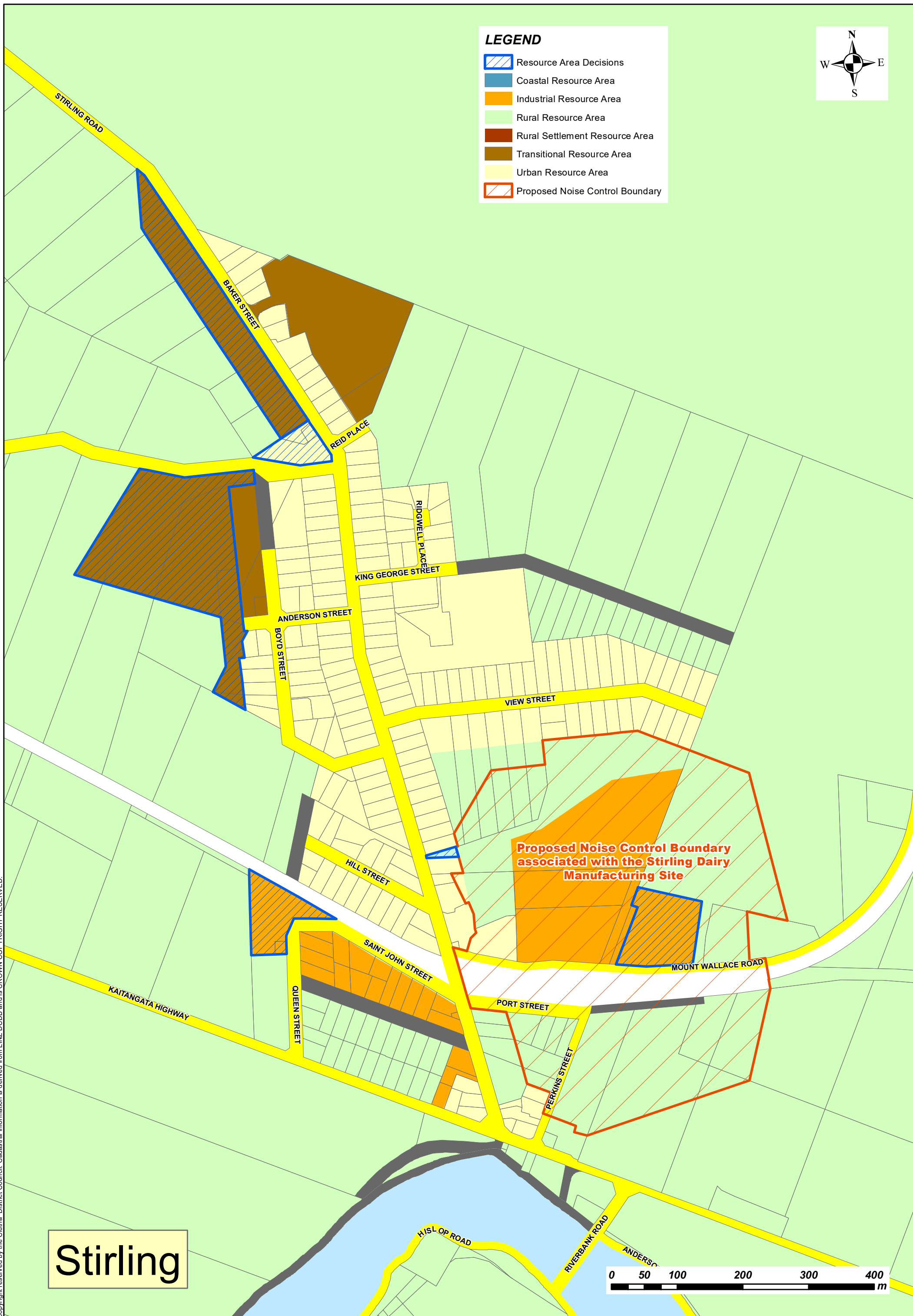
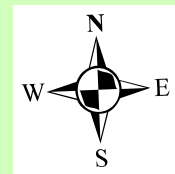


Copyright reserved by the Clutha District Council. Cadastral information is derived from LINZ DCDB and is CROWN COPYRIGHT RESERVED.

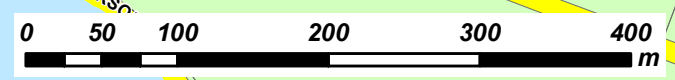
The information shown on this map is indicative only. The Clutha District Council accepts no responsibility for incomplete or inaccurate information.

LEGEND

-  Resource Area Decisions
-  Coastal Resource Area
-  Industrial Resource Area
-  Rural Resource Area
-  Rural Settlement Resource Area
-  Transitional Resource Area
-  Urban Resource Area
-  Proposed Noise Control Boundary



Stirling



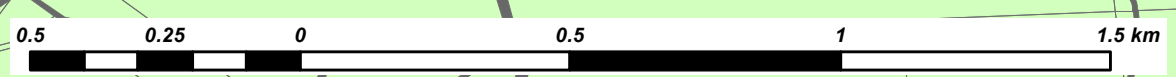
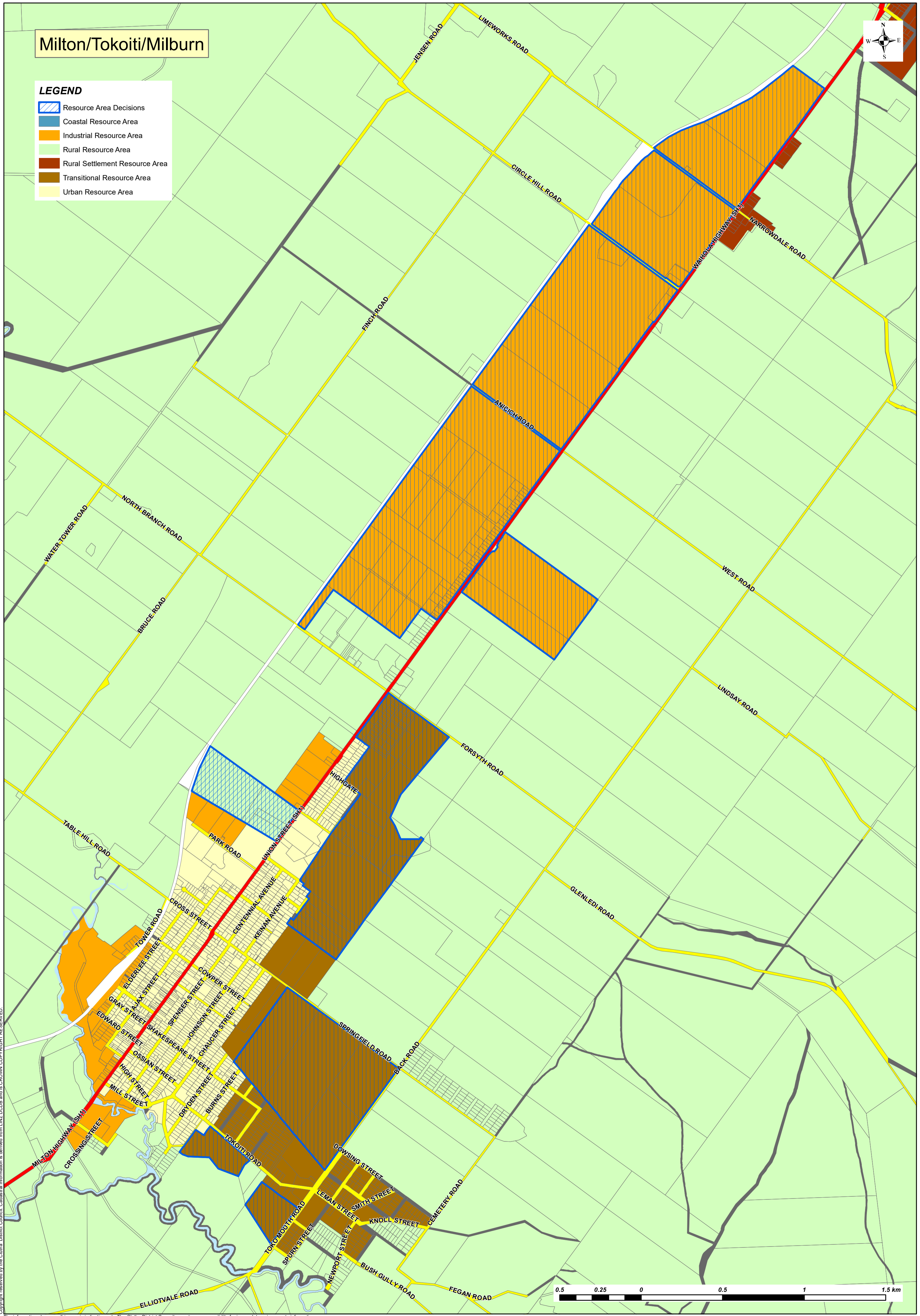
Copyright reserved by the Clutha District Council. Cadastral information is derived from LINZ DCDB and is CROWN COPYRIGHT RESERVED.

The information shown on this map is indicative only. The Clutha District Council accepts no responsibility for incomplete or inaccurate information.

Milton/Tokoiti/Milburn

LEGEND

- Resource Area Decisions (Blue hatched box)
- Coastal Resource Area (Blue box)
- Industrial Resource Area (Orange box)
- Rural Resource Area (Light Green box)
- Rural Settlement Resource Area (Dark Brown box)
- Transitional Resource Area (Medium Brown box)
- Urban Resource Area (Yellow box)



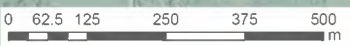
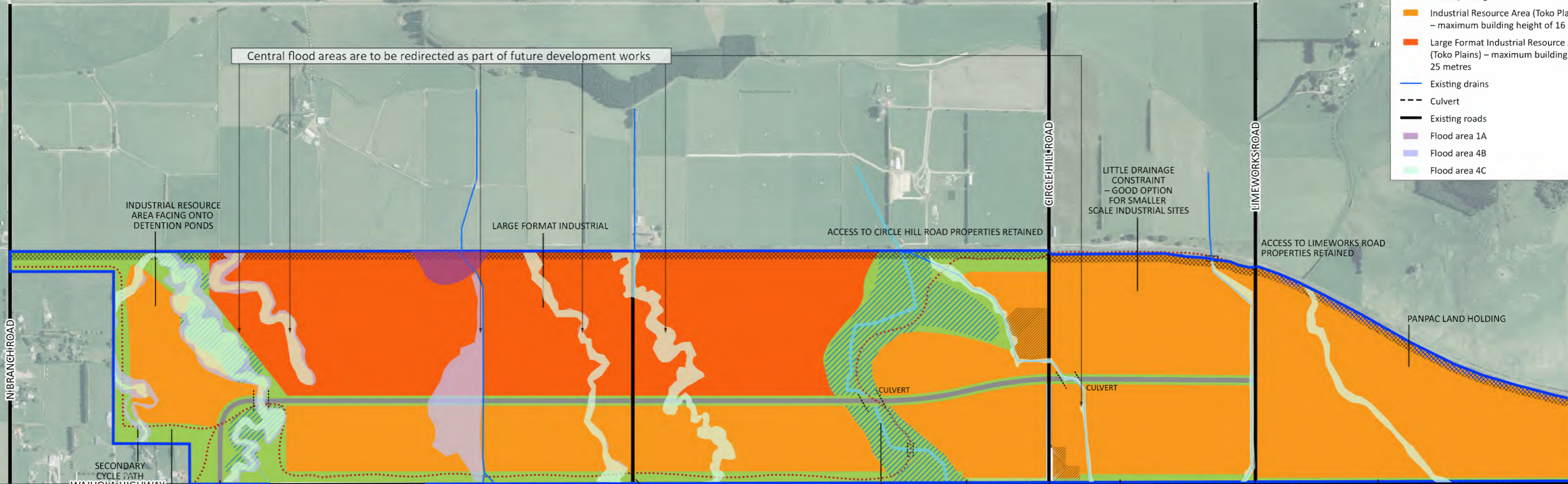
Copyright reserved by the Otago District Council. Cadastral information is derived from LINZ DCDDB and is CROWN COPYRIGHT RESERVED.

The information shown on this map is indicative only. The Otago District Council accepts no responsibility for incomplete or inaccurate information.



- LEGEND**
- Proposed Resource Area Change
 - Existing streams
 - - - - Cycleway
 - / / / / Existing residential activity
 - / / / / Dry and wet detention ponds
 - Landscape strip and open space
 - Indicative primary road
 - - - - Railway siding
 - Industrial Resource Area (Toko Plains) – maximum building height of 16 metres
 - Large Format Industrial Resource Area (Toko Plains) – maximum building height of 25 metres
 - Existing drains
 - - - - Culvert
 - Existing roads
 - Flood area 1A
 - Flood area 4B
 - Flood area 4C

Central flood areas are to be redirected as part of future development works



1 centimetre = 60 metres 1:6,000 @ A1
 1 centimetre = 120 metres 1:12,000 @ A3

Industrial Resource Area (Toko Plains) Structure Plan – 22 November 2018 Revision

Document Path: C:\OBS\AA3052_CalderStewart\Maps\A1_size.mxd

Clutha District Council Plan Change 41 and 41A

Expert Conferencing – Landscape

Joint Witness Statement

(4Sight Consulting Office, Stuart Street, Dunedin)

Date: 11th October 2019

Attendees:

Renée Davies – Consultant Landscape Architect, Clutha District Council

Mike Moore – Consultant Landscape Architect, Calder Stewart

General:

Agreement has been reached on appropriate wording for the proposed landscape related provisions to ensure the intended high quality outcomes and mitigation mechanisms will be achieved.

We attach proposed amendments to Rule IND 4.1.6 and Rule SUB.4 and the proposed Tokomairiro Plains Industrial Resource Area Landscape Design Guideline.

We see the benefit of more detailed design guidelines to ensure interpretation of rules and ease of assessment by Council officers and applicants, and have provided an updated Design Guideline with associated graphics to achieve this. Please note that this Design Guideline is in draft format and requires more work as well as the input of Council planners.

Matters for Discussion:

1. The western boundary landscape strip was at issue and we have come to agreement that 20m provides for an appropriate width to adequately mitigate the effects within the 25m building height zone, and that 10m provides adequately for the 16m building height zone. This also recognises the need to provide for maintenance access between the boundary with Kiwirail boundary.
2. The Council landscape architect, Renée Davies felt that it was inappropriate to provide for less than a 10m strip at any location along the State Highway given the potential effects that could result and as such has maintained the 10m landscape strip along the Panpac property frontage. This view is shared by Mike Moore but we note that his evidence was specific to the Calder Stewart submission.

3. The requirement for mounding was at issue. We have agreed that there are some locations within the Plan Change area where we would like to put forward a preferred approach (but not mandatory) that includes earth mounding and as such have included this within the provisions of the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines.

4. We agree that there is an advantage in having a unified landscape treatment along the internal public road that allows for landscape response of significant scale. We understand that landscape strips could be provided for either within the road reserve or within the adjacent lots along the road boundary (or both). We have provided landscape guidelines for both these scenarios. Renée Davies preference is for the 5m landscape strip to be provided as part of the road reserve provision (Option A) as she is concerned that a consistent approach along this road will not be achieved if large scale mitigation specimen tree planting is located within private land only. Mike Moore considers that the landscape guidelines, combined with appropriate Council review and approval of development plans, and enforcement of provisions as required, will provide appropriately for an acceptable outcome, irrespective of whether the landscape mitigation is within public or private land.



Renée Davies



Mike Moore

Amend Rule IND 4.1.6 as follows:

"All sites, including within the Industrial Resource Area (Toko Plains), adjoining public roads, reserves or other public land, or adjacent resource areas shall be landscaped to mitigate any adverse visual effects of industrial activities from these places screened from the view of those sites. Such landscaping screening shall be designed and implemented erected or planted to a suitable height and density so as to mitigate the visual dominance of future industrial development and the adverse visual and amenity effects that have the potential to occur and shall not impede visibility on adjacent roads. Any such landscaping screening shall be appropriately maintained.

In the Industrial Resource Area (Toko Plains), all landscaping shall be designed in accordance with the following design principles and outcomes:

- (i) Landscaping and any associated mounding shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;
- (ii) Where adjacent to rural zoned land, integrate the industrial zone with the surrounding rural character;
- (iii) Enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) to facilitate a high quality industrial landscape;
- (iv) Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;
- (v) The green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;
- (vi) Where appropriate, plantings shall seek to enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate).
- (vii) Plantings and other landscape treatments are to be appropriate to their intended mitigating function and specific situation. Further detail on appropriate landscape approaches plant species and mounding design is provided in the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines; Planting shall be undertaken using the range of species identified in Table 1 attached at page X;
- (viii) All development stages shall be underpinned with a landscape plan that is informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;
- (ix) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme) and must provide for replacement and successful establishment of plants that die or fail to thrive;
- (x) All landscaping shall be implemented prior to occupation of the development or where completion of the development occurs outside of a planting season then landscaping shall be undertaken within the first planting season following.

Documentation requirements

- (i) All development stages shall be underpinned with a landscape plan informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines that spatially identifies areas to be planted and/or mounded. Details are required as to plant species, plant sourcing, plant sizes at the time of planting, plant locations, density of planting, and timing of planting; and

Commented [RD1]: Removed reference to western rail corridor as there is now a landscape approach proposed for that area.

Deleted: *For the purpose of this rule, the public rail corridor to the west of the Industrial Resource Area (Toko Plains), shall not constitute 'other public land'.*

Deleted: *at the*

Deleted: *Guidance on*

Deleted: *Table x*

Deleted: *ing*

Deleted: *g; and*

Deleted: *]. The proposed maintenance programme shall seek to ensure a survival rate of at least 90% of all landscaping within the first 5 years*

Commented [RD2]: This does not accord with minimum landscape mitigation outcomes. Inappropriate to have this in a structure plan. This will not affect current/existing RC landscape conditions and as such provides for future consistency across the Structure Plan.

Deleted: *.*

Formatted: Indent: Left: 1.25 cm, Hanging: 0.75 cm, Widow/Orphan control, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Font colour: Red, English (US)

Formatted: Indent: Left: 2 cm, No bullets or numbering

Deleted: *<#>For the purposes of the 10-metre landscape strip fronting the property legally described as Section 1 SQ 465421 and Lot 2 DP 23974 and identified within the Industrial Structure Plan, the landscaping strip shall comprise a minimum landscaping strip of 4.5 metres from the front State Highway boundary with associated naturalised mounding. Note: For the purposes of this rule, mounding may extend outside of this 10-metre landscape strip and naturalised mounding is encouraged along the State Highway frontage.*

Deleted: *ing*

Deleted: *that identifies the areas to be planted and / or mounded...*

~~(ii) A documented programme of establishment and post establishment protection and maintenance is required addressing such matters as site preparation, fertilizing, watering, weed control, control of pest animals, replacement of dead or non-thriving plants and the length of the maintenance period. The proposed maintenance programme must provide for replacement and successful establishment of plants that die or fail to thrive.~~

Amend Rule SUB.4 as follows:

D. Matters Specific to the Industrial Resource Area (Toko Plains)

1. Any subdivision of land contained within the Industrial Resource Area (Toko Plains) shall be supported with a comprehensive landscape plan that seeks to mitigate any adverse visual effects of industrial development over the proposed lots being created and provides for a high quality industrial landscape. Council's control shall be limited to the following considerations:

- (i) ~~Landscaping shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;~~
- (ii) ~~Where adjacent to rural zoned land, the degree to which landscaping will integrate the industrial zone with the surrounding rural character;~~
- (iii) ~~Enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) and provides for a high quality industrial landscape.~~
- (iv) ~~Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;~~
- (v) ~~The green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;~~
- (vi) ~~The degree to which landscaping will enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate);~~
- (vii) ~~Planting shall be informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines, attached at page X;~~
- (viii) ~~All development stages shall be underpinned with a landscape plan that is informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;~~
- (ix) ~~A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme) and must provide for replacement and successful establishment of plants that die or fail to thrive.~~
- (x) ~~All landscaping shall be implemented prior to certification under section 224C of the Resource Management Act, where planting occurs within a planting season or alternatively within the first planting season following section 224C approval where this extends outside of a planting season.~~

Tokomairiro Plains Industrial Zone Landscape Design Guidelines.

Deleted: *programme*

Deleted: *shall seek to ensure a survival rate of at least 90% within the first 5 years and*

Deleted: *and any associated mounding*

Deleted: *The degree to which landscaping will enhance*

Deleted: *and provide for landscaping of a scale and impact to effectively mitigate the built elements*

Formatted: Indent: Left: 1.25 cm, Hanging: 1.25 cm, Don't add space between paragraphs of the same style

Formatted

Deleted: *<#>*

Formatted: Font colour: Red

Formatted: Don't add space between paragraphs of the same style, Widow/Orphan control, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Deleted: *<#>That the green spaces identified within the Structure Plan are provided for.*

Formatted: Font colour: Red, English (US)

Deleted: *undertaken using the*

Deleted: *range of species identified in Table 1*

Deleted: *<#>Appropriate screen planting should be put in place to mitigate the visual dominance of any outdoor container storage areas when viewed from the adjoining State Highway;*

<#>All development stages shall be underpinned with a landscaping plan that identifies planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;

Commented [RD3]: This does not accord with minimum landscape mitigation outcomes. Inappropriate to have this in a structure plan. This will not affect current/existing RC landscape conditions and as such provides for future consistency across the Structure Plan.

Formatted: Font colour: Auto,

Formatted: Indent: Left: 1.25 cm, Hanging: 1.25 cm, No widow/orphan control, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font colour: Auto,

Deleted: *<#>A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme). The proposed maintenance programme shall seek to ensure a survival rate of at least 90% of all landscaping within the first 5 years and must provide for replacement and successful establishment of plants that die or fail to thrive;*
<#>All landscaping shall be implemented prior to certification under section 224C of the Resource Management Act, where planting occurs within a ... [1]

Deleted: I recommend the adoption of the Landscape design principles and planting Tables appended to the... [2]

Page 2: [1] Deleted	Renee Davies	11/10/2019 10:15:00
----------------------------	---------------------	----------------------------

Page 2: [2] Deleted	Renee Davies	11/10/2019 10:26:00
----------------------------	---------------------	----------------------------



Clutha District Council

*- Tokomairiro Plains Industrial Resource Area -
Landscape Design Guideline*

November 2019

DRAFT



201 Victoria Street West
Auckland Central
Auckland 1010

www.4sight.consulting

+64 9 303 0311

info@4sight.co.nz

This document meets 4Sights information and document control procedures in accordance with our quality assurance

system, independently audited by Telarc under Qbase code 2001.

Prepared by Renee Davies, reviewed & released by Michael Lindgreen.

FIGURES

Figure 1 : View of Tokomairiro Plains from Anicich Road.....	4
Figure 2 : Existing Riparian area plantings.....	7
Figure 3 : Existing higher level riparian plantings.....	7
Figure 4 : Example mounding approach at Revolution Hills.....	8
Figure 5 : Example mounding approach with trees.....	8
Figure 6 : Example mounding along Waiholo Highway.....	8
Figure 7 : Existing rural shelterbelts.....	9
Figure 8 : Internal Road Option A.....	10
Figure 9 : Internal Road Option B.....	11
Figure 10 : 30m Highway Boundary.....	12
Figure 11 : 30m Highway Boundary (mounding).....	13
Figure 12 : 10m Highway Boundary.....	14
Figure 13 : 20m Western Boundary.....	15
Figure 14 : 10m Western Boundary.....	16
Figure 15 : Riparian/Wetland/Detention.....	17
Figure 16 : Residential Use Set Back.....	18
Figure 17 : Southern Boundary.....	19

CONTENTS

Introduction_Background	4
Introduction_Design Guidance	5
Landscape Character_Planting Considerations	6
Landscape Character_Principles	7
Landscape Character_Principles	8
Landscape Character_Principles	9
Preferred Approaches_Internal Road Option A	10
Preferred Approaches_Internal Road Option B	11
Preferred Approaches_30m Highway Boundary (no mounding)	12
Preferred Approaches_30m Highway Boundary (mounding)	13
Preferred Approaches_10m Highway Boundary	14
Preferred Approaches_20m Western Boundary	15
Preferred Approaches_10m Western Boundary	16
Preferred Approaches_Riparian/Wetland/Detention	17
Preferred Approaches_Residential Use Set Back	18
Preferred Approaches_Southern Boundary	19
Specied Guidance_Principles	20
Buildings and Structures up to 25m High	21
Buildings and Structures up to 16m High	22
Riparian/Wetland/Detention Area Restoration	24

Introduction_Background

Council seeks to achieve a comprehensive landscape design strategy across the Tokomairiro Plains Industrial Resource Area (TP Area). This is to ensure high quality landscape outcomes are achieved within the TP Area. These outcomes are to be achieved through the use of a set of landscape design principles that guide future planting and other landscaping approaches as the area develops. The aim is to provide appropriate amenity and a high quality industrial zone character, with landscape treatments of sufficient scale to appropriately soften and balance the impact of large built elements.



Figure 1 : *View of Tokomairiro Plains from Anicich Road*

Introduction

Design Guidance

These principles and guidelines respond to the specific issues and opportunities identified in the context of the TP Area. They are intended to provide direction for future approaches to landscape components identified in the Clutha District Plan Rules for both subdivision and site development.

It is recommended that developers work with the council staff in preparing more detailed Layout or Development Plans including associated landscape components when proposing development within the Plan Change area.

Key design principles and outcomes sought for preparation of Development/Landscape Plans are:

- (i) Landscaping and any associated mounding shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;
- (ii) Where adjacent to rural zoned land, integrate the industrial zone with the surrounding rural character;
- (iii) Enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) to facilitate a high quality industrial landscape;
- (iv) Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;
- (v) The green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;
- (vi) Where appropriate, plantings shall seek to enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate)
- (vii) Plantings and other landscape treatments are to be appropriate to their intended mitigating function and specific situation. Further detail on appropriate landscape approaches plant species and mounding design is provided in the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines; Planting shall be undertaken using the range of species identified in Table 1 attached at page X;
- (viii) All development stages shall be underpinned with a landscape plan that is informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;
- (ix) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme) and must provide for replacement and successful establishment of plants that die or fail to thrive; and
- (x) All landscaping shall be implemented prior to occupation of the development or where completion of the development occurs outside of a planting season then landscaping shall be undertaken within the first planting season following.

Landscape Character_Planting Considerations

The TP Area is located to the north of Milton Township and sits within the low-lying flat floodplain of the Tokomairaro River with a gently undulating landform. Bounded on both sides of the floodplain are hill ranges that provide a backdrop to views from the plan change area outwards. One kilometer to the south of the plan change area is the built up residential township of Milton. On its outskirts there are mixed rural and industrial sites that then progress to residential properties.

The area receives a median annual rainfall of 800 – 900 mm. Winds reach 10 - 14 km/hr and there are 2.1-3.0 median frosts in October. The soils of the plan change area are pallic soils of the Tokomairiro Series. They are greater than 900mm in depth and of a silt loam texture on gently undulating slope.

The TP Area is located within the Otago Coast Ecological Region and within the Tokomairiro Ecological District. Recent riparian restoration of Gorge Creek and another scheduled drains that run through the plan change area has been undertaken through planting with a mix

of typical native restoration plantings, including Carex and Chionochloa grasses, Coprosma species, and cabbage trees (*Cordyline australis*).

Existing vegetation is consistent with its rural land use and characterised by hedges, formalised shelterbelts and informal amenity planting largely associated with house sites or recent plantings of specimen trees along internal roads and farm tracks.

The following provides guidance for a range of approaches to ensure landscape and vegetation qualities are incorporated throughout the Toko Plains Industrial Zone.

These include:

- Streetscape/road green space;
- Riparian/Detention areas;
- Landform and mounding; and
- Landscape buffer strip plantings.

Given the scale of the buildings within the Zone (both 16m and 25m heights), it is expected that a range of exotic and native species be used to provide a degree of screening and softening of the buildings. Some of these plantings will

be broad expanses of native restoration while others will be specimen plantings alongside roads and/or along site boundaries between future development sites.

It is not expected that full screening of development within this plan change area will be possible or appropriate. It is instead anticipated that screening will be targeted as providing vegetation of a scale (height) that has some ability to provide softening of the built forms and to provide vegetation links to the broader landscape - thereby reducing the dominance of the buildings.

Planting along future subdivision boundaries will allow for a disruption in the perceived bulk of built form along the length of the plan change area. It is noted however, that planting is unlikely to completely screen all of the built form.

Landscape Character Principles

Streetscape/Road Greenspace

The main roads through the TP Area provide an opportunity for establishment of large scale specimen planting and a cohesive approach to road-side planting through the TP Area. These corridors also assist in visual mitigation of adjacent built form and break up the expanse of built form when viewed from outside the TP Area. A cohesive approach to the streetscape environment is desired with space provided either side of the road to allow for large scale specimen plantings.

Riparian/Detention/Wetland Areas

A range of detention areas will be required throughout the TP Area to support stormwater management. These are connected to adjacent green space and together provide a series of corridors of habitat and vegetation within the TP Area.

As Gorge Creek to the north end of the plan change area creates a strong intersecting feature, there is an opportunity to accentuate and enhance the natural landform of the

stream edge and streamside environments as a valuable amenity asset for the surrounding community. Along with providing a green break within the development, the streamside reserve (with associated walk and cycleway) will provide passive recreational opportunities for those living on the outskirts of Milton township and for those coming from further afield.

Riparian planting along the edges of the waterways will provide a degree of habitat value and wildlife corridor connectivity through the plan change area. It is recommended that this planting is restricted to locally appropriate indigenous species.



Figure 2 : *Existing Riparian area plantings*



Figure 3 : *Existing higher level riparian plantings*

Landscape Character Principles

Landform and Mounding

The existing Revolution Hills site has used mounding and landform shaping as an effective way to screen the associated industrial buildings on this site while also providing an interesting and varied landscape treatment alongside the State Highway. Landform and mounding with associated low planting may be an appropriate approach for some areas - in particular, between the existing rural lifestyle properties at the southern end of the TP Area and where sufficient space exists. This will provide a degree of buffering between the industrial activities and those rural properties.

There are opportunities within the TP Area for mounding to be incorporated. Where mounding is to be integrated the preferred approach is to ensure it is designed to integrate with surrounding landforms. Lineal, regular bunds should be avoided and mounding should be designed to soften built form by using natural, flowing forms. Adequate space is required to successfully integrate mounding, which should be low and wide in proportion rather than narrow and steep if it is to integrate

well and not look contrived. Mounding design will also need to factor in drainage flows and the requirements for ongoing maintenance of its vegetative cover.



Figure 4 : *Example mounding approach at Revolution Hills*



Figure 5 : *Example mounding approach with trees*

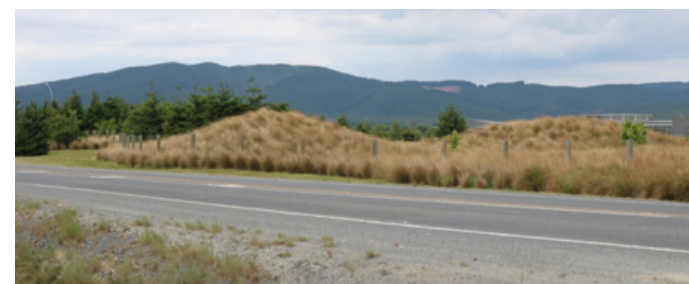


Figure 6 : *Example mounding along Waiholo Highway*

Landscape Character Principles

Planting

Principles for Landscape Buffer Strip Plantings

The purpose of plantings within the landscape strips surrounding the TP area is primarily to screen, soften and visually balance the impact of the often large scale built elements. As the TP area is within a wider rural context, it will often be appropriate to utilize plantings of a character that integrates with those in the rural landscape surrounding. Where possible and consistent with wider mitigation objectives, plantings should also seek to enhance indigenous biodiversity. Where public pathways / cycleways run through these areas it will be appropriate to also consider amenity enhancement and safety considerations for users.

The following general principles are likely to be relevant:

- Use tree species of appropriately large scale and quick growth rates to provide effective mitigation and / or;
- Provide for large blocks of trees and shrubs which, as an entity, provide for a visually effective block of 'natural' impact to balance the impact of large scale built form;
- Consider the long term maintenance requirements associated with plantings and where appropriate provide for both quick growth species that may possibly be thinned out or removed in the long term, and longer term species;
- Species diversity and the inclusion of both lower and higher level screening will generally be beneficial in terms of robustness and effectiveness;
- Have regard to constraints such as the need for adequate sightlines near road intersections; and
- The use of species characteristic in the local rural landscape and / or local indigenous species will often be appropriate.



Figure 7 : Existing rural shelterbelts

Preferred Approaches_ Internal Road Option A



Figure 8 : Internal Road Option A

Preferred Approaches_ Internal Road Option B



Figure 9 : Internal Road Option B

Preferred Approaches_30m Highway Boundary (no mounding)



Figure 10 : 30m HighwayBoundary

Preferred Approaches_30m Highway Boundary (mounding)

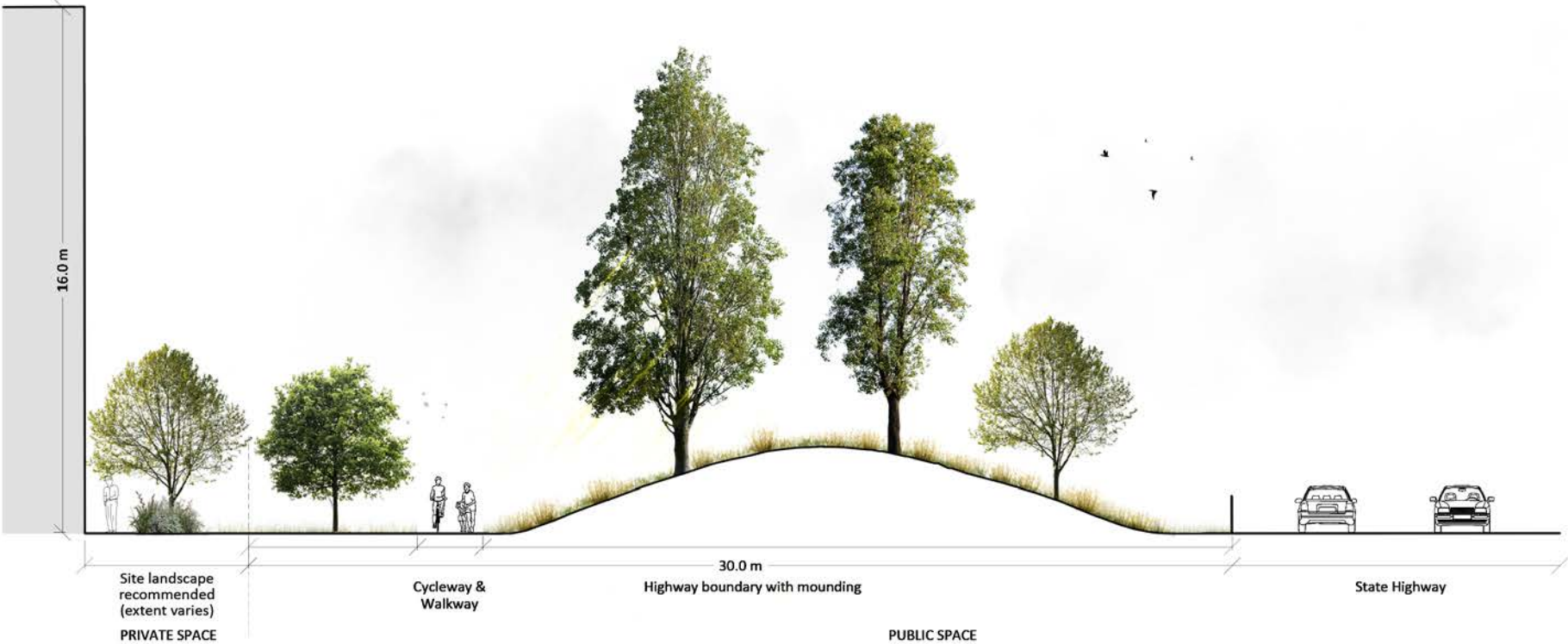


Figure 11 : 30m Highway Boundary (mounding)

Preferred Approaches_10m Highway Boundary

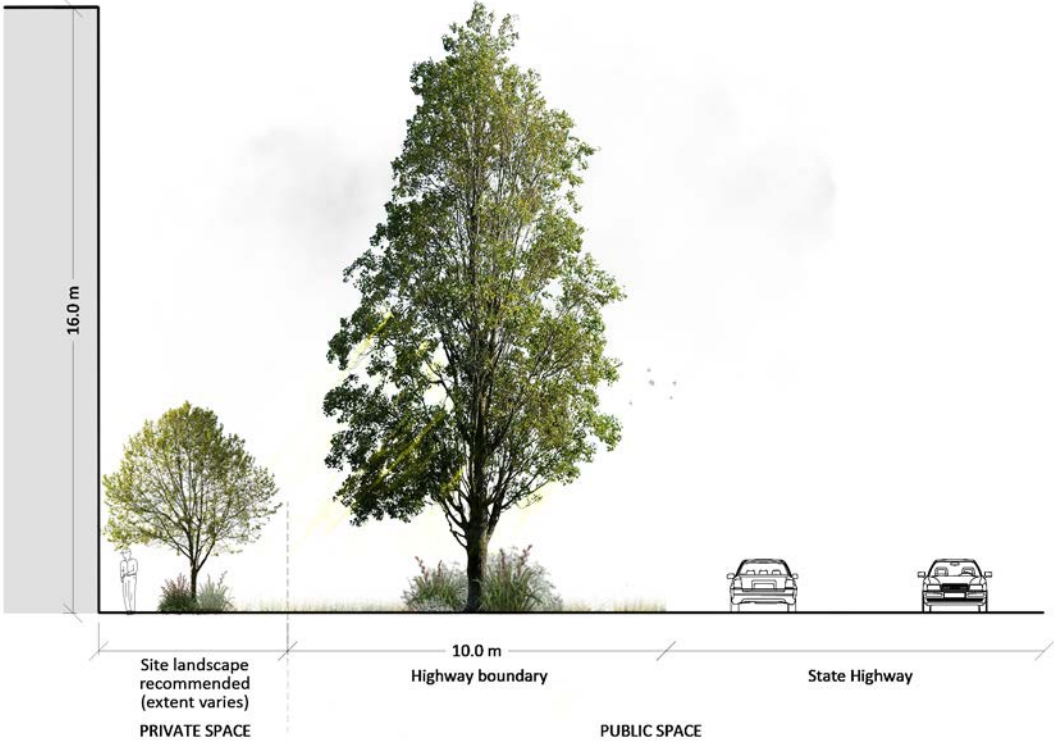


Figure 12 : 10m Highway Boundary

Preferred Approaches_20m Western Boundary



Figure 13 : 20m Western Boundary

Preferred Approaches_10m Western Boundary

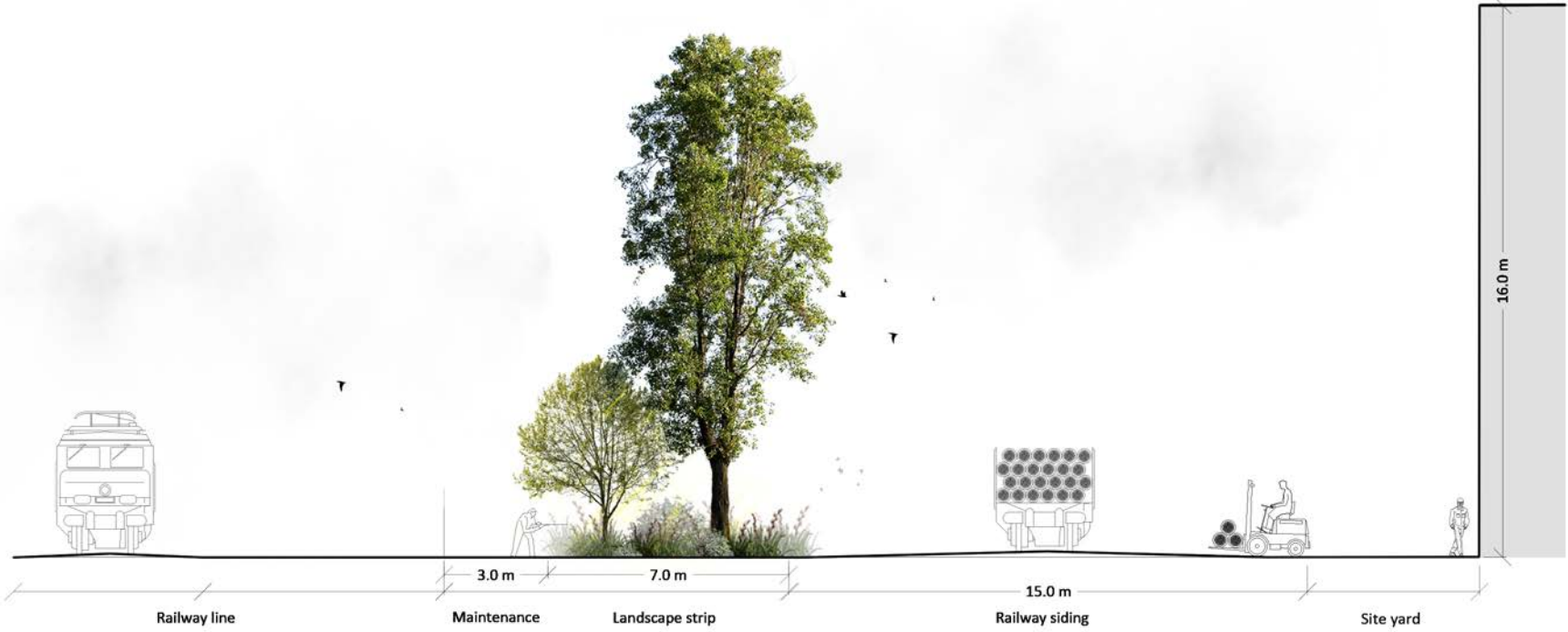


Figure 14 : 10m Western Boundary

Preferred Approaches_Riparian/Wetland/Detention



Figure 15 : Riparian/Wetland/Detention

Preferred Approaches_ Residential Use Set Back

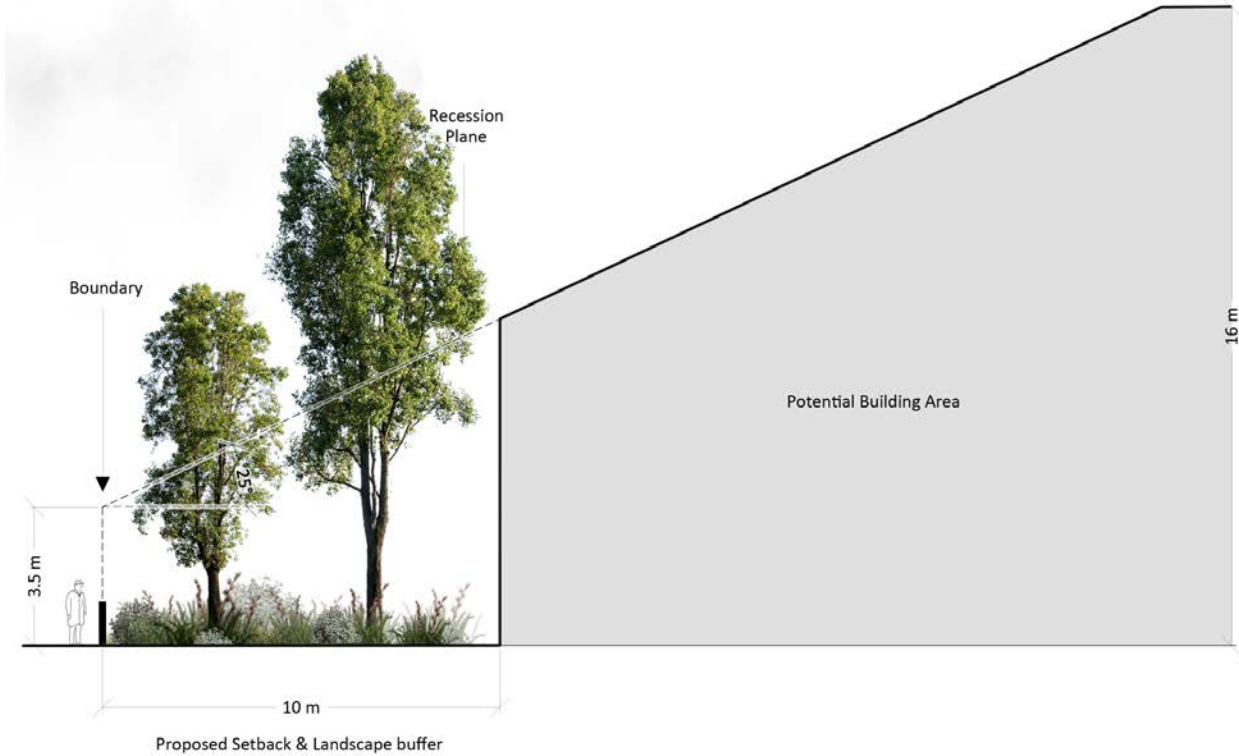


Figure 16 : Residential Use Set Back

Preferred Approaches_Southern Boundary



Figure 17 : Southern Boundary

Species Guidance Principles

The following tables provides an indication of the native and some exotic plant species that would be appropriate to achieve the heights required for effective screening of particular zones across the plan change area.

Tree planting within the Tokomairiro Plains Industrial Resource Area will enhance its internal amenity and help to soften and balance the visual effect of built elements.

The character of this planting could take various forms as a new industrial zone environment is created. Adherence to a plant list provides for unity and the creation of strong and distinctive character, and is recommended. Planting schemes which seek to balance the impact of industrial elements by utilizing large specimen trees, or by using large blocks of trees and shrubs are both potentially appropriate.

The tables provide guidance only and these lists are not considered to be exhaustive and do not preclude the use of other species as appropriate.

For example: planting to provide more human scale and amenity outcomes such as orchard/fruit tree planting, planting for colour and arboretum style specimen plantings may be appropriate in some areas.



Tarata
Pittosporum eugenoides



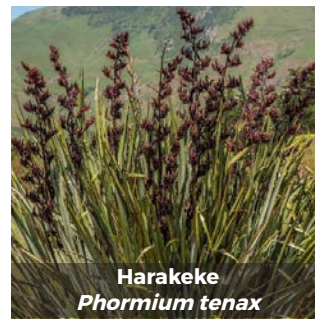
Upright English Oak
Quercus robur fastigiata



Lombardy Poplar
Populus nigra Italica



Mānuka
Leptospermum scoparium



Harakeke
Phormium tenax



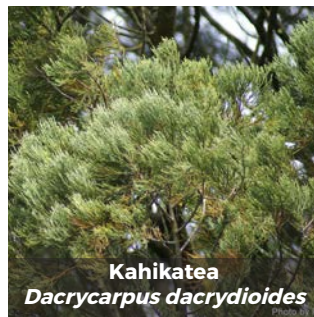
Scarlet Maple
Acer rubrum



Tawhai
Fuscopora menziesii



Kōwhai
Sophora microphylla



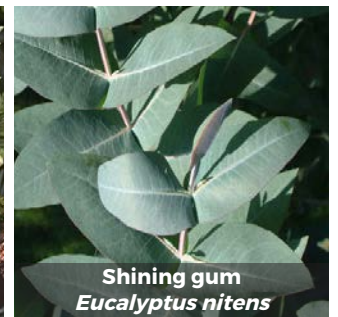
Kahikatea
Dacrycarpus dacrydioides



Tī Kōuka
Cordylīne australis



Redwood
Sequoia sempervirens



Shining gum
Eucalyptus nitens

Buildings and Structures up to 25m High

Recommended species for mitigation of the visual effects of buildings and structures up to 25m high including plantings along the western (railway) side of the area.

The following species are recommended for use in areas where mitigation of the effects of large buildings on rural character is required. Note that these include both tall fast - medium growing trees (both evergreen and deciduous) as well as smaller species for lower level screening.

Scientific name	Māori or Common name
Tall, fast - medium growing species	
<i>Sequoia sempervirens</i>	Redwood
<i>Eucalyptus nitens</i>	Shining gum
<i>Eucalyptus regnans</i>	Mountain ash
<i>Populus nigra 'Italica'</i>	Lombardy poplar
<i>Populus tremuloides</i>	Quaking aspen
<i>Betula pendula</i>	Silver Birch
<i>Quercus robur fastigiata</i>	Upright English Oak
<i>Quercus cerris</i>	Turkey oak
Understorey species	
<i>Cordyline australis</i>	Cabbage tree
<i>Kunzea robusta</i>	Kanuka
<i>Leptospermum scoparium</i>	Manuka
<i>Pittosporum eugenioides</i>	Lemonwood
<i>Pittosporum tenuifolium</i>	Kohuhu
<i>Phormium tenax</i>	Flax

Buildings and Structures up to 16m High

Recommended tree species for mitigation of the visual effects of buildings and structures up to 16m high, including plantings along the eastern (State Highway) side of the area, and streetscape planting within the Tokomairiro Plains Industrial Resource Area.

The following species are recommended for use in areas where mitigation of the effects of large buildings on rural character is required. Note that these include both tall fast growing trees (both evergreen and deciduous) as well as smaller species for lower level screening.

Scientific name	Māori or Common name
Tall - medium scale trees	
<i>Eucalyptus ovata</i>	Swamp gum
<i>Eucalyptus pauciflora</i> 'Niphophila'	Snow gum
<i>Dacrycarpus dacrydioides</i>	Kahikatea
<i>Populus tremuloides</i>	Quaking aspen
<i>Betula pendula</i>	Silver birch
<i>Quercus robur</i>	English oak
<i>Quercus cerris</i>	Turkey oak
<i>Fuscospora fusca</i>	Red beech
<i>Fuscospora menziesii</i>	Silver beech
<i>Fuscospora cliffortioides</i>	Mountain beech
<i>Podocarpus totara</i>	Totara
<i>Liriodendron tulipifera</i>	Tulip tree
<i>Fagus sylvatica</i>	European beech
<i>Acer rubrum</i>	Scarlet maple
<i>Cordyline australis</i>	Cabbage tree

Scientific name	Māori or Common name
Lower level screening species	
<i>Pittosporum eugenioides</i>	Lemonwood
<i>Pittosporum tenuifolium</i>	Kohuhu
<i>Kunzea robusta</i>	Kanuka
<i>Plagianthus regius</i>	Ribbonwood
<i>Hoheria angustifolia</i>	Narrow-leaved lacebark
<i>Phormium tenax</i>	Flax
<i>Phormium cookianum</i>	Mountain flax
<i>Griselinia littoralis</i>	Broadleaf
<i>Hebe salicifolia</i>	Koromiko
<i>Leptospermum scoparium</i>	Manuka
<i>Sophora microphylla</i>	Kowhai
<i>Pseudopanax colensoi</i>	Orihou
<i>Pseudopanax crassifolius</i>	Lancewood
<i>Melicytus ramiflorus</i>	Mahoe
<i>Myrsine australis</i>	Mapou

Riparian/Wetland/Detention Area Restoration

The following species are recommended for use in areas where restoration of riparian margins or indigenous vegetation character appropriate to the site is required, including stormwater detention areas.

Scientific name	Māori or Common name
Tall - medium scale trees	
<i>Austroderia richardii</i>	Toetoe
<i>Carex geminata</i>	Cutty grass
<i>Carex virgata</i>	Pukio
<i>Chionochloa rubra</i>	Copper tussock
<i>Coprosma propinqua</i>	Mingimingi
<i>Cordyline australis</i>	Cabbage tree
<i>Dacrycarpus dacrydioides</i>	Kahikatea
<i>Fuchsia excorticata</i>	Fuchsia
<i>Griselinia littoralis</i>	Broadleaf
<i>Hebe salicifolia</i>	Koromiko
<i>Kunzea robusta</i>	Kanuka
<i>Leptospermum scoparium</i>	Manuka
<i>Phormium tenax</i>	Flax
<i>Pittosporum tenuifolium</i>	Kohuhu
<i>Plagianthus regius</i>	Ribbonwood
<i>Podocarpus totara</i>	Totara
<i>Prumnopitys taxifolia</i>	Matai
<i>Pseudopanax crassifolius</i>	Lancewood
<i>Sophora microphylla</i>	Kowhai

Clutha District Council Plan Change 41 and 41A

Expert Conferencing – Planning

Joint Witness Statement

(Level 1, 77 Stuart Street, Dunedin and via Email)

Attendees:

Nigel Bryce – Consultant Planner for Pan Pac and Calder Stewart

Allan Cubitt - Consultant Planner, Clutha District Council

LANDSCAPE

General:

Mr Bryce and Mr Cubitt have considered the Landscape Joint Witness Statement and associated Landscape Design Guidelines and amendments to the landscaping provisions suggested by Ms Davies and Mr Moore.

It was agreed by both planning witnesses that Landscape Design Guidelines will assist guide future development, however it is important to reinforce that the plan change is to underpin an industrial rezoning and therefore the Landscape Design Guidelines need reflect this. It was also agreed that the Figures within the Landscape Design Guidelines need to reflect the underlying planning controls under the Operative District Plan, particularly as this relates to the position of buildings off boundaries.

The matters for discussion set out below follow the matters for discussion set out in the Landscape JWS.

Matters for Discussion:

20m Landscape Strip along the Western Boundary

Both planning witnesses agree that a 20 metre landscape strip along the western boundary of the PC41A area, where this adjoins the Large Format Area is an acceptable outcome.

10m Landscape Strip along the Railway Boundary North of Limeworks Road (Pan Pacs land)

Both witnesses note that the Landscape JWS did not address the 10m landscape strip along the Railway boundary on Pan Pac site. It was agreed that the status quo be maintained for this area, given existing topography that screens this part of the plan change area from Limeworks Road.

10m Landscape Strip along the State Highway Boundary

Both planners agree that as the Pan Pac Otago Plant already has an existing landscape response to the state highway frontage that this landscape response forms part of the consented environment and should inform the landscape response for the remaining state highway frontage to the Pan Pac owned land to the north of Limeworks Road. As a consequence, the amendments sought by Pan Pac submission in relation to landscaping around the edge of the zone boundary are considered appropriate as they reflect their current resource consent, which predates PC41A.

As a consequence, it was recommended that the existing rule reflecting the landscape response along Pan Pac's frontage be retained.

Requirements for Mounding

The planning witnesses agree that mounding should not be a mandatory requirement and should be guided by the Landscape Design Guidelines.

Internal Landscape Response along Roading

Both planners reinforced that there is a requirement for a landscape response to be provided for at the time of development along all public roads under the existing provisions of the Operative District Plan and therefore both witnesses agreed that Preferred Approaches -Internal Road Option B would achieve an approach consistent with the intent of Rule IND 4.1.6.

As a consequence, both planners agreed with Mr Moore at para 4 of the Landscape JWS who considered that *"the landscape guidelines, combined with appropriate Council review and approval of development plans, and enforcement of provisions as required, will provide appropriately for an acceptable outcome, irrespective of whether the landscape mitigation is within public or private land."*

It was agreed that the 5m landscape strip identified in the Landscape Design Guidelines should be identified as 'indicative only' and that the landscaping response would be considered on a case by case basis through either Rule IND 4.1.6 and Rule SUB.4(D).

It is recommended that 'Preferred Approaches – Internal Road Option A' be deleted, as it would not be appropriate to have two different internal landscaping responses to support PC41A structure plan.

Introduction -Design Guidelines & Rules

Reference to 'High Quality Industrial Landscape'

On page 5 of the Landscape Design Guidelines at (iii) reference is made to "enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) to facilitate a high quality industrial landscape". Similarly, amendments have been made to Rule IND 4.1.6 and Rule SUB.4(D) to include specific reference to "(iii) Enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) to facilitate a high quality industrial landscape;"

Mr Bryce raised concern that this wording may be open to interpretation and may be unduly constraining on the future development of this plan change area on the basis that this land is being rezoned for Industrial purposes and the landscaping response should reflect its purpose. Introducing the need for achieving a 'high quality industrial landscape' may be open to interpretation and pose issues for landscape approval in future by Council. He recommended amending the wording to Rule IND 4.1.6 and Rule SUB.4(D). Mr Cubitt agreed with this.

The amended wording is set out in the attached rule extract and amendments to the Landscape Design Guidelines recommended below.

Reference to Large Scale Specimen Trees

The Landscape Design Guidelines at page 7 discuss the need for streetscape and road green space areas to be established in large scale specimen trees. Further, this outcome has now been articulated into the Landscape Character Principles at page 9, including that the use tree species of appropriately large scale and quick growth rates to provide effective mitigation is provided for.

The Landscape JWS does not discuss or provide further guidance on what percentage of landscaping would need to be provided at 'large scale' and as a consequence this may limit the effectiveness of the Landscape Design Guidelines.

Given that the Landscape JWS did not address this matter, the planners referenced back to the landscape evidence presented at the hearing on this matter. The evidence of Ms Davies was that 50% of specimen trees should be grade PB95 or larger. However, Mr Moore considered that based on the species he considered acceptable for screen planting that would ideally form a large part of mitigation plantings in some areas (e.g. eucalypts and poplars along the western boundary of the plan change area) that these are difficult and unnecessarily costly to procure at this grade. Mr Moore considered that due to their quick growth rates, it would be more appropriate and cost effective to plant species such as this at smaller grades and he considered that the best approach for plantings to be achieved was for Council sign-off of landscape mitigation plans for specific areas.

Both planners agreed that there was not sufficient guidance contained within the Landscape Design Guidelines or the proposed rules to assist with what percentage of larger species was required to assist with integrating future industrial development. It was agreed that this matter be canvassed by the landscape witnesses by way of supplementary response to their Landscape JWS. It was agreed that the landscape witnesses need to agree what plant bag size constitutes a large specimen and provide guidance on the percentage of plantings in the outer periphery landscape areas to be established with large specimen trees at the time of planting.

Landscape Design Guidelines – Reference to Building Setbacks and Road Widths

The planning witnesses identified a number of areas where further amendments to the Landscape Design Guidelines should be provided for and recommended the following additional changes:

Page 5 (iii) of the Landscape Design Guidelines sets out that “enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) to facilitate a high quality industrial landscape”. Consistent with the issues identified at the bottom of page 2 of this planning JWS, it is recommended that (iii) be amended to reference to ‘complement future industrial activities’ as opposed to ‘facilitate a high quality industrial landscape’.

Page 10 & 11 of the Landscape Design Guidelines includes a range of roading design responses that are unlikely to be included within future roading designs and therefore are misleading. The road width of the central spine road will unlikely include a turning median, does not need parking identified and the roading corridor should be drawn to the minimum Clutha District Council Industrial road width standard. We therefore recommend that further amendments are made to Preferred Approaches-Internal Road Option B. It was also agreed that reference to ‘5.0 landscape strip’ fronting the development should be identified as ‘Indicative Landscape Strip’ on the basis that there is no specified width requirements specified under Rule IND 4.1.6.

Pages 12-14 and 19- the figures show “Site landscape recommended (extent varies) Private Space”, however there is no on site landscaping required if the site does not adjoin a public road beyond that required in the structure plan. It is therefore recommended that the landscape area identified in the ‘private space’ be deleted from Figures 10, 11, 12 and 17.

Page 15 – Figure 13 should be retitled ‘Figure 13: 20m Western Boundary – Adjoining Large Format Area’.

Page 16 – Figure 14 should be retitled ‘Figure 14 – 10m Western Boundary for 16 metre height area up to Limeworks Road (and excluding Pan Pac site legally described as Section 1 SO 465421 and Lot 2 DP 23974)’.



Nigel Bryce



Allan Cubitt

Amend Rule IND 4.1.6 as follows:

"All sites, including within the Industrial Resource Area (Toko Plains), adjoining public roads, reserves or other public land, or adjacent resource areas shall be landscaped to mitigate any adverse visual effects of industrial activities from these places screened from the view of those sites. Such landscaping screening shall be designed and implemented erected or planted to a suitable height and density so as to mitigate the visual dominance of future industrial development and the adverse visual and amenity effects that have the potential to occur and shall not impede visibility on adjacent roads. Any such landscaping screening shall be appropriately maintained. For the purpose of this rule, the public rail corridor to the west of the Industrial Resource Area (Toko Plains), shall not constitute 'other public land'.

In the Industrial Resource Area (Toko Plains), all landscaping shall be designed in accordance with the following design principles and outcomes:

- (i) Landscaping and any associated mounding shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;*
- (ii) Where adjacent to rural zoned land, integrate the industrial zone with the surrounding rural character;*
- (iii) Enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) in order to complement future industrial activities; to facilitate a high quality industrial landscape;*
- (iv) Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;*
- (v) That the green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;*
- (vi) Where appropriate, plantings shall seek to enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate).*
- (vii) Plantings and other landscape treatments are to be appropriate to their intended mitigating function and specific situation. Further detail on Guidance on appropriate landscape approaches plant species and mounding design is provided in Table x the Tokomairi Plains Industrial Resource Area Landscape Design Guidelines; Planting shall be undertaken using the range of species identified in Table 1 attached at page X;*
- (viii) All development stages shall be underpinned with a landscaping plan that is informed by the Tokomairi Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;g; and*
- (ix) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme);. The proposed maintenance programme shall seek to ensure a survival rate of at least 90% of all landscaping within the first 5 years and must provide for replacement and successful establishment of plants that die or fail to thrive.;*
- (x) All landscaping shall be implemented prior to occupation of the development or where completion of the development occurs outside of a planting season then landscaping shall be undertaken within the first planting season following.*
- (~~x~~)(xi) For the purposes of the 10-metre landscape strip fronting the property legally described as Section 1 SO 465421 and Lot 2 DP 23974 and identified within the Industrial Structure Plan, the landscaping strip shall comprise a minimum landscaping strip of 4.5 metres from the front State Highway boundary with associated naturalised mounding. Note: For the purposes of this rule,*

mounding may extend outside of this 10-metre landscape strip and naturalised mounding is encouraged along the State Highway frontage.

Documentation requirements

(i) All development stages shall be underpinned with a landscaping plan informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines that spatially identifies areas to be planted and/or mounded that identifies the areas to be planted and / or mounded. Details are required as to plant species, plant sourcing, plant sizes at the time of planting, plant locations, density of planting, and timing of planting; and

(ii) A documented programme programme of establishment and post establishment protection and maintenance is required addressing such matters as site preparation, fertilizing, watering, weed control, control of pest animals, replacement of dead or non-thriving plants and the length of the maintenance period. The proposed maintenance programme shall seek to ensure a survival rate of at least 90% within the first 5 years and must provide for replacement and successful establishment of plants that die or fail to thrive.

Amend Rule SUB.4 as follows:

D. Matters Specific to the Industrial Resource Area (Toko Plains)

1. Any subdivision of land contained within the Industrial Resource Area (Toko Plains) shall be supported with a comprehensive landscape plan that seeks to mitigate any adverse visual effects of industrial development over the proposed lots being created and provides for a high quality industrial landscape. Council's control shall be limited to the following considerations:

(i) Landscaping and any associated mounding shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;

(ii) Where adjacent to rural zoned land, the degree to which landscaping will integrate the industrial zone with the surrounding rural character;

(iii) The degree to which landscaping will enhanceEnhance the internal visual amenity of the Industrial Resource Area (Toko Plains) and provide for landscaping of a scale and impact to effectively mitigate the built elementsand provides for a high quality industrial landscape in order to complement future industrial activities.

(iv) Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;

~~(iii)~~ —

(v) The green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;That the green spaces identified within the Structure Plan are provided for.

(vi) The degree to which landscaping will enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate);

(vii) Planting shall be undertaken using theinformed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines. range of species identified in Table 1 attached at page X.;

(viii) Appropriate screen planting should be put in place to mitigate the visual dominance of any outdoor container storage areas when viewed from the adjoining State Highway;

(ix) All development stages shall be underpinned with a landscaping plan that identifies planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;

(x) All development stages shall be underpinned with a landscape plan that is informed by the Tokmairiro Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;

(xi) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme) and must provide for replacement and

successful establishment of plants that die or fail to thrive.

~~(i)(x)~~ All landscaping shall be implemented prior to certification under section 224C of the Resource Management Act, where planting occurs within a planting season or alternatively within the first planting season following section 224C approval where this extends outside of a planting season.

Tokomairiro Plains Industrial Zone Landscape Design Guidelines.