



Western Bay of Plenty
District Council

Plan Change 81

Omokoroa Industrial Zone Review

Decisions Report

July 2019



1.0 Introduction

- 1.1** This report shows the decisions made on the topics in the Planning Report and then shows the whole of the Plan Change i.e. how the full notified Plan Change and subsequent decisions on topics are proposed to change the District Plan First Review.
- 1.2** For topics, any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in **red**, and any changes resulting from decisions in **blue**.
- 1.3** For the whole of the Plan Change, any changes to rules are shown as follows; existing District Plan text in black, and changes (being the culmination of the notified Plan Change and subsequent decisions) in **red**.

Topic 1 - Crapp Right of Way

THAT the Plan Change be retained as notified. (See map titled "Omokoroa Industrial Zone Review – Right of Ways" on the following page.)

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>1</i>	<i>1</i>	<i>Powerco</i>

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>2</i>	<i>2</i>	<i>SE Smith</i>
<i>4</i>	<i>1</i>	<i>NF Bruning</i>
<i>5</i>	<i>1</i>	<i>TMM Laing</i>
<i>7</i>	<i>1</i>	<i>J Birch</i>

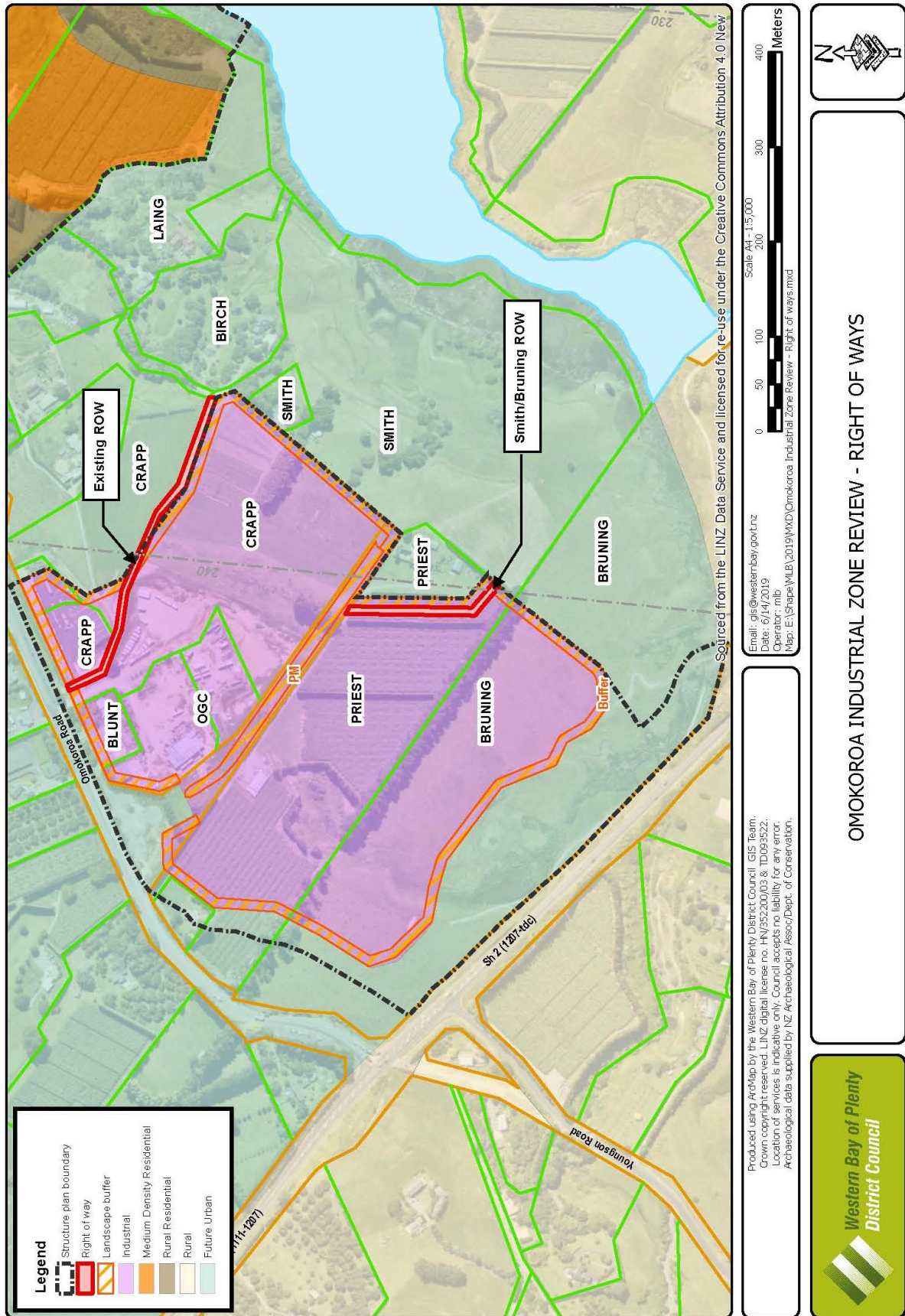
Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>3</i>	<i>1</i>	<i>PJ and LC Crapp</i>
<i>6</i>	<i>1</i>	<i>PC Lusby</i>
<i>FS8</i>	<i>1,2,4,6,7</i>	<i>PJ and LC Crapp</i>

Reasons for decision

- a. Issues relating to the existing Right of Way that services the Crapp, Smith, Laing and Birch properties are civil matters between those parties. They are not District Planning issues.*
- b. For the Smith/Bruning Right of Way, the best alignment is along the Priest boundary. This will be sufficient to serve the potential number of lots, is cost effective, and will provide better amenity outcomes to all parties including Priest.*

See the following map titled "Omokoroa Industrial Zone Review – Right of Ways" for reference:



Topic 2 - Spine Road Landscaping

THAT the Plan Change be retained as notified.

4C.5.3.2 Screening in Industrial and Commercial Zones (d) Omokoroa Industrial Zone

Delete (ii):

~~"A 10m planted median within the road reserve of the road leading east off the Francis Road roundabout and vested in Council shall be provided in Lot 2 DPS 68390. Such planting shall be in evergreen trees with an average height of at least 5m and a height at maturity of at least 10m and be sufficient to screen industrial development within Lots 2 DPS 68390 and Pt Lot 4 DPS 72370 from State Highway 2;"~~

And replace with:

"Lots adjoining the spine road leading east off the first intersection along Omokoroa Road from the State Highway shall provide landscaping in accordance with 4C.5.3.1(a)(ii) and (iii), and 4C.5.3.1(b)."

Rules 4C.5.3.1(a)(ii) and (iii) and 4C.5.3.1(b) are the rules that control landscaping and the provision of fencing.

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
2	3	SE Smith
4	2	NF Bruning

Reason for decision

- a. *Deleting the central planted median and replacing it with landscaping and other amenity controls on properties that adjoin the spine road is more effective use of land, and provides better amenity for both residents and industrial users.*

Topic 3 - Perimeter Landscaping Timing

THAT the Plan Change be modified and reworded as follows:

Insert New:

"(iii) Use or development of Lot 2 DP 483735 or Lots 1 and 2 DPS 68390 shall only occur after landscaping planting described in (i) above has been planted with respect to the lot being used or developed."

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
2	4	SE Smith

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
4	3	NF Bruning

Reasons for decision

- a. *The landscaping provisions are to mitigate the visual impact of industrial development on the neighbours and travelling public whether on Omokoroa Road or the State Highway. Because of the wider angles (i.e. not directly adjoining) that these people will have to see any industrial development, landscaping that is strictly adjacent to any development will not mitigate that impact.*
- b. *The Zone is at the entrance to the peninsula and it is important to have a positive visual impact at this location.*
- c. *The proposed rule is the same as existing Rule 4C.5.3.2(d)(iii) which requires landscaping along the Bruning boundary to be in place prior to development of that land. The rule is modified from the Planner's report to clarify that the landscaping is related to each lot, and not triggered for all lots if only one is being used or developed.*

Topic 4 - Perimeter Landscaping Width

THAT no change be made to the District Plan.

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
2	5	SE Smith

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
4	4	NF Bruning
5	5	TMM Laing

Reasons for decision

- a. *The existing rules require a 10m landscape strip. The District Plan does not need changing to introduce such a width.*
- b. *Reductions in width are assessed on a case-by-case basis and are subject to District Plan provisions, and an assessment of effects on other parties.*

Topic 5 - Industrial Zone Interface with Adjoining Properties

THAT the Plan Change be retained as notified.

4C.1.3.2(b)

Noise limits for activities in Industrial and Commercial Zones

Attach the following clause to "At all other times" in the table below:

"For the Omokoroa Light Industrial Zone the Lmax is 65dBA."

Time Period		Sound Level Not to be Exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday	6am to 10pm	55dBA	N/A
Sunday and Public Holidays	9am to 6pm	55dBA	N/A
At all other times		45dBA	70dBA"

21.4.1 (a) Height and daylighting

"Maximum height of all buildings/structures - 20m except in the following areas:"

Insert before Te Puna Business Park:

"- Omokoroa Light Industrial Zone – 9m"

21.4.1(b) Yards

Add to the end of the "Except that" below the following new clause:

" - Omokoroa Light Industrial Zone:

Minimum 5m reduced to 3m with the provision of a solid fence (as measured from the internal boundary of the landscape strip)".

This is shown in context below:

"All *buildings/structures*

Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve."

Provided that:

A building/structure may be located within a side or rear yard and up to a side or rear boundary where the adjoining property is a road or where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

Where a property adjoins a Strategic Road or a designation for a Strategic Road, that yard shall be 10m.

Explanatory Note:

This 10m front yard shall not be applicable to service station forecourts and associated forecourt canopies.

Te Puna Industrial Park specific provisions:

- (i) 10m where a property adjoins a Rural Zone;
- (ii) 20m from Te Puna Station Road and 5m from any other road boundary.

" - Omokoroa Light Industrial Zone:

Minimum 5m reduced to 3m with the provision of a solid fence (as measured from the internal boundary of the landscape strip)".

The following submissions are therefore:

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
2	6	SE Smith

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
2	1	SE Smith
5	2,3,4	TMM Laing
6	2	PC Lusby

Reasons for decision

- a. *Removing the Industrial Zone is not sustainable in terms of meeting the employment and other service needs of the residents of Omokoroa, nor in terms of impact on the wider transportation network.*
- b. *The most effective way to control noise in sensitive areas such as this is to specify the types of activities that should be excluded. Otherwise there will be uncertainty as to whether certain activities can comply, with likely ongoing monitoring and enforcement issues. This is consistent with the existing District Plan provisions for the Omokoroa Light Industrial Zone, and still leaves a wide range of activities that can be undertaken as a Permitted Activity.*
- c. *The change to the noise limits in the Light Industrial Zone is consistent with provisions for the rest of the District. This also applies to the Hours of Operation.*

Topic 6 - Industrial Zone Internal Roads

THAT the Plan Change be retained as notified (as shown on the attached Planning Maps U65 and U66).

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>2</i>	<i>7</i>	<i>SE Smith</i>
<i>4</i>	<i>5</i>	<i>NF Bruning</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>FS 8</i>	<i>3,5</i>	<i>PJ Crapp</i>

Reasons for decision

- a. The current Structure Plan requires that affected landowners negotiate with each other, and Council, as to where any internal roads should be located.*
- b. It is important that alignments are shown on the Structure Plan to provide guidance.*

Plan Change 81 - Omokoroa Industrial Zone Review - District Plan First Review

THAT the following changes to the District Plan First Review be made in accordance with the decisions made above.

4C.1.3.2(b) Noise limits for activities in Industrial and Commercial Zones

Attach the following clause to "At all other times":

"For the Omokoroa Light Industrial Zone the Lmax is 65dBA."

Time Period		Sound Level Not to be Exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday	6am to 10pm	55dBA	N/A
Sunday and Public Holidays	9am to 6pm	55dBA	N/A
At all other times		45dBA	70dBA"

4C.5.3.2 Screening in Industrial and Commercial Zones

(d) Omokoroa Industrial Zone

Delete (ii):

~~"A 10m planted median within the road reserve of the road leading east off the Francis Road roundabout and vested in Council shall be provided in Lot 2 DPS 68390. Such planting shall be in evergreen trees with an average height of at least 5m and a height at maturity of at least 10m and be sufficient to screen industrial development within Lots 2 DPS 68390 and Pt Lot 4 DPS 72370 from State Highway 2;"~~

And replace with:

"Lots adjoining the spine road leading east off the first intersection along Omokoroa Road from the State Highway shall provide landscaping in accordance with 4C.5.3.1(a)(ii) and (iii), and 4C.5.3.1(b)."

Insert new:

"(iii) Use or development of Lot 2 DP 483735 or Lots 1 and 2 DPS 68390 shall only occur after landscaping planting described in (i) above has been planted with respect to the lot being used or developed."

and consequentially renumber existing (iii) as (iv).

21.4.1 (a) Height and daylighting

Insert before Te Puna Business Park:

"- Omokoroa Light Industry Zone – 9m"

21.4.1(b) Yards

Add to the end of the "Except that" the following new clause:

" – Omokoroa Light Industry Zone:

Minimum 5m reduced to 3m with the provision of a solid fence (as measured from the internal boundary of the landscape strip)".

This is shown in context below:

"All buildings/structures

Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve."

Provided that:

A building/structure may be located within a side or rear yard and up to a side or rear boundary where the adjoining property is a road or where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

Where a property adjoins a Strategic Road or a designation for a Strategic Road, that yard shall be 10m.

Explanatory Note:

This 10m front yard shall not be applicable to service station forecourts and associated forecourt canopies.

Te Puna Industrial Park specific provisions:

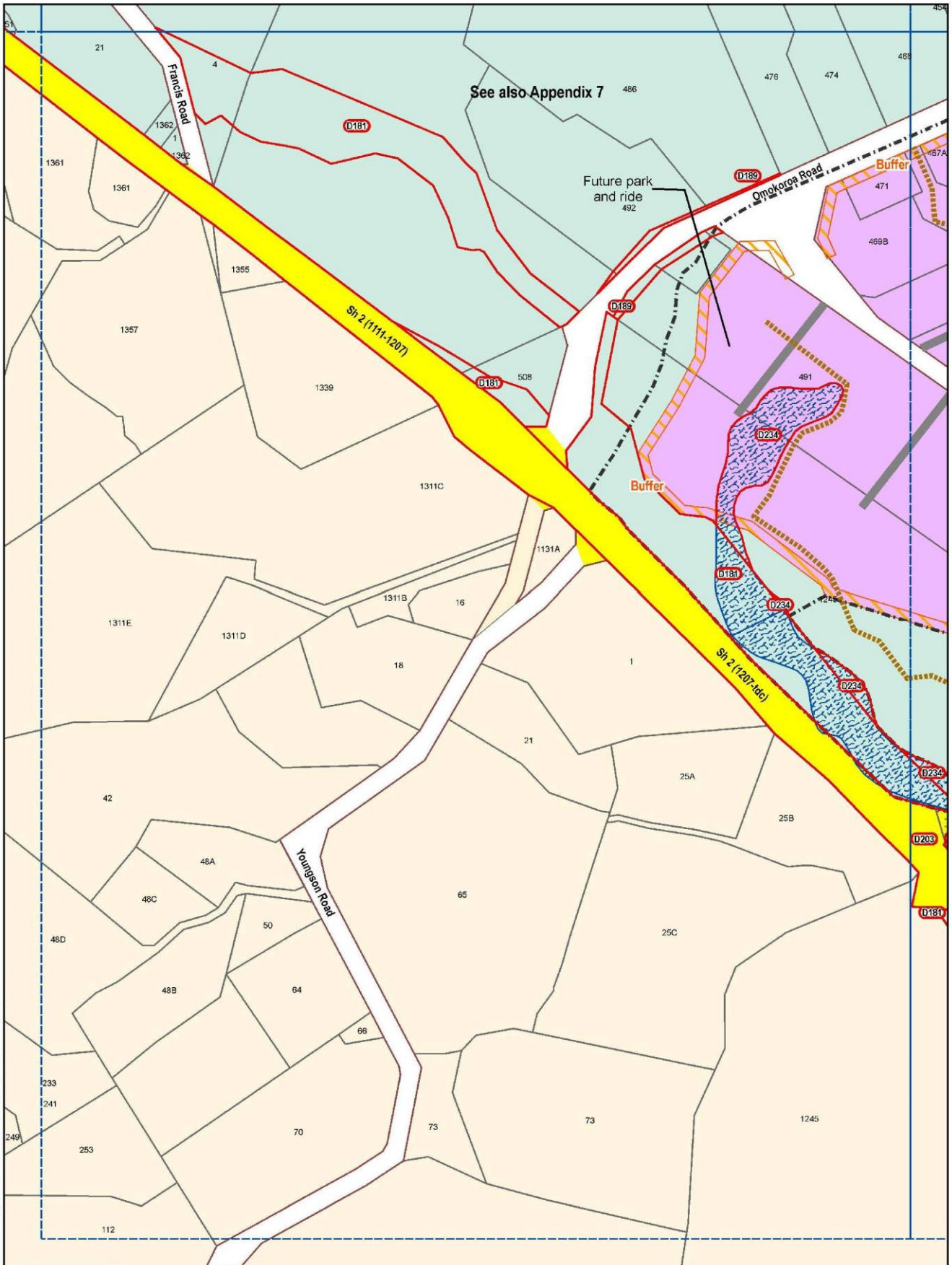
- (i) 10m where a property adjoins a Rural Zone;
- (ii) 20m from Te Puna Station Road and 5m from any other road boundary.

" - Omokoroa Light Industrial Zone:

Minimum 5m reduced to 3m with the provision of a solid fence (as measured from the internal boundary of the landscape strip)".

District Plan Maps

Replace the District Plan Maps U65 and U66 with the following map (refer next page):

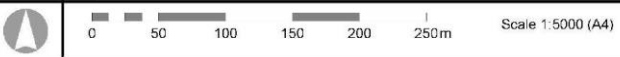


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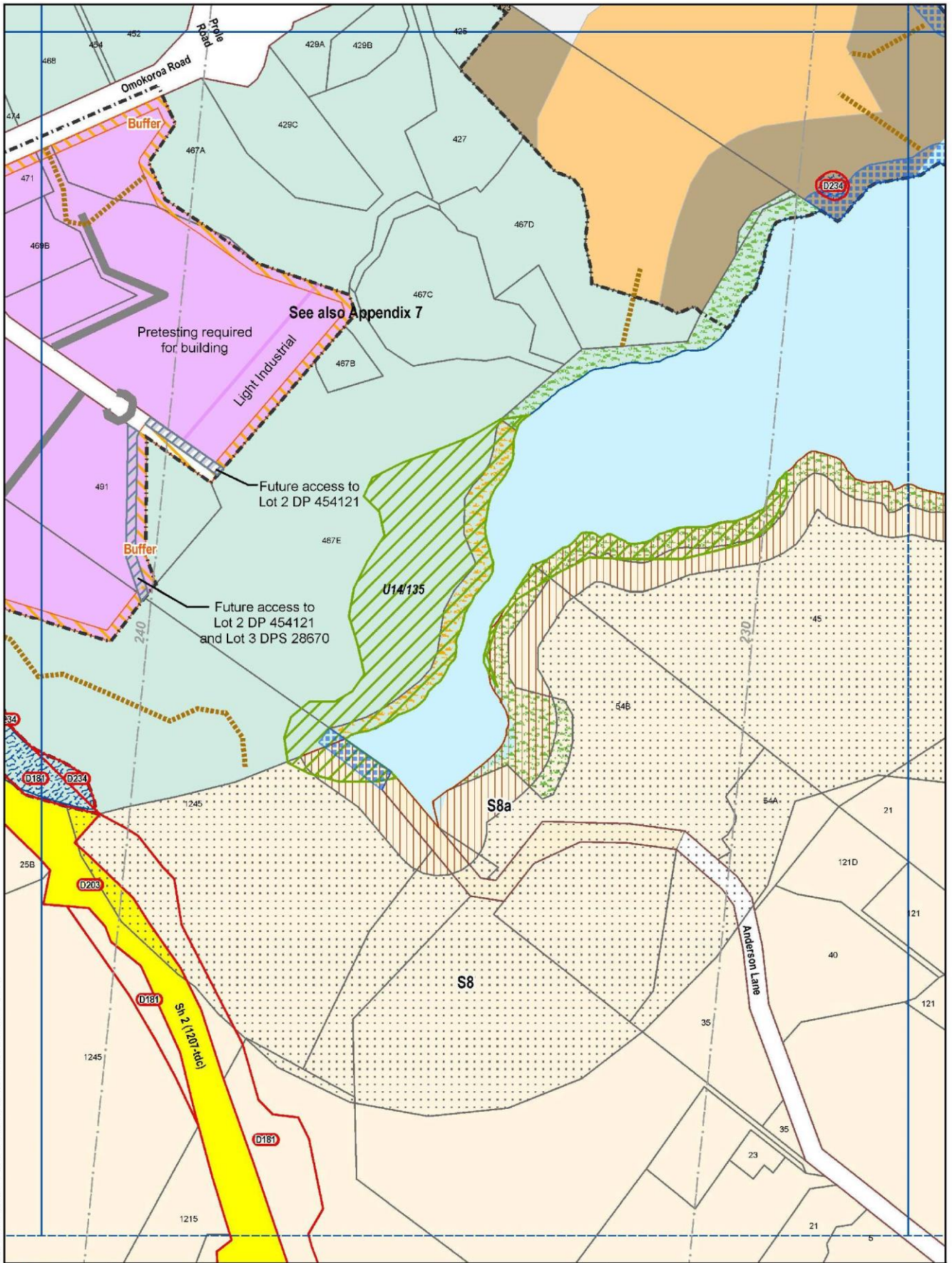
U65

Omokoroa



Plan Change 81
January 2018

U65



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U66	Omokoroa	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr> <td style="font-size: small;">U62</td> <td style="font-size: small;">U63</td> <td style="font-size: small;">U64</td> </tr> <tr> <td style="font-size: small;">U65</td> <td style="font-size: small; border: 2px solid red;">U66</td> <td style="font-size: small;">U68</td> </tr> </table>	U62	U63	U64	U65	U66	U68	Western Bay of Plenty District Council
U62	U63	U64							
U65	U66	U68							
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U66