

## **Section 42A Report**

# **Proposed Plan Changes 39 – 41A to the Clutha District Plan Balclutha, Stirling and Milton Zones Changes**

**September 2019**

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## 1.1 BACKGROUND

The Clutha District Council's District Plan, prepared under the Resource Management Act 1991 (the Act), was publicly notified on 14 January 1995. On 30 June 1998 it became one of the first resource management plans in the country to be deemed operative. Early in 2007, work on the review of the District Plan commenced. At that time, Council was required to undertake a full review of the Plan as required by section 79(2) of the Act. However, 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. At that point in time, Council decided to adopt the rolling review approach. That led to a number of plan changes over the last few years which dealt with the energy section; the biodiversity management provisions; the natural hazard provisions; and the Public Works and Network Utilities Section of the District Plan.

While these plan changes were being developed, Council was also 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 in 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 NPS 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 our urban areas.

This review led to the following plan changes that deal with a number of residential and industrial zoning issues in Balclutha, Stirling and Milton:

**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. It provides 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 the 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 current Plan Change 41 process thereby avoiding the need for a future plan change. However, given the detail of the proposed structure, it has been 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.

## **1.2 RESOURCE MANAGEMENT ACT**

There are a number of statutory requirements prescribed by the Act that the preparation of a plan change must fulfil. These which include:

- Section 31, Functions of Territorial Authorities;
- Section 32, Duty to consider alternatives, assess benefits and costs;
- Section 74, Matters to be considered by territorial authorities;
- Section 75, Contents of district plans [as amended by the 2005 Amendment Act];
- Section 76, District Rules
- Part II.

The key matters of these sections are summarised below.

Section 31 of the Act outlines the functions of the Council under the Act and includes, *'The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district; and the, 'control of any actual or potential effects of the use, development, or protection of land...'*

Section 32 of the Act requires an evaluation of a proposed plan change to examine the, *'...extent to which each objective is the most appropriate way to achieve the purpose of the Act'* (i.e. sustainable management); and *'whether the policies, rules and other methods are the most appropriate for achieving the objectives'*. In doing so, the evaluation is required to have regard to 'efficiency and effectiveness' and under section 32(4) *'must take into account'* the benefits and costs of policies, rules or other methods and the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the policies, rules or other methods.

Section 32AA requires a further evaluation “*for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed...*”.

Section 74 of the Act provides the Council with the ability to change its plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32 and any regulations.

Section 75(3) of the Act requires that a District Plan must give effect to any Regional Policy Statement and National Policy Statement, and section 75(4) requires that a District Plan must not be inconsistent with any Regional Plan in relation to the matters specified in section 30(1) of the Act.

Section 76 of the Act outlines the contents that a District Plan must contain, including objectives, policies and rules. Section 76 enables the Council to include rules in the District Plan for the purpose of carrying out its function under the Act, and to achieve the objectives and policies of the Plan. In making a rule the Council, ‘*...shall have particular regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect...*’.

Part II of the Act outlines its purpose and principles. The purpose of the Act is to promote the sustainable management of natural and physical resources. All plans and policy statements have to give effect to the purpose and principles of the Act, and every policy or rule should promote the sustainable management of natural and physical resources.

Section 5 of the Act provides that the purpose of the Act is to provide the sustainable management of natural and physical resources. As such, section 5 is fundamental to any assessment, with the approach being to weigh the matters in section 5(2) in order to reach a broad judgement as to whether a plan or plan clause would promote the sustainable management of natural and physical resources.

Section 6 of the Act requires Council to recognise and provide for matters of national importance while Section 7 of the Act requires Council to have particular regard to number of other matters. Section 8 of the Act requires Council to ‘*take into account*’ the Principles of the Treaty of Waitangi. Reasonable cooperation is a principle of the Treaty which includes the objective to consult tangata whenua on major issues of concern.

### **1.3 CONSULTATION AND PROCESS**

Clause 3 of the First Schedule of the Act requires Council to consult with the Minister for the Environment and any other Minister that may be affected, along local authorities and tangata whenua (through Iwi Authorities) who may be affected, during the preparation of a Plan Change.

## 2 ANALYSIS of SUBMISSIONS

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### 2.1 NOTIFICATION

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 lead 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.

A report which summarised the decisions requested in these submissions was publicly notified on 19 June 2019, closing on 18 July 2019. Five further submissions were received on the decisions requested in the submissions.

### 2.2 REPORT OVERVIEW

This report has been prepared pursuant to section 42(A) of the Act. The purpose of this report is to assess the submissions received on Proposed Plan Changes 39 to 41A in terms of the relevant statutory considerations and obligations.

The report considers the submissions on a topic by topic basis and includes a recommendation from the report writer on each submission that has been received. Where new text is included in the recommendations of this report the following protocols have been followed:

- Text recommended to be deleted by the Council officer is struck-out (i.e. ~~abcdefghijkl~~)
- Text recommended by the Council officer is highlighted (i.e. abcdefghijkl)

It should be noted that this recommendation is **not** the decision of the Committee. Following consideration of all the submissions and supporting evidence, if any, presented by the submitters at the hearing, the Committee has full delegation to hear and make decisions on the submissions received. After the appeal period has ended, and any subsequent amendments to the plan change have been made, the Council is required to approve the proposed plan change.

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. ANALYSIS OF PRINCIPLE ISSUES RAISED IN 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)	<b>Generally supports</b>	<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>

##### **3.1.1 Discussion and Evaluation**

The submission is relatively general and does not address any specific areas affected by the zone changes. While Federated Farmers submit that they have no position on where Council is proposing to rezone land and acknowledge the requirements of the NPS, they seek recognition of the importance of primary production to District and that land use in rural area is relatively unencumbered by planning regulations.

The rezoning's proposed for Balclutha do not involve highly productive rural land but generally reflect areas of existing development on the boundary of the town. The current planning provisions affecting land use in the rural area are considered relatively enabling and there are no changes proposed to these.

##### **3.1.2 Recommendation**

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

##### **3.1.3 Recommended Amendments to Proposed Plan Change**

No amendments are recommended as a result of this submission.



### 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)	<b>Oppose in part</b>	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	<b>Support</b>  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

#### 3.2.1 Discussion and Evaluation

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.

#### 3.2.2 Recommendation

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

#### 3.2.3 Recommended Amendments to Proposed Plan Change

No amendments are recommended as a result of this submission.

### 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)	<b>Neutral</b>	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.

### 3.3.1 Discussion and Evaluation

How firefighting infrastructure is provided will depend on the nature of the zone. If the zone is fully reticulated with Council services, fire hydrants are provided within public streets. If the new zone is not reticulated, this infrastructure is required to be provided through the subdivision process. It is not considered necessary to address this matter further through the proposed zone changes.

### 3.3.2 Recommendation

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

### 3.3.3 Recommended Amendments to Proposed Plan Change

No changes are recommended as a result of this submission.

## 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	<b>Support</b>	<b>Retain as notified</b>
Wilson, Russell OS06.1	<b>Oppose</b>	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	<b>Supports in part</b>	Ensure zoning changes continue to prevent the exacerbation of flood hazards. Ensure the plan directs users to ORC Flood Protection By-law 2012.

### 3.4.1 Discussion and Evaluation

The submission of Mr Wilson requests no additional residential land on Golfer's Drive. We assume this submission is made in relation to the woodlot at the southern end of Golfers Drive that is to be rezoned from 'Rural' to 'Transitional'. Under its current zoning, there is no guarantee that the plantation will be maintained on the site and as a consequence, existing amenity and wildlife values cannot be guaranteed.

For a rural block, it is relatively small and it is isolated from other rural land. The northern boundary comprises reasonably well developed residential zoned land while the golf course occupies the east and most of the southern boundary. The Kaitangata Highway forms the sites western boundary while the Main Trunk Railway sits just below its southern boundary.

In our view, these factors indicate that the land is more suited to an urban use as opposed to a rural use.

With respect to the ORC submission, we note that the rezoning's have not been opposed by the Council but they consider CDC must ensure that the rezoning's continue to prevent the exacerbation of flood hazards. In this context, we note that the extension of the Barnego Road Industrial zone does have a flood hazard overlay, as does parts of the adjoining existing Industrial zone.

We understand that this area is protected by flood banks but that there is the potential for a residual effect. In this context, we note that industrial activities are less sensitive to flood events and that the recently amended Natural Hazard provisions of the District Plan deals with activities that wish to locate within flood plains.

With respect to the existence of ORC's flood protection assets and the Flood Protection By-law 2012, we consider there is merit in ensuring plan users are aware of these things. However, it is not clear from the submission how the ORC would like this implemented in the plan. As a consequence, there is little scope to make any changes to the plan through this process.

Because the issue is unlikely to be specific to these sites, the ORC may wish to consider undertaking a designation process for these assets throughout the District. This would ensure that their assets are identified on the planning maps and are appropriately protected by the associated provisions of the Resource Management Act.

### 3.4.2 Recommendation

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

### 3.4.3 Recommended Amendments to Proposed Plan Change

No changes are recommended as a result of these submissions.

## 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	<b>Supports</b>	Seeks feedback on additional industrial land being rezoned adjoining existing timber mill to provide for future expansion of business.

### **3.5.1 Discussion and Evaluation**

We assume that this submission relates to the sawmill located at Kakapuaka. 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. With the Council potentially considering a plan wide review in the near future, there may well be the opportunity to revisit this issue.

### **3.5.2 Recommendation**

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

### **3.5.3 Recommended Amendments to Proposed Plan Change**

No changes are recommended as a result of this submission.

## 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)	<b>Oppose in part</b>	<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>

#### 3.6.1 Discussion and Evaluation

The submission is relatively general and does not address any specific areas affected by the zone changes. While Federated Farmers submit that they have no position on where Council is proposing to rezone land and acknowledge the requirements of the NPS, they seek recognition of the importance of primary production to District and that land use in rural area is relatively unencumbered by planning regulations.

The rezoning's proposed for Stirling do not involve highly productive rural land but generally reflect areas of existing development on the boundary of the town. The current planning provisions affecting land use in the rural area are considered relatively enabling and there are no changes proposed to these.

#### 3.6.2 Recommendation

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

#### 3.6.3 Recommended Amendments to Proposed Plan Change

No changes are recommended 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)	<b>Oppose in part</b>	Requests careful consideration of the potential reverse sensitivity issues likely to arise from the zoning review and how these may impact primary production activities.

#### 3.7.1 Discussion and Evaluation

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.

#### 3.7.2 Recommendation

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

#### 3.7.3 Recommended Amendments to Proposed Plan Change

No changes are recommended as a result of this submission.

### 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)	<b>Neutral</b>	<p>Ensure any new zoning provides adequate firefighting water supply, access to the supply, and access and manoeuvring for firefighting appliances.</p> <p>Provision to be made for additional emergency service facilities should there be a subsequent need arise from the rezoning.</p>

#### 3.8.1 Discussion and Evaluation

How firefighting infrastructure is provided will depend on the nature of the zone. If the zone is fully reticulated with Council services, fire hydrants are provided within public

streets. If the new zone is not reticulated, this infrastructure is required to be provided through the subdivision process. It is not considered necessary to address this matter further through the proposed zone changes.

### 3.8.2 Recommendation

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

### 3.8.3 Recommended Amendments to Proposed Plan Change

No changes are recommended as a result of this submission.

## 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	<b>Support</b>	<b>Retain as notified</b>
Fonterra Limited OS16.1,2,3.	<b>Support in part and Opposes in part</b>	<ol style="list-style-type: none"> <li>1. Supports the rezoning of Lot 1 DP301857 and Lots 1 and 2 DP394882 from Rural Resource Area to Industrial Resource Area as notified.</li> <li>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.</li> <li>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.</li> </ol>

### 3.9.1 Discussion and Evaluation

The rezoning opposed by Fonterra relates to a small slither of land that they own on Baker Street, which is part of a larger landholding held under one title. They 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.

Fonterra are also seeking an amendment to the ‘Noise Control Boundary’ (NCB) in relation to the inclusion of 47 Mount Wallace Road within that boundary. Fonterra state in their December 2017 submission that they have initiated discussions with the landowner on the implications of this but no update has been provided since.

We note that according to Marshall Days September 2016 noise report, the property at 47 Mount Wallace Road currently receives less than 45 dB LAeq(15) at their boundary from factory noise. The current NCB is set at 55 dB LAeq (15 min) (7am – 10pm) and 45 dB LAeq (15 min) and 75 LAFmax (10pm – 7am). It is not clear from Fonterra’s submission what the advantage is of including 47 Mount Wallace Road within the NCB and this should be addressed at the hearing.

As an alternative, Fonterra have also promoted the application of an NCB at the 50 dBLAeq(15) boundary. While this would reduce the area affected by the NCB, no reasons for this alternative approach have been provided. We would also expect this matter to be addressed at the hearing.

Until such time as Fonterra has addressed these matters in evidence, no recommendation has been made in relation to the NCB.

### 3.9.2 Recommendation

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

### 3.9.3 Recommended 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.

### 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	<b>Support</b>	Retain as notified
Fonterra Limited OS16.4	<b>Support</b>	Amend Rule NSE.1 as notified.

### 3.10.1 Discussion and Evaluation

The submitters support the proposed change.

### 3.10.2 Recommendation

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

### 3.10.3 Recommended Changes to Proposed Plan Change

No changes are recommended 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	<b>Support</b>	<b>Retain as notified</b>
Fonterra Limited OS16.5,6.	<b>Supports subject to amendments</b>	Retain new Objective RRA.7 as notified.  Retain Policy RRA.13 as notified, subject to inserting new Policy RRA.14 as follows: <i><u>“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.”</u></i>

### 3.11.1 Discussion and Evaluation

The new policy recommended by Fonterra is considered appropriate as it is specific to the NCB developed for the Stirling dairy factory. In terms of the required evaluation under Section 32AA of the Act, we consider this policy to be the most appropriate to achieve the objective of managing potential reverse sensitivity issues involving the Stirling dairy factory.

### 3.11.2 Recommendation

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

### 3.11.3 Recommended 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 licence 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	<b>Oppose</b>	Delete the proposed amendment to Rule RRA.3(iv) as follows: <del>“...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.”</del> Delete any remaining references (if any) to ‘Noise Nuisance Area’ and replace with ‘Noise Control Boundary’.

### 3.12.1 Discussion and Evaluation

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.

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.

### 3.12.2 Recommendation

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

### 3.12.3 Recommended 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 Noise Standards (iv)

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<sub>LAeq</sub>(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	<b>Support subject to amendments</b>	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 <sub>LAeq</sub> (1hr) in all habitable rooms with the windows closed. <u>Any activity that fails to comply with this standard is a discretionary activity.</u> <del>application for non-compliance with this rule shall only require written approval from the</del> <u>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.</u> ”

#### 3.13.1 Discussion and Evaluation

Fonterra rightly note in their submission that non-compliance with Rule RRA.3(iv) (discussed above in 3.12) is treated as a discretionary activity. For consistency sake, that activity category should be the same where there is a non-compliance within the Stirling dairy factory NCB.

Fonterra have also recommended a change to the affected persons clause of the rule. Currently the rule identifies Fonterra as the only affected person. However, there may well be adverse effects from such an activity that could impact on other neighbouring properties owners. Hence, Fonterra’s submission is considered appropriate as it identifies the operator of factory as an affected party but does not restrict anyone else from being considered a potentially affected party.

**3.13.2 Recommendation**

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

**3.13.3 Recommended 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 35dBLA<sub>eq</sub>(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

**3.14.1 Discussion and Evaluation**

The submitter supports the change.

**3.14.2 Recommendation**

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

**3.14.3 Recommended Amendments to Proposed Plan Change**

No changes are recommended 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:

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		"Any activity that fails to comply with <del>these</del> standards <u>(i) to (iii) above</u> , is a restricted discretionary activity."

### 3.15.1 Discussion and Evaluation

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

### 3.15.2 Recommendation

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

### 3.15.3 Recommended 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<sub>LAeq</sub> (15 min)

10pm – 7am 45 dB L<sub>Aeq</sub> (15 min) and 75 LAF<sub>max</sub>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
Fonterra Limited OS16.11	<b>Support subject to amendments</b>	Amend Rule IND.2(2) as follows: "On the Stirling ...10pm – 7am 45bBLA <sub>eq</sub> (15 min) and 75 LAF <sub>max</sub> . <u>Non-compliance with this requirement shall be considered as a restricted discretionary activity.</u> Council shall restrict the

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<u>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>

### 3.16.1 Discussion and Evaluation

While the submitter supports the rule, they correctly note that it is not clear what the activity status would be if the standard is not complied with. To rectify this, they suggest a restricted discretionary activity status. However, this seems to be inconsistent with their submission on others who own land within the NCB and do not comply with the standard. In those circumstances they have submitted that discretionary activity status should be applied (see 3.13 above). Given that non-compliance with this rule can potentially have far greater impact than the non-compliance discussed under 3.13 above, we consider discretionary activity status should also apply in these circumstances.

### 3.16.2 Recommendation

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

### 3.16.3 Recommended Amendments to Proposed Plan Change

Amend Rule IND.2(2) as follows:

“On the Stirling ... 10pm – 7am 45bBLA<sub>eq</sub> (15 min) and 75 LAF<sub>max</sub>.

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

## 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

### 3.17.1 Discussion and Evaluation

The submitter supports the use of the current definition.

### **3.17.2 Recommendation**

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

### **3.17.3 Recommended Amendments to Proposed Plan Change**

No changes are recommended 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.**

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
Federated Farmers of NZ (OS15.1,2,3.)	<b>Generally support</b>	<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>

#### **3.18.1 Discussion and Evaluation**

The submission is relatively general and does not address any specific areas affected by the zone changes. While Federated Farmers submit that they have no position on where Council is proposing to rezone land and acknowledge the requirements of the NPS, they seek recognition of the importance of primary production to District and that land use in rural area is relatively unencumbered by planning regulations.

The rezoning's proposed for Milton do not involve highly productive rural land but generally reflect areas of existing development on the boundary of the town. The current planning provisions affecting land use in the rural area are considered relatively enabling and there are no changes proposed to these.

#### **3.18.2 Recommendation**

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

#### **3.18.3 Recommended Amendments to Proposed Plan Change**

No changes are recommended as a result of this submission.

### 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)	<b>Oppose in part</b>	Requests careful consideration of the potential reverse sensitivity issues likely to arise from the zoning review and how these may impact primary production activities.

#### 3.19.1 Discussion and Evaluation

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 or are 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.

#### 3.19.2 Recommendation

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

#### 3.19.3 Recommended Changes to Proposed Plan Change

No changes are recommended as a result of this submission.

### 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.)	<b>Neutral</b>	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.

#### 3.20.1 Discussion and Evaluation

How firefighting infrastructure is provided will depend on the nature of the zone. If the zone is fully reticulated with Council services, fire hydrants are provided within public streets. If the new zone is not reticulated, this infrastructure is required to be provided through the subdivision process. It is not considered necessary to address this matter further through the proposed zone changes.

### 3.20.2 Recommendation

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

### 3.20.3 Recommended Changes to Proposed Plan Change

No changes are recommended as a result of this submission.

## 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	<b>Supports</b>	Supports the rezoning in its entirety
KiwiRail Holdings Ltd OS17.2	<b>Support</b>	Retain as notified
Clark, Andrew OS01.1	<b>Supports in part</b>	Supports the rezoning of land at 23 Back Road, Milton to Urban
Murdoch, Evan OS07.1 <i>Calder Stewart Land Holdings Limited</i>	<b>Opposes in part</b> <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>	<b>Opposes in part</b> <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>	<b>Opposes in part</b> <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>	<b>Opposes</b> <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>	

### 3.21.1 Discussion and Evaluation

Mr Murdoch’s submission 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 proposed zone reflects an area that already contains a degree of rural residential development and is seen as an appropriate location for the growth of Milton. 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.”* From Councils perspective, 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.

However, 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.

In relation to Mr Murdoch’s suggestion that Springfield Road be rezoned, we note that there is no existing rural residential development in this location and the area is more prone to flooding than the areas chosen for rezoning. The new Transitional zones proposed in this area are further south, and adjoin the existing Transitional zones in the area.

With respect to the three submissions on the Tokomairiro Sports Ground, I note that these raise a procedural issue as they were made in relation to Plan Change 41A which does not deal with this part of Milton. The Commissioner will need to make a decision on whether to accept these submissions.

Turning to the issue they raise; I note that the underlying zoning of the reserve is to change from Rural to Industrial under the plan change. The industrial zoning is consistent with the land it adjoins to the north and the south west. We consider this appropriate as otherwise the land would become a rural island should the reserve status ever be lifted.

However, it must be reiterated that the change in the underlying zone for the reserve does not affect its current usage as a sports ground. The area will continue to be utilised for recreation purposes for as long as the community desires.

Anzide Properties, KiwiRail and Mr Clark support the rezoning proposals.

**3.21.2 Recommendation**

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; Frost, Larry OS36; South Otago Heritage Society Inc OS35; Toko Rugby Club OS37	Reject

**3.21.3 Recommended Changes to Proposed Plan Change**

No changes are recommended as a result of this submission.

### 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 -</i> <i>Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Loss of rural, productive farmland.
Gray, Glenda OS09.1  <i>Further submitter -</i> <i>Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <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 -</i> <i>Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <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.

#### 3.22.1 Discussion and Evaluation

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.

With respect to the new Transitional Resource Areas identified on the north-east outskirts of Milton and at Tokoiti in the south, the Section 32 analysis noted that *"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 the objective of the proposed plan change is to replace this lost residential capacity to provide for the needs of current and future generations. On that basis, the proposed plan change meets the objective in relation to residential housing."*

Again, 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 residential purposes.

### **3.22.2 Recommendation**

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

### **3.22.3 Recommended Changes to Proposed Plan Change**

No changes are recommended 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	<b>Support</b>	Retain
<p>Calder Stewart Land Holdings Limited OS13.1 and 4, OS38.1 and 2</p> <p><i>Further Submitter –</i></p> <p>NZTA</p> <p>Anzide Properties Ltd</p> <p>Pan Pac Forest Products Limited</p>	<p><b>Support in part</b></p> <p><i>Supports use of Structure Plan</i></p> <p><i>Support in part</i></p> <p><i>Support in part</i></p>	<p>Supports rezoning of 330ha of land to Industrial Resource Area (Toko Plains) subject to various amendments sought. Supports use of Structure Plan.</p> <p>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).</p>
<p>Cowie, Ronald OS22.1</p> <p><i>Further Submitter –</i></p> <p>Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><b>Oppose</b></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	Opposes plan change in its entirety.
<p>McElrea, Gary &amp; Lisa OS29.1</p> <p><i>Further Submitter –</i></p> <p>Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><b>Oppose</b></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	Opposes PC41 rezone of land from rural to industrial & PC41A structure plan.
<p>Bedford, Mark OS12.4</p> <p><i>Further Submitter –</i></p> <p>Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p>	<p><b>Oppose</b></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	Area to be rezoned is approximately 5x beyond projected industrial demand and should therefore be reduced in area.



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>	

### 3.23.1 Discussion and Evaluation

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.

### 3.23.2 Recommendation

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

### 3.23.3 Recommended Changes to Proposed Plan Change

Amend s32 report 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.

## 3.24 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	<b>Oppose</b>	Consideration of alternative locations away from main access routes to our main settlements and towns
<i>Further Submitter – Anzide Properties Ltd</i>	<i>Oppose</i>	
<i>Calder Stewart Land Holdings Limited</i>	<i>Oppose</i>	
	<i>Oppose</i>	

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>		
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>	<b>Oppose (in part)</b>  <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>	<b>Oppose</b>  <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.

### 3.24.1 Discussion and Evaluation

As discussed in 3.23.1 above, this site has been earmarked for Industrial development for some time now due to its locational attributes. 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 Mosgiel airshed.

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. This issue is considered in further detail in 3.29 below.

### 3.24.2 Recommendation

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

### 3.24.3 Recommended Changes to Proposed Plan Change

No changes are recommended 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	<b>Oppose</b>	Milton requires release of residential land to match industrial development.

#### 3.25.1 Discussion and Evaluation

Plan Change 41 rezones a large area of rural land that adjoins the eastern boundary of Milton to 'Transitional'. The new zoning stretches from Forsyth Road north of Milton, south to Springfield Road and Tokoiti. 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.

Hence, this rezoning will give effect to the request of the submitter.

#### 3.25.2 Recommendation

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.

#### 3.25.3 Recommended Changes to Proposed Plan Change

No changes are recommended 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
Bedford, Mark OS12.1 OS12.3 OS12.5	<b>Oppose</b>	Seeks the provision of a buffer zone between Industrial zone and Milburn settlement zone.
<i>Further Submitter – Anzide Properties Ltd</i>	<i>Oppose</i>	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.
<i>Calder Stewart Land Holdings Limited</i>	<i>Oppose</i>	

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>	
Bedford, Wendy OS02.5  <i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Incompatibility of industrial activity with existing residential activity.
Black, Gilbert & Judith OS21.2  <i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <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.
Brown, Alan John OS39.2  <i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <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.
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>	<b>Oppose (in part)</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Concerned about reverse sensitivity issues arising.
Federated Farmers of NZ OS24.4	<b>Neutral</b>	Seeks rules to manage reverse sensitivity effects (including no-complaint covenant).

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>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	
Flannery, Bernard & Christine  <i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <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>	<b>Oppose</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Reverse sensitivity effects
Thomas, Mark & Penny OS03.1, OS03.4  <i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Concerned with the management of health and safety of nearby residents, stock and vegetation.  Seeks to ensure there are no adverse effects from rezoning on existing properties.

### 3.26.1 Discussion and Evaluation

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'. This will not 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.

Furthermore, 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. In this context, we note that Mark Bedford's submission raises Policy.IND.5(a), which requires the Structure Plan to locate activities having regard to their effect on neighbouring activities and Resource Areas (zones). As the Plan Change documentation notes, the location was considered suitable because it was not near a large residential area. Taking guidance from the policy referred to by Mr Bedford, 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.

We suspect that most submitters are concerned about their ability to establish activities on their own sites (such as a new residence) that may be impacted on by the activities within the new zone. 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.

Landscaping is to be provided around much of the edge of the zone, with the exception of the majority of the northern boundary due to the need to ensure access to a rail siding here. However, the provision of landscaping has been revisited and is discussed in 3.27 below. Further screening is proposed around the northern and western boundary of the site.

Hence, buffer zones (which we assume would require the zone to be set further back from the areas of concern to the submitters) are not considered necessary. In this context, we also note that much of the land within the zone is separated from adjoining properties by the State Highway and the railway line. This does not occur at the southern boundary but greater separation distance has been provided here (through landscaping and the provision of stormwater detention ponds in this location) while we also note a number of rural residential properties here have been created with 'no complaints covenants' attached to their titles in anticipation of the proposed Industrial zone.

It is also appropriate to note that many of the surrounding sites are large rural properties so the owner of these properties have flexibility in terms of where they may establish more sensitive activities. The exceptions are the smaller rural residential properties on Circle Hill Road and Anicich Road. The main PC41A land owner may wish to address these properties in the context of this issue at the hearing.

With respect to the Department of Corrections concern regarding reverse sensitivity, we 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, we 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.

As a consequence of the foregoing, we do not consider reverse sensitivity to be an issue in this instance and nor do we consider the establishment of a buffer necessary.

### 3.26.2 Recommendation

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

### 3.26.3 Recommended Changes to Proposed Plan Change

No changes are recommended as a result of these submissions.

## 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  <i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <i>Oppose</i>  <i>Oppose in part. Allow for further mitigation of visual effects.</i>  <i>Oppose</i>	Loss of rural amenity particularly on approach to Clutha.  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.  Value placed on visual impact of our towns, settlements and landscapes.  Adverse effects of amenity and visual.
Black, Gilbert & Judith OS21.1	<b>Oppose</b>	Concerned about visual impact and amenity values.



<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<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><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 OS39.1</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><b>Oppose</b></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.</p> <p>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><b>Oppose</b></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 &amp; 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><b>Oppose</b></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.</p> <p>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><i>Pan Pac Forest Products Limited</i></p>	<p><b>Oppose</b></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>Hutton, Graham OS10.41.3</p>	<p><b>Oppose</b></p>	<p>The plan change will result in cumulative effects that are more than minor with respect to open space amenity</p>

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<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><i>Oppose</i></p> <p><i>Oppose in part. Allow for further mitigation of visual effects.</i></p> <p><i>Oppose</i></p>	
<p>Kalb, Peter &amp; 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><b>Oppose</b></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 &amp; 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><b>Oppose</b></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 &amp; 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><b>Oppose</b></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 &amp; Lisa OS29.8</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><b>Oppose</b></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>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 Road have not been addressed.</p> <p>Seeks screen planting along railway line.</p>

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<p>McElrea, Richard OS23.7</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><b>Oppose</b></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 &amp; Kath OS31.4</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><b>Oppose</b></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 &amp; Wendy OS34.3,4 and 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><b>Oppose</b></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>

### **3.27.1 Discussion and Evaluation**

The submitters raise a number of issues in relation to visual amenity values as follows:

- 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. They submitted as follows:

*Calder Stewart has engaged an independent landscape architect to prepare a Vegetation, Visual and Landscape Assessment Peer Review Report. This report also considers relevant matters raised in the submissions on PC41A and makes further recommendations in terms of appropriate landscape mitigation*

responses.

*The landscape architect peer review report supports the need for additional landscape mitigation to be identified on the structure plan supporting PC41A along the western boundary of the plan change boundary and northern boundary to mitigate the visual effects of future industrial activity. Further, the landscape architect peer review also supports a range of changes to the landscape design principles and outcomes across PC41A structure plan.*

*As a consequence of this landscape response, the company also requests sufficient flexibility to ensure that the landscaping provides for gaps in the landscaping for operational requirements (for example if a connection to the main trunk line is required to come through into PC41A land).*

*Calder Stewart supports the need to ensure that appropriate landscape mitigation is put in place to mitigate the visual effects of future industrial activity to be undertaken within PC41A structure plan. The Company will provide additional evidence in support of the structure plan to address visual effects experienced by properties to the west and south-west of the Structure Plan area. Additional landscaping along the western boundary is recommended to mitigate adverse visual effects on properties to the west and the company seeks scope to respond to these issues in evidence.*

We agree that some improvements need to be made to the structure plan to ensure adequate screening of the area to be rezoned is provided. Council has 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 report is attached and she recommends that the structure plan be adjusted to include the addition of 30m wide landscape strip between industrial areas and railway line to provide a degree of visual screening of the built form that can be expected within the industrial areas.

However, we do not expect the entire site to be completely screened and nor is this practical. The proposed rezoning will obviously facilitate a complete change of character for this area. Hence, rural open space amenity and rural outlook will change for many people living within the wider environment. That is the inevitable consequence of rezoning the land 'Industrial'. However, as discussed 3.23.1, we consider the location to be ideally suited to cater for both the short and long-term industrial needs of both the Clutha District and the wider region. We do not consider the change in landscape/amenity that will occur is significant enough to override the benefits of what is proposed.

### **3.27.2 Recommendation**

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

### 3.27.3 Recommended Changes to Proposed Plan Change

Amend the structure plan in accordance with Appendix G of Ms Davies report.

### 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>  <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <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.
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>	<b>Oppose</b>  <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>	Concerned about stormwater management.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<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><b>Oppose</b></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><b>Oppose</b></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><b>Oppose</b></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>
<p>Flannery, Bernard &amp; Christine OS25.1</p> <p><i>Further Submitter – Anzide Properties Ltd</i></p> <p><i>Calder Stewart Land Holdings Limited</i></p>	<p><b>Oppose</b></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>Concerned about stormwater management.</p>

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>	
<p>Kalb, Peter &amp; 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><b>Oppose</b></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><b>Oppose</b></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 &amp; 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><i>Pan Pac Forest Products Limited</i></p>	<p><b>Oppose</b></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>Proposed 85% impermeable surfaces &amp; stormwater management will have major impact on their farming operation due to diversion of water from drains G1 &amp; G11 into G9 which runs through their farm. This will change the flood flow from 2m<sup>3</sup>/sec to 17m<sup>3</sup>/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 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><b>Oppose</b></p>	<p>Stormwater management and maintenance. Seeks upgrade of the many culverts in the main</p>

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<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><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>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><b>Oppose</b></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><b>Oppose</b></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>
<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><b>Supports (in part)</b></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 &amp; Penny OS03.3</p>	<p><b>Oppose</b></p>	<p>Seeks sufficient stormwater management/drainage to ensure no flooding of existing properties.</p>



Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<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><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>	

### **3.28.1 Discussion and Evaluation**

In promoting this particular area for industrial development, Council was aware of the implications of the recent Milton 2060 Flood Risk Management Strategy that applied to the area. This 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. Hence, 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 noted as follows:

*This 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 Milton 2060 Flood Risk Management Strategy was developed to guide the nature and extent of land use development, and to ensure that flood risk does not increase. Calder Stewart are also well aware of the flood hazard and the physical environment within which their land lies. They are committed to ensuring that future development of this land is done in a sustainable manner, and avoids creating additional risk. This can be achieved by understanding, and then taking appropriate measures to live with the effects of flooding.*

*This report examines the guidance and information provided in the Milton 2060 Strategy, as it relates to this part of the Tokomairiro Plain. It makes a series of recommendations on how Calder Stewart can contribute to positive flood risk outcomes through its development of this site. An accompanying report by Fluent Infrastructure Solutions Limited (“Fluent Solutions”)<sup>2</sup> outlines a practical structure plan approach to managing stormwater, and this report makes reference to the various aspects of the Fluent Solutions report, as they relate to the strategic elements put forward by the Milton 2060 Strategy.*

The executive summary of the Fluent Solutions report in relation to the stormwater issues was as follows:

*The proposed Industrial Resource Area receives stormwater runoff from a substantial catchment area east of the site and conveys storm and flood waters from the eastern boundary with SH1 to the South Island Main Trunk railway line on its western boundary. At the western boundary of the site, flood water and site stormwater runoff is currently discharged at multiple points to the Tokomairiro River floodplain downstream of the site via Otago Regional Council Schedule Drains and other minor drains. Milton is an urban area downstream of the site and is subject to flooding from the Tokomairiro River floodplain. In its post development condition, the conversion of the Industrial Resource Area from grazing to industrial land use represents a major change to the hydrology of the site, namely a substantial increase in the impermeable area within the flood plain catchment. The increase in impermeable area within the Industrial Resource Area means that the volume of stormwater that would discharge to the floodplain would increase and therefore the development has the potential to adversely affect property in the floodplain and Milton.*

*The findings presented in this report have determined that to manage stormwater within the Industrial Resource Area site and to mitigate the potential adverse effects on the floodplain and Milton, the flood waters from the catchment upgradient of the site that currently flow through it at various points, would be collected and directed to two existing natural flow paths to separate the incoming flood flows from stormwater generated within the site. Stormwater runoff from the proposed Industrial Resource Area would be collected from within the site and the runoff directed to two stormwater detention basins for storage until the peak flood level in the floodplain at Milton begins to decline. At that stage the additional runoff volume due to the development would start discharging to the floodplain. Flow control structures at each of the two detention basins at the western boundary would be designed to restrict the combined flow rates from the two natural flow paths to the Tokomairiro floodplain to predevelopment flow rates.*

*The proposed Stormwater Management Structure Plan noted above for the Industrial Resource Area is a suitable approach to mitigating any adverse stormwater effects of the proposed development on the receiving catchment.*

The stormwater management system is required to be implemented prior to any development occurring on the site (see rule IND.1.2).

A number of submissions have questioned the approach to stormwater management. These have been reviewed and analysed by Fluent Solutions and their report is attached. They have 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.*

On the basis of Fluent’s report, we do not anticipate any changes being needed to the existing structure plan itself as they are confident there is adequate scope to adequately deal with stormwater within the area to be rezoned. The finer details of how that will occur, will come through the resource consent processes needed in the future to implement the structure plan.

### **3.28.2 Recommendation**

<b>Submitter Name and Submission Number</b>	<b>Accept / Accept in Part / Reject</b>
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

### **3.28.3 Recommended Changes to Proposed Plan Change**

No Changes are recommended in relation to these submissions.

### **3.29 General – Loss of productive rural land**

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
Cowie, Ronald OS22.2	<b>Oppose</b>	Loss of rural productive farmland.
<i>Further Submitter – Anzide Properties Ltd</i>	<i>Oppose</i>	
<i>Calder Stewart Land Holdings Limited</i>	<i>Oppose</i>	

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>	
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>	<b>Neutral</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Identifies a lack of high-quality 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>	<b>Oppose</b>  <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>	<b>Oppose</b>  <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>	<b>Oppose</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Loss of rural productive farmland.

### **3.29.1 Discussion and Evaluation**

All land essentially begins as ‘rural’ land until such time as communities require it for other purposes. This particular location 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".*

A number of submitters are 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. As part of this process, Council commissioned Rationale Ltd to assess the benefits and costs of conversion of land to industrial. Rationale found that the benefits of rezoning the land from farmland to industrial, outweigh the costs. Their report also noted that the industrial development will provide support for the economic activity created by the rural sector.

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.

We note that the Calder Stewart further submission also highlighted provisions of the Regional Policy statement. They 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.*

We concur with that analysis.

### **3.29.2 Recommendation**

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

### 3.29.3 Recommended Changes to Proposed Plan Change

No changes are recommended 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>	<b>Oppose</b> <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>	<b>Supports in part</b> (OS04.1) <b>Oppose</b> (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>	<b>Oppose</b> <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 –</i>	<b>Oppose</b>	Traffic generation

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<i>Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i>	<i>Oppose</i> <i>Oppose</i>	
<i>McElrea, Gary &amp; Lisa OS29.7</i> <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b> <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Concerns regarding traffic generation particularly on North Branch Road.
<i>McElrea, John OS30.1</i> <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i>	<i>Oppose</i> <i>Oppose</i>	Traffic effects including dust
<i>McElrea, Richard OS23.4</i> <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b> <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	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.
<i>Pan Pac Ltd OS20.1</i>	<b>Supports (in part)</b>	Seeks inclusion of existing access point from Pan Pac owned land onto SH1 not included in CS structure plan
<i>Ritchie, Ian &amp; Wendy OS34.2</i> <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i> <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b> <i>Oppose</i> <i>Oppose</i> <i>Oppose</i>	Increase in train numbers and safety of North Branch Road rail crossing.
<i>Thomas, Mark &amp; Penny OS03.2</i> <i>Further Submitter – Anzide Properties Ltd</i> <i>Calder Stewart Land Holdings Limited</i>	<b>Oppose</b> <i>Oppose</i> <i>Oppose</i>	Seeks all roads near rezones to be tarsealed or at minimum dust effects from un-sealed roads to be managed.

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>	

### **3.30.1 Discussion and Evaluation**

The submitters have made a number of comments in relation traffic, most submitting that the proposal will have adverse traffic effects without being specific. Traffic matters have been assessed in the Stantec report dated 24 September 2018. That report 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.

With respect to specific concerns, a number of submitters have raised concerns in relation to North Branch Road. While we note that North Branch Road may be connected to the zone in the future, it is very unlikely (and has not been proposed to date) that this road be utilised for heavy vehicle movements. Comparison of the current traffic numbers and the forecast numbers in the Stantec report (See figures 9-10 compared to figures 12-17), indicate very little usage of any access off North Branch Road.

One submitter raises concern with the existing bridge on this road, which we note is well past the area to be rezoned so will not be affected by industrial traffic. This submitter also requests a reduction in speed limits, which is again outside the scope of this plan change.

The submission of Mr Crowther identifies concerns with safe property access to the property at the end of Anicich Road. We note that the initial road connection to the site will be from Anicich Road, which is an existing public road. Hence, this road is available for the developer to utilise as part of their development of the zone. However, all existing access to property outside the zone will need to be retained unless other arrangements are made. Furthermore, any upgrades of the road will need to be to the appropriate standard to ensure safe and efficient operation, including the appropriate provision for existing accessways.

Some submitters have also raised the issue of dust generated from internal roads of the zones. This issue relates to the construction standard of the road and is matter for the finer details that are addressed at the time of subdivision or when specific development is proposed.

A number of other submitters raise issues around the operation of the railway line and the rail siding. 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.

It should be reiterated that the site has been selected specifically for its strategic connections to the transport network. Both NZTA And KiwiRail support the proposed zone change and have not raised any safety and efficiency concerns.

The submission of PanPac requests that a further access point onto SH 1 to their land (already existing) be included within the Structure Plan. This is a matter that NZTA should advise on at the hearing.

### **3.30.2 Recommendation**

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	Note
Ritchie, Ian & Wendy OS34.2	Reject
Thomas, Mark & Penny OS03.2	

### **3.30.3 Recommended Changes to Proposed Plan Change**

No changes are recommended as a consequence of this submission.

## **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	<b>Oppose</b>	Adverse effects of noise, smell, pollutants

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<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><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	
<p>Black, Gilbert &amp; 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><b>Oppose</b></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>
<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><b>Oppose</b></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>
<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><b>Oppose</b></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><b>Supports in part</b> (OS04.1)</p> <p><b>Oppose</b> (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 &amp; light pollution, cumulative effects with activities of Pan Pac and City Forest</p>
<p>Federated Farmers of NZ OS24.5</p>	<p><b>Neutral</b></p>	<p>Effects on air quality - Milton frequently exceeds national air quality standards. Future industrial activity needs to be consistent with the Otago Air</p>

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Plan.
Flannery, Bernard & Christine OS25.1  <i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<b>Oppose</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Concerned about noise, vibration, lighting, air quality
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>	<b>Oppose</b>  <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>	<b>Oppose</b>  <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>	<b>Oppose</b>  <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>	<b>Oppose</b>  <i>Oppose</i>	Noise effects

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

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

### 3.31.1 Discussion and Evaluation

#### (i) Noise and Vibration

The current Industrial zone provisions already address noise emission from activities within the Industrial Resource Areas. 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*

<i>Area At all times</i>	<i>L10</i>	<i>65dBA</i>
--------------------------	------------	--------------

*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*

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

*“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.*

While we acknowledge 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), these standards will still ensure that noise generated from within the zone is appropriately managed. The noise standards also differentiate between daytime and

night-time so that the 24-hour operation of any activity is addressed, without unnecessarily constraining activities that require a 27/7 operation.

We also understand that Council will be reviewing noise standards in the District Plan review that will be commenced in the near future, so the issue can be reassessed at that time.

With respect to vibration, we note that Rule NSE.3 applies. It provides as follows:

*Vibration emanating from a site shall meet the limits recommended in, and shall be measured and assessed in accordance with, New Zealand Standard NZS 4403:1976 Code of Practice for Storage, Handling and Use of Explosives.*

**REASON**

*Vibration from the operation of machinery or the use of explosive devices can be a nuisance. Once again, the New Zealand Standards are seen as an adequate control with abatement notice procedures controlling excessive noise problems.*

This standard applies to the use of explosives and there is no New Zealand Standard for vibration. However, 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 District Plan also highlights the general noise provisions set out in the Act which impose an obligation on occupiers of land to ensure the noise they emit does not exceed a reasonable level. Method NSE.4 provides as follows:

*Every occupier of land or water and every person carrying out an activity on land or water, shall adopt the best practicable option (as defined by the Act) to ensure emission of noise from that land or water activity does not exceed a reasonable level. Where Council considers there to be unreasonable noise emission in terms of Sections 326 and 327 of the Act, Council may exercise the powers available under those sections. (See Section 16 of the Act)*

**REASON**

*Section 16 of the Act imposes a duty on people to avoid creating unreasonable noise. Council recognises that many noises generated by normal domestic activities (eg. lawn mowing, people entertaining at their residence) may exceed normal background noise levels and in some instances will create excessive noise as defined by Section 326 of the Act. Where a complaint is received in terms of Section 327 of the Act, Council will carry out its duties in terms of that section. It is considered appropriate to note these provisions in the Plan to draw the public's attention to their responsibilities in terms of noise generation.*

It is considered that these standards, in conjunction with the zone's separation from most adjoining sites by the State Highway and the railway, will ensure that noise is not an issue in this location.

## (ii) Air Quality

Air quality is a Regional Council matter and any discharges to air will either need to comply with permitted standards of the Regional Plan: Air or will need a resource consent. Any controls over air quality are outside of the scope of this plan change.

One submitter has stated that the area already has poor quality. However, one of the reasons for selecting this area was because it is outside the Mosgiel 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.

The Otago Regional Council submission request that the Structure Plan advise people of their duties under the relevant Regional Council planning documents. 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. In that context, we highlight that the District Plan already included the following Policy and method:

### ***POLICY AME.1***

*To ensure that the adverse effects of **odour, glare, electrical interference, smoke, fumes and dust** that some activities can have on neighbouring properties are avoided, remedied or mitigated.*

### ***Explanation***

*These effects have the potential to create a nuisance problem for adjoining properties and greatly affect the amenity values of the District. Generally, there is no reason why these effects cannot be confined to the property on which they are produced. (Refer Rule AME.1 to 3, Rule AME.7 and Method AME.1)*

### **METHOD AME.1 SMOKE, FUMES AND DUST**

*Council recognises that a number of activities, including domestic activities such as open-fires and barbecues, emit smoke, fumes and dust. These effects will, in the main, be dealt with in the Otago Regional Council Air Plan. Council encourages those people undertaking normal domestic or farming activities to adopt the most practicable method to avoid the adverse effects of smoke, fumes and dust on adjoining properties. Being difficult to quantify or measure, no specific standards are set in relation to these effects. However, where any emission of this type under the jurisdiction of Council is deemed to be having a significant adverse effect, Council has the option of issuing an abatement notice to alleviate the problem.*

### **REASON**



*Effects of this nature are generally controlled by other means (e.g. Regional Air Plan, Health Act etc) and consequently Council does not consider it necessary to intervene until such time as a significant nuisance is being created.*

Hence, no further amendments to the DP are considered necessary. Furthermore, it is our experience that those involved in industrial developments are well aware of Regional Council requirements.

**(iii) Lighting**

Submitters also raise concern about lighting impacts, particularly night time lighting. The District Plan already controls this issue with the following Policy identified above and the associated standards in relation to glare as follows:

***POLICY AME.1***

*To ensure that the adverse effects of odour, **glare**, electrical interference, smoke, fumes and dust that some activities can have on neighbouring properties are avoided, remedied or mitigated.*

***Explanation***

*These effects have the potential to create a nuisance problem for adjoining properties and greatly affect the amenity values of the District. Generally, there is no reason why these effects cannot be confined to the property on which they are produced. (Refer Rule AME.1 to 3, Rule AME.7 and Method AME.1)*

***RULE IND.1 GENERAL SECTION***

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

*Note in particular:*

...

3.11 Other Environmental Issues

...

Section 3.11 contains the following standard:

***RULE AME.2 GLARE***

*(i) No activities shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property, measured at the boundary of the neighbouring property, provided that this rule shall not apply to headlights of moving vehicles or vehicles that are stationary for less than 5 minutes. Provided that the provisions of (ii) below are not contravened, the amount of light that may be spilled onto a neighbouring property may be increased by not more than 100%, in cases where the neighbouring activity is not residential or people orientated in nature.*

*(ii) No activity, or use of land or buildings, shall be conducted so that direct or indirect illumination creates a nuisance to traffic or occupants of adjoining or nearby sites. Council's Enforcement Officers shall decide whether or not there are reasonable grounds for believing that a nuisance has been created.*

(iii) No building shall be constructed, and/or left unfinished, and/or clad in any protective material or cover which could reflect sufficient light to detract from the amenities of the neighbourhood or cause discomfort to any person resident in the locality. Material used in construction, cladding, or protection of a building where discomfort is likely to occur should have a reflective value not greater than 20%.

(iv) Activities which do not comply with this rule shall be non-complying activities in relation to these matters.

**REASON**

Glare from external lighting and reflected light can be a nuisance and can be avoided by careful siting and design of lighting fixtures, and by the design of buildings, their position and the material used which may reflect artificial or natural light.

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.

**3.31.2 Recommendation**

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

**3.31.3 Recommended Changes to Proposed Plan Change**

No changes are recommended 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	<b>Oppose</b>	Negative impact on property values.

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>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	

### 3.32.1 Discussion and Evaluation

The issue of impact on property values is not generally a matter for consideration in resource management issues. 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 consider these principles to be relevant in this case also. 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.

### 3.32.2 Recommendation

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

### 3.32.3 Recommended Changes to Proposed Plan Change

No changes are recommended 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>	<b>Neutral</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Effects on water quality.
Gray, Glenda OS09.4,5. <i>Further Submitter –</i>	<b>Oppose</b>	Cumulative effects of industrial land rezoning on water quality.

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Seeks monitoring of water quality.</p>
<p>Hutton, Graham OS10.5,6.</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><b>Oppose</b></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Cumulative effects of industrial land rezoning on water quality.</p> <p>Seeks monitoring of water quality.</p>
<p>Kalb, Peter &amp; Ainslie OS26.1,5,9,10.</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><b>Oppose</b></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>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><b>Oppose</b></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 &amp; Lisa OS29.7,9.</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><b>Oppose</b></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><b>Oppose</b></p>	<p>Increase to water treatment plant</p>

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
<i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<i>Oppose</i>  <i>Oppose</i>  <i>Oppose</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>	<b>Oppose</b>  <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>	<b>Oppose</b>  <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>	<b>Support</b>  <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

### **3.33.1 Discussion and Evaluation**

As with the issue of air quality raised by submitters, the issue of water quality (including ecological effects) along with its allocation and treatment, are matters that are addressed by the Regional Council in their Regional Plan: Water and are outside the scope of the Plan Change.

Issues raised in relation 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.

We do note that this issue has been addressed in the Fluent infrastructure report that underpins the plan change. The executive summary of that report contained the following statement in relation to water infrastructure as:

*Investigations have determined that there is limited capacity in the existing Milton water treatment plant to meet the estimated flow demands from the proposed Industrial Resource Area. The Otago Regional Council have however identified that there should be sufficient extra water available from the Tokomairiro River to meet the estimated water demands. The report also identifies that the water should be able to be treated in a new membrane filtration water treatment plant located next to the existing water treatment plant on North Branch Road to the west of the site and delivered to the site to meet consumers' demands.*

We would also highlight that an aquatic ecological report was prepared by Ryder Consulting that assessed the existing aquatic communities in the water courses within the area covered by the structure plan. That report concluded as follows:

*"An assessment of existing aquatic communities in watercourses within the area covered by the structure plan was undertaken in January 2018. Aquatic habitat in all but one of the watercourses consisted of standing water in isolated pools, which provides very limited habitat for aquatic communities. Macroinvertebrate communities were sampled in two of the larger watercourses, including one (G1) which had flowing water, and were found to be indicative of 'poor' to 'fair' habitat quality. The poor water quality and lack of surface connection within the watercourses limits their value for permanent fish populations, and only one watercourse (G1) was found to contain suitable habitat for fish."*

Hence, while the concerns raised are understandable, these are not matters for the plan change and are not likely to cause any particular concerns when addressed in the future.

### **3.33.2 Recommendation**

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

### **3.33.4 Recommended Changes to Proposed Plan Change**

No changes are recommended as a consequence of this submission

### 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.

#### 3.34.1 Discussion and Evaluation

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. The relevant policy framework in that regard is as follows:

#### **OBJECTIVE FIN.5 JUSTIFIABLE PROPORTION OF PUBLIC COST**

*To secure financial contributions on land use activities and subdivision activities which represent the cost imposed on the wider community as a consequence of the land use activity or subdivision activity.*

#### **POLICY FIN.3**

*To avoid, remedy or mitigate the adverse effects that subdivision and development can have on network utility services through the use of financial contributions.*

#### Explanation.

*Subdivision and development places cumulative pressure on network utility services. In most cases Council has constructed sewer, stormwater and water systems including headwork facilities, for a finite design population or capacity. Where the effects of any subdivision or development is shown to adversely affect those systems, then a financial contribution will be required to mitigate these effects.*

#### **POLICY FIN.12 - FINANCIAL CONTRIBUTIONS MUST BE FAIR & REASONABLE**

*Financial contributions shall be:*

- (a) Justifiable in that they shall directly relate to avoiding, remedying or mitigating adverse effects on the environment and/or contribute to a positive effect which provides some compensation/relief for an adverse effect on the environment caused or likely to be caused by the activity.*
- (b) Of a proportion that is fair and reasonable and that takes into account –*



- the significance of the adverse effect to be generated
- the duration of any adverse effect
- the extent to which the design of the development or subdivision avoids, remedies, mitigates or offsets/compensates for the adverse effect any negotiated private agreements between the developer and affected parties
- the extent to which another activity or developer contributes to the adverse effect
- the positive effects of the activity on the environment, including the social and economic benefits to the community
- the adverse effect on the public interest

Explanation

Financial contributions charged on any resource consent must be fair and reasonable and they must not be used as a device to generate extra revenue for the Council. This is fundamental to any charge levied under this Plan. This policy sets out the matters that must be taken into account when assessing what a fair and reasonable contribution may be

This policy framework ensures that any financial contributions levied on developers in relation to infrastructure works will recognise both the private and public benefits of the work.

**3.34.2 Recommendation**

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

**3.34.3 Recommended Changes to Proposed Plan Change**

No changes are recommended 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	<b>Neutral</b>	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	<b>Oppose</b>	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>	

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>	

### **3.35.1 Discussion and Evaluation**

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. Hence, we do not see any need to depart from this

approach but if it was necessary, 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 submission of Peter & Ainslie Kalb does seek 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 may wish to expand on this at the hearing.

### 3.35.2 Recommendation

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

### 3.35.3 Recommended Changes to Proposed Plan Change

No changes are recommended 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	<b>Oppose in part.</b>	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>
<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>	
Kiwirail Holdings Ltd OS17.4	<b>Support</b>	<b>Retain as notified</b>
<i>Further Submitter –</i>		

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<i>Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<i>Support</i>  <i>Support in part</i>  <i>Support</i>	
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>	<b>Supports in part</b>  <i>Support</i>  <i>Support</i>  <i>Support</i>	Amend Objective IND.3 to include underlined wording as follows: "... <u>and does not compromise the existing drainage systems 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>  <i>Pan Pac Forest Products Limited</i>	<b>Supports in part</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Amend Objective IND.3 to include underlined text "... <u>and does not compromise the existing drainage systems, including overland flow paths</u> "

### 3.36.1 Discussion and Evaluation

The Department of Corrections submission relates to the reverse sensitivity issue discussed earlier in this report. Although we do not accept there is a reverse sensitivity issue here, we note in this context 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.

With respect to NZTA’s recommended amendment, we have no objection to this in principle as it is an outcome sought by the DP and is specifically referred to in policy IND.5. However, we consider 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 DP (see Section 3.14). Hence, we think the amendment is unnecessary but NZTA may wish to elaborate on the matter at the hearing.

With respect to the amendment proposed by the ORC, we tend to agree 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.*”

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.

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

### 3.36.2 Recommendation

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	Reject

### 3.36.3 Recommended 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.

### 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.

<b>Submitter Number and Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>Comment / decision sought</b>
Department of Corrections OS14.3	<b>Opposes in part</b>	Amend Policy IND.5 as follows: To use a Structure Plan for development within the Industrial Resource Area (Toko Plains) to establish:

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<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>Oppose</p> <p>Oppose</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 <del>within Rule IND.4</del> may need to be amended or included for activities within the Structure Plan.</p> <p>Explanation.</p> <p>The Industrial Resource Area (Toko Plains) compromises a large (approximately 330ha), tract of generally undeveloped rural land on the Tokomairo 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, <u>in a way which does not comprise surrounding land uses</u>, a Structure Plan is considered necessary</p>
<p>Kiwirail Holdings Ltd OS17.4</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><b>Support</b></p> <p>Support</p> <p>Support</p> <p>Support</p>	<p><b>Retain as notified</b></p>
<p>New Zealand Transport Agency OS18.3</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p><b>Supports in part</b></p> <p>Support</p> <p>Support</p> <p>Support</p>	<p>Retain Policy IND.5(a)-(f) as notified excepting correction to typographical error in Policy IND.5 Explanation “compromises” to “<u>comprises</u>”.</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Otago Regional Council OS19.3</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><b>Supports in part</b></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Amend Policy IND.5(e) to include the underlined text "<u>...to protect existing drainage systems 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.</p>

### 3.37.1 Discussion and Evaluation

With respect to the Department of Corrections submission, the submitters in opposition have noted that the majority of requested changes 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. These measures may well address the concerns raised by the Department of Corrections as we note that no subsequent submission on PC41A was made by the Department of Corrections. They may wish to address this matter at the hearing or in a statement to be tabled at the hearing.

With respect to the ORC submission, the same reasoning set out in 3.35.1 above applies. NZTA's submission has merely highlighted a typographical error while Kiwirails submission also related to the original PC 41 provisions. Kiwirail may wish to address the amended provision at the hearing although we note that they did not submit on PC41A, which may indicate that they are comfortable with the amended provision.

### 3.37.2 Recommendation

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

### 3.37.3 Recommended 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	<b>Support</b>	<b>Retain Rule IND.1</b>
New Zealand 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>	<b>Support</b>  <i>Support</i>  <i>Oppose</i>  <i>Support</i>	<b>Retain Rule IND.1</b>
Otago Regional Council OS19.4  <i>Further Submitter – Anzide Properties Ltd</i>  <i>Calder Stewart Land Holdings Limited</i>  <i>Pan Pac Forest Products Limited</i>	<b>Support in part</b>  <i>Support</i>  <i>Oppose</i>  <i>Support</i>	Amend Rule IND.1 bullet point 6 to include the underlined text "...within the Structure Plan area <u>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.

**3.38.1 Discussion and Evaluation**

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 3.36.1

**3.38.2 Recommendation**

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

### 3.38.3 Recommended Changes to Proposed Plan Change

No changes are recommended 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
Department of Corrections OS14.3  Further Submitter – Anzide Properties Ltd	<b>Opposes in part</b>  Opposes	Amend Rule IND.2 as follows:  <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>  Reason

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>Opposes</p> <p>Opposes</p>	<p>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:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the efficient and integrated development of the land for industrial purposes;</li> <li><input type="checkbox"/> the provision of a connected, safe, and efficient transportation network;</li> <li><input type="checkbox"/> the ongoing efficiency of the existing drainage system within the area;</li> <li><input type="checkbox"/> the provision of water, sewer and stormwater infrastructure on a coordinated basis;</li> <li><input type="checkbox"/> the mitigation of any adverse effects visual effects of industrial development</li> </ul>
<p>New Zealand Transport Agency OS18.4</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p>Support</p> <p>Support</p> <p>Oppose</p> <p>Support</p>	<p>Retain Rule IND.2</p>
<p>Otago Regional Council OS19.5</p> <p>Further Submitter – Anzide Properties Ltd</p> <p>Calder Stewart Land Holdings Limited</p> <p>Pan Pac Forest Products Limited</p>	<p>Supports in part</p> <p>Oppose</p> <p>Oppose</p> <p>Oppose</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>

### 3.39.1 Discussion and Evaluation

With respect to the Department of Corrections submission, the submitters in opposition again have noted the submission is longer relevant as the structure plan has now been introduced. The current provisions may well address the concerns raised by the Department of Corrections as we note that no subsequent submission on PC41A was

made by the Department of Corrections. They may wish to address this matter at the hearing or in a statement to be tabled at the hearing.

With respect to the ORC submission, the same reasoning set out in 3.35.1 above applies.

### 3.39.2 Recommendation

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

### 3.38.3 Recommended Changes to Proposed Plan Change

### 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
<p>Department of Corrections OS41.3</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><b>Opposes in part</b></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Amend Rule IND.3 as follows:  <i>The following activities are discretionary activities:</i></p> <p><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></p> <p><i>(b) Residential activities except where ancillary to an industrial activity.</i></p> <p><i>(c) Commercial service activities.</i></p> <p><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></p> <p><i>(e) Unless otherwise stated, non-compliance with any standard within Rule IND.4.</i></p> <p><del><i>(f) Activities or development that is not in general accordance with the Structure Plan for the Industrial Resource Area (Toko Plains).</i></del></p> <p><u><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></u></p>
<p>NZ 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><b>Support</b></p> <p><i>Support</i></p> <p><i>Oppose</i></p> <p><i>Support</i></p>	<p><b>Retain Rule IND.2</b></p>

### 3.40.1 Discussion and Evaluation

With respect to the Department of Corrections submission, the submitters in opposition again have noted the submission is longer relevant as the structure plan has now been introduced. The current provisions may well address the concerns raised by the Department of Corrections as we note that no subsequent submission on PC41A was

made by the Department of Corrections. They may wish to address this matter at the hearing or in a statement to be tabled at the hearing.

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

### 3.40.2 Recommendation

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Department of Corrections OS41.3	Reject
NZ Transport Agency OS18.4	Accept in part

### 3.40.3 Recommended Changes to Proposed Plan Change

No changes are recommended 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:

- (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) That the green spaces identified within the Structure Plan are provided for.
- (iii) Planting shall be undertaken using the range of species identified in Table 1 attached at page X;
- (iv) 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
- (v) 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 5,000m<sup>3</sup>, or

(iii) an area of earthworks exceeding 30,000 m<sup>2</sup>.

(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).

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>	<b>Oppose</b>  <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>	<b>Oppose</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>	Concerned about height of buildings.
Calder Stewart Land Holdings Limited S38.3           <i>Further submitter - NZTA</i>	<b>Supports in part</b>           <b>Supports</b> submission on signage rules provided minimum	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): “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



Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<p>Anzide Properties Ltd</p> <p>Pan Pac Forest Products Limited</p>	<p>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><u>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 3m<sup>2</sup> 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 8m<sup>2</sup> 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. Council shall restrict the exercise of its discretion</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<p>to the effect on amenity values and the effect on the safe and efficient operation of the roading network.”</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):</p> <p><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</p> <p><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></p> <p><u>“Note: For the purposes of compliance with Rule IND.4 (8) (ii) Design Control (30% LRV for roofing materials:</u></p> <p><u>(i) untreated zincalume is discouraged as a roofing material;</u></p> <p><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):</p> <p><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 &amp; 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><b>Oppose</b></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><b>Supports in part</b></p>	<p>Amend Rule IND.4 to ensure screening/landscaping of the Industrial Resource Area (Toko Plains) as required by Rule IND.4</p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
<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><i>Support</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>does not result in shading of State Highway between 10am and 2pm on the shortest day of the year.</p>
<p>Kalb, Peter &amp; 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><b>Oppose</b></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Visual effects of 25m buildings &amp; 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 &amp; 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><b>Oppose</b></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><b>Supports in part</b></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></p> <p>...</p> <p><i>(iv) All development stages shall be underpinned with a landscaping plan that identifies <u>mounding areas</u>, <u>planted areas</u> detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting; and</i></p> <p>...</p> <p><i>(vi) For the purposes of the 10 metre <u>landscape strip</u> <u>fronting the property</u> <u>legally described as</u> <u>Section 1 SO 465421 and Lot 2 DP 23974</u> and <u>identified within the Industrial Structure Plan</u>, the <u>landscaping strip</u> shall <u>comprise a minimum landscaping strip of 4.5 metres from the front</u> <u>State Highway</u></i></p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<p><i>boundary with associated naturalised mounding.</i>  <i>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></p>

### **3.41.1 Discussion and Evaluation**

#### **(i) Rule 4.1(I)(b) – Side Yards**

The submission of Calder Stewart has highlighted that Rule IND 4.1(I)(b) only relates to the intervention of a ‘road’ when considering rear and side yard setback requirements. The submission notes 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.

We agree with that reasoning and accept that it is appropriate that Rule IND 4.1(I)(b) be amended to exempt rear and side yards from applying where adjoined by a railway line.

#### **(ii) Rule 4.1(I) (c) - Building Height**

The Calder Stewart submission also notes 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 is 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. We agree that at this height, it is likely that some activities will end up breaching a very minor aspect of the height rule due to the diameter of the associated stack. As a consequence, we agree that it is appropriate that the diameter threshold for this area should be increased 3.5 metres to reflect the large-scale format of these buildings.

We note that Ms Davies has also addressed this matters and states that *“From a visual effects perspective, it is considered appropriate that if this diameter is increased that there be 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 our experience it would be unusual for an activity to have a large number of stacks that would create this look, however the submitter may like to give consideration to this issue at the hearing

The Calder Stewart submission also notes that Rule IND 4.1(I)(c) does not cross reference to ‘ground level’, which leaves the rule open to interpretation by plan users. They submit that “good practice would dictate that the rule is amended to include reference to ‘ground level’ as defined within the District Plan, so as to avoid any confusion from where the maximum height limit is taken from”. We agree and recommend the change 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.

Pan Pac also sought the 16m height limit proposed under the original PC 41 to be changed to a 20m height limit. Their submission noted that they would provide further expert evaluation in relation to this issue in their further submission. We note that they did not request this outcome in their submission on PC 41A but their further submission made the following comments in relation to those submission seeking to reduce the height of buildings within the zone:

*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.*

We note that Calder Stewarts further submission makes similar comments. Overall, we consider it appropriate to retain the building heights proposed to ensure maximum flexibility and efficiency is retained for development within the zone. As the further submitters have noted, the boundary of the zone will be extensively landscaped and as we noted in Section 3.27 above, Ms Davies has recommended additional screen planting along the northern and western boundaries of the zone. She does recommend that the height restrictions apply to other structures/outdoor activities and also highlights some deficiency in the rules of the zone around the timing of screen planting that should be addressed, although this issue is dealt with by the existing Rule 4.6.

These matters should be addressed by submitters at the hearing, along with a setback provision to existing dwellings that adjoin the boundary of the zone or are located within it. For the purposes of this report, we have recommended a 20m set back to existing dwellings that adjoin, or are located within, the zone.

### (iii) Rule 4.3 – Signs

The Calder Stewart submission also proposes a number of amendments to the sign rules as they relate to the large-scale development enabled by the zone change. 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. Calder Stewart also considers that greater flexibility be provided for signage fronting the internal spine road.

Having considered the suggested amendment, we do not find them unreasonable and they are in line with the provisions of other district Plans. We also note that the zone boundary will be extensively landscaped so most signage will not be particularly noticeable outside the zone.

(iv) Rule 4.6 – Landscaping and Section 11.4.2 Glare

The submission of Calder Stewart also seeks 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. Our understanding is that solar panels are low on the reflectivity scale, so this should not present any concern.

The amendments in the Pan Pac submission in relation to landscaping around the edge of the zone boundary are considered appropriate as they reflect their current resource consent.

**3.41.2 Recommendation**

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

**3.41.3 Recommended Changes to Proposed Plan Change**

(a) Amend Rule IND 4.1(I)(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. Yards of 20m shall be provided to all dwellings that adjoin the Industrial Resource Area (Toko Plains) as at [DATE one operative].”

(b) Amend Rule IND 4.1(I)(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.”

(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 3m<sup>2</sup> 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 8m<sup>2</sup> 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	<b>Oppose</b>	Seeks site size restrictions on residential (1 acre) and lifestyle (20 acre) lots
Hutton, Graham OS10.4	<b>Oppose</b>	Seeks site size restrictions on residential (1 acre) and lifestyle (20 acre) lots

#### 3.42.1 Discussion and Evaluation

These submissions are not relevant to the Plan Change.

#### 3.42.2 Recommendation

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

#### 3.42.3 Recommended Changes to Proposed Plan Change

No changes are recommended 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	<p>Rule 3.9.4 (NHZ.2 Activities Located Within an Area Identified as Hazard Prone):</p> <p><i>“1. LANDFILLS, WASTE DISPOSAL, OR THE STORAGE OR USE OF COMMERCIAL QUANTITIES OF HAZARDOUS GOODS OR SUBSTANCES</i></p> <p><i>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. <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</u></i></p>

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<i>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.</i>

### 3.43.1 Discussion and Evaluation

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.

### 3.43.2 Recommendation

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

### 3.43.3 Recommended 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: “(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

Submitter Number and Name	Submission i.e. whether the submitter supports or opposes specific provisions	Comment / decision sought
		<u>stormwater will be managed accordance with an approved Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.”</u>

**3.44.1 Discussion and Evaluation**

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.

**3.43.2 Recommendation**

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

**3.44.3 Recommended 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	<b>Supports in part</b>	Amend Rule TRAN.7 Vegetation (i) as follows: <i>“(1) 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>

**3.45.1 Discussion and Evaluation**

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.

**3.45.2 Recommendation**

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

**3.45.3 Recommended Changes to Proposed Plan Change**

Amend Rule TRAN.7 Vegetation (i) as follows:

*“(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, 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.”*

**4. CONCLUSION**

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Subject to the changes above and any further information provided at the hearing, it is considered that Clutha District Plan Changes 39, 40, 41 and 41A will achieve the purpose of sustainable management and should be adopted by the Council.