

Section 79 Review of the Clutha District Plan:

**Variation to Plan Change 41: Milton Zoning**

Plan Change 41A: Milton Industrial Structure Plan

December 2018

## **1. INTRODUCTION**

The Clutha District Council's District Plan (CDP), 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 Act 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. For a number of reasons, in particular changing government policy and uncertainty around the review of Otago Regional Policy Statement ("RPS") (now complete), Council decided to adopt that approach. As a result, Council is undertaking a number of plan changes as each section is reviewed.

The first four of these plan changes addressed the energy section; the biodiversity management provisions; the natural hazard provisions and the Public Works and Network Utilities Section of the District Plan.

This plan changes deals with urban land supply issues in Milton and is considered in conjunction with plan changes for Balclutha and Stirling. The original Plan Change 41 provided for new Transitional Resource Areas on the north-east outskirts of Milton and at Tokoiti in the south, to allow for residential development. It also created two new Industrial Resource Areas, the first at the north-west boundary of Milton and the second on the Tokomairiro Plain, stretching from Milburn in the north to the outskirts of Milton in the South.

The provisions 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 zoned, 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. This then allows all parties to re-submit on the new provisions.

Plan Change 41 remains the same with the exception that the provisions within that relate to the Tokomairiro Plain Industrial Resource Area are removed.

## **2. THE PLAN CHANGE**

As a part of the District Plan review process, Council has undertaken a review of the current industrial and residential zoning in the Balclutha, Milton and Stirling areas. The purpose of the review was to understand the available capacity of residential and industrial land within these communities of the District and to address any shortfall if necessary. The recently gazetted National Policy Statement on Urban Development Capacity 2016 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 plan change is also an opportunity to formalise the

existing zonings to better reflect what some land is currently being used for. Council wants to ensure communities have the appropriate provisions in place that allow us to grow sustainably in the future.

This plan changes relates 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 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. There is unlikely to be very little land of this size available in the Clutha/Dunedin area that is zoned "Industrial". To achieve co-ordinated and integrated development of this site, a Structure Plan is considered necessary. The Plan Change puts in place this mechanism and for development to follow that is in accordance with the Structure Plan.

The proposed rezoning's are shown in the attached documents and relate to the following land:

## **2.1 Planning Maps H45B Waiholo and H45D Milton:**

Rezone the following sites from Rural Resource Area to Industrial Resource Area (Toko Plains):

- LOT 1 DP 407615 SEC 28 PT SEC 27 BLK III etc.
- SEC 32 BLK III TOKOMAIRIRO SD,
- LOT 1 DP 5756 BLK III TOKOMAIRIRO SD,
- LOT 4 DP 390540 PT SECS 19-20 BLK etc.
- PT SECS 57-58 BLK VII TOKOMAIRIRO SD,
- SEC 1 SO 465421 LOT 2 DP 23974,
- LOT 1 DP 448568, LOT 1 D P 8596 BLK 3 TOKOMAIRIRO SD,
- LOT 3 DP 473798 LOT 1 DP 434344,
- LOT 2 DP 473798
- Lot 1 DP 473798

The amendments necessary to incorporate the Industrial Resource Area (Toko Plains) into the District Plan are as follows:

## **2.2 Section 4.4 Industrial Resource Area:**

- (a) Add the following Objective and Policy to Section 4.3.3 Objectives and Policies:

### **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.**

## **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) Amend Rule IND.1 GENERAL SECTION 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.

[Note: For the purposes of this report the Structure Plan and associated documents are attached at Appendix 1]

(c) Amend Rule IND.2 Permitted activities to read 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.

(d) 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.

(e) Amend Rule IND.4 Industrial Performance 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 4.1.6 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;

[Note: For the purposes of this report, the species list is attached in Appendix 2]

(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 4.1.7 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) ...”

(iv) 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.

## **2.3 Section 3.7 Subdivision**

(a) Add the following new rule to Section 3.7:

“(aa) All subdivision of land within the Industrial Resource Area (Toko Plains) shall be a controlled activity.

Council’s control shall be restricted to the matters of control set out in Rule SUB.1 and subdivision performance standards under Rule SUB.4.

(b) Add the following to Rule SUB.4 Subdivision Performance Standard:

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

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

- (i) Landscaping and any associated mounding shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;
- (ii) 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) Appropriate screen planting should be put in place to mitigate the visual dominance of any outdoor container storage areas when viewed from the adjoining State Highway;
- (v) 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;
- (vi) 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;

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

2. Any subdivision of land contained within Stage 2 and 3 identified within the Industrial Resource Area (Toko Plains) Staging Plan shall be supported with an Integrated Transport Assessment, which considers the effects of further industrial development undertaken in accordance with the Industrial Resource Area (Toko Plains) Structure Plan, with Council's control limited to the following considerations:

- (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) Timing of proposed intervention identified in (i) and the need for these measures to be implemented before the issue of titles within Stage 2 and 3 and before development occurs on site."

(c) Add new Rule SUB.2:

(c) Any subdivision of land contained within Stage 2 and 3 identified within the Industrial Resource Area (Toko Plains) Staging Plan that is not supported with an Integrated Transport Assessment is a discretionary activity.

(d) Add the following to Rule SUB.4.A Land Stability Standard:

### 3. Drainage Systems

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

- A subdivision design that recognises and protects the integrity of the drainage system.
- ...
- The integration of infrastructure, including roading and reserves, with the stormwater management systems.
- In the case of the Industrial Resource Area (Toko Plains) any subdivision shall be supported by a Stormwater Management Structure Plan for all areas identified in the Industrial Resource Area (Toko Plains) annotated structure plan and shall provide for those matters set out above.

## 2.4 Section 3.9 Natural Hazards

(a) Amend Rule NHZ.3 Activities within Areas Identified as Flood Prone as follows;

(i) Add the following to Rule 3.1.1. AREA 1A: TOKOMAIRO RIVER FLOODPLAIN(a) Dwellings and Other Buildings that Accommodate People:

*“This rule does not apply to other buildings that accommodate people located within Area 1A identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan and where appropriate hazard mitigation responses have been implemented on site in accordance with an approved Stormwater Management Structure Plan in accordance with Rule SUB.4.A.3.*”

(ii) Add the following to Rule 3.1.1. AREA 1A: TOKOMAIRO RIVER FLOODPLAIN (b) Other Buildings:

*“This rule does not apply to other buildings that are located within Area 1A identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan and where appropriate hazard mitigation responses have been implemented on site in accordance with an approved Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3*”

(iii) Add the following to Rule 3.1.1. AREA 1A: TOKOMAIRO RIVER FLOODPLAIN (c) Standards for Other Activities:

*“This rule does not apply to activities listed in (i) and (ii) located within Area 1A identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3*”

(iv) Add the following to Rule 3.1.6. AREA 4B AND 4C: TOKOMAIRO PLAIN: FLOODWAY CORRIDORS (a) Dwellings and Buildings that Accommodate People – 4B:

*“This rule does not apply to other buildings located within Area 4B and 4C identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3*”

(v) Add the following to Rule 3.1.6. AREA 4B AND 4C: TOKOMAIRO PLAIN: FLOODWAY CORRIDORS (c) Dwellings and Buildings that Accommodate People – 4C

*“This rule does not apply to other buildings located within Area 4C identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a*”

Stormwater Management Structure Plan approved in accordance Rule SUB.4.A.3.

(vi) Add the following to Rule 3.1.6. AREA 4B AND 4C: TOKOMAIRO PLAIN: FLOODWAY CORRIDORS (c) Other Buildings:

“This rule does not apply to other buildings located within Area 4B identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.

(vii) Amend Rule 3.1.6. AREA 4B AND 4C: TOKOMAIRO PLAIN: FLOODWAY CORRIDORS (d) Earthworks to read as follows:

“All earthworks located within Area 4B and 4C shall be restricted discretionary activities.

Council’s discretion shall be restricted to matters that ensure the overland passage of floodwaters or stormwater flows are not obstructed, impeded, or redirected. This measure may include measures that mitigate such effects.

Provided that this rule does not apply to earthworks that are part of any public flood protection work designed to mitigate or reduce the effects of flooding on the Milton Township or where the earthworks form part of a hazard mitigation response implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.

(viii) Add the following to Rule 3.1.6. AREA 4B AND 4C: TOKOMAIRO PLAIN: FLOODWAY CORRIDORS (e) Standards for Other Activities:

“This rule does not apply to any fence, shelterbelt, plantings or storage areas established within Area 4B and 4C identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.

## **2.5 Section 3.14 Infrastructure**

(a) Amend Rule INF.2 Transportation Routes as follows:

(i) Amend Rule INF.2.1(i) Encroachment beyond an Existing Road Reserve of Formed Road as follows:

“The physical encroachment of a road due to upgrading, shape correction, or minor realignment works for the purpose of improving safety and efficiency of the road, or realignment works to give effect to the structure plan for the Industrial Resource Area (Toko Plains) outside the existing road reserve boundary, is a permitted activity provided...”

(ii) Amend Rule INF.2.1(ii) New Roads as follows:

“The construction of a new road, whether aligned with a legal road reserve or not, is a discretionary activity except where the road is to be formed as part of subdivision consent, or where the road is to be formed in general accordance with the structure plan for the Industrial Resource Area (Toko Plains).”

(iii) Amend Rule INF.2.2(ii) Rail as follows:

“The development and operation of a new railway line where there is no existing designation is a discretionary activity- except where the railway line is to be formed in general accordance with the structure plan for the Industrial Resource Area (Toko Plains), in which case the new railway line shall be assessed as a controlled activity.”

Council’s control shall be limited to the following matters:

- 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.

(b) Amend Rule INF.3 Airports as follows:

(iii) Except as provided for in (iv) below Commercial Airports, Landing Strips and Landing Pads Airports, Landing Strips and Landing Pads providing for the transport of passengers, freight transport services or that act as a base for commercial operations (including commercial recreation operations) are discretionary activities.

“(iv) Helicopter Pads providing for the transport of passengers, freight transport services or that act as a base for commercial operations (including commercial recreation operations) in the Industrial Resource Area (Toko Plains) are a restricted discretionary activity.”

Council’s discretion is limited to the following matters:

- (i) The scale of the operation, including the frequency of flights.
- (ii) The adverse effects of noise on not only the adjacent environment but also those areas affected by flight paths.
- (iii) Visual effects.
- (iv) Any increase in traffic volume and flow and its effect on the transportation network in the locality.”

### 3. COMPLIANCE WITH THE STATUTORY PROCESS

Any alteration made to the District Plan pursuant to section 79 of the Act must be undertaken in accordance with the First Schedule of the Act. Section 74 of the sets out the matters that must be considered by Council when preparing a plan change. Section 74(1) requires that the change must be prepared in accordance with its functions under Section 31, the provisions of Part II of the Act, its duty under Section 32, and any regulations. Section 74(2) sets out a number of additional matters that Council is required to have regard to. The matters to be addressed are listed below:

*(a) Section 31 – Functions of Council*

The changes are prepared in accordance with Council's functions in relation to controlling the effects of the use, development or protection of land.

*(b) Section 32 – Consideration of Alternatives, Costs and Benefits*

An evaluation report under this section must:

(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by —

(i) identifying other reasonably practicable options for achieving the objectives; and

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions; and

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

An assessment under subsection b)(ii) above must:

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for;

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Council has complied with this duty. A report summarizing the evaluation must be made available for public inspection at the same time as notification of the proposed plan section.

The summary of that evaluation is included in this document at section 7 while a report from Rationale that provides a cost benefit analysis of changing the underlying land use of the affected parcels of land is also attached. Case law has held that a plan change only needs to be preferable in resource management terms to the existing plan to be necessary and the most appropriate way to achieve the purpose of the Act to pass the threshold test (see Marlborough Ridge Ltd v Marlborough DC C111/97 2NZED 751.) Council has concluded that the proposed rezoning's are preferable in resource management terms because of the need for additional industrial and residential land within the urban areas of the District and the locational attributes of the sites proposed to be rezoned.

*(c) Provisions of Part II of the Act*

The Plan Change has been prepared in accordance with Council's functions and the provisions of Part II of the Act. Council considers that the Plan Change provides for these matters and promotes the sustainable management of the Clutha District's natural and physical resources.

*(d) Policy Statements and Plans*

In preparing this Plan Change Council has had regard to the following:

- a. The National Policy Statement on Urban Development Capacity 2016
- b. The Otago Regional Council Regional Policy Statement and the proposed Otago Regional Council Regional Policy Statement
- c. Kai Tahu Ki Otago Natural Resource Management Plan and Te Tangi a Taurira – The Cry of the People
- d. The New Zealand Heritage List/Rārangi Kōrero of the Heritage New Zealand Pouhere Taonga Act 2014
- e. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

The Plan Change is considered to be consistent with these documents. The key elements of these documents are set out below.

*(e) Plans and Proposed Plans of Adjacent Councils*

Where appropriate Council has considered how adjacent Councils have dealt with similar issues through their district plans and attempted to ensure consistency across territorial authority boundaries.

*(f) Trade Competition*

Council has not had regard to trade competition in preparing this Plan Change.

#### 4. CONSULTATION

Clause 3 of the First Schedule of the Act requires Council to consult with the following parties:

- (a) the Minister for the Environment; and
- (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and
- (c) local authorities who may be so affected; and
- (d) the tangata whenua of the area who may be so affected, through iwi authorities; and
- (e) any customary marine title group in the area.

In this case, no other local authorities are considered affected by the proposed Plan Change but both the Department of Corrections and the New Zealand Transport Agency (NZTA) have been consulted.

The Department of Corrections have requested a copy of a quantitative supply and demand assessment (or similar) indicating the extent and location of the industrial land required. They also outlined the critical issues from their perspective which are ensuring that the operation of the prison and ancillary activities will be unaffected from any activities that might be enabled by any rezoning, and that no issues of reverse sensitivity arise. The Department would prefer other locations to be rezoned but if the land is to be rezoned, the plan should contain provisions that discourage activities sensitive to the operation of the prison from locating here.

The NZTA noted that State Highway 1 (SH1) is a Limited Access Road (LAR) between Milton and Waihola and requested that direct access on to it be consolidated. Their preference is for there to be one access only with the intention to consider closing side roads where possible. Consultation has been ongoing with NZTA during the development of the Plan Change 41A variation process.

Ngā Runanga, through Kai Tahu ki Otago Ltd (KTKO), have also been consulted on the proposal. KTKO advise that the proposal is not inconsistent with the Kai Tahu ki Otago Natural Resource Management Plan 2005 and that Ngā Runanga have no specific concerns. However, they do request that the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol be adhered to for any earthworks.

Consultation with affected landowners, including neighbours, has also been carried out. This involved a two-stage process, whereby the first stage involved identifying potential areas and canvassing landowners as to their interest in rezoning their land. Following initial feedback on this and additional areas identified for rezoning, a wider consultation was carried out with directly affected landowners as well as those adjacent to the areas with potential rezoning opportunities. Feedback was generally positive, with some specific areas not being supported.

## 5. THE NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT CAPACITY 2016

### 5.1 Background

Section 75(3) of the RMA requires that district plans give effect to any NPS. The National Policy Statement on Urban Development Capacity 2016, developed by the Ministry for the Environment and the Ministry of Business, Innovation and Employment, is relevant to the assessment of urban land supply issues within the Clutha District, and in particular Milton, the district's second largest urban area.

The NPS states that *“local authorities need to provide for the wellbeing of current generations, and they must also provide for the wellbeing of the generations to come”*. The overarching theme running through the NPS is that *“planning decisions must actively enable development in urban environments, and do that in a way that maximises wellbeing now and in the future.”*

The preamble provides an overview of the direction and outcomes sought by the NPS, with the key elements set out below:

*“This national policy statement provides direction to decision-makers under the Resource Management Act 1991 (RMA) on planning for urban environments. It recognises the national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:*

- *enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and*
- *provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.*

*This national policy statement covers development capacity for both housing and business, to recognise that mobility and connectivity between both are important to achieving well-functioning urban environments. Planning should promote accessibility and connectivity between housing and businesses. It is up to local authorities to make decisions about what sort of urban form to pursue.*

...

*This national policy statement requires councils to provide in their plans enough development capacity to ensure that demand can be met. This includes both the total aggregate demand for housing and business land, and also the demand for different types, sizes and locations. This development capacity must also be commercially feasible to develop, and plentiful enough to recognise that not all feasible development opportunities will be taken up. This will provide communities with more choice, at lower prices.*



*Development capacity must be provided for in plans and also supported by infrastructure. Urban development is dependent on infrastructure, and decisions about infrastructure can shape urban development. This national policy statement requires development capacity to be serviced with development infrastructure, with different expectations from this infrastructure in the short, medium and long-term. It encourages integration and coordination of land use and infrastructure planning. This will require a sustained effort from local authorities, council-controlled organisations, and infrastructure providers (including central government) to align their intentions and resources.*

*Another key theme running through the national policy statement is for planning to occur with a better understanding of land and development markets, and in particular the impact that planning has on these. This national policy statement requires local authorities to prepare a housing and business development capacity assessment and to regularly monitor market indicators, including price signals, to ensure there is sufficient development capacity to meet demand. Local authorities must respond to this information. If it shows that more development capacity needs to be provided to meet demand, local authorities must then do so. Providing a greater number of opportunities for development that are commercially feasible will lead to more competition among developers and landowners to meet demand.”*

Not all provisions of the NPS apply to the Clutha District, which is considered a low growth area. While local authorities that have a high-growth urban area are expected to meet all of the policy requirements, the Clutha District Council must meet all of the objectives but only policies PA1 - PA4.

## **5.2 NPS Objectives**

The following provides a broad analysis of how the plan change gives effect to the objectives of the NPS.

### **Objective Group A – Outcomes for planning decisions**

*OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.*

It is considered that the operative CDP already gives effect to this objective. However, the plan change will ensure that the needs of future generations are recognised and provided for by providing adequate land for development in appropriate and efficient locations.

*OA2: Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.*

The current CDP provides opportunities for the development of housing and business activities through Urban, Rural Settlement, Transitional and Industrial zonings and associated provisions. Business development has been provided for within these areas on a relatively flexible basis, provided adverse effects are adequately managed. Industrial

activities are specifically provided for in the Industrial Resource Areas, the majority of which have made provision for the expansion of existing activities.

This particular District Plan has been operative since 1998 and since then very little additional land has been rezoned for industrial purposes. Much of the area originally made available for expansion has now been developed and most of the new industrial development in Milton has occurred in the Tokomairiro Plains location, within the area to be rezoned. As noted above, this is a large area of approximately 330ha that stretches from Milburn in the north to the outskirts of Milton in the south, which has long been earmarked for industrial purposes given 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 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".

As a consequence, the proposed plan change also seeks to replace lost industrial capacity and recognise areas of existing development that have the locational attributes to accommodate expansion to provide for the needs of current and future generations. On that basis, the proposed plan change meets the objective in relation to industrial business activities.

*OA3: Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.*

As noted above, the current CDP provides opportunities for the development of housing and business activities through a number of zones (Urban, Rural Settlement, Transitional and Industrial) and their associated provisions. The flexibility already provided within these provisions give effect to this objective.

### **Objective Group B – Evidence and monitoring to support planning decisions**

*OB1: A robustly developed, comprehensive and frequently updated evidence base to inform planning decisions in urban environments.*

Council's resource consent and building consent data bases provides comprehensive and up-to-date information on the development of Milton's existing business capacity. Assessing the rate of uptake of the existing capacity from these data bases has enabled Council to determine the potential for future uptake. This can then be assessed against the remaining land that is appropriately zoned and without constraint.

However, it is anticipated that this method will be revised as further guidance becomes available on implementing the NPS. Methods will be updated as required, and regular assessments made, as required by the NPS.

### **Objective Group C – Responsive planning**

*OC1: Planning decisions, practices and methods that enable urban development which provides for the social, economic, cultural and environmental wellbeing of people and communities and future generations in the short, medium and long-term.*

*OC2: Local authorities adapt and respond to evidence about urban development, market activity and the social, economic, cultural and environmental wellbeing of people and communities and future generations, in a timely way.*

As highlighted under OB1, Council already achieves these objectives through responding to the trends that become apparent from its resource consent and building consent data bases. This plan change is in response to the fact that the Rural Resource Area has been developed for industrial purposes in Milton and the wider environment so it is now appropriate to plan for the needs of future generations.

#### **Objective Group D – Coordinated planning evidence and decision-making**

*OD1: Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.*

The structure planning provisions adopted here will ensure development of the new Industrial Resource Area is integrated with infrastructure development.

*OD2: Coordinated and aligned planning decisions within and across local authority boundaries.*

This objective is not particularly relevant to a small rural authority such as Clutha District.

#### **5.3 NPS Policies**

The relevant NPS policies are as follows:

***PA1: Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the table below:***

*Short term: Development capacity must be feasible, zoned and serviced with development infrastructure.*

*Medium term: Development capacity must be feasible, zoned and either: serviced with development infrastructure, or the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.*

*Long term: Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.*

***PA2: Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.***

***PA3: When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social,***

*economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:*

- a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*
- b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*
- c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.*

**PA4:** *When considering the effects of urban development, decision-makers shall take into account:*

- a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and*
- b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.*

In the NPS, 'short term' means within the next three years, 'medium term' means between three and ten years and 'long term' means between ten and thirty years. 'Feasible' is defined as: 'that development is commercially viable, taking into account the current likely costs, revenue and yield of developing'.

Considered in the whole, the proposed Plan Change gives effect to this raft of policies. The current CDP has been operative for nearly 20 years, the long-term planning time frame under the NPS. The capacity provided in CDP has not yet been exhausted and the proposed re-zonings under this plan change will ensure that long term supply is maintained.

Most of the new industrial development in Milton has occurred in the proposed Tokomairiro Plains Industrial Resource Area. Two wood processing facilities, PanPac and City Forests, have set up in the northern part of this area over the last few years while Calder Stewart has also established its headquarters and steel manufacturing facility at the southern end of the area. Two smaller industrial activities have established in the middle of this area, near Circle Hill Road. This site is considered to have excellent locational attributes for industrial activity. It has access to both the State Highway and the railway; is flat and generally flood free; is not near a major residential area; and is centrally located in terms of the district's rural resources, in particular its forestry resource. There is unlikely to be very little land of this size available in the Clutha/Dunedin area that is zoned "Industrial". The Structure Plan process will ensure the development of, and the provision of services to, the site is co-ordinated and integrated.

## **6. OPERATIVE AND PROPOSED REGIONAL POLICY STATEMENT**

The Operative and Proposed RPS highlight the resource management issues of the region, and clarify roles and responsibilities of the ORC and territorial authorities. The operative

RPS (1998) directs strategic planning at a regional level. The most relevant provisions of the operative and proposed RPS are set out below.

In terms of the built environment, the relevant operative Otago Regional Policy Statement (1998) policy framework is as follows:

*Objective 9.4.1 To promote the sustainable management of Otago's built environment in order to:*

*(a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and*

*(b) Provide for amenity values, and*

*(c) Conserve and enhance environmental and landscape quality; and*

*(d) Recognise and protect heritage values.*

*Objective 9.4.2 To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.*

*Objective 9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.*

*Policy 9.5.2 To promote and encourage efficiency in the development and use of Otago's infrastructure through:*

*(a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and*

*(b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and*

*(c) Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and*

*(d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.*

*Policy 9.5.3 To promote and encourage the sustainable management of Otago's transport network through:*

*(a) Promoting the use of fuel-efficient modes of transport; and*

*(b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and*

*(c) Promoting a safer transport system; and*

*(d) Promoting the protection of transport infrastructure from the adverse effects of land use activities and natural hazards.*

*Policy 9.5.4 To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:*

*(a) Discharges of contaminants to Otago's air, water or land; and*

- (b) The creation of noise, vibration and dust; and*
- (c) Visual intrusion and a reduction in landscape qualities; and*
- (d) Significant irreversible effects on:*
  - (i) Otago community values; or*
  - (ii) Kai Tahu cultural and spiritual values; or*
  - (iii) The natural character of water bodies and the coastal environment; or*
  - (iv) Habitats of indigenous fauna; or*
  - (v) Heritage values; or (vi) Amenity values; or*
  - (vii) Intrinsic values of ecosystems; or*
  - (viii) Salmon or trout habitat.*

*Policy 9.5.5 To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:*

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*
- (c) Avoiding, remedying or mitigating the adverse effects of subdivision, land use and development on landscape values.*

There are a number of key themes running through this policy framework which include providing for amenity, in particular amenity levels acceptable to the community; providing for heritage values, environmental and landscape quality; efficiency in the development and use of infrastructure; and minimising the adverse effects of urban development. The use of zoning (in this case industrial zones); the location of the proposed re-zoning; and the use of a Structure Plan process, will ensure these outcomes are achieved.

The relevant provisions within the Proposed RPS (incorporating the ORC Decisions) are as follows:

*Objective 4.5 Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments*

*Policy 4.5.1 Managing for urban growth and development*

*Manage urban growth and development in a strategic and co-ordinated way, by all of the following:*

- a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;*
- b) Coordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way;*

*c) Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:*

*i. Minimise adverse effects on rural activities and significant soils;*

*ii. Minimise competing demands for natural resources;*

*iii. Maintain or enhance significant biological diversity, landscape or natural character values;*

*iv. Maintain important cultural or historic heritage values;*

*v. Avoid land with significant risk from natural hazards;*

*d) Considering the need for urban growth boundaries to control urban expansion;*

*e) Ensuring efficient use of land;*

*f) Encouraging the use of low or no emission heating systems;*

*g) Giving effect to the principles of good urban design in Schedule 5;*

*h) Restricting the location of activities that may result in reverse sensitivity effects on existing activities.*

*Policy 4.5.2 Planned and coordinated urban growth and development*

*Where urban growth boundaries or future urban development areas, are identified in a district plan, control the release of land within those boundaries or areas, by:*

*a) Staging development using identified triggers to release new stages for development; or*

*b) Releasing land in a way that ensures both:*

*i. a logical spatial development; and*

*ii. efficient use of existing land and infrastructure before new land is released; and*

*c) Avoiding urban development beyond the urban growth boundary or future urban development area.*

*Policy 4.5.7 Integrating infrastructure with land use*

*Achieve the strategic integration of infrastructure with land use, by undertaking all of the following:*

*a) Recognising the functional needs of infrastructure of regional or national importance;*

*b) Locating and designing infrastructure to take into account all of the following:*

*i. Actual and reasonably foreseeable land use change;*

*ii. The current population and projected demographic changes;*

*iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;*

*iv. Natural and physical resource constraints;*

- v. *Effects on the values of natural and physical resources;*
  - vi. *Co-dependence with other infrastructure;*
  - vii. *The effects of climate change on the long-term viability of that infrastructure;*
  - viii. *Natural hazard risk.*
- c) *Locating growth and development:*
- i. *Within areas that have sufficient infrastructure capacity; or*
  - ii. *Where infrastructure services can be upgraded or extended efficiently and effectively;*
- d) *Coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.*

*Policy 5.3.4 Industrial land uses*

*Manage the finite nature of land suitable and available for industrial activities, by all of the following:*

- a) *Providing specific areas to accommodate the effects of industrial activities;*
- b) *Providing a range of land suitable for different industrial activities, including land-extensive activities;*
- c) *Restricting the establishment of activities in industrial areas that may result in:*
  - i. *Reverse sensitivity effects; or*
  - ii. *Inefficient use of industrial land or infrastructure.*

These policies are subject to appeal so are likely to change to some degree. The themes running through this policy framework reflect the NPS and are similar in many ways to the operative RPS. They also require specific provision for industrial activities. As assessed above, the proposed plan change gives effects to these documents and it is considered that it also gives effect to the proposed RPS.

## **7. SUMMARY REPORT OF SECTION 32 EVALUATION**

Before a proposed plan change is publicly notified, Section 32 of the Resource Management Act requires an evaluation that must examine:

- The extent to which the objectives (purpose) of the proposal are the most appropriate way to achieve the purpose of the Act.
- Whether the provisions in the proposal are the most appropriate to achieve the objective (purpose) of the proposal by:
  - Consideration of other reasonably practicable options for achieving the coordinated urban growth and servicing of the site.
  - Assessment of the efficiency and effectiveness of the provisions in



achieving the objective of the proposal. This assessment should identify the benefits and costs of environmental, economic, social and cultural effects, including opportunities for economic growth and employment.

- Whether the provisions in the proposal are the most appropriate to achieve the objectives of the existing District Plan, to the extent that those are relevant.
- Assessment of the risks of acting or not acting.

**7.1 Are the objectives of the proposal the most appropriate way to achieve the purpose of the Act? (s32(1)(a))**

The proposed Plan Change does not seek to alter any existing objectives of the Plan in relation to the majority of the Plan Change but does add a new objective specific to the Toko Plains industrial area. In circumstances where objectives are not sought to be altered, s32(6)(b) states that references to 'objectives' means the 'purpose' of the proposal.

The purpose of this Plan Change (as set out on Section 2 above) is to ensure that there is adequate industrial land development capacity within Milton and the wider Clutha/Dunedin area in accordance with the NPS and the RPS. This plan change is also an opportunity to rezone some areas to better reflect and recognise current land use.

Accordingly, the evaluation must consider the extent to which the inclusion of the rezoned areas in the District Plan best achieves the purpose of the plan change, and ultimately the purpose of the Act.

The purpose of the Act is to promote sustainable management of natural and physical resources.

This means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

In summary, the proposal achieves the purpose of the Act by ensuring there is adequate land available for industrial purposes in and around Milton (and the wider District) to meet Council's responsibilities under the NPS and PRPS. In so doing the plan change enables the community to provide for its economic wellbeing, and thereby contributes to its social wellbeing.

A new objective was considered necessary because the location is a large, generally undeveloped area of rural land that is bordered by nationally important infrastructure. The site is not serviced and there are a number of important overland flood flow channels traversing the site. Hence it is important that development of the site is co-ordinated and integrated with the surrounding infrastructure. The proposed objective and associated

provisions, including the Structure Plan, will achieve this outcome. This is considered the most appropriate way to achieve the purpose of the Act for the rezoned land.

**7.2 Examine whether the provisions in the proposal are the most appropriate to achieve the objective of the proposal by identifying:**

*7.2.1 If there are other reasonably practicable options for achieving the proposal (s32(1)(b)(i)).*

The only other practicable options for achieving the proposal are:

- Maintaining the status quo i.e. maintain the current level of rural and industrial zoned land;
- Alternative locations for rezoning.
- Rely on Rural Resource Area rules for further industrial development on the Tokomairiro Plain.

These options are discussed as follows:

***Maintain the Status Quo***

Under the status quo option, there is likely to be enough land to provide for Milton's needs in the short term and possibly even the medium term. However, identifying areas appropriate for development early in the planning process better enables the integration and interconnectivity of infrastructure. This will ensure that disjointed industrial areas are not created due to a lack of long-term strategic planning. Furthermore, there is a long lead in time before sections come onto the market. Council is of the view that it must be proactive and think long term in relation to this issue.

***Alternative Locations***

There are other possible locations to create new industrial zonings within the wider Milton environment. However, lack of services and the threat of natural hazards, in particular flooding, generally limits these areas in the wider Milton area.

Although much of the area is still rural, the proposed Industrial Resource Area zoning of the Tokomairiro Plains reflects a historical interest in this area by industry given its locational attributes, which are noted above, and include access to both the State Highway and the railway; a flat and generally flood free topography; the absence of large populations of people that could be adversely affected; but close enough to services and a workforce; a central location in terms of the district's rural resources. There is a general lack of land this size and with these characteristics that is available in the Clutha/Dunedin area for Industrial purposes.

***Rely on Rural Resource Area rules for further industrial development on the Tokomairiro Plain.***

The existing industries located on the Tokomairiro Plains area have been established in the Rural Resource Area, generally with few planning impediments. However, such ad hoc development limits the ability to integrate servicing and address access and natural hazard mitigation issues where necessary. Creating an industrial zone in a location that is preferred

by industry will provide certainty for all parties, including land owners in that location who will have a clear understanding of what level of amenity will be expected in the area. It will lead to the concentration of activities with similar effects in the same location. The development of the Structure Plan before development begins on the site will also better address the issues of concern raised by the Department of Corrections (reverse sensitivity) and NZTA (impact on the State Highway, a Limited Access Road).

### ***Conclusion on Alternatives***

While there are other alternatives to the areas proposed for rezoning, including the do-nothing option, the proposed Plan Change is considered the most appropriate option to give effect to Council's duty under the NPS and RPS. The area selected will have minimal adverse effects on the environment given its location, and is suited to the proposed zone given its locational attributes and the needs of the wider community.

It is therefore considered that this Plan Change is the most reasonably practicable option to achieve the objective of the proposal.

### ***7.2.2 Assessing the efficiency and effectiveness of the provisions in achieving the objective of the proposal (s32(1)(ii) and s32(2)).***

Section 32 of the Act requires consideration of the benefits and costs of the proposal when assessing efficiency and effectiveness. These benefits and costs apply to the proposed provisions in respect of their environmental, social, cultural, and economic effects. Economic effects in particular are required to consider opportunities for economic growth (s32(2)(a)(i) and employment (s32(2)(a)(ii)). All effects are required to be quantified where practicable (s32(2)(b)). The economic costs and benefits have been assessed in the attached report prepared by Rationale Limited, which found that the benefits of rezoning the land from farmland to either residential or industrial outweighs the cost.

### ***Environmental & Cultural***

Benefits:

- Urban intensification is enabled in a manner than can be serviced, with development to be at a density that can be adequately managed;
- Urban intensification is enabled in a coherent and connected urban form that is well integrated with the adjoining urban fabric and infrastructure;
- Urban intensification where there will be limited adverse environmental effects;
- Enabling urban expansion into areas where there are no identified sites of cultural, heritage or natural significance;
- Greater certainty regarding the location of industry in the area along with a concentration of similar activities in the same location.

Cost

- More difficult to develop alternative locations;
- Visual change in the area where development is enabled, with an associated change in amenity and outlook for existing property owners.

- Potential for adverse amenity effects, such as increased heavy traffic and noise, for residents on the Tokomairiro Plains.

### ***Social & Economic***

Benefits:

- Increased opportunities for economic, and thereby social wellbeing, to be achieved through the provision of more business (industrial) land being made available;
- Increased employment opportunities through the provision of more business land enabling existing business to expand and new business to develop by reducing regulatory impediments;
- Increased economic return to the landowners and wider community (see Rationale report).

Costs:

- Loss of layout flexibility if infrastructure not provided straight away;
- Development timing of some lots may be delayed until necessary infrastructure provided;
- Potentially higher holding costs on the land until it is developed.

### ***Efficiency and Effectiveness of Provisions***

Overall, the provisions are assessed as being both the most efficient and effective at recognising and providing for integrated development of additional residential and industrial land in Milton and the wider area.

#### ***7.2.3 Summarising the reasons for deciding on the provisions (s32(1)(b)(iii)).***

The Plan Change is considered the most appropriate and effective approach to ensure that there is adequate business land development capacity within and around Milton in accordance with the NPS and the RPS.

#### ***7.2.4 Risk of acting or not acting (s32(2)(c))***

The Act requires assessment of the risk of acting or not acting if there is uncertain or insufficient information. The Tokomairiro Plain has long been seen as an ideal location for such development given its physical and transportation network attributes. This is evidenced by the number of industries having already located there. While these have developed under Rural Resource Area provisions, Council is concerned that a tipping point could soon be reached where ad hoc development compromises environmental quality and makes it difficult to integrate infrastructure with development.

If Council does not undertake the proposed plan change now, the risk of not acting is that development may occur on an ad hoc basis which could lead to a reduction in environmental quality and inefficient site-by-site infrastructure solutions.

### ***7.3 Examine whether the provisions in the proposal are the most appropriate to achieve the objectives of the existing District Plan to the extent that those are relevant (s32(3))***

The relevant objectives and policies are set out:

## **Industrial Resource Area**

### *OBJECTIVE IND.1*

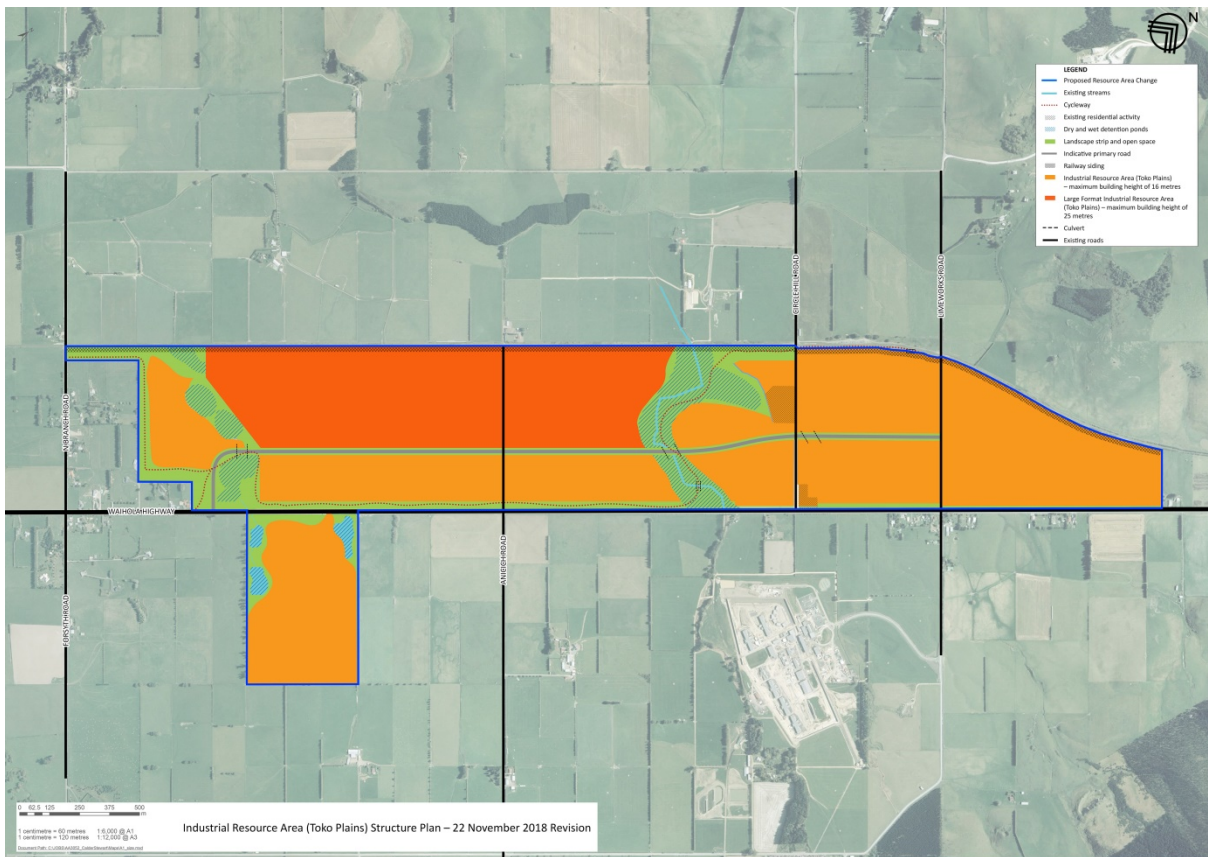
*To manage the industrial resource areas so that industrial activities do not adversely affect the amenity values of adjoining resource areas.*

### *OBJECTIVE IND.2*

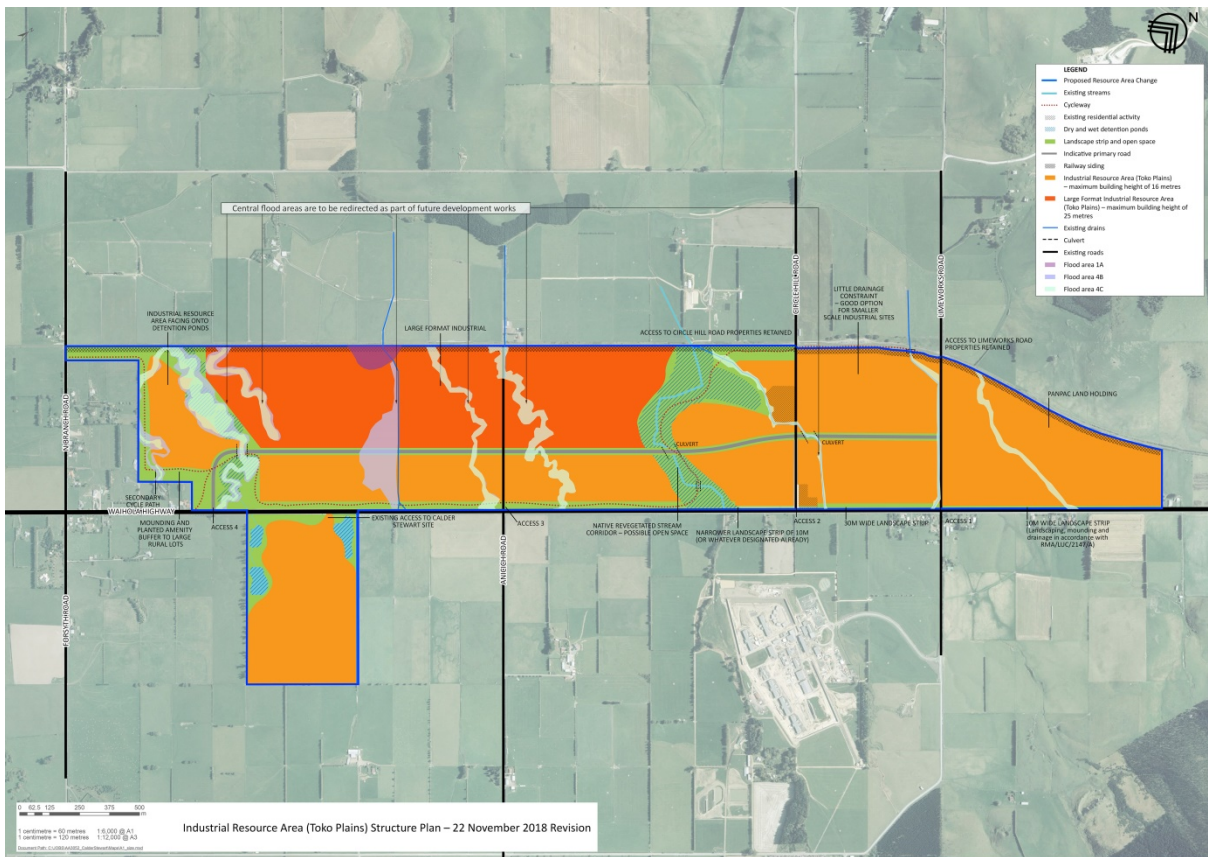
*To manage the Industrial Resource Area so that industrial activities are not constrained or limited by the operation of activities that require a higher level of amenity and environmental quality than industrial activities.*

With respect to industrial development, effects on adjoining zones must be managed while ensuring the operation of industrial activities is not compromised by more sensitive activities. The proposed plan change is considered to be consistent with these objectives and policies.

# Appendix 1 – Proposed Structure Plan

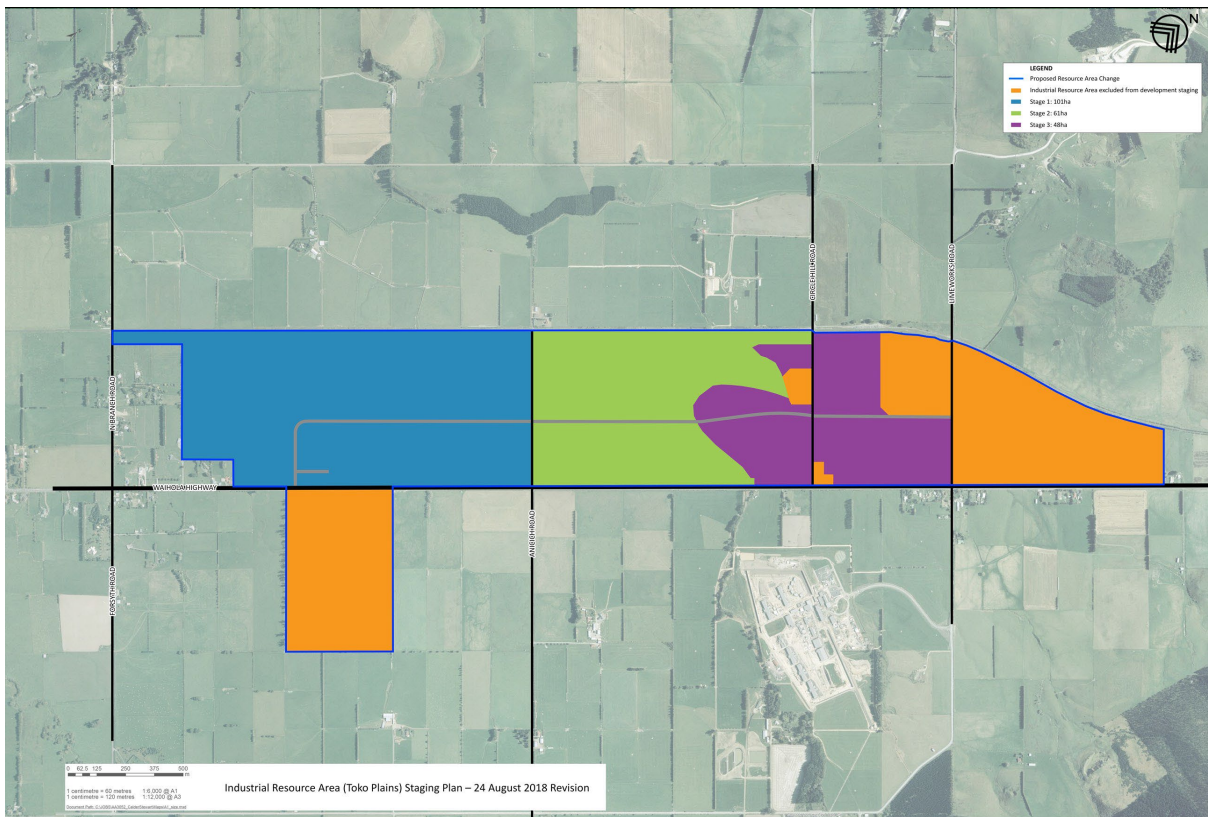


# Appendix 1A Structure Plan (Annotated)





# Appendix 1B Staging Plan





## Appendix 2 Planting Species List

**TABLE 1: Vegetation typologies for mitigation screening/softening**

| Scientific Name  | Common Name                       | Vegetation Typology                           | Maximum vegetation height |
|--|-----------------------------------|---|---------------------------|
| <b>Tallest species for scale appropriate to 25m height zones screening</b> |                                   |   |                           |
| <i>Sequoia sempervirens</i>  | Redwood                           | Emergent species & some taller canopy species | Over 40m mature height    |
| <i>Eucalyptus species</i>  | Eucalypt                          |   |                           |
| <i>Dacrycarpus dacrydioides</i>  | Kahikatea                         |   |                           |
| <i>Phyllocladus trichomanoides</i>   | Tanekaha                          |   |                           |
| <i>Dacrydium cupressinum</i>   | Rimu                              |   |                           |
| <i>Quercus species</i>   | Oak                               | Canopy species                                | 40m                       |
| <i>Fuscospora species</i>  | Red, silver, mountain, hard beech |   |                           |
| <i>Podocarpus totara</i>   | Totara                            |   |                           |
| <i>Cordyline australis</i>   | Ti Kouka                          |   |                           |
| <i>Prumnopitys ferruginea</i>  | Miro                              |   |                           |
| <i>Flowering Cherry species</i>  |                                   |   |                           |
| <i>Fraxinus species</i>  | Ash                               |   |                           |
| <b>16m Build Height minimum screening</b>                                  |                                   |   |                           |
| <i>Cyathea and Dicksonia species</i>                                       | Tree ferns                        | Subcanopy and Understorey                     | 15m                       |
| <i>Pittosporum species</i>   | Pittosporum                       |   |                           |
| <i>Leptospermum species</i>  | Manuka                            |   |                           |
| <i>Kunzea ericoides</i>  | Kanuka                            |   |                           |
| <i>Hedycarya arborea</i>   | Pigeonwood                        |   |                           |
| <i>Sophora species</i>   | Kowhai                            |   |                           |
| <i>Pseudopanax species</i>   | Five finger                       |   |                           |
| <i>Olearia species</i>   | Tree daisy                        |   |                           |
| <i>Camelia species</i>   | Camelia                           |   |                           |
| <b>All build zones</b>   |                                   |   |                           |
| <i>Phormium cookianum</i>  |                                   | Subcanopy                                     | 10m                       |
| <i>Phormium tenax</i>  |                                   |   |                           |

|                                    |           |                                 |    |
|------------------------------------|-----------|---------------------------------|----|
| <i>Melicytus ramiflorus</i>        | Mahoe     |                                 |    |
| <i>Myrsine australis</i>           | Mapou     |                                 |    |
| <i>Hydranea macrophylla</i>        | Hydrangea |                                 |    |
| <i>Carex species</i>               |           | Shubs, grasses and groundcovers | 1m |
| <i>Coprosma kirkii 'prostrate'</i> | Coprosma  |                                 |    |
| <i>Low fern species</i>            |           |                                 |    |
| <i>Astelia species</i>             |           |                                 |    |
| <i>Dianella nigra</i>              | Turutu    |                                 |    |

