

MEETING - AGENDA -

Ngā Take

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Western Bay of Plenty
District Council

POLICY COMMITTEE

Komiti Kaupapa Here

Late Item
Pikau Korero
PP10

Thursday, 8 February 2018



Open Items
Policy Committee No. PP10
Late Item

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1. Late Item: Plan Change 81 Omokoroa Industrial Zone Review	3-38

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Memorandum

To:	Policy Committee
Copy:	Chief Executive Officer and Management Team
From:	Resource Management Manager
Date:	1 February 2018
Subject	Late Item: Plan Change 81 Omokoroa Industrial Zone Review

Please find attached a late item to be considered for inclusion on the agenda as an open item at the Policy Committee meeting to be held on 8 February 2018.

In accordance with Section 46(A) 7 of the Local Government Official Information and Meetings Act this item may be considered by the Policy Committee provided that the meeting receives an explanation as to why the item was not included on the agenda, and why discussion of the item cannot be delayed until a subsequent meeting, and that the Policy Committee resolves to receive the item.

The reason that this item was not included on the agenda was that further clarification was required at the time of agenda close. The reason that this item cannot be delayed to the next scheduled meeting of the Policy Committee on 22 March 2018 is because there is community expectation that the matter is to be heard at this meeting.

Recommendation

THAT, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the following report be considered as a late item of open business

- **Late Item: Plan Change 81 Omokoroa Industrial Zone Review**

Phillip Martelli
Resource Management Manager

Approved:

M. Taris
Chief Executive Officer

Western Bay of Plenty District Council**Policy Committee****Proposed Plan Change 81 Omokoroa Industrial Zone
Review**

Purpose

This report seeks approval to notify Proposed Plan Change 81 for public submissions.

Recommendation

- 1. THAT the Resource Management Manager's report dated 10 January 2018 and titled Proposed Plan Change 81 Omokoroa Industrial Zone Review be received.**
- 2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.**
- 3. THAT Proposed Plan Change 81 Omokoroa Industrial Zone Review is approved for notification in accordance with the Resource Management Act.**



Phillip Martelli
Resource Management Manager

1. 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.

The commencement of the development of the Zone has raised a number of issues that require addressing. These issues are discussed in the attached Section 32 Report. It is noted that not all the issues are District Plan related.

Consultation has occurred with affected parties and some of them will be present at the Policy Committee Meeting and will be given the opportunity to speak to the matter.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the matter is confined to a specific area, all affected parties have been consulted throughout the process, and the Resource Management Act requires public notification providing the opportunity for submissions and a hearing.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Industrial land owners and adjoining landowners	Two Issues and Options papers and a draft Section 32 report have been prepared and discussed with the parties, plus a number of meetings with various groupings and individual landowners.
Tangata Whenua	Communication and conversations held with Pirakau representative.
General Public	N/A

4. Issues and Options Assessment

Option A Notify the Plan Change	
Assessment of option for advantages and disadvantages taking a sustainable approach	The Plan Change addresses the principle amenity concerns that the adjoining neighbours have with the Industrial Zone. The Plan Change needs to be notified before any further development occurs within the Zone that could negate what is being sought. It is noted that further development (other than what current subdivision provides for) cannot occur until the spine road has been constructed which is programmed for 2018/19.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	Costs of the Plan Change are covered in the operational budget.
Option B Status Quo	
Assessment of option for advantages and disadvantages taking a sustainable approach	Neighbours amenity concerns will not be addressed. There will be ongoing compliance and enforcement issues.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	Time and cost of enforcement.

5. Statutory Compliance

The recommendation is in accordance with the Resource Management Act

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Budgeted	Resource Management operational budget.



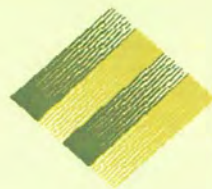
**CHANGE TO THE DISTRICT PLAN -
FIRST REVIEW**

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.*

2.2 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.

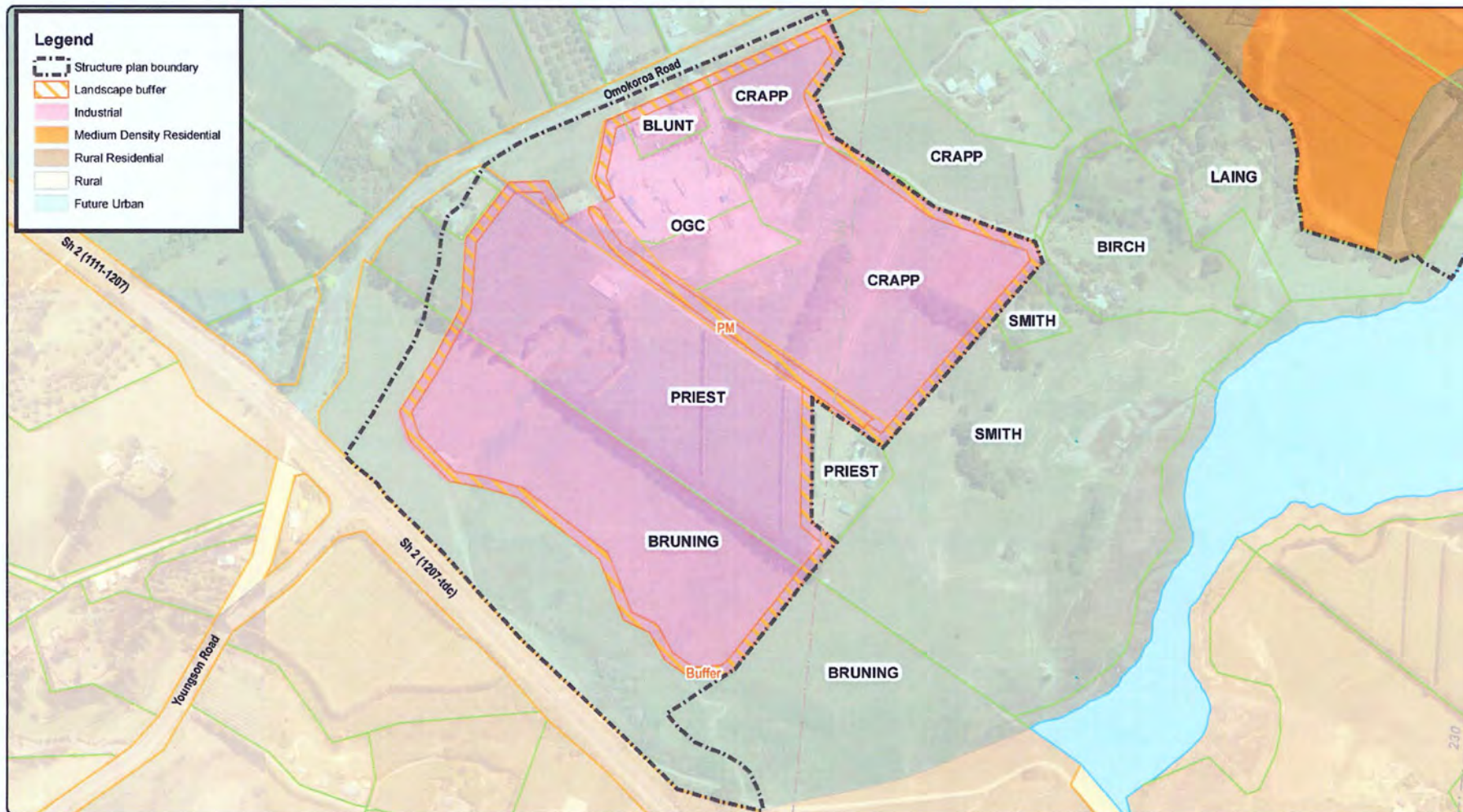
3.0 Consultation

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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 Location of services is indicative only. Council accepts no liability for any error.
 Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Email: gis@westernbay.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.

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

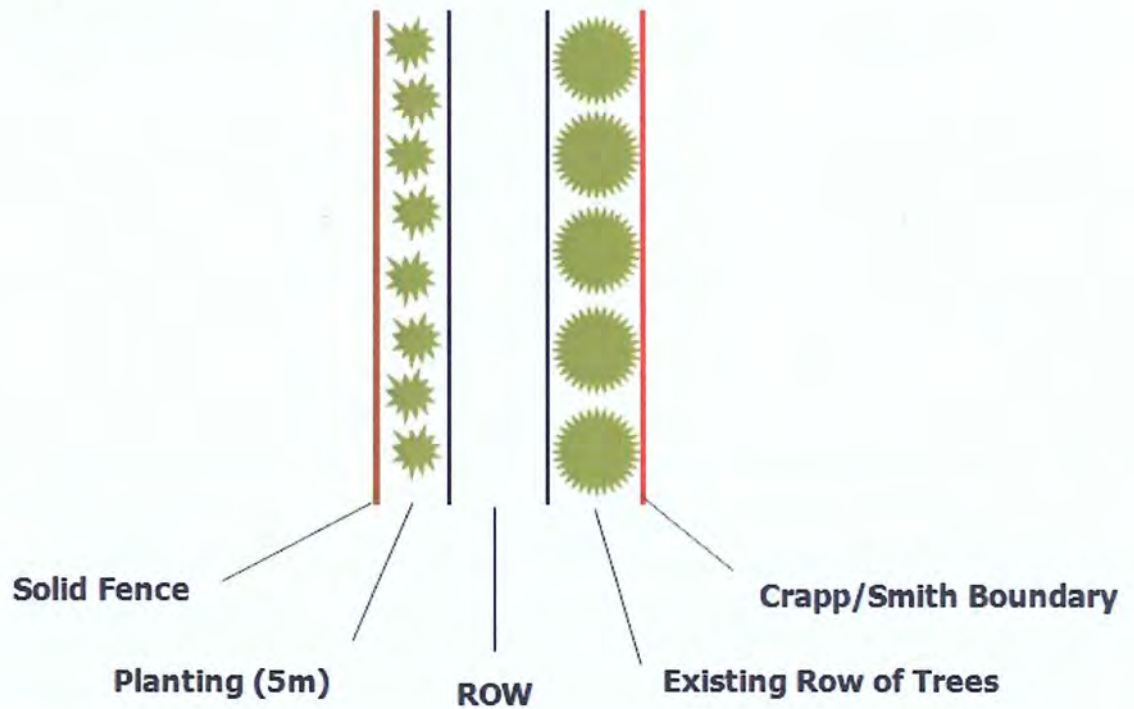
Close the existing ROW in total and create an access off the end of the spine road, through Smith to Birch and Laing

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



Costs	<ul style="list-style-type: none"> Using the spine road mixes residential with industrial traffic. Crapp lose additional land.
Benefits	<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).
Effectiveness/ Efficiency	<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.
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 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	<i>Leq</i>	<i>Lmax</i>
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	<i>Leq</i>	<i>Lmax</i>
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"

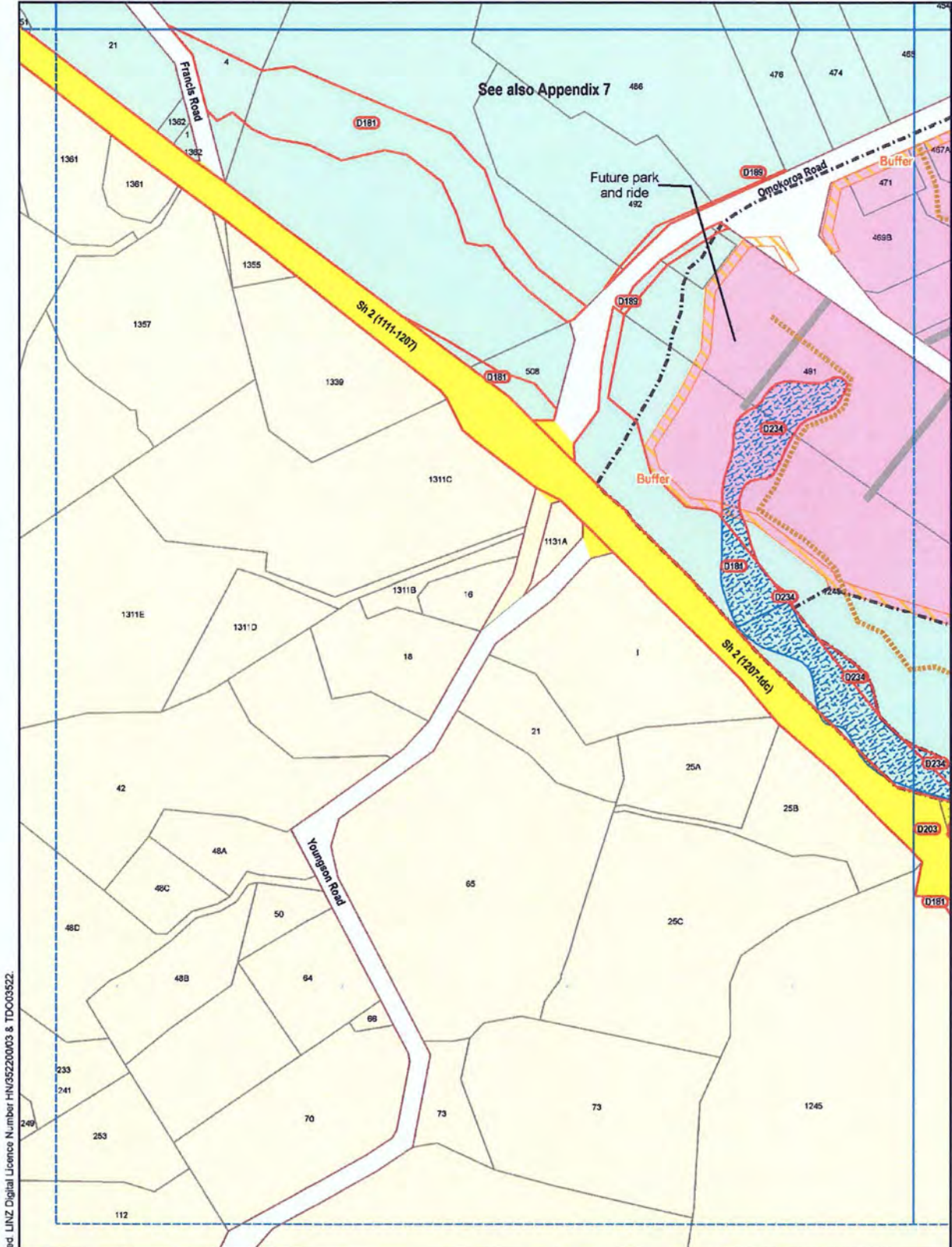
21.4.1(b) Yards

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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U65 **Omokoroa**

Scale 1:5000 (A4)

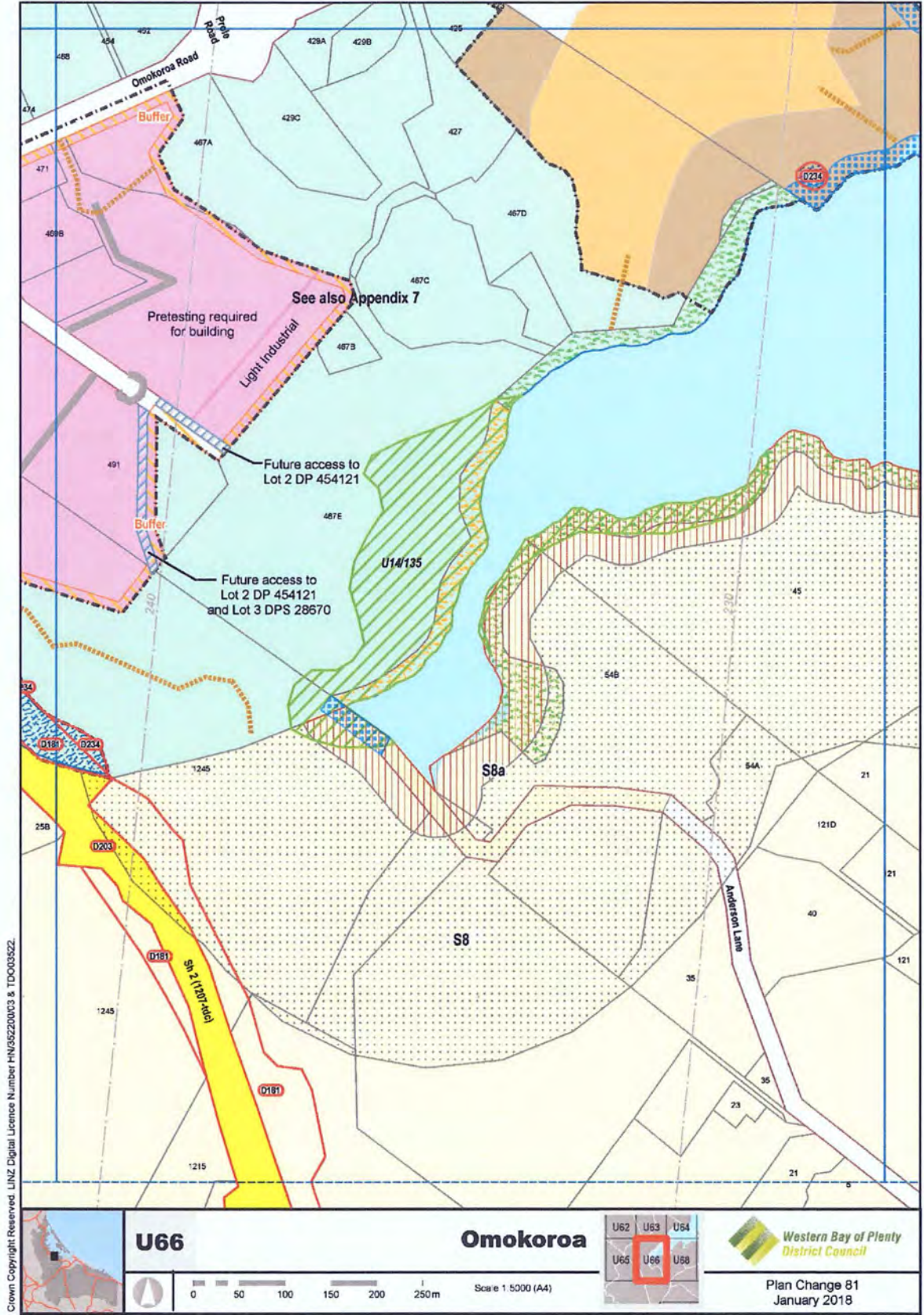
0 50 100 150 200 250m

U61	U62	U63
	U65	U66

Western Bay of Plenty District Council

Plan Change 81
January 2018

U65



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U66 Omokoroa

Scale 1:5000 (A4)

U62	U63	U64
U65	U66	U68

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U66

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 (220m x 5m x \$60)	66,000
Subtotal	319,500
Saving: decommission existing ROW – within Industrial Zone only as remainder has minimal rural value (91m x 6m x \$60)	32,760
Subtotal	286,740
Opportunity: existing ROW land used for landscaping – releases 10m of Industrial land (184m x 10m x \$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 (91m x 6m x \$60)	32,760
Subtotal	206,740
Opportunity: if landscaping along whole ROW reduced to 5m – releases 5m of Industrial land (333m x 5m x \$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.

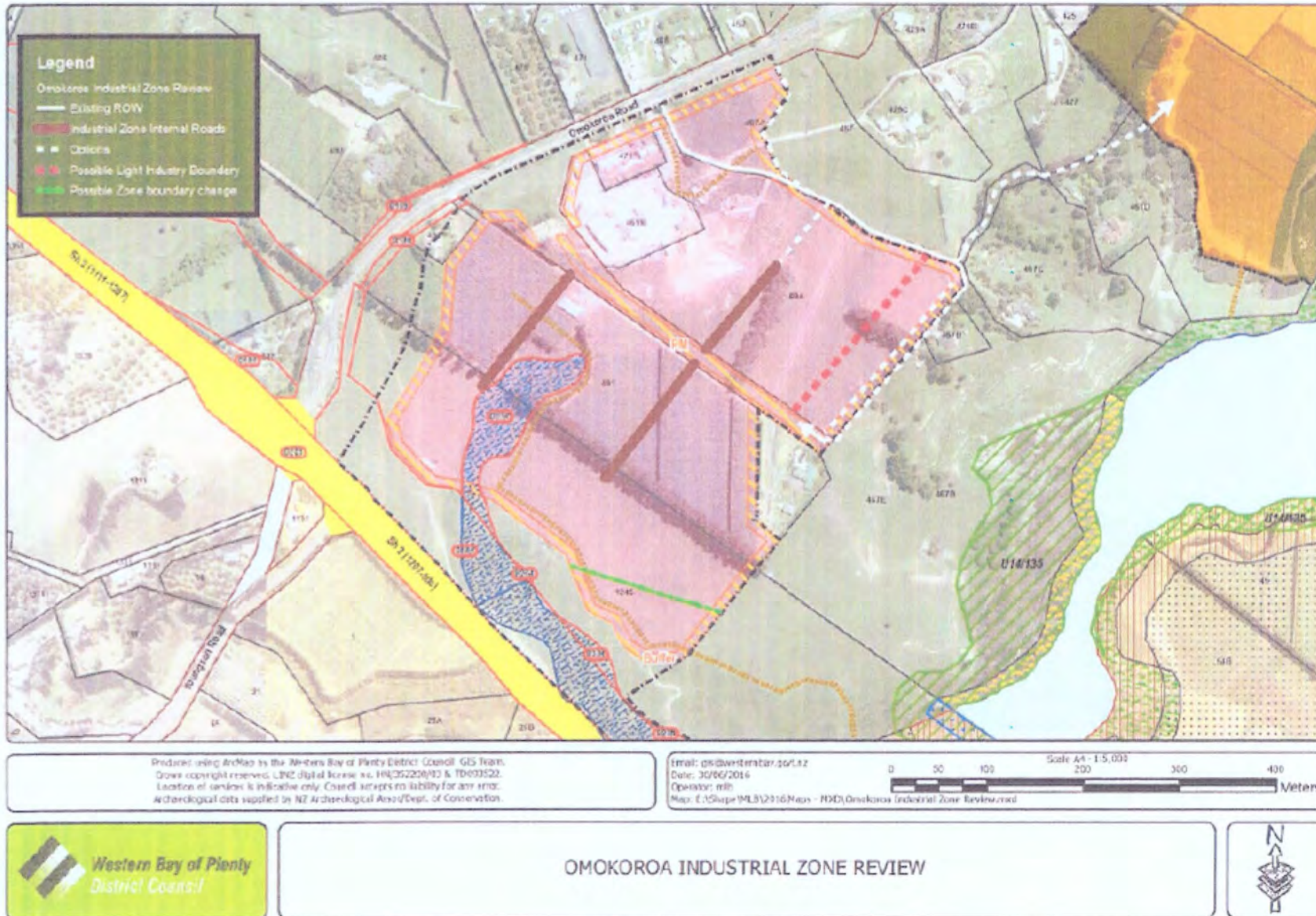
Yours faithfully



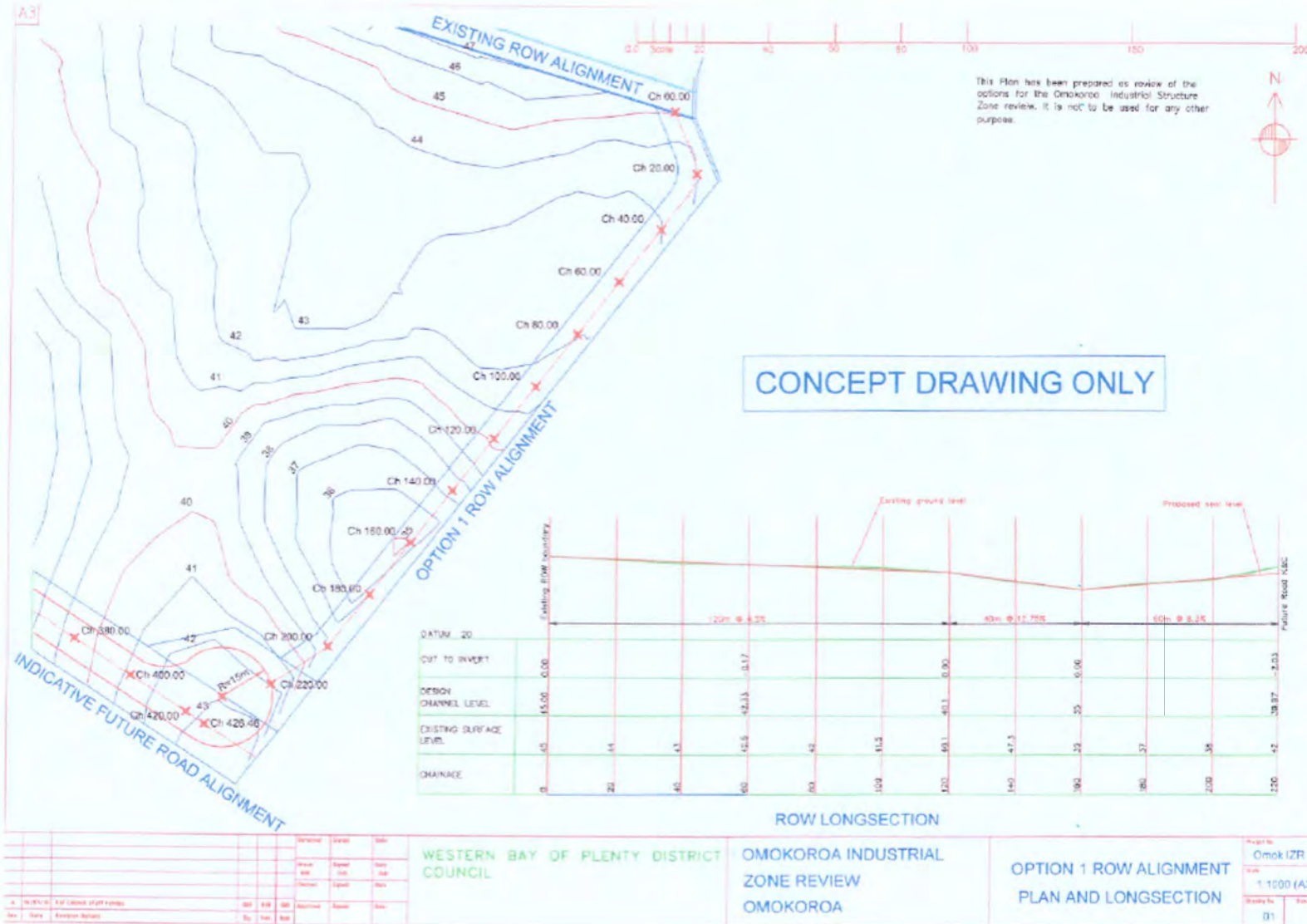
Dallas Banks Development Engineer.

Enclosed: [a\) Omokoroa Industrial Zone Review Plan](#)
[b\) Options 1 and 4 drawings](#)

Attachment A: Omokoroa Industrial Zone review plan

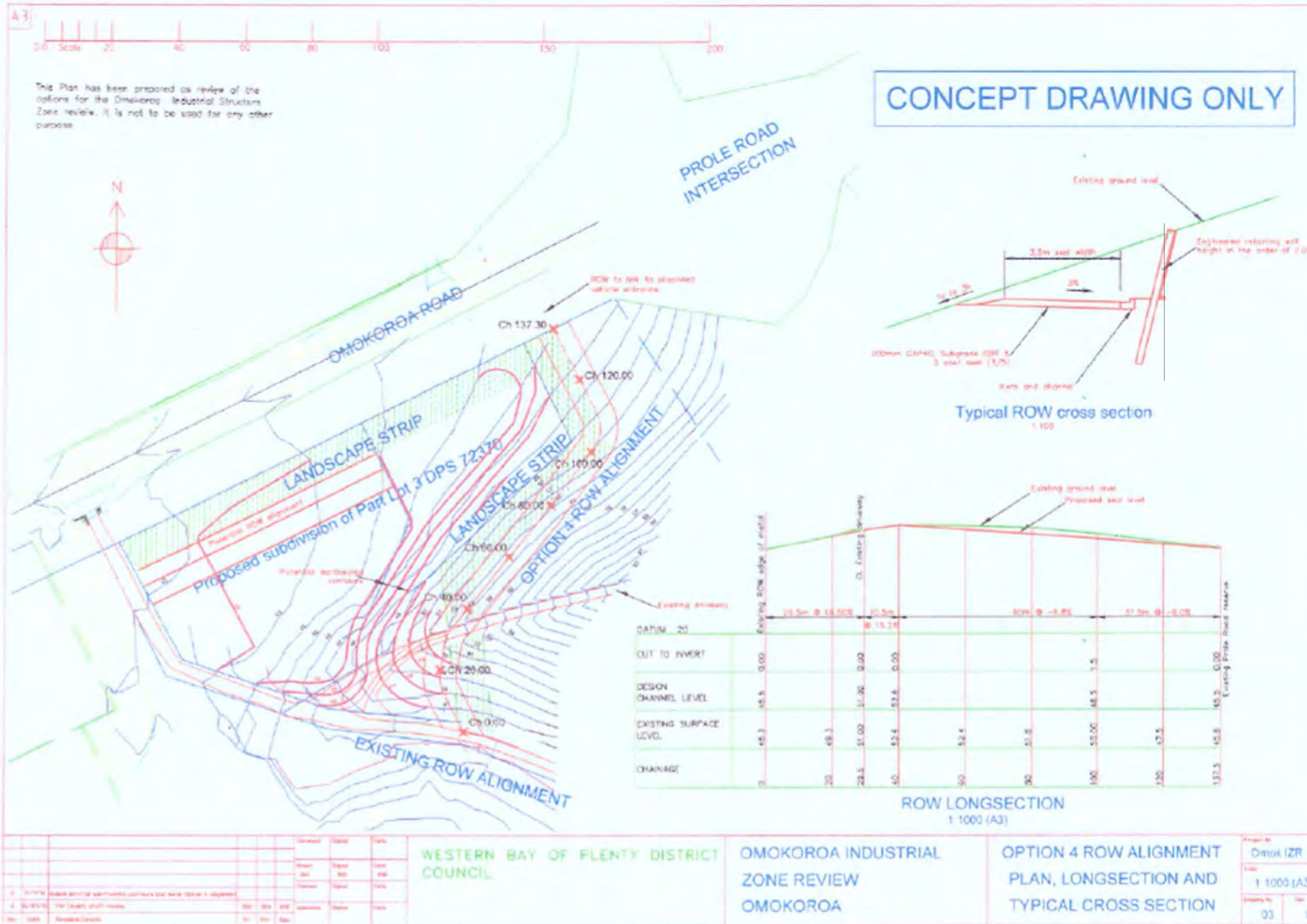


Attachment B: Option One Drawing



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Option Four Drawing



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