

Form 7  
Notice of appeal to Environment Court against decision on proposed policy  
statement or plan or change or variation

*Clause 14(1) of Schedule 1, Resource Management Act 1991*

To the Registrar  
Environment Court  
Auckland

- 1        Ara Poutama Aotearoa the Department of Corrections (“Ara Poutama”) appeals against part of a decision of the Whanganui District Council (“the Council”) on Plan Change 54 – Industrial (“PC54”) to the Whanganui District Plan (“the Plan”).
- 2        Ara Poutama made a submission on PC54.
- 3        Ara Poutama is not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991 (“the RMA”).
- 4        Ara Poutama received notice of the decision on 22 February 2022.
- 5        The decision was made by the Council.

**The parts of the decision that Ara Poutama is appealing are:**

- 6        The provisions of PC54 as they relate to non-custodial services and activities undertaken by Ara Poutama, which are defined as “community corrections activities” in the Plan.
- 7        Specifically, and without limiting the generality of the above, the failure of the decision to provide for community corrections activities as a permitted activity in the General Industrial Zone.

**The reasons for the appeal are as follows:**

- 8        The decision will not promote the sustainable management of resources; it will not enable people and communities to provide for their social, economic and cultural wellbeing and is therefore inconsistent with the purpose and principles of the RMA.
- 9        The decision will not avoid, remedy or mitigate adverse effects on the environment.
- 10       The decision is inappropriate and unjustifiable in terms of section 32 of the RMA.
- 11       Without limiting the generality of the above reasons, the following further specific reasons set out below.
- 12       Ara Poutama is responsible under the Corrections Act 2004 for enforcing sentences and orders of the criminal court and the New Zealand parole board. In meeting this responsibility, Ara Poutama establishes and operates custodial (i.e. prisons) and non-custodial corrections facilities.
- 13       Non-custodial community corrections sites include service centres and community work facilities, and are essential social infrastructure. Non-custodial services and their associated infrastructure play a valuable role in reducing reoffending. Community work helps offenders learn vital skills and give back to their community, and in return the community benefits from improved facilities. Ara Poutama considers that its services enable people and communities to provide for their social and cultural well-being and for their health and safety, and therefore those activities and services contribute to the sustainable management purpose of the RMA.
- 14       The service centres provide for probation, rehabilitation and reintegration services. Offenders report to probation officers as required by the courts or as conditions of parole. Ara Poutama staff also use service centres to undertake assessments and compile reports for the courts, police and probation officers. Service centres may also be used as administrative bases for staff involved in community-based activities. The overall activity is effectively one of an office where the generic activities involved are meetings and workshop type sessions, activities which are common in other office environments.

- 15 In addition to these service centres, Ara Poutama operates community work facilities. Community work is a sentence where offenders are required to undertake unpaid work for non-profit organisations and community projects. Offenders will report to a community work facility where they subsequently travel to their community work project under the supervision of a Community Work Supervisor. The community work facilities can be large sites with yard-based activities and large equipment and/or vehicle storage. Service centres and community work facilities may also be co-located on the same site.
- 16 Community corrections sites support offenders living in that community. Ara Poutama therefore looks to locate its sites in areas accessible to offenders, and near other supporting government agencies. Commonly, sites are therefore located in commercial or business areas, but may also be located in industrial areas, where large lots and accessibility suit the yard-based nature of some operations. As community corrections facilities are not sensitive to the effects of an industrial environment (e.g. noise, high traffic movements, etc), they are not prone to reverse sensitivity.
- 17 In the Whanganui District, Ara Poutama currently operates one non-custodial community corrections site, situated on two adjoining properties:
- 39 Wilson Street, Whanganui. This property is the community corrections service centre and is located within the Outer Commercial Zone in the Plan. The property is subject to a designation in favour of the Minister of Corrections (Designation MCOR-2 “Corrections Purposes (non-custodial facility)”).
  - 55 Maria Place, Whanganui. This property is the community corrections work facility and is located within the Outer Commercial Zone in the Plan. Whilst not subject to a designation, community corrections activities are permitted in this zone under the Plan.<sup>1</sup>
- 18 Through its submission, and in evidence through the PC54 hearing process, Ara Poutama sought a permitted activity status for community corrections activities in the General Industrial Zone.

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<sup>1</sup> Rule COMZ-OC-R1.8

- 19 The Council Planner's recommendations on the relief sought by Ara Poutama were set out in the document entitled 'PC 54 Rezoning: Whanganui District Council Officer Recommendations' (Appendix 3 to the Section 42A Report). This document, on page 1, stated the following in relation to the relief sought:

*"This submission point should be rejected. The intent of this plan change is to ensure that activities in land zoned for industrial purposes is for industrial purposes or contributes positively to the purpose of the zone. As indicated in the submission, community correction facilities are "essential social infrastructure". While the activity may not be inconsistent with the zone it is not primarily industrial. It is not appropriate to include community corrections facilities in GIZ-R1."*

- 20 The Commissioners' recommendation on the Council's Planner's recommendations was set out in the document entitled 'Recommendation Report, Whanganui District Council, Plan Change 54, General Industrial Zone, Hazardous Substances and Contaminated Land Chapters'. This document, within Section 4.1.2, page 4, stated the following:

*"Mr McCullagh's recommendation was that community corrections activities remain a discretionary activity in the General Industrial Zone, but that they be excluded from having to comply with the gross floor area and site coverage limits contained in what will now be standard GIZ-S4(a) and (b). We find that to be appropriate as applications for community corrections activities in the General Industrial Zone would not be precluded and would be able to be considered on their site-specific merits."*

- 21 As a result of the Council's decision on PC54 (which accepted the Hearings Panel's Recommendation Report and appendices in full), community corrections activities were classified as a discretionary activity under Rule GIZ-R3.4.<sup>2</sup>

- 22 Due to the unique nature of community corrections facilities, Ara Poutama considers that the General Industrial Zone is amongst the most appropriate locations for these activities (particularly where a community work component of the activity is proposed). Community corrections facilities are a compatible and appropriate activity in industrial zones. They are consistent with the character and amenity of such zones. Furthermore, as community

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<sup>2</sup> "Any other activity not provided for as permitted, controlled, restricted discretionary or non-complying."

corrections facilities are not sensitive to the effects of an industrial environment (e.g. noise, high traffic movements, etc), they are not prone to reverse sensitivity. As acknowledged by the reporting planner, they are activities that are “*not inconsistent with the [General Industrial] zone*”.

23 Owing to the specialist nature of community corrections facilities there will not be a proliferation of them, and thus no associated impact on the wider availability of industrial land within the Whanganui District.

24 The policy framework for the General Industrial Zone, as adopted, provides for activities that are not necessarily fully classified as industrial. Not being “primarily industrial” does not represent an impediment within the policy framework for an activity establishing in the General Industrial Zone. This is confirmed in light of the following provisions for the zone (as per Appendix 2, Recommended PC54 Provisions, of the Commissioners’ recommendations) (**emphasis added**):

- GIZ – General Industrial Zone introduction / purpose: “*The purpose of the General Industrial Zone (GIZ) is to provide for a broad range of industrial activities that make an important contribution to the economic wellbeing of Whanganui. Provision is also made for some supporting activities that are compatible with adverse land use effects typically associated with industrial activities (such as noise, odour, heavy traffic movements) or less sensitive to the lower levels of amenity usually experienced in such zones. More sensitive non-industrial activities such as residential dwellings, educational and health facilities, retails shops and commercial offices are discouraged from establishing in the zone.*”
- Objective GIZ-03: “*The industrial role, function and character of the zone is not compromised by the establishment of non-industrial or other incompatible activities.*”
- Policy GIZ-P1: “*Enable industrial activities and other activities compatible with the role, function and character of the zone.*”
- Rules GIZ-R1.2 and GIZ-R1.4 provide for “*recreation facilities*” and “*reserves and open space*” as a permitted activity within the General Industrial Zone, provided

they achieve compliance with relevant standards. Both are examples of activities that are not primarily or wholly industrial.

- 25 Community corrections activities incorporate elements of industrial activities, and overall are considered to be a “supporting” or “other” activity that is compatible with the zone. They are activities that, by their nature of being partially industrial, would not lead to compromising the role, function and character of the General Industrial Zone.
- 26 Given this policy context, the assertion that “*while the activity may not be inconsistent with the zone it is not primarily industrial*” does not hold weight as a reason for rejecting permitted status for corrections facilities within the General Industrial Zone.
- 27 Indeed, providing for community corrections activities as permitted in the zone, as sought, does not bring about the need to modify the General Industrial Zone’s policy framework in any respect.
- 28 Permitted activity status for community corrections activities in industrial zones is sought nationally by Ara Poutama, and has been applied by local authorities within numerous recent District Plan review processes.<sup>3</sup>
- 29 Non-custodial community corrections facilities operated by Ara Poutama are essential social infrastructure and it is critical that the Plan provides for these types of activities as permitted in appropriate locations, thereby avoiding the need to go through a resource consent process. Requiring community corrections facilities to go through a resource consent process to be established or redeveloped does not provide certainty for what is an essential community service, and therefore does adequately provide for the health and safety of communities, as required by Part 2 of the RMA.

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<sup>3</sup> Including within the Proposed Waikato District Plan - Decisions Version (General Industrial Zone), Proposed Whangarei District Plan Appeals Version (Light Industrial Zone), Opōtiki District Plan (Industrial Zone), Proposed Marlborough Environment Plan Appeals Version (Industrial 1 and 2 Zones), Christchurch District Plan (Industrial General / Heavy / Park Zones) and Invercargill City District Plan 2019 (Industrial 1 (Light) Zone). Additionally there are numerous other Proposed District Plans, that are yet to have decisions made on them, that have been notified with permitted activity status for community corrections activities within industrial zones.

**Ara Poutama seeks the following relief:**

- 30 Amend the activity status for community corrections activities from discretionary to permitted in the General Industrial Zone. Specifically, the relief sought is the addition of “community corrections activities” to the list of permitted rules for the General Industrial Zone (proposed additions shown in underline below).

<b>GIZ-R1</b>	<i>The following activities, provided they achieve compliance with the standards in <b>GIZ-S1 - GIZ-S11</b>:</i> <ol style="list-style-type: none"><li><i>1. Industrial activities;</i></li><li><i>2. Recreation facilities;</i></li><li><i>3. Commercial activities that:</i><ol style="list-style-type: none"><li><i>i. Are ancillary to industrial activities on the site; or</i></li><li><i>ii. Primarily supply food or fuel to people working in the zone.</i></li></ol></li><li><i>4. Reserves and open space;</i></li><li><i>5.</i></li><li><i>6. Relocated buildings and temporary relocatable buildings that comply with TEMP-Temporary Activities;</i></li><li><i>7. Temporary military training activities that comply with TEMP-Temporary Activities;</i></li><li><i>8. <u>Community corrections activities.</u></i></li></ol>	<b>Permitted (PER)</b>
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- 31 Any consequential amendments that give effect to the relief sought.

**Ara Poutama attaches the following documents to this notice:**

- 32 A copy of Ara Poutama’s submission that was made on PC54 (**Attachment 1**).
- 33 Copies of the recommendations made by the Hearings Panel, which formed the Council’s decision (**Attachment 2**).
- 34 A list of names and email addresses of persons to be served with a copy of this notice (**Attachment 3**).

The Whanganui District Council (PO Box 637, Whanganui 4541) is to be served with a copy of this notice.



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Andrea Millar – Manager, Resource Management and Land Management

For and on behalf of Ara Poutama Aotearoa the Department of Corrections

30 March 2022

.....

Date

Address for service of appellant:      Ara Poutama Aotearoa the Department of Corrections  
Private Box 1206  
Wellington 6140

Telephone:                                      (04) 460 3060

Email:    [andrea.millar@corrections.govt.nz](mailto:andrea.millar@corrections.govt.nz)

Contact person:                                Andrea Millar



## Advice to recipients of copy of notice of appeal

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see [form 38](#)).

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

## Attachment 1: Ara Poutama's Submission



## ARA POUTAMA AOTEAROA, THE DEPARTMENT OF CORRECTIONS: SUBMISSION ON PLAN CHANGE 54 (INDUSTRIAL) TO THE WHANGANUI DISTRICT PLAN

**To:** Whanganui District Council  
P O Box 637  
Whanganui

Attention: Leayne Huirua  
Email: [Leayne.Huirua@whanganui.govt.nz](mailto:Leayne.Huirua@whanganui.govt.nz)

**Submitter:** Ara Poutama Aotearoa, the Department of Corrections  
Private Box 1206  
Wellington 6140

Attention: Andrea Millar – Manager, Resource Management and Land Management  
Phone: 027 216 7741  
Email: [andrea.millar@corrections.govt.nz](mailto:andrea.millar@corrections.govt.nz)

Ara Poutama Aotearoa, the Department of Corrections (the **Department** or **Ara Poutama**) makes submissions on Plan Change 54 (Industrial) to the Whanganui District Plan ("PC54") in the **attached** document.

The Department confirms it could not gain an advantage in trade competition through this submission.

The Department would like to be heard in support of its submission. If other submitters make a similar submission, the Department will consider presenting a joint case with them at a hearing.

A handwritten signature in blue ink, appearing to read 'Andrea Millar'.

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**Andrea Millar – Manager, Resource Management and Land Management**

For and behalf of Ara Poutama Aotearoa, the Department of Corrections

Dated this 28<sup>th</sup> day of July 2021

## Introduction

Ara Poutama Aotearoa, the Department of Corrections (the **Department** or **Ara Poutama**) is responsible under the Corrections Act 2004 for enforcing sentences and orders of the criminal court and the New Zealand parole board. In meeting this responsibility, Ara Poutama establishes and operates custodial and non-custodial corrections facilities, monitors people in the care of the Department serving their sentences in the community, and provides supported and transitional accommodation to assist people to reintegrate back into the community.

## Non-Custodial Community Corrections Sites

Non-custodial community corrections sites include service centres and community work facilities and are essential social infrastructure. Non-custodial services and their associated infrastructure play a valuable role in reducing reoffending. Community work helps offenders learn vital skills and to give back to their community, and in return the community benefits from improved amenities. Ara Poutama considers that its services enable people and communities to provide for their social and cultural well-being and for their health and safety, and therefore those activities and services contribute to the sustainable management purpose of the RMA.

The service centres provide for probation, rehabilitation and reintegration services. Offenders report to probation officers as required by the courts or as conditions of parole. The Department's staff also use service centres to undertake assessments and compile reports for the courts, police and probation officers. Service centres may also be used as administrative bases for staff involved in community-based activities. The overall activity is effectively one of an office where the generic activities involved are meetings and workshop type sessions, activities which are common in other office environments.

In addition to these service centres, the Department operates community work facilities. Community work is a sentence where offenders are required to undertake unpaid work for non-profit organisations and community projects. Offenders will report to a community work facility where they subsequently travel to their community work project under the supervision of a Community Work Supervisor. The community work facilities can be large sites with yard-based activities and large equipment and/or vehicle storage. Service centres and community work facilities may also be co-located on the same site.

Community corrections sites support offenders living in that community. The Department therefore looks to locate its sites in areas accessible to offenders, and near other supporting government agencies. Commonly, sites are therefore located in commercial or business areas, but may also be located in industrial areas, where large lots and accessibility suit the yard-based nature of some operations. As community corrections facilities are not sensitive to the effects of an industrial environment (e.g. noise, high traffic movements, etc), they are not prone to reverse sensitivity.

## Existing Community Corrections Site in Whanganui

Ara Poutama currently operates one non-custodial community corrections site in the Whanganui District, situated on two adjoining properties:

- 39 Wilson Street, Whanganui. This property is the community corrections service centre and is located within the Outer Commercial Zone in the Operative Whanganui District Plan. The property is subject to a designation in favour of the Minister of Corrections (Designation MCOR-2 "Corrections Purposes (non-custodial facility)").
- 55 Maria Place, Whanganui. This property is the community corrections work facility and is located within the Outer Commercial Zone in the Operative Whanganui District Plan. Whilst not subject to a designation, community corrections activities are permitted in this zone.

## **Plan Change 54**

Whilst the Department does not currently operate a community corrections facility located in the General Industrial Zone, it has a vested interest in the implications that PC54 would have on any future proposed establishment and operation of a non-custodial facility within the zone. The Department's specific submissions on PC54 are outlined in the following table.

## Submissions

PC54 Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
Rules / GIZ-R1 Permitted Activities	<p><b>Oppose</b></p> <p>PC54 as drafted does not specifically reference community corrections activities within the activity rules for the General Industrial Zone. As such, they are captured as a discretionary activity in accordance with proposed Rule GIZ-R3.4 (“<i>Any other activity not provided for as permitted, controlled, restricted discretionary or non-complying</i>”). N.B. community corrections activities are defined within the Operative District Plan (Part 1 – Introduction and General Provisions / Interpretation / Definitions) as follows:</p> <p><b><i>community corrections activity</i></b></p> <p><i>means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.</i></p> <p>Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety.</p> <p>Industrial areas provide suitable sites for community corrections activities; in particular community work components often require large sites for yard-based activities and large equipment and/or vehicle storage.</p> <p>Community corrections activities are a compatible and appropriate activity in industrial zones. They are consistent with the character and amenity of such zones. Furthermore, as community corrections facilities are not sensitive to the effects of an industrial environment (e.g. noise, high traffic movements, etc), they are not prone to reverse sensitivity.</p> <p>The Department therefore requests that proposed rule GIZ-R1 be amended to provide for “community corrections activities” as a permitted activity.</p>	<p>1. Amend proposed rule GIZ-R1 (permitted activities) as follows:</p> <p><i>The following activities, provided they achieve compliance with the standards in GIZ-S1 - GIZ-S10:</i></p> <ol style="list-style-type: none"> <li><i>Industrial activities;</i></li> <li><i>Recreation facilities;</i></li> <li><i>Commercial activities that: i. Are ancillary to industrial activities on the site; or ii. Primarily supply food or fuel to people working in the zone.</i></li> <li><i>Reserves and open space;</i></li> <li><i>Network utilities as provided by NU-Network Utilities</i></li> <li><i>Relocated buildings and temporary relocatable buildings that comply with TEMP-Temporary Activities;</i></li> <li><i>Temporary military training activities <u>that</u> comply with TEMP-Temporary Activities;</i></li> <li><u><i>Community corrections activities.</i></u></li> </ol> <p>2. Any consequential amendments required to give effect to this relief.</p>
Standards / GIZ-S4 Extent of Ancillary Commercial Activity	<p><b>Oppose</b></p> <p>Community corrections activities, when located in industrial areas, typically involve a large building that accommodate work programmes, probation, rehabilitation and other reintegration services (e.g. meetings and workshop-type activities). This is in addition to</p>	<p>1. Amend proposed standard GIZ-S4 (Extent of Ancillary Commercial Activity) as follows:</p> <ol style="list-style-type: none"> <li><i>No more than 500m<sup>2</sup> or 35%, whichever is the lesser, of the gross floor area of a building or part of a building used by an industrial activity,</i></li> </ol>

PC54 Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
	<p>outdoor yard-based activities, which include work programmes, large equipment and/or vehicle storage.</p> <p>As such, a building used for community corrections purposes in an industrial area, whilst comprising in part elements of "office" activities, will include a range of other activities. Such buildings may be larger than 500m<sup>2</sup> in gross floor area, are likely to exceed 10% site coverage, and the entirety of the building (i.e. 100% of the floor area) will likely be used for community corrections purposes.</p> <p>To avoid any doubt, or the potential for interpretation issues around the "office" and other internal building elements of a community corrections facility, the Department requests that proposed standard GIZ-S4 be amended to provide an exclusion for community corrections activities. This would avoid the potential for the Department to go through a resource consent process to establish and operate a community corrections facility in the General Industrial Zone.</p> <p>All other proposed standards for the zone (i.e. GIZ-S1 – GIZ-S3 and GIZ-S5 – GIZ-S10) would apply to community corrections activities.</p>	<p><i>shall be used for retailing or office purposes.</i></p> <p><i>b. Where the sole use of a building is for ancillary office purposes the gross floor area shall not exceed 10% site coverage.</i></p> <p><i>c. <u>Standards GIZ-S4 a and b do not apply to community corrections activities.</u></i></p> <p>2. Any consequential amendments required to give effect to this relief.</p>

## Attachment 2: Recommendations made by the Hearings Panel (which formed the Council's decision)

N.B. just the GIZ - General Industrial Zone provisions have been included



## Recommendation Report

Whanganui District Council

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

16 December 2021

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## 1 Introduction

- [001] The Whanganui District Council (WDC or Council) has prepared Plan Change 54 (PC54) to the Operative Whanganui District Plan (WDP or Plan).
- [002] PC54 involves a review of the current provisions relating to the General Industrial Zone and the Hazards and Risks chapters of the WDP. In terms of the General Industrial Zone, it seeks to ensure that:
- The objectives, policies and rules in the WDP facilitate the effective and efficient operation and development of industrial activities;
  - 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; and
  - Relevant terms and definitions align with the directions in the National Planning Standards 2019.
- [003] In addition, as a result of provisions in the WDP's 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, PC54 also seeks to amend the current provisions to reflect and align with these requirements.<sup>1</sup>

### Summary of recommendations:

That the Whanganui District Council:

1. Approves Plan Change 54
2. Accepts or rejects submissions and further submissions in accordance with Appendix 1.
3. Amends the District Plan provisions as shown in Appendix 2.
4. Amends the District Plan maps as shown in Appendix 3.
5. Includes the Mill Road Structure Plan as Appendix M to the District Plan as shown in Appendix 4.

## 2 Appointments

- [004] The Council, acting under section 34A of the Resource Management Act 1991, appointed independent hearing commissioners Rob van Voorthuysen<sup>2</sup> and Rauru Kirikiri<sup>3</sup> to conduct a hearing and provide a Recommendation Report to the Council.

## 3 Process Issues

### 3.1 Notification, submissions and written approvals

- [005] PC54 was publicly notified in July 2021. It received 13 submissions and 6 further submissions as listed out in Table 1 below. A summary of the submissions was published on the Council webpage<sup>4</sup> and was also contained in Appendix 3 and section 9 of the Section 42A Officers Report. We adopt<sup>5</sup> those

<sup>1</sup> Section 32 Report, section 1.1 Purpose of Plan Change

<sup>2</sup> Commissioner van Voorthuysen is an experienced independent commissioner, having sat on over 345 hearings throughout New Zealand since 1998. He has qualifications in natural resources engineering and public policy. In 2020 he was appointed as a Freshwater Commissioner by the Minister for the Environment under Clause 65 of Schedule 1 to the RMA.

<sup>3</sup> Commissioner Kirikiri is a Wellington-based independent consultant with an extensive background in environmental matters from management roles to public policy involvement at local and national levels, to resource, plan change and special tribunal hearings across the country over many years. He is of Te Whānau-ā-Apanui descent.

<sup>4</sup> <https://www.whanganui.govt.nz/files/assets/public/district-plan-changes/pc54/summary-of-submissions-pc54-with-sorting.pdf>

<sup>5</sup> As provided for by section 113(3)(b) of the RMA.

summaries but do not repeat them here for the sake of brevity. However, we confirm that we read each original submission in full.

#	Name	Original Submitter	Further Submitter
S01	Axiam Plastics	✓	
S02	The Roman Catholic Bishop of the Diocese of Palmerston North	✓	
S03	MacBlack Timber	✓	
S04	Greytown District Trust Lands Trustees	✓	
S05	Ian McDonald – McDonald Concrete Group	✓	
S06	Department of Corrections - Ara Poutama Aotearoa	✓	
S07	Powerco Limited	✓	
S08	A T Wanganui Limited	✓	
S09	George Russell	✓	
S10	Fire and Emergency NZ	✓	✓
S11	Ministry of Education - Te Tahuhu o te Mataauranga	✓	
S12	First Gas Limited	✓	✓
S13	Oil Companies <sup>6</sup>	✓	
	Michael Eden		✓
	Paul McKee		✓
	Darryn McDonnell		✓
	James McManaway		✓

**Table 1: Submitters**

[006] We note that at the hearing counsel for A T Wanganui<sup>7</sup> submitted that the material released for public notification failed to meet the requirements of RMA Schedule 1 clause 5(1)(b)(i). We have no jurisdiction to deal with that matter but nevertheless record our view that the public notification was adequate insofar as it clearly directed interested parties to WDC's PC54 web page.

[007] We accept that the Mill Road Structure Plan was not presented optimally on that webpage and we understand from the Section 42A Report author Gavin McCullagh<sup>8</sup> that a number of submitters sought clarification regarding the contents of the Structure Plan. Mr McCullagh advised that after being directed to the Structure Plan information, submitters and their representatives (including Mr Maassen) responded to that information in detail and there was no indication from any submitter that they were materially disadvantaged in doing so.<sup>9</sup>

### 3.2 Officer's recommendations

[008] The Council prepared an Officers Report under s42A of the RMA for PC54 that was authored by Mr McCullagh.<sup>10</sup> We have had regard to that Report and the advice of Mr McCullagh who recommended the approval of PC54, subject to a number of amendments.

<sup>6</sup> Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited

<sup>7</sup> John Maassen.

<sup>8</sup> A Principal Planner at the Council.

<sup>9</sup> Officer's Reply to Independent Commissioners, Gavin McCullagh, Principal Planner, Whanganui District Council, 3 December 2021 [Reply Report].

<sup>10</sup> Section 42A Officers Report Proposed Plan Change 54 – General Industrial Zone, Hazardous Substances and Contaminated Land Chapters [s42A Officers Report]

### 3.3 Hearing, appearances and site visit

- [009] We held a hearing at the Council offices in Whanganui on Tuesday 16 November 2021. We note that two of the original submitters did not wish to be heard.<sup>11</sup> However, of the remaining 15 submitters and further submitters who had expressed a wish to be heard, only seven appeared at the hearing.<sup>12</sup> Submitter Paul Broughton (Greytown Lands Trust) requested to be heard but could not attend for medical reasons.
- [010] Copies of the statements of evidence and legal submissions presented at the hearing are held by the Council. We do not summarise the matters covered here, but we refer to or quote from that material as appropriate in the remainder of this Recommendation Report. We took our own notes of any answers given to verbal questions that we posed to witnesses, submitters and Mr McCullagh.
- [011] We conducted a site visit on the afternoon of 16 November 2021 accompanied by Mr McCullagh and Leayne Huirua (WDC Policy Planner).
- [012] We received a written Reply Report from Mr McCullagh on 8 December 2021. We closed the hearing on 9 December 2021, having concluded that we required no further information from any of the parties.

## 4 Issues raised by submitters

- [013] We now address the issues raised by submitters. For those submitters who did not appear at the hearing to speak to their submissions we have considered Mr McCullagh's recommendations and find them to be appropriate.
- [014] For those submitters who either appeared at the hearing, or who submitted evidence but did not appear at the hearing,<sup>13</sup> we now determine whether or not in light of their submissions and the evidence lodged in support of them, we should recommend any amendments to the notified version of PC54 over and above those recommended by Mr McCullagh.
- [015] We note that all submissions in support of the notified provisions are recommended to be accepted, other than where the provisions referred to are recommended to be amended in response to other submissions.

### 4.1 Issues raised by submitters

#### 4.1.1 MacBlack Timber

- [016] For MacBlack Timber Richard Thompson confirmed that his main concern was the proposal to apply the General Residential Zone to the properties at 6 and 8 George Street. We note that PC54 proposed to amend the zoning of two properties located on the corner of George Street and Somme Parade to Neighbourhood Commercial Zone. We suggested to Mr McCullagh that the Neighbourhood Commercial Zone could also be applied to 6 and 8 George Street as that would apply a contiguous zoning over those existing commercial lots.
- [017] In his Reply Report Mr McCullagh supported that approach. He noted that land zoned Neighbourhood Commercial is commonly surrounded by residential or other neighbourhood commercial uses (District Plan COMZ-P14). The properties at 6 and 8 George Street already have land zoned Neighbourhood Commercial on one boundary and on the opposite corner of George Street. Applying that zoning to the properties in question would create a small expansion of an existing precinct. Mr McCullagh noted that a Neighbourhood Commercial zoning would enable a wider range of future uses than a General Residential zoning.

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<sup>11</sup> Axiom Plastics and George Russell.

<sup>12</sup> MacBlack Timber Ltd (Richard Thompson), Department of Corrections (Sean Grace), MacDonald Concrete Group (Ian and Ross MacDonald and Michael Eden), First gas (Nicola Hine and Darelle Martin), George Russell, John Maassen (A T Wanganui).

<sup>13</sup> Ministry of Education, Fire and Emergency New Zealand, Powerco Limited, the Oil Companies

- [018] We understand that under a Neighbourhood Commercial Zoning the current owner/operator would be able to continue their existing lawful use of the George Street sites and could apply for a certificate of existing use to confirm that. We consider that applying a Neighbourhood Commercial Zoning to 6 to 8 George Street would go some way to meeting the concerns expressed by Mr Thompson and therefore recommend that occurs and that his submission be accepted in part.

#### **4.1.2 Department Corrections – Ara Poutama Aotearoa**

- [019] Sean Grace reiterated the Department's desire to make non-custodial community corrections sites (community corrections activities) a permitted activity in the General Industrial Zone. In particular he noted that community work facilities can be large sites with yard-based activities and large equipment and/or vehicle storage.
- [020] Mr McCullagh's recommendation was that community corrections activities remain a discretionary activity in the General Industrial Zone, but that they be excluded from having to comply with the gross floor area and site coverage limits contained in what will now be standard GIZ-S4(a) and (b). We find that to be appropriate as applications for community corrections activities in the General Industrial Zone would not be precluded and would be able to be considered on their site-specific merits.
- [021] In making that finding we note that the Department does not currently have any community corrections activities in the General Industrial Zone and that their current facility in Whanganui located at 39 Wilson Street and 55 Maria Place is located in the Outer Commercial Zone and is partly subject to a Designation.<sup>14</sup>
- [022] We recommend that the Department's submission is accepted in part.

#### **4.1.3 MacDonald Concrete Group**

- [023] This submitter sought to retain the General Industrial Zoning over land at Kaikokopu Road. Our site visit confirmed that the majority of the area in contention comprises steep hills that are entirely unsuitable for industrial development. In that regard, at the Hearing Mr Ian McDonald confirmed that their main concern related to the smaller flat portion of the area in contention.
- [024] In his Reply Mr McCullagh advised that:
- The flat land in contention comprises Lot 1 DP54394 and Lot 1 DP 352705;
  - Lot 1 DP 352705 is inappropriate for industrial purposes because it is consented for residential use and a place of worship;
  - Lot 1 DP54394 has inherent constraints on industrial use including an overland flow path, adjacent steep slopes, difficulty of infrastructure servicing and proximity to recent residential development; and
  - Changing Lot 1 DP54394 to General Rural Zone will make it consistent with its current use, consistent with the zoning of the rest of the land holding of which it is part and will create a buffer between existing industrial uses and the land on the other side of Kaikokopu Road that is General Residential Zone.
- [025] In light of Mr McCullagh's advice we recommend that the McDonald Concrete Group Limited submission be rejected.

#### **4.1.4 First Gas Limited (FGL)**

- [026] Having considered the FGL submission and evidence we are persuaded that activities (structures, buildings and earthworks) should not be located within 20m of the Gas Transmission Network (GTN) unless FGL (or their successor organisation) has first been consulted. The same requirement should apply to screen planting within 10m of the GTN.

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<sup>14</sup> Designation MCOR-2 "Corrections Purposes (non-custodial facility)"

- [027] This can be achieved by adding an additional standard to the General Industrial Zone (GIZ-S11), amending existing standard GIZ-S3 (was previously GIZ-S4) and adding a matter of discretion to rule GIZ-R2 (was previously GIZ-R3) enabling decision-makers to consider the outcomes of consultation undertaken by consent applicants with FGL (or their successor organisation). When we put that to the FGL witnesses at the hearing they confirmed that would meet their concerns.
- [028] We also find that a further matter of discretion should be added to rule SUB-R2(11) which would read *“Effects on existing network utilities including the GTN”*. That will enable decision-makers to appropriately have regard to that matter in accordance with the existing policy direction of the WDP.
- [029] We suggested to the FGL witnesses that it would be beneficial to add a definition of the Gas Transmission Network to the WDP and they agreed.
- [030] We understand from Mr McCullagh’s Reply Report that he supports the above amendments.
- [031] We consequently recommend that the FGL submissions are generally accepted in part.
- [032] We discuss the Mill Road structure Plan in section 4.1.7 of this Recommendation Report.

#### **5.1.5 George and Helen Russell**

- [033] George and Helen Russell supported the proposed rezoning of the land at 34 – 37 Bedford Avenue from General Industrial to General Residential. The Russell’s own the land at 37 Bedford Avenue that fronts the Whanganui River and they live on part of it. They stated that they intend to develop the remainder of that lot into residential dwellings. We find that to be timely given the national housing crisis, the policy thrust of the NPSUD 2020 and Government’s recent Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.
- [034] The land at 34 Bedford Avenue is owned by the Greytown Lands Trust and is occupied by Powerco and they will enjoy existing use rights with PC54’s proposed change in zoning. Powerco’s submission did not address that matter and as we noted earlier, they did not appear at the hearing. The Greytown Lands Trust opposed the rezoning for what we understand to be commercial reasons. However, as existing use rights will apply to the Powerco activities we do not see that the Greytown Lands Trust will be disadvantaged by the change in zoning proposed under PC54.
- [035] We recommend accepting the submission of George Russell and rejecting the submission of the Greytown Lands Trust.

#### **5.1.6 A T Wanganui**

- [036] Submitter A T Wanganui was represented at the hearing solely by counsel John Maassen. We had difficulty understanding the rationale for the relief sought in the A T Wanganui submission (the complete rejection of PC54) despite asking several questions of Mr Maassen. It appeared that A T Wanganui objects to the manner in which the Council calculates and requires development contributions for infrastructural upgrades that are occasioned by industrial development, such as that already undertaken by A T Wanganui in the Mill Road Structure Plan Area.
- [037] Mr Maassen tabled extensive legal submissions at the hearing that appeared to suggest that the Council was currently acting in an illegal manner in the way that it required its infrastructural development contributions. Accordingly, we requested that Mr McCullagh respond to the points raised by Mr Maassen in his Reply Report.
- [038] Mr McCullagh’s reply Report stated:
- *“I do not accept that the references to infrastructure in these [Whanganui District Plan] policies, rules and standards are inappropriate or contrary to legislation. Mr Maassen’s claims that the Subdivision*

*chapter of the Whanganui District Plan cannot impose staging requirements linked to infrastructure for a defined structure plan area (i.e. SUB –P35, Sub-P38 and SUB-R2 11. (g)) are not substantiated by his reference to clauses 108(9) and (10) of the Resource Management Act.*

- *Firstly, these clauses primarily relate to financial contributions rather than controls on staging. Secondly, in my opinion s108(10) expressly requires the resource consent conditions on infrastructure must be specified in a plan or proposed plan. Finally, SUB-P35 and SUB-R2 11 (g) are amendments to existing specifications for infrastructure in structure plan areas and extend these existing requirements to the Mill Road Industrial Area.*
- *The plan changes contain no elements relating to development charges or costs and SUB-R2 11(g) provides for restricted discretion only in relation to the “availability of key infrastructure” and “the capacity of systems”.*
- *Mr Maassen’s references to resource consenting powers or processes are out of scope for this plan change.’*

[039] We understand and accept the above advice and we prefer it to the submissions tabled by Mr Maassen. Accordingly, we recommend that the A T Wanganui submission be rejected.

[040] In making that finding we note that Mr Maassen indicated that the interests of A T Wanganui were focussed on the Mill Road area. We note that PC54 is a plan change that has district wide application and it would be disproportionately onerous to reject the entire Plan Change solely on the grounds raised by Mr Maassen.

#### **5.1.7 Mill Road Structure Plan**

[041] At the hearing we clarified that the Mill Road Structure Plan comprised the figures contained in Appendix A of the larger document titled “Whanganui District Council Mill Road Structure Plan February 2020”. As we discussed in section 3.1 of this Recommendation report, that was not overly clear from the notification of PC54 but we are satisfied that submitters were able discern that to be the case.

[042] In his Reply Report Mr McCullagh noted that Figure 20 Planned Staging, Figure 21 Road Network and Figure 22 Shared Pathway of the Mill Road Structure Plan Report and section 5.3 Development Phasing clearly outline the staged development referred to in the proposed new provisions in the WDP.

[043] FGL submitted that some Appendix A figures should be omitted, namely Figures 11 (zoning) and 13 (electricity, gas and telecommunications services available). We find that to be appropriate and note that Mr McCullagh agreed with that requested relief when we put that to him. We also accept that Figure 21 should be amended so that the indicative roading carriageway does not overlap the GTN. Mr McCullagh also agreed with that.

[044] We understand that no other amendments were requested to the Appendix A figures.

[045] Mr McCullagh attached two maps to his Reply Report that he recommended form Appendix M of the WDP. Those maps incorporate the staging information and indicative road and shared pathway layout for the Mill Road Structure Plan area. We find those maps to be appropriate and recommend that they be included as Appendix M to the WDP.

#### **4.2 National policy statements and national planning standards**

[046] Section 74(1)(ea) of the RMA states that a change to a district plan must be done in accordance with a national policy statement, a New Zealand coastal policy statement, and a national planning standard. In addition, ss75(3)(a) to (ba) of the RMA require the District Plan to give effect to those instruments.



- [047] The National Policy Statement on Urban Development 2020 (NPSUD) is relevant and it was addressed in the Section 32 Report.<sup>15</sup> We observe that much of the NPSUD is directed to the actions of local authorities, in this case the WDC. Noting that the Whanganui District Council is a Tier 3 local authority and having regard to the Environment Court's findings in *Eden – Epsom and others v Auckland Council*<sup>16</sup> we are of the view that NPSUD Objectives 1, 4, 5, 6 and 7 and Policies 1, 2 and 9 are relevant.
- [048] The purpose of PC54 (as set out in Section 1 of the Recommendation Report) is entirely consistent with these NPSUD objectives and policies. In particular, PC54 is specifically intended to ensure that suitable provision is made for industrial land in locations and at scales appropriate to meet anticipated future demand.
- [049] The New Zealand Coastal Policy Statement 2010 (NZCPS) is not directly relevant.
- [050] The National Planning Standards released on 5 April 2019 were also addressed in the Section 32 Report<sup>17</sup> which noted that their focus is on the format and consistency of plan provisions and that the Council has until 2024 to implement them. We are satisfied that as far as practicable at this time, PC54 is consistent with the National Planning Standards.

#### **4.3 National environment standards and other regulations**

- [051] Section 74(1)(f) of the RMA states that a change to a district plan must be done in accordance with any regulations. The Section 32 Report<sup>18</sup> noted that the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) were incorporated into the Operative Plan by PC27 in 2012.
- [052] We heard no evidence to the contrary and so we find that approach to be appropriate.
- [053] No other relevant national environmental standards or regulations were brought to our attention and we ourselves are not aware of any.

#### **4.4 Regional policy statement (RPS) and regional plan**

- [054] Section 75(3)(c) of the RMA requires a district plan to give effect to the RPS. In Whanganui the RPS is contained in Part 1 of the Horizons One Plan 2014. This was addressed in tabular form in the Section 32 Report<sup>19</sup> and the Section 42A Officers Report.<sup>20</sup> We are familiar with the contents of the One Plan.<sup>21</sup> We are satisfied that the Section 32 Report identified the relevant RPS provisions and that PC54 gives effect to those provisions, particularly Objective 3-3 and Policy 3-4 which deal with the integration of infrastructure with land use.
- [055] Section 75(4)(b) of the RMA states that a district plan must not be inconsistent with any matter specified in s30(1) relating to the functions of regional councils. In this area the relevant regional plan is Part 2 of the Horizons One Plan 2014. No such matters were brought to our attention and we note that Horizons Regional Council did not submit on PC54.

#### **4.5 Management plans and other strategies**

- [056] Section 74(2)(b) of the RMA states that when changing a district plan the Council should have regard to management plans and strategies prepared under other Acts. In this case the Section 32 Report<sup>22</sup> identified and addressed the:

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<sup>15</sup> Section 2.1.3

<sup>16</sup> [2021] NZEncC 082

<sup>17</sup> Section 2.2.2.

<sup>18</sup> Section 2.2.1.

<sup>19</sup> Section 2.2.1

<sup>20</sup> Section 11.2

<sup>21</sup> Commissioner van Voorthuysen was a hearings commissioner for the first instance hearing of submissions on the One Plan.

<sup>22</sup> Section 2.2.2.

- Leading Edge Strategy (2018);
- 30 Year Infrastructure Strategy (Council's Long-Term Plan); and
- Whanganui Urban Transportation Strategy (2011).

[057] The Section 32 Report concluded that PC54 was either consistent with, or had been prepared alongside, those plans and strategies. We note in particular that that PC54 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.

[058] Mr McCullagh advised<sup>23</sup> that the Whanganui Urban Transportation Strategy provisions relating to parking, loading and vehicle crossings had been incorporated into PC54 by the provisions for walking and cycling pathways, the focus on maximising practical road linkages to facilitate opportunities for future public transport, and improved safety outcomes. We agree.

[059] We conclude that PC54 has had appropriate regard to the above listed plans and strategies prepared under other Acts.

#### 4.6 Māori cultural values and interests

[060] There were no submissions lodged on PC54 by any iwi, hapū or rūnanga.

[061] However, as noted in the S42A Officers Report,<sup>24</sup> the WDC received cultural assessment reports from:

- Te Rūnanga ō Tūpoho - collective Hapū of the Whanganui Iwi who occupy and maintain ahi kā in the lower reaches of Te Awa Tupua, the Whanganui River; and
- Ngāti Tamareheroto, with additional commentary from Te Kaahui o Rauru (the iwi governance entity for Ngaa Rauru Kīitahi).

[062] Te Rūnanga ō Tūpoho opposed PC54, but in the absence of a submission from them we have no scope to make any amendments to the notified PC54 text to address their concerns. We understand that the WDC has entered into arrangements with Te Rūnanga ō Tūpoho to better establish the type of partnership that they seek.

[063] Ngāti Tamareheroto also opposed PC54 and we similarly have no scope to make any amendments to the notified PC54 text to address their concerns. Mr McCullagh advised that Ngāti Tamareheroto's concerns relate to the Mill Road Industrial Estate, wetlands and general issues of hazardous materials and contaminated land. These are all matters that have been adequately considered in the WDC's Section 32 Report and the Section 42A Officers Report.

[064] Section 74(2A)(a) of the RMA states that Council 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. We understand the Ngaa Rauru Kīitahi – Puutaiao Management Plan was prepared by Te Kaahui o Rauru to be relevant here. This was addressed in tabular form in the Section 32 Report<sup>25</sup> with the conclusion that PC54 maintained existing opportunities for tangata whenua to physically reconnect with land that was of interest to them and respected and acknowledged Māori cultural values. We note that Mr McCullagh also addressed the Ngaa Rauru Kīitahi – Puutaiao Management Plan and came to similar conclusions.<sup>26</sup>

[065] We heard no evidence to the contrary.

<sup>23</sup> Section 42A Report, section 11.4.

<sup>24</sup> Section 5 and 6.

<sup>25</sup> Section 2.2.2, pages 12 and 13.

<sup>26</sup> Section 42A Report, section 11.4.

#### **4.7 Other matters**

[066] No other relevant matters were brought to our attention and we are not aware of any.

#### **4.8 Part 2 matters**

[067] Under s74(1)(b) the Council must prepare a district plan in accordance with the provisions of Part 2 of the RMA. Part 2 matters were comprehensively addressed in the Section 32 Report.<sup>27</sup> We adopt that assessment and find that PC54 does not offend any Part 2 provisions to an extent that would lead us to recommend any further amendments to the notified provisions.

#### **4.9 Amendments to PC54**

[068] The amendments we recommend to PC54 are set out in Appendix 2 (text) and 3 (maps) of this Recommendation Report. In Appendix 2 the amendments to the notified provisions that we are recommending in response to submissions are all shown in yellow wash using the standard strikeout (deletions) and underlining (additions) format. Unfortunately, Appendix 2 is 230 pages long as that is the form in which it was presented to us and we are unable to shorten it (to only include relevant PC54 provisions) without making it unreadable due to formatting issues.

[069] Appendix 4 of this Recommendation Report contains the two maps that will form Appendix M of the District Plan.

#### **4.10 Section 32AA**

[070] Section 32AA of the RMA requires a further evaluation of any changes that are made to a proposal after the initial Section 32 Report has been completed. The further evaluation may be the subject of a separate report, or referred to in the decision-making record.<sup>28</sup> Clause 10 of Schedule 1 to the RMA directs that the Council's decision on submissions on a plan is to include such further evaluation, to which it is to have particular regard when making its decision.<sup>29</sup> If our recommendations are adopted by the Council, this Report (including its appendices) is intended to form part of the Council's decision-making record and as such it includes our section 32AA assessment for the 'yellow wash' amendments contained in Appendix 2.

### **5 Recommendation to Council**

[071] Pursuant to the powers delegated to us by the Whanganui District Council under section 34A of the Resource Management Act 1991 we recommend that the Council approve PC54 inclusive of the amendments to the provisions are set out in Appendix 2, the Planning Maps set out in Appendix 3 and the Mill Road Structure Plan (to form Appendix M of the WDP) as contained in Appendix 4 of this Recommendation Report.

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<sup>27</sup> Section 2.1.2.

<sup>28</sup> RMA, s 32AA(1)(d) and (2).

<sup>29</sup> RMA, Schedule 1, cl 10(4)(aaa).

[072] Our specific recommendations on the individual submissions and further submissions on PC54 are set out in Appendix 1 of this Recommendation Report.

Signed by the commissioners:



Rob van Voorthuysen (Chair)



Rauru Kirikiri

Dated: 16 December 2021

## Appendix 1 – Recommendations on Submissions on PC54

In addition to the 12 primary submissions on PC54 the Whanganui District Council received six valid further submissions<sup>30</sup> in support of, or opposition to, a primary submission. We recommend that the Further Submissions are accepted or rejected according to our recommendations for accepting or rejecting the corresponding primary submission points. Where indicated, the Reasons in the tables below should be read in conjunction with the fuller reasons set out in the body of this Recommendation Report.

Submissions in support of the notified provisions are not specifically listed, but they are recommended to be accepted in full (where no amendments are recommended to the provisions to which they relate) or accepted in part (where amendments are recommended to the provisions in response to other submissions).

### Plan Text

Sub. point	Provision	Recommendation	Reason
Ian McDonald – McDonald Concrete Group (S05)			
5.1	GRZ	Reject	See section 4.1.3 of this Recommendation Report.
Department of Corrections - Ara Poutama Aotearoa (S06)			
6.1	GIZ-R1	Reject	The intent of PC54 is to ensure that activities in the GIZ is used for that purpose or contributes positively to that purpose. As indicated in the submission, community correction facilities are “essential social infrastructure”. While the activity may not be inconsistent with the Zone it is not primarily industrial. See also section 4.1.2 of this Recommendation Report.
6.2	GIZ-S4.1	Accept	The amendment sought recognises that a community corrections facility may include activities that are consistent with industrial uses. The amendment will avoid Plan interpretation issues when assessing applications for such facilities.
Power Co Limited			
7.2	GIZ-R1 GIZ-R2 GIZ-R3	Accept	The amendment sought will improve the clarity of the Plan provisions and avoid unnecessary duplication.
A T Wanganui (S08)			
8.1	GIZ-I1	Reject	The potential for adverse impacts from industry is well understood and is made explicit in clause 15(1) of the RMA. See also section 4.1.6 of this Recommendation Report.
8.2	GIZ-I2	Reject	The potential for adverse impacts from industry is well understood and is made explicit in clause 15(1) of the RMA. See also section 4.1.6 of this Recommendation Report
8.3	GIZ-I3	Reject	This clause in the Plan identifies a relevant issue for industrial development. See also section 4.1.6 of this Recommendation Report

<sup>30</sup> Fire and Emergency NZ, Ministry of Education, Michael Eden, Paul McKee, Darryn McDonnell and James McManaway.

Sub. point	Provision	Recommendation	Reason
8.4	GIZ-P3	Reject	Section 31(1)(aa) of the RMA assigns to the Council the function of “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” which include an integrated approach to the provision of infrastructure. See also section 4.1.6 of this Recommendation Report.
8.5	GIZ-P7	Accept in part	See section 4.1.7 of this Recommendation Report.
8.6	GIZ-S3	Reject	The southern and western boundaries of the affected site adjoin residential properties. The required screening is intended to ensure potential adverse effects are internalised.
8.7	GIZ-S4	Reject	The purpose of the GIZ is to provide an adequate supply of land for industrial purposes. Buildings in the Zone should therefore be primarily for industrial purposes.
8.8	GZ-S10	Accept in part	To avoid confusion the term <i>standards</i> should be replaced with the term <i>provisions</i> where it occurs in the specified parts of the Plan.
8.9	HAZ-R1	Reject	The section 4.1.6 of this Recommendation Report.
8.10	SUB-P34A	Reject	See section 4.1.7 of this Recommendation Report.
8.11	SUB-P38	Reject	Managing access to infrastructure is a means of ensuring industrial development occurs preferentially at Mill Road. See sections 4.1.6 and 4.1.7 of this Recommendation Report.
8.12	SUB-R2(11)	Reject	See reason for submission point 8.4.
8.13	Definitions	Reject	The definitions are considered appropriate and fit for purpose.
Fire and Emergency New Zealand (S10)			
10.4	GIZ-R3	Reject	The intent of PC54 is to ensure that activities in the GIZ is used for that purpose or contributes positively to it. While “There may be a functional need for emergency service facilities (including fire stations) be located within this Zone to improve emergency response times and availability of staff resourcing”, that does not indicate a primary relationship with the purpose of the GIZ, only that it is physically convenient for emergency service purposes.
10.5	GIS-S1	Reject	There is no need to differentiate structures associated emergency services facilities from other activities in the GIZ, which may also have structures that are tall or otherwise encroach on boundaries.
10.6 10.7 10.8	GIZ-S2 GIZ-S3 GIZ-S8	Accept	The amendments sought will enhance the safety, health and well-being of people in the GIZ and is consistent with s5(2) of the RMA.
10.9	Definitions	Reject	The definition of “hazardous facilities” is deleted by PC54.
10.10	HAZ-R1	Reject	No amendments were sought. FENZ can clarify these matters with the Council. See also reason for submission point 10.9.
10.11	SUB-R2(11)	Accept	The amendment sought will provide additional certainty of outcome for decision-makers and applicants. The reasons for submission points 10.6, 10.7 and 10.8 are equally relevant here.

Sub. point	Provision	Recommendation	Reason
Ministry of Education - Te Tahuu o te Mataauranga (S11)			
11.3	GIZ-R3	Reject	<p>The intent of PC54 is to ensure that activities in the GIZ is used for that purpose or contributes positively to it. We accept that “Certain education facilities such as work skills training centres may have a functional need to be located within industrial areas, in close proximity to the industry they relate to.” However, while the activity may benefit from location in the industrial zone, we are concerned about the safety of the users of a educational facility, in particular young people and on balance such educational facilities would be better placed elsewhere.</p> <p>We also accept the evidence of First Gas that that reverse sensitivity effects on First Gas pipelines from development of a sensitive activity within 60m of the pipelines is an additional reason to decline the submission request. In particular, educational facilities would not be appropriate within industrial areas as they require types and levels of amenity (e.g. low noise) that industrial areas cannot provide due to the nature of their activities (e.g. with operating machinery and heavy vehicle movements).</p>
First Gas Limited (S12)			
12.13	GIZ-P7	Accept in part	See section 4.1.7 of this Recommendation Report
12.14	GIZ-P8	Accept in part	See section 4.1.7 of this Recommendation Report.
12.15	GIZ-R1	Accept	The amendment sought will improve the clarity of the Plan provisions and avoid unnecessary duplication. See also section 4.1.4 of this Recommendation Report.
12.16	GIZ-R2	Accept in part	See section 4.1.4 of this Recommendation Report.
12.17	GIZ-R3	Accept	The amendment sought will improve the clarity of the Plan provisions and avoid unnecessary duplication. See also section 4.1.4 of this Recommendation Report.
12.18	GIZ-R4	Accept in part	See section 4.1.4 of this Recommendation Report.
12.19	GIZ-R2 notification	Accept in part	See section 4.1.4 of this Recommendation Report.
12.20	GIZ-S1	Accept in part	See section 4.1.4 of this Recommendation Report.
12.22	GIZ-S3	Accept in part	See section 4.1.4 of this Recommendation Report.
12.27 12.29	GIZ-S8 GIZ-S10	Accept	The additional separation distances sought are considered to be appropriate. See also section 4.1.4 of this Recommendation Report.
12.34	HAZ-P1	Reject	The Policy implies that not all potential adverse impacts can be internalised, hence the appropriate reference in sub-clause (b) to “minimising residual risk...”.
12.35	HAZ-P2	Accept in part	The Policy must be read as a whole, requiring the decision maker to ‘have regard’ to each of the sub-clauses. Sub-clause (b) addresses adverse effects and sub-clause (c) indicates one way in which that can be achieved (internalisation). While adding the term “unacceptable” to clause (c) would add an inappropriate subjective qualification to the provision we find that it would be helpful to add the word “adverse”.
12.40	SUB-P35	Accept in part	See section 4.1.7 of this Recommendation Report.
12.41	SUB-P38	Accept in part	See section 4.1.7 of this Recommendation Report.

Sub. point	Provision	Recommendation	Reason
12.42	SUB-R2(11)	Accept in part	See section 4.1.4 of this Recommendation Report.
The Oil Companies (S13)			
13.3	Use of the term “standards”	Accept in part	See the reason in response to submission point 8.8. The affected provisions identified by the Oil Companies are NFL-CESM-S4, GRZ-S9, CRZ-S3, GRUZ-S3, RLZ-S6, RPROZS3, SETZ-S3, COMZ-CC-S3, COMZ-NC-S7, and AZ-S3.
13.4	Definitions: “significant hazardous facilities”	Accept in part	The addition of a definition for “major hazardous facilities” will assist with the consistent implementation of the Plan, however the definition of “significant hazardous facilities” should be retained as that term is used in the Plan.
13.5	HAZ – Hazards and Risks, Hazardous Substances – Overview	Reject	Item 10, Chapter 7 District-wide Matters standard of the National Planning Standard specifies that the title is Hazardous Substances.
13.6	HAZ-I1 HAZ-I2	Reject	See the reason for submission point 13.4.
13.7	HAZ-O1 HAZ-O2	Reject	A risk management approach is always pragmatic and the inherent aim of risk management is to reduce risk. The term minimised is already qualified by “as low as reasonably practical”.
13.8	HAZ-P1 HAZ-P2 HAZ-P3	Reject	See the reason for submission point 13.4.
13.9	HAZ-R1 HAZ-R2	Reject	See the reason for submission point 13.4.



## Planning Maps

Sub. point	Recommendation	Reason
Axiam Plastics		
1.1	Accept	The extension of the GIZ at the Axiam Plastics site located at 131 Somme Parade Aramoho is consistent with recent approved subdivisions and resource consents for the property, and appropriately zones the whole site as GIZ.
The Roman Catholic Bishop of the Diocese of Palmerston North		
2.1	Reject	<p>The submission to change the zoning of land identified as 32D Peat Street, Whanganui from GIZ to General Residential is not appropriate because:</p> <ul style="list-style-type: none"> <li>a) the land adjoins existing industrial uses;</li> <li>b) it has an interface with the existing railway land; and</li> <li>c) the shape and location of the site would not meet the amenity values of the General Residential Zone,</li> </ul> <p>The current use of the site for car parking is not inconsistent with the GIZ but would be inconsistent with the General Residential Zone.</p>
MacBlack		
3.1	Reject	<p>The submission to retain GIZ in part or full of land identified as 384 Kaikokopu Road, Brunswick is not appropriate because:</p> <ul style="list-style-type: none"> <li>a) as identified in the technical studies supporting PC54, the site has difficulties in servicing with infrastructure;</li> <li>b) it is an overland flow path; and</li> <li>c) due to earlier decisions to approve inconsistent development of 60 Kaikokopu Road, industrial development on the area in question would now create potential sensitivity effects.</li> </ul>
3.2	Accept in part	The submission to retain General Industrial Zone for land identified as 6 – 8 George Street, Aramoho is inappropriate, but it would be appropriate to rezone it to COMZ Neighbourhood Commercial Zone that would enable the existing use to continue and be modified in the future. It would also be consistent with the zoning on the adjoining lot on the corner of Somme Parade and George Street.
Greytown District Trust Lands Trustees		
4.1	Reject	The submission to retain the GIZ for land identified as 34 Bedford Avenue, Gonville and 37 Bedford Avenue is inappropriate because these two sites adjoin the General Residential Zone and have limited transport access through a residential area due to being located between the railway and the Whanganui River. It would be more consistent with the NPSUD to classify that land as General Residential as it would contribute to the supply of inner urban development sites.

## GIZ – General Industrial Zone

The urban area of Whanganui straddles the lower reaches of the Whanganui River. The extent of urban development generally follows the sweep of the river plain and surrounding terraces. It is greater on the western side of the river, extending beyond the river estuary along the coast to the clifftops beyond Castlecliff.

The urban area takes up less than 1% of the total area of the District but is home to about 90% of the District's population.

Urban development is an important component of the District's economy. It provides homes, jobs, shopping facilities, professional and community services and recreation opportunities for people.

The present pattern of urban development and anticipated development trends use up land and, if unmanaged, and over time, may also lead to increased servicing costs and damage to the quality of the urban environment.

Urban development will be managed to sustain resource use to meet present and foreseeable future needs of the District community and protect and enhance environmental quality.

The purpose of the General Industrial Zone (GIZ) is to provide for a broad range of industrial activities that make an important contribution to the economic wellbeing of Whanganui. Provision is also made for some supporting activities that are compatible with adverse land use effects typically associated with industrial activities (such as noise, odour, heavy traffic movements) or less sensitive to the lower levels of amenity usually experience in such zones. More sensitive non-industrial activities such as residential dwellings, educational and health facilities, retail shops and commercial offices are discouraged from establishing in the zone.

Buildings within the zone are typically functional in appearance, with industrially zoned land generally located close to transport routes, including the railway line and State Highways, and in places where effects on the environment such as noise, traffic and visual amenity can largely be contained and managed. Areas covered by the General Industrial Zone include: Heads Road West, Heads Road East, Mill Road, London Street, Aramoho, Eastown and Putiki. These areas are anticipated to have sufficient capacity to meet short-medium term industrial demand in the district provided currently undeveloped/underutilised sites are fully utilised.

## Issues

### GIZ-I1

#### Adverse Environmental Effects of Urban Development

Adequate provision needs to be made to enable the efficient and effective functioning of industrial activities due to the contribution they make to the economic and social wellbeing of the

district. However, the nature, scale and intensity of industrial land use activities, can generate significant adverse effects on the environment, particularly on adjacent residential and commercial areas, and on the transport network, including key road frontages, resulting in reduced quality of the environment and incompatibility between different land uses beyond the zone.

Uncontrolled urban growth into rural and other less intensively developed areas can be characterised by:

1. A general intensification in residential activity leading to a loss of visual amenity and a reduction in the open character of the countryside.
2. Irreversible physical damage to the life supporting capacity of soils.
3. Groundwater pollution and contamination.
4. Higher loadings on existing infrastructure such as roads, sewerage and water supply services leading to such adverse effects as groundwater pollution from overloaded sewerage systems and a reduction in the safety and efficiency in the roading network.
5. An inappropriate interface between urban and primary production leading to conflict between established primary production and new residential (mainly) activities.
6. Ad hoc development which has little recognition for the long term form and efficiency of urban environments, its roading patterns, reserve and recreation facilities, sewer, stormwater and water utilities.
7. General uncertainty over the future form and direction of the urban (and indirectly rural) areas and the associated costs of this development.

In providing for urban development, the following concerns need to be addressed:

1. Land take – urban development is irreversible and takes up land which can be used for other purposes, now, and in the future. Present development patterns may unduly restrict future options for development.
2. Loss of the productive potential of land – the impact of restricting future development options is even more significant when considered in the context of the productive potential of land. Highly productive land is a scarce resource, in the District and nationally.
3. Infrastructure needs – urban development relies on an efficient infrastructure system to support its activities. Infrastructure facilities are costly to provide and maintain. Matters concerning the timing of provision, standards, who pays and who is responsible for the work shall also be clearly identified.
4. Commercial form – the physical form of commercial areas has developed as the city has grown. Commercial areas in Whanganui are relatively compact and often complemented by key visual landmarks, view vistas and significant heritage buildings and streetscapes. Specific car parking, pedestrian and vehicle access arrangements have been tailored to the needs of each commercial area. Some areas have also recently been upgraded with street improvements.

The establishment of new commercial centres may lead to unnecessary duplication of physical resources. Such development may not maximise the existing built form and supporting infrastructure in existing commercial areas.

## GIZ-I2

There is potential for incompatibility between different land uses within and adjacent to industrial areas, including potential for reverse sensitivity effects. A wide range of land uses occur within the zone and new activities may not always be compatible with existing activities.

The potential for incompatible land uses also exists at the interface between zones (eg. where industrial activities are located adjacent to a residential zone)

There are a number of particular amenity 'sub-issues' that relate to how the effects of urban land use should be managed in the interests of sustaining a high level of amenity in the city. In order to establish what effects will be adverse to urban amenity, the individual components of urban amenity require identification. These would then form the basis of the 'sub-issues'.

Components of urban amenities include:

1. Landscape and visual characteristics – the shape, size, landscape features, streetscape and landmarks of the urban area; bulk, location and height of buildings; openness or density of development.
2. Land use, environmental health and safety characteristics – the nature, scale, location and mix of activities; noise; smells; vibrations; traffic volumes and movements (pedestrian and vehicular); parking, loading and unloading.
3. Convenience and comfort – accessibility; roading standards; availability of footpaths, street lighting, water supply, network utilities, waste disposal and recreation and community facilities.
4. Character – the vibrancy, style intensity and uniqueness of the urban form, its structures, and recreation opportunities, monuments and infrastructure.

Adverse effects on amenity include:

1. Features and characteristics valued by the District community could come under threat from inappropriate development, unsympathetic modification, pollution and natural hazards. The landscape character of Whanganui is defined and enhanced by a number of landscape features, heritage buildings, landmarks and physical characteristics which give shape, cohesion, and identity to the urban area. Examples of such features include the Whanganui River and adjacent terraces, the estuary and coastal dune system, Bastia and Durie Hills, Queens Park, the Old Town and tree-lined streetscape etc.
2. New medium to low density residential developments are often characterised by open, featureless 'suburbia'. Featureless housing estates may detract from the amenity standards set by the current urban form.
3. Environmental health problems where industrial activity with significant offensive or harmful emissions or heavy industrial traffic operate in close proximity to residential areas without adequate mitigation measures.
4. Redevelopment and infill development in the existing urban area increases the density of development. This may reduce on site and neighbourhood amenities like daylight, privacy,

outlook and visual character.

5. New decentralised commercial development which may not contribute to the character and vibrancy of the town centre. In particular the atmosphere associated with a focussed commercial heart may be eroded and then fail to maximise the cultural and recreational opportunities that are located here.

### GIZ-I3

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.

There are specific locations in the urban area with poor amenities and pollution problems. These areas are a focus of particular concern as they have a high public profile in the urban area. What is at issue is how these areas can be improved so that their amenity standards improve.

The following are examples of problem areas:

1. There are vacant, disused or visually unattractive industrial sites and road corridors in the Heads Road and Aramoho industrial areas. The existing development represents an under-utilisation of land and infrastructure.
2. The Balgownie Landfill site is located in close proximity to residential areas. Problems of smells, landfill traffic and visual pollution seriously reduce the amenities of the adjacent residential neighbourhoods. There is the added problem of possible contamination of land and water due to leachate from the Landfill.
3. The Whanganui River is an outstanding landscape feature. It is a taonga of spiritual and cultural significance particularly to Iwi. While the natural values in the river will be significantly improved with the completion of the wastewater project, concern has been raised about degradation of the landscape character, loss or under utilised recreation opportunities around the river margins, and little recognition of the ecological value of the estuary.

## Objectives

### GIZ-O1

**Urban Development Which Minimises Adverse Environmental Effects and Maximises Effective and Efficient Use of Natural and Physical Resources**

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

Urban development shall recognise the importance of the soil resource, avoid pollution of groundwater systems and promote effective and efficient infrastructure services. It will also contribute to the overall structure of the city in a way that has regard for future generations and promotes high amenity standards.

**GIZ-O2****To Manage Effects of Different Urban Activities to Ensure High Quality Urban Amenities are Sustained**

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

Amenity values include those matters that contribute to the visual character of the development and the quality of life of people living or working in, or visiting, the urban area of Whanganui. (refer to GIZ-I2 for discussion of amenity). The objective seeks to maintain the urban area as a pleasant place to live, where interrelationships between different uses, types of activities, natural environments and effects will, as far as possible be compatible.

**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.

**Policies****GIZ-P1****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**

Urban development is an on-going process of intensification and change in the existing urban area, and expansion into new areas. It uses up land and requires the timely provision of infrastructure facilities to support land use activities.

This policy recognises that urban development and infrastructure development should be co-ordinated. It also recognises that some areas are easier and cheaper to service than others.

Implementation of this policy relies on Council undertaking long term comprehensive planning to assess future development needs and the most cost-effective options for urban expansion.

This approach is considered appropriate as it provides input to Council's asset management and financial planning. It also provides certainty and a framework to guide private development.

Enable industrial activities and other activities compatible with the role, function and character of the zone.

## **GIZ-P2**

### **Encourage the Redevelopment of Vacant or Under-Utilised Industrial Land**

There is a significant amount of vacant or disused land in the existing established industrial areas. These areas could be used for new industries or other land use activities. This policy aims at encouraging a more efficient use of this serviced land resource.

Implementation requires working closely with land owners and developers to negotiate a suitable development package. It may also be necessary to use incentives to make redevelopment a more attractive option.

Discourage activities that are incompatible, do not support the primary industrial role and function of the zone or could result in unanticipated reverse sensitivity effects.

## **GIZ-P3**

### **Ensure All Development Provides Adequate and Affordable Infrastructure Services Appropriate to the Nature and Scale of Activities and Needs of the Respective Development Areas**

Currently there are different levels of infrastructure services available in the urban area. It may not be efficient, affordable or cost-effective to provide the same level of service throughout the urban area as different land use activities have different infrastructure needs. Any extensions to the existing infrastructure system also needs to be prioritised and programmed.

The District Plan recognises the different levels of infrastructure provision that exist and ensure an appropriate level of infrastructure service is provided by the developer to support the proposed development.

This policy therefore sets out the respective responsibilities of Council and developers. It requires Council to indicate the planned level of infrastructure service and timing of provision in the urban area. Appropriate District Plan rules covering standards for infrastructure facilities for different land use activities to be provided by the private developer will be established.

This implementation approach provides input to Council's asset management and financial planning. It provides certainty to developers regarding what services are available where and what they have to provide, and flexibility in the location of activities.

Encourage the efficient use and development of vacant or underutilised industrially zoned land.



**GIZ-P4****Protect and Enhance the Rural Landscape Setting and the Visual Character of the Urban Environment**

The landscape features, vegetation and land use pattern around and in the urban area provide an attractive green rural setting for urban development. They provide form and character and a distinctive identity to Whanganui.

Views of the Whanganui River and adjacent river terraces, the tree-lined streetscape, the townscape with its collection of heritage buildings, and the open spaces contribute to the visual character and quality of the urban environment.

Both the landscape setting and visual character of the urban environment contribute to amenity-qualities in the urban area. They are valued by the community.

Significant aspects of the landscape setting and visual character of the urban environment need to be identified and appropriate performance standards for protection established. These will be used to manage the effects of subdivision and building development to avoid modification, damage or loss of identified landscape value.

While it is not possible to set standards for good design, it is possible to provide for minimum standards, or 'bottom-lines', to protect those matters or aspects that are important and contribute to the landscape setting, visual character and quality of the urban environment.

In areas of high landscape values, or where the scale of proposed development is likely to significantly modify the landscape and visual character, it may be necessary to seek greater degrees of management.

Therefore, this approach, while regulatory in nature, is considered appropriate as it focuses on providing minimum standards to protect significant values. It provides certainty regarding what aspects contribute to urban amenities and the quality of the built environment.

It is considered appropriate to target subdivision as it is usually the start of a development process. Negotiations with developers prior to development taking place may prevent problems from arising.

The implementation approach also relies on negotiations and the use of information and advice to guide development to protect and enhance the urban landscape and the quality of the built environment. Incentives will also be used, where appropriate, to achieve voluntary protection and enhancement of landscape character. Council activities, eg roading projects and the development of open space and reserves, can also make a significant contribution to protecting and enhancing visual character.

There are a number of prominent sites in the urban area with significantly poor visual amenities



~~and, in some cases, pollution problems. Remedial and mitigation action is required.~~

Manage the establishment of non-industrial activities in the zone by assessing their appropriateness including whether:

1. the purpose of the activity supports or provides services to industrial activities and results in the efficient use of industrial land;
2. the activity has a functional or operational need to establish in the zone;
3. the activity will limit or constrain the establishment of activities that are permitted in the zone;
4. the activity will result in any conflict and/or potential reverse sensitivity effects with existing industrial activities; and
5. the activity has the potential to undermine the vitality of the district's commercial areas.

#### **GIZ-P5**

**~~To Define Industrial Areas Where the Following Characteristics are Maintained~~**

- ~~1. a range of industrial and industrial activity;~~
- ~~2. a range of activities to support the predominantly industrial activity provided that they will not adversely affect the ability of industrial activity to function efficiently and effectively;~~
- ~~3. protection for the amenity values of neighbouring areas;~~
- ~~4. safe urban design (including pedestrian and vehicle safety);~~
- ~~5. retention of natural and cultural heritage features.~~

Maintain the role, function and level of amenity appropriate to the zone by managing the effects of:

1. Bulk, scale and location of buildings and structures;
2. Outdoor storage;
3. Traffic and parking;
4. Signage;
5. Earthworks;
6. Stormwater;
7. Noise;
8. Light; and
9. Hazardous substances.

#### **GIZ-P6**

Require industrial activities located on sites adjoining land zoned Residential, Open Space or Rural Lifestyle to manage adverse effects on sites within those zones, including by:

- a. Achieving adequate separation and/or setbacks to: i. Minimise adverse visual amenity effects associated with their operation and/or development; ii. Limit noise and light overspill; and iii. Minimise adverse daylighting and shading effects.
- b. Internalising adverse effects within the zone and mitigating potential conflict with existing activities in adjacent zone.

#### **GIZ-P7**

Ensure development in the Mill Road industrial area is generally consistent with the indicative roading layout, indicative shared pathways/walkways, landscape screening and three waters infrastructure network identified on the Mill Road Structure Plan (Appendix M).

## **GIZ-P8**

Enable development that deviates from the Mill Road Structure Plan (Appendix M), subject to ensuring that:

- a. The development creates safe and efficient internal linkages catering for both vehicles and active modes of transport, including pedestrian/cycle use, and opportunities to optimise cycle connections with land adjacent to the Structure Plan area.
- b. The development manages stormwater to ensure hydrological neutrality, thus contributing to ensuring neutral environmental effects beyond the Structure Plan area.
- c. The development manages any associated earthworks or lowering of the water table to ensure that surface water and groundwater quality is not diminished due to acidic run-off or groundwater acidification.
- d. The development and associated infrastructure are designed to integrate with the natural landscape as far as possible.
- e. The development integrates with other infrastructure in the Structure Plan area, including the electricity, gas and fibre distribution networks.

## **Rules**

~~The Council seeks to maintain industrial areas with the following characteristics:~~

- ~~1. A range of industrial activity;~~
- ~~2. 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;~~
- ~~3. Protection for the amenity values of neighbouring areas;~~
- ~~4. Safe urban design (including pedestrian and vehicle safety); retention of natural and cultural heritage features;~~
- ~~5. Street infrastructure that reflects the roading hierarchy and provides a level of amenity consistent with that hierarchy.~~

~~The General Industrial Zone rules in this section aim to:~~

- ~~1. Maintain the scale and character of industrial areas;~~
- ~~2. Recognise streetscape as having high public value;~~
- ~~3. Recognise the operational requirements of industrial activities but which address nuisance at the zone boundaries from noise, light spill, vibration, visual amenity and advertising; and~~
- ~~4. Ensure a high standard of property access and avoid street congestion.~~

<b>GIZ-R1</b>	<ol style="list-style-type: none"> <li>1. Industrial activity;</li> <li>2. Recreation facilities;</li> </ol>	<b>Permitted (PER)</b>
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	<ol style="list-style-type: none"> <li>3. <del>Commercial activity which:</del> <ol style="list-style-type: none"> <li>a. <del>Are ancillary to industrial activity; or</del></li> <li>b. <del>Primarily provide food or fuel to people in the General Industrial Zone; or</del></li> <li>c. <del>Primarily provide materials or components to activities in the General Industrial Zone.</del></li> </ol> </li> <li>4. <del>Reserves and open spaces;</del></li> <li>5. <del>Network utilities as provided by <b>NU-Network Utilities</b> contains some exemptions from the zone rules for network utilities;</del></li> <li>6. <del>Relocated buildings and temporary relocatable buildings that comply with <b>TEMP-Temporary Activities</b> and</del></li> <li>7. <del>Temporary military training activities that comply with <b>TEMP-Temporary Activities.</b></del></li> </ol> <p><u>The following activities, provided they achieve compliance with the standards in <b>GIZ-S1 - GIZ-S10 S11:</b></u></p> <ol style="list-style-type: none"> <li>1. <u>Industrial activities;</u></li> <li>2. <u>Recreation facilities;</u></li> <li>3. <u>Commercial activities that:</u> <ol style="list-style-type: none"> <li>i. <u>Are ancillary to industrial activities on the site; or</u></li> <li>ii. <u>Primarily supply food or fuel to people working in the zone.</u></li> </ol> </li> <li>4. <u>Reserves and open space;</u></li> <li>5. <u><b>Network utilities as provided by NU-Network Utilities</b></u></li> <li>6. <u>Relocated buildings and temporary relocatable buildings that comply with TEMP-Temporary Activities;</u></li> <li>7. <u>Temporary military training activities that comply with TEMP-Temporary Activities</u></li> <li>8. <u><b>Community corrections activities</b></u></li> </ol>	
<b>GIZ-R2</b>	<ol style="list-style-type: none"> <li>1. <del>Subdivision.</del></li> </ol> <p><del>Refer to standards relating to subdivision in this zone.</del></p>	<b>Controlled (CON)</b>

<b>GIZ-R32</b>	<p>1. <del>Any permitted or controlled activity which does not comply with a General Industrial Zone standard.</del></p> <p><del>Council restricts its discretion to:</del>  <del>The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliance.</del></p> <p>1. <u>Activities listed in Rule GIZ-R1 that do not comply with one or more of the standards in <b>GIZ-S1 - GIZ-S10S11</b>.</u></p> <p><u>Council shall restrict its discretion to:</u></p> <p>a. <u>The effects of the area of non-compliance on the</u></p>	<b>Restricted Discretionary (RDIS)</b>
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environment, including the cumulative or combined effect of non-compliance.

b For activities in proximity to the Gas transmission network, the outcomes of consultation with First Gas (or their successor organisation)

### **GIZ-R43**

1. ~~Community facility except where specified as a permitted activity;~~
2. ~~Commercial activity unless specified as a permitted activity;~~
3. ~~Network utilities not provided for as permitted or restricted discretionary activities by **NU-Network Utilities** and~~
4. ~~Any other activity which is not provided for as a permitted, controlled, non-complying or restricted discretionary activity.~~

**Discretionary (DIS)**

The following activities not specified elsewhere:

1. Community activities;
2. Commercial activities;
3. ~~Network utilities not provided for as permitted or restricted discretionary in NU-Network Utilities;~~
4. Any other activity not provided for as permitted, controlled, restricted discretionary or non-complying.

### **GIZ-R54**

1. ~~Residential activities.~~  
Sensitive activities and visitor accommodation.

**Non-Complying (NC)**

Notification: Applications subject to Rule GIZ-R2 are precluded from public or limited notification except where the subject site adjoins a residential zone site.

## **Standards**

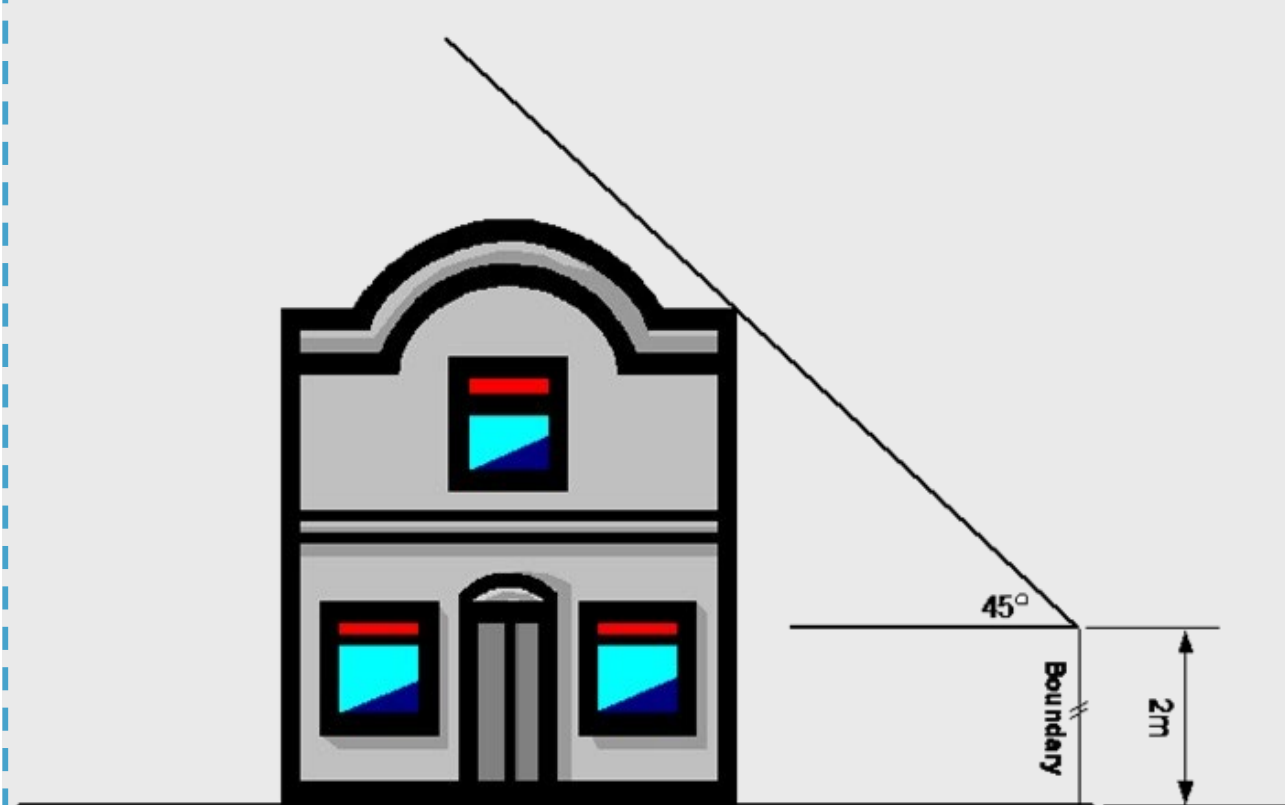
~~The following standards apply to the rules above~~

### **GIZ-S1 Buildings and Structures Noise**

All activities shall comply with the performance standards in NOISE.

#### Height recession plane

All new buildings and structures, and additions to existing buildings and structures, shall be designed and constructed to fit within a recession plane (or height-to-boundary plane) commencing at 2 metres above the existing ground level at any front or residentially zoned side boundary, then projecting from this line inwards at a 45-degree angle.



The following structures are exempt from the above height recession plane standard:

- Network utility masts, poles and antennas;
- Flagpoles;
- Signs;
- Chimneys;
- Wires;
- Television and radio antennas and support structures;
- Vertical ventilation shafts;
- Solar heating devices.

Note that **NOISE** contains requirements for noise sensitive activities.

### **GIZ-S2 Outdoor Storage and Work Areas**

#### **Light**

Any particular artificial lighting system shall not result in increased luminance in excess of 8 lux in the measured ambient level in the vertical plane at the windows of any residential building in the

~~residential zones. No light source shall cause glare which may adversely affect the vision of motorists on a road.~~

- a. All outside storage work areas shall be screened from any public road or adjoining residential or open space zoned site by either:
  - i. a solid fence to a minimum height of 1.8metres; or
  - ii. shrubs capable of growing to a minimum height at maturity of 1.8 metres, with plant spacing designed to achieve solid screening within two years of planting.
- b. This standard does not apply to outside areas used for the purpose of sales display or vehicle access.

### **GIZ-S43 Visual Amenity Hazardous Substances**

~~Any new or expanded hazardous facility (refer to Definitions) is subject to the provisions of Appendix F – Hazardous Facility Screening Procedure.~~

All new development on the southern and western boundaries of the Mill Road Structure Plan Area indicated on Appendix M, shall provide a 5m wide screen planting area that meets the following specifications:

- a. The area must be established, planted and maintained with a variety of shrubs and trees; and
- b. Shrubs must be capable of growing to a minimum height at maturity of 4 metres; and
- c. Trees must be capable of growing to a minimum height at maturity of 9 metres; and
- d. Plants shall each be 1.5m minimum height at time of planting; and
- e. Plant spacing shall be designed to achieve solid screening within two years of planting; and
- f. Planting and screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities; and
- g. Screen planting is not located within 20m of the Gas transmission network.

**Note:** A permit is required to work within the gas easement. This includes digging/earthworks, driveway construction, laying services, planting and fencing.

### **GIZ-S54 Extent of Ancillary Commercial Activity Structures**

#### **1. Height in relation to boundary**

~~All new buildings and structures, and additions to buildings and structures shall be designed and constructed to fit within a height-to-boundary plane which commences at 2 metres above ground level at any site boundary which adjoins a residential zone, and then projects from this line inwards at a 45 degree angle.~~

~~This standard also applies to all front boundaries.~~

### **GIZ – Figure 1 – Height in relation to boundary**

- a. No more than 500m<sup>2</sup> or 35%, whichever is the lesser, of the gross floor area of a building or

part of a building used by an industrial activity, shall be used for retailing or office purposes.



- b. Where the sole use of a building is for ancillary office purposes the gross floor area shall not exceed 10% site coverage.
- c. Standards GIZ-S4 a) and b) do not apply to community corrections activities.

## 2. Exceptions from height in relation to boundary standard

~~The following structures are exempt from the above height in relation to boundary standard:~~

- a. ~~Network utility masts, poles and antennas;~~
  - b. ~~Flagpoles;~~
  - c. ~~Signs;~~
  - d. ~~Chimneys;~~
  - e. ~~Wires;~~
  - f. ~~Television and radio aerials, antennas and support structures; , satellite dishes under 1m diameter, poles, lattice masts up to 15m in height;~~
  - g. ~~Vertical ventilation shafts;~~
  - h. ~~Solar panels; and~~
  - i. ~~Photovoltaic panels fixed no more than 200mm from the main bulk of the residential unit.~~
3. ~~Yards~~  
~~The height in relation to boundary standard ensures that buildings are set back in proportion to their height from General Residential Zone boundaries and street boundaries.~~
4. ~~Antenna dishes shall not exceed 2 metres in diameter (except as provided for in Chapter NU--~~  
**Network Utilities** ~~in relation to network utilities).~~

## **GIZ-S65 Parking, Loading and Vehicle Crossings**

### **Extent of Ancillary Commercial Activity**

~~No more than 500m<sup>2</sup> or 35%, whichever is the lesser, of the gross floor area of a building or part of a building used by any activity, shall be used for retailing or office purposes, except that where the sole use of a building is for ancillary office purposes, the gross floor area shall not exceed 10% building coverage.~~

~~The restrictions in this standard shall not apply to listed permitted commercial activities.~~

## **GIZ-S7**

### **Parking, Loading and Vehicle Crossings**

All activities shall comply with the standards in **TRAN-Transport**.

## **GIZ-S86 Signage**

### **GIZ-S7 Noise**

All activities shall comply with the standards in **NOISE-Noise**.

All activities shall comply with the standards in **SIGN-Signs**.

### **GIZ-S98 Earthworks** **Earthworks**

All activities shall comply with the standards in **EW-Earthworks** and shall not be located within 10 metres of the GTN

### **GIZ-S10 Hazardous Substances**

All activities shall comply with the standards in **HAZ-Hazardous Substances**.

### **GIZ-S10 Firefighting Water Supply**

All new buildings and structures shall provide an adequate supply of water and access to water supplies for firefighting purposes in accordance with NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

### **GIZ-S11 Setbacks from the GTN**

Buildings, structures and earthworks shall be set back no less than 20 metres from the GTN.

### Attachment 3: Persons to be served notice of this appeal

<b>Submitter name</b>	<b>Email address</b>
Axiam Plastics	m.smith@axiam.co.nz
Roman Catholic Bishop of the Diocese of Palmerston North	paul@thomasplanning.co.nz
MacBlack Timber Ltd	richard@macblack.co.nz
Greytown Trust Lands Trustees	gm@greytowntrustlands.org.nz
McDonald Concrete Group	manager@mcg-ele.co.nz
Powerco Limited	planning@powerco.co.nz
A T Wanganui Limited	mjs@wadham.co.nz
George Russell	georgeandhelen@xtra.co.nz
Fire and Emergency New Zealand	Britta.blann@beca.com
Ministry of Education Te Tāhuhu o Te Mātauranga	adriene.grafia@beca.com
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Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited (the Oil Companies)	Megan.Barr@4sight.co.nz
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