# **Proposed Horowhenua District Plan**

Urban Environment (incorporating Part B – Urban Environment Chapter 6, Part C – Residential, Industrial and Commercial Chapters 15, 16 and 17), and relevant parts of Part D, Part E and Part F)

# Hearing: 22-23 April 2013

# **Response to Commissioners Questions**

# Tabled Evidence

**1. Horowhenua Astronomical Society (submitter number 26.09)** sought a condition to manage artificial outdoor lighting, for reasons both amenity and ecologically based. In response to this submission, the outdoor lighting condition that is used in the Open Space Zone to avoid adverse lightspill from outdoor lighting onto adjoining residential properties was carried over in the Urban Zones. The Astronomical Society appeared and presented at the Open Space Zone and appeared to be satisfied with the approach taken there.

The tabled evidence does not indicate whether the Society is satisfied with the recommended provisions.

**2. The Oil Companies (504.01) were a further submitter** on the provision for an outdoor lighting standard and have accepted the officer recommendation on page 57 of the Officer's Report. The other submissions made by The Oil Companies supported the approach of the Proposed Plan in cross referencing to the National Environmental Standards and directing plan users to go directly to these standards (pg 95, 140 and 200).

The Oil Companies tabled evidence sets out their acceptance of the recommendations made in the Officers report.

**3. Powerco (submitter number 41)** largely submitted on the servicing provisions and where electricity supply was to be provided or considered, Powerco sought the inclusion of gas as a consideration also. They also sought an amendment to Objective 6.1.4 to ensure the urban environment would be able to connect to a secure gas or electricity supply.

The officer's report accepted most of the submissions points, but recommended alternative wording to Policy 6.1.4 (page 24 of the officers report).

Powerco have accepted the officer recommendations and this is tabled in their evidence.

# **Unsightly Buildings Permitted Activity Condition**

Cr Allan and Commissioner Black both sought further advice on matters surrounding the "unsightly buildings" condition. Specifically, the matters raised were the vires of the condition, the enforceability, alternative wording, and to understand whether unsightly buildings remains a current issue for HDC in managing the amenity of the urban environment.

### 15.6.16 Unsightly Buildings

(a) No building shall be left unfinished, or constructed, or become in such a state so that its external appearance is a distraction from the amenities of the neighbourhood in which it is situated.

It should be noted that the "unsightly buildings" condition is used in all the urban zone chapters – Residential, Commercial and Industrial (and also the Rural zone). So any amendments would need to occur across these three chapters.

The section 42A report explains the purpose and history of the unsightly building condition and how it could be interpreted.

The New Zealand Historic Places Trust (NZHPT) contends that the condition is ultra vires (ie either, outside the scope of the RMA or outside the powers given to councils under the RMA). Enforceability of the rule was also raised by NZHPT.

#### **Ultra Vires**

The provision contributes to the overall management of amenity so should be within the ambit of Council's resource management function and responsibilities. However, we are seeking legal advice into the vires of this particular provision and will report back on this point.

#### Enforceability

To improve the objectivity of the provision, we have also sought legal advice on this might be achieved and will report back on this matter also.

#### **Current Issue:**

This provision is being currently used by Council officers for property in Shannon. The provision has enabled Council officers to work with the landowner in setting up timeframes for undertaking remedial works to the "unsightly property".

The rule was introduced as part of Plan Change 9 in 2000 and became operative in 2005. The Plan Change was a response to a concern that Council had over recent years (late 1990's) received many complaints relating to buildings that had become derelict or left in a state that obviously detracts from the amenities of the neighbourhood.

While the rule is not used widely it has provided officers with a process that can enable "unsightly buildings" to be addressed. Non-compliance with the rule is most likely to lead to enforcement action where there is reluctance by the landowner to respond in a positive manner rather than the landowner seeking resource consent.

Given the limited use of the rule it could be argued that it would not have much impact on Council daily operations if the rule was removed, however Council would then be required to rely on alternative legislation and processes to address this issue should it feel it needs to respond in an active manner. Removal of the rule could also be incorrectly perceived to suggest that Council has 'given up' and is no longer concerned with the impact of unsightly buildings in the District. To be advised

# New Zealand Defence Force (NZDF)

Work through the provisions, based on Emily Grace's comments in her evidence to this hearing. Send them to NZDF for their comment and agreement prior to the Rural Environment Hearing.

Just a couple of matters to note:

- Through an iterative process there is almost agreement on the NZDF noise provisions;
- It should be noted that the Proposed Plan provided for many of the aspects of the NZDF noise provisions.
- NZDF never attempted to insert their example provisions into a form that suited the Proposed Plan.
- One of our key principles with the development of the Proposed Plan was to keep the provisions as certain, clear and simple as possible.
- We will be working together between officers and NZDF to achieve consistency, but to make sure these provisions work in the respective zones.
- For example, the notional boundary is defined as the *"legal boundary of the property* on which any dwelling is located or a line 20 m from the dwelling whichever point is closer to the dwelling". And is more appropriate in use for the Rural Zone, maybe the Open Space Zone, rather the urban zones.

#### Process:

We aim to have a set of provisions to the Hearing Panel prior to the Rural Environment Hearing.

#### **Recommended Amendment:**

To be advised

# Horizons – Residential Subdivision Table 15-3

Amendments to the Proposed Plan Subdivision Table 15-3 will be worked through with Horizons to improve consistency between the Proposed One Plan and the HDC Proposed Plan.

Our response will be too amend the Subdivision Table 15.-3 to achieve the following:

- Provide for the 800m<sup>2</sup> density for Hokio Beach, Waikawa, where reticulated disposal is available, as a Controlled Activity;
- Provide for the 2000m<sup>2</sup> density for Manakau and Ohau West, where reticulated disposal is available, as a Controlled Activity;
- Boundary adjustments continue as Controlled Activities.

Add in new Restricted Discretionary Activity rules to enable the consideration of wastewater provision alongside the Horizons One Plan and:

- Provide for the 800m<sup>2</sup> density for Hokio Beach, Waikawa, where reticulated disposal is not available; and
- Provide for the 2000m<sup>2</sup> density for Manakau and Ohau West, where reticulated disposal is available.

## Process:

To send Horizons a draft set of provisions for comment and arrive at agreed amendments to the Residential subdivision provisions for the above.

# Future Map

To provide a comprehensive written reply on the range of matters concerning the Future Map submission, including:

1. Confirm the consistency of the relief sought by Future Map against the Urban Environment Objective 6.1.1 and Policies.

2. "Servicing" as this type of activity relates to the Proposed Plan Industrial provisions and implications of the wording mentioned by Future Map in their evidence.

3. 18m, 15m or 12m maximum height. Covering issues from urban form, function, typical industrial zone provisions and providing a recommendation.

4. Access to Arapaepae Road (SH57), as suggested by Andrew Mason.

5. Response to the commentary and explanation on the maintenance and vesting of the landscaping strip along Tararua Road and Arapaepae Road.

6. How to provide the 60m buffer/stormwater area in the District Plan, while acknowledging the flexibility required once the stormwater design is confirmed.

7. Scope of the submission in terms of the provision of the design guide, given it was sent to the Council after the close of submissions.

# Process :

Agree to a timeframe for this response. Appropriateness to continue talking with Future Map.

Response prepared by Claire Price

Dated 22nd April 2013

# **Proposed Horowhenua District Plan**

Urban Environment (incorporating Part B – Urban Environment Chapter 6, Part C – Residential, Industrial and Commercial Chapters 15, 16 and 17), and relevant parts of Part D, Part E and Part F)

# Hearing: 22-23 April 2013

# **Response to Commissioners Questions**

# Tabled Evidence

**1. Progressive Enterprises Limited (submitter number 71.00)** sought a number of changes to provide for the operational and functional requirements of supermarkets. Progressive Enterprises provided evidence to be tabled which accepted the recommendations outlined in the Section 42A Report.

In their tabled evidence, Progressives outlined that their concern over the current maximum building height in the Large Format Retail Area Overlay remains. The evidence suggested that Progressives is prepared to accept the retention of a maximum building height of 8.5 metres in the Large Format Retail Area Overlay on the understanding that an exception can be sought and granted for a roof top plant platform up to 9.8 metres in height.

It was unclear from this comment whether Progressives are seeking further amendment in the way of an exemption or are satisfied that the resource consent process for a restricted discretionary activity is appropriate. We have since been in contact with Progressive Enterprises and can confirm that they are satisfied that this exemption to the building height would be in the form of a resource consent application.

# Methods for Issue 6.3 & Objective 6.3.2 - Urban Design Panel

Cr Allan and Cr Good both sought further advice on the recommendation to include a new method for the establishment of an Urban Design Panel. Specifically, the matters raised were the application of the method, alternative wording and to understand the potential time and cost delays of the application of this method.

#### **Other Methods**

• Council will consider establishing and facilitating an Urban Design Panel consisting of suitably qualified professionals to work with Council, individuals and developers to help improve the design, amenity and viability of development projects that have potentially significant urban design implications due to scale, public nature or location.

The Section 42A Report explains the purpose of this new method to assist with decision making on any future resource consent applications that are significant in scale, public nature or location and that this input would be arranged on a case-by-case basis.

#### Purpose

This method was recommended in response to submission point 110.06 which requested the establishment of an independent and expert panel or mechanism to assess and advise Council on best practice for future retail activity.

The method has merit in that it provides an option for Council in considering development projects that have potentially significant urban design implications due to scale, public nature or location.

I note that Council officers have the ability to draw on experts for any application that are received however this method would provide a formal procedure for independent expert input in processing applications for significant commercial developments.

#### Application

In terms of the application of this method, I envisage that this concept would be taken to a Council Meeting or Workshop to establish whether there is support for this approach and agreement would be made as to the composition of the panel and the procedure for using advice from the panel and also Council resourcing and funding.

#### Resources

Once a panel and procedure is established, this method would be drawn on upon receiving an application for a commercial development. The panel would convene to assess the application and provide independent advice to Council in terms of how best to proceed with the application.

# Determination of shop frontages widths before a degree of articulation is required

Commissioner Black sought further advice on how the minimum shop frontage distances in Rule 17.6.2 were defined.

#### Background

A study done for the Draft Levin Town Centre Concept for the Horowhenua Development Plan looked at retail format and active frontages. This study ranked from very good to good the number of doors or breakages in blank walls per 100m of continuous verandah to work out the ideal shop frontage width. A very good width of a shop frontage before the next shop or break in the wall was an average of 4 to 7m wide shop frontage.

# Activity Status of Large Format Retail Activities

Cr Good sought further advice as to the activity status of supermarkets in comparison to other large format retail activities within the Large Format Retail Area Overlay.

#### Supermarkets

The Section 42A Report provides an explanation for the recommended amendment to provide for supermarkets within the Large Format Retail Area Overlay as a restricted discretionary activity.

This recommendation was made in response to submission points 71.00 and 71.01 by Progressive Enterprises Limited as I agreed with the submitter in that supermarkets are a specific type of retail activity and the effects of supermarket developments are known. For this reason I felt that it was appropriate to define matters of discretion which deal with these known effects and provide for supermarkets as a restricted discretionary activity.

#### Other Large Format Retail Activities

In terms of other large format retail activities within the Large Format Retail Area Overlay, it was recommended that these remain as discretionary activities.

The reason for this is that there is a level of uncertainty in the scale and extent of effects of large retail activities that could occur within this area. Other large format activities such as a Bunnings, Mitre 10 Mega or a Warehouse, all have different retail focuses and may have different components in comparison to a typical supermarket.

Some examples of retail activities which would differ in effects to a supermarket, include outdoor storage spaces. Often Warehouses and Mitre-10 Mega stores have outdoor components in the form of nurseries or timber yards which have different visual effects to a typical supermarket where loading and storage areas are contained and covered with a roof structure and often security fencing and lighting.

I also consider the drive-through component of Bunnings and Mitre-10 Mega stores which allow for vehicles to drive up to and into a section of the store. These stores would have different vehicle movement and access requirements which would need to be considered. In addition, the workshop, drive-through component often involve machinery used for the cutting and distributing of materials which would generate noise.

These are a few examples which illustrate different effects of other large format retail activities and the reasoning behind allowing for a broader scope of assessment for large format retail activities excluding supermarkets as there is a level of uncertainty as to what activities could be proposed and therefore Council Officers should have the ability to assess all effects.

Response prepared by Sheena McGuire

Dated 23nd April 2013

# Proposed Horowhenua District Plan Urban Environment

# Hearing: 22 – 23 April 2013

# Officer Right of Reply and Response to Commissioners Questions

We have considered the evidence presented by submitters at the hearing on  $22^{nd} - 23^{rd}$  April 2013. In addition, we have considered the questions and comments from the Commissioners raised during the both days of the Urban Environment hearing ( $22^{nd} - 23^{rd}$  April). Below we respond to the evidence presented and questions/comments. In responding to the matters raised, we have ordered them into the following topics to align with the Section 42A Report:

- Residential Subdivision
- Odour
- Unsightly Buildings
- Future Map
- Assessment Criteria Building Setbacks

### Residential Subdivision Provisions – Where Reticulation Wastewater is not available

Hokio Beach, Waikawa Beach, Manakau and Ohau West are not serviced with reticulated wastewater. Consequently the majority of subdivision opportunity is provided in deferred zoning (Low Density Residential, Residential and Greenbelt Residential). The deferment to be lifted once servicing is provided.

Each of these settlements has an original Residential Zone that has created the character of the properties in each of the settlements and is not limited or deferred until such time as servicing is provided. There are one – two properties within these settlements where a Controlled Activity subdivision could be applied for, based on the density provided for in the Operative District Plan and the Proposed Plan.

Table 15-3 sets out the minimum lot sizes across the different settlements and identifies the aforementioned unserviced settlements and provides an 800m<sup>2</sup> minimum for Hokio Beach and Waikawa Beach, and a 2,000m<sup>2</sup> minimum for Manakau and Ohau West.

Horizons submitted (27.23) on Table 15-3 with respect to the unserviced minimum lot sizes. This matter was evaluated in Section 4.21 of the Urban Environment Section 42A Report.

Pen Tucker (Horizons Regional Council) provided further comment at the Urban Environment Hearing on the Table 15-3. She contended that despite the few properties that the rules would apply to, the provisions create false expectations because of the risk associated with obtaining a discharge consent for an on-site effluent disposal system for any of the subdivisions.

I initially responded to Horizon's concern by reminding the use of Section 91 of the RMA; where HDC would be able to put the subdivision consent process on hold until such time as the discharge consent requirements under the Proposed One Plan were certain or consent granted.

Section 91 Deferral pending application for additional consents

- (1) A consent authority may determine not to proceed with the notification or hearing of an application for a resource consent if it considers on reasonable grounds that—
  - (a) other resource consents under this Act will also be required in respect of the proposal to which the application relates; and
  - (b) it is appropriate, for the purpose of better understanding the nature of the proposal, that applications for any 1 or more of those other resource consents be made before proceeding further.
- (2) Where a consent authority makes a determination under subsection (1), it shall forthwith notify the applicant of the determination.
- (3) The applicant may apply to the Environment Court for an order directing that any determination under this section be revoked

However, the point was made that subdivision consent would still be required to be granted and therefore inconsistency between the regional and district statutory documents, which would generate uncertainty for landowners or future landowners.

The minimum lot sizes are based on character and density established in these coastal and rural settlements. It is not considered appropriate to change the minimum lot sizes, particularly if reticulated wastewater was extended to these settlements over the duration of the Proposed Plan (i.e. within 10 years).

Notwithstanding the density and character considerations, I consider amendments to the Proposed Plan are appropriate to avoid false expectations for the subdivision of land, in the unserviced settlements, where this is going to face considerable risk gaining the necessary consents from Horizons Regional Council.

#### Recommendation

Having heard the evidence, I recommend submission point 27.23 be accepted in part, and that Rule 15.3, Rule 15.7.5 and Table 15-3, and 15.8 be amended by

- Adding a Restricted Discretionary Activity to Rule 15.3 for subdivisions where reticulated wastewater is not available.
- Adding rows to Table 15-3 (Rule 15.7.5) to specifically provide for boundary adjustments as Controlled Activities within Hokio Beach, Waikawa Beach, Manakau and Ohau West.
- Amend Table 15-3 to only provide Controlled Activity status for subdivisions at the density set in the Proposed Plan (800m<sup>2</sup> and 2000m<sup>2</sup>) where reticulated wastewater is available at Hokio Beach, Waikawa Beach, Manakau and Ohau West.
- Add a new Matters of Discretion relating to the provision of wastewater and requiring compliance with the Controlled Activity subdivision conditions.

These draft amendments have been sent to Pen Tucker at Horizons for review and have since been confirmed as being satisfactory (see Appendix 1 for this correspondence).

#### **Recommended Amendments**

Add a new Restricted Discretionary Activity to Rule 15.3 for all subdivisions within Residential Zones that do not have a deferred status and do not have access to reticulated wastewater as follows:

## 15.3. Restricted Discretionary Activities

The following activities are restricted discretionary activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.8. Refer to Rule 15.8 for matters of discretion and conditions.

#### <u>15.3.XX Any subdivision where the lots would not be serviced by a reticulated wastewater</u> system (Refer to Rule 15.8.XX)

### AND

Amend Rule 15.7.5, Table 15-3 to specifically provide for boundary adjustments as Controlled Activities within Hokio Beach, Waikawa Beach, Manakau and Ohau West, and to provide Controlled Activity status for subdivisions at the density set in the Proposed Plan (800m<sup>2</sup> and 2000m<sup>2</sup>) where reticulated wastewater is available at Hokio Beach, Waikawa Beach, Manakau and Ohau West as follows:

### 15.7.5 Subdivision of Land (Refer to Rule 15.2(e))

- (a) Conditions
  - (i) Minimum Allotment Area and Shape

Each allotment shall comply with the following site area and shape factor standards for each settlement set out in below.

Table 15-3: Standards Applying to Subdivision and	Residential Dwelling Units
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Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Minimum Average Site Area	Minimum Shape Factor
Hokio Beach and Waika	wa Beach	•	
Residential Allotments	Where reticulated sewerage disposal is <del>not</del> available	800m <sup>2</sup>	18 metres diameter
Boundary Adjustment	Where reticulated sewerage disposal is not available	800m <sup>2</sup>	18 metres diameter
Low Density Area	Where reticulated sewerage disposal is not available	1,000m <sup>2</sup> Minimum average site area of 2,000m <sup>2</sup>	18 metres diameter
Ohau and Manakau			1

Residential Allotments (Ohau West and Manakau)	Where reticulated sewerage disposal is <del>not</del> available	2,000m <sup>2</sup>	18 metres diameter
Boundary Adjustment	Where reticulated sewerage disposal is not available	<u>2,000m²</u>	<u>18 metres diameter</u>
Residential Allotments (Ohau East)	Where reticulated sewerage disposal is not available	8,000m <sup>2</sup>	18 metres diameter

# AND

Add in new Matters of Discretion and Conditions for the new Restricted Discretionary Activity Rule 15.3.XX as follows:

#### 15.8 Matters of Discretion and Conditions for Restricted Discretionary Activities

The matters over which Council has restricted its discretion for each restricted discretionary activity, and the conditions for each activity, are detailed below:

#### 15.8.XX Subdivision where reticulated wastewater is not available Hokio Beach, Waikawa Beach, Manakau and Ohau (West) (Refer Rule 15.3(f))

#### (a) Matters of Discretion

(i) The ability to provide on-site effluent disposal and meet environmental standards required by Horizons Regional Council.

#### (b) Conditions

- (i) Demonstrate compliance with the Minimum Net Site Area/Minimum Average Site Area as set out in Table 15-3 Standards Applying to Subdivision and Residential Dwelling Units (Rule 15.7.5(b));
- (ii) Demonstrate compliance with the servicing, road, access, network utility and structure plan conditions set out in Rule 15.7.5(b)(ii) – (v).

## Industrial Zone - Permitted Activity Standards on Odour

Lowe Corporation Ltd & Colyer Mair Assets (submitter number 97) raised a submission point on the Proposed Plan Industrial Zone rule (16.6.7) that manages odour in respect of land use. The submitter supported the odour rule in-part, but sought greater certainty as to how an odour would be determined as being "offensive" and suggested incorporating the FIDEL factors – *frequency, intensity, duration and offensiveness and location of the odour.* 

This matter was evaluated in Section 4.35 of the Urban Environment Section 42A Report.

Pen Tucker (Horizons Regional Council) drew attention to their submission made on the same odour rule in the Rural Zone. While Horizons had not submitted on the Industrial Zone rule, Ms Tucker considered it relevant to draw comparison with their submission and the relief sought by Lowe Corporation Ltd & Colyer Mair Assets.

Horizons support the inclusion of the odour rule in the Proposed Plan, but seek improved consistency with the Proposed One Plan. For example, the rule should refer to both "offensive or objectionable odour" and reference the guidance (FIDEL factors) provided for in Section 14.2 of the Proposed One Plan.

Having considered the comments provided by Horizons at the Urban Environment Hearing and acknowledging the recommendations provided in the Rural Environment Section 42A report to accept in part Horizons submission point (27.26), I consider amendments to Rule 16.6.7 are appropriate. The amendments would ensure the Proposed Plan odour rule is more consistent with the Proposed One Plan, which is important, particularly at the time of enforcement where both district and regional council officers will be involved in determining the "offensiveness or objectionable" odour. Providing a reference to the factors that the regional council use in determining the level of odour (without repeating them) in the Proposed Plan provides better certainty that Lowe Corporation Ltd & Colyer Mair Assets were originally seeking. To ensure consistent rules across all the zones in the Proposed Plan, the Residential, Industrial, Commercial, Open Space and Rural Zone odour conditions should all be amended.

#### Recommendation

Based on the above, I recommend submission point 97.02 be accepted in part, and the following amendments are made to the permitted activity odour condition in all zones.

#### **Recommended Amendments**

That the permitted activity condition in every zone chapter be amended as follows:

#### **Industrial Zone**

#### **16.6 Conditions for Permitted Activities**

The following conditions shall apply to all permitted activities:

#### 16.6.7 Odour

- (a) No activity shall give rise to offensive <u>or objectionable</u> odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in any other zone.
- <u>Note:</u> For the purpose of this condition, an offensive <u>or objectionable</u> odour is that odour which can be detected and is considered to be offensive <u>or objectionable</u> by at least

two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" may be considered (the **frequency**; the **intensity**; the **duration**; the **offensiveness** (or character); and the **location** of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

## **Residential Zone**

## **15.6 Conditions for Permitted Activities**

### 15.6.13 Odour

- (a) No activity shall give rise to offensive <u>or objectionable</u> odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in the Residential Zone.
- <u>Note:</u> For the purpose of this condition, an offensive <u>or objectionable</u> odour is that odour which can be detected and is considered to be offensive <u>or objectionable</u> by at least two independent observers; including at least one Council officer. <u>In determining</u> whether an odour is offensive or objectionable, the "FIDOL factors" may be considered (the **frequency**; the **intensity**; the **duration**; the **offensiveness** (or character); and the **location** of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

# **Commercial Zone**

#### **17.6 Conditions for Permitted Activities**

The following conditions shall apply to all permitted activities:

#### 17.6.9 Odour

- (a) No activity shall give rise to offensive <u>or objectionable</u> odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in any other zone.
- Note: For the purpose of this condition, an offensive <u>or objectionable</u> odour is that odour which can be detected and is considered to be offensive <u>or objectionable</u> by at least two independent observers; including at least one Council officer. <u>In determining</u> whether an odour is offensive or objectionable, the "FIDOL factors" may be considered (the **frequency**; the **intensity**; the **duration**; the **offensiveness** (or character); and the **location** of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

# **Open Space Zone**

#### 20.6.9 Odour

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any property in the Residential Zone.
- Note: For the purpose of this condition, an offensive <u>or objectionable</u> odour is that odour which can be detected and is considered to be offensive <u>or objectionable</u> by at least two independent observers; including at least one Council officer. <u>In determining</u> whether an odour is offensive or objectionable, the "FIDOL factors" may be considered (the **frequency**; the **intensity**; the **duration**; the **offensiveness** (or character); and the **location** of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

# **Rural Zone**

### 19.6.9 Odour

- (a) No activity shall give rise to offensive <u>or objectionable</u> odours able to be detected at the boundary of any adjoining property.
- Note: For the purpose of this condition, an offensive <u>or objectionable</u> odour is that odour which can be detected and is considered to be offensive <u>or objectionable</u> by at least two independent observers; including at least one Council officer. <u>In determining</u> whether an odour is offensive or objectionable, the "FIDOL factors" may be considered (the **frequency**; the **intensity**; the **duration**; the **offensiveness** (or character); and the **location** of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

# **Unsightly Buildings Permitted Activity Condition**

Cr Allan and Commissioner Black both sought further advice on matters surrounding the "unsightly buildings" condition. Specifically, the matters raised were the vires of the condition, the enforceability, alternative wording, and to understand whether unsightly buildings remains a current issue in the Horowhenua in managing the amenity of the urban environment.

All urban zones (residential, industrial and commercial) and the Greenbelt Residential Zone contain a permitted activity condition on unsightly buildings which states:

### 16.6.9 Unsightly Buildings

(a) No building shall be left unfinished, or constructed, or become in such a state so that its external appearance is a distraction from the amenities of the neighbourhood in which it is situated.

Section 4.36 of the Section 42A Report explains the purpose and history of the unsightly building condition and how it could be interpreted.

In submission point 117.03, the New Zealand Historic Places Trust (NZHPT) contends that the condition is ultra vires (i.e. either outside the scope of the RMA or outside the powers given to councils under the RMA). Enforceability of the rule was also raised by NZHPT.

Homestead Group Ltd contend in submission point 37.04 that the condition could never be complied with for new buildings because to comply would assume a continuous construction period.

### **Ultra Vires**

The provision contributes to the overall management of amenity and the quality of the environment so is considered within the ambit of Council's resource management function and responsibilities (Sections 7(c) and 7(f) of the RMA). In addition, the objectives in the urban environment are to maintain and enhance the character and amenity values of the respective environments (residential, commercial and industrial).

A legal opinion has been sought from Brookfields on the vires of the "unsightly building" rule and they have also evaluated the certainty and objectivity of the rule and whether or not Council has discretion to decide what is permitted and what is not permitted (refer Appendix 2 for copy of legal opinion).

Brookfields consider that a permitted activity condition does not need to be entirely devoid of subjectivity, as long as there is a threshold to constitute what is permitted and that this does not require a value judgement.

Brookfields consider that the condition can apply to circumstances such as unfinished buildings and buildings that are left to fall into a state of disrepair, as clarity around these events can be made and a threshold at which point amenity is affected and therefore resource consent is required. I note these circumstances were the intent of the original plan change in 2001. However, Brookfields highlight a potential issue with the current wording of this rule and its application to the external design of new buildings. This rule is not intended to manage the external design of new buildings, and is only intended to apply to the circumstances described above (i.e. unfinished buildings and deteriorated buildings). Therefore, the amended wording suggested in the Brookfields legal opinion is supported to clarify this application.

To conclude, the unsightly building condition would require amendment to ensure it was not ultra vires and enable a more objective application.

This amended wording is considered enforceable and certain. "Left unfinished" can be determined as where external materials are not affixed to the building. "Permitted to deteriorate such that its external appearance adversely affects the amenity of the neighbourhood in which it is situated" can also be determined such as where buildings exhibit many broken windows and weatherboards have fallen off.

In terms of whether unsightly buildings are still a current issue in the district, it is noted this rule was inserted by a specific plan change responding to a specific issue. At the time of the plan change, there were a few examples that the rule was targeted to address. The rule has recently been used for a property in Shannon enabling Council officers to set up a process and timeframes for remedial works to be undertaken by the landowner. It is considered there is potential for similar issues to arise in the future. As noted in the Section 42A Report, if no rule existed, Council would rely upon Section 17 of the RMA to manage this issue, and from the Council's previous experience, the application of Section 17 has proved ineffective. Therefore, in terms of the tests under Section 32 of the RMA, the rule (with amended wording) is considered effective in addressing this issue.

The effectiveness and efficiency of the unsightly buildings rule was evaluated in the Section 32 Report, with the benefits including protecting amenity values and the costs included the repair and maintenance of building projects. The unsightly building condition sets an expectation of amenity throughout all the urban zones.

Lastly, it is considered there is no relationship or similarities in the approach between the unsightly buildings rule and relocated buildings rule, but the effects are similar in terms of adverse effects on visual amenity values. The 'cause' of the unsightly buildings is unfinished new buildings or deteriorated existing buildings. The 'cause' of the relocated buildings is the moving of an existing building to a new site and necessary reinstatement and upgrading required. Therefore, different approaches for these two 'causes' are considered appropriate.

I consider an unsightly building rule is appropriate as it demonstrate the expectation for all environments in the Horowhenua, that the external appearance of all existing and new buildings is an important value to the community. The anticipated outcome of all rules and conditions for the urban environment is to maintain and enhance the amenity in the individual zones.

Overall, it is considered that the unsightly building rule contributes to the amenity controls in the District Plan and is appropriate to retain, but in an amended form to improve the certainty and objectivity of this rule. On this basis, I recommend that submission points 117.13 and 37.04 be accepted in part insofar as the rule is made clearer and is confirmed as vires.

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
117.13		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
37.04		Homestead Group Limited		Accept In-Part

# **Reporting Officer's Recommendation**

#### **Recommended Amendment:**

Amend the unsightly building permitted activity condition in all the urban zones (15.6.16, 16.6.9 and 17.6.10) as follows:

## 15.6.16 Unsightly Buildings

(a) No building shall be left unfinished, or constructed, or become in such a state <u>be</u> <u>permitted to deteriorate</u>, so <u>such</u> that its external appearance is a distraction from the <u>amenities</u> <u>adversely affects the amenity</u> of the neighbourhood in which it is situated.

# Future Map (submitter number 70)

A number of matters were raised in the evidence presented by Future Map in relation to the Tararua Road Growth Area Overlay provisions. In response to questions from the Hearing Panel and evidence presented by David Harford and verbal statements from Andrew Mason on behalf of Future Map, I respond to these matters below:

#### 1. Urban Environment Objective 6.1.1 and Policies

Commissioner Jane Black sought clarification of the consistency of the overall relief sought by the submitter (e.g. revised Structure Plan, revised Design Guide and associated provisions) against the Urban Environment policy framework under Objective 6.1.1 (Section 4.47 of the Urban Environment Section 42A Report).

Objective 6.1.1 and Policies 6.1.2 - 6.1.20 provides the direction for the Urban Environment on overall urban form and growth matters (both infill and greenfield), including the provision of activities, the interaction and protection of activities, servicing, the use of structure plans, managing effects on roading networks, and the provision of open space and reserves.

Policies 6.1.5 - 6.1.15 are "greyed out" as they relate to Plan Change 21, but for the purpose of this evaluation have been considered along with the Proposed Plan policies. It is noted that the use of zones, structure plans and rules are the "Methods" listed to implement Objective 6.1.1 and all nineteen policies.

An evaluation of the overall relief sought against Objective 6.1.1 and Policies 6.1.2 - 6.1.20 is set out in Appendix 3 to this report. The evaluation demonstrates that the Pocock Zoning Master Plan which represents Future Map's overall aspirations for the Tararua Road Growth Area Overlay has the potential to implement the 'big picture' policy direction for the Urban Environment, subject to the amendments recommended in the Section 42A Report.

The Proposed Plan policy framework provides direction individually for the Residential and Industrial Zone under Objectives 6.3.1 and 6.3.3 respectively. However the Tararua Road Growth Area has a specific policy direction set under Objective 6.2.1 which was introduced through Private Plan Change 17 and continued on into the Proposed Plan.

It should be noted that consequential changes to Objective 6.2.1, the supporting policies, Explanation and Principal Reasons, and Methods are recommended to better reflect the development, use and protection sought in Future Map's relief sought for the Tararua Road Growth Area. This was discussed in Section 4.7 of the Urban Environment Section 42A Report, paragraph 4.

Overall, I consider the relief sought, subject to the recommended amendments, is consistent with the overall objectives and policies framework in the Proposed Plan for urban growth and this area.

# 2. The provision of service activities and ancillary retail activity within the Low Impact Industrial Zone.

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
70.06	Future Map Limited, Future Map (No2 and	In-Part	The Industrial Zone rules of the Proposed District Plan would continue to apply to the Tararua	Include new subclauses to Rule 16.7.7(b) as follows:	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Future Map (no 3) Ltd		Road Growth Area Structure Plan. However, some consequential changes are required to give effect to the rezoning. The submitter seeks the inclusion of a new Rule 16.7.7(b)(iii)	<u>16.7.7(b) (iii)</u> <u>Any building located</u> <u>within the Low Impact</u> <u>Industrial Area overlay</u> <u>within the Tararua Growth</u> <u>Area shall be limited to</u> <u>offices, commercial</u> <u>activities and service</u> <u>activities including</u> <u>warehousing, storage and</u> <u>distribution activities but</u> <u>excluding the</u> <u>maintenance and</u> <u>refuelling of vehicles.</u> <u>16.7.7(b) (iv)</u> <u>All development</u> <u>undertaken within the</u> <u>Tararua Growth Area</u> <u>Structure Plan shall be in</u> <u>accordance with Design</u> <u>Guide contained in</u> <u>Schedule 5 of the</u> <u>Proposed Horowhenua</u> <u>District Plan.</u>	

Future Map has sought a "Low Impact Industrial Zone" to assist in buffering the standard industrial activities and buildings from the existing Residential Zone in south-east Levin. The activities in the Low Impact Industrial Zone, envisaged by Future Map, included "office, commercial activities, and warehouse and distribution activities". The Section 42A Report evaluated this list of activities in Section 4.47 (paragraph 38 – 40) and considered that commercial activities were not appropriate for the Low Impact Industrial Zone. An alternative approach was recommended in order to ensure heavy industry was avoided in the Low Impact Industrial Zone. This alternative approach relies on the Proposed Plan Industrial Zone provisions, but inserts a new non-complying activity for heavy industrial activities, and providing a list of these types of industries as a new Appendix in the District Plan.

On behalf of Future Map, planning evidence from David Harford accepted the alternative approach recommended by officers, but also sought further consideration of the ability to provide for retail activities that are ancillary to a service activity on the site in the Low Impact Industrial Zone. Mr Harford used the example of an outdoor power equipment centre that offers servicing and maintenance of equipment, but also sells parts and equipment. Mr Harford contended that the "selling" component of the outdoor power equipment centre would be an "ancillary" retail activity to this industrial activity.

In his evidence, Mr Harford did not suggest any particular wording or amendments to the Industrial Zone provisions or definitions. However, following the hearing, Mr Harford provided an example of a rule that enables retail activity in an Industrial or Low Impact Industrial Zone which is set out below:

- i) Retail Activity in the Industrial or Low Impact Industrial zone is limited to the following:
  - Retail display and sales associated with a service or industrial activity shall be limited to goods produced or serviced/processed/manufactured on the site and may include only ancillary products to goods produced or serviced/processed/manufactured on the site. The size of the retail area shall not exceed a maximum gross floor area of ??m<sup>2</sup> located within buildings, except that this limitation shall not apply to:
    - Outdoor display and sales including vehicle and machinery sales;

#### Evaluation/Discussion

The example provision provided by Mr Harford appears to be based on a rule from the [Partially Operative] Ashburton District Plan. The rule is used in conjunction with a definition of "service activity" see below:

[Ashburton Partially Operative District Plan] Service Activity means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods, including panel beating and vehicle spraying. It also provides for service stations.

In my opinion, the Proposed Plan already enables the types of "service" activities that are referred to in the above definition and rule. The Proposed Plan permits "industrial activities", "commercial garages" and "wholesale trade activities" in the Industrial Zone. Each of these separate types of activity has a retail component associated or ancillary with them, which are set out in their definitions as follows:

*Industrial Activity* means the use of land or premises for the purpose of manufacturing, fabricating, processing, repair, packaging, storage, collection, or distribution of goods; and includes the wholesale or retail sale of goods manufactured on the site.

**Commercial Garage/Vehicle Sales Yard** means land or any premises where motor vehicles are sold, leased, hired, repaired, maintained, cleaned, re-fuelled, panelbeaten, overhauled, painted, or housed; and includes the retail sale of motor vehicle accessories ancillary to that activity, but excludes any garage or building used for the storage of any vehicles which is incidental to and secondary to the principal activity on the site and which is not operated for commercial reward.

**Wholesale Trade** means business engaged in sales to businesses, and may include sales to general public, but wholly consists of sales in one (1) or more of the following categories: (a) Automotive and marine supplies

- (b) Buildings supplies
- (c) Garden and landscaping supplies
- (d) Farming and agricultural supplies
- (e) Hire services (excluding hire of books, DVD and video)
- (f) Office furniture, equipment and systems supplies.

On the basis the Proposed Plan already provides for "service" and ancillary retail activities sought by Future Map, I do not consider any further amendments or additions are appropriate to the Industrial Zone Chapter or Definitions Chapter. Therefore, I do not change my original recommendation in the Section 42A Urban Environment Report (Section 4.42) which is to accept in part submission point 70.06, insofar as agreeing with the concept of a Low Impact Industrial Zone and excluding heavy industrial activities but enabling the provision of distribution, warehousing and other non-heavy industrial activities.

# 3. Maximum Height – Industrial Zone

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
70.04	Future Map Limited, Future Map (No2 and Future Map (no 3) Ltd	In-Part	The submitter seeks the inclusion of additional rules to the conditions for permitted activities. Including a new height limits that would relate to a Low Impact Industrial area which is shown on the attached Pocock Zoning Master Plan. The submitter seeks amendment to Rule 16.6.1.	Amend Rule 16.6.1 as follows: (a) No part of any building shall exceed a height of 18 metres. (b) Any building within the Low Impact industrial area of the Tararua Growth Area Structure Plan shall not exceed a height of 10 metres.	

Future Map sought a 10m maximum height for the new Low Impact Industrial Zone, which is considered appropriate, and an 18m maximum height for the remaining [standard] Industrial Zone within the Tararua Road Growth Area. As set out in section 4.30 of the Section 42A Urban Environment Report, the 18m maximum height was not considered appropriate.

Evidence from Mr Harford and discussion from Andrew Mason (Future Map) was presented on maximum height at the hearing. At the hearing, the reason to increase the maximum height limit from 12m to 18m is to enable a more efficient use of land to enable higher buildings for internal gantry and loading facilities and storage, rather than a lower (12m) building with a larger footprint.

Reference was made to two different business/industrial parks where higher buildings are enabled, and included "Izone"<sup>1</sup> located west of Rolleston in the Selwyn District and the "Ashburton Business Estate"<sup>2</sup>, located within the northern extent of Ashburton. The individual District Plans (Selwyn District Plan and the Ashburton District Plan) provide structure plans (outline development plan) and require adherence to rules and some design requirements. Both business/industrial parks have a maximum building height of 15m in the standard industrial areas. It is noted that other building standards apply, such as 75% site coverage and 20% permeable surfacing limits (Ashburton District Plan, Rule 5.9.4).

The Hearing Panel sought further understanding from the submitter as to how the extra height would be mitigated. Specifically, that a cross-section could be provided from the submitter to help the Hearing Panel understand the scale and nature of 18m high buildings at the Tararua Road Growth Area site. Attached in Appendix 4 is a Visual Assessment received from Future Map showing the cross-sections.

It is noted that Mr Harford evidence suggests a 15m maximum height would be acceptable to the submitter, should the Hearing Panel find 18m too high and out of character for the locality.

In response to the evidence presented at the hearing and the subsequent visual assessment received, officers have further considered the maximum height limit for the part of the Tararua Road Growth Area outside of the Low Impact Area.

<sup>&</sup>lt;sup>1</sup> Business 2A Zone, Selwyn District Plan

<sup>&</sup>lt;sup>2</sup> Business E Zone, Partially Operative Ashburton District Plan

From an overall urban form perspective, taller buildings are generally located in the centre of the town (town/commercial centre) transitioning out to lower height buildings the surrounding residential and industrial areas. This height hierarchy is reflected in the maximum height limits in the Proposed Plan, with the tallest buildings (15m) permitted in the Levin town centre (Pedestrian Overlay Area) and lower height buildings (8.5m) permitted in the commercial areas outside the Levin town centre and within the residential areas. The 12m height limit for the Industrial Zone reflects the functional requirements for slightly taller industrial buildings compared to residential and commercial buildings. Therefore, from an overall urban form perspective, a permitted 18m height limit in the Industrial Zone is inconsistent with this height hierarchy.

For the Industrial Zone, the policy direction for height states "*maintain an overall moderate building height in industrial zones* (Policy 6.3.56). Appendix 1 in Chapter 6 of the Proposed Plan describes the character, qualities and amenity values of the different urban environments. In relation to height in industrial areas in Levin it states "*building height varies but is generally moderate (under three storeys except for exceptional and necessary features such as chimneys or silos which are considerably taller*)".

In the context of the subject area, existing development within the Industrial Zone, west of the Tararua Road Growth Area, is of a scale that is consistent with the above description and policy, and would meet the Operative and Proposed Plan maximum height limit of 12m. In reviewing the height of existing buildings in this area, the majority are estimated to be between 6-10 metres in height. This building height is considered to reflect the function, nature and character of the established industrial development along Cambridge Street (south) and Tararua Road.

We have considered the height of recent industrial buildings in the Horowhenua and other adjoining districts (e.g. Kapiti Coast, Palmerston North, Manawatu and Wellington). We note the submitter commented at the hearing there is a recent trend towards taller industrial buildings, particularly for distribution, logistics and storage activities. From our review, the majority of recently constructed buildings in these areas appear to be less than 12m in height, with only a few buildings taller than this height. These buildings are used for a range of purposes.

The predominant effect from taller buildings would be adverse visual effect when viewed from within the industrial area, adjoining residential and rural areas, as well as longer range views from State Highway 57 and the western end of Tararua Road. It is acknowledged that as the Tararua Road Growth Area is developed into industrial activities and buildings, the character of the site would be vastly different to its current rural state. This change is anticipated by the Proposed Plan. Therefore, it is necessary to consider the visual effects on the future character and amenity values of 12m high buildings compared to 18m high buildings.

Within the industrial area, 18m high buildings could be visually dominant when viewed from the street and adjoining properties. In combination with the other permitted activity rules in the Industrial Zone, buildings could cover 100% of the site and be sited up to all boundaries. It is acknowledged that the draft design guide submitted by Future Map does include building setbacks from internal roads (5m) and other edges (3m) and the built length to be broken by steps in plan. Notwithstanding the draft guidance, 18m high buildings could, cumulatively, generate significant building bulk that would detract from the character and amenity of the immediate environment.

In terms of visual effects for the adjoining residential area, changing the previously proposed residential component of the development site to a linear stormwater / reserve and Low

Impact Industrial Zone (10m maximum height), would provide an open buffer area. The draft visual assessment demonstrates that the proposed landscaping would change the line of sight for those from the existing residential area. However, this would require a thick wall of vegetation. To maintain an open, yet partially screen, outlook it is unlikely a wall of trees would be planted along the immediate residential boundary with the stormwater reserve. Therefore views of the more immediate Low Impact Industrial Zone will be possible, as would the much taller 18m buildings beyond. Further, if development in the Low Impact Industrial Zone was lower than 10m (which would be permitted and probable) 18m tall building could appear out of context when viewed from the residential area, with no visual backdrop or other contextual features to which the taller buildings would relate to.

In terms of visual effects for the adjoining rural areas, the proposed landscaping along property frontages would provide some form of screening and mitigation. However, it is likely to take a number of years before planted trees reach a height that effectively mitigates the visual effects of 18m tall buildings. In addition, in the context of this rural area which is predominantly open pasture with pockets of trees, 18m tall buildings would be visually dominant. It is acknowledged that a maximum height of 15m is provided for in the Rural Zone, but the use of this height is to enable structures such as grain silos, rather than 15m high utility or farm sheds and buildings. The development of a 15m high building in the Rural Zone would generally be a singular building per property or farm therefore at a different scale and form to a 15m high building in an industrial context where 70 - 100% building coverage could be anticipated.

Considering the above, it is not considered effective or efficient to achieve the objectives for the Industrial Zone to increase the permitted activity height limit from 12m to 18m in this area. The adverse visual effects both within and for adjacent areas are considered to be significant. In addition, the increase in height is considered to detract from the overall character and amenity values, particularly from key public views on Tararua Road and State Highway 57. A 12m height limit is considered to maintain the existing character and amenity values along the industrial portion of Tararua Road.

It is recognised in the future, individual buildings/developments may propose buildings taller than 12m. These buildings would require a resource consent as a Restricted Discretionary Activity. The resource consent process is considered an efficient and effective process to assessment the potential effects a taller building on a case by case basis. This assessment would consider the site positioning, building design and any mitigation measures for a tall building.

Overall, I consider the Proposed Plan Industrial Zone maximum height of 12m to be more appropriate than 15 metres or 18 metres and do not change my originally recommendation to accept in part submission point 70.04, being to accept the 10m maximum height limit for the Low Impact Industrial Area.

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
70.04		Future Map Limited, Future Map (No2 and Future Map (no 3) Ltd		Accept In-Part

# 4. Access to Arapaepae Road (SH57)

At the hearing, Mr Mason outlined his aspirations for the area. In response to a question, Mr Mason asked the Hearing Panel to consider "leaving the door open" for access on to State Highway 57. This comment was made in the context of the recommendation in section 4.9 of

the Section 42A Report to make new access to State Highway 57 within the Tararua Road Growth Area Overlay a non-complying activity.

The Proposed Plan Tararua Road Growth Area Structure Plan (Schedule 5) does not enable new road connections or individual vehicle access to State Highway 57 and Policy 6.2.4 directs the avoidance of adverse effects on the State Highway. Maintaining the safety and efficiency of State Highway 57 was a key consideration in assessing whether the Pocock Master Zoning Plan was appropriate.

Leading up to the hearing, the submitter commented through our pre-hearing phone conference<sup>3</sup> that they had consulted with NZ Transport Agency (NZTA). The outcome of that consultation was Future Map would not pursue road linkages to State Highway 57. Mr Harford's planning evidence on behalf of Future Map states that he is of the opinion careful design and intersection treatment access to the State Highway could be possible, but acknowledges NZTA does not find this a favourable option. To this end, Mr Harford concurred<sup>4</sup> with the officers response to the issue of new access to Arapaepae (State Highway 57).

Given the above communication, in the Section 42A Report, the following was recommended:

- An amendment to the Pocock Master Zoning Plan so that the roading network did not access onto State Highway 57.
- Continue the requirement for a non-complying activity resource consent (but transferred to the Industrial Zone from the Residential Zone) for any new access (whether vehicular or road) onto State Highway 57 from the Tararua Road Growth Area<sup>5</sup>.
- Add further direction in the Tararua Road Growth Area policy framework to ensure the safety and efficiency of State Highway 57 is maintained<sup>6</sup>.

To this end, I do not consider the "door is closed" to a new road connecting to State Highway 57. The amendments do not prohibit the activity, but would require a non-complying resource consent for a road connection from Tararua Road Growth Area to State Highway 57. The Section 104D gateway test of the RMA would apply and if an appropriate design can demonstrate the effects on the safety and efficiency of state highway are no more than minor, then an application may be granted. Given the above, I do not change any of the recommendations in the Section 42A Report.

# 5. Maintenance and vesting of the landscaping strip along Tararua Road and Arapaepae Road.

At the hearing, there was some discussion about the future vesting and maintenance of the landscaping strip along Tararua Road and Arapaepae Road. The matter of the landscaping strip is discussed in Section 4.47 of the Section 42A Report as part of the evaluation on the revised Structure Plan. To assist the Hearing Panel, I make the following comments.

The Pocock Zoning Master Plan identifies landscaping strips along Tararua Road and Arapaepae Road (SH57). Further detail of the landscaping is included in the submitters design guidelines.

<sup>&</sup>lt;sup>3</sup> Refer to Appendix 6.11 of the Urban Environment Section 42A Report for the meeting notes

<sup>&</sup>lt;sup>4</sup> David Harford's evidence, page 4, para 15.

<sup>&</sup>lt;sup>5</sup> See section 4.9 of the officers Urban Environment Section 42A Report

<sup>&</sup>lt;sup>6</sup> See section 4.7 of the Urban Environment Section 42A Report

Any future subdivision application would be required to demonstrate how the subdivision design is in general accordance with the Structure Plan and Design Guide. Any land to be vested in the Council will need to be clearly shown and ideally discussed with HDC prior to lodgement. Andrew Mason was of the opinion that the landscaping strips would be vested in Council.

There are existing landscaping strips extending along the western side of Arapaepae Road from Queen Street to the southern extent of the existing urban (residential) area. These landscaping strips are owned and maintained by Council. The Council also owns land for amenity strips to the south of these existing landscaping strips on Arapaepae Road for future planting (refer map in Appendix 6.10 in the Section 42A Report). Given the established landscaping strips in this area are owned and maintained by Council, it is considered any future landscaping strips should be owned and maintained by Council. This approach ensures the landscaping is maintained to an appropriate standard and there are efficiencies in maintaining this area by a single entity. However, it is acknowledged the costs of maintenance would be borne by Council.

The detail of what is vested and at which point would need to be confirmed as part of the subdivision consent process in negotiation with the HDC Community Assets department. For other subdivisions a maintenance period prior to handover has been specified where by the developer is responsible for the initial maintenance (1-2 years) before the Council takes it over. Given the above, I do not change any of the recommendations in the Section 42A Report.

# 6. Width of the Buffer/Stormwater Area

At the hearing, there was some discussion about the width of the future buffer/stormwater area between the future industrial area and existing residential area. In particular, whether the stated 60m is a fixed width, or whether flexibility can be provided and the width determined once detailed design has been undertaken. The matter of the buffer/stormwater area is discussed in Section 4.47 of the Section 42A Report as part of the evaluation on the revised Structure Plan. To assist the Hearing Panel, I make the following comments.

A 50m - 60m width of the buffer between the existing residential and the start of the Low Impact Industrial Zone is based on noise mitigation and an approximation on the area of land required for a stormwater collection, treatment and disposal system, which in turn would support a community open space and reserve. The submitter confirmed that detailed design of the stormwater system would not be known until the subdivision design was prepared. HDC Community Assets has also commented that one singular area dedicated to stormwater may not be appropriate and therefore other stormwater attenuation throughout the site or in key parts of the site may be required to ensure an efficient and quality system.

While a rule specifying a 60m separation distance (or another distance) between existing residential and new industrial development would provide a high level of certainty to protect the amenity of adjoining residents, it is not considered appropriate given the number of variables at this time that would influence the future design of this area. It is noted this issue (certainty versus flexibility) is not uncommon at the plan review stage, where the information on technical matters is not available to set specific standards on some matters. However, based on the information currently available, a 50m - 60m buffer is considered an appropriate distance to avoid adverse noise effects on the existing residential activities, which would also protect future industrial development from reverse sensitivity effects, as well as provide sufficient area for stormwater management.

Therefore, the final width of the buffer, including any land to be vested in Council for stormwater/recreation reserve purposes would be determined at the subdivision stage.

It is considered showing the indicative width on the Structure Plan and description in the Design Guide provides a degree of certainty on the outcomes anticipated, while providing the flexibility to determine the final width once the detailed information is available. In Section 4.47 of the Section 42A Report, a suite of recommended amendments to the Design Guide were identified. These recommended amendments are considered to provide better guidance on the outcomes for this buffer, including the protection of the adjoining Residential Zone to the north; and guidelines on the cost effective provision of infrastructure and servicing, including the design considerations of the overall stormwater systems, including maintenance. Given the above, I do not change any of the recommendations in the Section 42A Report.

# 7. Scope for Revised Design Guide

Hearing Commissioner Jane Black queried whether there was an issue of process when considering matters on the design guide sought by Future Map given the design guide was not included in the original submission. I consider there is scope to evaluate and hear the matters on Future Map's revised design guide. This conclusion is based on Future Map's original submission, as part of the relief sought with respect to the Proposed Plan provisions, they identify general amendments that would be necessary to the Schedule 5 Design Guide to reflect the changes sort to the Structure Plan (page 10 of the original submission and submission point 70.01). It is understood experts engaged by Future Map are currently preparing the Revised Design Guide, but it was not available at the time of writing this response.

# 8. Scope of to change the activity status of Land Use Activities from Controlled to Permitted

At the end of Future Map's presentation to the Hearing Panel, Andrew Mason raised an issue with respect to the rule framework applicable to the Tararua Road Growth Area Overlay, where any land use activities requires a controlled activity resource consent, instead of being a permitted activity subject to conditions.

Councillor Allan sought advice on whether there was any scope to consider the change of activity status.

I have re-read the Future Map submission on this matter.

The submission lists the specific amendments Future Map seek in the Proposed Plan provisions. They identify the Controlled Activity land use rule for activity within the Tararua Road Growth Area Overlay (Rule 16.2(g)) and seek amendments to refer to the Low impact Industrial Zone. The submitter does not comment or raise the appropriateness of requiring a Controlled Activity consent process for land use activities, and in effect supports the rule framework through using it to base their changes on.

David Harford provides further comment on the Controlled Activity status in paragraph 16 of his evidence, but does not seek any change and agrees with the recommendations made in section 4.47 of the Section 42A report. Therefore, I do not consider that there is scope to consider the activity status of land use activities in the Tararua Road Growth Area. This change would need to be undertaken as a future plan change or variation.

## **Missed Amendment**

A consequential amendment recommended in the text of Section 4.47, paragraph 43, of the Section 42A Urban Environment Report, was accidentally omitted from being listed in the set of recommended amendments. The recommendation relates to the Controlled Activity Matters of Control and Conditions (Rule 16.7.7). The Proposed Plan provides conditions (Rule 16.7.7(b)) relating to retail activities and building setbacks from Tararua Road and the residential area with the Tararua Road Growth Area overlay. Both of these provisions were evaluated and considered redundant with Future Map's concept of developing the area as industrial land only. However, amendments were recommended to provide for the 10m building setback as sought by Future Map (Submission no 70.05) from Tararua Road and the submitter agreed that this same 10m setback should be applied to Arapaepae Road (SH57) as well.

No changes to the officer recommendation.

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
70.05		Future Map Limited, Future Map (No2 and Future Map (no 3) Ltd		Accept In-Part

# **Recommended Amendments to the Plan Provisions**

- 16.7.7 Tararua Road Growth Area Overlay (Refer Rule 16.2(g))
- (a) Matters of Control

In addition to the other rules in Rule 16.7, the matters over which Council reserves its control for the Tararua Road Growth Area Overlay are as follows:

- (i) Site design, landscape design, lighting, signage and stormwater; and,
- (ii) Construction method and management plan, which will include but not be limited to consideration of traffic routing, hours of operation, noise, dust and vibration suppression measures, erosion and sediment control plans and site screening / hoarding.
- (iii) In exercising its control Council shall have regard to the extent that the proposal is consistent with the Tararua Growth Area Design Guide and Tararua Road Growth Area Structure Plan (Refer Schedule 5) and the manner in which amenity of existing businesses and residential properties is affected during construction.
- (b) Conditions
  - (i) Retail and commercial activities shall be subject to the following conditions:
    - No more than 250m2 or 25% whichever is the smaller, of the gross floor area of a building or part of a building used by an activity shall be used for retailing; and,
    - No more than 40% of the gross floor area of a building or part of a building used by any activity shall be used for retailing and office purposes combined.
  - (ii) Any building fronting onto Tararua Road, or adjoining or facing across a road from the Tararua Road Growth Area Overlay residential area shall be set back 10 metres from the boundary by not less than:

15 metres from Tararua Road.

- 8 metres from Tararua Road Growth Area Residential Area.
- (i) Buildings shall be set back 10 metres from Tararua Road and Arapaepae Road (State Highway 57) within the Tararua Road Growth Area Overlay.

# Assessment Criteria 25.3.4 – Building Setbacks

KiwiRail (submission point 55.05 in section 4.45 of the Section 42A Report) sought amendments to Assessment Criteria relating to Residential Zone building setbacks (25.3.4(b)) to better consider reverse sensitivity effects on the operation of land transport networks, including railways. The Section 42A report recommended accepting in part this submission point and recommended alternative wording.

In tabled evidence at the hearing, KiwiRail states that the recommended wording does not entirely provide for their original relief sought. KiwiRail contend that reverse sensitivity can impact the "operation" of the railway, which is wider than the land containing the railway corridor. While as a general principle, all activities (including the operation of the rail corridor) should seek to internalise their effects, the existing railway (and use of it) is a historical part of the urban and rural environments in the Horowhenua. Therefore extending the Assessment Criteria to ensure the consideration of the "operation" of the land transport networks is considered appropriate.

#### **Reporting Officer's Recommendation:**

That KiwiRail submission point 55.05 be accepted.

#### **Recommended Amendment**

That Residential Zone Assessment Criteria 25.3.4(b) be amended as follows:

#### 25.3.4 Building Setbacks

- (a) The extent to which the reduced setback will:
  - (i) Result in buildings close to the street frontage and disrupt an established building line and the character and openness of the streetscape;
  - (ii) Obstruct sight distances, from vehicle crossings, of the adjoining street;
  - (iii) Result in loss of visual and acoustic privacy at side and rear property boundaries.
- (b) Whether the proposed activity will have reverse sensitivity effects on adjacent activities or zones; including on the operation of land transport networks, including railways.
- (c) The extent to which access to the rear of the site is maintained.
- (d) The extent to which the reduced setback is necessary due to the shape or physical features of the allotment.
- (e) The proposed methods for avoiding, remedying or mitigating adverse effects including the ability of existing topography or vegetation to mitigate adverse effects, design of the building or structure, screening, planting and alternative design.

Response prepared by Claire Price

Reviewed by David McCorkindale

Dated 27<sup>th</sup> May 2013

Appendix 1: Response from Horizons Regional Council on the Residential Subdivision provisions

#### Hi Claire,

As discussed this afternoon, I have considered the amendments you propose, and how they will provide for the matters raised in Horizons' submission and my evidence. I am comfortable that these proposed amendments will address the issues raised around odour, structures on/above the surface of water and minimum lot size where reticulated services are not available.

As you know, I do have some concerns regarding Table 15-3 Standard for Low Density Areas in Hokio Beach and Waikawa Beach. While I understand that the (considerably larger) minimum lot size that applies in the Rural Zone will prevail until the Low Density Area zone is serviced and the Zone comes into effect, and that no change can be made to this provision through the current Plan Review, the inclusion of the provision is problematic. I would just like to register that I have concerns that this could potentially be very confusing for anyone wanting to subdivide in that area.

Thanks very much for your help this afternoon.

Kind regards, Pen

Pen Tucker | Policy Analyst DDI 06 952 2948

From: Claire Price [mailto:Claire.Price@boffamiskell.co.nz] Sent: Friday, 17 May 2013 12:23 p.m. To: Penelope Tucker Cc: David McCorkindale Subject: RE: Proposed HDC - Matters to work through together

Pen,

Apologies for the delay in getting the draft wording to you. For each of the topics I have provided a brief background/explanation to give the draft provisions some context, the draft amendments then follow on next page.

Please find attached the following:

- Residential Zone subdivision provisions
- Open Space Zone activities on surface water rule
- Zone-wide Odour

We are intending to do a final right of reply and update to the Hearing Panel on the 28<sup>th</sup> May on any outstanding matters, including these topics where discussing with Horizons. We would ideally like to get your final comments on the provisions by Thursday (23<sup>rd</sup> May) next week, noting that we will be available to discuss these matters with you over the next week.

Regards

**Claire Price** 

From: Penelope Tucker [mailto:pen.tucker@horizons.govt.nz] Sent: Monday, 6 May 2013 5:00 p.m. To: Claire Price Subject: RE: Proposed HDC - Matters to work through together

Thanks Claire, I look forward to receiving your proposed wording.

Regards Pen

Pen Tucker | Policy Analyst DDI 06 952 2948

From: Claire Price [mailto:Claire.Price@boffamiskell.co.nz] Sent: Monday, 6 May 2013 4:58 p.m. To: Penelope Tucker Subject: Proposed HDC - Matters to work through together

Afternoon Pen,

Just following up on the matters the HDC Hearing Panel agreed we could work through together.

Tomorrow I am hoping to send through amended wording for the:

- Subdivision Table (15-3) in the Residential Zone and new RDA provision where reticulated disposal of wastewater is not available for settlements zoned Residential.
- Permitted activity condition for odour (Rule 16.6.7) to reflect better alignment with POP.

Commissioner Nixon (Open Space Zone Access to Water and the Surface of Water Hearing) also directed that we work on wording for Rule 19.6.28 Activities on the Surface of the Water, and I am hoping to get suggested wording to you later on this week.

Looking forward to ironing out the above issues with you.

Regards

**Claire Price** 



#### Claire Price | Planner

email: <u>claire.price@boffamiskell.co.nz</u> | ddi: 64 4 803 27 89 | tel: 64 4 385 93 15 | fax: 64 4 384 30 89 PO BOX 11 340 | LEVEL 9 | 190 WILLIS STREET | WELLINGTON 6142 | NEW ZEALAND www.boffamiskell.co.nz

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Appendix 2: Legal Opinion on Unsightly Buildings

Appendix 3: Analysis of Future Map Relief Sought Against Objectives and Policies

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
Objective 6.1.1	Overall Form, Activities and Servicing of Urban Areas Sustainable management of the District's natural and physical resources used and developed for urban purposes; and	The Tararua Road Growth Area is identified in the Proposed Plan as a growth area for residential and industrial greenfield development.
	Achievement of an appropriate mix of infrastructure services, and a range of urban activities to	The Horowhenua Development Plan also identifies the Tararua Road locality as an appropriate part of the Levin to provide large scale area for industrial activities.
		The provision for large scale distribution and warehousing as well as other industrial activities offers the district the opportunity to generate economic and social benefits for the community.
		The relief sought by Future Map extends the outward Industrial Zone boundary out to Arapaepae Road (SH57). Officers recommend the zone is extended only insofar as it includes the land owned by Future Map.
		Ensuring the growth area is developed with services and roading infrastructure in a cost effective manner is important. Typically land that is fragmented in ownership is more difficult to develop in an integrated and cost effective manner. Given the land subject to the Tararua Growth Area overlay is owned by Future Map, the implementation of their Structure Plan has more likelihood of being carried out effectively and efficiently.
		Managing the effects on adjoining zones and creating a definite edge to south-east extent of Levin are also appropriate in balancing the costs of extending the urban boundary, with the economic and social benefits.

Proposed Plan Urban Environment Objective 6.1.1 and Policies 6.1.2 - 6.1.20

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
Policy 6.1.2	Ensure that there is sufficient serviceable urban land available to meet anticipated future urban growth demands.	The Tararua Road Growth Area Overlay represents 20ha of greenfield industrial land, and 18ha of greenfield residential land.
		The Future Map concept replaces the residential with industrial and seeks the expansion of the outer boundary so it follows the road extent generating 54ha of greenfield industrial land.
		The recommendation to omit land not owned by Future Map reduces the supply of greenfield industrial land to 50ha (from 54ha). However 50ha is still a substantial area and has the potential to provide the district an industrial land resource over a 20 year timeframe or longer.
Policy 6.1.3	Define the geographic extent of the District's urban settlements	The urban extent created by the Proposed Plan Tararua Road Growth Area Overlay does not appear to follow a physical boundary and creates a 350m setback from Arapaepae Road.
		The Future Map extension brings the urban extent to the Tararua Road and Arapaepae Road boundary, which is a more defined and defendable boundary.
		Our recommendation to accept in part this extension, where 165 Tararua Road and 172 Arapaepae Road are to remain as Rural Zone properties. Therefore the corner of Arapaepae Road and Tararua Road would remain rural, and the existing rural lifestyle property at the northern end of Arapaepae Road would retain its current form and function.

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
Policy 6.1.4	<ul> <li>Ensure that all developments within the urban settlements provide:</li> <li>Water supply suitable for human consumption and fire fighting;</li> <li>Facilities for the collection, treatment, and disposal of sewage and other wastes in a manner that maintains community and environmental health; and</li> <li>For the collection and disposal of surface-water run-off in a way which avoids worsening any localised inundation.</li> </ul>	The Tararua Road Growth Area Overlay boundaries existing Industrial Zone land to the west. There are no known constraints from extending the reticulated services from the existing urban areas through the new rezoning. The serviceability of the land is not changed by the Future Map submission. The collection and disposal of surface-water runoff is a major component of managing the environmental effects of the rezoning, due to the level of impervious surfacing that has the potential to generate runoff. The Future Map submission demonstrate, conceptually, how this may be provided for. However acknowledge that at the time of the subdivision, specific design of any stormwater collection, treatment and disposal system would determine the exact location and extent of land dedicated across the zone.
Policy 6.1.5	Identify land suitable for new urban development and progressively rezone this land to facilitate development.	The Horowhenua Development Plan identifies the vicinity of the Tararua Road Growth Overlay as suitable for industrial development.
Policy 6.1.6	Prevent urban development in the rural environment outside of the identified urban growth areas.	Larger rural industry could operate in the Tararua Road Growth Area Overlay, therefore avoiding new industry (where not resource dependent) to establish in the Rural Zone.
Policy 6.1.7	Avoid the cumulative effect that incremental subdivision and consequent fragmented land ownership can have on the ability of the identified urban growth areas to provide for the future supply of land for urban development.	Extending the Industrial Zone to the Tararua Road and Arapaepae Road enables the area to be developed in an integrated and cost effective manner. The Proposed Plan Industrial extent had the potential to

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
		creep outwards to these two roads over time, but potentially in a piecemeal way.
Policy 6.1.8	Manage subdivision and development within the identified urban growth areas by way of a Structure Plan in the District Plan to ensure a structured and integrated pattern of development, with the environmental qualities of the land provided for and sustainably managed.	The use of a Structure Plan is continued as part of Future Map's relief sought. The components of the Structure Plan differ with respect to the boundary treatment between the existing Residential and Rural Zones and ultimately provide a greater level of mitigation.
Policy 6.1.9	Ensure that staging of development in the identified urban growth areas is efficient, consistent with and supported by adequate infrastructure and that development is otherwise deferred until the required upgrading of infrastructure has occurred.	The Proposed Plan Tararua Road Growth Area Overlay does not include specific provisions or direction with respect to development stages.
		The Future Map Structure Plan and Design Guide does not provide an approach to staging, but as part of the recommendation to accept in part, better articulation of how staging of subdivisions is to be achieved is sought with the design guide. It is acknowledged that the ownership of the land would enable a more coordinated staging of subdivision.
Policy 6.1.10	Allow all permitted rural activities to continue in the identified urban growth areas until urban development occurs.	The Proposed Plan Tararua Road Growth Area Overlay does not defer any or part of the Industrial Zone therefore it does not apply the Rural Zone, therefore rural activities can operate based on existing use rights.
		The relief sought by Future Map does not change this approach. Therefore current and future rural activities will continue to operate on existing use rights.
Policy 6.1.11	Allow new activities and development to connect to existing water and wastewater	Any subdivision application made within the Proposed

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
	infrastructure where there is adequate capacity to be shared between existing users and future needs of the development.	Plan Tararua Road Growth Area Overlay is required to comply with Chapter 24 (subdivision and development) and would be expected to connect to Levin's reticulated services (water supply and wastewater). The Trade Waste Bylaw (2008) is also relevant for any industry discharging to the HDC's sewerage network.
		The relief sought by Future Map does not change this approach.
Policy 6.1.12	Allotments that are not serviced by an off-site wastewater disposal system are to be of an adequate size to ensure that the proposed land use can operate and maintain appropriate on-site effluent and waste water treatment systems.	This would not be relevant for any future lot created in the Tararua Road Growth Area Overlay.
Policy 6.1.13	Ensure new activities and development adequately compensate for their impact on existing services, water and wastewater infrastructure through a contribution to ensure service delivery to existing users is not adversely affected.	Chapter 24 of the Proposed Plan requires developers to pay for the full and actual cost of providing for the provision of a connection to water supply, and the collection, treatment and disposal of all sewerage waste, and the provision of a satisfactory on-site stormwater system.
		The relief sought by Future Map does not change this approach.
Policy 6.1.14	Ensure new activities and the development design contributes to the provision and standard of reserves and open space amenity to meet the needs of the community.	The calculation of reserve contribution is applied through the development contributions policy set in the Long Term Plan.
		The relief sought by Future Map identifies their aspirations to provide a linear park on the northern boundary with a dual-purpose of stormwater collection and attenuation and public open space.

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
		Depending on the calculation of reserve contribution and the land required for stormwater collection and attenuation, the entire area set aside and shown on the Structure Plan may over provide the reserve land contribution. The Open Space Strategy identifies the northern boundary of Tararua Road Growth Area Overlay has a potential pedestrian linkage, particularly given the deferred Greenbelt Residential Zone land further east of Arapaepae Road.
		The design of the stormwater and open space will require guidance from the Design Guide, as well as future design requirements part of any discharge consent from Horizons.
		The proposed dual function space has the potential to provide a range of benefits for the wider community.
Policy 6.1.15	Avoid, remedy or mitigate the adverse effects of new development and activities on the safe and efficient functioning of the existing and future roading networks.	The Proposed Plan Tararua Road Growth Area Overlay subdivision provisions for the Industrial Zone primarily directed the assessment of effects on transportation, movement and streetscape where there was a deviation from the Structure Plan and design guide.
		The Proposed Plan enables up to 250m <sup>2</sup> or 25% of the gross floor area of a building established in the Industrial Zone could be developed for retail and commercial. Traffic effects are a key consideration if this condition is exceeded.
		The relief sought by Future Map to remove the Residential Zone component and to rezone the balance Industrial Zone requires a more direct consideration of

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
		the actual and potential effects on the road network. Accordingly, consequential amendments are recommended whereby all roads and access are required to comply with Chapter 21 of the Proposed Plan. The Matters of discretion specifically state the Structure Plan and Design Guide. The Design Guide is to specifically set out guidelines on the 'safe, efficient, and connected transport system' for both access and traffic movement onto the existing "external transport network" and the proposed new "internal network".
		If a proposed land use consent does not comply with permitted and controlled activity conditions, a Restricted Discretionary Activity consent is necessary which specifically requires an assessment of the traffic generated and effects on safety and efficiency of the street network.
		It is considered more direction is provided at both subdivision and land use stage in order to assess the change and intensification of industrial uses on the road network and how the design of the subdivision is going to respond, and how any unanticipated land uses are going to respond in the future as well.
		The access to Arapaepae Road (SH) is maintained as a non-complying activity, therefore potential adverse effects on the safety and efficiency of this state highway can be thoroughly assessed at the time of resource consent.
Policy 6.1.16	Recognise the demand for smaller residential units, and provide for this type of housing through infill subdivision development in existing urban settlements, including Levin, Foxton,	The Proposed Plan Tararua Road Growth Area Overlay would not have automatically provided for smaller

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
	Foxton Beach, Shannon and Waitarere Beach, in a way that maintains the residential character and a high level of residential amenity.	residential units in the greenfield Residential Zone that makes up the northern section.
		The Future Map relief sought eliminates any possibility of providing for smaller residential units in this area. However residential infill provisions are continued and medium density development overlays are provided for in Levin to provide for smaller residential units, in locations closer to town and amenities.
Policy 6.1.17	Provide for the efficient use and development of existing urban settlements through intensification and redevelopment, including medium density residential development in identified areas, infill subdivision and reuse of commercial/industrial premises.	The Proposed Plan Tararua Road Growth Area Overlay would not have automatically provided for medium density residential in the greenfield Residential Zone that makes up the northern section.
		The Future Map relief sought eliminates any possibility of providing for smaller residential units in this area. However medium density development overlays are provided for in Levin to provide for smaller residential units, in locations closer to town and amenities.
Policy 6.1.18	Enable the establishment and operation of a wide range of activities within the urban settlements whilst avoiding, remedying, or mitigating any adverse environmental effects, and conflicts between incompatible urban activities and environments.	The Proposed Plan Tararua Road Growth Area Overlay provides for both Residential and Industrial Zones. Both zones provide for different activities and a different level of amenity. To manage reverse sensitivity effects on the Industrial Zone and to protect amenity levels in the Residential Zone, new land use activities within the Industrial Zone are to be set back 8m from the Residential Zone boundary. The Proposed Plan has several other standards in the Industrial Zone to manage effects at the zone boundary with more sensitive zones (Residential, Greenbelt Residential,

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
		Rural, and Open Space), including noise limits, daylight access planes, and screening of storage areas. The Design Guide sought to <i>"ensure appropriate levels of</i> <i>separation between activities"</i> and to design junction to clearly distinguish between residential and industrial areas.
		The Future Map concept changes the way new industrial development will address the relationship with existing residential development. The stormwater / open space linear park provides a 60m wide buffer and the replacement design guide requires a further 12m building setback from the open space. The stepping of the industrial development from low impact industrial through to standard industrial also puts greater distance between the sensitive residential activities and the industrial activities.
		The rezoning does generate potential reverse sensitivity conflict with the rural lifestyle property at 172 Arapaepae Road, as the Future Map concept rezones the land that adjoins the rural lifestyle property to Industrial. To manage the impact of Industrial Zone adjoining a rural lifestyle property, officers have recommended that the "low impact industrial zone" wrap around the property. The building height is 10m and no heavy industry can establish. The 4.5m setback and daylight access planes apply in order to maintain an adequate level of amenity. Noise will be managed through the Proposed Plan Industrial Zone rules, and more stringent limits apply on the Rural Zone.

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
Policy 6.1.19	Ensure adequate provision and maintenance of public open space to meet the passive and recreation needs of the community.	The Proposed Plan Tararua Road Growth Area Overlay includes a concept of a retail and open space centre to service both the new industrial and residential development. The concept of this local centre is provided for in Policy 6.2.5 and there are rules that provide maximum gross floor areas for retail/commercial space as part of any industrial development. However, there are no specific rules or design guidance to provide for the local centre and it is not indicated anywhere on the Structure Plan.
		The Future Map submission removes the residential and as a consequential change officers have recommended that the local centre concept also be removed from the policy direction and retail provisions in the Industrial Zone rules. The Industrial Zone already enables retail that provides immediate amenities for workers and staff in the area, but would not provide a local centre, therefore would be less likely to affect the retail centre of the main Levin township. By removing the local centre, has also removed the concept of the open space that is mentioned in the introductory paragraphs under Issue 6.2 in the Proposed Plan. However, the dual function space of the linear stormwater and reserve area immediately adjoining the existing residential area, including the school, would provide better access to those who will more likely appreciate it and use it. It will also serve as a green link between the Levin township and the future Greenbelt Residential Zone land further east of Arapaepae Road.

Provision	Objective / Policy	Consistency under the Proposed Plan and the Future Map submission (including consequential changes as per officer report).
Policy 6.1.20	Ensure adequate provision and maintenance of civic buildings to meet the cultural, administrative and social needs of the community.	The submission and recommended amendments would not have implications for this policy.

Appendix 4: Visual Assessment Received from Future Map with Cross Sections Showing 18m Height Limit

### **Tararua Road Levin Proposed Industrial Development**

### Visual Impact Assessment 08-05-2013

#### Introduction

The purpose of this document is to assess the potential visual impact of the proposed industrial development on surrounding residential and rural residential areas, mainly along the northern boundary of the site, along Tararua Road and Arapaepae Road.

#### Methodology

A total of five cross sections were produced to represent the typical conditions along the aforementioned edges. The cross sections include accurate information on existing and proposed building heights, set back distances and existing and proposed vegetation, which were based on site aerial photograph and google street view.

Since there is currently no detailed planting plans produced for the development, the proposed planting shown in the cross sections represent a possible outcome of future landscape planting on the site, base on the proposed zoning types and plant list below.

The heights of Quercus palustris and Podocarpus totara were selected to represent the proposed exotic and native trees in the cross sections, as they are the smaller tress in their category. The plants were selected the appendix of report 'Some revegetation options for Lake Horowhenua, Levin' by Colin Ogle for Department of Conservation.

Tree heights were obtained from 'Palmers Manual of Trees, Shrubs & Climbers', 'Flora, the Gardener's bible' and 'The Native Trees of New Zealand'.

#### Plant List

Botanical Name	Common Name	D/E	Height 5-10 Y	Height Mature
Trees (Exotic)			-	
Aesculus hippocatanum	Horse Chestnut	D	7	30
Acer platanoides	Norway Maple var.	D	9	24
Tilia platyphyllos	Largeleaf Linden	D	15	30
Eucalyptus leucoxylon	Yellow Gum	D	15	30
Quercus palustris	Pin Oak	D	8	30
Trees (Native)				
Plagianthius regius	Ribbonwood	D	5	15
Podocarpus totara	Totara	E	6	24
Prumnopitys taxifolia	Matai	E	12.5	25
Hoheria angustifolia	Narrow Leaved Lacebark	E	2	5
Dacrycarpus dacrydioides	kahikatea	E	9	60
Sophora microphylla	South Island Kowhai	E	5	6-9
Pittosporum eugenioides	Lemonwood (tatara)	E	5	12
Shrubs				
Griselinia littoralis	broadleaf	E	2	12+
Coprosma robusta	karamu	E	2	5
Pittosporum crassifolium	*karo	E	2	5
Coprosma crassifolia	Thick leaved mikimiki	E	2	5
Coprosma grandifolia	kanona	E	2	5



#### Legend



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**Reserve / Open Space Reserve / Stormwater Treatment** Industrial Distributor Road **Future Road Linkage** 

Craig Pocock **Pocock Design Environment Limited** Unit2, 27A Sir William Pickering Drive Burnside Christchurch 8053 New Zealand

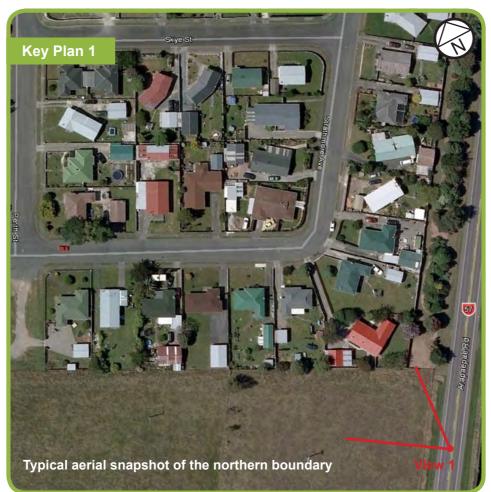
Telephone: 0064 3 358 3040 Mobile: 0064 21 701 308 E-mail: craig@designenvironment.co.nz

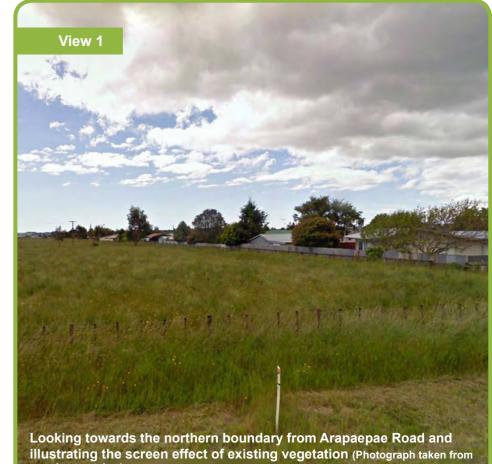
### Cross section AA - Northern edge adjacent to existing residential (with existing planting)

#### Visual impact assessment

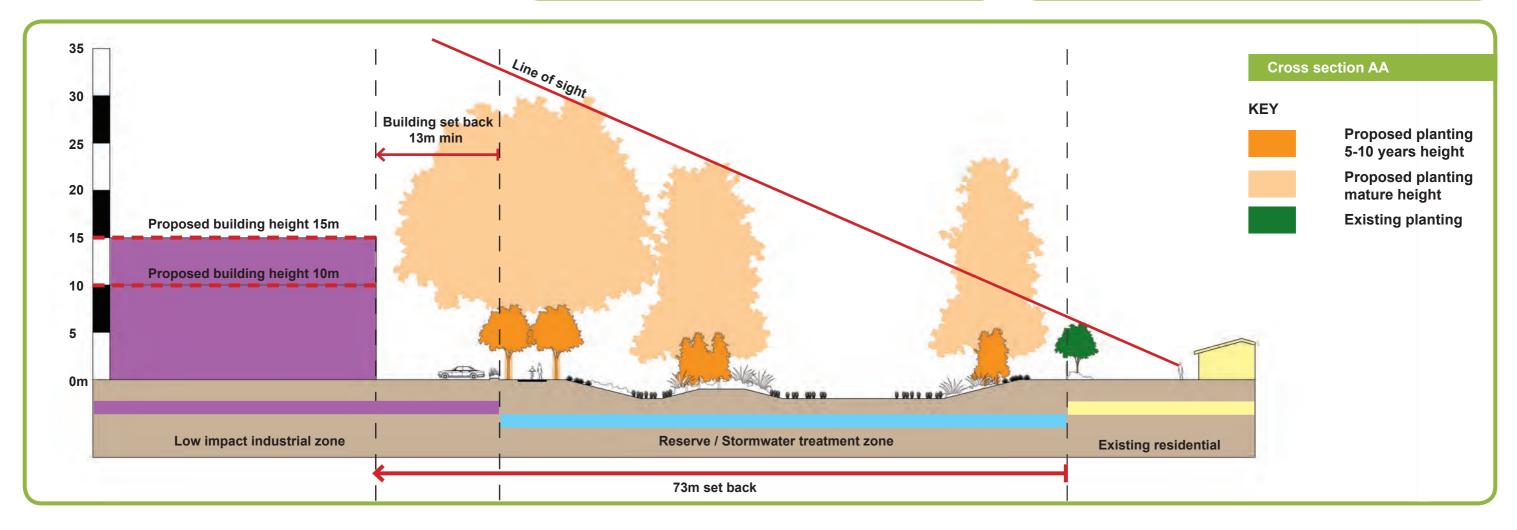
There are 30 plus residential sections directly adjacent to the northern edge of the proposed industrial site. Approximately 50% of the existing residential edge is already screened from the proposed industrial site due to existing accessory buildings (such as garages and garden sheds) and existing trees. A 1.8m solid fence is also found along most of the edge and has some screening effect.

As shown in the cross-section below, the future development is unlikely to have any significant visual impact to this area due to existing vegetation and proposed mature planting would screen any future buildings.





google streetview)

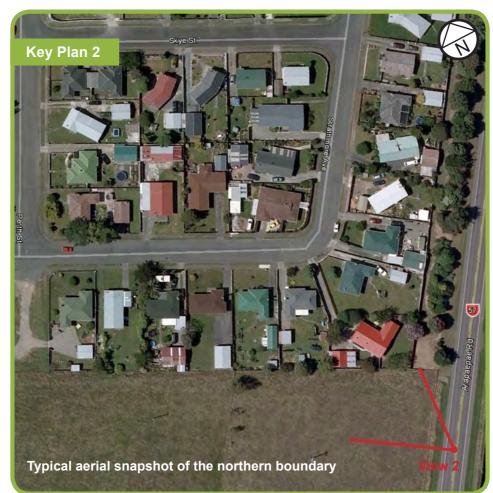


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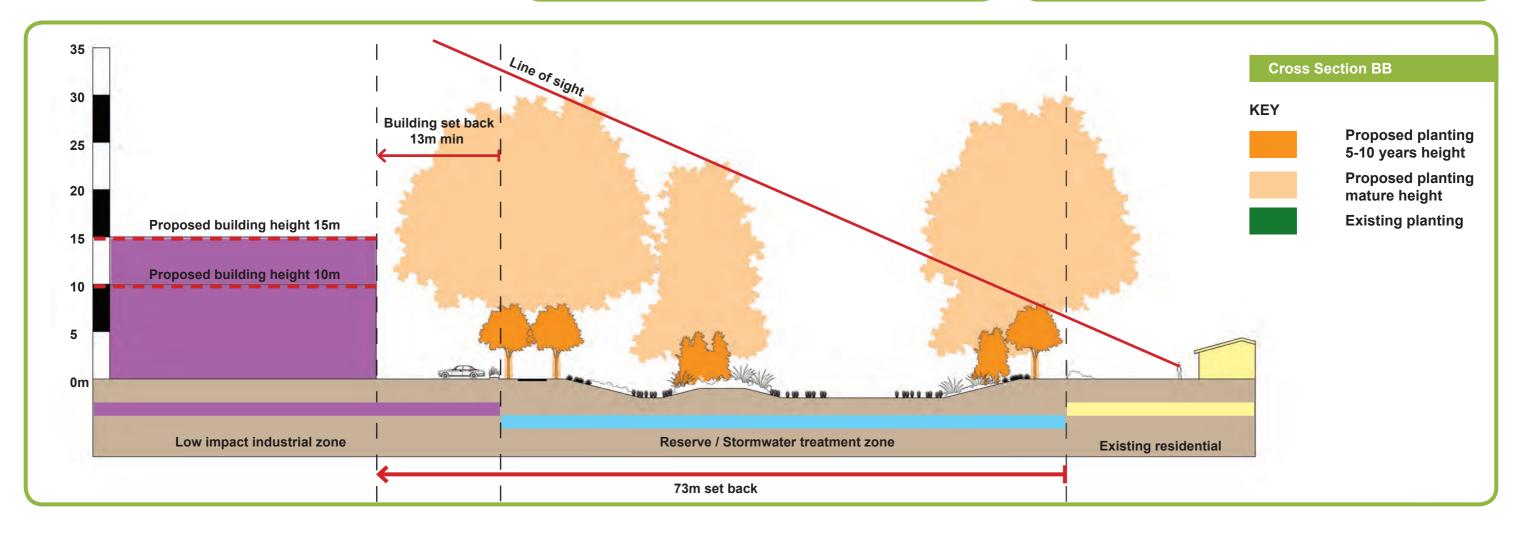
# Cross section BB - Northern edge adjacent to existing residential (without existing planting)

#### Visual impact assessment

Where there is a lack of existing building or trees, the proposed development would have a visual impact on existing residential area. However, as shown in the cross-section below, the visual impact should be mitigated by the proposed building set back and vegetation.





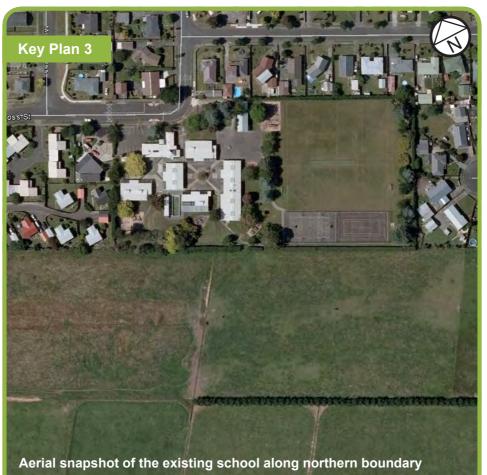


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### Cross section CC - Northern edge adjacent to existing school

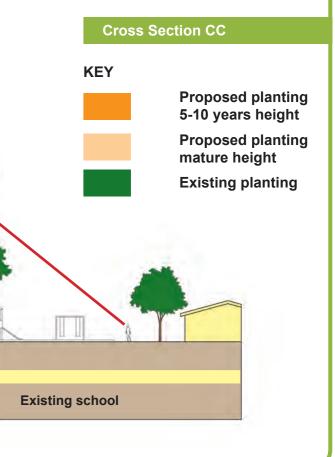
#### Visual impact assessment

The proposed development is unlikely to have any significant visual impact on the school due to significant existing vegetation along the southern edge of the school site, as well as proposed building set back and future vegetation.





35 30 Building set back 13m min 25 20 Proposed building height 15m 15 Proposed building height 10m 10 5 0m Reserve / Open space zone Low impact industrial zone **Reserve / Stormwater** treatment zone 73m set back



# Cross section DD - Southern edge adjacent to existing residential (Tararua Road)

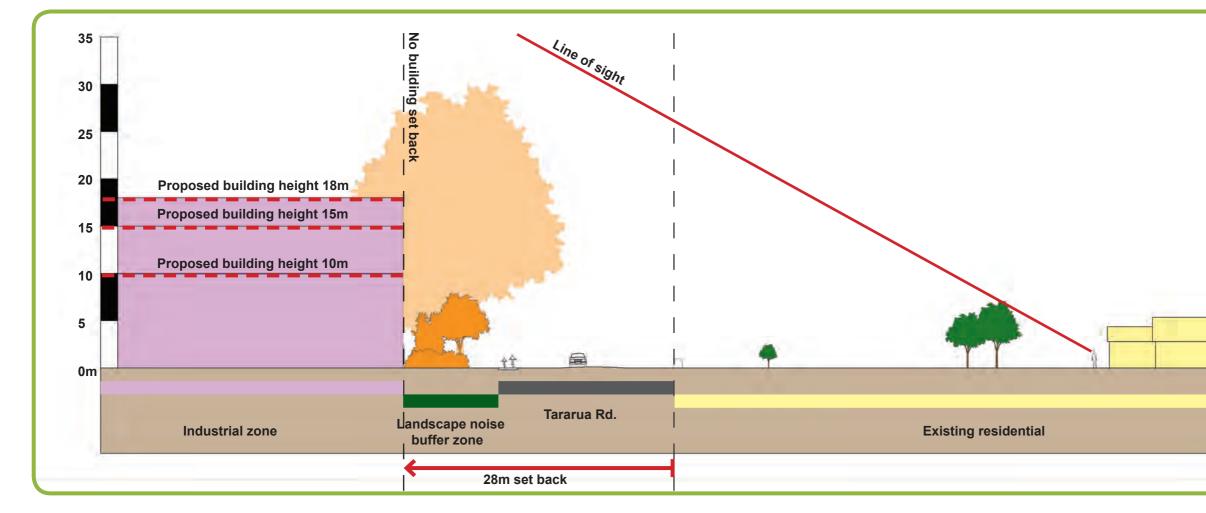
#### Visual impact assessment

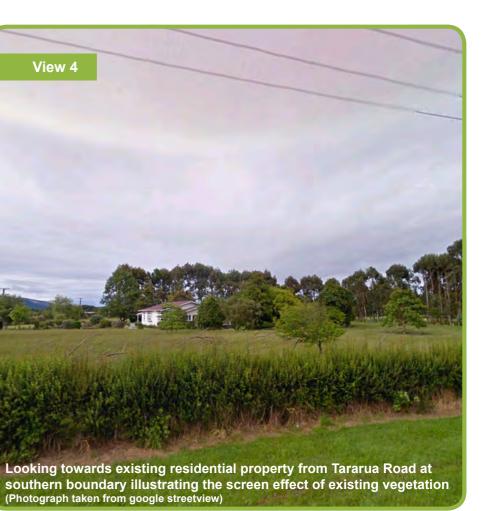
There are three rural residential houses along the southern edge of the site, across Tararua Road. The future development is unlikely to have a significant visual impact on two of the three sections due to existing vegetation.

There would be some temporary visual impact on the house that lacks any significant existing vegetation, however the proposed vegetation in the landscape noise buffer zone should mitigate the visual impact of the proposed industrial buildings.

It is also important to note that the proposed building showing in the cross section below is intended to show the worst case scenario, as it is unlikely the future building will be built without a functional set back to allow for vehicle movement or storage because it would be required to have its active edge facing the internal road within the proposed development (refer to 'Tararua Road Industrial Development Design Guidelines 28-03-2013').







#### **Cross Section DD**



Proposed planting 5-10 years height

Proposed planting mature height

**Existing planting** 

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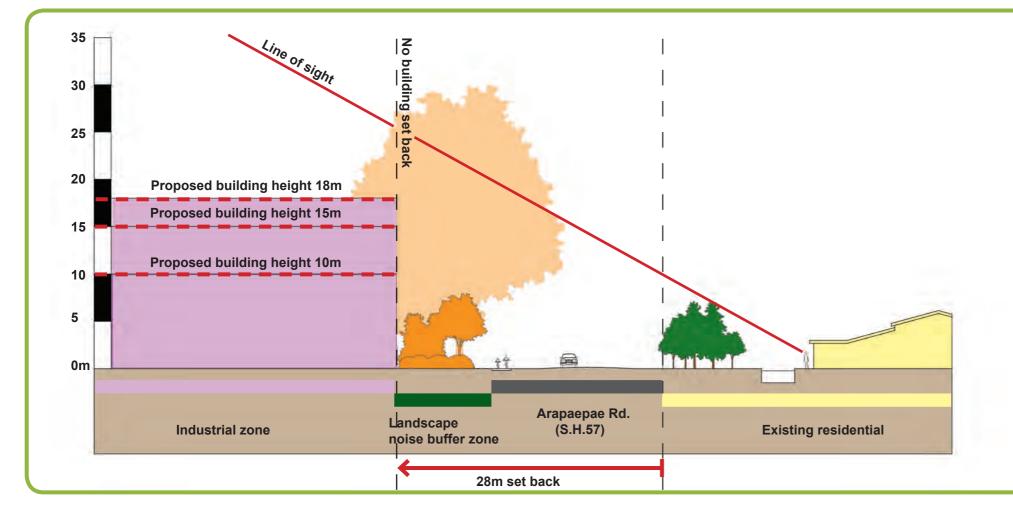
# Cross section EE - Eastern edge adjacent to existing residential (Arapaepae Road)

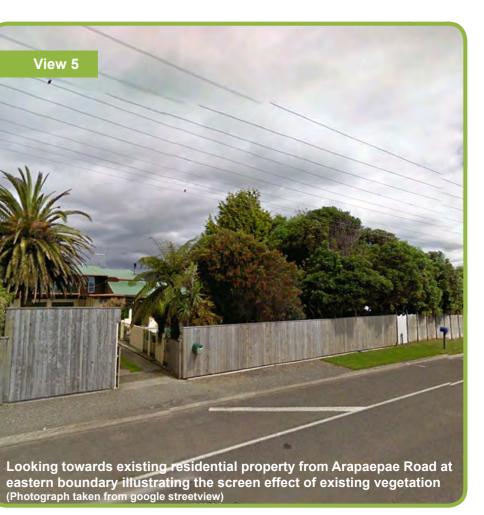
#### Visual impact assessment

There are two rural residential houses along the eastern edge of the site, across Arapaepae Road. The future development is unlikely to have a significant visual impact on neither of these houses due to significant existing vegetation. The proposed vegetation in the landscape noise buffer zone will also help mitigate any visual impact that the proposed development has.

As explained in cross section DD, it is important to note that the proposed building showing in the cross section below is intended to show the worst case scenario, as it is unlikely the future building will be built without a functional set back to allow for vehicle movement or storage because it would be required to have its active edge facing the internal road within the proposed development (refer to 'Tararua Road Industrial Development Design Guidelines 28-03-2013').







#### **Cross Section EE**





Proposed planting 5-10 years height

Proposed planting mature height

**Existing planting**