

BEFORE THE MANAWATU DISTRICT COUNCIL

IN THE MATTER the sectional review of the Manawatu
District Plan

AND

IN THE MATTER of Plan Change 52

COMMISSIONERS' DECISION

Dated: 27 February 2017

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Terms

MDC = Manawatu District Council.

MDP = Operative Manawatu District Plan.

Kawakawa Industrial Park = the existing industrially zoned land in the Kawakawa Road locality.

Kawakawa Industrial Park Growth Area = That area adjacent to the Kawakawa Industrial Park proposed for rezoning to Industrial in accordance with the Feilding Urban Growth Framework Plan 2013 as shown in the notified planning map 35 and identified as “Kawakawa Industrial Park Growth Area”.

Versions of PC52 promoted by MDC

[1] Plan making is an iterative process. Along the journey there are a number of changes expected in response to submissions and in response to information obtained at the hearing. This also happened with PC52. The planning witness for MDC on PC52 was Brenda O’Shaughnessy from Opus Consultants Ltd and she provided versions using the nomenclature that we proposed in our Commissioner Minute dated 2 November 2016. Recapping, the following terms apply:

- (a) PC52(N) = the version of PC52 notified by MDC;
- (b) PC52(R1) = the version proposed by MDC in its s 42A report. In this case this was Appendix 4 to the s 42A report by Ms O’Shaughnessy;
- (c) PC52(R2) = this is the final version recommended by Ms O’Shaughnessy, in her right of reply after the hearing and is also called “Appendix 4 – Marked up Notified Plan Text”.

[2] We attach as **Appendix 1** to this decision, the Marked Up Notified Plan Text which is PC52(R2). Helpfully, the guide to the format of the document on page 1 of Appendix 1, shows a versioning legend. Yellow denotes changes made and adopted in the s 42A report in response to submissions. Grey shading denotes further changes as a result of the hearing evidence. In addition, Appendix 1 is extensively footnoted to identify the provenance of the plan change. In particular, what submissions it is responding to. This has been enormously helpful to satisfy us about scope and the reasoning for the changes.

Background

[3] PC52 is a discrete plan change seeking to review and amend the MDP in accordance with MDC's obligations under RMA, s 79. In particular, it seeks to amend those provisions relating to the management of land resources within the district where industrial activities are enabled.

[4] Major initiatives contained in PC52 include:

- (a) A new structure and format that is compatible with the intended future layout of the MDP. The first thread in that enterprise was PC45;
- (b) New objectives, policies and rules;
- (c) Amendments to the planning maps so that the Kawakawa Industrial Park Growth Area is industrially zoned; and
- (d) Improved amenity management, and in particular amenity controls at the following key interfaces:
 - (i) Frontage to arterial roads;
 - (ii) Frontage to local roads;
 - (iii) Inter-zone boundaries.

Submissions

- [5] PC's 52, 55 and 60 were notified collectively. 29 submissions were received to all three plan changes. Of these, seven made submissions on PC52.¹ Four further submissions were lodged in response to the primary submissions.²

Section 42A report on submissions

- [6] The s42A report dated November 2016 was prepared by Ms O'Shaughnessy. That report was placed on the MDC website. The report recommended a number of changes to PC52(N) that were identified in PC52(R1) and highlighted in yellow. In Appendix 3 to s 42A report, Ms O'Shaughnessy identified each submission point by topic and identified whether or not she supported the proposed change and the reasons for either agreeing or not agreeing to the changes proposed by the submitter. Again, all of this information is on MDC's website.
- [7] At [4.1] of her s 42A report, Ms O'Shaughnessy identified 14 key issues that came out of the submissions received on PC 52.
- [8] As will be seen in the following section concerning matters in contention, the scope of disputed matters in the hearing was narrow. Indeed, much of it was locality specific relating to interface controls involving land in the Kawakawa Industrial Park.
- [9] The limited scope of disputed matters is testament to the engagement and evaluation by MDC staff and Ms O'Shaughnessy that satisfied many concerns. There were changes to the objectives and policies to address concerns that the zone did not recognise appropriately the potential effects of industrial development in land already zoned industrial, and the importance of making provision for such activities. In particular, concerns

¹ See SO2 Kiwirail, SO3 Heritage New Zealand, SO4 Feilding and District Promotion, SO5 Manawatu-Wanganui Regional Council, SO6 H W Richardson Group, SO7 New Zealand Transport Agency, S12 Manawatu District Council, S21 Z Energy and Others, S24 Stacy Waugh, S25 Annette Waugh, S26 Dennis & Carolyn Waugh, S27 Kerry and Barbara Quigley, S28 Mark Taylor and S29 Melanie Taylor.

² FS2-1 Stacy Waugh, FS61-5 NZTA, FS4 Horizons Regional Council, FS12/6-12 Z Energy and Others.

with an overemphasis in PC52(N) on enhancement of amenity values with consequential permitted activity standards that were considered too onerous. This came through particularly strongly in the submission by the H W Richardson Group and the Oil Companies.³

Matters in contention at the hearing

[10] At the hearing we only received evidence from five submitter groups; the Waugh's, the Quigley's, Heritage New Zealand, Horizons Regional Council, the H W Richardson Group and the Oil Companies.

[11] We identify the following matters as significant matters in contention:

- (a) Issue 1 – the interface controls on the Waugh's property on the corner of Turner Road and Waughs Road/SH 54 in the Kawakawa Industrial Zone at the boundary with the Quigley's property called "Mahoe" at 171 South Street;
- (b) Issue 2 – the amenity controls at the Waughs Road/SH 54 frontage of the Waugh's property; and
- (c) Issue 3 – hazards and the rezoning of Kawakawa Industrial Park Growth Area.

[12] The authors of the evidence for the H W Richardson Group and the Oil Companies did not appear before us. They were largely satisfied with the change in methods proposed in the s 42A report.⁴ We were not able to question the witnesses on their evidence and therefore cannot give it great weight. In any event, we were satisfied with the assessment of that written evidence by Ms O'Shaughnessy in her right of reply and her proposed response to that evidence in PC52(R2). We do not treat the evidence from these groups on policy wording as raising matters of significance.

³ Ms Blair's SOE was matters of clarification not evidence; see SOE Karen Blair at [1.3].

⁴ SOE Megan Justice for H W Richardson Group at [3.1] and SOE Karen Blair for the Oil Companies at [1.3].

Issue 1 – The interface between the Waugh’s industrially zoned property and the Quigley’s rurally zoned property

The essence of the dispute

- [13] The Quigley’s are owners and stewards of the historical Mahoe property. The land on which the historic homestead is situated is zoned Rural. This is part of a remnant of rural zoned land now surrounded by the Kawakawa Industrial Zone. The surrounding land was rezoned by an earlier plan change and is not part of the Kawakawa Industrial Park Growth Area.
- [14] The common boundary between Mahoe and the Waugh’s industrially zoned property is about 210m. It is approximately 122m on Mahoe’s eastern boundary and 79m on Mahoe’s southern boundary.
- [15] Two key amenity controls in PC52 are set backs and amenity planting standards for permitted activities. PC52(R1) amended these key interface controls from those identified in PC52(N) for the interface between rural and industrial land. The changes are set out in table 1 below:

TABLE 1	PC52(N)	PC52(R1)
Setback R16.4.2(a)(ii)	10 metres	5 metres
Buffer landscaping R16.4.2(b)(ii)	10 metres	2 metres

- [16] In support of these changes, MDC provided a s 42A report from Ms O’Shaughnessy which was informed by advice received from Mr Hudson, a landscape architect.
- [17] The essence of the dispute goes to the appropriateness of these key amenity controls. During the hearing, before the Quigley and Waugh interests gave evidence, we raised the question of whether or not the reduction in amenity controls in PC52(R1) (as seen in Table 1) was appropriate in relation to the boundary between rural and industrial land where Mahoe is located. The reasoning is that even though the rural zoned land is rural, there are patterns of rural-residential development evident in

properties on South Street (albeit zoned rural) which may warrant controls closer to the residential standard.

The evidence for the Quigley's

[18] Mr and Mrs Quigley appeared in support of more extensive amenity controls on the boundary of Mahoe and the Kawakawa Industrial Zone then proposed in PC52(R1). Mr Quigley noted the historical values of Mahoe and his concern that the amenity of the homestead and grounds may be unduly affected by industrial development unless appropriate amenity controls are in place. In support of his evidence, Mr Quigley provided a statement from a horticultural consultant, Athol Sanson. Mr Sanson did not present evidence orally. Mr Sanson supported a 6.5m amenity planting requirement in Rule 16.4.2(b)(iii)(a). Mr Sanson said in relation to that matter:

This item states a reduction of the screen planting from 10m to 5m wide. We recommend that this is increased to 6.5m, which will allow three rows of trees/shrubs to be planted at 1.5 centres. Plants will be set back 1m from any fences which will ensure no browsing from neighbouring stock will damage the planting.

[19] It appears that Mr Sanson did not appreciate that in fact PC52(R1) recommended a reduction from 10m to 2m at the rural interface for screen planting.

[20] Mr Sanson also recommended that additional species be identified in Appendix 16.1 as appropriate for screen planting. There were ancillary recommendations relating to fencing and timing of planting.

Evidence for the Waugh's

[21] Mr Waugh outlined the aspirations for development of the Waugh property. It is a family property. A number of family members have an interest in it. The aspiration of the Waugh's is to retain ownership of the land and ground lease for the land for industrial activities. Particularly those that would benefit from the high profile to SH54 that the property affords. We were shown an indicative development plan and Lots 9 and 10

in particular have a high profile adjacent to SH54. Proposed Lot 9 has a boundary on the southern boundary of Mahoe.

[22] Mr Waugh made the following points on amenity controls at the Rural Zone boundary (although he was not opposed to the 5m setback on the rural zone boundary in contrast to his opposition to the setback on the state highway):⁵

- (a) The land is already zoned Industrial without amenity planting controls. This situation existed before the Quigley's purchased the property;
- (b) Amenity controls up to 5m along the entire boundary is excessive given the type of industrial development likely to establish in the area;
- (c) All other owners of rural land in the South Street locality did not require amenity controls; and
- (d) There is an economic burden involved in setting aside land for amenity planting and establishing and maintaining that planting.

Evidence in reply by MDC

[23] MDC's landscape expert, Mr Hudson, did a site visit with us of the Mahoe property and the Waugh property on the third day of the hearing.

[24] Mr Hudson considered the controls in PC52(R1) were appropriate and sufficient because:

- (a) The plantings on the southern boundary of the Mahoe property was substantial and mature. The additional screening that would be afforded by increasing the amenity planting from 2m to 5m upon industrial development of the Waugh's property was small;
- (b) The depth of screen planting recommended by Mr Sanson was excessive; and

⁵ See slide 10 in the Waugh Powerpoint presentation.
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- (c) While boundary planting was less substantial on the eastern boundary of Mahoe, it was still extensive. This was the back yard of the property and there was still significant room for planting if desired by the landowner.

[25] Ms O'Shaughnessy expressed the opinion, informed by the advice of Mr Hudson, that the PC52(R1) controls were an appropriate balance of interests, having also regard to economic costs (as required by RMA, s 32), and because consistency in standards across that Rural Zone boundary is desirable.

Our conclusion on Issue 1

[26] We conclude that PC52(R1) provisions relating to amenity controls as the interface between the Mahoe property and the industrially zoned land of the Waugh's property is appropriate. Our extensive site visit confirmed the views expressed by Mr Hudson. We weighed the interests and we consider that an appropriate balance is achieved by the provisions of PC52(R2).

Issue 2 - Amenity controls at the SH54 frontage to the Waugh's property

The evidence for the Waugh's

[27] Mr Waugh in his presentation opposed Rule 16.4.2(b)(iii)(b) that required as a permitted activity standard a 5m landscape strip on the SH54 frontage. His particular concern was with the potential impact of those controls on Lots 9 and 10 in the Waugh's proposed development plan. These have the highest profile with frontage to SH54 and are particularly suitable for display type uses that benefit from a high profile. Mr Waugh's points were:

- (a) NZTA is supportive of the development proposals;
- (b) 5m planting is excessive;
- (c) If the objective is screening then that is inappropriate; and
- (d) There is an easement in favour of MDC for drainage on proposed Lot 10 which would make landscape planting problematic.

Evidence in reply by MDC

[28] Ms O'Shaughnessy did not recommend any changes to the core elements of PC52(R1). She pointed out that the purpose of the landscape strip is not to achieve screening, and this is plain from the heights specified in the third bullet point to Rule 16.4.2(b)(iii)(b). Additionally, PC52(R2) removes the reference to "screen" planting in the standard. If the proposed activity could achieve an appropriate level of amenity without the necessary landscaping, then this would be assessed as a restricted discretionary activity under Rule 16.4.3 and is likely to be dealt with on a non-notified basis.

Our conclusion on Issue 2

[29] We support the provisions in PC52(R2) concerning management of the interface with Aorangi Road. The management of the entrance to Feilding is important. Industrial development is an optimal use of the land in the Kawakawa industrial precinct. However, there is a risk that that development could incur in a way that has material adverse visual effects on this corridor. The amenity controls proposed by the Plan as permitted activity standards will go some way to ensuring that the combination of planting creates an appropriate interface.

[30] It is important to bear in mind that these are permitted activity standards and it is possible to seek a resource consent to deviate from these standards. The effects will be those identified as a being the result of non-compliance with the relevant standard. That is the way the restricted activity rules are set up in the Plan. We accept the evidence of Mr Waugh that there may be types of development that are appropriate and nevertheless do not require as extensive landscape amenity planting as required for a permitted activity. This can be assessed based on the building type, configuration and the site arrangement. It is not an unreasonable obligation given the importance of the corridor that any landscape proposals that deviate from the permitted activity standards are assessed by MDC.

- [31] We are sure that MDC will take into account when the Waugh development proceeds, the range of matters identified as relevant in Mr Waugh's evidence. These site specific matters however are not appropriate matters to weigh in the assessment of the management of the corridor in its entirety by means of permitted activity standards.
- [32] For the sake of clarity, the heading of the performance standard in R16.4.2(b)(iii) should be changed to "Screening and amenity planting of interface areas". Because screening is not intended at the interface of roads.

Issue 3 – Flood hazards and the re-zoning of Kawakawa Industrial Park Growth Area

The essence of the issue

- [33] The essence of the issue is whether or not Policy 9-2 in the One Plan is given effect to by the re-zoning and associated activity controls for the Kawakawa Industrial Park Growth Area.
- [34] Policy 9-2 of the One Plan concerns regional management of flood hazards. Policy 9-2(b) and (c) read:
- (b) Outside of a **floodway*** mapped in **Schedule J** the Regional Council and *Territorial Authorities*[^] must not allow the establishment of any new structure[^] or activity, or an increase in the scale of any existing *structure*[^] or activity, within an area which would be inundated in a 0.5% AEP (1 in 200 year) flood event² unless:
 - (i) **flood hazard avoidance*** is achieved or the 0.5% AEP (1 in 200 year) flood hazard is mitigated, or
 - (ii) the non-habitable *structure*[^] or activity is on production *land*[^], or
 - (iii) there is a functional necessity to locate the *structure*[^] or activity within such an area,

in any of which cases the *structure*[^] or activity may be allowed.
 - (c) **Flood hazard avoidance*** must be preferred to flood hazard mitigation.

- [35] Policy 9-2 must be given effect to in any changes to the District Plan.
- [36] As part of the sectional review, MDC will address flood hazards separately. The present method in the MDP is Flood Channel Zones. As with the residential growth plan changes dealt with in 2015, we were concerned that hazard risks are sufficiently addressed at the time of any re-zoning.
- [37] Parts of the Kawakawa Industrial Park Growth Area (to be re-zoned Industrial) are within the remodelled 0.5% AEP. The model is from Horizons Regional Council. The new 0.5% AEP flood extent is not spatially identified in PC52. Significantly, however, another hazard is spatially identified in PC52. This is the Lateral Spread Overlay. The Lateral Spread Overlay is defined by a new definition introduced by PC52. The Overlay addresses land which is subject to a liquefaction risk.
- [38] Interestingly, the area covered by the Lateral Spread Overlay in the Kawakawa Industrial Park Growth Area is generally more extensive than the extent of the remodelled 0.5% AEP flood hazard. This was demonstrated by MDC superimposing on Appendix 16.2 (which is the plan showing the Kawakawa Industrial Park Growth Area and the spatial extent of the Lateral Spread Overlay), the extent of the 0.5% AEP. Only a small portion at the southern end of the Kawakawa Industrial Park Growth Area is not Lateral Spread Overlay, but is within the 0.5% AEP.
- [39] The permitted activities on land which is subject to the Lateral Spread Overlay are only those activities listed in Rule 16.4.2(l). These activities are:
- (a) Outdoor storage areas;
 - (b) Public open space;
 - (c) Carparking; and
 - (d) Farming (excluding buildings).
- [40] Any other industrial development defaults to non-complying under Rule 16.4.5.

- [41] The upshot is that most of the land subject to the Lateral Spread Overlay (and therefore also the 0.5% AEP) cannot be used to establish industrial infrastructure. The PC52 provisions therefore co-incidentally achieve substantial mitigation of flood hazard risk. 'Risk' being the product of probability and potential impact.

The evidence for Horizons Regional Council

- [42] Evidence was tabled on behalf of Horizons Regional Council by Lisa Thomas. In relation to submission point S06/5 concerning the flood hazard risk, Ms Thomas at [11] said:

As an interim measure until the Flood Channel Zones have been updated through PC53, we recommend that the guidance note beneath Rule 16.4.2 be amended. The amended guidance note makes land within the 0.5% AEP (1 in 200 years) modelled floodable area on Appendix 16.2 – Kawakawa Industrial Park Growth Area subject to Flood Channel 2 Zone Rules. This effectively gives precedence to the flood information contained in the structure plan, over the flood information currently contained on District Plan Map 35. Ms O'Shaughnessy has recommended that the submissions point (S5/006) be accepted (refer to Topic 41 - 16.4.2 Industrial Zone – Standards Permitted Activities (Guidance Notes) of the table in Appendix 3 of Ms O'Shaughnessy's SOE.

MDC's evidence in reply

- [43] We questioned whether Horizon's proposed guidance note was appropriate. In her rebuttal evidence, Ms O'Shaughnessy withdrew her recommendation in relation to the guidance note on the grounds:
- (a) A guidance note is not a tool to regulate and therefore the proposed guidance note (which does attempt to regulate) is inappropriate; and
 - (b) Even if the guidance note could regulate, the effect would be to re-zone land and doing that through this process would be inappropriate.

Our conclusion on Issue 3

- [44] MDC and Horizons Regional Council are working cooperatively to ensure best quality information on flood hazards informs the review process by MDC.
- [45] It is important that any rezoning takes account of and gives effect to Chapter 9 of the One Plan which has the status of an RPS.
- [46] But for the Lateral Spread Overlay provisions, we would not have been satisfied that the Kawakawa Industrial Park re-zoning gave effect to the One Plan Policy 9-2 to the extent it included land within the 0.5% AEP. However, because of the provisions relating to the Lateral Spread Overlay and the spatial extent of that Lateral Spread Overlay, we consider that:
- (a) There will not be significant industrial infrastructure established in the Kawakawa Industrial Park Growth Area;
 - (b) The Flood Hazard and other risks are adequately mitigated by the PC52 provisions; and
 - (c) To the extent that there is a small area that is within the 0.5% AEP and not within the Lateral Spread Overlay, our conclusion is the risk of any significant development before the MDP the new hazard provisions are revised is very low.
- [47] Accordingly, we agree with PC52(R2) and agree with the conclusions of Ms O'Shaughnessy that the guidance note is not appropriate.
- [48] We encourage MDC to promptly address the hazards issue as a priority in its sectional review.

Overall Conclusion

- [49] Our role is to make decisions under RMA, Schedule 1.
- [50] We consider after hearing the evidence and testing the evidence, that the provisions proposed in Appendix 1 (PC52(R2)) meet the statutory tests for plan making in the RMA. If convenient, we agree MDC should amend

Appendix 16.1 as proposed by Mr Sanson. We also consider the change at [32] of this decision should be made.

[51] This decision addresses the major points in contention and to the extent that there are modifications between PC52(N) and PC52(R2), then our further evaluation comprises this decision, supported by the following items of evidence:

- (a) The s 42A report and supporting technical papers;
- (b) The evidence received at the hearing as noted in this decision.

[52] Beyond that, given the nature of the nature of the changes since PC52(N) and their minor environmental scale and significance, we consider under s 32AA(1)(c) that no further evaluation is required.

[53] We adopt the recommendations to adopt or reject in whole, or in part the submissions as set out in the schedule to Ms O’Shaughnessy’s s 42A report, except to the extent we agree to the further modifications in PC52(R2) and in this decision.



John Maassen
Chair

Howard Voss
Commissioner

Shane Casey
Commissioner

APPENDIX 1

Appendix 4

Amended Planning Maps and Marked Up Notified Plan Text

Guide to Format of this Document:

1. New text at notification is underlined, except in Chapter 16 where all text is new.
2. Deleted text at notification is shown as ~~striketrough~~, except that:
 - a. Operative ***Chapter 2 – Definitions*** relating to ***Portable Sawmill*** and ***Sawmill, Chapter 4 Managing Land Use Effects (Section 4.7 Industrial Zones)*** and ***Rule B5 – Industrial Zone*** are proposed to be entirely deleted by PC52. No submissions relate to those proposed deletions. The relevant deleted text for these sections have not been included in this version of the Marked up Text.
3. All changes recommended following consideration of submissions are shaded yellow (PC(R1)):
 - New text recommended is shown underlined; and
 - Text recommended to be deleted is shown as ~~striketrough~~.
4. All changes recommended following consideration of hearing evidence are shaded grey (PC(R2)):
 - New text recommended is shown underlined; and
 - Text recommended to be deleted is shown as ~~striketrough~~.
5. Text in blue is not part of this Plan Change and will be evaluated as part of PC55.
6. The relevant submission number references are footnoted.

1. CHAPTER 2 - Definitions

1. Delete the existing definitions for **Portable Sawmill** and **Sawmill**.
2. Amend or insert the following definitions in alphabetical order:

AGRICULTURAL VEHICLES SALES AND SERVICE means an activity involving the sales and/or service of farm vehicles or other heavy vehicles.

INDUSTRY means the use of land or buildings for the purpose of manufacturing, fabricating, processing, repair, packaging, storage, collection, distribution including the wholesale or retail sale of goods manufactured or processed onsite and includes, without limitation:

- a. Animal and animal-product processing
- b. Abrasive blasting
- c. Cool stores and pack houses
- d. Engineering works
- e. Fibre-glassing
- f. Firewood processing and storage
- g. Grain drying and processing
- h. Landscaping storage and supplies
- i. Panel beating and spray painting
- j. Timber processing and treatment
- k. Transport depots
- l. Vehicle wrecking and scrap yards
- m. Waste material collection, processing and disposal including refuse transfer stations and recycling depot/resource recovery centre activities (excluding the day-to-day removal of refuse, by Council or an authorised contracting agency).

LANDSCAPE STRIP means, in relation to the Industrial Zone, a strip of land to be planted in accordance with Appendix 16.1, to improve visual amenity of the surrounding area rather than to screen activities on the subject site from view beyond the site.

LATERAL SPREAD OVERLAY means an area identified on the District Planning Maps, for which planning controls are applied to ensure foundations for new development can tolerate deflections imposed by liquefaction-induced ground subsidence. Sites within the Overlay were identified in the Feilding Liquefaction Study, 2013, as being moderately susceptible to liquefaction. The risks of liquefaction identified in that report do not preclude development.

LUNCHBARS AND DAIRIES for the purposes of the Industrial Zone, means any food outlet which is intended to provide for the day to day needs of workers in the surrounding Industrial Zone. Such facilities may be retail activities, secondary to the

principal use of the site for industrial activities, or exist in their own right but must not exceed 100m² gross floor area.¹

PB40 refers to the typical horticultural sector method for describing plant size at time of planting. PB stands for Pint Bags. These are typically high quality UV stabilised black plastic Planter Bags otherwise known as PB Bags.

1 pint = 600ml. As a rough guide, multiply the PB number by 0.6 to get the volume in litres of the bag. A planter bag required to be PB40 should measure approximately 230 x 230 x 460 x 125mu and comprise a volume of approximately 18-25 litres.

REVERSE SENSITIVITY means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities, which are sensitive to the adverse environmental effects being generated by the pre-existing activity.²

SCREEN PLANTING AREA means in relation to the Industrial Zone, an area required to be planted in accordance with Appendix 16.1, to screen activities on the subject site as far as practicable, from view from the adjacent road or non-industrial zoned land.

WORK SKILLS TRAINING CENTRE means an **educational facility** which teaches any NZQA accredited course to develop or enhance basic or technical skills including apprenticeships associated with trade, industrial or commercial activities.

2. Chapter 4 – MANAGING LAND USE EFFECTS

Delete the existing Section 4.7 INDUSTRIAL ZONES including objectives and policies and associated matters under the headings Explanation, District Plan Methods and Other Methods.

3. Rule B5 (renamed Chapter 16) - Industrial Zone

1. Delete Rule B5 – Industrial Zone.
2. Insert new chapter to be named Chapter 16 Industrial Zone, as indicated below:

16 INDUSTRIAL ZONE

16.1 Introduction

³Manawatu District is well placed to service both wet and dry industrial activities with no significant land or infrastructure impediments to processing activities. The Council has been active in this regard to facilitate future industrial development and to encourage existing industrial activity to prosper and expand within the District.

¹ S21/26 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd – Support No change

² S21/23 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd – Support No change

³ S7/002 from the NZ Transport Agency – No change
JWM-015533-241-94-V1:JHB

The Feilding Urban Growth Framework Plan 2013 (the Framework Plan), estimates that 170 hectares of land is presently zoned Industrial. The Framework Plan anticipates future demand for 15.6ha of industrial land by 2041. The majority of future demand for industrial land (11ha) is likely to be required between 2011 – 2021, being 70% of the total projected demand to 2041. Industrial growth is an area of key strategic importance to the Manawatu District.

The majority of industrial activity is located, within the Feilding **township area at the Riverside, Oroua River and Kawakawa Industrial areas.**⁴ Small pockets of industrial land are retained along local transport routes such as Makino and Lethbridge Roads, and at Rongotea.

Although undeveloped land is zoned for industrial use, this tends to be held in large parcels and in limited ownerships. These factors tend to be viewed positively by prospective large industries and can be a negative factor for smaller enterprises. Employment in the industrial sectors, centred primarily in the Feilding industrial area, is forecast to increase steadily by around 20% to 5,100 people by 2041.

⁵Given the nature of **effects** that can arise from industrial activities, it is important to provide and promote suitable locations with sufficient market choice to accommodate the demands of the various small to large, wet and dry industries that may contemplate development in Manawatu. It is equally important that suitable land is zoned for industrial activities and appropriate restrictions apply to non-industrial activities to avoid or minimise the potential for risk, reverse sensitivity and other potential issues and to protect industrial land for industrial type activities.

To meet future demand, **Council** is expanding the existing Industrial Zone at Kawakawa/Turners Road. The **Growth Precinct 5 Structure Plan**⁶, for the Kawakawa Industrial Park Growth Area (Appendix 16.1) demonstrates **Councils** commitment to facilitate well-designed, integrated and sustainable industrial development and expansion in the Feilding industrial area.

The **Industrial Zone provisions, Kawakawa Industrial Park Growth Area provisions establish a strong focus on providing an efficient and effective zone for industrial activities, while** improving and managing the visual amenity of the Industrial Zone, particularly where such land is potentially visible from public places or adjacent zones. **This will be achieved with structure planning to provide landscaping, building design and site layout guidance. The Plan also recognises the validity of existing non industrial activities established in the immediate vicinity of the Industrial Zone, and The Plan will maintain amenity values for sites within and beyond the Zone and maintain or enhance amenity values for Industrial zoned sites adjacent to arterial routes or key entry points to townships. provision for the continued operation and existing amenity values enjoyed by such activities. In the**

⁴ S4/001 and S4/007 from Feilding & District Promotion Inc,

⁵ S21/016 from Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd –Support No change

⁶ Feilding Urban Growth Framework Plan, 2013, prepared by Boffa Miskell

Kawakawa Industrial Park Growth Area this will be achieved with structure planning to provide landscaping, building design and site layout guidance.⁷

Reverse sensitivity is the potential for a lawfully established activity to be constrained or curtailed by the more recent establishment of activities sensitive to the environmental effects generated by the original activity. The Industrial **Zone** provisions are framed to minimise the opportunity for reverse sensitivity issues to negatively impact on lawfully established industrial activities, whilst encouraging best practice operations and appropriate amenity values within the Zone.

Manawatu-Wanganui Regional Council completed a Lifelines Project, which identified that at a very broad level the Kawakawa Industrial Park Growth Area⁸ has a moderate susceptibility to liquefaction. The Manawatu District Council commissioned a high-level liquefaction risk assessment in December 2013⁹. This study included site investigations to assess the geotechnical issues related to the hazard posed by liquefaction. The Feilding Liquefaction Study found that the liquefaction hazard is generally low in the development areas, with localised pockets of silt which have the potential to liquefy. However, this risk was not sufficient to preclude development. Rather planning controls were recommended to ensure foundations for new development could tolerate deflections imposed by liquefaction-induced ground subsidence. Areas subject to such controls are identified within the **Lateral Spread Overlay** on the planning maps.

This chapter is intended to be read in conjunction with Chapter **43** - District Wide Rules and Chapter 4 - Historic Heritage. If the rules contained in this chapter are more restrictive than those in Chapter 3 or 4, then they shall apply.¹⁰

PAGE
5

16.2 Resource Management Issues

The following resource management issues have been identified in the Industrial **Zone**:

1. The need to provide land in suitable locations and of appropriate size to sustain and expand industrial activities within the Manawatu District.
2. The need to manage the potential effects that the existence, establishment and expansion of non-industrial activities located in or adjacent to the Industrial **Zone** can have on the ability of industrial activities to establish, operate or expand.
3. The desire to achieve an appropriate level of amenity within the Industrial Zone; including enhancing amenity values on sites adjacent to key entry points to townships and arterial routes; and to maintain or enhance amenity values

⁷ S6/001 from H.W Richardson Group

⁸ Minor Amendment CI 16

⁹ Feilding Liquefaction Study - Geotechnical Evaluation Interpretive Report, Opus International Consultants Ltd, 2013.

¹⁰ S3/001 from Heritage New Zealand Pouhere Taonga
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where possible/practical, particularly visual amenity, of adjacent more sensitive zones, to be experienced from other zones, and public places within and adjacent to the Industrial Zone.¹¹

4. The need to manage the potential effects of industrial development on the environment, including increases in stormwater run-off resulting from increased impermeable surfaces.¹²

16.3 Objectives and policies

Objective 1

To promote the establishment, expansion and operation of a range of industrial activities within the Industrial Zone.¹³

Policies

- 1.1 To enable a wide range of **activities** to locate and operate within the Industrial Zone.
- 1.2 To protect the effectiveness and efficiency of the Industrial Zone for existing and potential future industrial activities by avoiding the establishment of activities within the Zone, that have the potential to constrain the establishment, ongoing operation or expansion of industrial activities. To manage the establishment of activities not provided for as permitted or restricted discretionary activities within the Industrial zone the effects on existing and potential future industrial activities in the zone will be more than minor.¹⁴
- 1.3 To control the design of **building** foundations, new infrastructure and associated works on **sites** identified as susceptible to lateral spreading hazards on the planning maps.

Objective 2

To manage adverse effects of industrial activities on the environment, to promote appropriate amenity values associated with the Industrial Zone including:

- maintaining, and where possible/practical, enhancing amenity values within the Industrial Zone and for adjacent sites beyond the Industrial Zone; and
- enhancing amenity values on sites fronting arterial routes or key entry points to townships.

¹¹ S6/002 from H.W Richardson Group and S21/017 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

¹² S5/001 from Manawatu- Whanganui Regional Council (Horizons) – Support No Change

¹³ S6/003 HWRG and S21/018 the Oil Companies – Support No Change

¹⁴ S21/018 from Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

To promote and enhance amenity values within the Industrial Zone, whilst managing adverse effects of industrial activities on the environment beyond the Zone, particularly visual amenity of the surrounding environment.¹⁵

Policies

- 2.1 To require subdivision, use and development be consistent with any structure plan, including demonstrating safe integration with existing street layouts and infrastructure to ensure a sustainable pattern of development including by:
- i. demonstrating safe integration with existing street layouts and infrastructure;
 - ii. ensuring that alternative local road layouts in Appendix 16.2 for the Kawakawa Industrial Park Growth Area, achieve the following:
 - a. provide at least one local road, parallel to the southern half of Turners Road and one local road to give access to the middle of the northern part of the Zone; and
 - b. confirm that provision of key infrastructure to serve the Zone will not be compromised including consideration of potential adverse effects on development of other sites within the Zone; and
 - c. retain similar provision of access to all sites within the Zone as proposed in Appendix 16.2 Structure Plan; and
 - d. preserve options to develop the reserve area between the Zone and the Oroua River to provide for future stop banking, riparian planning and creation of a walking / cycling track.¹⁶
- 2.2 To ensure that subdivision, use and development of land in the Industrial Zone is managed to avoid, remedy or mitigate adverse effects on significant historic¹⁷ heritage.
- 2.3 To ensure that activities located within the Industrial Zone, minimise, as far as practicable, adverse effects beyond the site boundary within the Industrial Zone, including any effects associated with noise, glare or night lighting, and ensure that any effects on adjacent non-industrial zones are consistent with the expected amenity values in that zone. to protect the amenity values of the surrounding environment.¹⁸
- 2.4 To require new industrial activities to locate within the Industrial Zone, to ensure that effects of these activities where the associated effects on the environment, particularly related to infrastructure, traffic, noise and amenity values are anticipated, provided for and, as far as practicable confined to the Zone.¹⁹

¹⁵ S3/002 Heritage NZ Pouhere Taonga, S6/004 HWRG, S21/041 and FS12/006, FS12/007 Oil Companies

¹⁶ S5/007 Horizons, S7/003 NZTA, S12/011 MDC and S6/015 from H W Richardson Group

¹⁷ S3/003 Heritage New Zealand Pouhere Taonga and S6/005 from H W Richardson Group (HWRG)

¹⁸ S6/006 from H W Richardson Group (HWRG) and S21/020 from Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

¹⁹ S6/007 HWRG, S5/002 and FS4/001 Horizons, FS12/009, S21/021 Oil Companies

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- 2.5 To require subdivision, use and development in the Industrial **Zone** to be designed to:
- i. ~~maintain or create~~ enhance an appropriate level of the visual amenity values and streetscape values within the Zone; and
 - ii. maintain or enhance visual amenity values, where practicable when viewed from other zones and ~~any public place; and.~~
 - iii. enhance amenity values on sites fronting arterial routes or key entry points to townships.²⁰

16.4 Rules

16.4.1 Permitted Activities - Industrial Zone

The following are permitted activities in the Industrial Zone (excluding sites within the **Lateral Spread Overlay** except as specified in l. below) provided that they comply with the standards in Rule 16.4.2 below:

- a. **Industry**
- b. **Light Industry**
- c. Additions or alterations to, any existing **building**.
- d. **Agricultural vehicle sales and service**
- e. **Ancillary activities**
- f. Standalone car parking activities and **buildings**
- g. Construction of any **building** associated with a **permitted activity**.
- h. **Lunch Bars and dairies**²¹
- i. **Seismic strengthening**
- j. **Service stations**²²
- k. Work skills training centres
- l. Outdoor storage areas, public open space, carparking and farming (excluding **buildings**) are the only activities permitted within the **Lateral Spread Overlay**.
- m. ~~Any lawfully established activity operating on and prior to date PC52 rules take effect including:~~
 - i. ~~additions or alterations to existing **buildings** associated with such activities; and~~

²⁰ S6/008 from H W Richardson Group (HWRG), S21/022 and FS12/010 Oil Companies

²¹ S21/027 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd – Support No Change

²² S21/024 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd– Support No Change

- ii. ~~the expansion of such activities, including onto adjacent sites in the Industrial Zone.~~²³

n. Earthworks

o. Signs

16.4.2 Industrial Zone – Standards for permitted activities

For the Industrial Zone, the permitted activities specified above must comply with the following standards:²⁴

a. Building Setback Yards and Height²⁵

- i. All buildings ~~or storage of goods~~, excluding signs ~~and service station canopies~~²⁶ must be set back at least 6 metres from any boundary with a road ~~or rail corridor~~.²⁷

- ii. ~~Any building~~ Buildings (excluding on boundaries where (i) above applies) ~~or storage of goods associated with industry (excluding light industry)~~ must be at least:

- ~~15~~10 metres from any boundary adjoining land zoned Residential or Village ~~or Recreation~~; and
- ~~10~~ 5 metres from any boundary adjoining land zoned Rural, Recreation or Flood Channel 2.

- iii. ~~Any new building or storage of goods associated with any other activity must be at least 10 metres from any boundary adjoining land zoned Residential, Village, Recreation or Rural.~~

- iv. Maximum height of any building ~~must be~~ is 12 metres.

- v. ~~Any outdoor storage of goods must be setback at least:~~

- ~~5 metres from any boundary adjoining land zoned Residential or Village~~; and
- ~~2 metres from any boundary adjoining an arterial road or land zoned Rural, Recreation or Flood Channel 2.~~

Note: Side and rear boundaries must also comply with requirements of the Building Act.

²³ S21/025 Oil Companies

²⁴ S5/009 Manawatu- Whanganui Regional Council (Horizons) – No change

²⁵ S4/004 Feilding & District Promotion Inc, S6/009 HWRG, S12/001, S12/012 MDC, and FS2/001 Stacy Waugh

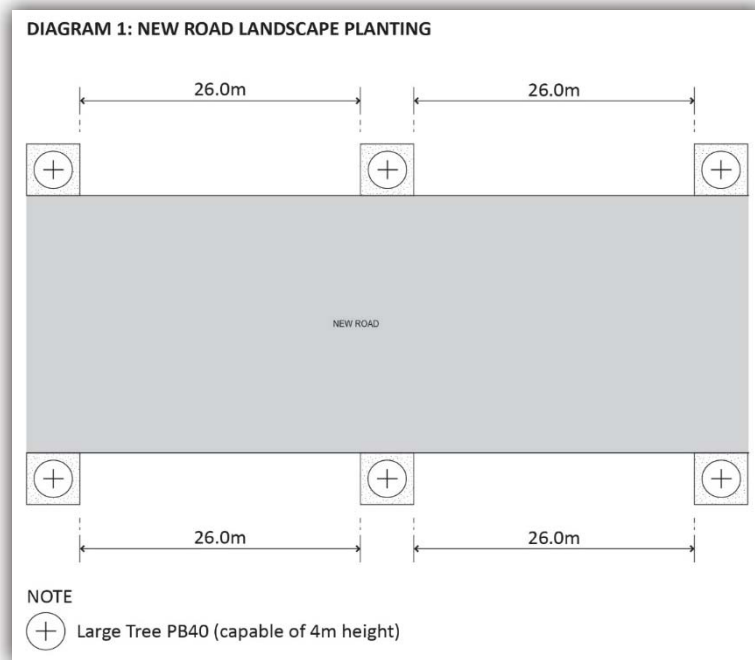
²⁶ S21/028 Oil Companies

²⁷ S2/001 KiwiRail

²⁸ S24/003, S24/004 Stacy Waugh, S26/003 D and C Waugh

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- b. Landscape, Screen Planting and Streetscape Design
- i. New Road



Along any new **road** constructed after **date PC52 rules take effect**, a tree must be planted every 26m **within road reserve** with a minimum size at planting of **PB40**. It must be capable of growing to a 4 metre **height** with a trunk that can be limbed up to 2m, in accordance with Diagram 1.²⁹

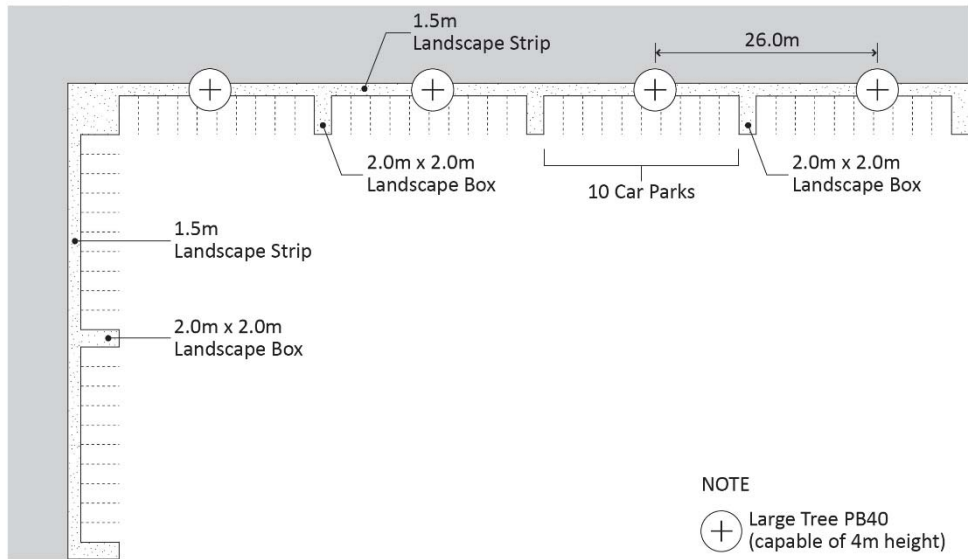
- ii. Formed Carparking Areas

- a. Within any formed car parking area, **1 specimen tree must be planted for every 10 car park spaces. Trees shall be evenly distributed amongst the parking area and planted in must be separated by a 2m x 2m landscaping box or similar feature and must include a landscape strip** with planting established, in **general** accordance with Diagram 2.³⁰

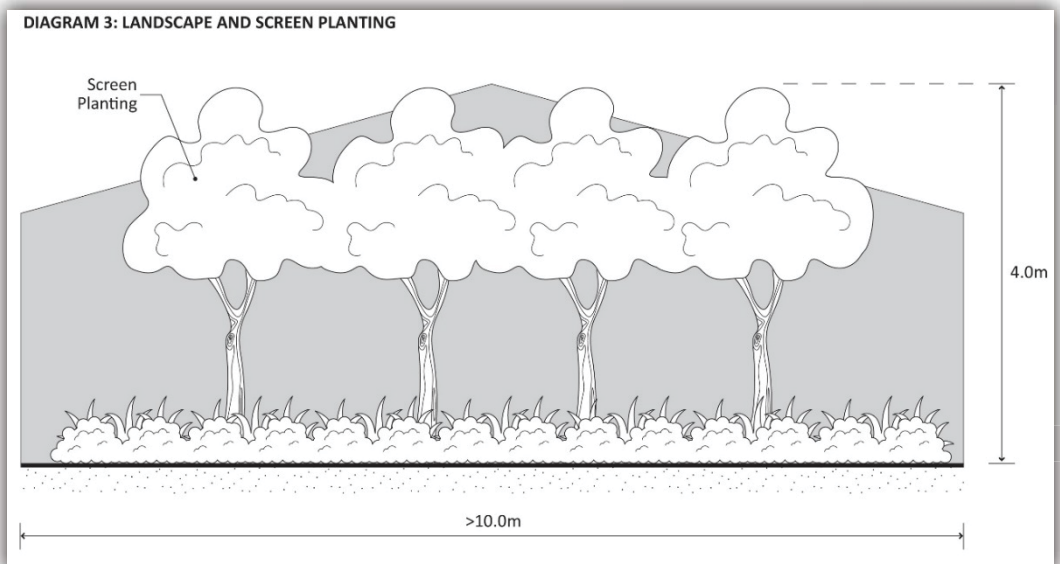
²⁹ S4/005 from Feilding & District Promotion Inc and S6/010 from H W Richardson Group – No change

³⁰ S6/011 from H W Richardson Group and S12/002 from Manawatu District Council

DIAGRAM 2: CAR PARK LANDSCAPE PLANTING



- b. Where 20 or more car parking spaces are provided, all parks must be bound by a 1.5m wide landscape strip that must be planted and maintained with low growing shrubs and groundcover not exceeding 0.75m in **height**. Every 26m along the landscape strip a tree must be planted with a minimum size at planting of **PB40**. Trees must be capable of growing to a 4 metre **height** with a trunk that can be limbed up to 2m, in accordance with Diagram 3.



Delete Diagram 3 above

- c. Where less than 10 car park spaces are required, a 2m x 2m landscaping box shall be provided at either edge of the parking area and a landscape strip must be provided along any road frontage, in general accordance with Diagram 2.³¹

Note : The preferred planting species for this **Zone** are listed in Appendix 16.1.

- iii. . Screening and Amenity Planting³² of Interface Areas

- a. Residential/Village and Rural **zones**³³

On **sites** boundaries which adjoin a **Rural**, Residential or Village **Zone** a **10 5m** wide **buffer** screen planting area **within the building setback yard** must be **established**, planted and maintained with a variety of shrubs and trees **(as specified (i) and (ii) of this standard)**: **Planting must ensure a density to achieve solid landscape screening along the entire Rural, Residential or Village **Zone** boundary within two years of planting**

On sites boundaries which adjoin a Rural or Flood Channel 2 **Zone a 2m wide screen planting area must be established, planted and maintained with a variety of shrubs and trees:**

- i. Shrubs must be capable of growing to a minimum **height** at maturity of 4 metres; and
- ii. Trees must be capable of growing to a minimum **height** at maturity of 9 metres

Note: The preferred planting species for this **Zone are listed in Appendix 16.1.**

- b. ³⁴Major or Minor **Arterial Roads** **(excluding carpark frontage areas where 16.4.2.b.ii (Formed Carparking Areas) applies)**

- On **sites** which adjoin any major or minor **arterial roads** **(excluding Waugh's Road)** (Refer Appendix 3B.1) or which lie directly across the **road** from a Residential or Village **Zone**, a 2m landscaping strip **along the front boundary, but excluding at vehicle crossings,** must be **provided,** **which**

³¹ S12/002 Manawatu District Council

³² Consequential minor amendment to reflect Commissioner decisions on submissions to this provision

³³ S6/012 HWRG, S26/002 D & C Waugh, S24/001 S Waugh, S25/001 A Waugh, S21/029 Oil Companies, S12/004 MDC FS6/001 and FS6/003 NZTA

³⁴ S12/005 from Manawatu District Council, S21/020 the Oil Companies

- On sites adjoining Waughs Road/SH 54 a 105m wide buffer screen must be provided. with a 2m landscaping strip must be provided.³⁵
- Where landscape strips are to be provided they must be planted and maintained with a variety of low shrubs and trees capable of that will grow growing to a height of at least 1.5 between 0.5 - 1.0 metres. Planting must ensure a density to achieve solid landscape screening within two years of planting.
- On sites adjoining Waughs Road/SH 54 a 105m wide buffer screen must be provided. with a 2m landscaping strip must be provided.³⁶
- Screen pPlanting adjacent to any arterial road must be frangible (breakable or fragile)³⁷.

- Any fencing where located adjacent to a road or non-industrial zoned land must be erected internally to the site with landscape planting fronting the road or non-industrial zoned land.
- Any planting required by this Rule, must be maintained and if plants perish they must be replaced immediately by the landowner.
- The landscaping along any yard referred to in iii) of this standard, must not be obscured by fencing.

c. Outdoor Storage Areas

Any outdoor storage areas must as far as practicable be screened and not visible when viewed from view any adjacent non-industrial zoned land or arterial road by either a closed board fence or wall of not less than 2m in height or dense planting capable of growing to 2m in height. Such planting must be regularly maintained. Any plants that perish must be replaced immediately.³⁸

d. Glare³⁹

Compliance with Rule 3B.4.3.

e. Noise

Compliance with Rule 3C.4.1

f. Vibration

All activities must be managed so that vibration is not discernible beyond the site boundary.⁴⁰

³⁵ S27/001 K & B Quigley, S26/001 D & C Waugh, S24/002 S Waugh, , S12/013 MDC, FS6/00 & FS6/005 NZTA

³⁶ S27/001 K & B Quigley, S26/001 D & C Waugh, S24/002 S Waugh, , S12/013 MDC, FS6/00 & FS6/005 NZTA

³⁷ S7/001 from NZ Transport Agency – No change

³⁸ S12/006 from Manawatu District Council

³⁹ S21/031, and S21/032 from Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

⁴⁰ S21/033 from Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

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g. Electrical Interference

All activities must be managed so that no interference with television or radio reception is caused within the Residential or Rural Zone.

h. Vehicle Movements

No movement of heavy vehicles onsite, between 8.00pm and 7.00am daily within 80 metres of any **dwelling**, that exists in the Rural, Residential and Village **Zone** prior to date PC52 rules take effect.⁴¹

i. Stormwater Neutrality⁴²

Every site must include a stormwater system designed to achieve **stormwater neutrality**, appropriate for the activities, use and development of the site, including connection to a Council network, at the following scales:

- i) Over the area of land that is the subject of the proposed activity; and
- ii) Over the Kawakawa Industrial Park Growth Area in which the proposed activity is located.

Note: Where stormwater detention areas cannot be accommodated within the Industrial Zone, an equivalent quantity of stormwater runoff mitigation is to be provided in a suitable location outside the zone.⁴³

j. Water Supply and Wastewater Disposal

Any use or development of a **site** must be connected to reticulated water and wastewater services and must not cause existing services to be overloaded.

Note: Refer to the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 to establish the quantity of water required for firefighting purposes.

k. Parking⁴⁴

Compliance with Rule 3B4.4

l. Visibility at Railway Crossings

Compliance with Rule 3B 4.2 and Appendix 3B.6

m. Access:

Compliance with Rule 3B 4.2

n. Separation Distance

Any activities involving the slaughtering of animals must be on sites, which are at least 100 metres from any Residential, Village or Business Zone.

⁴¹ S4/006 from Feilding & District Promotion Inc

⁴² S5/032 Horizons – Support No Change

⁴³ S5/002 Horizons, FS12/009 Oil Companies

⁴⁴ S21/034, S21/035, S21/036, S21/037 and S21/038 the Oil Companies– Beyond Scope

o. Visual **Amenities**

No activity shall involve keeping more than one **derelict vehicle** within view of Residential Zone or Village Zone or a public place.

p. Signs in the Industrial Zone

Compliance with Rule 3E.4.2

q. Earthworks

Compliance with Rule 3D.4.2

Guidance Note: **Stormwater Neutrality**, **Odour is and the 0.5% AEP (1:200) year modelled floodable land are** regulated by the Manawatu-Wanganui Regional Council. **Land included within the 0.5% AEP (1 in 200 year) modelled floodable land in Appendix 16.2 (Kawakawa Industrial Park Growth Area) is also subject to the Flood Channel 2 Zone Rules.**⁴⁵

16.4.3 Restricted Discretionary Activities - Industrial Zone

The following are **restricted discretionary activities** in the Industrial **Zone**:

- a. Any activity, specified in 16.4.1 above, that does not comply with one or more of the standards outlined in Rules 16.4.2.

For (a) above, the **Council** has restricted its discretion to considering the following matters insofar as they are relevant to the standard that will be infringed:

- building setback **yards**
- landscape, screen planting and **streetscape** design
- outdoor storage areas
- glare, noise, vibration, electrical interference and vehicle movements
- **stormwater neutrality**, water supply and wastewater disposal
- parking, visibility at railway crossings, access and separation distances
- **historic**⁴⁶ heritage and amenity values
- **signs**

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the Industrial **Zone**, assess any application in terms of the following assessment criteria:

1. Whether the application will result in any adverse **effects** on **historic**⁴⁷ heritage **values**.

⁴⁵ **S5/006** Manawatu- Whanganui Regional Council

⁴⁶ **S3/005** from Heritage New Zealand Pouhere Taonga

⁴⁷ **S3/005** from Heritage New Zealand Pouhere Taonga

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2. and Whether the application will maintain, or where possible practical enhance, the amenity values of the character of the Industrial **Zone** or properties beyond the Industrial **Zone**.
3. Whether the application will enhance amenity values on sites fronting arterial routes or key entry points to townships.⁴⁸
4. Whether the application remains consistent with the objective of the standard(s) it infringes.
5. Whether the landscaping, streetscape and building design will promote or enhance amenity values within the Industrial **Zone** and surrounding area.⁴⁹
6. The extent to which there will be adverse **effects** on the **environment** where an application does not meet a performance standard.

16.4.4 Discretionary Activities - Industrial Zone

The following are **discretionary activities** in the Industrial **Zone**:

- a. Commercial services
- b. Motor vehicle sales and servicing
- c. Additions or alterations to existing **buildings** associated with any lawfully established activity operating on and prior to date (specific day this PC52 rule takes effect) and which is not listed as a permitted activity in Rule 16.4.1.⁵⁰

16.4.5 Non-Complying Activities - Industrial Zone (This rule replaces existing Rule A2 (2.1) for the Industrial Zone)

The following are non-complying activities in the Industrial Zone:

- a. Any **noise sensitive activity**.⁵¹
- b. Any activity on land within the **Lateral Spread Overlay**, which is not provided for as a **permitted activity**.
- c. Any activity in the Industrial **Zone** that is not specifically provided for as a **permitted, restricted discretionary or discretionary activity**.

⁴⁸ S6/013, S6/014 H W Richardson Group, S21/040 and further submission FS12/012 the Oil Companies





⁴⁹ S6/014 HWRG, S21/040 and FS12/012 the Oil Companies

⁵⁰ S21/024, S21/025 Oil Companies

⁵¹ S21/040 the Oil Companies – Support No change






APPENDIX 16.1 – PREFERRED PLANTING SPECIES

LANDSCAPE STRIP

Tanika™ Lomandra	Mat Rush Lomandra tanika	
Rosa floribunda	Flower Carpet Rose	
Coprosma x kirkii 'kirkii'	Coprosma groundcover	
Libertia spp	NZ Iris	
Phormium cookianum Emerald Green	Dwarf Flax	






⁵² S7/001, FS6/001 and FS6/003 NZTA, S12/007, S12/008 and S12/009, S12/004, S12/005 MDC, S6/012 HWRG, S26/002 D & C Waugh, S24/001 S Waugh, S25/001 A Waugh, S21/029, S21/030 the Oil Companies JWM-015533-241-94-V1:JHB

APPENDIX 16.1 – PREFERRED PLANTING SPECIES LANDSCAPE STRIP






Muehlenbeckia astonii	Shrubby Tororaro	
Rhynchospermum jasmynoides	False jasmine	
Camellia sinensis spp	Camellia	
Daphne odora, burkwoodii	Daphne	
Choisya ternata	Mexican Orange Blossom	

APPENDIX 16.1 – PREFERRED PLANTING SPECIES

SCREEN PLANTING






Pittosporum tenuifolium	Kohuhu	
Pittosporum eugenioides	Lemonwood	
Michelia figo	Port Wine Magnolia	
Myrtus communis	Myrtle	
Sophora microphylla	Kowhai	

APPENDIX 16.1 – PREFERRED PLANTING SPECIES
SCREEN PLANTING





<p><i>Griselinia littoralis</i></p>	<p>Broadleaf</p>	
<p><i>Lophomyrtus bullata</i></p>	<p>Rama rama</p>	
<p><i>Olearia Cheesemanii</i></p>	<p>Olearia</p>	
<p><i>Corokia virgate,</i> <i>cononeaster</i></p>	<p>Geenty's Green, korokio</p>	
<p><i>Myrsine australis</i></p>	<p>Mapou</p>	

APPENDIX 16.1 – PREFERRED PLANTING SPECIES

SCREEN PLANTING






<p>Magnolia grandiflora 'Blanchard'</p>	<p>Evergreen magnolia</p>	
<p>Podocarpus totara</p>	<p>Totara</p>	
<p>Cordyline australis</p>	<p>Cabbage Tree</p>	
<p>Pseudopanax crassifolius</p>	<p>Lance wood</p>	
<p>Pseudopanax laetus</p>	<p>Large leaf five finger</p>	

APPENDIX 16.1 – PREFERRED PLANTING SPECIES
SPECIMEN TREES

<p>Magnolia grandiflora 'Blanchard'</p>	<p>Evergreen magnolia</p>	
<p>Cornus capitata</p>	<p>Strawberry tree</p>	
<p>Ulmus parvifolia</p>	<p>Chinese Elm</p>	
<p>Ginkgo biloba</p>	<p>Ginkgo</p>	





APPENDIX 16.1 – PREFERRED PLANTING SPECIES

SPECIMEN TREES

Fraxinus raywoodii	Claret ash	
Cornus florida	Dogwood	
Ulmus glabra 'Lutescens'	Golden Elm	
Alectryon excelsus	Titoki	
Sophora tetraptera	Kowhai	

APPENDIX 16.1 – PREFERRED PLANTING SPECIES

SPECIMEN TREES

Podocarpus totara	Totara	
Melia azedarach	Indian Bead tree	
Cordyline australis	Cabbage Tree	
Pseudopanax crassifolius	Lance wood	

Shrubs under 1.5m

Botanical Name	Common Name	Botanical Name	Common Name
Rosa floribunda	Carpetrose White	Choisya ternata	Orange Blossom
Rosa floribunda	Carpetrose Crimson	Camellia Quintessent	Camellia
Daphne odorata	Daphne	Plumbago auriculata	Plumbago
Daphne burkwoodii	Daphne	<u>Lomandra spp.</u>	<u>Mat Rush</u>

Shrubs over 2m

Botanical	Common Name	Botanical	Common Name
Camellia sinensis sp	Camellia	Griselinia lucida	Akapuka
Pittosporum tenuifolium	Kohuhu	Lophomyrtus bullata	Rama rama
Michelia figo	Port Wine Magnolia	Olearia Cheesmanii	Olearia
Myrtus communis	Myrtal	Corokia virgata	Geenty's Green
Coprosma rhamnoides	Divaricating	Myrsine australis	Mapou
Corokia contoneaster	Korokio		

Large Trees

Botanical Name	Common Name	Botanical Name	Common Name
<i>Magnolia grandiflora</i>	Magnolia	<i>Acer pseudoplatanus</i>	Red Maple
<i>Comus capitata</i>	Himalayan Dogwood	<i>Alectryon excelsus</i>	Titoki
<i>Quercus coccinea</i>	Scarlet Oak	<i>Sophora tetraptera</i>	Kowhai
<i>Gingko biloba</i>	Gingko	<i>Nothofagus solandri</i>	Black beech
<i>Fraxinus raywoodii</i>	Claret ash	<i>Phyllocladus trichomanoides</i>	Celery Pine

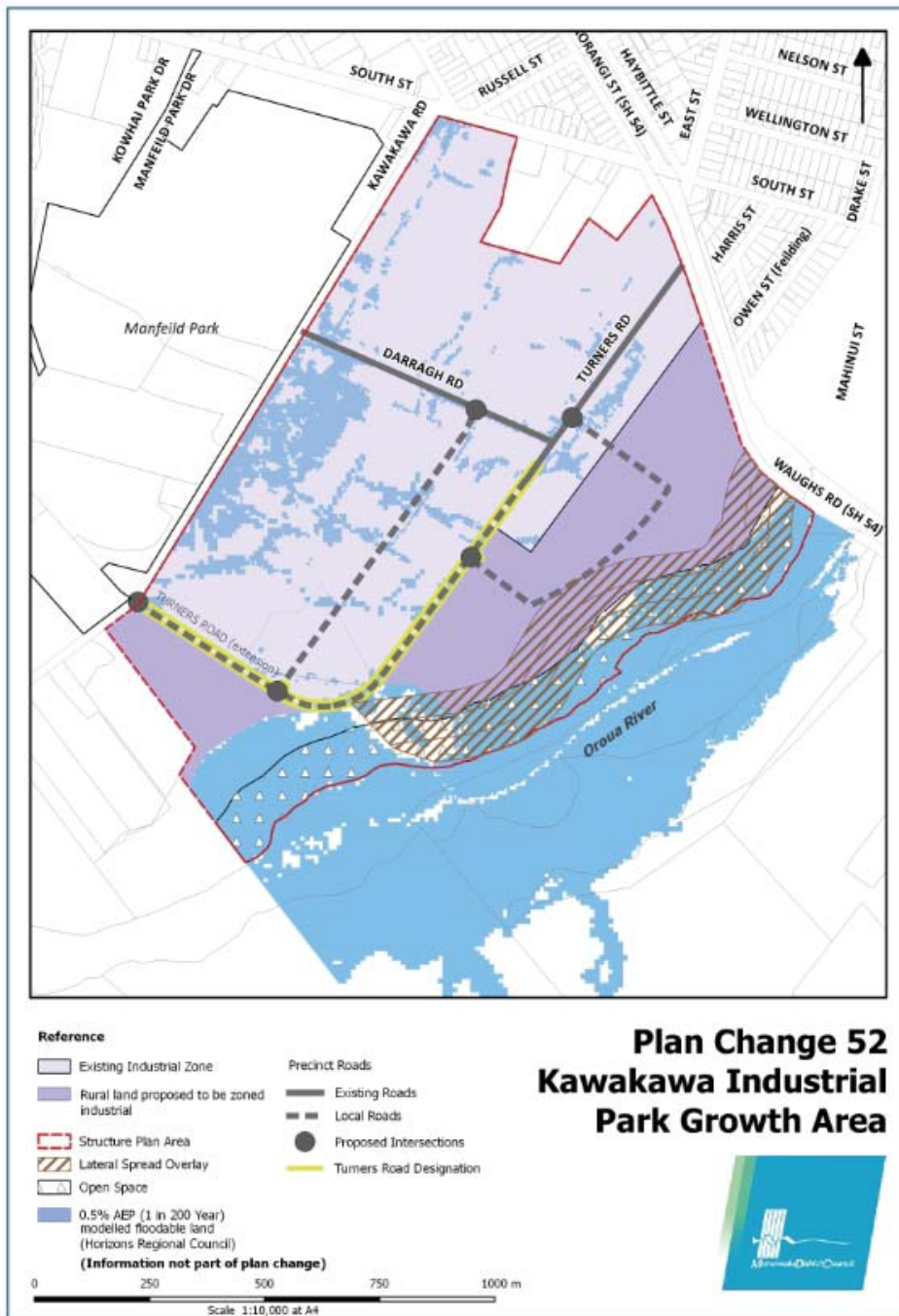
Taller Screen Planting

Botanical Name	Common Name	Botanical Name	Common Name
<i>Pittosporum tenuifolium</i>	Kohuhu	<i>Coprosma lucida</i>	Shining Karamu
<i>Pseudopanax crassifolium</i>	Lance wood	<i>Pittosporum eugenoides</i>	Tarata
<i>Sophora microphylla</i>	Kowhai	<i>Coprosma parviflora</i>	Leafy Coprosma

Specimen Trees

Botanical Name	Common Name	Botanical Name	Common Name
<i>Podocarpus totara</i>	Totara	<i>Nestegis Cunninghamii</i>	Maire
<i>Sophora microphylla</i>	Kowhai	<i>Cordyline australis</i>	Ti Kouka
<i>Dacrycarpus dacryioides</i>	Kahikatea	<i>Alectryon excelsus</i>	Titoki
<i>Prumnopitys taxifolia</i>	Matai		

APPENDIX 16.2 – KAWAKAWA INDUSTRIAL PARK GROWTH AREA



3. Rule C – Subdivision

1. Amend rules to refer to proposed new appendices; and
2. Insert a new rule for stormwater neutrality only.

RULE C – SUBDIVISION

RULE C1 – STATUS OF SUBDIVISIONS

(Refer Part 5, Page 45)

NB – Words outlined in bold type below have a specific definition contained in Rule E (Pages 165-173).

1.1 CONTROLLED ACTIVITIES

1.1.1 Specification of Activities

The following subdivisions shall be controlled activities:

- A)
- B) Any subdivision for utilities such as substations, transformers or pumping stations, provided that the balance of the site continues to comply with the provisions of this Plan, and that access to the utility is independent of the residual site.
- C) Any Residential zone, Village zone, Business zone, Industrial zone or Recreation zone subdivision which meets the relevant standards set out in Rules C2 2.1 to 2.3 and Rule 2.5
- D....
- E) Any Industrial zone subdivision which meets the relevant standards set out in Rules C2.2.1 to 2.3 and the **Growth Precinct 5** Structure Plan.

1.1.2 Extent of Control

A The matters in respect of which Council has reserved its control over controlled activity subdivisions are set out in Rule A1 1.3.2 (Page 92).

1.2 RESTRICTED DISCRETIONARY ACTIVITIES

A) The following subdivisions shall be restricted discretionary activities:

-v) Any subdivision within a **Growth Precinct** (Appendix 9 A-C or Appendix 16.2) that does not comply with the stormwater neutrality standard in rules C2 2.1.1 E or 2.3.3
- vi) Any subdivision within a **Growth Precinct** (Appendix 9A-C or Appendix 16.2) that does not comply with the wastewater disposal standard in Rules C2 2.1.1 G or 2.5 D.

1.3 DISCRETIONARY ACTIVITIES

1.3.1 Specification of Activities

A) The following subdivisions shall be discretionary activities:

-vii) Any subdivision within a Growth Precinct that is not in accordance with the requirements specified in a relevant Structure Plan (Appendix 9A-C and Appendix 16.2).

1.3.2 Criteria for Assessment

A) The criteria set out in Rule A1 1.3.4 A), particularly xiv), xxiv) or xxvi), will be taken into account in assessing the above discretionary activities.

RULE C2 – ZONE STANDARDS – SUBDIVISION

NB – Words outlined in bold type below have a specific definition contained in Rule E

2.3 STANDARDS – BUSINESS, INDUSTRIAL, RECREATION, MANFEILD PARK AND SPECIAL DEVELOPMENT ZONES

(Refer Parts 5.3.3 to 5.3.11)

2.3.1 Suitability Of Lots

The applicant must demonstrate that all new allotments can be used for a permitted activity in a manner that conforms to this Plan. Development plans for the land being subdivided may be required, to prove compliance with the Plan's standards.

2.3.2 Access To Rear Sites

Any **entrance strips** to rear **sites** shall be wide enough for heavy vehicle access.

⁵³2.3.3 Stormwater Neutrality (Industrial Zone only)

Every subdivision must include a stormwater system designed to achieve **stormwater neutrality**, appropriate for the activities, use and development of the site, including any connection to Council network infrastructure, at the following scales:

- i) Over the area of land that is the subject of the subdivision proposal; and
- ii) Over the **Growth Precinct** in which the subdivision proposal is located.

2.5 FURTHER STANDARDS APPLYING IN ALL ZONES.....D) Services In Residential, Village, Business, Industrial, Manfeild Park and Special Development Zones

- i) Sites in these zones shall be connected to reticulated services, and shall not cause existing services to be overloaded.
- ii) All cables, including for power, telephone, and street lighting, shall be placed underground, except where existing services are above ground or where in Council's opinion, underground services are economically unjustifiable due to problems associated with such issues as topography, geology, land stability or operational requirements.
- iii) Where **rear sites** are being created, or a multi-unit development is being subdivided, easements shall be created over all underground services.

E) Separation From Boundaries

All proposed boundaries shall be sited at a sufficient distance from buildings to comply with the **yard** and **height** requirements of this Plan, and to meet the fire rating requirements of the Building Act 1991.

1.3 ASSESSMENT OF APPLICATIONS

1.3.1 Reservation of Control - Controlled Activity Land Use Applications....

1.3.2 Reservation of Control – Controlled Activity Subdivision Applications

A) The matters in respect of which **Council** has reserved its control are:

⁵³ S5/005 from Manawatu- Whanganui Regional Council – Support No change
JWM-015533-241-94-V1:JHB

- i) Provision of water supply and disposal of water, wastewater and stormwater, where the design and capacity of any reticulated system reflects the new and anticipated future demand and requirements.
- ii) The number, location and formation of vehicle crossings.
- iii) Provision of a connected street network, with appropriate use of street hierarchy and design type, including the width, length, drainage and formation of access.
- iv) The matters specified in Section 220 of the Act.
- v) The size, shape and arrangement of allotments, in relation to road frontages, and location of proposed boundaries.
- vi) The creation of appropriate easements.
- vii) Payment of financial contributions including reserves contribution.
 - i) Providing, forming, naming and signposting new roads.
 - ii) Preservation of existing vegetation.
 - iii) Provision of open space including the retirement of steep land, gully systems, connections/links with other areas, **esplanade reserves** and strips, and local reserves.
 - iv) Suitability of proposed allotments for subsequent buildings and future use, including the separation of proposed building sites from high voltage electricity transmission lines.
 - v) Impact of subdivision upon future management of **natural areas** and **heritage places**.
 - vi) Requiring a consent notice to be placed on the titles of newly-subdivided allotments which have no further subdivision potential under this Plan, to alert potential purchasers to that fact.
- viii) Accordance with any relevant Structure Plan and adherence to the principles set out in the Subdivision Design Guide.
- ix) Provision of a network of cycleways and walkways to the extent that these service the subdivision and connect with the surrounding environment.
- x) Provision of buffers or other measure to delineate the boundary between urban and rural environments and provide separation between potentially incompatible activities.
- xi) The extent to which connections to electricity, gas and telecommunication networks are available to service the needs of the development and/or subdivision.
- xii) Avoidance or mitigation of flood hazards, including the assessment of the level of flood hazard risk from the waterbody and what mitigation measures are required, such as setback distances, minimum floor levels or specified building platforms.

1.3.3 Reservation of Control - Restricted Discretionary Activities

A) In assessing applications for restricted discretionary activities **Council** has reserved its control over matters related to the effect of allowing noncompliance with the particular performance standard (or standards) which the proposal has failed to meet. Conditions may be imposed to avoid, remedy or mitigate the effects of non-compliance.

B) In assessing applications which have become restricted discretionary activities due to non-compliance with the Plan's performance standards, but which otherwise would have been controlled activities, **Council** has also reserved its control over the matters in Rules A1 1.3.1 or 1.3.2 3 which relate to that type of controlled activity.

C).....

D) In assessing applications for vehicle crossings onto **arterial routes** which do not meet the Plan's standards, **Council** will take into account:

- i) Any adverse effect on the arterial route of the vehicle movements at any access or intersection.
- ii) The availability of reasonably practical legal access to a road other than the State highway.
- iii) Whether there is sufficient and appropriate off-road parking to meet the needs of the activity and avoid or minimise adverse effects on the safe and efficient operation of the arterial route.
- iv) The extent of non-compliance with the Plan standard concerned.

E)....L).....

M) In assessing applications for subdivisions within any of the Growth Precincts that do not comply with the stormwater neutrality standard (Rule C2 2.1.1 E or C2 2.3.3), Council has restricted its discretion to:

- i) The extent of post development run-off generated by the development;
- ii) The measures used to avoid, remedy and mitigate stormwater runoff from entering the overall Feilding stormwater network;
- iii) The availability of stormwater detention areas or conveyance opportunities on surrounding land.

N).....

1.3.4 Assessment of Discretionary Activity Applications

A) In assessing discretionary activities **Council** will have regard to matters including the following:

- i) Subject to Part II of the Act, the matters specified in Section 104 of the Act.
- ii) Compliance or otherwise with standards applying to similar permitted or controlled activities.
- iii) The environmental results sought by this Plan for the zones concerned.
- iv) Any potential detractor from the **amenities** of the area through odour, smoke, noise, or other noxiousness whether from the operation itself or any ancillary aspect.
- v) The degree to which proposed buildings would detract from the visual amenities of the area.
- vi) Parking needs will be assessed against staff numbers, likely numbers of patrons and their mode of travel. Regard will be had to how often it is used, the availability of on-street parking, and the impact of using onstreet parking upon other users of the road.

- vii) Vehicle crossings shall be assessed in terms of the sight distance and driveway spacing guidelines contained in Appendix 2C , and the seal widening and formation standards contained in Appendix 2E.
- viii) Whether there is sufficient and adequate provision for the collection or disposal of solid waste, including tailings.
- ix) The degree to which any waste treatment ponds are adequately separated from other activities, taking into account topography, type of waste to be treated, wind direction, tree planting and existing vegetation and the location and number of existing and future dwellings likely to be affected by such ponds.
- x) Compliance or otherwise with any relevant NZ Standards, regulations or Industry Guidelines.
- xi) Any danger to people from hazardous goods and natural hazards, including any risk assessments, contingency plans and proposals to mitigate such hazards.
- xii) The potential possibility of any animals escaping on to adjoining properties, roads, or public places.
- xiii) Whether any exterior lighting is to be used or installed which would tend to annoy people nearby.
- xiv) The effect of the proposal on the heritage values and preservation of any place or object listed in Appendices 1A to 1F or upon the heritage significance of any **natural area** in terms of the criteria in Appendix 1I .
- xv)
- xvi) Any detrimental effect of the proposal upon the operation or future development of any other existing permitted use in the vicinity. This includes whether the proposal requires a level of amenity which is incompatible with the operation and management of any such permitted use.
- xvii) Any potential adverse effects of the proposal upon the life supporting capacity of soils, or upon options for their future use, due for example to compaction, fragmentation of ownership, soil removal, coverage or risk of contamination.
- xviii)
- xix) The degree of separation proposed between any **building** or pen housing animals and any building, boundary or road. **Council** may increase or relax the separation distance where on the grounds of public health, amenity, intensity of use, odour, visibility, noxiousness or other reasons it is appropriate to do so. The separation distances proposed by the Pork Industry Board’s Code of Practice shall be used as a guideline for assessing the adequacy of separation around any proposed **pig farming** operation.
- xx) In relation to **service stations**:
- a) The extent to which the proposal will be screened from adjacent residential uses by landscaping or fencing.
 - b) The effect of any access points on traffic safety and efficiency.

- c) The extent to which lighting will be managed to avoid nuisance on residential properties.
- d) Whether vehicle parking and manoeuvring can be accommodated on site.
- e) The extent to which **signs** comply with general controls in the zone concerned.
- f) The adequacy of proposals to collect and deal with potentially contaminated stormwater.
- g) The extent to which the proposal is likely to have an effect on the amenities sought by the objective for the zone concerned.

xxv) In relation to **utilities**:

- a) Whether the proposed utility can be sited next to or share an existing utility site in order to minimise its effects.
- b) Whether the proposed location, site or route is better than the alternative locations, site or routes.
- c) Whether the proposed facility will affect the performance of other **utilities** nearby.
- d) The potential effect of the facility on the health and safety of nearby residents.
- e) The benefits of the facility to the community.....

xxviii) In relation to relocated buildings:

- a) The design and appearance of the building, and its compatibility with other buildings nearby and the neighbourhood generally.
- b) The need for structural repairs to the building, including borer treatment.
- c) The bulk and location of the building in relation to the usual requirements for the zone.
- d) Work associated with the reinstatement of the building. Unless **Council** dispenses otherwise, such work shall be completed within six months from the date of the issue of a building consent. **Council** will require a cash bond, which is sufficient to cover the cost of the works involved in bringing the exterior appearance of the building up to standard, to ensure that this work is done.
- e) The precise location of relocated heritage buildings within their new site and the retention of any architectural features or other important part of the building's fittings.