



Proposed Plan Change 54 – General Industrial Zone, Hazardous Substances and Contaminated Land Chapters

Section 32AA Report

(Amended extracts of notified s32 Report)

Guide to Format of this Document:

Strikethrough — deletion recommended as a response to submissions

Underlined – insertion recommended as a response to submissions

1 INTRODUCTION

The Whanganui District Council (**‘Council’**) has prepared proposed Plan Change 54 (**‘PC54’**) to the Operative Whanganui District Plan (**‘the Plan’**) for notification under the provisions of the Resource Management Act 1991 (**‘RMA’**).

This report outlines the purpose, scope, statutory context and proposed amendments relating to PC54, and provides an evaluation of the proposed amendments in accordance with the requirements of section 32 of the Resource Management Act (RMA) 1991.

1.1 PURPOSE OF PLAN CHANGE

Plan Change 54 involves a review of the current provisions relating to the General Industrial Zone and Hazards and Risks chapters of the Plan. In terms of the General Industrial Zone the plan change seeks to ensure that:

- The objectives, policies and rules in the Plan facilitate the effective and efficient operation and development of industrial activities in the district;
- Reverse sensitivity effects within industrial areas and on adjacent residential properties are appropriately managed;
- Industrial areas offer a level of amenity proportionate to their role, function and character, with heightened levels provided along major roads and adjacent residential properties;
- Suitable provision is made for industrial land in locations and at scales appropriate to meet anticipated future demand;
- Adequate provision is made to ensure an orderly and coordinated approach to subdivision and development in the Mill Road industrial area;
- Relevant terms and definitions align with the directions in the National Planning Standards 2019.

Due to the provisions in the Hazards and Risks chapter being superseded by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2012), as well as a change to Council’s functions for hazardous substances under the RMA, the plan change also seeks to amend the current objectives, policies and to reflect and align with these requirements.

1.2 OPERATIVE DISTRICT PLAN

Section 73 of the RMA provides for councils to initiate plan changes as necessary and appropriate, with the process to be followed set out in the First Schedule of the RMA.

The Plan became operative in December 2004. Section 79 of RMA requires Council to review its District Plan every 10 years, with this being progressed through either a single, full review or on a chapter by chapter basis (i.e. a ‘phased’ review).

The Council elected to adopt the latter approach, commencing a process of phased chapter reviews in 2010. Since then much of the Plan has been reviewed and progressively made operative. PC54 represents a further phase of the review process and proposes to amend the General Industrial Zone and Hazards and Risks chapters of the Plan.

1.3 PROPOSED CHANGES TO THE DISTRICT PLAN – PC54

PLANNING MAPS

- 1 Introduce zoning changes to a number of sites currently within or adjacent to the General Industrial Zone in the Heads Road East, Aramaho and Marangai areas – the nature and spatial extent of these proposed changes are set out in Appendix 1.

INTERPRETATION – Definitions

- 2 Introduce new and revised definitions to help clarify the nature of activities anticipated in the General Industrial Zone Chapter (i.e. commercial activities, industrial activities, ancillary activities) and the meaning of terms associated with the use, storage and disposal of hazardous substances (i.e. hazardous substances, significant hazardous facilities, synergistic effect) and contaminated land (i.e. contaminant, contaminated land) in the Hazardous Substances and Contaminated Land Chapters (refer Appendix 2).

The Oil Companies and Fire & Emergency NZ raise the ambiguity of the definition of 'significant hazardous facilities' and the thresholds for 'major hazardous facilities (MHF)'. Although a definition for 'significant hazardous facilities' has been proposed, there are no corresponding provisions. The threshold for MHF is high and most medium to large industrial facilities do not trigger this threshold and therefore will likely fall into the definition of 'significant hazardous facilities'. The proposed definition includes large-scale petrol storage, freezing works, milk processing plants, and wastewater treatment plants. These sites may adjust their practices to come under the MHF threshold, however they still hold significant amounts of hazardous substances which will require management or and more thorough assessment of activity than that for 'hazardous facilities', particularly for non-compatible land uses (sensitive areas and waterways) are in close proximity.

Fire and Emergency NZ (FENZ) state that if the definition of 'significant hazardous facilities' is removed, as requested by the Oil Companies, then some activities will not be adequately considered and objectives and policies not achieved, therefore creating a higher impact on the community and environment. FENZ seeks hazardous activities and facilities to be defined to adequately manage and include thresholds to define that point in which there could be potential impacts on sensitive activities.

GIZ – General Industrial Zone

- 3 Replace the operative General Industrial Zone chapter with a new chapter comprising (refer Appendix 2):
 - (a) Four objectives and eight policies that focus on:
 - (i) Enabling activities, and a form and scale of development, that is consistent with the role, function and level of amenity appropriate to the General Industrial Zone;
 - (ii) Discouraging activities that are incompatible with the primary industrial role and function of the zone;
 - (iii) Managing the effects of activities and built development, particularly where the adjoining property is used for residential, rural lifestyle or recreational purposes;
 - (iv) Ensuring development in the Mill Road industrial area is generally consistent with the Mill Road Structure Plan.

- (b) Rules that enable a wide range of activities that are compatible with the role and character of the zone (e.g. industrial activities, recreational facilities and open space, ancillary commercial activities), and discourage activities that are likely to be either incompatible with the role or function of the zone or to generate significant reverse sensitivity effects within the zone (e.g. community activities, commercial activities, sensitive activities, visitor accommodation).

Powerco Ltd suggest that Network Utilities should be contained within the NU-Network Utilities chapter across all zones.

- (c) Performance standards that are tailored to the anticipated use, character and amenity of industrial activities within the zone and protecting the amenity of adjoining residential and recreational properties, including specific controls relating to:
- (i) building scale (i.e. height recession plane along front and adjacent residential site boundaries);
 - (ii) screening of outdoor storage and work areas;
 - (iii) restrictions on the extent of ancillary commercial activity;
 - (iv) screen planting along the southern and western boundaries of the Mill Road industrial area;
 - (v) parking, loading and vehicle crossings;
 - (vi) signage, noise, artificial light and glare;
 - (vii) earthworks, contaminated land and the use and storage of hazardous substances.

There are no standards in the Hazards and Risks chapter, however, there is reference to them in the General Industrial Zone standards (GIZ-S10 – Hazardous Substances).

First Gas request extra protection within the standards requiring extra protection for the gas pipeline which is not covered in the Earthworks chapter.

FENZ suggest that planting and screening should not be required where it will obscure access to emergency panels, hydrants, shut-off valves or other emergency response facilities; or should be constructed in a way to ensure the signs and facilities are visible and accessible.

SUBD – Subdivision

- 4 Elevate the activity status of subdivision in the General Industrial Zone from a controlled activity to a restricted discretionary activity and introduce minor amendments to policies and performance standards to incorporate reference to the Mill Road Structure Plan area (refer Appendix 2).

The note provided with rule Sub-R2 is inconsistent with SUB-R2(11) which applies to the GIZ.

HAZ – Hazards and Risks

- 5 Replace the Hazards and Risks chapter with individual Contaminated Land and Hazardous Substances chapters comprising (refer Appendix 2):

- (a) One objective and two policies relating to contaminated land that focus on:
 - (i) Identifying contaminated or potentially contaminated land and ensuring it is suitable for use and minimises the risk to human health.
- (b) Two objectives and four policies relating to hazardous substances that focus on:
 - (i) Managing the effects and risks associated with the establishment and operation of significant hazardous facilities;
 - (ii) Restricting the establishment of sensitive activities in the vicinity of significant hazardous facilities.

First Gas regard the internalizing all possible adverse effects as impractical.

- (c) Rules relating to hazardous substances that apply a precautionary approach to the establishment of significant hazardous facilities and location of sensitive activities relative to these facilities throughout the district.

There are no standards in the Hazards and Risks chapter, however, there is reference to them in the General Industrial Zone standards (GIZ-S10 – Hazardous Substances).

APPENDICES

- 6 Include Appendix M, Mill Road Structure Plan, which identifies (refer Appendix 2):
 - (a) the spatial extent of the area covered by the structure plan;
 - (b) the location of key roads, shared pathways and stormwater drainage areas;
 - (c) indicative transport (road and/or shared pathway) linkages.

2 REGULATORY AND POLICY CONTEXT

This section identifies the regulatory and policy context relating to PC54, including relevant legislation and national and regional level policies.

2.1 LEGISLATIVE AND NATIONAL POLICY CONTEXT

2.1.1 Resource Management Act 1991

Section 74 of the RMA requires the Council to prepare its change to the District Plan in accordance with its functions under section 31, its stated purpose in section 5 and the other matters set out in sections 6, 7 and 8.

Section 31 states:

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
 - aa. *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:...*
 - f. *any other functions specified in this Act.*
2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

Under section 5, the purpose of the RMA is *'to promote the sustainable management of natural and physical resources'*.

Sustainable management means *"the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health while:*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

Section 6 of the RMA identifies seven matters of national importance which need to be recognised and provided for in policies and plans, noting that the following are of relevance to Proposed PC54:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development – there are a small number of industrial properties along Taupo Quay within the Urban River Landscape Overlay area.*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga – there are two recorded archaeological sites within the proposed General Industrial Zone, a redoubt in the vicinity of Tod Street and a ridge pa with associated defensive ditches and pits in the vicinity of Bradleys Line.*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development..... – the Old Castlecliff Fire Station is located within the proposed General Industrial Zone on the corner of Bryce and Thatcher Streets.*
- (h) the management of significant risks from natural hazards – there are a number of industrial properties along Taupo Quay, Heads Road West and Tod/Kirk Streets that are within identified flood risk areas.*

Section 7 of the RMA requires particular regard to be given to a range of 'other matters'. Of the matters identified, the most relevant to this change are as follows:

- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*
- (d) Maintenance and enhancement of the quality of the environment;*
- (g) Any finite characteristics of natural and physical resources.*

Section 8 of the RMA further requires that in managing the use, development, and protection of natural and physical resources the principles of the Treaty of Waitangi are taken into account.

In addition to the above sections, in preparing a Plan Change the Council is also obliged to satisfy a number of further requirements set out in the RMA, including:

- Section 32 - Duty to consider alternatives, assess benefits and costs
- Section 72 - Purpose of district plans

- Section 73 - Preparation and change of district plans
- Section 74 - Matters to be considered by territorial authorities
- Section 75 - Contents of district plans

2.1.2 Te Awa Tupua (Whanganui River Claims Settlement) Act

Section 15 of the Te Awa Tupua Act (TATA) requires the Council to recognise and provide for the legal status and associated values (Tupua te Kawa) of Te Awa Tupua in exercising or performing any function, power, or duty under the RMA that relates to:

- the Whanganui River; or
- an activity within the Whanganui River catchment that affects the Whanganui River

In undertaking these responsibilities Te Pā Auroa (the Te Awa Tupua framework set out in Part 2) is a relevant consideration (section 11), with the Council required to outline how it has fulfilled its obligations under this framework in relation to any associated decision, document or report prepared (section 15).

Under section 37 the Council also needs to have particular regard to Te Heke Ngahuru in discharging its obligations under the RMA, this being the strategy that sets out the issues relevant to the health and well-being of Te Awa Tupua, how they will be dealt with and any recommended actions.

2.1.3 National Instruments

Under Section 75(3)(a) of the RMA a District Plan must also give effect to any National Policy Statement (NPS) that has been issued. Of the five NPSs currently in place, the only one of relevance to this proposed change is the National Policy Statement on Urban Development (NPS-UD).

The NPS-UD provides direction to Councils on planning for urban environments. Under this NPS all Councils are required to give effect to the full range of objectives identified, including:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 8: New Zealand's urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change.

These objectives are further underpinned by a series of policies that apply in any urban environment where growth is anticipated, including:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- (b) relative demand for housing and business use in that location.

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
- (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development.

Section 75(3)(ba) further requires that District Plans give effect to approved national planning standards, the first of which came into force on 3 May 2019 centred around the structure and format (e.g. chapter headings, arrangement of chapters and existing provisions, zone names, spatial layers, planning map colour palette and symbology) of policy statements and plans along with definitions of commonly referenced terms.

There are also six National Environmental Standards (NESs) currently in force, the most relevant of which is the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS). The standard regulates the subdivision, change of landuse or disturbance of soil on any land that is, or has been, used for a hazardous activity or industry. It also requires that any land affected by contaminants in soil is appropriately identified and assessed prior to development.

2.2 REGIONAL REGULATORY AND POLICY CONTEXT

2.2.1 Horizons Regional Council's One Plan

Under Section 75(3)(c) of the RMA, a District Plan must give effect to any Regional Policy Statement which, in this instance, is the Horizons Regional Council's 'One Plan' (which comprises a combined Regional Policy Statement and Regional Plan).

In addition, the RMA requires District Plan provisions to give effect to the Regional Policy Statement (section 75(3)(c)). The Regional Policy Statement (RPS) is the main vehicle for interpreting and applying the sustainable management requirements of the RMA in a local context, and in this regard, guides the development of lower tier plans, including the District Plan.

The Horizons (Manawatu-Whanganui) Regional Council combined the Regional Policy Statement and six regional plans into one document called the One Plan. The One Plan became operative on 19 December 2014.

Regional One Plan	Proposed PC54
<p>Issue 3-3 The strategic integration of infrastructure with land use – Urban development that is not strategically planned can result in the piecemeal and inefficient provision of associated infrastructure.</p> <p>Objective 3-3 The strategic integration of infrastructure with land use – Urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land and associated infrastructure.</p> <p>Policy 3-4 The strategic integration of infrastructure with land use – Territorial authorities must proactively develop and implement appropriate land use strategies to manage urban growth, and they should align their asset management planning with those strategies, to ensure the efficient and effective provision of associated infrastructure</p>	<p>PC54 is consistent with the One Plan issue, objective and policy. It facilitates industrial development on land identified as appropriate for that purpose and where specific impediments are proposed to be addressed. It also promotes planned development and infrastructure in the Mill Road area rather than reacting to the pressures for piecemeal ad hoc development.</p>
<p>Issue 3-5: Waste, hazardous substances and contaminated land – Increased use of hazardous substances has resulted in potential for their unsafe use, disposal and transport and land becoming contaminated.</p> <p>Objective 3-5: Waste, hazardous substances and contaminated land - The Regional Council and Territorial Authorities must work together in a regionally consistent way to manage adverse effects from the use, storage, disposal and transportation of hazardous substances and adverse effects from contaminated land.</p> <p>Policy 3-12: Responsibilities for the management of hazardous substances - In accordance with s62(1)(i) RMA territorial authorities must be responsible for developing objectives, policies and methods to control the use of land for the purpose of preventing or mitigating the adverse effects of the storage, use or transportation of hazardous substances.</p> <p>Policy 3-14: Identification of priority contaminated land - The Regional Council and Territorial Authorities shall jointly identify priority contaminated land.</p>	<p>PC54 is consistent with the One Plan issue, objective and policy. The change includes provisions to manage the effects and risks associated with the establishment and operation of significant hazardous facilities and the establishment of sensitive activities in their near vicinity.</p> <p>It also includes provisions that will ensure appropriate management of priority contaminated land, including reliance on applying and enforcing the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.</p>

Regional One Plan	Proposed PC54
<p>Policy 3-15: Management of priority contaminated land – Where land use changes are likely to increase the risks to human health or the environment from priority contaminated land the Regional Council and Territorial Authorities must ensure that:</p> <ol style="list-style-type: none"> the landowner or land developer fully investigates the extent and degree of contamination prior to the granting of consent allowing development, land is made suitable for its intended use through an appropriate level of remediation or management (including engineering) controls, and land remains suitable for its intended use through appropriate monitoring of residual contaminant levels and associated risks and through the use of management controls on the activities undertaken on the land. 	
<p>Issue 4-1: Accelerated erosion resulting from large-scale land disturbance including earthworks - Large-scale earthworks related to urban expansion and other development can have significant adverse effects on water bodies if sediment from these earthworks is poorly managed.</p> <p>Objective 4-2: Regulating potential causes of accelerated erosion – Land is used in a manner that ensures accelerated erosion and increased sedimentation in water caused by land disturbance is avoided as far as reasonably practicable, or otherwise remedied or mitigated.</p> <p>Policy 4-2: Regulation of land use activities - Territorial Authorities may regulate, through rules in district plans and decisions on resource consents, the actual or potential effects of the use, development, or protection of land, in order to achieve Objective 4-2, but must not have rules that are contradictory to the rules in the One Plan that control the use of land.</p>	<p>PC54 is consistent with the One Plan issue, objective and policy.</p> <p>The change does not, in itself, involve physical works, but any associated works involving land disturbance arising from PC54 will be managed by the earthworks provisions in Chapter 14 of the Plan. Additionally, any large-scale land disturbance will also require a regional resource consent.</p>
<p>Issue 9-1: Effects of natural hazard events - Natural hazard events can adversely affect people, including their social, economic and cultural wellbeing, and the natural and physical resources they rely on, such as property and infrastructure. In particular:</p> <ol style="list-style-type: none"> development can exacerbate the risks from natural hazards, particularly flooding and coastal hazards, by placing more people, property and infrastructure in hazard-prone areas and by reducing the effectiveness of existing hazard mitigation measures such as stopbanks. <p>Objective 9-1: Effects of natural hazard events - The adverse effects of natural hazard events on people, property, infrastructure and the wellbeing of communities are avoided or mitigated.</p> <p>Policy 9-1: Responsibilities for natural hazard management - In accordance with s62(1)(i) RMA territorial authorities must be responsible for developing objectives,</p>	<p>PC54 is consistent with the One Plan issue, objective and policy.</p> <p>Although a number of industrial properties along Taupo Quay, Heads Road West and Tod/Kirk Streets are within identified flood risk areas, they are subject to provisions contained in the Natural Hazards chapter of the Plan. These include restrictions relating to new buildings and structures and complying with meeting minimum freeboard levels.</p>

Regional One Plan	Proposed PC54
policies and methods (including rules) to control the use of land to avoid or mitigate natural hazards in all areas and for all activities except land use activities in the coastal marine area and the beds of rivers and lakes and erosion protection works that cross or adjoin mean high water spring.	

2.2.2 Other Plans and Strategies

Council must have particular regard to other management plans and strategies. Those of particular relevance for the purposes of PC54 are as follows:

Leading Edge Strategy (2018)

The strategy vision is: “To be an energised, united and thriving district offering abundant opportunities for everyone.” This is supporting by two goals relevant to this change:

- “A district that safeguards its natural resources and provides an environment with a sense of place, identity and vitality”
- “An easy-living place of choice of all – flourishing with employment and development opportunities”

PC54 is consistent with these goals as it will ensure that industrial growth in the district is undertaken in a sustainable and coordinated way and endeavours to maximise industrial development and cluster opportunities while acknowledging the district’s unique industries.

30 Year Infrastructure Strategy (Council Long Term Plan)

PC54 has been prepared alongside infrastructure planning to ensure a coordinated approach to supporting and enabling future industrial development in the district.

Whanganui Urban Transportation Strategy (2011) (‘WUTS’)

The WUTS is relevant to PC54 and has informed its preparation. It identifies key transportation objectives over a 30-year horizon. It seeks to improve management of the road infrastructure by planning ahead to:

- Support environmental sustainability
- Assist economic development
- Provide transport infrastructure to meet the city’s long-term needs
- Enhance and promote public health and personal safety
- Facilitate real transport choices including improved access and mobility
- Integrate transport systems and land use planning

The objectives and key actions relating to parking, loading and vehicle crossings have been incorporated into PC54. Provision has also been made for walking and cycling shared pathways in the Mill Road industrial area.

Ngaa Rauru Kiitahi – Puutaiao Management Plan

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council’s must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The Ngaa Rauru Kiitahi – Puutaiao Management Plan has been prepared and lodged by Te Kaahui o Rauru ('TKoR') and identifies that TKoR wish to be engaged in the preparation, implementation and review of the Plan.

An assessment of PC54 against the relevant objectives and policies of this management plan is provided below:

3.4.1 RELATIONSHIPS		Evaluation
Objective 1.1 To establish, grow and maintain relationships which maximise the ability of Ngaa Rauru Kiitahi to exercise kaitiakitanga over resources within our rohe.		Council has an evolving relationship with TKoR. PC54 provides opportunities to work collaboratively and establishes opportunities to investigate other methods beyond the scope of this change to strengthen the exercise of kaitiakitanga.
Policy 1.1 To work collaboratively with other Iwi and/or tangata whenua organisations, local and central government agencies, environmental organisations, stakeholders, professionals, technical experts and the public.		
3.4.2 PAPATUUAANUKU		
Objective 2.1 To ensure that the realm of Papatuuaanuku is managed appropriately in accordance with Ngaa Raurutanga		The land covered by PC54 is zoned to accommodate a range of existing and future industrial activities and, within this context, will be sustainably managed.
Policy 2.2 TKOR will work to protect and enhance Ngaa Rauru Kiitahi relationships, culture and traditions with our ancestral lands.		
3.4.5 TAONGA TUKU IHO		
Objective 5.1 To ensure that Ngaa Taonga Tuku Iho are managed appropriately in accordance with Ngaa Raurutanga.		<p>There are two recorded archaeological sites within the proposed General Industrial Zone, a redoubt in the vicinity of Tod Street and a ridge pa with associated defensive ditches and pits in the vicinity of Bradleys Line, both of which are currently recorded and protected in the Plan.</p> <p>An archaeological assessment of the Mill Road industrial area was also undertaken in 2019, with no specific sites identified.</p> <p>Additionally, all land disturbance activities are covered by the archaeological discovery protocol standard set out in 9.11.1 of the Plan.</p>
Policy 5.1 To protect our Ngaa Rauru Kiitahi heritage as an integral part of our cultural identity and continued prosperity.		
Policy 5.3 Protect our waahi tapu / waahi tuupuna from inappropriate subdivision, modification and development that would cause adverse effects on the qualities and features which contribute to the cultural, spiritual and historical values of these sites		
3.5.4 ECONOMIC DEVELOPMENT		
“...economic development should not occur at the expense of Ngaa Rauru Kiitahi cultural and environmental values. Ngaa Rauru Kiitahi does not support unsustainable exploitation of natural and physical resources. A notable feature of our rohe is the reliance on the region’s natural resources for our social and economic wellbeing. We encourage investors to		PC54 is consistent with achieving sustainable management as defined in the RMA and thus is considered to be consistent with Policy 3.5.4.

bring business into our rohe. Ngaa Rauru Kiitahi wants economic development in our rohe to be sustainable so that the needs of present generations are met without compromising the ability of future generations to meet their own needs.”	
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PC54 maintains existing opportunities for tangata whenua to physically reconnect with this land and respects and acknowledges cultural values within a context of competing Part 2 matters.

3 CONTEXT AND RESEARCH

Industrial activities make a major contribution to the economic and social wellbeing of Whanganui District, both in terms of the value of products produced and the numbers employed.

Currently the majority of these activities are located around Heads Road West, Heads Road East, Mill Road, London Street, Aramaho, Eastown and Putiki, with these areas anticipated to collectively deliver sufficient capacity to meet short-medium term industrial demand in the district provided currently undeveloped/ under-utilised sites are fully utilised.

3.1.1 Current District Plan Approach

The Operative Plan uses zones to manage land use effects across the district, and to group activities with similar effects into categories such as rural, residential, industrial, open space and commercial. In addition, it also applies a district-wide approach to identifying contaminated soils and managing the use, storage and transport of hazardous substances associated with new hazardous facilities.

The relevant provisions relating to industrial activities and hazardous substances and contaminated land currently included in the Plan are outlined below:

GIZ – General Industrial Zone

Objectives	Policies
6.2.1 Urban development which minimises adverse environmental effects and maximises effective and efficient use of natural and physical resources	6.3.1 Promote urban development that is cost-effective, efficient in the use of land and infrastructure services, and co-ordinated with a long-term programme of infrastructure development
6.2.2 To Manage effects of different urban activities to ensure high quality urban amenities are sustained	6.3.2 Encourage the redevelopment of vacant or under-utilised industrial land
	6.3.3 Ensure all development provides adequate and affordable infrastructure services appropriate to the nature and scale of activities and needs of the respective development areas
	6.3.4 Protect and enhance the rural landscape setting and the visual character of the urban environment

Objectives	Policies
	<p>6.3.5 To define manufacturing areas where the following characteristics are maintained:</p> <ol style="list-style-type: none"> a range of industrial and manufacturing activities; a range of activities to support the predominantly industrial activities provided that they will not adversely affect the ability of industrial activities to function efficiently and effectively; protection for the amenity values of neighbouring areas; safe urban design (including pedestrian and vehicle safety); retention of natural and cultural heritage features.

These objectives and policies are supported by rules that control subdivision and the establishment of community, general commercial and residential activities in the General Industrial Zone, along with standards that manage:

- Noise and lighting, subject to location and emission requirements.
- Hazardous Substances, subject to locational and effects ratio requirements.
- Erection of buildings and structures, subject to height to boundary requirements.
- Extent of ancillary commercial activity.
- Parking, loading and vehicle crossings.
- Signage, subject to height, size and location requirements.
- Earthworks subject to excavation, fill and location requirements.

HAZ – Hazards and Risks

Objectives	Policies
N/A	18.2.1 Contaminated soils
	18.2.2 Community awareness of hazards
	18.2.3 Manage hazardous facilities

These policies are supported by standards applying in the rural, residential, commercial, industrial, airport and natural environments that manage any new or expanded hazardous facilities through the Hazardous Facility Screening Procedure outlined in Appendix F of the Plan.

3.1.2 Effectiveness of Current Approach

As indicated above the Operative Plan primarily manages adverse effects within the General Industrial Zone through a combination of:

- Delineating the spatial extent of the area covered by the zone

- Applying an appropriate range of associated bulk and location controls, particularly at residential zone boundaries

Generally, these provisions have proven to be effective in providing for locational choice while ensuring industrial development does not adversely affect existing activities (i.e. reverse sensitivity) or the environmental and amenity values of neighbouring areas. However, further refinements to improve the clarity of policy direction and the effectiveness of some of these provisions have been identified during the course of the chapter review. These include:

- Introducing more relevant, zone specific objectives and policies into the General Industrial Zone chapter to replace the current generic provisions and provide clearer direction to Plan users regarding the intended role, function and character of the zone.
- Extending the range of non-complying activities in the proposed General Industrial Zone to include all sensitive activities as well as visitor accommodation to reduce the risk of reverse sensitivity effects and the effective utilisation of existing industrially zoned land. Education facilities are deemed as sensitive activities in the Plan
Definitions. The Ministry of Education considers that education facilities include skills training centres, which may need to be located close to industry. The proposed rules therefore, would deem these centres as non-complying.
- Reassigning subdivision to a restricted discretionary activity to be consistent with the way it is treated in other zones that have been recently reviewed (e.g. Residential, Rural General, Neighbourhood Commercial, Open Space).
- Incorporating specific provisions to guide subdivision and development in the Mill Road industrial area, including an associated structure plan that has been prepared for the area.
- Introducing provisions to protect the visual amenity of adjacent residentially zoned properties from outdoor storage/work areas.
- Rezoning of current industrial landholdings that have no/limited viability to effectively meet future industrial development needs due to their topography/land conditions (e.g. Aramoho) and/or the availability/cost of supporting infrastructural services (e.g. Marangai).
- First Gas and Powerco Ltd support the provisions of the Network Utilities chapter and identify that this should be across all zones, therefore cross-referencing from the General Industrial chapter is not necessary.

By contrast, the approach in the Plan to Hazardous Substances and Contaminated Land has largely been superseded by the legislative requirements and relevant regulations now applying to hazardous substances and contaminated land under the following:

- Hazardous Substances and New Organisms Act 1996 (HSNO).
- Health and Safety at Work Act 2015 (HSW Act).
- Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NES).
- Resource Management Act 1991 (RMA), including changes to Sections 30 and 31 introduced by the Resource Legislation Amendment Act 2017.

Consequently, continued reliance on the Hazardous Facility Screening Procedure in the face of these statutory/regulatory requirements would be both inefficient and ineffective, resulting in unnecessary regulatory duplication and additional compliance and administrative costs.

Additionally, further refinements to improve the clarity of policy direction and the effectiveness of provisions to manage the risks to human health, property and the environment arising from the establishment of significant hazardous facilities and the location of sensitive activities near such facilities were also identified during the course of the chapter review. These include:

- Introducing targeted objectives and policies relating to contaminated land and hazardous substances to replace the current generic policies and provide clearer direction to Plan users.
- Relying on the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health to manage activities on contaminated or potentially contaminated land.
- Introducing provisions to control the location, design and construction of significant hazardous facilities across the district and the location of sensitive activities and visitor accommodation relative to these facilities.

3.1.3 Summary of Iwi Authority Engagement

The iwi authorities that hold mana whenua and whose rohe includes areas currently industrially zoned are Ngaa Rauru Kītahi and Te Rūnanga O Tūpoho. Relevant consultation with these entities involved the following:

Date	Iwi Involved	Comments
17 July 2018	Tamaupoho Te Rūnanga o Tūpoho Te Rūnanga o Ngati Apa Te Kaahui o Rauru	Initial pre-plan change correspondence seeking engagement
31 July 2018	Ngā Tāngata Tiaki o Whanganui	Initial pre-plan change correspondence seeking engagement
3 Sept 2019	Ngati Apa	Initial pre-plan change correspondence seeking engagement
28 Aug 2019	Tamaupoho Te Rūnanga o Tūpoho Te Rūnanga o Ngati Apa Te Kaahui o Rauru Ngā Tāngata Tiaki o Whanganui	Follow-up correspondence requesting engagement
21 Jan 2020	Tina Porou (Poipoia Ltd)	Request for Cultural Impact Assessment
3 Aug 2021	<u>Te Rūnanga o Tūpoho</u>	<u>Meeting regarding their cultural impact assessment of Plan Change 54 and the s32 Evaluation. Agreed on a number of matters to be included in s32AA evaluation and s42 Hearing Report. Matters identified in the following table (Advice received from Iwi). Also confirmed</u>

Tupoho would not be submitting on the plan change.

4 Aug 2021

Te Kaahui o Rauru

Meeting regarding the cultural impact assessment prepared on behalf of Ngāti Tamareheroto for Plan Change 54 and the s32 Evaluation. Clarified understanding of cultural impact assessment report issues and confirmed Ngāti Tamareheroto would not be submitting on the plan change.

3.1.4 Advice from Iwi Authorities

Under Clause 4A of Schedule 1 of the RMA local authorities are required to:

- provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
- allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- have particular regard to any advice received before notifying the plan.

As an extension of this s32(4A) requires evaluation reports prepared in relation to proposed policy statements and / or plans to include summaries of:

- all advice received from iwi authorities concerning the proposal; and
- the response to that advice, including any proposed provisions intended to give effect to the advice.

The following is a summary of the advice received from iwi authorities specific to the draft / proposed provisions evaluated within this report:

Iwi Authority	Advice Received from Iwi	Council Response
Ngāti Tamareheroto	Oppose in its entirety PC54 Industrial due to the cultural impacts being significant and welcomes the opportunity to engage on this report with the Council.	Noted; Council continues to work closely with Te Rūnanga o Tūpoho on matters relating to new industrial developments, in particular archaeological, water/ te Mana of te Wai and contaminated lands. Council will continue to work with Ngāti Tamareheroto on matters relating to new industrial developments, in particular archaeological, water/ te Mana of te Wai and contaminated lands.
	Ngāa Rauru Kaitahi, in support of Ngāti Tamareheroto considers that steps should now be taken by Council to include Ngāti Tamareheroto as a decision maker on PC54. This could include establishing a steering	The proposed steering committee is not feasible due to any real or perceived conflict of interest and/or natural justice considerations, particularly where Ngāti Tamareheroto is also a submitter on the proposed changes. Work is underway to

<p>committee for PC54 with Ngāti Tamareheroto representation.</p>	<p>incorporate Te Rūnanga o Tūpoho as partners in industrial development particularly in the Mill Road Industrial Area. Council aims to incorporate Ngati Tamareheroto concerns regarding industrial development through early discussion and acknowledgement.</p>
<p>Acknowledges that there are no recorded archaeological sites at Mill Road. However, there is a possibility for sites to be present. As such, Ngāti Tamareheroto would like to work with Council to develop an accidental discovery protocol that must be adopted as a consent condition or be required to meet permitted activity standards.</p>	<p>Accepted. Accidental discovery protocols set by HNZ along with associated requirements are already outlined in HH– Historic Heritage of the District Plan (refer HH-NWSP-S1). In the event of an accidental discovery in the Mill Road area these requirements would apply, including notification of Ngāti Tamareheroto and ensuring site access to enable appropriate cultural procedures and tikanga to be undertaken.</p>
<p>The Structure Plan confirms that land use history on some sites within Mill Road have a history of land use activities that are on the HAIL list. The Structure Plan recommends a Detailed Site Investigation (DSI) of those sites. Ngāti Tamareheroto considers that the entire Mill Road should be subject to a DSI to confirm the presence, or otherwise of contaminated soil. Although HAIL activities have not been identified on the site, there is potential for seepage from the contaminated areas within Rākau Road and Mānuka Street.</p>	<p>The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCSCS) includes methods to establish whether land is contaminated and is the basis on which any further assessment of Mill Road would take place. The necessity of investigating the entire site needs further assessment to justify the cost to Council as opposed to developers being responsible for these costs at the time of development. Work is underway to incorporate Te Rūnanga o Tūpoho as partners in industrial development particularly in the Mill Road Industrial Area. Council is committed to wider discussion with representatives of Ngati Tamareheroto regarding matters of contaminated land and impacts that arise from industrial development, particularly in previously developed sites that may have contaminated land.</p>
<p>Council has suggested several options to address the need for better management around hazardous substances and contaminated land. Again, Ngāti Tamareheroto considers that these require wider consideration and conversations that cannot be fully canvassed in a cultural impact assessment. Ngāti Tamareheroto</p>	<p>The plan change proposes is to remove the Hazardous Substances Screening Procedure from the District Plan and to instead primarily rely on the NESCSCS. To supplement this the Plan Change looks to manage the location of significant hazardous facilities, particularly near key waterbodies and archaeological sites</p>

considers a steering committee should be established that includes Ngāti Tamareheroto representation to further discuss options.	identified in the Plan. The necessity and feasibility of a steering committee for this purpose is not supported. Te Rūnanga o Tūpoho as partners will be part of the development of planting schedules for Council landscaping in the public domain and this will also inform development conditions.
The Structure Plan recommends a whole of area approach to landscaping Mill Road that integrates stormwater infrastructure with roading, transport, cycleways, and walkways. Ngāti Tamareheroto considers that appropriate natives should be used in planting to support local native ecosystems.	A whole of area approach is supported in principle in conjunction with infrastructure and parks requirements. Council as land owner is responsible for landscaping the public domain and consultation with iwi should form part of pre-landscape plan engagement.
Wish to ensure that wastewater that is discharged from the pump station is of pristine quality to support its receiving environment. Ngāti Tamareheroto requests further information in this respect.	Both wastewater pump stations at Mill Road and Golf Vue Place are only pump stations. There is no treatment wastewater at those locations, the equipment conveys wastewater within the reticulated network from low points to locations where gravity services are available. Ultimately both pump stations contribute flow to the wastewater network that is pumped from Beach Road to the Wastewater Treatment Plant (WWTP) by the airport. Wastewater is treated and discharged in accordance with our conditions of consent.

Iwi Authority	Advice Received from Iwi	Council Response
Te Rūnanga o Tūpoho	Oppose in its entirety Proposed Plan Change 54 Industrial due to the significant cultural effects and welcomes the opportunity to engage on this report with the Council.	Noted
	Consider that steps should now be taken by Council to include Tūpoho as a decision maker on PC 54. This could include establishing a steering committee for PC 54 with Tūpoho representation.	This would not be feasible due to any real or perceived conflict of interest and/or natural justice considerations, particularly where Tūpoho is also a submitter on the proposed changes. It has been mutually agreed that Tina Porua (Poipoia Ltd) will provide Tūpoho with a list of suitable commissioners for Tūpoho to consider for inclusion on the Hearings Panel for PC54.

<p>Acknowledges that there are no recorded archaeological sites at Mill Road. However, there is a possibility for sites to be present. As such, Te Rūnanga o Tūpoho would like to work with Council to develop an accidental discovery protocol that must be adopted as a consent condition or be required to meet permitted activity standards.</p>	<p>Acceptable. Accidental discovery protocols set by HNZ along with associated requirements are already outlined in Chapter 9 – Historic Heritage of the District Plan (refer Rule 9.11.1). In the event of an accidental discovery in the Mill Road area these requirements would apply, including notification of Tūpoho and ensuring site access to enable appropriate cultural procedures and tikanga to be undertaken.</p>
<p>The Structure Plan confirms that land use history on some sites within Mill Road have a history of land use activities that are on the HAIL list. The Structure Plan recommends a Detailed Site Investigation (DSI) of those sites. Te Rūnanga o Tūpoho considers that the entire Mill Road should be subject to a DSI to confirm the presence, or otherwise of contaminated soil. Although HAIL activities have not been identified on the site, there is potential for seepage from the contaminated areas within Rākau Road and Mānuka Street.</p> <p>Council has suggested several options to address the need for better management around hazardous substances and contaminated land. Again, Te Rūnanga o Tūpoho considers that these require wider consideration and conversations that cannot be fully canvassed in an impact assessment. Te Rūnanga o Tūpoho considers a steering committee should be established that includes Tūpoho representation to further discuss options.</p>	<p>The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) includes methods to establish whether land is contaminated and is the basis on which any further assessment of Mill Road would take place. The necessity of investigating the entire site needs further assessment to justify the cost to Council as opposed to developers being responsible for these costs at the time of development.</p> <p>Unsure about the necessity and feasibility of a Steering Committee. The proposal is to remove the Hazardous Substances Screening Procedure from the District Plan and to instead primarily rely on the package of legislative requirements and associated regulations under the Hazardous Substances and New Organisms Act 1996 and Safety at Work Act 2015. To supplement this the Plan Change looks to manage the location of significant hazardous facilities, particularly near key waterbodies and archaeological sites identified in the Plan.</p>
<p>The Structure Plan recommends a whole of area approach to landscaping Mill Road that integrates stormwater infrastructure with roading, transport, cycleways, and walkways. Te Rūnanga o Tūpoho considers that appropriate natives</p>	<p>Supported in principle subject to infrastructure/parks requirements. Refer to the Street Tree Strategy 2016. Council as land owner is responsible for landscaping the public domain and consultation with iwi should form part of pre-landscape plan engagement.</p>

should be used in planting to support local native ecosystems.	
Wish to ensure that wastewater that is discharged from the pump station is of pristine quality to support its receiving environment. Te Rūnanga o Tūpoho requests further information in this respect.	Further information from Infrastructure required.

3.1.5 Engagement with Other Stakeholders

The following table outlines other consultation undertaken in developing PC54:

Date	Who	Comments
19 July 2018	Engagement with relevant requiring authorities	Initial pre-plan change correspondence seeking an indication of any new designations and/or those to be 'rolled-over' or that had lapsed The NZ Police advised that all 3 of its current designations were to be rolled over, while Transpower requested replication of existing Rural Zone setbacks where any rural land under or adjacent to Transpower's transmission lines is rezoned Industrial
19 July 2018	Engagement with relevant Ministers of the Crown and local authorities	Initial pre-plan change correspondence indicating intent to develop PC54
July – Aug 2018	Interviews with key WDC internal stakeholders	Structured interviews to identify workability and constraints with the operative General Industrial Zone provisions
14/15 & 28/29 Nov 2019	Meetings with key industrial stakeholders on Manufacturing Zone and Hazardous Substances Issues & Options Papers	General sense amongst stakeholders that: <ul style="list-style-type: none"> the operative General Industrial Zone provisions are workable and are largely 'flexible and responsive to current needs' within the district there is sufficient manufacturing zoned land available to satisfy current demand and provide a degree of choice, with the Mill Road industrial area viewed by most as offering further potential for growth Also, support from those involved in the use and/or storage of hazardous substances to place reliance on the legislative requirements under the Hazardous Substances and New Organisms Act and the Health and Safety at Work Act to manage hazardous substances.
	Public submissions on Manufacturing Zone and	Three responses received with key points raised including:

	Hazardous Substances Issues & Options Papers	<ul style="list-style-type: none"> except for heavy industry allow a mix of activities to continue in the zone ensure associated zone policies and rules reflect what is being proposed for the redevelopment of the Port reshape current zone provisions and remove areas within the zone no longer considered viable rely on the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health to manage contaminated land
19 May 2020	Meeting with WDC Infrastructure Team representatives re Mill Road Industrial area	Discussion on workability of the operative General Industrial Zone provisions and key elements of the Mill Road Structure Plan to be incorporated into PC54
3/4 Sept 2020	Targeted meetings with key industrial stakeholder representatives on draft General Industrial, Hazardous Substances and Contaminated Land objectives/policies/rules/standards	General sense amongst stakeholders that the proposed provisions were workable and would not act as an undue constraint on current/future operations or the establishment of future industrial activities in the district
Oct 2020 – Feb 2021	Engagement with landowners affected by rezoning proposals	Initial letter and follow up contact with landowners seeking feedback on proposed zoning change of sites currently zoned General Industrial

Notification of all parties required by the RMA 1st Schedule clause 5 will occur following any decision of Council to notify.

3.1.6 Technical reports

The Council also completed or commissioned relevant technical reports and supporting documents to inform the development and drafting of PC54. These include:

General Industrial Zone

- Archaeological Review of Mill Road Manufacturing Zone, Whanganui, Archaeology North Ltd (2020)
- Mill Road Structure Plan, GHD Ltd (2020)
- Whanganui Industrial Market Assessment Report, M.E Consulting (2019)
- Whanganui Industrial Land Demand Study, GHD Ltd (2019)
- Manawatu-Whanganui Growth Study – Opportunities Report, Ministry for Primary Industries (2015)
- Whanganui City-Wide Growth, Wastewater Bulk Supply Investigations (Revisited), GHD Ltd (March 2016)

Hazardous Substances and Contaminated Land

- Contaminated Land Management Guidelines 1 - 5, Ministry for the Environment (2004/2011)

3.2 KEY RESOURCE MANAGEMENT ISSUES

Based on the analysis and consultation outlined in section 3.1 above the following issues have been identified:

Issue	Comment
General Industrial Zone	
Issue 1: Potential incompatibility between different land uses within and adjacent to industrial areas, including potential for reserve sensitivity effects	The operational and functional needs of industry mean that related activities have the potential to generate adverse effects on adjoining residential properties as well as on more sensitive activities (e.g. residential dwellings, educational facilities, visitor accommodation) that may look to establish in the industrial zone. Enabling the establishment of such activities in industrial areas could also have the unintended outcome of constraining existing industrial operations or future development aspirations due to reverse sensitivity effects.
Issue 2: Suitability of existing industrially zoned land for manufacturing purposes	The supply and location of suitable industrial land is critical to enabling opportunities for future industrial growth within the district along with a degree of locational choice. However, such land needs to be feasible, serviced, developable and connected to transport networks in order to effectively cater for the needs of industrial users – conditions that are not clearly evident in some of the areas currently zoned for industrial activities such as Aramoho (i.e. topography/land conditions) and Marangai (i.e. availability/ cost of supporting infrastructure services).
Issue 3: Orderly and coordinated subdivision and development of the Mill Road industrial area	The Mill Road industrial area is a key contributor to providing locational choice and industrial development opportunities in the district, particularly for light- medium industries. As the area is still largely undeveloped and predominantly under individual ownership it is critical that the effects and demands of future industrial development are managed in an orderly, integrated fashion, particularly in terms of the location and staging of supporting infrastructure services.
Hazards and Risks	
Issue 4: Risks to human health, property and the environment from new or expanded/alterd significant hazardous facilities	Hazardous substances can be toxic in the environment and affect human health if they are mishandled or inappropriately stored. Consequently, a precautionary approach needs to be applied to the establishment or expansion of significant hazardous facilities (e.g. large-scale petrol storage, freezing works, milk processing plants, wastewater treatment plants), particularly near sensitive areas or land uses (e.g. residential areas, schools, wetlands, open rivers and streams), in areas vulnerable to natural hazards (e.g. flood prone, close to active fault lines) and near other major hazardous facilities.
Issue 5: Sensitive activities locating near existing significant hazardous facilities	Establishing new sensitive activities near existing significant hazardous facilities can place people and property at risk and create reverse sensitivity effects which could compromise the operation and potential expansion of such facilities (i.e. proximity to surrounding incompatible or conflicting land uses). First Gas oppose the location of any educational facilities within 60m of the Gas Transmission Network.

Issue	Comment
Issue 6: Inadequate identification and management of contaminated land	Activities involved in the use and/or storage of hazardous substances (e.g. industrial processing, agriculture/horticulture) have left, or have the potential to leave, a legacy of soil contamination on current or previously occupied sites. If such sites are inadequately identified, assessed and, as necessary, contained or cleaned up, any residual contaminants can pose a risk to human health and the environment.

4 SECTION 32 EVALUATION

4.1 REQUIREMENT TO MAKE AN EVALUATION

The RMA requires that when a Council undertakes a plan change it must produce a report evaluating the proposed provisions. This section of the report comprises the evaluation of PC54 that the Council is required to complete in accordance with section 32 of the RMA.

The evaluation report must (section 32(1)):

- a. *examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (to promote the sustainable management of natural and physical resources), and*
- b. *examine whether, the provisions 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 anticipated from the implementation of the proposal.*

An assessment must (section 32(2)):

- 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.*

4.2 APPROACH TO EVALUATING SCALE AND SIGNIFICANCE

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

The level of detail undertaken for this evaluation has been determined by an assessment of the scale and significance of the environmental, economic, social and cultural effects anticipated through introducing and implementing the proposed provisions (i.e. objectives, policies and rules). Key considerations that informed this assessment included whether the provisions:

- Involve a matter of national importance;
- Are the subject of a National Policy Statement or the Horizons One Plan;
- Are consistent with national or regional direction through plans, other strategies or guidance;

- Are required to resolve an issue or problem particularly to protect life and property;
- Involve a minor or major change to the current provisions;
- Are controversial and /or will affect groups with specific interests or a large number of residents;
- Will significantly reduce development opportunities or land use options; and
- Are likely to have a major financial impact on landowners, developers and industrial owners/operators due to compliance and or administrative costs.

Based on this assessment the scale and significance of the proposed provisions are considered to be low for the following reasons:

- The proposal does not materially affect any s6 matters, with those aspects associated with industrial use and development that could have a bearing on ss6(a), (e), (f) and (h) already recognised and provided for in other chapters of the Plan.
- The proposal will assist the Council in achieving its obligations under s7 (b), (c), (d) and (g) by contributing to amenity values in the district and maintaining the quality of the environment through appropriate management and development of industrial areas.
- The proposal does not materially affect any s8 matters.
- The proposal will assist the Council to meet the requirements of the NPS-UD through more effectively enabling it to accommodate business growth in the district.
- The proposed provisions will give effect to the One Plan through:
 - facilitating industrial development on land identified as appropriate for that purpose;
 - promoting planned development and infrastructure in the Mill Road area rather than reacting to pressures for piecemeal ad hoc development;
 - including provisions to manage the effects and risks associated with the establishment and operation of significant hazardous facilities and the establishment of sensitive activities in their near vicinity; and
 - including provisions that ensure appropriate management of priority contaminated land.
- The proposed provisions provide clearer direction on the outcomes sought and therefore greater certainty for landowners, developers, industrial owners/operators and plan users.
- Although the proposed provisions do not represent a significant change in approach, particularly at the rule/standards level, further compliance and or administrative costs may be incurred by landowners, developers and industrial owners/operators where additional or enhanced rules/standards apply.

Consequently, a high-level evaluation of these provisions has been identified as appropriate for the purposes of this report.

4.3 EVALUATION OF OBJECTIVES

Under s32(1)(a) of the RMA an examination of the proposed objectives is required to determine whether they are the most appropriate means to achieve the purpose of the Act.

To help gauge the appropriateness of the proposed objectives for the purposes of this examination the current or status quo objectives contained in the General Industrial Zone and Hazards and Risks chapters are also considered as a basis for comparison.

The relevant objectives are outlined below and examined in the associated tables that follow:

4.3.1 General Industrial Zone

- 1 The proposed objectives GIZ-01 to GIZ-04
- 2 The status quo objectives 6.2.1 and 6.2.2

Proposed Objectives	Appropriateness to achieve the purpose of the Act
<p>GIZ-O1 Industrial activities are able to easily establish and safely and efficiently operate within the zone.</p> <p>GIZ-O2 Adverse effects on amenity values within the zone and adjoining zones are managed, particularly at Residential Zone boundaries.</p> <p>GIZ-O3 The industrial role, function and character of the zone is not compromised by the establishment of non-industrial or other incompatible activities.</p> <p>GIZ-O4 The level of amenity within the zone is consistent with its primary industrial role, function and character.</p>	<p>The proposed objectives directly address the issues identified in section 3.2 of this report and clearly signal the outcomes anticipated in the General Industrial Zone, including:</p> <ul style="list-style-type: none"> • According priority to industrial activities • Minimising opportunities for non-industrial activities to establish that could potentially impose operational constraints on industry or could be adversely affected by such activities • Providing a level of amenity that recognises and reflects the industrial nature of the zone • Managing adverse effects on the amenity values of surrounding areas, particularly along the interface with residentially zoned land <p>They provide a high level of interpretive and administrative certainty and offer clear direction to guide decision makers.</p> <p>The proposed objectives give effect to Objective 3-3 and Policy 3-4 of the Horizons One Plan and broadly align with the intent expressed in the Ngaa Rauru Kaitahi – Puutaiao Management Plan. They will also assist the Council to undertake its functions under s31 of the RMA, particularly integrated management of the effects of future use/development and protection of land and natural and physical resources within the zone. They are also realistically able to be achieved within the Council's current powers, skills and resources.</p> <p>Additionally, it is unlikely that the proposed objectives will result in increased compliance costs being incurred by landowners/developers/businesses as they are</p>

	primarily directed towards more clearly formalising and reinforcing the role of the zone. In that respect they do not represent a radical departure in direction.
Status Quo Objectives	Appropriateness to achieve the purpose of the Act
<p>6.2.1 Urban development which minimises adverse environmental effects and maximises effective and efficient use of natural and physical resources.</p> <p>6.2.2 To manage effects of different urban activities to ensure high quality urban amenities are sustained.</p>	<p>The existing objectives are generic in nature and inadequately address the primacy of the General Industrial Zone for industrial activities.</p> <p>They also lack clarity and direction concerning the outcomes sought within the zone, particularly enabling industrial activities to establish and operate without the imposition of unnecessary constraints while ensuring that any adverse effects on amenity values beyond the zone are appropriately managed. This, in turn, provides reduced interpretive and administrative certainty to guide decision makers.</p> <p>Although the status quo objectives offer some broad guidance to assist Council to undertake its integrated management function under s31 of the RMA, they lack clarity of direction concerning the anticipated role, function and character of the General Industrial Zone – something that could have the unintended effect of eroding the overall integrity of the zone due to the establishment of non-industrial or other incompatible activities.</p> <p>Additionally, the alignment with the Horizons One Plan and intent expressed in the Ngāa Rau Kaitiaki – Puutaiao Management Plan is diminished relative to the proposed objectives given the generic nature of the status quo objectives.</p>

Summary:

Proposed objectives GIZ-01 to GIZ-04 clearly set out the Council's expectations concerning the nature of anticipated activities that are consistent with the role and function of the General Industrial Zone, along with the standard of amenity sought and management of adverse effects of activities, particularly at residential or open space and recreational interfaces

Education facilities are deemed as sensitive activities in the Plan Definitions. The Ministry of Education considers that education facilities include skills training centres, which may need to be located close to industry. The proposed rules therefore, would deem these centres as non-complying.

The suggestion by McDonald Concrete Group to retain the full industrial zone in Kaikokopu Road is not supported. The proposed zone adjustments consider the topography of the area along with the infrastructure capabilities that follow cadastral and ownership boundaries that retains the rural and industrial interface. The Whanganui Industrial Market Assessment Report (p48) identified that the hilly topography is a constraint on development on some of the

land in the area. The stormwater and wastewater capacity issues which affect the pumping stations to the west of the river apply and will affect the ability for larger activities to establish in the zone, which is likely to come in the form of development contributions for upgrades to the network. A portion of the land on the Kaikokopu Road frontage has already be alienated by Council approval for residential and community facility.

The above analysis has shown that the proposed objectives would best achieve the purpose of the Act, give greatest effect to the Horizons One Plan and provide greater direction and certainty to decision-makers and plan users. Based on this, the proposed objectives are considered to be the most appropriate means to manage activities and their associated effects in the General Industrial Zone.

4.3.2 Hazards and Risks

- 1 The proposed objectives CL-O1 and HAZS-O1 to HAZS-O2
- 2 The status quo, comprising no related objectives

Proposed Objectives	Appropriateness to achieve the purpose of the Act
<p>CL-O1 The risks to human health from contaminated land are avoided, remedied or mitigated.</p> <p>HAZS-O1 Recognise the benefits associated with the use, storage, and disposal of hazardous substances, while ensuring that unacceptable risks to the environment and human health are avoided and that any residual risks are minimised to be as low as reasonably practicable.</p> <p>HAZS-O2 Sensitive activities are located where they:</p> <ol style="list-style-type: none"> a) Avoid areas exposed to unacceptable levels of risk from existing significant hazardous facilities; and b) Do not constrain or compromise the safe and efficient operation, maintenance and repair or upgrading of significant hazardous facilities due to reverse sensitivity effects. 	<p>The proposed objectives directly address the issues identified in section 3.2 of this report and clearly signal the outcomes anticipated in managing contaminated land and the use, storage, and disposal of hazardous substances across the district, including:</p> <ul style="list-style-type: none"> • Recognising there are potential health risks associated with current or previously occupied contaminated sites that need to be appropriately managed • Avoiding hazardous substance use, storage and disposal that poses an unacceptable risk to the environment and human health and minimising any residual risks • Managing the location of sensitive activities relative to significant hazardous facilities. First Gas oppose the location of any educational facilities within 60m of the Gas Transmission Network. <p>They provide a high level of interpretive and administrative certainty and offer clear direction to guide decision makers.</p> <p>The proposed objectives give effect to Objective 3-5 and Policies 3-12, 3-14 and 3-15 of the Horizons One Plan and broadly align with intent expressed in the Ngaa Rauru Kiitahi – Puutaiao Management Plan. They will also assist the Council to undertake its functions under s31 of the RMA, particularly the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land across the district. They are also realistically able to be achieved within the Council's current powers, skills and resources.</p> <p>Additionally, although the proposed objectives may result in additional compliance financial costs being incurred by landowners/developers/businesses involved in the establishment of significant</p>

Proposed Objectives	Appropriateness to achieve the purpose of the Act
	hazardous facilities or sensitive activities near such facilities, they are reasonable given the nature of the potential risk to the environment and human health in the event of a mishap.

Status Quo Objectives	Appropriateness to achieve the purpose of the Act
No relevant objectives	<p>The current lack of any relevant objectives to address the management of contaminated land and the use, storage, and disposal of hazardous substances across the district inadequately addresses the issues identified in section 3.2 of this report and highlights a deficiency in the operative District Plan. Although the plan contains three policies directed towards contaminated soils and hazardous facilities these are not underpinned by an associated objective/s.</p> <p>Consequently, there is no clear direction concerning the outcomes sought in managing contaminated sites and hazardous substances. This, in turn, creates potential uncertainty for decision makers and plan users and may also hamper Council's ability to effectively undertake its functions under s31 of the RMA. The extent to which the plan currently gives full effect to Objective 3-5 and Policies 3-12, 3-14 and 3-15 of the Horizons One Plan is also questionable.</p>

Summary:

Proposed objectives CL-O1 and HAZS-O1 to HAZS-O2 clearly set out the Council's expectations concerning the management of contaminated land and hazardous substances, including the avoidance of hazardous substance use, storage and disposal that poses an unacceptable risk to the environment and human health and the location of sensitive activities relative to significant hazardous facilities.

The above analysis has shown that the proposed objectives would best achieve the purpose of the Act, give greatest effect to the Horizons One Plan and provide greater direction and certainty to decision-makers and plan users. Based on this, the proposed objectives are considered to be the most appropriate means to manage contaminated land and hazardous substances across the district.

4.4 EVALUATION OF OPTIONS

This section evaluates the supporting policies and methods relating to the proposed General Industrial Zone and Hazards and Risks objectives outlined in section 4.3. Along with the proposed provisions at least one reasonably practicable alternative option has been evaluated in relation to each topic.

For each potential option an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 3 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s).

Where practicable, benefits and costs have been quantified. Additionally, any obvious opportunities for economic growth and employment arising from the proposed plan change have also been identified and assessed.

4.4.1 General Industrial Zone

For the purposes of this evaluation the following reasonably practicable options have been considered:

- 1 The proposed provisions in PC54.
- 2 The status quo in the Operative District Plan.
- 3 The development of provisions that distinguish between 'light' and 'heavy' industrial activities.

Proposed Objectives:

GIZ-O1 Industrial activities are able to easily establish and safely and efficiently operate within the zone.

GIZ-O2 Adverse effects on amenity values within the zone and adjoining zones are managed, particularly at Residential Zone boundaries.

GIZ-O3 The industrial role, function and character of the zone is not compromised by the establishment of non-industrial or other incompatible activities.

GIZ-O4 The level of amenity within the zone is consistent with its primary industrial role, function and character.

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<p><u>Policies:</u></p> <p>8 policies are proposed that seek to:</p> <ul style="list-style-type: none"> provide clear direction as to the activities that are compatible/ incompatible with the role, function and amenity values of the zone manage the effects of activities and built development, particularly on adjoining residential, rural lifestyle or recreational properties ensure development in the Mill Road industrial area is generally consistent with the Mill Road Structure Plan <p><u>Rules/Standards:</u></p> <p>A suite of rules and standards that include:</p> <ul style="list-style-type: none"> enabling a range of activities that are compatible with the role and function of the zone 	<p>Environmental</p> <ul style="list-style-type: none"> Adequacy of the rules/standards to anticipate and effectively manage the effects of the full range of industrial activities enabled. Offers no clear distinction between, or rules to manage the effects of, different types of industrial activities (e.g. light industrial activities such as warehousing, storage, or the sale of goods required for industrial activities; heavy industrial activities such as factories, the use of fuel burning equipment or animal processing). <p>Economic</p> <ul style="list-style-type: none"> Administrative and compliance costs to industrial operators, developers and Council relating to establishing 'out of zone' activities and maintaining/complying with the Mill Road Structure Plan. Administrative and compliance costs associated with activities/ development that do not meet the relevant performance standards, particularly larger scale development that generally triggers a requirement for a resource consent. 	<p>Environmental</p> <ul style="list-style-type: none"> Facilitates the policy outcomes sought by the NPS-UD regarding optimising the appropriate use of existing industrial land within the district. Gives heightened effect to the One Plan policy intent by facilitating industrial development on land identified as appropriate for that purpose and where specific impediments are proposed to be addressed through rezoning or infrastructure provision. Promotes planned development and infrastructure in the Mill Road area rather than reacting to the pressures for piecemeal ad hoc development. Addresses sensitivity and reverse sensitivity effects associated with industrial activities, particularly as sensitive and/ or incompatible activities are discouraged from locating in the zone. Provides a clearer policy framework to enable compatible industrial activities to locate and operate with certainty, and for Council to determine the appropriateness of unspecified activities (i.e. whether they will 	<p>It is considered that there is sufficient information as the provisions are based on the operative approach which is well understood, supplemented by the experience acquired through similar approaches that have been developed and applied by other local authorities around the country.</p>

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<ul style="list-style-type: none"> discouraging sensitive and 'out of zone' activities such as residential, community and commercial activities measures to manage the built form and scale of development measures to protect the amenity of adjoining residential, rural lifestyle and recreational properties <p><u>Structure Plan</u></p> <p>Inclusion of a specific structure plan to inform and guide future development in the Mill Road industrial area</p> <p><u>Zoning</u></p> <p>Rezoning of a number of sites currently within or adjacent to the General Industrial Zone in the Heads Road East, Aramaho and Marangai areas.</p>	<p>Social</p> <ul style="list-style-type: none"> Limits locational choice for some types of activity, particularly sensitive activities such as residential, educational facilities and visitor accommodation. <p>Cultural</p> <ul style="list-style-type: none"> Likely to be considered by manawhenua as insufficiently responsive to concerns expressed on such matters as water/ wastewater quality and impact of future industrial development on wahi tapu and/or archaeological sites. 	<ul style="list-style-type: none"> undermine the intent of the zone) or development. Provides an appropriate level of control over built form and scale of development relative to the role and function of the zone. <p>Economic</p> <ul style="list-style-type: none"> Enables Whanganui to capitalise on potential employment and other economic benefits resulting from future expansion of industrial activity in the district, particularly in the Mill Road area. Reduces potential operational constraints by providing clarity and certainty concerning the range of compatible activities permitted within the zone, with most areas of non-compliance treated as a restricted vs full discretionary activity. Provides certainty that land zoned for industrial purposes is capable of being developed for this purpose, particularly in terms of supporting infrastructure. Reduces pressure on industrial land development capacity by controlling the ability of non-industrial activities to locate in the zone. Provides certainty to the market in making decisions on appropriate 	

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
		<p>locations for future investment, particularly 'out of zone' activities.</p> <ul style="list-style-type: none"> Enables infrastructure funding required to service industrial zoned land in the Aramaho and Marangai areas to be diverted to upgrading infrastructure in other industrial areas. <p>Social/Cultural</p> <ul style="list-style-type: none"> Provides clarity and certainty to the community on outcomes anticipated and the likely nature and level of development anticipated. Simple and clear plan structure that will be easier for people to understand and use. 	
<u>Effectiveness and efficiency</u>	<p>Effectiveness</p> <p>It is considered that the provisions will effectively achieve the proposed objectives because:</p> <ul style="list-style-type: none"> they align and support the intended role and function of the General Industrial Zone. they enable the zone to be effectively managed, recognising its distinctive industrial amenity and character. the rule framework reflects the character and amenity anticipated by controlling the scale of development that can be built as of right. 		<p>Efficiency</p> <p>It is considered that the proposed approach is the most efficient means of achieving the relevant objectives.</p> <p>The approach is efficient in terms of the level of certainty provided to landowners and plan users generally. It is also efficient from the point of view of broadly enabling industrial development as of right, supplemented by land use consent where baseline performance standards are exceeded or non-industrial activities are proposed.</p> <p>Overall, the costs of complying with the provisions are considered minor compared to the benefits of this proposal.</p>

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
	<ul style="list-style-type: none"> the standards are aligned with the anticipated built development and amenity outcomes sought within the zone. 		
<u>Overall evaluation</u>	<p>Overall this approach is the most appropriate means of achieving the proposed objectives as it provides an appropriate balance between enabling opportunities for growth and development with some degree of certainty while ensuring that industrial activities do not adversely impact adjoining residential and open space areas. It also satisfies the policy directives sought by the NPS-UD and the One Plan.</p> <p>By discouraging establishment of sensitive and non-industrial activities in the zone it also reinforces that this is the primary location for industry in the district and minimises the potential for reverse sensitivity issues that could constrain existing and future industrial activities.</p> <p>Additionally, the benefits of the approach outweigh the costs, there are considerable efficiencies to be gained from adopting the proposed provisions and there is sufficient information on which to act.</p>		

Alternative approach to provisions: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<p><u>Policies:</u></p> <p>5 policies that focus on such matters as:</p> <ul style="list-style-type: none"> • promoting a co-ordinated approach to general urban and infrastructure development • encouraging more efficient use of serviced industrial land • ensuring an appropriate level of infrastructure is provided to support proposed development • protecting and enhancing rural landscape settings and the visual character of the urban environment • defining industrial area characteristics <p><u>Rules/Standards:</u></p> <p>A suite of rules and standards that include:</p>	<p>Environmental</p> <ul style="list-style-type: none"> • Less effectively facilitates the policy outcomes sought by the NPS-UD regarding optimising the appropriate use of existing industrial land given the lack of clear policy direction concerning non-industrial activities. • Lacks clear policy direction to help consider the effects of non-industrial activities on the role, function and level of amenity anticipated within the zone, and is unlikely to constructively assist the Council to determine the appropriateness of unspecified activities (i.e. whether they will undermine the intent of the zone) or development. • Adequacy of the rules/standards to anticipate and effectively manage the effects of the full range of industrial activities enabled. • Offers no clear distinction between, or rules to manage the effects of, different types of industrial activities (e.g. light industrial activities such as warehousing, storage, or the sale of goods required for industrial activities; heavy industrial activities such as factories, the 	<p>Environmental</p> <ul style="list-style-type: none"> • Gives effect to the One Plan policy intent by facilitating industrial development on land identified as appropriate for that purpose. • Addresses some sensitivity and reverse sensitivity effects associated with industrial activities, particularly as residential activities are discouraged from locating in the zone. • Provides an appropriate level of control over built form and scale of development relative to the role and function of the zone. <p>Economic</p> <ul style="list-style-type: none"> • Enables Whanganui to capitalise on potential employment and other economic benefits resulting from future expansion of industrial activity in the district. • Relatively inexpensive to implement as limited drafting required, resulting in reduced cost to the community and Council. • May result in reduced compliance and administrative costs as the Council, landowners, developers and community are familiar with the provisions. 	<p>It is considered that there is sufficient information as the existing provisions and implications/issues are well documented and understood.</p> <p>A key risk of acting on the status quo provisions is that the current policy framework lacks detail and specific direction on managing the effects of non-industrial activities on the role, function and level of amenity anticipated within the zone.</p>

Alternative approach to provisions: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<ul style="list-style-type: none"> enabling a range of industrial and supporting activities discouraging 'out of zone' activities such as residential, community and commercial activities measures to manage the built form and scale of development measures to protect the amenity of adjoining residential, rural lifestyle and recreational properties 	<p>use of fuel burning equipment or animal processing).</p> <p>Economic</p> <ul style="list-style-type: none"> Administrative and compliance costs associated with activities/ development that do not meet the relevant performance standards, particularly larger scale development that generally triggers a requirement for a consent. Absence of a structure plan for the Mill Road industrial area could result in inefficient and uncoordinated provision of infrastructure. Creates an unrealistic expectation that all industrial zoned land in the Aramaho and Marangai areas is capable of being developed for this purpose, particularly in terms of supporting infrastructure. <p>Social</p> <ul style="list-style-type: none"> Limits locational choice for some types of activity, particularly residential, community and commercial activities. <p>Cultural</p> <ul style="list-style-type: none"> Likely to be considered by Te Rūnanga o Tūpoho and Ngāti Tamareheroto as insufficiently 	<p>Social/Cultural</p> <ul style="list-style-type: none"> Offers familiarity and provides a level of certainty to the community as to the likely development outcomes. 	

Alternative approach to provisions: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
	responsive to concerns expressed on such matters as water/ wastewater quality and impact of future industrial development on wahi tapu and/or archaeological sites.		
<u>Effectiveness and efficiency</u>	Effectiveness The current policy framework has limited effectiveness as it is somewhat ambiguous and lacks clear direction specifically relevant to the zone. Consequently, it is open to interpretation and could inadvertently compromise the outcomes sought by the proposed objectives.	Efficiency The status quo is efficient from the point of view of being largely permissive, with associated controls on industrial activities supplemented by the opportunity for land use consent to be sought for any activities/development that exceed the relevant standards. However, overall it is considered that the status quo, relative to the proposed provisions, is not an efficient method of meeting the proposed objectives given the relative costs versus benefits outlined above.	
<u>Overall evaluation</u>	This approach is not an appropriate means to achieve the proposed objectives as the current policies are somewhat ambiguous and open to interpretation and therefore unlikely to constructively assist the Council to determine the appropriateness of unspecified activities (i.e. whether they will undermine the intent of the zone) or development. It would also be less effective in delivering on the relevant objectives and policies in the NPS-UD and One Plan.		

Alternative approach to provisions: Differentiate 'light' and 'heavy' industrial activities	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<u>Zoning</u> <ul style="list-style-type: none"> Establish two distinct zones to accommodate industrial activities in the district - 'light' industrial (e.g. trade 	Environmental <ul style="list-style-type: none"> Could add an unnecessary and more complex level of regulation, particularly given the limited range of existing heavy industrial activities in the district and no 	Environmental <ul style="list-style-type: none"> Offers a potential vehicle to facilitate the policy outcomes sought by the NPS-UD regarding optimising the appropriate use of 	It is considered that there is insufficient information about how this approach would be implemented or what level of unanticipated outcome could occur. There is also a high level of uncertainty

Alternative approach to provisions: Differentiate 'light' and 'heavy' industrial activities	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<p>suppliers and service industries) and 'heavy' industrial (e.g. large-scale manufacturing or processing)</p> <p><u>Policies:</u></p> <p>Policies that seek to:</p> <ul style="list-style-type: none"> provide direction as to the activities that are compatible/incompatible with the role and amenity values of the zones encourage a form and scale of development that is consistent with the relative role, function and level of amenity anticipated within each zone <p><u>Rules/standards:</u></p> <p>Rules and standards that include:</p> <ul style="list-style-type: none"> a range of activities that are compatible with the role and function of each zone measures to protect the character and amenity of surrounding 	<p>evidence to suggest that there are any specific compatibility/ suitability issues with the current single zone approach.</p> <p>Economic</p> <ul style="list-style-type: none"> Likely to result in increased administrative and compliance costs for those looking to locate in areas other than those specified for the particular nature and scale of industry anticipated. May be unresponsive or inflexible to meeting changing market trends and could result in the loss of industrial development opportunities. <p>Social</p> <ul style="list-style-type: none"> The spatial extent of each of these zones potentially limits locational options depending on the number, scale and type of industrial activity wishing to establish in the district. <p>Cultural</p> <ul style="list-style-type: none"> Could be considered by Te Rūnanga o Tūpoho and Ngāti Tamareheroto as insufficiently responsive to concerns expressed on such matters as water/ wastewater quality and impact of future industrial development on 	<p>existing business land within the city.</p> <ul style="list-style-type: none"> Provides a framework within which to consider the effects of activities on the role, function and amenity anticipated within each distinct zone. Could encourage clustering of smaller scale industrial activities seeking a relative increase in the level of amenity provided. Enables provisions to be tailored to specific categories of industrial activity, providing for the development of strengthened rules where effects could be significant (e.g. meat processing). <p>Economic</p> <ul style="list-style-type: none"> Could help to preserve land options for larger industrial activities that struggle to find sites of sufficient size. Provides clarity for those wishing to develop new activities by indicating where distinct industrial activities are most appropriate. <p>Social/Cultural</p> <ul style="list-style-type: none"> Provides clarity and certainty to the community on outcomes anticipated and the likely nature and level of development anticipated within each zone. 	<p>as to how the market would react to the introduction of the approach.</p>

Alternative approach to provisions: Differentiate 'light' and 'heavy' industrial activities	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
residential and open space/ recreational areas	wahi tapu and/or archaeological sites.		
<u>Effectiveness and efficiency</u>	Effectiveness <p>Although this approach provides opportunities to enhance amenity values and encourage the targeted location of industrial activities it is likely to be more costly, restrictive and bureaucratic. It would also impose limitations on locational options for specific types and scales of industrial activity and additional resource consents requirements for activities unable to find a suitable location within their relevant industrial zone.</p>		Efficiency <p>This approach potentially offers an efficient means to distinguish between differing scale and type of industrial activities and to enable provisions to be tailored to specific activity categories.</p> <p>However, given the unnecessarily complex nature of the approach it presents an inefficient means to achieve the proposed objectives, particularly enabling industrial activities to easily establish in the district.</p>
<u>Overall evaluation</u>	<p>This option is not considered an appropriate means to achieve the proposed objectives as it does not strike a reasonable balance between enabling industry to establish in the district and providing sufficient flexibility for industries to exercise locational choice. It would also create a complex zoning and regulatory regime that appears unnecessary in the Whanganui district context, particularly as there is no apparent evidence to suggest that there are any specific compatibility/ suitability issues with the current single zone approach.</p>		

Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The higher order requirements of the NPS-UD and One Plan are given effect to;
- The objectives and policies provide certainty and clear direction regarding the role, function and level of amenity anticipated within the zone, supported by a framework of rules and standards that align with the built development and amenity outcomes sought;
- A wide range of industry-based employment and economic opportunities are enabled within the district; and
- 'Out-of-zone' activities are to be discouraged to ensure that reverse sensitivity impacts on industrial activities are minimised.

4.4.2 Hazards and Risks – Hazardous Substances

For the purposes of this evaluation the following reasonably practicable options have been considered:

- 1 The proposed provisions.
- 2 The status quo.

Proposed Objectives:

HAZS-O1 Recognise the benefits associated with the use, storage, and disposal of hazardous substances, while ensuring that unacceptable risks to the environment and human health are avoided and that any residual risks are minimised to be as low as reasonably practicable.

HAZS-O2 Sensitive activities are located where they:

- a) Avoid areas exposed to unacceptable levels of risk from existing significant hazardous facilities; and
- b) Do not constrain or compromise the safe and efficient operation, maintenance and repair or upgrading of significant hazardous facilities due to reverse sensitivity effects.

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<p>Policies:</p> <p>4 policies are proposed that seek to:</p> <ul style="list-style-type: none"> manage the location, design and construction of new or expanded significant hazardous facilities avoid duplicating other statutory processes relevant to activities involving hazardous substances avoid establishing new sensitive activities in 	<p>Environmental</p> <ul style="list-style-type: none"> Provisions may potentially limit some activities and development (e.g. expansion of facilities), particularly if they do not reflect or enable current or future development aspirations – this could potentially inhibit some economic growth and associated employment opportunities in the district. <p>Economic</p> <ul style="list-style-type: none"> Compliance costs for facility owners/ operators to establish new, or expand existing, significant hazardous facilities, 	<p>Environmental</p> <ul style="list-style-type: none"> Creates improved coordination and alignment between the District Plan and Hazardous Substances and New Organisms/Health and Safety at Work requirements, resulting in provisions that achieve desired environmental outcomes more efficiently. Gives effect to the policy direction in the One Plan concerning the management of hazardous substances. Ensures incompatible activities are not located near existing hazardous activities, thereby 	<p>It is considered that there is sufficient information as the provisions reflect similar approaches that have been developed and applied by other local authorities around the country.</p> <p>A key risk of not acting is the potential increased risk to both the environment and human health arising from exposure to hazardous substances, particularly where hazardous facilities locate within or near more sensitive environments (e.g. waterbodies) or near sensitive activities (e.g. residential).</p>

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<p>areas exposed to unacceptable risks from existing significant hazardous facilities</p> <p><u>Rules/Standards:</u></p> <p>A suite of rules that control the establishment and location of significant hazardous facilities, sensitive activities and visitor accommodation</p>	<p>particularly as applications are to be treated as a discretionary or non-complying activity.</p> <ul style="list-style-type: none"> Administrative costs to Council to process resource consents relating to the establishment/expansion of significant hazardous facilities. Reduces choice of locational options available to significant hazardous facilities. <p>Social</p> <ul style="list-style-type: none"> Limits locational choice for some types of activity, particularly sensitive activities such as residential and visitor accommodation. <p>Cultural</p> <ul style="list-style-type: none"> Likely to be considered by Te Rūnanga o Tūpoho and Ngāti Tamareheroto as insufficiently responsive to concerns expressed regarding the management of hazardous substances. 	<p>reducing potential for reverse sensitivity effects.</p> <ul style="list-style-type: none"> First Gas oppose the location of any educational facilities within 60m of the Gas Transmission Network. Requires hazardous substances to locate away from key waterbodies in the district and areas subject to land instability and flood risk. <p>Economic</p> <ul style="list-style-type: none"> Removal of reliance on Hazardous Facilities Screening Procedure approach provides a high level of certainty to facility owners/operators regarding the requirements that need to be satisfied in altering an existing facility or designing and constructing new facilities. <p>Social</p> <ul style="list-style-type: none"> Provides certainty to hazardous facilities owners/operators and the community on appropriate locations for siting future significant hazardous facilities due to the nature and scale of activities using hazardous substances. Reduces risk to human health and safety. 	

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
		<ul style="list-style-type: none">Potential opportunities for public participation at the time of developing new or expanded significant hazardous facilities due to the proposed status of these activities.Simple and clear plan structure that will be easier for people to understand and use <p>Cultural</p> <ul style="list-style-type: none">Requires significant hazardous facilities to locate away from identified archaeological sites and wāhi tupuna.	
<u>Effectiveness and efficiency</u>	<p>Effectiveness</p> <p>It is considered that the provisions will effectively achieve the proposed objectives because they:</p> <ul style="list-style-type: none">give effect to the policy directives in the One Plan regarding the management of hazardous substances.simplify the hazardous substances provisions, thereby improving the overall usability of the plan.clearly identify the nature and circumstances under which resource consent is required for a significant hazardous facility or an adjoining sensitive activity.		<p>Efficiency</p> <p>It is considered that the proposed approach is the most efficient means of achieving the relevant objectives. In particular, it minimises the degree of unnecessary overlap and duplication with relevant legislation/regulation such as the Hazardous Substances and New Organisms and Health and Safety at Work Acts.</p> <p>The approach also provides a high level of certainty to facility owners/operators, neighbours, the community and Council concerning the nature and level of development allowed.</p> <p>Overall, the costs of complying with the provisions are considered minor compared to the benefits of the approach.</p>

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<u>Overall evaluation</u>	<p>Overall this approach is the most appropriate means of achieving the proposed objectives as it provides an appropriate balance between enabling opportunities for growth and development of significant hazardous facilities while ensuring that risks to human health and safety and sensitive activities and environments are minimised. It also satisfies the relevant policy directives sought by the One Plan, avoids perpetuating a confusing and complex approach that overlaps with relevant hazardous substances related legislation/regulation and is consistent with the approach recently adopted by other Councils (e.g. Hastings, Palmerston North, South Taranaki, New Plymouth).</p> <p>Additionally, the benefits of the approach outweigh the costs, there are considerable efficiencies to be gained from adopting the preferred provisions and there is sufficient information on which to act.</p>		

Alternative approach to provisions: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<p><u>Policies:</u></p> <p>2 policies that focus on:</p> <ul style="list-style-type: none"> promoting better community knowledge and awareness of hazardous facility risks hazard facility management <p><u>Standards:</u></p> <p>Performance standards applied across several zones, with acceptable hazardous substances thresholds based on an assessment using the</p>	<p>Environmental</p> <ul style="list-style-type: none"> Creates unnecessary overlaps and inefficiencies with the Hazardous Substances and New Organisms Act, particularly as current plan provisions have been superseded by more recent legislative requirements governing hazardous substance management. HFSP is overly complex, difficult to implement and not aligned with current best practice. Associated policies are lengthy and difficult to follow, with no clear direction as to what is/is not acceptable. 	<p>Environmental</p> <ul style="list-style-type: none"> Gives effect to the policy direction in the One Plan concerning the management of hazardous substances. Requires resource consent based on the characteristics of the location/ zone and the risk associated with the activities involving hazardous substances. Activities that do not exceed the specified Effects Ratio in the HFSP are permitted. <p>Economic</p> <ul style="list-style-type: none"> Relatively inexpensive to retain current approach as limited drafting 	<p>It is considered that the risk of acting on these provisions outweighs the risk of not acting.</p> <p>The key risk of acting on the status quo is that the Plan would continue to duplicate other, more specific hazardous substance related legislation and regulations, resulting in an approach that would be contrary to the procedural principles in section 18A RMA and a less efficient and effective means of achieving its purpose relative to the proposal.</p>

Alternative approach to provisions: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
Hazardous Facilities Screening Procedure (HFSP)	<ul style="list-style-type: none"> Provisions are dispersed across different chapters and are presented in a confusing and complex manner thereby reducing their utility to plan users, particularly those unfamiliar with the plan and the HSFP process. Could increase unanticipated risk of sensitive or incompatible activities locating close to hazardous facilities. <p>Economic</p> <ul style="list-style-type: none"> Administrative and compliance costs, particularly given the lengthy and complex nature of the process to determine the status of an activity (11-step process). <p>Cultural</p> <ul style="list-style-type: none"> Likely to be considered by Te Rūnanga o Tūpoho and Ngāti Tamareheroto as insufficiently responsive to concerns expressed regarding the management of hazardous substances. 	<p>required, resulting in reduced cost to the community and Council.</p> <p>Social/Cultural</p> <ul style="list-style-type: none"> Offers familiarity and provides a level of certainty to facility owners/operators and the community. Reduces risk to human health and safety. 	

Alternative approach to provisions: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<u>Effectiveness and efficiency</u>	Effectiveness <p>The current approach has limited effectiveness as it based on provisions that duplicate other, more specific hazardous substance related legislation and regulations, and are inconsistent with contemporary best-practice. Its effectiveness is also impeded by the lengthy and complex nature of the process to determine the status of an activity.</p>	Efficiency <p>The efficiency of this approach is significantly compromised due to its overly complex nature, the associated implementation challenges this presents and the unnecessary duplication of provisions contained in other, more specific hazardous substance related legislation such as the Hazardous Substances and New Organisms and Health and Safety at Work Acts.</p> <p>Consequently, it is considered that the status quo, relative to the proposed provisions, is not an efficient method of meeting the proposed objectives given the relative costs versus benefits outlined above.</p>	
<u>Overall evaluation</u>	<p>This approach is not an appropriate means to achieve the proposed objectives, particularly as it unnecessarily duplicates other, more specific hazardous substances legislation, is overly complex and is inconsistent with contemporary best-practice.</p>		

Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The higher order requirements of the Hazardous Substances and New Organisms/Health and Safety at Work legislation and the One Plan are given effect to;
- Risks to human health and safety and sensitive activities and environments resulting from the use and development of significant hazardous facilities are minimised;
- Potential impacts on the operation of existing significant hazardous facilities resulting from reverse sensitivity are minimised;
- The degree of unnecessary overlap and duplication with relevant legislation/regulation such as the Hazardous Substances and New Organisms and Health and Safety at Work Acts is reduced; and
- Simplification of the hazardous substances provisions will improve the implementation and overall usability of the plan.

4.4.3 Hazards and Risks – Contaminated Land

For the purposes of this evaluation the following reasonably practicable options have been considered:

- 1 The proposed provisions.
- 2 The status quo.

Proposed Objective:

CL-O1 The risks to human health from contaminated land are avoided, remedied or mitigated.

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<p><u>Policies:</u></p> <p>2 policies are proposed that seek to:</p> <ul style="list-style-type: none"> identify sites that are known to contain contaminated soil ensure that contaminated/ potentially contaminated land is suitable for use and minimises the risk to human health by requiring investigation, remediation or management <p><u>Rules/Standards:</u></p> <p>No rules or supporting standards are proposed, with subdivision, use and</p>	<p>Environmental</p> <ul style="list-style-type: none"> Achieves a reduction in risk to human health and safety only at the point at which contaminated or potentially contaminated land is subdivided, re-developed or there is a change in land use. <p>Economic</p> <ul style="list-style-type: none"> Compliance costs associated with preparing resource consent applications under the NES-CS (noting that this is already a requirement so will not incur an additional cost relative to the status quo). Compliance and administrative costs associated with the remediation, use, redevelopment and subdivision of potentially contaminated land and associated monitoring. 	<p>Environmental</p> <ul style="list-style-type: none"> Creates improved coordination and alignment between the District Plan and NES-CS requirements, resulting in provisions that achieve desired environmental outcomes. Gives effect to the policy direction in the One Plan concerning the management of contaminated land. Provides improved policy direction to support and assist implementation of the NES-CS. <p>Economic</p> <ul style="list-style-type: none"> Provides a high level of certainty to landowners regarding the requirements that need to be satisfied when subdividing, re-developing or changing the use of land that is contaminated or potentially contaminated. 	<p>It is considered that there is sufficient information as the provisions are consistent with the Ministry for the Environment's Contaminated Land Guidelines and reflect similar approaches that have been developed and applied by other Council's around the country.</p> <p>Additionally, the approach provides greater direction, clarity and certainty regarding management of contaminated or potentially contaminated land than is provided by the current plan provisions.</p>

Proposed Approach to Provisions	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
development of potentially contaminated land managed through the National Environmental Standard for Assessing and Management Contaminants in Soil to Protect Human Health (NES-CS)	Cultural <ul style="list-style-type: none"> Likely to be considered by Te Rūnanga o Tūpoho and Ngāti Tamareheroto as insufficiently responsive to concerns expressed regarding the management of contaminated land, particularly in the Mill Road industrial area. 	Social/Cultural <ul style="list-style-type: none"> Affords an enhanced means of reducing risks to human health and safety (relative to the status quo). Offers a simpler and clearer approach to contaminated land management that will be easier for landowners and the community to comprehend and implement. 	
<u>Effectiveness and efficiency</u>	Effectiveness <p>It is considered that the provisions will effectively achieve the proposed objective because they:</p> <ul style="list-style-type: none"> ensure that contaminated or potentially contaminated land minimises human health risks and is made safe for its intended use. improve coordination and alignment between the District Plan and NES-CS requirements. give effect to the policy directives in the One Plan regarding the management of contaminated land. rely on well-established processes already in place to implement the NES-CS. 	Efficiency <p>It is considered that the proposed approach is the most efficient means of achieving the relevant objective. In particular, it reduces interpretive confusion by minimising the degree of unnecessary overlap and duplication with the NES-CS.</p> <p>The approach also provides a high level of certainty to landowners, Council and the community regarding the requirements that need to be satisfied when subdividing, re-developing or changing the use of land that is contaminated or potentially contaminated.</p> <p>Overall, the costs of complying with the provisions are considered minor compared to the benefits of the approach.</p>	
<u>Overall evaluation</u>	<p>Overall this approach is the most appropriate means of achieving the proposed objective as it enables opportunities for contaminated or potentially contaminated land to continue to be used and developed while ensuring that risks to human health and safety are minimised. It also satisfies the relevant policy directives sought by the One Plan and reduces interpretive confusion by minimising the degree of unnecessary overlap and duplication with the NES-CS.</p> <p>Additionally, the benefits of the approach outweigh the costs, there are considerable efficiencies to be gained from adopting the preferred provisions and there is sufficient information on which to act.</p>		

Alternative approach to provisions: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<p><u>Policies:</u></p> <p>1 policy that focuses on ensuring that any land affected by contaminants in soil is appropriately identified and assessed at the time of being developed and suitably managed if required.</p> <p><u>Rules/Standards:</u></p> <p>There are no rules or supporting standards.</p>	<p>Environmental</p> <ul style="list-style-type: none"> Provides insufficient direction on the level of treatment or remediation of contaminated or potentially contaminated land required and the circumstances when this applies. Achieves a reduction in risk to human health and safety only at the point at which contaminated or potentially contaminated land is subdivided, re-developed or there is a change in land use. <p>Economic</p> <ul style="list-style-type: none"> Compliance costs associated with preparing resource consent applications under the NES-CS. <p>Cultural</p> <ul style="list-style-type: none"> Likely to be considered by Te Rūnanga o Tūpoho and Ngāti Tamareheroto as insufficiently responsive to concerns expressed regarding the management of contaminated land, particularly in the Mill Road industrial area. 	<p>Environmental</p> <ul style="list-style-type: none"> Gives limited effect to the policy direction in the One Plan concerning the management of contaminated land. <p>Economic</p> <ul style="list-style-type: none"> Relatively inexpensive to implement as limited drafting required, resulting in reduced cost to the community and Council. <p>Social/Cultural</p> <ul style="list-style-type: none"> Reduces risk to human health and safety. Plan users and landowners are familiar with current provisions. 	<p>It is considered that the risk of acting on these provisions outweighs the risk of not acting.</p> <p>The key risk of acting on the status quo is that the Plan would continue to provide insufficient direction concerning the management of contaminated or potentially contaminated land and alignment with the NES-CS requirements.</p>

Alternative approach to provisions: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions.
<u>Effectiveness and efficiency</u>	Effectiveness The current approach has limited effectiveness and alignment with the NES-CS as it based on provisions that provide insufficient direction on the level of treatment or remediation of contaminated or potentially contaminated land required and the circumstances under which these apply.	Efficiency The current approach offers a less efficient means of managing contaminated or potentially contaminated land as it provides reduced direction, clarity and certainty relative to the proposed provisions and a weaker alignment with the NES-CS.	
<u>Overall evaluation</u>	This approach is not an appropriate means to achieve the proposed objective, particularly as it offers insufficient direction on the level of treatment or remediation of contaminated or potentially contaminated land required and the circumstances under which these apply, presents a weaker alignment with the NES-CS and is inconsistent with contemporary best-practice and the Ministry for the Environment's Contaminated Land Guidelines.		

Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The higher order requirements of the One Plan are given effect to;
- The objective and policies provide clear direction on the management of risks to human health associated with the subdivision, use and/or development of contaminated or potentially contaminated land; and
- Greater clarity and direction is provided to support and assist implementation of the NES-CS.

APPENDIX 1: PROPOSED DISTRICT PLAN MAP CHANGES

APPENDIX 2: MARK-UP OF PROPOSED DISTRICT PLAN TEXT CHANGES