

MEETING — AGENDA —

Ngā Take

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DISTRICT PLAN COMMITTEE

Komiti Kaupapa-ā-Rohe

DP3
Wednesday, 1 August 2018
Council Chambers
Barkes Corner, Tauranga
9.30 am



Notice of Meeting No DP3 Te Karere

District Plan Committee Komiti Kaupapa-a-Rohe

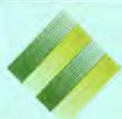
Wednesday, 1 August 2018
Council Chambers, Barkes Corner
9.30 am

Chairperson
Councillors:

Alan Withy (Commissioner)
P Mackay
D Marshall
M Murray-Benge
J Scrimgeour
M Williams

Media
Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Western Bay of Plenty
District Council

Te Kaunihera a rohe mai i nga Kuri-a-Whare ki Otamarakau ki te Uru

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District Plan Committee Delegations Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is three members.

Role:

Subject to compliance with Council strategies, policies, plans and legislation and pursuant to the Resource Management Act 1991 and the Local Government Act 2002:

- To achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district by:
 - Hearing and deciding on all changes, variations, designations and reviews in relation to the District Plan, Development Code, and built environment strategies
 - To receive reports on appeals to the Environment Court on Committee or Commissioner decisions made in relation to Resource Management Act matters and to provide guidance to staff authorised to negotiate and settle appeals on Council's behalf, subject to a report back to the Committee on the outcomes of final settlements and agreements

Chairperson's Delegations

Pursuant to the Resource Management Act 1991 should there be insufficient time for staff to consult with the Committee on appeals to the Environment Court (in relation to District Plan Change or variation decisions), the authority to provide guidance be delegated to the presiding Independent Chairperson with a report back to the Committee at the next scheduled meeting.

Joint Hearings

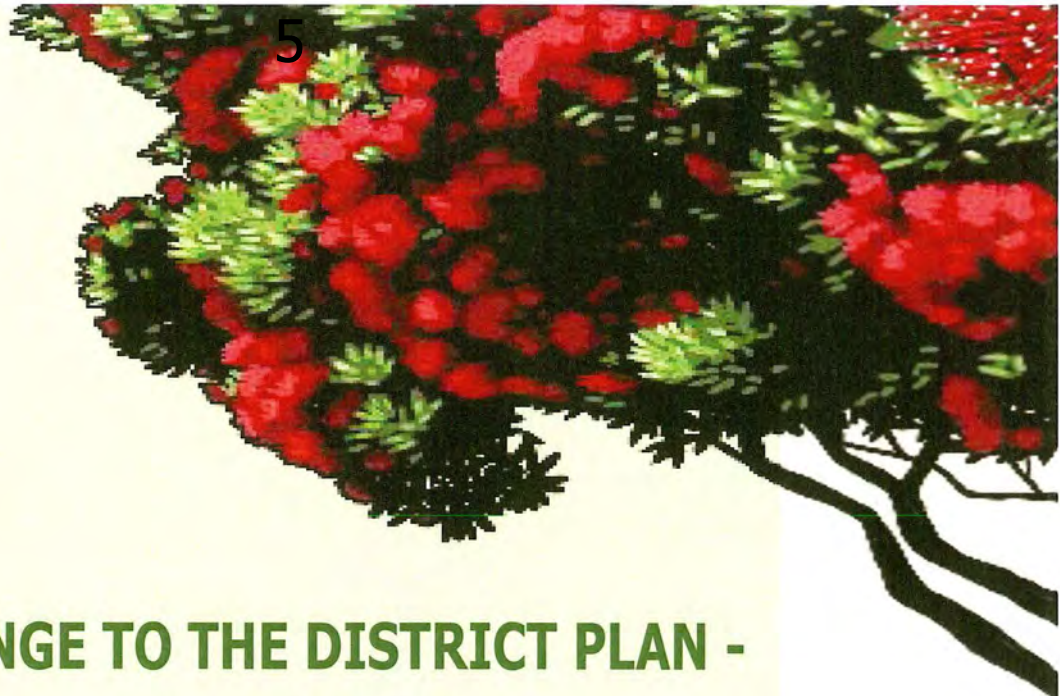
- The power to conduct Joint Hearings with other local authorities where considered necessary in accordance with the provisions of the First Schedule of the Resource Management Act and as mutually approved by Council and the relevant other authority(ies).
- The power to appoint members and/or Commissioners to Joint Hearings Committees.
- Subject to the provisions of the Act Joint Hearings within the Western Bay of Plenty District shall be conducted in accordance with operational protocols and procedures approved by the Committee from time to time.

Hearing Panels

The power to appoint hearings panels of appropriately qualified members and/or Independent Hearings Commissioners to Chair, hear and decide on specific Resource Management Act matters as directed by the Committee.

Agenda for Meeting No. DP3

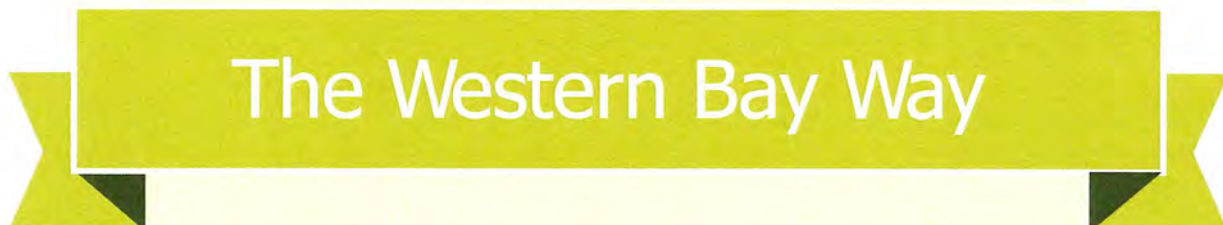
		Pages
Present In Attendance Apologies		
DP3.1	Introduction of Plan Change 81 - Omokoroa Industrial Zone Review – Section 32 Report	5-36
	Attached is the Section 32 Report. The Resource Management Manager will provide an overview of Plan Change 81 – Omokoroa Industrial Zone Review	
DP3.2	Summary Report - Submissions to Plan Change 81	37-40
	Attached is a summary of submissions. A full copy of the submissions has been circulated separately with this agenda.	
Hearings		
DP3.3	Schedule of Submitters to be Heard	41
	Attached is the schedule of submitters to be in attendance and heard at this meeting.	
DP3.4	Receipt of Evidence	
	Recommendation	
	<i>THAT submissions to Plan Change 81 be received and it be noted that the hearing of submissions is now closed.</i>	
Deliberations		
DP3.5	Planning Report - Plan Change 81 - Omokoroa Industrial Zone Review	42-59
	Attached is a report from the Resource Management Manager dated 10 July 2018.	



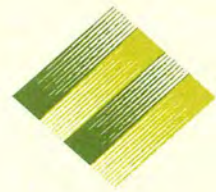
**CHANGE TO THE DISTRICT PLAN -
FIRST REVIEW**

PLAN CHANGE 81 OMOKOROA
INDUSTRIAL ZONE REVIEW

SECTION 32 REPORT



The Western Bay Way



*Western Bay of Plenty
District Council*



Prepared By:
Phillip Martelli, Resource Management Manager

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1.0 Introduction

1.1 General Introduction and Background

Plan Change 69 was notified on 13 October 2007 and made operative on 29 March 2010. Part of that Plan Change involved creating the Industrial Zone on the right hand side of Omokoroa Road just off State Highway 2 (SH2).

The commencement of the development of the Zone has raised a number of issues that require addressing through changes to the District Plan.

2.0 Resource Management Act 1991

2.1 Section 32

Before a proposed plan change can be publicly notified the Council is required under section 32 ("s.32") of the Act to carry out an evaluation of alternatives, costs and benefits of the proposed review. With regard to the Council's assessment of the proposed plan change s.32 requires the following:

- (1) *An evaluation report required under this Act 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.*
- (2) *An assessment under subsection (1)(b)(ii) 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.*
- 3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
 - (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*

(ii) would remain if the amending proposal were to take effect.

- 4) *If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*

2.1 Section 74

In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority lodged with Council. Pirirakau are the relevant hapu for the Omokoroa area. Discussions have been held with them and nothing has been raised as this plan change is about changes to the activity performance standards to an existing zone, rather than any material change to the structure plan. It is acknowledged that the earthworks protocols remain in place.

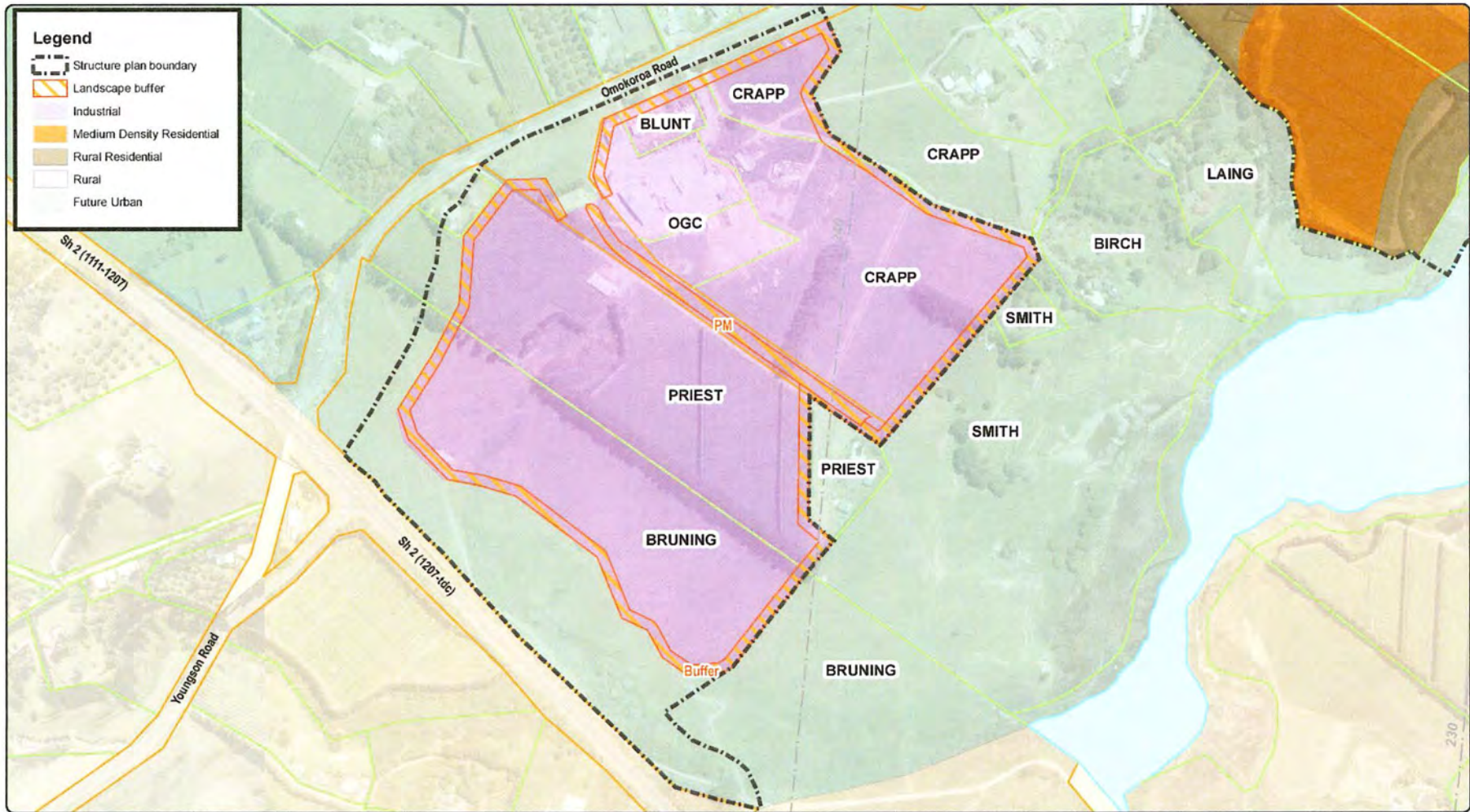
3.0 Consultation

Consultation has been held with the following affected parties (see Map 1 below):

- Janine Birch – adjoining landowner
- Norm and Maureen Bruning – Industrial Zone landowner and adjoining landowner
- Phil and Lois Crapp – Industrial Zone landowner and adjoining landowner
- Louise and Tim Laing – adjoining landowner
- Simon and Ann Priest - Industrial Zone landowner and adjoining landowner
- Sandy and Mike Smith – adjoining landowner

An Issues and Options Report was distributed and discussed with landowners in July 2016, resulting in more information being required. This included engineering and costing for some of the ROW options, legal issues associated with the ROW, and feedback from parties. This resulted in a further Issues and Options Report being prepared in January 2017 that was subsequently distributed and discussed with the landowners. This formed the basis of a draft Section 32 report that was distributed to the parties and discussed at a meeting with them in October 2017.

Map 1 – Land Ownership



Produced using ArcMap by the Western Bay of Plenty District Council GIS Team.
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 Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Email: gis@westembay.govt.nz
 Date: 10/10/2017
 Operator: mlb
 Map: E:\Shape\MLB\2017\Maps - Mxd\Omokoroa Industrial Zone Review - Land ownership - Aerial.mxd

Scale A4 - 1:5,000
 0 50 100 200 300 400 Meters



OMOKOROA INDUSTRIAL ZONE REVIEW - LAND OWNERSHIP



4.0 Issue 1 – Access to the properties adjoining the Industrial Zone

Current access for the Smith, Birch and Laing properties is via a ROW over the Crapp property (see Map 2). At the Omokoroa Road end the ROW splits the Industrial Zone. When Plan Change 69 was being progressed it was proposed that the ROW would be removed to minimise the number of access points onto Omokoroa Road. This is in accordance with Omokoroa Road being a strategic arterial with access points being restricted to formed intersections only. At that time it was proposed that alternative access would be provided either via the proposed industrial spine road, or possibly a new “rural lane” through Laing and the adjoining Residential Zone.

Priest would access the new spine road, and Bruning would access the spine road via a lateral road through their Industrial Zone property.

The District Plan contains the following rule:

“12.4.4 Transportation and Property Access

12.4.4.1 General

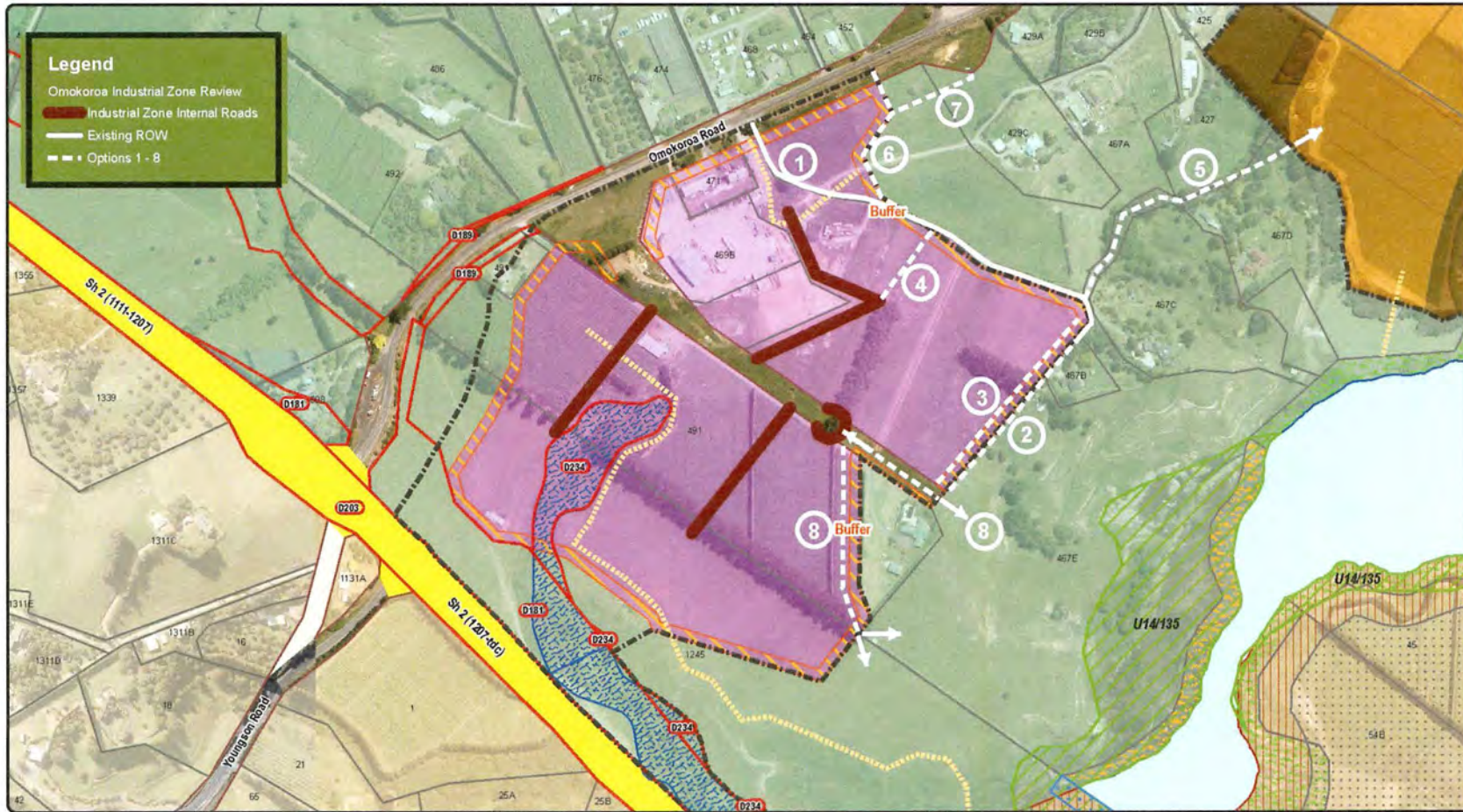
- (a) *Council* will exercise control over:
- (i) The function and design of new roading in relation to the needs of the subdivision, the existing roading pattern and the likely future roading needs of other potentially subdividable land in the vicinity;
 - (ii) The *upgrading* of any existing roading necessary to serve the subdivision;
 - (iii) The potential impact of the subdivision on the function of strategic roads as identified within the *roading hierarchy* and proposed mitigation measures.”

This is a generic rule that will be applied to any future development of the Crapp-owned Industrial Zone land at Omokoroa and its relationship to the ROW.

The legal aspects with regard to changing the ROW are governed by “the rights and powers set out in the Seventh Schedule of the Land Transfer Act 1952”. Essentially it is a contractual arrangement between the affected parties, and they need to agree with any proposed changes.

A number of options are shown in Map 2 and discussed below.

Map 2 – Access Options



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 Archaeological data supplied by NZ Archaeological Assoc./Dept. of Conservation.

Email: gis@westernbay.govt.nz
 Date: 1/10/2018
 Operator: mlb
 Map: E:\Shape\MLB\2018\MXD\Omokoroa Industrial Zone Review - Access Options - Jan 2018.mxd

Scale A4 - 1:5,000
 0 50 100 200 300 400 Meters



**OMOKOROA INDUSTRIAL ZONE REVIEW
 ACCESS OPTIONS - JANUARY 2018**



4.1 Option 1 – Status Quo

The ROW remains as it currently is.

Costs	<ul style="list-style-type: none"> Dissects the Industrial Zone creating an amenity issue for landowners to the rear. Will be used by industrial activities as a short cut to/from Omokoroa Road, thus mixing residential and industrial traffic on a narrow ROW, and generating extra traffic at the ROW intersection with Omokoroa Road. Compromises the function of Omokoroa Road by having an additional access point.
Benefits	<ul style="list-style-type: none"> Subject to landscaping being completed, it provides a "rural" feel for residents to the rear, except for the part that dissects the Industrial Zone adjoining Omokoroa Road.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Not effective in separating residential and industrial traffic. Efficient in that it does not require any changes.
Risks of Acting/Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

4.2 Option 2 –Industrial Spine Road, through Smith

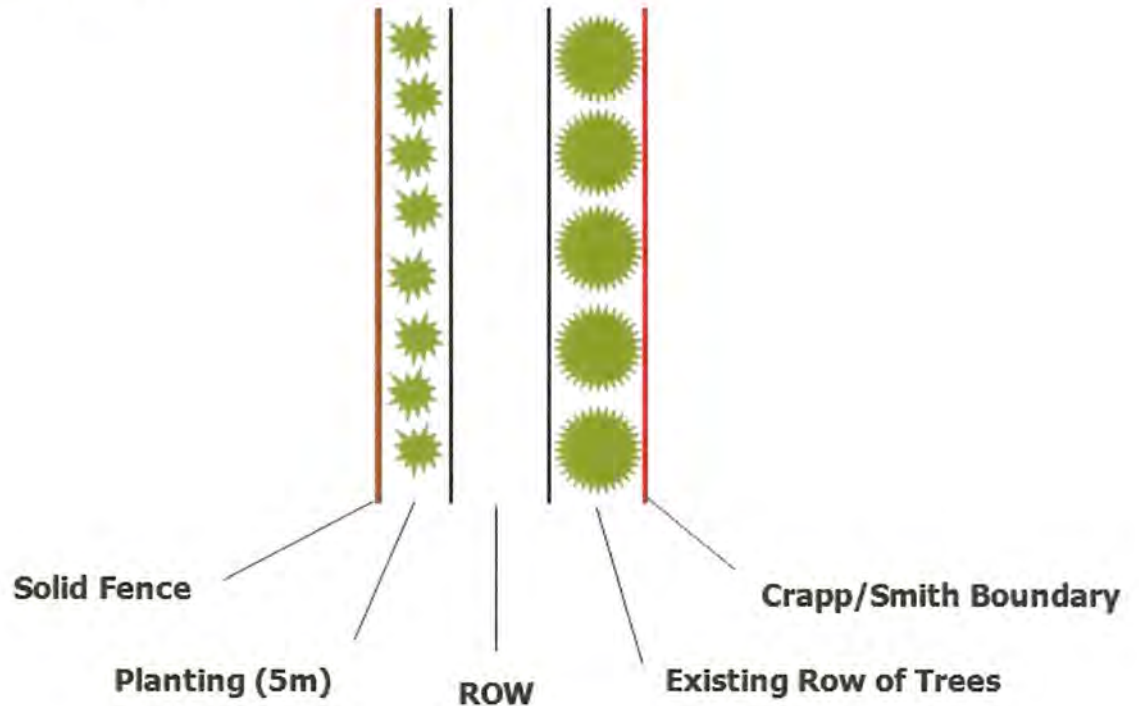
Close the existing ROW in total and create an access off the end of the spine road, through Smith to Birch and Laing

Costs	<ul style="list-style-type: none"> If location is across the top of the Smith property it will impact on the Smith dwelling because of close proximity. Using the spine road mixes residential with industrial traffic. Smith lose land.
Benefits	<ul style="list-style-type: none"> Closes existing ROW direct entrance to Omokoroa Road. Provides flexibility to Smith for future subdivision of their property. Possibility to provide linkage to Bruning through Smith 'below' Priest.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Not effective in separating residential and industrial traffic. Not efficient as requires new ROW along Smith boundary.
Risks of Acting/Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

4.3 Option 3 –Industrial Spine Road, through Crapp

Close the existing ROW and create an access off the end of the spine road, along the Crapp side of the boundary to Smith, Birch and Laing. The new ROW would be integrated with the zone boundary landscaping. An extra width of 5m would be required. See diagram below:

Diagram 1



<p>Costs</p>	<ul style="list-style-type: none"> • Using the spine road mixes residential with industrial traffic. • Crapp lose additional land.
<p>Benefits</p>	<ul style="list-style-type: none"> • Closes existing ROW direct entrance to Omokoroa Road. • Increases the buffer between the rural and industrial properties. • Provides options to Smith for future subdivision of their property. • Possibility to provide linkage to Bruning through Smith (below Priest).
<p>Effectiveness/ Efficiency</p>	<ul style="list-style-type: none"> • Not effective in separating residential and industrial traffic. • Effective in widening the buffer along the boundary. • Not efficient as requires new ROW along Crapp boundary, reducing the amount of industrial land.
<p>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</p>	<ul style="list-style-type: none"> • N/A

4.4 Option 4 –ROW to come off the end of lateral industrial road

Access would be via the spine road, then a lateral road through Crapp industrial property to the existing ROW.

Costs	<ul style="list-style-type: none"> Mixes residential with industrial traffic. The lateral road will be a conventional road with a minimal level of amenity and therefore not attractive to the residents. Recontouring for industrial development likely to create difficulties with the grade of the ROW.
Benefits	<ul style="list-style-type: none"> Closes existing ROW direct entrance to Omokoroa Road
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Not effective in separating residential and industrial traffic. Not efficient as requires additional ROW through industrial land.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

4.5 Option 5 – New 'rural' lane through Laing property

This would require extending the existing Laing driveway through to the Residential Zone and accessing Omokoroa Road through the proposed intersection as part of the Neil development. It could be totally on the Laing property or use part of the adjoining land.

Costs	<ul style="list-style-type: none"> Longer distance for residents to travel to/from their property. Dependant upon adjoining residential Zoned properties being subdivided – could be 5-10 years. Impacts significantly on amenity of Laing – they do not support this option. Priest and Bruning and any future subdivision of Smith will have to use industrial roads, unless the "lane" is upgraded and access is provided through Smith or Crapp (as per Options 1 & 2 above). Contour will make a complying ROW difficult to achieve.
Benefits	<ul style="list-style-type: none"> Closes existing ROW direct entrance to Omokoroa Road. More attractive amenity for residents than going through industrial.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective in separating residential and industrial traffic, and a residential environment is considered better than industrial from an amenity perspective. Not efficient as requires new ROW through Laing's and part of adjoining northern property. Priest and Bruning still have to use industrial roads.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

4.6 Option 6 – Move entrance for the existing ROW to Industrial Zone boundary

For this option the ROW would follow the whole length of the NE boundary of the Industrial Zone, and be located on the outside of the landscape strip. Connecting the entrance to the Prole Road intersection was raised as an option, but will only be necessary if additional lots access the ROW (see also 4.7 below).

Costs	<ul style="list-style-type: none"> Compromises the function of Omokoroa Road by having an additional access point. In the longer term there is likely to be a median barrier on Omokoroa Road so access will be left in and left out only, necessitating use of the nearby roundabouts for right in and right out.
Benefits	<ul style="list-style-type: none"> Residential and industrial traffic is separated. Better amenity for residents than going through industrial
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective in separating residential and industrial traffic. Efficient as the new length of ROW is comparatively short compared with other options.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

4.7 Option 7 – Move entrance for the existing ROW to Prole Road intersection

For this option the ROW would follow the NE boundary of the Industrial Zone in part (on the outside of the landscape strip) then connect to the Prole Road intersection. This is a longer term option as for traffic safety reasons (avoidance of a cross road intersection) it is dependant upon a roundabout being constructed at Prole Road.

Costs	<ul style="list-style-type: none"> Option is not available until a roundabout has been constructed at Prole Road. Timing has not been set but this is likely to be at least 10 years away.
Benefits	<ul style="list-style-type: none"> Residential and industrial traffic is separated. Better amenity for residents than going through industrial. Safe access point for residents. Allows future upgrading of the ROW to road standard which will be able to cater for additional rural residential lots.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective in separating residential and industrial traffic, and providing safer access for residents. Not efficient if only providing for existing properties, but efficient in providing for future development.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

4.8 Option 8 - Access to Smith and Bruning along each side of Priest house site

For this option the spine road would be stopped short of the Priest house site and 2 ROWs would be created off the end: one to go straight ahead on the north side of Priest through to Smith (utilising the existing paper road); and one along the west boundary of Priest to the corner of Smith/Bruning. They would be of a similar design to Diagram 1. The full width of the paper road would not be required for the northern ROW, thus the 10m adjoining Priest could be disposed of to them, leaving the remaining 10m for a ROW to service Smith.

Costs	<ul style="list-style-type: none"> • Cost of additional width of Priest land for western ROW. • Rural residential traffic will be going along Priest northern boundary in front of the house.
Benefits	<ul style="list-style-type: none"> • Allows easier access to possible house sites on the Smith property both north and south of Priest. • Provides for subdivision of Bruning, and a more attractive amenity access than through an industrial side road. • Wider buffer for Priest.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> • Effective in providing access for future subdivision by Smith and Bruning. • Effective in providing a buffer for Priest, albeit it will contain rural residential traffic.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> • N/A

4.9 Preferred Option

The preferred option is a combination of Options 6 and 8: move the access to the ROW to the northern boundary of the Industrial Zone now; in the future when further development occurs on Smith and/or Bruning, new accesses would be created around Priest.

Notwithstanding the options discussed in this report, the decision regarding the existing ROW will be made by the landowners involved. The moving of the entrance of the existing ROW is required to be undertaken by Crapp before any more industrial subdivision can occur. However any alteration of that ROW also requires the approval of the landowners who have legal access over that ROW. This is a civil matter between the parties and is not a District Plan matter. A report and a summary has been prepared that shows cost comparisons of the different options, and that Option 6 is the most cost effective overall (see Appendix 1).

Option 8 is a District Plan matter in that the land required for access on the west Priest boundary should be shown on the planning map to secure its location. The planning map also requires alteration to align property boundaries. The land to the north of Priest is existing road reserve, however it should have the notation of future access to the property at the rear.

4.10 Reasons

Moving the ROW entranceway to the boundary of the Industrial Zone improves the situation considerably for those that currently depend upon on it for access. Omokoroa Road is classified in the District Plan as a Secondary Arterial, and in order for it to function properly the intention is to minimise access points onto it, and wherever possible close existing driveways and have all access through formed intersections. As long as the number of properties accessing the ROW does not increase, moving the location of the ROW access is equivalent to the status quo in terms of impact on Omokoroa Road.

Creating two ROWs off the end of the spine road significantly improves access for future development of the Smith and Bruning properties. The cost of constructing these ROWs (including purchase of land from Priest for the western ROW) is to be met by Smith and Bruning.

5.0 Issue 2 - Spine Road Landscaping

The District Plan requires the industrial spine road to have a 10m landscape strip down the middle. This results in a 30m wide road reserve. The original intention was for the median to work in parallel with the landscaping along the State Highway boundary to provide for tall trees to screen the Industrial Zone from people travelling along the State Highway.

5.1 Option 1 – Status Quo: Spine Road retains a 10m central median landscape strip

Costs	<ul style="list-style-type: none"> Does not allow vehicles to have direct "right turn" access to industrial property entranceways, thus necessitating the use of intersections (need for roundabouts and associated expense) or cul de sac head to "turn around". This will be a particular issue for heavy vehicles. Land cost of the additional 10m width required. The contours of the Industrial Zone are such that appropriate landscaping along the perimeter adjacent to the SH will provide sufficient masking (height), and a repeat on the spine road is not likely to add any screening for the properties behind. Does not address amenity concerns of rural residential road users who have to use this road for access.
Benefits	<ul style="list-style-type: none"> Provides some visual amenity.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Not effective from screening or traffic perspectives. Not an efficient use of land.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

5.2 Option 2 - Spine Road landscaping is shifted from the centre of the road to the sides

This option would require the deletion of the central planted median, and landscaping and amenity controls placed on the berms and frontage of the industrial activities. The road would also be reduced from the current proposed 30m to the standard width of 20m.

Consideration has been given as to whether it should be a limited access road so that adjoining properties did not have direct access off this road but via side roads. The restrictive size of the zone affects how the zone could be laid out, including access to properties. Also there is limited scope for access points onto this road, thus the possibility of continuity of landscaping is not unduly compromised.

Costs	<ul style="list-style-type: none"> Some restrictions will be placed on the design and layout of industrial activities.
Benefits	<ul style="list-style-type: none"> Landscaping more targeted to those who will benefit the most (residents). Improves general visual amenity of the Industrial Zone. Reduces road width requirement.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective and efficient at addressing amenity needs for residents that need to use the road for access to their properties.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

5.3 Preferred Option

Option 2 is the preferred option. This deletes the central planted median and replaces it with landscaping and other amenity controls on properties that adjoin the spine road.

5.4 Reasons

This option is more effective use of land, and provides better amenity for both residents and industrial users.

6.0 Issue 3 - Perimeter Landscaping Timing

The District Plan requires a 10m landscape strip around the perimeter of the Industrial Zone. The issue is when should the landscaping be provided? Should it be up front before any development occurs, or adjoining each industrial activity as it is established. Although this has been raised in respect to the ROW and the industrial boundary with Smith and Priest, it is equally applicable to the remainder of the perimeter along Omokoroa Road and the State Highway.

The nature of this particular Industrial Zone means that such an approach leaves a considerable amount of industrial activity exposed to the

neighbours at any one time. What is required is a trigger to ensure that landscaping occurs in a timely manner that is responsive to the needs of those who will benefit from the landscaping.

6.1 Option 1 – Status Quo

Current practice is to landscape each activity as it is established.

Costs	<ul style="list-style-type: none"> Does not screen activities that have occurred to date from the adjoining residents.
Benefits	<ul style="list-style-type: none"> Cheaper for the developer.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Not effective in mitigating the visual impact of industrial development on the neighbours.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

6.2 Option 2 – Provide a trigger for landscaping

Costs	<ul style="list-style-type: none"> Cost to the developer of the industrial land as landscaping is likely to be required earlier than currently anticipated.
Benefits	<ul style="list-style-type: none"> More effective in screening the visual effects of industrial activities. Provides certainty to all as to when landscaping is required.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective in mitigating the visual impact of industrial development on the neighbours. Inefficient to the developer, depending upon the extent of the landscaping required.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

6.3 Preferred Option

The preferred option is Option 2 – Provide a trigger for landscaping.

The suggestion is to require each existing title to be landscaped prior to any subdivision or development.

6.4 Reasons

The landscaping provisions are to mitigate the visual impact of industrial development on the neighbours and travelling public whether on Omokoroa Road or the State Highway. Because of the wider angles that people can be exposed to any industrial development, landscaping that is strictly adjacent to that development will not mitigate that impact.

Option 2 is the same as Rule 4C.5.3.2(d)(iii) which requires landscaping along the Bruning boundary to be in place prior to development of that land.

7.0 Issue 4 - Perimeter Landscaping Width

Comments have been made about the necessity for the current width of 10m of landscaping around the whole of the perimeter of the Industrial Zone and whether there are acceptable alternatives. In answering such a question, it is important to be clear as to what is the purpose of the landscaping. Is it to provide amenity, or to screen, or both? The justification for the difference is that landscaping for screening is about restricting views of the particular activity and frequently involves the planting of dense, tall tree species. Amenity landscaping is about a pleasant outlook and generally involves a variety of plants of different sizes, heights, textures etc. These two purposes of landscaping will also have different width requirements.

Other factors that will affect what landscaping is required are the ground contours, and whether a solid fence is provided instead of, or part of, the landscaping.

A. Omokoroa Road

This part of Omokoroa Road is the entrance to Omokoroa. It is critical to have high quality landscaping along this section of road. To achieve this effectively it needs to meet the amenity and screening criteria referred to above. Because the land is flat in the vicinity, the full 10m width is required. For unknown reasons this was not applied to the initial development and consequently Council has worked with the adjoining landowner to retrofit in terms of width of the landscaping and quality of the planting to ensure the community's expectations are met.

B. State Highway 2

The purpose of this landscaping is to screen the Industrial Zone from traffic on the State Highway. The nature of the landscaping needs to be dense and tall. Shelter belt species such as *Cryptomeria* have been suggested as they meet those criteria, grow reasonably quickly, and are a common feature of the general landscape of the District, as shelterbelts are used extensively in the horticulture industry. This may allow the reduction of the width of the landscaping. From a maintenance perspective (including provision of land for such) it would be preferable to have a species that did not require trimming. The choice of landscaping would be dealt with as part of the resource consent process to develop this area.

The slope in the Bruning southern corner drops away significantly. At the lowest point it has a contour of 22m which compares to a likely industrial land development level behind of 30m. This means it is unlikely that the proposed landscaping will be effective in screening any industrial development. The Zone boundary should be redrawn across that corner in a more practical location.

C. Existing ROW

Landscaping adjoining the ROW is primarily for screening but also for amenity.

The District Plan contains the following rules: buildings must be 3m from the boundary; a height plane also applies such that, for example, a 10m high building must be 8m from the boundary.

From the ROW, the industrial land slopes down. Development of land in the vicinity of the ROW is likely to involve earthworks so that the finished level of the industrial land will be substantially lower than the ROW. This means that the landscaping does not need to be as high or possibly as wide. If a solid fence is provided on the industrial boundary it may also be possible to reduce the landscape width. These matters would need to be addressed at subdivision consent when final contours and development levels are set.

D. Adjoining Residences

Landscaping for the adjoining residences of Priest and Smith, and any future residences on Smith, are for the purposes of screening and amenity. For these reasons the 10m is retained in the District Plan and both owners have expressed that this is their preference.

Discussion

Existing Rules 4C.5.3.1(b) and 4C.5.3.2(d) provide the controls for landscaping at Omokoroa. As with other rules, an application can be made to vary from these provisions. In considering such requests Council must have regard to those provisions, the Objectives and Policies of the District Plan, and whether any parties may be affected. In the latter regard, this may involve the affected parties consent. Each is assessed on a case by case basis and the current provisions of the RMA and District Plan are considered to be adequate. A change to the District Plan is not required to address this issue.

8.0 Issue 5 - Industrial Zone Interface with adjoining properties

The zoning provisions for this particular industrial area are those for the standard Industrial Zone in the District Plan. Concern has been expressed by the adjoining neighbours that this is not appropriate so close to rural-residential properties. They point to the fact that initial discussions about the zone was to make it "light industrial/business", and they had a level of comfort with that, but this got altered through the Plan Change 69 notification process.

Some would like to see the Industrial Zone deleted. The need for employment land was heavily canvassed through the Plan Change 69 process, and the justifications are still valid, notably the quantum of land required and the lack of alternative locations. The Crapps have indicated

that they would oppose the removal of the zoning, however they have indicated they would not be opposed to reviewing the controls that would apply along the boundary to the SE.

8.1 Option 1 – Status Quo – No change to Industrial Zone Provisions

Costs	<ul style="list-style-type: none"> Impact on neighbours
Benefits	<ul style="list-style-type: none"> Less restrictions on industrial activities
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Not effective in addressing affects on neighbours Efficient in that it provides flexibility for industrial activities. However this is likely to create inefficiencies as monitoring and enforcement of performance standards is likely to become an issue.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

8.2 Option 2 – Modify Industrial Zone Provisions

Modify provisions relating to building height, yards, noise, and types of activities that would be permitted adjacent to the boundary.

Costs	<ul style="list-style-type: none"> Restrictions on industrial activities
Benefits	<ul style="list-style-type: none"> Reduced impact on neighbours
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective in addressing neighbours concerns. Efficient in that although there may be some restriction on the activities, there is still scope for a wide range of activities.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

8.3 Preferred Option

The preferred option is Option 2 Modify Industrial Zone provisions.

The most effective way to control noise in sensitive areas such as this is to specify the types of activities that should be excluded. Otherwise there will be uncertainty as to whether certain activities can comply, with likely ongoing monitoring and enforcement issues. Activities that could be excluded are:

- Industry
- Transport and rural contractors' depots

These exclusions are consistent with the existing District Plan provisions for the Omokoroa Light Industry Zone, and still leaves a wide range of activities that can be undertaken as a Permitted Activity. It is proposed, therefore, to apply the Light Industrial provisions to the first 50m (excluding the landscape strip) from the Smith boundary.

In addition to the Light Industrial notation (which has the above exclusions), the following activity performance standards are proposed to be modified and applied:

1. Building height. Reduce from 20m to 9m (consistent with other sensitive Industrial Zones).
2. Yard (distance from boundary). Increase from 3m to 5m, with the ability to remain at 3m if a solid fence is provided.
3. Noise. Current provisions are:
 - Residential, Rural-Residential, Future Urban, Rural and Lifestyle Zones

Time Period		Sound Level Not to be Exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday	7am to 10pm	50dBA	N/A
Sunday	7am to 6pm	50dBA	N/A
At all other times and on public holidays		40dBA	65dBA

- Industrial and Commercial

Time Period		Sound Level Not to be Exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday	6am to 10pm	55dBA	N/A
Sunday and Public Holidays	9am to 6pm	55dBA	N/A
At all other times		45dBA	70dBA

The Industrial and Commercial noise limits are measured at the dwelling or at 20m inside the adjoining zone, whichever is the lesser.

The particular concern with noise is the intermittent loud "bangs". In this regard the noise limit for Lmax should be reduced to the same as for Residential, Rural-Residential, Future Urban, Rural and Lifestyle Zones in the first table i.e. reduce from 70dBA to 65dBA.

Three other matters have been raised but no action proposed:

1. Height and daylighting. No change because the height plane rule of measuring from "2m above ground level and an angle of 45°" provides sufficient control in conjunction with the proposed reduced height of 9m.
2. Lighting is not considered to be an issue because the "light spill" is measured according to how the recipient zone receives it, not the zone that creates it. Also the landscaping provisions should mitigate this.

3. Dust and odour are controlled by the Regional Council through the Regional Air Plan. Adding the exclusions referred to in '3' above would effectively remove those activities that may cause odour problems.

8.4 Reasons

The proposed changes of delineating a Light Industry Zone, modifying building height, yard requirements and noise provisions will address effects on neighbours. Notwithstanding that they will place some restrictions on any development within the first 50m of the zone, the restrictions are considered to be minor as they still leave considerable flexibility to the types of activities that can be located there.

9.0 Issue 6 - Industrial Zone Internal Roads

The structure plan shows the main spine road that comes off Omokoroa Road. It does not show other roads that will be required to enable the Zone to be subdivided in a sensible manner. This is in particular through the Priest land to Bruning, or to ensure suitable access to the lots that have already been subdivided off Crapp and that currently use a temporary access directly off Omokoroa Road adjoining the ROW.

9.1 Option 1 – Status Quo – Show Spine road only

Costs	<ul style="list-style-type: none"> ▪ Does not provide for efficient linkage to all existing properties.
Benefits	<ul style="list-style-type: none"> ▪ None.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Not effective or efficient in providing for the development of the Zone.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	N/A

9.2 Option 2 – Show spine road and lateral roads

Costs	<ul style="list-style-type: none"> ▪ None
Benefits	<ul style="list-style-type: none"> ▪ Gives certainty to all landowners as to where connections will be.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Effective and efficient because of certainty.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	N/A

9.3 Preferred Option

The preferred option is Option 2 Show spine road and lateral roads

9.4 Reasons

The current structure plan leaves the landowners to negotiate with each other and Council as to where the internal roads should be located. To avoid this complexity and uncertainty these lateral roads need to be shown on the structure plan.

Associated with this is that the spine road does not need to go all the way to the Crapp/Smith boundary. To efficiently service the Industrial Zone it only needs to go as far as the vicinity of the entrance to the Priest house site. Depending on the outcome of the other access options, the remainder of the road reserve should be either retained for the use of those accesses or, if not required, used for landscaping purposes.

10.0 Recommended Changes to the District Plan

4C.1.3.2(b) Noise limits for activities in Industrial and Commercial Zones

Attach the following clause to "At all other times":

"For the Omokoroa Light Industrial Zone the Lmax is 65dBA."

4C.5.3.2 Screening in Industrial and Commercial Zones

(d) Omokoroa Industrial Zone

Replace (ii) with:

"Lots adjoining the spine road leading east off the first intersection along Omokoroa Road from the State Highway shall provide landscaping in accordance with 4C.5.3.1(a)(ii) and (iii), and 4C.5.3.1(b)."

Insert new:

"(iii) Use or development of Lot 2 DP 483735 or Lots 1 and 2 DPS 68390 shall only occur after landscaping planting described in (i) above has been planted."

And consequentially renumber existing (iii) as (iv).

21.4.1 (a) Height and daylighting

Insert before Te Puna Business Park:

"- Omokoroa Light Industry Zone – 9m"

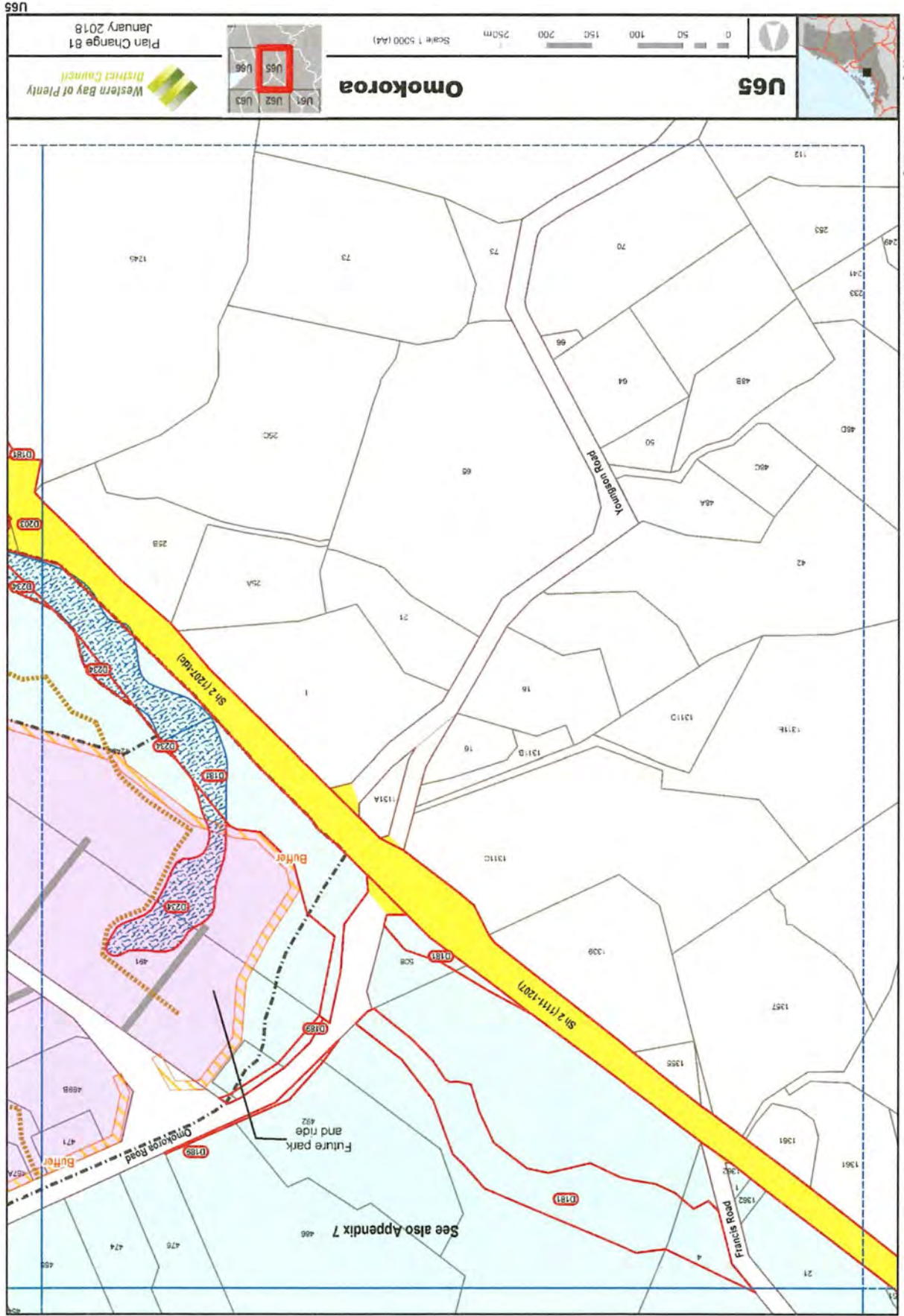
21.4.1(b) Yards

Add to the end of the "Except that" the following new clause:

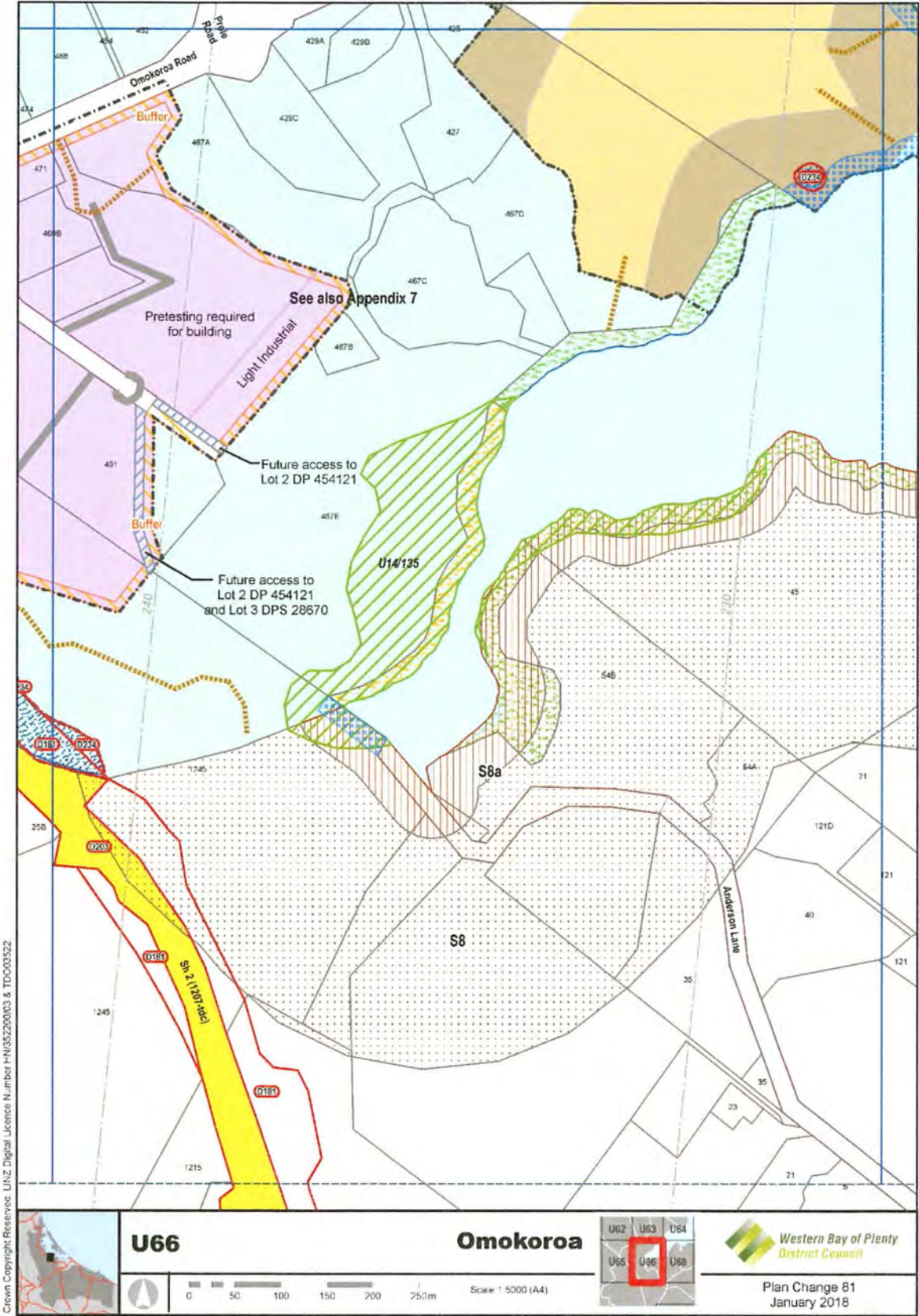
- " – Omokoroa Light Industry Zone:
 - Minimum 5m reduced to 3m with the provision of a solid fence (as measured from the internal boundary of the landscape strip)".

District Plan Maps

Replace the District Plan Maps U65 and U66 with the following:



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Appendix 1: Costings for Selected ROW Options

Summary

Two options were subjected to an engineering analysis in order to compare the costs of construction. The details of these are contained in Appendix 3, and summarised in the table below. A land value of \$60m² is used as this is the figure that Council has used with various property transactions for similar land in the locality.

Option 3: New ROW Off the end of the spine road, along the Crapp side of the boundary

Description	Value (\$)
Construction cost: along boundary	174,500
boundary to spine road	79,000
Additional land cost over and above required landscaping (220mx5mx\$60)	66,000
Subtotal	319,500
Saving: decommission existing ROW – within Industrial Zone only as remainder has minimal rural value (91mx6mx\$60)	32,760
Subtotal	286,740
Opportunity: existing ROW land used for landscaping – releases 10m of Industrial land (184mx10mx\$60)	110,400
TOTAL	176,340

Option 6: Move entrance for the existing ROW to Industrial Zone boundary

Description	Value (\$)
Construction cost	239,500
Land cost – n/a as has no Industrial value and minimal rural value	
Saving: decommission existing ROW within Industrial Zone (91mx6mx\$60)	32,760
Subtotal	206,740
Opportunity: if landscaping along whole ROW reduced to 5m – releases 5m of Industrial land (333mx5mx\$60)	99,900
TOTAL	106,840

Detailed Costing of Selected ROW Options

Memo to: Phillip Martelli
 Date: 13th November 2016
 Council Reference: Ref:2942-20
 Location: 467 Omokoroa Road, Omokoroa
 Subject: Omokoroa Industrial Zone ROW Access

1. Background

As requested I have undertaken a review of the Options 1 and 4 for the re-routing the existing ROW used by the rural zoned allotments located at the rear of the Industrial Zoned land. Four options are detailed on the Omokoroa Industrial zone review plan which are included in Attachment A but only two options are considered in this assessment.

2. Code of practice requirements and Assumption:

The design would need to comply with the following Council's Development Code of Practice requirements:

- a) No of rural allotments served = 4 (Lot 1DP 75640, Lot 1DP454121, Lot 2 71505 and Lot 2 DPS 67654).
- b) Existing ROW formation is not to be upgraded.
- c) Proposed new ROW is to be sealed to a minimum 3.5m wide width in accordance with Council's standard drawing No W439.
- d) Maximum grade is 20% but preferred maximum is 16.7%.
- e) Adjoining cut batter kerb and channelling will be considered to reduce excavations and to prevent scour.
- f) A minimum pavement depth of 200mm.
- g) Passing bay to be provided at 150m intervals.
- h) Storm water culverts installed and allowed to dispose to the downstream catchments without any detentions but scour protection shall be provided as required.
- i) Access to Omokoroa Road will need to comply with the intersection separation requirements of Council's standard drawing No W414 the sight distance requirements of W415 and the formation standards of Section 4.11.2 and drawing number W437.

3. District Plan

The requirements of Council's District Plan have been reviewed in respect to any proposed access to Omokoroa Road and that assessment is as follows:

- f) Section 4B.4.1 records the subject section of Omokoroa Road as being a Secondary Arterial Road.
- g) Further assessment will be required in respect to any proposed access to Omokoroa Road to review compliance with Council's District Plan requirements.

4. Options Considered

a) Option 1.

Provide access from the existing rural allotments along the southern side of the Industrial Zoned land to the future industrial road located on the eastern side of the Omokoroa General Carriers property. The access would cross over the southern end of Lot 2 438897 which is owned by P and L Crapp.

b) Option 4.

Provide access from the existing rural allotments will follow the existing ROW alignment until just before the proposed 2 commercials on Pt Lot 3 DP 72370 where the proposed ROW alignment divert towards the east over Pt Lot 3 DP 72370 and will follow the proposed landscape strip to be created on the eastern side of the proposed Commercial allotment. The proposed ROW will then connect to Omokoroa Road just west of the existing Prole Road intersection. Pt Lot 3 DP 72370 is owned by P and L Crapp.

Council approved the subdivision of Pt Lot 3 DP 72370 to create 2 commercial allotments, Council reference S/B/11833 on the 22 March 2016. The applicant intends to submit a variation to relocate the ROW formation to adjoining Omokoroa Road and to undertake earthworks to the embankment within Lot 1 / 2 and adjoining the existing driveway over Lot 3. Those potential earthwork works have been plotted on drawing number Omok IZR-038 enclosed in Attachment B. Any future design of the ROW would need to suit the earthworks undertaken and the alignment of the driveway serving the existing dwelling owned by P and L Crapp.

5. Option Assessment:

a) Option 1.

This option provides a direct link to the future road proposed to serve the industrial Zoned land. The length of the ROW access which would need to be formed / upgraded is in the order of 220m. The existing topographical alignment has been reviewed and the maximum design grade in the order of 12.75%. No major earthworks will be required. It is proposed to seal the proposed ROW.

b) Option 4.

Access would be gained from the existing ROW and then will divert towards the east over proposed Lot 3 of S/B/ 11833 and will rise at a grade in the order of 19% to the top of the ridge where the proposed ROW would need to cross over the existing driveway serving the existing dwelling owned by P and L Crapp. The ROW would then traverse a side slope which is relatively steep with grades in the order of

1v o 3h. A typical cross section has been provided which details the depth of cut required to construct the ROW formation across the sloping embankment.

Retaining walls would be required to support the steep land above the cut batter. The cost of the geotechnical investigations, design works and to provide a PS4 would be in the order of \$10,000. The cost of a retaining wall would be in the order of \$1000 per lineal metre. The length of the wall would be in the order of 60m.

The length of the ROW access which would need to be formed / upgraded is in the order of 138m. It is not proposed to seal the proposed ROW.

The designs for these options are included in Attachment B.

6. Option Costs

The ball park costs (excluding GST) of the design, construction, project management and survey/legal costs for the ROW construction are as follows:

a) Option 1

ROW formation level to undulating. Length =220m,
 Design costs = \$7500 Construction costs = \$150,000
 Project management costs =\$5000 Survey / legal costs = 12000
 Total = \$174,500.

b) Option 4

ROW formation level to undulating. Length =138m,
 Design costs = \$10,000 Construction costs = \$137,000
 Project management costs = \$7,500 Survey / legal costs = 15,000
 Retaining wall design, PM and PS4 = \$10,000 Retaining wall
 Construction = \$60,000
 Total = \$239,500.

Please note that no allowance has been made for land purchases or storm water pond detention costs. These values do not include GST.

Please review the comments made above and please contact me if you have any questions.

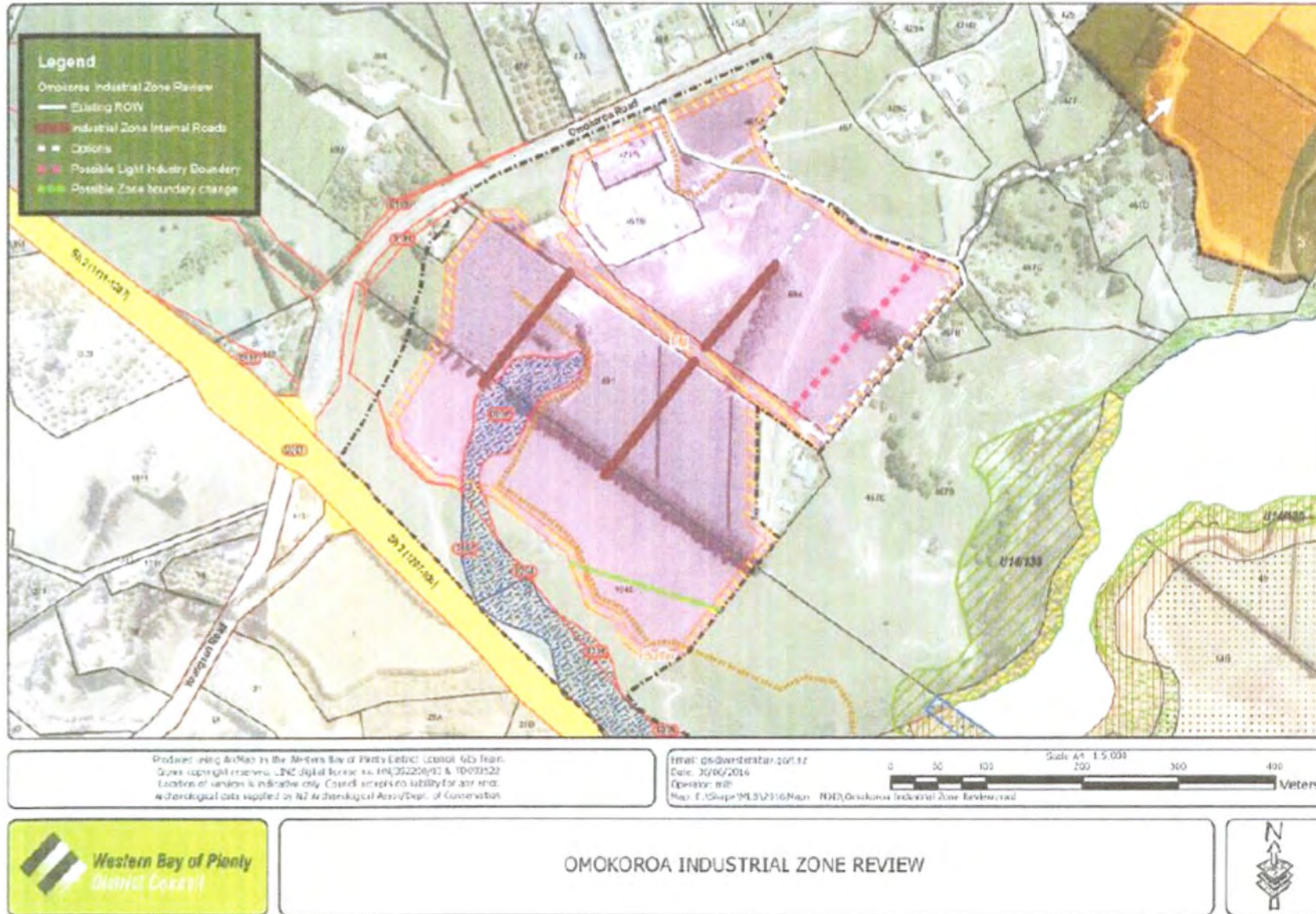
Yours faithfully



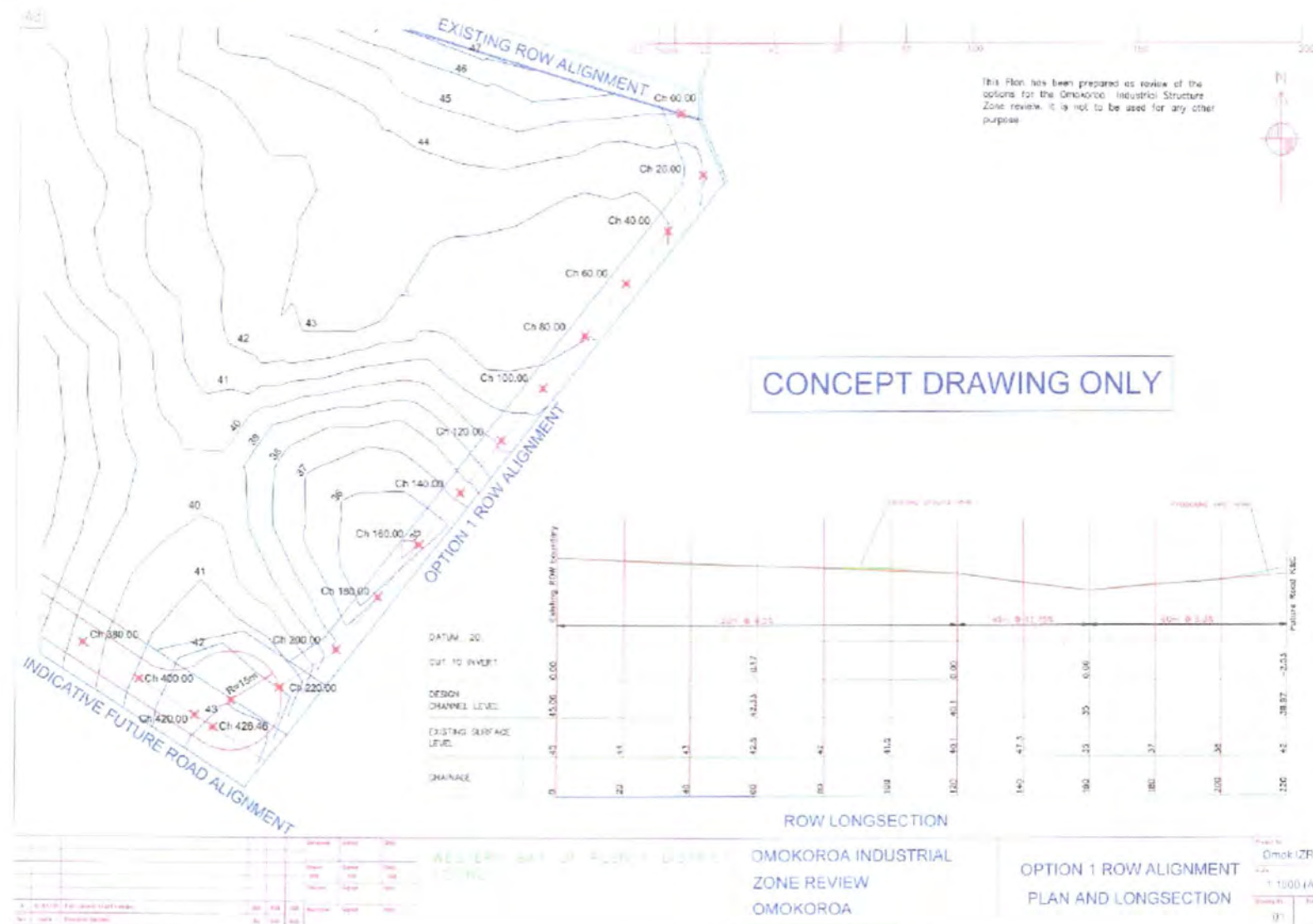
Dallas Banks Development Engineer.

Enclosed: a) Omokoroa Industrial Zone Review Plan
b) Options 1 and 4 drawings

Attachment A: Omokoroa Industrial Zone review plan

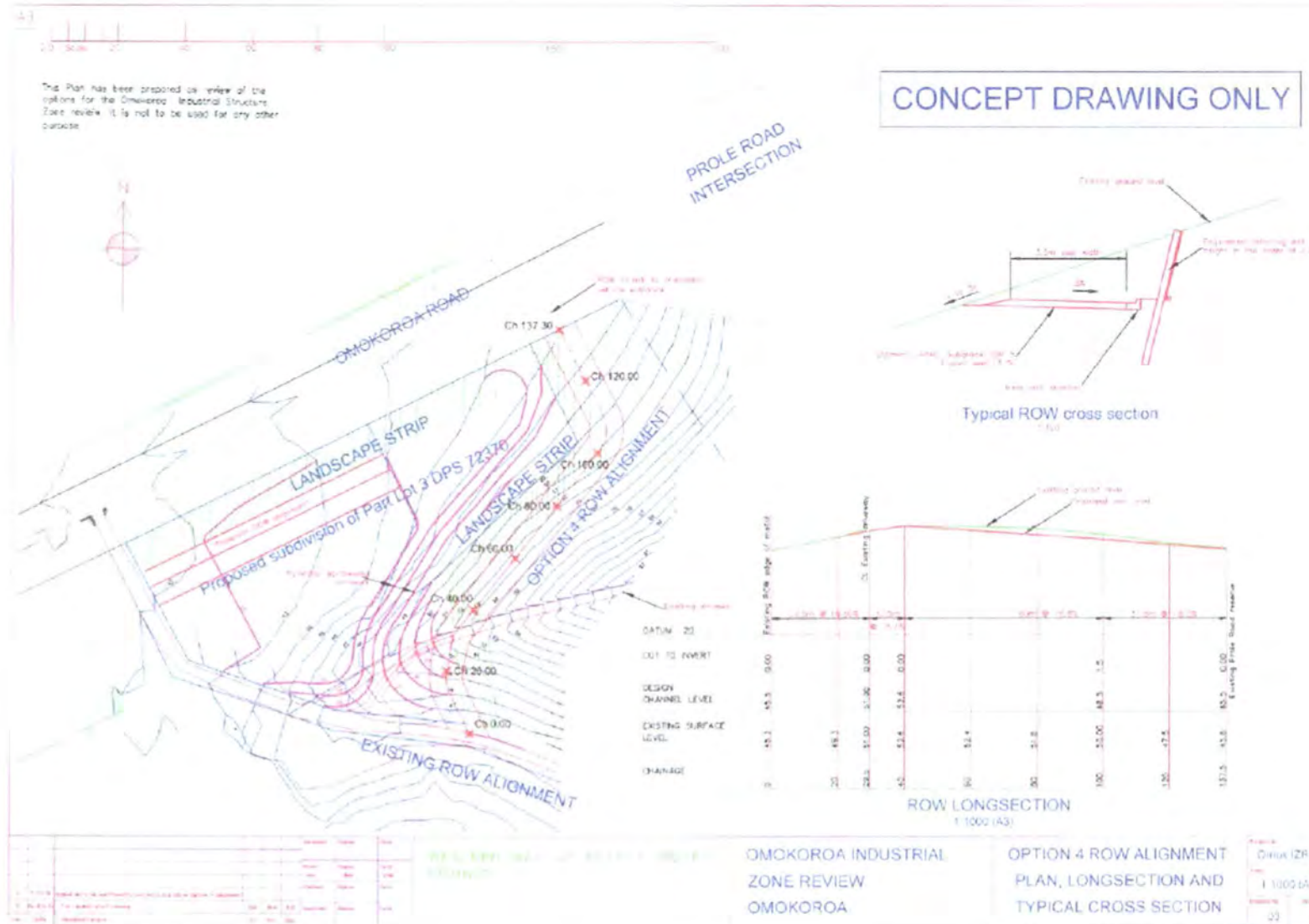


Attachment B: Option One Drawing



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Option Four Drawing





Summary Report for the 2018 Proposed Plan Change 81 - Omokoroa Industrial Zone Review

Topic	Issue ID	Issue	Sub ID	Sub	Name	Inclination	Summary	Decision Requested
Plan Change 81	1	Access to the properties adjoining the residential zone	1	1	Powerco Limited Eastern Region	Support with Amendment	<p>Powerco is neutral to this plan change. However, should it proceed, Powerco seeks to ensure that electricity infrastructure is protected and if any of our assets need to be relocated then the correct process is followed.</p> <p>There is a need to manage any changes in the immediate vicinity of network utilities that pose a risk to, or are at risk from, the operation of the network. These risks include:</p> <ul style="list-style-type: none"> • Risk of electrical hazard or injury; • Risk to security of supply; • Risks associated with 'reverse sensitivity' and amenity; • Risks to vegetation; • Risk to structural integrity; • Risk to Powerco's ability to undertake inspection and maintenance activities on its lines and support structures, and to undertake line upgrades. <p>Powerco has assets around Option 6 (move entrance for the existing ROW to industrial zone boundary) including 11kv underground cables, pads, ducts, overhead low voltage lines and power poles (shown in Appendix B). Should Option 6 proceed, then these will have to be relocated at the council's cost.</p> <p>The proposed ROWs within this plan change may result in reductions or alterations in ground level. This can result in underground utilities being exposed and the need for remedial work, whereas significant increases in ground level can hinder access for maintenance purposes.</p> <p>Changes to ground level in the vicinity of underground utilities should be minimised and/or there should be discussions with the relevant utility provider, which may identify opportunities to readjust depth of the utility. Similar concerns arise for above ground infrastructure.</p> <p>Earthworks in and around support structures needs to ensure there is no risk to the stability of the infrastructure. It is also important to ensure that distances between overhead lines and the ground are maintained and not reduced as this could cause safety issues and non-compliance with the minimum safe distances from the ground specified in NZECP34:2001.</p>	<p>Powerco seeks that if Plan Change 81 becomes operative then the following is undertaken:</p> <ol style="list-style-type: none"> 1. Powerco is contacted prior to any physical works around our assets to enable the safe relocation or undergrounding of our existing network assets, in particular should Option 6 be chosen for the ROW. This is to enable the safe relocation or undergrounding of our existing network assets. This should be done via the Customer Initiated Works (CIW) process. 2. The Council confirm with Powerco any additional assets that may be potentially affected by the proposed ROWs. This is to ensure that Powerco can continue to operate, maintain, upgrade and access our existing assets. There is a need to manage any development in the immediate vicinity of network utilities that pose a risk to, or are at risk from, the operation of the network.
			2	2	Smith, Sandra Evelyn	Oppose	<p>Issue 1</p> <p>Do not support the preferred combined option 6 (move entrance for the existing ROW to industrial zone boundary) & option 8 (access to Smith and Bruning along each side of Priest house site). Reason - further discussions with the developer (Crapp) suggests he will not agree with option 6 and issues around who pays.</p> <p>Support Option 3 (industrial spine road through Crapp) as the preferred option running along Crapps boundary to the spine road providing access for all adjoining landowners (excluding industrial) and would include any future residential access for Crapps. Potentially 15+ resident titles could use this access. This road would also provide required additional buffer between Rural Residential & Industrial.</p> <p>Support Option 8 in conjunction with option 3 - this would provide access for Brunning and Smith future rural residential lots - potentially 15+ lots.</p> <p>Option 8 would be a private/council road - same design as option 3. Land would be provided by Priest with the benefit to them being Smith agreeing to no road in front of their current house.</p>	<p>Do not support options 6 & 8.</p> <p>Support 8 in conjunction with Option 3.</p> <p>The spine road needs to be designed to look like a quality residential road with laterals being more industrial. Long term there will be more residential users versus industrial on this road.</p>
				3	1	PJ and LC Crapp	Oppose	<p>No provision is made in PC 81 for alternative access from Omokoroa Road to the aforementioned four adjoining Future Urban zoned properties.</p> <p>It is suggested in the Section 32 report (but not explicitly included in the proposed new District Plan provisions to be introduced through PC 81) that existing Operative District Plan rule 12.4.4.1 will be invoked to prevent any development of Industrial zoned land owned by the Crapp family until alternative provision is made for access to the four Future Urban Zoned properties referred to above.</p> <p>The foregoing approach places an unreasonable burden on both the Crapp family and the legal users of the existing ROW and will militate against the efficient and effective development of land within the Industrial Zone.</p> <p>Furthermore, reliance on existing rule 12.4.4.1 is impracticable and will not result in a cost effective or equitable outcome.</p>

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Summary Report for the 2018 Proposed Plan Change B1 – Omokoroa Industrial Zone Review

4	1	Bruning, Norman Francis	Support with Amendment	Support Option 8 in part (access to Smith and Bruning along each side of Priest house site).	Further consideration should be given to making the West ROW to Bruning a road subject to number of lots created.
5	1	Laing, Timothy Malcolm Mckenzie	Unknown	<p>Option 5 - New 'rural' lane through Laing Property.</p> <p>We deeply oppose this option. This would severely compromise our land and our privacy and would consequently devalue our property.</p> <p>Option 7 - Move entrance for the existing ROW to Prole Road intersection</p> <p>In principle we agree to this option over option 6 (move entrance for the existing ROW to Industrial Zone boundary). To future proof any further development of the Omokoroa Road it needs to be put in place now, thus reducing the access points onto Omokoroa Road. This allows for future upgrading of the ROW to Road standard which will be able to cater for additional rural residential lots.</p> <p>Also residential and industrial traffic will be separated if we agree to this option, which is advantageous, especially if you have a young family like us. It is not ideal and could be potentially a health and safety issue to continue mixing industrial traffic with residential traffic. We fear that this will get worse when ITM opens.</p>	<p>Option 7 - Move entrance for the existing ROW to Prole Road intersection</p> <p>Further to this, we think that there should be consideration into adjusting the zoning of the affected parties. Laing, Smith, Birch, Crapp to allow future subdivision with special triggers/parameters in place. If this zoning change was approved and subdivision proceeded, at this time the council potentially could take over this ROW and upgrade it to become a Lane administered and maintained by the council. (EG: ABC Lane). We believe that if the council allowed the properties to be subdivided into residential lots in the future that this would not damage the value of the properties. The council would equally benefit with more rate payers.</p>
6	1	Lusby, Philippa Colleen	Oppose	<p>A single house holder (the Crapp family) should not be responsible for funding a (ROW) that should be provided by council. This (ROW) serves no advantage to the Crapp family only to the neighbours.</p> <p>You have set neighbour against neighbour creating tension and distress and forced neighbours into costly legal action.</p>	<p>1 - You (Council) pay for (ROW) that you require which is unreasonable for the Crapp family to pay for.</p> <p>2 - That the neighbours contribute equally to the new (ROW) if they really want option 3 (industrial spine road through Crapp), option 6 (move entrance for the existing ROW to industrial zone boundary) & option 7 (move entrance for the existing ROW to Prole Road intersection) as these are of no advantage to the Crapp family and it's unfair for the burden of these costs to fall on the Crapp family when there is no responsibility for them to pay these costs.</p>
7	1	Birch, Janine	Support with Amendment	We suggest moving the present ROW to the industrial zone boundary and exit to Omokoroa Road near Prole Road. This would be an acceptable or attractive entry to our property and avoid conflict with industrial traffic.	With Council involvement this ROW could later be upgraded to service future subdivision in the area by Crapp, Laing and Birch.
FS 6	1	Crapp, Philip John	Support	The submission point is supported in its entirety.	That prior to the formal hearing of submissions Council uses the powers available to it under Clause BAA of the First Schedule of the RMA to initiate a mediation process involving Council and all submitters, such mediation to be conducted by an independent mediator. The purpose of the mediation would be endeavor to resolve the issues relating to vehicle access within the Omokoroa Industrial Zone and within the adjoining Future Urban Zone either through agreed amendments to PC81 or by other means agreed by the parties.
(6)	[1]	[Lusby, Philippa Colleen]			
FS 6	2	Crapp, Philip John	Unknown	It is noted that PC81 itself does not specifically relate to or actually address the issue of vehicle access, and to the extent that the submission raises access issues, it is neither supported nor opposed. However, it is considered that the content of the submission highlights the need for Council to take both planning and financial responsibility for appropriate provision to be made for vehicle access in respect of land which is within the existing Omokoroa Industrial Zone and adjoining land which is currently zoned Future Urban.	That prior to the formal hearing of submissions Council uses the powers available to it under Clause BAA of the First Schedule of the RMA to initiate a mediation process involving Council and all submitters, such mediation to be conducted by an independent mediator. The purpose of the mediation would be endeavor to resolve the issues relating to vehicle access within the Omokoroa Industrial Zone and within the adjoining Future Urban Zone either through agreed amendments to PC81 or by other means agreed by the parties.
(2)	[2]	[Smith, Sandra Evelyn]			
FS 6	4	Crapp, Philip John	Unknown	It is noted that PC81 itself does not specifically relate to or actually address the issue of vehicle access, and to the extent that the submission raises access issues, it is neither supported nor opposed. However, it is considered that the content of the submission highlights the need for Council to take both planning and financial responsibility for appropriate provision to be made for vehicle access in respect of land which is within the existing Omokoroa Industrial Zone and adjoining land which is currently zoned Future Urban.	That prior to the formal hearing of submissions Council uses the powers available to it under Clause BAA of the First Schedule of the RMA to initiate a mediation process involving Council and all submitters, such mediation to be conducted by an independent mediator. The purpose of the mediation would be endeavor to resolve the issues relating to vehicle access within the Omokoroa Industrial Zone and within the adjoining Future Urban Zone either through agreed amendments to PC81 or by other means agreed by the parties.
(4)	[1]	[Bruning, Norman Francis]			
FS 6	6	Crapp, Philip John	Unknown	It is noted that PC81 itself does not specifically relate to or actually address the issue of vehicle access, and to the extent that the submission raises access issues, it is neither supported nor opposed. However, it is considered that the content of the submission highlights the need for Council to take both planning and financial responsibility for appropriate provision to be made for vehicle access in respect of land which is within the existing Omokoroa Industrial Zone and adjoining land which is currently zoned Future Urban.	That prior to the formal hearing of submissions Council uses the powers available to it under Clause BAA of the First Schedule of the RMA to initiate a mediation process involving Council and all submitters, such mediation to be conducted by an independent mediator. The purpose of the mediation would be endeavor to resolve the issues relating to vehicle access within the Omokoroa Industrial Zone and within the adjoining Future Urban Zone either through agreed amendments to PC81 or by other means agreed by the parties.
(4)	[1]	[Laing, Timothy Malcolm Mckenzie]			
FS 6	7	Crapp, Philip John	Unknown	It is noted that PC81 itself does not specifically relate to or actually address the issue of vehicle access, and to the extent that the submission raises access issues, it is neither supported nor opposed. However, it is considered that the content of the submission highlights the need for Council to take both planning and financial responsibility for appropriate provision to be made for vehicle access in respect of land which is within the existing Omokoroa Industrial Zone and adjoining land which is currently zoned Future Urban.	That prior to the formal hearing of submissions Council uses the powers available to it under Clause BAA of the First Schedule of the RMA to initiate a mediation process involving Council and all submitters, such mediation to be conducted by an independent mediator. The purpose of the mediation would be endeavor to resolve the issues relating to vehicle access within the Omokoroa Industrial Zone and within the adjoining Future Urban Zone either through agreed amendments to PC81 or by other means agreed by the parties.
(7)	[1]	[Birch, Janine]			

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Summary Report for the 2018 Proposed Plan Change 81 - Omokoroa Industrial Zone Review

Plan Change 81	2	Spine road landscaping	2	3	Smith, Sandra Evelyn	Support	Support preferred option 2 to remove to the central planted medium and replace with targeting landscaping.	Support Option 2 with the addition of a road being upgraded from an industrial spine road to more residential road suitable for long term predominant use. Industrial laterals to come off that road. Ideally 5m planted barrier on each side instead of the central planted 10m medium barrier.
			4	2	Bruning, Norman Francis	Support	Support 5.2 preferred option (spine road landscaping is shifted from the centre of the road to the sides).	Support 5.2 preferred option (spine road landscaping is shifted from the centre of the road to the sides)
Plan Change 81	3	Perimeter landscaping lining	2	4	Smith, Sandra Evelyn	Support	Support preferred option 2 (provide a trigger for landscaping).	Support preferred option 2 (provide a trigger for landscaping).
			4	3	Bruning, Norman Francis	Oppose	Support Option 6.1 (status quo - current practice is to landscape each activity as it is established). Contouring may be such that planting cannot happen before. Landscaping along Bruning boundary is problematic as boundary with NZTA is unknown.	Developer to screen property as soon as practicable.
Plan Change 81	4	Perimeter landscaping width	2	5	Smith, Sandra Evelyn	Support	Support to retain 10m buffer.	Support to retain 10m buffer. If our preferred options regarding issue 1 are agreed then existing ROW/planting/buffer is not an issue as we won't be using that any longer.
			4	4	Bruning, Norman Francis	Support with Amendment	Support in part.	NZTA may be required to supply screening.
			5	5	Laing, Timothy Malcolm Mckenzie	Oppose	We would be opposed to reducing the buffer to below 10 metres along the current ROW! We do not have faith in the consistency of the development when it comes to fencing and for that matter the planting. We are concerned about the industrial activities that may be allowed to be placed in this zone so we would prefer to keep the 10m buffer.	The only way we would agree to reduce the buffer to 5-6m would be to keep part of our existing ROW and move the remainder of ROW along the north west boundary, around the top of the industrial development. Option 7 (move entrance for the existing ROW to Prole Road intersection) is our preferred option as it comes out by the Prole Road roundabout.
Plan Change 81	5	Industrial zone interface with adjoining properties	2	1	Smith, Sandra Evelyn	Unknown	This area should not have been zoned industrial. It is high quality land at entrance to the new town of Omokoroa - too important for industrial use. This has been and still is an ad hoc development contrary to the zoning requirements of the current District Plan. The industrial use is aesthetically unpleasant with all current and future residents having to go past and through industrial to enter and exit the town. The zoning causes significant problems: 1- Increases dangerous traffic flows with heavy trucks and vehicles at the town entrance 2 - Increases pollution - waste water, runoff, effluent, dust, chemicals, noise, visual 3 - Reduces the value of adjoining land resulting from above 4 - Health & safety issues with one only entrance to Omokoroa being used currently by a trucking business to transport & store chemicals, fuel, diesel fumes and increase potential for accidents for all residents 5 - Current adjoining land owners are now landlocked behind the Industrial Zone - Smith, Priest, Birch, Laing, Bruning, plus potentially 20 new rural residential sites with only current access through industrial	Stop any further development of the industrial zone. Change zoning to residential or commercial. This is the highest and best use for this land. A rezoning would solve the adjoining neighbours issues and benefit the whole community & all involved including the current developer. The existing industrial users could have a limited time say 10 years to find an alternative location - specifically located and ideally suited for industrial e.g. Te Puna Station Road along the rail line.
			2	6	Smith, Sandra Evelyn	Support with Amendment	Support preferred option 2 (modify industrial zone provisions).	Support preferred option 2 (modify industrial zone provisions) with an amendment that hours for industrial and commercial, Monday to Saturday, are 6am to 6pm.
			5	2	Laing, Timothy Malcolm Mckenzie	Unknown	Having industrial businesses like Omokoroa Carriers, which appears to have been allowed to operate with limited controls, has resulted in negative outcomes such as; this business is not adequately screened from the road and from the residents and is considered unattractive; the dust from the unsealed yard has caused negative environmental impact on the neighbouring land. We are concerned that businesses like this and future industrial businesses that set up on this land, without proper controls, could really make a huge impact on our beautiful estuary, farmland and entrance resulting in unwanted pollution etc.	In our opinion we would like to see the rest of the land used for the remaining industrial area changed to be residential or commercial zoning as it would be a much better use of the land. We believe that land value would be higher for the developers/landowner. The rates that these properties would generate would be more profitable for the council. The entrance to Omokoroa Peninsular needs to be planned out properly! It should be beautiful and designed to attract people to come and live in this area.
			5	3	Laing, Timothy Malcolm Mckenzie	Support with Amendment	Option 2 - Modify Industrial Zone Provisions: This is our preferred option.	The time period for sound level not to exceed maximum levels, we believe should be reduced further! We believe the time period should change to, between 7am - 6 p.m. Monday to Sunday for the whole of the industrial Zone. Omokoroa is seen as a family area and should be in the future. Having noise up till 10pm at night and before 7am in the morning is not acceptable for young families and elderly citizens. Further to this...dust, odour, light and noise contributing industrial activities should be strictly controlled in any industrial zoned are. For example; Spray Painters. (The smell is extremely difficult to impossible to remove even with filtering and water baths etc.) These types of industrial businesses should be excluded from this is zone. Once this type of operation is in place it cannot be removed and causes ongoing problems for residential neighbours and the council.
			5	4	Laing, Timothy Malcolm Mckenzie	Oppose	We oppose the option of reducing the buffer of plantings to 3m and replacing with a solid wall.	We oppose the option of reducing the buffer of plantings to 3m and replacing with a solid wall.
			6	2	Lusby, Philippa Colleen	Oppose	Our biggest concern with an industrial zone is noise, the height of buildings, dust, chemicals (Painting i.e. panel beaters, boat builders etc) and it looking unsightly as we live on the hill above it and look directly into the industrial site. The other concern is noise going late into the night.	We would like to see some tighter restrictions on who is allowed into the industrial area and covenants put in to protect the residential homes surrounding the industrial zone from noise, huge unsightly buildings, chemicals, and dust. A curfew of 7pm would also be appreciated, so we get a break from all the noise surrounding us.
Plan Change 81	6	Industrial zone internal roads	2	7	Smith, Sandra Evelyn	Support	Support preferred option 2 - show spine road and lateral roads. There should have been a master plan showing these roads at the outset.	Support preferred option 2 - show spine road and lateral roads. Showing these roads gives certainty to future development.

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Summary Report for the 2018 Proposed Plan Change 81 - Omokoroa Industrial Zone Review

			4	5	Bruning, Norman Francis	Support	Support Option 2 (show spine road and lateral roads). Gives support to land locked properties.	Support Option 2 (show spine road and lateral roads) Gives support to land locked properties.
			FS 8 (2)	3 (7)	Crapp, Philip John [Smith, Sandra Evelyn]	Unknown	It is noted that PC81 itself does not specifically relate to or actually address the issue of vehicle access, and to the extent that the submission raises access issues, it is neither supported nor opposed. However, it is considered that the content of the submission highlights the need for Council to take both planning and financial responsibility for appropriate provision to be made for vehicle access in respect of land which is within the existing Omokoroa Industrial Zone and adjoining land which is currently zoned Future Urban	That prior to the formal hearing of submissions Council uses the powers available to it under Clause 8AA of the First Schedule of the RMA to initiate a mediation process involving Council and all submitters, such mediation to be conducted by an independent mediator. The purpose of the mediation would be endeavor to resolve the issues relating to vehicle access within the Omokoroa Industrial Zone and within the adjoining Future Urban Zone either through agreed amendments to PC81 or by other means agreed by the parties.
			FS 8 (2)	5 (5)	Crapp, Philip John [Bruning, Norman Francis]	Unknown	It is noted that PC81 itself does not specifically relate to or actually address the issue of vehicle access, and to the extent that the submission raises access issues, it is neither supported nor opposed. However, it is considered that the content of the submission highlights the need for Council to take both planning and financial responsibility for appropriate provision to be made for vehicle access in respect of land which is within the existing Omokoroa Industrial Zone and adjoining land which is currently zoned Future Urban	That prior to the formal hearing of submissions Council uses the powers available to it under Clause 8AA of the First Schedule of the RMA to initiate a mediation process involving Council and all submitters, such mediation to be conducted by an independent mediator. The purpose of the mediation would be endeavor to resolve the issues relating to vehicle access within the Omokoroa Industrial Zone and within the adjoining Future Urban Zone either through agreed amendments to PC81 or by other means agreed by the parties.



Western Bay of Plenty
District Council

Hearing Schedule for the Proposed Plan Change 81 - Omokoroa Industrial Zone

Hearing Day: 01/08/2018

<u>Time</u>	<u>Duration</u>	<u>Submitter</u>	<u>Sub ID</u>	<u>Page Ref</u>
9:30	15 mins	Phillip Martelli – Opening Presentation		
9:45	10 mins	Philip and Lois Crapp (Russell de Luca and Timothy Richardson)	3 / FS8	12/23

Western Bay of Plenty District Council

Planning Report

Plan Change 81 – Omokoroa Industrial Zone Review

1.0 Introduction

- 1.1** The purpose of this report is to provide recommendations on submissions and further submissions to Plan Change 81 – Omokoroa Industrial Zone Review.
- 1.2** Plan Change 69 - Omokoroa Stage 2 (related to the previous District Plan) was notified on 13 October 2007 and made operative on 29 March 2010. Part of that Plan Change involved creating the Industrial Zone on the right hand side of Omokoroa Road just off State Highway 2 (SH2).
- The commencement of the development of the Zone has raised a number of issues that require addressing through changes to the District Plan.
- 1.3** For a full background to the Plan Change and the proposed provisions please refer to the Section 32 Report.
- 1.4** Any recommended amendments to rules in this report will be shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

2.0 Topic 1: Access to the properties adjoining the Industrial Zone

2.1 Background

Current access for the Smith, Birch and Laing properties is via a ROW over the Crapp property. At the Omokoroa Road end the ROW splits the Industrial Zone.

As stated in the S32 Report:

“The legal aspects with regard to changing the ROW are governed by ‘the rights and powers set out in the Seventh Schedule of the Land Transfer Act 1952’. Essentially it is a contractual arrangement between the affected parties, and they need to agree with any proposed changes.”

Thus the relocation of the ROW is not a District Plan matter, and neither the ROW nor rules related to the ROW are part of Plan Change 81. Notwithstanding the ROW was a key matter for the residents and was included in the process in order to offer possible solutions for the parties to consider.

The provision of access adjoining the Priest house site to the Smith and Bruning properties is a Plan Change matter and has been shown on the revised structure plan.

2.2 Submission Points

There were seven submissions received and five further submissions. A number of points were raised relating to the various ROW options presented.

2.2.1 Submitter 1 Powerco raises a number of points with regard to their assets and any physical works that may affect them. These are covered by existing protocols, and are not affected by the Plan Change.

2.2.2 Submitter 3 Crapp proposes that Council should take planning and financial responsibility for appropriate provision of access. They request that Council initiate mediation to endeavor to resolve the matter.

2.2.3 Submitter 4 Bruning supported the access provisions adjoining Priest's house site, but suggested consideration be given to making the western ROW to the Bruning property a road, subject to the number of lots created.

2.3 Option 1 – the District Plan is not changed with respect to the Crapp ROW

Benefits	<ul style="list-style-type: none"> It is a civil matter that is to be addressed by the affected landowner parties.
Costs	<ul style="list-style-type: none"> Costs to the landowners to resolve the matter.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Efficient for Council as it is not a legal party to the ROW. Not effective or efficient for the landowners as the fixed positions by various parties means resolution will be difficult.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> Risk is that further industrial development of the Crapp Industrial property will stall until the ROW matter is resolved.

2.4 Option 2 – ROW access is provided to Smith/Bruning properties along Priest boundary

Benefits	<ul style="list-style-type: none"> ▪ Cost effective access – cheaper than a road. ▪ Landscaped ROW provides better amenity to Smith/Bruning properties than a road that will be industrial.
Costs	<ul style="list-style-type: none"> ▪ Costs to Smith and Bruning of acquiring the land.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Both effective and efficient as it provides appropriate access at the least cost.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A

2.5 Discussion

Option 1 Crapp ROW

Throughout the consultation process, considerable time and discussion occurred related to possible access solutions. As stated above the ROW location is a civil matter between the parties, of which Council is not one. However as a good 'corporate citizen' the Council could initiate mediation in order to resolve the matter. This will be investigated following the outcome of the Hearing.

Option 2 - ROW access is provided to Smith/Bruning properties along Priest boundary

Assuming the Smith and Bruning properties will be zoned Rural Residential or Lifestyle through the current Omokoroa Stage 3 Structure Plan process, the new rules would likely allow for up to 12 properties off a ROW. This will be more than sufficient for the likely number of house sites expected. A public road will also have a greater effect on the Priest house site by allowing more vehicles along their boundary as industrial lots will also look to access the road.

2.6 Recommendation

That the Plan Change be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
1	1	Powerco

Accepted in Part

Submission	Point Number	Name
2	2	SE Smith
4	1	NF Bruning
5	1	TMM Laing
7	1	J Birch

Rejected

Submission	Point Number	Name
3	1	PJ and LC Crapp
6	1	PC Lusby
FS8	1,2,4,6,7	PJ and LC Crapp

2.7 Reason

The location of the ROW is a civil matter between the relevant property owners. However, Council could initiate mediation between the parties to see if a solution can be brokered.

A ROW is the best solution for Smith/Bruning along the Priest boundary as it will be sufficient to serve the intended number of lots, is cost effective, and will give the better amenity outcomes to all parties including Priest.

3.0 Topic 2: Spine Road landscaping**3.1 Background**

The District Plan requires the industrial spine road to have a 10m landscape strip down the middle. The Plan Change proposes deleting the central planted median and replacing it with landscaping and other amenity controls on properties that adjoin the spine road. The proposed rule change is as follows:

**4C.5.3.2 Screening in Industrial and Commercial Zones
(d) Omokoroa Industrial Zone**

Delete (ii):

"A 10m planted median within the road reserve of the road leading east off the Francis Road roundabout and vested in Council shall be provided in Lot 2 DPS 68390. Such planting shall be in evergreen trees with an average height of at least 5m and a height at maturity of at least 10m and be sufficient to screen industrial development within Lots 2 DPS 68390 and Pt Lot 4 DPS 72370 from State Highway 2;"

And replace with:

"Lots adjoining the spine road leading east off the first intersection along Omokoroa Road from the State Highway shall provide landscaping in accordance with 4C.5.3.1(a)(ii) and (iii), and 4C.5.3.1(b)."

Rules 4C.5.3.1(a)(ii) and (iii) and 4C.5.3.1(b) are the rules that control landscaping and the provision of fencing.

3.2 Submission Points

There were two submissions (SE Smith, NF Bruning) in support.

3.3 Recommendation

That the Plan Change be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
2	3	SE Smith
4	2	NF Bruning

3.4 Reason

Deleting the central planted median and replacing it with landscaping and other amenity controls on properties that adjoin the spine road is more effective use of land, and provides better amenity for both residents and industrial users.

4.0 Topic 3: Perimeter Landscaping Timing

4.1 Background

The District Plan requires a 10m landscape strip around the perimeter of the Industrial Zone. However the District Plan is not clear as to when the landscaping should be provided. The proposal is to require landscaping of the remaining existing vacant titles to be landscaped prior to any further subdivision or development. The proposed rule change is as follows:

4C.5.3.2 Screening in Industrial and Commercial Zones (d) Omokoroa Industrial Zone

Insert new:

"(iii) Use or development of Lot 2 DP 483735 or Lots 1 and 2 DPS 68390 shall only occur after landscaping planting described in (i) above has been planted."

Note: the owners of the properties are: Lot 2 DP 483735 – Crapp; Lots 1 DPS 68390 – Western BOP District Council; Lot DPS 68390 – Priest.

4.2 Submission Points

Two submission points were received, one in support (SE Smith) and one opposing (NF Bruning).

Bruning sought the status quo whereby landscaping was provided as each activity is established.

4.3 Option 1 – Landscape each activity as it is established

Benefits	<ul style="list-style-type: none"> ▪ Cheaper for the developer.
Costs	<ul style="list-style-type: none"> ▪ Does not screen activities that have occurred to date from the adjoining residents.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Not effective in mitigating the visual impact of industrial development on the neighbours, or as viewed from the adjoining road network. ▪ Not efficient as results in a piecemeal approach.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A

4.4 Option 2 – Each remaining title to be landscaped prior to subdivision or development

Benefits	<ul style="list-style-type: none"> ▪ More effective in screening the visual effects of industrial activities. ▪ Provides certainty to all as to when landscaping is required.
Costs	<ul style="list-style-type: none"> ▪ Cost to the developer of the industrial land as landscaping is likely to be required earlier than currently anticipated.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Effective in mitigating the visual impact of industrial development on the neighbours and as viewed from the surrounding road network. ▪ Inefficient to the developer, depending upon the extent of the landscaping required.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A

4.5 Discussion

There is current uncertainty as to when the landscaping should be provided. The landscaping is important to adjoining residents and the wider public who will view the Industrial Zone from the adjoining road network, including the State Highway. The Zone is also at the entrance to the peninsula and it is important to have a positive visual impact at this location. This can only be achieved if landscaping is done in a timely manner.

4.6 Recommendation

That the Plan Change be adopted as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
2	4	SE Smith

Rejected

Submission	Point Number	Name
4	3	NF Bruning

4.7 Reason

The landscaping provisions are to mitigate the visual impact of industrial development on the neighbours and travelling public whether on Omokoroa Road or the State Highway. Because of the wider angles (i.e. not directly adjoining) that these people will have to see any industrial development, landscaping that is strictly adjacent to that development will not mitigate that impact. The Zone is also at the entrance to the peninsula and it is important to have a positive visual impact at this location.

The proposed rule is the same as Rule 4C.5.3.2(d)(iii) which requires landscaping along the Bruning boundary to be in place prior to development of that land.

5.0 Topic 4: Perimeter Landscaping Width

5.1 Background

There has been discussion about the necessity for the current width of 10m of landscaping around the whole of the perimeter of the Industrial Zone and whether there are acceptable alternatives. The Plan Change does not propose changes to the rules.

5.2 Submission Points

Three submission points were made: one in support (SE Smith), one in support subject to amendments (NF Bruning), and one in opposition (TMM Laing).

Notwithstanding the stated positions of the submitters, both Smith and Laing requested the 10m buffer remain, which supports the Plan Change as it did not recommend any change to the District Plan.

The issue of screening by NZTA will be addressed by their designation for the State Highway and the Omokoroa Road intersection and actual design of the final option.

5.3 Discussion

Existing Rules 4C.5.3.1(b) and 4C.5.3.2(d) provide the controls for landscaping at Omokoroa. The latter provides for a 10m strip. As with other rules, an application can be made to vary from these provisions. In considering such requests Council must have regard to those provisions, the Objectives and Policies of the District Plan, and whether any parties may be affected. In the latter regard, this may involve the affected parties consent. Each is assessed on a case by case basis and the current provisions of the RMA and District Plan are considered to be adequate.

5.4 Recommendation

That no change be made to the District Plan.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
2	5	SE Smith

Accepted in Part

Submission	Point Number	Name
4	4	NF Bruning
5	5	TMM Laing

5.5 Reason

The existing rules require a 10m landscape strip. The District Plan does not need changing to introduce such a width.

6.0 Topic 5: Industrial Zone Interface with adjoining properties

6.1 Background

The zoning provisions for this particular industrial area are those for the standard Industrial Zone in the District Plan. However the proposed Plan Change suggests the inclusion of a Light Industrial Zone which is defined as the area 50m from the Smith boundary, and modifies building height, yard requirements and noise provisions.

These are as follows:

4C.1.3.2(b)

Noise limits for activities in Industrial and Commercial Zones

"All activities located within Industrial and Commercial Zones shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* in a Rural Zone or Rural-Residential Zone, nor at any point within the boundary of any property within a Residential or Future Urban Zone:

Time Period		Sound Level Not to be Exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday	6am to 10pm	55dBA	N/A
Sunday and Public Holidays	9am to 6pm	55dBA	N/A
At all other times		45dBA	70dBA"

The proposal is to attach the following clause to "At all other times":

"For the Omokoroa Light Industrial Zone the Lmax is 65dBA."

21.4.1 (a) Height and daylighting

"Maximum *height* of all *buildings/structures* - 20m except in the following areas:"

Insert before Te Puna Business Park:

"- Omokoroa Light Industrial Zone – 9m"

21.4.1(b) Yards

Add to the end of the "Except that" below the following new clause:

" - Omokoroa Light Industrial Zone:

Minimum 5m reduced to 3m with the provision of a solid fence (as measured from the internal boundary of the landscape strip)".

"All buildings/structures

Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve."

Provided that:

A *building/structure* may be located within a *side* or *rear yard* and up to a side or rear boundary where the adjoining property is a road or where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

Where a property adjoins a Strategic Road or a designation for a Strategic Road, that *yard* shall be 10m.

Explanatory Note:

This 10m *front yard* shall not be applicable to service station forecourts and associated forecourt canopies.

Te Puna Industrial Park specific provisions:

- (i) 10m where a property adjoins a Rural Zone;
- (ii) 20m from Te Puna Station Road and 5m from any other road boundary."

Structure Plan

See maps in Section 8.

6.2 Submission Points

Six submission points were received. Two supported with amendments, and two opposed parts of the Plan Change.

The main submission points made by submitters are as follows:

Three submitters (2-6 Smith, 5-3 Laing, and 6-2 Lusby) sought a tightening up of the hours of operation. One sought the hours to be Monday to Saturday 6am to 6pm, one sought 7am to 6pm, and the third sought a finish time of 7pm.

One submitter (5-3 Laing) sought to lower the Lmax further.

One submitter (5-3 Laing) sought exclusion of "dust, odour, light and noise contributing industrial activities" such as spray painters.

One submitter (5-4 Laing) sought to delete in 21.4.1(b) Yards the ability to reduce the yard from 5m to 3m with the provision of a solid fence.

Two submitters (2-1 Smith and 5-2 Laing) sought to delete the Industrial zoning and replace it with Residential or Commercial.

6.3 Option 1A - Hours of operation: As Proposed – no change to the District Plan which states Monday to Saturday 6am to 10pm:

Benefits	<ul style="list-style-type: none"> Consistency throughout the District.
Costs	<ul style="list-style-type: none"> Higher noise limits may affect resident's amenity between 6-10pm Monday to Saturday.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective to industries as it is not feasible to provide a cut off time of 6pm. And it gives flexibility. Not efficient as such a rigid timeframe will create compliance problems.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

6.4 Option 1B - Hours of operation: Change Monday to Saturday hours of operation from 6am – 10pm to 6am-6pm:

Benefits	<ul style="list-style-type: none"> May assist residents amenity.
Costs	<ul style="list-style-type: none"> Restricts industrial activities hours of operation.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective in reducing the impact on residents amenity (because of the distance of dwellings from where the noise is created). Not effective as it will impact on the operational hours of businesses.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

6.5 Option 2 – Lmax remains as notified at 65dBA

Benefits	<ul style="list-style-type: none"> Provides a lower level of intermittent 'loud bangs' for the residents.
Costs	<ul style="list-style-type: none"> Compliance and enforcement costs to Council.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective in reducing noise impacts on neighbours. Efficient as the proposed lower limit is already used for the residential zone.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A

6.6 Option 3 – Create a Light Industrial Zone

Benefits	<ul style="list-style-type: none"> Reduced impact on neighbours by creating a zone that has tighter amenity controls.
Costs	<ul style="list-style-type: none"> Restrictions on industrial activities.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective in addressing neighbours amenity concerns. Efficient in that such a zone already exists in the District Plan.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	N/A

6.7 Option 4 – Allow the Light Industrial yard to be reduced from 5m to 3m with the provision of a solid fence

Benefits	<ul style="list-style-type: none"> Flexibility in that more land will be available for industrial activities.
Costs	<ul style="list-style-type: none"> None.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Effective as it focuses on the outcome being sought. Efficient as allows for a better use of space.
Risks of Acting/not Acting if there is uncertain or insufficient information about the subject matter	N/A

6.8 Option 5 – Retain the Industrial Zoning

Benefits	<ul style="list-style-type: none"> ▪ Employment is necessary at Omokoroa to ensure a community that is as sustainable as possible is developed. It is unacceptable to have all employment provided at other centres, and the traffic issues that will create.
Costs	<ul style="list-style-type: none"> ▪ Amenity effects of industrial development on adjoining neighbours.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Effective in providing for employment and other economic needs on the peninsula. ▪ Efficient because of the reduction in the impact on the transport network
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A

6.9 Discussion

Option 1: Hours of operation

The hours of operation are to provide certainty of what time limits will be applied. They have also been developed to allow flexibility for industrial activities to run their business. The current rules have been in place for some time and are a compromise between residential and industrial needs. The night time limits have been developed around provision for sleep and 10pm is considered a reasonable time. It is a common time in many District Plans.

Option 2: Lmax

Lmax for the Industrial Zone is 70 dBA. The Plan Change reduces this to 65dBA which to bring it in line with the Residential, Rural-Residential, Future Urban, Rural and Lifestyle Zones.

Option 3: Create a Light Industry Zone

As discussed in the S32 Report the most effective way to control noise in sensitive areas such as this is to specify the types of activities that should be excluded. Otherwise there will be uncertainty as to whether certain activities can comply, with likely ongoing monitoring and enforcement issues.

Option 4: Yard reduction with a solid wall

A solid wall can provide an effective barrier to mitigate visual and noise effects. On the one hand the yard should not be eliminated where a solid

wall is provided because planting is still required to address the amenity effects. On the other hand the provision of a solid wall means it is not necessary to require the full 5m planting, as a solid wall is considered more effective as a barrier than 2m of planting.

Option 5: Retain the Industrial Zoning

The need for employment land was recognized and extensively discussed through SmartGrowth and the Plan Change 69 process. The justifications in terms of “live, learn, work, play” are still valid, as is the quantum of land required and the lack of alternative locations at Omokoroa. Allowing Omokoroa to develop as a “dormitory” town with the consequential effect on the transportation network is not acceptable.

6.10 Recommendation

That the Plan Change be retained as notified.

The following submissions are therefore:

Accepted

Accepted in Part

Submission	Point Number	Name
2	6	SE Smith

Rejected

Submission	Point Number	Name
2	1	SE Smith
5	2,3,4	TMM Laing
6	2	PC Lusby

6.11 Reason

Removing the Industrial Zone is not sustainable in terms of meeting the employment and other service needs of the residents of Omokoroa, nor in terms of impact on the wider transportation network.

The most effective way to control noise in sensitive areas such as this is to specify the types of activities that should be excluded. Otherwise there will be uncertainty as to whether certain activities can comply, with likely ongoing monitoring and enforcement issues. This is consistent with the existing District Plan provisions for the Omokoroa Light Industry Zone, and still leaves a wide range of activities that can be undertaken as a Permitted Activity.

7.0 Topic 6: Industrial Zone Internal Roads

7.1 Background

The structure plan shows only the main spine road that comes off Omokoroa Road. Other roads will be required to enable the Zone and adjoining properties to be subdivided in a sensible manner, and these should be shown on the structure plan to give certainty.

7.2 Submission Points

Two submission points were in support, and two further submission points were received.

The main points made by the further submitter relate to holding a mediation to resolve access issues. This is covered in Topic 1 above.

7.3 Discussion

As stated in the S32 Report, the structure plan shows the main spine road that comes off Omokoroa Road. It does not show other roads that will be required to enable the Zone to be subdivided in a sensible manner. This is in particular through the Priest land to the Bruning property, or to ensure suitable access to the lots that have already been subdivided off the Crapp property and that currently use a temporary access directly off Omokoroa Road adjoining the ROW.

7.4 Recommendation

That the Plan Change be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
2	7	SE Smith
4	5	NF Bruning

Rejected

Submission	Point Number	Name
FS 8	3,5	PJ Crapp

7.5 Reason

The current structure plan leaves the landowners to negotiate with each other and Council as to where the internal roads should be located. To avoid this complexity and uncertainty these lateral roads need to be shown on the structure plan.

8.0 Plan Change 81 - Recommended Changes to the District Plan First Review

- 8.1** The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.
- 8.2** Recommended changes to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

4C.1.3.2(b) Noise limits for activities in Industrial and Commercial Zones

Attach the following clause to "At all other times":

"For the Omokoroa Light Industrial Zone the Lmax is 65dBA."

4C.5.3.2 Screening in Industrial and Commercial Zones

(d) Omokoroa Industrial Zone

Replace (ii) with:

"Lots adjoining the spine road leading east off the first intersection along Omokoroa Road from the State Highway shall provide landscaping in accordance with 4C.5.3.1(a)(ii) and (iii), and 4C.5.3.1(b)."

Insert new:

"(iii) Use or development of Lot 2 DP 483735 or Lots 1 and 2 DPS 68390 shall only occur after landscaping planting described in (i) above has been planted."

And consequentially renumber existing (iii) as (iv).

21.4.1 (a) Height and daylighting

Insert before Te Puna Business Park:

"- Omokoroa Light Industry Zone – 9m"

21.4.1(b) Yards

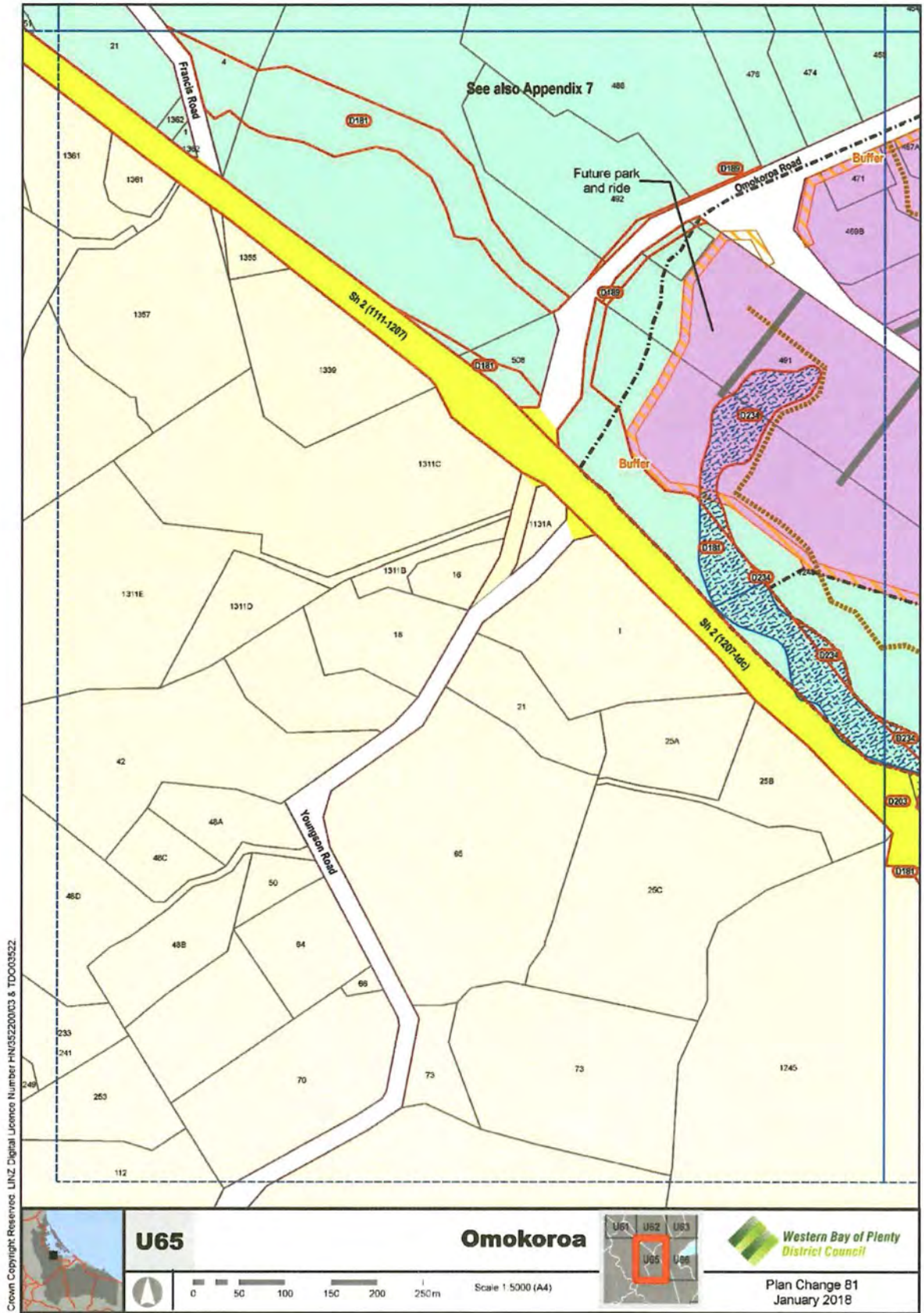
Add to the end of the "Except that" the following new clause:

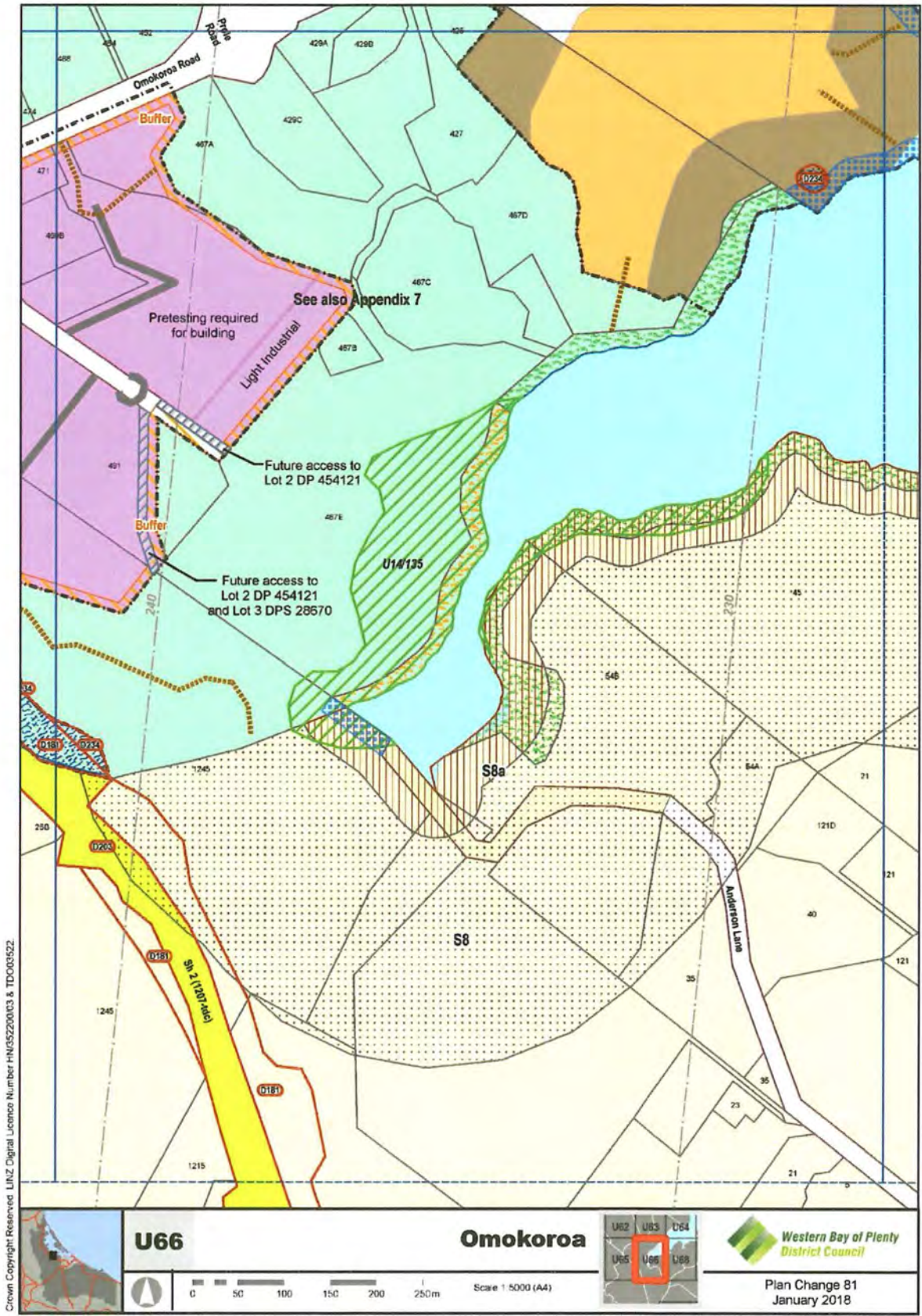
" – Omokoroa Light Industry Zone:

Minimum 5m reduced to 3m with the provision of a solid fence (as measured from the internal boundary of the landscape strip)".

District Plan Maps

Replace the District Plan Maps U65 and U66 with the following:





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