

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- [003] In addition, as a result of provisions in the WDP's Hazards and Risks chapter being superseded by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2012), as well as a change to Council's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.¹

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 Voorthuysen² and Rauru Kirikiri³ 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 webpage⁴ and was also contained in Appendix 3 and section 9 of the Section 42A Officers Report. We adopt⁵ those

¹ Section 32 Report, section 1.1 Purpose of Plan Change

² 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.

³ 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.

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

⁵ 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 ⁶	✓	
	Michael Eden		✓
	Paul McKee		✓
	Darryn McDonnell		✓
	James McManaway		✓

Table 1: Submitters

[006] We note that at the hearing counsel for A T Wanganui⁷ 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 McCullagh⁸ 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.⁹

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.¹⁰ 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.

⁶ Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited

⁷ John Maassen.

⁸ A Principal Planner at the Council.

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

¹⁰ 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.¹¹ However, of the remaining 15 submitters and further submitters who had expressed a wish to be heard, only seven appeared at the hearing.¹² 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,¹³ 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.

¹¹ Axiom Plastics and George Russell.

¹² 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).

¹³ 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.¹⁴
- [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.

¹⁴ 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.¹⁵ 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*¹⁶ 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 Report¹⁷ 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 Report¹⁸ 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 Report¹⁹ and the Section 42A Officers Report.²⁰ We are familiar with the contents of the One Plan.²¹ 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 Report²² identified and addressed the:

¹⁵ Section 2.1.3

¹⁶ [2021] NZEncC 082

¹⁷ Section 2.2.2.

¹⁸ Section 2.2.1.

¹⁹ Section 2.2.1

²⁰ Section 11.2

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

²² 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 advised²³ 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,²⁴ 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 Kiihahi).

[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 Kiihahi – Puutaiao Management Plan was prepared by Te Kaahui o Rauru to be relevant here. This was addressed in tabular form in the Section 32 Report²⁵ 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 Kiihahi – Puutaiao Management Plan and came to similar conclusions.²⁶

[065] We heard no evidence to the contrary.

²³ Section 42A Report, section 11.4.

²⁴ Section 5 and 6.

²⁵ Section 2.2.2, pages 12 and 13.

²⁶ 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.²⁷ 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.²⁸ 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.²⁹ 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.

²⁷ Section 2.1.2.

²⁸ RMA, s 32AA(1)(d) and (2).

²⁹ 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:

A handwritten signature in black ink, appearing to read 'Rob van Voorthuysen', written over a light grey rectangular background.

Rob van Voorthuysen (Chair)

A handwritten signature in black ink, appearing to read 'Rauru Kirikiri', written in a cursive style.

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 submissions³⁰ 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

³⁰ 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"> a) the land adjoins existing industrial uses; b) it has an interface with the existing railway land; and c) the shape and location of the site would not meet the amenity values of the General Residential Zone, <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"> a) as identified in the technical studies supporting PC54, the site has difficulties in servicing with infrastructure; b) it is an overland flow path; and 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.
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.

Appendix 2 – Recommended PC54 Provisions

Appendix 3 – Recommended PC54 Planning Maps

Appendix 4 – Recommended Appendix M to the District Plan