



SECOND GENERATION DISTRICT PLAN

Industrial Zones Decision of the Hearings Panel

**Proposed Second Generation Dunedin City
District Plan (2GP)**

7 November 2018



User guide to the decision reports and the marked-up decisions version of the 2GP

The decisions of the 2GP Hearings Panel are presented in 29 decision reports (one report per hearing topic).

The reports include the Panel's decisions and reasons and incorporate the requirements under s32AA.

At the end of each report a table has been included summarising all the decisions on provisions (Plan text) in that decision report.

Marked-up version of the Notified 2GP (2015)

The decisions include a marked-up version of the notified 2GP, which shows the amendments made to the notified plan in ~~strike-through~~ and underline. Each amendment has a submission point reference(s) or a reference to 'cl.16' if the amendment has been made in accordance with Schedule 1, clause 16(2) of the Resource Management Act. Schedule 1, clause 16(2), allows minor and inconsequential amendments to be made to the Plan.

Amendments to the Schedules below are not marked up as in other sections of the plan as they are drawn from a different source. Any changes to Schedules are detailed in the decision report for the relevant section.

Some very minor clause 16 changes such as typographical errors or missing punctuation have not been marked up with underline or strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes, and in some cases are also discussed in the decision.

Hearing codes and submission point references

As part of the requirement of the DCC to summarise all original submissions, all submission points were given a submission point reference, these references started with 'OS'. Further submissions were also summarised and given a submission point that started with 'FS'.

The submission points are made up of two numbers the first is the submitter number, which is followed by a full stop, the second part is the submission point number for that submitter.

For example, OS360.01 is submitter 360 and their first submission point.

The 2GP Hearings Panel has used these same submission point references to show which submission points different amendments were attributed to. However, to enable these changes to be linked to different decision reports, the reference code was changed to start with a decision report code, e.g. Her 308.244.

A list of hearing codes can be found on the following page.

It should be noted that in some cases where several submitters sought a similar change, the submission point reference may not include all of these submission points but rather include only one or say, for instance, "PO 908.3 and others".

Master summary table of all decisions

In addition to the summary table at the end of each decision report there is a master summary table that lists all decisions on provisions (Plan text), across all hearing topics, including details of the section(s) of the decision report in which that decision is discussed, and the relevant section(s) of the s42A reports. The s42A report sections will be helpful for appellants needing to identify which other parties have submitted on that provision, as notices of the appeal must be served on every person who made a submission on the provision or matter to which the appeal relates. The master summary table of decisions can be found on the decisions webpage of the 2GP website (2gp.dunedin.govt.nz).

List of hearing codes

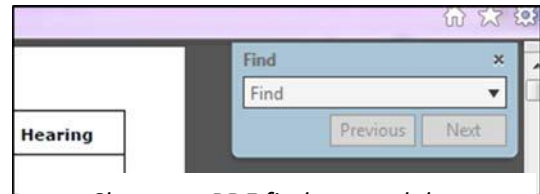
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones	Ind
Major Facilities (without Port and Mercy Hospital)	MF
Manawhenua	MW
Mercy Hospital	Mer
Natural Environment	NatEnv
Natural Hazards	NatHaz
Natural Hazard Mitigation	HazMit
Network Utilities	NU
Plan Overview and Structure	PO
Port Zone	Port
Public Amenities	PA
Public Health and Safety (PHS)	PHS
Quarries and Mining Activities (cross plan hearing topic)	CP
Recreation Zone	Rec
Residential Zones	Res
Rural Zones	RU
Rural Residential Zones	RR
Scheduled Trees	ST
Service Stations (cross plan hearing topic)	CP
Temporary Activities	TA
Transportation	Trans
Urban Land Supply	ULS

How to search the document for a submitter number or name

1. If you want to search for particular submitter name, submission point or Plan provision in any of the reports (decision report, marked-up version of the Plan, or s42A report) the easiest way to do this is to use the 'Find' function.
2. When you have the document open, press the keys CTRL and F (Windows) or CMND and F (Mac) to bring up the 'PDF Finder'.



Chrome – PDF finder search box



Chrome – PDF finder search box

3. Once the PDF search box appears (in the top left or right corner of your browser) type in the submission number or submitter name and press enter on your keyboard.
4. The PDF finder will search for all instances of this term. Depending on the size of the document and your internet connection it may take a minute or so.
5. Press on the up or down arrows (Chrome) or 'next' (Internet Explorer) in the search box to view the different instances of the term until you find the one you are looking for.
6. An 'advanced search' function is available under the Edit tab in some PDF viewers, this allows you to search 'whole words' only to look for exact strings of letters or numbers

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1.0 Introduction

1. This document details the decision of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP, with regard to the submissions and evidence considered at the Industrial Topic hearing held on 27, 28 and 29 July 2016, at the 2GP Hearings Centre.

1.1 Scope of Decision

2. This Decision Report addresses the 163 original and 153 further submission points addressed in the Industrial Zones s42A Report except:
 - a. *McKeown Group Limited's* submission point OS895.8 which was included in the Industrial s42A Report and was heard at the Industrial hearing, which we address in the Cross Plan – Service Station Decision report.
 - b. *Cadbury Limited's* submission point OS1015.17 which was included in the Industrial s42A Report and was heard at the Industrial Hearing, which we address in the Transport Decision report.
 - c. *Ravensdown Limited* submission points (OS893.5 and OS893.9) which were included in the Major Facilities s42A Report and was heard at the Major Facilities hearing, which we address in this Industrial Decision report. The Industrial Zones s42A Report dealt primarily with the Plan provisions included in the Industrial Zones section of the 2GP. The Industrial Zones section contains provisions which link to other parts of the 2GP, including Transportation (Section 6), Public Health and Safety (Section 9), and Heritage (Section 13). Some of the submissions on this topic also crossed over with those on the Commercial and Mixed Use Zones (Section 18). The decisions on those topics should be read in conjunction with this decision.
 - d. *Calder Stewart Development Limited's* (OS930.11) submission sought that Rule 19.5.5.1 be amended to exempt from the calculation of the 10% threshold retail sales areas that are primarily designed to service trade-related business activities. This has been addressed in the CMU decision alongside similar submission points.
 - e. *The Oil Companies* submission point (OS634.53 and FS2487.108), *KiwiRail* (OS322.62), *Port Otago* (OS737.5), and *Kristine Nicolau* (FS2421.5) related to amending or supporting Policy 2.3.1.1 which was included in the Major Facilities s42A Report and was heard at the Major Facilities hearing, which we address in this Industrial Decision Report.
 - f. *Ravensdown Limited* (OS893.9), *University of Otago* (OS308.57), and *Otago Polytechnic* (OS241.2) submission points related to amending or supporting Policy 2.3.1.6, which was included in the Major Facilities s42A Report and was heard at the Major Facilities hearing, which we address in this Industrial Decision Report.

1.1.1 Section 42A Report

3. The Industrial Topic s42A Report deals primarily with plan provisions included in the Industrial Zones section of the 2GP. The Industrial Zone contains provisions which link to most other parts of the 2GP; of particular relevance are Transportation (Section 6), Public Health and Safety (Section 9), Heritage (Section 13) and Commercial and Mixed Use Zones (Section 18). The decisions on those topics should be read in conjunction with this decision.

1.1.2 Structure of Report

4. This Decision Report is structured by topic. The report does not necessarily discuss to individual submitter or submissions point; instead, it discusses the matters raised in submissions and records our decisions and reasons on the provisions relevant to each topic¹. Appendix 2 at the end of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence of other decisions.
5. Schedule 1 of the RMA outlines key aspects of the process that must be used to prepare and make decisions on a plan change (including the submission and hearing process)
6. Clause 16(2) of that schedule allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
7. This Decision includes some minor amendments and corrections that were identified by the DCC Reporting Officer and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments are summarised in Section 6.0.

1.2 Section 32AA Evaluation

8. Section 32 of the Resource Management Act 1991 (RMA) establishes the framework for assessing proposed objectives, policies and rules. Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the proposed Plan was notified.
9. The evaluation must examine the extent to which each objective is the most appropriate way to achieve the purpose of the RMA and whether, having had regard to their efficiency and effectiveness, the policies and rules proposed are the most appropriate for achieving the objectives. The benefits and costs of the policies and rules and the risk of acting or not acting must also be considered.
10. A section 32AA evaluation has been undertaken for all amendments to the notified plan. The evaluation is incorporated within the decision reasons in sections 3.0 and 4.0 of this decision.

1.3 Statutory Considerations

11. The matters that must be considered when deciding on submissions on a district plan review are set out in Part 2 (sections 5-8, purpose and principles) and sections 31, 32 and 72-75 of the RMA. District plans must achieve the purpose of the RMA and must assist the council to carry out its functions under the RMA.
12. The s42A Report provided a broad overview of the statutory considerations relevant to this topic. These include:
 - Section 75(3) of the RMA, which requires us to ensure the 2GP gives effect to any National Policy Statement (NPS) or National Environmental Standard (NES) that affects a natural or physical resource that the plan manages. We note that there are no NPS or NES directly relevant to this particular topic.
 - Section 74(2)(a) of the RMA, which requires us to have regard to the proposed Otago Regional Policy Statement (pRPS) and section 75(3)(c) of the RMA, which requires us to ensure the 2GP gives effect to the operative Otago Regional Policy Statement (oRPS). We note that the proposed RPS was notified

¹ In accordance with Schedule 1, section 10 of the RMA

on 23 May 2015, and decisions released on 1 October 2016. At the time of making these decisions on 2GP submissions some of the proposed RPS decisions are still subject to appeal, and therefore not operative.

- Section 74(2)(b)(i), which requires us to have specific regard to any other key strategies prepared under the Local Government Act. The s42A Report highlighted the Dunedin Spatial Plan 2012 as needing to be considered as this DCC strategic document sets the strategic directions for Dunedin's growth and development for the next 30 plus years.

13. These statutory requirements have provided the foundation for our consideration of submissions. We note:

- where submissions have been received seeking an amendment of a provision and that provision has not been amended, we accept the advice in the original s42A Report that the provision as notified complies with the relevant statutory considerations.
- where a submitter has sought an amendment in order to better meet the statutory considerations, we have discussed and responded to these concerns in the decision reasons.
- in some cases, while not specifically raised, we have made amendments to the Plan as the evidence indicated this would more appropriately achieve these statutory considerations, in these cases we have explained this in our decision reasons.
- where we have amended the Plan in response to submissions and no parties have raised concerns about the provisions in terms of any statutory considerations, and we have not discussed statutory considerations in our decision, this should be understood to mean that the amendment does not materially affect the Plan's achievement of these statutory considerations.

2.0 Hearing appearances and evidence presented

15. Submitters who appeared or tabled evidence at the hearing, and the topics under which their evidence is discussed, are shown below in Table 1. All evidence can be found on the 2GP Hearing Schedule webpage under the relevant Hearing Topic <https://2gp.dunedin.govt.nz/2gp/hearings-schedule/index.html>

Table 1: Submitters and relevant topics

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd (the Oil Companies) (OS634) (FS2487)	Ms Karen Blair (Principal Planner, Burton Consultants)	Pre- circulated statement of evidence and did not appear at hearing	Reverse sensitivity objectives and policies (section 3.4) Community and Leisure (section 3.5) Industrial Ancillary Tourism (section 3.8) Activity status of Residential activities (section 3.10) 65 Magnet Street, Central Dunedin (section 3.11.2)
Bunnings Limited (OS489) (FS2152)	Mr Matt Norwell (Director/ Planning Consultant, Barker & Associates Limited)	Pre- circulated evidence and did not appear at hearing	Activity status Trade Related Retail and other Commercial activities (section 3.2) Definition of Industry (section 4.1.1)
Chalmers Properties Limited (OS749) (FS2321)	Ms Mary O'Callaghan (Principal Planner, GHD Ltd)	Pre- circulated planning evidence and appeared at hearing	Activity status Trade Related Retail and other Commercial activities (section 3.2) Landscaping and setbacks along Amenity Route Mapped Areas (section 3.3) Definition of Industry (section 4.1.1)
Port Otago Limited (OS737)	Mr Len Andersen (Legal Counsel)	Legal submissions tabled and appeared at hearing	

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
Christian Jordan (OS927)	Mr Christian Jordan	Appeared at hearing	Activity status of Residential activities (section 3.10)
East Parry Investments (OS922)	Ms Megan Justice (Senior Environmental Consultant, Mitchell Partnerships Limited)	Pre-circulated evidence and appeared at hearing	Activity status Trade Related Retail and other Commercial activities (section 3.2) Objective 19.2.1 and Policy 19.2.1.1 (section 3.4.4) Maximum Height (Rule 19.6.6.2) (section 3.7.3) Activity status of Industrial Ancillary Tourism (section 3.8.2)
Forestry Specialists Ltd (OS149)	Mr Donald Anderson, (Planning Consultant, Anderson and Co Resource Management)	Pre-circulated evidence and appeared at hearing	565 Kaikorai Valley Road (section 3.11.1)
Property Council NZ (OS317)	Mr Alex Voutratzis	Pre-circulated letter of support and did not appear at hearing	
	Mr John Munro	Appeared at hearing	
Jason Hollis (OS144)	Mr Jason Hollis	Appeared at hearing	8 and 10 Grant Dalton Street (section 3.11.8)
Kaikorai Property	Mr Donald Anderson (Planning	Pre-circulated evidence	25 Townleys Road, Burnside (section 3.11.7)

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
Investments Ltd (OS1020)	Consultant, Anderson and Co Resource Management)	and appeared at hearing	
	Mr Ezra Binney	Appeared at hearing	
Lainston Properties Ltd (OS239)	Mr Barry Chamberlain, (Director, Lainston Properties Ltd)	Tabled evidence and appeared at hearing	Landscaping and setbacks along Amenity Route Mapped Areas (section 3.3)
Liquigas Limited (OS906)	Mr Gary Heaven (Operations and Safety Manager, Liquigas Limited)	Pre- circulated evidence and appeared at hearing	Activity status Trade Related Retail and other Commercial activities (section 3.2) Reverse sensitivity objectives and policies (section 3.4) Community and Leisure (section 3.5) 65 Magnet Street, Central Dunedin (section 3.11.2)
	Ms Claire Hunter (Senior Resource Management Consultant, Mitchell Partnerships Limited)	Pre- circulated evidence and appeared at hearing	
	Ms Anneke Theelen, (Legal Counsel)	Legal submissions tabled and appeared at hearing	
Mainland Poultry	Mr Campbell Hodgson	Legal submissions	Factory Farming (section 3.9)

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
Canterbury Ltd (OS782)	(Legal Counsel, Mainland Poultry Canterbury Ltd)	tabled and appeared at hearing	
Michael Ovens (OS740)	Mr Michael Ovens	Pre- circulated architectural evidence, tabled evidence and appeared at hearing	Maximum Height (Rule 19.6.6.2) (section 3.7.3)
New Zealand Transport Agency (NZTA) (OS881)	Mr Andrew Henderson (Senior Associate - Planning, Beca Limited)	Pre- circulated planning evidence and did not appear at the hearing	Request for new transport policy (section 3.6)
Ohara Investments Limited (OS1025)	Mr John Willems (Planning and Project Management Consultant, TL Survey Services Limited)	Appeared at hearing	502 Kaikorai Valley Road (section 3.11.6)
Peninsula Holdings Trust (OS771)	Mr Stephen Clearwater	Appeared at hearing	50 Old Brighton Road Fairfield (section 3.11.4)
Ravensdown Limited (OS893)	Mr Jon Farren (Principal and Manager, Marshall Day Acoustics)	Pre- circulated expert acoustic evidence and appeared at hearing	Activity status Trade Related Retail and other Commercial activities (section 3.2) Reverse sensitivity objectives and policies (section 3.4) Maximum Height (Rule 19.6.6.2) (section 3.7.3) Policy 19.2.1.7 (section 3.5.1)

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
	Mr Christopher Hansen (Principal Planning Consultant, Chris Hansen Consultants Ltd)	Pre-circulated planning evidence and appeared at hearing	
	Mr Anthony Gray (Works Manager, Ravensdown Limited)	Tabled evidence and appeared at hearing	
Russell Lund and H C Trustees <i>Limited</i> (OS1017)	Mr Donald Anderson, (Planning Consultant, Anderson and Co Resource Management)	Pre-circulated planning evidence and appeared at hearing	61 North Taieri Road, Abbotsford (section 3.11.10)
	Mr Russell Lund	Tabled evidence	
David and Denise Pearson (FS2073)	Mr David and Mrs Denise Pearson	Appeared at hearing	61 North Taieri Road, Abbotsford (section 3.11.10)
Warhurst Family Trust (OS1014)	Mr Douglas Warhurst	Appeared at hearing	92 Dukes Road North, North Taieri (section 3.11.10)
Barry Ivan Rowe and Karen Marie	Mr Conrad Anderson	Pre-circulated evidence and	92 Dukes Road North, North Taieri (section 3.11.10)

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
Rowe (FS2081)		appeared at hearing	
Hazel and Paul Stewart (FS2281)	Ms Megan Stewart	Appeared at hearing	92 Dukes Road North, North Taieri (section 3.11.10)
<i>Roy Baker</i> (FS2087)	Ms Charlotte Young	Appeared at hearing	92 Dukes Road North, North Taieri (section 3.11.10)

16. Appearances for the Dunedin City Council were:

- Mr Peter Rawson, Reporting Officer
- Mr Jared Oliver, Planning and Delivery Manager, Water and Waste Services
- Ms Louisa Sinclair, Senior Hydraulic Modeller, Water and Waste Services
- Ms Sarah Connolly, Transport Planning Manager
- Mr Peter Christos, Urban Designer
- Mr Paul Freeland, Senior Planner

17. Evidence provided by the Dunedin City Council included:

- Section 42A report for Industrial Zones
- Section 42A Recommended 2GP Changes
- Evidence of Mr Peter Christos for Dunedin City Council:
 - Industrial Zone – Proposed Amenity Routes and Maximum Building Heights
 - Amenity Routes
- Evidence of Ms Sarah Connolly for Dunedin City Council – Transport Information for 2GP Rezoning requests
- Evidence of Water and Waste Group for Dunedin City Council – Capacity Information for 2GP Rezoning requests
 - Statement of Evidence of Mr Jared Oliver
 - Statement of Evidence of Ms Louisa Sinclair
- Further recommendations after consideration of tabled evidence – *Oil Companies* and *Chalmers Properties*
- Reporting Officer's revised recommendations – Industrial Zone

18. Planning assistance to the hearing was provided by:

- Dr Anna Johnson, City Development Manager

3.0 Key topics discussed at the hearing or covered in tabled evidence

3.1 Overview

3.1.1 Industrial Zones

19. As outlined in the introduction to the Industrial Zone section of the 2GP (Section 19.1), the key resource management issues that are being experienced, or are anticipated in industrial zones, are reverse sensitivity and threats to the availability and affordability of industrial land.
20. Reverse sensitivity relates to off-site effects such as noise, odour (managed by the Otago Regional Council), effects from heavy traffic movements, and the interaction between industrial activities and adjacent activities. These effects all need to be managed under the RMA. Often the extent of these effects requires physical separation between industrial activities and more sensitive activities.
21. Threats to the availability and affordability of industrial land result from the encroachment of non-industrial activities (particularly Retail and Residential activities) onto industrial zoned land.
22. In response to these issues, the 2GP provisions propose to protect the existing clusters of industrial zoning from encroachment, including areas near the central city, and to recognise the economies of scale and the need for connectivity in identifying new industrial land in strategic locations (mainly through Objective 19.2.1 and associated policies and rules). The 2GP provides for all industrial activities to occur in the Industrial Zone, including industry, industrial ancillary tourism, and rural industry.
23. The s42A Report explained that a range of activities that are unlikely to create reverse sensitivity issues, or compete with industrial activities for land, are also provided for in the Industrial Zone. These activities include port, yard based retail, retail ancillary to industry (with a maximum gross floor area requirement), and standalone parking activities. Industry is also broadly defined and includes service activity (repairs and maintenance), transport depots, and laboratories.
24. Activities that are likely to create reverse sensitivity issues or compete with industrial activities for land are explicitly restricted from establishing in industrial zones through a non-complying activity status and strong "avoid" policies (for example Residential and Retail activity that is non-ancillary to industrial). The 2GP achieves this mainly through Objective 19.2.2 and associated policies and rules (s42A Report, Section 2.2).

3.1.2 Commercial and mixed use zones

25. In the commercial and mixed use (CMU) zones the 2GP establishes a hierarchy of centres anchored around the CBD. These centres range from the larger Principal and Suburban Centres, to the small Neighbourhood Convenience Centres. In order to make sure these areas attractive places to visit, a wide range of commercial, community and residential activities are provided for in each, with design controls on buildings and structures to ensure a safe and good quality streetscape environment with high levels of pedestrian amenity.
26. The centres hierarchy described above is supported by a group of commercial and mixed use zones which fulfil different functions. There are four commercial and mixed use zones within the 'CBD edge mixed use' zone group: the Warehouse Precinct Zone (WP), Princes, Parry and Harrow Zone (PPH), Smith Street and York Place Zone (SSYP) and Harbourside Edge Zone (HE); plus two further zones - the Trade Related Zone (TR) and CBD Edge Commercial Zone (CEC). These zones have characteristics, including built form, site size, existing land use activities and location, which make

them distinct from each other and from the CBD and centres. A tailored range of land use activities and performance standards apply in each zone. Consequently, the range of activities, the types of controls that are applied to development activities (including new buildings and site development), and the expected level of amenity varies between each (CMU s42A Report, Section 2.0, p. 6).

27. In the 2GP, Industry activities are permitted activities in all CMU zones, with the exception of the Smith Street and York Place Zone. Trade Related Retail activities are permitted activities in all CMU zones, with the exception of the Smith Street and York Place Zone and Harbourside Edge Zone. The Trade Related Zone is a large area (approximately 23.6 hectares) surrounding Andersons Bay Road, which is zoned Industrial 1 in the operative District Plan. This zone provides for large format food and beverage retail, trade related, and yard based retail as well as other specific categories of activities which generate high traffic volumes and require larger sites than are generally available within the CBD and centres.

3.1.3 Research on availability and use of industrial land

28. The availability and use of industrial land within the city was surveyed in the Industrial Land Use 2009 report (DCC). The report notes that since 2000, the trend in Dunedin and New Zealand has been a drop in the percentage of goods-producing industries and a corresponding increase in the contribution of service industries.
29. The Industrial Land Needs Study (CPG 2009) identified the current and future types of industrial and service activity in the city, the key trends affecting these, and the key drivers affecting location. It identified the advantages and disadvantages of locating within Dunedin. Encroachment into industrial areas of residential and commercial activity was cited as a barrier to development of individual industries.
30. The most important decision factors determining location were identified as easy access to transport, proximity to ancillary firms and labour, skilled labour, raw materials, and proximity to customers and parking.
31. The report's key conclusions were that land use planning for industrial activities should aim to maximise Dunedin's advantages and reduce the city's disadvantages by:
 - ensuring the advantages of Dunedin being a compact city are maximised by protecting industrial areas near the Central City area or other important centres of economic activity;
 - protecting existing clusters of industrial activity to ensure economies of scale can occur; and
 - identifying new industrial land where there is good access to multimodal transport facilities and little threat from urban encroachment or competition from other uses that may drive up land prices, and where local industries can capitalise on future opportunities.
32. The Industrial Land Needs Study (2009) concludes that in the short to medium-term the majority of the future demand will be concentrated around the central city and the harbour basin (near the central city and Port Chalmers). These are the areas with the least amount of developable industrial land available. It notes that more land able to be developed is available in the industrial areas around Kaikorai Valley Road, the commuter suburbs along SH1 and Mosgiel/North Taieri. However, the survey results suggest that, in general, industrial land in these areas is currently less preferred to industrial land around the central city and the harbour basin.
33. We note that an updated assessment of vacant land in Dunedin that is zoned industrial under the 2GP is provided in Appendix 4 of the CMU s42A Report (pp. 319-321). There is approximately 89ha of vacant land, of which approximately 39ha is within urban Dunedin (including Green Island/Burnside, Fairfield and Kaikorai Valley) and 42ha in Mosgiel/Taieri. There is approximately 10.5ha within the central city and harbour basin.

3.2 Activity status - Trade Related Retail and other Commercial activities

3.2.1 Submissions

34. Three submissions requested changes to the non-complying activity status for specific commercial activities in the industrial zones.
35. Yard based retail, retail ancillary to industry, restaurants and stand-alone car parking, are all permitted activities and ancillary licensed premises and service stations are restricted discretionary commercial activities in the industrial zone. All other activities in the commercial activities category have a non-complying activity status (Rule 19.3.3).
36. *Bunnings Limited* (OS489.9) requested a change from non-complying activity status to permitted activity status for trade related retail activity in the industrial zones (Rule 19.3.3.16). Their reason for this was that trade related retail activities cannot always comply with the built form/design requirements of the CBD or centre locations, but can be appropriately accommodated in industrial areas. It also noted that yard based retail, which has similar characteristics to trade related retail, is a permitted activity in the Industrial Zone. *Bunnings Limited* (OS489.9) also requested an amendment to Policies 19.2.1.4 and 19.2.1.10 to reflect the requested permitted activity status for trade related retail.
37. *The Construction Industry and Developers Association* (OS997.26) requested that all non-complying commercial activities be changed to discretionary activities for the industrial zones.
38. *Chalmers Properties Limited* (OS749.29) submitted that all activities permitted within the Trade Related Zone should also be permitted activities in the industrial zones. This submission point was not included in the Industrial Zones s42A Report but instead was considered at the Commercial and Mixed Use zones (CMU) Hearing, as part of submissions that considered requests to change the zoning in the Portsmouth Drive/Andersons Bay Road area. *Chalmers Properties Limited* (OS749.27 & 28) also sought to amend Objective 19.2.1 and remove Policies 19.2.1.1 to 19.2.1.10 that identify activities that are provided for, but are not allowed, in the Industrial Zone and replace them with policies that promote a mixed use approach, including allowing for port, industry and commercial activities, yard based and trade related retail activity.
39. *McKeown Group Limited* (OS895.4) sought that the words "Provide for" in Policy 19.2.1.4 be replaced with "Enable". The Oil Companies (FS2487.70) opposed this relief as some of the activities referred to in the policy require consent to establish, and so 'provide for' was considered to be a more appropriate term.
40. *Liquigas Limited* (OS906.44) supported the non-complying activity status for commercial activities in the industrial zones as it would assist in preventing non-industrial uses establishing in these zones. Furthermore, *Liquigas Limited* (OS906.28, OS906.3) sought the retention of Objective 19.2.1 and Policy 19.2.1.3 and *Liquigas Limited* (OS906.33) sought retention of Policy 19.2.1.10.
41. *East Parry Investments Limited* (OS922.4) and *the Otago Chamber of Commerce Incorporated* (OS1028.10) also sought the retention of Objective 19.2.1.
42. *Fonterra Limited* (OS807.42), and *Ravensdown Limited* (OS893.28) requested that Policy 19.2.1.3 be retained.
43. *Waste Management (NZ) Limited* (FS2444.24) opposed the *Bunnings Limited* submission. They considered that industrial land should be prioritised for industrial activities, and land should be specifically set aside for industry in the 2GP.
44. *Oil Companies* (FS2487.74) also opposed the *Bunnings Limited* submission. *The Oil Companies* considered that yard based retail is already provided for as a permitted

activity in the Industrial Zone and adding trade related retail would be contrary to the policy intent of the industrial zones. *The Oil Companies* (FS2487.117) supported the *Liquigas* submission because they considered this would help to ensure there is a supply of land for industrial activities. Likewise, *the Oil Companies* (OS634.93) sought to retain Objective 19.2.1 and underlying Policies 19.2.1.1 through to 19.2.1.10.

3.2.2 Section 42A Report

45. Mr Rawson did not support allowing Trade Related Retail in the industrial zones. He recommended the retention of the non-complying activity status for 'all other activities in the commercial activities category' (Rule 19.3.3.16 - which includes Trade Related Retail). His view was that the inclusion of Trade Related Retail in the industrial zones:
 - is contrary to the Strategic Directions objectives and policies related to the centres hierarchy and would adversely affect the vibrancy of the CBD and centres;
 - has the potential to adversely affect the availability and affordability of industrial land; and
 - would potentially create reverse sensitivity effects and/or conflict in terms of demands on the transportation network (with industrial activities having special requirements for truck manoeuvring and occupation of the roading network).
46. Consequently, Mr Rawson also recommended no amendment to Objective 19.2.1 and related policies, subject to recommendations on policies 19.2.1.7 and 19.2.1.9 (s42A Report, Sections 5.10 - 5.11).

3.2.3 Hearing

47. Mr Len Andersen, for *Chalmers Properties Limited*, presented legal submissions in which he argued for Trade Related Retail being permitted in industrial zones. These requested amendments relate to the *Chalmers Properties Limited* submission point OS749.28.
48. Ms Mary O'Callaghan (Principal Planner) provided planning evidence for this submitter in support of allowing Trade Related Retail in industrial zones. Ms O'Callaghan advised that the key outcome sought was provision for Trade Related Retail within the Southern Precinct industrial area, which is the Industrial zoned land bounded by Timaru Street, Strathallan Street, Portsmouth Drive and Portobello Road (Statement of Evidence, p. 4).
49. Ms O'Callaghan said that the submitter had made an alternative request to change the zoning of the land bounded by Timaru Street, Strathallan Street, Portsmouth Drive and Portobello Road to provide for Trade Related Retail. She said that further evidence at the CMU Hearing would include an assessment of existing land use within the Southern Precinct area, an analysis of consents issued for trade retail and similar activities, along with a detailed analysis of the various options. We refer to the CMU Decision Report (sub-section 4.1.8, pp.26-30) where this evidence was considered.
50. Ms O'Callaghan recommended in her evidence some potential amendments to accommodate Trade Related Retail within the objectives and policies for this zone. These included the deletion of Policy 19.2.1.3, the amendment of Policies 19.2.1.4 and 19.2.1.10 to include Trade Related Retail, and changes to Policies 19.2.1.5, 19.2.1.6 and 19.2.1.7 whereby "Only allow" was replaced with "Allow" to be more enabling.
51. Expert planning evidence for *Bunnings Limited* (OS489.9) was tabled from Mr Matt Norwell (planning consultant) in support of allowing Trade Related Retail as an appropriate land use in industrial areas.
52. Mr Norwell's statement responded to the Report Officers reasons for not allowing Trade Related Retail in industrial zones, as follows:

"In my view, the nature of specific retailing activities need to first be a magnet attracting other retail activities before they have the potential to detract from the economic vitality of business centres. Bunnings cannot be described as such because their large store formats and specific products retailed do not attract smaller retailers to locate around their stores. The unintended development of localised business centres, outside of those identified in the 2GP centres hierarchy will therefore be avoided.

I also draw to the Hearings Panel attention that in many other District Plans around the country it has been accepted that a building improvement centre activity will not generate retail distribution effects on existing and proposed centres when locating in the Industrial Zones. Such examples include Tauranga City Council, Taupo District Council, Hamilton City Council and the Proposed Auckland Unitary Plan."

53. Mr Norwell's statement advised that Bunnings stores are typically developed on lots no smaller than three hectares in size and that there were a limited number of Trade Related Retail activities of a comparable size and scale to Bunnings. Mr Norwell estimated that should all other examples of larger Trade Related Retail activities collectively establish on industrial zoned land, conservatively, this would only occupy approximately 12 hectares which he considered to be insignificant in the context of the several hundred hectares of industrial zoned land that would be remaining in Dunedin. He therefore disagreed with the Council that the establishment of Trade Related Retail on industrial zoned land could potentially adversely affect the availability and affordability of industrial land.
54. On the topic of potential reverse sensitivity effects, Mr Norwell's evidence stated:
"Bunnings is not a sensitive land use that demands a high level of on-site and inter-site amenity, and there are no permanent occupiers on sites. Bunnings have successfully operated on industrial zoned land at other locations in New Zealand because it is not an activity that is sensitive to the air quality environment, noise and traffic environment commonly associated with industrial zones. Trade Related Retail activities can generate comparable types of effects on the environment and are therefore, in my view, suited to an industrial environment."
55. Mr Norwell's statement also suggested the potential conflicts with the transportation network were not a valid reason for determining the appropriateness of a land use in relation to the underlying zoning of the land. He considered that transportation effects were best determined where they are evaluated on a site and context specific basis, with particular regard to the nature of the proposed activity; and that an Integrated Transport Assessment (ITA) would address potential effects on the transport network.
56. Ms Karen Blair (planning consultant for the Oil Companies) tabled evidence but did not appear at the hearing. In her evidence, Ms Blair supported the Reporting Officer's recommendations because there was a need to manage risk and reverse sensitivity issues including, for example, the bulk fuel storage terminals at Port Dunedin.
57. Ms Claire Hunter (planning consultant for *Liquigas Limited*) pre-circulated evidence and appeared at the hearing. Her evidence supported the retention of Objective 19.2.1 and related Policies 19.2.1.3 and 19.2.1.10 without amendment because they appropriately provide for industrial land and industrial activities by avoiding the encroachment of incompatible and/or sensitive activities; and potential adverse reverse sensitivity effects.
58. Ms Megan Justice (environmental consultant for *East Parry Investments Limited*) presented evidence which supported the Reporting Officer's recommendations in his s42A Report.
59. Evidence presented at the Commercial and Mixed Use Zones Hearing is also of relevance to this topic, including evidence for Dunedin City Council from Mr Derek Foy, Senior Consultant, Market Economics Limited and Mr Grant Fisher, DCC Transportation Planner/Engineer.

60. Mr Foy's evidence (dated 19 July 2016) presented an economic analysis of industrial zoned land (Statement of Evidence, pp. 14-18). Key points from this analysis were:
- Dunedin's ten most strategically important industrial areas are:
 - 1 – Central East - South Dunedin Industrial
 - 2 – North Urban - Ravensbourne B
 - 3 – Central East - Port Zone 2
 - 4 – South - Caledonia 3
 - 5 – South - South Dunedin Industrial B
 - 6 – South – Caledonia 1
 - 7 – South – South Dunedin Industrial A
 - 8 – South – South Dunedin Industrial C
 - 9 – South West – Burnside E & D
 - 10 – South West – Fairfield
 - the majority of these ten industrial areas are located in the central, south and south-west of Dunedin, close to the CBD and harbour, with approximately 42% of Dunedin's industrial zoned land (approximately 260 ha) in these locations
 - the demand for additional industrial land is likely to be between 10 and 30 ha by 2031
 - it is likely that not all of the vacant land will be suitable for all of the types of industrial activities that might require land in the future, due to specific requirements such as large, flat sites, or proximity to infrastructure. The Industrial Land Needs Study (2009) also showed that proximity to suppliers and customers was also important.
61. Mr Foy, in responding to the *Chalmers Properties Limited* request to allow a broader range of commercial activities including Trade Related Retail within the Southern Precinct industrial area, made the following points:
62. Firstly, he disagreed with the evidence of Ms O'Callahan that the Southern Precinct industrial area is no longer a core industrial area in the city. His evidence was that (Statement of Evidence, p. 5, para 4.6):
- "Statistics NZ's Business Frame data shows that the Southern Precinct is the second largest industrial employment area in Dunedin, with 1,090 employees, behind only the port and its adjacent industrial area (1,500 employees)."*
63. He acknowledged that there are some non-industrial activities in the area, as a result of other types of permitted activities in the zone, and the advent of other activities established through the resource consent process and under the operative District Plan. However, he noted that the dominant activity in the Precinct is still industry, with industrial activities still accounting for approximately 80% of the Southern Precinct industrial area. This means there is limited capacity for industrial activities to expand within this area.
64. He said that the fact that other activities have managed to establish in the Precinct via resource consent in his opinion says more about the permissiveness of the operative Plan than either the suitability of the area for those activities or the desire for industrial activities to locate there. It is also what the 2GP seeks to avoid.
65. Secondly, Mr Foy said that industrial activities contribute to Dunedin's economy and the wellbeing of the community by providing jobs and services, and in his opinion it would be incorrect to say that because other land uses (such as retail) can pay more to occupy industrial land that means that they contribute more to Dunedin.
66. Mr Foy's statement included the following:

"My third key point in response to Mr Butcher (economist for the submitter) is that it is not efficient to displace industrial activities now, and then to attempt to rezone land to accommodate them later. It is unlikely that an alternative location is found that offers comparable strategic advantages identified as important by industry (per my EIC). Any alternative is very likely to be in an urban-periphery location in order to find a large, contiguous block of land, and that would likely be to the detriment of industry in Dunedin, and indirectly to the community as a whole."

67. His view was that demand outweighs supply in the industrial market, and it would be short-sighted to increase the range of activities that could locate in the Industrial Zone, thereby contributing to further 'squeezing out' of industrial activities when their location options are already limited.

68. Mr Fisher, provided evidence on the effects on the transport network, using the goals of the Integrated Transport Strategy for guidance. In relation to the *Chalmers Properties Limited* request to provide for Trade Related Retail activity in the area bounded by Timaru Street, Strathallan Street, Portsmouth Drive, and Portobello Road, he said:

"It is my view that this submission cannot be supported on the basis that a mix of industrial and commercial activity is likely to significantly increase the road safety risk, particularly for pedestrians, and negatively impact on the efficiency of arterial and strategic roads."

3.2.4 Decision and reasons

69. We reject the submissions by *Bunnings Limited* (OS489.9) and *Chalmers Properties Limited* (OS749.29) to allow Trade Related Retail as a permitted activity in industrial zones, including the related requests for amendments to objectives and policies. We also reject the *Construction Industry and Developers Association* (OS997.26) submission requesting a discretionary activity status. In doing so, we accept the submissions by *Liquigas Limited* (OS906.44) and *the Oil Companies* (FS2487.117) who support the non-complying activity status.

70. We also reject the submissions by *Chalmers Properties Limited* (OS749.27 and OS749.28) and *McKeown Group Limited* (OS895.4) which sought amendments to Objective 19.2.1 and Policies 19.2.1.1 to 19.2.1.10 to allow for additional commercial activities and the enabling of commercial activities. As a consequence we accept the submissions by *Liquigas Limited* (OS906.28) and *the Oil Companies* (OS634.93) (and others) which sought retention of Objective 19.2.1 and Policies 19.2.1.1 to 19.2.1.10, which restrict the type of commercial activities that are provided for.²

71. The reasons for our decision are that we support the direction provided in the 2GP, which in our view, has appropriately chosen to provide for these activities through the creation of a new Trade Related Retail Zone, as well as by allowing Trade Related Retail in most other commercial and mixed use zones. We believe this is the most appropriate method to provide for these activities in terms of the objectives and policies of the 2GP, with particular regard to Strategic Directions Objective 2.3.1 and Policy 2.3.1.4 and Objective 2.3.2 and Policy 2.3.2.1, which seek to protect industrial land for industrial activities and promote the maintenance of a vibrant and viable centres hierarchy.

72. In coming to this conclusion we have considered and relied upon the expert evidence of the Reporting Planner at this hearing, as well as the evidence of Mr Foy and Mr Fisher, which was considered at the Commercial and Mixed Use Zones Hearing.

² We note however that changes to Objective 19.2.1 and Policies 19.2.1.1, 19.2.1.5, 19.2.1.7 and 19.2.1.9 are to be made as a consequence of our decisions on reverse sensitivity and other reasons (refer section 3.4 of this report).

73. Mr Foy, in his evidence, persuaded us that industrial land needs to be retained for industrial uses for a number of reasons. These include that allowing other commercial activities in industrial zones will lead to:
- industrial land uses being forced out due to an increase in land prices;
 - the unavailability of suitable land for new or the expansion of existing industries (especially the most attractive and important industrial areas close to the CBD and harbour); and
 - reverse sensitivity effects which constrain the type of industrial activities which can occur.
74. We also accept Mr Fisher's evidence which indicated that the effects of additional commercial activity in the industrial zones is likely to significantly increase the road safety risk, particularly for pedestrians, and negatively impact on the efficiency of arterial and strategic roads.
75. For these reasons we support the use of non-complying activity status for Trade Related Retail and other commercial activities in the Industrial Zone in the 2GP, noting that we further consider the issue of the Trade Related Zone (both in terms of this zone's location, and whether the correct amount of land has been zoned for this purpose) in the Commercial and Mixed Use Hearing – Decision Report (refer CMU Decision Report, subsection 4.1.8, pp. 26-30).

3.3 Landscaping and setbacks along amenity route mapped areas

3.3.1 Background

76. There are a number of provisions in the 2GP related to the proposed amenity route mapped areas. These provisions are:
- Policy 19.2.2.2, which states:

"Require development along an amenity route mapped area to provide a high level of streetscape amenity by:

a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to screen industrial activities and development; and

b. setting back buildings an adequate distance to allow this landscaping."
 - Boundary Treatments Performance Standard (Rule 19.6.1), which requires a 1.5m landscaped strip;
 - Boundary Setbacks Performance Standard (Rule 19.6.11.1), which requires a boundary set back of 10.5m; and
 - Amenity route mapped area mapping extent.

3.3.2 Submissions

77. *Calder Stewart Development Limited* (OS930.12 and OS930.14) sought to retain the Boundary Treatments performance standard, but amend the Boundary Setbacks performance standard to remove where this applies to Burns Street and Portobello Road. This submitter argued that the provisions are counterproductive to the efficient use of land.
78. The *New Zealand Fire Service Commission* (OS945.56) sought retention of the Boundary Setbacks performance standard.
79. *Chalmers Properties Limited* (OS749.26, OS749.31 and OS749.38) sought to remove Policy 19.2.2.2, remove the Boundary Setbacks standard and/or remove the amenity route mapped area from Portsmouth Drive, Portobello Road and Wharf Street. They

argued these provisions significantly impact on the development potential of land adjoining these routes.

80. *Lainston Properties Limited* (OS239.2) sought amendment of the Boundary Setbacks standard by deleting the reference to "and alterations". Their reasons were that a resource consent had been obtained to provide a minimum front yard of 6 metres to Dukes Road for a building subject to this rule. A new tenant now required alterations to the building which will not in itself reduce the front yard, but under the proposed 2GP would require a new resource consent for an "alteration". We note that the issue of whether performance standards are intended to apply to internal alterations is addressed in the Plan Overview decision. In summary, as part of that decision we agreed with recommendations requested by the DCC in submissions to amend provisions so that it is clear that performances standards do not apply to internal alterations or external alterations that do not affect the building's footprint (except for a small set of heritage and landscape provisions which specifically manage these activities).
81. *McKeown Group Limited* (OS895.5) also sought amendments to Policy 19.2.2.2 to recognise that the development of a high level of streetscape amenity is neither practical nor safe for the operation of service stations, which *the Oil Companies* (FS2487.72) supported. *McKeown Group Limited* (OS895.8) also sought amendments to the Boundary Setbacks performance standard so that service station canopies, pump stations and underground and above ground fuel tanks are exempt from the standard. Our decision on the submission (OS895.7) to exempt Service Stations from the landscaping requirements of the Boundary Treatments performance standard (Rule 19.6.1) is recorded in the Cross Plan: Service Stations Decision.

3.3.3 Section 42A Report

82. The Reporting Officer relied upon the expert evidence of the DCC's Urban Designer, Mr Peter Christos. Mr Christos's evidence did not recommend any changes to Policy 19.2.2.2, Rule 19.6.1 Boundary Treatments or Rule 19.6.11.1 Boundary Setbacks. His only recommended change was that the 2GP planning maps be amended by removing the amenity route mapped area along Wharf Street (between Strathallan Street and the Cumberland Street over-bridge), and along Portobello Road (s42A Report, Section 5.45, pp 93-97).
83. Mr Christos's evidence was that for Wharf Street, between Strathallan Street and the Cumberland Street over-bridge, there is no visual connection with the harbour basin along this section of the road and its existing character is not defined by strong landscape values. He also considered that properties on the west side of Wharf Street are more constrained by site size and the adjoining Kiwirail land and so are less able to accommodate development.
84. He also contended that Portobello Road already has a good standard of landscape screening and a generous building set back as provided by the existing planted road reserve. He therefore considered that there was no need for this section to be included as an amenity route mapped area.
85. Mr Christos contended that, in relation to other site specific requests, exceptions to the Boundary Treatments and Boundary Setbacks standards would weaken the effectiveness of the amenity route mapped area. This would create gaps in landscaping, and there would be potential for some buildings to extend through the building line. He therefore did not support submissions that sought exemptions from the rule. Furthermore, he did not believe these requirements will prevent safe sight lines around the vehicle accesses, provided the required landscape strips are designed and maintained properly, and suitable species are chosen (Statement of Evidence, p. 5).

3.3.4 Hearing

86. Ms O'Callaghan, planning witness for *Chalmers Properties Limited*, presented her evaluation of the alternatives, benefits and costs of Rule 19.6.1 Boundary Treatments and Rule 19.6.11.1 Boundary Setbacks to give effect to Objective 19.2.2 and Policy 19.2.2.2 of the 2GP. Her options were: 1 – as notified; 2 – reduced setback (1.5m setback and landscaping); 3 – reduced setback and increased landscaping (3m setback and landscaping on Portsmouth Drive only); and 4 – urban design control (controlled or discretionary activity urban design consent requirement for new development).
87. Ms O'Callaghan considered that option 3 (i.e. reducing the setback to 3m and increasing landscaping on Portsmouth Drive only) was the most effective and efficient option to give effect to Objective 19.2.2 and Policy 19.2.2.2, because it will reduce the amount of low productive land (yard storage or car parking) where buildings cannot be located, and will improve streetscape amenity with a wider planting strip.
88. *The Oil Companies* (FS2487.72) called Ms Karen Blair (Principal Planner). In her pre-circulated evidence she proposed alternative wording to Policy 19.2.2.2, as shown below:
- "Require development along an amenity route mapped area to provide a high level of streetscape amenity by:*
- a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to ~~screen~~ mitigate the visual impact of industrial activities and development without adversely affecting traffic safety and*
- b. setting back buildings an adequate distance to allow this landscaping."*
89. Mr Barry Chamberlain, Director of *Lainston Properties Limited* (OS239.2), presented evidence noting there is no definition for 'and alterations', and there is a lack of clarity about what the term means in the context of the Boundary Setbacks performance standard (Rule 19.6.11.1). We note that this issue is dealt with in the Plan Overview Decision Report in Section 3.9.
90. Mr Christos tabled revised evidence in response to Ms O'Callaghan. His advice was to increase the landscaping requirement to a 3m landscape strip with a 4.5m additional setback, to create a setback totalling only 7.5m rather than 10.5m. He considered this would provide a more effective visual buffer, whilst still ensuring a reasonable setback to mitigate the effects of bulk and scale.

3.3.5 Post Hearing

3.3.5.1 Amenity Route mapped areas – performance standards

91. As a result of the evidence presented at the hearing regarding boundary setbacks and landscaping strips, we requested further assessment of rule options from the Reporting Officer to manage buildings within the front boundary (first 10.5m) in light of the issues that the standard seeks to manage.
92. The Reporting Officer then had further discussions with Mr Christos and agreed that it is appropriate for smaller buildings to be located closer to the road boundary, because the scale of these buildings would not adversely affect the character and amenity of these areas. The Reporting Officer provided us with draft amended provisions for our further consideration.
93. We came to a preliminary view that we supported this revised recommended approach, but wished to consult those submitters who had raised this issue before making a final determination, and finalising the wording of the relevant rules.
94. Accordingly, we wrote to submitters for feedback, noting the Panel were of a mind to:
- amend the minimum building setback to reduce it to 4m (from 10.5m)

- amend the performance standard for Boundary Treatments to require a 3m landscape strip (instead of 1.5m), and
 - add a performance standard for height in relation to boundary requiring buildings to not protrude through a plane rising at an angle of 60 degrees, measured from ground level at the road boundary.
95. Submitter feedback was received from *Calder Stewart Development Limited* via Mr Nigel Bryce of *Ryder Consulting Limited*, and from Mr Dave Johnston for *Lainston Properties Limited*.
96. In summary, the feedback from Calder Stewart Development Limited was:
- to amend the boundary treatments performance standard (Rule 19.6.1) to include reference to certain indigenous plants to be used on the street frontage of the former Carisbrook site;
 - to amend the height in relation to boundary performance standard (Rule 19.6.6.1) and to add an additional requirement that buildings not protrude through a plane rising at an angle of 40 degrees, measured from ground level at the Burns Street road boundary. *Calder Stewart Development Limited* reasoned that this would be similar to the current rule in the operative District Plan, which would dictate the scale of buildings in proximity to Burns Street if development commenced now;
 - to amend the boundary setbacks performance standard (Rule 19.6.11.1) to include a 3m setback along the amenity route mapped area on Burns Street.
97. The feedback from Mr Johnston was general in nature though questioned the justification for, and benefits of, applying setback and height to boundary requirements.
98. In response to these comments from submitters, the Reporting Officer revised his recommendation, suggesting amendments to the height in relation to boundary performance standard (Rule 19.6.6.1) and the boundary setbacks performance standard (Rule 19.6.11.1) to essentially adopt the amendments proposed by *Calder Stewart Development Limited* (OS930.14) and the preferred option raised in the evidence of Ms O'Callaghan.

3.3.5.2 Amenity route mapped area – mapped extent

99. We also sought advice about the reason why the amenity route mapped area located on the side boundary between the East Taieri Primary School (11 Cemetery Road, East Taieri) and the adjoining industrial land was necessary, as this seemed to be an error in the Plan (as the boundary was not a road boundary).
100. The Reporting Officer subsequently confirmed this was a drafting error in the Plan, whereby, the amenity route mapped area was incorrectly used as the method to manage adverse effects where industrial zones border school zones. He said Policy 19.2.2.2 and the Boundary Treatment rule make it clear that the amenity route mapped area is meant to apply to roads only and not to side or rear boundaries.
101. He recommended the following amendments to use a more appropriate method for managing the interface between school zones and industrial zones:
- removal of the amenity route mapped area from this location
 - changes to the boundary setbacks performance standard (Rule 19.6.11.1), and the
 - height in relation to boundary performance standard (Rule 19.6.6.1) to require buildings in industrial zones to be set back an adequate distance from boundaries which adjoin a school zone.
102. He stated that these amendments can be made pursuant to Schedule 1, clause 16(2) of the RMA, because the changes are of minor effect, as they change the method rather than the substance of the provisions.

103. More specifically, the only schools which adjoin industrial zoned land are the East Taieri Primary School and Kaikorai Valley High School and the changes will have minor effect because the setback requirements for industrial buildings adjoining these schools are similar to the setback requirements in the operative District Plan and in the case of East Taieri Primary School less than the 10.5m setback requirement from an amenity route mapped area.

3.3.6 Decision and reasons

104. Overall, we accept the evidence of the DCC including the Reporting Officer and Mr Christos that Policy 19.2.2.2, the amenity route mapped areas, and performance standards to maintain adequate visual amenity along the identified amenity routes, are required. We also consider that service stations should not be exempt from this policy as requested by *McKeown Group Limited* (OS895.5), as we agree with the evidence of the Reporting Officer that the development of a high level of streetscape amenity can still be achieved in a manner that is practical and safe for the operation of service stations (s42A Report, Section 5.14, p.42).

105. However, we have decided to amend Policy 19.2.2.2 based on the concerns by *McKeown Group Limited* (OS895.5), which sought that Policy 19.2.2.2 be amended to recognise that development of a high level of streetscape amenity is not practical nor safe for the operation of service stations and the evidence of Ms Karen Blair (Principal Planner) for *the Oil Companies* (FS2487.72) who suggested the policy be amended as follows (Statement of Evidence, p.11):

"Require development along an amenity route mapped area to provide a high level of streetscape amenity by:

a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to ~~screen~~ mitigate the visual impact of industrial activities and development without adversely affecting traffic safety and

b. setting back buildings an adequate distance to allow this landscaping."

106. We agree with suggested deletion of the word 'screen' from the Policy so that the Policy refers to 'mitigate the visual impact', as this better reflects the intention rather than total screening of service stations.

107. We do not however agree with adding the consideration of traffic safety, as that is not a focus of the rule, nor the objective under which this policy sits. As an acknowledgement that traffic safety is nevertheless a valid consideration for service stations generally, we have modified the assessment guidance to add that as something to consider (and referenced the objectives in the Transport section, to include potential circumstances that may support a consent application, including situations where complying with the standard may affect the safety of vehicles entering or exiting the site.

108. We therefore accept in part *McKeown Group Limited* (OS895.5) and have decided that Policy 19.2.2.2 be amended to read as follows:

*"Require development along an **amenity route mapped area** to provide a high level of streetscape amenity by:*

a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to ~~screen~~ mitigate the visual impact of {Ind 895.5} industrial activities and development; and

b. setting back buildings an adequate distance to allow this landscaping."

109. We reject the submission by *Chalmers Properties Limited* (OS749.26) to delete Policy 19.2.2.2, remove the Boundary Setbacks standard and/or remove the amenity route

mapped area from Portsmouth Drive, Portobello Road and Wharf Street (except as outlined below).

110. We are, however, sympathetic to the concerns raised by submitters regarding the need to ensure efficient development and use of the land along the amenity routes. Accordingly, we accept the solutions proposed by submitters and generally accepted by the DCC for amendments to reduce the required building setbacks but to provide for enhanced landscaping along these routes, and other measures to reflect individual points made by submitters.
111. Overall, we consider that the amendments to the performance standards and extent of the amenity route mapped area (as addressed below) will appropriately balance the need for a higher standard of streetscape amenity along these routes (which in the case of Portsmouth Drive is an important tourist route to the Peninsula and recreational area), while maintaining reasonable development potential of industrial activities in these locations.
112. Therefore, we accept, in part, the submission by *Calder Stewart Development Limited* (OS930.14) and *Chalmers Properties Limited* (OS749.31).
113. To give relief to these submissions we have amended the Boundary Treatments performance standard (Rule 19.6.1) to require a 3m landscaped strip (instead of a 1.5m strip). See Appendix 1 amendment reference Ind930.14.
114. We did not agree with the *Calder Stewart Development Limited's* post-hearing feedback requesting the amendment of this rule to specifically list plant species, noting it is outside the scope of their original submission, and there were no reasons given for the request.
115. We have also amended the Boundary Setbacks rule to include a 3m setback along the amenity route mapped area on Burns Street, and reduced the 10.5m setback along all other amenity route mapped areas to 4m. Complementary to this, we have amended the height in relation to boundary rule to add an additional requirement that buildings along the amenity route mapped area on Burns Street are not protrude through a plane rising at an angle of 40 degrees, measured from ground level at the road centreline. The rule is also amended to add a further additional requirement that buildings along the amenity route mapped area in all other locations does not protrude through a plane rising at an angle of 60 degrees, measured from ground level along the road boundary.
116. We also note our minute (dated 21 November 2016), where we decided to add to clause 3.c of the Boundary Treatments rule (Rule 19.6.1) to clarify that, where an industrial zone adjoins a residential zone, fence palings only are visible from the residential zone and fence posts and rails are required to be on the Industrial Zone side. We consider this is a cl.16 matter.
117. We have also added to the potential circumstances that may support a consent application in Rule 19.9.6.1 'Assessment of restricted discretionary activities in a mapped area or affecting a scheduled item - in an amenity route mapped area'. (Refer Appendix 1, amendment reference Ind 930.14 and Ind 895.5).

3.3.7 Extent of amenity route mapped area

118. We note the 2GP does not have any strategic directions policies or explanation in the Industrial section to explain how the amenity routes were chosen and what their function is. We see this as a gap in the Plan and have recommended that this be subject to a future plan review. In the meantime, we have based our decisions with respect to amenity route mapped areas on the evidence we heard.
119. We accept, in part, the submission by *Chalmers Properties Limited* (OS749.38) to amend reduce the amenity route mapped area, and have removed it along Wharf Street, between Strathallan Street and the Cumberland Street over-bridge, and along Portobello Road (see Appendix 1 amendment reference (Ind749.38)). We accept the

evidence of Mr Christos that the route is not appropriate in this stretch but appropriate in the others.

120. We note as discussed above the DCC have acknowledged there is an error in the Plan and to fix this have proposed an amendment pursuant to Schedule 1, clause 16(2) of the RMA, which involves the removal the amenity route mapped area from the side boundary of East Taieri Primary School, and instead, the inclusion of the reference to the School Zone in:
- Policy 19.2.2.1
 - Rule 19.6.6.1 Height in relation to Boundary
 - Rule 19.6.11.1 Boundary Setbacks
 - Rule 19.9.4.1 Assessment of development performance standards - Boundary Setbacks

3.4 Reverse sensitivity objectives and policies

3.4.1 Objective 2.3.1

121. Objective 2.3.1 states:

"Land that is important for economic and social prosperity, including industrial areas, major facilities, key transportation routes and productive rural land, is protected from less productive competing uses or incompatible uses."

122. Fonterra Limited (OS807.8), Ravensdown Limited (OS893.7) and Liquigas Limited (OS906.4) supported Objective 2.3.1.

123. Cadbury Limited (OS1015.1) requested Objective 2.3.1 be amended to encompass protection of land use activities from incompatible uses and potential reverse sensitivity effects, rather than just the land itself. This submitter also requested an additional policy, which would protect industrial land use activities with significant economic benefits from incompatible land use activities.

124. The Reporting Officer agreed with the submitter that it was important to protect both industrial land and industrial activities from competing or incompatible uses, and recommended that the submission from Cadbury Limited (OS1015.1) be accepted in part.

125. However, the Reporting Officer disagreed with the new policy proposed by Cadbury Limited (OS1015.1) because he considered that the intent of this new policy is already articulated more effectively in Policy 2.3.1.4, which states:

"Identify land strategically important for industrial activities, including near the Harbour and key transport routes, and use industrial zoning and rules to protect industrial activities from incompatible or competing land uses in these areas, in particular retail (other than yard-based retail) and residential activities."

126. Instead, the Reporting Officer recommended that Objective 2.3.1 be amended to ensure that 'land use activities' and 'industrial activities' are explicitly mentioned in this objective in order to provide relief to the submitter and recommended that Objective 2.3.1 be amended as follows:

"Land and land use activities that ~~is~~ are important for economic and social prosperity, including industrial areas and associated industrial activities, major facilities, key transportation routes and productive rural land, is protected from less productive competing uses or incompatible uses." (s.42A Report, Section 5.3, p.20)

127. At the hearing, Liquigas Limited (OS906.4) called Ms Claire Hunter (Senior Resource Management Consultant). Ms Hunter supported the Reporting Officer's recommended amendment to Objective 2.3.1.

128. *Ravensdown Limited* (OS893.7) called Mr Chris Hansen (Principal Planning Consultant). Mr Hansen also supported the recommended amendment to Objective 2.3.1.

3.4.1.1 Decision and reasons

129. We reject the submission from *Cadbury Limited* (OS1015.1). We note that as a result of the Network Utilities Hearing we have amended Objective 2.3.1 to include reference to facilities, which may cover some industrial activities (refer section 4.2.1.2 of the Network Utilities decision report).
130. In terms of adding a new policy we agree with the Reporting Officer that this is unnecessary as it is already articulated more effectively in Policy 2.3.1.4, which reads:
- "Identify land strategically important for industrial activities, including near the Harbour and key transport routes, and use industrial zoning and rules to protect industrial activities from incompatible or competing land uses in these areas, in particular retail (other than yard-based retail) and residential activities."*

3.4.2 Policy 2.3.1.1

131. Policy 2.3.1.1 reads as follows:
- "Identify important gateways (including Dunedin International Airport, Dunedin Port and Port of Otago at Port Chalmers) zone these as major facilities and use rules to:*
- a. enable them to continue to operate efficiently and effectively, while minimising as far as practical any adverse effects on surrounding areas; and*
 - b. protect them from activities that may lead to reverse sensitivity issues."*
132. KiwiRail (OS322.62) supported Policy 2.3.1.1, which was supported in part by *the Oil Companies* FS2487.108).
133. *The Oil Companies* (OS634.53) identified that the Dunedin Port is zoned Port Industrial rather than Major Facility and sought to clarify that the Dunedin Port is an important gateway. It requested that Policy 2.3.1.1 be amended to specify that the Port Industrial Zone is an important gateway, suggesting wording of "Identify important gateways (including Dunedin International Airport, Dunedin Port and Port of Otago at Port Chalmers) zone these as major facilities and use special provisions such as the Port Industrial Zone and major facilities zones, and rules to:....."
134. *Port Otago Limited* (OS737.5) sought to have Policy 2.3.1.1 amended as follows:
- "Identify important gateways (including Dunedin International Airport, Dunedin Port and Port of Otago at Port Chalmers) ~~zone these as major facilities~~ and use rules to:*
- a. enable them to continue to operate efficiently and effectively, while minimising as far as practical any adverse effects on surrounding areas; and*
 - b. protect them from activities that may lead to reverse sensitivity issues."*
135. *Ms Kristine Nicolau* (FS2421.5) opposed Port Otago's submission.
136. The Reporting Officer at the Major Facilities hearing stated that the intent of the changes proposed by *the Oil Companies* (OS634.53) would provide clarity regarding the Industrial Port Zone and its place in terms of being an important gateway for Dunedin. She did not consider that any party will be adversely affected by the proposed amendment and believed the proposed change reflects the intention of the Policy. She recommended the wording proposed by *the Oil Companies* be modified, suggesting an amendment to the policy to read "Identify important gateways (including Dunedin International Airport, Dunedin Port and Port of Otago at Port

Chalmers) zone these as major facilities or industrial port and use rules to:....” (Major Facilities s42A Report, Section 5.2.2, p. 36).

137. In his tabled evidence, Mr John McCall, the planning consultant called by *the Oil Companies*, noted that the s42A Report recommendations reflected the intent of the amendments sought. However, he noted that the policy, as recommended by the Reporting Officer, did not make grammatical sense. Mr McCall urged the Panel to accept the Reporting Officer’s amendment to Policy 2.3.1.1 with the additional amendment proposed in his evidence (i.e. the addition of ‘and’) to ensure that Policy 2.3.1.1 is grammatically correct.

“Identify important gateways (including Dunedin International Airport, Dunedin Port and Port of Otago at Port Chalmers) and zone these as major facilities or industrial port and use rules to:

- a. enable them to continue to operate efficiently and effectively, while minimising as far as practical any adverse effects on surrounding areas; and*
- b. protect them from activities that may lead to reverse sensitivity issues.”*

3.4.2.1 Decision and reasons

138. We accept the submission from *the Oil Companies* (OS634.53) and accept in part *Port Otago Limited* (OS737.5) and *KiwiRail* (OS322.62) submissions and have amended Policy 2.3.1.1 to ensure the importance of the Dunedin Port as a shipping gateway is also recognised in Policy 2.3.1.1.

139. We also note our decisions in the Plan Overview Decision Report in regard to *Otago Regional Council’s* submission (OS908.3) regarding ‘practicable’. We have therefore decided to amend clause a of Policy 2.3.1.1 so that ‘practical’ is replaced with ‘practicable’. See amended wording of Policy 2.3.1.1 we have decided on, below:

“Identify important gateways (including Dunedin International Airport, Dunedin Port and Port of Otago at Port Chalmers) and zone these as major facilities or industrial port {Ind 634.53} and use rules to:

- a. enable them to continue to operate efficiently and effectively, while minimising as far as ~~practical~~ practicable {PO 908.3 and others} any adverse effects on surrounding areas; and*
- b. protect them from activities that may lead to reverse sensitivity issues. {PO 1046.5}”*

140. See Appendix 1, amendment references Ind 634.53 and PO908.3.

3.4.3 Section 19 objectives and policies on reverse sensitivity

141. In section 19 (Industrial zones) most of the policies related to reverse sensitivity sit under Objective 19.2.1 (policies 19.2.1.3, 9.2.1.4, 9.2.1.5, 9.2.1.7, 9.2.1.9, 9.2.1.10).
142. However, Objective 19.2.2 also has content related to reverse sensitivity and has one policy related to reverse sensitivity - Policy 19.2.2.8.
143. Many of these provisions were submitted on as will be discussed below; however, in reviewing these provisions holistically we determined that clarity and consistency in the Plan would be improved by rationalising these provisions by moving the content in Objective 19.2.2.d into Objective 19.2.1 as follows (note clause b incorporates

changes that were made as a result of the Plan Overview Hearing as well as in response to a submission by *Liquigas* (see Section 3.4.4 below).

144. We have also moved Policy 19.2.2.8 under Objective 19.2.1, alongside the rest of the reverse sensitivity policies (shown as 19.2.1.X in Appendix 1). We note that we also made amendments to this policy based on submission as discussed in Section 3.5.4 below).
145. We note that as part of the Plan Overview topic we considered the definition of reverse sensitivity, and in light of that, the wording of reverse sensitivity objectives and policies. In the decision on that topic, as a result of a submission from *Air New Zealand* (OS1046.5) we expanded the definition of reverse sensitivity to include 'future activities' and deleted all references in policies and objectives to 'permitted' activities or activities 'provided for' in order to prevent duplication between the policies and objectives, and the definition.

3.4.3.1 Objective 19.2.1 and Policy 19.2.1.1

146. Objective 19.2.1 states:
- "The industrial zones enable and protect the ability of industrial and port activities to establish and operate by only providing for a very limited range of specified non-industrial or non-port activities to establish and operate."*
147. Policy 19.2.1.1 states:
- "Provide for the establishment and operation of industrial and port activity, industrial ancillary tourism activity and industrial ancillary retail activity in the industrial zones."*
148. *The Oil Companies* (OS634.93), *Fonterra Limited* (OS807.40), *Liquigas Limited* (OS906.28), *East Parry Investments Limited* (OS922.4), *The Otago Chamber of Commerce Incorporated* (OS1028.10) requested the retention of Objective 19.2.1. *The Oil Companies* (OS634.93) also requested the retention of the related policies. *Fonterra Limited* (OS807.41), *Liquigas Limited* (OS906.29) and *Cadbury Limited* (OS1015.5) sought retention of Policy 19.2.1.1.
149. *Ravensdown Limited* (OS893.26) sought to amend Objective 19.2.1 to read:
- "The industrial zones enable and protect the ability of existing lawfully established industrial and port activities to operate, and for new industrial and port activities to establish and operate, by only providing for a very limited range of specified non-industrial or non-port activities to establish and operate."*
150. *Ravensdown Limited* (OS893.27) also sought to amend Policy 19.2.1.1 to read:
- "Provide for existing lawfully established industrial and port activities and the establishment and operation of industrial and port activity,..."*
151. Their principle concern seemed to be around these provisions being focused only on new, rather than existing, activities.
152. The Reporting Officer considered that the changes sought by *Ravensdown Limited* (OS893.26 and OS893.27) in respect of Objective 19.2.1 and Policy 19.2.1.1 were unnecessary, and would overly complicate the objective and policy. He also noted that existing industrial and port activities would enjoy existing use rights, pursuant to section 10 of the RMA, and therefore recommended that there is no need to change Objective 19.2.1 and Policy 19.2.1.1 as requested by the submitters (Section 42A Report, Section 5.6-5.7, pp. 26-28).
153. The planning witness for *Ravensdown Limited*, Mr Hansen, argued at the hearing that it was necessary to refer to existing lawfully established activities in Objective 19.2.1 and Policy 19.2.1.1 because satisfying s10(a)(ii) requirements, relating to effects, can be problematic in terms of establishing existing use rights.

154. However, Ms Hunter, planning witness for *Liquigas Limited* (OS906.28), reiterated at the hearing the submitter's support for the retention of Objective 19.2.1 and Policy 19.2.1.1. Ms Karen Blair, planning witness for *the Oil Companies* stated in her evidence that *the Oil Companies* were not opposed to the recommendation of the Reporting Officer and "commend it to the Panel."
155. In his revised recommendations, the Reporting Officer acknowledged the concerns of *Ravensdown Limited* in terms of how the provisions were being read by them to not cover existing activities, and he proposed an alternative solution to address these concerns, by re-ordering the words "establish and operate" to better recognise existing activities.

3.4.3.2 Decision and reasons

156. We accept in part the submission from *Ravensdown Limited* (OS893.26 and OS893.27) and agree that, as worded, these provisions do not clearly address existing activities. However, we disagree with the Reporting Officer's revised recommendation to address this. Instead, we consider clarification is better achieved by removing all reference to the words "establish" and "operate", thus rendering the objective and policy neutral in terms of whether an activity is new or existing.
157. We consider that these amendments to Objective 19.2.1 and Policy 19.2.1.1 will simplify these provisions, and make it clear they apply to both existing and new industrial activities (Appendix 1, amendment reference Ind 893.26).
158. We also note as discussed above in Section 3.4.2 that we have amended Objective 19.2.1 to incorporate the content related to reverse sensitivity that previously sat in Objective 19.2.2.d, including the amendments discussed in Section 3.5 relating to the activity status of Community and Leisure (OS634.34) and amendments to the definition of reverse sensitivity, which was considered at the Plan Overview Hearing as part of our assessment of *Air New Zealand* (OS1046.5).
159. Incorporating these changes we have amended Objective 19.2.1 to read, as follows:
"The industrial zones enable and protect the ability of {Ind 893.26} industrial and port activities to establish and operate {Ind 893.26} by:
a. only providing for a very limited range of specified non-industrial or non-port activities; and to establish and operate {Ind 893.26}
b. ensuring the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised {PO 1046.5} is insignificant {Ind 906.34}."
160. We have amended Policy 19.2.1.1 to read:
"Provide for the establishment and operation of {Ind 893.27} industrial and port activities activity, industrial ancillary tourism activity {Ind cl.16} and retail industrial ancillary to retail industry {Ind cl.16} activity in the industrial zones."

3.5 Community and Leisure

3.5.1 Policy 19.2.1.7

161. Policy 19.2.1.7 states:

"Only allow Community and Leisure, and sport and recreation, to locate in the industrial zones where these activities have specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial and mixed use zone."

162. *Liquigas Limited* (OS906.31), supported by *the Oil Companies* (FS2487.84 and FS2487.95) requested additional text at the end of this policy, as follows: "and where no reverse sensitivity effects are likely to arise and the activities would have significant positive effects on the successful operation of surrounding industrial or port activities."
163. Fonterra Limited (OS807.40), Ravensdown Limited (OS893.29) and NZ Fire Service Commission (OS945.55) supported the policy.
164. The Reporting Planner recommended the following additional wording as part b of Policy 19.2.1.7 "where the potential for reverse sensitivity effects can be avoided or, where avoidance is not possible, adequately mitigated." His reasons were that he believed the wording proposed by *Liquigas Limited* is too strict in that it requires there to be "no" reverse sensitivity effects, which is a higher standard than used in the 2GP. He also considered it is unlikely that Community and Leisure, and Sport and Recreation activities could realistically demonstrate they would ever have 'significant positive effects' on the operation of industrial or port activities (s42A Report, Section 5.10, p.34).
165. Ms Karen Blair's planning evidence for *the Oil Companies* supported the Reporting Officer's recommendation, subject to the addition of the word 'and', and removal of the duplicated word 'where'.
166. Ms Claire Hunter, planning witness for *Liquigas Limited* (OS906.31) also supported the Reporting Officer's recommendation subject to the same amendments recommended by Ms Blair.
167. The Reporting Officer in his "Further recommendations following tabled evidence" and in his revised recommendations accepted the grammatical amendments suggested in *the Oil Companies'* and *Liquigas Limited's* evidence.

3.5.1.1 Decision and reasons

168. We reject the submission by *Liquigas Limited* (OS906.31) and *the Oil Companies* to amend policy 19.2.1.7 to include additional text related to reverse sensitivity effects.
169. Our reason is this matter is already covered in Policy 19.2.2.8, which we have amended in response to a different submission by *Liquigas*; we also note as discussed in Section 3.4.3 we have moved this policy to sit under Objective 19.2.1.
170. We note as discussed below we have amended the activity status of Community and Leisure to be non-complying (rather than restricted discretionary). In adding the new assessment matters for this activity as a non-complying activity reference will be added to Policy 19.2.1.X.

3.5.2 Activity status of Community and Leisure

171. Community and Leisure is a restricted discretionary activity in industrial zones, and is defined in the 2GP, as
"The use of land and buildings for the purpose of social gathering, worship, community support, non-competitive informal recreation, or leisure activities. These activities are generally not-for-profit and/or may make use of space in an existing building..."
This definition excludes office activities, schools, early childhood education, and sport and recreation."

172. *The Oil Companies* (OS634.34) sought that the activity status of Community and Leisure (small scale and large scale) be changed from a restricted discretionary activity to non-complying activity in the industrial zones. It considered that community and leisure activities are not appropriate in the industrial zones, and may pose threats to the availability and affordability of industrial land and the potential for reverse sensitivity issues. *Liquigas Limited* (FS2327.23) supported this submission as it discourages sensitive uses in the industrial zones.
173. For *Liquigas Limited*, planning witness Ms Hunter, and Operations and Safety Manager, Mr Heaven, presented evidence and discussed the operation of the Liquigas site. Ms Hunter, in particular, reiterated her concern with allowing for Community and Leisure activities within industrial zones because of potential reverse sensitivity effects on industrial activities. Ms Blair, planning witness for *the Oil Companies* provided a statement of evidence expressing similar concerns to Ms Hunter.
174. The Reporting Officer, in his "Further recommendations following tabled evidence", and in his revised recommendations presented at the hearing said he accepted the evidence of *the Oil Companies* and *Liquigas Limited* that the proposed activity statuses of these activities may not adequately protect industrial land from incompatible land uses. To address the submitters' concerns, he recommended that 'Community and Leisure' activities be non-complying instead of restricted discretionary in the industrial zones.

3.5.2.1 Decision and reasons

175. We accept the submissions from *the Oil Companies* (OS634.34) and *Liquigas Limited* (FS2327.23) to change the activity status of Community and Leisure (small scale and large scale) from restricted discretionary to non-complying.
176. We agree with the reasons outlined by *the Oil Companies* and *Liquigas Limited* in their respective submissions and evidence regarding the potential reverse sensitivity effects on industrial activities for Community and Leisure activities in Industrial zones. We also consider that this approach is more consistent with the overall objective and policy framework in industrial zones that provide for a very limited range of specified non-industrial or non-port activities. We note there were no opposing submissions, and all of the expert planners agreed with the requested amendment to the activity status.
177. To implement this decision we have made the following amendments (see amendment reference Ind 634.34 in Appendix 1):
- Amended rules 19.3.3.17 and 18 (Activity status table - activity status of Community and Leisure)
 - Amended Rule 19.10.3.3 Assessment of restricted discretionary land use activities by deleting reference to Community and Leisure activities
 - Amended Rule 19.12.3 Assessment of non-complying land use and development activities by adding reference to Community and Leisure activities.

3.5.3 Policy 19.2.1.9

178. Policy 19.2.1.9 states:
- "Avoid residential activity due to its high potential for reverse sensitivity to industrial or port activities, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities."*
179. *KiwiRail Holdings Limited* (OS322.133), *Liquigas Limited* (OS906.32) and *Ravensdown Limited* (OS893.30) supported this policy.
180. *Fonterra Limited* (OS807.43) sought amendment of this policy to include avoidance of "other sensitive activities". The amendment proposed by *Fonterra* was supported

by *the Oil Companies* (FS2487.71), *Ravensdown Limited* (FS2481.10) and *Liquigas Limited* (FS2327.9).

- 181. The Reporting Officer recommended that the submission by *Fonterra Limited* be accepted, subject to minor grammatical changes (s42A Report, Section 5.11, p.36).
- 182. Ms Claire Hunter, planning witness for *Liquigas Limited* (OS906.32) gave evidence in support of the amendments recommended by Mr Rawson.
- 183. Similarly, Ms Karen Blair, planning witness for *the Oil Companies* (FS2487.71), also supported the amendments recommended by the Reporting Officer.

3.5.3.1 Decision and reasons

- 184. We agree with the Reporting Officer and submitters about the importance of avoiding residential and "other sensitive activities" in industrial zones due to the effects of these activities on the operation of surrounding industrial and port activities. We note that residential activities and 'other sensitive activities' are non-complying activities in industrial zones to recognise this.
- 185. We also note that Policy 19.2.1.9 is not referenced in any assessment rules, and Policy 19.2.1.3 which is supported by *Fonterra Limited* (OS807.42), *Liquigas Limited* (OS906.30) and *Ravensdown Limited* (OS893.28), essentially has the same meaning as Policy 19.2.1.9.
- 186. Policy 19.2.1.3 states:

"Avoid the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities."
- 187. In considering the objectives and policies of the industrial zones collectively we consider that it is unnecessary to have two policies (Policy 19.2.1.3 and Policy 19.2.1.9), which essentially say the same thing. Therefore, we have decided to delete Policy 19.2.1.9 in its entirety and consider that this can be achieved pursuant to Schedule 1, clause 16 (2) of the RMA, because the deletion of Policy 19.2.1.9 is of minor effect.
- 188. In making this decision we rely on Policy 19.2.1.3, which we have decided to retain without amendment, and note that this policy is referenced in Rule 19.12.2.1 Assessment of all non-complying activities.
- 189. For these reasons we have rejected the submissions of *KiwiRail Holdings Limited* (OS322.133), *Liquigas Limited* (OS906.32), *Ravensdown Limited* (OS893.30) and *Fonterra Limited* (OS807.43), only in the sense that we have deleted Policy 19.2.1.9. However, we consider the retention of Policy 19.2.1.3 may give some partial relief to those submitters.

3.5.4 Policy 19.2.2.8

- 190. Policy 19.2.2.8 states:

"Only allow activities other than industrial activities in the industrial zones where:

 - a. the potential for reverse sensitivity, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor."*
- 191. *Ravensdown Limited* (OS893.35) sought the retention of this policy.
- 192. *Fonterra Limited* (OS807.45) sought the deletion of the words "or, if avoidance is not possible, will be no more than minor". This submission was supported by *Ravensdown Limited* (FS2481.11) and *the Oil Companies* (FS2487.73) and opposed by *Waste Management Limited* (FS2444.32).

193. *Liquigas Limited* (OS906.38), supported by *the Oil Companies* (FS2487.89), sought the amendment of the policy to make reference to ongoing operations and their development.
194. The Reporting Officer agreed with *Fonterra Limited's* (OS807.45) reasons that reverse sensitivity effects can place pressure on existing activities to reduce their effects, despite being potentially compliant with the Plan's rules and/or being lawfully established. He believed, however that Policy 19.2.2.8 (and other objectives, policies and rules) provide strong protection against incompatible activities locating and operating in the Industrial Zone. He also agreed that it is important to provide for not only the ongoing operation of industrial activities, but also for their potential expansion.
195. Consequently, he recommended that Policy 19.2.2.8 be amended to make reference to both ongoing operations and their future development (s42A Report, Section 5.18, p.50).
196. Ms Hunter, planner for *Liquigas Limited*, agreed with the amendments recommended by the Reporting Officer because they properly recognise the importance of the established investment in the area and the need to ensure that these established activities can continue to operate and develop into the future without unreasonable constraints (Statement of Evidence, para 5.14, p.11).
197. Ms Blair, planner for *the Oil Companies*, submitted that Policy 19.2.2.8 should be strengthened to protect against incompatible activities operating in the Industrial Zone by requiring the potential for reverse sensitivity effects to be "avoided" (Statement of Evidence, para 5.4, p.6).
198. In reviewing his recommendations, the Reporting Officer suggested the following further amendments to Policy 19.2.2.8, to address the submitters' concerns:
"Only allow activities other than industrial activities in the industrial zones where a- the potential for reverse sensitivity effects on any permitted or lawfully established activities is insignificant., that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor."
199. The Reporting Officer considered that this wording will create a longer policy, which is consistent with similar submissions on policy wording addressed in the Plan Overview and other hearings, and will better address submitters' concerns regarding reverse sensitivity.

3.5.4.1 Decision and reasons

200. Our decision is to accept, in part, the submissions from *Liquigas Limited* (OS906.38) and *the Oil Companies* (FS2487.73) insofar as they relate to ensuring the policy wording also covers established activities, so they can continue to operate and develop into the future.
201. We also accept in part the submission by *Fonterra Limited* (OS807.45) to strengthen the policy but prefer the relief suggested by the Reporting Officer to replace the words "*will be avoided or, if avoidance is not possible, will be no more than minor.*" with "*is insignificant*". This wording reflects the policy drafting protocol used by the Plan and represents the highest strictness under that protocol.
202. However, as discussed above, as a result of decisions made on the Plan Overview topic we have amended the definition of reverse sensitivity and made consequential changes to policies to remove duplication of information included in the definition.
203. We also note as discussed above in Section 3.4.3, we have also moved this policy to sit under Objective 19.2.1.
204. This policy which is numbered 19.2.1.X in marked up decision version of the eplan has been amended to read:
"Only allow industrial ancillary tourism and activities other than industrial activities in the industrial zones where:—a- the potential for reverse sensitivity is insignificant.

~~that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor. {Ind 906.38 and others}~~"

205. We have also made a consequential amendment to the following assessment rule(s) that reference Policy 19.2.2.8:
- Rule 19.10.3.2 Assessment of restricted discretionary land use activities - Crematoriums
 - Rule 19.10.3.3 Assessment of restricted discretionary land use activities - Sport and recreation
 - Rule 19.10.3.4 Assessment of restricted discretionary land use activities - Ancillary licensed premises
 - Rule 19.12.2.1 Assessment of non-complying land use activities - All non-complying land use activities
 - 19.12.2.X Assessment of non-complying land activities - Community and Leisure

3.5.5 Objective 19.2.2

206. Objective 19.2.2 states:

"Development and activities are designed and operated so that:

- a. a reasonable level of amenity is maintained within the industrial zones;*
- b. any adverse effects on the amenity of adjoining residential, school or recreation zones are minimised;*
- c. a high standard of amenity along identified an amenity route mapped area is maintained; and*
- d. the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised."*

207. *Southern Heritage Trust & City Rise Up* (OS293.113) and *Rosemary & Malcolm McQueen* (OS299.78) supported Objective 19.2.2 and associated policies and *Fonterra Limited* (OS807.44) and *Ravensdown Limited* (OS893.31) supported Objective 19.2.2 and Objective 19.2.2.d respectively.

208. *Liquigas Limited* (OS906.34) sought removal of the objective because they considered:

- it was ambiguous, in that a "reasonable" standard of amenity as per part (a) was subjective
- part (b) required the minimisation of "any" adverse effects, regardless of their significance
- part (c) was ambiguous with regard to a "high standard" of amenity; and
- the use of the term "minimised" in part (d) did not enable a quantitative assessment of the suitability of any "minimisation" that might be undertaken.

209. *Liquigas Limited* noted, however, that part (d) recognised issues with reverse sensitivity effects in industrial areas and supported this part of the Objective. As an alternative it sought a new objective to recognise risk and reverse sensitivity issues to be worded as follows:

"Development and activities within the industrial zones and the Major Hazard Facilities Overlay are located, designed and operated to avoid reverse sensitivity effects to, and unacceptable risks from, existing industrial, port and major hazard facilities activities."

210. *The Oil Companies* (FS2487.85) supported the *Liquigas Limited* submission in part, although they sought redrafting of Objective 19.2.2 to provide greater clarity and

- certainty. *Ravensdown Limited* (FS2481.17) opposed it, as it considered the objective was necessary and appropriate, and provided guidance to decision makers on reverse sensitivity issues.
211. *Ravensdown Limited* (OS893.3) supported Objective 19.2.2.d in relation to the minimising of reverse sensitivity effects from activities within the industrial zones on industrial and port activities. They considered that this provision represented good resource management practice. *Ravensdown Limited* opposed *Liquigas Limited's* request for deletion of Objective 19.2.2 because, as noted above, they considered the current objective was necessary and appropriate and provided guidance to decision makers on reverse sensitivity issues.
212. The Reporting Officer noted that there had been a minor typographical error in the drafting of Objective 19.2.2.c which required correcting - moving the word "an". Aside from this, he recommended no change to Objective 19.2.2. His reasons were that this objective is wider than just the consideration of reverse sensitivity effects on industrial and port activities, which is the only issue that the proposed new *Liquigas Limited* objective considers. He considered that the amenity of adjoining residential, school or recreation zones and the maintenance of a reasonable level of amenity in the Industrial Zone are also important aspects and are appropriate to be included as part of this objective (s42A Report, Section 5.13, pp.40-41).
213. However, the Reporting Officer recommended that amendments be made to part b. and part d. of Objective 19.2.2, as follows:
- "b. ~~any~~ adverse effects on the amenity of adjoining residential, school or recreation zones are minimised, to the extent practicable*
- d. the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is ~~minimised~~ insignificant."* (Further recommendations after consideration of tabled evidence, p.2)
214. The Reporting Officer explained that the word "insignificant" is used to provide the 'strictest' test in the Plan (below "avoid"), and his opinion was that setting an expectation of the potential for reverse sensitivity to be entirely avoided may be too difficult a test for activities that are provided for in the zone. In making this recommendation he agreed in part with *the Oil Companies* and *Liquigas Limited* that these amendments will create greater clarity and certainty (Further recommendations after consideration of tabled evidence, p.3).
215. Ms Karen Blair, planning expert for *The Oil Companies* (FS2487.85), provided pre-circulated evidence but did not appear at the hearing. In her evidence, she suggested the need for a benchmark to demonstrate how "reasonableness" would be determined. Similarly, she observed that "high standard of amenity" (along an amenity route mapped area) was subjective and that a benchmark was required that demonstrated that at the very least, the clause applied to the amenity at the road interface area only, and not to the amenity of the whole site. Ms Blair also suggested the requirement to minimise reverse sensitivity effects is uncertain, and could potentially leave industrial activities at long-term potential risk of reverse sensitivity effects and operational constraints.
216. Ms Blair suggested that Objective 19.2.2 be amended as follows:
- "Development and activities are designed and operated so that:*
- a. a ~~reasonable~~ lower level of amenity is maintained within the industrial zones compared to in other zones*
 - b. ~~any~~ adverse effects on the amenity of adjoining residential, school or recreation zones are minimised, to the extent practicable*
 - c. a higher standard of amenity is maintained at the interface of ~~along an~~ identified an amenity route mapped area ~~is maintained and~~*

- d. *the potential for any activity in industrial zones to hinder or constrain the establishment of reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is avoided minimised.*"

217. Ms Hunter, planner for *Liquigas Limited*, said in evidence that she believed there were significant difficulties in assessing and implementing this objective, and provided additional detail of the reasons to those cited in *Liquigas Limited's* submission, including:

- Objective 19.2.2.a will require all industrial activities, regardless of whether the adverse effects are considered to be minor or otherwise appropriately managed, to achieve a greater amenity standard, which may be impractical, inappropriate and unnecessary
- the use of the term "minimise" in Objective 19.2.2.b could be broadly interpreted and possibly inconsistently applied in decision-making processes and does not reflect the range of options available under the Act
- the reference to achieving a "high standard" of amenity in Objective 19.2.2.c is too great of a standard to place on important industrial activities and invites a level of ambiguity, and it fails to recognise the importance of industrial land to the social and economic wellbeing of the region.

218. Ms Hunter considered that a more appropriate objective to address amenity values would be:

"Adverse effects on amenity values, both within the Industrial zone and on adjacent areas are appropriately managed."

219. Furthermore, Ms Hunter considered that Objective 19.2.2(d) relates to the management of reverse sensitivity effects and this should be dealt with as part of a separate objective. She said that *Liquigas Limited's* reason for this new objective was to recognise risk and reverse sensitivity issues. This relief was packaged with other relief from *Liquigas Limited* as submission point OS906.1, which related to its request for a Major Hazard Facility Overlay to manage the use and development of land within 200 metres of the boundaries of the Liquigas site, which was considered at the Public Health and Safety Hearing. Our decision on that matter, which is recorded in the decision report for that topic, was to accept the *Liquigas Limited* (OS906.1) request for a Major Hazard Facility Overlay.

220. *Liquigas Limited's* legal counsel, Ms Anneke Theelen, addressed in her legal submissions the objectives, policies and rules, as well as the application of the Industrial Zone in relation to the Dunedin LPG Depot, but made no specific reference to Objective 19.2.2.

221. The Reporting Officer, in his revised recommendations, did not recommend any further amendments to Objective 19.2.2

3.5.5.1 Decision and reasons

222. Overall, we do not accept the submission by *Liquigas Limited* (OS906.34) to delete the Objective and instead create a new objective based on the wording suggested by the submitter. We do not agree that the words "reasonable level of amenity" in clause (a), and "high standard of amenity" in clause (c) are ambiguous or not capable of assessment when referring to the objectives, other policies, and expectations espoused in the 2GP for the Industrial Zones.

223. However, we accept the issue the submitter has raised in terms of clause (b), and note that the use of the word "minimised" was considered more broadly at the Plan Overview hearing where we received advice on these matters in light of the policy drafting protocol. We determined that based on the submission by *Liquigas* and related evidence by Ms Hunter to amend all policies that use minimise to add the

words "as far as practicable". We note that this change is also made to Policy 19.2.2.9, and 19.2.2.6. There are consequential amendments to Rule 19.10.3.2 Assessment of restricted discretionary land use activities - crematoriums, as a result of amendments to Policy 19.2.2.9 and amendments to Rule 19.9.4.9 Assessment of development performance standards - maximum height, as a result of amendments to Policy 19.2.2.6.

224. We also accept in part the submission by *Liquigas* (OS906.34) and the advice of the Reporting Officer to strengthen the policy wording related to reverse sensitivity effects to replace 'is minimised' with 'is insignificant' which is the most strict wording under the Plan's revised drafting protocol (see Plan Overview Decision).
225. However, as discussed above in Section 3.4.2, we have determined that provisions related to reverse sensitivity would be clarified and strengthened by amending Objective 19.2.1 to cover the matters in 19.2.2.d and moving Policy 19.2.2.8 under this objective. We have therefore amended Objective 19.2.2 to read as follows (see Appendix 1):
- ~~Development and Activities {PO cl.16}~~ are designed and operated so that:
- a. a reasonable level of amenity is maintained within the industrial zones;
 - b. ~~any {PO cl.16}~~ adverse effects on the amenity of adjoining residential, school or recreation zones are minimised as far as practicable; *{Ind 906.34}*
 - c. a high standard of amenity along identified ~~an {Ind cl.16}~~ **amenity route mapped areas {Ind cl.16}** is maintained; ~~and~~
 - d. ~~the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised {Ind 906.34}~~

3.6 Request for new transport policy

226. The *New Zealand Transport Agency (NZTA)* (OS881.139) sought a new policy in the Industrial zone section as follows:
- "Recognise the importance of efficient transport linkages for industrial activities, for all transport modes."*
227. This submission was supported by *Ravensdown Limited* (FS2481.12).
228. The Reporting Officer recommended that this submission be rejected because Objective 2.7.2 and Policy 2.7.2.1, which sit in the Strategic Directions section, already recognise the importance of efficient transport linkages for industrial activities, for all transport modes (Section 42A Report, Section 5.22).
229. We note that the submitter also made a submission (OS881.44) to Objective 2.7.2, and to a number of transportation performance standards, including Rule 6.6.3.3 Minimum sight distance from a vehicle crossing (OS881.87). In our decision on the Transportation topic we have decided to accept in part submissions (OS881.44 and OS881.87), refer to the Transportation topic decision report.
230. Mr Andrew Henderson, planning expert for the *New Zealand Transport Agency* (OS881.139) tabled a statement but did not appear at the hearing. In his statement Mr Henderson explained that the Transport Agency's main concerns were to ensure that the policies recognise the importance of linkages between activities and zones and specifically for industrial zones *"reaffirm the importance of efficient links between industrial activities and their markets or end destinations (such as the Port)"*.

3.6.1 Decision and reasons

231. We reject the submission by the *New Zealand Transport Agency* (OS881.139). While we agree in principle with the issues raised by the submitter, we note that, as outlined by the Reporting Officer, these issues are already addressed in the Transportation section of the Plan, and there is no need to add a new policy in the Industrial Zones section.
232. Specifically, we note that the amendments to Objective 2.7.2 and related policies will provide appropriate recognition of the importance of a safe and efficient transport network for all users. We consider that our decisions on transportation performance standards will also contribute towards this.

3.7 Height

3.7.1 Policy 19.2.2.5

233. Policy 19.2.2.5 states:
- "Require buildings and structures to be of a height that:*
- a. is similar to the existing height of buildings of the industrial and industrial port zones*
 - b. avoids significant adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula, and*
 - c. minimises, as far as practicable, shading and wind tunnelling effects on school, residential, and recreation zoned sites."*
234. *Mr John Campbell* (OS495.8) sought the retention of the policy.
235. *Ravensdown Limited* (OS893.33) sought an amendment to exempt chimney stacks necessary for industrial activity.
236. *Liquigas Limited* (OS906.36) sought the removal of the policy because it was considered vague and unclear. *Ravensdown Limited* (FS2481.18) opposed the *Liquigas Limited* submission. *The Oil Companies* supported this submission (FS2487.87).
237. The Reporting Officer recommended that the amendment proposed by *Ravensdown Limited* (OS893.33) be rejected because it is unnecessary and overly detailed (s42A Report, Section 5.16, pp. 45-46).
238. The Reporting Officer did not accept that the policy should be removed as it appropriately sets out the policy test for breaches of the height performance standard, including the effects of concern. However, he accepted that the reference to "similar to the existing height of buildings of the industrial and industrial port zones" in Policy 19.2.2.5a is unclear, and recommended it should be deleted.
239. He also recommended amendments to Policy 19.2.2.5.b so as to be consistent with recommendations at the Plan Overview Hearing, on the wording "avoid significant adverse effects", in Policy 19.2.2.5, as set out below.
- "Require buildings and structures to be of a height that:*
- a. is similar to the existing height of buildings of the industrial and industrial port zones;*
 - b. avoids ~~significant~~ or, if avoidance is not possible, adequately mitigates adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula; and*
 - c. minimises, as far as practicable, shading and wind tunnelling effects on school, residential, and recreation zoned sites."* (s42A Report, Section 5.16, pp. 45-46).

240. *Ravensdown Limited's* (OS893.33) planning witness, Mr Chris Hansen, said in evidence that he disagreed with the Reporting Officer's recommendations. He considered the height of a chimney for an industrial activity will be driven by the operational needs of the activity, and the ability of the discharge to meet air quality standards. Furthermore, Mr Hansen stated that, apart from being within an airport flight zone, there are no reasons for restricting the height of a chimney for industrial activities that are properly located within the Industrial Zone. As a consequence, Mr Hansen contended that the amendments sought by *Ravensdown Limited* (OS893.33) are the most appropriate way to meet the objectives of the Plan.
241. *The Oil Companies'* (FS2487.87) planning witness, Ms Karen Blair, said in her tabled evidence that she supported the Reporting Officer's recommended amendment, subject to substituting the term "possible" in clause b, to "practicable".
242. *Liquigas Limited's* (OS906.36) planning witness, Ms Claire Hunter at page 10 of her evidence stated:
- "I agree it is appropriate to delete clause (a), and amend clause (b). However, I also consider that clause (c) needs to be amended to remove the reference to the term "minimise". I am of the opinion that this should be replaced with a requirement to avoid, remedy or mitigate, as far as is practicable adverse effects on shading and wind tunnelling. I have outlined my concern with this term earlier in this evidence. I therefore consider the policy should be drafted as follows:*
- Require buildings and structures to be of a height that avoids, remedies or mitigates as far as practicable:*
- (a) _adverse effects on views across the harbour toward the Otago Peninsula; and*
- (b) the creation of adverse shading and wind tunnelling effects on schools, residential and recreation zoned sites."*
243. Ms Hunter's evidence on this point was also considered at the Plan Overview Reconvened Hearing.
244. The Reporting Officer said, in reviewing his recommendations prior to the hearing, that in response to Ms Blair's evidence for *the Oil Companies*, he agreed with the substitution of the term "possible" in clause b, with "practicable". He said that he opposed the use of the wording 'avoids, remedies or mitigates' as promoted by Ms Hunter in her evidence for *Liquigas Limited*, because he considered it to be less directive and clear than the proposed wording.

3.7.1.1 Decision and reasons

245. Firstly, we note that the concerns raised in the submission points and evidence by experts called by Liquigas related to the use of the word minimise and the preference for the wording "avoid, remedy or mitigate" are primarily addressed in the Plan Overview decision report where we determined that the use of terminology "minimises" followed by "as far as practicable" is appropriate and should be included in the policy drafting protocol. Therefore, we reject the submission by Liquigas in so far as it relates to replacing this terminology with "avoids, remedies or mitigates".
246. We, however, accept their submission in relation to deleting clause a. "*a. is similar to the existing height of buildings of the industrial and industrial port zones*", which was supported by the Reporting Officer.
247. We also accept *Liquigas's* submission insofar as we agree that clause b. should be modified. We note that the Reporting Officer recommended to modify clause b. as follows: *avoids ~~significant~~ or, if avoidance is not possible, adequately mitigates adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula* (s.42A Report, p.46). Although in the document 'further recommendations after considering tabled evidence', which was tabled at the start of the Industry Hearing, he agreed that the replacement of the word "possible" with the word "practicable" is more consistent with the overall objective and policy framework. In addition, at the Reconvened Plan Overview

Hearing, he recommended to further modify clause b. further so that it reads: *avoids or minimises as far practicable significant adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula*

248. In terms of clause c. he did not recommend any amendments at the Industry Hearing. Although at the Reconvened Plan Overview Hearing, he recommended modification of clause c. so that it reads: ~~minimises, avoids or, if avoidance is not practicable, ensures adverse effects from as far as practicable,~~ {Ind 906.36} *shading and wind tunnelling effects on school, residential, and recreation zoned sites are no more than minor.* (Reconvened Plan Overview Hearing Report Policy Drafting Protocol and General Terminology Consistency Summary and Revised Recommendations - Appendix 1 – No Significant Effects Wording, pp.15-17)
249. The reasons outlined at the Reconvened Plan Overview hearing by the Reporting Officer for these amendments to Policy 19.2.2.5 was that the original policy was only focused on significant effects not all effects and therefore the amendments proposed by him earlier had inadvertently expanded the policy. Due to the issues raised by submitters at the Reconvened Plan Overview hearing the Reporting Officer reconsidered his earlier recommendation and considered it was appropriate to only focus on significant effects rather than all effects.
250. We also note there was consensus amongst the planning experts at the Industry hearing that clause (a) should be deleted, and no opposition was expressed by any party to the changes to clause (b). Both of these amendments align with our decisions on the policy drafting protocol considered as part of the Plan Overview topic.
251. We do not agree with the request by *Ravensdown Limited* (OS893.33) to reference chimney stacks in the policy, as we consider that this is not detail required in the policy, but we have accepted their submission in part, and have amended the maximum height standard as discussed in Section 3.7.3.
252. Overall, we have amended Policy 19.2.2.5 to read:
- "Require buildings and structures to be of a height that:*
- ~~a. is similar to the existing height of buildings of the industrial and industrial port zones;~~ {Ind 906.36}
- ~~b. a. avoids significant~~ *avoids or minimises, as far as practicable, significant* {Ind 906.36, PO 308.497, and PO 908.3} *adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula; and*
- ~~c. b. minimises, avoids or, if avoidance is not practicable, ensures adverse effects from as far as practicable,~~ {Ind 906.36, PO 908.3 and PO 308.497} *shading and wind tunnelling effects on school, residential, and recreation zoned sites are no more than minor."* {Ind 906.36 and PO 908.3}
253. We have also made consequential amendments to Rule 19.9.4.9 Assessment of development performance standards - Maximum height that reference this policy:

3.7.2 Policy 19.2.2.6

254. Policy 19.2.2.6 states:
- "Only allow buildings and structures to exceed the maximum height limit where:
- a. the height is essential to the operation of an industrial activity; and
 - b. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance."
255. *Carol Devine* (OS252.13) submitted that Policy 19.2.2.6 be retained, supported by *Elizabeth Kerr* (FS2429.131).

256. *Ravensdown Limited* (OS893.34) submitted that the policy be amended to include chimney stacks, as essential to the operation of an industrial activity.
257. *Liquigas Limited* (OS906.37) submitted that the words "or minimise" be deleted from part b of the policy and replaced with "remedy or mitigate". *The Oil Companies* (FS2487.88) supported this submission.
258. The Reporting Officer recommended retention of Policy 19.2.2.6 without amendment because he did not consider the wording proposed by *Liquigas* (OS906.37) would improve the clarity of the policy. He also did not support the relief requested by *Ravensdown Limited* (OS893.34) because he did not consider it necessary or that it will add value to the policy (s42A Report, Section 5.17, p. 48).
259. In reviewing his recommendations (after considering tabled evidence and prior to the hearing), the Reporting Officer observed that the performance standard for height policy sets the benchmark for what is acceptable in all situations. He noted that contraventions of that standard may also be acceptable but would need to be assessed on a case by case basis. He also said that the word 'practicable' is widely used in the Plan where emphasis is put on weighing up effects and the costs of mitigating those effects.
260. At the hearing he recommended that Policy 19.2.2.6 be amended so that clause b reads "the visual effects of the height limit exceedance have been minimised as far as practicable." He said that this amendment puts more emphasis on the word "practicable" than in the previous wording, and also removes the word "avoid" thereby reducing the expectations around mitigation. Further, the Reporting Officer considered that this change places more emphasis on part "a." and recognises that where a height exceedance is essential to the operation of an industrial activity, this becomes an important reason to grant consent (Further recommendations after consideration of tabled evidence, p.1).
261. *Ravensdown Limited's* (OS893.34) planning witness, Mr Hansen, said that he disagreed with Mr Rawson's recommendations and considered that the amendments sought by *Ravensdown Limited* (OS893.34) are the most appropriate way to meet the objectives of the Plan.
262. *Liquigas Limited's* (OS906.37) planning witness, Ms Claire Hunter, said she had concerns about use of the word "minimise" in this policy and sought "remedy or mitigate" in its place.
263. Ms Karen Blair, planner for *the Oil Companies* (FS2487.88) in tabled evidence said she supported the submission by *Liquigas* (OS906.37).

3.7.2.1 Decision and reasons

264. We note that the submissions by *Liquigas* related to provisions that use the word minimise were considered at the Plan Overview hearings where we considered evidence on these matters across all topics as the issues raised affect the policy drafting protocol.
265. As discussed earlier in Section 3.5.5, in relation to Objective 19.2.2, we accept, in part, the submission from *Liquigas* (OS906.37) insofar the concerns expressed about the use of the word minimised. However, for the reasons discussed in the Plan Overview topic decision we do not prefer their suggested amendment to "remedy or mitigate". We agree that with the evidence of the Reporting Officer that this amendment puts more emphasis on the word "practicable" than in the previous wording, and also removes the word "avoid" thereby reducing the expectations around mitigation.
266. We have instead amended Policy 19.2.2.6.b to read:

"Only allow buildings and structures to exceed the maximum height limit where:
a. the height is essential to the operation of an industrial activity; and

- b. ~~all practicable measures have been taken to avoid or minimise {Ind 906.37} the visual effects of the height limit exceedance have been minimised as far as practicable.~~ {Ind 906.37}

267. We have also made a consequential amendment to Rule 19.9.4.9 Assessment of development performance standards - Height where this assessment rule references this policy.
268. We reject the submission from *Ravensdown Limited* (OS893.34) to amend the policy to include reference to chimney stacks, however, as discussed in section 3.7.3 below, we accepted the submission to amend the height standard to exempt chimney stack for industrial activities.
269. We consider that an amendment to this policy for chimney stacks that are taller than what has not been permitted is unnecessary, as the policy already appropriately acknowledges that a height exceedance, which is essential to the operation of an industrial activity, should be considered.

3.7.3 Maximum Height (Rule 19.6.6.2)

270. The Maximum height performance standard (Rule 19.6.6.2) in the 2GP ranges from 18-28m in the industrial zones, with exceptions for rooftop structures.
271. Several submitters sought retention of the maximum height performance standard (Rule 19.6.6.2) or parts of it.
272. *Mr Michael Ovens* (OS740.4) sought amendment of this rule to ensure that views from the city to the harbour are not blocked. This submission was opposed by *Chalmers Properties Limited* (FS2321.1), *Cerebos Gregg's Limited* (FS2385.7), *Cadbury Limited* (FS2451.3), *Ravensdown Limited* (FS2481.8) and *the Oil Companies* (FS2487.81).
273. *Cerebos Gregg's Limited* (OS54.3) requested a new 33 metre maximum height limit for the Cerebos Gregg's site at 51 Forth Street, as they considered the proposed 18m height limit would not be adequate to cater for the existing buildings, support structures and future additions.
274. *East Parry Investments Limited* (OS922.1) sought to amend the maximum height rule within the Ravensbourne height mapped area from 20 to 25 metres because it would reduce undue constraint on the efficient use of land for industry. However, *East Parry Investments'* principal concern appeared to be the maximum height that applied specifically to their properties to the east of the Forsyth Barr Stadium at 88-102 Parry Street.
275. *Dunedin City Council* (OS360.25 and 26) requested that the Ravensbourne height mapped area be removed from land not zoned industrial.
276. *Ravensdown Limited* (OS893.4) requested that chimney stacks, for existing lawfully established industrial activity within the Ravensbourne height mapped area, be exempt from the height restrictions. As discussed above, they (OS893.33) also sought that Policy 19.2.2.5 (the policy that guides the maximum height limits) be amended to exempt chimney stacks necessary for industrial activity; and that (OS893.34) that Policy 19.2.2.6 be amended to include chimney stacks, as essential to the operation of an industrial activity (the policy that guides the assessment of non-compliance with the height limit).
277. Mr Peter Christos, DCC Urban Designer, provided expert evidence in response to the submissions by *Cerebos Gregg's Limited* (OS54.3), *East Parry Investments Limited* (OS922.1), and *Mr Michael Ovens* (OS740.4). In summary, he considered that the *Cerebos Gregg's Limited* and *East Parry Investments Limited* submissions for increased heights applicable to their sites are appropriate because of the height of surrounding buildings and landforms.

278. In regard to *Mr Owens'* submission, Mr Christos said that in order to ensure views to the harbour from future developments within the central part of the city there would need to be substantial height reductions within the industrial zones or increases in the height limits throughout the central part of the city (Statement of Evidence, p. 15). He considered that reduction of heights in industrial zones would unnecessarily constrain development potential in those areas, and increasing heights in the central part of the city could have adverse effects on shading and views for the CBD and existing Inner City Residential sites. For these reasons, he did not support this submission.
279. The Reporting Officer, based on Mr Christos' expert evidence (Statement of Evidence, pp. 9-12), recommended that *Mr Michael Owens'* (OS740.4) submission be rejected, and also recommended:
- *Cerebos Gregg's Limited* (OS54.3) be accepted and a new Cerebos Gregg's height mapped area of 33m apply over the Cerebos Gregg's site at 51 Forth Street, and
 - *East Parry Investments Limited* (OS922.1) submission be accepted in part and the inclusion of a new Parry Street East height mapped area of 25m for 88-102 Parry Street and 2 Neptune Street (s42A Report, Section 5.42, pp.84-85).
280. The reasons for this included:
- *Cerebos Gregg's Limited* (OS54.3) - shading of these properties is not likely to be significantly increased beyond the extent of existing shading. Also, the environment can absorb the proposed extra height because 51 Forth Street is not on a hill or ridge line, or located where it is likely to block views or impact on surrounding amenity. There are also currently several 30m+ buildings nearby that provide context for additional height.
 - *East Parry Investments Limited* (OS922.1) - for the sites at 88-102 Parry Street, the height of the neighbouring stadium, and Signal Hill will all provide an effective background to mitigate possible effects of increased scale. The evidence was that the increased height should not be applied to the entire industrial zone as much of the industrial zone, adjacent to Anzac Avenue, is visually connected to the CBD and edge zones (s42A Report, Section 5.42, pp.84-85).
281. The Reporting Officer also recommended that *Dunedin City Council's* (OS360.25 and 26) submission be accepted, to reflect that there was an error in the mapping of the Ravensbourne height mapped area insofar as parts of the Princes, Parry and Harrow Street Zone (a Commercial and Mixed Use Zone in the 2GP) have the Ravensbourne height mapped area incorrectly applied to them. He said the mapped area should only apply to the Industrial Zone (s42A Report, Section 5.42, pp.86-87).
282. *Mr Owens* presented evidence at the hearing in which he compared height limits in industrial areas with those in the Commercial and Mixed Use zones. His evidence included photographs towards the harbour taken from different roads around the city as well as a cross-section of 2GP maximum heights from Wallace Street (Roslyn) over to Fryatt Street and into the harbour.
283. *Mr Owens'* principal concern was that the maximum heights proposed "have the potential to block our already limited views/glimpses to the harbour and peninsula from our city centre streets and city rise housing positions". *Mr Owens* also questioned the operational necessity of these heights.
284. For *Ravensdown Limited*, Mr Hansen (planner), Mr Anthony Gray (Works Manager), and Mr Jon Farren (acoustics expert) all presented expert evidence and statements at the hearing in relation to exempting chimney stacks from the height restrictions for existing lawfully established industrial activity within the Ravensbourne height mapped area, and specifically at the Ravensdown site at 102-160 Ravensbourne Road.

285. Mr Christos provided additional urban design evidence during the hearing on the impact of an exemption for chimneys at that site. he noted that this site has two existing chimneys, with the tallest being approximately 55m in height. In summary, he said:

"Visual effects are not caused because of scale and bulk per se but simply because of the height of the chimneys - the vertical lines they project on the landscape that creates disturbance.

While some local streets would be more affected by the bulk and scale of the chimneys, there is still a reasonable setback distance of (100-400m) maintained for houses west of Manuka Street.

I believe the existing chimneys are located and designed to ensure visual effects are less than minor. I also feel that additional chimneys could be established and still retain acceptable amenity but this would be dependent on profiles, separation distances and locations." (Statement of Evidence, p.3)

286. The Reporting Officer, commented in his revised recommendations that:

- the submission by *Mr Owens* (OS740.4) raises an urban design issue, and should also be considered as part of the Commercial and Mixed Use zones hearing, as the relief sought also affects these provisions;
- no change to the recommendations in the s42A Report to accept the requests by *Cerebos Gregg's Limited* (OS54.3) and *East Parry Investments Limited* (OS922.1) to increase the height limits for Rule 19.6.6.2; and
- no changes to the amendments suggested in the s42A Report for the *Ravensdown Limited* (OS893.4) submission, noting that restricted discretionary activity status is appropriate to address infringements of the height rule for chimneys.

3.7.3.1 Decision and reasons - Request to lower height limits to ensure views retained

287. Our decision is to reject the submission of *Mr Owens* (OS740.4) to reduce the proposed height limit in the Industrial zones, as we had insufficient evidence to show that that the proposed height limits would create adverse effects, and we note that the proposed height limits are in any event more onerous than those in the Operative District Plan.

288. We note Mr Owens also submitted to increase height limits in the commercial zones in the centre city. Our decision on that point which explores in more depth our consideration of his evidence on relative height levels, is addressed in the Commercial Mixed Use Hearing Decision Report in Section 4.6.7.1 where we have also decided to reject the submission of *Mr Owens* (OS740.4).

3.7.3.2 Decision and reasons - Request to increase height limit

289. We accept the submissions by *Cerebos Gregg's Limited* and *East Parry Investments Limited* that requested increased height limits within the Cerebos Gregg's height mapped area and the Parry Street East height mapped area. Our reasons are that we accept the evidence outlined by the Reporting Officer and Mr Christos in his evidence as summarised above. In essence, we consider that the requested increased height limits in those areas will not result in adverse effects in terms of additional shading of adjacent properties, obstruction of views, or other adverse effects on amenity.

290. We also consider that possible effects of increased scale from additional height for the sites at 88-102 Parry Street can be mitigated by the height of the neighbouring stadium, and Signal Hill. See Appendix 1 amendment references (Ind 54.3 and Ind 922.1).

3.7.3.3 Decision and reasons - Request to remove Ravensbourne Height Mapped Area from land not zoned Industrial

291. We accept the submissions of *Dunedin City Council* to remove the Ravensbourne height mapped area from land not zoned industrial (see Appendix 1 amendment references Ind360.25 and Ind360.26).
292. Our reasons are we accept the evidence of lined by the Reporting Officer that acceptance of this submission will correct an error in the mapping of the Ravensdown height area and there were no opposing submissions, as summarised above.

3.7.3.4 Decision and reasons - Request to exempt chimney stacks

293. We accept in part the request by *Ravensdown Limited* (OS893.4) to exempt chimney stacks for industrial activities from the height restriction. We note that chimneys atop buildings are included as 'rooftop structures' and under clause g of the Maximum Height rule 'rooftop structures' are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other building and structures by 5m. For reasons of consistency we consider that free standing chimneys, and chimneys atop buildings, should be treated the same as regards the maximum permitted height limit.
294. Accordingly, we have amended Rule 19.6.6.2 clause vi. as follows:
- vi. Except, rooftop structures and freestanding chimneys as part of industrial activity {Ind 893.4} are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other building and structures by 5m.*

3.8 Industrial Ancillary Tourism

3.8.1 Background

295. There 2GP has a number of provisions related to Industrial Ancillary Tourism. Several submitters requested amendment or retention of these provisions, in relation to the activity status and definition of Industrial Ancillary Tourism, and the Maximum Gross Floor Area performance standard (Rule 19.5.5).

3.8.2 Activity status of Industrial Ancillary Tourism

296. Industrial Ancillary Tourism is permitted in the Industrial Zone and Industrial Port Zone under Rule 19.3.3.3.
297. Industrial Ancillary Tourism is defined as:
- "The use of land and buildings for the ancillary purpose of interpretation and demonstration of an industrial activity on the site.*
- Industrial Ancillary Tourism is a sub-activity of industry."*
298. *Cadbury Limited* (OS1015.9) supported the permitted activity status of Industrial Ancillary Tourism as did *East Parry Investments Limited* (OS922.6) who considered, given its nexus with industrial activity and the low likelihood of adverse effects to industrial activity caused by these activities, that the permitted activity status is appropriate, and will assist to improve the economic performance of the area.
299. *The Oil Companies* (OS634.33) opposed the inclusion of Industrial Ancillary Tourism as a permitted activity within both industrial zones, and instead requested a discretionary activity status. Their submission stated that the *"activity potentially provides for the introduction of activities that attract large numbers of people into the industrial zones, including children. As such the activity creates the potential for reverse sensitivity issues to arise. The status of Industrial Ancillary Tourism as a*

permitted activity provides no scope or opportunity for those reverse sensitivity effects to be assessed and considered in the context of the industrial zones."

300. The Reporting Officer disagreed with *the Oil Companies* (OS1015.9) that industrial ancillary tourism activities are likely to attract large amounts of people into the industrial zones and did not recommend amendment of the permitted activity status of Industrial Ancillary Tourism in industrial zones. He also recommended amendment to the definition of industrial ancillary tourism to include associated restaurant or retail activity where ancillary to the industrial ancillary tourism activity (s.42A Report, Section 5.37, pp.73-74).
301. Ms Blair, the planning consultant called by *the Oil Companies*, expressed that Industrial Ancillary Tourism activities that may attract large numbers of people into the industrial zones and create the potential for reverse sensitivity issues to arise.
302. Ms Blair also discussed the *Cadbury Limited* submission point OS1015.10 to amend the definition of Industrial Ancillary Tourism to include 'associated restaurant or retail activity where ancillary to the industrial ancillary tourism activity', which the Reporting Officer recommended be accepted. She said that *the Oil Companies* conditionally supported these changes given that they require restaurant or retail activity to be ancillary to the Industrial Ancillary Tourism activity, but remained concerned with the potential size and number of people being attracted to these associated ancillary restaurant or retail activities.
303. Therefore, as an alternative to a discretionary activity status she requested an amendment to Rule 19.5.5 Maximum Gross Floor Area, to provide a cap on development so that Retail ancillary to Industry or Industrial Ancillary Tourism activity must not cumulatively exceed 10% of the total floor space of the premises or 200m² whichever is the lesser (Statement of Evidence, p.10). We note however, that this change is outside the scope of the *Oil Companies* submission, at least in so far as it would apply to ancillary retail activities.
304. Ms Blair acknowledged that although it is unlikely that large numbers of cafes/restaurants of this type will be established in Dunedin, this doesn't obviate the fact that there is actually little restriction on it happening and therefore restrictions are warranted.
305. The Reporting Officer agreed with *the Oil Companies* that the proposed permitted activity status of Industrial Ancillary Tourism may not adequately protect industry from incompatible land uses. He however considered that Industrial Ancillary Tourism should be restricted discretionary, rather than the (full) discretionary activity status proposed by *the Oil Companies*, as the matters of discretion can appropriately be limited to the potential effects on the ability of industrial activities to operate (i.e. reverse sensitivity effects). The Reporting Officer also accepted that a total maximum floor area, as well as a percentage, and the addition of the Industrial Ancillary Tourism activity in Rule 19.5.5 Maximum Gross Floor Area, could be appropriate (Further recommendations after consideration of tabled evidence).

3.8.2.1 Decision and reasons

306. We accept, in part, *the Oil Companies* submission (OS634.33) to the extent that we accept that a resource consent should be required for Industrial Ancillary Tourism in the industrial zones to protect existing industries from potential reverse sensitivity effects.
307. However, we agree with the relief suggested by the Reporting Officer that the activity status of Industrial Ancillary Tourism be changed from permitted to restricted discretionary, to enable any potential reverse sensitivity effects to be adequately managed. We do not accept there is a need for full discretionary activity status to be applied, as the potential effects of concern are quite confined and can be addressed by restricted discretionary activity status. We note that the Plan already includes a minimum parking and minimum vehicle loading area for this activity.

308. We do not see the need for amending the Maximum Gross Floor Area performance standard (Rule 19.5.5) as suggested as an alternative in Ms Blair's evidence, as the appropriate size of an activity in terms of effects, can be assessed as part of a resource consent application for a restricted discretionary activity. We therefore disagree with the Reporting Officer in his further recommendations on this matter.
309. We have amended Rule 19.3.3 to change the activity status of Industrial Ancillary Tourism from permitted to restricted discretionary in the Industrial and Industrial Port Zone, and make the following consequential changes:
- Amend Rule 19.10.3.3 (Assessment of restricted discretionary land use activities) to add Industrial Ancillary Tourism - this will link this activity to be assessed against Policy 19.2.2.8 - renamed 19.2.1.X, with the matter of discretion as reverse sensitivity
310. These amendments are shown in Appendix 1 attributed to submission reference Ind634.33.

3.9 Factory Farming

311. *Mainland Poultry Canterbury Limited* (OS782.1) sought a change of zoning for 13 Matanaka Drive, Waikouaiti, from Rural Coastal Zone to Industrial Zone. Associated with this is the submission by *Mainland Poultry Canterbury Limited* (OS782.2) to make specific provision for factory farming as a permitted activity in the Industrial Zone.
312. In its report to the hearing on Capacity Information for 2GP Rezoning Requests, the DCC's Water and Waste Group has confirmed that wastewater capacity is not currently available to provide for the rezoning request. The DCC's Transportation Group also reported its concerns regarding the potential impacts of heavy vehicles on the local roading network should the site be intensively developed for industrial purposes.
313. The Reporting Officer recommended that the submission by *Mainland Poultry Canterbury Limited* (OS782.1 and OS782.2) to rezone the site at 13 Matanaka Drive, Waikouaiti, from Rural Coastal to Industrial zoning, and to make specific provision for factory farming as a permitted activity in the Industrial Zone, both be rejected.
314. His reasons were that the activities on the site are existing and therefore enjoy existing use rights, and that rural industrial activities are provided for within the Rural zone. Consequently, Mr Rawson did not consider spot-zoning the site Industry would be the most appropriate method regarding the overall objectives and policies of the Industrial and Rural zones. He also noted the reported infrastructural constraints and effects on roading from heavy trucks if the site was used for industrial activities in the future.
315. The Reporting Officer said he also understood the submission to make specific provision for factory farming as a permitted activity in the Industrial Zone relates to their site rather than the Industrial Zone generally. Therefore, he considered that it is unnecessary to consider making changes that would apply throughout the wider Industrial Zone (s42A Report, Section 5.51, pp. 118-119 and Section 5.24 pp. 56-57).
316. Mr Campbell Hodgson in his legal submissions for *Mainland Poultry Canterbury Limited* argued the case for industrial zoning, describing that wastewater is treated and disposed of on-site, but noting that the DCC's wastewater treatment plant is next door to the Mainland Poultry site and therefore connection to the treatment plant is possible, and an upgrade of Matanaka Drive is also possible.
317. Mr Hodgson also made the point that the Rural Coastal Zone policy framework, where Mainland Poultry operates, is premised on the notion that factory farming is inconsistent with rural amenity values, and therefore sends a message of "we don't want you here". Mr Hodgson also said that the factory farming activity is more akin

to an industrial activity than a rural activity because egg production does not rely on the productive capacity of the soil. He noted there is sufficient infrastructure already available to facilitate the existing activity.

3.9.1 Decision and reasons

318. We reject the submission by *Mainland Poultry Canterbury Limited* (OS782.1) to change the zoning of 13 Matanaka Drive from rural to industrial, as no reasons were advanced other than there is an existing factory farming activity located on this site. Our decision is it is more appropriate for the site to remain zoned Coastal Rural, and rely on existing consents and, if expansions are required (and we had no evidence from the operator that this may be the case), to seek consent as a rural industry which is provided for in a rural zone.
319. We also reject the submission by *Mainland Poultry Canterbury Limited* (OS782.2) and agree with the Reporting Officer that it is unnecessary to provide for factory farming as a permitted activity in the (wider) Industrial Zone.
320. The reasons for this decision is that we are not convinced by the evidence provided by *Mainland Poultry Canterbury Limited* that there would not be effects on neighbouring properties if factory farming was a permitted activity in industrial zones, and we consider some form of assessment is appropriate on a case by case basis.

3.10 Activity status of Residential activities

321. All activities in the Residential activities category are non-complying in Industrial and Industrial Port Zones.
322. *Liquigas Limited* (OS906.48), supported by *the Oil Companies* (FS2487.94) sought retention of this rule because of reverse sensitivity effects.
323. *Christian Jordan* (OS927.2) sought to change the activity status of "Residential activities within existing residential buildings (including extensions and rebuilding of existing buildings)" from non-complying to permitted. His reasons for this included the difficulty that would arise if rebuilding were to occur in areas that are zoned industrial but are still in residential use.
324. *Cerebos Gregg's Limited* (FS2385.6) and *the Oil Companies* (FS2387.76) opposed *Mr Jordan's* submission, for reverse sensitivity reasons.
325. The Reporting Officer considered that it was important to ensure that Residential activities are precluded from occurring within industrial zones because of potential reverse sensitivity effects on industrial activities and the potential threats to the availability and affordability of industrial land. He also considered that residential uses occurring on sites zoned industrial are likely to be very infrequent, and if lawfully established, would have existing use rights pursuant to section 10 of the RMA, and any expansion or redevelopment should be assessed as whether they are allowed through existing use rights, or if not, be processed as a non-complying activity.
326. As a consequence, he recommended that the *Christian Jordan* submission point (OS927.2) be rejected and *Liquigas Limited* (OS906.48), *the Oil Companies* (FS2487.76, FS2487.94), and *Cerebos Gregg's Limited* (FS2385.6) submission points be accepted (s42A Report, Section 5.32, pp. 63-64).
327. *Mr Jordan* in his oral submissions clarified that he sought permitted activity status for extensions to existing residential buildings.
328. Ms Karen Blair's planning evidence for *the Oil Companies*, stated:
"Residential activities should be precluded from occurring within industrial zones because of potential reverse sensitivity effects on and risk effects of industrial activities and the potential threats to the availability and affordability of industrial land."

329. Ms Claire Hunter's planning evidence for *Liquigas Limited*, did not explicitly mention the non-complying activity status of Residential activities, but her evidence on industrial objectives and policies, clearly showed that she supported restriction of sensitive activities (which include residential) in industrial zones.
330. In his revised recommendations, the Reporting Officer re-confirmed his views, and stated that the existing approach will appropriately send a message that Residential activity is not appropriate in industrial areas. It is also consistent with the approach in the Operative Plan. He re-iterated that existing Residential activities, if lawfully established, can rely on existing use rights.

3.10.1.1 Decision and reasons

331. We reject the submission from *Christian Jordan* and accept the submissions from *Liquigas Limited* and *the Oil Companies*. We agree with the Reporting Officer that the non-complying activity status of Residential activities should be retained for the same reasons as stated in his revised recommendations.
332. We also record here that we visited the sites occupied by the houses owned by Mr Jordan in the Industrial Zone. This represents a significant grouping of residential dwellings in an industrial area which is not the intention of the Industrial Zone. We note that these houses may likely remain under existing use rights, and that is acknowledged, however we consider that the intention to transition away from Residential activity in industrial zones (for reverse sensitivity reasons) would be undermined by accepting the submission by *Mr Jordan* which could also then be seen as giving these buildings a new lease of life and an expectation that they may be expanded and consolidated in the Industrial Zone.

3.11 Submissions seeking to rezone to an Industrial Zone

333. Several submitters sought to rezone specific properties from a rural or residential zone to an industrial zone. These are addressed below.
334. The DCC Transportation Group and Water and Waste Group provided expert comment on the transportation and infrastructure constraints (if any) of these rezoning requests, and a planning assessment, including a site visit, has been undertaken for each site. The advice from those units was incorporated into the s42A report and reported to the hearing.

3.11.1 565 Kaikorai Valley Road

335. *Forestry Specialists Limited* (OS149.3 and OS149.4) own the property at 565 Kaikorai Valley Road. They sought the retention of the proposed industrial zone over the road frontage of the property only (to a depth of 50m) as the bulk of the land is currently farmed and is zoned Rural under the Operative District Plan. The submitter stated that the bulk of the land (other than that adjacent to the road frontage) is steep and would be difficult to develop without extensive earthworks, and would require extensive geotechnical investigation. As such, the submitter requests that the bulk of the land be rezoned to Rural – Hill Slopes (OS149.3).
336. The Reporting Officer agreed with the submitter and recommended that only the road frontage to a depth of approximately 50m be retained as Industrial Zone, and that the remainder of the site be rezoned to Rural – Hill Slopes. He agreed with the submitter's reasons that the bulk of the land (other than that adjacent to the road frontage) is steep and would be difficult to develop without extensive earthworks and geotechnical investigation (s42A Report, Section 5.50, pp. 106-107).
337. Mr Don Anderson (Planning Consultant) pre-circulated expert planning evidence and appeared at the hearing in support of the submitter. The *Property Council New Zealand* pre-circulated evidence and also supported *Forestry Specialists Limited's* rezoning request.

338. Mr John Munro who farms the land also spoke at the hearing and described that, apart from the road frontage part of the property, the bulk of the land is too steep and so it is inappropriate to have it zoned industrial. This part of the site is used for Christmas tree supply at the moment which helps to stabilise and beautify the land.

3.11.1.1 Decision and reasons

339. Our decision is to accept the submission by *Forestry Specialists Limited*, and rezone the bulk of the land Rural – Hill Slopes, (see amendment reference Ind149.3) and retain the Industrial Zone for the Kaikorai Valley Road frontage of 565 Kaikorai Valley Road, to a depth of approximately 50m (see amendment reference Ind149.4).
340. We accept that the majority of the land (other than that adjacent to the road frontage) is steep and it would be difficult to develop without extensive earthworks and geotechnical investigation. We also note there was consensus amongst the parties and the officers regarding this submission being accepted.

3.11.2 65 Magnet Street, Central Dunedin

341. The property at 65 Magnet Street is owned by the Dunedin City Council, and is a recreation reserve associated with the Otago Boat Harbour. It is also the starting point of the cycleway which currently extends along the edge of Otago Harbour to St Leonard's. It was zoned Recreation in the 2GP to reflect its current and likely future use. To the west of the site, across the entrance to the Water of Leith, is the Industrial Port Zone which provides for Port Dunedin's operations, including LPG and oil storage. To the north is the Stadium Zone, and Industrial Zone which includes Logan Point Quarry operated by Blackhead Quarries Limited, and to the east is more Industrial Zone land including bulk liquid storage, and the Ravensdown fertiliser plant.
342. *Liquigas Limited* (OS906.49) and *the Oil Companies* (OS634.110) sought to rezone this property from Recreation to Industrial Zone. They were concerned that the Recreation zone would enable sensitive activities to locate within close proximity to their sites (*Liquigas* site at 254 Fryatt Street and the BP oil terminal) which could result in reverse sensitivity effects leading to constraints on their operation and development.
343. The Reporting Officer recommended that the submissions be rejected. He considered that as the recreational activities are existing, and operate intermittently on the site, any risk of reverse sensitivity effects is low. Zoning part of this site industrial would be contrary to the status of the site as a recreation reserve and would mean expanded, additional or different community activities would all require resource consent (generally as restricted discretionary activities), (s42A Report, Section 5.51, pp. 110-111). He also noted that the submitter's concerns regarding reverse sensitivity risk are addressed in the Public Health and Safety Section 42A Report.
344. Mr Gary Heaven (Operations and Safety Manager for *Liquigas Limited*) advised that the most pressing issue for *Liquigas Limited* was the protection of its infrastructure from reverse sensitivity effects associated with sensitive activities locating near its infrastructure, which might threaten its continued operation and upgrading into the future. *Liquigas Limited* sought a 200m buffer around their site, as well as strong controls restricting sensitive activities in the Industrial Zone and in the buffer area.
345. Ms Claire Hunter's planning evidence for *Liquigas Limited*, was that the industrial zoning of neighbouring areas to the north and east should be maintained, supplemented with a major hazardous facilities overlay with a 200m buffer. This was considered at the Public Health and Safety hearing. Additionally, her view was that 65 Magnet Street should be rezoned from Recreation to Industrial.
346. Ms Theelen, legal counsel for *Liquigas Limited*, argued that recreational zoning would allow sensitive activities to establish in close proximity to the *Liquigas* site. She considered this inappropriate for reasons of risk and reverse sensitivity.
347. Ms Blair, planning witness for *the Oil Companies*, stated at page 12 of her evidence:

"The consideration of this submission is inextricably linked to the overlay and risk issues which are, as indicated by the Reporting Planner, to be considered early in 2017. The Oil Companies do not consider that this submission can be properly assessed and addressed in isolation to the Public Health and Safety hearing and on that basis urges the Panel to defer any decision on this submission point until after that February 2017 hearing."

348. The Reporting Officer reiterated his recommendation to reject the submission in his revised recommendations and retain Recreation zoning for 65 Magnet Street.

3.11.2.1 Decision and reasons

349. We reject the submission by *Liquigas Limited* (OS906.49) and *the Oil Companies* (OS634.110) to change the zoning of 65 Magnet Street from Recreation to Industrial. We consider Recreation to be the most appropriate zoning because of the existing reserve status of the land, and its unsuitability for industrial uses. We also agree with the Reporting Officer that many of the activities of concern to the submitters are very unlikely to eventuate.
350. We note that the related request by the submitters to include a new hazard overlay is addressed in the Public Health and Safety decision (*Liquigas Limited* (OS906.1), where we have decided to impose a hazard overlay surrounding the Liquigas LPG storage depot only. We consider that appropriately addresses the concerns raised by the submitters.

3.11.3 9-25 Wickcliffe Street

351. The site at 9-25 Wickcliffe Street is currently split-zoned, with the western portion zoned Industrial and the eastern part zoned Industrial Port. The primary difference between these zonings is that the Industrial Port Zone provides for a 25m height limit for buildings, whereas the Industrial Zone generally has an 18m height limit.
352. *The Oil Companies* (OS634.87) sought that the properties at 9-25 Wickcliffe Street, Dunedin, are all zoned Industrial Port. This was supported by the landowner *Chalmers Properties Limited* (FS2321.2) and *Lion – Beer, Spirits & Wine (NZ) Limited* (FS2334.1) because they consider it would create consistent zoning across the whole property, achieves the purpose of the RMA, and ensures the zoning of the site remains industrial in nature. However, *Waste Management (NZ) Limited* (FS2444.28) opposed the rezoning to Industrial Port as they have an interest in land near the subject site and are interested in any proposed changes within the area.
353. The Reporting Officer recommended that the site at 9-25 Wickcliffe Street be zoned Industrial Port, so that there is consistent zoning across the whole property, which is in one ownership. He considered that this would not result in impacts on *Waste Management (NZ) Limited's* property at 239 Fryatt Street, Dunedin (s42A Report, Section 5.51, pp. 112-113).
354. Ms Blair, planning witness for *the Oil Companies*, stated in page 23 of her evidence that "the Oil Companies support the recommendation of the Reporting Planner and commend it to the Panel."

3.11.3.1 Decision and reasons

355. We accept the submission by *the Oil Companies* that the properties at 9-25 Wickcliffe Street, Dunedin, should all be zoned Industrial Port, (see amendment reference Ind634.87).
356. We consider this is the most appropriate zoning as it provides for consistent zoning across the whole property, and we did not have any evidence that there would be increased effects on the opposing submitter.

3.11.4 50 Old Brighton Road, Fairfield

357. *Peninsula Holdings Trust* (OS771.7) sought a change of zoning for the property at 50 Old Brighton Road, Fairfield, from Rural – Hill Slopes to Industrial.
358. The site at 50 Old Brighton Road is zoned Rural in the operative District Plan, and Rural Hill Slopes in the 2GP. It has an area of 8.6ha and is currently being used for the processing and storage of firewood, soil, compost, wood chip, bark and other bulk gardening and landscaping products in accordance with resource consent LUC-2012-292 dated 3 August 2012.
359. The owner also gained land use consent in late 2016 and early 2017 respectively to undertake earthworks, operate a firewood processing, storage, garden, landscape supplies, contracting and distribution activity, and store and use diesel in accordance with resource consent LUC-2015-632 and LUC-2015-632/A.
360. The site is between the industrially-zoned Fulton Hogan workshops to the south and the southern motorway to the north.
361. Based on concerns from the DCC's Water and Waste Group about insufficient water and wastewater capacity to provide for the rezoning request, the Reporting Officer recommended that the submission be accepted only in part, and the site be included in an Industrial Transition Overlay Zone. This would require that infrastructure capacity issues are resolved before the land is put to an industrial use (s42A Report, Section 5.52, pp. 122-123).
362. Mr Clearwater, on behalf of the *Peninsula Holdings Trust*, in his oral presentation stated that he is developing the site and processing firewood, compost, screened earth and truck storage. His site is next door to Fulton Hogan and he wants the same industrial zoning that they have, not a Transitional Industrial Zone. Ms Sinclair, who provided expert evidence for the DCC on water and waste infrastructure, noted that a lot of modelling work had been done and for rezoning to proceed, services were expected at the boundary for an Industrial zoned site. She advised there is water supply to the boundary, but the problem is wastewater which has to go through four pumps to get to Green Island. In Ms Sinclair's opinion, increased wastewater flows would have a knock-on effect on the DCC's network. Ms Sinclair also noted that with a change to Industrial zoning, this means that the site could be developed to 100% hardstand, with consequent effects on runoff.
363. Mr Freeland, DCC Senior Planner for this hearing, advised that for development on a specific site that requires additional or upgraded Council infrastructure off-site, those costs would normally be required to be met by the developer, and to safeguard Council and ratepayers, either a private development agreement or specific provisions in Council's Development Contribution Policy would need to be in place. He said that with a private development agreement in place with the developer providing the shortfall in funding the infrastructure, industrial zoning of the site is possible.
364. The Reporting Officer, in his revised recommendations, recommended that the submission be accepted, and 50 Old Brighton Road be zoned Industrial. He noted that the proposed Industrial Transition Overlay Zone is unnecessary and the site should be zoned Industrial, subject to a private development agreement managing infrastructure capacity issues between the landowner and the DCC being agreed.
365. At the time of drafting this decision report, no private development agreement has been entered into.

3.11.4.1 Decision and reasons

366. We accept, in part, the submission from the *Peninsula Holdings Trust*. However, as no private development agreement has been reached we have decided that the Rural – Hill Slopes zoning be retained for 50 Old Brighton Road and that an Industrial Transition Overlay Zone also be applied to the site (see amendment reference Ind771.7).

367. Our reasons are the same as those given by the Reporting Officer in the s42A Report, as outlined above.

3.11.5 37 and 45 Boundary Road, Green Island

368. The site at 37 Boundary Road, Green Island, is approximately 1.34ha in area and is currently used as a rendering plant in accordance with resource consent LUC-010-252.
369. The northern (part of Lot 1 DP 436310) and south-eastern (Lot 2 DP 246118) parts of 45 Boundary Road are zoned Rural in the operative District Plan, and Rural Hill Slopes in the 2GP. These are small parts of a larger approximately 62ha land-holding and are approximately 2.5ha and 0.81ha in area respectively. They adjoin other industrially-zoned land.
370. *Wallace Corporation Limited* (OS343.4) sought that 37 Boundary Road be rezoned from Rural – Hill Slopes to Industrial, and *Wendy Family Trust* (OS14.1 & OS14.4) sought that parts of 45 Boundary Road be rezoned from Rural – Hill Slopes to Industrial. We were advised that these rezoning requests are of concern to the DCC's Transportation Group because Boundary Road has not been constructed to the appropriate standard for heavy commercial vehicles and are also of concern to the DCC's Water and Waste Group because upgrading the water and waste network to appropriate standards to provide for industrial activities may result in significant costs to DCC.
371. The Reporting Officer recommended that these submissions be accepted, and the sites be rezoned to Industrial Zone, subject to the rezoning request for the site at 712 Kaikorai Valley Road being accepted. As noted in the s42A Report, the three rezoning requests at 37 and 45 Boundary Road, and 712 Kaikorai Valley Road are interrelated, in that the rezoning of the boundary Road properties is dependent upon the Kaikorai Valley Road property being rezoned (s42A Report, Section 5.52, pp. 127-128). Our decision was to rezone 712 Kaikorai Valley Road industrial as requested by *Burnside (Dunedin) Limited* (Ind798.1), see sub-section 4.1.6 below.
372. Neither *Wallace Corporation Limited* nor *Wendy Family Trust* tabled evidence or appeared at the hearing.
373. In his revised recommendations, the Reporting Officer recommended that the submissions be accepted in part, and an Industrial Transition Overlay be applied to 37 and 45 Boundary Road and that their Rural Hill Slopes Zone be retained, instead of being zoned Industrial as requested. He said he was persuaded by the DCC Transportation advice regarding the roading constraints to this land. He said he considered that an Industrial Transition Overlay will allow DCC to address this issue and if necessary require development which intensifies the industrial usage of the site to potentially pay for, or partially pay for, the upgrade of services.

3.11.5.1 Decision and reasons

374. Our decision is to retain the Rural – Hill Slopes zoning for 37 and 45 Boundary Road and to apply an Industrial Transitional overlay over the site, as recommended by the Reporting Officer (see amendment references (Ind343.4 and Ind14.1 & 4).
375. Our reasons are those given in the Reporting Officer's revised recommendations, as outlined above.

3.11.6 502 Kaikorai Valley Road, Kaikorai Valley

376. *Ohara Investments Limited* (OS1025.3) sought a change in zoning for 502 Kaikorai Valley Road from General Residential 1 to Industrial.
377. The site at 502 Kaikorai Valley Road, Kaikorai Valley, was formerly part of the playing fields for Kaikorai Valley College. It is zoned Residential 1 in the operative District Plan, and General Residential 1 in the 2GP. It lies between industrial zoned land

(former Kenmure Intermediate) to the south and Major Facilities School Zone (Kaikorai Valley College) to the north. We were advised that the rezoning request is acceptable to the DCC's Transportation Group but that the DCC's Water and Waste Group consider that there is no capacity available for the rezoning request.

378. The Reporting Officer noted that the subject site is a pocket of General Residential 1 zoned land between an Industrial zoned area and a Major Facilities – School zoning. Further, the property sits on a lower terrace than the rest of the school site, adjacent to the Kaikorai Stream. The *Otago Regional Council* has identified that the property is subject to a flood hazard, and has therefore been included in the 2GP within a Hazard 2 (flood) Overlay Zone, meaning that there is a moderate level of risk.
379. The Reporting Officer recommended that the submission by *Ohara Investments Limited* (OS1025.3) be accepted because it adjoins industrial zoned land (to the north and west) and it would be preferable that the site be put to an industrial use rather than a residential use given the proximity to the source of potential flood risk (s42A Report, Section 5.52, p. 131).
380. Mr John Willem gave oral evidence as a Planning and Project Management Consultant for *Ohara Investments Limited* and tabled a proposed redevelopment plan in support of the submission.

3.11.6.1 Decision and reasons

381. We accept the submission from *Ohara Investments Limited* to rezone 502 Kaikorai Valley Road as Industrial (see amendment reference Ind1025.3).
382. Our reasons are those given by the Reporting Officer as outlined above. We also note there was consensus amongst the witnesses, and there were no opposing submissions.

3.11.7 25 Townleys Road, Burnside

383. *Kaikorai Property Investments Limited* (OS1020.1) sought that the south-eastern portion of 25 Townleys Road, Burnside, be rezoned from Rural – Hill Slopes to Industrial.
384. The site at 25 Townleys Road is approximately 16.3 ha in area and is predominantly zoned Rural Hill Slopes in the 2GP, with a small triangular area fronting Kaikorai Valley Road zoned Industrial. It runs uphill to the intersection of Reservoir and Mount Grand Roads, close to the Mount Grand water treatment plant. The industrial band of zoning fronting onto Kaikorai Valley Road on either side of this site extends back approximately 300m from the Kaikorai Valley Road boundary, whereas for this site the band is only approximately 150m in width. The area proposed for rezoning contains a disused reservoir and is subject to an Industrial Transition Overlay Zone. Resource consent LUC-2013-111 was issued on 4 October 2013 to establish an industrial activity on part of the site.
385. The Reporting Officer recommended that the submission by *Kaikorai Property Investments Limited* (OS1020.1) be accepted, as the land already has resource consent for an industrial activity and it represents a logical extension of the pattern of industrial zoning in this location (s42A Report, Section 5.52, p. 129).
386. Mr Anderson, planning witness for *Kaikorai Property Investments Limited* (OS1020.1), presented evidence at the hearing, and Mr Ezra Binney gave oral evidence in support of the submission.

3.11.7.1 Decision and reasons

387. We accept the submission from *Kaikorai Property Investments Limited* (OS1020.1) to rezone from Rural – Hill Slopes to Industrial the south-eastern portion of 25 Townleys Road, Burnside (see amendment reference Ind1020.1). As a consequential

amendment we have removed the Industrial Transition Overlay Zone from this part of 25 Townleys Road.

388. We note there was consensus amongst the witnesses, and there were no opposing submissions. Our reasons are the same as those given by the Reporting Officer in the s42A Report.

3.11.8 8 and 10 Grant Dalton Street, North Taieri

389. *Mr Hollis* (OS144.1) requested that the zoning of 8 and 10 Grant Dalton Street, North Taieri, be changed from General Residential 1 to Industrial Zone.
390. The sites at 8 and 10 Grant Dalton Street, are zoned Special Development Zone in the operative District Plan, and General Residential 1 in the 2GP. The Special Development Zone was established in response to appeals to the operative District Plan, and provides for a mix of rural, residential and industrial activities. The sites at 8 and 10 Grant Dalton Street, are approximately 1300m² each in area, and all the other sites on the northern side of Grant Dalton Street are used for residential purposes. On the opposite side of the street the land is zoned industrial. The DCC's Transportation Group and Water and Waste Group did not raise any major concerns with the submitter's requests.
391. The Reporting Officer recommended that the General Residential 1 zoning be retained because creating a small island of Industrial zoned land within the General Residential 1 zoned land could result in land use development that could have potential adverse effects on neighbouring properties, and reverse sensitivity effects for the landowner. He noted that Industrial activities already occurring on the site can continue under existing use rights (s42A Report, Section 5.53, pp. 134-135).
392. *Mr Hollis* gave an oral presentation and advised that there is currently an existing industrial activity involving drilling and precision plastics manufacturing undertaken in a large industrial shed on the site. He said he had gone to great expense to meet requirements to operate under the requirements of the Operative Plan Special Development Subzone and was surprised to discover that the site had been zoned Residential 1 in the 2GP.
393. The Reporting Officer, in his revised recommendations, said that he had changed his opinion on the matter after hearing the submitter's statement. He said he now recommended that this site is rezoned from General Residential 1 to Industrial, noting that DCC Water and Waste Services, and Transportation, have no issues. Further, industrial activity on the site was established as a permitted activity under the operative Special Development Zone and there is industrial zoned land on the opposite side of Sinclair Road.

3.11.8.1 Decision and reasons

394. We accept the submission from *Mr Hollis* to rezone 8 and 10 Grant Dalton Street Industrial (see amendment reference Ind144.1).
395. The reasons for our decision are as outlined in the Reporting Officer's revised recommendations, which are noted above. We note that there was consensus amongst the parties and no opposing submissions.

3.11.9 92 Dukes Road North, North Taieri

396. *Warhurst Family Trust* (OS1014.1) submitted to request that the properties at 92 Dukes Road North and 24 Carncross Street (which has been amalgamated with 92 Dukes Road), North Taieri, be rezoned from Rural – Taieri Plains to Industrial.
397. The site at 92 Dukes Road has an area of approximately 4.8ha, and is zoned Rural in the operative District Plan, and Rural Taieri Plains in the 2GP. It adjoins industrial

zoned land to the south, the Taieri Aerodrome Major Facility Zone to the east, and rural zoned land to the north and the west. Across the entrance to the site on Dukes Road North is the industrial zoned land which was rezoned through Variation 9B. The DCC's Water and Waste Group advised in a report that capacity is not available to meet the potential development that could establish should the rezoning request be accepted.

398. The submitter purchased the property to farm with the intention that they may be able to build a dwelling there in the future, in anticipation that the zoning would change. Since then Timpac and PlaceMakers have taken up usage of the industrial land on their eastern boundary and Farmlands are in the process of building a store opposite the Duke Road entrance. Further, the submitter notes that DCC has purchased the industrial zoned property at 91 Dukes Road and with Hopes, SAF, Bremca etc., the area is turning into an urban commercial area. For this reason, they believe a residential dwelling is no longer suitable and industrial development would be in keeping with most of the adjoining land.
399. There were four further submissions opposing the rezoning and seeking to retain the Rural Taieri Plains zoning. The further submitters raised several issues including the subject site provides a buffer between rural and industrial land; resale values being affected; that they are already surrounded by industrial land and the requested rezoning would increase this; traffic and vehicle access issues; and they considered there is no need for further industrial zoned land.
400. The Reporting Officer recommended that the submission by the *Warhurst Family Trust* (OS1014.1) be rejected and that the further submissions by *Mr and Mrs Rowe* (FS2081.1), *Mr Baker* (FS2087.1), *Mr McKay* (FS2101.1) and *Mr and Mrs Hazel and Mr Stewart* (FS2281.1) be accepted. He stated: "As there is a large underutilised industrial resource in the immediate vicinity, and the site at 92 Dukes Road North, North Taieri, can continue to be put to a rural or lifestyle type use"
401. We had been advised by the Reporting Planner that, before the hearing, a meeting had been held by Mr Hovell, 2GP Mediator, with the submitter and further submitters for potential mediation and with the Reporting Planner also in attendance. No agreement was reached on a way forward at this meeting (s42A Report, Section 5.53, p. 137).
402. Mr Warhurst represented the *Warhurst Family Trust* (OS1014.1) at the hearing and said they had originally bought the land for residential use but now considered industrial is the best use as there is a dry creek on the property, and there is adjacent industrial activity south of that.
403. *Mr and Mrs Rowe* (FS2081.1) appeared and spoke of potential noise and other effects arising from industrial use. Mr Rowe said he runs sheep on the property and produces and sells hay from it. Mr Anderson, called by *Mr and Mrs Rowe*, pre-circulated expert planning evidence. His opinion was there should remain a buffer of rural land between the industrial land and the existing Residential activity at the intersection of Dukes Road and Carncross Street.
404. Ms Young for *Roy Baker* (FS2087.1) noted that industrial subdivision has been occurring in the last 15 years resulting in noise and lighting complaints as a result of PlaceMakers and Timpack's activities.
405. *Mr and Mrs Stewart* (FS2281.1) were represented by Ms Stewart who noted that the industrial activity at Carncross Street already resulted in dust and odour emissions, as well as traffic access issues associated with the width of the current access.
406. The Reporting Officer, in his revised recommendations, reiterated his recommendation to reject the *Warhurst Family Trust* submission, adding that industrial zoning could have some fairly significant adverse effects on amenity if used to the full extent allowable under the 2GP Industrial Zone provisions, including:
 - buildings being able to be built to 18m in height;
 - no setback requirements from Rural zoned land; and

- increase in traffic movements (including potentially heavy truck movements).

3.11.9.1 Decision and reasons

407. We reject the submission from the *Warhurst Family Trust* (OS1014.1) to rezone 92 Dukes Road Industrial and confirm the zoning is to remain Rural Taieri Plains.
408. In balancing the points made by the submitters, whilst we acknowledge the mixed character of much of the area, taking account of the amount of unused industrial land in the vicinity and the potential effects that rezoning may have on the amenity of neighbours, we are not persuaded that rezoning is appropriate at this location. We therefore agree with the reasons given by the further submitters and the Reporting Officer in his revised recommendations, as outlined above.

3.11.10 61 North Taieri Road, Abbotsford

409. *Russell V Lund and H C Trustees Limited* (OS1017.1) requested that the property at 61 North Taieri Road, Abbotsford, be rezoned from General Residential 1 to Industrial. This was opposed by six further submissions.
410. The site at 61 North Taieri Road is zoned Residential 1 in the operative District Plan, and General Residential 1 in the 2GP. Together with the site at 63 North Taieri Road, it has a long history of being used for industrial purposes with almost one hundred years of brickmaking taking place on the site. The industrial activity is near residential activities and has a history of complaints, particularly about truck movements at night affecting the ability of neighbours to sleep. Existing Use Certificate EXI-2015-3 dated 29 March 2016 confirms Council's acceptance that the following uses of the site have been lawfully established:
- storage within existing buildings and yard areas
 - ancillary staff and office facilities
 - vehicle movements associated with the items being stored (excluding truck movements between 9:30pm and 6:30am the following day, and Sundays and Public Holidays).
411. The Reporting Officer recommended that the submission by *Russell V Lund and H C Trustees Limited* (OS1017.1) be rejected and the 6 further submissions in opposition to this submission be accepted. He stated: "that irrespective of the zoning of 61 North Taieri Road, noise provisions of the 2GP would apply as they are based on the zoning of the receiving environment. He said that the DCC's Water and Waste Group had reported that there is water and wastewater capacity available for the requested rezoning. However, the DCC's Transportation Group reported that it has wide-ranging concerns about the impact of heavy vehicles through residential areas to access the site.
412. The Reporting Officer also stated that "the existing activity has existing use rights, and the introduction of a new industrial activity as a permitted activity with no controls on traffic movements would, in my opinion, be better managed through case-by-case resource consents which will enable local residents to take part in the process and contribute to the controls that may be appropriate to be put in place" (s42A Report, Section 5.52, p. 124-125).
413. These submissions were also referred to Mr Hovell, 2GP Mediator, for potential mediation, although no agreement had been reached prior to the hearing.
414. Evidence in support of the submission by *Russell V Lund and H C Trustees Limited* (OS1017.1) was provided at the Industrial hearing by Mr Don Anderson, Mr Lund and Mr Andy Carr.
415. Mr Don Anderson, planning witness presented evidence which included an overview of the history of the site and reference to, and copies of, Environment Court decisions,

B E Guthrie v Dunedin City Council (C174/2001) and Dunedin Ratepayers and Householders Association Incorporated, and Dunedin City Council v Brickworks 2000 Limited (C39/2004). Mr Anderson said that zoning an existing industrial complex General Residential 1 is unrealistic and an industrial zone is a more effective and efficient method, as requested by Mr Lund.

416. Mr Anderson in Attachment B of his evidence also proposed a new Rule 19.6.13 specifically for 61 North Taieri Road which restricts buildings additions to existing buildings to a cumulative increase in size of 25%, and only allows heavy vehicles to enter or leave the site only between 7am and 9pm.
417. Mr Lund tabled and spoke to his evidence which provided a critique of *Mr Pearson's* further submission (FS2073.8) and also described the site and its history, having been used as an industrial site since the 1800's, including as the former McSkimmings brickworks.
418. Mr Lund and Mr Anderson also acknowledged existing use rights for storage and truck movements but wanted other industrial use to be possible without the need for resource consents. The existing use certificate and planning assessment was also tabled as part of the submitter's evidence.
419. A Traffic Assessment by Mr Andy Carr, (Director/Traffic Engineer, Carriageway Consulting), dated 30 July 2015 was also tabled and discussed by Mr Lund and Mr Anderson. On page 11 under the summary and conclusions of this traffic evidence, it states that:
- "Having reviewed the prevailing characteristics of North Taieri Road, including the horizontal and vertical alignment, traffic flows and road safety record, we are of the opinion that the road is suitable for the levels and mix of traffic that it presently carries, including up to 16 truck movements per day associated with the activities at 61 North Taieri Road. We have not been able to identify any particular causes for concern in respect of the efficiency or safety of the road, and the current level of infrastructure provision for all types of road users meets (or exceeds) the requirement of current standards. We also note that the accident record over the past ten years is very good."*
420. Oral evidence was provided by *Mr Pearson* (FS2073.8) describing concerns about noise and safety concerns regarding truck movements.
421. At the submitters' request we agreed that a meeting should be held after the hearing between the Reporting Officer, Mr Lund and all other further submitters to discuss a way forward and for any outcome to be reported back to the Panel.
422. In regard to this, Reporting Officer, as part of his revised recommendations (p.5) stated:
- "Submitters and further submitters are seeking to mediate, with the intention of reaching agreement on the scale and intensity of any future industrial development on the site, through a schedule. Issue of whether scheduling is within scope of the original submission. In addition, the 2GP does not currently provide for scheduling, so if supported will need to carefully consider how this is undertaken."*
423. A meeting was held on 17 November 2016 at the Abbotsford Primary School between the submitter (*Mr Lund*) and further submitters, and with Mr Rawson also in attendance. No agreement was reached on a way forward at this meeting.
424. Also, the on 3 April 2017 we sent a Minute to Mr Lund to ascertain whether the submitter would like to have another meeting with further submitters to try and reach agreement. Mr Lund has not replied to this minute from the Panel.

3.11.10.1 Decision and reasons

425. We have decided to reject the submission by *Russell V Lund and H C Trustees Limited* (OS1017.1) to rezone 61 North Taieri Road, Abbotsford, from General Residential 1 to Industrial and accept the six further submissions in opposition to this submission.

426. This is a property that has had a considerable history of conflict and complaints. Without us needing to address those in detail what is clear is that we feel we must be cautious in accepting any submission to change the zoning to Industrial which would potentially result in expansion or intensification of industrial activity on the site, with increased potential for additional adverse effects on surrounding residential activities and the Abbotsford Primary School as outlined in further submitters' evidence.
427. Having considered all of the evidence and statements, on balance, we consider General Residential 1 zoning is the most efficient and effective zoning of the site for the reasons outlined above in the s42A Report. We acknowledge the existing industrial activity has some existing use rights and will be able to operate into the future based on those existing use rights. We are of the opinion that any expansion beyond the scope of the existing use rights is better managed through case-by-case resource consents which will potentially enable local residents to take part in the process and contribute to the consideration of appropriate controls to mitigate adverse effects of an expanded industrial activity on the site.
428. Also, we are of the opinion that, long term, residential use of the land is the most effective and efficient option for this site given its location surrounded by Residential activities and the potential adverse effects associated with industrial activities on these surrounding residential sites.

4.0 Other amendments

429. This section outlines our decisions on small matters that were not traversed at the hearing and were relatively uncontested. For these matters our decisions were made entirely on the evidence presented in the submission and the s42A Report, with our reasons, unless otherwise indicated, being the same as those summarised by the Reporting Officer.
430. Other amendments to the Industrial chapter of the 2GP have been made in response to submissions where the submitter did not provide specific evidence at the hearing or in their evidence agreed with the Reporting Officer who had recommended a change be made. These are discussed below.

4.1.1 Definition of Industry

431. *Port Otago Limited* (OS737.1) and *Chalmers Properties Limited* (OS749.5) sought to amend the definition of industry to be the same as that in the Operative District Plan because they considered the definition in the 2GP was unclear, complex and created uncertainty. *The Oil Companies* (OS634.46) sought retention of the definition of Industry.
432. *Waste Management (NZ) Limited* (OS796.30) also sought to amend the definition of industrial activities to explicitly provide for "waste management facilities" and to separately define these facilities.
433. In response, the Reporting Officer recommended additions to the definition of industry to include waste management facilities, maintenance services, vehicle testing stations and wholesale (s42A Report, Section 5.1, pp. 16-17).
434. Ms Karen Blair, in planning evidence for *the Oil Companies* (OS634.46), said she did not agree with the recommendation of the Reporting Officer to add the term "wholesale" to the definition of industry. Ms Blair also questioned the scope for this amendment, and did not agree that scope came from submitters OS737.1 or OS749.5 as claimed by the Reporting Officer.
435. The reasons for *the Oil Companies* opposition were that if "wholesale" activities are to be included as "Industrial Activities" then that would effectively also allow for retail ancillary to wholesale activities. The subsequent expansion of retail activities could

be fairly widespread, with the potential to significantly increase the numbers of people who would, as a consequence, be drawn into the Industrial Zone.

436. At the start of the hearing the Reporting Officer tabled a document titled 'Further recommendations after consideration of tabled evidence', where he recommended that either:

- "Wholesale be deleted and it be included (and defined) in the definition of distribution centres, or
- Wholesale be specifically defined to exclude sales to the public."

437. Ms Mary O'Callaghan (Principal Planner), for *Chalmers Properties Limited* (OS749.5) in her pre-circulated evidence, and Len Andersen (Legal Counsel) in his legal submission on behalf of both *Chalmers Properties Limited* (OS749.5) and *Port Otago Limited* (OS737.1), both supported the recommended amendments to the definition of industry outlined in the s42A report, which included "wholesale", however they did not provide specific comment on the Reporting Officer's tabled document outlining his further recommendations.

4.1.1.1 Decision and reasons

438. We accept, in part, the submissions from *Port Otago Limited* (OS737.1) and *Chalmers Properties Limited* (OS749.5) and the relief recommended by the Reporting Officer to address the submitters' request to add additional types of activities, including wholesale, in the definition of 'industry' and with a new definition of 'wholesale' also added as a consequential change, as outlined in Appendix 1, see amendment reference Ind737.1 and Ind796.30.

439. Our reasons are that we consider that these additional activities are appropriate and consistent with other activities in the 'Industry' definition and are effective and efficient because they will provide greater clarity to what is included in this definition.

440. We acknowledge the concern expressed in the evidence of Ms Blair for *the Oil Companies*, but consider this can be addressed by the inclusion of 'wholesale' in the definition of industry and the inclusion of a separate definition of wholesale which explicitly excludes retail sales to the general public so that it will not significantly increase the numbers of people who would be drawn into the Industrial Zone.

441. We note that the changes to the definition of industry to include wholesale were not specifically sought by the submissions. However, we consider that it is within the scope of the submission by *Port Otago Limited* and *Chalmers Properties Limited* to return to the Operative Plan definition for industry.

442. Also, *Chalmers Properties Limited* (Ind749.28) has sought the promotion of a mixed use approach including allowing for commercial activities in the Industrial Zone. The change in the definition of industry to include wholesale and explicitly defining wholesale also broadly fits within the scope of this submission point. Finally, we do not consider that any party would be unduly prejudiced by a decision to make the changes to the definition of industry as proposed in the memo.

443. Overall, therefore, we consider that there is scope to make the changes to the definition of industry as proposed, and we also disagree with the evidence of Ms Blair for *the Oil Companies* on this matter. Although we note that explicitly excluding retail sales to the general public from the definition of 'wholesale' will address in part the concerns raised by Ms Blair for *the Oil Companies*.

444. We also accept in part the submission from *Waste Management (NZ) Limited* (OS796.30) by explicitly providing for refuse transfer and recycling stations as part of the amendment to the definition of industry and amending the definition of landfills to clarify that waste management facilities such as recycling stations are included within this definition. We agree with the Reporting Officer that it would be clearer and more efficient and effective to make reference to 'waste management facilities including refuse and transfer and recycling stations' in the definition of 'industry'.

These activities are considered consistent with the overall meaning of this definition, see Appendix 1 (amendment reference Ind796.30).

4.1.2 Various changes to support Cadbury World Restaurant and Tourism operation

- 445. *Cadbury Limited* (OS1015.6, OS1015.7, OS1015.13, OS1015.15, OS1015.16 and has requested various additional changes to Policies 19.2.1.3 and 19.2.1.6, Rule 19.3.3 Activity status table, Rule 19.5.3 Hours of Operation, Rule 19.5.5 Maximum Gross Floor Area and Rule 19.5.6 Minimum Car Parking respectively. The requested changes are to make better provision for the Cadbury Factory and associated Cadbury World restaurant and tourism operation. This submitter through OS1015.10 also requested the retention of the definition of Industrial Ancillary Tourism.
- 446. *Cadbury Limited* as part of further submission (FS2451) to a submission by the *Property Council New Zealand* (OS317.62) requested an alternative and preferred approach to rezone that part of 280 Cumberland Street occupied by the Cadbury World, Café and office space from Industrial Zone to the CBD Zone. The *Property Council New Zealand* submission had requested all industrial land be rezoned to Central Business District.
- 447. Further submission (FS2451) was considered at the Commercial and Mixed Use Zones Hearing, and it was recommended in the Reporting Officer's s42A Report that the Cadbury World, Café and Office be rezoned from Industrial to CBD.
- 448. In addition, the Reporting Officer considered it was appropriate to clarify in the definition for Industrial Ancillary Tourism that this activity can include reference to associated restaurant or retail activity where ancillary to the Industrial Ancillary Tourism activity. He noted this would be consistent with the definition for rural tourism which also includes restaurant or retail activity where ancillary to rural tourism. Therefore, he recommended that this reference be included in the definition for Industrial Ancillary Tourism (s.42A Report, Section 5.37, pp.73-74).
- 449. The Reporting Officer also recommended that Policy 19.2.1.6 be amended to include reference to Industrial Ancillary Tourism activity (s.42A Report, Section 5.37, pp.73-74).
- 450. *Cadbury Limited* (OS1015.14) also sought the deletion of clause 5 of the Notification rule (Rule 19.4), which states "*with respect to sections 95D(b) and 95E(2)(a), Council will not use the performance standard for maximum height as a permitted baseline in considering the effects of any development activity associated with a discretionary or non-complying activity in the industrial zones*".
- 451. *Cadbury Limited* considered that because of the body of case law related to the permitted baseline, it is not appropriate for the 2GP to include a provision that disregards this and it should be up to the decision-maker to determine, on a case by case basis, whether or not the baseline of effects associated with the maximum height provision can be taken into account.
- 452. The Report Officer described that the inclusion of permitted baseline rules was supported by legal advice and that Council is entitled to make rules about what will and will not be notified and therefore recommended that *Cadbury Limited* (OS1015.14) be rejected (s.42A Report, Section 5.40, p. 79).

4.1.2.1 Decision and reasons

- 453. We consider that it is a more efficient and effective option to rezone the Cadbury World, Café and Office from Industrial to CBD as requested by *Cadbury Limited* in FS2451 as part of decisions on the *Property Council New Zealand* submission point OS317.62) rather than to agree to the *Cadbury Limited* submission points (OS1015.6, OS1015.7, OS1015.13, OS1015.16) and make changes to the Industrial Zone

provisions to accommodate this activity such as creating new overlays and rules within the Industrial Zone.

454. We, therefore, refer to our decision on *Property Council New Zealand* submission point OS317.62 in Section 4.1.7 of the Commercial and Mixed Use Zone Topic Decision report where we have decided the Cadbury block be rezoned to CEC-North Zone, which will accommodate the new Dunedin Hospital which is proposed for the site.
455. We also note that as a consequential amendment to this decision we have removed the Cadbury height mapped area from Rule 19.6.6.2 Maximum Height because the rezoning of the Cadbury block will mean that the relevant provisions (including height) which apply to this block will be in the CEC-North Zone instead of the Industrial Zone (see amendment reference CMU 317.62 in Appendix 1).
456. Also, we accept in part the *Cadbury Limited* (OS1015.10) submission and agree with the revised wording with respect to the Industrial Ancillary Tourism definition suggested by the Reporting Officer in his s42A Report, for reasons of clarity and consistency, see amendment reference Ind1015.10 in Appendix 1.
457. We reject the *Cadbury Limited* submission (OS1015.7) and instead agree with the suggested amendment to make Industrial Ancillary Tourism a restricted discretionary activity as outlined in sub-section 3.8.2 of this decision report (see amendment reference Ind634.33 in Appendix 1).
458. It is also noted here that we have made decisions to change the activity status of Industrial Ancillary Tourism from permitted to restricted discretionary (refer sub-section 3.8.2 above) and adding Industrial Ancillary Tourism into Policy 19.2.1.X (refer sub-section 3.5.4 above) which make amendment to Policy 19.2.1.6 unnecessary.
459. Finally, we agree with the Reporting Officer and reject *Cadbury Limited* (OS1015.14) and have retained Rule 19.4.5, without amendment.

4.1.3 Policy 2.3.1.6 and definition of Major Facilities Activity

460. *Ravensdown Limited* (OS893.5) sought to amend the definition of Major Facilities Activity to include 'existing lawfully established large scale industrial activities'. *Ravensdown Limited* (OS893.9) also sought an amendment to Policy 2.3.1.6 to allow lawfully established industrial activities to be included.
461. *University of Otago* (OS308.57) and *Otago Polytechnic* (FS2448.5) sought retention of Policy 2.3.6.1.
462. These submission points were considered at the Major Facilities hearing where the Reporting Officer recommended that the submission be rejected because large scale industrial activities are located in Industrial zoned land and are appropriately managed under the Industrial zone provisions (Major Facilities s42A Report, pp. 30-31 and p. 38).

4.1.3.1 Decisions and Reasons

463. We reject the submissions from *Ravensdown Limited* (OS893.5 and OS893.9) and accept *University of Otago* (OS308.57) and *Otago Polytechnic* (FS2448.5) and we agree with the Reporting Officer at the Major Facilities hearing that large scale industrial activities are located in Industrial zoned land and are appropriately managed under the Industrial zone provisions.

4.1.4 Rule 30.1 Introduction

464. *The Oil Companies* (OS634.92) sought amendment to the third paragraph of the industrial zones introduction to better explain the importance and role of the Port

Industrial Zone. *The Oil Companies* (OS634.91) also sought retention of paragraphs 4, 5 and 6 (key resource management issues) of the industrial zones introduction.

465. *New Zealand Transport Agency* (NZTA) (OS881.138) and *Liquigas Limited* (OS906.27) sought retention of the introduction.

466. The Reporting Officer recommended that *the Oil Companies* submission (OS634.92) be accepted because the amendments provide additional clarification of the importance of the Industrial Port Zone (Industrial s42A Report, sub-section 5.5, pp. 22-23).

4.1.4.1 Decisions and Reasons

467. We accept the submission from *the Oil Companies* (OS634.92) and agree with the submitter and the Reporting Officer that the amendments provide additional clarification of the importance of the Industrial Port Zone (see amendment reference Ind 634.92 in Appendix 1).

4.1.5 Rule 19.6.8 Number, Location and Design of Ancillary Signs

468. *McKeown Group Limited* (OS895.15) sought that Rule 19.6.8.1 be deleted, because it is not practical or necessary in the context of service station development.

469. *Fonterra Limited* (OS807.50) sought that Rule 19.6.8.3 be amended to add a new exception to the rule as follows: "*The above rules do not apply to signs used solely for directing traffic or for health and safety reasons provided these signs do not contain any wording, symbols or graphics relating to products, goods or services available on the site.*"

470. The Reporting Officer recommended that the *McKeown Group Limited* (OS895.15) submission be rejected based on the information provided in the submission although he encouraged the submitter to provide additional information at the hearing (Industrial s42A Report, sub-section 5.43, pp. 88-90).

471. Regarding *Fonterra Limited* (OS807.50), the Reporting Officer also described that signs for directing traffic on roads are managed through the Transportation section of the Plan. Although he noted that "*this rule does manage signs for directing traffic within a site, and also transport related warning and safety signage.*"

472. The Reporting Officer also requested "*that Fonterra bring details/images of these types of sign to the hearing, so that it can be determined if these signs do generally need to breach Rule 19.6.8 in order to provide for traffic safety and other health and safety requirements. A revised recommendation can then be provided based on this additional information*" (Industrial s42A Report, sub-section 5.43, pp. 88-90).

473. We note that neither *McKeown Group Limited* or *Fonterra Limited* appeared at the Industrial Hearing.

4.1.5.1 Decisions and Reasons

474. We agree with Reporting Officer and have decided to reject *McKeown Group Limited* (OS895.15) and *Fonterra Limited* (OS807.50) submission points. We also note our decisions on *Nichols Property Group Limited and others* (CMU 271.18) where we have decided to add the following text to clause a. of Rule 19.6.8.1 General, as follows; "*except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards.*" Refer sub-section 4.6.9.3 of CMU Decision Report.

4.1.6 Rule 19.12.2 Assessment of all non-complying activities

475. *Chalmers Properties Limited* (OS749.32) sought amendments to Rule 19.12.2 (Assessment of non-complying activities) to add an additional assessment matter requiring consideration of reverse sensitivity effects on industrial and port activities and requiring minimum noise insulation in accordance with Rule 9.3.1 (acoustic insulation).
476. This submission point is supported by *Cerebros Gregg's Limited* (FS2385.1), *Calder Stewart Development Ltd* (FS2430.1), *Waste Management (NZ) Ltd* (FS2444.31) and *Cadbury Limited* (FS2451.4), and supported in part by *the Oil Companies* (FS2487.83)
477. The Reporting Officer noted that generally potential conditions are not included for non-complying activities as these are usually only included for controlled or discretionary (restricted or unrestricted) activities, although he agreed with *Chalmers Properties Ltd* that it would be appropriate to require minimum acoustic insulation for any noise sensitive activity seeking to locate in an industrial zone, in order to reduce reverse sensitivity and to help to implement Objective 19.2.1 and Objective 9.2.2. Therefore, he recommended amendments to Rule 19.12.2.1 (s42A Report, sub-section 5.47, pp. 98-102).

4.1.6.1 Decisions and Reasons

478. We accept the submission from *Chalmers Properties Limited* (OS749.32) and the further submitters in support of this submission, and agree with the submitter and the Reporting Officer that the amendments will help to reduce reverse sensitivity and implement Objective 19.2.1 and Objective 9.2.2 (see amendment reference Ind 749.32 in Appendix 1).

4.1.7 Rezoning requests

479. *Burnside (Dunedin) Limited* (OS798.1) requested that the part of 712 Kaikorai Valley Road, Kaikorai Valley which is zoned Rural – Hill Slopes be rezoned as Industrial. The submitter described that the site has operated as an industrial site over the last century and considers it is an appropriate location for industrial activities to be undertaken into the future. The submitter noted that the site is adjacent to other industrial properties and the development of this site under a broader industrial zone creates the opportunity for synergies between other current and future enterprises in the area.
480. The Reporting Officer agreed with the submitter and recommended that submission by *Burnside (Dunedin) Limited* (OS798.1) be accepted and noted that the rezoning request is acceptable to both DCC's Transportation Group and Water and Waste Group (s42A Report, sub-section 5.52, p. 127).
481. *Donaghys Limited* (OS1027.1) sought that the entirety of 48,50,54,64 and 69 Bradshaw Street be Industrial zoned site because the entirety of the site has been used for industrial activities for some time that no residential activities take place on the site, nor are any expected to in the future. *Diane Tennison* (FS2276.1) and *Shirley Waihaki* (FS2331.1) both opposed this submission point due to matters including noise, lighting, increased flooding potential, street parking, road user safety, decrease in property values and storage of dangerous goods. The Reporting Officer considered that the zoning appears to be a mapping anomaly and recommended that the entire site be zoned Industrial in order that there is consistent zoning across the whole property, which is in one ownership.
482. *Brian Wilson* (OS809.3) sought a change of zoning for 3 Macandrew Road, Careys Bay from Residential (Township and Settlement) to Industrial. The Reporting Officer recommended that this submission be accepted because the land is currently partly zoned Industrial 1, potentially already put to an industrial use, adjacent to other

Industrial zoned property, and the DCC's Transportation Group and Water and Waste Group do not oppose the rezoning (s42A Report, sub-section 5.51, p. 114-117).

483. *T & S Investments Ltd* (OS938.1) sought that the zoning for 405 Kaikorai Valley Road be changed from General Residential 1 to Industrial as the site is currently used as a car sales yard and has a long standing commercial/industrial use and the site does not exhibit the characteristics of a residential site. The Reporting Officer agreed with the submitter and considered an Industrial Zone better reflects the current use of the site, and is a logical extension of the neighbouring Industrial Zone (s42A Report, sub-section 5.52, p. 130).

4.1.7.1 Decision and Reasons

484. We accept the submission from *Burnside (Dunedin) Limited* (OS798.1) and agree with the submitter and the Reporting Officer, and have decided that the whole of 712 Kaikorai Valley Road be zoned Industrial and the Industrial Transitional overlay be removed (see amendment reference Ind 798.1 in Appendix 1).
485. We accept the submission from *Donaghys Limited* (OS1027.1) and agree with the submitter and the Reporting Officer, and have decided that the entirety of 48,50,54,64 and 69 Bradshaw Street be zoned Industrial.
486. We accept the submission from *Brian Wilson* (OS809.3) and agree with the submitter and the Reporting Officer, and have decided that 3 Macandrew Road, Careys Bay be rezoned from Residential (Township and Settlement) to Industrial.
487. We accept the submission from *T & S Investments Ltd* (OS938.1) and agree with the submitter and the Reporting Officer, and have decided that 405 Kaikorai Valley Road be rezoned from General Residential 1 to Industrial.

5.0 Suggestions for future plan changes

488. We note the 2GP does not have any strategic directions policies or explanation in the Industrial section to explain how the amenity route mapped areas were chosen and what their function is. We see this as a gap in the Plan and recommend that this be subject to a future plan review.

6.0 Minor and inconsequential amendments

489. Clause 16(2) of Schedule 1 of the RMA allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
490. This Decision includes minor amendments and corrections that were identified by the DCC Reporting Officer and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments generally include:
- correction of typographical, grammatical and punctuation errors
 - removing provisions that are duplicated
 - clarification of provisions (for example adding 'gross floor area' or 'footprint' after building sizes)
 - standardising repeated phrases and provisions, such as matters of discretion, assessment guidance, policy wording and performance standard headings

- adding missing hyper-linked references to relevant provisions (eg. performance standard headings in the activity status tables)
- correctly paraphrasing policy wording in assessment rules
- changes to improve plan usability, such as adding numbering to appendices and reformatting rules
- moving provisions from one part of the plan to another
- rephrasing plan content for clarity, with no change to the meaning

491. Other specific cl.16 amendments, include:

- removing the amenity route mapped area from the side boundary between East Taieri School (11 Cemetery Street, East Taieri) and the adjoining industrial zoned land and instead adding to Rule 19.6.11.1 Boundary setbacks so that it applies a 5m building setback to industrial zoned land that adjoins a school zone
- because of this amendment, adding reference to schools in Policy 19.2.2.1 so the boundary setback requirements apply to where industrial zones adjoin a school zone (also refer sub-section 3.3.5 above)
- to correct an error, include Dukes Road North in the 2GP planning maps as a mapped area and update industrial zones activity status table to this effect
- remove the amenity route mapped area where it intersects with the commercial and mixed use, Campus, Recreation, residential and rural zones, where there are no related amenity route mapped area provisions
- remove the split zoning of 70 Old Brighton Road, Fairfield by rezoning the northern part of the site from Rural Hill Slopes to Industrial Zone

492. Minor changes such as typographical errors have not been marked up with underline and strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes in the marked-up version of the Plan.

Appendix 1 – Amendments to the Notified 2GP (2015)

Please see www.2gp.dunedin.govt.nz/decisions for the marked-up version of the notified 2GP (2015). This shows changes to the notified 2GP with strike-through and underline formatting and includes related submission point references for the changes.

Appendix 2 – Summary of Decisions

1. A summary of decisions on provisions discussed in this decision report (based on the submissions covered in this report) is below.
2. This summary table includes the following information:
 - Plan Section Number and Name (the section of the 2GP the provision is in)
 - Provision Type (the type of plan provision e.g. definition)
 - Provision number from notified and new number (decisions version)
 - Provision name (for definitions, activity status table rows, and performance standards)
 - Decision report section
 - Section 42A Report section
 - Decision
 - Submission point number reference for amendment

Summary of Decisions

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Definition	1.5		Industrial Ancillary Tourism	Amend the definition to clarify that this activity can include "associated restaurant or retail activity where ancillary to" the Industrial Ancillary Tourism activity	Ind 1015.10	4.1.2	5.37
1. Plan Overview and Introduction	Definition	1.5		Wholesale	Add new definition	Ind 737.1 and others	4.1.1	5.1
1. Plan Overview and Introduction	Definition	1.5		Industry	Amend the definition to include additional types of activities to be considered as Industry (waste management facilities; depots; property and equipment maintenance services; vehicle repair and testing, wholesale)	Ind 737.1 and others, Ind 796.30	4.1.1	5.1
1. Plan Overview and Introduction	Definition	1.5		Landfills	Amend the definition to add related waste management facilities such as recycling stations	Ind 796.30	4.1.1	5.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Definition	1.5		Major Facility Activities	Do not amend as requested		4.1.3	5.1.4 of the Major Facility Activities S42A Report
2. Strategic Directions	Policy	2.3.1.1			Amend policy wording	Ind 634.53	3.4.2	5.2.2 of the Major Facility Activities S42A Report
2. Strategic Directions	Policy	2.3.1.6			Do not amend as requested		4.1.3	5.2.3 of the Major Facility Activities S42A Report
2. Strategic Directions	Objective	2.3.1			Do not amend as requested		3.4.1	5.3
19. Industrial Zones	Policy	19.2.1.1			Amend the policy wording	Ind 893.27	3.4.4	5.7
19. Industrial Zones	Policy	19.2.1.3			Do not amend as requested		4.1.2	5.8
19. Industrial Zones	Policy	19.2.1.6			Do not amend as requested		4.1.2	5.37
19. Industrial Zones	Policy	19.2.1.7			Do not amend as requested		3.5.1	5.1
19. Industrial Zones	Policy	19.2.1.1 - 19.2.1.10	19.2.1.1 - 19.2.1.9		Do not amend as requested		3.2	5.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
19. Industrial Zones	Objective	19.2.1			Amend the objective wording	Ind 893.26, Ind 906.34	3.4.4	5.6
19. Industrial Zones	Objective	19.2.1			Amend objective wording	Ind 906.34	3.5.5	5.13
19. Industrial Zones	Objective	19.2.1			Do not amend as requested		3.2	5.6
19. Industrial Zones	Policy	19.2.2.2			Amend policy wording	Ind 895.5	3.3	5.14
19. Industrial Zones	Policy	19.2.2.5			Amend policy wording	Ind 906.36, PO 908.3 and PO 308.497	3.7.1	5.16
19. Industrial Zones	Policy	19.2.2.6			Amend policy wording	Ind 906.37	3.7.2	5.17
19. Industrial Zones	Policy	19.2.2.8	N/A (Deleted)		Amend the policy wording and move policy to be under Objective 19.2.1 and renumber 19.2.1.x	Ind 906.38 and others	3.5.4	5.18
19. Industrial Zones	Objective	19.2.2			Amend objective wording	Ind 906.34	3.5.5	5.13
19. Industrial Zones	Activity Status	19.3.3.3	19.3.3.2	Industrial Ancillary Tourism	Amend the activity status of Industrial Ancillary Tourism from P to RD in the Industrial and the Industrial Port zones	Ind 634.33	3.8	5.37
19. Industrial Zones	Activity Status	19.3.3.16	19.3.3.16	All other activities in the commercial activities category	Do not amend as requested		3.2	5.34

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
19. Industrial Zones	Activity Status	19.3.3.25	19.3.3.24	All other activities in the rural activities category	Do not provide for factory as a permitted activity, as requested		3.9	5.24
19. Industrial Zones	Activity Status	19.3.3.26	19.3.3.25	All other activities in the residential activities category	Do not amend as requested		3.10	5.32
19. Industrial Zones	Activity Status	19.3.3.17 19.3.3.18	deleted and 19.3.3.17 (respectively)	Community and Leisure	Amend activity status of community and leisure (small and large scale) from RD to NC (and combine into one row)	Ind 634.34	3.5.2	5.23
19. Industrial Zones	Activity Status	19.3.3			Do not amend as requested		4.1.2	5.38
19. Industrial Zones	Land Use Performance Standard	19.5.3		Hours of Operation	Do not amend as requested		4.1.2	5.29
19. Industrial Zones	Land Use Performance Standard	19.5.5		Maximum Gross Floor Area	Do not amend as requested		4.1.2	5.38
19. Industrial Zones	Land Use Performance Standard	19.5.6		Minimum Car Parking	Do not amend as requested		4.1.2	5.38
19. Industrial Zones	Development Performance Standard	19.6.1		Boundary Treatments performance standard	Amend performance standard to require a 3m landscaped strip (instead of a 1.5m strip) and minor wording clarifications	Ind 930.14	3.3	5.14

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
19. Industrial Zones	Development Performance Standard	19.6.6.1	19.6.4.1	Height in relation to boundary	Add a New performance standard and associated diagrams for height in relation to boundary along amenity route mapped area (linked to amendments to boundary setbacks standard)	Ind 930.14	3.3	5.14
19. Industrial Zones	Development Performance Standard	19.6.6.2	19.6.4.2	Maximum height	Amend performance standard the rule by adding new increased height limits for the Cerebos Gregg's height mapped area and the Parry St East height mapped area and removing the Ravensbourne height mapped area from land not zoned Industrial	Ind 54.3, Ind 922.1, Ind 360.25 and Ind 360.26	3.7.3	5.42
19. Industrial Zones	Development Performance Standard	19.6.6.2	19.6.4.2	Maximum height	Amend the performance standard to exempt free standing chimneys as part of industry activity	Ind 893.4	3.7.3	5.42
19. Industrial Zones	Development Performance Standard	19.6.11.1	19.6.9.1	Boundary Setbacks	Amend performance standard to reduce setback from roads with amenity route mapped area from 10.5m to 3m on Burns Street and 4m along all other roads	Ind 930.14	3.3	5.14

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					with amenity route mapped area.			
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.9.4.9	19.9.4.4		Amend guidance to reflect change in Policy 19.2.2.5	Ind 906.36, PO 908.3 and PO 308.497	3.7.1	5.16
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.9.4.9	19.9.4.4		Amend guidance to reflect change in Policy 19.2.2.6	Ind 906.37	3.7.2	5.17
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.9.6.1			Amend guidance to reflect change in Policy 19.2.2.2 and add additional potential circumstances that may support a consent application	Ind 895.5 & Ind 930.14	3.3	5.14
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.10.3.2	19.10.3.3	Crematoriums	Amend guidance to reflect change in Policy 19.2.2.8 (now 19.2.1.X)	Ind 906.38 and others	3.5.4	5.18
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.10.3.3	19.10.3.4		Amend guidance to reflect change to activity status of Industrial Ancillary Tourism from permitted to restricted discretionary	Ind 634.33	3.8	5.37

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.10.3.3	19.10.3.4		Amend guidance to reflect change in Policy 19.2.2.8 (now 19.2.1.X)	Ind 906.38 and others	3.5.4	5.18
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.10.3.4	19.10.3.5		Amend guidance to reflect change in Policy 19.2.2.8 (now 19.2.1.X)	Ind 906.38 and others	3.5.4	5.18
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.10.3		Assessment of restricted discretionary land use activities	Amend guidance to reflect change to activity status for community and leisure(remove reference)	Ind 634.34	3.5.2	5.23
19. Industrial Zones	Assessment of Non-complying Activities	19.12.2.1			Add to conditions that may be imposed a requirement for noise sensitive activity establishing in an industrial zone to comply, at a minimum with the acoustic insulation requirements in Rule 9.3.1	Ind 749.32	4.1.5	5.47
19. Industrial Zones	Assessment of Non-complying Activities	19.12.2.X	19.12.2.3	Assessment of non-complying land use and development activities	Amend guidance to reflect change to activity status for community and leisure (add reference)	Ind 634.34	3.5.2	5.23
19. Industrial Zones	Assessment of Non-complying Activities	19.12.2.X	19.12.2.3		Amend guidance to reflect change in Policy 19.2.2.8 (now 19.2.1.X)	Ind 906.38 and others	3.5.4	5.18

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
19. Industrial Zones	Introduction	30.1			Amend introduction wording	Ind 634.92	4.1.4	
19. Industrial Zones	Policy	Requested new transport policy			Do not add new transport policy.		3.6	5.22